

THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

May 28, 2026

10:00 a.m.

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1 PUBLIC MEETING, BEFORE THE CITIZENS CLEAN ELECTIONS
 2 COMMISSION, convened at 10:00 a.m. on May 28, 2026, at the
 3 State of Arizona, Citizens Clean Elections Commission, 1110
 4 West Washington, Suite 250, Phoenix, Arizona, in the presence
 5 of the following Board Members:
 6 Mr. Mark S. Kimble, Chairman
 7 Mr. Galen Paton
 8 Ms. Christina Estes-Werther
 9 Mr. Sam Crump (videoconference)
 10 Mr. Steve Titla (videoconference)

9 OTHERS PRESENT:

10 Thomas M. Collins, Executive Director
 11 Paula Thomas, Executive Officer
 12 Mike Becker, Policy Director
 13 Gina Roberts, Voter Education Director
 14 Avery Xola, Voter Education Manager
 15 Alec Shaffer, Web Content Manager
 16 Craig Morgan, Taft Law
 17 John Bullock, Osborn Maledon
 18 Alexandria Karpurk, Osborn Maledon
 19 Bill Richards, Richards & Moskowitz
 20 Samantha Fox, Richards & Moskowitz
 21 Cathy Herring, KCA
 22 Hector Jaramillo, Member of the Public
 23 Alex Logvin, Member of the Public
 24 Lenora Fulton, Navajo Voters Coalition
 25 Rivko Knox, Member of the Public
 Hannah Woulfe, Member of the Public

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1 CHAIRMAN KIMBLE: Thank you, Commissioner
 2 Werther.
 3 Is there a second?
 4 COMMISSIONER PATON: I'll second it.
 5 CHAIRMAN KIMBLE: Thank you, Commissioner
 6 Paton. It's been moved and seconded that we approve the
 7 meeting minutes for the April 23rd, 2026, meeting. I will
 8 call the roll.
 9 Commissioner Werther.
 10 COMMISSIONER WERTHER: Aye.
 11 CHAIRMAN KIMBLE: Commissioner Paton.
 12 COMMISSIONER PATON: Aye.
 13 CHAIRMAN KIMBLE: Commissioner Crump.
 14 COMMISSIONER CRUMP: Aye.
 15 CHAIRMAN KIMBLE: Commissioner Titla.
 16 COMMISSIONER TITLA: Aye.
 17 CHAIRMAN KIMBLE: Chair votes aye. The
 18 minutes are approved 5-to-nothing.
 19 Item III, discussion and possible action on
 20 Executive Director's Report, enforcement, and regulatory
 21 updates and legislative update.
 22 Tom.
 23 MR. COLLINS: Thank you. Mr. Chairman,
 24 Commissioners, we have -- as you can see on the announcement
 25 section, we are in the heart of our run up to the primary.

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P R O C E E D I N G

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 3 CHAIRMAN KIMBLE: Good morning. I'm Mark
 4 Kimble. I call this meeting of the Citizens Clean Elections
 5 Commission to order. It's 10:00 a.m. on May 28th, 2026.
 6 We'll take attendance. Commissioners, please
 7 identify yourself for the record.
 8 COMMISSIONER PATON: Galen Paton.
 9 COMMISSIONER WERTHER: Christina Werther.
 10 COMMISSIONER CRUMP: Sam Crump.
 11 COMMISSIONER TITLA: Steve Titla. Good
 12 morning.
 13 CHAIRMAN KIMBLE: Good morning, Mr. Titla.
 14 Good morning to all my colleagues.
 15 I'm Mark Kimble and we have a full house today.
 16 All five Commissioners present.
 17 Item II, discussion and possible action on meeting
 18 minutes for April 23, 2026. Commissioners, you have the
 19 minutes from the April 23rd meeting in your packets. Is
 20 there any discussion?
 21 (No audible response.)
 22 CHAIRMAN KIMBLE: If not, do I have a motion
 23 to approve the minutes?
 24 COMMISSIONER WERTHER: Mr. Chairman, I move to
 25 approve the meeting minutes for April 23rd, 2026.

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1 The Voter Education Guide has gone to press and will start
 2 being delivered on June 12th. And as you all know, that goes
 3 to every voting household in the state, and this year will
 4 include county candidates. So this year that's the County
 5 Clerk of Court which is an elected position in Arizona, and
 6 then in 2028, that will include board supervisors, treasurer,
 7 assessor, county attorney.
 8 So that's a significant, I think, improvement. It
 9 has made it more complicated for Gina and -- and Alec and
 10 Avery to put together. Because what is the total number of
 11 the additions that now creates? Something very large.
 12 Yeah, it doubled the -- the zones because you got
 13 the -- but -- but I think the fact is that the counties have
 14 wanted this for a long time and it -- and it, you know, is --
 15 make sure that everybody has a basic, you know, understanding
 16 who's on the ballot, as much as we can, within the space we
 17 have.
 18 Next week we will be cohosting the 10th Annual
 19 Elections, Science, Reform, Administration Conference at ASU
 20 Downtown. That has 200-odd researchers, professors, and
 21 election officials. And this, you can see there, they'll --
 22 they'll cover a whole range of topics and a whole -- a whole
 23 bunch of different things.
 24 And we've been working with ASU's Mechanics of
 25 Democracy Lab and former Supervisor Bill Gates and the Center

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1 for Independent and Sustainable Democracy at ASU on that.
2 And we're pretty excited by that.
3 Also welcome, and you can see them there, are --
4 they're not here to be welcomed but maybe Avery made it
5 mandatory for them to watch the meetings, but we'll have --
6 we'll have three voter education interns. And this will be
7 the first time we'll have interns in a long time.
8 This is a partnership with Coconino County Northern
9 Arizona University. And we're pretty excited about it.
10 Avery was able to be up there to, you know, meet them and
11 interview them and all that -- and all that good stuff. So
12 we're excited about that. This will -- you know, this is a
13 pretty unique, as I understand it, experience to have
14 hands-on election administration, voter education experience
15 for the students.
16 So far we have 45 participating candidates and 30
17 committed to funding. And then I only put this last to
18 emphasize it, the Clean Elections and Captain Activate! will
19 return to Fan Fusion for the third year, featuring Issue 3.
20 Fan Fusion runs June 5th through 7th at the Phoenix
21 Convention Center. So that will be -- that will be exciting.
22 And it's not the only thing that Captain Activate!
23 has been seen in Arizona in this month. He was at First
24 Friday in Kingman along -- along with Avery for -- they have
25 a First Friday event up there. So I think that might have

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1 *Elections v. Fontes* case about the Independent Party and No
2 Labels Party.
3 We're still awaiting decisions at the appellate
4 level on Prop 211.
5 And then -- and then on -- next week we'll be at --
6 at GRRC for their business meeting to approve the -- the rule
7 update that we did on -- with respect to use of funds and
8 reupdating our -- our rules there.
9 I think on the legislative front, the legislature
10 has started working with the Governor more on the budget. I
11 can't remember, I think they return next week. The
12 legislation will be back.
13 And, you know, there are some election bills still
14 out there. It's not clear to me how many of those might pass
15 at this point. My understanding is the time being the moving
16 the primary to May, at least this session probably won't
17 happen, they'll be moving it for 2028 to May, which creates
18 some issues for the public financing program among other
19 things.
20 There is a bill to sort of, if you will, immunize
21 folks from filing -- from their late filing penalties. That
22 bill I -- hasn't -- hasn't moved for a while -- obviously, no
23 bills have -- but I wouldn't be surprised if that passes.
24 This is a bill some of you may be familiar with that in
25 effect tries to wind down, help candidates and other

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1 been the first time we've been to Kingman as a -- well,
2 certainly, in a long time.
3 And we've continued -- Avery has continued outreach
4 meetings with candidates around -- or organizations around
5 the state.
6 I want to also highlight the June 10th, Gina and --
7 and the Arizona Talks, which is an organization, it's a
8 nonprofit that facilitates civil discourse, and they are --
9 have a partnership with the speech and debate students around
10 the state and teachers, so we get to bring them to the debate
11 studio. So this is all -- it's all very exciting stuff from
12 my perspective.
13 And then last but not least, you know, Gina was on
14 a panel with the League of Women Voters and the Yavapai
15 County and Coconino County Recorders on mis -- and
16 misinformation, along with Barbara McQuade who is a -- many
17 people know as a very high profile former U.S. attorney who
18 often -- often seen on television. But that was pretty
19 exciting, so.
20 Anyways. This is -- I'm pretty excited about all
21 that personally. And, obviously, if you have any questions
22 about that.
23 Just really quickly on the rest of the report. We
24 will be talking about this later on the agenda but, you know,
25 there's an appeal filed in the -- by the party in the *Clean*

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1 committees wind down their committees if they haven't -- if
2 they're sort of not active and -- and not -- but they're not
3 filing, right? Because you can be inactive and not filing
4 and accumulate fees. But it also seems to essentially say
5 that if you have outstanding fines now, those are going to
6 kind of get waived.
7 So, you know, we haven't weighed in on that bill in
8 a -- in a -- in a particularly -- in any sort of legislative
9 way, but -- but, you know, it's -- it's -- it's one of those
10 things where perhaps not shockingly it has a strong
11 bipartisan consensus in favor of letting the legislators who
12 had problems with filing their campaign finance reports off
13 the hook for that.
14 And then outside of that there are some initial --
15 COMMISSIONER PATON: I have a question.
16 MR. COLLINS: Oh. Sure, sure, sure.
17 COMMISSIONER PATON: So if -- if they -- I
18 don't understand the logic. If they don't do the reports or
19 whatever --
20 MR. COLLINS: Right.
21 COMMISSIONER PATON: -- then -- and they're
22 not fined --
23 MR. COLLINS: Yeah.
24 COMMISSIONER PATON: -- then will anybody do
25 them I guess is my question.

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1 MR. COLLINS: Well, Mr. -- Mr. Chairman,
2 Commissioner Paton, I mean I think that's sort of the policy
3 question underlying this.
4 What the bill really tries to do in a sense is in
5 2016 they passed changes to the campaign finance bill that
6 took off a cap on how much fines you could actually
7 accumulate, they took that off. I don't know if they did it
8 on purpose or accident, but they did. So the fine continued
9 to accumulate a lot.
10 And there was starting, I would say, at least four
11 years ago, maybe six years ago, there started to be a
12 breakdown between the -- at least the state level and I think
13 at the county level also, between the -- I won't speak to the
14 cities, but -- but about who is responsible for the process
15 of seeing to it that those were enforced. And so that
16 process seemed to have fallen apart.
17 So that -- what this should do theoretically is --
18 is sort of reset things in a manner where it provides some
19 guidance to filing officers on how to handle these things,
20 and theoretically it would lead to people being able to
21 comply because the stakes of compliance would be, I guess,
22 easier, the process -- the potential sanctions would be
23 easier.
24 I'm not -- I mean, I'm not -- I mean, my own
25 opinion is, is that the system breaking down is its own
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1 like -- we didn't like doing this, and so we don't want to
2 have to pay for it.
3 COMMISSIONER PATON: Yeah.
4 MR. COLLINS: So.
5 CHAIRMAN KIMBLE: Well, I think this is a
6 following up on Commissioner Paton's question. If we go
7 through the process of fining someone for not doing their
8 paperwork --
9 MR. COLLINS: Yeah.
10 CHAIRMAN KIMBLE: -- as we've done recently --
11 MR. COLLINS: Yes.
12 THE COURT: -- would this override that -- our
13 decision?
14 MR. COLLINS: Not -- not on -- no. No. And
15 we've looked at that. As we understand the bill, it would be
16 Clean Elections fines untouched. In part because it
17 doesn't -- it seems to deal only with fines imposed under --
18 under, you know, the specific statute there.
19 So I think -- I'm comfortable with that. And, you
20 know, then for -- so -- so I think that's true. It does -- I
21 mean, it does create a disparity of outcomes. I mean, that's
22 just a fact.
23 Yeah. So -- oh. And the only thing I want to
24 mention is there are a bunch of referendums out there still
25 at the legislature that could get put on the ballot between
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1 problem, and I'm not sure that this bill solves that, you
2 know. There -- there would have been a real potential
3 consequence for these candidates in terms of their not being
4 able to file to run again had the system continued operating
5 as the statute seems to say it ought to. But it's not. And
6 I think that that's where the -- the legislature sort of ends
7 up on this.
8 The -- the sort of real policy piece that actually
9 is at issue that I think all filing officers agree on, is the
10 sort of inactive -- like, so I started a committee because I
11 thought I might start a PAC, I mean, especially if I'm a
12 grass roots person and I signed up to have a PAC at a city or
13 a county, and then I didn't do it or I didn't need it or I
14 decided not to do it, but I never sent in the paperwork to
15 shut that down. That, too, is accumulating fines, and you
16 can't close it while those fines are hanging out there.
17 So that -- that piece really is a practical sort of
18 clogging up the filing offices with stuff that really
19 isn't -- there's no donations being concealed. It's just a
20 matter of -- of folks kind of sort of, either out of
21 ignorance or negligence, not taking care of their paperwork.
22 So, you know, they kind of muddled all that
23 together I think in a way to make it palatable and to blunt
24 some of the criticism, which might be fair about this sort of
25 self-dealing aspect of -- of, you know, well, we don't
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1 now and when they adjourn. A couple of those could impact
2 the -- one of those specifically would impact the
3 Commission's funding going forward if it were on the ballot
4 and passed. And that is a bill that I think is still alive
5 that would transfer the \$5 million from Clean Elections Fund
6 each year to a state-level census that is designed to exclude
7 noncitizens from a state-level census, so.
8 That hasn't gone to ballot yet. Not clear that it
9 will. The legislative process, again, it's like -- it's one
10 of those things where there's not really a -- if it passes or
11 doesn't, that's up to the majority leadership. So there's a
12 not a -- there's not a lobbying thing to be done on that.
13 But it -- it, you know -- we'll see. Because, you know, we
14 don't know at the end of the day what they'll put on, so.
15 COMMISSIONER PATON: Thank you, Tom.
16 Are there any questions or comments on Tom's
17 report?
18 (No audible response.)
19 CHAIRMAN KIMBLE: Item IV, discussion and
20 possible action on *Branch v. Collins*. Item -- Item IV
21 concerns litigation captioned *Branch v. Collins*.
22 As indicated in the agenda, the Commission may vote
23 to go into executive session to receive legal advice or
24 consult with its attorneys regarding this matter pursuant to
25 A.R.S. 38-431.03(A)(3) and (4).
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1 Before we proceed are there any questions or
 2 discussion in open session?
 3 What are you whispering about?
 4 MR. COLLINS: Nothing.
 5 CHAIRMAN KIMBLE: Okay. Is there a motion to
 6 go into executive session on Item IV?
 7 COMMISSIONER WERTHER: Mr. Chairman, I move to
 8 go into executive session on Item IV about *Branch v. Collins*.
 9 CHAIRMAN KIMBLE: Thank you, Commissioner
 10 Werther.
 11 Is there a second?
 12 COMMISSIONER PATON: I'll second.
 13 CHAIRMAN KIMBLE: Thank you, Commissioner
 14 Paton.
 15 It's been moved and seconded that we go into
 16 executive session regarding *Branch v. Collins*. I'll call the
 17 roll. Commissioner Werther.
 18 COMMISSIONER WERTHER: Aye.
 19 CHAIRMAN KIMBLE: Commissioner Paton.
 20 COMMISSIONER PATON: Aye.
 21 CHAIRMAN KIMBLE: Commissioner Crump.
 22 COMMISSIONER CRUMP: Aye.
 23 CHAIRMAN KIMBLE: Commissioner Titla.
 24 COMMISSIONER TITLA: Aye.
 25 CHAIRMAN KIMBLE: Chair votes aye. The vote
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1 CHAIRMAN KIMBLE: Okay. Thank you, Bill.
 2 Tom, is there anything you want to say?
 3 MR. COLLINS: No. No. We're good.
 4 CHAIRMAN KIMBLE: Okay. Is there a motion to
 5 go into executive session on Item V?
 6 COMMISSIONER WERTHER: Mr. Chairman. I move
 7 to go into executive session for Item V.
 8 CHAIRMAN KIMBLE: Is there a second?
 9 COMMISSIONER PATON: I'll second.
 10 CHAIRMAN KIMBLE: It's been moved and seconded
 11 that we go into executive session for Item V. I will call
 12 the roll.
 13 Commissioner Werther.
 14 COMMISSIONER WERTHER: Aye.
 15 CHAIRMAN KIMBLE: Commissioner Paton.
 16 COMMISSIONER PATON: Aye.
 17 CHAIRMAN KIMBLE: Commissioner Crump.
 18 COMMISSIONER CRUMP: Aye.
 19 CHAIRMAN KIMBLE: Commissioner Titla.
 20 COMMISSIONER TITLA: Aye.
 21 CHAIRMAN KIMBLE: Chair votes aye. We will go
 22 into executive session on Item V.
 23 (Whereupon the proceeding is in executive
 24 session from 10:45 a.m. until 11:17 a.m.)
 25 * * * * *

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1 is 5-nothing. We will go into executive session.
 2 (Whereupon the proceeding is in executive session
 3 from 10:16 a.m. until 10:43 a.m.)
 4 * * * * *
 5 CHAIRMAN KIMBLE: We are back in open session.
 6 Item V, discussion and possible action on
 7 resolution of claim for attorney's fees in *Arizona Citizens*
 8 *Clean Elections Commission v. Fontes*.
 9 Item V concerns discussion and possible action on
 10 the resolution of the claim for attorney's fees in the
 11 Commission's litigation with the Secretary of State.
 12 As indicated in the agenda, the Commission may vote
 13 to go in executive session to receive legal advice or consult
 14 with its attorneys regarding this matter pursuant to A.R.S.
 15 38-431.03(A)(3) and (4).
 16 Before we proceed, are there any questions or
 17 discussion in open session?
 18 (No audible response.)
 19 CHAIRMAN KIMBLE: Bill or Samantha, is there
 20 anything you want to say in open session?
 21 MR. RICHARDS: Commissioner Kimble, I don't
 22 believe open session is probably the appropriate place for
 23 our remarks, so I'll save them for executive session.
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1 CHAIRMAN KIMBLE: Okay. We are back in open
 2 session.
 3 Is there any motion or direction regarding Item V?
 4 COMMISSIONER WERTHER: Mr. Chairman, I move to
 5 direct outside counsel to proceed as directed in executive
 6 session for Item V.
 7 CHAIRMAN KIMBLE: Thank you, Commissioner
 8 Werther.
 9 Is there a second?
 10 COMMISSIONER PATON: I'll second.
 11 CHAIRMAN KIMBLE: Thank you, Commissioner
 12 Paton.
 13 It's been moved and seconded that we move as
 14 directed in executive session regarding Item V. I will call
 15 the roll.
 16 Commissioner Werther.
 17 COMMISSIONER WERTHER: Aye.
 18 CHAIRMAN KIMBLE: Commissioner Paton.
 19 COMMISSIONER PATON: Aye.
 20 CHAIRMAN KIMBLE: Commissioner Crump.
 21 COMMISSIONER CRUMP: Aye.
 22 CHAIRMAN KIMBLE: Commissioner Titla.
 23 COMMISSIONER TITLA: Oppose.
 24 CHAIRMAN KIMBLE: You are voting "nay"; is
 25 that correct, Commissioner Titla?
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1 COMMISSIONER TITLA: Yes. Yes.
 2 CHAIRMAN KIMBLE: Thank you. Chair votes aye.
 3 The motion is approved 4-to-1. Thank you.
 4 Item VI, discussion and possible action on the
 5 final administrative order in MUR 25-01 involving Hector
 6 Jaramillo, a 2024 legislative candidate.
 7 We're here to consider the final administrative
 8 order. Mr. Jaramillo filed an appeal to the Office of
 9 Administrative Hearings on return from the administrative law
 10 judge. Our options are to accept, modify, or reject the
 11 ALJ's ruling.
 12 Commissioners, you have the approved -- excuse me.
 13 You have the proposed order in your packets. We'll hear from
 14 the Executive Director and then Mr. Jaramillo, I believe you
 15 are here. We will hear from you too. Craig is our
 16 independent legal advisor for this proceeding.
 17 Tom.
 18 MR. COLLINS: Commissioners, thank you. And
 19 yes, Mr. Jaramillo is here and I -- so we had a proceeding in
 20 Office of the Administrative Hearings. Mr. Jaramillo did
 21 attend that.
 22 The order is broadly reflective of -- of our
 23 position. And the only thing that we, that as staff are
 24 recommending modifying is to -- there's a -- there's a
 25 discrepancy between the amount of the fine that we proposed

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1 little bit, please, Mr. Jaramillo.
 2 MR. JARAMILLO: Yes. Is this better?
 3 CHAIRMAN KIMBLE: Much better.
 4 MR. JARAMILLO: All right. I have a written
 5 statement.
 6 Chair and Commissioners, thank you for allowing me
 7 to speak. I just want to begin by apologizing that this is
 8 the first Commission meeting that I'm attending. I also want
 9 to apologize for not being there in person today. I'm
 10 appearing virtually because of child care responsibilities,
 11 but I do understand how serious this is.
 12 I accept responsibility for the late reporting. I
 13 understand why campaign finance reporting matters. And I'm
 14 not here to deny that any mistakes were made.
 15 But, at the same time I want to ask the Commission
 16 to modify the proposed final order by further reducing the
 17 \$16,000 penalty.
 18 This was not a misuse of funds case. The
 19 Commission found that records were ultimately provided
 20 showing the funds were used for direct campaign purposes and
 21 that there was no intent to deceive or gain an unfair
 22 advantage.
 23 The \$16,000 personal penalty is financially
 24 devastating for me. My 2024 W-2 income was \$14,021.07.
 25 Meaning, the penalty is more than my entire W-2 income for

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1 to impose and the amount of the fine that the judge put in
 2 the last paragraph.
 3 So the Commission authorized 16,000. The ALJ talks
 4 about 16,000, and then in conclusion orders 52,000 roughly.
 5 So we would ask -- our recommendation would be to modify it
 6 back to 16,000.
 7 You know, and I also want to note, you know,
 8 obviously the -- not obviously, but the staff is prepared and
 9 to, you know, negotiate a -- a payment plan with
 10 Mr. Jaramillo.
 11 But beyond that, I -- I don't think I have much to
 12 add unless -- unless the Commissioners have questions.
 13 CHAIRMAN KIMBLE: Tom, are you okay?
 14 MR. COLLINS: I'm fine. I'm just, I'm --
 15 CHAIRMAN KIMBLE: Okay.
 16 MR. COLLINGS: -- trying to look and see if I
 17 can find a water bottle somewhere. I think I have one in my
 18 office.
 19 CHAIRMAN KIMBLE: Any questions for Tom from
 20 members of the Commission?
 21 (No audible response.)
 22 CHAIRMAN KIMBLE: Mr. Jaramillo, is there
 23 anything you would like to say?
 24 MR. JARAMILLO: I have a few minutes.
 25 CHAIRMAN KIMBLE: Yes. Could you speak up a

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1 that election year. My 2025 W-2 income was just around
 2 \$33,000. Meaning, it's still half of that year's wages.
 3 And then now my income is variable because I had my
 4 two sons and the school I worked at has now shut down. I
 5 worked in the Peoria school district. I worked at one of the
 6 two schools they shut down this year.
 7 So one of the reasons I chose to run as a Clean
 8 Elections candidate was because I could not personally
 9 finance a campaign. I believe in the purpose of the program,
 10 allowing regular working people to run for office, and I
 11 still believe in accountability. But the \$16,000 penalty
 12 against someone with my income is financially ruinous,
 13 especially when there is no misuse of funds and no intent to
 14 deceive.
 15 Now, I'm not asking the Commission to erase the
 16 accountability part of this. I'm just asking for a penalty
 17 that is real, just that isn't so devastating for me.
 18 I respectfully ask the Commission to reduce the
 19 penalty to around 3,000 or another proportionate amount with
 20 a realistic payment plan.
 21 Thank you. I can take any questions.
 22 CHAIRMAN KIMBLE: Thank you, Mr. Jaramillo.
 23 Thank you for coming today.
 24 Are there any questions from members of the
 25 Commission?

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1 (No audible response.)

2 CHAIRMAN KIMBLE: Tom, could you remind us

3 what the issues are here regarding --

4 MR. COLLINS: Sure.

5 CHAIRMAN KIMBLE: -- what -- what led to this.

6 MR. COLLINS: Yeah.

7 MR. KIMBLE: I mean, is there any -- any

8 allegation that funds were missing or -- or what?

9 MR. COLLINS: No. I mean, and we -- and we --

10 yeah, so and I agree with what Mr. Jaramillo said with

11 respect to the -- what our ultimate findings were.

12 And -- and in the or- -- the order from which he

13 appealed, we mitigated the much more significant fine amount

14 on the basis that, ultimately, we did receive from

15 Mr. Jaramillo the documentation we needed to ascertain, you

16 know, how the Clean Elections' money was used.

17 So in other words, this is one of those matters, we

18 had a couple of them, where a candidate was funded and then

19 the candidate for whatever reason -- they may all have

20 different reasons -- stopped filing reports and stopped --

21 and didn't pick up communication with our auditors.

22 You know, I -- so that mitigation is -- is real,

23 and we have applied that mitigation to reduce, you know, the

24 amount of the fine.

25 I -- you know, so I guess that's sort of the answer

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1 around resolving the fine issue. But the actual

2 documentation that we were seeking it took us, you know,

3 between nine months and a year I think to get that resolved.

4 COMMISSIONER PATON: And so the -- it is

5 possible to change the amount here at this time or not?

6 MR. COLLINS: Mr. Chairman, Commissioner

7 Paton, it is. And, you know, if you're asking, I'm certainly

8 happy to give you my thoughts on that.

9 COMMISSIONER PATON: Go ahead.

10 MR. COLLINS: Mr. Chairman, Commissioners, I

11 think that in view of where we are and, you know, we did have

12 some sort of halting discussions with Mr. Jaramillo around

13 resolving this earlier, you know, I think as a staff member I

14 would be comfortable with somewhere between \$7,000 and

15 \$10,000 as a -- as a -- as a further mitigate -- I mean, I

16 would be.

17 Now, I -- have we mitigated enough? Yes. But on

18 the other hand, you know, you know, I -- I think that we

19 would still, based on the information we have here today, be

20 sent -- be imposing a serious penalty within that range.

21 3,000 to me seems like that it's difficult for me to -- oh.

22 Thanks -- that it's difficult for me to just immediately

23 accept.

24 But -- but that's sort of my gut reaction based on

25 Mr. Jaramillo what he's said here today, so.

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1 to your question.

2 CHAIRMAN KIMBLE: Okay.

3 COMMISSIONER PATON: So to refresh my mind,

4 this has been so long ago that I -- we've had other cases.

5 So he ran for the primary?

6 MR. COLLINS: Right.

7 COMMISSIONER PATON: And he lost in the

8 primary?

9 MR. COLLINS: Correct.

10 COMMISSIONER PATON: And didn't submit the

11 documents that we asked for. And it took how long?

12 MR. COLLINS: So on the -- Mr. Chairman,

13 Commissioner Paton, on the document obtaining issue, we --

14 that ran from roughly August/September of 2024 through May of

15 2025 when we -- the Commission approved a repayment order.

16 Upon the issuance of the repayment order,

17 Mr. Jaramillo con- -- you know, got in contact with us and

18 provided the account statements and relevant information to

19 our auditors.

20 So the -- the time in question essentially to get

21 traction on a response was -- was, I mean, between -- you

22 know, somewhere -- basically about ten months including a

23 complaint, an order, and that.

24 That -- that -- that said, you know, the time since

25 then, we have had sort of an on again/off again communication

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1 COMMISSIONER PATON: I -- I would propose that

2 we change it to \$7,000. And I appreciate the fact he's --

3 he's appeared. A lot of these other people don't even

4 appear. I appreciate his situation.

5 We want people to do this, but we want them to

6 comply. And I think that the fact that he's here makes a big

7 difference to me, and -- and the tone of his statement and so

8 on was a good appeal to me, and that's what I would propose.

9 CHAIRMAN KIMBLE: Let me just say a couple of

10 things, Commissioner Paton.

11 First of all, I agree with you that we've had so

12 many of these, it seems like, several of these, and this has

13 been so long I kind of get them mixed up.

14 But just to rehash, Mr. Jaramillo received \$31,760

15 in Clean Elections Funds and didn't advance, and he didn't

16 file reports initially. But there is no allegation there is

17 any money that was misused. Is that --

18 MR. COLLINS: That's correct. That's correct.

19 CHAIRMAN KIMBLE: That's correct?

20 MR. COLLINS: Yes.

21 CHAIRMAN KIMBLE: Okay.

22 And I also agree with Commissioner Paton, we're not

23 out here trying to ruin people's lives. We're trying to get

24 people to run for office and run for office in a responsible

25 way.

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1 And I agree with Tom that I think 3,000 is an
2 insignificant penalty, and I agree with Commissioner Paton
3 that the 7,000 seems reasonable. That it, I think, will get
4 people's attention that you've got to file your reports.

5 But if you had the guts to put yourself out for
6 public office and run as a Clean Elections Candidate, we
7 don't want to come down with a hammer that's going to ruin
8 your life for -- for quite a while to come.

9 I would welcome comments from any of my colleagues
10 on the Commission.

11 Are you signaling you want to talk, Mr. Crump?

12 COMMISSIONER CRUMP: Yes, Mr. Chairman. Thank
13 you.

14 CHAIRMAN KIMBLE: Yes.

15 COMMISSIONER CRUMP: Quick question. Quick
16 question for Tom.

17 So am I correct that the 52,000 was the maximum,
18 whatever you would call it, statutory or whatever, that could
19 be imposed?

20 MR. COLLINS: No. Mr. Chairman, Commissioner
21 Crump, it's actually -- it's a little more complicated than
22 that. The -- the mitigation was from some number of hundred
23 thousand because it's a -- our formula is roughly \$200 a day
24 and it doubles past a certain point up to -- up to an amount
25 per report.

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1 for the late filings to \$15,000, you know. And then we had
2 an additional sort of unmitigated thousand dollars for the
3 recordkeeping related violations that were part of the -- you
4 know, refusing -- you know, not getting the documents in
5 time. So we -- we -- we had a thousand dollars for that.

6 So it's essentially 15,000 for the -- and in
7 arriving at that number, we looked at, again, the mitigation,
8 we looked at -- and then we look at other similar cases.

9 So in the matter of Representative Abeytia, for
10 example, we ended up at somewhere between I think \$10- and
11 \$15,000, somewhere in that range, for her matter. So there
12 -- they were roughly comparable, you know, there, so. You
13 know.

14 COMMISSIONER CRUMP: Okay. Well,
15 Mr. Chairman, I just have concerns about this. It seems to
16 me the \$16,000 is a mitigation -- mitigated number to me.
17 And especially in a case like this where somebody, I believe
18 Mr. Jaramillo is also on a school board and I don't think
19 this is his first rodeo, and is familiar with how things work
20 and, yet, he accepted taxpayer money for this and then
21 thumbed his nose at the Commission for -- for months knowing
22 that there was severe consequences.

23 And now to come and cry "uncle" at the final hour,
24 I just don't buy it. So I would stick with the original
25 \$16,000 recommendation.

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1 So the 52,000 we believe is a leftover from a prior
2 matter where -- where a different award or fee or fine was --
3 essentially, we think it was a form order that the judge was
4 working from. Because there's some correlation between the
5 last time we had a repayment case in front of OAH, and that
6 number, they're basically the same. So we think that they
7 used the form from the prior --

8 COMMISSIONER CRUMP: Okay.

9 MR. COLLINS: -- case with a different
10 candidate.

11 So the 52,000 number doesn't mean anything?

12 COMMISSIONER CRUMP: Doesn't mean -- not
13 related to this.

14 MR. COLLINS: Yeah.

15 COMMISSIONER CRUMP: But the maximum potential
16 fine in this matter could -- could be -- did you just say
17 over a hundred thousand dollars?

18 MR. COLLINS: Yeah. I -- I can't recall
19 the -- the exact number, but it was -- it was in the
20 \$100,000-\$200,000 range.

21 COMMISSIONER CRUMP: And how was the \$16,000
22 arrived at?

23 MR. COLLINS: We, in the order that you all
24 approved, we the -- we did two things. We -- on the basis of
25 the cause that Mr. Jaramillo mentioned, we reduced the fine

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1 CHAIRMAN KIMBLE: Thank you, Commissioner
2 Crump.

3 Any other members of the Commission wish to make
4 comments?

5 (No audible response.)

6 CHAIRMAN KIMBLE: Mr. Jaramillo, is there
7 anything else you want to add?

8 COMMISSIONER TITLA: Chairman?

9 CHAIRMAN KIMBLE: Oh. I'm sorry.
10 Commissioner Titla.

11 COMMISSIONER TITLA: Yeah. With regard to
12 this situation, you know, based upon the presentation by Tom
13 and based upon the presentation of Jaramillo, and the fact
14 that the funds were accounted for and that there was no, you
15 know, no misdeeds to speak of except that he was late in
16 providing these documentation. And I can understand where
17 people are not maybe always, you know, up to date on
18 bookkeeping-type matters. Eventually, he was able to come
19 forward with the documentation.

20 And the fact that his job is question, you know,
21 with the amount of funds that we're proposing, and he doesn't
22 have that income (technical/audio disruption).

23 CHAIRMAN KIMBLE: Did you -- did you conclude
24 your remarks, Commissioner Titla?

25 COMMISSIONER TITLA: He sort of

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1 (technical/audio disruption).
 2 CHAIRMAN KIMBLE: Go ahead, Commissioner
 3 Titla.
 4 COMMISSIONER TITLA: (Technical disruption.)
 5 CHAIRMAN KIMBLE: Commissioner Titla, you're
 6 cutting in and out, and we're having difficulty hearing you.
 7 COMMISSIONER TITLA: (Technical disruption.)
 8 CHAIRMAN KIMBLE: Commissioner Titla --
 9 COMMISSIONER TITLA: (Technical disruption.)
 10 CHAIRMAN KIMBLE: We -- we've kind of lost you
 11 I'm afraid, Commissioner Titla. I think we got the gist
 12 of -- of your comments.
 13 Mr. Jaramillo, is there -- did you want to say
 14 anything? Go ahead, Commissioner Werther.
 15 COMMISSIONER TITLA: Can you hear me now?
 16 CHAIRMAN KIMBLE: Yes, Commissioner Titla.
 17 COMMISSIONER TITLA: Yeah. As I was saying,
 18 so based upon that, I would agree with his offer of
 19 settlement at \$3,000 because -- because of his income
 20 situation and his statement today, pretty good statement of
 21 conciliation. And I can understand his situation of having
 22 no income and, you know, and not really -- and having a huge
 23 fine will be ruinous to his future endeavors, I think.
 24 And our goal is to have all walks of life
 25 participate in the elections. That's why we have Clean
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1 necessarily need to bury somebody in order to, you know, for
 2 us to have to apply a reasonable penalty.
 3 I'm not comfortable going as low as 3,000. I was
 4 thinking 8 when he first was asking for something. I am
 5 comfortable with 7, and so I will be fine with that. And if
 6 that was \$7,000 that was required today, I could understand
 7 in terms of financially how that could be difficult. But,
 8 again, we're open to a payment plan and to working that out.
 9 And so I'm comfortable with a \$7,000 penalty.
 10 CHAIRMAN KIMBLE: Okay. Mr. Jaramillo, do you
 11 have any comments to make, brief comments.
 12 MR. JARAMILLO: Sure. I just want to
 13 acknowledge that my mistake in not filing on time. After the
 14 election and during a difficult period of my personal life, I
 15 mistakenly believed that I had handled the -- those remaining
 16 reporting requirements. And I wasn't monitoring my campaign
 17 e-mail or phone number the way I should have been. And --
 18 you know, that -- that is my responsibility. I accept that.
 19 And I -- I apologize to you and the public and staff that
 20 really did work hard on reaching out for me. I -- I am
 21 really sorry for that.
 22 CHAIRMAN KIMBLE: Thank you for your comments.
 23 Thank you for attending our meeting today.
 24 Is there any member of the Commission who wishes to
 25 make a motion?
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1 Elections. That's why the citizens of the State of Arizona
 2 put forth this Act. We're following that.
 3 So because of that, I would be agreeable to
 4 accepting the 3,000 that he's offered due to his situation
 5 and due to the fact that there's really no wrongdoing that
 6 has been found except for the late filing.
 7 Thank you.
 8 CHAIRMAN KIMBLE: Thank you, Commissioner
 9 Titla.
 10 Commissioner Werther.
 11 COMMISSIONER WERTHER: Mr. Chairman, first I
 12 am appreciative that Mr. Jaramillo is here today, and I
 13 appreciate hearing from him about his perspective.
 14 I will say I echo Commissioner Crump when it comes
 15 to sort of the obligations when you take public monies. The
 16 reporting requirements are very clear. This was about filing
 17 reports. He missed I think at least five. Our staff was
 18 trying to reach out to get contact and that was ignored.
 19 And so dealing with this in my other -- other life
 20 with, you know, I know how much effort goes into that. And
 21 so when you take public monies, then you need to abide by
 22 those obligations.
 23 However -- and I know that the number has been
 24 mitigated already. However, I am -- I do understand
 25 circumstances, finances being what they are, and I also don't
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1 COMMISSIONER WERTHER: Mr. Chairman, I am but
 2 I might need a little help with...
 3 MR. COLLINS: Well -- yeah. Certainly. I
 4 will -- I mean, I think I can sort of a recommendation --
 5 recommended motion. Obviously Craig is certainly the last
 6 legal word for you whether or not that's appropriate.
 7 So my recommendation would be that you move to
 8 approve the final administrative order modifying the penalty
 9 to \$7,000 and -- and that's it.
 10 Now I will say and I need everybody to understand
 11 this, that says within 30 days you need to have paid it off
 12 or else -- or else you know -- or else, you know, it can be
 13 enforced.
 14 I don't believe that we would need a specific
 15 language in the order to say that we would work out a payment
 16 plan, but -- so that's one caveat. It's my view that the
 17 only thing we would need to do is essentially say: Modify it
 18 to \$7,000. Approve final administrative order with the
 19 modification that the penalty shall be \$7,000 and -- and --
 20 and then leave it at that. That's really the legal question,
 21 I think. I don't think it needs to -- you know, if we want a
 22 payment plan, we need to actually include that in there. I
 23 don't. I don't -- I don't think we need that. But.
 24 Is that -- is that close -- is that good enough for
 25 you?
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1 Okay. Yeah. Sorry.

2 MR. MORGAN: Mr. Chair, members of the

3 Commission.

4 I generally agree with Mr. Collins. I would -- the

5 only cautionary aspect of that is if you want the order to

6 include a payment plan, I suggest you say it. I suggest you

7 make a motion to say that he pay it in equal installments

8 over whatever amount of time you guys decide. Otherwise it's

9 an open issue that gets worked on in the back end, and then

10 it becomes potentially an issue of whether, you know, you

11 could -- can you amend the order after the fact or enter into

12 an agreement after the fact. I think the cleanest thing to

13 do is just deal with it today.

14 But you don't have to. I -- I do generally agree

15 with Mr. Collins. But I think the cleanest thing to do was

16 in addition to that amendment -- or that motion, I would

17 also -- you could -- you could move to also require payment

18 over equal installments over -- I don't know, you pick the

19 time, however you want to sort that out.

20 COMMISSIONER PATON: Three years or something.

21 CHAIRMAN KIMBLE: So -- so you don't feel that

22 we can say something as vague as "subject to a payment plan

23 to be worked mutually between the Executive Director and

24 Mr. Jaramillo"?

25 MR. MORGAN: Can you? Yes. Should you? No.

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1 CHAIRMAN KIMBLE: Commissioner Paton.

2 COMMISSIONER PATON: Aye.

3 CHAIRMAN KIMBLE: Commissioner Crump.

4 COMMISSIONER CRUMP: No.

5 CHAIRMAN KIMBLE: Commissioner Titla.

6 COMMISSIONER TITLA: No.

7 CHAIRMAN KIMBLE: Chair votes aye. The motion

8 is approved 3-to-2.

9 Thank you, Commissioners. Thank you,

10 Mr. Jaramillo, and good luck in your future endeavors.

11 MR. JARAMILLO: Thank you.

12 CHAIRMAN KIMBLE: Item VII, discussion and

13 possible action on Commission procedures for addressing

14 complaints under the Clean Elections Act and the Voters Right

15 to Know Act.

16 Based on the public comment at our last meeting, I

17 asked Tom to give us an overview of what kinds of complaints

18 we received and how they are addressed.

19 There will be an opportunity to comment on this

20 item after Tom's presentation, and we would ask speakers to

21 introduce themselves and limit their comments to no more than

22 five minutes.

23 Tom, do you want to start?

24 MR. COLLINS: Oh. Yes. Thank you,

25 Commissioner.

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1 CHAIRMAN KIMBLE: Okay.

2 MR. MORGAN: I don't think you should only

3 because I would have concerns about the finality of it.

4 CHAIRMAN KIMBLE: Okay.

5 MR. MORGAN: But that would be my only

6 concern.

7 CHAIRMAN KIMBLE: Okay. Okay.

8 MR. MORGAN: Thank you.

9 CHAIRMAN KIMBLE: Thank you, Craig.

10 MR. MORGAN: You're welcome.

11 CHAIRMAN KIMBLE: Is there a member of the

12 Commission wish to make a motion?

13 COMMISSIONER WERTHER: Yes. Mr. Chairman, I

14 move to approve the final administrative order MUR 25-01,

15 Hector Jaramillo, but modifying the penalty to \$7,000 to be

16 paid in equal installments over a period of three years.

17 CHAIRMAN KIMBLE: Is there a second to that?

18 COMMISSIONER PATON: I'll second.

19 CHAIRMAN KIMBLE: Thank you.

20 It's been moved and seconded. You heard the motion

21 from Commissioner Werther, the amount will be \$7,000 payable

22 over three years. And it's been seconded by Commissioner

23 Paton. I will call the roll.

24 Commissioner Werther.

25 COMMISSIONER WERTHER: Aye.

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1 So we have this PowerPoint. I hope everybody has a

2 copy. Commissioner Crump and Commissioner -- because I think

3 the text might be pretty small, so Commissioner Crump and

4 Commissioner Titla, I e-mailed it to you this morning. I

5 hope you have it.

6 As the Chairman said, the purpose here was to try

7 to give a -- try to do a couple of different things based on

8 the public comment we received last month. There's also a

9 compilation of the matters we received, the complaints we

10 received in the 2024 election cycle, and the reports that --

11 that were issued as a result of those.

12 Those have previously been disclosed to you or

13 provided to you via the Executive Director's reports, but

14 they're all there in one place now, so.

15 The -- so first thing, the first slide is really

16 just to try to give everyone a sense of what kinds of

17 complaints we get typically from the public principally.

18 Sometimes -- sometimes internal.

19 And -- and in the context of Clean Elections, we

20 try to break these down between the two different statutes:

21 The Clean Elections Act and the Voters Right to Know Act.

22 One of the things that is often mischaracterized by

23 folks, is that the Clean Elections Act only applies to Clean

24 candidates. The -- the statutory language and the case law

25 all say that's not the case, because there are provisions

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1 that by their terms can only apply to traditional candidates.
2 And specifically that's 16-941(B) in particular that has to
3 do with the campaign finance contribution limits that are
4 applicable to traditional candidates.

5 Also, there are expressed provisions of the act
6 that provide for independent expenditure reports, and those
7 independent expenditure reports -- and then -- and then -- so
8 those are there.

9 The Voters Right to Know Act is a little different
10 because the Voters Right to Know Act, it doesn't -- it does
11 not include candidate's spending. So candidate committee is
12 not covered by the Voters Right to Know Act. And so rather
13 than being driven by a specific, you know, sort of type --
14 type of person making a violation, it's more driven by what a
15 person does, right. So, you know, if -- are you -- are you
16 doing campaign media spending in -- as -- as described in the
17 Act. Right?

18 So they're different. Then they also -- and I, you
19 know, and then if we could -- would you mind, go to the next
20 slide actually. This is where the text gets really small.

21 So what we tried to do here as a -- as a rough
22 guide was try to lay out some of the typical folks who are
23 involved in -- in -- in campaign spending, right, and -- and
24 what they might be thinking about that would concern Clean --
25 Clean Elections Commission jurisdiction.

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1 and for traditional candidates for certain types of -- of
2 violations around the -- the limits.

3 Independent spenders there. You know, you know,
4 the -- the independent spenders have a kind a, depending upon
5 what their entity type is, they've got a bunch of different
6 things they need to think about. 16-941(D) at the state and
7 legislative level, that's the independent spending report,
8 there's the VRKA disclosure respon- -- requirements, and then
9 they may have other disclosure obligations, some of which we
10 may have, you know, authority over for penalty purposes, et
11 cetera, et cetera.

12 So the other major thing I wanted to observe here
13 is for VRKA purposes but not Clean Elections Act purposes,
14 initiatives and referendum spending is in -- is -- is
15 included in that. So -- and it's statewide, so.

16 So under Clean Elections, unless, you know, an IE
17 committee starts making in -- or a referendum committee
18 starts making independent expenditures, which they have from
19 time to time, they're not going to be a Clean Elections Act
20 issue, but for VRKA purposes, initiative and referendum
21 spenders are.

22 And then obviously for VRKA, and this is the major
23 source of litigation, you know, folks who are funding on
24 the -- on the -- you know, back in the recesses of where
25 those decisions are made, are -- are, you know, have, you

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1 I also I ought to note, you know, in a complaint
2 and in an adjudication of a complaint, we'll talk more about
3 this later, ultimately all these are fair game. Right? In
4 other words, you know, in my own briefing to you all, I'm --
5 you know, people will contest jurisdiction, people contest
6 the staff take on what the Act says, right. So that's all --
7 that's all for your judgment, that's not a -- that's not a --
8 you know, we have rules that we've set up, et cetera, et
9 cetera. But ultimately the decisions on this all belong to
10 the Commission in terms of whether or not, you know, on a
11 particular case.

12 So we turn to participating candidates. You know,
13 obviously that's where we spend a lot of our time, and that's
14 certainly where the most heavily regulated type of person
15 that we deal with. Nonparticipating candidates, though, do
16 need to be aware of the contribution limits, and they also do
17 need to be aware of that language -- there's language in
18 16-942(B) that applies to all candidates.

19 So, you know, now have we had to use that language
20 against a traditional candidate? We -- we have in the past.
21 Not often. But -- but we have occasionally had complaints
22 filed against traditional candidates who are at the state
23 level, so.

24 And the reason why that matters is because there
25 are severe penalties potentially, right, for Clean candidates

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1 know, at least things that need to be aware of, so.

2 So we wanted to articulate, you know, sort of what
3 happens to the complaints. You know, I -- you know, any
4 person can file a written complaint. You know, we need the
5 identity of them; we ask for the facts; we ask for whatever
6 kind of supporting documentation they have. And we try to
7 have people distinguish between personal knowledge and their
8 information and belief. And then we require it to be sworn
9 and notarized.

10 Sorry, I guess we can go to the next step.

11 The Step 2, and this is where a lot of complaints
12 get hung up probably. I mean, I would -- I -- I don't know
13 how many, what the percentage is ultimately, but we have to
14 review them to basically determine if there's a substantial
15 complaint there. And if -- and if there are, then we are to
16 notify the respondents and -- and we -- and then if there
17 aren't, then we, you know, we -- we basically conclude that
18 there's not any action taken.

19 But in the response, if there is a response
20 requested, the -- the respondent gets five days -- or a week.
21 I should say, for Clean Elections' purposes, the respondent
22 gets five days. As a practical matter we -- those often get
23 extended as a -- as a matter of course. And that -- that
24 rule has been in place for many years since I think the
25 inception of the Act, and it really was written at a time

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1 when probably complaints weren't quite as complicated and
2 pro- -- then we had the matching funds program operating. So
3 it was a little -- there was an urgency around, you know, the
4 distribution of funds that was associated sometimes with
5 those complaints that -- that, you know. But, you know,
6 that's what it is.
7 I guess we'll go to the next one.
8 So this is where it gets kind of into our the --
9 the nitty-gritty.
10 So get the Executive Director, his response, and --
11 and you can make -- the rules authorize the Executive
12 Director to make a recommendation that there's no reason to
13 believe or a recommendation that there's reason to believe.
14 The rules also provide some bases under which
15 the -- the Executive Director can essentially determine that
16 based on response, there's just not a violation at all, or
17 there's been some compliance or that it's already dealt with.
18 And then those cases, the Executive Director provides notice
19 to the board typically through the Executive Director's
20 report for -- for your review.
21 And every once in a while, rarely, but you all have
22 pulled something off that to say, hey, we need to look at
23 this again or talk about this again.
24 So we have this reason to believe determination
25 that -- that happens. Which is kind of a preliminary
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1 MR. COLLINS: Oh. Sure.
2 CHAIRMAN KIMBLE: Okay. Thank you,
3 Commissioner Titla.
4 COMMISSIONER TITLA: Thank you.
5 CHAIRMAN KIMBLE: We still have four members
6 of the Commission here, so we will proceed.
7 COMMISSIONER TITLA: Okay. Thank you.
8 (Whereupon Commissioner Titla exits the meeting at
9 11:55 a.m.)
10 MR. COLLINS: So. Anyway. So -- so if we get
11 into a -- you know, we can have investigations and -- and
12 more fact-specific cases where the issues are really on -- it
13 really is a fact case. And that happens.
14 So I guess we'll go to the next one.
15 So then we go -- and -- and, you know, these -- in
16 these few handful of cases we have in 2024, I mean, we went
17 through every step of this. The probable cause to believe
18 determination, that's effectively the Commission making a
19 real finding of fact. You know, that these are in fact the
20 facts that -- that the Commission has adjudicated as in its
21 sort of quasi judicial or judicial function, right?
22 And then we go through and attempt to do all the
23 conciliation stuff. And then -- and then we end up hope- --
24 maybe with a final order or a resolution short of a final
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1 determination. In the run of matters, a lot of the stuff
2 we've had over pas- -- certainly with the time and the sort
3 of era that I've been here is oftentimes there's not a lot of
4 factual dispute. I mean, so -- so we end up in this kind of
5 an odd situation where the reason to believe is -- is --
6 sometimes they're fact specific, but a lot of times they're
7 not.
8 So, for example, your typical independent
9 expenditure reporting matter, we know what the subject of the
10 advertisement was, we can all see it, there's a test that
11 applies, and the test is, you know, either -- either passes
12 or doesn't. There may be some factual issues to gather
13 around how much money was actually spent on it that ought to
14 have been reported and stuff like that, but.
15 You know, so there's -- there's -- you know, so
16 sometimes the reason to believe determination even though it
17 really does -- it really kind of is the beginning and the end
18 of the case insofar as --
19 COMMISSIONER TITLA: Chairman?
20 MR. COLLINS: Sure. Sorry. I miss -- sorry.
21 COMMISSIONER TITLA: Chairman?
22 CHAIRMAN KIMBLE: Commissioner Titla?
23 COMMISSIONER TITLA: Yeah. This is Steve
24 Titla. I would like to be excused now. I have to go into
25 another meeting over here in the tribe.
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1 order.
2 So that's -- that's sort of Clean Elections. I
3 think the next slide goes Right to Know Act. Yeah, okay.
4 So there's going to be some differences between the
5 Voters Right to Know Act and the Clean Elections Act in terms
6 of the process. They're -- the basics are the same, you
7 know. You have to be a voter to file a Voters Right to Know
8 Act complaint. Same basic gist, you know, asking for the
9 allegations, violation, what happened, et cetera; and then we
10 do ask that to be sworn and notarized and the statute
11 requires that as well.
12 So that's -- we'll move on to the next one, I
13 think.
14 So, again, here we do within five days, same time,
15 the Executive Director has to review the complaint and -- and
16 determine whether or not a response is warranted.
17 Now, the Voters Right to Know Act is -- is a little
18 more ornate than the Clean Elections Act. In part, because
19 of 16-971 has all these definitions, it has something like 19
20 definitions I think or something. And so when you're reading
21 through the rest of the statute, almost every term refers
22 back to the -- to the -- to the definitions.
23 So what that means is that the -- the -- the
24 compliance review process will often resolve the -- the --
25 the matter insofar as there is a, you know, there's either a
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1 definitional issue or there's some other way in which the --
 2 the facts fit within a particular pattern.
 3 And in those cases generally speaking, you know,
 4 I -- I will send out an -- the Executive Director sends out
 5 a -- sends out a notice to the respondent -- or complainant
 6 that says here what we think the issues are. We as for -- we
 7 can ask for a response. And here, and the major difference,
 8 because a little more modern, we provide 30 days for the
 9 response.
 10 Under the way the -- that we've reconstructed the
 11 rules, there's a provision in the statute that says that if
 12 the Commission doesn't act on a complaint within a certain
 13 period of time, you know, there's the -- the complainant can
 14 file a lawsuit against the Commission. You know, at staff
 15 level our view is that "act on" is effectively we're asking
 16 for a response; we've started the process. There are other
 17 folks who may have a different view of that, but that's sort
 18 of how we set it up because the -- the timelines and the
 19 complexity of some of these, and -- and because the
 20 Commission has to adjudicate these in a -- in a judicial-type
 21 role, you can't -- you -- you have to sort of -- you have to
 22 delegate some of that and the rules delegate that, you know,
 23 as a practical matter.

24 So and that's sort of there. I think that's pretty
 25 self-explanatory.

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1 were to analogize this to criminal law, there's not a --
 2 there's not a -- there's not a preliminary hearing and then a
 3 trial, right. There's just -- we just go from -- from
 4 investigation to the adjudication by the Commission.
 5 COMMISSIONER WERTHER: Mr. Chair, can I ask a
 6 question?
 7 CHAIRMAN KIMBLE: Yes. Commissioner Werther.
 8 COMMISSIONER WERTHER: So Tom, so to me it
 9 seems like the Voter Right to Know Act --
 10 MR. COLLINS: Yes.
 11 COMMISSIONER WERTHER: -- is similar to the, I
 12 guess I would say the regular campaign finance process that's
 13 in Title 16 that's the nonClean Elections where you have the
 14 filing officer who does sort of all of the initial review,
 15 and then if there's a referral, then it goes to the
 16 enforcement officer. So it's sort of a two-part process
 17 versus a -- is it similar to that or...

18 MR. COLLINS: Well, I mean -- I don't know.
 19 The way -- that's a good point. I mean, the way I thought of
 20 it is this way. I thought of reason to believe in the Clean
 21 Elections process as being analogous to reasonable cause,
 22 and -- and then the probable cause being the enforcement
 23 process. So it's just -- it's two steps, but it's in one --
 24 just in one agency.

25 So in this -- in my view, this skips the reasonable
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1 I guess we'll go to the next page.
 2 So what you'll see here is that one of the
 3 differences between the Voters Right to Know Act and the --
 4 and the Clean Elections Act is that reason to believe stage,
 5 we don't -- -- we don't have. So, in other words, once
 6 the -- once the response is asked for, the Executive Director
 7 goes from the response to a report, and sometimes that
 8 report -- and in this case as you can see in the compilation
 9 that we provided, a lot of times and so far that report has
 10 resulted in a report that says I'm going to close the
 11 complaint and here are the following -- for the following
 12 reasons. And -- and those, again, go to you usually
 13 through -- or through the voter, excuse me -- through the
 14 Executive Director's report. You know.

15 So -- so -- so I guess what I'm trying to say is
 16 that for a Voters Right to Know Act purposes, the
 17 investigation occurs, the idea is -- we haven't gotten there
 18 yet, but the idea would be by the time we bring that case to
 19 you, we're bringing a full case. Essentially, we're -- we're
 20 bringing a case as if -- as if we were -- I hate to use this
 21 word -- I don't know what the right word is. As if we
 22 were -- as if the Executive Director is a full advocate --
 23 obviously always -- but that -- but that you get one shot.
 24 It's one trial for lack of a better way of putting it.

25 Rather than having this sort -- this sort -- if you
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1 cause step. You know, so.
 2 COMMISSIONER WERTHER: Okay.
 3 MR. COLLINS: But I'm not sure it matters all
 4 that much. I think that the -- in the final analysis.
 5 I think that the -- I think the major difference in
 6 theory is that, you know, we don't have a -- well -- and I'm
 7 not sure there's a major difference. In other words, I mean,
 8 because the Commission can always, because you have the
 9 notice of the -- of the proposed resolution, even if it's a
 10 dismissal, because it's on -- it's on the Executive -- the
 11 notice is provided via the Executive Director's report for
 12 the purpose of you being able to pull it off and say we
 13 don't -- we don't like this, right.

14 So it's a -- so it's not an active vote to approve,
 15 but it is -- in the sense that you don't have to approve it
 16 under the rules, but you -- you -- you by your choice to
 17 essentially not review it is -- is -- is the implicit choice.

18 COMMISSIONER PATON: Or modify it like we just
 19 did?

20 MR. COLLINS: Right. Exactly.
 21 So, so the Commission has options there. The -- we
 22 just -- in fact -- as a matter of fact we just haven't had,
 23 you know, enough matters that have gotten to that stage.

24 And then but the ones that have, I mean, I -- my
 25 assumption is that you read every page of the Executive
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1 Director's report, and if there was an issue, I would hear
2 about it. So, you know.
3 You know, whether or not in the future we want to
4 modify any of these things, obviously, I mean, between now
5 and -- you know, one of the things about the way the election
6 cycle operates is, you know, you know, as we continue in the
7 Prop 211 vein, we do -- you do and -- and we -- and we may
8 propose or, you know, ways we might be improving this or ways
9 we might tweak it, whether that's tweaking it to make sure
10 folks have a better understanding of what the Commission's
11 doing, you know.
12 You know, one of the things we obviously heard
13 about in the last meeting is whether or not where we are now,
14 whether or not that is providing sufficient surfacing of the
15 issues that are going on, you know, and whether or not that
16 ought to be in the -- in the hearing. Those are all things
17 that I think part of the I think benefit of having that
18 discussion, or -- or having the comments we got last month is
19 to hope- -- is to trigger some of that thinking about what we
20 ought to do and what you might want to do there.
21 I guess that's -- maybe enough of that.
22 So under the VRKA rules theoretically, if the -- or
23 the report were to find a violation, then the respondent
24 says, Okay, I want a hearing, then it goes to the Commission.
25 And then the Commission ultimately makes the decision about,
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1 And, again, I think that we -- we pretty -- we took seriously
2 the comments, especially around the issue of whether or not
3 we're, you know, sort of -- what we might want to do and
4 ought to do and what we ought to consider trying to do in
5 order to highlight what we're -- what, in fact, we're doing,
6 what we're addressing and what we're not and how the
7 Commission thinks the best way to do that is certainly
8 something staff is open to improvements on.
9 CHAIRMAN KIMBLE: Thank you, Tom.
10 Are there any members of the Commission that have
11 any questions?
12 (No audible response.)
13 CHAIRMAN KIMBLE: Are there any members of the
14 public who wish to comment? Please limit your comments to
15 five minutes. State your name and limit -- limit your
16 comments.
17 MR. LOGVIN: Yes, my name is Alex Logvin.
18 First of all, I just want to thank Director
19 Collins, he's been a tremendous help throughout the process.
20 I've filed multiple complaints, and not all of them survived
21 his initial review. However, every one that he has declined
22 to continue with, I understood. When he responded and said,
23 This is why I'm closing this out, he explained it and I read
24 it and thought, yep, he's right, good. Move on to the next
25 thing.
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1 you know, whether or not there anything -- you know there is
2 anything that -- well, to order anything, whether to, you
3 know, essentially there's -- there's -- it's set up in the
4 terms that the way that the rules set it up to have, you
5 know, essen- -- effectively a mini trial in front of the
6 Commission where the Commission, you know, is the fact finder
7 and decider.
8 So this is kind of our summary effort to summarize
9 some of this. Again, similar complaint processes, not
10 identical. Complaints have procedural requirements. There's
11 an opportunity to respond.
12 You know, I think it is important to emphasize
13 always that the Director and the Commission have different
14 roles, you know. The Commission is always the decider. The
15 Executive Director, you know -- and, you know, Director's
16 decision such as they're -- I should say the Director's
17 reports are -- are -- are, you know, always subject to
18 Commission review. And then the -- and certainly before an
19 action in the official such as an adjudication --
20 adjudicative action is the Commission's domain.
21 And then, you know, we -- and then sort of we --
22 and so basically we hope that, you know, we're getting at all
23 of these, you know, balance issues there.
24 So, you know, I probably talk too much here. But
25 I -- I -- I mean, this is sort of what we're trying to do.
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1 So he's been tremendously helpful with that. If he
2 had just rejected them and said, Nope, doesn't meet the
3 rules, I would be left wondering. This law was all about
4 transparency, so I love the transparency that this Commission
5 has been showing. So thank you all for that.
6 My biggest request at this point, this was a great
7 presentation, it really helped I think get this all on the
8 record for everyone to understand that process.
9 What I would love to see and I will likely make a
10 proposed -- proposal at some point, is I'd like to see
11 every -- you know, every matter under review that is accepted
12 by the office be posted on the website so I could go say and
13 what -- what are the complaints that they have received and
14 what's the disposition of them.
15 As a citizen if -- if, you know, if I hadn't
16 already been filing complaints, my biggest question is, Why
17 have other complaints failed? And I can't really see that
18 without going through a public records request and getting
19 all this documentation. I would love to have that doc- --
20 things posted. You know, here's the initial complaint,
21 here's the response, and here's the final disposition, or
22 whatever those documents end up being, be wonderful to have
23 them publicly accessible.
24 Again, this is all about transparency, and so let's
25 be as transparent as we can and, you know, get those
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1 published on the website. So, that would be my request.
 2 But, again, thank you for this Commission. You
 3 guys are paying attention; you're listening, and I very much
 4 appreciate that.
 5 CHAIRMAN KIMBLE: Thank you for your comments.
 6 Tom, do you want to...
 7 MR. COLLINS: Oh. Nothing. Nothing --
 8 nothing other than to say in a -- in a mild defense, we --
 9 we -- we do have a docket in the ED report and we provide
 10 them in the ED report.
 11 That said, that's not to say -- that does require
 12 you to actually, you know, know where they are. So, I mean,
 13 we can work on -- I mean, we've -- we've off and on all
 14 through the years, part of the issue has always been keeping
 15 that timely and then -- and then keeping it -- and then
 16 figuring out what to do when things -- you know, it's -- it
 17 it's a little -- we've just -- it's just been -- we've --
 18 we've gone back and forth about it through the years. But I
 19 certainly don't disagree that we can make it more available,
 20 and we just need to -- we just -- we can do that. We can
 21 make it more obvious where things are than it currently is.
 22 COMMISSIONER PATON: I mean it sounds like a
 23 reasonable request --
 24 CHAIRMAN KIMBLE: Yes.
 25 COMMISSIONER PATON: -- to me.
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1 Does any member of the public wish to make a
 2 general comment? Anything else?
 3 (No audible response.)
 4 CHAIRMAN KIMBLE: Anyone on Zoom wish to make
 5 a comment?
 6 (No audible response.)
 7 CHAIRMAN KIMBLE: The public may also submit
 8 comments by e-mail at ccec@azcleaselections.gov.
 9 Item IX, adjournment. At this time I would
 10 entertain a motion to adjourn.
 11 COMMISSIONER WERTHER: Mr. Chairman, I move to
 12 adjourn.
 13 CHAIRMAN KIMBLE: Thank you, Commissioner
 14 Werther.
 15 Is there a second?
 16 COMMISSIONER PATON: I'll second.
 17 CHAIRMAN KIMBLE: Thank you, Commissioner
 18 Paton.
 19 It's been moved and seconded that we adjourn. I
 20 will call the roll.
 21 Commissioner Werther.
 22 COMMISSIONER WERTHER: Aye.
 23 CHAIRMAN KIMBLE: Commissioner Paton.
 24 COMMISSIONER PATON: Aye.
 25 CHAIRMAN KIMBLE: Commissioner Crump.
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1 MR. COLLINS: I just -- I just want to make
 2 sure it's clear that they are there, you just have to know
 3 where to look for it.
 4 COMMISSIONER PATON: But if he doesn't know
 5 where to look, then -- and he's got time to do that, then he
 6 should have the chance to do that --
 7 MR. COLLINS: Absolutely.
 8 COMMISSIONER PATON: -- if we're going to be
 9 transparent.
 10 CHAIRMAN KIMBLE: Any other members of the
 11 comm- -- public wish to make comment?
 12 (No audible response.)
 13 CHAIRMAN KIMBLE: Anyone online wish to make a
 14 comment on this matter?
 15 (No audible response.)
 16 CHAIRMAN KIMBLE: Hearing none, we'll move on.
 17 Thank you very much for your comment and for the time that
 18 you've devoted to attending these meetings.
 19 Item VIII, public comment. This is the time for
 20 consideration of comments and suggestions from the public.
 21 Action taken as a result of public comment will be limited to
 22 directing staff to study the matter, rescheduling the matter
 23 for further consideration, or responding to criticism.
 24 Please limit your comments to no more than two
 25 minutes.
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1 COMMISSIONER CRUMP: Aye.
 2 CHAIRMAN KIMBLE: Chair votes aye. The motion
 3 is approved 4-to-nothing.
 4 Thank you very much.
 5 (Whereupon the proceeding concludes at
 6 12:13 p.m.)
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C E R T I F I C A T E

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing proceedings were taken before me, Angela Furniss Miller, Certified Reporter No. 50127, all done to the best of my skill and ability; that the proceedings were taken down by me in shorthand and thereafter reduced to print under my direction.

I CERTIFY that I am in no way related to any of the parties hereto nor am I in any way interested in the outcome thereof.

I FURTHER CERTIFY that I have complied with the requirements set forth in ACJA 7-206. Dated at Litchfield Park, Arizona, this 2nd of June, 2026.



Angela Furniss Miller, RPR, CR
CERTIFIED REPORTER (AZ50127)

* * *

I CERTIFY that Miller Certified Reporting, LLC, has complied with the requirements set forth in ACJA 7-201 and 7-206. Dated at LITCHFIELD PARK, Arizona, this 2nd of June, 2026.



Miller Certified Reporting, LLC
Arizona RRF No. R1058