



## **NOTICE OF PUBLIC MEETING AND POSSIBLE EXECUTIVE SESSION OF THE STATE OF ARIZONA CITIZENS CLEAN ELECTIONS COMMISSION**

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**Location:** Citizens Clean Elections Commission  
1616 West Adams, Suite 110  
Phoenix, Arizona 85007

**Date:** Thursday, February 23, 2017

**Time:** 9:30 a. m.

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Commissioners of the Citizens Clean Elections Commission and the general public that the Citizens Clean Elections Commission will hold a regular meeting, which is open to the public on February 23, 2017. This meeting will be held at 9:30 a.m., at the Citizens Clean Elections Commission, 1616 West Adams, Suite 110, Phoenix, Arizona 85007. The meeting may be available for live streaming online at [www.livestream.com/cleanelections](http://www.livestream.com/cleanelections). Members of the Citizens Clean Elections Commission will attend either in person or by telephone, video, or internet conferencing.

The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice on any item listed on the agenda, pursuant to A.R.S. § 38-431.03 (A)(3). The Commission reserves the right at its discretion to address the agenda matters in an order different than outlined below.

The agenda for the meeting is as follows:

- I. Call to Order.
- II. Discussion and Possible Action on Commission Minutes for January 19, 2017 and February 7, 2017 meetings.
- III. Welcome Commissioner Amy B. Chan.
- IV. Discussion and Possible Action on Executive Director's Report.
- V. Governor's Regulatory Review Council Issues
  - A. Discussion and Possible Action on the 5 Year Review Report submitted to Governor's Regulatory Review Council and Related Matters.
  - B. Discussion and Possible Action on Discussion with members of the Governor's Regulatory Review Council of Council and Commission on the 5 Year Review Report submitted to Governor's Regulatory Review Council and Related Matters.

**The Commission may choose to go into executive session on this item for consultation with its attorneys regarding pending or contemplated litigation in order to consider its positions and instruct its attorneys. A.R.S. § 38-431.03(A)(4).**

VI. Discussion and Possible Action on Definition of Campaign Consultant and Rule Amendment Proposals for Public Comment on the following rules:

A. A.A.C. R2-20-702(B)

1. Option A – Ban on expenditures to political parties with clean elections funding.
2. Option B – Limit on expenditures to political parties of clean elections funding to voter information and political event fees.
3. Option C – Restriction of expenditures to political parties for campaign expenditures and additional documentation requirements.

B. A.A.C. R2-20-703.01 – Regulation of payments to Campaign Consultants by Participating candidates.

**Proposed rules are subject to change by the Commission.**

VII. Discussion and Possible Action on 2017 Legislative Agenda and items including update on bills affecting clean elections, elections general, and administrative law.

VIII. Discussion and Possible Action on the 2016 Commission's Annual Report.

IX. Public Comment

This is the time for consideration of comments and suggestions from the public. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date or responding to criticism

X. Adjournment.

This agenda is subject to change up to 24 hours prior to the meeting. A copy of the agenda background material provided to the Commission (with the exception of material relating to possible executive sessions) is available for public inspection at the Commission's office, 1616 West Adams, Suite 110, Phoenix, Arizona 85007.

Dated this 17<sup>th</sup> day of February, 2017.

Citizens Clean Elections Commission  
Thomas M. Collins, Executive Director

Any person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission at (602) 364-3477. Requests should be made as early as possible to allow time to arrange accommodations.

THE STATE OF ARIZONA  
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

February 7, 2017

9:31 a.m.

COASH & COASH, INC.  
Court Reporting, Video & Videoconferencing  
1802 North 7th Street, Phoenix, AZ 85006  
602-258-1440  
staff@coashandcoash.com

Prepared by:  
LILIA MONARREZ, CSR, RPR  
Certificate No. 50699

<p style="text-align: right;">Page 2</p> <p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 9:31 a.m. on 3 February 7, 2017, at the State of Arizona, Clean 4 Elections Commission, 1616 West Adams, Conference Room, 5 Phoenix, Arizona, in the presence of the following Board 6 members: 7 8 Mr. Steve Titla, Chairperson 9 Mr. Mark S. Kimble 10 Mr. Damien Meyer (Telephonic) 11 Mr. Galen D. Paton (Telephonic) 12 13 OTHERS PRESENT: 14 15 Thomas M. Collins, Executive Director 16 Paula Thomas, Executive Officer 17 Sara Larsen, Financial Affairs Officer 18 Gina Roberts, Voter Education Manager 19 Mike Becker, Policy Director 20 Alec Shaffer, Executive Support Specialist 21 Amy Jicha, Legal Admin and VE Intern 22 Joseph Kanefield, Ballard Spahr 23 Chase Bales, Ballard Spahr 24 25</p>	<p style="text-align: right;">Page 4</p> <p>09:32:58-09:34:27</p> <p>1 MR. COLLINS: Mr. Chairman, thank you, 2 members. 3 Just -- the executive director's report is 4 very brief, but because we had you here, we thought 5 we'd update you. There are two pieces of legislation 6 that we're currently opposed to based on your vote on 7 the legislative package -- legislative position back in 8 December. Those are HCR 2004, which is the Clean 9 Elections repeal and diversion -- or, I should say, 10 reappropriation of the Clean Elections Fund, and 2403 11 which prohibits contributions to -- or payments to 12 political parties. 13 I want to make clear that I have spoken to 14 Representative Leach and I have sent an email to 15 Representative Coleman. Staff will be developing a 16 rule review on this issue with the hopes of opening a 17 docket to review this rule at our February 24th 18 meeting. We have reached out to Constantin Querard who 19 appeared here last time. We'll also be reaching out, 20 likewise, to Democratic consultants or lawyers to get 21 some ideas ahead of time, and then we will have some 22 revision. 23 What form that will take we'll be working 24 up over the next week, but I made clear to both 25 Representative Leach and Representative Coleman that we</p>
<p>09:31:53-09:32:53</p> <p style="text-align: right;">Page 3</p> <p>1 PROCEEDING 2 3 CHAIRMAN TITLA: I call this meeting to 4 order, a special meeting of the Citizens Clean 5 Elections Committee; Tuesday, February 7, 2017, 9:30 6 a.m. 7 Do we have a quorum? 8 MS. THOMAS: Yes, sir. You have -- 9 MR. COLLINS: Shall we call roll just 10 for -- 11 CHAIRMAN TITLA: Yeah. 12 MS. THOMAS: Also joining on the phone is 13 Commissioner Meyer and we also have Commissioner Paton 14 on the phone. 15 COMMISSIONER MEYER: Good morning. 16 CHAIRMAN TITLA: Commissioner Meyer and 17 Commissioner Paton -- 18 COMMISSIONER PATON: Good morning. 19 CHAIRMAN TITLA: -- thank you for appearing 20 by telephone. I'd like to remind you that if you make 21 a comment, to announce your name for the record, the 22 court reporter, and also to -- you know, please 23 remember that. 24 So we'll go to Number II, discussion and 25 possible action on executive director's report.</p>	<p>09:34:29-09:35:41</p> <p style="text-align: right;">Page 5</p> <p>1 are looking at that rule and we'll be examining it 2 and -- and trying to take account of the concerns that 3 were raised at the last meeting that I think many 4 commissioners shared. I know Commissioner Paton and 5 Commissioner Kimble and Commissioner Laird who is 6 unfortunately out of the country today, all raised some 7 concerns about -- about that issue. 8 So we'll be looking at that rule beginning 9 next -- next month, but that -- unless you have any 10 questions, that concludes my report. 11 CHAIRMAN TITLA: Any questions for the 12 executive director, Commissioners? 13 (No response.) 14 CHAIRMAN TITLA: Okay. So why don't we go 15 to the next item. There's obviously no questions. 16 Item III, discussion and possible legal 17 action arising from the Clean Elections Act surcharges 18 and related criminal and civil penalties, A.R.S. 19 Section 12-116.01 and SB 1158. 20 Mr. Collins? 21 MR. COLLINS: Yes. Thank you, 22 Mr. Chairman. Mr. Chairman, Commissioners, I just have 23 a few brief public comments. We will be needing to go 24 into executive session on this. 25 Just so you understand this issue, from --</p>

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<p>1 from what we can say publicly, there is a bill that's</p> <p>2 been introduced. It passed out of the senate judiciary</p> <p>3 committee earlier -- or late last week, and we</p> <p>4 expressed concerns about its impact under the Voter</p> <p>5 Protection Act and on the Clean Elections Fund. We</p> <p>6 have been working with the courts on a resolution of</p> <p>7 that. We're hopeful that we can -- can do that.</p> <p>8 However, that bill is quite complicated,</p> <p>9 and although the court may not agree with this, we see</p> <p>10 these issues as really intertwined. And so the legal</p> <p>11 details on that I will defer to executive session,</p> <p>12 but -- but in a sense, we have had some good</p> <p>13 communication with the court. We hope to continue</p> <p>14 that, but I think it's -- the legal issues are</p> <p>15 significant enough that we felt it was appropriate to</p> <p>16 bring you in for the special meeting in order to have</p> <p>17 you fully briefed on the legal aspects of our -- our</p> <p>18 work related to this issue.</p> <p>19 And I guess if that -- if people think that</p> <p>20 suffices as much of a public statement as I can make,</p> <p>21 I'd recommend that the Commission move to go into</p> <p>22 executive session.</p> <p>23 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>24 CHAIRMAN TITLA: Yes, sir, Commissioner.</p> <p>25 COMMISSIONER KIMBLE: I recommend -- I move</p>		<p>1 (End of executive session. Public meeting</p> <p>2 resumes at 10:12 a.m.)</p> <p>3 CHAIRMAN TITLA: Okay. We're back in</p> <p>4 regular session at 10:12 a.m.</p> <p>5 Commissioners, is there any motion or any</p> <p>6 statement you'd like to make?</p> <p>7 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>8 CHAIRMAN TITLA: Commissioner Kimble.</p> <p>9 COMMISSIONER KIMBLE: I move that we direct</p> <p>10 our executive director, in consultation with our</p> <p>11 lawyers, to take all necessary legal actions to protect</p> <p>12 the integrity of the Clean Elections Fund as discussed</p> <p>13 in our executive session.</p> <p>14 CHAIRMAN TITLA: Okay. Motion by</p> <p>15 Commissioner Kimble.</p> <p>16 Is there a second?</p> <p>17 COMMISSIONER MEYER: This is Commissioner</p> <p>18 Meyer. I second.</p> <p>19 CHAIRMAN TITLA: Second by Commissioner</p> <p>20 Meyer.</p> <p>21 All in favor say aye.</p> <p>22 (Chorus of ayes.)</p> <p>23 CHAIRMAN TITLA: Any opposed?</p> <p>24 (No response.)</p> <p>25 CHAIRMAN TITLA: Abstain?</p>	
09:37:19-09:38:02	Page 7	10:13:42-10:14:23	Page 9
<p>1 that we go into executive session to consult with our</p> <p>2 attorneys.</p> <p>3 CHAIRMAN TITLA: Okay. There's a motion by</p> <p>4 Commissioner Kimble to go into executive session.</p> <p>5 Is there a second?</p> <p>6 COMMISSIONER MEYER: Commissioner Meyer.</p> <p>7 Second.</p> <p>8 CHAIRMAN TITLA: Okay. Motion -- second by</p> <p>9 Commissioner Meyer.</p> <p>10 All in favor say aye.</p> <p>11 (Chorus of ayes.)</p> <p>12 CHAIRMAN TITLA: Any opposed?</p> <p>13 (No response.)</p> <p>14 CHAIRMAN TITLA: Abstain?</p> <p>15 (No response.)</p> <p>16 CHAIRMAN TITLA: Motion passes unanimously.</p> <p>17 We'll be going into executive session at 9:36 a.m.</p> <p>18 Who can remain or stay?</p> <p>19 MR. COLLINS: We'll have our attorneys and</p> <p>20 then our policy director will be here because he's</p> <p>21 necessary to -- for background information.</p> <p>22 CHAIRMAN TITLA: Okay. Can you excuse us?</p> <p>23 (The following section of the meeting is in</p> <p>24 executive session and bound under separate cover.)</p> <p>25 * * * * *</p>		<p>1 (No response.)</p> <p>2 CHAIRMAN TITLA: Motion passes unanimously.</p> <p>3 And then we go to public comment.</p> <p>4 MR. COLLINS: There appears to be no public</p> <p>5 present.</p> <p>6 CHAIRMAN TITLA: Okay. With there being no</p> <p>7 public comment, the meeting is adjourned.</p> <p>8 MR. COLLINS: We need a motion.</p> <p>9 CHAIRMAN TITLA: Motion to adjourn?</p> <p>10 MR. COLLINS: Yeah.</p> <p>11 CHAIRMAN TITLA: Is there a motion?</p> <p>12 COMMISSIONER KIMBLE: I move we adjourn.</p> <p>13 COMMISSIONER MEYER: Commissioner Meyer.</p> <p>14 So moved.</p> <p>15 CHAIRMAN TITLA: Okay. Commissioner Kimble</p> <p>16 motioned. Second by Commissioner Meyer.</p> <p>17 All in favor say aye.</p> <p>18 (Chorus of ayes.)</p> <p>19 CHAIRMAN TITLA: Any opposed?</p> <p>20 (No response.)</p> <p>21 CHAIRMAN TITLA: Abstain?</p> <p>22 (No response.)</p> <p>23 CHAIRMAN TITLA: Motion passes unanimously.</p> <p>24 We are now adjourned at 10:13 a.m.</p> <p>25 Thank you, gentlemen, ladies, counselor,</p>	


10:14:25

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1 for your good report. Thank you.  
2 (Whereupon, the proceedings concluded at  
3 10:14 a.m.)  
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1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA )  
3 BE IT KNOWN the foregoing proceedings were  
4 taken by me; that I was then and there a Certified  
5 Reporter of the State of Arizona; that the proceedings  
6 were taken down by me in shorthand and thereafter  
7 transcribed into typewriting under my direction; that  
8 the foregoing pages are a full, true, and accurate  
9 transcript of all proceedings and testimony had and  
10 adduced upon the taking of said proceedings, all done to  
11 the best of my skill and ability.  
12 I FURTHER CERTIFY that I am in no way  
13 related to nor employed by any of the parties thereto  
14 nor am I in any way interested in the outcome hereof.  
15 DATED at Phoenix, Arizona, this 8th day of  
16 February, 2017.

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18 LILIA MONARREZ, RPR, CR #50699  
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	<b>Commissioner (28)</b> 3:13,13,15,16,17,18; 5:4,5,5;6:23,24,25;7:4, 6,6,9;8:7,8,9,15,17,17, 19;9:12,13,13,15,16 <b>commissioners (4)</b> 5:4, 12,22;8:5 <b>Committee (2)</b> 3:5;6:3 <b>communication (1)</b> 6:13 <b>complicated (1)</b> 6:8 <b>concerns (3)</b> 5:2,7;6:4 <b>concluded (1)</b> 10:2 <b>concludes (1)</b> 5:10 <b>Constantin (1)</b> 4:18 <b>consult (1)</b> 7:1 <b>consultants (1)</b> 4:20 <b>consultation (1)</b> 8:10 <b>continue (1)</b> 6:13 <b>contributions (1)</b> 4:11 <b>counselor (1)</b> 9:25 <b>country (1)</b> 5:6 <b>court (3)</b> 3:22;6:9,13 <b>courts (1)</b> 6:6 <b>cover (1)</b> 7:24 <b>criminal (1)</b> 5:18 <b>currently (1)</b> 4:6	<b>February (2)</b> 3:5;4:17 <b>felt (1)</b> 6:15 <b>few (1)</b> 5:23 <b>following (1)</b> 7:23 <b>form (1)</b> 4:23 <b>fully (1)</b> 6:17 <b>Fund (3)</b> 4:10;6:5;8:12	<b>looking (2)</b> 5:1,8	<b>protect (1)</b> 8:11 <b>Protection (1)</b> 6:5 <b>public (6)</b> 5:23;6:20; 8:1;9:3,4,7 <b>publicly (1)</b> 6:1
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THE STATE OF ARIZONA  
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

January 19, 2017

9:34 a.m.

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<p style="text-align: right;">Page 2</p> <p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION, convened at 9:34 a.m. on 3 January 19, 2017, at the State of Arizona, Clean 4 Elections Commission, 1616 West Adams, Conference Room, 5 Phoenix, Arizona, in the presence of the following Board 6 members: 7 Mr. Steve Titla, Chairperson 8 Mr. Mitchell C. Laird 9 Mr. Mark S. Kimble 10 Mr. Damien Meyer 11 Mr. Galen D. Paton 12 OTHERS PRESENT: 13 Thomas M. Collins, Executive Director 14 Paula Thomas, Executive Officer 15 Sara Larsen, Financial Affairs Officer 16 Gina Roberts, Voter Education Manager 17 Mike Becker, Policy Director 18 Alec Shaffer, Executive Support Specialist 19 Mary O'Grady, Osborn Maledon 20 Amy Jicha, Legal Admin and VE Intern 21 Rivko Knox, LWV/AZ 22 Constantin Querard, Campaign Consultant 23 Andy Gaona, Coppersmith Brockelman 24 Jim Barton, Torres Law Group 25 Joel Edman, AZ Advisory Network Gary Gilger, Self Mirja Riester, Riester Christina Caviglea, Riester Christina Borrego, Riester</p>	<p style="text-align: right;">Page 4</p> <p>09:35:32-09:36:43</p> <p>1 CHAIRMAN TITLA: Motion carries 2 unanimously. 3 We'll go to Item III, discussion and 4 possible action on the executive director's report. 5 MR. COLLINS: Yes. Mr. Chairman, thank 6 you. 7 I just wanted to let you know our live 8 stream is down for live streaming. The meeting will be 9 available as soon as we get -- as soon as we're done 10 and we get it up. So we were expecting live stream 11 today. It's not -- it's not functioning for some 12 reason, but it will be recorded and available on our 13 live stream website at <a href="http://livestream.com/cleanelections">livestream.com/cleanelections</a>. 14 A couple of quick notes: Chairman Titla, 15 Gina Roberts and Alec Schaffer attended the Indian 16 Nations and Tribes Legislative Day at the Arizona 17 Legislature last week which I think was a great 18 opportunity for all three of them. 19 And today -- or this month, we reached -- 20 Paula Thomas has reached 25 years of working for the 21 State, serving the State. She has -- she's been with 22 this agency. She was the section employee hired by the 23 Clean Elections Commission, and she was, I think, the 24 second employee hired by the Arizona Department of 25 Gaming as well. So she is an invaluable resource for</p>
<p>09:34:39-09:35:31</p> <p style="text-align: right;">Page 3</p> <p>1 PROCEEDING 2 3 CHAIRMAN TITLA: This is the regularly 4 scheduled Clean Elections Commission meeting. The date 5 is Thursday, January 9 [sic], 2017, 9:30 a.m. 6 The Commission may go into executive 7 session, which will not be open to the public, for the 8 purpose of obtaining legal advice on any item listed on 9 the agenda. 10 So why don't we call this meeting to order. 11 And Item Number I, discussion and possible action on 12 the Commission minutes for the December 15, 2016 13 meeting. 14 Any question, Commissioners? 15 (No response.) 16 CHAIRMAN TITLA: Do we have a motion to 17 approve the minutes? 18 COMMISSIONER LAIRD: I so move. 19 COMMISSIONER KIMBLE: Second. 20 CHAIRMAN TITLA: Motion by Commissioner 21 Laird, second by Commissioner Kimble. 22 All in favor say aye. 23 (Chorus of ayes.) 24 CHAIRMAN TITLA: Opposed? 25 (No response.)</p>	<p>09:36:46-09:38:08</p> <p style="text-align: right;">Page 5</p> <p>1 us, and we just wanted to make sure that we 2 congratulate her for that, that continued work. 3 The -- there are elections coming up in 4 March in Phoenix over in Goodyear specifically. The 5 last date to register to vote is February 13. 6 I want to call your attention to a couple 7 of things. One, the legislative report that Mike 8 prepared -- Mike Becker prepared is Attachment 2 to the 9 executive director's report. If you have any questions 10 about that, those -- and most of those I don't think 11 are moving. One has a hearing today, but it's not a 12 major concern to us. It's just -- it does touch on 13 some issues that we've worked on, but it's not a Clean 14 Elections bill per se. 15 I also want to just call your attention to 16 the Hank Stephenson's story in the "Capitol Times." 17 There are trigger reports that the legislature passed 18 when they increased the campaign finance limits. Those 19 were eliminated under 1516, and it appears that there's 20 not going to be any enforcement of those at all -- or 21 evaluation, for that matter. 22 It's kind of an interesting issue because 23 there was sort of a deal in 2593 back years ago. I 24 think maybe very few of you were here then, but they 25 raised the campaign finance limits. And we were going</p>

09:38:10-09:39:33	Page 6	09:41:09-09:42:19	Page 8
<p>1 to have this more timely reporting, and the more timely</p> <p>2 reporting has gone away. So that's just kind of a --</p> <p>3 there's no action there. It's simply a note of -- sort</p> <p>4 of situational awareness.</p> <p>5 So we welcome Chairman Titla to his first</p> <p>6 meeting and -- as Staff, and unless anyone has any</p> <p>7 questions, that's my report.</p> <p>8 CHAIRMAN TITLA: Thank you, Tom.</p> <p>9 I just want to congratulate Paula Thomas</p> <p>10 for 25 years of state service. From my time on the</p> <p>11 Commission the past couple of years, she's always</p> <p>12 worked well with me and responded quickly to any</p> <p>13 requests that we had. So I'd like to commend her for</p> <p>14 the good work that she has done. Good employees are an</p> <p>15 invaluable resource to any organization, and she is an</p> <p>16 addition -- a positive addition for the Clean Elections</p> <p>17 Commission and I hope that she stays with us for many</p> <p>18 more years.</p> <p>19 MS. THOMAS: Thank you, sir.</p> <p>20 MR. COLLINS: Mr. Chairman, one other note,</p> <p>21 if I may. Amy Jicha has been our intern and has become</p> <p>22 an invaluable part of our work here. She's been</p> <p>23 applying to law school despite my efforts to persuade</p> <p>24 her otherwise, and she did get into William and Mary.</p> <p>25 So we're very excited about that. That's pretty cool.</p>		<p>1 stood with voter registration for the general election,</p> <p>2 the total registered voters for the state that were</p> <p>3 eligible -- excuse me -- for the general election, we</p> <p>4 had just under 3.6 million, and our overall turnout was</p> <p>5 74.17 percent.</p> <p>6 Just to give you a good visualization of</p> <p>7 turnout for the general and the primary, you can see</p> <p>8 obviously the trend is always that participation</p> <p>9 increases. In the general election it's always lower.</p> <p>10 In the primary, in particular, we did have a</p> <p>11 presidential election, so that's why we saw a good</p> <p>12 turnout this year.</p> <p>13 I wanted to point out the turnout by</p> <p>14 county. We saw a couple of interesting points here,</p> <p>15 that Yavapai and Pima County were actually the two top</p> <p>16 highest turnouts in our counties across the state. So</p> <p>17 I wanted to share that information with you as well.</p> <p>18 And to give you an idea of where Arizona</p> <p>19 stood compared to the national level, you can see that</p> <p>20 the turnout for the presidential election nationwide</p> <p>21 was approximately 59.5 percent and then Arizona -- and</p> <p>22 I'll explain why this number differs a little bit than</p> <p>23 what I first showed you in that first slide. We're at</p> <p>24 56.2 percent. So this -- to give you a true</p> <p>25 comparison, every state is different in the</p>	
09:39:36-09:40:58	Page 7	09:42:21-09:43:32	Page 9
<p>1 So I wanted to mention that.</p> <p>2 So, anyway, if you -- if you -- you know,</p> <p>3 Mr. Titla and Mr. Meyer and Mr. Laird, if you can</p> <p>4 persuade her to not go, now is the time, but -- but I</p> <p>5 think it's a pretty impressive place to get into.</p> <p>6 COMMISSIONER MEYER: Congratulations.</p> <p>7 MS. JICHA: Thank you.</p> <p>8 CHAIRMAN TITLA: Congratulations. William</p> <p>9 and Mary is a good school.</p> <p>10 MS. JICHA: Thank you.</p> <p>11 CHAIRMAN TITLA: Any questions on the</p> <p>12 executive director's report, Commissioners?</p> <p>13 (No response.)</p> <p>14 CHAIRMAN TITLA: If not, why don't we go to</p> <p>15 the next item on the agenda which is discussion and</p> <p>16 possible action on voter education activities in the</p> <p>17 2016 election and the 2017 voter education plan.</p> <p>18 Gina?</p> <p>19 MS. ROBERTS: Mr. Chairman, Commissioners,</p> <p>20 good morning.</p> <p>21 Good morning. So today what we have for</p> <p>22 you is a recap of our education activities for the</p> <p>23 general election, and then we'll dive into what our</p> <p>24 plans are for 2017.</p> <p>25 So to give you an idea of where this state</p>		<p>1 registration requirements and in turnout. So this is</p> <p>2 actually based on the voting-eligible population, so</p> <p>3 that's why that 56.2 percent number is a little bit</p> <p>4 lower than the 74 percent that I mentioned earlier. So</p> <p>5 just to give you an idea of where we stand nationally.</p> <p>6 So what did we actually communicate to</p> <p>7 voters? We continued with our vote informed theme, and</p> <p>8 that mostly had to do with logistics to voting. So how</p> <p>9 do I actually register to vote for this election? If I</p> <p>10 want to vote early, how do I get my ballot? Can I vote</p> <p>11 early in person? And how do I return that ballot? And</p> <p>12 then, of course, election day information. How do I</p> <p>13 find my polling place when the poll is open? And we</p> <p>14 also communicated to voters about the tools that Clean</p> <p>15 Elections provides such as our debates, our Voter</p> <p>16 Education Guide, the app, the candidate compass, all</p> <p>17 the information on our website.</p> <p>18 And to get this message out to voters, we</p> <p>19 used a broad variety of media tactics. And so we had</p> <p>20 our traditional media tactics and we also did out of</p> <p>21 home, such as our billboards and social media and</p> <p>22 print. So we had a really strong, strong tactic plan</p> <p>23 here.</p> <p>24 You've seen most of this before, so I'm</p> <p>25 going to go through it pretty quickly. Essentially,</p>	

09:43:34-09:44:35	Page 10	09:45:46-09:46:49	Page 12
<p>1 what we did was we repurposed a lot of the creative</p> <p>2 that we used in the primary for the general, just</p> <p>3 updated it for the dates. So I'll go through those</p> <p>4 pretty quickly.</p> <p>5 One thing I did want to note, for our radio</p> <p>6 rates -- and I know you can't see this, but we were</p> <p>7 very specific. So to give you an example, for early</p> <p>8 voting -- I'll just read that one very quickly.</p> <p>9 Early voting for the general election</p> <p>10 starts October 12th. Vote by mail or in person at</p> <p>11 designated early voting sites. To learn more, visit</p> <p>12 <a href="http://azcleelections.gov/general">azcleelections.gov/general</a>. So we tried to be very</p> <p>13 clear to voters about what the message we were</p> <p>14 communicating, and then just really within that -- that</p> <p>15 radio rate giving the information that they need.</p> <p>16 So, again, I'll go through these pretty</p> <p>17 quickly. Like I said, you've seen most of these</p> <p>18 before. We had our banner ads. Our mobile ads were</p> <p>19 the most successful, actually. Most people view the</p> <p>20 internet on their phone lately, and we did search as</p> <p>21 well. So if you're typing in, you know, "Arizona</p> <p>22 ballot" in Google, then Clean Elections will pop up.</p> <p>23 And this was actually the number one driver to our</p> <p>24 website. So this was a very successful tactic for us,</p> <p>25 and we'll continue to utilize this.</p>		<p>1 information. We were -- we were pretty specific.</p> <p>2 There's an election on November 8th. Vote informed and</p> <p>3 you can go to this site to get the information you</p> <p>4 need.</p> <p>5 And we did increase our Native American</p> <p>6 outreach, and in terms of our paid media, we did have</p> <p>7 radio spots. We had prints and, again, we had our</p> <p>8 billboards, and so we'll continue to work for</p> <p>9 increasing that.</p> <p>10 So everything that we communicated to</p> <p>11 voters, it all drove them back to our website. And on</p> <p>12 our website we essentially had everything someone would</p> <p>13 need so they can understand, one, how can I participate</p> <p>14 in this election? What is the election even about?</p> <p>15 How do I get my ballot? Once I have my ballot, how do</p> <p>16 I vote that ballot informed? How do I make an informed</p> <p>17 decision? And how do I return it?</p> <p>18 So our website really was -- I know you</p> <p>19 hear the term "a one-stop shop" a lot, but in this case</p> <p>20 it truly was because it could take the voter all the</p> <p>21 way from the beginning of the process to the end. And</p> <p>22 so, again, all of our media tactics, everything we had</p> <p>23 out there drove the voter directly back to our website.</p> <p>24 This year we had to send out a Voter</p> <p>25 Education Guide, and so for the general election we had</p>	
09:44:37-09:45:43	Page 11	09:46:51-09:47:57	Page 13
<p>1 Our print and our social posts. We had an</p> <p>2 increased presence on social media this past year, and</p> <p>3 we saw that to be very successful for us in terms of</p> <p>4 clicks and engagement. It was also very, I think,</p> <p>5 beneficial to the voters because they could put</p> <p>6 questions out there and within 24 hours our team was</p> <p>7 responding to those and getting them the information</p> <p>8 they need. Sometimes quicker. We had a very high</p> <p>9 response rate with Facebook.</p> <p>10 So overall between Facebook and Instagram,</p> <p>11 we had 3.8 million impressions. So that was -- we're</p> <p>12 pretty proud of that, that voters were presented with</p> <p>13 the opportunity to get this information. And we also</p> <p>14 had our infographics and, again, you've seen most of</p> <p>15 these before. We repurposed a lot of the creative</p> <p>16 again, but just basically it details the steps. You</p> <p>17 know, it can be -- there's a lot of steps to</p> <p>18 participate in an election, and so we wanted to break</p> <p>19 those down for voters with our several infographics.</p> <p>20 So we had how to participate but then also</p> <p>21 what offices are up for election at the state level.</p> <p>22 So we detailed what the responsibilities are for</p> <p>23 someone who's running for Corporation Commission and</p> <p>24 the state legislature.</p> <p>25 And our billboards. So, again, very direct</p>		<p>1 1.9 million pieces that were sent out, and then in</p> <p>2 addition to that, we had 15,000 that we had in bulk</p> <p>3 shipments. So those were delivered to the counties, to</p> <p>4 libraries, community organizations across the state.</p> <p>5 And we provide our guide in several different formats,</p> <p>6 so English, Spanish, Navajo, and we also worked with</p> <p>7 SunSounds which is a reading service. And we had</p> <p>8 the -- in addition to the print version that we sent</p> <p>9 out, we also had it available digitally.</p> <p>10 And the content -- the information that we</p> <p>11 had in the guide -- the pictures of the candidates,</p> <p>12 their contact information, their statements -- all of</p> <p>13 that content was able to be accessed by voters not</p> <p>14 through just the guide but also through the app,</p> <p>15 through our find my candidates tool and the candidate</p> <p>16 compass tool. So it was integrated into all of the</p> <p>17 tools that we could provide.</p> <p>18 And if you'll recall, this year we actually</p> <p>19 sent out district-specific pamphlets. So instead of</p> <p>20 sending that big, thick guide to every voter, we made</p> <p>21 it so, okay, LD1 voters are only going to get the LD1</p> <p>22 candidates. LD9 voters will only get the LD9</p> <p>23 candidates. And to give you an example of how that</p> <p>24 proved to be efficient for us and for both the primary</p> <p>25 and the general voter education guides, the cost to do</p>	

09:48:00-09:49:16	Page 14	09:50:23-09:51:27	Page 16
<p>1 this in the 2014 election was \$2 million and then in</p> <p>2 2016 it ended up being just a little over a million.</p> <p>3 So we had a 46 percent cost savings, and it was also,</p> <p>4 and most importantly, a benefit to voters because they</p> <p>5 didn't have to flip through all those additional pages.</p> <p>6 In addition to the Voter Education Guide,</p> <p>7 another core function of the Commission in our voter</p> <p>8 education plan is debates. So we did have one</p> <p>9 statewide office this year, the Corporation Commission,</p> <p>10 and then our 30 legislative districts. 24 legislative</p> <p>11 debates ended up being held, and we do contract with KT</p> <p>12 to handle our statewide debates. So there's a picture</p> <p>13 there of the candidates at the Horizon studio.</p> <p>14 This chart here will show the viewership</p> <p>15 for our legislative debates. Since Channel 8 actually</p> <p>16 puts the statewide debates on for us, I don't have the</p> <p>17 viewership for it just yet because they host it on</p> <p>18 their website, but we'll see the increase in our</p> <p>19 general election there.</p> <p>20 And one of the things that we are doing</p> <p>21 right now in preparation for 2018 is we are looking at</p> <p>22 the feedback that we received from voters already on</p> <p>23 our debates. So we -- at every single legislative</p> <p>24 debate we put out a debate -- a feedback form, an</p> <p>25 evaluation form. And Amy has been working on compiling</p>	<p>1 nice to receive the information you send us. I'd be</p> <p>2 lost without it and probably wouldn't be able to vote.</p> <p>3 That's in regards to our pamphlet. These pamphlets are</p> <p>4 invaluable in helping people come to grips with their</p> <p>5 ballot. And then with regards to the debates, it's an</p> <p>6 excellent forum to help show where candidates stand on</p> <p>7 the issues and the best debate for local politicians.</p> <p>8 Don't change it.</p> <p>9 So this is coming directly from the voters.</p> <p>10 These are just some snippets of the feedback we've</p> <p>11 received. So it was -- it was positive reinforcement</p> <p>12 about the tools that we're providing.</p> <p>13 When we kicked off our education plan for</p> <p>14 2016, the Commission did research because we wanted to</p> <p>15 understand what is it that voters need, what is the</p> <p>16 mindset of voters, what are the motivators and the</p> <p>17 barriers to actually getting them to vote. And that</p> <p>18 really was the driving force for all of our creative,</p> <p>19 for our tactics. And so once this campaign wrapped up,</p> <p>20 we did some post-election research, and I wanted to</p> <p>21 share some of those findings with you.</p> <p>22 Some of the key findings that we had were</p> <p>23 that voters definitely and across the board agree that</p> <p>24 voting is important; however, we do see the need that</p> <p>25 we need to do more in communicating and educating</p>		
09:49:19-09:50:20	Page 15	09:51:30-09:52:34	Page 17
<p>1 all that information together so we can hear from</p> <p>2 voters directly on how we can improve this process.</p> <p>3 And so we want to understand how did you know about</p> <p>4 this debate? Where did you get the information from,</p> <p>5 you know, so you could turn out?</p> <p>6 And we'll see that the point there is the</p> <p>7 highest point is for the candidates. Candidates are</p> <p>8 the best source to get the information out there to</p> <p>9 their constituents, to the voters, and so we'll be</p> <p>10 working on ways that we can improve communicating to</p> <p>11 voters when these debates will actually be held.</p> <p>12 And then this will give you an idea of what</p> <p>13 type of questions are being asked by voters. So at our</p> <p>14 debates, voters can turn in questions specifically to</p> <p>15 the candidates, and so we're tracking that to make sure</p> <p>16 that in our preprepared questions that we're staying</p> <p>17 relevant to what the issues are to voters.</p> <p>18 And we had our app, and so that is still</p> <p>19 available for iOS. And we are still working on Android</p> <p>20 and our candidate compass tool. So, again, those</p> <p>21 are -- so the four main tools that we provided for</p> <p>22 voters for the general election.</p> <p>23 And so at the end of the day, I wanted to</p> <p>24 share some of the feedback we received with you. So</p> <p>25 the election officials do a great job and it's really</p>	<p>1 voters about the impact of their vote, in particular in</p> <p>2 local elections, which is why that's so important for</p> <p>3 2017. We do have local elections this year.</p> <p>4 One of the common feelings amongst voters</p> <p>5 is that they just don't feel knowledgeable enough about</p> <p>6 the issues, and that is specific to Millennials as</p> <p>7 well. And debates are one of the highest-used tools</p> <p>8 out there to help a voter shape their opinion about the</p> <p>9 candidates. So they often look to debates for a great</p> <p>10 resource to educate them about where candidates stand</p> <p>11 on the issues.</p> <p>12 And then -- and, again, going back to</p> <p>13 Millennials, ultimately there's apathy there and -- you</p> <p>14 know, especially about the candidates that are running</p> <p>15 and voting, and they just don't feel that their vote</p> <p>16 will matter, that it will make that difference. And so</p> <p>17 that tells us we need to work on communicating to</p> <p>18 people about just how impactful your vote can be, and</p> <p>19 we've seen that in this election cycle as well. In the</p> <p>20 primary we had the recount for the Congressional</p> <p>21 District 5 race, and in the general there were several</p> <p>22 races that were just so close that the press couldn't</p> <p>23 call them right away.</p> <p>24 So every -- every ballot really does make a</p> <p>25 difference, and so that's -- that's one piece of</p>		

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<p>1 information that the Commission can look forward to</p> <p>2 communicating and educating voters on.</p> <p>3 One of the things that I wanted to share</p> <p>4 with you is in 20 -- or excuse me -- 2015 and 2016 with</p> <p>5 our initial research, we wanted to understand</p> <p>6 specifically from voters about how knowledgeable they</p> <p>7 feel about the process. So, you know, do you know</p> <p>8 where you need to go to vote? Do you know your</p> <p>9 options: that you can vote in person, you can vote</p> <p>10 early, you can vote by mail? What are the procedures:</p> <p>11 you know, ID at the polls, things like that. Are you</p> <p>12 actually eligible to register?</p> <p>13 So we tracked all of that, and one -- one</p> <p>14 thing I wanted to know was in the 2015 readout on the</p> <p>15 far right -- so, for example, ways to vote. You'll see</p> <p>16 all the way to the right, it says 87 percent. That's</p> <p>17 where we landed in 2015. After the 2016 election, what</p> <p>18 we just wrapped up, that number is now at 95 percent.</p> <p>19 So you can see the trend in every single one of those</p> <p>20 categories, the number has gone up. So we can say we</p> <p>21 contributed to that to help these people in their</p> <p>22 confidence in all of these issues. So that was a</p> <p>23 successful point we wanted to share with you.</p> <p>24 Another key finding in the research that we</p> <p>25 did was of all of the available resources and tools for</p>	<p>1 was that ultimately with the act we will encourage</p> <p>2 citizen participation in the political process and that</p> <p>3 campaigns will become more issue-oriented. So those</p> <p>4 are two key points that help drive the tools and</p> <p>5 resources that we provide.</p> <p>6 So under the Clean Elections Act, the</p> <p>7 Commission has the authority to make expenditures for</p> <p>8 voter and public education, and what you saw in</p> <p>9 December in Sara's budget presentation, we do have a</p> <p>10 cap on paid media, and our cap for this year is just a</p> <p>11 little over \$2 million.</p> <p>12 So to help us execute our education plan,</p> <p>13 we contract with a vendor who is on the statewide</p> <p>14 marketing contract. And the activities that we did in</p> <p>15 2016 -- if you'll recall, we worked with R&amp;R Partners.</p> <p>16 Due to some changes to the contract, the agency had to</p> <p>17 select a new vendor. And so we're very excited about</p> <p>18 the new opportunity that we have to work with Riester.</p> <p>19 They are a full-service advertising agency and their</p> <p>20 reputation is amazing.</p> <p>21 So I won't try to say any more about that</p> <p>22 because I don't think I can do them justice with their</p> <p>23 background, but they are in our audience today. And so</p> <p>24 they'll be working very closely with the Commission in</p> <p>25 executing our education plan and really helping us</p>		
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<p>1 voters, not just Clean Elections, but outside, one of</p> <p>2 the -- the top tool that voters looked at was the Voter</p> <p>3 Education Guide. So that was really good news to hear</p> <p>4 and to see and in terms of what resource, what tool out</p> <p>5 there do you consider an unbiased source of</p> <p>6 information? So we do provide unbiased, nonpartisan</p> <p>7 information. And so, again, of all of those resources,</p> <p>8 the Voter Education Guide topped that.</p> <p>9 So that was a pretty exciting piece of</p> <p>10 news; however, there's still work to be done because --</p> <p>11 especially with the last election, we definitely see a</p> <p>12 mindset in the tone of voters about distrust. And so</p> <p>13 we need to make sure that we're communicating that the</p> <p>14 information that the Commission is putting out there is</p> <p>15 unbiased, that it is nonpartisan.</p> <p>16 Mr. Chairman, will there be any questions</p> <p>17 about our 2016 activities before I jump into our plan</p> <p>18 for 2017?</p> <p>19 CHAIRMAN TITLA: Any questions by the</p> <p>20 commissioners?</p> <p>21 (No response.)</p> <p>22 MS. ROBERTS: Okay. Great. So just a</p> <p>23 reminder, for the Clean Elections Act, this is our</p> <p>24 preamble, and the pieces that I'd really like to point</p> <p>25 out, especially in regard to our voter education plan,</p>	<p>1 understand the best media tactics for us to communicate</p> <p>2 our message to voters.</p> <p>3 COMMISSIONER MEYER: Excuse me. Is Riester</p> <p>4 an Arizona company?</p> <p>5 MS. ROBERTS: Yes. Yes, they are.</p> <p>6 So what do we have for 2017? We have</p> <p>7 consolidated election dates, and as of right now, we do</p> <p>8 know there's a March election. Tom mentioned that in</p> <p>9 the executive director's report. We have three cities.</p> <p>10 And so we are already fast-approaching the voter</p> <p>11 registration deadline and the start of early voting.</p> <p>12 So we will be working to communicate information to</p> <p>13 voters about -- specifically in those three cities</p> <p>14 about their local election and again trying to express</p> <p>15 the importance that local elections can have on voters.</p> <p>16 The other key date for 2017 is August 1st.</p> <p>17 That is the start of the qualifying period when</p> <p>18 candidates can begin collecting their \$5 qualifying</p> <p>19 contributions.</p> <p>20 One of the things that we would like to see</p> <p>21 going into 2017 is kicking off additional research. So</p> <p>22 we did our post-campaign research. That was the</p> <p>23 information I just shared with you about what we -- our</p> <p>24 education plan for 2016, but seeing the impact of the</p> <p>25 presidential election and the stories in the media and</p>		

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<p>1 just hearing from voters directly, we really feel that</p> <p>2 we need to go forward and learn more about the state of</p> <p>3 voters and what exactly is going through their minds</p> <p>4 right now, what are those additional motivators and</p> <p>5 those barriers.</p> <p>6 There's -- you know, we're hearing of</p> <p>7 distrust in the system. We've heard of hacking of the</p> <p>8 election, and so -- and ultimately it's still voter</p> <p>9 apathy, but also the importance of actually getting out</p> <p>10 there to vote. Once you cast your ballot, what happens</p> <p>11 next? How does that, in the end, impact my life? So</p> <p>12 we really want to kick off research again because what</p> <p>13 we can understand from this will help shape our</p> <p>14 education plan and ultimately how we communicate with</p> <p>15 voters.</p> <p>16 So what we'd like to do -- basically what</p> <p>17 we did in 2015 is start off with some more quantitative</p> <p>18 research, get surveys out there and then bring in some</p> <p>19 focus groups and talk to voters directly.</p> <p>20 For our paid media we'll typically be on</p> <p>21 the same channels that we've used before, same tactics.</p> <p>22 So, again, we'll likely increase our social media</p> <p>23 presence because that is proving to be successful in</p> <p>24 the reach that we can get but also the engagement,</p> <p>25 helping us communicate directly with voters almost</p>		<p>1 to this group of voters understanding what are some of</p> <p>2 the -- some of the key issues that impact them more so</p> <p>3 than maybe other communities.</p> <p>4 One of the things we saw in 2016 was we</p> <p>5 learned that it's difficult sometimes for somebody who</p> <p>6 lives on tribal land to get a mailing ballot, to get</p> <p>7 access to their mailbox and also that there's an issue</p> <p>8 with having proper ID for voting on election day. So a</p> <p>9 solution exists, and that solution is to vote in person</p> <p>10 early. And so we need to take a step back and look at</p> <p>11 those things and understand more about what specific</p> <p>12 barriers exist for voters who are on tribal land and</p> <p>13 how we can educate them about the solutions that do</p> <p>14 exist.</p> <p>15 And if you'll recall, in 2015 the agency</p> <p>16 hosted the 15 county recorders and election directors</p> <p>17 and also the Secretary of State's office for our first</p> <p>18 ever roundtable, and the goal there was to get all of</p> <p>19 the election officials in the state together and</p> <p>20 discuss what went well in 2014 and what can be improved</p> <p>21 and ultimately how can Clean Elections help. We</p> <p>22 received very wonderful feedback from the group and the</p> <p>23 urge to continue to do that. So we'd like to host</p> <p>24 another one in 2017. This time we would like to expand</p> <p>25 it a little bit further to include our city and town</p>	
09:58:36-09:59:53	Page 23	10:01:16-10:02:28	Page 25
<p>1 immediately. And we'll continue our vote informed</p> <p>2 messaging specific, though, to local elections. Again,</p> <p>3 we need to highlight that.</p> <p>4 We'll communicate about voter registration,</p> <p>5 what the requirements are, the process and then</p> <p>6 ultimately education about the Clean Elections Act, and</p> <p>7 at the end of the day, it's all about promoting</p> <p>8 participation in the political -- political process.</p> <p>9 One of the things that we'll be focusing on</p> <p>10 in 2017 is taking our existing tools that we've built</p> <p>11 and enhancing them. We did a lot of work in 2015 and</p> <p>12 2016 to create these tools, to launch them, and so now</p> <p>13 is the time where we can look at, take a step back and</p> <p>14 improve them. How do we enhance these for voters so we</p> <p>15 can create a customized voting experience so they can</p> <p>16 go to our website and get everything that they need but</p> <p>17 in a more user-friendly manner? So we will be taking a</p> <p>18 step back and looking at all of our tools and seeing</p> <p>19 how we can improve those.</p> <p>20 We will continue our outreach and education</p> <p>21 plan with Native American communities. That includes</p> <p>22 continuing to work with the Intertribal Council of</p> <p>23 Arizona and the Get Out to Vote coordinators. Our</p> <p>24 staff will continue to attend community events and</p> <p>25 then, additionally, a little bit more research specific</p>		<p>1 clerks.</p> <p>2 Our cities were great this year in sharing</p> <p>3 and utilizing a lot of the assets, the materials that</p> <p>4 the Commission produced for voters, and so we'd like to</p> <p>5 include them in the process and then also include</p> <p>6 community organizations that are out there.</p> <p>7 So with that, I'd be happy to answer any</p> <p>8 questions and I welcome your feedback.</p> <p>9 CHAIRMAN TITLA: Any questions from the</p> <p>10 commissioners?</p> <p>11 COMMISSIONER PATON: I have a couple of</p> <p>12 things I'd like to say. First of all, an amazing</p> <p>13 presentation. You guys do a great job and I was</p> <p>14 totally impressed by all that.</p> <p>15 I do have a couple of things that I'd be</p> <p>16 interested in in the next year or two to go as far</p> <p>17 as -- and I've spoken with you before. I really think</p> <p>18 that -- like when I saw your graph about the debates</p> <p>19 and how a lot of your feedback was the people got their</p> <p>20 information about the debate from the candidates,</p> <p>21 having experience being at some of these debates, I</p> <p>22 know generally the people that are debating bring their</p> <p>23 own friends, family, whoever. And it's kind of like</p> <p>24 everybody has already decided by the time they're there</p> <p>25 because they're with somebody, and that bothers me.</p>	

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<p>1 I mean, if we want to educate people, then</p> <p>2 we need to bring in people that have no idea who these</p> <p>3 people are and be exposed to what they're saying. So</p> <p>4 my idea -- and I've spoken to some people about having</p> <p>5 debates at schools during school time. That would</p> <p>6 bring kids that are apathetic, apparently, by your</p> <p>7 research -- apathetic about the voting process and does</p> <p>8 my vote count and all that kind of stuff.</p> <p>9 If you had a debate, you could involve the</p> <p>10 government teachers, social studies teachers. They</p> <p>11 could get -- all the kids would be there, teachers,</p> <p>12 administrators. Parents could come in, community</p> <p>13 members. Many of these schools have big auditoriums</p> <p>14 that a lot of times during the day are not used. I</p> <p>15 taught school for 28 years, so I kind of understand a</p> <p>16 little bit about that. And you're going to get people</p> <p>17 actually asking them questions that they have -- they</p> <p>18 don't know. They're actually asking questions, not to</p> <p>19 gotcha somebody, but something they really want to be</p> <p>20 involved and learn about.</p> <p>21 Secondly, I think maybe since we have</p> <p>22 people that are distrustful about the elections now and</p> <p>23 so on about the voting hacking, I think this past time</p> <p>24 I didn't even realize that you could track your ballot.</p> <p>25 And so telling people that, okay, you don't just trust</p>	<p>1 before. So we will be working with our debate</p> <p>2 coordinator and looking at how we can improve the</p> <p>3 process in terms of location, even the hours that we</p> <p>4 host the debates at. We did hear feedback from that,</p> <p>5 but absolutely. We'll definitely be taking a look at</p> <p>6 how we can improve the process.</p> <p>7 And then additionally, with the tracking</p> <p>8 your ballot, that -- a lot of people -- you are</p> <p>9 correct. A lot of people are not aware that that tool</p> <p>10 exists, and so we've seen personally when communicating</p> <p>11 with voters, once we let them know this is available to</p> <p>12 you and they see how it works, they do feel better</p> <p>13 about the process. And we've heard thank you; I didn't</p> <p>14 know that existed; you know, now, I know that the</p> <p>15 county did in fact receive my ballot, that it was</p> <p>16 counted. It will tell a voter if it did not count and</p> <p>17 for whatever reason that may be.</p> <p>18 So the tool is very useful, and we did have</p> <p>19 that information on our site, but absolutely. We can</p> <p>20 look at making sure we communicate that message more to</p> <p>21 voters.</p> <p>22 COMMISSIONER PATON: Yeah, maybe promote it</p> <p>23 a little bit.</p> <p>24 MS. ROBERTS: Right.</p> <p>25 COMMISSIONER PATON: Thank you.</p>		
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<p>1 this thing, then track your ballot. You can do this.</p> <p>2 This is how you can do this, and maybe that will help</p> <p>3 them decide that they do have some trust in the</p> <p>4 situation.</p> <p>5 I don't know how extensive that thing goes,</p> <p>6 if you can tell -- thing -- if you can see where your</p> <p>7 people actually went up a notch or whatever, you know.</p> <p>8 I don't know if that exists, but still those are two</p> <p>9 things that I think may help in these things.</p> <p>10 So, anyway, my main thing is debates at</p> <p>11 schools, especially for the state legislators. You can</p> <p>12 get a Central High School that -- say, like the Sierra</p> <p>13 Vista area. You could go to Buena High School or you</p> <p>14 can go to Wilcox or Safford or wherever and these</p> <p>15 candidates are really going to have to speak to people,</p> <p>16 and a lot of our budget in the State -- you know, the</p> <p>17 State budget is involved with education, and so you've</p> <p>18 got people saying we need to cut this, cut that.</p> <p>19 They're going to have to face those kids right there</p> <p>20 and say why are you cutting this and how -- why can't</p> <p>21 we do this or whatever, you know, that kind of thing.</p> <p>22 So, anyway, I've probably spoken too much.</p> <p>23 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>24 Paton, yes, absolutely. That's great feedback, and we</p> <p>25 definitely have your notes from when we have spoken</p>	<p>1 MS. ROBERTS: Absolutely. Thank you.</p> <p>2 CHAIRMAN TITLA: More questions,</p> <p>3 Commissioners?</p> <p>4 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>5 CHAIRMAN TITLA: Yes, Commissioner Kimble.</p> <p>6 COMMISSIONER KIMBLE: Gina, what exactly is</p> <p>7 the Commission's role on local elections? There's</p> <p>8 Tucson's election this coming fall. We don't get</p> <p>9 involved financially, but do you target some kind of</p> <p>10 communications to voters on local elections?</p> <p>11 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>12 Kimble, this year, yes, we will be. So historically, I</p> <p>13 do not believe the Commission has done much in</p> <p>14 off-election years outside of elections from statewide.</p> <p>15 However, if you'll recall our preamble and the ultimate</p> <p>16 goal of promoting participation in the political</p> <p>17 process, Staff -- we have the resources to do so and it</p> <p>18 is an election. And what we've seen from our research,</p> <p>19 it tells us that voters just don't quite, one, know the</p> <p>20 information about those local elections and how they</p> <p>21 impact their life.</p> <p>22 A local election like this could be more</p> <p>23 impactful than voting for president. You feel it in</p> <p>24 your everyday life. So voters -- we do need to educate</p> <p>25 them about, you know, when you're voting for your city</p>		

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<p>1 council member, these are the people who are making the</p> <p>2 decisions on your trash and water services, you know,</p> <p>3 the things that affect -- your library services, that</p> <p>4 affect you every day.</p> <p>5 And so in terms of what our role is, you</p> <p>6 know, ultimately, I think that would be dependent upon</p> <p>7 the Commission's direction here, but we do have the</p> <p>8 resources. We do intend to provide education to voters</p> <p>9 about the local elections this year in terms of, again,</p> <p>10 the logistics. When are the important deadlines and,</p> <p>11 you know, how do I get my ballot? We are working on</p> <p>12 providing information on -- if it's a candidate</p> <p>13 election, we do have our own tools right now, like the</p> <p>14 app, where we can show candidate profiles on the</p> <p>15 website.</p> <p>16 On our website we have a district locator</p> <p>17 tool, and so we've recently expanded that and added</p> <p>18 lines where if someone puts in their address, they can</p> <p>19 then see, okay, I'm in this congressional district,</p> <p>20 this state legislative district, this county board of</p> <p>21 supervisor district. And we do offer the city of</p> <p>22 Phoenix and city of Mesa district lines where we don't</p> <p>23 have the capability to provide local lines just yet</p> <p>24 further. We can continue to work on that, but we can</p> <p>25 show the candidate profiles at least as a whole and</p>		<p>1 set those things up. The League of Women Voters has a</p> <p>2 role in that at the local level that they've fulfilled</p> <p>3 for many years. I think -- so I think it's -- just to</p> <p>4 put -- sort of recapitulate, our efforts at the local</p> <p>5 level -- and by that I mean cities, towns and</p> <p>6 counties -- are driven by demand of local election</p> <p>7 officials who are lacking in resources either provided</p> <p>8 by the state or otherwise to get basic information to</p> <p>9 voters.</p> <p>10 And so unless we see a demand for -- for</p> <p>11 some other kind of action, we'd probably leave it there</p> <p>12 because we do have to reserve the bulk of our resources</p> <p>13 for our core state election year activities.</p> <p>14 MS. ROBERTS: And if I could add to that,</p> <p>15 Mr. Chairman, Commissioner Kimble, we do work with and</p> <p>16 attend city clerk meetings. They have their AMCA</p> <p>17 groups, and so we often present in front of them and</p> <p>18 communicate to them about the Commission's activities.</p> <p>19 And as Tom mentioned, the feedback, the demand is</p> <p>20 there. Just as a county exists, you know, their core</p> <p>21 function is to actually put the election on, and so</p> <p>22 they look to us for additional research -- resources to</p> <p>23 educate the voters.</p> <p>24 And so -- and by that I do mean specifics</p> <p>25 in terms of we need to let people know when that</p>	
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<p>1 say, okay, city of Tucson, here are all the candidates</p> <p>2 that are running in your election. And we can provide</p> <p>3 that information on our site and in our app.</p> <p>4 COMMISSIONER KIMBLE: Do you envision going</p> <p>5 so far as doing the candidate compass for local</p> <p>6 candidates doing debates?</p> <p>7 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>8 Kimble, debates, we have not had that conversation. I</p> <p>9 think we would have to take a step back and confirm</p> <p>10 with Tom if that's a possibility.</p> <p>11 MR. COLLINS: If I may, Mr. Chairman,</p> <p>12 Commissioner Kimble, I think -- I think from our</p> <p>13 perspective right now, we know there's demand for</p> <p>14 resources, for information about basic election</p> <p>15 deadlines, the fact that you can register to vote,</p> <p>16 those kinds of things. And once you're registered to</p> <p>17 vote, that all ladders up to state elections and</p> <p>18 ultimately, in most cases, federal elections. So</p> <p>19 there's a nexus between our main goal in terms of the</p> <p>20 debates and the -- and the candidate statement pamphlet</p> <p>21 and trying to get everybody to understand that there is</p> <p>22 an overall election process they're participating in.</p> <p>23 I suspect that cities and towns would be</p> <p>24 less likely to want us to be involved in their debate</p> <p>25 process, that kind of thing, if they -- if they even</p>		<p>1 registration deadline is or that early voting is</p> <p>2 starting, so more so the logistics of it. And that's</p> <p>3 really where we help get involved and, again, that is</p> <p>4 that direct feedback we did receive from the city and</p> <p>5 town clerks.</p> <p>6 COMMISSIONER KIMBLE: Thank you.</p> <p>7 CHAIRMAN TITLA: Any questions,</p> <p>8 Commissioners?</p> <p>9 (No response.)</p> <p>10 CHAIRMAN TITLA: Thank you, Gina, for your</p> <p>11 good report. I know that voter in education you've</p> <p>12 done a good job under the leadership of the director,</p> <p>13 and I think that this year what I noticed -- what was</p> <p>14 really helpful to me was the sticker, like the magnetic</p> <p>15 sticker you pick up and put on your refrigerator with</p> <p>16 the deadlines. That was most helpful to me because</p> <p>17 they asked me at home when are the deadlines for</p> <p>18 something. I said it's right there on the</p> <p>19 refrigerator. So that was very helpful.</p> <p>20 Thank you and continue the good work.</p> <p>21 MS. ROBERTS: Thank you, Mr. Chairman.</p> <p>22 We'll be sure that we update those for this year and</p> <p>23 2018, and then if I could also as well just also thank</p> <p>24 Alec and Amy for all their efforts on our voter</p> <p>25 education plan. They have worked very hard during the</p>	

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<p>1 primary and general, and so I appreciate their efforts.</p> <p>2 Thank you.</p> <p>3 COMMISSIONER LAIRD: Nice job.</p> <p>4 CHAIRMAN TITLA: Thank you.</p> <p>5 COMMISSIONER MEYER: Thank you.</p> <p>6 CHAIRMAN TITLA: Why don't we go ahead with</p> <p>7 the next item, discussion and possible action on final</p> <p>8 audit approval for the following participating</p> <p>9 candidates for the 2016 election cycle.</p> <p>10 Sara?</p> <p>11 MS. LARSEN: Good morning, Chairman,</p> <p>12 Commissioners. I'd like to thank Amy. She helped me</p> <p>13 compile the summary that you have before you. So</p> <p>14 that's -- it's a lot of paperwork, so we try to get it</p> <p>15 down into a succinct summary for you to review.</p> <p>16 Real quick, an overview on how the audits</p> <p>17 are conducted. In September we drew two statewide</p> <p>18 candidates and 12 legislative candidates to have their</p> <p>19 bank accounts and their campaign finance reports</p> <p>20 reconciled by an independent auditing contractor who is</p> <p>21 Fester &amp; Chapman. That's who we utilized. And they</p> <p>22 matched their bank account records to documentation of</p> <p>23 the expenditures to the campaign finance reports to</p> <p>24 make sure that all the spending is appropriate and</p> <p>25 documented correctly and there are no unusual</p>		<p>1 discrepancies either on the campaign finance reports or</p> <p>2 have additional documentation provided for the</p> <p>3 expenditures that they had.</p> <p>4 There are several audits here, and if you</p> <p>5 have questions about any one in particular, I'm happy</p> <p>6 to answer those. I do know that former Representative</p> <p>7 Chris Ackerley is -- is back here and he was subject</p> <p>8 to -- to the audit. And I think he had one finding</p> <p>9 that he needed to provide additional documentation for</p> <p>10 an expenditure. So his audit was very clean.</p> <p>11 Everything was properly reported, but he is here to</p> <p>12 answer questions if anybody has any or if he would like</p> <p>13 to speak to his audit, but his audit was very clean.</p> <p>14 There is one exception and it is</p> <p>15 Mr. Rubalcava who is Representative Rubalcava. There</p> <p>16 were several unusual transactions in the bank account</p> <p>17 that were not recorded on the campaign finance reports.</p> <p>18 He's on the last page of the summary. Because of the</p> <p>19 number of unusual disbursements and transactions in the</p> <p>20 bank account and my conversations with the auditor, I'm</p> <p>21 going to recommend that this individual is referred for</p> <p>22 an enforcement matter and that we do a comprehensive</p> <p>23 enforcement audit, and that would be a line-by-line,</p> <p>24 transaction-by-transaction audit of the bank account to</p> <p>25 the campaign finance reports.</p>	
10:13:50-10:15:27	Page 35	10:17:09-10:18:20	Page 37
<p>1 disbursements or contributions being received into the</p> <p>2 campaign bank account.</p> <p>3 Three of the candidates who were selected</p> <p>4 for random audit are also a part of an enforcement</p> <p>5 matter that is on the agenda today. So their audits</p> <p>6 were a little more in depth than the other candidates'</p> <p>7 audits. We asked the auditing agency to review all</p> <p>8 expenditures on the campaign finance reports that were</p> <p>9 subject to the complaint. So additional expenditures</p> <p>10 were audited.</p> <p>11 We typically choose five contributions</p> <p>12 going into the account for the primary election period</p> <p>13 and five expenditures. So we have -- we have a test</p> <p>14 sample of ten recorded transactions from the campaign</p> <p>15 finance reports that are matched to the -- to the bank</p> <p>16 statements. So it's not a comprehensive audit. It's</p> <p>17 more a sampling to see that things are appropriately</p> <p>18 reported. A comprehensive audit would just take a</p> <p>19 large amount of time and a large amount of resources.</p> <p>20 I'll say that for the candidates who were</p> <p>21 audited, I did not see anything that was unusual except</p> <p>22 we do have one exception to that who I will address.</p> <p>23 Most everything in here, everything was properly</p> <p>24 reported, properly documented, and if it wasn't, they</p> <p>25 were able to reconcile the differences and the</p>		<p>1 We noted that there were transactions on</p> <p>2 the campaign finance reports that did not match the</p> <p>3 bank accounts and the bank accounts did not match the</p> <p>4 campaign finance reports, and without an enforcement</p> <p>5 audit, we won't be able to reconcile what happened in</p> <p>6 the account. So in my opinion, I would -- I would</p> <p>7 definitely recommend that -- that this goes to an</p> <p>8 enforcement audit, but right now all I'm asking the</p> <p>9 Commission to do is to approve the findings that the</p> <p>10 auditor found.</p> <p>11 All the other findings have been</p> <p>12 reconciled. Appropriate monies have been returned to</p> <p>13 the Clean Elections Commission. Any findings or errors</p> <p>14 have been corrected by the candidates.</p> <p>15 So if anybody has questions, I'm happy to</p> <p>16 answer those.</p> <p>17 CHAIRMAN TITLA: Commissioner?</p> <p>18 COMMISSIONER MEYER: Mr. Chairman, I have a</p> <p>19 question.</p> <p>20 CHAIRMAN TITLA: Commissioner Meyer.</p> <p>21 COMMISSIONER MEYER: On -- it's Item H on</p> <p>22 the John Fillmore audit, and Item Number 4 references a</p> <p>23 repayment of a loan. So that just -- the content of a</p> <p>24 loan from Clean Elections funding kind of made me raise</p> <p>25 my eye. I was curious what that was.</p>	

10:18:23-10:19:11	Page 38	10:20:29-10:21:33	Page 40
<p>1 MS. LARSEN: So, Chairman, Commissioner</p> <p>2 Meyer, that is actually -- contributions are allowed to</p> <p>3 be loans. So the candidate received a loan to his</p> <p>4 committee, and that is outstanding until he receives</p> <p>5 his Clean Elections funding and then he repays the</p> <p>6 loan. So he wasn't given a loan from his funding.</p> <p>7 COMMISSIONER MEYER: Okay.</p> <p>8 MS. ROBERTS: He was receiving a loan in</p> <p>9 the form of contribution.</p> <p>10 COMMISSIONER MEYER: And then he paid that</p> <p>11 loan off with his funding?</p> <p>12 MS. LARSEN: And then he paid it back late.</p> <p>13 COMMISSIONER MEYER: I see.</p> <p>14 MS. LARSEN: But it was paid.</p> <p>15 COMMISSIONER MEYER: Okay. Thank you for</p> <p>16 that explanation.</p> <p>17 MS. LARSEN: Yeah, yeah.</p> <p>18 COMMISSIONER MEYER: That makes sense.</p> <p>19 And then one other question I had.</p> <p>20 CHAIRMAN TITLA: Commissioner.</p> <p>21 COMMISSIONER MEYER: And this is on</p> <p>22 Mr. Rubalcava's. It's Item 5 that looks like the funds</p> <p>23 were deposited into the personal account of the</p> <p>24 candidate and not into a campaign bank account. That</p> <p>25 troubled me.</p>	<p>1 dealing with.</p> <p>2 MS. LARSEN: Right.</p> <p>3 COMMISSIONER MEYER: So that shouldn't be</p> <p>4 an issue.</p> <p>5 MS. LARSEN: Right. So your campaign</p> <p>6 finance account should be sole and separate from --</p> <p>7 from any personal activities because the Clean</p> <p>8 Elections Act requires that only campaign activity can</p> <p>9 come in and out of that account. So personal</p> <p>10 disbursements cannot be made from the account. You</p> <p>11 know, personal deposits cannot go into the account and</p> <p>12 vice versa. So it is definitely troubling that it was</p> <p>13 put into a personal account and then later transferred.</p> <p>14 You know, it wasn't something that happened the same</p> <p>15 day.</p> <p>16 He did state that it was something that,</p> <p>17 you know, his campaign account and his personal</p> <p>18 accounts were at the same bank and it was a bank error,</p> <p>19 but there was no documentation to back that up that was</p> <p>20 provided to the auditor. So that's definitely one</p> <p>21 reason why I think that it should go for an enforcement</p> <p>22 audit and do a line-by-line audit.</p> <p>23 COMMISSIONER LAIRD: Mr. Chairman?</p> <p>24 CHAIRMAN TITLA: Commissioner Laird?</p> <p>25 COMMISSIONER LAIRD: Following up on</p>		
10:19:12-10:20:29	Page 39	10:21:36-10:22:52	Page 41
<p>1 Is that -- is there a way that we can issue</p> <p>2 the funds to ensure that doesn't happen?</p> <p>3 MS. LARSEN: Chairman, Commissioner Meyer,</p> <p>4 that's -- this is one of the things that we test for</p> <p>5 because the campaign finance -- or the Clean Elections</p> <p>6 Act and our rules specifically state that candidates</p> <p>7 are required to use a single campaign account and --</p> <p>8 and that all campaign finance activity has to be in and</p> <p>9 out of a single campaign account, bank account. So</p> <p>10 this was also a very troubling finding to me, and</p> <p>11 noting that the funds were deposited into a personal</p> <p>12 account and then transferred to a bank account but not</p> <p>13 transferred in their entirety was extremely disturbing</p> <p>14 and is one of the reasons why I want to refer the --</p> <p>15 refer this to an enforcement audit.</p> <p>16 COMMISSIONER MEYER: And just so I</p> <p>17 understand this, they were -- the funds were put into a</p> <p>18 personal account but they were reported as being put in</p> <p>19 the campaign account?</p> <p>20 MS. LARSEN: Chairman, Commissioner, the</p> <p>21 campaign finance reports don't -- don't indicate the</p> <p>22 bank account in which they were deposited into. The</p> <p>23 campaign --</p> <p>24 COMMISSIONER MEYER: And that makes sense</p> <p>25 because there should only be one account you're ever</p>	<p>1 Commissioner Meyer's comment, would the check be made</p> <p>2 out to Mr. Rubalcava personally as opposed to</p> <p>3 specifically being made out to his campaign account, or</p> <p>4 how was he able to deposit it into his personal</p> <p>5 account?</p> <p>6 MS. LARSEN: Chairman, Commissioner Laird,</p> <p>7 that's a very good question. So we -- we do not issue</p> <p>8 the checks here at -- at the Commission. The general</p> <p>9 accounting office issues the checks for the candidates.</p> <p>10 The candidates have to fill out a vendor application</p> <p>11 with the State in order to be put into the system.</p> <p>12 They either have to utilize their Social Security</p> <p>13 number or a federal employer identification number.</p> <p>14 Some candidates choose to use an FEIN and that FEIN is</p> <p>15 used to open their bank account.</p> <p>16 So whatever application they used to submit</p> <p>17 to the State, we don't have any requirements in our</p> <p>18 rules that state you have to use an FEIN, that you</p> <p>19 can't use a personal Social Security number, but</p> <p>20 whichever one they do choose to utilize, it has to</p> <p>21 match the name exactly on record with the IRS. So --</p> <p>22 and I don't know off the top of my head how</p> <p>23 Mr. Rubalcava's was made out. Some campaigns choose to</p> <p>24 use an FEIN that has their campaign name on it exactly</p> <p>25 and then those checks are cut exactly as the</p>		

10:22:55-10:24:08	Page 42	10:25:26-10:27:01	Page 44
<p>1 application is submitted to the general accounting</p> <p>2 office.</p> <p>3 COMMISSIONER LAIRD: Mr. Chairman, it seems</p> <p>4 to me that to the extent that we can developing some</p> <p>5 rules or procedures that would ensure that the check is</p> <p>6 made out to the appropriate bank account as opposed to</p> <p>7 the person individually with an FEIN number. I'm not</p> <p>8 sure what procedures or rules we need to put in place</p> <p>9 to ensure that, but as Commissioner Meyer's question is</p> <p>10 there anything we can do to ensure that doesn't happen,</p> <p>11 it seems to me that might be a positive step.</p> <p>12 MS. LARSEN: Definitely. Chairman,</p> <p>13 Commissioner, that's definitely something that we can</p> <p>14 look into doing.</p> <p>15 MR. COLLINS: If I may, Mr. Chairman</p> <p>16 Commissioner Laird, you know, the State system is set</p> <p>17 up to pay vendors, basically. And so it's always been</p> <p>18 a square peg and a round hole in terms of issuing the</p> <p>19 clean financing. So, you know, there are -- you know,</p> <p>20 we have -- we can -- we can look at that, but that's</p> <p>21 part of the reason why it's the way it is is because</p> <p>22 it's -- there's one system for paying people through</p> <p>23 the -- through the State system and we've sort of --</p> <p>24 we're sort of shoehorned into that right now.</p> <p>25 COMMISSIONER LAIRD: And we have -- I think</p>	<p>1 you know, I don't -- this isn't part of my deal, but</p> <p>2 they have accountants that work with them that are like</p> <p>3 their campaign finance people and so on.</p> <p>4 MS. LARSEN: Yeah. Chairman, yes. They --</p> <p>5 they can choose to be their own treasurer or they can</p> <p>6 hire a treasurer. We here do not give them, you know,</p> <p>7 specific advice. We told them what the rules are, what</p> <p>8 they can and cannot do, but it's very clear that</p> <p>9 campaign funds are not to be deposited into personal</p> <p>10 accounts and personal uses are not to be made with the</p> <p>11 campaign funds. This is strictly for direct campaign</p> <p>12 expenditures, and so with the findings and the audit</p> <p>13 that we received from the auditors, I do feel that a</p> <p>14 line-by-line audit is merited here.</p> <p>15 COMMISSIONER MEYER: Mr. Chairman?</p> <p>16 CHAIRMAN TITLA: Commissioner Meyer.</p> <p>17 COMMISSIONER MEYER: Just to be clear, you</p> <p>18 know, I don't want to prejudge anything regarding</p> <p>19 Mr. Rubalcava and what's happened here. This could all</p> <p>20 be perfectly legitimate and substantiated, but I do</p> <p>21 support Ms. Larsen's position that we should do a full</p> <p>22 audit just to look into it. But I think we should also</p> <p>23 be careful not to be prejudging that anything went on</p> <p>24 here. Let's just do the audit check.</p> <p>25 COMMISSIONER KIMBLE: Mr. Chairman?</p>		
10:24:09-10:25:21	Page 43	10:27:03-10:28:35	Page 45
<p>1 we have no ability to give any directions with respect</p> <p>2 to how our checks might be issued.</p> <p>3 MR. COLLINS: We can talk to them. It's</p> <p>4 just a matter of -- well, it's a matter of -- we can</p> <p>5 talk to them about it.</p> <p>6 COMMISSIONER LAIRD: Okay. Thank you.</p> <p>7 COMMISSIONER PATON: And --</p> <p>8 CHAIRMAN TITLA: Commissioner?</p> <p>9 COMMISSIONER PATON: And these people are</p> <p>10 obviously trained before they can accept this money.</p> <p>11 So they've been told the ins and the outs, the dos and</p> <p>12 the don'ts extensively, I'm assuming.</p> <p>13 MS. LARSEN: Yeah. Chairman, Commissioner</p> <p>14 Paton, yes. Candidates are required to take a course.</p> <p>15 We also have all of our materials online for them to</p> <p>16 review, but yeah, these -- these are standard</p> <p>17 practices. I mean, that's why I feel like the other</p> <p>18 audits, though they might have findings to them, they</p> <p>19 were correctable. They were errors -- typical errors</p> <p>20 that we would see in -- in the course of a campaign</p> <p>21 with such large amounts of money. This is very</p> <p>22 different than any of the audits that I've ever seen in</p> <p>23 my time here at the Commission.</p> <p>24 COMMISSIONER PATON: And like a proposed</p> <p>25 excuse of I'm not -- I'm not an accountant, I don't --</p>	<p>1 CHAIRMAN TITLA: Commissioner.</p> <p>2 COMMISSIONER KIMBLE: Sara, just to be</p> <p>3 clear, so did he respond to any of this stuff? In all</p> <p>4 of the other cases, the people responded or provided</p> <p>5 documentation, but it sounds like he has not.</p> <p>6 MS. LARSEN: Chairman, Commissioner Kimble,</p> <p>7 he -- he responded enough to provide his bank</p> <p>8 statements, documentation when he had it and just an</p> <p>9 explanation that it was bank errors. That's about all</p> <p>10 that the auditors received. Staff is kept out of the</p> <p>11 audits pretty much entirely so that they're solely done</p> <p>12 by an independent auditing agency. And so he may very</p> <p>13 well have documentation that can be provided for these,</p> <p>14 but just the fact that the bank accounts and the</p> <p>15 campaign finance reports are so different, we don't</p> <p>16 know. We don't know. We just don't know at this time</p> <p>17 without doing the full audit.</p> <p>18 CHAIRMAN TITLA: Commissioners?</p> <p>19 (No response.)</p> <p>20 CHAIRMAN TITLA: Okay. I think that, Sara,</p> <p>21 you did a good report here, a comprehensive report, and</p> <p>22 I think that today what Sara is requesting from the</p> <p>23 commissioners is an approval of the audit report and</p> <p>24 for any enforcement audit that will come later.</p> <p>25 MS. LARSEN: Yes.</p>		

10:28:35-10:29:22	Page 46	10:30:55-10:32:26	Page 48
<p>1 CHAIRMAN TITLA: Do we have a motion to</p> <p>2 approve the audit report?</p> <p>3 COMMISSIONER LAIRD: I move to approve.</p> <p>4 CHAIRMAN TITLA: Motion by Commissioner</p> <p>5 Laird to approve.</p> <p>6 Second?</p> <p>7 COMMISSIONER MEYER: Second.</p> <p>8 CHAIRMAN TITLA: Second by Commissioner</p> <p>9 Meyer.</p> <p>10 All in favor say aye.</p> <p>11 (Chorus of ayes.)</p> <p>12 CHAIRMAN TITLA: Any opposed?</p> <p>13 (No response.)</p> <p>14 MS. LARSEN: Thank you.</p> <p>15 CHAIRMAN TITLA: Motion passes unanimously.</p> <p>16 COMMISSIONER LAIRD: Nice job, Sara.</p> <p>17 CHAIRMAN TITLA: The next item here, Item</p> <p>18 VI, discussion and possible action in the following</p> <p>19 enforcement matters.</p> <p>20 MR. COLLINS: Yes. Mr. Chairman, we</p> <p>21 have -- we have four matters. The Arizona Legacy,</p> <p>22 we're not -- we're not in a position to move forward</p> <p>23 with today. So we've got 04, 05, 07 and 08 in front of</p> <p>24 you. I know there are a number of people here to</p> <p>25 speak. Mr. Querard is here who is the complainant in</p>		<p>1 pushed this preinvestigation matter as far as I think</p> <p>2 the Staff has ever pushed it before. And so -- and I</p> <p>3 think you may hear some complaints from that from some</p> <p>4 of the respondents' attorneys, in fact.</p> <p>5 And so it is simply not the case that there</p> <p>6 was any sort of -- whatever rhetoric is used, and you</p> <p>7 will hear this outside of the Commission confines.</p> <p>8 There has been nothing other than an effort to try to,</p> <p>9 you know, get to the bottom of things as much as we can</p> <p>10 under the standard that we have which is, is there</p> <p>11 reason to believe a violation has occurred.</p> <p>12 Two other points I want to make very, very</p> <p>13 quickly. One, sense of proportionality. Some of the</p> <p>14 rhetoric around this issue has talked about the</p> <p>15 Democratic party being -- using Clean Elections as some</p> <p>16 kind of enormous subsidy. The handout I provided you</p> <p>17 at the beginning of this meeting shows that the</p> <p>18 Democratic party raised almost \$2 million in the last</p> <p>19 election cycle and that the total amount of MUR 05, for</p> <p>20 example, is something on the order of \$66,000.</p> <p>21 So the scale of the rhetoric and the scale</p> <p>22 of -- even if that was all donations, which it</p> <p>23 wasn't -- and we'll get to that in a second -- well, at</p> <p>24 least we don't have reason to believe it was -- the</p> <p>25 scale is out of proportion to the rhetoric just -- just</p>	
10:29:26-10:30:52	Page 47	10:32:29-10:33:54	Page 49
<p>1 04 and 05. Mr. Barton is here who is the respondent's</p> <p>2 attorney in 05. Mr. Gaona is here. He's the</p> <p>3 respondent attorney in 04. So if we take those two</p> <p>4 together. And then on 05, Mr. Gaona is here. I</p> <p>5 didn't, you know, sort of mandate that the attorneys</p> <p>6 for the House and Senate Victory PACs attend and</p> <p>7 they're not here, but, you know, and -- but we can talk</p> <p>8 about that when we get to that.</p> <p>9 I don't want to belabor the executive</p> <p>10 director's note that I wrote on MUR 04, 05. I just</p> <p>11 want to simply say before we get into it, that, you</p> <p>12 know, I've talked -- we've heard both publicly and then</p> <p>13 I've heard privately from folks, some but not all</p> <p>14 oppose the Clean Elections Act in the first place</p> <p>15 who have -- you know, who's expressed their anger or,</p> <p>16 you know, varying degrees of frustration with -- with</p> <p>17 my recommendation in some terms more extreme than</p> <p>18 others. I want to make two points clear.</p> <p>19 First, you heard Sara talk about</p> <p>20 enforcement audits and there's the enforcement audits</p> <p>21 and our random audits. When we selected the specific</p> <p>22 audits of the folks who have been selected for random</p> <p>23 audits that target specific transactions in those</p> <p>24 audits, that was akin to an enforcement audit and we</p> <p>25 did that without Commission authority. So the Staff</p>		<p>1 based on the raw numbers.</p> <p>2 And finally, I want to call your attention</p> <p>3 to the other handout which is the rules that we're</p> <p>4 operating under, and Rule 702(B) says that, in fact, a</p> <p>5 participating candidate's payment from a campaign</p> <p>6 account to a political committee or civic organization</p> <p>7 is not a contribution if the payment is reasonable in</p> <p>8 relation to the value received. That's the rules.</p> <p>9 Now, there are two strings of conversation to be had</p> <p>10 here. One is should that be the rule? Ought we allow</p> <p>11 that to continue to be the case?</p> <p>12 You have to understand, though, that</p> <p>13 parties are political committees so understand how that</p> <p>14 rule works. That's one question and that's a question</p> <p>15 that's open to the Commission in all of my -- all of --</p> <p>16 both the MUR memos and my note indicates that's a</p> <p>17 question for the Commission to ask on the go-forward</p> <p>18 basis, but -- but we are not at a place where we're</p> <p>19 able to say that there's reason to believe a violation</p> <p>20 occurred based on the findings and the memo.</p> <p>21 So I can go through those in some -- in</p> <p>22 more detail or less. I can, you know -- I don't really</p> <p>23 have a lot to add if you reviewed them. I know that</p> <p>24 Mr. Querard has, you know, a number of -- I mean -- I</p> <p>25 mean, has, I think, an additional case to make and</p>	

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<p>1 would like to do that. I'm happy to -- I'm happy to</p> <p>2 turn the floor over to him if you -- if Mr. Chairman</p> <p>3 allows and then -- and go -- and go from there unless</p> <p>4 you have specific questions about the recommendations,</p> <p>5 in which case I'm happy to answer those questions.</p> <p>6 CHAIRMAN TITLA: Any questions by the</p> <p>7 commissioners?</p> <p>8 (No response.)</p> <p>9 CHAIRMAN TITLA: With regard to MUR 16-004,</p> <p>10 Corin Hammond, do we have any statement or action?</p> <p>11 MR. COLLINS: I would simply say in that</p> <p>12 respect we have two issues as we understand the</p> <p>13 complaint, one having to do with failure to identify a</p> <p>14 subvendor. The -- Ms. Hammond essentially paid a</p> <p>15 person, gave money to another person to go out and buy</p> <p>16 stuff. There is an obligation to report a subvendor.</p> <p>17 You can see that we were communicating with her -- I</p> <p>18 think if Exhibit F is the exhibit there -- more or less</p> <p>19 simultaneously with the complaint being filed or</p> <p>20 thereabouts -- pardon?</p> <p>21 MS. LARSEN: Prior to.</p> <p>22 MR. COLLINS: Prior to. Prior to the</p> <p>23 complaint that hadn't been corrected yet by the time</p> <p>24 the complaint came in. So that had been corrected.</p> <p>25 I think with respect to the -- so that's</p>	<p>1 say you've got to use it for direct campaign purposes.</p> <p>2 We say you can use it for payments to a -- to a</p> <p>3 committee or civic organization and then we say what</p> <p>4 you can't do. And so, you know, if you think about it</p> <p>5 from that framework, you know -- you know, it's hard</p> <p>6 for us looking at where we are to -- based on the</p> <p>7 information we have, we just can't find reason to</p> <p>8 believe that there's not reasonable value paid for the</p> <p>9 services received.</p> <p>10 And that's our conclusion as far as reason</p> <p>11 to believe. So if that answers your question.</p> <p>12 CHAIRMAN TITLA: Do we need to take any</p> <p>13 action on that?</p> <p>14 MR. COLLINS: We would recommend -- we</p> <p>15 would ask -- obviously, I think you'd want to allow</p> <p>16 public comment, but we would ask that you -- that</p> <p>17 you-all -- you could take no action, but I would ask</p> <p>18 that we would -- we're looking for you to vote to find</p> <p>19 no reason to believe so that we can close this matter.</p> <p>20 CHAIRMAN TITLA: Any public comment on the</p> <p>21 MUR 16-004, Corin Hammond?</p> <p>22 Yes, sir.</p> <p>23 MS. THOMAS: Please state your name for the</p> <p>24 record, please.</p> <p>25 MR. QUERARD: Sure. It's Constantin</p>		
10:35:24-10:36:51	Page 51	10:38:10-10:39:12	Page 53
<p>1 why we find a reasonable to believe on the failure to</p> <p>2 itemize. With respect to the joint expenditures</p> <p>3 issue -- and this cuts across both issues and, again,</p> <p>4 this is my recommendation. Not everyone is going to</p> <p>5 agree with it. There is a Facebook ad that says come</p> <p>6 work for us and you get to work on our campaign and</p> <p>7 these federal candidate campaigns. And jumping off</p> <p>8 from that point was, I think, the assumption that, you</p> <p>9 know, I don't think at the time it was necessarily</p> <p>10 incorrect to say, hey, what's the -- what's the deal</p> <p>11 with this? This looks like a joint expenditure.</p> <p>12 The response we got essentially said that</p> <p>13 didn't get off the ground; it never became a joint</p> <p>14 expenditure. If I'm mischaracterizing it, Andy will</p> <p>15 correct me, I'm sure, but essentially the response was</p> <p>16 that that's not in fact what happened; that that</p> <p>17 Facebook ad is not ultimately evidence of a joint</p> <p>18 expenditure because the joint expenditure didn't</p> <p>19 happen. And Ms. Hammond participated in an exchange</p> <p>20 with the Democratic party which, you know, we don't</p> <p>21 have reason to believe is -- was not of reasonable</p> <p>22 value. And so we don't have reason to believe that</p> <p>23 there's a -- that there is a violation.</p> <p>24 If you look at the handout, that 702 and</p> <p>25 703 -- 702 together -- 702(A), (B) and (C) together, we</p>	<p>1 Querard.</p> <p>2 MR. COLLINS: With no E.</p> <p>3 MR. QUERARD: That's fine. We'll accept</p> <p>4 any spelling that gets close.</p> <p>5 The matter in this case is probably more a</p> <p>6 question of the specificity of reporting. When we as</p> <p>7 the public, whether we are involved in campaigns or</p> <p>8 not, look at these reports and we see a \$6,000 payment</p> <p>9 made for a coordinated campaign and the response</p> <p>10 indicated that this was not consulting or training but</p> <p>11 rather specifically voter contact, as someone running</p> <p>12 campaigns I'm wondering what they got for their money,</p> <p>13 what they do with their money.</p> <p>14 A payment six days before the primary for</p> <p>15 \$6,000 for voter contact, you know, I want to make sure</p> <p>16 they're not prepaying general expenses, which has</p> <p>17 happened in years past. I want to make sure -- and</p> <p>18 then the exact same \$6,000 payment for the general</p> <p>19 election period was odd because you had an uncontested</p> <p>20 primary and you spent the same on that as you did for a</p> <p>21 contested general. But what is a coordinated campaign?</p> <p>22 I mean, do the public have a right -- whether they're</p> <p>23 interested in the race or not, do they have a right to</p> <p>24 know what that is?</p> <p>25 If Mr. Collins has looked at it and has</p>		

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<p>1 seen what they got for their money and says it's fine,</p> <p>2 it's legit, we're comfortable, then I'm comfortable,</p> <p>3 although I still have no idea and I don't think anybody</p> <p>4 else in this room has any idea what the Clean Elections</p> <p>5 money was spent on.</p> <p>6 And so if there can be some level of detail</p> <p>7 provided in the reporting so the public knows what it</p> <p>8 was spent on and has an element of comfort, I think</p> <p>9 that might be the one improvement that could be made</p> <p>10 because a complaint like mine is actually reasonable</p> <p>11 given the information we have.</p> <p>12 The response basically said, oh, it wasn't</p> <p>13 consulting. It was just voter contact. And I do both</p> <p>14 consulting and voter contact, and \$6,000 even for voter</p> <p>15 contact with no information beyond that is an odd</p> <p>16 number. If I do -- and there should be detail</p> <p>17 available. If I do an autodialer and it's 850 bucks, I</p> <p>18 can tell you how many calls, on what date. I can give</p> <p>19 you a copy of the message. I can give you a copy of</p> <p>20 the list of phone numbers we called. It can be very,</p> <p>21 very specific.</p> <p>22 There's a danger if -- and I guess what I'm</p> <p>23 looking for in this, and particularly the follow-up</p> <p>24 complaint, is just to what kind of know what the rules</p> <p>25 of the game are. What do you guys want? Is it okay if</p>		<p>1 issue works out in terms of going forward, you know,</p> <p>2 how we divide -- if the Commission reaches a point</p> <p>3 where it wants to get into those details, how those</p> <p>4 details play out.</p> <p>5 We don't know the answer to that question,</p> <p>6 but it's -- but I do want to make clear that -- that</p> <p>7 the purpose of the memo was to acknowledge the issue</p> <p>8 that you raised and then -- and try to distinguish that</p> <p>9 from some of the -- the political stuff that other</p> <p>10 folks may have -- may have raised. And if I conflated</p> <p>11 those two things, that's my responsibility, but -- but</p> <p>12 I do understand what you're saying.</p> <p>13 MR. QUERARD: Okay. I appreciate it.</p> <p>14 CHAIRMAN TITLA: Any questions by the</p> <p>15 commissioners?</p> <p>16 COMMISSIONER PATON: Well, I don't know if</p> <p>17 I have a question or a statement or -- I think -- I'm</p> <p>18 sure I'm going to say this wrong. I don't have my</p> <p>19 glasses. Constantin -- I'm sorry about your last</p> <p>20 name -- I think he raises a good issue, just a blanket</p> <p>21 campaign or something like that. I think we should be</p> <p>22 transparent and say what it is and delineate it. I</p> <p>23 don't -- maybe that's a lot of effort on everybody's</p> <p>24 part, but this is the public's money. And with all</p> <p>25 these other audit things going on, you see some of</p>	
10:40:20-10:41:25	Page 55	10:42:41-10:44:18	Page 57
<p>1 my clients just write me a check for campaign, 6,000</p> <p>2 bucks? Obviously campaigns is what we do. 6,000</p> <p>3 bucks, campaign. If that's all you need in the memo</p> <p>4 line, then that's what I want to know so I can tell</p> <p>5 them that's all that they need.</p> <p>6 If you'd like more detail, then I'd like</p> <p>7 you to ask for it in this case so that those who are</p> <p>8 going to be looking at it can have some idea what was</p> <p>9 purchased for the money; otherwise, we're -- we're</p> <p>10 flying blind. So that -- that would be the one thing.</p> <p>11 If Mr. Collins says it's legit, I have no reason to</p> <p>12 doubt it. I just have no idea what it was.</p> <p>13 MR. COLLINS: If I may, Mr. Chairman,</p> <p>14 just -- you know, just to address that point. I</p> <p>15 think -- and as I said at the beginning, I think that</p> <p>16 based on the Facebook ad, the complaint -- you know, I</p> <p>17 mean, I understood the complaint and the purpose of the</p> <p>18 complaint when it came in. I mean, that was a --</p> <p>19 that's probably the reason we sent it out and looked at</p> <p>20 it. And I do take -- and I think that -- just to</p> <p>21 separate the two strains here.</p> <p>22 I do think that you raised -- and just to</p> <p>23 make clear in my cover memo, to the extent that it left</p> <p>24 anything for interpretation, it was, you know, simply</p> <p>25 to say you've raised an issue. We don't know how that</p>		<p>1 these things that are, at the very least, troubling,</p> <p>2 then I think delineating something -- if that's true</p> <p>3 that's just \$6,000 to campaign, I would feel more</p> <p>4 comfortable if it was delineated out what that actually</p> <p>5 meant, what it was spent for, calls or for this company</p> <p>6 here or whatever.</p> <p>7 Secondly, since I am fairly new, I am kind</p> <p>8 of uncomfortable with having these Clean Election</p> <p>9 things -- people being so involved with the party,</p> <p>10 paying the party to do whatever. I understand it's</p> <p>11 probably easy for them, but my idea is the party can</p> <p>12 kind of strongarm them and say, you know, you've got</p> <p>13 all this Clean Elections money; we can really use that,</p> <p>14 and if you don't go with us on this stuff and use us,</p> <p>15 then we're not going to really back you or something to</p> <p>16 that effect.</p> <p>17 So, anyway, that's just a statement I have.</p> <p>18 COMMISSIONER LAIRD: Mr. Chairman?</p> <p>19 CHAIRMAN TITLA: Commissioner Laird.</p> <p>20 COMMISSIONER LAIRD: My view on this,</p> <p>21 Director Collins, legally in terms of whether or not</p> <p>22 it's -- if there's been a joint expenditure is a little</p> <p>23 different than yours. I understand that it requires an</p> <p>24 agreement, but in my view, there is an agreement. And</p> <p>25 let me tell you how I get there and I think it's fairly</p>	

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<p>1 clear. And, you know, I think it's fairly clear that</p> <p>2 the Democratic party -- and the same as for the</p> <p>3 Republican party -- I mean, they act on behalf of</p> <p>4 numerous candidates. They are, in effect, acting as an</p> <p>5 agent in the political process for those candidates.</p> <p>6 So in my view, an agreement with the</p> <p>7 Democratic party is the same as the agreement with</p> <p>8 other candidates and, therefore, I think there is an</p> <p>9 agreement and, therefore, I think it is a joint</p> <p>10 expenditure. And I don't believe anything has gone</p> <p>11 wrong here, but I share the concern of my fellow</p> <p>12 commissioner and of the complainant, that not knowing</p> <p>13 what the 6,000 was for, whether it should have been</p> <p>14 split proportionately. I mean, it's hard to know that</p> <p>15 because I don't even know what it was for. I don't</p> <p>16 know the fair market value of what that might be. We</p> <p>17 certainly don't want funds going to the party in</p> <p>18 general.</p> <p>19 And so in my mind, my questions aren't</p> <p>20 answered at this point. I don't think there's reason</p> <p>21 to find cause --</p> <p>22 MR. COLLINS: Right.</p> <p>23 COMMISSIONER LAIRD: -- reasonable cause</p> <p>24 that there has been a violation, but I'm not sure I'm</p> <p>25 comfortable voting that there -- that I know enough</p>		<p>1 may not be the case that they're an agent for this</p> <p>2 purpose.</p> <p>3 MR. COLLINS: Sure.</p> <p>4 COMMISSIONER LAIRD: But it could be, and I</p> <p>5 think our job --</p> <p>6 MR. COLLINS: Sure.</p> <p>7 COMMISSIONER LAIRD: -- as commissioners,</p> <p>8 we should be tough in our analysis of ourselves to how</p> <p>9 the money is spent. And we ought to be as scrupulous</p> <p>10 as we possibly can and, therefore, I would feel more</p> <p>11 comfortable if I knew what the 6,000 was for.</p> <p>12 MR. COLLINS: Sure.</p> <p>13 COMMISSIONER LAIRD: If there was no</p> <p>14 relationship whatsoever that would -- that benefitted</p> <p>15 any other candidate in any way, then, okay, maybe there</p> <p>16 was no agency relationship as to that expenditure. But</p> <p>17 if, in fact, other candidates benefitted, which may be</p> <p>18 the case here -- I don't know what the 6,000 -- if it</p> <p>19 was the get out to vote campaign or something, and I</p> <p>20 think it would benefit multiple candidates. And,</p> <p>21 therefore, in that case, I think there may be an agency</p> <p>22 relationship and a joint expenditure.</p> <p>23 MR. COLLINS: Well, that -- Mr. Chairman,</p> <p>24 Commissioner Laird, I see that point. I do think that</p> <p>25 the response that we have at exhibit Bates Number 14</p>	
10:45:21-10:46:18	Page 59	10:47:13-10:48:36	Page 61
<p>1 facts now to vote that there is no cause.</p> <p>2 MR. COLLINS: And, Mr. Chairman,</p> <p>3 Commissioner Laird, I think that's a fair point, and</p> <p>4 I'll respond to that on two levels. On the joint</p> <p>5 expenditure point, there are many candidates who share</p> <p>6 consultants who would serve the same purpose as the</p> <p>7 party here. The logic that you extend would mean that</p> <p>8 every consultant who works with more than one candidate</p> <p>9 is in a joint agreement with all of those candidates</p> <p>10 and those are all joint expenditures. We haven't</p> <p>11 followed that practice in the past.</p> <p>12 I think Mr. Querard would stipulate that we</p> <p>13 have not had a practice of if you represent more than</p> <p>14 one Clean Elections candidate, you are joint -- all of</p> <p>15 your expenditures on behalf of those candidates are</p> <p>16 joint expenditures.</p> <p>17 Correct?</p> <p>18 MR. QUERARD: Correct.</p> <p>19 MR. COLLINS: Yeah. So that would change</p> <p>20 the dynamic of how we do things. Although, I see your</p> <p>21 point in terms of once you have one agent.</p> <p>22 COMMISSIONER LAIRD: Well, that's why I</p> <p>23 think we need to know.</p> <p>24 MR. COLLINS: Yeah.</p> <p>25 COMMISSIONER LAIRD: I mean, I agree. It</p>		<p>1 through 16 does provide the detail in response to the</p> <p>2 complaint. In other words, the complaint was was this</p> <p>3 shared between these two federal candidates? That's</p> <p>4 denied.</p> <p>5 We -- there's a -- if there's a</p> <p>6 supplemental complaint to be brought around the</p> <p>7 question of whether or not there's specificity, I mean,</p> <p>8 I think -- I may be missing it, but I think that</p> <p>9 Mr. Gaona can probably address, to some extent, that</p> <p>10 there was an individual agreement with Ms. Hammond, if</p> <p>11 he's comfortable doing that. He doesn't have to, but I</p> <p>12 took the response to the complaint to be -- to be</p> <p>13 focused on the complaint as opposed to necessarily some</p> <p>14 of the policy issues that might be underlying your</p> <p>15 concerns, which are fair and maybe more appropriately</p> <p>16 raised in the MUR 05 which gets into a broader spectrum</p> <p>17 of -- of issues.</p> <p>18 And you might address that with Mr. -- but</p> <p>19 I'd leave it to Andy if he wants to -- if he has any</p> <p>20 further things that he'd like to add on this point. I</p> <p>21 just want to -- I don't want to state Ms. Hammond's</p> <p>22 position for her if I'm missing it, if I'm doing it</p> <p>23 incorrectly.</p> <p>24 MR. GAONA: Mr. Chairman --</p> <p>25 MS. THOMAS: You want to state your name?</p>	

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<p>1 MR. GAONA: I'm sorry. Andy Gaona with</p> <p>2 Coppersmith Brockelman here on behalf of Corin Hammond,</p> <p>3 the respondent in MUR 004.</p> <p>4 First, Mr. Chairman, members of the</p> <p>5 Commission, let me apologize for my voice. I</p> <p>6 appreciate many of the things my one-year-old brings</p> <p>7 home from daycare, the sickness du jour not being one</p> <p>8 of them.</p> <p>9 I want to make a couple of points, and let</p> <p>10 me first directly address what -- the concern that's</p> <p>11 been addressed by Commissioner Laird and Commissioner</p> <p>12 Paton and that Mr. Collins hinted at what my response</p> <p>13 would be. And I would say that I more or less agree</p> <p>14 with what Mr. Collins said. The issue here is --</p> <p>15 stemmed from a campaign finance reporting of \$6,000 for</p> <p>16 services provided by the Democratic party's coordinated</p> <p>17 campaign. Those were reported as consulting services</p> <p>18 like any other consulting service would be reported.</p> <p>19 That's how the campaign finance system allows you to</p> <p>20 report those.</p> <p>21 For example, if a candidate hired</p> <p>22 Mr. Querard's consulting firm, Grassroots, they might</p> <p>23 report a -- some amount. Pick the amount. \$2,000,</p> <p>24 \$3,000 or \$6,000 for consulting services. What the</p> <p>25 campaign finance system does not currently require is a</p>	<p>1 denial. It provides an explanation of what services</p> <p>2 were provided during the primary period and makes clear</p> <p>3 that a separate payment was made for services to be</p> <p>4 provided to Ms. Hammond's campaign by the coordinated</p> <p>5 campaign during the general election period.</p> <p>6 There's no question about that. And we've</p> <p>7 been fully transparent in terms of responding to the</p> <p>8 request that had been made of Ms. Hammond by Staff in</p> <p>9 terms of processing this complaint, but I want to just</p> <p>10 make one more point. And I'll defer on everything else</p> <p>11 to our papers and to the executive director's report</p> <p>12 with respect to this complaint which I think was very</p> <p>13 thoroughly researched and very thoroughly done, and I'd</p> <p>14 like to thank Mr. Collins and his staff for that.</p> <p>15 How this complaint was processed raises a</p> <p>16 structural issue that I want to just bring to the</p> <p>17 Commission's attention, and it's a structural issue</p> <p>18 that affects candidates. In the presentation that was</p> <p>19 given by Staff earlier about all of the Commission's</p> <p>20 outreach efforts, there was a focus on the preamble and</p> <p>21 the real goal of this Commission to increase citizen --</p> <p>22 or to increase public participation in the political</p> <p>23 process. And I think that has two aspects. One is</p> <p>24 voter -- is voter turnout, increasing voter turnout,</p> <p>25 increasing voter engagement. The second part is</p>		
10:49:48-10:51:02	Page 63	10:52:24-10:53:36	Page 65
<p>1 line item specification as to what services were</p> <p>2 provided there. So the same issue that's been</p> <p>3 identified in terms of specificity and how public funds</p> <p>4 were or were not spent exists with respect to both the</p> <p>5 Democratic party acting as a vendor and to Grassroots</p> <p>6 acting as a vendor or any other consultant acting as a</p> <p>7 vendor.</p> <p>8 And that may be a problem -- a policy</p> <p>9 problem that needs to be addressed either through rule</p> <p>10 making or at the statutory level if the Commission is</p> <p>11 concerned with increasing transparency in terms of how</p> <p>12 public funds are spent, but given the regulations and</p> <p>13 the laws as they existed at the time this report was</p> <p>14 made, how it was reported was perfectly lawful. And</p> <p>15 Ms. Hammond has gone above and beyond what was normally</p> <p>16 required, as Mr. Collins' executive director's note</p> <p>17 points out, in terms of providing information to</p> <p>18 satisfy Commission Staff that this expenditure was</p> <p>19 proper and was lawful.</p> <p>20 In terms of what services were or were not</p> <p>21 provided and Mr. Querard's speculation about what those</p> <p>22 were, what the -- what Staff and what the Commission</p> <p>23 has to consider is what the actual evidence is and what</p> <p>24 has been provided to the Commission, and as Mr. Collins</p> <p>25 pointed out, our response provides that evidence, the</p>	<p>1 encouraging people who want to run for office, to in</p> <p>2 fact, run for office.</p> <p>3 And the structure created by the Clean</p> <p>4 Elections Act allows people to do that. What they</p> <p>5 shouldn't have to do, though, is respond endlessly to</p> <p>6 complaints and supplemental complaints, and again,</p> <p>7 supplemental complaints that are -- that come in on the</p> <p>8 day before a Clean Elections meeting that come in from</p> <p>9 a serial complainant who is -- has partisan motivations</p> <p>10 for bringing those. It requires candidates to divert</p> <p>11 their attention from what they're supposed to be doing</p> <p>12 which is getting their message out to voters and trying</p> <p>13 to win office.</p> <p>14 And there's a -- there's certainly an</p> <p>15 element of transparency here, and as I stated earlier,</p> <p>16 Ms. Hammond was fully transparent with respect to this</p> <p>17 process and with respect to responding to the</p> <p>18 complaint. It's another thing entirely to require her</p> <p>19 to engage attorneys to review everything that comes in</p> <p>20 for Mr. Querard here who -- I think there are four or</p> <p>21 five separate documents that were filed with the</p> <p>22 Commission that as a careful lawyer I don't want to</p> <p>23 leave unanswered. I don't want there to be questions</p> <p>24 in your mind, but that requires an expense that I think</p> <p>25 is unnecessary, that I think is inconsistent with the</p>		

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<p>1 purposes of the Clean Elections Act.</p> <p>2 So this is more of another policy -- an</p> <p>3 overarching policy issue that I think the Commission</p> <p>4 needs to consider going forward which is, is there a</p> <p>5 more efficient way to process complaints so that a</p> <p>6 candidate who is operating under limited resources and</p> <p>7 can use those resources for very limited purposes</p> <p>8 doesn't have to spend both time and resources in</p> <p>9 responding to these seriatim-style requests for</p> <p>10 information that are really nothing more, as one of the</p> <p>11 letters from Mr. Querard noted it, than this piqued my</p> <p>12 interest or this sparked my curiosity?</p> <p>13 The Commission should be concerned with</p> <p>14 actual violations and not piquing the interest or -- or</p> <p>15 forcing someone to satisfy the interest of a</p> <p>16 complainant. And I think that's largely what this has</p> <p>17 devolved into, and I think it's unfortunate.</p> <p>18 There are certainly legitimate policy</p> <p>19 concerns at issue here, and if -- again, if the</p> <p>20 Commission wants to address those going forward with</p> <p>21 new rule making, I think that would be the proper way</p> <p>22 to do it, but with respect to the regulations as they</p> <p>23 existed when this complaint came in and Ms. Hammond's</p> <p>24 conduct and her payment of the Arizona Democratic party</p> <p>25 as a vendor, each of those steps was allowed under the</p>		<p>1 not other candidates benefitted equally and therefore</p> <p>2 should have share proportionately in the expenses. And</p> <p>3 so that's what I'm struggling with as a commissioner.</p> <p>4 I understand what you're saying. It may</p> <p>5 just be the subject of rules going forward, but as to</p> <p>6 this specific complaint, I wish I knew more about what</p> <p>7 the \$6,000 was for, more about what the fair market</p> <p>8 value of that might be and whether or not other</p> <p>9 candidates, because of the nature of the services,</p> <p>10 benefitted from that. And I don't feel like I'm in a</p> <p>11 position to make that decision today.</p> <p>12 MR. GAONA: Mr. Chairman, Commissioner</p> <p>13 Laird, let me try to address your question. And I</p> <p>14 think in part you have to view this matter under review</p> <p>15 in tandem with the next one on the agenda because they</p> <p>16 all relate to the Democratic coordinated campaign, and</p> <p>17 as it turns out, given the needs of a particular</p> <p>18 district or however it was -- it was done, different</p> <p>19 candidates paid in different amounts.</p> <p>20 You had, for example, a statewide race</p> <p>21 where the buy-in to the coordinated campaign was</p> <p>22 larger, as I believe Mr. Barton will address. That's a</p> <p>23 statewide race. It's going to require more resources,</p> <p>24 more time and more consulting as would be required for</p> <p>25 a race of that scale. Our response -- and I don't have</p>	
10:54:52-10:55:44	Page 67	10:56:55-10:58:23	Page 69
<p>1 laws that existed at the time, and I think that it</p> <p>2 would be perfectly appropriate to enter a finding of --</p> <p>3 or to accept, rather, the recommendation of Staff that</p> <p>4 there's no reason to believe that a violation of the</p> <p>5 act has occurred here.</p> <p>6 With that, I'd be happy to answer any</p> <p>7 questions.</p> <p>8 CHAIRMAN TITLA: Commissioners, any</p> <p>9 questions?</p> <p>10 COMMISSIONER LAIRD: Yes.</p> <p>11 CHAIRMAN TITLA: Commissioner Laird?</p> <p>12 COMMISSIONER LAIRD: Counselor, you'd agree</p> <p>13 with me that my job as a commissioner and the job of</p> <p>14 the Commission is not just to make sure reports are</p> <p>15 filed but that the money that we administer is spent</p> <p>16 properly, consistent with the statute and the</p> <p>17 intentions of the statute.</p> <p>18 MR. GAONA: I'd agree with that,</p> <p>19 Commissioner.</p> <p>20 COMMISSIONER LAIRD: And what evidence do I</p> <p>21 have, given this general description -- and I'll give</p> <p>22 you the minimum threshold has been met with respect to</p> <p>23 filing. I'll give you that, but I honestly can't</p> <p>24 determine whether or not the \$6,000 -- you know, \$6,000</p> <p>25 worth of fair market value was received and whether or</p>		<p>1 the Bates numbering that Mr. Collins was referring to,</p> <p>2 but it's at -- it's Exhibit B, at the bottom of the</p> <p>3 first page of the response really through the end</p> <p>4 details the types of services that were provided here.</p> <p>5 In addition, there was a sworn statement</p> <p>6 that we obtained from the former executive director of</p> <p>7 the Arizona Democratic party who attested to the fact</p> <p>8 that services were provided by the coordinated campaign</p> <p>9 to Ms. Hammond in proportion to what she paid into</p> <p>10 this. That -- I'm not quite sure what else we need to</p> <p>11 do at that point to justify the fact that the \$6,000</p> <p>12 that was paid for the primary and the \$6,000 that was</p> <p>13 paid for the general was in exchange for services</p> <p>14 provided by a vendor who acted as a vendor like any</p> <p>15 other in this case.</p> <p>16 I have never seen the Commission delve into</p> <p>17 what the fair market value of the services provided by</p> <p>18 a vendor are. And I think those are judgments that</p> <p>19 could be made if there were rules that specified really</p> <p>20 how that related to the Democratic party acting as a</p> <p>21 vendor versus Mr. Querard acting as a vendor because</p> <p>22 what I believe to be the fair market value of</p> <p>23 consulting services provided by Mr. Querard might</p> <p>24 differ from his view or just here -- as here where he</p> <p>25 seems to have questions about the Democratic party's</p>	

10:58:25-10:59:42	Page 70	11:01:02-11:02:23	Page 72
<p>1 provision of vendor services, there may be entirely</p> <p>2 different views about what it is.</p> <p>3 And if that's a road that the Commission</p> <p>4 wants to go down, again, I think that is best addressed</p> <p>5 through the rule-making process and through requiring</p> <p>6 line item specification as to what services were</p> <p>7 provided if you report, for example, a payment of a</p> <p>8 certain amount of money for consulting services because</p> <p>9 that can mean a whole host of things.</p> <p>10 And, again, I want to reiterate that that</p> <p>11 level of specificity was not required of Ms. Hammond at</p> <p>12 the time she made this reporting and is not currently</p> <p>13 required under the rules as they exist today. And</p> <p>14 that's a policy change that may have value and may be</p> <p>15 perfectly consistent with the purpose of the Clean</p> <p>16 Elections Act. It may be perfectly consistent with</p> <p>17 ensuring that public dollars get spent in a way that's</p> <p>18 consistent with the act.</p> <p>19 I continue to believe that, based on the</p> <p>20 response and the sworn statement that was provided by</p> <p>21 Sheila Healy, that as the executive director's note</p> <p>22 provides, that there is no reason to believe that a</p> <p>23 violation has occurred here with respect to</p> <p>24 Ms. Hammond, and that's all I'm asking that the</p> <p>25 Commission do today.</p>		<p>1 organization is not a contribution if the payment is</p> <p>2 reasonable in relation to the value received. I think</p> <p>3 the point Commissioner Laird is making is we don't know</p> <p>4 that we have enough information here to know if it was</p> <p>5 reasonable in relation to the value received.</p> <p>6 I don't know that we're asking for</p> <p>7 additional information that was not required. I think</p> <p>8 we're asking for information that will allow us to make</p> <p>9 the determination that is in the rules. I don't think</p> <p>10 we're asking for -- for something new.</p> <p>11 MR. COLLINS: If I may, Mr. Chairman,</p> <p>12 Commissioner Kimble, the one -- the one distinction I</p> <p>13 would draw there is where we are in the process. And</p> <p>14 the standard -- our evidentiary standard is reason to</p> <p>15 believe a violation has occurred. And so once --</p> <p>16 based -- and this is based on the framework we have in</p> <p>17 place. Once the candidate comes forward with proof</p> <p>18 that there was a direct campaign expenditure -- which</p> <p>19 there's no debate that this was a direct campaign</p> <p>20 expenditure. The only debate is about the detail --</p> <p>21 the question of whether or not it's reasonable or not,</p> <p>22 the burden then shifts to the Commission to say there's</p> <p>23 reason to believe it was unreasonable.</p> <p>24 And so I think that -- for lack of a better</p> <p>25 way of putting it, that's the -- that's the procedural</p>	
10:59:42-11:00:59	Page 71	11:02:26-11:03:27	Page 73
<p>1 CHAIRMAN TITLA: Commissioners?</p> <p>2 COMMISSIONER PATON: If I may.</p> <p>3 CHAIRMAN TITLA: Commissioner Paton.</p> <p>4 COMMISSIONER PATON: I would just say I</p> <p>5 agree with you. I agree with Mr. Collins' assessment</p> <p>6 of the whole deal. It just does trouble me that it's</p> <p>7 not more specific, but I think under the rules of the</p> <p>8 game as they were written -- and as in any game, things</p> <p>9 evolve, and so this is something maybe we need to</p> <p>10 address how much specificity do we need and so that --</p> <p>11 I mean, that's kind of where I'm at.</p> <p>12 I understand that he needs some direction</p> <p>13 as to what he can do in future elections, and so I</p> <p>14 think that's part of it. I can kind of -- I understand</p> <p>15 that maybe you think he's doing a fishing expedition</p> <p>16 and maybe constantly complaining. I'm not -- I don't</p> <p>17 know that, but maybe that will help us with our rules</p> <p>18 in the future.</p> <p>19 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>20 CHAIRMAN TITLA: Commissioner.</p> <p>21 COMMISSIONER KIMBLE: I think -- I'm</p> <p>22 sympathetic to what Commissioner Laird says,</p> <p>23 particularly in regard to our rules, R2-20-702(B), that</p> <p>24 says a participating candidate's payment from a</p> <p>25 campaign account to a political committee or civic</p>		<p>1 framework we're operating in. So part of the reason</p> <p>2 the questions that you have are harder to answer in</p> <p>3 this context as opposed to in a policy meeting context</p> <p>4 is because the framework we have says once you show</p> <p>5 that it's a direct campaign expenditure -- which</p> <p>6 there's no dispute, I don't think, among the</p> <p>7 commissioners or anyone that this is a direct campaign</p> <p>8 expenditure.</p> <p>9 COMMISSIONER LAIRD: I'm not --</p> <p>10 MR. COLLINS: Wait. Maybe there is.</p> <p>11 COMMISSIONER LAIRD: I'm not sure that I</p> <p>12 agree with that.</p> <p>13 MR. COLLINS: Well, maybe you don't, but</p> <p>14 the more important point to -- to Commissioner Kimble's</p> <p>15 point is the burden -- the burden we have, if you will,</p> <p>16 is, is there reason to believe? And so that means we</p> <p>17 would have to have reason to believe that the value was</p> <p>18 unreasonable, to put it another way. And so whether we</p> <p>19 have enough information to conclude that there's reason</p> <p>20 to believe it was reasonable is not the question. The</p> <p>21 question is do we have reason to believe that it's</p> <p>22 unreasonable? It's the inverse of the question I think</p> <p>23 we're sort of focused on, if you follow.</p> <p>24 MR. GAONA: And, Mr. Chairman, Commissioner</p> <p>25 Kimble and Commissioner Laird, to somewhat address that</p>	

11:03:28-11:04:43	Page 74	11:05:29-11:06:42	Page 76
<p>1 point, I think there's an issue here of the burden, and</p> <p>2 I think this is really what Mr. Collins is referring to</p> <p>3 which is a complaint was filed that says -- essentially</p> <p>4 says I think that that sum is unreasonable and it seems</p> <p>5 to me that it might -- it seems to me that it might</p> <p>6 have applied across the two different election periods,</p> <p>7 the general and the primary election period.</p> <p>8 We were asked by Staff to respond to that</p> <p>9 complaint, and in so doing, we fully complied with --</p> <p>10 with the Commission rules in providing a response that</p> <p>11 explains what that money was used for and stating that</p> <p>12 there was no joint expenditure, it never happened, and</p> <p>13 I think fully responding to the complaint. As --</p> <p>14 procedurally, as this complaint was handled, we were</p> <p>15 asked to provide additional information.</p> <p>16 And, Mr. Collins, I didn't see it in the</p> <p>17 packet that I received, but I assume that the</p> <p>18 commissioners have the affidavit of Sheila Healy that</p> <p>19 we provided as a supplement at the request of Staff.</p> <p>20 MR. COLLINS: They have -- there is -- if</p> <p>21 it's the same as the one -- is it the same? Is there a</p> <p>22 different one versus --</p> <p>23 MR. GAONA: It's -- I didn't see it in the</p> <p>24 packet that you provided, but I know that there were --</p> <p>25 there were separate affidavits or declarations that</p>	<p>1 MR. GAONA: So there are declarations that</p> <p>2 were provided by Sheila Healy who is the former</p> <p>3 executive director at the Arizona Democratic party with</p> <p>4 respect to 5. I can tell you that a similar document</p> <p>5 was provided to Staff with respect to Matter 4 where</p> <p>6 the former -- the former executive director of the</p> <p>7 party who served as the vendor here states under oath</p> <p>8 that services were provided to the -- to the</p> <p>9 candidates, in this case Ms. Hammond, in proportion to</p> <p>10 their pay-in and that -- and that the Democratic party,</p> <p>11 in fact, acted as the vendor in those cases.</p> <p>12 Given the posture that Mr. Collins alluded</p> <p>13 to, I believe that a candidate in that circumstance has</p> <p>14 carried its burden. And here the complainant has not</p> <p>15 provided you with any additional information or</p> <p>16 evidence to controvert that other than his sheer</p> <p>17 speculation or questions that he may have about that</p> <p>18 evidence. So what you have before you are</p> <p>19 Mr. Querard's beliefs about the reasonableness of this</p> <p>20 particular expenditure and the evidence provided to you</p> <p>21 under oath both by the candidate and by the vendor in</p> <p>22 this case that firmly, I believe, contradicts</p> <p>23 everything that Mr. Querard is saying.</p> <p>24 I understand that there may be a desire to</p> <p>25 have additional evidence in future proceedings, and if</p>		
11:04:46-11:05:28	Page 75	11:06:45-11:07:54	Page 77
<p>1 were provided with respect to Matter 5.</p> <p>2 MR. COLLINS: Yeah.</p> <p>3 MR. GAONA: And there was one for 4 that</p> <p>4 was sent to you. I didn't get it in the packet that I</p> <p>5 received, but I didn't know if the Commission had a</p> <p>6 fuller set of materials.</p> <p>7 MR. COLLINS: We may not. We may not have.</p> <p>8 I mean, we will track it down if we don't.</p> <p>9 MR. GAONA: That being the case, I</p> <p>10 apologize for referring to a declaration that you've</p> <p>11 never received a copy of.</p> <p>12 MR. COLLINS: Well, that's my fault.</p> <p>13 MR. GAONA: But -- is it in the --</p> <p>14 MR. COLLINS: Oh, we had concluded it was</p> <p>15 the same one that was in 5. If it's different in some</p> <p>16 substantial --</p> <p>17 MR. GAONA: I think it was just specific to</p> <p>18 Ms. Hammond versus the other -- the --</p> <p>19 MR. COLLINS: Oh, okay. Then we may not</p> <p>20 have -- there may not be one specific to Hammond, but</p> <p>21 the substance of it we think is in --</p> <p>22 MR. GAONA: Yes.</p> <p>23 MR. COLLINS: -- in 5.</p> <p>24 MR. GAONA: Yes.</p> <p>25 MR. COLLINS: Okay.</p>	<p>1 that's going to be the case, again, that should be made</p> <p>2 clear through rules -- what actually is the burden in</p> <p>3 these cases and what does "reason to believe" actually</p> <p>4 mean? -- so that somebody in the position of</p> <p>5 Ms. Hammond is not left in the position that we may</p> <p>6 find our ourselves in here now which is fully</p> <p>7 responding to the complaint, providing additional</p> <p>8 information from a vendor under oath about the services</p> <p>9 that were provided but there still being serious</p> <p>10 questions about that fact based, again, on the</p> <p>11 speculation of the complainant.</p> <p>12 So to try to answer the question that was</p> <p>13 asked, again, to summarize that response, I believe</p> <p>14 that Ms. Hammond has carried her burden with respect to</p> <p>15 the procedural posture we're in now which is, is there</p> <p>16 reason to believe that a violation of the act has</p> <p>17 occurred? Based on Ms. Hammond's statements, based on</p> <p>18 the statements of the vendor, there is no reason to</p> <p>19 believe. And, again, I would ask that the Commission</p> <p>20 make that finding today.</p> <p>21 CHAIRMAN TITLA: Any questions,</p> <p>22 Commissioners?</p> <p>23 (No response.)</p> <p>24 CHAIRMAN TITLA: I think the -- Director</p> <p>25 Collins, in this case the rule that we're looking at is</p>		

11:07:57-11:09:14	Page 78	11:10:24-11:11:39	Page 80
<p>1 R2-20-701, right?</p> <p>2 MR. COLLINS: 701 and 702. Correct,</p> <p>3 Mr. Chairman.</p> <p>4 CHAIRMAN TITLA: Right. And 702, yeah, (A)</p> <p>5 and what it says there is that a participating</p> <p>6 candidate shall use funds in the candidate's current</p> <p>7 campaign account to pay for goods and services for</p> <p>8 direct campaign purposes only. Funds shall be</p> <p>9 disbursed and reported in accordance with A.R.S.</p> <p>10 Section 16-948(C) and (B).</p> <p>11 I think that what Commissioner Laird is</p> <p>12 addressing is that a participating candidate's payment</p> <p>13 from a campaign account to a political committee or</p> <p>14 civic organization is not a contribution if the</p> <p>15 campaign is reasonable in relation to the value</p> <p>16 received. I guess the question is whether the payment</p> <p>17 is reasonable in relation to the question received.</p> <p>18 Is that correct, Commissioner?</p> <p>19 COMMISSIONER LAIRD: Correct.</p> <p>20 CHAIRMAN TITLA: What is the wishes of the</p> <p>21 Commission here? The director has requested a decision</p> <p>22 by the Commission that there's no reason to believe</p> <p>23 that a violation has occurred. If the Commission is</p> <p>24 not prepared to do that, do you want to continue this</p> <p>25 issue until the next meeting, or what are the options</p>		<p>1 COMMISSIONER MEYER: Mr. Chairman, a couple</p> <p>2 of points. I think there needs to be -- Tom talked</p> <p>3 earlier about proportionality. I think there needs to</p> <p>4 be a concept of proportionality applied here too.</p> <p>5 We're talking about a \$6,000 expense and obviously --</p> <p>6 or in my opinion, there's going to -- you're going to</p> <p>7 need to be less descriptive or offer less information</p> <p>8 to demonstrate a \$6,000 expense is reasonable in</p> <p>9 relation to the value received than a \$50,000 expense,</p> <p>10 and I think that -- that just makes sense to me.</p> <p>11 And I think that Staff has applied those</p> <p>12 standards and they're going to, you know, apply that</p> <p>13 standard of how far do we dig into this or how much are</p> <p>14 we going to require for a \$6,000 expense versus a</p> <p>15 \$50,000 expense. So I'm going to trust -- you know, I</p> <p>16 believe Staff has done their job here. I'm going to</p> <p>17 vote to support the recommendation that no finding --</p> <p>18 there's no reason to believe a violation occurred.</p> <p>19 In addressing some of the comments from the</p> <p>20 public here as far as, well, what do we have to do for</p> <p>21 an expense of this nature, what do we have to do for an</p> <p>22 expense of that nature, my response to that is just be</p> <p>23 descriptive with what the services are providing. Let</p> <p>24 us know so we can see, you know, what those expenses</p> <p>25 are, meet that burden that it's reasonable in relation</p>	
11:09:17-11:10:19	Page 79	11:11:42-11:12:40	Page 81
<p>1 here?</p> <p>2 COMMISSIONER LAIRD: Mr. Chairman, if I</p> <p>3 could, I tend to agree with our director and lorded</p> <p>4 counsel that just spoke to us. I'm not happy about it,</p> <p>5 but I think I'm going to find based on the evidence we</p> <p>6 have before us, there is no evidence that a violation</p> <p>7 has occurred.</p> <p>8 And so I'm going to vote in favor of the</p> <p>9 recommendation, but I do want to express my concern on</p> <p>10 the record that there is some real potential for abuse</p> <p>11 here. And let's assume that the fair market value of</p> <p>12 that \$6,000 payment was only \$1,000 and 5,000 is going</p> <p>13 to the Democratic party in general. I feel the same</p> <p>14 way about the Republican party. I think that violates</p> <p>15 the purpose for which the funds are supposed to be</p> <p>16 used, and I just don't think we have enough information</p> <p>17 in front of us, based on our current rules, to make</p> <p>18 that determination.</p> <p>19 So I'm concerned about that, and I suppose</p> <p>20 from a policy standpoint that could be a rule-making</p> <p>21 issue going forward, but I think for this specific case</p> <p>22 today, based on the evidence before us, I don't see any</p> <p>23 evidence that a violation has occurred.</p> <p>24 COMMISSIONER PATON: And I would concur</p> <p>25 with that. I mean, he put that kind of how I feel.</p>		<p>1 to the value received and all this can be avoided. So,</p> <p>2 you know, I think we can avoid all this by just taking</p> <p>3 care of this on the front end and being descriptive in</p> <p>4 what these -- what these contributions are for.</p> <p>5 CHAIRMAN TITLA: Commissioner Meyer, there</p> <p>6 are good comments.</p> <p>7 Sir?</p> <p>8 MR. QUERARD: If I could.</p> <p>9 MR. COLLINS: We've got a whole -- we've</p> <p>10 got a whole other one for you too.</p> <p>11 MR. QUERARD: I was actually only -- I</p> <p>12 don't know if serial, but I have only been here once</p> <p>13 before and that was as a defendant. So just a couple</p> <p>14 of quick points.</p> <p>15 I have no trouble with reason to believe or</p> <p>16 not to believe. I have no reason to believe at this</p> <p>17 point in time. I'm simply ignorant to the facts</p> <p>18 because I don't have them, like any member of the</p> <p>19 public. I simply have no details. I have no trouble</p> <p>20 with the Democrat party acting as a consultant or as a</p> <p>21 vendor. Again, they -- I think they probably have the</p> <p>22 right to do that, but the defendant is incorrect in his</p> <p>23 description of the reporting requirements. The</p> <p>24 reporting requirement for consulting is its own</p> <p>25 specific category.</p>	

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<p>1 Vendor product, voter contact has a whole</p> <p>2 bunch of subcategories because the Clean Elections</p> <p>3 Commission over the years has refined the rules and</p> <p>4 asked for a greater and greater detail. Hammond's</p> <p>5 response was unique among all of them because everyone</p> <p>6 else was specific to say it was not voter contact; it</p> <p>7 was only consulting or training. Hammond's response</p> <p>8 was unique because it was saying it was not consulting</p> <p>9 or training; it was only voter contact. And so what</p> <p>10 I've been looking for is basically do you guys want</p> <p>11 detail or do we not want detail?</p> <p>12 COMMISSIONER MEYER: Detailing as far as</p> <p>13 what?</p> <p>14 MR. QUERARD: As far as what -- because if</p> <p>15 the memo coordinated campaign is sufficient, tell me</p> <p>16 and that's what we'll use, but I don't think it is.</p> <p>17 Again, it should be fixed on the front end because the</p> <p>18 system requires an autodialer to be listed under</p> <p>19 telecommunications subcategory, you know, voter</p> <p>20 contact, telecommunications. There's all these</p> <p>21 drop-down menus and subcategories which weren't used.</p> <p>22 If they provided the details to the</p> <p>23 Commission, does the public ever get to see them, okay?</p> <p>24 In all of the exhibits you have, there's a couple of</p> <p>25 receipts from the Democratic party saying we got paid.</p>	<p>1 COMMISSIONER KIMBLE: Mr. Chairman, I agree</p> <p>2 with everything Mr. Laird just said, and I think you've</p> <p>3 raised some very interesting points. And I would be</p> <p>4 interested going forward on your thoughts about any</p> <p>5 changes we should make to the rules if you feel that's</p> <p>6 necessary and some -- maybe some suggested wording from</p> <p>7 you to try to get ahead of this problem next time so</p> <p>8 that we don't go through this.</p> <p>9 I do think it's a -- it could be a possible</p> <p>10 problem in the future, and I don't want to make</p> <p>11 people -- I don't want to micromanage everyone's</p> <p>12 campaign, but if you can think of some language where</p> <p>13 political parties -- how they should report it versus</p> <p>14 how your consulting firm reports stuff, if there should</p> <p>15 be more detail from you, I'd be interested in your</p> <p>16 thoughts about this, not now but as we think about</p> <p>17 whether there ought to be a change in the rules.</p> <p>18 MR. QUERARD: I'd be happy to. And I think</p> <p>19 the rule is actually probably sufficient in terms of</p> <p>20 the level of detail required. It's just in this case</p> <p>21 they simply weren't followed. Nobody here -- except</p> <p>22 maybe documents provided by Mr. Collins. We have no</p> <p>23 idea what the money was spent on even -- even -- I</p> <p>24 don't even know if the five of you have any idea what</p> <p>25 the money was actually spent on, and that is unique to</p>		
11:13:45-11:14:48	Page 83	11:16:12-11:17:36	Page 85
<p>1 There are no invoices with the exception of one invoice</p> <p>2 in, I believe, Mr. Chapman's filing. We don't have any</p> <p>3 invoices from any -- from any of the vendors or from</p> <p>4 the vendor. We literally have no idea what the money</p> <p>5 was spent on.</p> <p>6 I apologize for the amount of time that</p> <p>7 Ms. Hammond and the others have spent in response to</p> <p>8 this, but if Ms. Hammond had simply provided the</p> <p>9 required detail at the beginning, I wouldn't have a</p> <p>10 question. I asked a question about one candidate with</p> <p>11 a suspicious expenditure. Her answer prompted me to</p> <p>12 check several, and I found a pattern of behavior which</p> <p>13 made up the following. It's not \$6,000. It's \$12,000.</p> <p>14 The payment was repeated in the general election. It</p> <p>15 was more than 30 percent of the money she received for</p> <p>16 this vague category. So it may actually meet some sort</p> <p>17 of a threshold above that.</p> <p>18 And, again, I'm not arguing for guilt. I'm</p> <p>19 advocating for disclosure. If we're okay here and</p> <p>20 she's done enough and that's the standard, okay, but</p> <p>21 then let that be the standard. If that's not the</p> <p>22 standard, then -- then you're not guilty. We have no</p> <p>23 reason to believe, but please fix your campaign finance</p> <p>24 reports so the public knows what you spent your money</p> <p>25 on, perhaps. So that's all. That's all. I'll stop.</p>	<p>1 this particular issue. You could look at any of your</p> <p>2 other candidates, pull up their finance reports and see</p> <p>3 how they spent their money. So I think the rules</p> <p>4 actually are probably sufficient. It's just in this</p> <p>5 case they weren't applied or followed.</p> <p>6 Thanks.</p> <p>7 CHAIRMAN TITLA: Thank you.</p> <p>8 COMMISSIONER PATON: Could -- Mr. Chairman,</p> <p>9 could we have Sara say something about this?</p> <p>10 Since you're the one that deals with this.</p> <p>11 CHAIRMAN TITLA: Sara?</p> <p>12 MS. LARSEN: Chairman, Commissioners, yes.</p> <p>13 This is -- this is something that we do look for on</p> <p>14 campaign finance reports, looking for some indication</p> <p>15 that expenditures are appropriate and -- and that they</p> <p>16 are reported properly. The problem with the campaign</p> <p>17 finance report is we don't -- you know, candidates</p> <p>18 don't email us their invoices or their documentations</p> <p>19 for every expenditure that they make. So what we have</p> <p>20 provided to us is the campaign finance report and the</p> <p>21 information there.</p> <p>22 This is one that, you know, we don't know</p> <p>23 most of the time whether it's -- you know, when</p> <p>24 somebody makes an expenditure, is it for an invoice</p> <p>25 that they've received for previous services that were</p>		

11:17:40-11:19:08	Page 86	11:20:49-11:22:08	Page 88
<p>1 provided to them or is it for future services that are</p> <p>2 provided to them? So with respect to comments</p> <p>3 regarding the timing of the expenditure, it could have</p> <p>4 been for services that were previously provided, not</p> <p>5 for services that were going to be provided.</p> <p>6 The campaign finance reports are really all</p> <p>7 that we have from the candidates to indicate whether</p> <p>8 something is a direct campaign expenditure or not. The</p> <p>9 reporting in this was not atypical of something that we</p> <p>10 would see. The candidates pay numerous amounts for</p> <p>11 consulting services. They're ranged all across the</p> <p>12 board from all different types of consultants. So this</p> <p>13 was not an alarming amount to see be paid for a</p> <p>14 consulting service.</p> <p>15 And if you have a specific question, I'm</p> <p>16 happy to answer it, but I didn't see something that</p> <p>17 was, like, alarming to me.</p> <p>18 COMMISSIONER PATON: So how could we make</p> <p>19 sure that -- you know, with Commissioner Laird's</p> <p>20 comments about, you know, what this was used for and so</p> <p>21 on and so we can give Mr. Constantin's -- answer his</p> <p>22 questions so that he knows how to proceed and so he</p> <p>23 won't -- he will have more faith in this whole</p> <p>24 situation? I don't know. I just think that maybe we</p> <p>25 all need some direction.</p>		<p>1 scrutinized. We did not make that for legislative</p> <p>2 candidates, but that could also be an option where all</p> <p>3 candidates will be audited if you participate in the</p> <p>4 public financing program. That could be one remedy,</p> <p>5 knowing that -- that they will have to maintain</p> <p>6 appropriate documentation and that each candidate will</p> <p>7 be more heavily scrutinized in their expenditures.</p> <p>8 MR. COLLINS: I think -- if I may,</p> <p>9 Mr. Chairman, Commissioner Paton, just to amplify what</p> <p>10 Sara said, I mean, Sara reads more campaign finance</p> <p>11 reports than anybody in the state. And the question is</p> <p>12 unreasonable. And if nothing jumps out at her that</p> <p>13 says that's unreasonable, you know, that's not a</p> <p>14 weightless thing. We do require subvendor reporting.</p> <p>15 When then there are subvendors, you have to kick out</p> <p>16 who the subvendors are, and we do require specific</p> <p>17 reports on that.</p> <p>18 In this particular case, the sworn -- sworn</p> <p>19 evidence is in both 4 and 5 -- and I know we're kind of</p> <p>20 muddling 4 and 5. So I want to make it clear we should</p> <p>21 close out 4 to move to 5 but, you know, that the</p> <p>22 Democratic party was the vendor and there was not a</p> <p>23 subvendor to report further -- further that they</p> <p>24 otherwise would have. You know, and the bottom line is</p> <p>25 that, you know, campaign finance reports are not --</p>	
11:19:11-11:20:43	Page 87	11:22:13-11:23:37	Page 89
<p>1 MS. LARSEN: Chairman, Commissioner Paton,</p> <p>2 there is a memo line on the -- on the campaign finance</p> <p>3 reports where even if the system won't allow you to</p> <p>4 indicate something more general than a professional</p> <p>5 service, it's typically a category and then you get to</p> <p>6 select, you know, was it photography, was it</p> <p>7 administrative, was it consulting? So consulting is a</p> <p>8 general service. Candidates can itemize on the memo</p> <p>9 line the service that they received. So if we can</p> <p>10 direct candidates to more appropriately document in the</p> <p>11 memo line for all the services that they've received.</p> <p>12 We can also, you know, direct candidates to</p> <p>13 more efficiently maintain invoices, which they are</p> <p>14 required to do, but we really say documentation. So we</p> <p>15 do agree that an affidavit is a documentation. In some</p> <p>16 of our audits, candidates went back and received</p> <p>17 affidavits to justify expenditures when they did not</p> <p>18 have a sufficient documentation. So it is something</p> <p>19 that we allow candidates to do, just any kind of</p> <p>20 reasonable proof that there is -- a service was</p> <p>21 rendered to them for the amount that they paid.</p> <p>22 Additionally, we are going to be auditing</p> <p>23 all statewide candidates in 20 -- going forward into</p> <p>24 2018. So all of those candidates will have to provide</p> <p>25 documentation and their expenditures are going to be</p>		<p>1 they're not a science exactly.</p> <p>2 I mean, they do give you a general idea,</p> <p>3 but let's be -- if you want to be real honest about it,</p> <p>4 whether it's a traditional candidate or a clean</p> <p>5 candidate, you can garbage-in and garbage-out a data</p> <p>6 entry system no matter what it is. And -- and we don't</p> <p>7 think that's what happened here, but the reporting</p> <p>8 system relies on the -- whether you're traditional or</p> <p>9 clean relies on you inputting what you spent on certain</p> <p>10 aspects of your campaign and the contributions you</p> <p>11 received and that being true.</p> <p>12 We have had egregious cases in the past in</p> <p>13 which we've actually thrown folks out of office for</p> <p>14 having an off-the-books campaign that we discovered</p> <p>15 because they weren't being honest about where they were</p> <p>16 spending their money. And so we have caught people in</p> <p>17 more dramatic cases than that, to your point about, you</p> <p>18 know, are we looking? And so it is a question, to</p> <p>19 Commissioner Meyer's point, of degree in</p> <p>20 proportionality, but it's also a question of -- of, you</p> <p>21 know, I think there's fine-tuning we can certainly do.</p> <p>22 And we'll look at it with Mr. Querard and</p> <p>23 with the parties and with others, and Sara and I can</p> <p>24 work on that and look forward to it but, you know, at</p> <p>25 the end of the day, as long as you have a system that</p>	

11:23:39-11:25:09	Page 90	11:26:16-11:35:16	Page 92
<p>1 starts with data entry at the candidate level, the</p> <p>2 possibility for garbage in/garbage out is always going</p> <p>3 to be there unless -- you know, it's just -- that's the</p> <p>4 nature of the beast. If you don't have a -- you know,</p> <p>5 unless we -- and that's why we've expanded the audits</p> <p>6 to the statewide candidates, for example.</p> <p>7 MS. LARSEN: And, Chairman, Commissioners,</p> <p>8 we do ask for amendments to campaign finance reports.</p> <p>9 Amy was the -- was the lucky one who was tasked with</p> <p>10 that, giving her some -- some real experience reviewing</p> <p>11 campaign finance reports, and trying to adhere them to</p> <p>12 the Commission's rules can be complicated and it can be</p> <p>13 hard. And every candidate reports differently</p> <p>14 unless -- unless I'm lucky and they get a treasurer and</p> <p>15 the treasurer does a bunch of candidates, then it's all</p> <p>16 uniform, but every candidate reports differently.</p> <p>17 And it really is learning to read how they</p> <p>18 report and learning to understand how a vendor reports.</p> <p>19 So just because one person reports something in one</p> <p>20 manner does not necessarily mean that all candidates</p> <p>21 report something in a similar manner, though a lot of</p> <p>22 times I wish they would, but we are fairly small for</p> <p>23 the amount of campaign finance reports that we review</p> <p>24 and -- and it's a lot. But we do ask for amendments to</p> <p>25 those reports and we do ask candidates to correct them</p>		<p>1 COMMISSIONER MEYER: Second.</p> <p>2 CHAIRMAN TITLA: Second by Commissioner</p> <p>3 Meyer.</p> <p>4 All in favor say aye.</p> <p>5 (Chorus of ayes.)</p> <p>6 CHAIRMAN TITLA: Opposed?</p> <p>7 (No response.)</p> <p>8 CHAIRMAN TITLA: Motion passes unanimously.</p> <p>9 We go to VI B now, MUR 16-005, Querard</p> <p>10 complaint against Democratic candidates.</p> <p>11 MR. COLLINS: So, Mr. Chairman, this is</p> <p>12 a --</p> <p>13 COMMISSIONER MEYER: I'd like to interrupt,</p> <p>14 Mr. Collins. I think our court reporter could use a</p> <p>15 break here.</p> <p>16 MR. COLLINS: Oh, yes. Let's do than then.</p> <p>17 COMMISSIONER MEYER: Let's take five</p> <p>18 minutes.</p> <p>19 CHAIRMAN TITLA: Why don't we take five</p> <p>20 minutes.</p> <p>21 (Whereupon, a recess was taken in the</p> <p>22 proceedings.)</p> <p>23 CHAIRMAN TITLA: We are on item VI B, MUR</p> <p>24 16-005.</p> <p>25 Director Collins?</p>	
11:25:12-11:26:16	Page 91	11:35:20-11:36:53	Page 93
<p>1 when we do see something that either needs further</p> <p>2 scrutinization and needs to have more detail provided</p> <p>3 to it.</p> <p>4 We do try to provide that -- or ask for</p> <p>5 that, and I have asked for documentation for</p> <p>6 expenditures as well and asked candidates to provide</p> <p>7 documentation for those expenditures just to make sure</p> <p>8 that they are direct campaign expenditures, but our</p> <p>9 audit process is probably one of the best ways to know</p> <p>10 whether -- whether expenditures are direct campaign</p> <p>11 expenditures and the money is truly going to its best</p> <p>12 uses as the rules.</p> <p>13 CHAIRMAN TITLA: Thank you, ma'am, for your</p> <p>14 report. I think that we've spent enough time on this</p> <p>15 issue.</p> <p>16 So is there any action to be taken by the</p> <p>17 commissioners?</p> <p>18 COMMISSIONER KIMBLE: Mr. Chairman, I would</p> <p>19 move in the case of 16-004, Corin Hammond, that we</p> <p>20 affirm the finding of the executive director that</p> <p>21 there's no reason to believe a violation of</p> <p>22 R2-20-110(A)(4) has occurred.</p> <p>23 CHAIRMAN TITLA: Motion by Commissioner</p> <p>24 Kimble.</p> <p>25 Is there a second?</p>		<p>1 MR. COLLINS: Oh, yes. Great. As our</p> <p>2 wrap-up -- quick wrap-up meeting for the 2016 election</p> <p>3 continues, so MUR 16-05 is, as we've taken to calling</p> <p>4 it, the Querard complaint. And it basically --</p> <p>5 Mr. Querard identified some transactions with about</p> <p>6 eight Democratic candidates related to the party. Some</p> <p>7 of these themes are going to be themes you've already</p> <p>8 heard about. They have a different attorney -- these</p> <p>9 clients do -- Jim Barton who is here with us today, as</p> <p>10 is Mr. Querard.</p> <p>11 The issue there from my perspective is we</p> <p>12 have outlined in a spreadsheet that Sara put together</p> <p>13 what the spending was for. We have affidavits that we</p> <p>14 think back those up, and then -- and this is where the</p> <p>15 audits come in. On specific transactions we went out</p> <p>16 and audited those transactions, which, again, I don't</p> <p>17 mean to try to pretend like you're -- in no way am I</p> <p>18 saying that the Commission's questions aren't valid.</p> <p>19 I'm just simply saying that Staff did try to drill down</p> <p>20 on this as much as we can, you know, to get to find a</p> <p>21 reason, if there was a reason to be found, to</p> <p>22 invalidate these things.</p> <p>23 We think that the same standard applies to</p> <p>24 MUR 005 as applied in MUR 004 and, therefore, we</p> <p>25 recommend a finding of no reason to believe and closing</p>	

11:36:56-11:37:53	Page 94	11:39:00-11:40:04	Page 96
<p>1 this case out. I don't know that I need to add</p> <p>2 anything else at this point. I don't know if</p> <p>3 Constantin or Jim -- or how you guys want to go or,</p> <p>4 Mr. Chairman, frankly, up to you how you want to -- if</p> <p>5 you want the complainant to go first or respondent to</p> <p>6 go first and however you want to proceed or if you have</p> <p>7 questions for me.</p> <p>8 CHAIRMAN TITLA: Commissioners, any</p> <p>9 questions for the director?</p> <p>10 (No response.)</p> <p>11 CHAIRMAN TITLA: Okay. We have the</p> <p>12 complainant.</p> <p>13 MR. QUERARD: I swear it's the last time</p> <p>14 this year.</p> <p>15 COMMISSIONER MEYER: We will hold you to</p> <p>16 that.</p> <p>17 MR. COLLINS: The year is very young.</p> <p>18 MR. QUERARD: Did I say cycle? Well, still</p> <p>19 this -- there should be nothing else this year. I'm</p> <p>20 addressing eight or nine complaints, so I'll talk fast.</p> <p>21 And I do thank the Staff for drilling down and working</p> <p>22 hard, and I hope that the details that they have found</p> <p>23 will be available to the public.</p> <p>24 If whatever has happened was legal and</p> <p>25 permissible, you guys will decide today. I'm fine</p>		<p>1 see with very little imagination required how it could</p> <p>2 be abused if it wasn't. And then you guys need to</p> <p>3 figure out how to -- how to prevent that from</p> <p>4 happening.</p> <p>5 What we just heard, which I hadn't known</p> <p>6 before, is that you can take an affidavit in place of</p> <p>7 an invoice, which I suppose maybe one day it will help</p> <p>8 one of my clients in one of these matters, but it</p> <p>9 sounds insane to me that -- you potentially open</p> <p>10 yourself to literally taking the word of the thief that</p> <p>11 he didn't steal from you, and that just strikes me as</p> <p>12 something that is rife to potential abuse.</p> <p>13 Just a few things that jumped out in the</p> <p>14 respondent's affidavit and the exhibits that were</p> <p>15 provided. Again, the original Hammond response was</p> <p>16 clear because Hammond said it was voter contact; it</p> <p>17 wasn't consulting or training. These folks have</p> <p>18 different attorneys and their responses were uniform</p> <p>19 and unambiguous that it was not product, okay? It was</p> <p>20 consulting and training. They all paid for consulting</p> <p>21 and training which made it kind of a different matter,</p> <p>22 not voter contact.</p> <p>23 So why they were all calling it the same</p> <p>24 coordinated campaign but one was getting an entirely</p> <p>25 different suite of benefits from it than the others</p>	
11:37:55-11:38:58	Page 95	11:40:12-11:41:04	Page 97
<p>1 with -- with either of them. This is a case where</p> <p>2 precedent is kind of my main issue because I run so</p> <p>3 many candidates, a lot of whom are unclean, that we</p> <p>4 want to know what the rules are. And so I wrote my</p> <p>5 complaint and my comment as somebody who runs a lot of</p> <p>6 campaigns, works with Clean Elections candidates. And</p> <p>7 I've done it for enough years that I understand what</p> <p>8 consultants do, what vendors do, kind of what they get</p> <p>9 for it and what candidates get out of it, et cetera.</p> <p>10 I agree with Mr. Collins that Clean</p> <p>11 Elections doesn't want to be in the business of price</p> <p>12 controls, setting prices for things. We don't -- we</p> <p>13 don't want that. That would be unhealthy and probably</p> <p>14 drive most candidates out of the system, but the Clean</p> <p>15 Elections Act was written with the assumption that</p> <p>16 anybody who goes through the trouble of collecting</p> <p>17 those 5s and participating in the process does so for</p> <p>18 good reason and with good intentions, that, you know,</p> <p>19 it's an honorable pursuit, that they're going to get</p> <p>20 that money. They're going to go out there and</p> <p>21 campaign, spread their message, try to win an election.</p> <p>22 I don't think it anticipated that it could</p> <p>23 be or that it would be used for less legitimate</p> <p>24 purposes. I'm not saying it was, but we're going to</p> <p>25 look at a pattern of behavior where you will be able to</p>		<p>1 were has never really been explained. I couldn't find</p> <p>2 the answer in those documents, but there are some</p> <p>3 potential pitfalls.</p> <p>4 Consulting is where I charge you for</p> <p>5 advice. You're going to pay me, but the money you pay</p> <p>6 me that you could have spent on your campaign is money</p> <p>7 well spent because I'll tell you how to spend your</p> <p>8 money better, wiser, get you better prices, get you</p> <p>9 better product, communicate your message better. It's</p> <p>10 like hiring a retirement adviser. You're going to give</p> <p>11 your retirement adviser money you wanted to put aside</p> <p>12 for your retirement, okay, but you do that on the base</p> <p>13 that he's going to teach you how to get more out of</p> <p>14 your remaining money, and so ultimately it will put</p> <p>15 money in your pocket.</p> <p>16 So these respondents are paying money to</p> <p>17 their consultants for advice for training, volunteer</p> <p>18 training, field organization, media consulting. They</p> <p>19 listed several types of training.</p> <p>20 Focusing first on the legislative</p> <p>21 candidates because they all have basically the same</p> <p>22 rates, the same scale of rates, the districts. The</p> <p>23 number of residents were the same. In my -- in my</p> <p>24 company we charge all of our legislative candidates 275</p> <p>25 bucks a month. It doesn't matter what district they're</p>	

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<p>1 in. It's a legislative race. It's the same. We</p> <p>2 charge them the 275 a month, but the training costs</p> <p>3 that these people paid were wildly different, all</p> <p>4 described word for word identically in sworn</p> <p>5 affidavits, okay?</p> <p>6 But what Pawlik and Weichert paid \$2,500</p> <p>7 for, Casillas paid \$6,000 for with no explanation as to</p> <p>8 why one would cost one and the other would cost the</p> <p>9 other. Deanna for District 21 paid \$2,000 for it on</p> <p>10 August 19, but then came back and got another \$2,300</p> <p>11 worth of training on August 29th. That's a lot of</p> <p>12 money spent on training in the primary, particularly</p> <p>13 one day before the primary.</p> <p>14 I don't -- I don't know what you're</p> <p>15 training for, but you know, that's an awful lot of --</p> <p>16 it's also an unusual amount because she's now paying</p> <p>17 \$4,900 -- or a \$4,300 total which would obviously be an</p> <p>18 entirely different amount of training versus the \$2,500</p> <p>19 package or the \$6,000 package even though all of them</p> <p>20 were described word for word identically.</p> <p>21 The Salman campaign was funded in April.</p> <p>22 It didn't need any training or anything like that</p> <p>23 through the whole primary period and then, on</p> <p>24 September 12, reported training and again on</p> <p>25 September 24th. Now, did she get the \$2,500 package or</p>	<p>1 there actually paying for?</p> <p>2 It now -- so her amendment now says</p> <p>3 organizer, responsible for managing fellows, which is</p> <p>4 the fellows program that the Hammond Facebook post was</p> <p>5 referring to, and the fellows program which actually</p> <p>6 the Hammond response says didn't actually take place.</p> <p>7 They couldn't get the volunteers. They didn't do their</p> <p>8 fellows program. Salman was paying for managing</p> <p>9 fellows, fieldwork, direct voter contact, voter</p> <p>10 registration and volunteer -- something. He ran out of</p> <p>11 space on the line.</p> <p>12 Similarly, the 2,826 amount was updated for</p> <p>13 some sort of fellow something, but again, that's an odd</p> <p>14 number. It suggests expenses or it suggests product or</p> <p>15 it suggests an hourly wage or it suggests I don't know</p> <p>16 what, but consulting and training seems a deliberately</p> <p>17 vague and broad catch-all for somebody as specific as</p> <p>18 that.</p> <p>19 I'll do one more. The Brown campaign is in</p> <p>20 there. Brown didn't qualify for funding in time for</p> <p>21 the primary. So all Brown got was \$24,000 for the</p> <p>22 general election. Tough general election running</p> <p>23 against the now senate president in a pretty tough</p> <p>24 district. So her dollars were, you know, that much</p> <p>25 more precious because instead of having about 40 total</p>		
11:42:19-11:43:20	Page 99	11:44:28-11:45:29	Page 101
<p>1 the \$600 package? No, \$3,615.50 for the first one,</p> <p>2 \$2,826 for the second one, which caught my eye. That</p> <p>3 seemed unusual given the round numbers we were dealing</p> <p>4 with.</p> <p>5 Now, to the Salman campaign credit, they</p> <p>6 have -- as a result, I suspect, of this process when I</p> <p>7 was looking through, I think, yesterday, they've</p> <p>8 updated their campaign finance reports. So the memo</p> <p>9 line now talks about voter contact and all these --</p> <p>10 these actual things that they're doing on the memo</p> <p>11 lines so you can see what the money was spent for</p> <p>12 because it clearly wasn't simply consulting and</p> <p>13 training.</p> <p>14 Those are sort of the amendments that I</p> <p>15 would hope that the Hammond campaign and everybody else</p> <p>16 would do. So we have an idea of what the Salman</p> <p>17 campaign was paying for, but again, the sworn</p> <p>18 affidavits are still consulting and training even</p> <p>19 though it's going -- they have a consultant. She</p> <p>20 actually paid \$3,500 to Keith -- I forget his last</p> <p>21 name -- Everest or something like that to be her</p> <p>22 consultant. Okay?</p> <p>23 So a lot of questions in terms of what are</p> <p>24 we actually paying for? What are we getting for our</p> <p>25 money? What are the -- what are the taxpayers out</p>	<p>1 she only had 24. Yet Brown paid \$12,000 for consulting</p> <p>2 and training.</p> <p>3 No one in their right mind would go to</p> <p>4 their investment adviser and hand over half your money</p> <p>5 on the basis that don't worry, the advice that I get on</p> <p>6 how to manage the other half of my money will be so</p> <p>7 great I'll come out ahead at the end of the day. Okay?</p> <p>8 \$12,000 for consulting on how to spend the other</p> <p>9 \$12,000? Look, I'm a consultant. I mean, it sounds</p> <p>10 pretty good, but not if you're trying to win a race.</p> <p>11 And if you're not trying to win a race, then what are</p> <p>12 you doing? And that's what raises the questions. If</p> <p>13 it's legal, if it's permissible, fine, but again,</p> <p>14 precedent becomes my issue.</p> <p>15 Now, the Corporation Commission candidates</p> <p>16 kind of make Brown look like a fiscal conservative when</p> <p>17 it comes to spending. Tom Chabin spent several turns</p> <p>18 in the state house. He's an experienced campaigner and</p> <p>19 candidate. He's run for office before. Bill Mundell,</p> <p>20 in addition to all of his other accomplishments, was</p> <p>21 twice elected to the Arizona Corporation Commission.</p> <p>22 Okay?</p> <p>23 So he's a great partner for Chabin because</p> <p>24 they're running as a team and his expertise and</p> <p>25 guidance will probably be helpful, and so they're</p>		

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<p>1 sharing message. They're sharing strategy. They're</p> <p>2 sharing signs and mailers and all those sorts of</p> <p>3 things. They also have a consultant. They were using</p> <p>4 Strategies 360.</p> <p>5 Frankly, if you were going to train</p> <p>6 somebody on how to run for the Corporation Commission,</p> <p>7 Bill Mundell could probably teach the class. You have</p> <p>8 26 days to go in the primary. Mundell and Chabin each</p> <p>9 write a check for \$25,000 to the State Democratic party</p> <p>10 for training and consulting. I find that odd.</p> <p>11 Again, Mundell sought consulting and</p> <p>12 training on how to win the race that he had already run</p> <p>13 and won twice from a party which, you know, not to be</p> <p>14 mean partisan-wise, but doesn't have a great record of</p> <p>15 winning Corporation Commission races. I mean, they</p> <p>16 should be asking Mundell for advice on how to do it.</p> <p>17 In his note the executive director took</p> <p>18 note of my concern that the category of consulting is</p> <p>19 general enough that amount can be paid. The problem is</p> <p>20 that it's so vague it doesn't get much oversight. I</p> <p>21 didn't mean to politicize anything by raising the</p> <p>22 issue. I suspect if you had a \$24,000 candidate -- or</p> <p>23 campaign and they spent 3 grand on consulting, that</p> <p>24 would be fine. It wouldn't -- if you had a \$24,000</p> <p>25 campaign and you spent \$21,000 on consulting, that</p>	<p>1 and I think you're entitled to that documentation if</p> <p>2 you knock on my door and say I've got a question; we're</p> <p>3 here on behalf of the taxpayers; you spent some money;</p> <p>4 we need to make sure you spent it how you're supposed</p> <p>5 to spend it. Not, oh, trust me, we spent it.</p> <p>6 So I'm still concerned that what went on</p> <p>7 was not proper. I don't have the investigative</p> <p>8 authority to go prove my point. I can only raise the</p> <p>9 issue and you guys decide if it's worth investigating</p> <p>10 or not. Is the level of spending that was provided</p> <p>11 sufficient? Okay. If it is, that's the precedent.</p> <p>12 But I do worry that it's going to set a bad example</p> <p>13 because, particularly in a world where an affidavit</p> <p>14 counts as an invoice, forget the parties.</p> <p>15 An unscrupulous consultant, of which I</p> <p>16 assure you there are several even in Arizona, can</p> <p>17 simply go get candidates to run, help them collect</p> <p>18 their 5s, just pocket -- I mean, the system is so rife</p> <p>19 for abuse if the people engaged can do so for basically</p> <p>20 nefarious purposes and the Commission is satisfied as</p> <p>21 long as it's, I'll say, consulting. That's my concern.</p> <p>22 Whatever happened here you guys need to</p> <p>23 figure out, and that's fine. And if it's good enough</p> <p>24 or whatever, that's fine, but I'm really concerned</p> <p>25 about the potential for abuse because the level of</p>		
11:46:48-11:48:01	Page 103	11:49:23-11:50:19	Page 105
<p>1 would raise alarms.</p> <p>2 So the question is if you had 24,000 and</p> <p>3 you spent 12,000 on consulting, does anybody care about</p> <p>4 that? Is that -- is that okay or not? And why is that</p> <p>5 the same training for \$2,500, or \$4,300, or \$6,000, or</p> <p>6 \$12,000 or \$50,000 when it's described word for word</p> <p>7 exactly the same? Are you simply taking from the</p> <p>8 candidates what they can afford given their chances --</p> <p>9 because Brown had almost no chance of winning that</p> <p>10 race. So I guess she didn't need the money? I don't</p> <p>11 know how the pricing was turned up -- was provided</p> <p>12 because there, of course, no one in the world has any</p> <p>13 idea what they got for their money.</p> <p>14 The note also made a comparison to Al</p> <p>15 Melvin's campaign for Corporation Commission which I</p> <p>16 ran, citing a payment to me a \$46,750 for an radio and</p> <p>17 online advertising buy. In fairness, a specific</p> <p>18 payment to a media buyer for a specific amount of</p> <p>19 product on specific dates through specific channels in</p> <p>20 no way compares to just a blank, you know, here,</p> <p>21 consulting.</p> <p>22 On the contrary, if you want to know what</p> <p>23 that money is for, I can show you the ad. I can give</p> <p>24 you the stations it ran. I can give you the times the</p> <p>25 ads ran. I can document what the money was spent on,</p>	<p>1 reporting that it was given in these cases, to my</p> <p>2 mind -- and theoretically, I would benefit from lax</p> <p>3 standards and loose scrutiny or loose regulation, but</p> <p>4 to my mind it is woefully inadequate and opens up, you</p> <p>5 know, potentially a great deal of abuse.</p> <p>6 That's my concern of a precedent. That's</p> <p>7 kind of why I'm just kind of bulldogging this thing.</p> <p>8 These races are over. Okay? I don't believe any of</p> <p>9 the candidates that are involved in this thing won.</p> <p>10 It's not a political thing. It's not a partisan thing.</p> <p>11 I've been a consultant who's run Clean Elections</p> <p>12 campaigns since the beginning -- well, near the</p> <p>13 beginning, and I'm one of the few consultants who</p> <p>14 actually believes in the Clean Elections process, and</p> <p>15 now I'm just -- I'm concerned.</p> <p>16 So that's my -- that's my screed. Thank</p> <p>17 you for putting up with it.</p> <p>18 CHAIRMAN TITLA: Any questions,</p> <p>19 Commissioners?</p> <p>20 (No response.)</p> <p>21 CHAIRMAN TITLA: Director, any</p> <p>22 recommendation?</p> <p>23 MR. COLLINS: Well, no, I think -- I guess</p> <p>24 if Mr. Barton has some response to Mr. Querard, that</p> <p>25 would probably be helpful.</p>		

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<p>1 CHAIRMAN TITLA: Respondent.</p> <p>2 MS. THOMAS: Your name for the record,</p> <p>3 please.</p> <p>4 MR. BARTON: Jim Barton with Torres</p> <p>5 Consulting and Law Group. I'm here on behalf of the</p> <p>6 Arizona Democratic party and the respondents to the</p> <p>7 matter.</p> <p>8 So first off, I want to talk about just</p> <p>9 this matter. An affidavit is a document that is sworn</p> <p>10 under penalty of perjury and always anywhere and</p> <p>11 forever is more evidence than an invoice. You have on</p> <p>12 the record before you a sworn affidavit that attests to</p> <p>13 what this stuff was used for and it's not just</p> <p>14 training. It was training and consulting on campaign</p> <p>15 finance and on public relations and on how to deal with</p> <p>16 a tax and that sort of thing.</p> <p>17 So on this record, the preponderance of the</p> <p>18 evidence is that there's no reason to believe because</p> <p>19 we provided you with sworn affidavits under penalty of</p> <p>20 perjury. And I think that the Commission Staff did a</p> <p>21 good job and I think they did it right, and I want</p> <p>22 to -- I want to point out that what we were responding</p> <p>23 to was literally a list of eight names that said I</p> <p>24 think these guys are doing something screwy. He didn't</p> <p>25 say "screwy," but I mean, it literally was a list of</p>	<p>1 that you're not, and they have a pretty specific list.</p> <p>2 And I would tell you in our affidavit we complied with</p> <p>3 the types of specifications that the Federal Election</p> <p>4 Commission requires.</p> <p>5 I think that's helpful, and I think that,</p> <p>6 you know, if the Commission doesn't want to get into</p> <p>7 price control, then I think they have to do the system</p> <p>8 which we have which is that it has to be reasonable.</p> <p>9 We have very experienced people reviewing these. Those</p> <p>10 experienced Staff members looked at it. Nothing jumped</p> <p>11 out at them. They asked for a little bit more</p> <p>12 information. They said, okay, that makes sense and</p> <p>13 that's kind of where you are.</p> <p>14 And I think, you know, geez, we're in</p> <p>15 Arizona, right? I mean, this is the free market</p> <p>16 capital of the world as far as I understood. And we</p> <p>17 kind of negotiate a price and that's -- and that's the</p> <p>18 fair market price. Now, that's not the only way to set</p> <p>19 fair market, right? For example, the Department of</p> <p>20 Labor has a whole structure that it uses to determine</p> <p>21 how much money should you pay somebody if you're going</p> <p>22 to do work on federal projects, and they break it down</p> <p>23 by plumber and electrician and sheet metal and</p> <p>24 insulator.</p> <p>25 And I've got to tell you, I'm a labor guy</p>		
11:51:41-11:52:42	Page 107	11:53:48-11:54:47	Page 109
<p>1 names. Go after those guys.</p> <p>2 So you can see that we responded and we</p> <p>3 showed what it was used for and we identified it as</p> <p>4 consulting. So I think on this case, I think it's a</p> <p>5 pretty easy question. You have un rebutted evidence</p> <p>6 that we provided under penalty of perjury about what it</p> <p>7 was used for and, yes, they did all -- the category of</p> <p>8 what it was was just consulting on how do you deal with</p> <p>9 campaign finance? How do you respond to complaints?</p> <p>10 How do you deal with the media?</p> <p>11 There's a variety of services that the</p> <p>12 Democratic party provided to these candidates, and</p> <p>13 different candidates are more or less experienced and</p> <p>14 different candidates have bigger and smaller races, and</p> <p>15 that's why there's different prices and that's the way</p> <p>16 the rules are now. So I think -- on this issue I think</p> <p>17 there's -- I think the Commission Staff is absolutely</p> <p>18 correct. There's no reason to believe here. The</p> <p>19 preponderance of the evidence demonstrates that.</p> <p>20 I do want to talk a little bit about the</p> <p>21 policy stuff that's kind of been thrown around, and one</p> <p>22 thing I'd like to say is on the issue of specificity:</p> <p>23 The Federal Elections Commission actually puts out a</p> <p>24 list of these are the types of identifiers you are</p> <p>25 allowed to use for consulting and these are the types</p>	<p>1 and I love it. If that's what we're going to start</p> <p>2 doing, then we're going to start doing these very</p> <p>3 expensive surveys and very complicated surveys and I'll</p> <p>4 make even more money, but I don't -- I don't know that</p> <p>5 that's a smart way to deal with Clean Elections. And I</p> <p>6 think that -- I think that the advice to stay out of</p> <p>7 price control and to -- leave reasonable to be what</p> <p>8 reasonable is.</p> <p>9 You have professionals who are reviewing</p> <p>10 these, and those professionals can say this doesn't</p> <p>11 seem reasonable and let you know this seems out of</p> <p>12 whack; we should draw more evidence. And then they can</p> <p>13 gather evidence on both sides of it. As it happens</p> <p>14 right now, they asked us. We provided evidence under</p> <p>15 penalty of perjury.</p> <p>16 I've got to say one more thing on the flip</p> <p>17 side of this which hasn't come up. If somebody is</p> <p>18 underpaying -- if you underpay a political party,</p> <p>19 that's not a problem because of the political party</p> <p>20 exemption which is an interesting difference. So I'm</p> <p>21 just going to use my own firm rather than pick on</p> <p>22 Constantin. If Torres Consulting and Law Group -- we</p> <p>23 have a consulting firm, right? If we have two</p> <p>24 candidates and we undercharge this candidate, that's</p> <p>25 illegal because that's an in-kind contribution.</p>		

11:54:50-11:55:52	Page 110	11:56:53-11:57:44	Page 112
<p>1 That same situation does not occur if it's</p> <p>2 the Democratic party because the Democratic party has a</p> <p>3 political party exemption: Staff time to help this guy</p> <p>4 get elected. It's exempt from the definition of</p> <p>5 expenditure so -- or contribution. So that's -- it is</p> <p>6 a little bit different, actually, when we're talking</p> <p>7 about political parties. I want to make one more</p> <p>8 policy comment before I make -- before I take your</p> <p>9 questions.</p> <p>10 In 2006, Executive Director Tod Lang</p> <p>11 determined that primary money cannot be used on general</p> <p>12 campaigns, and it was determined in an enforcement,</p> <p>13 okay. And I represented one of the candidates and</p> <p>14 there was a Republican who had a representative against</p> <p>15 him, and they both had to pay fines and it was an</p> <p>16 after-the-fact determination. And I know as much</p> <p>17 because I happened to come across the memo from the</p> <p>18 executive director when he was at the AG's office in</p> <p>19 2004 where he said there was no basis for making that</p> <p>20 claim.</p> <p>21 That's just a weird triviality, but my</p> <p>22 point is in 2006 we established, through enforcement, a</p> <p>23 change in the rules, and that was bad news for people</p> <p>24 who wanted to participate in Clean Elections. Then in</p> <p>25 2010, the United States Supreme Court got rid of</p>		<p>1 And I would say if we're going to put more</p> <p>2 burdens on people who are participating in Clean</p> <p>3 Elections, I suggest you tread careful in that because</p> <p>4 I really do think being so underfunded it quickly</p> <p>5 becomes just a poor choice. That's not really for</p> <p>6 today, I suppose. That's for a policy in the future,</p> <p>7 and I'm happy to provide, you know, stuff about what</p> <p>8 the FEC says about this. And they have some good</p> <p>9 charts that might be helpful, but doing too much more</p> <p>10 into like -- too much more reporting burden, it starts</p> <p>11 to really -- really starts to make Clean Elections not</p> <p>12 a good option.</p> <p>13 I'm happy to answer questions.</p> <p>14 CHAIRMAN TITLA: Any questions by the</p> <p>15 commissioners?</p> <p>16 COMMISSIONER LAIRD: Mr. Chairman.</p> <p>17 CHAIRMAN TITLA: Commissioner Laird.</p> <p>18 COMMISSIONER LAIRD: Counselor, I mean,</p> <p>19 really price control has not been suggested by anybody</p> <p>20 on this Commission or anybody on the Staff. That's</p> <p>21 kind of silly. We certainly aren't in that business.</p> <p>22 In terms of how much detail there is, I mean, the</p> <p>23 detail provided on some of these descriptions</p> <p>24 tantamount to me on my bill to my clients which I go</p> <p>25 into great deal. You understand how much detail</p>	
11:55:55-11:56:51	Page 111	11:57:47-11:58:55	Page 113
<p>1 matching funds, and essentially that meant the Clean</p> <p>2 Elections has been underfunded by two-thirds ever since</p> <p>3 then.</p> <p>4 If we can have these sort of endless --</p> <p>5 well, that's not quite enough information; that's an</p> <p>6 affidavit, but it's whatever; oh, that's not -- if</p> <p>7 we -- if we really start making it harder and harder</p> <p>8 and harder for these candidates to participate, at some</p> <p>9 point it really does -- you really do say, geez, you</p> <p>10 know what, it's a third of the funding you need even by</p> <p>11 definition. You never know. I mean, I can tell you</p> <p>12 what these rules are, but you never know. You might</p> <p>13 get some after-the-fact enforcement and then they might</p> <p>14 bang you up again. You know what? I don't -- you</p> <p>15 know, it just becomes very difficult to participate.</p> <p>16 And so I think it's important to know that</p> <p>17 what you have now is you have sworn affidavits that are</p> <p>18 supporting reporting that complies with the Federal</p> <p>19 Election Commission standard. That's the feds. I don't</p> <p>20 know. It's Arizona, but still nonetheless, we can look</p> <p>21 at the feds a little bit, right, and what the Federal</p> <p>22 Election Commission would require. So I think easily</p> <p>23 there's no reason to believe here. I think that's -- I</p> <p>24 think that's -- I think the Commission Staff is very</p> <p>25 right.</p>		<p>1 we're -- for this half hour, I draft a letter to</p> <p>2 Mr. No-show regarding the subject of blah, blah, blah,</p> <p>3 reviewed the letter, signed the letter. You know</p> <p>4 how -- you can tell -- my client can tell what I did</p> <p>5 with respect to the billing and why they owe me the</p> <p>6 money that they owe me.</p> <p>7 What you're suggesting in consulting work</p> <p>8 is like me sending a bill that says "for services</p> <p>9 rendered" or "worked on your case." I mean, here we</p> <p>10 have a higher duty than in many places because we're</p> <p>11 administering public funds. It's the taxpayers' money.</p> <p>12 It's not just our money, and so I'm just uncomfortable</p> <p>13 when I -- when I look at something and I can't tell you</p> <p>14 what was done. I mean, I just -- I just can't tell.</p> <p>15 And so in my view, the policy issue,</p> <p>16 consistent with our responsibility to make sure these</p> <p>17 funds are spent consistent with the act, would dictate</p> <p>18 to me I at least have to have enough detail to know</p> <p>19 what was done. And I just don't have that here, and so</p> <p>20 that's -- that's my concern, Counselor.</p> <p>21 MR. BARTON: Mr. Chair, Commissioner Laird,</p> <p>22 price control, I was tipping off of something that the</p> <p>23 complainant mentioned in his -- in his remarks.</p> <p>24 COMMISSIONER LAIRD: Okay.</p> <p>25 MR. BARTON: That's where that came from.</p>	

11:58:56-11:59:56	Page 114	12:01:03-12:02:08	Page 116
<p>1 COMMISSIONER LAIRD: Okay. Okay.</p> <p>2 MR. BARTON: But I hear you, but with all</p> <p>3 due respect, if we were required to report with the</p> <p>4 kind of detail that we have for legal billing, I would</p> <p>5 never recommend that a client take Clean Elections</p> <p>6 funding. And now we know because -- you and I both</p> <p>7 know that you -- we know the burden that is associated</p> <p>8 with that and we're pretty well-compensated folks.</p> <p>9 That's why we can tolerate that burden.</p> <p>10 I think -- I think that's a great example.</p> <p>11 I think it's an excellent example because you can --</p> <p>12 you can go to attorneys' fees cases and you can say,</p> <p>13 you know, what kind of -- you know, what sort of</p> <p>14 justification. Certainly -- we didn't just say</p> <p>15 "consultant," but certainly even using the FEC rule,</p> <p>16 which is that you have to say what kind of consultant,</p> <p>17 so in this case it would say public relations, media,</p> <p>18 campaign financing and government relations consulting</p> <p>19 or, whatever, it definitely would not satisfy the</p> <p>20 standard of legal billing for sure.</p> <p>21 And I guess -- so I don't think -- and I</p> <p>22 don't think that's been the rule today, but I guess I</p> <p>23 would say I would be very -- I would be very concerned</p> <p>24 about moving to that standard.</p> <p>25 COMMISSIONER LAIRD: I agree. That would</p>	<p>1 enforcement, and we made a decision to forego doing</p> <p>2 anything on some groups that may have had some issues</p> <p>3 with us because we decided we couldn't do -- we</p> <p>4 couldn't do rule making by enforcement.</p> <p>5 And that's sort of what I -- I will tell</p> <p>6 you that that's basically the fundamental basis of my</p> <p>7 recommendation here is you -- we ought not be in the</p> <p>8 practice of making rules by enforcement. We identify a</p> <p>9 rule if Mr. Querard identifies a rule problem, if Mr.</p> <p>10 Barton identifies a rule problem which they have. I</p> <p>11 mean, obviously the discussion is clearly rich on that</p> <p>12 issue, but we have changed the culture of the</p> <p>13 Commission on that specific point.</p> <p>14 And I just wanted to give you all some</p> <p>15 credit. And you may not realize this, but you have,</p> <p>16 over the course of -- the course of the last five</p> <p>17 years, changed the way the Commission does business in</p> <p>18 terms of the rules are set before the game is played.</p> <p>19 MR. BARTON: Thank you.</p> <p>20 CHAIRMAN TITLA: Any questions from the</p> <p>21 commissioners?</p> <p>22 COMMISSIONER MEYER: Mr. Chairman, one</p> <p>23 comment I have and that's on the issue of precedence</p> <p>24 setting here, and the way I view this is every</p> <p>25 complaint is unique and every unique complaint is going</p>		
11:59:57-12:01:00	Page 115	12:02:11-12:03:28	Page 117
<p>1 probably be too tough a standard. I mean, our ethical</p> <p>2 rules are difficult than they ought to -- on that issue</p> <p>3 than they ought to be, but there ought to be some happy</p> <p>4 middle ground where I can look at what was done and it</p> <p>5 doesn't just say consulting services or some generic</p> <p>6 description like that where I just -- I just don't know</p> <p>7 what -- what was done. And so I'm obligated to know</p> <p>8 that did other candidates benefit so it was a joint</p> <p>9 expenditure? Did we get fair market value?</p> <p>10 I can't really tell that based on the very</p> <p>11 summary, general descriptions that we have before us</p> <p>12 today, but I agree there's no -- I'm going to vote in</p> <p>13 favor of the recommendation that we don't have evidence</p> <p>14 that there has been a violation.</p> <p>15 CHAIRMAN TITLA: Any more questions,</p> <p>16 Commissioners?</p> <p>17 (No response.)</p> <p>18 CHAIRMAN TITLA: Director Collins?</p> <p>19 MR. COLLINS: Mr. Chairman, if I could make</p> <p>20 one point about one point that Mr. Barton raised about</p> <p>21 2006. One of the things that this Commission has</p> <p>22 done -- and I -- and this is by way of change of --</p> <p>23 change of practice. In 2014 you may recall we had an</p> <p>24 issue, not all of you were here, about what primary</p> <p>25 purpose meant in terms of political committees and</p>	<p>1 to be investigated by Staff and facts are going to be</p> <p>2 run down and an analysis is going to be made. I don't</p> <p>3 see a decision made by the Commission as to an</p> <p>4 individual complaint as a precedent-setting exercise.</p> <p>5 Am I -- am I off on that, Tom, or --</p> <p>6 MR. COLLINS: Mr. Chairman, Commissioner</p> <p>7 Meyer, I don't think that we have a binding precedent</p> <p>8 by any stretch of the imagination. We try to be</p> <p>9 consistent case to case and be able to draw a like -- a</p> <p>10 through line through the case. So to Mr. Querard's</p> <p>11 point about whether or not, you know, he would -- you</p> <p>12 know, naturally if a case came up that was similar and</p> <p>13 we said this, he would say, look, you said this last</p> <p>14 year; why are you changing your mind. And that would</p> <p>15 be an appropriate thing for him to say. Whether or</p> <p>16 not -- I don't believe that would be a legally binding</p> <p>17 precedent.</p> <p>18 What the better course of action would be,</p> <p>19 if we want to create a legally binding thing, would be</p> <p>20 to institute a change of policy and that becomes</p> <p>21 legally binding. So certainly we've never discouraged</p> <p>22 people from using prior cases as persuasive authority.</p> <p>23 In fact, sometimes Sara and I, when we put together</p> <p>24 recommendations, we'll look back and even cite to, you</p> <p>25 know, in 2006 the Commission said X about Y and we will</p>		

12:03:32-12:05:01	Page 118	12:06:27-12:07:37	Page 120
<p>1 do that, but it's not legally binding. It's more of a</p> <p>2 matter of institutional integrity, to give you a long</p> <p>3 answer to a short question.</p> <p>4 CHAIRMAN TITLA: Do you have a question?</p> <p>5 COMMISSIONER PATON: If I may, when can we</p> <p>6 address any rule changes or talk about, like, my idea</p> <p>7 of -- I'm just uncomfortable with all this combining</p> <p>8 with the parties and so on.</p> <p>9 MR. COLLINS: Sure.</p> <p>10 COMMISSIONER PATON: In my mind -- and, you</p> <p>11 know, like I said before, I'm fairly new. I thought</p> <p>12 this was -- you know, the Clean Elections was to make</p> <p>13 these candidates more independent. I understand where</p> <p>14 you want to have interactions with your party and so</p> <p>15 on, but here's like eight people giving money directly</p> <p>16 from public monies to the Democratic party. Whether it</p> <p>17 was Republican or Independent or Green or anything. To</p> <p>18 me, I just kind of -- it makes me uncomfortable in</p> <p>19 that.</p> <p>20 MR. COLLINS: If I may, Mr. Chairman --</p> <p>21 COMMISSIONER PATON: I guess my point is</p> <p>22 why couldn't they just go to Mr. Barton separately like</p> <p>23 they did to Mr. Constantin. I don't know his -- I keep</p> <p>24 on calling you by your first name. I'm sorry.</p> <p>25 MR. QUERARD: That's why they use CQ.</p>	<p>1 know, I think many do use private consultants. I think</p> <p>2 these candidates chose to use the party as their -- as</p> <p>3 their consultant, and I think part of it is just, you</p> <p>4 know, that they have -- that's why they made their</p> <p>5 choices. I do -- I do want to point out that</p> <p>6 candidates having control of their money is the source</p> <p>7 of their independence, and the fact that they would</p> <p>8 hire the party to do their -- their consulting work I</p> <p>9 don't think interferes with their independence.</p> <p>10 So I just think -- again, maybe this is</p> <p>11 more for us to talk about in going forward if we're</p> <p>12 going to consider future rules, but just as a</p> <p>13 mechanical thing, I just -- I don't think that their</p> <p>14 independence was hurt at all by the candidates'</p> <p>15 decision to use the parties here.</p> <p>16 COMMISSIONER PATON: But you can see my</p> <p>17 point of -- of, you know, you're -- maybe you're --</p> <p>18 you've never run before or anything and so these -- the</p> <p>19 party bigwigs come to you and say, all right, we're</p> <p>20 going to back you. You need to do Clean Elections.</p> <p>21 This is how you do it and whatever and you're going to</p> <p>22 pay us this amount of money and if you -- maybe not</p> <p>23 saying it right out but maybe intimidating -- I mean,</p> <p>24 intimating this is how you're going to have to do it or</p> <p>25 you're not -- we're not going to support you. I mean,</p>		
12:05:03-12:06:23	Page 119	12:07:40-12:08:35	Page 121
<p>1 COMMISSIONER PATON: Yeah. So to me,</p> <p>2 that -- I don't understand that and it does make me</p> <p>3 uncomfortable. And maybe I shouldn't say anything</p> <p>4 about this --</p> <p>5 MR. COLLINS: No, no.</p> <p>6 COMMISSIONER PATON: -- in this context,</p> <p>7 but it just -- it does worry me somewhat. And to what</p> <p>8 he's saying, it could -- this could lead to a lot of</p> <p>9 bad things with, you know, the parties saying you have</p> <p>10 to deal with us or we're not back and we expect this</p> <p>11 amount of money from you. And this is -- this is</p> <p>12 supposed to be State money and that bothers me.</p> <p>13 As far as this whole thing about this, I</p> <p>14 think the rules are the rules. I feel like they</p> <p>15 followed the rules, but there's a lot of gray area, and</p> <p>16 that worries me as well because I think he's -- the</p> <p>17 reason -- I mean, I'm a realtor. I taught, and the</p> <p>18 realtor original contract was one page long. Now it's</p> <p>19 ten pages long, and it's ten pages long because people</p> <p>20 do nefarious things. And I can see where some of this</p> <p>21 could get out of hand.</p> <p>22 MR. COLLINS: Sure.</p> <p>23 CHAIRMAN TITLA: Mr. Barton?</p> <p>24 MR. BARTON: Do you need me to address --</p> <p>25 just briefly, Mr. Chairman, Commissioner Paton. You</p>	<p>1 maybe I'm making a molehill. I don't know.</p> <p>2 MR. BARTON: Mr. Chairman, Commissioner</p> <p>3 Paton, I see -- intellectually, I understand -- I</p> <p>4 understand the story you are painting. I think that's</p> <p>5 just not the way -- that's just not the facts on the</p> <p>6 ground, at least in Arizona, at least in my practice is</p> <p>7 that I don't -- people aren't being bullied into doing</p> <p>8 this. I think that they're doing this out of their</p> <p>9 choice and the fact that they have control over the</p> <p>10 money is what gives them the power.</p> <p>11 And so I think the intention of the act</p> <p>12 which is to remove the candidates from having to go get</p> <p>13 money and, therefore, be beholden to the people who</p> <p>14 they get money from, I think that that's still very</p> <p>15 much in place here, but I do understand theoretically</p> <p>16 how it could happen.</p> <p>17 CHAIRMAN TITLA: Any recommendations from</p> <p>18 the director in this case? I think we spent enough</p> <p>19 time on this issue.</p> <p>20 Director?</p> <p>21 MR. COLLINS: Sara -- it looks like Sara</p> <p>22 had something she wanted to add.</p> <p>23 MS. LARSEN: Chairman, sorry. I just want</p> <p>24 to make a couple of points. One about the candidates</p> <p>25 making payments to the party, the candidates also</p>		

12:08:38-12:09:57	Page 122	12:11:28-12:12:43	Page 124
<p>1 purchase access to the voter -- the parties' voter</p> <p>2 registration rules. And so really the rule in 702(B)</p> <p>3 really started by saying, look, the candidates can pay</p> <p>4 the party as long as they are receiving a good in</p> <p>5 return. So all candidates have to purchase -- whether</p> <p>6 they are Clean Elections candidates or not, have to</p> <p>7 purchase from the party access to their voter</p> <p>8 registration rules if they want -- if they want that</p> <p>9 service.</p> <p>10 So that rule also allows the candidates to</p> <p>11 purchase that good and that service. So I would just</p> <p>12 caution against a blanket rule that says that</p> <p>13 candidates can't make payments to the parties because</p> <p>14 the candidates really do utilize -- when they are</p> <p>15 collecting their \$5 qualifying contributions,</p> <p>16 collecting their signature -- petition signatures, they</p> <p>17 do utilize that party's service and all candidates</p> <p>18 utilize that.</p> <p>19 So there are services that the parties do</p> <p>20 require all candidates to pay for, and so it's the</p> <p>21 consulting in general that has been a problem, whether</p> <p>22 it's an independent third-party person, whether it's</p> <p>23 the party. It's hard at the Commission to look at the</p> <p>24 campaign finance reports and to say, you know, did I</p> <p>25 agree in 2014 that two Corporation Commission</p>		<p>1 that's -- and that's sort of part of the context for</p> <p>2 701, 702 and 703.</p> <p>3 So, Mr. Chairman, you were me asking for my</p> <p>4 recommendation and -- do you need --</p> <p>5 MR. QUERARD: Just a couple of -- one final</p> <p>6 question for clarification. And perhaps Sara or</p> <p>7 somebody could advise me. Again, I don't think this is</p> <p>8 a rule problem. This is a disclosure problem, okay?</p> <p>9 Salman amended her reports and has followed the rules.</p> <p>10 I see no objection to her disclosing this is what I</p> <p>11 paid for. You guys have the rules. It's just -- is it</p> <p>12 a complaint that actually should go to the Secretary of</p> <p>13 State's office for not adequate disclosure or is</p> <p>14 this -- I don't know. Maybe this is not even the</p> <p>15 appropriate venue for it.</p> <p>16 You guys have the rules. Most candidates</p> <p>17 followed it. We've heard no explanation whatsoever why</p> <p>18 so many people bought, word for word, the identical</p> <p>19 things but the prices were so wildly different. So the</p> <p>20 public that looks to see what's going on can't answer</p> <p>21 any of these questions. We don't -- we have no reason</p> <p>22 to believe that something bad went on. We just can't</p> <p>23 tell anybody what went on, and I guess that's -- we as</p> <p>24 the public -- I don't know what went on. I know they</p> <p>25 paid these amounts, but I don't know what they got for</p>	
12:10:01-12:11:25	Page 123	12:12:45-12:13:56	Page 125
<p>1 candidates each paid \$145,000 to a consulting service?</p> <p>2 Do I think that that's what they should have done? I</p> <p>3 don't know, but that's the candidate's option and</p> <p>4 that's the candidate's choice to utilize a vendor of</p> <p>5 their choice.</p> <p>6 I can see Commissioner Paton's point about,</p> <p>7 you know, the Commission and payments being made to the</p> <p>8 party, but if there's a service rendered to them, we've</p> <p>9 generally accepted that in the past. And that's been</p> <p>10 the precedent.</p> <p>11 MR. COLLINS: Mr. Chairman, if I could just</p> <p>12 add to that, I mean, our rules and our policies focus</p> <p>13 on don't take because it's a limit on contributions and</p> <p>14 a limit on expenditures outside of the limits that</p> <p>15 you've accepted. So with the exception of the</p> <p>16 political party exception, our rules all say don't</p> <p>17 take; buy. And so that's really what -- that's really</p> <p>18 the conflict here is that we're having -- the issue is</p> <p>19 that we have a "don't take; buy" standard and we're</p> <p>20 talking about, well, do we need to, you know, augment</p> <p>21 what you buy and how you do it.</p> <p>22 But the reason the rules are set up the way</p> <p>23 they are is because we're always encouraging people</p> <p>24 don't get in trouble for taking a thing that is a</p> <p>25 contribution that you've already agreed to forego, and</p>		<p>1 it. So that is -- that's the concern.</p> <p>2 And as far as the VAN and paying for the</p> <p>3 databases, the amounts we talked about here today were</p> <p>4 separate. Those candidates paid for VAN separately,</p> <p>5 thousands of dollars, in most cases, for access. It</p> <p>6 was just one kind of generic category under which</p> <p>7 wildly different amounts were paid for the identical</p> <p>8 product, and we just don't know what they got for them.</p> <p>9 So I guess if I have a concern is that we don't move on</p> <p>10 because we need to fix the rule, but I believe you guys</p> <p>11 already have the rule requiring disclosure.</p> <p>12 Salman amended to meet the requirement. I</p> <p>13 don't know if anybody else has or will have to, but</p> <p>14 then you guys maybe could point me in the right</p> <p>15 direction if I'm in the wrong venue. That's all.</p> <p>16 CHAIRMAN TITLA: Okay, Commissioners.</p> <p>17 Thank you for your comments.</p> <p>18 I think that the director is recommending</p> <p>19 to the Commission that they find no reason to believe a</p> <p>20 violation occurred in MUR 16-005.</p> <p>21 Is there any action taken by the</p> <p>22 Commission?</p> <p>23 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>24 CHAIRMAN TITLA: Commissioner Kimble?</p> <p>25 COMMISSIONER KIMBLE: I move that in the</p>	

12:13:57-12:15:05	Page 126	12:16:38-12:18:06	Page 128
<p>1 case of MUR 16-005 that we affirm the director's</p> <p>2 recommendation that there's no reason to believe a</p> <p>3 violation of R2-20-110(A)(4) occurred.</p> <p>4 CHAIRMAN TITLA: Motion by Commissioner</p> <p>5 Kimble.</p> <p>6 Is there a second?</p> <p>7 COMMISSIONER LAIRD: Second.</p> <p>8 CHAIRMAN TITLA: Second by Commissioner</p> <p>9 Laird.</p> <p>10 All in favor say aye.</p> <p>11 (Chorus of ayes.)</p> <p>12 CHAIRMAN TITLA: Okay. All opposed?</p> <p>13 (No response.)</p> <p>14 CHAIRMAN TITLA: Abstain?</p> <p>15 (No response.)</p> <p>16 CHAIRMAN TITLA: Motion passes.</p> <p>17 Okay. Why don't we go to the next one, MUR</p> <p>18 16-007, Senate Victory PAC.</p> <p>19 MR. COLLINS: Yes. Mr. Chairman,</p> <p>20 Commissioners, we got a complaint -- 07 and 08 are sort</p> <p>21 of related, I guess. They have different complainants.</p> <p>22 I think that those complainants are represented by the</p> <p>23 same folks, in some sense. They complained, I think,</p> <p>24 about one report not being filed -- one or two reports</p> <p>25 not being filed, and then we actually got -- I think we</p>		<p>1 folks paid 5 percent of the total amount of fine that</p> <p>2 they were eligible for. Given the mitigation of no</p> <p>3 knowledge on the part of the respondent or its agents</p> <p>4 that was avowed here, we basically cut that percentage</p> <p>5 in half to give us the 2,500. And that's -- and that's</p> <p>6 the -- and that's the settlement that I agreed with the</p> <p>7 committees to recommend to you, and I do recommend it.</p> <p>8 I think that we got the reports ultimately</p> <p>9 not as timely as we would like. We have a fine which I</p> <p>10 think although they, you know, obviously maintain that</p> <p>11 they -- that we don't have authority, nevertheless,</p> <p>12 they have paid a fine and a fine is an admission of</p> <p>13 something. It's a fine. It's not a -- it's not a --</p> <p>14 it's not a -- a fine is a fine is a fine. So I</p> <p>15 recommend that you accept the proposed conciliation</p> <p>16 agreements in your materials. Payment would be due --</p> <p>17 we need to get a signature back from the respondents by</p> <p>18 the end of the week, and then payment would be due the</p> <p>19 31st.</p> <p>20 They're not here. I didn't ask them to be</p> <p>21 here because -- but Mr. Gaona is here. He may or may</p> <p>22 not have comments to add. He doesn't. So I would just</p> <p>23 ask -- you can either take them together or separate --</p> <p>24 but that you approve me entering into the proposed</p> <p>25 conciliation agreements in your materials unless you</p>	
12:15:10-12:16:38	Page 127	12:18:09-12:18:52	Page 129
<p>1 got -- I believe we got additional filings from them,</p> <p>2 as I recall. We may not -- may not have put the</p> <p>3 complaint in the file.</p> <p>4 In any event, the complaint was a lack of</p> <p>5 filing the trigger reports. We've been talking about</p> <p>6 the issue we had with the solar group, the issue we've</p> <p>7 had with the -- with the Secretary of State not</p> <p>8 providing the appropriate log-in information for folks</p> <p>9 to file. In this particular case, the Senate Victory</p> <p>10 PAC -- in both cases, the Senate Victory PAC and the</p> <p>11 House Victory PAC conceded that they did not file their</p> <p>12 reports at all. They filed the reports later.</p> <p>13 They skipped the reasonable cause finding</p> <p>14 because there was nothing to reasonable cause. There</p> <p>15 was no dispute that there was no finding. We asked</p> <p>16 them to stipulate that they had no knowledge of the</p> <p>17 report because the Secretary of State's office did not</p> <p>18 provide it in their CFRN system, nor did they receive</p> <p>19 any word from us. They avowed that in the -- in the --</p> <p>20 in the agreement. They maintain that they -- that they</p> <p>21 would argue that they -- that we don't have</p> <p>22 jurisdiction but we're willing to leave that go for</p> <p>23 another day and pay a fine of 2,500 each one, 2,500 for</p> <p>24 the house and 2,500 for the senate.</p> <p>25 We arrived at that number -- the solar</p>		<p>1 have other questions.</p> <p>2 COMMISSIONER MEYER: Mr. Chairman?</p> <p>3 CHAIRMAN TITLA: Commissioner Meyer.</p> <p>4 COMMISSIONER MEYER: I move to approve the</p> <p>5 two reconciliation agreements which are matters MUR</p> <p>6 16-007 as to the Senate Victory PAC and MUR 16-008 as</p> <p>7 to the House Victory PAC.</p> <p>8 CHAIRMAN TITLA: Motion by Meyer to approve</p> <p>9 the recommendation of the director.</p> <p>10 Is there a second?</p> <p>11 COMMISSIONER LAIRD: Second.</p> <p>12 CHAIRMAN TITLA: Second by Commissioner</p> <p>13 Laird on MR -- MUR 16-007 and MUR 16-008.</p> <p>14 All in favor say aye.</p> <p>15 (Chorus of ayes.)</p> <p>16 CHAIRMAN TITLA: Opposed?</p> <p>17 (No response.)</p> <p>18 CHAIRMAN TITLA: Abstain?</p> <p>19 (No response.)</p> <p>20 CHAIRMAN TITLA: Motion carries</p> <p>21 unanimously.</p> <p>22 Let's go to the next one. The next one is</p> <p>23 MUR 16-009.</p> <p>24 MR. COLLINS: Yeah, and that -- and,</p> <p>25 Mr. Chairman, we were unable to complete that process.</p>	

12:18:56-12:20:16	Page 130	12:22:05-12:22:45	Page 132
<p>1 We just -- we've gotten off route and we just haven't</p> <p>2 been able to get it done for this one, so we'll have it</p> <p>3 next month.</p> <p>4 CHAIRMAN TITLA: So then we'll table that?</p> <p>5 MR. COLLINS: Yes, please. I mean, I don't</p> <p>6 think you need to take any action at all. Just -- just</p> <p>7 move on.</p> <p>8 CHAIRMAN TITLA: Okay. This item is tabled</p> <p>9 until we get an agreement.</p> <p>10 Okay. Item VII, discussion and possible</p> <p>11 action on the 5-Year Review Report submitted to the</p> <p>12 Governor's Regulatory Review Council and related</p> <p>13 matters in 2015.</p> <p>14 MR. COLLINS: So -- yeah. Gosh. So this</p> <p>15 is our latest go-round. I'm supposed to say this all</p> <p>16 with a smile. This is the -- that's Mike advise. This</p> <p>17 is what we -- he's trying to train me, but at least</p> <p>18 he's trying. At least we've got something.</p> <p>19 Anyways, the last word we heard from the --</p> <p>20 from GRRC was to make some adjustments to the 5-Year</p> <p>21 Report. They particularly objected to the fact that we</p> <p>22 incorporated some of our objections to their assertions</p> <p>23 into the report. We have provided those in the draft</p> <p>24 cover letter you see there. We have updated the report</p> <p>25 to include the revisions to the rules that we made over</p>		<p>1 that invitation to him, and we will keep you posted if</p> <p>2 he arrives, but other than that, we'd ask you to -- if</p> <p>3 you don't have any questions on the 5-Year Report, I</p> <p>4 guess we'd ask you to approve it for submittal upon our</p> <p>5 completion of any of the, you know, pulling together</p> <p>6 the appendices and proofreading and those kinds of</p> <p>7 things, but in substantially this form.</p> <p>8 CHAIRMAN TITLA: Any questions by the</p> <p>9 Commission?</p> <p>10 COMMISSIONER MEYER: Mr. Chairman? Has</p> <p>11 this gone through counsel?</p> <p>12 MR. COLLINS: Yes, yes.</p> <p>13 COMMISSIONER MEYER: I move to approve.</p> <p>14 CHAIRMAN TITLA: Motion by Commissioner</p> <p>15 Meyer to approve the 5-Year Review Report.</p> <p>16 Second?</p> <p>17 COMMISSIONER KIMBLE: Second.</p> <p>18 CHAIRMAN TITLA: Second by Commissioner</p> <p>19 Kimble.</p> <p>20 All in favor say aye.</p> <p>21 (Chorus of ayes.)</p> <p>22 CHAIRMAN TITLA: Opposed?</p> <p>23 (No response.)</p> <p>24 CHAIRMAN TITLA: Abstain?</p> <p>25 (No response.)</p>	
12:20:19-12:22:01	Page 131	12:22:45-12:24:01	Page 133
<p>1 the course of August and December and the explanations</p> <p>2 thereof. We've changed a little bit of the wording, we</p> <p>3 think, in conjunction with what we anticipate from --</p> <p>4 based on Mr. Clench's comments to Joe Roth and Sara.</p> <p>5 And we believe we're abiding by that and we</p> <p>6 are doing that with -- with -- with -- with as much</p> <p>7 efficiency and as much adherence to his request as we</p> <p>8 can. So we -- we don't -- we would ask you to approve</p> <p>9 it if you've reviewed it. You know, this is what we</p> <p>10 plan to submit, you know, give or take some</p> <p>11 proofreading stuff if there is any.</p> <p>12 The last thing I'll add on this point is</p> <p>13 that John Sunt, who is one of the members of GRRC, had</p> <p>14 asked to appear in front of us today. He did not. He</p> <p>15 chose not to today. He would like to come next month</p> <p>16 and be -- we would notice him and have an opportunity</p> <p>17 for you to discuss whatever he wants to discuss.</p> <p>18 Mr. Sunt -- you know, Commissioner Kimble</p> <p>19 can -- has been at the GRRC meeting. Mr. Sunt has in</p> <p>20 many ways asserted himself as the -- how do I put</p> <p>21 it? -- the lead questioner of our positions and</p> <p>22 believes that by coming and discussing with you his</p> <p>23 views, that that would advance the relationship between</p> <p>24 the council and the Commission.</p> <p>25 And so that invitation is -- we've extended</p>		<p>1 CHAIRMAN TITLA: Motion carries unanimously.</p> <p>2 Item VIII, recognition and appreciation to</p> <p>3 Mitchel C. Laird for his service to the Commission.</p> <p>4 Commissioner Laird, we present you a plaque</p> <p>5 from the Citizens Clean Elections Commission in</p> <p>6 appreciation of your outstanding service and dedication</p> <p>7 to the Citizens Clean Elections Commission in the state</p> <p>8 of Arizona from April -- February 2012 to January 2017</p> <p>9 presented to Mitchell C. Laird on behalf of the</p> <p>10 Citizens Clean Elections Commission, Steve Titla,</p> <p>11 Damien Meyer, Mark Kimball and Galen Paton.</p> <p>12 Commissioner.</p> <p>13 COMMISSIONER LAIRD: Thank you,</p> <p>14 Mr. Chairman. Thank you.</p> <p>15 (Applause.)</p> <p>16 CHAIRMAN TITLA: Any comments by the</p> <p>17 Commission?</p> <p>18 COMMISSIONER MEYER: You will be missed.</p> <p>19 Thank you.</p> <p>20 COMMISSIONER LAIRD: Thank you.</p> <p>21 COMMISSIONER PATON: Thank you for your</p> <p>22 leadership.</p> <p>23 COMMISSIONER LAIRD: Thank you.</p> <p>24 CHAIRMAN TITLA: Thank you. Drive by.</p> <p>25 Don't act like a stranger.</p>	


12:24:03-12:25:06	Page 134	12:26:37-12:27:38	Page 136
<p>1 COMMISSIONER LAIRD: Well, it's been an</p> <p>2 honor to serve with each one of you guys. It really</p> <p>3 is, a very integrous, fine group of men, and I've</p> <p>4 enjoyed it. Thank you.</p> <p>5 MR. COLLINS: Mr. Chairman, if I may, on</p> <p>6 behalf of the entire staff, I'd just like to say that</p> <p>7 we all found Mr. -- Mr. Laird's service as a</p> <p>8 commissioner and as chairman to be -- to be remarkable.</p> <p>9 It has improved our practices both in terms of our</p> <p>10 internal control, financials. He's brought his</p> <p>11 knowledge and business background and improved our</p> <p>12 practices. He's brought a keen legal eye to our</p> <p>13 issues, and we all think as Staff members that we've</p> <p>14 learned a great deal from having him on board and we're</p> <p>15 very, very happy about that.</p> <p>16 COMMISSIONER LAIRD: Well, I should mention</p> <p>17 we have stellar staff as well. I didn't want to</p> <p>18 overlook that. I've said that many times, but in</p> <p>19 parting, I should say it one more time so I will.</p> <p>20 And I'll miss you too, Mary.</p> <p>21 CHAIRMAN TITLA: Thank you.</p> <p>22 Okay. The next item on the agenda is IX,</p> <p>23 public comment.</p> <p>24 Do we have any public comment? Yes, ma'am.</p> <p>25 MS. KNOX: I guess it's by now good</p>		<p>1 evaluations of the summit which was about half the</p> <p>2 people submitted evaluations which, having been</p> <p>3 involved with other activities in my both professional</p> <p>4 and retirement life, I think is a very high return rate</p> <p>5 on evaluations.</p> <p>6 She was one of the speakers that was listed</p> <p>7 by more people as, you know, fabulous, Number 1, loved</p> <p>8 what she said; her knowledge and enthusiasm and</p> <p>9 information was outstanding. And I just wanted you all</p> <p>10 to be aware of that. So thank you. And obviously the</p> <p>11 league continues to look forward to working with the</p> <p>12 Clean Elections Commission and Staff, and we're very</p> <p>13 grateful for all the contributions.</p> <p>14 Thank you.</p> <p>15 CHAIRMAN TITLA: Thank you, ma'am, for your</p> <p>16 comments. We appreciate those.</p> <p>17 Any other public comments?</p> <p>18 (No response.)</p> <p>19 CHAIRMAN TITLA: If not, Item X,</p> <p>20 adjournment.</p> <p>21 Is there a motion to adjourn?</p> <p>22 COMMISSIONER MEYER: Mitch, you want to</p> <p>23 make that?</p> <p>24 COMMISSIONER LAIRD: I'll move we adjourn</p> <p>25 one last time.</p>	
12:25:09-12:26:32	Page 135	12:27:38-12:27:48	Page 137
<p>1 afternoon, Mr. Chairman and members of the Commission,</p> <p>2 Staff.</p> <p>3 I just wanted to one more time say how</p> <p>4 grateful the League of Women Voters of Arizona is for</p> <p>5 the assistance and participation of the Clean Elections</p> <p>6 Commission Staff in planning and then presenting the</p> <p>7 voters' rights summit on January 7th. The Staff were</p> <p>8 part of our advisory committee, gave us phenomenal</p> <p>9 feedback on revising our agenda to improve. It gave --</p> <p>10 provided tremendous suggestions for speakers, almost</p> <p>11 all of whom -- I think, or maybe all of whom agreed to</p> <p>12 speak and in many cases were approached first by Clean</p> <p>13 Elections Staff to kind of smooth the way. So when we</p> <p>14 asked them, they said yeah.</p> <p>15 And, finally, I wanted to say that Gina</p> <p>16 Roberts spoke on two different panels. By the way, we</p> <p>17 had almost 300 people at the voters' rights summit out</p> <p>18 at ASU West, and ASU West, by the way, was so impressed</p> <p>19 with the summit that they have now asked the league</p> <p>20 for -- to consider holding a follow-up event in a year</p> <p>21 or two maybe during the semester to involve more</p> <p>22 students and faculty. So it was very, very successful.</p> <p>23 I want to get back to Gina Roberts. Gina</p> <p>24 Roberts spoke on two different panels, and I just</p> <p>25 finished two days ago going through about 150-some</p>		<p>1 CHAIRMAN TITLA: Motion by Commissioner</p> <p>2 Laird to adjourn.</p> <p>3 COMMISSIONER MEYER: Second.</p> <p>4 CHAIRMAN TITLA: Second by</p> <p>5 Commissioner Meyer.</p> <p>6 All in favor say aye.</p> <p>7 (Chorus of ayes.)</p> <p>8 CHAIRMAN TITLA: We are adjourned. Thank</p> <p>9 you, Commissioners.</p> <p>10 (Whereupon, the proceedings concluded at</p> <p>11 12:27 p.m.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

1 STATE OF ARIZONA       )  
2 COUNTY OF MARICOPA    )

3           BE IT KNOWN the foregoing proceedings were  
4 taken by me; that I was then and there a Certified  
5 Reporter of the State of Arizona, and by virtue thereof  
6 authorized to administer an oath; that the proceedings  
7 were taken down by me in shorthand and thereafter  
8 transcribed into typewriting under my direction; that  
9 the foregoing pages are a full, true, and accurate  
10 transcript of all proceedings and testimony had and  
11 adduced upon the taking of said proceedings, all done to  
12 the best of my skill and ability.

13           I FURTHER CERTIFY that I am in no way  
14 related to nor employed by any of the parties thereto  
15 nor am I in any way interested in the outcome hereof.

16           DATED at Phoenix, Arizona, this 21st day of  
17 January, 2017.

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19 LILIA MONARREZ, RPR, CR #50699  
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\$	account (32) 34:22; 35:2,12;36:16,20,24; 37:6;38:23,24;39:7,9,9, 12,12,18,19,22,25; 40:6,9,10,11,13,17; 41:3,5,15;42:6;49:6; 71:25;78:7,13 accountant (1) 43:25 accountants (1) 44:2 accounting (2) 41:9; 42:1 accounts (6) 34:19; 37:3,3;40:18;44:10; 45:14 Ackerley (1) 36:7 acknowledge (1) 56:7 across (7) 8:16;13:4; 16:23;51:3;74:6;86:11; 110:17 Act (18) 19:23;20:1,6; 23:6;39:6;40:8;47:14; 58:3;65:4;66:1;67:5; 70:16,18;77:16;95:15; 113:17;121:11;133:25 acted (2) 69:14;76:11 acting (7) 58:4;63:5,6, 6;69:20,21;81:20 action (15) 3:11;4:4; 6:3;7:16;32:11;34:7; 46:18;50:10;52:13,17; 91:16;117:18;125:21; 130:6,11 activities (8) 7:16,22; 19:17;20:14;32:13,18; 40:7;136:3 activity (2) 39:8;40:8 actual (3) 63:23;66:14; 99:10 actually (37) 8:15;9:2,6, 9;10:19,23;13:18; 14:15;15:11;16:17; 18:12;22:9;26:17,18; 27:7;32:21;38:2;54:10; 57:4;77:2,3;81:11; 83:16;84:19,25;85:4; 89:13;99:20,24;100:1, 5,6;105:14;107:23; 110:6;124:12;126:25 ad (4) 51:5,17;55:16; 103:23 add (8) 32:14;49:23; 61:20;94:1;121:22; 123:12;128:22;131:12 added (1) 30:17 addition (7) 6:16,16; 13:2,8;14:6;69:5; 101:20 additional (14) 14:5; 21:21;22:4;32:22;35:9; 36:2,9;49:25;72:7; 74:15;76:15,25;77:7; 127:1 additionally (3) 23:25;	28:7;87:22 address (13) 30:18; 35:22;55:14;61:9,18; 62:10;66:20;68:13,22; 71:10;73:25;118:6; 119:24 addressed (3) 62:11; 63:9;70:4 addressing (3) 78:12; 80:19;94:20 adequate (1) 124:13 adhere (1) 90:11 adherence (1) 131:7 adjourn (3) 136:21,24; 137:2 adjourned (1) 137:8 adjournment (1) 136:20 adjustments (1) 130:20 administer (1) 67:15 administering (1) 113:11 administrative (1) 87:7 administrators (1) 26:12 admission (1) 128:12 ads (3) 10:18,18; 103:25 advance (1) 131:23 advertising (2) 20:19; 103:17 advice (7) 3:8;44:7; 97:5,17;101:5;102:16; 109:6 advise (2) 124:7; 130:16 adviser (3) 97:10,11; 101:4 advisory (1) 135:8 advocating (1) 83:19 affect (2) 30:3,4 affects (1) 64:18 affidavit (9) 74:18; 87:15;96:6,14;104:13; 106:9,12;108:2;111:6 affidavits (7) 74:25; 87:17;93:13;98:5; 99:18;106:19;111:17 affirm (2) 91:20;126:1 afford (1) 103:8 afternoon (1) 135:1 after-the-fact (2) 110:16;111:13 again (37) 10:16;11:14, 16,25;12:7,22;15:20; 17:12;19:7;21:14; 22:12,22;23:2;30:9; 33:3;51:3;65:6;66:19; 70:4,10;77:1,10,13,19; 81:21;82:17;83:18; 93:16;96:15;98:24; 99:17;100:13;101:13; 102:11;111:14;120:10; 124:7 against (4) 92:10;	100:23;110:14;122:12 agency (8) 4:22;20:16, 19;24:15;35:7;45:12; 60:16,21 agenda (6) 3:9;7:15; 35:5;68:15;134:22; 135:9 agent (3) 58:5;59:21; 60:1 agents (1) 128:3 ago (2) 5:23;135:25 agree (16) 16:23;51:5; 59:25;62:13;67:12,18; 71:5,5;73:12;79:3; 84:1;87:15;95:10; 114:25;115:12;122:25 agreed (3) 123:25; 128:6;135:11 agreement (9) 57:24, 24;58:6,7,9;59:9; 61:10;127:20;130:9 agreements (3) 128:16, 25;129:5 AG's (1) 110:18 ahead (3) 34:6;84:7; 101:7 akin (1) 47:24 AI (1) 103:14 alarming (2) 86:13,17 alarms (1) 103:1 Alec (2) 4:15;33:24 allow (5) 49:10;52:15; 72:8;87:3,19 allowed (3) 38:2;66:25; 107:25 allows (4) 50:3;62:19; 65:4;122:10 alluded (1) 76:12 almost (5) 22:25;48:18; 103:9;135:10,17 although (3) 54:3; 59:20;128:10 always (7) 6:11;8:8,9; 42:17;90:2;106:10; 123:23 amazing (2) 20:20; 25:12 AMCA (1) 32:16 amended (2) 124:9; 125:12 amendment (1) 100:2 amendments (3) 90:8, 24;99:14 American (2) 12:5; 23:21 among (2) 73:6;82:5 amongst (1) 17:4 amount (18) 35:19,19; 48:19;62:23,23;70:8; 83:6;86:13;87:21; 90:23;98:16,18; 100:12;102:19;103:18; 119:11;120:22;128:1	amounts (6) 43:21; 68:19;86:10;124:25; 125:3,7 amplify (1) 88:9 Amy (5) 6:21;14:25; 33:24;34:12;90:9 analysis (2) 60:8;117:2 Android (1) 15:19 Andy (3) 51:14;61:19; 62:1 anger (1) 47:15 answered (1) 58:20 anticipate (1) 131:3 anticipated (1) 95:22 Anyways (1) 130:19 apathetic (2) 26:6,7 apathy (2) 17:13;22:9 apologize (3) 62:5; 75:10;83:6 app (5) 9:16;13:14; 15:18;30:14;31:3 apparently (1) 26:6 appear (1) 131:14 appears (1) 5:19 appendices (1) 132:6 Applause (1) 133:15 application (3) 41:10, 16;42:1 applied (5) 74:6;80:4, 11;85:5;93:24 applies (1) 93:23 apply (1) 80:12 applying (1) 6:23 appreciate (4) 34:1; 56:13;62:6;136:16 appreciation (2) 133:2, 6 approached (1) 135:12 appropriate (9) 34:24; 37:12;42:6;67:2;85:15; 88:6;117:15;124:15; 127:8 appropriately (3) 35:17; 61:15;87:10 approval (2) 34:8;45:23 approve (12) 3:17; 37:9;46:2,3,5;128:24; 129:4,8;131:8;132:4, 13,15 approximately (1) 8:21 April (2) 98:21;133:8 area (2) 27:13;119:15 argue (1) 127:21 arguing (1) 83:18 Arizona (19) 4:16,24; 8:18,21;10:21;21:4; 23:23;46:21;66:24; 69:7;76:3;101:21; 104:16;106:6;108:15; 111:20;121:6;133:8; 135:4 around (3) 48:14;61:6; 107:21
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<b>5 (10)</b> 17:21;38:22; 75:1,15,23;76:4;88:19, 20,21;128:1 <b>5,000 (1)</b> 79:12				

# Arizona Citizens Clean Elections Act

## 2017-2018 Participating Candidate Expenditure & Contribution Limits

Pursuant to A.R.S. § 16-959(A)

<b>Office</b>	<b>Primary Election Spending Limits A.R.S. § 16- 961(G)</b>	<b>General Election Spending Limits A.R.S. § 16- 961(H)</b>	<b>Independent Expenditure Reporting Threshold A.R.S. § 16- 941(D)</b>	<b>Maximum Early Contributions (Aggregate) A.R.S. § 16- 945(A)(2)</b>	<b>Maximum Early Contributions (Individual) A.R.S. § 16- 945(A)(1)</b>	<b>Maximum Personal Money Contributions A.R.S. § 16- 941(A)(2)</b>
<b>Governor</b>	<b>\$839,704</b>	<b>\$1,259,556</b>	<b>\$740</b>	<b>\$58,810</b>	<b>\$160</b>	<b>\$1,460</b>
<b>Secretary Of State</b>	<b>\$217,589</b>	<b>\$326,384</b>	<b>\$740</b>	<b>\$55,630</b>	<b>\$160</b>	<b>\$1,460</b>
<b>Attorney General</b>	<b>\$217,589</b>	<b>\$326,384</b>	<b>\$740</b>	<b>\$55,630</b>	<b>\$160</b>	<b>\$1,460</b>
<b>Treasurer</b>	<b>\$108,779</b>	<b>\$163,169</b>	<b>\$740</b>	<b>\$27,811</b>	<b>\$160</b>	<b>\$1,460</b>
<b>Superintendent of Public Instruction</b>	<b>\$108,779</b>	<b>\$163,169</b>	<b>\$740</b>	<b>\$27,811</b>	<b>\$160</b>	<b>\$1,460</b>
<b>Corporation Commissioner</b>	<b>\$108,779</b>	<b>\$163,169</b>	<b>\$740</b>	<b>\$27,811</b>	<b>\$160</b>	<b>\$1,460</b>
<b>Mine Inspector</b>	<b>\$54,405</b>	<b>\$81,608</b>	<b>\$740</b>	<b>\$13,909</b>	<b>\$160</b>	<b>\$1,460</b>
<b>Legislature</b>	<b>\$16,995</b>	<b>\$25,493</b>	<b>\$740</b>	<b>\$4,345</b>	<b>\$160</b>	<b>\$740</b>

**Arizona Citizens Clean Elections Act**  
**2017-2018 Participating Candidate Expenditure & Contribution Limits**  
**Page 2**

Other Adjustments of Concern to Committees

Late Filing Penalty A.R.S. §16-942(B)		Petty Cash Account Limits A.R.S. §16-948(C)	
Statewide	Legislative	Expenditure	Balance
\$450	\$160	\$160	\$1,460

Administrative Adjustments

Commissioner Per Diem Salary A.R.S. §16-955(G)	CCEC 2017-2018 Calendar Year Spending Limit Coefficient A.R.S. §16-949(A)			
\$290	\$7			

SUPREME COURT OF ARIZONA

LEGACY FOUNDATION ACTION  
FUND,

Plaintiff/ Appellant,

v.

CITIZENS CLEAN ELECTIONS  
COMMISSION,

Defendant/ Appellee.

Arizona Supreme Court  
No. CV-16-0306-PR

Court of Appeals  
Division One  
No. 1 CA-CV 15-0455

Maricopa County  
Superior Court  
No. LC2015-000172-001

RESPONSE TO PETITION FOR REVIEW

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## INTRODUCTION\*

This case does not raise any issues meriting the Court's review. Petitioner Legacy Foundation Action Fund ("LFAF") filed a late appeal of an administrative decision of the Citizens Clean Elections Commission. Clearly established law states that "[a]ny person who fails to seek review [of a final administrative order] 'within the time and in the manner provided . . . shall be barred from obtaining judicial review.'" *Smith v. Ariz. Citizens Clean Elections Comm'n*, 212 Ariz. 407, 415 ¶ 40 (2006) (quoting A.R.S. § 12-902(B) (emphasis in original)). In a unanimous and unpublished decision, the Court of Appeals applied this existing law to undisputed facts to conclude that LFAF's late appeal is barred. (The "Decision" or "Dec." ¶¶ 7-12.)<sup>1</sup>

LFAF argues against this straightforward application of existing law by pointing to other contexts where courts have allowed challenges to a court's jurisdiction. But the cases LFAF cites do not conflict with the decision below and do not raise issues of statewide importance needing

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\* APP VOL X ##### refers to pages from the Appendix submitted with LFAF's petition.

<sup>1</sup> APP VOL 1 00003. This brief will refer to the memorandum decision by paragraph number.

this Court's attention. The Decision correctly resolved this case and broke no new ground in doing so. LFAF's petition should be denied.

### **RELEVANT FACTS**

LFAF's Petition includes a lengthy recitation of facts related to the merits of its untimely appeal. The facts relevant to this Petition, however, are far more limited.

**I. The Commission receives a complaint alleging that LFAF violated the Act and commences an enforcement proceeding that leads to the issuance of the March 27 Order.**

The Citizens Clean Elections Act, A.R.S. §§ 16-940 to -961 (the "Act"), authorizes the Commission to enforce the Act, to "adopt rules to carry out the purposes of [the Act] and to govern the procedures of the commission." [A.R.S. § 16-956\(A\)\(7\), \(C\)](#).

In 2014, the Commission received a complaint alleging that LFAF failed to comply with the Act's requirement that "any person who makes independent expenditures" shall file certain reports of those expenditures. [A.R.S. §§ 16-941\(D\) and 16-958\(A\)-\(B\)](#).<sup>2</sup> Following its rules, the Commission initiated an enforcement proceeding, after which the Commission issued an order assessing civil penalties on November 28,

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<sup>2</sup> IR-42.

2014.<sup>3</sup> The November 28 order provided that LFAF could request a hearing before an administrative law judge (“ALJ”) within 30 days, which it did.<sup>4</sup>

Following the ALJ hearing, the Commission issued a final administrative order on March 27, 2015, accepting part and rejecting part of the ALJ’s decision (the “March 27 Order”).<sup>5</sup> The March 27 Order affirmed the November 28 order and assessed a civil penalty.<sup>6</sup>

## **II. LFAF seeks judicial review of the March 27 Order and its untimely complaint is dismissed for lack of jurisdiction.**

LFAF sought review under the Judicial Review of Administrative Decisions Act (“JRADA”), A.R.S. §§ 12-901 to -914, which provides for judicial review of final administrative decisions. LFAF filed its complaint for judicial review in the superior court on April 14, eighteen days after issuance of the March 27 Order.<sup>7</sup> The superior court dismissed the action, however, because the Act states that a party “has fourteen days from the

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<sup>3</sup> IR-62.

<sup>4</sup> *Id.*; IR-63; 69.

<sup>5</sup> APP VOL 2 00008.

<sup>6</sup> *Id.*

<sup>7</sup> IR-1.

date of issuance of the order assessing the penalty to appeal to the superior court as provided in” JRADA. [A.R.S. § 16-957\(B\)](#).<sup>8</sup>

**III. The Court of Appeals affirms the superior court, holding that LFAF’s untimely appeal is barred.**

LFAF appealed the dismissal of its complaint and the Court of Appeals affirmed. The court held that LFAF’s argument that its complaint was timely filed was “foreclosed by *Smith*,” and affirmed that the 14-day deadline in § 16-957(B) applies to appeals from Commission orders (Dec. ¶ 8). The Decision also rejected LFAF’s argument that § 12-902(B) allows a party to challenge an agency’s jurisdiction at any time, holding that the “language of § 12-902(B) does not allow an appeal of an administrative decision to be heard after the allotted time for appeal has passed.” (Dec. ¶ 12.) In so holding, the Decision considered and rejected LFAF’s alternative arguments to save its untimely appeal (Dec. ¶¶ 11-12). LFAF then filed its Petition.

**REASONS THE COURT SHOULD DENY REVIEW**

This case presents none of the hallmarks of a case warranting review. The Court of Appeals correctly applied the plain language of § 12-902(B)

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<sup>8</sup> APP VOL 2 00030.

and this Court's holding in *Smith* to affirm the superior court's dismissal of LFAF's untimely complaint. LFAF's efforts to create a reviewable issue fail.

LFAF plucks language from other cases to manufacture a "conflict with other appellate decisions" where none exists. The cases LFAF cites arise in different procedural contexts and do not conflict with the Decision. LFAF cannot avoid that it had an unfettered right to appeal to the superior court (on jurisdiction and the merits) and it failed to timely avail itself of that right. The Decision applied existing law to these undisputed facts and correctly affirmed the dismissal of LFAF's complaint. This Court should deny the Petition.

**I. The Petition poses no review-worthy questions of statewide importance.**

Setting aside that the Decision is correct under a straightforward application of existing law (*see* § II), the Petition amounts to a plea for error correction that would impact only this case. Nothing about the Decision curtails the appeal rights of future litigants seeking review of Commission orders.

Moreover, the Petition seeks a remarkable and far-reaching rule (that a party should be able to appeal the issue of jurisdiction at any time, even months or years late) yet fails to identify what jurisdictional claims would survive here were LFAF to prevail. LFAF explains (at 7) that it argued on appeal that the “Commission lacked jurisdiction because LFAF’s speech did not constitute express advocacy,” and thus LFAF did not make any unreported expenditures. In other words, the contention is not that the Commission lacks authority over entities making independent expenditures but that the Commission reached the wrong conclusion about the character of LFAF’s expenditures. This is a challenge to the merits of the Commission’s order, not its jurisdiction to decide the issue. Indeed, that is the holding of the case on which LFAF puts so much faith, *State ex rel. Dandoy v. City of Phoenix*, [133 Ariz. 334, 338-39](#) (App. 1992) (explaining that “[a]n erroneous interpretation and application of a statutory provision . . . will normally constitute mere legal error and not operate to deprive an administrative agency of jurisdiction,” and holding that an order may have “involved legal error” but “did not lack subject matter jurisdiction”); see also *Cockerham v. Zikratch*, [127 Ariz. 230, 234-35](#) (1980) (“void” judgment is not the same as “wrong” or “erroneous”).

Accordingly, this Court's intervention is further unmerited because, even if revived, the Petition does not raise any actual jurisdictional claim. The Court should not entertain issuing what would amount to an advisory opinion.

**II. Using a straightforward application of statutory text and this Court's decision in *Smith*, the Court of Appeals correctly held that LFAF's administrative appeal is barred.**

Despite LFAF's attempts to make more of this case, the resolution is simple. This is a case about the straightforward application of a jurisdictional appeal deadline.

LFAF seeks judicial review of the March 27 Order and its imposition of penalties against LFAF. JRADA permits an aggrieved party to obtain judicial review of a "final administrative decision," such as the March 27 Order, by filing a timely complaint for judicial review in the superior court. [A.R.S. §§ 12-904\(A\); 12-905\(A\)](#) ("Jurisdiction to review final administrative decisions is vested in the superior court."). In general, a party has "thirty-five days from" service of an administrative decision to commence an appeal. [A.R.S. § 12-904\(A\)](#). "The provisions of JRADA do not apply, however, if a more definite procedure is set forth in 'the act creating or conferring power on an agency or a separate act.'" *Smith*, [212 Ariz. at 413](#)

¶ 29 (quoting [A.R.S. § 12-902\(A\)\(1\)](#)). Here, the Act itself provides its own deadline for appeals: once the Commission “issue[s] an order assessing a civil penalty . . . [t]he violator has fourteen days from the date of issuance of the order assessing the penalty to appeal to the superior court as provided in” JRADA. [A.R.S. § 16-957\(B\)](#).

The Act’s 14-day deadline (not JRADA’s general deadline) applies to judicial appeals of Commission orders, and the deadline “is jurisdictional; any appeal not filed within the stated period is barred.” *Smith*, [212 Ariz. at 413](#) ¶ 29 (citing [A.R.S. § 12-902\(B\)](#)). Section 12-902(B) of JRADA compels this result. It provides: “Unless review is sought of an administrative decision within the time and in the manner provided in this article, the parties to the proceeding before the administrative agency *shall be barred* from obtaining judicial review of the decision.” [A.R.S. § 12-902\(B\)](#) (emphasis added).

Given these clear authorities, the courts below easily concluded that, although LFAF had a full right of appeal under § 16-957(B), LFAF failed to timely avail itself of that right, and its appeal was properly dismissed as a result. (Dec. ¶¶ 8-13.)

**III. The Court of Appeals correctly applied § 12-902(B) as written, and the Decision does not create a “split in authority” with *Arkules* and *Dandoy*.**

To muddy the clear law controlling this case, LFAF raises various arguments that it should be able to challenge the Commission’s jurisdiction at any time, no matter how long after the appeal deadline it seeks review. None of LFAF’s arguments call the Court of Appeals’ holding into doubt or merit this Court’s consideration.

As the Court of Appeals correctly held, § 12-902(B) “provides that a party is barred from seeking judicial review of an administrative decision if the party fails to file a timely appeal.” See [A.R.S. § 12-902\(B\)](#); (Dec. ¶ 10). LFAF argues (at 8, 12-16) that the Decision conflicts with previous decisions holding that § 12-902(B) “permit[s] aggrieved persons to challenge a tribunal’s jurisdiction at any time,” pointing to language used in two Court of Appeals opinions, *Arkules v. Board of Adjustment*, [151 Ariz. 438](#) (App. 1986) and *Dandoy*, [133 Ariz. 334](#). LFAF’s argument fails.

LFAF’s argument turns on a misreading of the second sentence of § 12-902(B). That sentence restricts a party’s right to appeal to “questioning the jurisdiction” of the agency if an administrative decision becomes final (and thus appealable) because of the party’s failure to “file any document

in the nature of an objection, petition for hearing or application for administrative review within the time allowed by the law.” [A.R.S. § 12-902\(B\)](#); (Dec. ¶ 10). In other words, as the Decision explains, the second sentence of § 12-902(B) “does not allow an appeal . . . after the allotted time for appeal has passed. Instead, it restricts a party who has suffered an administrative default or who has not exhausted administrative remedies from challenging the merits of the agency’s decision.” (Dec. ¶ 12.)

Neither *Arkules* nor *Dandoy* conflict with the Decision; at most they use broad, unnecessary language in dicta to describe the effect of § 12-902(B) in totally different procedural contexts.

*Arkules* involved a special action complaint brought by a non-party to challenge the decision of a municipal board of adjustment, not a party’s appeal under JRADA. [151 Ariz. at 439](#). The court held that the non-party’s complaint was “brought within a reasonable time,” even though it was filed after a 30-day time limit. [Id. at 440](#).

Before reaching that conclusion, the court cited § 12-902(B), characterizing it as providing that “an appeal from an administrative agency may be heard even though untimely to question the agency’s” jurisdiction. [Id.](#) But, by its terms, § 12-902(B) applies only to “*the parties to*

*the proceeding* before the administrative agency,” not non-parties who may have some separate grounds to seek review. [A.R.S. § 12-902\(B\)](#) (emphasis added). Whatever rule should apply to non-parties is not found in § 12-902(B), and it is simply irrelevant to the holding in *Arkules*.

Section 12-902(B) was also cited in a different context in *Dandoy*. There, the City of Phoenix and a state agency entered into an agreed-upon consent order after the agency sent a cease-and-desist order. [133 Ariz. at 335-36](#). “Some seven months later,” the agency – not the City – filed suit to enjoin violations of the consent order. *Id.* On appeal, the City argued that the underlying cease-and-desist order was void and could not provide a basis for an injunction. *Id.* Before reaching the City’s argument, the court explained that § 12-902(B) provides “an exception to [the] statutorily declared finality . . . for the purpose of questioning the jurisdiction of the administrative agency.” The court went on to hold that “the City’s attempt to circumvent finality . . . by an attack on . . . jurisdiction” was not “sound.” *Id. at 337*. Like *Arkules*, *Dandoy*’s citation of § 12-902(B) does not arise in a party’s appeal of a final administrative decision under JRADA. Rather, *Dandoy* involved a separate lawsuit attempting to enforce a consent order, not an appeal from an agency’s final administrative order.

Moreover, the broad gloss these cases give to § 12-902(B) is clearly incorrect if applied to a party's appeal under JRADA. Section 12-902(B), by its terms, applies to "the parties to the proceeding before the administrative agency" and bars appeals of administrative decisions "[u]nless review is sought of an administrative decision within the time and in the manner provided in this article." § 12-902(B). And to the extent *Arkules* and *Dandoy* create confusion, this Court's holding in *Smith* controls over these older court of appeals cases: the fourteen-day deadline in § 16-957 is "jurisdictional" and "any appeal not filed within the stated period is barred." 212 Ariz. at 413 ¶ 29 (citing A.R.S. § 12-902(B)).

**IV. LFAF's Rule 60-based arguments are irrelevant to the statutory right of appeal and should be disregarded.**

LFAF's remaining arguments (at 9-11) are variations of the same argument: LFAF should be allowed to appeal the issue of jurisdiction at any time because of the right under Rule 60 to attack a judgment as "void" without regard to a party's delay. The Court of Appeals easily rejected this line of argument, explaining that "the right to appeal from any ruling including an administrative decision exists only by force of statute and is limited by the terms of the statute." (Dec. ¶ 9 (citation omitted).) That

proposition is beyond dispute and longstanding. See *Ariz. Comm’n of Agriculture & Horticulture v. Jones*, [91 Ariz. 183, 187](#) (1962) (“right of appeal” under Administrative Review Act “exists only by force of statute, and this right is limited by the terms of the statute” (citation omitted)); *Grosvenor Holdings, L.C. v. Figueroa*, [222 Ariz. 588, 595 ¶ 13](#) (App. 2009) (same).

Whatever authority exists to ask a tribunal to set aside its own judgment does not create additional appellate jurisdiction to excuse an untimely appeal. The cases relied upon by LFAF do not say anything different. See *Martin v. Martin*, [182 Ariz. 11, 15](#) (App. 1994) (holding that trial court did not err in refusing to vacate erroneous but not void judgment); *Nat’l Inv. Co. v. Estate of Bronner*, [146 Ariz. 138, 140](#) (App. 1985) (holding that trial court did not abuse discretion in setting aside its own default judgment); *In re Milliman’s Estate*, [101 Ariz. 54, 58](#) (1966) (holding that “court which makes a void order may” set aside its own order).

Consequently, the Rule 60 procedures to set aside a void judgment do not relieve LFAF of its obligation to appeal “within the time and in the manner provided,” [A.R.S. § 12-902\(B\)](#).

## CONCLUSION

The Petition should be denied.

RESPECTFULLY SUBMITTED this 17th day of February, 2017.

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**IN THE ARIZONA SUPREME COURT**

LEGACY FOUNDATION ACTION  
FUND,

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v.

CITIZENS CLEAN ELECTIONS  
COMMISSION,

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Arizona Court of Appeals  
No. 1 CA-CV 15-0455

Maricopa County Superior Court  
No. LC2015-000172-001

**PLAINTIFF/APPELLANT LEGACY FOUNDATION ACTION FUND'S  
PETITION FOR REVIEW**

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## **INTRODUCTION**

The Citizens Clean Election Commission (‘Commission’) lacked jurisdiction to penalize the Legacy Foundation Action Fund (‘LFAF’) for its speech. Rather than follow the consistent precedent of the Court of Appeals permitting jurisdictional challenges at any time, and ignoring this Court’s precedent that a tribunal cannot accrete jurisdiction through laches, the courts below dismissed LFAF’s jurisdictional challenge as untimely. This Court should grant this Petition to reinstate the uniformity in the Court of Appeals precedent that jurisdiction may be challenged at any time. This Court should also grant this Petition to reaffirm its precedent that the passage of time cannot vest a tribunal with jurisdiction.

## **ISSUES PRESENTED FOR REVIEW**

1. Until the Court of Appeals ruling below, both the First And Second Divisions of the Arizona Court of Appeals were in agreement that A.R.S. § 12-902(B) permitted challenges to an agency’s jurisdiction even after the time to seek judicial review had lapsed. Under *State ex rel. Dandoy v. Phoenix*, 133 Ariz. 334 (App. 1982) and *Arkules v. Board of Adjustment*, 151 Ariz. 438 (App. 1986), did the Maricopa County Superior Court and the Court of Appeals err when it dismissed as untimely LFAF’s appeal challenging the Commission’s jurisdiction over LFAF’s speech?

## **ADDITIONAL ISSUES PRESENTED BUT NOT DECIDED**

1. Under *FEC v. Wis. Right. To Life, Inc.*, 551 U.S. 449 (2007), does the Commission's determination that LFAF's advertisement constituted express advocacy—asserting jurisdiction over a statute whose enforcement authorities are confined to the Secretary of State's office—create unconstitutional ambiguity and conflicting regulatory authorities within the state when LFAF's advertisement was aired 134 days before the primary election, discussed only issues, educated listeners about issues the organization that Mayor Smith served as president espoused, urged listeners to contact Mayor Smith to express disapproval of those issues, and did not discuss Mayor Smith's qualification for governor or mention another candidate's name?

## **STATEMENT OF MATERIAL FACTS AND PROCEDURAL HISTORY**

Exercising its First Amendment right to speak about salient fiscal, tax, and civil rights issues, LFAF disseminated television advertisements to the citizens of Mesa, Arizona, concerning the then Mayor Scott Smith's support of policies inimical to LFAF's policy agenda. Index of Record ("IR") 28 at ¶¶9-13. These advertisements began airing in the Phoenix metropolitan area<sup>1</sup> in March of 2014 and ceased on April 14, 2014, 108 days before early voting began in the Republican gubernatorial primary and 134 days before the Republican

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<sup>1</sup> It is not feasible to purchase airtime solely in Mesa. IR-59 at Ex. A, ¶14.

gubernatorial primary election was held on August 26, 2014. IR-28 at ¶¶14, 20-23. During the television advertisement campaign, Smith served as Mayor of Mesa and as President of the U.S. Conference of Mayors. IR-28 at ¶¶5-7. Although the advertisements aired after Smith announced his *intention* to campaign for Governor of Arizona, the advertisement *ceased* two weeks before potential candidates could file official paperwork declaring their candidacy. *See* IR-28 at ¶¶7, 15, 19.

The advertisement described Smith as “Obama’s Mayor” because while serving as the President of the U.S. Conference of Mayors, the Conference supported profligate spending, limits on Second Amendment rights, Obamacare, and the regulation of carbon emissions. The advertisement closes with an exhortation for the listeners to call Mayor Smith to tell him to support policies that are good for Mesa. *See* IR-28 at ¶13; IR-41.

Similar radio advertisements were disseminated in Sacramento, California and Baltimore, Maryland because the mayors of those cities were the incoming president and vice-president of the Conference. IR-28 at ¶¶10-11.

Seventy-eight days later, on July 1, 2014, Smith, through counsel, filed his complaint against LFAF with the Citizens Clean Election Commission (“Commission”) and the Maricopa County Elections Department. IR-28 at ¶25. Smith alleged—*inter alia*—that LFAF’s advertisement was subject to no other

reasonable interpretation other than an exhortation to vote against Smith in the Republican gubernatorial primary election, an election that took place 134 days *after* the last advertisement aired. IR-28 at ¶¶20-21.

Twenty days later, the Maricopa County Elections Department—acting on behalf of the Arizona Secretary of State—dismissed the Complaint. IR-28 at ¶28. But then, ten days later, on July 31, 2014, the Commission arrived at the opposite conclusion applying the same statutes, asserting jurisdiction over the Complaint to determine whether LFAF had violated the Citizens Clean Election Act. IR-28 at ¶33.

In September, the Commission found reason to believe that LFAF committed a violation because it did not file independent expenditure reports. IR-28 at ¶¶33-35. The Commission ordered LFAF to file the reports. IR-28 at ¶36. After LFAF filed two letters contending that the Commission lacked jurisdiction, IR-28 at ¶¶36-37, Smith filed a letter withdrawing his Complaint. IR-28 at ¶40.

Undaunted, the Commission pressed forward. On November 28, 2014, the Commission found that LFAF’s speech constituted express advocacy. Because LFAF did not file reports with the Secretary of State, the Commission imposed a \$95,460 fine. IR-28 at ¶41.

After LFAF timely requested a hearing by an Administrative Law Judge, IR-28 at ¶44, the ALJ issued his recommendations on March 4, 2015. Like the

Maricopa County Department of Elections, the ALJ concluded that LFAF's speech did not expressly advocate and thus was not an independent expenditure. IR-69 at Conclusions of Law Section ("COL") ¶¶16, 21.

The ALJ concluded that LFAF's advertisement was not express advocacy because:

- Timing: LFAF's speech occurred while Smith still served as mayor of Mesa and President of the Conference. IR-69 at COL ¶16.
- Timing: Although ten weeks after Smith declared his *intention* to campaign for governor, LFAF's speech was before Smith filed official campaign paperwork and thus was under no obligation to resign as mayor. IR-69 at COL ¶16,
- Timing: LFAF's speech occurred more than four months before early voting began and more than five months before the primary election. IR-69 at COL ¶16.

Although adopting the ALJ's factual findings, the Commission, on March 27, 2015, rejected the ALJ's conclusions of law by holding that LFAF's speech did expressly advocate and therefore was an independent expenditure. IR-70. The Commission found that the advertisement expressly advocated the defeat of Mayor Smith because it was aired after Smith announced his candidacy for

governor, portrayed Smith in a negative light, and discussed generic national issues and not local issues. IR-70 at pg. 4-5. Consequently, the Commission reinstated the \$95,460 penalty. IR-70 at pg. 7.

Because the Commission noted its decision was final under A.R.S. § 41-1092.08(F), IR-70 at pg. 7, LFAF followed the directions in the notice and applied the 35-day appellate time frame. LFAF filed its notice of appeal to the Maricopa County Superior Court 18 days after the Commission's order. Court of Appeals Memorandum Decision ("App. Dec.") at ¶5. In its appeal, LFAF contended that the Commission lacked jurisdiction because LFAF's speech did not constitute express advocacy. *See* A.R.S. § 16-901.01.

On June 12, 2015 the superior court concluded that it did not have jurisdiction, agreeing that the fourteen-day time period applied. IR-76; App. Dec. at ¶5. Three days later, LFAF timely appealed the superior court's ruling to the Arizona Court of Appeals. IR-77.

On November 15, 2016, the Arizona Court of Appeals, First Division, affirmed the superior court's ruling. App. Dec. at ¶13.

Despite LFAF's challenge to the Commission's jurisdiction, the Court of Appeals held that the jurisdictional challenge was also barred from adjudication. The court distinguished *Arkules* stating that it was a special action by a non-party, not a direct appeal. App. Dec. at ¶11. The court further held that A.R.S. § 12-

902(B) barred absolutely all untimely administrative appeals. App. Dec. at ¶12. Finally, the Court of Appeals concluded that the portion of the *Arkules* holding that A.R.S. § 12-902(B) permits otherwise untimely jurisdictional challenges was dicta. App. Dec. at ¶12.

LFAF now timely files this Petition for review. *See* Ariz. R. Civ. App. P. 23(b)(2)(A).

### **REASONS FOR GRANTING THE PETITION**

This Court should grant this Petition because the ruling creates a conflict with other appellate decisions in Arizona permitting jurisdictional challenges that are otherwise untimely. Furthermore, the ruling below contains an error of law in a case that infringed LFAF's rights guaranteed under the First Amendment. *See* Ariz. R. Civ. App. P. 23(d)(3).

Before the ruling below in this case, A.R.S. § 12-902(B) permitted aggrieved persons to challenge a tribunal's jurisdiction at any time. Now, the ruling below has limited the jurisdictional challenge exception in A.R.S. § 12-902(B) to only those parties who were not diligent in prosecuting their claims and suffered a default judgment or were non-parties. The ruling here diverges from prior rulings also diverges from this Court's precedent that an agency does not accrete jurisdiction by laches.

**I. THE COURT OF APPEALS RULING BELOW CREATES A CONFLICT WITH PRIOR COURT OF APPEALS PRECEDENT AND THE PRECEDENT OF THIS COURT.**

**A. The Superior Court And The Court Of Appeals Committed An Error Of Law Permitting The Commission To Penalize LFAF For Its Speech.**

The courts below committed errors of law determining first that LFAF's jurisdictional challenge was untimely. This error resulted in the courts upholding the Commission's \$95,460 penalty to LFAF's speech.

The courts below declined to permit LFAF to challenge the Commission's jurisdiction to impose this fine because, the courts contended, LFAF's jurisdictional challenge was untimely. But this conclusion is contrary to this Court's longstanding precedent that tribunals cannot acquire jurisdiction through laches. *See, e.g., In re Milliman's Estate*, 101 Ariz. 54, 58 (1966) ("The theory underlying the concept of a void judgment is that it is legally ineffective -- a legal nullity; *and may be vacated by the court which rendered it at any time.* Laches of a party can not cure a judgment that is so defective as to be void; laches cannot infuse the judgment with life.") (emphasis added) (quoting 7 Moore's Federal Practice § 60.25[4] (2d ed. 1955), p. 274). If the Commission lacked jurisdiction to penalize LFAF's speech, LFAF's alleged four day delay in challenging the Commission's jurisdiction does not vest the Commission with jurisdiction.

The lower courts erred in first ruling that LFAF's appeal was untimely. The lower courts were required to answer the prerequisite question: whether the Commission had jurisdiction to penalize LFAF for its speech in the first place. This error vested the Commission with jurisdiction solely because of LFAF's alleged delay. This Court should grant this Petition to correct this error that resulted in the Commission penalizing LFAF's speech.

**B. Motions To Set Aside Judgments As Void Are Available At Any Time.**

The Arizona Court of Appeals has consistently ruled that Rule 60 motions attacking a judgment as void because the court lacked jurisdiction are permissible even when brought beyond the six month deadline and even where the movant delayed unreasonably. *See, e.g., National Inv. Co. v. Estate of Bronner*, 146 Ariz. 138, 140 (App. 1985). Similarly, the Arizona Court of Appeals has ruled that untimely challenges to an administrative agency's jurisdiction brought in a special action are permissible where the challenge is to the administrative agency's jurisdiction. *See, e.g., Arkules*, 151 Ariz. 438, 440 (App. 1986) ("Under the provisions of A.R.S. § 12-902(B), an appeal from an administrative agency may be heard even though untimely to question the agency's personal or subject matter jurisdiction in a particular case."). Here, LFAF asserts that the Commission did not have personal or subject matter jurisdiction over LFAF or its advertisements because LFAF's speech concerning the issues Smith supported did not constitute

express advocacy. IR-28 at ¶¶31-32. LFAF should be permitted to make that challenge.

In *National Investment Company*, the appellant there purchased property from appellee for delinquent taxes. *National Inv. Co.*, 146 Ariz. at 138-39. Later, on July 26, 1982, a default judgment was entered after the appellee did not file a formal answer. The court granted possession of the property to appellant. *Id.* at 139.

On April 28, 1983, the representative of appellee's estate filed a motion to set aside the judgment. *Id.* The appellant contended that the appellate courts should give the default judgment preclusive effect because the appellee did not file the motion to set aside the verdict within six months of the default judgment. *Id.* The Court of Appeals rejected this argument stating that because the judgment was void, it was subject to attack even after the six month deadline to file a Rule 60 motion expired. *Id.* at 140. The appellant further contended that the time the motion to void the default judgment was filed was unreasonable. The court of appeals rejected this argument too because "the reasonable time requirement of Rule 60(c) does not apply when a judgment is attacked as void." *Id.*; see also *Martin v. Martin*, 182 Ariz. 11, 14-15 (App. 1994) ("[T]here is no time limit in which a motion under Rule 60(c)(4) may be brought; the court must vacate a void judgment or order 'even if the party seeking relief delayed unreasonably.'" (citing

accord *In re Milliman's Estate*, 101 Ariz. at 58 (emphasis added)); *Ruiz v. Lopez*, 225 Ariz. 217, 222 (App. 2010) (same).

The courts below were in error when they concluded that jurisdictional challenges must still be filed within any statutory or court rule time frame to appeal. App. Dec. at ¶12. Cases from both divisions of the Court of Appeals, *supra*, and this Court, hold that jurisdictional challenges were permitted well after the time to file those motions under Ariz. R. Civ. P. 60 had passed. Movants are therefore permitted to move a court to set aside a judgment for lack of jurisdiction at any time, even when delay was unreasonable. *See, e.g., In re Milliman's Estate*, 101 Ariz. at 58.

**C. Both The First And Second Divisions Of The Arizona Court of Appeals Recognizes That Challenges To An Agency's Jurisdiction Are Available At Any Time.**

Prior to the ruling below, there was unanimity between the two divisions of the Arizona Court of Appeals. Both appellate divisions have recognized that challenges to an agency's jurisdiction are permitted, even after the time to appeal an agency order has expired. *See State ex rel. Dandoy v. Phoenix*, 133 Ariz. 334, 336 (App. 1982). This is an exception to the general rule that untimely appeals challenging the legal or factual error of an agency decision are barred. *Id.* at 337; *see also Guminski v. Ariz. State Veterinary Med. Examining Bd.*, 201 Ariz. 180, 182 (App. 2001).

In *Dandoy*, the City of Phoenix contended that a court order enjoining the City from committing violations listed in a cease and desist order that the Appellee Arizona Department of Health Services issued was void. *See Dandoy*, 133 Ariz. at 335-36. Appellee claimed regulatory jurisdiction over sanitary landfill operations and cited the City for four violations at certain City owned landfills. *Id.* Appellee's cease and desist order demanded the City bring the landfills into compliance. *Id.* The City requested an administrative hearing that resulted in a consent decree. *Id.* Shortly thereafter, an amended consent decree was entered and, pursuant to A.R.S. § 12-902(B), the consent decree was final and not subject to judicial review. *Id.*

*Seven months later*, the Department filed a Complaint in Maricopa County Superior Court and successfully sought an injunction against the City for alleged violations of the consent decree. *Id.* The City defended itself claiming that the consent decree was void because the Department lacked the jurisdiction to enter it. *Id.*

In addressing this argument, the court of appeals stated: "However, as expressly provided in A.R.S. § 12-902(B), an exception to this statutorily declared finality exists for the purpose of questioning the jurisdiction of the administrative agency over the persons or subject matter involved in the controversy." *Id.* Although the court ultimately rejected the jurisdictional argument, the court thoroughly considered it. *Id.* at 337.

Similarly, in *Arkules*, a resident of the Town of Paradise Valley successfully petitioned the Town for a variance from a building variance. *See Arkules*, 151 Ariz. at 439. More than thirty days later, the Arkules filed a special action in superior court to reverse the Board's decision. *See id.* The Arkules contended that the notice of the hearing was defective and that the Board acted beyond its rules, regulations, and statutes in granting the variance. *See id.*

The resident filed a motion to dismiss for lack of jurisdiction because the Arkules' special action was brought after the expiration of the 30 day time limit to challenge the Adjustment Board's grant of a variance pursuant to A.R.S. § 9-462.06(J). *Id.* at 439-40. The superior court sustained the variance and the Arkules appealed. *Id.*

The Court of Appeals rejected the resident's argument that the special action was untimely. *Id.* at 440. Like the court in *Dandoy*, the Court of Appeals again held that A.R.S. § 12-902(B) permits an untimely appeal "to question the agency's personal or subject matter jurisdiction in a particular case." *Id.* The Court of Appeals continued ruling that "the effect of a void decision by the Board of Adjustment is the same as that of any void decision by a court: 'the mere lapse of time does not bar an attack on a void judgment.'" *Id.* (citing *Wells v. Valley National Bank of Arizona*, 109 Ariz. 345, 347 (1973)). The Court of Appeals cited its own precedent for the proposition that a "void judgment does not acquire

validity because of laches.” *Id.* (citing *Int’l Glass & Mirror, Inc. v. Banco Ganadero Y Agricola, S.A.*, 25 Ariz. App. 604, 545 (1976)). Furthermore, the court ruled that both statutes of limitations *and rules of court* are not applicable to jurisdictional challenges. *Id.* (emphasis added) (citing *Preston v. Denkins*, 94 Ariz. 214 (1963)). The court of appeals then concluded:

“There *Arkules* was not bound by the 30 day limit....This special action brought within a reasonable time of learning of the variance was timely, and the court properly denied [the resident’s] motion to dismiss for lack of jurisdiction.”

*Id.*

**D. The Court Of Appeals Ruling Below Creates A Split In Authority With *Dandoy* And *Arkules*.**

Similar to those who challenged their respective agency’s jurisdiction in *Arkules* and *Dandoy*, LFAF challenged the Commission’s jurisdiction. After exhausting its administrative remedies, LFAF challenged the Commission’s jurisdiction in Maricopa County Superior Court, four days after the statutory deadline to file challenges to the Commission’s orders. App. Dec. at ¶5. Under *Dandoy* and *Arkules*, the Maricopa Superior Court should have entertained the merits of LFAF’s argument that the Commission lacked jurisdiction.

Here, however, the Court of Appeals below characterized this portion of the *Arkules*’ ruling as dicta. App. Dec. at ¶12. This was in error because *Arkules*’s holding that A.R.S. § 12-902(b) permits an otherwise untimely jurisdictional

challenge was necessary to dismiss the residents' motion to dismiss for lack of jurisdiction for filing a special action after the 30 day deadline. *See Arkules*, 151 Ariz. at 140.

Further, contrary to the ruling below, the holding is not limited to non-parties or special actions. App. Dec. at ¶12. Those facts played no role in the court's holding. In fact, the ruling in *Dandoy* confirms that 12-902(b) applies to parties bringing jurisdictional challenges. *See Dandoy*, 133 Ariz. at 335-36. Additionally, and contrary to the court of appeals stating that the jurisdictional challenge exception in A.R.S. 12-902(b) is not applicable to the time to appeal the Commission's decisions, the First Division recognizes this in the Rule 60 context holding that motions to void the judgment filed after the six month deadline or otherwise unreasonable delays are permissible if the challenge is to the court's jurisdiction. *See Martin*, 182 Ariz. at 14-15; *National Inv. Co.*, 146 Ariz. at 140. Moreover, the *Arkules* court noted that both statutes of limitations *and* rules of court are not applicable when challenging a tribunal's jurisdiction. *See id.*

The ruling of the court of appeals below creates inconsistency where there was once consistency. Prior rulings interpreted the jurisdictional challenge exception in 12-902(B) as permitting a challenge to an agency's jurisdiction at any time. Now, the Court of Appeals has ruled—seemingly for the first time—that the jurisdictional challenge exception is only for those aggrieved parties who either

had not exhausted their administrative remedies or who were subject to a default judgment. App. Dec. at ¶12. This new rule diverges from prior consistent court of appeals precedent, creates a windfall for parties who slept on their rights, and violates this Court's precedent that tribunals cannot accrete jurisdiction through laches. *See In re Milliman's Estate*, 101 Ariz. at 58.<sup>2</sup>

### **REQUEST FOR ATTORNEYS FEES AND COSTS**

Pursuant to Ariz. R. Civ. App. P. 23(d)(4), and Rule 21(a), LFAF hereby gives notice that under A.R.S. § 12-348, LFAF respectfully requests that this Court award to it its reasonable attorneys' fees and expenses incurred herein.

### **CONCLUSION**

For the foregoing reasons, this Court should grant the Petition.

**RESPECTFULLY SUBMITTED** this 13<sup>th</sup> day of December, 2016.

**Bergin, Frakes, Smalley & Oberholtzer,  
PLLC**

/s/ Brian M. Bergin

Brian M. Bergin (016375)

4343 East Camelback Road, Suite 210

Phoenix, Arizona 85018

*Co-Counsel for Plaintiff/Appellant*

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<sup>2</sup> Additionally, challenges to state action brought under the First Amendment are not subject to traditional statutes of limitations. *See Maldonado v. Harris*, 370 F.3d 945, 956 (9th Cir. 2004); *see also 3570 East Foothill Blvd., Inc. v. City of Pasadena*, 912 F. Supp. 1268, 1278 (C.D. Cal. 1996).

**Holtzman Vogel Josefiak Torchinsky  
PLLC**

/s/ Jason Torchinsky (with permission)

Jason B. Torchinsky

45 North Hill Drive, Suite 100

Warrenton, Virginia 20186

*Co-Counsel for Plaintiff/Appellant*

*Admitted Pro Hac Vice*



# SEE THE MONEY

ARIZONA CAMPAIGN FINANCE SYSTEM

2/16/2017

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## SEE THE MONEY & CFS 4.0

### OVERVIEW

This document highlights proposed changes to the Secretary of State Campaign Finance Reporting System broken down into two parts:

- 1) “SeeTheMoney” – is the public facing database search where anyone can view detailed information filed by candidates, committees and other organizations.
- 2) Campaign Finance 4.0 – CFS 4.0 is the committee interfaced used to record and file campaign finance activity.

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### SEE THE MONEY PROPOSED HIGH LEVEL REQUIREMENTS

- Complete new look and feel using “Web 2.0” technology.
- Ability to search contributors and vendors across jurisdictions
- Dashboard landing page with current year charts, graphs, statistics
- Highlighted top-viewed items
- Ability to drill down into data and see links between committees, contributors and vendors
- Users can share complex queries and link paths
- Compare one or more committees in multiple ways
- Export data in common formats like CSV/Excel from anywhere
- Opt-In to receive notification when selected committees file

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### SEE THE MONEY PROPOSED VIEWS

User has the ability to easily filter, search and export data within any view result set

#### Dashboard View

- Election Year Filter
- Charts, graphs and lists showing an overview the current election year
- Money spent by category
- Contributions, expenditures, IE’s and ballot measures money over time
- Top lists or charts such as Top Contributors, Top Money Candidates, Top Ballot Measures

#### Candidate View

- Election Year Filter
- Office Filter
- Party Filter
- Name Search
- Candidate detail view
- Compare two or more candidates
- Follow the money chain for income, expense or independent expenditure
- Easily see who else a contributor contributed to

#### Political Action Committee View

- Election Year Filter
- Committee Function Filter (see who does IE's, ballot measures, candidate support, etc.)
- Name Search
- PAC detail view
- Compare two or more PACs
- Follow the money chain for income and expenses
- Easily see who else a contributor contributed to

#### Party Committee View

- Election Year Filter
- Committee Function Filter (see who does IE's, ballot measures, candidate support, etc.)
- Name Search
- Party detail view
- Compare two or more parties
- Follow the money chain for income and expenses
- Easily see who else a contributor contributed to

#### Contributor View

- Election Year Filter
- Location Filter by Zip Code or City
- Occupation Filter
- Employer Filter
- Name Search
- Compare two or more contributors
- Easily see who a contributor contributed to

#### Ballot Measure View

- Election Year Filter
- Name Search
- Ballot Measure detail view
- Easily see who is supporting or opposing ballot measures

#### Vendor View

- Election Year Filter
- Expense Category Filter
- Name Search
- Easily see who is using a vendor

#### Advanced Search View

- Search for transaction level data using complex query parameters
- Easily export data to common formats such as CSV/Excel

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## CAMPAIGN FINANCE 4.0 PROPOSED HIGH LEVEL REQUIREMENTS

- New look and feel using Web 2.0 technology
- Support for multiple jurisdictions
- Fix name duplication issues
- Normalize Occupation and Employer
- Simplify user transaction selection, for example the user would simply select “Contribution” instead of having to choose the type of contribution. The type would be automatically determined by the data provided.
- Allow any committee to bulk file simple transaction types such as new contributions
- Tie candidates together across multiple committees and elections

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## PROPOSED PROJECT TEAM

In order achieve all of the above requirements, the Secretary of State will need to employ additional resources to supplement existing staff.

### Existing Staff

- Business Analyst – Ken Matta
- Project Manager – Garrett Archer
- Application Development – Tony Baker
- Application Development and DBA – Jim Foster
- Design & Project Oversight – Bill Maaske

### Proposed Staff Augmentation

- Application Development – Senior .Net Developer on contract for approximately 18 months

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## PROPOSED CCEC EXPENDITURE

The Secretary of State proposes that CCEC partners in the new development effort by contributing the money required to augment existing staff.

Senior .NET Contractor @ \$100 per hour for 18 months - \$300,000

It is proposed that this amount be divided into four equal payments to be paid upon the following project milestones.

Milestone 1 – Approval of final project design and schedule	(~4/15/17)	\$75,000
Milestone 2 – Approval of working proof of concept	(~7/15/17)	\$75,000
Milestone 3 – Final product goes to user testing	(~10/1/17)	\$75,000
Milestone 4 – Final implementation (go live)	(~1/1/17)	\$75,000

# **CITIZENS CLEAN ELECTIONS COMMISSION**

## **EXECUTIVE DIRECTOR REPORT**

**February 23, 2017**

### **Announcements:**

- The public can view Commission meetings live via the internet at [www.livestream.com/cleanelections](http://www.livestream.com/cleanelections). A link is available on our website.

### **Voter Education:**

- Election day for the cities of Phoenix, Holbrook, and Goodyear — March 14, 2017
  - Early voting began on February 15, 2017
  - Goodyear is an all-mail election
- Gina will present at the Inspire Arizona Day at the Capitol to encourage youth participation in the political process.
- **Candidate Information – 2016 Election Cycle:**
- Post General Election Reports are due January 15<sup>th</sup> (all committees).
- 10 participating candidates were successful in the General Election (approximately 11% of the new legislature). This includes 2 State Senators and 8 State Representatives.
- The Secretary of State has published 2017-18 Participating Candidate Expenditure and Contribution Limits pursuant to A.R.S. § 16-959(A). See Attachment 1.

### **Enforcement – 2016 Election Cycle:**

- Complaints Status:
  - MUR16-001: Closed- No RTB.
  - MUR16-002: Save Our AZ Solar – Conciliated
  - MUR16-003: Stand for Children Arizona – Complaint Closed Pursuant to .A.C. R2-20-206(A)(3).
  - MUR 16-004: Corin Hammond - campaign expenditures – Closed- No RTB
  - MUR 16-005: Democratic Candidates/ Querard Complaint - campaign expenditures Closed- No RTB
  - MUR 16-006: Michael Muscato- Closed, qualified to receive funds
  - MUR 16-007: Senate Victory PAC - Failure to file IE reports—Closed Conciliation
  - MUR 16-008: House Victory PAC - Failure to file IE reports – Closed Conciliation
  - MUR 16-009: Arizona's Legacy- Failure to file IE reports – Potential closure pursuant R2-20-206(A)(3) pending.

**Enforcement – 2014 Election Cycle:**

- Complaints Pending: 3
  - MUR 14-006, -015 (consolidated/conciliated): Horne - pending completion of items in conciliation agreement.
  - MUR 14-007: Legacy Foundation Action Fund (LFAF)
    - Response to Petition for Review filed 2/17/17. Attachment 2
    - Petition for Review. Attachment 3.
  - MUR 14-027: Veterans for a Strong America (VSA)

**Exemptions**

- 7- Exempt Organizations

**Budget:**

The budget update will be available at the meeting or shortly thereafter by email attached to this report.

**Secretary of State:**

The Secretary of State's office has requested \$300,000 to help fund its "See the Money" program. Attachment 4. This information is provided for discussion. No action is expected at this meeting.

Doug Ducey  
Governor

Thomas M. Collins  
Executive Director



Steve M. Titla  
Chair

Damien R. Meyer  
Mark S. Kimble  
Galen D. Paton  
Amy B. Chan  
Commissioners

State of Arizona  
Citizens Clean Elections Commission

1616 W. Adams - Suite 110 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - [www.azcanelections.gov](http://www.azcanelections.gov)

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**MEMORANDUM**

**To: Commissioners**

**From: Clean Elections Staff**

**Date: 2/17/17**

**Subject: Governor's Regulatory Review Council (GRRC) Update**  
**Five- Year Report**

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We filed the Report approved at the January Meeting February 8. That item will be on the GRRC agenda for March.

This is one of several revised reports we have provided, including October 2015, December 2015, and June 2016. GRRC Staff has indicated this will be taken up at the March study session and subsequent action meeting.

**Alleged Deadline for Expiration.**

The deadline for alleged expiration of R2-20-109(2)-(12) was extended until March 7, 2017. Of course the rules have changed significantly since June 30 in light of SB1516 and other legislation as well as other rule amendments made by the commission. Thus, the rules allegedly subject to expiration have changed.<sup>1</sup>  
**Standard of GRRC Review**

Recall that the statute provides that legal and other reasons to order a rule expired or to be repealed must be Agency's own analysis, that the rule is materially flawed. Thus, GRRC's determination is to be based on the Agency's analysis, not GRRCs or any third party's analysis. Additionally, we still do not have a council finding identifying the material in the first place.

Although Chairwoman Ong has suggested no such identification is necessary, the statute plainly calls for the identification of a material flaw by the council itself, which has not occurred.

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<sup>1</sup> The Commission has consistently maintained GRRC has no authority to order repeal or expiration of commission rules and that its purported actions raise serious issues under the Voter Protection Act and have not been done consistent with GRRC's own statutory procedures.

# Exhibit 1



# State of Arizona



## Campaign Finance Report

Committee to elect Robert J Thorpe  
Committee #: 201600045

Treasurer: Thorpe, Robert J  
490 Lake Mary Rd, Flagstaff, AZ 86005  
Phone: (928) 310-8811  
Email: rjt@thorpe4az.com or 9283108811@vzwpx.com  
Candidate Name: Thorpe, Robert J  
Office Sought: State Representative - District 6

### Amended 2016 Post-General Election Report

Election Cycle:	2015-2016
Date Filed:	January 15, 2017
Reporting Period:	October 28, 2016-November 8, 2016

### Summary of Finances

Cash Balance at Beginning of Reporting Period:	\$22,578.34
Total Cash Receipts this Reporting Period:	\$1,001.56
Total Cash Disbursements this Reporting Period:	\$16,504.06
Cash Balance at End of Reporting Period:	\$7,075.84

Report ID: 170703

## Summary of Activity

Income	Schedule	This Period			Total to Date
		Cash	Other	Total	
Personal and Family Contributions	C1	\$0.00	\$0.00	\$0.00	\$0.00
Individual Contributions	C2	\$0.00	\$0.00	\$0.00	\$11,147.00
Contributions from Political Committees	C3	\$1,000.00		\$1,000.00	\$14,150.00
Business Contributions	C4	\$0.00	\$0.00	\$0.00	\$0.00
Small Contributions	C5	\$0.00	\$0.00	\$0.00	\$294.29
CCEC Funding and Matching	C6	\$0.00	\$0.00	\$0.00	\$0.00
Qualifying Contributions	C7	\$0.00	\$0.00	\$0.00	\$0.00
Loans Made to this Committee	L1	\$0.00	\$0.00	\$0.00	\$0.00
Other Receipts, including Interest and Dividends	R1	\$1.56		\$1.56	\$1.56
Transfers from Other Committees	T1	\$0.00	\$0.00	\$0.00	\$0.00
Cash Surplus from Previous Committee	S1	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Income</b>		<b>\$1,001.56</b>		<b>\$1,001.56</b>	<b>\$25,592.85</b>

Expenditures	Schedule	This Period			Total to Date
		Cash	Other	Total	
Operating Expenses	E1	\$16,504.06	\$0.00	\$16,504.06	\$18,517.01
Independent Expenditures	E2	\$0.00	\$0.00	\$0.00	\$0.00
Contributions to Other Committees	E3	\$0.00	\$0.00	\$0.00	\$0.00
Other Expenses	E4	\$0.00	\$0.00	\$0.00	\$0.00
Transfers to Other Committees	T1	\$0.00	\$0.00	\$0.00	\$0.00
Loans Made by This Committee	L2	\$0.00	\$0.00	\$0.00	\$0.00
Expenditure of In-Kind Contributions	C8	\$0.00	\$0.00	\$0.00	\$0.00
Disposal of Surplus Cash	S1	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Expenditures</b>		<b>\$16,504.06</b>		<b>\$16,504.06</b>	<b>\$18,517.01</b>
Bill Payments for Previous Expenditures	D1	\$0.00		\$0.00	\$0.00
<b>Total Cash Disbursed</b>		<b>\$16,504.06</b>		<b>\$16,504.06</b>	

**Schedule E1 - Operating expenses**

Name:	USPS	11/04/2016	\$18.80	\$18.80
Address:	104 N Agassiz St, , Flagstaff, AZ 86001		Cash	
Category:	Communications - Postage			
Name:	grassroots partners	11/08/2016	\$5,050.00	\$5,050.00
Address:	2942 N 24th St, Phoenix, AZ 85016		Cash	
Category:	Professional Services - Consultants			
Name:	PREMIER GRAPHICS	11/08/2016	\$7,071.37	\$7,071.37
Address:	141 W CLARENDON AVE, PHOENIX, AZ 85019		Cash	
Category:	Communications - Mailings			
Memo:	Mailings and marketing			
Name:	Sonic Drive In	11/08/2016	\$8.87	\$8.87
Address:	2626 N 4th St, Flagstaff, AZ 86004		Cash	
Category:	Travel - Meals			
Name:	Thorpe, Robert J	11/08/2016	\$4,355.02	\$4,657.88
Address:	490 Lake Mary Rd, Flagstaff, AZ 86005		Cash	
Occupation:	Candidate, Self			
Category:	Travel - Mileage			
Memo:	8064.86 Miles at \$0.54 from 4/4-11/10			
Total of Operating Expenses			\$16,504.06	
Total of Refunds, Rebates, and Credits Received			\$0.00	
Net Total of Operating Expenses			\$16,504.06	

**Schedule C3 - Contributions from political committees**

<b>Name:</b>	Arizona Restaurant Assoc Pac	<b>Date</b>	10/28/2016	<b>Amount</b>	\$500.00	<b>Cycle To Date</b>	\$500.00
<b>Address:</b>	4250 N Drinkwater Blvd, Ste 350, Scottsdale, AZ 85251			Cash			
<b>Name:</b>	Devry Political Action Committee		11/01/2016	\$500.00		\$500.00	
<b>Address:</b>	3005 Highland Pkwy, Downers Grove, IL 60515			Cash			
<b>Total of Contributions from Committees</b>				\$1,000.00			
<b>Total of Refunds Given</b>				\$0.00			
<b>Net Total of Contributions from Committees</b>				\$1,000.00			

# Schedule R1 - Other receipts, interest & dividends

<b>Name:</b>	BANK OF AMERICA	<b>Date</b>	11/01/2016	<b>Amount</b>	\$1.56	<b>Cycle To Date</b>	\$1.56
<b>Address:</b>	125 E Birch Ave., , Flagstaff, AZ 86001				Cash		
<b>Trans. Type:</b>	Interest or Dividend Received						
<b>Memo:</b>	Checking acct Interest						
<b>Total of Other Receipts, Interest &amp; Dividends</b>					\$1.56		
<b>Total of Refunds Given</b>					\$0.00		
<b>Net Total of Other Receipts, Interest &amp; Dividends</b>					\$1.56		



# Exhibit 2





# Campaign Finance Report

<b>Treasurer:</b> Coleman, Roxanne 1474 S Royal Palm Rd, Apache Junction, AZ 85119 <b>Phone:</b> (480) 982-7226 <b>Email:</b> colemandouglas@yahoo.com <b>Candidate Name:</b> Coleman, Doug <b>Office Sought:</b> State Representative - District 16	<b>Coleman for AZ</b> <b>Committee #:</b> 201600528
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## Amended 2016 Post-Primary Election Report

<b>Election Cycle:</b>	2015-2016
<b>Date Filed:</b>	September 27, 2016
<b>Reporting Period:</b>	August 19, 2016-September 19, 2016

### Summary of Finances

Cash Balance at Beginning of Reporting Period:	\$45,066.97
Total Cash Receipts this Reporting Period:	\$1,200.00
Total Cash Disbursements this Reporting Period:	\$30,570.04
Cash Balance at End of Reporting Period:	\$15,696.93

## Summary of Activity

Income	Schedule	This Period			Total to Date
		Cash	Other	Total	
Personal and Family Contributions	C1	\$0.00	\$0.00	\$0.00	\$0.00
Individual Contributions	C2	\$200.00	\$0.00	\$200.00	\$15,701.00
Contributions from Political Committees	C3	\$1,000.00	\$0.00	\$1,000.00	\$19,650.00
Business Contributions	C4	\$0.00	\$0.00	\$0.00	\$0.00
Small Contributions	C5	\$0.00	\$0.00	\$0.00	\$0.00
CCEC Funding and Matching	C6	\$0.00	\$0.00	\$0.00	\$0.00
Qualifying Contributions	C7	\$0.00	\$0.00	\$0.00	\$0.00
Loans Made to this Committee	L1	\$0.00	\$0.00	\$0.00	\$0.00
Other Receipts, including Interest and Dividends	R1	\$0.00	\$0.00	\$0.00	\$0.00
Transfers from Other Committees	T1	\$0.00	\$0.00	\$0.00	\$0.00
Cash Surplus from Previous Committee	S1	\$0.00	\$0.00	\$0.00	\$24,111.58
<b>Total Income</b>		<b>\$1,200.00</b>	<b>\$0.00</b>	<b>\$1,200.00</b>	<b>\$59,462.58</b>

Expenditures	Schedule	This Period			Total to Date
		Cash	Other	Total	
Operating Expenses	E1	\$0.00	\$0.00	\$0.00	\$9,998.88
Independent Expenditures	E2	\$0.00	\$0.00	\$0.00	\$0.00
Contributions to Other Committees	E3	\$0.00	\$0.00	\$0.00	\$0.00
Other Expenses	E4	\$30,570.04	\$0.00	\$30,570.04	\$33,716.77
Transfers to Other Committees	T1	\$0.00	\$0.00	\$0.00	\$0.00
Loans Made by This Committee	L2	\$0.00	\$0.00	\$0.00	\$0.00
Expenditure of In-Kind Contributions	C8	\$0.00	\$0.00	\$0.00	\$51.00
Disposal of Surplus Cash	S1	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Expenditures</b>		<b>\$30,570.04</b>	<b>\$0.00</b>	<b>\$30,570.04</b>	<b>\$43,765.65</b>
Bill Payments for Previous Expenditures	D1	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Cash Disbursed</b>		<b>\$30,570.04</b>	<b>\$0.00</b>	<b>\$30,570.04</b>	

## Schedule C2 - Individual contributions

Name:		Date	Amount	Cycle To Date
Friebus, Heather		08/22/2016	\$25.00 Cash	\$25.00
Address: 933 N Gadsden PL, Tucson, AZ 85710				
Occupation: Nursing home administrator, AHCA Board				
Name: Guschl, James		08/22/2016	\$50.00 Cash	\$50.00
Address: 41404 N Laurel Valley Way, Anthem, AZ 85086				
Occupation: CEO, Coronado Healthcare Center				
Name: Leach, Cynthia		08/22/2016	\$25.00 Cash	\$25.00
Address: 443 E Evans Dr, Scottsdale, AZ 85254				
Occupation: VP of Operations, Copper Sands Inc				
Name: Mockbee, Sean		08/22/2016	\$50.00 Cash	\$50.00
Address: 32807 N 15th Gln, Phoenix, AZ 85085				
Occupation: Executive Director, Sunshine Village				
Name: PAGELS, KATHLEEN		08/22/2016	\$50.00 Cash	\$50.00
Address: 9035 E Lupine Ave, Scottsdale, AZ 85260				
Occupation: EXECUTIVE DIRECTOR, ARIZONA HEALTH CARE ASSOC.				
Total of Individual Contributions			\$200.00	
Total of Refunds Given			\$0.00	
Net Total of Individual Contributions			\$200.00	

### Schedule C3 - Contributions from political committees

Name:	1548 - LAND TITLE ASSN OF AZ PAC	Date	08/22/2016	Amount	\$500.00	Cycle To Date	\$500.00
Address:	C/O Fidelity National Title Group, 1721 W. Rio Salado Parkway, Tempe, AZ 85281			Cash			
Name:	Salt River Pima-Maricopa Indian Community		08/22/2016	\$500.00			\$500.00
Address:	10005 E Osborn Rd, Scottsdale, AZ 85256			Cash			
Total of Contributions from Committees				\$1,000.00			
Total of Refunds Given				\$0.00			
Net Total of Contributions from Committees				\$1,000.00			

### Schedule E4 - Other expenses

<b>Name:</b>	AMERICOPY	<b>Date</b>		<b>Amount</b>	<b>Cycle To Date</b>
<b>Address:</b>	850 E Main St., Mesa, AZ 85203		08/19/2016	\$15,285.62	\$30,570.04
<b>Memo:</b>	Inv #0067129-IN			Cash	
<b>Name:</b>	AMERICOPY				
<b>Address:</b>	850 E Main St., Mesa, AZ 85203		08/19/2016	\$15,284.42	\$30,570.04
<b>Total of Other Expenses</b>				\$30,570.04	
<b>Total of Refunds, Rebates, and Credits Received</b>				\$0.00	
<b>Net Total of Other Expenses</b>				\$30,570.04	



Doug Ducey  
Governor

Thomas M. Collins  
Executive Director



Steve M. Titla  
Chair

Damien R. Meyer  
Mark S. Kimble  
Galen D. Paton  
Amy B. Chan  
Commissioners

State of Arizona  
Citizens Clean Elections Commission

1616 W. Adams - Suite 110 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - [www.azcanelections.gov](http://www.azcanelections.gov)

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**MEMORANDUM**

**To: Commissioners**

**From: Tom Collins**

**Date: 2/17/17**

**Subject: Rule Proposals**

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At the January meeting, several commissioners raised concerns with tightening commission rules regarding expenditures to political parties and/or consultants. On February 7, I informed the commission these drafts would be forth coming.

**R2-20-702(B) – Political Parties**

With respect to parties we have three proposals, all of which we recommend be approved for public comment

**Option A**—Complete ban on using clean elections funding to make expenditures to parties.

**Option B** – Bars any expenditure of clean elections funding to a political party except for voter information and political events of not greater than \$200.

**Option C**—Bars most advance payment with clean elections funding to parties before an itemized receipt is provided, requires that the party only receive expenditures for services actually used by the participating candidate and provides no additional fees may be added. Failure to abide by these terms will result in an illegal contribution. It also provides that the Commission be included in any batch mailing and that evidence of the number of mailers printed and the number mailed be provided to the commission within one week of a mailing.

**R-20-703.01 (new rule) Consultants**

This rule addresses the consultant issue. Contrary to some testimony on January 19, traditional candidates do make lump sum payments for consulting, or in some cases, with no memo line at all. *See* Exhibit 1 at 4 and Exhibit 2 at 5. However, this rule bars advanced payment in most circumstances before an itemized receipt is provided.

The receipt must also show the consultants mark up or percentage the consultant receives.

It also provides that the Commission be included in any batch mailing and that evidence of the number of mailers printed and the number mailed be provided to the commission within one week of a mailing. Additionally, the new proposal requires consultants provide participating candidates and the Commission with affidavits identifying all other Arizona political clients of the consultant. Staff recommends advancing this proposal for public comment.

## **R2-20-702(B) Option A:**

A participating candidate's payment from a campaign bank account to a political committee or civic organization including a person with tax exempt status under section 501(a) of the internal revenue code or an unincorporated association is not a contribution if the payment is reasonable in relation to the value received. Payment of customary charges for services rendered, such as for printing and obtaining voter or telephone lists, and payment of not more than \$200 per person to attend a political event open to the public or to party members shall be considered reasonable in relation to the value received. Clean elections funding shall not be used for an expenditure to any political party and such an expenditure shall be deemed an illegal contribution.

## **R2-20-702(B) Option B:**

A participating candidate's payment from a campaign bank account to a political committee or civic organization including a person with tax exempt status under section 501(a) of the internal revenue code or an unincorporated association entity is not a contribution if the payment is reasonable in relation to the value received. Payment of customary charges for services rendered such as for printing and obtaining voter or telephone lists, and payment of not more than \$200 per person to attend a political event open to the public or to party members shall be considered reasonable in relation to the value received. No other payments are permitted to political parties with clean elections funding.

## **R2-20-702(B) Option C:**

~~A participating candidate's payment from a campaign account to a political committee or civic organization entity is not a contribution if the payment is reasonable in relation to the value received. Payment of customary charges for services rendered such as for printing voter or telephone lists, and payment of not more than \$200 per person to attend a political event open to the public or to party members shall be considered reasonable in relation to the value received.~~

A participating candidate may:

1. Make a payment from the candidate's campaign bank account:
  - a. To a political committee or civic organization including a person with tax exempt status under section 501(a) of the internal revenue code or an unincorporated association. The payment is not a contribution if the payment is reasonable in relation to the value received.
  - b. For customary charges for services rendered, such as for printing and obtaining voter or telephone lists, shall be considered reasonable in relation to the value received.
  - c. Of not more than \$200 per person to attend a political event open to the public or to

party members shall be considered reasonable in relation to the value received.

2. Not make an advanced payment to a political party for services such as consulting, communications, field employees, canvassers, mailers, auto-dialers, telephone town halls, electronic communications and other advertising purchases and other campaign services.
  - a. Payment for such services may be rendered only upon receipt of an itemized and timely invoice identifying the value of the service provided directly to the participating candidate.
  - b. Payment in the absence of an itemized invoice or advance payment for such services shall be deemed a contribution to the political party.
  - c. Payment may be advanced for postage upon the receipt of a written estimate and so long as any balance is returned to the candidate if the advance exceeds the actual cost of the postage.
  - d. Payment may be advanced for advertising that customarily requires pre-payment upon the receipt of a written estimate and

so long as any balance is returned to the candidate if the advance exceeds the actual cost of the advertisement.

- e. A political party may not mark up or add any additional charge to the value of services provided to the particular candidate. All expenditures must be for the services used by the particular participating candidate.
- f. The Commission shall be included in the mail batch for all mailers and invitations. The Commission shall also be provided with documentation from the mail house, printer or other original source showing the number of mailers printed and the number of households to which a mailer was sent. Failure to provide this information within 7 days after a mailer has been mailed may be considered as evidence the mailer was not for direct campaign purposes.

## **R2-20-703.01 Campaign Consultants** (NEW RULE)

- A. For purposes of this rule "Campaign Consultant" means any person paid by a participating candidate's campaign or who provides services that are ordinarily charged to a person, except services provided for in A.R.S. 16-911(6)(b).
- B. A participating candidate may engage campaign consultants.
- C. A participating candidate may:
  - 1. Not advance a campaign consultant for services such as consulting, communications, field employees, canvassers, mailers, auto-dialers, telephone town halls, electronic communications and other advertising purchases and other campaign services.
  - 2. Only provide payment for such services as described in subsection (C)(1) of this rule upon receipt of an itemized, timely, invoice identifying the value of the services provided directly to that particular candidate. The invoice shall also identify the consultant's mark up, percentage or other additional charge above the actual cost of the service provided.
  - 3. Providing payment for such services as described in subsection (C)(1) of this rule in the absence of an itemized invoice or advance

payment for such services shall be deemed not to be a direct campaign expenditure.

4. A participating candidate may advance payment for postage upon the receipt of a written estimate and so long as any balance is returned to the candidate if the advance exceeds the actual cost of postage.

5. A participating candidate may advance payment for advertising that customarily requires pre-payment upon the receipt of a written estimate and so long as any balance is returned to the candidate if the advance exceeds the actual cost of the advertisement.

D. The Commission shall be included in the mail batch for all mailers and invitations. The Commission shall also be provided with documentation from the mail house, printer or other original source showing the number of mailers printed and the number of households to which a mailer was sent. Failure to provide this information within 7 days after the mailer has been mailed may be considered as evidence the mailer was not for direct campaign purposes.

E. Any consultant engaged by a participating candidate shall provide the participating candidate and the Commission with a sworn affidavit identifying all

other clients who are: candidates for any office in the state of Arizona, political committees, a person with tax exempt status under section 501(a) of the internal revenue code, or an unincorporated association, or corporations engaged independent expenditures in the state of Arizona. This affidavit shall be updated monthly beginning the first of the month of every month of the remaining election cycle. In the event the relationship is terminated a sworn affidavit so stating shall be provided to the participating candidate and the commission within 5 days.

Bill	Title	Prime Sponsor	Summary	Effect on CCEC	Committee Assignment	Support/Oppose/Neutral	Date for Vote	Vote Outcome
HCR 2004	Clean Elections; Education Funding	Rep. Leach	Would place a repeal of the Clean Elections Act on the November 2018 ballot and divert the funds to the Dept. of Education to be given to school districts and charter schools	Would eliminate the Commission and Act.	House Approps	Oppose	15-Feb	Failed 6-7
HCR 2002	Repeal 1998 Prop. 105	Rep. Ugenti-Rita	Would place on the November 2018 ballot the question of whether to repeal or keep Prop 105. Passed in 1998 Prop 105 requires the legislature to pass any laws effecting items passed by the voters to receive a 3/4 vote and to further the purpose of the item	Would allow the Legislature to make changes to the Act	House Gov	Oppose	9-Feb	Passed 5-3

Bill	Title	Prime Sponsor	Summary	Effect on CCEC	Committee Assignment	Support/Oppose/Neutral	Date for Vote	Vote Outcome
HB 2026	Secretary of State; Omnibus	Rep. Coleman	Changes how the SOS handles certain aspects of public notices being displayed on their website. Removes them from having to be a source for information regarding other agencies and commissions. Gives the SOS full discretion over rules regarding form and style for filing the rule	Minimal. Concerning that the SOS would want to have full discretion over rules	House Gov	Neutral	19-Jan	Passed 8-0
HB 2304	Voter Guide; Publicity Pamphlet; E-mail	Rep. Kern	Would allow voters to opt out of receiving the CSP by mail and receive it by email. <b>An amendment will be introduced on the Floor removing CCEC from the bill.</b>	Would add additional cost and time to the process. The CSP is mail to households and not voters. The Commission would not be able to stop a mailing to a household as we would have no way to know how many voters are in the household and if all of them were opting out.	House Gov	Neutral	2-Feb	Passed 7-1

Bill	Title	Prime Sponsor	Summary	Effect on CCEC	Committee Assignment	Support/Oppose/Neutral	Date for Vote	Vote Outcome
HCR 2007	Proposition 105; Exempt Referenda	Rep. Ugenti-Rita	Would place on the November ballot the question to remove referendum from under the Prop 105 clause. This would give the Legislature the ability to change referendum with a simple majority vote.	Would open the door for more attempts to change the Clean Elections Act.	House Gov	Oppose	9-Feb	Passed 5-3
SB 1072	Administrative Decisions; Scope of Review	Sen. Petersen	Would require the Courts , when reviewing an administrative decision, to decide all questions on fact and law without regard to what the outcome was from the administrative decision.	Potentially add cost to the Commission as the entire process would have to be rehashed instead of looking directly at the administrative decision.	Senate Judiciary	Neutral/Oppose	9-Feb	Passed 4-2-1
SB 1123	State Contract Lobbyists; Prohibition	Sen. Griffin	Would prohibit any state agency or commission from contracting with outside lobbyists.	A blatant VPA issue. Usurping the power of the Commission.	Senate Gov	Oppose	25-Jan	Passed 4-3 (party lines)

Bill	Title	Prime Sponsor	Summary	Effect on CCEC	Committee Assignment	Support/Oppose/Neutral	Date for Vote	Vote Outcome
SB 1158	Sentencing Court Debts; Fine Mitigation	Sen. Borelli	Would allow judges to reduce fines, penalties, surcharges etc. if they believe that the monetary burden would place a hardship upon the person or their immediate family.	A VPA issue. It would give the courts the ability to take funds that should be going to the CCEC Fund.	Senate Judiciary	Oppose	2-Feb	Passed 6-1 (amendments have been agreed upon and will be offered in COW)
SB 1210	State Law; Violations; Political Subdivisions	Sen. Smith	Would allow members of the legislature to request the AG investigate any rule passed by a commission or agency they believe violates current law or the state constitution.	VPA issue. Would be stripping Commission authority over rule making.	Senate Gov	Oppose	15-Feb	Passed 4-2-1
SB 1372	Legislative Review of Rules	Sen. Montenegro	Would allow any standing committee of the legislature the ability to review any rule passed by an agency or commission.	VPA issue. Would be stripping Commission authority over rule making.	Senate Gov	Oppose	15-Feb	Passed 4-3 (party lines)
HB 2403	Clean Elections; Contributions Prohibited	Rep. Coleman	Would prohibit participating candidates from making direct or indirect payments to a political party	Would place participating candidates at a severe disadvantage.	House Gov	Oppose	16-Feb	Passed 5-3

Bill	Title	Prime Sponsor	Summary	Effect on CCEC	Committee Assignment	Support/Oppose/Neutral	Date for Vote	Vote Outcome
HB 2273	Appropriation; Elections and Database Security	Rep. Clark	Would allocate \$2,000,000 to the SoS for them to create grants for counties to use to make election systems security updates. As well as improving voter registration database security.	Written broadly which may open the door for excluding the Commission from having access to the voter database.	House Gov and Approps	Neutral		
SB 1219	Automatic Voter Registration; database; public agencies	Sen. Quezada	Would allow for eligible voters to be registered to vote automatically when they apply for or renew their driver's license. Requires the SoS to security, privacy and technology policies that provide for security of the voter database.	Written to allow the SoS to exclude the Commission from having access to the voter database which would prohibit the Commission from mailing the CSP.	Senate Jud and Gov	Neutral/Oppose		
SB 1437	Agencies; Review; GRRRC; Occupational Regulation	Sen. Barto	Allows a person to petition GRRRC for review of a final rule that they do not believe meets specific requirements.	Allows for more intrusion into the Commission's rule making authority.	Senate Gov	Oppose	15-Feb	Passed 4-3 (party lines)

Bill	Title	Prime Sponsor	Summary	Effect on CCEC	Committee Assignment	Support/Oppose/Neutral	Date for Vote	Vote Outcome
HB 2531	Clean Elections; County Candidates	Rep. Powers Hannley	Increases the Clean Elections program to include all County level elected offices.	Would strengthen the CCEC by increasing its use. CCEC would need an additonal funding source to allow for this to fully develop.	House Gov	Neutral/Support		

COW Date	COW Outcome	1 <sup>st</sup> Read	2 <sup>nd</sup> Read	3 <sup>rd</sup> Read	Vote

Shaun's Tracking List

COW Date	COW Outcome	1 <sup>st</sup> Read	2 <sup>nd</sup> Read	3 <sup>rd</sup> Read	Vote
2-Feb	Received a Do Pass as Amended recommendation	6-Feb		Passed 57-3 as amended and was transmitted to the Senate.	
20-Feb					

Shaun's Tracking List

COW Date	COW Outcome	1 <sup>st</sup> Read	2 <sup>nd</sup> Read	3 <sup>rd</sup> Read	Vote

Shaun's Tracking List

COW Date	COW Outcome	1 <sup>st</sup> Read	2 <sup>nd</sup> Read	3 <sup>rd</sup> Read	Vote

Shaun's Tracking List

COW Date	COW Outcome	1 <sup>st</sup> Read	2 <sup>nd</sup> Read	3 <sup>rd</sup> Read	Vote

Shaun's Tracking List

COW Date	COW Outcome	ird Read Da	Third Read Vote

Shaun's Tracking List

# 2016 ANNUAL REPORT



DRAFT

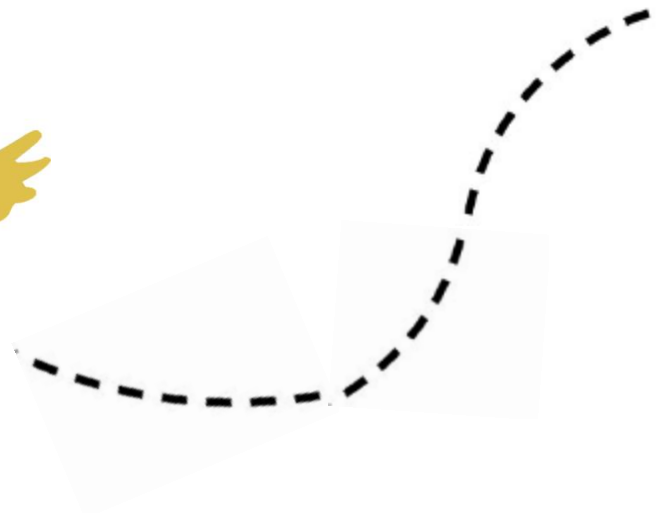
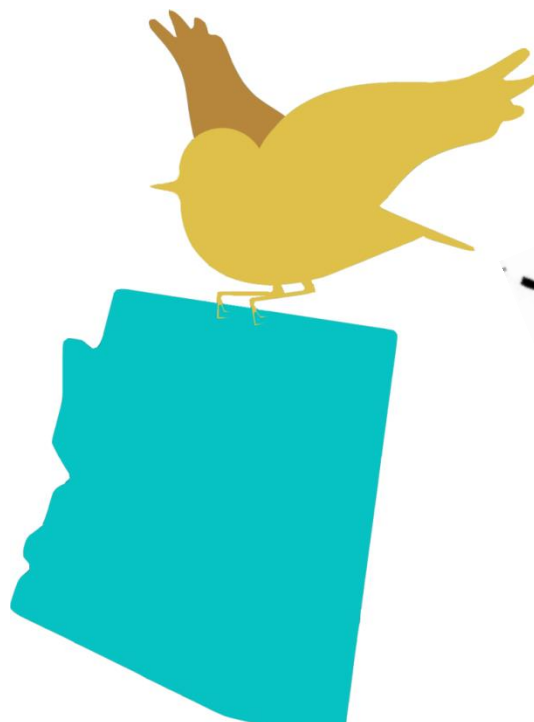
# 2016 ANNUAL REPORT

**Presented By The Citizens Clean Elections Commission**

The Annual Report will be submitted to the Governor, the President of the Arizona State Senate and the Speaker of the Arizona State House of Representatives. This report will be made available online at [www.azcleanelections.gov](http://www.azcleanelections.gov).

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DRAFT

**Douglas A. Ducey**  
Governor

**Thomas M. Collins**  
Executive Director



**Steve M. Titla**  
Chair

**Damien R. Meyer**  
**Mark S. Kimble**  
**Galen D. Paton**  
**Amy B. Chan**  
Commissioners

**State of Arizona**  
**Citizens Clean Elections Commission**

1616 W. Adams - Suite 110 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - [www.azcleanelections.gov](http://www.azcleanelections.gov)

February 23, 2017

The Honorable Doug Ducey  
Governor of the State of Arizona  
1700 West Washington  
Phoenix, AZ 85007

Dear Governor Ducey:

The Citizens Clean Elections Commission is pleased to submit for your information the 2016 Annual Report, pursuant to Arizona Revised Statutes § 16-956(A)(5). The Annual Report describes the activities performed by the Commission in the last calendar year.

In 1998, the voters of Arizona passed the Citizens Clean Elections Act. Over 18 years later, the Commission continues its commitment of upholding the letter and spirit of the Act. The Commission accomplished its goals set forth and looks forward to the same success in 2017.

Respectfully,

Steve M. Titla, Chairman  
Citizens Clean Elections Commission

DRAFT

# Voter & Public Education

The Commission continued to provide information to the public regarding Clean Elections participation and the functions and purposes of the Clean Elections Act. This was accomplished through education campaigns, grassroots and social media outreach.

The Commission's education and outreach efforts for 2016 included:

- "Vote Informed" Campaign
- "Candidate Compass" Launch
- Smart Device Application
- Candidate Training
- Candidate Debates
- Candidate Statement Pamphlets
- Grassroots Outreach
- Research
- Website & Social Media

## **Educating the Voters. Educating the Candidates.**

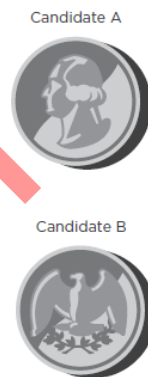
In addition to educating the voters, the Commission strives to educate candidates running for office.

The Commission hosts candidate training workshops that include details about campaign finance reporting and debate participation.

The Commission spends 10% of the expenditure cap on voter education in accordance with its statutory requirements. See page 11 of this report for more financial information.

# “Vote Informed” Campaign

The Vote Informed Campaign continued throughout the 2016 election cycle. The emphasis of this campaign was to help voters become more familiar with key election dates and processes, connect voters to straight-forward information about the candidates and issues on the ballot, and to encourage overall voter participation in elections. Because an informed voter is an empowered voter.



### WHY GUESS?

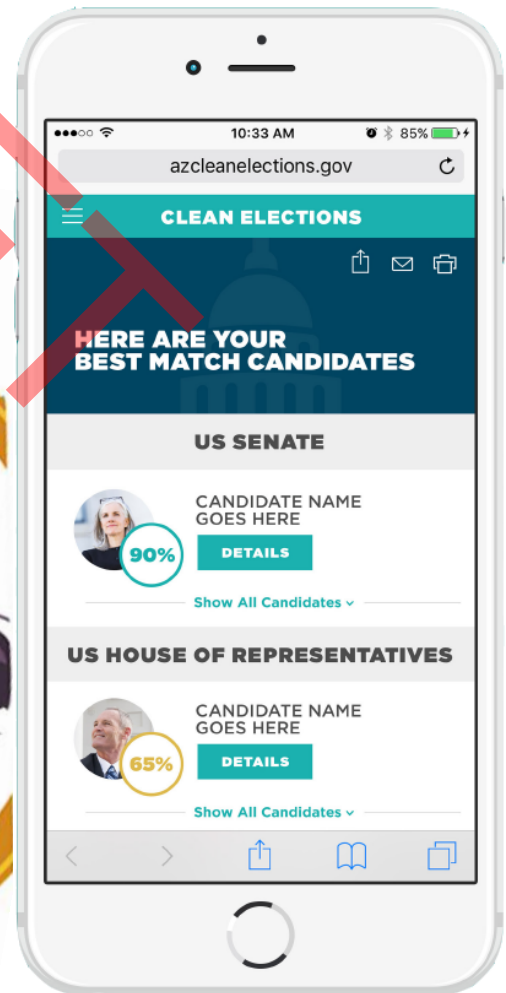


**VOTE INFORMED.** The Citizens Clean Elections Commission has the tools and resources to help you get ready for the General Election on November 8, 2016. See where Arizona's candidates stand on the issues with your Voter Education Guide. Plus, go online to find a schedule of state and legislative debates to ask candidates questions on issues that matter most to you.

**AZCLEANELECTIONS.GOV | 877-631-8891**

# Candidate Compass Tool

The Citizens Clean Elections Commission launched a brand new voter education tool in 2016, nicknamed the “Candidate Compass”. The compass was designed to allow voters to see which of Arizona’s statewide and legislative candidates aligns with the issues voters care about most. Respondents simply answer a few questions and see who shares their views. It’s that simple.



# Smart Device Application

The Commission launched a “Smart Device Application” in March 2015 that allowed voters to keep in touch with state lawmakers and other elected officials. In 2016 the application evolved into an informative election tool and assisted in providing voters with unbiased voter information on-the-go. Voters were able to mark on the app which individuals they would select on their respective ballots to maximize the ease and efficiency of voting informed. The main functions of the application include finding information on Arizona elections, including where to vote, upcoming deadlines, candidate statements and contact information, debate schedules and more.



# Candidate Training

Education is a key component to the mission of the Commission. In 2015, the Commission continued to provide information to interested groups and potential candidates through speaking engagements, candidate training workshops, as well as through publications on our enhanced agency website. Each election cycle the Commission develops a candidate guide to assist participating candidates as they navigate the political campaign process. The guide covers important topics such as requirements of the Clean Elections Act and Rules, filing and reporting deadlines, how to become a Clean Elections participating candidate, and how to qualify for funding.



Participating candidates are required to attend one Clean Elections Candidate Training Workshop during the election cycle. The workshops are open to the public and designed to provide information to prospective candidates, or those who are assisting participating candidates, about the requirements of the Clean Elections Act.

During 2016, the Commission conducted 14 candidate training workshops both online and in person. A total of 96 individuals attended these workshops, 63 of them being candidates and the remaining 33 were members of the public.

# Candidate Debates

The Citizens Clean Elections Commission proudly sponsors candidate debates prior to the Primary & General Election for statewide and legislative candidates. Participating candidates are required to attend the debates and Non-participating/traditional candidates are invited and are encouraged to participate. The debates occurred throughout Arizona and all statewide debates were televised. Candidates must appear in person, not by proxy or electronically, unless to accommodate a disability.

All debate videos may be seen in their entirety on the Commission's [YouTube Channel](#) and have been close captioned for the hearing impaired.

Debate Feedback/Quotes:

- “Excellent program! I learned a great deal of information”
- “The best debate for local politicians. Don’t change it.”

### 12 Primary Election Debates:

11 legislative: 38 of 46 (82.6%) candidates attended

1 statewide: 5 of 5 (100%) candidates attended

### 24 General Election Debates:

23 legislative: 74 of 110

(67.2%) candidates attended

1 statewide: 5 of 5

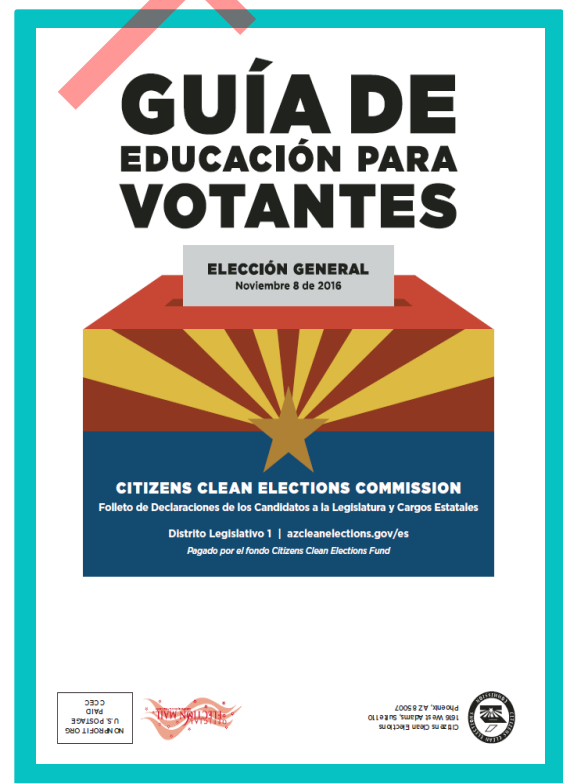
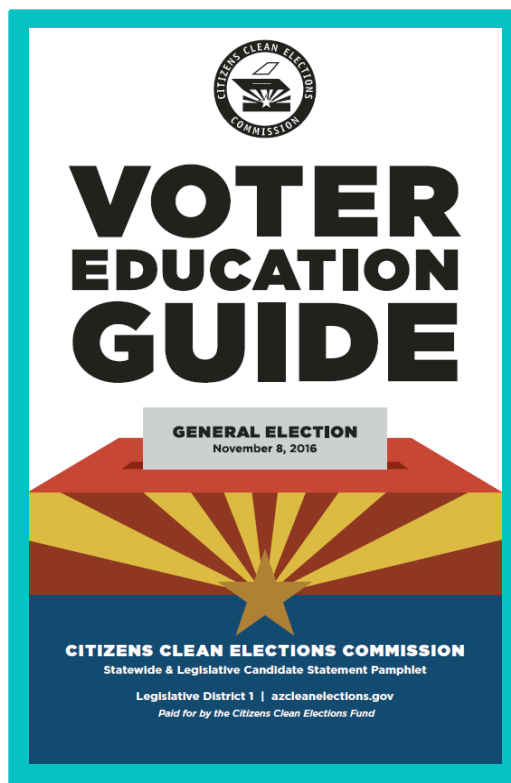
(100%) candidates attended



# Candidate Statement Pamphlet

Two separate Candidate Statement Pamphlets were created, printed, and distributed in 2016. The pamphlets contained a 200-word statement and a picture from each statewide and legislative candidate. The Commission distributed over 1.9 million copies of the Primary election pamphlet and another 1.9 million copies of the General election pamphlet, for a total of 3.8 million, to households containing a registered Arizona voter. For the Primary election there were a total of 172 statements submitted, out of 175 eligible candidates (98.2%). Whereas the guide for the General election contained 143 submitted statements, out of 144 eligible candidates (99.3%).

The 2016 cycle was the first that the Commission was able to produce “district specific” pamphlets, which in turn created a more user-friendly experience for the voters. This drastically reduced the cost and totaled a savings of \$930,014.00, when compared to the 2014 election cycle!



# Grassroots Outreach

In an ongoing effort to increase outreach to Arizona voters, Clean Elections was able to participate in the following:

- Multiple “Election Officials of Arizona” meetings
- Multiple “Arizona Municipal Clerks’ Association” meetings
- Partnered with the Apache, Coconino and Navajo County Recorder’s Offices, and the “Navajo Nation”, to host the Rural Addressing Conference – January 13<sup>th</sup>
- Celebrate Mesa Event – April 16<sup>th</sup>
- National Voter Registration Day, with ASU – September 27<sup>th</sup>
- A voter registration drive in partnership with the “Salt River Pima-Maricopa Indian Community” – April 28<sup>th</sup>



# Campaign Research

Post campaign research was conducted and began right after the General Election. These results were compared to the 2015 baseline study.

## Key Findings:

- While voters agree that voting is important, they do not recognize their own influence, especially in state and local elections. More work needs to be done in educating voters on the impact they can have.
- Debates are the most used source to inform election opinions, and nearly 4 in 10 people say they are using it more than in previous elections.
- The Voter Education Guide (Page 7) is considered the #1 unbiased source of information, however, it is only considered so by about 1/3 of voters.

The Commission also partnered with the ASU Morrison Institute to conduct research on voters and where they get their candidate and campaign information and from what “trusted sources”. This research was the center of Morrison’s annual State of our State conference held on November 16, 2016.






# Website & Social Media

The Commission saw a significant increase in its engagement with voters online. Utilizing social media channels has allowed the Commission to instantly connect with voters on timely and important election related issues. Voters and candidates alike can follow us on social media for more information about elections and running for office.

Social media sites such as Twitter, YouTube and Facebook were utilized and the chart below displays the amount of followers/likes throughout the previous years.

Social Media Traffic:

	2014	2015	2016	% from 2015-2016
	4,904 Likes	23,540 Likes	33,119 Likes	+41%
	908 Followers	1,070 Followers	1,270 Followers	+19%
	83,900+ Views	437,000+ Views	536,000+ Views	+23%

\*\*The methodology for calculating YouTube views changed slightly. The totals now reflect the number of views within that calendar year exclusively.

Website Traffic:

Year	Sessions	Users	% of New Users	Page Views
2016	382,013	304,543	79.54%	646,840
2015	117,372	98,672	83.9%	150,088
2014	73,121	55,292	75.3%	175,335
2013	32,299	7,297	60.7%	39,773

# Financial Information

## Funding Sources

Citizens Clean Elections Commission revenue comes from the following sources:

- 10% surcharge on all civil penalties and criminal fines
- Civil penalties paid by candidates.
- \$5 qualifying contributions collected from participating candidates.

CY 2016** Revenues	Actual
Court Assessments	\$7,242,242
Commission Assessments	\$15,000
\$5 Tax Check-off (late tax filings)*	\$295
Miscellaneous	\$81,246

## Controls on Spending

The Commission's total expenditures cannot exceed seven times the number of Arizona resident personal income tax returns filed during the previous calendar year. Up to 10% of the total expenditure cap for administration and enforcement purposes may be used. The Commission may make public education paid media expenditures up to 10% of the total expenditure cap as well. (A.R.S. §16-949) The 2015 expenditure caps were as follows:

- Total Expenditure Cap: \$19,896,471
- Administration & Enforcement Cap: \$1,989,647
- Public Education Paid Media Expenditure Cap: \$1,989,647

CY 2016** Expenditures	Admin & Enforcement	Voter Education	Candidate Funding
Total	\$742,407	\$4,807,111	\$2,150,000

Clean Elections is funded by voluntary contributions and surcharges on criminal penalties and violations, such as traffic tickets.

Not a single dollar of Clean Elections funding comes from the State's General Fund.

Rather than taking money from taxpayers, Clean Elections has donated \$74 million to the State's General Fund since its inception through 2016.

The removal of the \$5 check-off box on Arizona state income tax return forms and dollar-for-dollar tax credits caused a decrease in revenue to the Clean Elections Fund, and as a result the Commission was unable to transfer excess monies to the General Fund in 2016.

\*Previously, Arizona citizens could contribute voluntarily through a \$5 check-off box on Arizona state income tax return forms and through dollar for dollar tax credits. This portion of the Act was removed in 2012; however, late tax filers may still contribute.

\*\*The Clean Elections Commission operates on a calendar year budget rather than the State's fiscal year budget.

# Enforcement, Audits & Litigation

The Commission enforces the Citizens Clean Elections Act and Commission rules which are a part of the Arizona Administrative Code. The Act and Commission rules contain specific campaign finance provisions and limitations.

In order to ensure campaign spending occurs in an ethical manner as specified by the Act and Rules, Commission staff monitors campaign finance reports filed pursuant to the Act and if necessary, they may request financial records. The Commission has the authority to subpoena witnesses, take evidence, and require, by subpoena, the production of any books, papers, records or other material relevant to an enforcement matter.

Potential penalties for violations of the Act range from monetary penalties, the disqualification of a candidate or forfeiture of office. The Commission settles most enforcement matters in an amicable fashion.

Additionally, the Commission conducts random audits to ensure compliance with the Act and Commission rules. Candidates are randomly selected during a public Commission meeting. The audits are completed by an independent auditing agency. Candidate audits are selected during election years after the Commission has disbursed funds to qualified candidates.

In 2016, the Commission randomly selected 29 candidates for audits. This included 26 legislative candidates and 3 statewide candidates who received Clean Elections funding in either the 2016 primary or general election periods. Audits will be presented to the Commission for their approval in 2017.

## Enforcement

The Commission acts on both external and internally filed complaints.

During 2016, the Commission resolved 3 complaints arising from the 2016 election cycle. The Commission anticipates the 6 remaining matters from the 2016 election cycle will conclude during 2017.

# 2016 Candidate Summary

During the Primary election 178 candidates sought statewide and legislative offices, with 41 of those individuals participating in the Clean Elections system. The Clean Elections candidate participation rate was 23% in the Primary election.

During the General election there were 144 candidates seeking statewide and legislative offices, 37 of which were participating candidates. The Clean Elections candidate participation rate was 25.7% in the General election.

In 2016, more than \$2.1 million was distributed from the Clean Elections Fund to participating candidates.

The following pages list every candidate for statewide and legislative office who raised funds and qualified for the ballot. Please note each state legislative district elects two representatives to serve in the House of Representatives and one senator to serve in the Senate. This listing is compiled using data provided at [www.azsos.gov](http://www.azsos.gov).

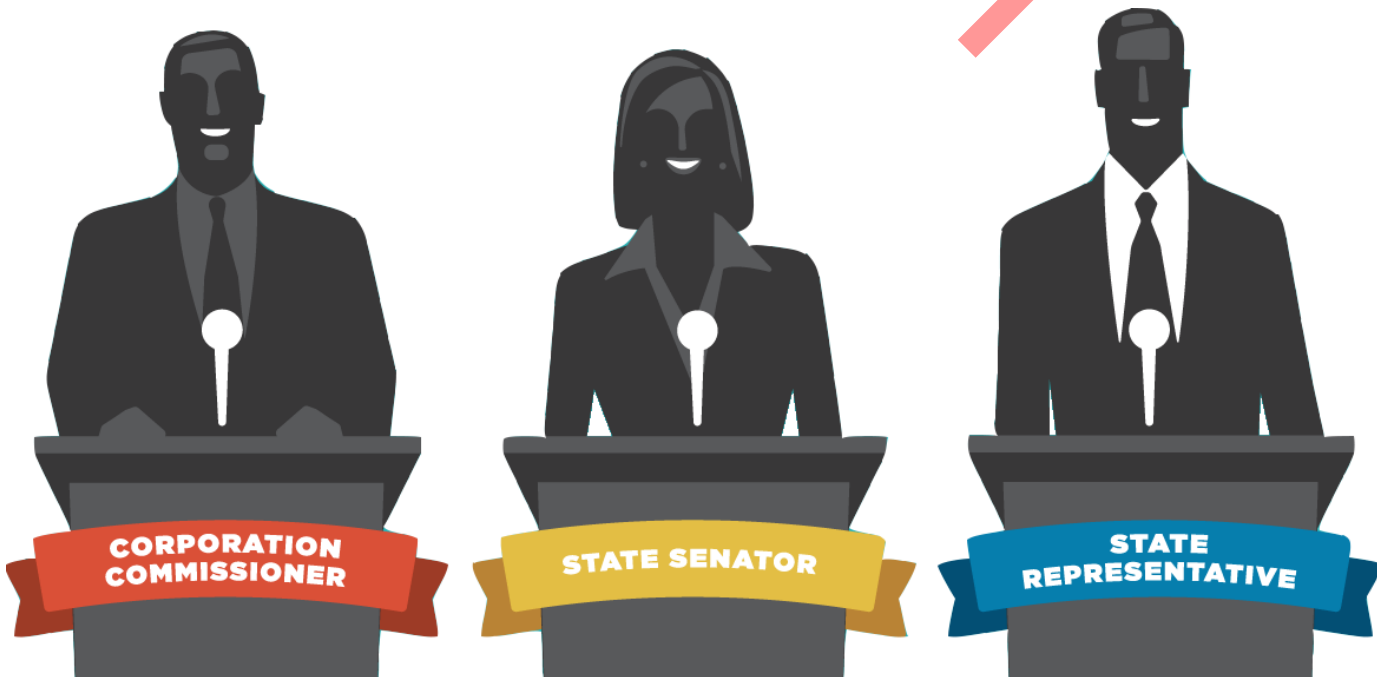
## Arizona's Citizens Clean Elections Act

The public financing system is voluntary; candidates who choose to participate in this system to receive public funding are known as participating candidates. Candidates who choose to raise private campaign funds are known as non-participating/traditional candidates.

To become a Clean Elections participating candidate, a candidate must raise a number of \$5 qualifying contributions during a defined qualifying period. Clean Elections participating candidates agree to forgo contributions from political action committees.

# 2016 PRIMARY ELECTION CANDIDATE LISTING

Reallocation Notice: Pursuant to A.R.S. §16-952(D), a one-party-dominant legislative district is a district in which the number of registered voters registered in the party with the highest number of registered voters exceeds the number of registered voters to each of the other parties by an amount at least as high as ten percent of the total number of voters registered in the district. In 2016, qualifying legislative candidates received \$16,044 in funding for the primary. Legislative candidates who were eligible, and chose, to reallocate received \$24,066 for the primary instead of the general election.



# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 178 / 41

					Primary Initial Disbursement
<b>Corporation Commissioner</b>					
Burns, Robert	201600063	Republican			0.00
Chabin, Tom	201600442	Democratic	Participating		102,711.00
Dunn, Boyd	201600545	Republican			0.00
Melvin, Al	201600252	Republican	Participating		102,711.00
Mundell, Bill	201600443	Democratic	Participating		102,711.00
Tobin, Andrew	201600513	Republican			0.00
					<b>308,133.00</b>
<b>State Senator - District 1</b>					
Fann, Karen	201600168	Republican			0.00
					<b>0.00</b>
<b>State Representative - District 1</b>					
Campbell, Noel	201600049	Republican	Participating		24,066.00
Davis, Arlo G "Chip"	201600238	Republican			0.00
Knauer, Haryaksha	201600419	Green			0.00
Pierson, Peter	201600517	Democratic	Participating		16,044.22
Stringer, David	201600370	Republican			0.00
					<b>40,110.22</b>
<b>State Senator - District 2</b>					
Dallessandro, Andrea	201600089	Democratic	Participating		16,044.00
Kais, Shelley	201600288	Republican	Participating		16,044.00
					<b>32,088.00</b>
<b>State Representative - District 2</b>					
Ackerley, John	201600114	Republican	Participating		16,044.00
Baumann, Aaron	201600126	Democratic			0.00
Gabaldon, Rosanna	201600086	Democratic	Participating		16,044.00
Hernandez, Daniel	201600418	Democratic			0.00
					<b>32,088.00</b>

Enter Filer ID at (<http://apps.azsos.gov/apps/election/cfs/search/CandidateSearch.aspx>) to view a candidate's campaign finance reports

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# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 178 / 41

				Primary Initial Disbursement
<b>State Senator - District 3</b>				
Cajero Bedford, Olivia	201600076	Democratic		0.00
				<b>0.00</b>
<b>State Representative - District 3</b>				
Cizek, Edward	201600568	Green		0.00
Gonzales, Sally	201600425	Democratic		0.00
Saldate, Macario	201600183	Democratic		0.00
				<b>0.00</b>
<b>State Senator - District 4</b>				
Otondo, Lisa	201600344	Democratic		0.00
				<b>0.00</b>
<b>State Representative - District 4</b>				
Fernandez, Charlene	201600129	Democratic		0.00
Rubalcava, Jesus	201600368	Democratic	Participating	16,044.00
				<b>16,044.00</b>
<b>State Senator - District 5</b>				
Borrelli, Sonny	201600293	Republican		0.00
Gould, Ron	201600275	Republican		0.00
				<b>0.00</b>
<b>State Representative - District 5</b>				
Biasiucci, Leo	201600505	Green		0.00
Cobb, Regina	201600180	Republican		0.00
Jones, Jennifer	201600271	Republican		0.00
Medrano, Sam	201600393	Republican		0.00
Mosley, Paul	201600320	Republican		0.00
Weisser, Beth	201600298	Democratic		0.00
				<b>0.00</b>

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2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 178 / 41

				Primary Initial Disbursement
<b>State Senator - District 6</b>				
(Check) Bagley, Nikki	201600383	Democratic		0.00
Allen, Sylvia Tenney	201600173	Republican		0.00
				<b>0.00</b>
<b>State Representative - District 6</b>				
Barton, Brenda	201600145	Republican		0.00
Martinez, Alex	201600426	Democratic		0.00
Thorpe, Robert	201600045	Republican		0.00
				<b>0.00</b>
<b>State Senator - District 7</b>				
Begay, Steven	201600501	Democratic		0.00
Keaveney, Barry	201600636	Libertarian		0.00
Peshlakai, Jamescita	201600352	Democratic		0.00
				<b>0.00</b>
<b>State Representative - District 7</b>				
Benally, Wenona	201600507	Democratic		0.00
Descheenie, Eric	201600463	Democratic		0.00
				<b>0.00</b>
<b>State Senator - District 8</b>				
McGuire, Barbara	201600125	Democratic	Participating	16,044.00
Pratt, Frank	201600190	Republican		0.00
				<b>16,044.00</b>
<b>State Representative - District 8</b>				
Casillas (Candidate), Carmen	201600148	Democratic	Participating	16,044.00
Cook, David	201600459	Republican		0.00
Shope, Thomas	201600170	Republican		0.00
				<b>16,044.00</b>

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2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 178 / 41

				Primary Initial Disbursement
<b>State Senator - District 9</b>				
Farley, Steve	201600188	Democratic		0.00
				<b>0.00</b>
<b>State Representative - District 9</b>				
Friese, Randall	201600195	Democratic		0.00
Henderson, Ana	201600217	Republican	Participating	16,044.00
Kopec, Matt	201600416	Democratic		0.00
Powers Hannley, Pamela	201600269	Democratic	Participating	16,044.00
				<b>32,088.00</b>
<b>State Senator - District 10</b>				
Bradley, David	201600204	Democratic		0.00
Phelps, Randall	201600500	Republican		0.00
				<b>0.00</b>
<b>State Representative - District 10</b>				
Clodfelter, Todd	201600194	Republican	Participating	16,044.00
Engel, Kirsten	201600380	Democratic		0.00
Frogge, Courtney	201600134	Democratic		0.00
Mach, Stefanie	201600118	Democratic		0.00
				<b>16,044.00</b>
<b>State Senator - District 11</b>				
Atchue, Ralph	201600412	Democratic		0.00
Smith, Steve	201600312	Republican		0.00
				<b>0.00</b>

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# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 178 / 41

				Primary Initial Disbursement
<b>State Representative - District 11</b>				
Finchem, Mark	201600041	Republican		0.00
Hammond, Corin	201600161	Democratic	Participating	16,044.00
Leach, Venden "Vince"	201600123	Republican		0.00
				<b>16,044.00</b>
<b>State Senator - District 12</b>				
Brown, Elizabeth	201600450	Democratic	Participating	0.00
Lindblom, James	201600504	Republican		0.00
Petersen, Warren	201600171	Republican		0.00
				<b>0.00</b>
<b>State Representative - District 12</b>				
Farnsworth, Eddie	201600357	Republican		0.00
Grantham, Travis	201600462	Republican		0.00
Lewis, Lacinda	201600527	Republican		0.00
				<b>0.00</b>
<b>State Senator - District 13</b>				
Landis, Diane	201600597	Republican		0.00
Montenegro, Steve	201600033	Republican		0.00
				<b>0.00</b>
<b>State Representative - District 13</b>				
Graves, Isha	201600540	Democratic		0.00
Kouns, Ray	201600326	Republican		0.00
Mitchell, Darin	201600196	Republican		0.00
Shooter, Don	201600328	Republican		0.00
				<b>0.00</b>

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2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 178 / 41

				Primary Initial Disbursement
<b>State Senator - District 14</b>				
Alvarez, Jaime	201600471	Democratic	Participating	16,044.00
Griffin, Gail	201600030	Republican		0.00
				<b>16,044.00</b>
<b>State Representative - District 14</b>				
Barger, Dennis	201600360	Republican		0.00
Holmes, Mike	201600315	Democratic	Participating	16,044.00
John, Drew	201600112	Republican		0.00
Lindstrom, Jason	201600588	Democratic	Participating	16,044.00
Nutt, Becky	201600310	Republican	Participating	24,066.00
Sizer, Anthony	201600296	Republican	Participating	24,066.00
				<b>80,220.00</b>
<b>State Senator - District 15</b>				
Barto, Nancy	201600164	Republican		0.00
MacBeth, Tonya	201600455	Democratic	Participating	16,044.00
				<b>16,044.00</b>
<b>State Representative - District 15</b>				
Allen, John	201600091	Republican		0.00
Carter, Heather	201600191	Republican		0.00
Dwyer, Brandon	201600451	Democratic	Participating	16,044.00
				<b>16,044.00</b>
<b>State Senator - District 16</b>				
Farnsworth, David	201600175	Republican		0.00
Prior, Scott	201600116	Democratic	Participating	16,044.00
				<b>16,044.00</b>

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# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 178 / 41

				Primary Initial Disbursement
<b>State Representative - District 16</b>				
Coleman, Doug	201600528	Republican		0.00
Fillmore, John	201600325	Republican	Participating	24,066.00
Prior, Cara	201600339	Democratic	Participating	16,044.00
Stevens, Adam	201600242	Republican		0.00
Stinard, Sharon	201600287	Democratic	Participating	16,044.00
Townsend, Kelly	201600221	Republican		0.00
				<b>56,154.00</b>
<b>State Senator - District 17</b>				
Weichert, Steven	201600391	Democratic	Participating	16,044.00
Yarbrough, Steve	201600187	Republican		0.00
				<b>16,044.00</b>
<b>State Representative - District 17</b>				
Mesnard, J.D.	201600193	Republican		0.00
Pawlik, Jennifer	201600390	Democratic	Participating	16,044.00
Weninger, Jeff	201600122	Republican		0.00
				<b>16,044.00</b>
<b>State Senator - District 18</b>				
Bowie, Sean	201600080	Democratic		0.00
Dial, Jeff	201600001	Republican		0.00
Schmuck, Frank	201600560	Republican		0.00
				<b>0.00</b>
<b>State Representative - District 18</b>				
Epstein, Denise "Mitzi"	201600130	Democratic		0.00
Macias, Linda	201600531	Green		0.00
Norgaard, Jill	201600178	Republican		0.00
Robson, Bob	201600179	Republican		0.00
				<b>0.00</b>

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2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 178 / 41

				Primary Initial Disbursement
<b>State Senator - District 19</b>				
Contreras, Guadalupe	201600203	Democratic		0.00
				<b>0.00</b>
<b>State Representative - District 19</b>				
Cardenas, Mark	201600201	Democratic		0.00
Espinoza, Jose	201600202	Democratic		0.00
				<b>0.00</b>
<b>State Senator - District 20</b>				
Herrera, Larry	201600392	Democratic	Participating	16,044.00
Quelland, Doug	201600321	Independent		0.00
Yee, Kimberly	201600165	Republican		0.00
				<b>16,044.00</b>
<b>State Representative - District 20</b>				
Boyer, Paul	201600184	Republican		0.00
Gilfillan, Christopher	201600340	Democratic		0.00
Kern, Anthony	201600046	Republican		0.00
				<b>0.00</b>
<b>State Senator - District 21</b>				
Lesko, Debbie	201600151	Republican		0.00
				<b>0.00</b>
<b>State Representative - District 21</b>				
Payne, Kevin	201600259	Republican		0.00
Rasmussen-Lacotta, Deanna	201600541	Democratic	Participating	16,044.00
Rivero, Jose	201600236	Republican		0.00
				<b>16,044.00</b>

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2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 178 / 41

					Primary Initial Disbursement
<b>State Senator - District 22</b>					
Burges, Judy	201600189	Republican			0.00
Muscato, Michael	201600467	Democratic	Participating		16,044.00
					<b>16,044.00</b>
<b>State Representative - District 22</b>					
Hernandez, Manuel	201600506	Democratic	Participating		16,044.00
Livingston, David	201600197	Republican			0.00
Lovas, Phil	201600181	Republican			0.00
					<b>16,044.00</b>
<b>State Senator - District 23</b>					
Kavanagh, John	201600172	Republican			0.00
					<b>0.00</b>
<b>State Representative - District 23</b>					
Caputi, Tammy	201600343	Democratic	Participating		16,044.00
Lawrence, Jay	201600096	Republican			0.00
Lettieri, Robert	201600489	Republican			0.00
Ugenti-Rita, Michelle	201600355	Republican			0.00
					<b>16,044.00</b>
<b>State Senator - District 24</b>					
Hobbs, Katie	201600199	Democratic			0.00
					<b>0.00</b>
<b>State Representative - District 24</b>					
Alston, Lela	201600192	Democratic			0.00
Clark, Ken	201600316	Democratic			0.00
					<b>0.00</b>

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2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 178 / 41

				Primary Initial Disbursement
<b>State Senator - District 25</b>				
Worsley, Robert	201600422	Republican		0.00
				<b>0.00</b>
<b>State Representative - District 25</b>				
Bowers, Russell W "Rusty"	201600174	Republican		0.00
Groen, Ross	201600557	Republican		0.00
Rahn, Kathleen	201600465	Democratic	Participating	16,044.00
Udall, Michelle	201600496	Republican		0.00
				<b>16,044.00</b>
<b>State Senator - District 26</b>				
Lucier, David	201600377	Democratic		0.00
Mendez, Juan	201600354	Democratic	Participating	16,044.00
Will, Chris	201600599	Libertarian		0.00
				<b>16,044.00</b>
<b>State Representative - District 26</b>				
Adkins, Steven	201600456	Republican		0.00
Blanc, Isela	201600397	Democratic	Participating	16,044.00
Martinez, Michael	201600300	Democratic	Participating	16,044.00
Plumlee, Celeste	201600389	Democratic		0.00
Salman, Athena	201600385	Democratic	Participating	16,044.00
Trujillo, Cara Nicole	201600466	Green		0.00
				<b>48,132.00</b>
<b>State Senator - District 27</b>				
Miranda Saenz, Maritza	201600446	Democratic		0.00
Miranda, Catherine	201600035	Democratic		0.00
				<b>0.00</b>

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2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 178 / 41

			Primary Initial Disbursement
<b>State Representative - District 27</b>			
Blackwell, Edward	201600594	Democratic	0.00
Bolding, Reginald	201600101	Democratic	0.00
Braun, A. David	201600348	Democratic	0.00
Rios, Rebecca	201600113	Democratic	0.00
			<b>0.00</b>
<b>State Senator - District 28</b>			
Brophy McGee, Kate	201600177	Republican	0.00
Meyer, Eric	201600166	Democratic	0.00
			<b>0.00</b>
<b>State Representative - District 28</b>			
Bowers, Kenneth	201600230	Republican	0.00
Butler, Kelli	201600317	Democratic	0.00
Gutier Iii, Alberto	201600490	Republican	0.00
Hamway, Mary	201600302	Republican	0.00
Morales, Matthew	201600284	Republican	0.00
Syms, Maria	201600525	Republican	0.00
			<b>0.00</b>
<b>State Senator - District 29</b>			
Hernandez, Lydia	201600405	Democratic	0.00
Nuttle, Crystal	201600572	Republican	0.00
Quezada, Martin	201600150	Democratic	0.00
			<b>0.00</b>

Enter Filer ID at (<http://apps.azsos.gov/apps/election/cfs/search/CandidateSearch.aspx>) to view a candidate's campaign finance reports

2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 178 / 41

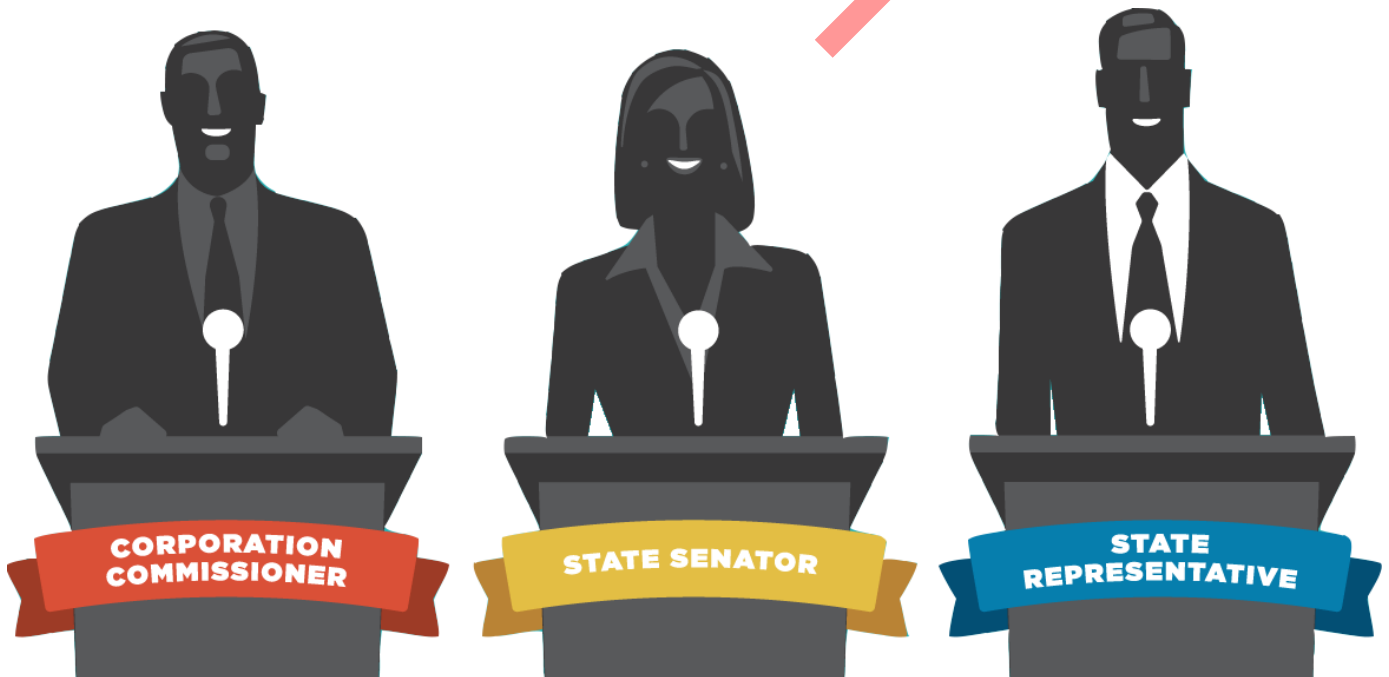
				Primary Initial Disbursement
<b>State Representative - District 29</b>				
Alfaro, Roberto	201600573	Republican		0.00
Andrade, Richard	201600144	Democratic		0.00
Cantu, Rosa	201600404	Democratic		0.00
Chavez, Cesar	201600552	Democratic		0.00
Pimentel, Marshall	201600620	Democratic		0.00
Wilson, John	201600577	Republican	Participating	0.00
				<b>0.00</b>
<b>State Senator - District 30</b>				
Lyon, John	201600394	Republican		0.00
Meza, Robert	201600029	Democratic		0.00
				<b>0.00</b>
<b>State Representative - District 30</b>				
Cox, Gary	201600281	Republican		0.00
Larkin, Jonathan	201600182	Democratic		0.00
Martinez, Ray	201600473	Democratic		0.00
Navarrete, Otoniel	201600444	Democratic		0.00
				<b>0.00</b>
<b>Grand Total</b>				<b>917,805.22</b>

Enter Filer ID at (<http://apps.azsos.gov/apps/election/cfs/search/CandidateSearch.aspx>) to view a candidate's campaign finance reports

2/10/2017

# 2016 GENERAL ELECTION CANDIDATE LISTING

Reallocation Notice: Pursuant to A.R.S. §16-952(D), a one-party-dominant legislative district is a district in which the number of registered voters registered in the party with the highest number of registered voters exceeds the number of registered voters to each of the other parties by an amount at least as high as ten percent of the total number of voters registered in the district. In 2016, qualifying legislative candidates received \$16,044 in funding for the primary. Legislative candidates who were eligible, and chose, to reallocate received \$24,066 for the primary instead of the general election.



# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 144 / 37

					General Initial Disbursement
<b>Corporation Commissioner</b>					
Burns, Robert	201600063	Republican			0.00
Chabin, Tom	201600442	Democratic	Participating		154,067.00
Dunn, Boyd	201600545	Republican			0.00
Mundell, Bill	201600443	Democratic	Participating		154,067.00
Tobin, Andrew	201600513	Republican			0.00
					<b>308,134.00</b>
<b>State Senator - District 1</b>					
Fann, Karen	201600168	Republican			0.00
					<b>0.00</b>
<b>State Representative - District 1</b>					
Campbell, Noel	201600049	Republican	Participating		16,044.00
Knauer, Haryaksha	201600419	Green			0.00
Pierson, Peter	201600517	Democratic	Participating		24,066.00
Stringer, David	201600370	Republican			0.00
					<b>40,110.00</b>
<b>State Senator - District 2</b>					
Dalessandro, Andrea	201600089	Democratic	Participating		24,066.00
Kais, Shelley	201600288	Republican	Participating		24,066.00
					<b>48,132.00</b>
<b>State Representative - District 2</b>					
Ackerley, John	201600114	Republican	Participating		24,066.00
Gabaldon, Rosanna	201600086	Democratic	Participating		24,066.00
Hernandez, Daniel	201600418	Democratic			0.00
					<b>48,132.00</b>

Enter Filer ID at (<http://apps.azsos.gov/apps/election/cfs/search/CandidateSearch.aspx>) to view a candidate's campaign finance reports

2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 144 / 37

				General Initial Disbursement
<b>State Senator - District 3</b>				
Cajero Bedford, Olivia	201600076	Democratic		0.00
				<b>0.00</b>
<b>State Representative - District 3</b>				
Cizek, Edward	201600568	Green		0.00
Gonzales, Sally	201600425	Democratic		0.00
Saldate, Macario	201600183	Democratic		0.00
				<b>0.00</b>
<b>State Senator - District 4</b>				
Otondo, Lisa	201600344	Democratic		0.00
				<b>0.00</b>
<b>State Representative - District 4</b>				
Fernandez, Charlene	201600129	Democratic		0.00
Rubalcava, Jesus	201600368	Democratic	Participating	24,066.00
				<b>24,066.00</b>
<b>State Senator - District 5</b>				
Borrelli, Sonny	201600293	Republican		0.00
				<b>0.00</b>
<b>State Representative - District 5</b>				
Biasiucci, Leo	201600505	Green		0.00
Cobb, Regina	201600180	Republican		0.00
Mosley, Paul	201600320	Republican		0.00
Weisser, Beth	201600298	Democratic		0.00
				<b>0.00</b>

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2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 144 / 37

					General Initial Disbursement
<b>State Senator - District 6</b>					
(Check) Bagley, Nikki	201600383	Democratic			0.00
Allen, Sylvia Tenney	201600173	Republican			0.00
					<b>0.00</b>
<b>State Representative - District 6</b>					
Barton, Brenda	201600145	Republican			0.00
Martinez, Alex	201600426	Democratic			0.00
Thorpe, Robert	201600045	Republican			0.00
					<b>0.00</b>
<b>State Senator - District 7</b>					
Peshlakai, Jamescita	201600352	Democratic			0.00
					<b>0.00</b>
<b>State Representative - District 7</b>					
Benally, Wenona	201600507	Democratic			0.00
Descheenie, Eric	201600463	Democratic			0.00
					<b>0.00</b>
<b>State Senator - District 8</b>					
McGuire, Barbara	201600125	Democratic	Participating		24,066.00
Pratt, Frank	201600190	Republican			0.00
					<b>24,066.00</b>
<b>State Representative - District 8</b>					
Casillas (Candidate), Carmen	201600148	Democratic	Participating		24,066.00
Cook, David	201600459	Republican			0.00
Shope, Thomas	201600170	Republican			0.00
					<b>24,066.00</b>

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2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 144 / 37

				General Initial Disbursement
<b>State Senator - District 9</b>				
Farley, Steve	201600188	Democratic		0.00
				<b>0.00</b>
<b>State Representative - District 9</b>				
Friese, Randall	201600195	Democratic		0.00
Henderson, Ana	201600217	Republican	Participating	24,066.00
Powers Hannley, Pamela	201600269	Democratic	Participating	24,066.00
				<b>48,132.00</b>
<b>State Senator - District 10</b>				
Bradley, David	201600204	Democratic		0.00
Phelps, Randall	201600500	Republican		0.00
				<b>0.00</b>
<b>State Representative - District 10</b>				
Clodfelter, Todd	201600194	Republican	Participating	24,066.00
Engel, Kirsten	201600380	Democratic		0.00
Mach, Stefanie	201600118	Democratic		0.00
				<b>24,066.00</b>
<b>State Senator - District 11</b>				
Atchue, Ralph	201600412	Democratic		0.00
Smith, Steve	201600312	Republican		0.00
				<b>0.00</b>
<b>State Representative - District 11</b>				
Finchem, Mark	201600041	Republican		0.00
Hammond, Corin	201600161	Democratic	Participating	24,066.00
Leach, Venden "Vince"	201600123	Republican		0.00
				<b>24,066.00</b>

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2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 144 / 37

				General Initial Disbursement
<b>State Senator - District 12</b>				
Brown, Elizabeth	201600450	Democratic	Participating	24,066.00
Petersen, Warren	201600171	Republican		0.00
				<b>24,066.00</b>
<b>State Representative - District 12</b>				
Farnsworth, Eddie	201600357	Republican		0.00
Grantham, Travis	201600462	Republican		0.00
				<b>0.00</b>
<b>State Senator - District 13</b>				
Montenegro, Steve	201600033	Republican		0.00
				<b>0.00</b>
<b>State Representative - District 13</b>				
Graves, Isha	201600540	Democratic		0.00
Mitchell, Darin	201600196	Republican		0.00
Shooter, Don	201600328	Republican		0.00
				<b>0.00</b>
<b>State Senator - District 14</b>				
Alvarez, Jaime	201600471	Democratic	Participating	24,066.00
Griffin, Gail	201600030	Republican		0.00
				<b>24,066.00</b>
<b>State Representative - District 14</b>				
Holmes, Mike	201600315	Democratic	Participating	24,066.00
John, Drew	201600112	Republican		0.00
Lindstrom, Jason	201600588	Democratic	Participating	24,066.00
Nutt, Becky	201600310	Republican	Participating	16,044.00
				<b>64,176.00</b>

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2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 144 / 37

					General Initial Disbursement
<b>State Senator - District 15</b>					
Barto, Nancy	201600164	Republican			0.00
MacBeth, Tonya	201600455	Democratic	Participating		24,066.00
					<b>24,066.00</b>
<b>State Representative - District 15</b>					
Allen, John	201600091	Republican			0.00
Carter, Heather	201600191	Republican			0.00
Dwyer, Brandon	201600451	Democratic	Participating		24,066.00
					<b>24,066.00</b>
<b>State Senator - District 16</b>					
Farnsworth, David	201600175	Republican			0.00
Prior, Scott	201600116	Democratic	Participating		24,066.00
					<b>24,066.00</b>
<b>State Representative - District 16</b>					
Coleman, Doug	201600528	Republican			0.00
Prior, Cara	201600339	Democratic	Participating		24,066.00
Stinard, Sharon	201600287	Democratic	Participating		24,066.00
Townsend, Kelly	201600221	Republican			0.00
					<b>48,132.00</b>
<b>State Senator - District 17</b>					
Weichert, Steven	201600391	Democratic	Participating		24,066.00
Yarbrough, Steve	201600187	Republican			0.00
					<b>24,066.00</b>

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2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 144 / 37

				General Initial Disbursement
<b>State Representative - District 17</b>				
Mesnard, J.D.	201600193	Republican		0.00
Pawlik, Jennifer	201600390	Democratic	Participating	24,066.00
Weninger, Jeff	201600122	Republican		0.00
				<b>24,066.00</b>
<b>State Senator - District 18</b>				
Bowie, Sean	201600080	Democratic		0.00
Schmuck, Frank	201600560	Republican		0.00
				<b>0.00</b>
<b>State Representative - District 18</b>				
Epstein, Denise "Mitzi"	201600130	Democratic		0.00
Macias, Linda	201600531	Green		0.00
Norgaard, Jill	201600178	Republican		0.00
Robson, Bob	201600179	Republican		0.00
				<b>0.00</b>
<b>State Senator - District 19</b>				
Contreras, Guadalupe	201600203	Democratic		0.00
				<b>0.00</b>
<b>State Representative - District 19</b>				
Cardenas, Mark	201600201	Democratic		0.00
Espinoza, Jose	201600202	Democratic		0.00
				<b>0.00</b>
<b>State Senator - District 20</b>				
Herrera, Larry	201600392	Democratic	Participating	24,066.00
Quelland, Doug	201600321	Independent		0.00
Yee, Kimberly	201600165	Republican		0.00
				<b>24,066.00</b>

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2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 144 / 37

				General Initial Disbursement
<b>State Representative - District 20</b>				
Boyer, Paul	201600184	Republican		0.00
Gilfillan, Christopher	201600340	Democratic		0.00
Kern, Anthony	201600046	Republican		0.00
				<b>0.00</b>
<b>State Senator - District 21</b>				
Lesko, Debbie	201600151	Republican		0.00
				<b>0.00</b>
<b>State Representative - District 21</b>				
Payne, Kevin	201600259	Republican		0.00
Rasmussen-Lacotta, Deanna	201600541	Democratic	Participating	24,066.00
Rivero, Jose	201600236	Republican		0.00
				<b>24,066.00</b>
<b>State Senator - District 22</b>				
Burges, Judy	201600189	Republican		0.00
Muscato, Michael	201600467	Democratic	Participating	24,066.00
				<b>24,066.00</b>
<b>State Representative - District 22</b>				
Hernandez, Manuel	201600506	Democratic	Participating	24,066.00
Livingston, David	201600197	Republican		0.00
Lovas, Phil	201600181	Republican		0.00
				<b>24,066.00</b>
<b>State Senator - District 23</b>				
Kavanagh, John	201600172	Republican		0.00
				<b>0.00</b>

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2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 144 / 37

				General Initial Disbursement
<b>State Representative - District 23</b>				
Caputi, Tammy	201600343	Democratic	Participating	24,066.00
Lawrence, Jay	201600096	Republican		0.00
Ugenti-Rita, Michelle	201600355	Republican		0.00
				<b>24,066.00</b>
<b>State Senator - District 24</b>				
Hobbs, Katie	201600199	Democratic		0.00
				<b>0.00</b>
<b>State Representative - District 24</b>				
Alston, Lela	201600192	Democratic		0.00
Clark, Ken	201600316	Democratic		0.00
				<b>0.00</b>
<b>State Senator - District 25</b>				
Worsley, Robert	201600422	Republican		0.00
				<b>0.00</b>
<b>State Representative - District 25</b>				
Bowers, Russell W "Rusty"	201600174	Republican		0.00
Rahn, Kathleen	201600465	Democratic	Participating	24,066.00
Udall, Michelle	201600496	Republican		0.00
				<b>24,066.00</b>
<b>State Senator - District 26</b>				
Mendez, Juan	201600354	Democratic	Participating	1,545.00
				<b>1,545.00</b>

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2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 144 / 37

				General Initial Disbursement
<b>State Representative - District 26</b>				
Adkins, Steven	201600456	Republican		0.00
Blanc, Isela	201600397	Democratic	Participating	24,066.00
Salman, Athena	201600385	Democratic	Participating	24,066.00
Trujillo, Cara Nicole	201600466	Green		0.00
				<b>48,132.00</b>
<b>State Senator - District 27</b>				
Miranda, Catherine	201600035	Democratic		0.00
Torres, Angel	201600632	Green		0.00
				<b>0.00</b>
<b>State Representative - District 27</b>				
Bolding, Reginald	201600101	Democratic		0.00
Rios, Rebecca	201600113	Democratic		0.00
				<b>0.00</b>
<b>State Senator - District 28</b>				
Brophy Mcgee, Kate	201600177	Republican		0.00
Meyer, Eric	201600166	Democratic		0.00
				<b>0.00</b>
<b>State Representative - District 28</b>				
Butler, Kelli	201600317	Democratic		0.00
Hamway, Mary	201600302	Republican		0.00
Syms, Maria	201600525	Republican		0.00
				<b>0.00</b>
<b>State Senator - District 29</b>				
Nuttle, Crystal	201600572	Republican		0.00
Quezada, Martin	201600150	Democratic		0.00
				<b>0.00</b>

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2/10/2017

# List of All Candidate Committees for the 2016 Election

Committees (Total / Participating) = 144 / 37

				General Initial Disbursement
<b>State Representative - District 29</b>				
Alfaro, Roberto	201600573	Republican		0.00
Andrade, Richard	201600144	Democratic		0.00
Chavez, Cesar	201600552	Democratic		0.00
Wilson, John	201600577	Republican	Participating	24,066.00
				<b>24,066.00</b>
<b>State Senator - District 30</b>				
Lyon, John	201600394	Republican		0.00
Meza, Robert	201600029	Democratic		0.00
				<b>0.00</b>
<b>State Representative - District 30</b>				
Cox, Gary	201600281	Republican		0.00
Martinez, Ray	201600473	Democratic		0.00
Navarrete, Otoniel	201600444	Democratic		0.00
				<b>0.00</b>
<b>Grand Total</b>				<b>1,111,879.00</b>

Enter Filer ID at (<http://apps.azsos.gov/apps/election/cfs/search/CandidateSearch.aspx>) to view a candidate's campaign finance reports

2/10/2017

# Rulemaking & Legislation

## Commission Rulemaking Authority

In accordance with A.R.S. §16-956(C), the Commission may adopt rules to carry out the purposes of the Citizens Clean Elections Act.

The Commission proposes and adopts rules in public meetings, with at least sixty days allowed for interested parties to comment after the rules are proposed. After consideration of the comments received in the sixty day comment period, the Commission may adopt the rule in an open meeting.

The Commission diligently makes changes to its rules and procedures to address concerns and improve the functions of the program. Rules adopted by the Commission are not effective until January 1 in the year following the adoption of the rule. However, rules adopted by unanimous vote may be immediately effective and are enforceable.

In 2016, the Commission made amendments to, or renumbered, the following rules:

- A.A.C. R2-20-101 • A.A.C. R2-20-402.01
- A.A.C. R2-20-104 • A.A.C. R2-20-402.02
- A.A.C. R2-20-105 • A.A.C. R2-20-702
- A.A.C. R2-20-107 • A.A.C. R2-20-703
- A.A.C. R2-20-109
- A.A.C. R2-20-110
- A.A.C. R2-20-111
- A.A.C. R2-20-112
- A.A.C. R2-20-114
- A.A.C. R2-20-115
- A.A.C. R2-20-201 to 228

## Vision Statement

Through the successful implementation of the Arizona Citizens Clean Elections Act, the Commission seeks to improve the integrity of Arizona state government and promote public confidence in the Arizona political process.

## 5 Year Review Report

In June 2016, the Commission submitted a revised 5 year rulemaking review report to the Governor's Regulatory Review Council (GRRC). (A.R.S. § 41-1056)

# 2016 Legislation



The Commission adopted the following legislative principles and priorities in an effort to improve the Act and Commission procedures:

**Oppose efforts to defund or eliminate the Citizens Clean Elections Act and/or the Commission.** Over several sessions, members of the legislature have proposed measures that seek to defund, limit, or eliminate the authority of the Act or the Commission itself. The Commission has historically opposed these efforts on the grounds that they are typically poorly constructed, misleading, or otherwise ill-considered. The Commission works to maintain the letter and spirit of the law and supports efforts that further the purpose of the Act.

**Support election law reforms.** Elections issues continue to percolate through both the political and legal process. The Commission continues to support reforms including improving the public financing program; improving the campaign finance code to ensure that voters are receiving information about the identity and contributions of campaign contributors and expenditures, including independent expenditures; ensuring that changes improve the State's anti-corruption, anti-circumvention and informational interests, the Clean Elections Act and the Commission's independence; and improving voter access to information, voter involvement and voting.

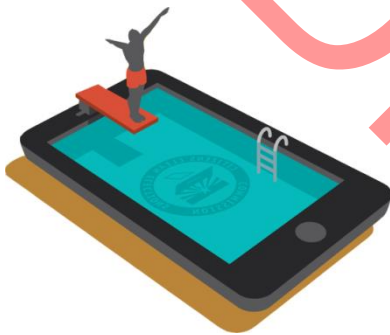
**Support improvements to voter education and access.** The Commission has supported efforts to enhance voter education and participation through legislation that advance the anti-corruption and public participation values that undergird the Act. The Commission continues to express its support for legislation that advances these aims.

# Looking Forward to 2017

Here is a preview of what the Commission is looking forward to in 2017:

## Roundtable Event

The Commission will host a Roundtable event for Arizona election officials, community organizations and other stakeholders. The event will take place on July 13, 2017. The goal is to gather valuable feedback to help craft future educational messages. The discussion will focus on various topics such as:



- Data driven decision making;
- Technology;
- Review of 2016;
- Voter trends;
- Educational opportunities for 2018

## 2017 Education Plan

The Commission will continue its voter education efforts in 2017 by offering voters a comprehensive education plan that focuses on how to participate in the electoral process, voting informed and the importance of voting in local elections. The Commission will offer voters the following education tools in 2017:

- Smart Device Application
- Candidate Compass
- Find my Polling Place
- Find My Elected Officials Tool
- Enhanced Website
- Education Campaign

## 2018 Election Cycle ~ Candidate Information

Candidates can begin collecting \$5 qualifying contributions on August 1, 2017, the start of the qualifying period. Candidates must collect a minimum number of qualifying contributions, as referenced below;

Governor	Secretary of State	Attorney General	Treasurer	Supt. Of Public Inst.	Corporation Commission	Mine Inspector	Legislature
4,000	2,500	2,500	1,500	1,500	1,500	500	200

# Commissioners & Staff

## Commission Structure & Mission

The Citizens Clean Elections Commission was established by the enactment of the Citizens Clean Elections Act, A.R.S., Title 16, Chapter 6, Article 2. In addition to administering the provisions of Article 2, the Commission promulgates rules and enforces A.R.S. §§ 16-940 through 16-961.

The Commission's mission is to fairly, faithfully and fully implement and administer the Citizens Clean Elections Act.

The Citizens Clean Elections Commission consists of five members. All members must be registered to vote in the State of Arizona. No more than two members of the commission may be members of the same political party. No more than two members of the commission may be residents of the same county.

\*Commissioners listed are for the 2016 calendar year.

## Commissioners\*

Chairman Mitchell C. Laird (R)  
Maricopa County, AZ  
*Appointed 2012*

Steve M. Titla (D)  
Gila County, AZ  
*Appointed 2013*

Damien R. Meyer (D)  
Maricopa County, AZ  
*Appointed 2015*

Mark Kimble (I)  
Pima County, AZ  
*Appointed 2015*

Galen D. Paton (R)  
Pima County, AZ  
*Appointed 2016*

## Commission Staff

Thomas M. Collins, Executive Director  
Sara A. Larsen, Fin. Affairs & Comp. Officer  
Gina Roberts, Voter Education Manager  
Mike Becker, Policy Director  
Paula Thomas, Executive Officer  
Alec Shaffer, Web Content Manager  
Amy Jicha, Voter Education and Legal Intern

# Commissioner Biographies

## Mitchell C. Laird– Republican - Maricopa County

Former Governor Jan Brewer appointed Mitchell C. Laird in 2012 to succeed former Commissioner Jeffrey L. Fairman whose term expired. Mitch graduated from Grand Canyon University (GCU) in 1972 and received his Juris Doctor degree in 1976 from the Arizona State University College of Law. In 2004 he received an Honorary Doctor of Laws degree from his alma mater GCU.

In 1976 Mitch was admitted to the State Bar of Arizona and founded his own law firm now known as Laird & Associates, P.C. Mitch has served as President of the GCU Alumni Association and for 13 years taught business law at GCU. Mitch served for many years as general counsel to GCU and has also served as general counsel to the Arizona Republican Party. He currently serves as the Chief Executive Officer of a non-profit organization known as Canyon Institute that supports education and other charitable endeavors.

Mr. Laird was a Burger King franchisee from 1994 until 2015 and owned 31 Burger King restaurants throughout Arizona. Mitch currently serves as Chairman Emeritus of the Board of the National Franchise Association and has served as President of the Southwest Franchise Association.

In 2007, Mitch was appointed to serve on the Arizona Ad Hoc Committee for Workplace Enforcement to provide the Arizona legislature with input from the business community on the Legal Arizona Workers Act's impact on Arizona business owners. In May 2008, at the request of the United States Congress, Mitch testified on Capitol Hill regarding Arizona's new immigration law and federal immigration reform before the House Ways and Means Committee of the United States Congress.

Mr. Laird and Becki, his wife of 42 years, have three sons, four grandsons and one granddaughter. All three of his sons have served our Country in the U.S. Military and two of them each served two tours in Iraq.

## Steve M. Titla – Democrat - Gila County

Former Senate Democratic Leader Leah Landrum Taylor appointed Steve M. Titla in July 2013 to the Citizens Clean Elections Commission. Mr. Titla is a partner in the Titla & Parsi law firm and is admitted to practice law both in Arizona and on the San Carlos Apache Reservation. The firm represents the San Carlos Apache Tribe as special counsel and has also served as legal counsel for the election boards of the San Carlos Apache and San Juan Southern Paiute Tribes. Previously, Mr. Titla was an attorney with the Navajo Nation Department of Justice and has served as president of the National Native American Bar Association.

# Commissioner Biographies

In addition to a B.S. and J.D. from Arizona State University, Mr. Titla earned an M.B.A. from the University of Phoenix. From 1974-76 Mr. Titla served in the U.S. Marine Corps, leaving with an honorable discharge. He also served in the Arizona National Guard until his honorable discharge in 1980. Mr. Titla's term on the Citizens Clean Elections Commission expires in January of 2018.

### **Damien R. Meyer – Democrat – Maricopa County**

Former Governor Jan Brewer appointed Damien R. Meyer to the Citizens Clean Elections Commission to serve a term ending January 31, 2019. Damien R. Meyer is an experienced commercial litigation attorney. Damien has extensive experience in representing both individuals and businesses including banks, contractors, landlords, real estate developers, aviation companies, entrepreneurs, and health care companies in all areas of their business including contractual analysis and disputes, collection and payment disputes, commercial tort liability, provisional remedies and negotiation of pre-litigation disputes to avoid formal litigation. He also has extensive experience in representing clients in formal litigation in Arizona State and Federal courts, the Arizona Court of Appeals, in private arbitrations and before several state administrative agencies. Mr. Meyer, his wife and two children currently reside in Phoenix.

### **Mark Kimble – Independent – Pima County**

Senate Democratic Leader Katie Hobbs appointed Mark Kimble, an Independent, to the Citizens Clean Elections Commission in July 2015. Mark was a longtime journalist in Southern Arizona. After graduating from the University of Arizona with a bachelor's degree in journalism, Mark worked for the Associated Press and then for the Tucson Citizen newspaper. During a 35-year career at the Citizen, he was a reporter, city editor, assistant managing editor and associate editor-columnist in charge of the editorial page. When the Citizen closed in 2009, Mark went to work as senior press advisor and later as communications director for Congresswoman Gabrielle Giffords. When she resigned in 2012, Mark became communications director for her successor, Congressman Ron Barber. Mark and his wife, Jennifer Boice, live in Tucson.

# Commissioner Biographies

## Galen D. Paton – Republican – Pima County

Governor Doug Ducey appointed Galen D. Paton, a Republican, to the Citizens Clean Elections Commission for a 5-year term expiring January 31, 2021. Commissioner Paton obtained his Master of Arts in Physical Education from the Southern Methodist University in Dallas, Texas. He has had a long and rewarding career coaching high school and college softball, volleyball and basketball teams in the southwest. In 2005, he led Sabino High School to the Arizona 4A State Championship and a No. 4 ranking in the country. The Arizona Coaches Association along with the National Fastpitch Coaches Association crowned Mr. Paton 2005 coach of the year. Mr. Paton retired from coaching in 2010 and is a current member of the Realty Executives Tucson Elite group. He resides in Tucson with his wife.



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