

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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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

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09:35:32-09:36:43

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 livestream.com/cleanelections.
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

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09:34:39-09:35:31

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.)

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09:36:46-09:38:08

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

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

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

<p>09:52:37-09:53:46 Page 18</p> <p>1 information that the Commission can look forward to 2 communicating and educating voters on. 3 One of the things that I wanted to share 4 with you is in 20 -- or excuse me -- 2015 and 2016 with 5 our initial research, we wanted to understand 6 specifically from voters about how knowledgeable they 7 feel about the process. So, you know, do you know 8 where you need to go to vote? Do you know your 9 options: that you can vote in person, you can vote 10 early, you can vote by mail? What are the procedures: 11 you know, ID at the polls, things like that. Are you 12 actually eligible to register? 13 So we tracked all of that, and one -- one 14 thing I wanted to know was in the 2015 readout on the 15 far right -- so, for example, ways to vote. You'll see 16 all the way to the right, it says 87 percent. That's 17 where we landed in 2015. After the 2016 election, what 18 we just wrapped up, that number is now at 95 percent. 19 So you can see the trend in every single one of those 20 categories, the number has gone up. So we can say we 21 contributed to that to help these people in their 22 confidence in all of these issues. So that was a 23 successful point we wanted to share with you. 24 Another key finding in the research that we 25 did was of all of the available resources and tools for</p>	<p>09:55:04-09:56:13 Page 20</p> <p>1 was that ultimately with the act we will encourage 2 citizen participation in the political process and that 3 campaigns will become more issue-oriented. So those 4 are two key points that help drive the tools and 5 resources that we provide. 6 So under the Clean Elections Act, the 7 Commission has the authority to make expenditures for 8 voter and public education, and what you saw in 9 December in Sara's budget presentation, we do have a 10 cap on paid media, and our cap for this year is just a 11 little over \$2 million. 12 So to help us execute our education plan, 13 we contract with a vendor who is on the statewide 14 marketing contract. And the activities that we did in 15 2016 -- if you'll recall, we worked with R&R Partners. 16 Due to some changes to the contract, the agency had to 17 select a new vendor. And so we're very excited about 18 the new opportunity that we have to work with Riester. 19 They are a full-service advertising agency and their 20 reputation is amazing. 21 So I won't try to say any more about that 22 because I don't think I can do them justice with their 23 background, but they are in our audience today. And so 24 they'll be working very closely with the Commission in 25 executing our education plan and really helping us</p>
<p>09:53:51-09:55:02 Page 19</p> <p>1 voters, not just Clean Elections, but outside, one of 2 the -- the top tool that voters looked at was the Voter 3 Education Guide. So that was really good news to hear 4 and to see and in terms of what resource, what tool out 5 there do you consider an unbiased source of 6 information? So we do provide unbiased, nonpartisan 7 information. And so, again, of all of those resources, 8 the Voter Education Guide topped that. 9 So that was a pretty exciting piece of 10 news; however, there's still work to be done because -- 11 especially with the last election, we definitely see a 12 mindset in the tone of voters about distrust. And so 13 we need to make sure that we're communicating that the 14 information that the Commission is putting out there is 15 unbiased, that it is nonpartisan. 16 Mr. Chairman, will there be any questions 17 about our 2016 activities before I jump into our plan 18 for 2017? 19 CHAIRMAN TITLA: Any questions by the 20 commissioners? 21 (No response.) 22 MS. ROBERTS: Okay. Great. So just a 23 reminder, for the Clean Elections Act, this is our 24 preamble, and the pieces that I'd really like to point 25 out, especially in regard to our voter education plan,</p>	<p>09:56:16-09:57:21 Page 21</p> <p>1 understand the best media tactics for us to communicate 2 our message to voters. 3 COMMISSIONER MEYER: Excuse me. Is Riester 4 an Arizona company? 5 MS. ROBERTS: Yes. Yes, they are. 6 So what do we have for 2017? We have 7 consolidated election dates, and as of right now, we do 8 know there's a March election. Tom mentioned that in 9 the executive director's report. We have three cities. 10 And so we are already fast-approaching the voter 11 registration deadline and the start of early voting. 12 So we will be working to communicate information to 13 voters about -- specifically in those three cities 14 about their local election and again trying to express 15 the importance that local elections can have on voters. 16 The other key date for 2017 is August 1st. 17 That is the start of the qualifying period when 18 candidates can begin collecting their \$5 qualifying 19 contributions. 20 One of the things that we would like to see 21 going into 2017 is kicking off additional research. So 22 we did our post-campaign research. That was the 23 information I just shared with you about what we -- our 24 education plan for 2016, but seeing the impact of the 25 presidential election and the stories in the media and</p>

<p>09:57:25-09:58:34 Page 22</p> <p>1 just hearing from voters directly, we really feel that 2 we need to go forward and learn more about the state of 3 voters and what exactly is going through their minds 4 right now, what are those additional motivators and 5 those barriers. 6 There's -- you know, we're hearing of 7 distrust in the system. We've heard of hacking of the 8 election, and so -- and ultimately it's still voter 9 apathy, but also the importance of actually getting out 10 there to vote. Once you cast your ballot, what happens 11 next? How does that, in the end, impact my life? So 12 we really want to kick off research again because what 13 we can understand from this will help shape our 14 education plan and ultimately how we communicate with 15 voters. 16 So what we'd like to do -- basically what 17 we did in 2015 is start off with some more quantitative 18 research, get surveys out there and then bring in some 19 focus groups and talk to voters directly. 20 For our paid media we'll typically be on 21 the same channels that we've used before, same tactics. 22 So, again, we'll likely increase our social media 23 presence because that is proving to be successful in 24 the reach that we can get but also the engagement, 25 helping us communicate directly with voters almost</p>	<p>09:59:56-10:01:14 Page 24</p> <p>1 to this group of voters understanding what are some of 2 the -- some of the key issues that impact them more so 3 than maybe other communities. 4 One of the things we saw in 2016 was we 5 learned that it's difficult sometimes for somebody who 6 lives on tribal land to get a mailing ballot, to get 7 access to their mailbox and also that there's an issue 8 with having proper ID for voting on election day. So a 9 solution exists, and that solution is to vote in person 10 early. And so we need to take a step back and look at 11 those things and understand more about what specific 12 barriers exist for voters who are on tribal land and 13 how we can educate them about the solutions that do 14 exist. 15 And if you'll recall, in 2015 the agency 16 hosted the 15 county recorders and election directors 17 and also the Secretary of State's office for our first 18 ever roundtable, and the goal there was to get all of 19 the election officials in the state together and 20 discuss what went well in 2014 and what can be improved 21 and ultimately how can Clean Elections help. We 22 received very wonderful feedback from the group and the 23 urge to continue to do that. So we'd like to host 24 another one in 2017. This time we would like to expand 25 it a little bit further to include our city and town</p>
<p>09:58:36-09:59:53 Page 23</p> <p>1 immediately. And we'll continue our vote informed 2 messaging specific, though, to local elections. Again, 3 we need to highlight that. 4 We'll communicate about voter registration, 5 what the requirements are, the process and then 6 ultimately education about the Clean Elections Act, and 7 at the end of the day, it's all about promoting 8 participation in the political -- political process. 9 One of the things that we'll be focusing on 10 in 2017 is taking our existing tools that we've built 11 and enhancing them. We did a lot of work in 2015 and 12 2016 to create these tools, to launch them, and so now 13 is the time where we can look at, take a step back and 14 improve them. How do we enhance these for voters so we 15 can create a customized voting experience so they can 16 go to our website and get everything that they need but 17 in a more user-friendly manner? So we will be taking a 18 step back and looking at all of our tools and seeing 19 how we can improve those. 20 We will continue our outreach and education 21 plan with Native American communities. That includes 22 continuing to work with the Intertribal Council of 23 Arizona and the Get Out to Vote coordinators. Our 24 staff will continue to attend community events and 25 then, additionally, a little bit more research specific</p>	<p>10:01:16-10:02:28 Page 25</p> <p>1 clerks. 2 Our cities were great this year in sharing 3 and utilizing a lot of the assets, the materials that 4 the Commission produced for voters, and so we'd like to 5 include them in the process and then also include 6 community organizations that are out there. 7 So with that, I'd be happy to answer any 8 questions and I welcome your feedback. 9 CHAIRMAN TITLA: Any questions from the 10 commissioners? 11 COMMISSIONER PATON: I have a couple of 12 things I'd like to say. First of all, an amazing 13 presentation. You guys do a great job and I was 14 totally impressed by all that. 15 I do have a couple of things that I'd be 16 interested in in the next year or two to go as far 17 as -- and I've spoken with you before. I really think 18 that -- like when I saw your graph about the debates 19 and how a lot of your feedback was the people got their 20 information about the debate from the candidates, 21 having experience being at some of these debates, I 22 know generally the people that are debating bring their 23 own friends, family, whoever. And it's kind of like 24 everybody has already decided by the time they're there 25 because they're with somebody, and that bothers me.</p>

<p>10:02:36-10:03:56 Page 26</p> <p>1 I mean, if we want to educate people, then 2 we need to bring in people that have no idea who these 3 people are and be exposed to what they're saying. So 4 my idea -- and I've spoken to some people about having 5 debates at schools during school time. That would 6 bring kids that are apathetic, apparently, by your 7 research -- apathetic about the voting process and does 8 my vote count and all that kind of stuff. 9 If you had a debate, you could involve the 10 government teachers, social studies teachers. They 11 could get -- all the kids would be there, teachers, 12 administrators. Parents could come in, community 13 members. Many of these schools have big auditoriums 14 that a lot of times during the day are not used. I 15 taught school for 28 years, so I kind of understand a 16 little bit about that. And you're going to get people 17 actually asking them questions that they have -- they 18 don't know. They're actually asking questions, not to 19 gotcha somebody, but something they really want to be 20 involved and learn about. 21 Secondly, I think maybe since we have 22 people that are distrustful about the elections now and 23 so on about the voting hacking, I think this past time 24 I didn't even realize that you could track your ballot. 25 And so telling people that, okay, you don't just trust</p>	<p>10:05:25-10:06:20 Page 28</p> <p>1 before. So we will be working with our debate 2 coordinator and looking at how we can improve the 3 process in terms of location, even the hours that we 4 host the debates at. We did hear feedback from that, 5 but absolutely. We'll definitely be taking a look at 6 how we can improve the process. 7 And then additionally, with the tracking 8 your ballot, that -- a lot of people -- you are 9 correct. A lot of people are not aware that that tool 10 exists, and so we've seen personally when communicating 11 with voters, once we let them know this is available to 12 you and they see how it works, they do feel better 13 about the process. And we've heard thank you; I didn't 14 know that existed; you know, now, I know that the 15 county did in fact receive my ballot, that it was 16 counted. It will tell a voter if it did not count and 17 for whatever reason that may be. 18 So the tool is very useful, and we did have 19 that information on our site, but absolutely. We can 20 look at making sure we communicate that message more to 21 voters. 22 COMMISSIONER PATON: Yeah, maybe promote it 23 a little bit. 24 MS. ROBERTS: Right. 25 COMMISSIONER PATON: Thank you.</p>
<p>10:04:01-10:05:23 Page 27</p> <p>1 this thing, then track your ballot. You can do this. 2 This is how you can do this, and maybe that will help 3 them decide that they do have some trust in the 4 situation. 5 I don't know how extensive that thing goes, 6 if you can tell -- thing -- if you can see where your 7 people actually went up a notch or whatever, you know. 8 I don't know if that exists, but still those are two 9 things that I think may help in these things. 10 So, anyway, my main thing is debates at 11 schools, especially for the state legislators. You can 12 get a Central High School that -- say, like the Sierra 13 Vista area. You could go to Buena High School or you 14 can go to Wilcox or Safford or wherever and these 15 candidates are really going to have to speak to people, 16 and a lot of our budget in the State -- you know, the 17 State budget is involved with education, and so you've 18 got people saying we need to cut this, cut that. 19 They're going to have to face those kids right there 20 and say why are you cutting this and how -- why can't 21 we do this or whatever, you know, that kind of thing. 22 So, anyway, I've probably spoken too much. 23 MS. ROBERTS: Mr. Chairman, Commissioner 24 Paton, yes, absolutely. That's great feedback, and we 25 definitely have your notes from when we have spoken</p>	<p>10:06:21-10:07:28 Page 29</p> <p>1 MS. ROBERTS: Absolutely. Thank you. 2 CHAIRMAN TITLA: More questions, 3 Commissioners? 4 COMMISSIONER KIMBLE: Mr. Chairman? 5 CHAIRMAN TITLA: Yes, Commissioner Kimble. 6 COMMISSIONER KIMBLE: Gina, what exactly is 7 the Commission's role on local elections? There's 8 Tucson's election this coming fall. We don't get 9 involved financially, but do you target some kind of 10 communications to voters on local elections? 11 MS. ROBERTS: Mr. Chairman, Commissioner 12 Kimble, this year, yes, we will be. So historically, I 13 do not believe the Commission has done much in 14 off-election years outside of elections from statewide. 15 However, if you'll recall our preamble and the ultimate 16 goal of promoting participation in the political 17 process, Staff -- we have the resources to do so and it 18 is an election. And what we've seen from our research, 19 it tells us that voters just don't quite, one, know the 20 information about those local elections and how they 21 impact their life. 22 A local election like this could be more 23 impactful than voting for president. You feel it in 24 your everyday life. So voters -- we do need to educate 25 them about, you know, when you're voting for your city</p>

<p>10:07:31-10:08:40 Page 30</p> <p>1 council member, these are the people who are making the 2 decisions on your trash and water services, you know, 3 the things that affect -- your library services, that 4 affect you every day. 5 And so in terms of what our role is, you 6 know, ultimately, I think that would be dependent upon 7 the Commission's direction here, but we do have the 8 resources. We do intend to provide education to voters 9 about the local elections this year in terms of, again, 10 the logistics. When are the important deadlines and, 11 you know, how do I get my ballot? We are working on 12 providing information on -- if it's a candidate 13 election, we do have our own tools right now, like the 14 app, where we can show candidate profiles on the 15 website. 16 On our website we have a district locator 17 tool, and so we've recently expanded that and added 18 lines where if someone puts in their address, they can 19 then see, okay, I'm in this congressional district, 20 this state legislative district, this county board of 21 supervisor district. And we do offer the city of 22 Phoenix and city of Mesa district lines where we don't 23 have the capability to provide local lines just yet 24 further. We can continue to work on that, but we can 25 show the candidate profiles at least as a whole and</p>	<p>10:10:06-10:11:35 Page 32</p> <p>1 set those things up. The League of Women Voters has a 2 role in that at the local level that they've fulfilled 3 for many years. I think -- so I think it's -- just to 4 put -- sort of recapitulate, our efforts at the local 5 level -- and by that I mean cities, towns and 6 counties -- are driven by demand of local election 7 officials who are lacking in resources either provided 8 by the state or otherwise to get basic information to 9 voters. 10 And so unless we see a demand for -- for 11 some other kind of action, we'd probably leave it there 12 because we do have to reserve the bulk of our resources 13 for our core state election year activities. 14 MS. ROBERTS: And if I could add to that, 15 Mr. Chairman, Commissioner Kimble, we do work with and 16 attend city clerk meetings. They have their AMCA 17 groups, and so we often present in front of them and 18 communicate to them about the Commission's activities. 19 And as Tom mentioned, the feedback, the demand is 20 there. Just as a county exists, you know, their core 21 function is to actually put the election on, and so 22 they look to us for additional research -- resources to 23 educate the voters. 24 And so -- and by that I do mean specifics 25 in terms of we need to let people know when that</p>
<p>10:08:43-10:10:02 Page 31</p> <p>1 say, okay, city of Tucson, here are all the candidates 2 that are running in your election. And we can provide 3 that information on our site and in our app. 4 COMMISSIONER KIMBLE: Do you envision going 5 so far as doing the candidate compass for local 6 candidates doing debates? 7 MS. ROBERTS: Mr. Chairman, Commissioner 8 Kimble, debates, we have not had that conversation. I 9 think we would have to take a step back and confirm 10 with Tom if that's a possibility. 11 MR. COLLINS: If I may, Mr. Chairman, 12 Commissioner Kimble, I think -- I think from our 13 perspective right now, we know there's demand for 14 resources, for information about basic election 15 deadlines, the fact that you can register to vote, 16 those kinds of things. And once you're registered to 17 vote, that all ladders up to state elections and 18 ultimately, in most cases, federal elections. So 19 there's a nexus between our main goal in terms of the 20 debates and the -- and the candidate statement pamphlet 21 and trying to get everybody to understand that there is 22 an overall election process they're participating in. 23 I suspect that cities and towns would be 24 less likely to want us to be involved in their debate 25 process, that kind of thing, if they -- if they even</p>	<p>10:11:37-10:12:36 Page 33</p> <p>1 registration deadline is or that early voting is 2 starting, so more so the logistics of it. And that's 3 really where we help get involved and, again, that is 4 that direct feedback we did receive from the city and 5 town clerks. 6 COMMISSIONER KIMBLE: Thank you. 7 CHAIRMAN TITLA: Any questions, 8 Commissioners? 9 (No response.) 10 CHAIRMAN TITLA: Thank you, Gina, for your 11 good report. I know that voter in education you've 12 done a good job under the leadership of the director, 13 and I think that this year what I noticed -- what was 14 really helpful to me was the sticker, like the magnetic 15 sticker you pick up and put on your refrigerator with 16 the deadlines. That was most helpful to me because 17 they asked me at home when are the deadlines for 18 something. I said it's right there on the 19 refrigerator. So that was very helpful. 20 Thank you and continue the good work. 21 MS. ROBERTS: Thank you, Mr. Chairman. 22 We'll be sure that we update those for this year and 23 2018, and then if I could also as well just also thank 24 Alec and Amy for all their efforts on our voter 25 education plan. They have worked very hard during the</p>

<p>10:12:39-10:13:47 Page 34</p> <p>1 primary and general, and so I appreciate their efforts. 2 Thank you. 3 COMMISSIONER LAIRD: Nice job. 4 CHAIRMAN TITLA: Thank you. 5 COMMISSIONER MEYER: Thank you. 6 CHAIRMAN TITLA: Why don't we go ahead with 7 the next item, discussion and possible action on final 8 audit approval for the following participating 9 candidates for the 2016 election cycle. 10 Sara? 11 MS. LARSEN: Good morning, Chairman, 12 Commissioners. I'd like to thank Amy. She helped me 13 compile the summary that you have before you. So 14 that's -- it's a lot of paperwork, so we try to get it 15 down into a succinct summary for you to review. 16 Real quick, an overview on how the audits 17 are conducted. In September we drew two statewide 18 candidates and 12 legislative candidates to have their 19 bank accounts and their campaign finance reports 20 reconciled by an independent auditing contractor who is 21 Fester & Chapman. That's who we utilized. And they 22 matched their bank account records to documentation of 23 the expenditures to the campaign finance reports to 24 make sure that all the spending is appropriate and 25 documented correctly and there are no unusual</p>	<p>10:15:32-10:17:08 Page 36</p> <p>1 discrepancies either on the campaign finance reports or 2 have additional documentation provided for the 3 expenditures that they had. 4 There are several audits here, and if you 5 have questions about any one in particular, I'm happy 6 to answer those. I do know that former Representative 7 Chris Ackerley is -- is back here and he was subject 8 to -- to the audit. And I think he had one finding 9 that he needed to provide additional documentation for 10 an expenditure. So his audit was very clean. 11 Everything was properly reported, but he is here to 12 answer questions if anybody has any or if he would like 13 to speak to his audit, but his audit was very clean. 14 There is one exception and it is 15 Mr. Rubalcava who is Representative Rubalcava. There 16 were several unusual transactions in the bank account 17 that were not recorded on the campaign finance reports. 18 He's on the last page of the summary. Because of the 19 number of unusual disbursements and transactions in the 20 bank account and my conversations with the auditor, I'm 21 going to recommend that this individual is referred for 22 an enforcement matter and that we do a comprehensive 23 enforcement audit, and that would be a line-by-line, 24 transaction-by-transaction audit of the bank account to 25 the campaign finance reports.</p>
<p>10:13:50-10:15:27 Page 35</p> <p>1 disbursements or contributions being received into the 2 campaign bank account. 3 Three of the candidates who were selected 4 for random audit are also a part of an enforcement 5 matter that is on the agenda today. So their audits 6 were a little more in depth than the other candidates' 7 audits. We asked the auditing agency to review all 8 expenditures on the campaign finance reports that were 9 subject to the complaint. So additional expenditures 10 were audited. 11 We typically choose five contributions 12 going into the account for the primary election period 13 and five expenditures. So we have -- we have a test 14 sample of ten recorded transactions from the campaign 15 finance reports that are matched to the -- to the bank 16 statements. So it's not a comprehensive audit. It's 17 more a sampling to see that things are appropriately 18 reported. A comprehensive audit would just take a 19 large amount of time and a large amount of resources. 20 I'll say that for the candidates who were 21 audited, I did not see anything that was unusual except 22 we do have one exception to that who I will address. 23 Most everything in here, everything was properly 24 reported, properly documented, and if it wasn't, they 25 were able to reconcile the differences and the</p>	<p>10:17:09-10:18:20 Page 37</p> <p>1 We noted that there were transactions on 2 the campaign finance reports that did not match the 3 bank accounts and the bank accounts did not match the 4 campaign finance reports, and without an enforcement 5 audit, we won't be able to reconcile what happened in 6 the account. So in my opinion, I would -- I would 7 definitely recommend that -- that this goes to an 8 enforcement audit, but right now all I'm asking the 9 Commission to do is to approve the findings that the 10 auditor found. 11 All the other findings have been 12 reconciled. Appropriate monies have been returned to 13 the Clean Elections Commission. Any findings or errors 14 have been corrected by the candidates. 15 So if anybody has questions, I'm happy to 16 answer those. 17 CHAIRMAN TITLA: Commissioner? 18 COMMISSIONER MEYER: Mr. Chairman, I have a 19 question. 20 CHAIRMAN TITLA: Commissioner Meyer. 21 COMMISSIONER MEYER: On -- it's Item H on 22 the John Fillmore audit, and Item Number 4 references a 23 repayment of a loan. So that just -- the content of a 24 loan from Clean Elections funding kind of made me raise 25 my eye. I was curious what that was.</p>

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

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

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

<p>10:33:57-10:35:24 Page 50</p> <p>1 would like to do that. I'm happy to -- I'm happy to 2 turn the floor over to him if you -- if Mr. Chairman 3 allows and then -- and go -- and go from there unless 4 you have specific questions about the recommendations, 5 in which case I'm happy to answer those questions. 6 CHAIRMAN TITLA: Any questions by the 7 commissioners? 8 (No response.) 9 CHAIRMAN TITLA: With regard to MUR 16-004, 10 Corin Hammond, do we have any statement or action? 11 MR. COLLINS: I would simply say in that 12 respect we have two issues as we understand the 13 complaint, one having to do with failure to identify a 14 subvendor. The -- Ms. Hammond essentially paid a 15 person, gave money to another person to go out and buy 16 stuff. There is an obligation to report a subvendor. 17 You can see that we were communicating with her -- I 18 think if Exhibit F is the exhibit there -- more or less 19 simultaneously with the complaint being filed or 20 thereabouts -- pardon? 21 MS. LARSEN: Prior to. 22 MR. COLLINS: Prior to. Prior to the 23 complaint that hadn't been corrected yet by the time 24 the complaint came in. So that had been corrected. 25 I think with respect to the -- so that's</p>	<p>10:36:57-10:38:06 Page 52</p> <p>1 say you've got to use it for direct campaign purposes. 2 We say you can use it for payments to a -- to a 3 committee or civic organization and then we say what 4 you can't do. And so, you know, if you think about it 5 from that framework, you know -- you know, it's hard 6 for us looking at where we are to -- based on the 7 information we have, we just can't find reason to 8 believe that there's not reasonable value paid for the 9 services received. 10 And that's our conclusion as far as reason 11 to believe. So if that answers your question. 12 CHAIRMAN TITLA: Do we need to take any 13 action on that? 14 MR. COLLINS: We would recommend -- we 15 would ask -- obviously, I think you'd want to allow 16 public comment, but we would ask that you -- that 17 you-all -- you could take no action, but I would ask 18 that we would -- we're looking for you to vote to find 19 no reason to believe so that we can close this matter. 20 CHAIRMAN TITLA: Any public comment on the 21 MUR 16-004, Corin Hammond? 22 Yes, sir. 23 MS. THOMAS: Please state your name for the 24 record, please. 25 MR. QUERARD: Sure. It's Constantin</p>
<p>10:35:24-10:36:51 Page 51</p> <p>1 why we find a reasonable to believe on the failure to 2 itemize. With respect to the joint expenditures 3 issue -- and this cuts across both issues and, again, 4 this is my recommendation. Not everyone is going to 5 agree with it. There is a Facebook ad that says come 6 work for us and you get to work on our campaign and 7 these federal candidate campaigns. And jumping off 8 from that point was, I think, the assumption that, you 9 know, I don't think at the time it was necessarily 10 incorrect to say, hey, what's the -- what's the deal 11 with this? This looks like a joint expenditure. 12 The response we got essentially said that 13 didn't get off the ground; it never became a joint 14 expenditure. If I'm mischaracterizing it, Andy will 15 correct me, I'm sure, but essentially the response was 16 that that's not in fact what happened; that that 17 Facebook ad is not ultimately evidence of a joint 18 expenditure because the joint expenditure didn't 19 happen. And Ms. Hammond participated in an exchange 20 with the Democratic party which, you know, we don't 21 have reason to believe is -- was not of reasonable 22 value. And so we don't have reason to believe that 23 there's a -- that there is a violation. 24 If you look at the handout, that 702 and 25 703 -- 702 together -- 702(A), (B) and (C) together, we</p>	<p>10:38:10-10:39:12 Page 53</p> <p>1 Querard. 2 MR. COLLINS: With no E. 3 MR. QUERARD: That's fine. We'll accept 4 any spelling that gets close. 5 The matter in this case is probably more a 6 question of the specificity of reporting. When we as 7 the public, whether we are involved in campaigns or 8 not, look at these reports and we see a \$6,000 payment 9 made for a coordinated campaign and the response 10 indicated that this was not consulting or training but 11 rather specifically voter contact, as someone running 12 campaigns I'm wondering what they got for their money, 13 what they do with their money. 14 A payment six days before the primary for 15 \$6,000 for voter contact, you know, I want to make sure 16 they're not prepaying general expenses, which has 17 happened in years past. I want to make sure -- and 18 then the exact same \$6,000 payment for the general 19 election period was odd because you had an uncontested 20 primary and you spent the same on that as you did for a 21 contested general. But what is a coordinated campaign? 22 I mean, do the public have a right -- whether they're 23 interested in the race or not, do they have a right to 24 know what that is? 25 If Mr. Collins has looked at it and has</p>

<p>10:39:15-10:40:15 Page 54</p> <p>1 seen what they got for their money and says it's fine, 2 it's legit, we're comfortable, then I'm comfortable, 3 although I still have no idea and I don't think anybody 4 else in this room has any idea what the Clean Elections 5 money was spent on. 6 And so if there can be some level of detail 7 provided in the reporting so the public knows what it 8 was spent on and has an element of comfort, I think 9 that might be the one improvement that could be made 10 because a complaint like mine is actually reasonable 11 given the information we have. 12 The response basically said, oh, it wasn't 13 consulting. It was just voter contact. And I do both 14 consulting and voter contact, and \$6,000 even for voter 15 contact with no information beyond that is an odd 16 number. If I do -- and there should be detail 17 available. If I do an autodialer and it's 850 bucks, I 18 can tell you how many calls, on what date. I can give 19 you a copy of the message. I can give you a copy of 20 the list of phone numbers we called. It can be very, 21 very specific. 22 There's a danger if -- and I guess what I'm 23 looking for in this, and particularly the follow-up 24 complaint, is just to what kind of know what the rules 25 of the game are. What do you guys want? Is it okay if</p>	<p>10:41:28-10:42:39 Page 56</p> <p>1 issue works out in terms of going forward, you know, 2 how we divide -- if the Commission reaches a point 3 where it wants to get into those details, how those 4 details play out. 5 We don't know the answer to that question, 6 but it's -- but I do want to make clear that -- that 7 the purpose of the memo was to acknowledge the issue 8 that you raised and then -- and try to distinguish that 9 from some of the -- the political stuff that other 10 folks may have -- may have raised. And if I conflated 11 those two things, that's my responsibility, but -- but 12 I do understand what you're saying. 13 MR. QUERARD: Okay. I appreciate it. 14 CHAIRMAN TITLA: Any questions by the 15 commissioners? 16 COMMISSIONER PATON: Well, I don't know if 17 I have a question or a statement or -- I think -- I'm 18 sure I'm going to say this wrong. I don't have my 19 glasses. Constantin -- I'm sorry about your last 20 name -- I think he raises a good issue, just a blanket 21 campaign or something like that. I think we should be 22 transparent and say what it is and delineate it. I 23 don't -- maybe that's a lot of effort on everybody's 24 part, but this is the public's money. And with all 25 these other audit things going on, you see some of</p>
<p>10:40:20-10:41:25 Page 55</p> <p>1 my clients just write me a check for campaign, 6,000 2 bucks? Obviously campaigns is what we do. 6,000 3 bucks, campaign. If that's all you need in the memo 4 line, then that's what I want to know so I can tell 5 them that's all that they need. 6 If you'd like more detail, then I'd like 7 you to ask for it in this case so that those who are 8 going to be looking at it can have some idea what was 9 purchased for the money; otherwise, we're -- we're 10 flying blind. So that -- that would be the one thing. 11 If Mr. Collins says it's legit, I have no reason to 12 doubt it. I just have no idea what it was. 13 MR. COLLINS: If I may, Mr. Chairman, 14 just -- you know, just to address that point. I 15 think -- and as I said at the beginning, I think that 16 based on the Facebook ad, the complaint -- you know, I 17 mean, I understood the complaint and the purpose of the 18 complaint when it came in. I mean, that was a -- 19 that's probably the reason we sent it out and looked at 20 it. And I do take -- and I think that -- just to 21 separate the two strains here. 22 I do think that you raised -- and just to 23 make clear in my cover memo, to the extent that it left 24 anything for interpretation, it was, you know, simply 25 to say you've raised an issue. We don't know how that</p>	<p>10:42:41-10:44:18 Page 57</p> <p>1 these things that are, at the very least, troubling, 2 then I think delineating something -- if that's true 3 that's just \$6,000 to campaign, I would feel more 4 comfortable if it was delineated out what that actually 5 meant, what it was spent for, calls or for this company 6 here or whatever. 7 Secondly, since I am fairly new, I am kind 8 of uncomfortable with having these Clean Election 9 things -- people being so involved with the party, 10 paying the party to do whatever. I understand it's 11 probably easy for them, but my idea is the party can 12 kind of strongarm them and say, you know, you've got 13 all this Clean Elections money; we can really use that, 14 and if you don't go with us on this stuff and use us, 15 then we're not going to really back you or something to 16 that effect. 17 So, anyway, that's just a statement I have. 18 COMMISSIONER LAIRD: Mr. Chairman? 19 CHAIRMAN TITLA: Commissioner Laird. 20 COMMISSIONER LAIRD: My view on this, 21 Director Collins, legally in terms of whether or not 22 it's -- if there's been a joint expenditure is a little 23 different than yours. I understand that it requires an 24 agreement, but in my view, there is an agreement. And 25 let me tell you how I get there and I think it's fairly</p>

<p>10:44:21-10:45:19 Page 58</p> <p>1 clear. And, you know, I think it's fairly clear that 2 the Democratic party -- and the same as for the 3 Republican party -- I mean, they act on behalf of 4 numerous candidates. They are, in effect, acting as an 5 agent in the political process for those candidates. 6 So in my view, an agreement with the 7 Democratic party is the same as the agreement with 8 other candidates and, therefore, I think there is an 9 agreement and, therefore, I think it is a joint 10 expenditure. And I don't believe anything has gone 11 wrong here, but I share the concern of my fellow 12 commissioner and of the complainant, that not knowing 13 what the 6,000 was for, whether it should have been 14 split proportionately. I mean, it's hard to know that 15 because I don't even know what it was for. I don't 16 know the fair market value of what that might be. We 17 certainly don't want funds going to the party in 18 general. 19 And so in my mind, my questions aren't 20 answered at this point. I don't think there's reason 21 to find cause -- 22 MR. COLLINS: Right. 23 COMMISSIONER LAIRD: -- reasonable cause 24 that there has been a violation, but I'm not sure I'm 25 comfortable voting that there -- that I know enough</p>	<p>10:46:18-10:47:06 Page 60</p> <p>1 may not be the case that they're an agent for this 2 purpose. 3 MR. COLLINS: Sure. 4 COMMISSIONER LAIRD: But it could be, and I 5 think our job -- 6 MR. COLLINS: Sure. 7 COMMISSIONER LAIRD: -- as commissioners, 8 we should be tough in our analysis of ourselves to how 9 the money is spent. And we ought to be as scrupulous 10 as we possibly can and, therefore, I would feel more 11 comfortable if I knew what the 6,000 was for. 12 MR. COLLINS: Sure. 13 COMMISSIONER LAIRD: If there was no 14 relationship whatsoever that would -- that benefitted 15 any other candidate in any way, then, okay, maybe there 16 was no agency relationship as to that expenditure. But 17 if, in fact, other candidates benefitted, which may be 18 the case here -- I don't know what the 6,000 -- if it 19 was the get out to vote campaign or something, and I 20 think it would benefit multiple candidates. And, 21 therefore, in that case, I think there may be an agency 22 relationship and a joint expenditure. 23 MR. COLLINS: Well, that -- Mr. Chairman, 24 Commissioner Laird, I see that point. I do think that 25 the response that we have at exhibit Bates Number 14</p>
<p>10:45:21-10:46:18 Page 59</p> <p>1 facts now to vote that there is no cause. 2 MR. COLLINS: And, Mr. Chairman, 3 Commissioner Laird, I think that's a fair point, and 4 I'll respond to that on two levels. On the joint 5 expenditure point, there are many candidates who share 6 consultants who would serve the same purpose as the 7 party here. The logic that you extend would mean that 8 every consultant who works with more than one candidate 9 is in a joint agreement with all of those candidates 10 and those are all joint expenditures. We haven't 11 followed that practice in the past. 12 I think Mr. Querard would stipulate that we 13 have not had a practice of if you represent more than 14 one Clean Elections candidate, you are joint -- all of 15 your expenditures on behalf of those candidates are 16 joint expenditures. 17 Correct? 18 MR. QUERARD: Correct. 19 MR. COLLINS: Yeah. So that would change 20 the dynamic of how we do things. Although, I see your 21 point in terms of once you have one agent. 22 COMMISSIONER LAIRD: Well, that's why I 23 think we need to know. 24 MR. COLLINS: Yeah. 25 COMMISSIONER LAIRD: I mean, I agree. It</p>	<p>10:47:13-10:48:36 Page 61</p> <p>1 through 16 does provide the detail in response to the 2 complaint. In other words, the complaint was was this 3 shared between these two federal candidates? That's 4 denied. 5 We -- there's a -- if there's a 6 supplemental complaint to be brought around the 7 question of whether or not there's specificity, I mean, 8 I think -- I may be missing it, but I think that 9 Mr. Gaona can probably address, to some extent, that 10 there was an individual agreement with Ms. Hammond, if 11 he's comfortable doing that. He doesn't have to, but I 12 took the response to the complaint to be -- to be 13 focused on the complaint as opposed to necessarily some 14 of the policy issues that might be underlying your 15 concerns, which are fair and maybe more appropriately 16 raised in the MUR 05 which gets into a broader spectrum 17 of -- of issues. 18 And you might address that with Mr. -- but 19 I'd leave it to Andy if he wants to -- if he has any 20 further things that he'd like to add on this point. I 21 just want to -- I don't want to state Ms. Hammond's 22 position for her if I'm missing it, if I'm doing it 23 incorrectly. 24 MR. GAONA: Mr. Chairman -- 25 MS. THOMAS: You want to state your name?</p>

<p>10:48:36-10:49:45 Page 62</p> <p>1 MR. GAONA: I'm sorry. Andy Gaona with 2 Coppersmith Brockelman here on behalf of Corin Hammond, 3 the respondent in MUR 004. 4 First, Mr. Chairman, members of the 5 Commission, let me apologize for my voice. I 6 appreciate many of the things my one-year-old brings 7 home from daycare, the sickness du jour not being one 8 of them. 9 I want to make a couple of points, and let 10 me first directly address what -- the concern that's 11 been addressed by Commissioner Laird and Commissioner 12 Paton and that Mr. Collins hinted at what my response 13 would be. And I would say that I more or less agree 14 with what Mr. Collins said. The issue here is -- 15 stemmed from a campaign finance reporting of \$6,000 for 16 services provided by the Democratic party's coordinated 17 campaign. Those were reported as consulting services 18 like any other consulting service would be reported. 19 That's how the campaign finance system allows you to 20 report those. 21 For example, if a candidate hired 22 Mr. Querard's consulting firm, Grassroots, they might 23 report a -- some amount. Pick the amount. \$2,000, 24 \$3,000 or \$6,000 for consulting services. What the 25 campaign finance system does not currently require is a</p>	<p>10:51:05-10:52:21 Page 64</p> <p>1 denial. It provides an explanation of what services 2 were provided during the primary period and makes clear 3 that a separate payment was made for services to be 4 provided to Ms. Hammond's campaign by the coordinated 5 campaign during the general election period. 6 There's no question about that. And we've 7 been fully transparent in terms of responding to the 8 request that had been made of Ms. Hammond by Staff in 9 terms of processing this complaint, but I want to just 10 make one more point. And I'll defer on everything else 11 to our papers and to the executive director's report 12 with respect to this complaint which I think was very 13 thoroughly researched and very thoroughly done, and I'd 14 like to thank Mr. Collins and his staff for that. 15 How this complaint was processed raises a 16 structural issue that I want to just bring to the 17 Commission's attention, and it's a structural issue 18 that affects candidates. In the presentation that was 19 given by Staff earlier about all of the Commission's 20 outreach efforts, there was a focus on the preamble and 21 the real goal of this Commission to increase citizen -- 22 or to increase public participation in the political 23 process. And I think that has two aspects. One is 24 voter -- is voter turnout, increasing voter turnout, 25 increasing voter engagement. The second part is</p>
<p>10:49:48-10:51:02 Page 63</p> <p>1 line item specification as to what services were 2 provided there. So the same issue that's been 3 identified in terms of specificity and how public funds 4 were or were not spent exists with respect to both the 5 Democratic party acting as a vendor and to Grassroots 6 acting as a vendor or any other consultant acting as a 7 vendor. 8 And that may be a problem -- a policy 9 problem that needs to be addressed either through rule 10 making or at the statutory level if the Commission is 11 concerned with increasing transparency in terms of how 12 public funds are spent, but given the regulations and 13 the laws as they existed at the time this report was 14 made, how it was reported was perfectly lawful. And 15 Ms. Hammond has gone above and beyond what was normally 16 required, as Mr. Collins' executive director's note 17 points out, in terms of providing information to 18 satisfy Commission Staff that this expenditure was 19 proper and was lawful. 20 In terms of what services were or were not 21 provided and Mr. Querard's speculation about what those 22 were, what the -- what Staff and what the Commission 23 has to consider is what the actual evidence is and what 24 has been provided to the Commission, and as Mr. Collins 25 pointed out, our response provides that evidence, the</p>	<p>10:52:24-10:53:36 Page 65</p> <p>1 encouraging people who want to run for office, to in 2 fact, run for office. 3 And the structure created by the Clean 4 Elections Act allows people to do that. What they 5 shouldn't have to do, though, is respond endlessly to 6 complaints and supplemental complaints, and again, 7 supplemental complaints that are -- that come in on the 8 day before a Clean Elections meeting that come in from 9 a serial complainant who is -- has partisan motivations 10 for bringing those. It requires candidates to divert 11 their attention from what they're supposed to be doing 12 which is getting their message out to voters and trying 13 to win office. 14 And there's a -- there's certainly an 15 element of transparency here, and as I stated earlier, 16 Ms. Hammond was fully transparent with respect to this 17 process and with respect to responding to the 18 complaint. It's another thing entirely to require her 19 to engage attorneys to review everything that comes in 20 for Mr. Querard here who -- I think there are four or 21 five separate documents that were filed with the 22 Commission that as a careful lawyer I don't want to 23 leave unanswered. I don't want there to be questions 24 in your mind, but that requires an expense that I think 25 is unnecessary, that I think is inconsistent with the</p>

<p>10:53:39-10:54:49 Page 66</p> <p>1 purposes of the Clean Elections Act. 2 So this is more of another policy -- an 3 overarching policy issue that I think the Commission 4 needs to consider going forward which is, is there a 5 more efficient way to process complaints so that a 6 candidate who is operating under limited resources and 7 can use those resources for very limited purposes 8 doesn't have to spend both time and resources in 9 responding to these seriatim-style requests for 10 information that are really nothing more, as one of the 11 letters from Mr. Querard noted it, than this piqued my 12 interest or this sparked my curiosity? 13 The Commission should be concerned with 14 actual violations and not piquing the interest or -- or 15 forcing someone to satisfy the interest of a 16 complainant. And I think that's largely what this has 17 devolved into, and I think it's unfortunate. 18 There are certainly legitimate policy 19 concerns at issue here, and if -- again, if the 20 Commission wants to address those going forward with 21 new rule making, I think that would be the proper way 22 to do it, but with respect to the regulations as they 23 existed when this complaint came in and Ms. Hammond's 24 conduct and her payment of the Arizona Democratic party 25 as a vendor, each of those steps was allowed under the</p>	<p>10:55:47-10:56:50 Page 68</p> <p>1 not other candidates benefitted equally and therefore 2 should have share proportionately in the expenses. And 3 so that's what I'm struggling with as a commissioner. 4 I understand what you're saying. It may 5 just be the subject of rules going forward, but as to 6 this specific complaint, I wish I knew more about what 7 the \$6,000 was for, more about what the fair market 8 value of that might be and whether or not other 9 candidates, because of the nature of the services, 10 benefitted from that. And I don't feel like I'm in a 11 position to make that decision today. 12 MR. GAONA: Mr. Chairman, Commissioner 13 Laird, let me try to address your question. And I 14 think in part you have to view this matter under review 15 in tandem with the next one on the agenda because they 16 all relate to the Democratic coordinated campaign, and 17 as it turns out, given the needs of a particular 18 district or however it was -- it was done, different 19 candidates paid in different amounts. 20 You had, for example, a statewide race 21 where the buy-in to the coordinated campaign was 22 larger, as I believe Mr. Barton will address. That's a 23 statewide race. It's going to require more resources, 24 more time and more consulting as would be required for 25 a race of that scale. Our response -- and I don't have</p>
<p>10:54:52-10:55:44 Page 67</p> <p>1 laws that existed at the time, and I think that it 2 would be perfectly appropriate to enter a finding of -- 3 or to accept, rather, the recommendation of Staff that 4 there's no reason to believe that a violation of the 5 act has occurred here. 6 With that, I'd be happy to answer any 7 questions. 8 CHAIRMAN TITLA: Commissioners, any 9 questions? 10 COMMISSIONER LAIRD: Yes. 11 CHAIRMAN TITLA: Commissioner Laird? 12 COMMISSIONER LAIRD: Counselor, you'd agree 13 with me that my job as a commissioner and the job of 14 the Commission is not just to make sure reports are 15 filed but that the money that we administer is spent 16 properly, consistent with the statute and the 17 intentions of the statute. 18 MR. GAONA: I'd agree with that, 19 Commissioner. 20 COMMISSIONER LAIRD: And what evidence do I 21 have, given this general description -- and I'll give 22 you the minimum threshold has been met with respect to 23 filing. I'll give you that, but I honestly can't 24 determine whether or not the \$6,000 -- you know, \$6,000 25 worth of fair market value was received and whether or</p>	<p>10:56:55-10:58:23 Page 69</p> <p>1 the Bates numbering that Mr. Collins was referring to, 2 but it's at -- it's Exhibit B, at the bottom of the 3 first page of the response really through the end 4 details the types of services that were provided here. 5 In addition, there was a sworn statement 6 that we obtained from the former executive director of 7 the Arizona Democratic party who attested to the fact 8 that services were provided by the coordinated campaign 9 to Ms. Hammond in proportion to what she paid into 10 this. That -- I'm not quite sure what else we need to 11 do at that point to justify the fact that the \$6,000 12 that was paid for the primary and the \$6,000 that was 13 paid for the general was in exchange for services 14 provided by a vendor who acted as a vendor like any 15 other in this case. 16 I have never seen the Commission delve into 17 what the fair market value of the services provided by 18 a vendor are. And I think those are judgments that 19 could be made if there were rules that specified really 20 how that related to the Democratic party acting as a 21 vendor versus Mr. Querard acting as a vendor because 22 what I believe to be the fair market value of 23 consulting services provided by Mr. Querard might 24 differ from his view or just here -- as here where he 25 seems to have questions about the Democratic party's</p>

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

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

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

<p>11:12:42-11:13:42 Page 82</p> <p>1 Vendor product, voter contact has a whole 2 bunch of subcategories because the Clean Elections 3 Commission over the years has refined the rules and 4 asked for a greater and greater detail. Hammond's 5 response was unique among all of them because everyone 6 else was specific to say it was not voter contact; it 7 was only consulting or training. Hammond's response 8 was unique because it was saying it was not consulting 9 or training; it was only voter contact. And so what 10 I've been looking for is basically do you guys want 11 detail or do we not want detail? 12 COMMISSIONER MEYER: Detailing as far as 13 what? 14 MR. QUERARD: As far as what -- because if 15 the memo coordinated campaign is sufficient, tell me 16 and that's what we'll use, but I don't think it is. 17 Again, it should be fixed on the front end because the 18 system requires an autodialer to be listed under 19 telecommunications subcategory, you know, voter 20 contact, telecommunications. There's all these 21 drop-down menus and subcategories which weren't used. 22 If they provided the details to the 23 Commission, does the public ever get to see them, okay? 24 In all of the exhibits you have, there's a couple of 25 receipts from the Democratic party saying we got paid.</p>	<p>11:14:50-11:16:09 Page 84</p> <p>1 COMMISSIONER KIMBLE: Mr. Chairman, I agree 2 with everything Mr. Laird just said, and I think you've 3 raised some very interesting points. And I would be 4 interested going forward on your thoughts about any 5 changes we should make to the rules if you feel that's 6 necessary and some -- maybe some suggested wording from 7 you to try to get ahead of this problem next time so 8 that we don't go through this. 9 I do think it's a -- it could be a possible 10 problem in the future, and I don't want to make 11 people -- I don't want to micromanage everyone's 12 campaign, but if you can think of some language where 13 political parties -- how they should report it versus 14 how your consulting firm reports stuff, if there should 15 be more detail from you, I'd be interested in your 16 thoughts about this, not now but as we think about 17 whether there ought to be a change in the rules. 18 MR. QUERARD: I'd be happy to. And I think 19 the rule is actually probably sufficient in terms of 20 the level of detail required. It's just in this case 21 they simply weren't followed. Nobody here -- except 22 maybe documents provided by Mr. Collins. We have no 23 idea what the money was spent on even -- even -- I 24 don't even know if the five of you have any idea what 25 the money was actually spent on, and that is unique to</p>
<p>11:13:45-11:14:48 Page 83</p> <p>1 There are no invoices with the exception of one invoice 2 in, I believe, Mr. Chapman's filing. We don't have any 3 invoices from any -- from any of the vendors or from 4 the vendor. We literally have no idea what the money 5 was spent on. 6 I apologize for the amount of time that 7 Ms. Hammond and the others have spent in response to 8 this, but if Ms. Hammond had simply provided the 9 required detail at the beginning, I wouldn't have a 10 question. I asked a question about one candidate with 11 a suspicious expenditure. Her answer prompted me to 12 check several, and I found a pattern of behavior which 13 made up the following. It's not \$6,000. It's \$12,000. 14 The payment was repeated in the general election. It 15 was more than 30 percent of the money she received for 16 this vague category. So it may actually meet some sort 17 of a threshold above that. 18 And, again, I'm not arguing for guilt. I'm 19 advocating for disclosure. If we're okay here and 20 she's done enough and that's the standard, okay, but 21 then let that be the standard. If that's not the 22 standard, then -- then you're not guilty. We have no 23 reason to believe, but please fix your campaign finance 24 reports so the public knows what you spent your money 25 on, perhaps. So that's all. That's all. I'll stop.</p>	<p>11:16:12-11:17:36 Page 85</p> <p>1 this particular issue. You could look at any of your 2 other candidates, pull up their finance reports and see 3 how they spent their money. So I think the rules 4 actually are probably sufficient. It's just in this 5 case they weren't applied or followed. 6 Thanks. 7 CHAIRMAN TITLA: Thank you. 8 COMMISSIONER PATON: Could -- Mr. Chairman, 9 could we have Sara say something about this? 10 Since you're the one that deals with this. 11 CHAIRMAN TITLA: Sara? 12 MS. LARSEN: Chairman, Commissioners, yes. 13 This is -- this is something that we do look for on 14 campaign finance reports, looking for some indication 15 that expenditures are appropriate and -- and that they 16 are reported properly. The problem with the campaign 17 finance report is we don't -- you know, candidates 18 don't email us their invoices or their documentations 19 for every expenditure that they make. So what we have 20 provided to us is the campaign finance report and the 21 information there. 22 This is one that, you know, we don't know 23 most of the time whether it's -- you know, when 24 somebody makes an expenditure, is it for an invoice 25 that they've received for previous services that were</p>

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

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

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

11:41:05-11:42:14 Page 98

1 in. It's a legislative race. It's the same. We
2 charge them the 275 a month, but the training costs
3 that these people paid were wildly different, all
4 described word for word identically in sworn
5 affidavits, okay?
6 But what Pawlik and Weichert paid \$2,500
7 for, Casillas paid \$6,000 for with no explanation as to
8 why one would cost one and the other would cost the
9 other. Deanna for District 21 paid \$2,000 for it on
10 August 19, but then came back and got another \$2,300
11 worth of training on August 29th. That's a lot of
12 money spent on training in the primary, particularly
13 one day before the primary.
14 I don't -- I don't know what you're
15 training for, but you know, that's an awful lot of --
16 it's also an unusual amount because she's now paying
17 \$4,900 -- or a \$4,300 total which would obviously be an
18 entirely different amount of training versus the \$2,500
19 package or the \$6,000 package even though all of them
20 were described word for word identically.
21 The Salman campaign was funded in April.
22 It didn't need any training or anything like that
23 through the whole primary period and then, on
24 September 12, reported training and again on
25 September 24th. Now, did she get the \$2,500 package or

11:42:19-11:43:20 Page 99

1 the \$600 package? No, \$3,615.50 for the first one,
2 \$2,826 for the second one, which caught my eye. That
3 seemed unusual given the round numbers we were dealing
4 with.
5 Now, to the Salman campaign credit, they
6 have -- as a result, I suspect, of this process when I
7 was looking through, I think, yesterday, they've
8 updated their campaign finance reports. So the memo
9 line now talks about voter contact and all these --
10 these actual things that they're doing on the memo
11 lines so you can see what the money was spent for
12 because it clearly wasn't simply consulting and
13 training.
14 Those are sort of the amendments that I
15 would hope that the Hammond campaign and everybody else
16 would do. So we have an idea of what the Salman
17 campaign was paying for, but again, the sworn
18 affidavits are still consulting and training even
19 though it's going -- they have a consultant. She
20 actually paid \$3,500 to Keith -- I forget his last
21 name -- Everest or something like that to be her
22 consultant. Okay?
23 So a lot of questions in terms of what are
24 we actually paying for? What are we getting for our
25 money? What are the -- what are the taxpayers out

11:43:21-11:44:26 Page 100

1 there actually paying for?
2 It now -- so her amendment now says
3 organizer, responsible for managing fellows, which is
4 the fellows program that the Hammond Facebook post was
5 referring to, and the fellows program which actually
6 the Hammond response says didn't actually take place.
7 They couldn't get the volunteers. They didn't do their
8 fellows program. Salman was paying for managing
9 fellows, fieldwork, direct voter contact, voter
10 registration and volunteer -- something. He ran out of
11 space on the line.
12 Similarly, the 2,826 amount was updated for
13 some sort of fellow something, but again, that's an odd
14 number. It suggests expenses or it suggests product or
15 it suggests an hourly wage or it suggests I don't know
16 what, but consulting and training seems a deliberately
17 vague and broad catch-all for somebody as specific as
18 that.
19 I'll do one more. The Brown campaign is in
20 there. Brown didn't qualify for funding in time for
21 the primary. So all Brown got was \$24,000 for the
22 general election. Tough general election running
23 against the now senate president in a pretty tough
24 district. So her dollars were, you know, that much
25 more precious because instead of having about 40 total

11:44:28-11:45:29 Page 101

1 she only had 24. Yet Brown paid \$12,000 for consulting
2 and training.
3 No one in their right mind would go to
4 their investment adviser and hand over half your money
5 on the basis that don't worry, the advice that I get on
6 how to manage the other half of my money will be so
7 great I'll come out ahead at the end of the day. Okay?
8 \$12,000 for consulting on how to spend the other
9 \$12,000? Look, I'm a consultant. I mean, it sounds
10 pretty good, but not if you're trying to win a race.
11 And if you're not trying to win a race, then what are
12 you doing? And that's what raises the questions. If
13 it's legal, if it's permissible, fine, but again,
14 precedent becomes my issue.
15 Now, the Corporation Commission candidates
16 kind of make Brown look like a fiscal conservative when
17 it comes to spending. Tom Chabin spent several turns
18 in the state house. He's an experienced campaigner and
19 candidate. He's run for office before. Bill Mundell,
20 in addition to all of his other accomplishments, was
21 twice elected to the Arizona Corporation Commission.
22 Okay?
23 So he's a great partner for Chabin because
24 they're running as a team and his expertise and
25 guidance will probably be helpful, and so they're

<p>11:45:31-11:46:44 Page 102</p> <p>1 sharing message. They're sharing strategy. They're 2 sharing signs and mailers and all those sorts of 3 things. They also have a consultant. They were using 4 Strategies 360. 5 Frankly, if you were going to train 6 somebody on how to run for the Corporation Commission, 7 Bill Mundell could probably teach the class. You have 8 26 days to go in the primary. Mundell and Chabin each 9 write a check for \$25,000 to the State Democratic party 10 for training and consulting. I find that odd. 11 Again, Mundell sought consulting and 12 training on how to win the race that he had already run 13 and won twice from a party which, you know, not to be 14 mean partisan-wise, but doesn't have a great record of 15 winning Corporation Commission races. I mean, they 16 should be asking Mundell for advice on how to do it. 17 In his note the executive director took 18 note of my concern that the category of consulting is 19 general enough that amount can be paid. The problem is 20 that it's so vague it doesn't get much oversight. I 21 didn't mean to politicize anything by raising the 22 issue. I suspect if you had a \$24,000 candidate -- or 23 campaign and they spent 3 grand on consulting, that 24 would be fine. It wouldn't -- if you had a \$24,000 25 campaign and you spent \$21,000 on consulting, that</p>	<p>11:48:05-11:49:20 Page 104</p> <p>1 and I think you're entitled to that documentation if 2 you knock on my door and say I've got a question; we're 3 here on behalf of the taxpayers; you spent some money; 4 we need to make sure you spent it how you're supposed 5 to spend it. Not, oh, trust me, we spent it. 6 So I'm still concerned that what went on 7 was not proper. I don't have the investigative 8 authority to go prove my point. I can only raise the 9 issue and you guys decide if it's worth investigating 10 or not. Is the level of spending that was provided 11 sufficient? Okay. If it is, that's the precedent. 12 But I do worry that it's going to set a bad example 13 because, particularly in a world where an affidavit 14 counts as an invoice, forget the parties. 15 An unscrupulous consultant, of which I 16 assure you there are several even in Arizona, can 17 simply go get candidates to run, help them collect 18 their 5s, just pocket -- I mean, the system is so rife 19 for abuse if the people engaged can do so for basically 20 nefarious purposes and the Commission is satisfied as 21 long as it's, I'll say, consulting. That's my concern. 22 Whatever happened here you guys need to 23 figure out, and that's fine. And if it's good enough 24 or whatever, that's fine, but I'm really concerned 25 about the potential for abuse because the level of</p>
<p>11:46:48-11:48:01 Page 103</p> <p>1 would raise alarms. 2 So the question is if you had 24,000 and 3 you spent 12,000 on consulting, does anybody care about 4 that? Is that -- is that okay or not? And why is that 5 the same training for \$2,500, or \$4,300, or \$6,000, or 6 \$12,000 or \$50,000 when it's described word for word 7 exactly the same? Are you simply taking from the 8 candidates what they can afford given their chances -- 9 because Brown had almost no chance of winning that 10 race. So I guess she didn't need the money? I don't 11 know how the pricing was turned up -- was provided 12 because there, of course, no one in the world has any 13 idea what they got for their money. 14 The note also made a comparison to Al 15 Melvin's campaign for Corporation Commission which I 16 ran, citing a payment to me a \$46,750 for an radio and 17 online advertising buy. In fairness, a specific 18 payment to a media buyer for a specific amount of 19 product on specific dates through specific channels in 20 no way compares to just a blank, you know, here, 21 consulting. 22 On the contrary, if you want to know what 23 that money is for, I can show you the ad. I can give 24 you the stations it ran. I can give you the times the 25 ads ran. I can document what the money was spent on,</p>	<p>11:49:23-11:50:19 Page 105</p> <p>1 reporting that it was given in these cases, to my 2 mind -- and theoretically, I would benefit from lax 3 standards and loose scrutiny or loose regulation, but 4 to my mind it is woefully inadequate and opens up, you 5 know, potentially a great deal of abuse. 6 That's my concern of a precedent. That's 7 kind of why I'm just kind of bulldogging this thing. 8 These races are over. Okay? I don't believe any of 9 the candidates that are involved in this thing won. 10 It's not a political thing. It's not a partisan thing. 11 I've been a consultant who's run Clean Elections 12 campaigns since the beginning -- well, near the 13 beginning, and I'm one of the few consultants who 14 actually believes in the Clean Elections process, and 15 now I'm just -- I'm concerned. 16 So that's my -- that's my screed. Thank 17 you for putting up with it. 18 CHAIRMAN TITLA: Any questions, 19 Commissioners? 20 (No response.) 21 CHAIRMAN TITLA: Director, any 22 recommendation? 23 MR. COLLINS: Well, no, I think -- I guess 24 if Mr. Barton has some response to Mr. Querard, that 25 would probably be helpful.</p>

<p>11:50:19-11:51:38 Page 106</p> <p>1 CHAIRMAN TITLA: Respondent. 2 MS. THOMAS: Your name for the record, 3 please. 4 MR. BARTON: Jim Barton with Torres 5 Consulting and Law Group. I'm here on behalf of the 6 Arizona Democratic party and the respondents to the 7 matter. 8 So first off, I want to talk about just 9 this matter. An affidavit is a document that is sworn 10 under penalty of perjury and always anywhere and 11 forever is more evidence than an invoice. You have on 12 the record before you a sworn affidavit that attests to 13 what this stuff was used for and it's not just 14 training. It was training and consulting on campaign 15 finance and on public relations and on how to deal with 16 a tax and that sort of thing. 17 So on this record, the preponderance of the 18 evidence is that there's no reason to believe because 19 we provided you with sworn affidavits under penalty of 20 perjury. And I think that the Commission Staff did a 21 good job and I think they did it right, and I want 22 to -- I want to point out that what we were responding 23 to was literally a list of eight names that said I 24 think these guys are doing something screwy. He didn't 25 say "screwy," but I mean, it literally was a list of</p>	<p>11:52:45-11:53:46 Page 108</p> <p>1 that you're not, and they have a pretty specific list. 2 And I would tell you in our affidavit we complied with 3 the types of specifications that the Federal Election 4 Commission requires. 5 I think that's helpful, and I think that, 6 you know, if the Commission doesn't want to get into 7 price control, then I think they have to do the system 8 which we have which is that it has to be reasonable. 9 We have very experienced people reviewing these. Those 10 experienced Staff members looked at it. Nothing jumped 11 out at them. They asked for a little bit more 12 information. They said, okay, that makes sense and 13 that's kind of where you are. 14 And I think, you know, geez, we're in 15 Arizona, right? I mean, this is the free market 16 capital of the world as far as I understood. And we 17 kind of negotiate a price and that's -- and that's the 18 fair market price. Now, that's not the only way to set 19 fair market, right? For example, the Department of 20 Labor has a whole structure that it uses to determine 21 how much money should you pay somebody if you're going 22 to do work on federal projects, and they break it down 23 by plumber and electrician and sheet metal and 24 insulator. 25 And I've got to tell you, I'm a labor guy</p>
<p>11:51:41-11:52:42 Page 107</p> <p>1 names. Go after those guys. 2 So you can see that we responded and we 3 showed what it was used for and we identified it as 4 consulting. So I think on this case, I think it's a 5 pretty easy question. You have un rebutted evidence 6 that we provided under penalty of perjury about what it 7 was used for and, yes, they did all -- the category of 8 what it was was just consulting on how do you deal with 9 campaign finance? How do you respond to complaints? 10 How do you deal with the media? 11 There's a variety of services that the 12 Democratic party provided to these candidates, and 13 different candidates are more or less experienced and 14 different candidates have bigger and smaller races, and 15 that's why there's different prices and that's the way 16 the rules are now. So I think -- on this issue I think 17 there's -- I think the Commission Staff is absolutely 18 correct. There's no reason to believe here. The 19 preponderance of the evidence demonstrates that. 20 I do want to talk a little bit about the 21 policy stuff that's kind of been thrown around, and one 22 thing I'd like to say is on the issue of specificity: 23 The Federal Elections Commission actually puts out a 24 list of these are the types of identifiers you are 25 allowed to use for consulting and these are the types</p>	<p>11:53:48-11:54:47 Page 109</p> <p>1 and I love it. If that's what we're going to start 2 doing, then we're going to start doing these very 3 expensive surveys and very complicated surveys and I'll 4 make even more money, but I don't -- I don't know that 5 that's a smart way to deal with Clean Elections. And I 6 think that -- I think that the advice to stay out of 7 price control and to -- leave reasonable to be what 8 reasonable is. 9 You have professionals who are reviewing 10 these, and those professionals can say this doesn't 11 seem reasonable and let you know this seems out of 12 whack; we should draw more evidence. And then they can 13 gather evidence on both sides of it. As it happens 14 right now, they asked us. We provided evidence under 15 penalty of perjury. 16 I've got to say one more thing on the flip 17 side of this which hasn't come up. If somebody is 18 underpaying -- if you underpay a political party, 19 that's not a problem because of the political party 20 exemption which is an interesting difference. So I'm 21 just going to use my own firm rather than pick on 22 Constantin. If Torres Consulting and Law Group -- we 23 have a consulting firm, right? If we have two 24 candidates and we undercharge this candidate, that's 25 illegal because that's an in-kind contribution.</p>

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

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

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

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

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

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


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



LILIA MONARREZ, RPR, CR #50699

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