

1 THE STATE OF ARIZONA CITIZENS CLEAN ELECTIONS COMMISSION REPORTER'S TRANSCRIPT OF VIRTUAL PUBLIC MEETING Phoenix, Arizona August 27, 2026 10:01 a.m. Prepared By: Angela Furniss Miller, RPR Certified Reporter Certificate No. AZ50127 MILLER CERTIFIED REPORTING, LLC RRF Number R1058 12725 West Indian School Road Suite F-100 Avondale, Arizona 85392 623-975-7472 Office@MillerCertifiedReporting.com Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	3 1 P R O C E E D I N G 2 3 ACTING CHAIR WERTHER: Okay. Good morning, 4 everyone. I'm Christina Werther, Acting Chair today, and I 5 call this meeting of the Citizens Clean Elections Commission 6 to order. It is 10:01 a.m. on August 27th, 2026. 7 Today's meeting is being held virtually. With 8 that, we'll take attendance. Commissioners, please identify 9 yourselves for the record. 00:00:24 10 COMMISSIONER CRUMP: Sam Crump. 11 COMMISSIONER PATON: Galen Paton. 12 COMMISSIONER TITLA: Steve Titla. 13 ACTING CHAIR WERTHER: And Mark Kimble is 14 absent, so we have four Commissioners who are present, and we 15 have a quorum. 16 For Item Number II, discussion and possible action 17 on the meeting minutes for July 23rd, August 4th, and 18 August 14th. Commissioners, you have the minutes in your 19 packets. Is there any discussion? 00:00:47 20 (No audible response.) 21 ACTING CHAIR WERNER: Hearing none, is there a 22 motion to approve the minutes for these three meetings? 23 COMMISSIONER CRUMP: I'll move their approval. 24 COMMISSIONER TITLA: Second. Steve Titla. 25 ACTING CHAIR WERTHER: Commissioner Crump has Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
2 1 VIRTUAL PUBLIC MEETING, BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION, convened at 10:01 a.m. on 3 August 27, 2026, in the presence of the following Board 4 Members: 5 Ms. Christina Werther, Acting Chair 6 Mr. Galen Paton 7 Mr. Steve Titla 8 Mr. Sam Crump 9 OTHERS PRESENT: 10 Thomas Collins, Executive Director 11 Paula Thomas, Executive Officer 12 Mike Becker, Policy Director 13 Gina Roberts, Voter Education Director 14 Avery Xola, Voter Education Manager 15 Alec Shaffer, Web Content Manager 16 Craig Morgan, Taft Law 17 Bill Richards, Richards & Moskowitz 18 Samantha Fox, Richards & Moskowitz 19 Angela Miller, Miller Certified Reporting 20 Cathy Herring, KCA 21 MEMBERS OF THE PUBLIC: 22 Aaron Borders 23 Caitlin Sievers 24 Gina Swoboda 25 Jane Evans Jeremy Duda Jon Ralston, AZ Green Party Lisa Everett Nancy Hawkins Nick Myers Richard Grayson Scott Neely Tim LaSota, Timothy LaSota PLC Thomas M. Ryan, Esq. Wayne Schutsky, KJZZ Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	4 1 made motion to approve the minutes. Commissioner Titla has 2 seconded. I'll call the roll. 3 Commissioner Crump. 4 COMMISSIONER CRUMP: Aye. 5 ACTING CHAIR WERNER: Commissioner Paton. 6 COMMISSIONER PATON: Aye. 7 ACTING CHAIR WERNER: Commissioner Titla. 8 COMMISSIONER TITLA: Aye. 9 ACTING CHAIR WERTHER: And Chair votes aye. 00:01:18 10 So the minutes are approved 4-to-0. 11 Item Number III is the Executive Director's report, 12 including enforcement and regulatory updates and an update on 13 participating candidates. 14 Tom, would you please provide the highlights of 15 your report? 16 MS. HERRING: Tom, you are muted. 17 MR. COLLINS: I apologize. Chair Werther, 18 members of the Commission, I just want to make a few 19 highlights from the Executive Director report. 00:02:23 20 First, the general election voter education guide 21 had -- has gone to print. We had 208 candidates eligible for 22 inclusion. And, importantly, we were able to include the 23 lieutenant governor candidates in the guide, so we did cancel 24 the supplemental mailing. I think we'd provided some notice 25 that we were anticipating that might happen if this came to Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

5 1 pass, and so that did. So I think that worked out well. 2 Our general election debates are underway. The 3 full schedule and candidate RSVP information is available on 4 our website, and we look forward to continuing to receive 5 voter questions. And we are completing our -- our 6 pre-gen- -- general election voter survey that identifies 7 issues voters are most concerned about heading into November. 8 So, we'll provide that information to our moderator, to 9 candidates as part of our effort to ensure that our debate 00:03:28 10 program is optimized. 11 As you can see from the report, we did have a 12 robust outreach effort ongoing. In particular National Voter 13 Registration Day will be coming up, and Avery and others are 14 working with the universities on activities that are going 15 to be going -- going on that day. 16 We finished the primary with 47 participating 17 candidates and our primary audits are now underway. 18 There's a number of things in the legal section. I 19 really only wanted to touch on one. Many of you may have 00:04:09 20 seen earlier this week the U.S. Supreme Court's decision in 21 the case called <i>Trump versus California</i> concerning efforts by 22 the federal government to -- that would impact mail-in 23 voting. 24 At the same time with this week the United States 25 Postal Service issued a new rule -- the final rule on mail Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	7 1 MR. COLLINS: That is -- Commissioner Werther, 2 yes, that's correct. And among the challenges there are 3 whether or not there is any statutory authority to even -- 4 for the USPS to be doing this, right? If you look at the 5 enabling act of the United States Postal Service, which I 6 happen to have done, there's really no -- there's really -- I 7 mean, if we're writing a rule with the basis of law that -- 8 that this rule has, I -- I suspect that the GRRC staff 9 attorneys will probably tell us to go back and work on it 00:06:37 10 some more. 11 ACTING CHAIR WERTHER: And I guess if there 12 is -- I guess obviously depending on what happens with the 13 litigation and the rule, are we able as the Commission to be 14 able to -- I guess, how are we going to do, I guess, voter 15 education? 16 MR. COLLINS: Well, I mean -- you know, I 17 would -- I mean, I would just say, I mean, at this point Gina 18 may have specific ideas on how we -- how we do that. 19 It -- in the time frame that we have if this were 00:07:05 20 implemented between now and November, you know, the -- the 21 list for election officials in terms of the way in which data 22 would have to be transmitted to the USPS in order for the 23 list that would be permissible for use of USPS itself, is -- 24 is -- is complex and really fraught with places for error 25 that will be borne by voters in the first place. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
6 1 voting and its involvement there. We are monitoring that. I 2 know Gina is already working to analyze the rule. And when 3 and if that goes into effect, you know there will be a 4 significant lift by all election officials around the state 5 to educate folks. 6 Now, we don't know if that's going to be for this 7 election cycle or not. But as published and finalized, I 8 think the major takeaway is that this will shift significant 9 responsibilities that currently begin and end with state and 00:05:10 10 local officials to the federal government and, therefore, 11 change how individual voters who use vote by mail, you know, 12 ensure that they get -- they receive their ballot. And that 13 is going to be, you know, a very significant development 14 procedurally for them and a major educational effort for -- 15 for everyone. 16 So, you know, I -- frankly, the rule is a little 17 bit too complicated for me to try to summarize now, but I 18 want to -- but I do want to flag that and recognize that, you 19 know, that Gina is already looking at that. 00:05:46 20 So with that, I complete my report. Unless you 21 have questions. 22 ACTING CHAIR WERTHER: Tom, I just had a 23 question, I thought maybe I saw this morning -- so I know 24 it's just this morning -- that maybe Arizona was joining in a 25 lawsuit now that the rule has been finalized? Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	8 1 So that part itself, just the doing of it is -- is 2 complex enough. 3 So, Gina, maybe, I don't know if you have any 4 thoughts on what we might do on the voter education side. I 5 would defer to Gina, Madam Chair. 6 MS. ROBERTS: Madam Chair, may I? 7 CHAIRMAN MEYER: Yes, please, Gina. 8 MS. ROBERTS: Yes. Madam Chair, 9 Commissioners, I think right now the most important thing for 00:07:57 10 voters to understand is that they have options. And so first 11 and foremost, you can track your ballot. And so if you 12 choose the vote by mail method, it's -- it's a fantastic tool 13 that voters have to track the status of their ballot all the 14 way from, okay, is my ballot being, you know, prepared, is 15 it -- was it mailed to me? So when you know your ballot was 16 mailed to you, then that tells you, okay, I should be 17 checking my mailbox any day now. And then when they receive 18 their ballot, returning it. 19 So making sure, one, voters understand how they can 00:08:28 20 track their ballot. And, two, what options they have if 21 they -- how they want to return their voter ballot. Do they 22 want to use a secure ballot drop box? Do they want to drop 23 it off at an in-person voting location on election day? 24 And then if they decide -- or for whatever reason 25 they don't receive the ballot -- they can always go to an Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

9 1 in-person voting location. And so I know our counties are 2 considering increasing the amount of in-person early voting 3 locations that are available to voters, and so we will help 4 with the education on that. 5 So I think, you know, from the -- there's, 6 obviously, the administrative side of things and -- and the 7 heavy lift that Tom was speaking to and, of course, the 8 legalities surrounding it. But from the voter perspective, 9 they need to just be aware of their options and what to do if 00:09:08 10 they request an early ballot and it didn't come, how -- you 11 know, what options are available to still vote and then also 12 tracking their ballot. 13 So those are things that we always educate on. We 14 can just amp them up, you know, as -- as we progress through 15 this. But importantly, voters need to understand the options 16 that are available to them and to really be proactive. So 17 understanding, this is when early ballots go out. You -- you 18 know, you should have had your ballot in the mail by now. If 19 you didn't, this is what you can do. And -- and tracking the 00:09:38 20 status of their ballot. 21 So it's going to be really those procedural things, 22 making sure that voters understand what options are available 23 to them as they navigate through the vote by mail process in 24 the event they didn't get their ballot. 25 ACTING CHAIR WERTHER: Okay. Thank you, Gina. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	11 1 discussion or consultation for legal advice with its attorney 2 pursuant to A.R.S. Section 38-431.03(A)(3), and neither the 3 Executive Director nor Mr. LaSota nor the public will be 4 allowed in executive session pursuant to state law. 5 So I'll just start first by asking Tom to discuss 6 the compliance process. 7 MR. COLLINS: Thank you, Madam Chair. And I 8 don't want to, you know, belabor this point too much. But, 9 you know, we received the request. I think probably the most 00:11:49 10 important thing is we certainly as staff don't have an 11 objection to the request, and we've prepared a form that is 12 essentially the -- based on the reason to believe vote the 13 Commission made last week. 14 And I think that the important aspects of 16-957 15 are, you know, that, you know, it does provide for the 16 issuance of this notice or order; it does provide for this 17 compliance period; it -- that -- that process does not 18 short-circuit or put anyone in a position where they, the 19 Commission agency's investigation of this is, you know, 00:12:50 20 forestalled or doesn't occur. It's not an opportunity for -- 21 it's not a thing that where everything that is in the order 22 has to be something that can be complied with. And I think 23 that's an important point, because, you know, there's 24 somewhat -- there's some language in there some people read 25 in other context, but the language is slightly different to Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
10 1 And I appreciate that you and Tom have already started to 2 think through this. 3 Did any of the Commissioners have any other 4 questions on this matter or -- or the Executive Director's 5 report? 6 (No audible response.) 7 ACTING CHAIR WERTHER: Okay. Seeing none, 8 there's no action item on this. So we'll just move on to 9 Item Number IV. That is the review -- Item IV is a review, 00:10:16 10 consideration, discussion, analysis and possible action on 11 Dr. Ralph Heap's request for compliance order in MUR 26-06. 12 So the order of this item will be as follows: 13 First we'll hear from Tom Collins our Executive Director; 14 second, we will hear from Tim LaSota who I believe is online 15 to represent Dr. Heap. And then we'll take any public 16 comments on this item. 17 Again, Mr. LaSota has -- who represents Dr. Heap 18 has requested the issuance of a notice for compliance under 19 A.R.S. Section 16-957. The Executive Director submitted a 00:10:55 20 letter dated August 25, 2026, for the Commission's review 21 regarding the statutory process and a draft form of order. 22 The Commission is represented in this matter by 23 independent counsel Craig Morgan of Taft Law. 24 And then as indicated on the agenda, at any time 25 the Commission may vote to go into executive session for Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	12 1 say that, you know, the only issue is compliance and after 2 compliance the matter resolved. That's not what 16-957 says 3 at all. 4 It says that there's time to come into compliance 5 and there's also an opportunity for explanation. It does 6 make clear that the mere fact of, like, compliance with the 7 reporting requirement by filing a late report doesn't 8 eliminate the late report, right. Otherwise, there would be 9 no purpose to the good cause consideration and explanation 00:13:49 10 procedures. 11 After the 14-day period expires, the Commission 12 need not immediately, and nothing in the statutory language 13 says, that the Commission be or ought to immediately make the 14 determination of whether or not someone is out of compliance 15 or not. 16 And, you know, we are in the process of acting on 17 the vote the Commission made at the last meeting regarding 18 reason to believe. 19 So with that, you know, as I say, we don't 00:14:25 20 anticipate -- you know, we -- we didn't develop the draft 21 order with the anticipation of too many questions about it, 22 it really is designed to hew to the Commission vote on the 23 reason to believe determination at its last meeting. 24 Unless Chairwoman or Commissioners, you have any 25 questions, I think that concludes my comments. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

13 1 ACTING CHAIR WERTHER: Are there any questions 2 for Tom from the Commissioners? 3 (No audible response.) 4 ACTING CHAIR WERTHER: If not, we'll move to 5 comments from Mr. LaSota, I believe you're here representing 6 Dr. Heap. 7 MR. LA SOTA: Yes. Thank you, Madam Chair. 8 You know, Mr. Collins says he doesn't have any 9 objection to the request, but your Rule 208 requires this 00:15:11 10 notice to the candidate, and it's not been provided as of yet 11 despite the fact that the Commission has had this -- this 12 complaint for months now. So now we're -- we're maybe 13 getting to that point, depending on how the Commission 14 proceeds today. 15 The other thing I want to mention is, you know, 16 your rules also call for, I think it calls for public 17 administrative resolution or something. And I wrote 18 Mr. Collins saying, you know, we'd like to -- to try to 19 resolve this, and the response I got was -- was completely 00:15:54 20 unsatisfactory. 21 The bottom line is, Dr. Heap is -- is trying to run 22 a campaign and we've -- we've basically been bombarded, you 23 know, by these complaints, and I think we've effectively 24 rebutted them. But it's time to -- it was time to -- to talk 25 to sort of resolution because we would rather not have to Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	15 1 to indicate if you want to speak. Please keep your mic or 2 phone on mute until we ask for your comments, and I'll call 3 on individuals one at a time. 4 When your name is called, please unmute yourself 5 and then state your full name for the record before beginning 6 your comments. And we request that you limit your comments 7 to three minutes. 8 If you need assistance, please also you can use the 9 chat function and then I'll -- I'll just to be sure to make 00:18:31 10 sure before we move on that everyone has an opportunity to be 11 heard. 12 Okay. So the first one that I see here is Gina 13 Swoboda. If you want to go ahead and unmute and identify 14 yourself. 15 MS. SWOBODA: Thank you so much. This is Gina 16 Swoboda. And I appreciate members of the Commission, thank 17 you so much for your time today. 18 Super quick comment. I just want to say, we need 19 candidates that run -- of participating candidates at -- to 00:18:58 20 comply fully with their campaign finance report. So if 21 there's an invoice that's still open from Mesa Sign Shop, 22 then the public really has no idea what the flow of money is. 23 And I appreciate Mr. LaSota's comments that his client no 24 longer wishes to have anything to do with this program. 25 However, he ran on the program; he's in the program. The Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
14 1 spend all of our time dealing with this Commission. 2 It's not happened. Now -- and you'll hear more 3 about this later from me on the next agenda item. Now 4 Mr. Collins is demanding money back from candidates. I think 5 it's probably only a matter of time before we get that letter 6 too. And, you know, under these circumstances it's just, 7 Dr. Heap just does not want anything to do with this program 8 anymore. He's requesting now that he be allowed to withdraw; 9 I'll submit a letter to that effect. 00:17:01 10 But right now we're -- we're afraid to really spend 11 any money because it's -- it's -- we're getting these -- you 12 know, three candidates have gotten these -- these notices of 13 repayment, and it's just that the Commission -- and I know 14 you'll continue it in an enforcement action, but Dr. Heap 15 never would have participated had he known what it would 16 involve. And -- and he doesn't want anything to do with this 17 program, and I doubt he ever will again based on just the 18 kind of the Byzantine process that one finds itself in when 19 one is the subject of the complaint. 00:17:43 20 So that's all I have to say. 21 Thank you, Madam Chair. 22 ACTING CHAIR WERTHER: Thank you, Mr. LaSota. 23 Let me see. At this time we were planning to take 24 public comment on this item. If you could make sure to go to 25 the "react" button icon on the toolbar and do a raised hand Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	16 1 Commission voted to keep him in the program. And it would be 2 great for, you know, election integrity that a lot of people 3 talk a lot about, if they could just -- just comply with the 4 law. That's it. 5 And I appreciate you. Thank you so much. Have a 6 great day. Bye. 7 ACTING CHAIR WERTHER: Thank you. 8 And next I see Lisa Everett. If you can unmute and 9 identify yourself. 00:19:40 10 MS. EVERETT: I'm Lisa Everett. 11 And I'm just a little concerned because Dr. Heap 12 received the same instructions as every other candidate that 13 runs through Clean Elections. So the rules were made clear, 14 and it appears that the rules have been violated. And now 15 that he has been caught, he wants to be fully released. 16 And I do hope that the Commission levies fines, 17 because we do need election integrity. We do need people to 18 follow the rules and to represent the public properly. 19 So I am urging the Commission to follow your own 00:20:23 20 guidelines and do what is right for the voters. And 21 Dr. Ralph Heap is not complying. 22 That's all I have to say. 23 ACTING CHAIR WERTHER: Thank you, Ms. Everett. 24 Let me see. I don't see any other raised hands. 25 Is there anybody else who wanted to comment on this item? Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

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1 (No audible response.)

2 ACTING CHAIR WERTHER: Okay. Mr. LaSota, did

3 you want to make any further comments?

4 MR. LA SOTA: No, thank you, Madam Chair.

5 ACTING CHAIR WERTHER: Thank you.

6 So any discussion from the Commissioners, or is

7 there a motion from the member of the Commission to move into

8 executive session for legal advice?

9 COMMISSIONER CRUMP: I make a motion we move

00:21:13 10 into closed section for legal advice on this matter.

11 ACTING CHAIR WERTHER: Is there a second?

12 COMMISSIONER TITLA: I second that motion.

13 Steve Titla.

14 ACTING CHAIR WERTHER: Okay. Commissioner

15 Crump has made the motion for executive session; Commissioner

16 Titla has seconded. I'll call the roll.

17 Commissioner Crump.

18 COMMISSIONER CRUMP: Aye.

19 ACTING CHAIR WERNER: Commissioner Paton.

00:21:29 20 COMMISSIONER PATON: Aye.

21 ACTING CHAIR WERNER: Commissioner Titla.

22 COMMISSIONER TITLA: Aye.

23 ACTING CHAIR WERTHER: And Chair votes aye.

24 So with a 4 -- vote of 4-to-0, we're moving into

25 executive session.

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1 For this e-session those attending are the

2 Commissioners, Craig Morgan who is our Independent legal

3 counsel, and then I believe Angela for our minute taking.

4 (Whereupon the proceeding is in executive session

5 from 10:23 a.m. until 10:32 a.m.)

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9 (Whereupon all members of the public are present

00:29:40 10 and the proceeding resumes in general session.)

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12 ACTING CHAIR WERTHER: Thank you. Does any

13 Commissioner want to make a motion regarding the order in MUR

14 26-06?

15 COMMISSIONER TITLA: Yeah, this is Steve

16 Titla. I'd like to make a motion to issue the order.

17 ACTING CHAIR WERTHER: Issue the compliance

18 order?

19 COMMISSIONER TITLA: Yes.

00:30:47 20 ACTING CHAIR WERTHER: Is there a second?

21 COMMISSIONER CRUMP: Madame Chair?

22 COMMISSIONER PATON: I'll second it, Paton.

23 COMMISSIONER CRUMP: Sorry.

24 ACTING CHAIR WERTHER: I'm sorry I heard two

25 at the same time.

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1 Do you want to -- Commissioner Crump, do you want

2 to...

3 COMMISSIONER CRUMP: I just, I wanted to

4 propose an amendment to the motion. I don't know if you want

5 to get the second first and then.

6 COMMISSIONER PATON: No, I'll take the second

7 off.

8 ACTING CHAIR WERTHER: Okay.

9 COMMISSIONER CRUMP: Okay. I -- I wanted to

00:31:17 10 propose an amendment. I think Commissioner Titla's motion

11 was to approve the proposed order; is that what I heard?

12 Okay.

13 ACTING CHAIR WERTHER: Yes.

14 COMMISSIONER CRUMP: And I would like to

15 propose that we amend it by removing Roman IV, paragraph

16 Roman IV subpart -- sorry. Well, I guess it's under the

17 actual order language at the end of page 2. So numeral 4

18 subpart (b) which starts out: "All documents and

19 communication reflecting Mesa Sign Shop."

00:32:00 20 ACTING CHAIR WERTHER: So you want to remove

21 that from the compliance order, number 4(b)?

22 COMMISSIONER CRUMP: Correct.

23 ACTING CHAIR WERTHER: And Craig, maybe help

24 me just to make sure, is it fine to just adopt that

25 amendment, or does Commissioner Titla need to restate his

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1 motion?

2 MR. MORGAN: I think the appropriate thing to

3 do is there's a motion that wasn't seconded, restate the

4 motion -- restate the motion as it relates to -- if someone

5 wants to make another motion. I think you make a record that

6 the first motion was not seconded, all right. I think

7 someone makes a new motion with this new amendment. And I

8 think as I understand the amendment, Madam Chair, it's to --

9 I'm sorry, did I miss? Was it to strike the entire paragraph

00:32:48 10 or just clarify that the paragraph only applies to the

11 candidate? I'm sorry.

12 COMMISSIONER CRUMP: Yeah, thank you,

13 Mr. Morgan. That would be helpful I think.

14 So my -- my proposed amendment to the motion is

15 that number 4(b) be amended so that it's clear it only

16 applies to the participating candidate and his campaign.

17 MR. MORGAN: So, Madam Chair, if I may,

18 members of the Commission, I think the appropriate move then

19 is just to clarify, make the motion to approve as amended --

00:33:29 20 as amended by Commissioner Crump and then go from there.

21 ACTING CHAIR WERTHER: Okay. So do we need to

22 restate it then?

23 MR. MORGAN: I would just to be careful, yes.

24 ACTING CHAIR WERTHER: Okay. So should

25 Commissioner Titla do that since he did the first one or does

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21 1 it matter? 2 (Simultaneous crosstalk.) 3 MR. MORGAN: I don't know it matters at this 4 point. The first motion didn't get a second, so. 5 ACTING CHAIR WERTHER: Sure. Okay. 6 Commissioner Crump, do you want to make that motion? 7 COMMISSIONER CRUMP: Sure. If it's all right 8 with Commissioner Titla, then I'll just go ahead and do that. 9 So I would make a motion that we approve MUR 26-06, 00:34:08 10 the draft compliance order, that we approve that with the 11 amendment in number 4(b) that that paragraph be amended to 12 state that it only apply to the participating candidate and 13 his campaign committee. 14 ACTING CHAIR WERTHER: And there is a -- 15 COMMISSIONER PATON: I'll second that, Paton. 16 ACTING CHAIR WERTHER: Okay. So Commissioner 17 Crump has made the motion to approve MUR 26-06, draft 18 compliance order, with the amendment 4(b) be amended that it 19 only applies to participating candidate and his campaign. 00:34:50 20 Commissioner Paton has seconded the motion, so I'll call the 21 roll. 22 Commissioner Crump. 23 COMMISSIONER CRUMP: Aye. 24 ACTING CHAIR WERNER: Commissioner Paton. 25 COMMISSIONER PATON: Aye. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	23 1 Commissioners. 2 So as Madam Chair mentioned, I want to bring the 3 Commission up to date on our efforts to understand how 4 Ms. Lombardo, Mr. Collier, and Mr. Neely obtained and used in 5 some cases Clean Elections Fund. 6 Before I begin I want to also make sure the record 7 is clear on where we are procedurally. As you mentioned, the 8 Commission has its own legal counsel, and I have counsel 9 assisting me with this. And so, I'm obviously not here to 00:37:06 10 provide you legal advice, the Commission, or tell you what 11 you can or can't do. 12 Obviously, we sent notice to the campaign at the 13 e-mail addresses that they use. And by virtue of -- I see 14 Mr. Neely and Mr. LaSota that it appears for all of the -- 15 UNKNOWN MALE: Is this for lunch again? 16 COMMISSIONER TITLA: Where? 17 UNKNOWN MALE: Oh. We're taking orders -- 18 ACTING CHAIR WERTHER: Commissioner Titla, can 19 you just mute yourself? Thank you. 00:37:30 20 Sorry, Tom. 21 MR. COLLINS: No, no. So, and there's a 22 reason we're proceeding this way. Because this is an ongoing 23 effort and, you know, ordinarily there would be good reason 24 not to disclose anything sooner than we have to. Doing so 25 creates some risk of evidentiary loss, you know, some Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
22 1 ACTING CHAIR WERNER: Commissioner Titla. 2 COMMISSIONER TITLA: Aye. 3 ACTING CHAIR WERTHER: And Chair votes aye. 4 With a vote of 4-to-0, the motion passes. 5 Okay. Item V is review, consideration, discussion, 6 analysis and possible action on repayment recommendation 7 involving three participating candidates: Risa Lombardo is 8 participating candidate for governor; Scott Neely, a 9 participating candidate for governor; and Duwayne Collier, 00:35:31 10 participating candidate for Secretary of State. 11 Commissioners, you have the letters sent by the 12 Executive Director in your packet. The Commission's 13 independent legal advisor for this matter is Bill Richards 14 and Samantha Fox of Richards & Moskowitz. 15 My -- a suggestion would be that we at least hear 16 from Tom Collins, our Executive Director, and then if the 17 Respondents and the representative -- which I believe 18 Mr. LaSota said he's representing them, or at least maybe one 19 of them today -- and then we may want to go into executive 00:36:04 20 session just since this is the first time we're hearing about 21 this item to at least get some legal advice without sort of 22 the framework of this process. 23 So Tom if you'd like to proceed, please just come 24 with your opening statement on this matter. 25 MR. COLLINS: Thank you, Madam Chair, Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	24 1 compromise. But we have set this here in order to ensure 2 that Respondents have additional notice of the concerns we 3 have identified. And they will have, as you identified 4 already, Madam Chair, have an opportunity to respond to that. 5 And I think that this is appropriate given the 6 repayment -- potential repayment obligations that we noted. 7 It doesn't mean that I -- what I present today 8 reflects the entirety of the evidence we have or other 9 evidence that we may obtain. As I mentioned in the letter 00:38:25 10 specifically, you know, we're not anticipating asking the 11 Commission to take action today. But I think that we have 12 developed sufficient evidence that the Commission needs to 13 understand where we are and where I expect this to go. 14 Now let me be precise about what the issue is here. 15 This is not a request that the Commission impose a penalty 16 because it believes fraud occurred. This is a narrower 17 question. The question is, under the rules were these 18 candidates entitled to the public funds they received. 19 Clean Elections Funding is not money to which 00:39:06 20 candidate's automatically entitled. The candidate has to 21 satisfy the statutory requirements for qualification before 22 becoming entitled to public funding. And among the most 23 fundamental requirements are the \$5 contribution. Those \$5 24 contributions are not simply paperwork, but they're a 25 mechanism by which a candidate demonstrates the required Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

25 1 level of public support and becomes eligible for public 2 funding. 3 The Commission has an independent statutory 4 responsibility to enforce the Act, to monitor candidate 5 reports and financial records, and ensure that fund money is 6 properly placed and spent, and ensure that money required to 7 be returned is deposited to the fund. 8 On our -- in our repayment rules, one rule that 9 we're addressing here is that consistent with the obligations 00:39:52 10 under the Act, if there is a payment that's determined to be 11 in excess of the payments to which the candidate was 12 entitled, the candidate must repay that amount. 13 So the question is, essentially, whether or not the 14 candidates were entitled to receive the funding. And we 15 have, you know, at this point substantial evidence about why 16 the qualifying contribution process was not valid. 17 We'll start with the data. You know, it's not one 18 isolated contribution here that -- that got our attention. 19 It's the relationship among the qualifying contributions 00:40:49 20 attributed to these three separate statewide campaigns. And 21 we've done -- we've run a preliminary analysis of the data 22 that is included in the exhibits, and that preliminary 23 analysis shows something about 5,000 unique donor names. And 24 about 74 percent of those are associated with more than one 25 of these three candidates. And -- and almost half of them Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	27 1 activities that the campaigns represented was occurring. 2 And I want to be a little careful here about what 3 that does and doesn't establish. There's no rule that says a 4 candidate has to spend a particular amount of money to 5 collect qualifying contributions. And the law recognizes 6 that candidates can receive substantial assistance without 7 incurring reportable campaign expenses. I think we might 8 hear about -- a lot about this in a few minutes. 9 But, you know, an individual may receive volunteer 00:43:19 10 services with -- may volunteer services without compensation 11 or a volunteer can absorb certain personal expenses like 12 travel or use of property; candidates can speak at certain 13 privately furnished venues; the statute contains other 14 specific exceptions for particular activity. 15 So a campaign can certainly accomplish some things 16 without spending money, but those exceptions do not explain 17 away all of the financial activity here. These were 18 statewide candidates represented to have obtained thousands 19 of separate \$5 contributions from Arizona voters over a 00:43:54 20 period of months. That is activity on a substantial scale. 21 Someone had to find thousands of people; someone 22 had to communicate them, someone had to -- thousands of paper 23 forms had to be obtained, distributed, completed, collected, 24 organized, tracked, transported and submitted. Thousands of 25 \$5 payments that supposedly had to be collected, maintained Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
26 1 are associated with all three candidates. 2 So that means that nearly three out of four names 3 in the combined donor pool appear with more than one of these 4 candidates, and nearly one out of every two names appear with 5 all three candidates. 6 And then there are, like, something like 400 or 7 500, in one case might be around 300 individuals, right. So, 8 so you got the bulk gave to at least two; almost half gave to 9 all three. And then you've got a handful of candidates -- or 00:41:47 10 handful of donors that purportedly gave to just one of each 11 of the individual candidates. 12 And that identifies a pattern that is, you know, 13 itself anomalous. You know, we're not talking about 20 14 people or 50 people or a few -- even a few hundred people 15 that might have been at a -- a state party meeting. We're 16 talking about, you know, something like 3,000 names 17 associated with multiple candidates. 18 And that means that the questions presented by the 19 rest of this evidence are not complying to an isolated group 00:42:25 20 of forums, it runs through a substantial portion of the 21 qualifying contribution activity itself. And that really 22 brings us to why the candidates' prefunding financial 23 activity was so important. 24 So as we talked about in the letters, the 25 prequalification financial activity doesn't match the Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	28 1 and accounted for ultimately delivered to the campaign. 2 Volunteer labor can explain some of the activities, 3 but it doesn't explain all the goods and services, materials, 4 communications, administration and other resources that would 5 be associated with the operation of that scale. 6 And we have examples specifically in the Collier 7 and the Neely letter about what ordinary statewide candidates 8 on both sides of the aisle are doing. And these candidacies 9 are, again, anomalies. 00:44:40 10 And the statutory exemptions to the definition of 11 contribution are important because they are specific. They 12 exempt an individual's uncompensated volunteer services and 13 certain incidental volunteer expenses, you know. But there's 14 no general exception for another person to simply supply a 15 candidate campaign with what are ordinarily goods and service 16 necessary to conduct the campaign and just call them 17 volunteer. 18 So look at what's exactly reported. Scott Neely 19 reported less than \$400 in expenses and with \$268 in seed 00:45:15 20 money. 21 Collier -- that Mr. Collier reported no prefunding 22 expenses and \$55 in seed money. As the notice puts it, this 23 is a campaign that paid nothing for advice, nothing on paper, 24 no bank fees, nothing. 25 Ms. Lombardo's first quarter campaign report Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

29 1 similarly showed no seed or early contributions, no 2 expenditures while she was supposedly accumulating qualified 3 contributions. Her bank statement showed only nominal 4 balance during this period. 5 Again, the point is not that a legitimate campaign 6 must spend a particular amount of money. The point is the 7 reported financial activity is extraordinarily difficult, if 8 not impossible, to reconcile with the scale of activities 9 these campaigns represented was occurring. 00:46:01 10 The volunteer exceptions only apply to those things 11 that are provided without compensation or reimbursement, and 12 that are not, you know -- in converting sort of an 13 industrial-level signature gathering operation to volunteer, 14 is -- is not something that you can just say and magically 15 answers the question. 16 You know, for example, if a person is being paid to 17 circulate position -- petitions or canvass voters, perform 18 voter conduct or other campaign fieldwork, or for another 19 campaign or for a group of campaigns, and that same person is 00:46:45 20 collecting qualifying contributions during the compensated 21 operation, you can't just say: Oh, and by the way, I'm going 22 to volunteer for two minutes here and have you fill out this 23 form over here. And I think we're going to hear something 24 along those lines from Mr. LaSota. I do. 25 But the relevant question is, what was the person Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	31 1 heavily on paper qualifying forms. And despite that, the 2 corresponding money does not appear in their campaign 3 accounts during that period. 4 So we have campaigns reporting little financial 5 activity, no financial activities in any meaningful way, 6 while sample -- simultaneously representing substantial 7 campaign activity was taking place and the people -- so. 8 So, the inference that I suspect the candidates are 9 going to ask you to draw is that the absence of expenditures 00:49:12 10 is explained away by volunteers, and they will ask you to 11 reject the inference that follows from the evidence that we 12 actually have: Extraordinary donor overlap, thousands of 13 paper forms with no virt -- virtually no costs associated, 14 and no contemporaneous financial trail for the \$5 15 contributions. 16 And in place they're going to ask you to infer from 17 what the record does not show, that there is an essentially a 18 cost-free operation, a large group of uncompensated 19 volunteers sufficiently organized and dedicated to three 00:49:48 20 largely unknown statewide candidates to locate thousands of 21 voters, obtain thousands of paper qualifying forms, collect 22 corresponding cash -- right? Because we know, and we'll get 23 to this later, that it wasn't checks -- and ultimately 24 deliver it to the campaigns. 25 I mean, that's a hypothetical but that's not the -- Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
30 1 being paid to do; were the qualifying contributions collected 2 during the same shifts where they were being paid? Were they 3 being paid hourly? You know, transportation, supplies, voter 4 list, office space, all those resources, those aren't 5 volunteer. 6 So you can't make compensation disappear merely by 7 characterizing one component of a -- of a field operation as 8 volunteer activity. That's just not -- there's nothing 9 anywhere in the exceptions to contributions that Mr. LaSota's 00:47:39 10 pointed to in the past that supports that. 11 So -- so if the explanation for how these campaigns 12 obtain thousands of paper qualifying contributions while 13 reporting almost no prequalification expenses is that 14 volunteers collected them. But the people responsible for 15 collecting those contributions were simultaneously being paid 16 somewhere in broader operation, obviously this volunteer 17 application will turn out to be less than persuasive. 18 In other words, the absence of campaign 19 expenditures doesn't mean that there were necessarily no 00:48:20 20 costs, it may instead mean the costs were borne somewhere 21 else. In standing alone, that requires an investigation. 22 But it doesn't stand alone here. 23 Nearly three-quarters of a set of unique donor 24 names were associated with more than one of these candidates, 25 nearly half associated with all three. The campaigns relied Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	32 1 that's not what the evidence shows. The actual evidence 2 shows us that -- you know, the actual evidence shows the 3 opposite. 4 And this distinction matters, because the 5 Commission is not being asked by the Rule 704 to presume the 6 candidates were entitled to public funding and then require 7 staff to disapprove every conceivable, innocent explanation. 8 The question of the repayment rule is what the evidence 9 establishes about the candidate's entitlement. 00:50:38 10 And the Commission should draw the most reasonable 11 inference from the evidence it has, not replace the evidence 12 with unsupported inferences drawn from what's missing. 13 And, you know, the expenses doesn't stop -- the 14 evidence doesn't stop with the missing expenses, because the 15 money suddenly appears. This is probably for me at least the 16 most significant evidence we have. 17 The qualifying contribution forms represent 18 thousands of individual transactions purportedly occurring 19 over a period of months. But the bank records do not show 00:51:12 20 the money moving into the campaign accounts as those 21 transactions occur. Instead, Mr. Neely, in his May bank 22 statement, shows a single in-person deposit, cash deposit, of 23 \$20,940 on May 12th, one week before he applied for funding. 24 But his qualifying forms indicate that there's -- and his 25 reports, the campaign finance system report reflect those Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

33 1 were collected over months. 2 Mr. Collier had a single 18,060 cash deposit on 3 May 29, the day he filed his application for funding. Again, 4 the forms report to reflect the contributions over many 5 months. And the money nevertheless somehow is deposited in 6 one large cash deposit. 7 Ms. Lombardo, the same thing. \$21,485 in in-person 8 deposit the day she filed her application for funding. 9 And -- and there's even an indication that she knew how to 00:52:10 10 use Stripe. If candidates are using Stripe, typically they 11 could have a large transfer from Stripe. But that tells us 12 we know the money is in Stripe, which is what the electronic 13 system the Secretary of State provides. 14 So we have this common sequence: Thousands of \$5 15 contributions supposedly collected over months, no 16 corresponding campaign financial activity, and the money -- 17 the \$5 alone is absent from the campaign account, and then 18 substantially all the qualifying contribution money appears 00:52:43 19 in a single large deposit immediately before or on the date 20 the funding is requested. 21 So this is more than an unusual banking practice. 22 It's a positive break in the financial evidence connecting 23 the purported contributors to the money deposited by the 24 campaigns. 25 And that matters because the qualifying Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	35 1 So, in other words, Mr. Neely confirmed that he 2 knowingly took this cash with no apparent knowledge of its 3 provenance and then clammed up when asked -- when he was 4 asked who got him involved in this. 5 And you can see the gears going when you read his 6 comments to <i>The Mirror</i>. You can almost feel him saying: I 7 think I might have said too much. 8 And this break goes directly to the entitlement. 9 The candidate's entitlement under the rule depends upon the 00:55:05 10 qualifying contributions actually that occurred. The 11 candidate cannot establish entitlement merely by producing 12 thousands of forms, and then pointing to a later pool of 13 money equal to that \$5 when the evidence doesn't establish 14 the money came from the individual identified on those forms 15 because of this very clear, very strong break in the chain 16 between those qualifiers and the \$5. 17 To put it another way, collecting \$5 over a period 18 of months, why was -- where was the money? Was it in a 19 shoebox somewhere? Was it under someone's mattress? The 00:55:40 20 reason people use banks -- and this is a fact that the Act 21 mandates, that financial activities be through one single 22 campaign finance account is because they don't want to be 23 Uncle Billy in <i>It's a Wonderful Life</i>. 24 So then we get to the fact that we now have 25 evidence at the other end of the transaction. Purported Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
34 1 contribution is not just a form that has the voter's name. 2 The candidate must actually receive \$5 from that individual. 3 The solicitor, whether it's a candidate signing as a 4 solicitor or a different solicitor, signs in fact that they 5 got \$5 from that individual. 6 So the temporal and possessory link between the 7 money and the qualifying forms is broken. The bank records 8 instead document the campaign's possession at a much later 9 point in time. A large pool of money deposited through a 00:53:33 10 single transaction immediately before funding is sought. 11 And particularly where we're dealing with these 12 lump-sum deposits, the Commission can't presume that each \$5 13 came from an individual whose name appears on a qualifying 14 contribution form. Because that connection is precisely what 15 the evidence is called into evidence. 16 The temporal and possessory link between the money 17 and the qualifying forms together with the cash deposited in 18 the lump-sum transactions means the Commission can't simply 19 infer the link. There's a positive break in the financial 00:54:10 20 evidence. 21 And to illustrate this break -- break precisely, 22 Mr. Neely gave an interview to <i>The Mirror</i> where he admitted 23 that the people who recruited him to run for governor also 24 said they had volunteers to collect the \$5 donations. But he 25 declined to say who these people are. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	36 1 contributors who have said they did not make the 2 contributions attributed to them. 3 Just to look at <i>The Mirror</i> story. Christopher 4 Scott of Peoria looked at the records that said he had 5 contributed \$5 to all three. Right? So Mr. Scott -- we're 6 to presume, I guess, that Mr. Scott would have sat there with 7 three forms and had \$15 and given \$15 to all three 8 candidates. And he told <i>The Mirror</i> that he's a thousand 9 percent certain he did not make any of those contributions. 00:56:38 10 And that's important because it precisely 11 addresses, again, the evidentiary gap created in the bank 12 records. The form says an individual provided \$5. The bank 13 records do not establish that the money came from that 14 individual or any individual. And now individuals identified 15 on those forms are saying they didn't provide any money at 16 all. 17 So each piece of the puzzle reinforces the other, 18 and they all point in the same direction. 19 Nearly three-quarters of the unique donor names are 00:57:13 20 associated with multiple candidates; nearly half associated 21 with all three. Campaign's prefunding financial activity 22 doesn't reflect the operating cost of thousands of indiv- -- 23 seeking thousands of individual contributions; the 24 corresponding money does not occur in campaign accounts as 25 those transactions supposedly occurred. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

37 1 And that's not to say that they had to have 2 every -- every day someone had to go to the bank and deposit 3 \$5. But it is to say that over the course of many months, it 4 is irrational to not have put those -- that money in the 5 bank. 6 We also know that it wasn't checks. Because, you 7 know, if they were checks, they would have been deposited in 8 the account. So it's cash. 9 So the Commission doesn't need to presume away all 00:58:04 10 of this evidence based on some claim of exceptions or what 11 have you. 12 And that takes us to the entitlement issue, right? 13 704(b) provides that the Commission determines any portion of 14 payments made to candidates was in excess of the payment to 15 which the candidate was entitled, the candidate has to repay 16 that amount. The rule distinguishes that what the candidate 17 paid and what the candidate -- candidate is entitled to 18 receive are not the same. 19 It establishes that the government issue the 00:58:36 20 payment -- the government may have issued a payment, but that 21 doesn't establish entitlement. The entitlement depends upon 22 the qualification, and that depends upon satisfying these 23 statutory requirements. 24 So the question is not whether the campaigns 25 ultimately possessed the amount of money approximately equal, Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	39 1 greater than 110 percent of the required filing. So that 2 4,400 qualifying contribution. 3 And I had Mike check the math three times. So we 4 know that's -- we know that's a real number. 5 4,300 is only like 107 percent, right? So 6 mathematically the -- the indication from the Secretary's 7 office is that counties informed Secretary's office they had 8 qualifying on the random sample. The math based on the 9 numbers we have in those same reports don't -- it's just not 01:00:47 10 possible. 11 So, you know, we don't know why that happened or 12 how that happened yet. We don't know if there's a -- but -- 13 but we know that that's what the -- the -- the raw facts say. 14 So I think that this requirement is conceptually 15 pretty straightforward. Qualifying contributions attributed 16 to candidate, they have to actually satisfy the statutory 17 requirement, and -- and we don't -- we don't have that 18 established by the candidate. 19 If the candidate -- if the candidate actually 01:01:25 20 satisfied the qualification requirement, if the candidate 21 did, the candidate would have been entitled for the funding. 22 If the candidate didn't, then the candidate wasn't entitled 23 to obtain public funding on the basis of that qualification. 24 And if a candidate's received public funding 25 without satisfying the condition that created the Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
38 1 the \$5 multiplied by the forms they submitted. The question 2 is whether or not the individual qualifying contributions 3 represented by those forms actually occurred. 4 And if they did not, they can't be counted towards 5 qualification. And where the evidence breaks the connection 6 between the purported individual contribution and the 7 lump-sum money deposited in cash either before or literally 8 on the day that these folks applied for funding, the 9 Commission can't simply presume this missing element into 00:59:22 10 existence. 11 The positive break in the financial evidence is 12 sufficient to require the Commission determine the candidate 13 has actually established the qualifying contribution is 14 necessary in place -- entitlement in the first place. 15 Now, I know I've gone on. I have a little bit more 16 that I really think I need to get through, because this is 17 complex. 18 Ms. Lombardo, there's an additional certification 19 issue that we -- we don't, frankly, have an entire answer to. 00:59:49 20 As the records that we've received and reviewed from the 21 Secretary's office indicate that she provided \$4,300 -- or 22 4,300 qualifying contribution slips. 23 The minimum for gubernatorial candidate is 4,000. 24 There's a sampling process under 6950(c) that says that 25 approval based on a sample requires you have to project that Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	40 1 entitlement, the payment exceeded the amount to which the 2 candidate was entitled. And that's the circumstances 3 addressed by RT2-20-704(b)(1). 4 I want to emphasize that this is distinct from the 5 penalty process and penalties. We're not saying fraud 6 occurred therefore the penalty is 4.7 million. That's not at 7 all what we're saying. We're -- we're not even saying fraud 8 occurred. 9 We're saying that the -- that the theory is for the 01:02:12 10 amount of public funding to which each candidate was entitled 11 compared to what the candidate received, if the candidate 12 received more than what the candidate was entitled to, the 13 difference needs to be repaid. And we issued a notice that 14 goes to we think that that could be the full amount here. 15 Also anticipate that there will be an argument made 16 along the lines of, well, these candidates were certified and 17 that's the end of the inquiry. In other words, once the 18 Secretary sends an e-mail that says that the candidates were 19 certified, there's nothing else to be done and the money is 01:02:52 20 gone. 21 But the whole point of 704(b)(1) is to allow the 22 Commission to determine if the candidate received more of the 23 money than they were entitled to. 24 16-956(A)(7) puts a burden on the -- on the 25 Commission to ensure that money is placed in candidate -- to Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

41 1 enforce the Act and to ensure that money is placed in 2 candidate's accounts as -- as authorized by the Article and 3 not otherwise. 4 And certification itself obviously occurs based on 5 the information that was available at the time. A 6 certification based upon the representations that a candidate 7 obtained thousands of \$5 contributions can't transform 8 contributions that we don't have the evidence actually 9 occurred in that way into valid contributions retroactively 01:03:39 10 whenever that that's discovered. 11 I mean, in other words, the fact that on the day 12 they submitted, the Secretary of State and the counties did 13 not know what had happened in the background is not itself 14 validating of what happened before they made that 15 certification. There's not a "get away with it" clause in 16 the Clean Elections Act. 17 Because that would effectively eliminate the 18 Commission's ability to do its duty under 16-956(A)(7) to 19 enforce the Act and ensure that monies are placed in -- are 01:04:14 20 placed in candidate accounts or otherwise spent in accordance 21 with the Article. 22 You know, I -- I want to spend a brief time on 23 the -- the issues with the accounting issues. You know, 24 Collier and -- Mr. Collier and Mr. -- Ms. Lombardo made 25 substantial payments to a company called Boot Strapped Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	43 1 required to ignore that evidence because the fund made 2 payments before the underlying problem was discovered. 3 Otherwise, again as I said 16-956(A)(7) doesn't mean 4 anything. 5 So I want to be clear, I'm not asking the 6 Commission today to do anything. I'm not asking the 7 Commission to determine the repayment obligation. And -- 8 and -- and there's nothing here that seeks to impose a 9 penalty. 01:07:00 10 The candidates are -- are put on notice now the 11 evidence developed so far, the potential repayment amounts, 12 they need to preserve relevant evidence. The notices advise 13 them that, you know, of all the authority that the Commission 14 has. And -- and I anticipate that there will be a final 15 repayment recommendation that we make after this. And the 16 candidates will have an opportunity to respond. 17 But the evidence here should be viewed in sequence 18 and should be -- and the inferences should be drawn based on 19 the evidence, not based on the absence of evidence. We have 01:07:38 20 an extraordinarily anomalous pattern of donor names. We -- 21 and in this -- in this small set of three campaigns. We have 22 contemporaneous financial activity that doesn't reflect an 23 operation of this scale at all. We know that the 24 corresponding money for these \$5 qualifying contributions 25 doesn't appear at all in the campaign accounts as those Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
42 1 Campaigns, that's a Nevada company. You know, we know though 2 from the evidence that we both submitted by the Lombardo 3 campaign and the -- and the Neely -- and the Collier campaign 4 that, you know, that with the mail house, which is not 5 identified, was different. We know from going out and doing 6 fieldwork on the signs that the -- that the Collier signs 7 were installed by a different company, and that's the contact 8 on the Collier sign. And the Lombardo signs placement with 9 the -- with the Neely signs and -- and the Collier signs I 01:05:22 10 think create strong evidence that this was a -- this was a -- 11 that the signs were also -- there's another venue there as 12 well. 13 So that's a separate theory for those two 14 candidates under the fact those should have been reported 15 properly. They're not. That's out- -- that's outlined in 16 the 20-7- -- in the repayment rules. 17 So, ultimately, this is public money, and the fund 18 paid out to these candidates because they represented through 19 the qualification process that they'd satisfied the statutory 01:05:58 20 condition of public finance. And we now have actual evidence 21 that calls into -- that calls into question that. We have 22 evidence that the factual basis for believing that the \$5 23 qualifiers and the -- and the -- and the \$5 donations and the 24 qualifying contributions, they were -- they're delinked. 25 So the Commission is not required and oughtn't be Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	44 1 transactions occur. Rather we've had large, lump-sum 2 deposits that appear immediately before -- in fact, in the 3 two cases on the very date -- candidate sought public 4 funding. And we have folks who were purportedly contributors 5 now denying that they supplied the contributions attributed 6 to them. 7 This sequence creates a positive break in the 8 evidence connecting the individuals identified on the 9 qualifying contribution form to the money ultimately 01:08:35 10 deposited with the application for funding. And the 11 Commission can't fill that break with the presumption that 12 every \$5 -- every \$5s in the later lump-sum deposit must have 13 come from the individual named on the form. 14 This is particularly true when almost half of the 15 unique donor names appear across all three campaigns. 16 Candidate's entitlement depends on qualifying contributions 17 actually having occurred. Payment is not entitlement; 18 qualification creates entitlement. 19 If ultimately the evidence establishes these 01:09:06 20 candidates did not actually obtain the qualifying 21 contribution necessary to qualify, the Commission, you know, 22 has to determine they were a- -- what they were actually 23 entitled to receive. 24 And if the fund paid more, the repayment is not a 25 penalty. It's the return of public money paid in excess of Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

45 1 the candidate's entitlement. 2 So, again, I'm not asking the Commission to act 3 today, but I feel it was important to provide, you know, this 4 information. And, again, to provide as much notice to the 5 candidate as possible. Which we have done as they are here 6 and -- and made some points now and, you know, they're -- 7 they're here. 8 So Madam Chair, that, I understand it went long, 9 but that is my presentation on this at this time unless you 01:09:49 10 have any questions. 11 ACTING CHAIR WERTHER: Thank you, Tom. 12 Questions from the Commissioners? 13 COMMISSIONER PATON: This is Paton. 14 ACTING CHAIR WERTHER: Yes. Commissioner 15 Paton? 16 COMMISSIONER PATON: Yes. So Tom, we're just 17 not going to rely on the newspaper to interview those people, 18 I mean the re- -- the story or whatever -- 19 MR. COLLINS: Right. 01:10:22 20 COMMISSIONER PATON: -- we would -- part of 21 your investigation eventually would be to go through those 22 people, the \$5 contribution, the forms, and get to the bottom 23 of this by our own deal. 24 MR. COLLINS: Yeah. Madam Chair, Commissioner 25 Paton. So we have -- I don't -- I don't -- I want to be a Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	47 1 about this the day that the news article came out a couple of 2 days ago. I haven't been given sufficient time to obtain 3 counsel. And I really don't have any comment on the matter. 4 I haven't engaged in any fraud. And on top of that, I will 5 be exonerated soon. 6 Thank you very much. 7 ACTING CHAIR WERTHER: Thank you, Mr. Neely. 8 And then Mr. LaSota, I believe you said you were 9 representing -- which candidates are you representing? 01:12:57 10 MR. LA SOTA: Lombardo and Collier. 11 ACTING CHAIR WERTHER: Oh. Okay. Please 12 proceed. 13 MR. LA SOTA: Thank you. 14 The bottom line here is this is black helicopter 15 material. I mean, this is a -- a really far-fetched 16 conspiracy theory that doesn't really make a lot of sense at 17 any level. 18 And I'd like to start with Mr. Collins's assertion 19 that there was a -- which basically is saying that I botched 01:13:23 20 this when I -- when I gave you the money. That's what he's 21 saying, is: You got the money; you shouldn't have gotten it 22 because the Secretary of State didn't do a proper analysis of 23 the \$5 contributions. 24 Well, the time to bring that up is before you 25 deposit millions of dollars into the candidate's account. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
46 1 little careful here because, as I said at the outset, I'm 2 not -- what I've presented today does not include every -- 3 all of the evidence that we have. We do have our own 4 fieldwork and that fieldwork is consistent with what <i>The</i> 5 <i>Mirror</i> has reported. 6 And as I said in my letter to these -- the 7 candidates, you know, we -- and I've said to you, you know, 8 we're not asking for an action today, but we -- we will be 9 continuing to do that. 01:11:25 10 So, so in answer to your question: Yes, that is 11 underway; yes, it gives us confidence that the reporting in 12 <i>The Mirror</i> is correct. And yes, as I said to the candidates 13 and I say to you today, there is additional work we would 14 like to do. 15 COMMISSIONER PATON: Okay. Thank you. 16 ACTING CHAIR WERTHER: I want to make sure 17 that we're giving the representatives -- or the Respondents 18 an opportunity to speak. 19 Scott Neely, I see that you're here online. Do you 01:12:01 20 wish to make comments? 21 And since you're muted, I can't hear you so I don't 22 know if you're -- if you want to unmute if you're available. 23 MR. NEELY: Yeah, this is Scott Neely. So -- 24 ACTING CHAIR WERTHER: Yes. Please proceed. 25 MR. NEELY: So I only -- I only found out Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	48 1 Now, as it is, Mr. Collins is just wrong on that 2 point. His -- what -- what Mr. Collins says is is 3 essentially that we didn't hit the -- Ms. Lombardo didn't hit 4 the automatic qualification. Which is true, she didn't. She 5 didn't have a 110 percent of the contributions she needed. 6 But hopefully everyone can see this letter, this is 7 from the Secretary of State's office to Ms. Lombardo. 8 Can -- can -- Madam Chair, can you -- is the screen 9 being properly shared? 01:14:18 10 ACTING CHAIR WERTHER: Yes, Mr. LaSota. I can 11 see it, yes. 12 MR. LA SOTA: Okay. So you see what he says 13 up here, you filed candidate -- you know, you filed these 14 contributions, the sample shows you don't have a 110 percent. 15 Pursuant to A.R.S. 16-950(C), all 4,300 qualifying 16 contributions were forwarded to the County Recorders for 17 verification. 18 So they were all sent to these County Recorders, 19 and they were all verified. 01:14:46 20 Now if we go to another -- and this was actually in 21 the packet. I think this is Exhibit -- this is Exhibit 1 22 in -- in Collins's letter to -- to Lombardo. And this is 23 that he points to that -- that, well, you know, she shouldn't 24 have been qualified for funding. 25 Well, this -- on this very e-mail you see this -- Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

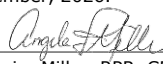
49 1 this form, this link, this -- from the Secretary of State's 2 office. So if we look at Ms. Lombardo, she's line 31. We 3 can -- we can scroll through this and see exactly what 4 happened. 5 So we have her. She starts off. She doesn't get 6 the initial qualifying, and that is consistent with -- that 7 is true and it -- it even says that somewhere. Initial -- 8 initial sampling: No. She didn't qualify there. 9 So what do we do? We send a hundred percent to all 10 of the counties and we have a record of them returning these. 11 Returned, returned, returned 5/19, 5/12, 5/18. Qualifying? 12 Yes. 13 So, in other words, what happens, she doesn't 14 qualify initially, right. And she doesn't -- she's not over 15 a 110 percent. So what the Secretary of State's office does 16 is they send out every single one of these \$5 contribution 17 forms to the respective counties that -- that they originate 18 in, and they check every single form. And they come back and 19 they say, yes, she's got enough qualifications and then we 20 get the May 19th letter. 21 So -- so Mr. Collins is just plain wrong. And he 22 says he's been investigating this thing for months. I was 23 able to determine this in about 24 hours. I'm stunned. 24 And -- and the other thing we didn't get is nobody 25 with the campaign got a phone call. I mean, if -- if Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	51 1 your money. Even though you -- this could have been done 2 back in May. You could have been collecting signatures. We 3 don't know how far short you were. Maybe you were one 4 signature short. We don't even know that she was short 5 because he's produced no evidence that he [verbatim] was 6 short. 7 And, in fact, the Secretary of State has certified 8 that every single \$5 contribution form was sent out to 9 counties, and they verified that she had enough signatures -- 10 or \$5 contributions I should say. 11 So the letter, the credibility of the letter is 12 just is -- is -- is zero. 13 Let's talk about, you know, Mr. -- Mr. Collins 14 talks about the volunteers or, you know, how could she have 15 had this many volunteers. 16 And -- and the first thing I will say about that is 17 I don't represent Scott Neely, but I -- I would never tell 18 Mr. Collins the identity of volunteers, because what he'll do 19 next is he's going to go out and subpoena and badger those 20 people too. 21 You know, he's -- he's already been investigating 22 these donors, and his issue with them is that they didn't 23 give money in the past. Who cares? I thought we wanted more 24 participation by people who have been inactive before. 25 Also, he's -- now he's complaining about Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
50 1 Mr. Collins would have called me, I could have explained this 2 to him along with a lot of the other points that -- that he 3 makes. I mean, it's clear he's gotten all hopped up on this 4 conspiracy theory and it's caused him to -- to basically 5 ignore reality and -- and try to take everyday things and 6 turn them into something nefarious, which they're not. 7 So this is -- this is where -- this is basically 8 his letter is just wrong. 9 And even with if -- it's wrong on the facts. And 10 even if it's right, let's think about what Mr. Collins is 11 doing. He's telling a candidate that he improperly certified 12 as qualifying to return the money. 13 And -- and when was this determination made? This 14 determination was made on May 19th. That's what the -- 15 that's what the letter says. 16 So even if at that point, Ms. Lombardo were short 17 of signatures, she would have had a chance under -- under the 18 rules to go get more signatures. This is -- yeah. Here's 19 the -- here's the -- yeah, May 19th. 20 So she was -- so -- so even under -- under 21 Mr. Collins' facts, which are not accurate, she was properly 22 certified. Even if she weren't, she's -- what he's saying is 23 due to -- to me botching this, you were deprived of the 24 opportunity to -- to provide more \$5 contributions to me, the 25 4,000 dollar [verbatim] minimum. So, so give us back all Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	52 1 volunteers, or suggesting it can't be done without -- with 2 volunteers. It has to be done with volunteers. A.R.S. 3 16-946(B)(4) says you cannot pay people to collect 4 \$5 contributions, period. And you cannot employ someone on 5 your campaign to collect \$5 contributions. 6 I've got a client that -- that is in a six-year 7 enforcement action. And that's one of the things Mr. Collins 8 is saying is that, well, your program effectively pays for -- 9 for contributions. I dispute that. 10 But it -- it just -- it goes to show there's no -- 11 the path of -- of compliance is a -- appears to be a 12 nonexistent one. Either you rely on volunteers and 13 Mr. Collins takes issue with that. Or you -- you have a 14 different program and -- and Mr. Collins says, oh, you needed 15 to collect these from volunteers. 16 So -- and the -- Mr. Collins has said that, well, 17 we're just relying on this candidate certification of their 18 \$5 contributions. That's baloney. The Secretary of State 19 verified these. The County Recorders verified these 20 \$5 contributions. They -- they go through the signatures. 21 And what do we have as the evidence? We have a -- 22 a media story where they -- where they've -- the reporter, 23 you know, talks about six people who say they didn't -- they 24 didn't give a contribution. 25 This is out of -- out of what must be tens of Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

53 1 thousands of -- of total contributions, if we're talking two 2 gubernatorial candidate and a Secretary of State's candidate. 3 So as to -- as to the deposit of the 4 \$5 contributions, that's hardly atypical. And Mr. Collins 5 even admitted, there's no rule that says every time someone 6 gives you a \$5 contribution, you must run to the bank and 7 deposit that \$5 contribution. Not a rule. If Mr. Collins 8 wants a rule like that, the Commission is -- is fond with 9 passing rules that regulate candidates; he's not done so. 01:21:54 10 The -- you are legally entitled to do -- to keep 11 that money in a safe, to deposit it into the bank. No 12 difference. And -- and Mr. Collins doesn't get to tell you 13 that -- that you've done something wrong on this point 14 because you've not. You don't have to deposit that money in 15 a bank the minute you receive it. It's not uncommon for -- 16 for banks to -- for candidates to do it at the end when they 17 feel they've qualified. 18 In this instance, I know at least -- at least one, 01:22:35 19 I don't remember, maybe it was both candidates, but the bank 20 charged a -- actually charged a processing fee for processing 21 that much cash. 22 Collecting \$5 contributions is just easier with 23 cash. I've done it myself. It -- that's -- it's much easier 24 that way. 25 He didn't really talk about the certification. The Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	55 1 We don't know, maybe they're confused. Maybe -- we 2 don't know who's -- we don't know who is telling the truth. 3 Whether those people are, whether maybe the reporter got it 4 wrong. We have no idea, and he's sending this letter out, 5 without even calling me or the candidate. 6 What I do know is this is -- as Mr. -- I would say 7 what Mr. Neely said about himself is exactly true about both 8 of my campaigns. 9 The Daily Mirror or the <i>Arizona Mirror</i> article was 01:25:01 10 the first I've ever heard of any of this stuff. The 11 campaigns should not have been besmirched this way based on, 12 on what is, really, just a bunch of -- of black 13 helicopter-type conspiracy theories. 14 Couple other points. The -- the -- I'm trying to 15 think what else Mr. Collins said in the letter, but I think 16 that's about it. The first time donors and all this money is 17 deposited at the same time, and how can you do this with 18 volunteers. Again, you don't have a choice; the statute says 19 you have to do it with volunteers. And if it's not a 01:25:48 20 volunteer, Collins would certainly say that the money doesn't 21 count towards the qualifying contribution. 22 And, again, I think we're -- we've really -- and in 23 his letter he even cites that, well, the Green Party doesn't 24 want these people. 25 You know, I think -- I think Mr. Collins has -- has Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
54 1 form has -- has long been confusing. I've felt the exact 2 same thing. When does one sign the certification thing? I 3 think -- so Ms. -- Ms. Lombardo signed, thought she -- that 4 was her job to do whether she got the \$5 from the person or 5 not. She -- she just made a simple mistake. Or that's 6 probably even overstating that. The form is very confusing 7 and lends itself to somebody doing that. Regardless, it's 8 another complete nothing burger. 9 Now, in terms of the -- it's -- okay. You know, 01:23:34 10 one of the other things that Mr. Collins, he said, well, you 11 know, the theory. The theory. I mean, I'm sorry, but we 12 have candidates out there trying to run for office, and he 13 has a theory. And he's telling them you are going to have to 14 pay back all of your money. 15 Well, in Ms. Lombardo's case, she's spent I think 16 over a million dollars. Neely has spent all of his money, 17 right. He's not a candidate anymore, he lost. He came in 18 third place. 19 So, you know, and on this -- this hunch, this 01:24:09 20 theory, he's completely disrupting candidates, leaving a 21 massive question mark. I mean, what -- what is a candidate 22 to do in this circumstance? Then just based on -- on 23 Mr. Collins' theory, which is -- is not supported by anything 24 other than these -- these black helicopter theories and a 25 handful of people that say they didn't sign. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	56 1 gone out of his way to -- to try to -- to target specific 2 candidacies, again, based on -- on just his dislike for that 3 particular candidate or his personal belief that that 4 particular candidate isn't a real candidate. 5 That theory is irrelevant, and it doesn't make a 6 lot of sense either. Because Mr. Neely spent -- spent his 7 money attacking Andy Biggs. So if -- if this were a -- why 8 would -- why would anyone do that, right? If the theory is 9 we're going to have Green Party candidates and they'll get 01:26:44 10 some of the -- some of the votes that whatever goes to the 11 Democrats, why we would -- why would we throw someone in 12 there who spends millions of dollars attacking the eventual 13 Republican nominee? 14 None of it makes sense. I really wish Mr. Collins 15 would have -- would have called me before he did this. He 16 said he's being careful, he's not. There is nothing careful 17 about this letter. It is a -- it is a complete smear, and it 18 leaves these candidates in limbo. It's not right. It's not 19 fair. It's not based on any evidence. And it's -- it 01:27:18 20 just -- and I know people have done this in the past, made -- 21 made bulk deposits without being hassled by Mr. Collins. 22 That's just the way it goes. 23 The reports, I know people list in their reports 24 block expenses without being hassled by Mr. Collins. If an 25 additional detail needs to be provided, that's simply a Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

57 1 reporting issue, you know, where the campaign finance report 2 need -- you know, could be amended to provide that additional 3 detail. That's not a fine; that's just an amended report. 4 That's another nothing burger. 5 And, oh, by the way, I brought Mr. Collins evidence 6 of significant omissions in -- in the -- in the campaign 7 finance reports of -- of certain candidates, and he told me 8 he's not -- he's not doing anything about it. 9 So, you know, it -- it's -- this is -- this is 01:28:21 10 something out of <i>The Twilight Zone</i>. He's got this theory and 11 how did this happen and how did that happen, and a lot of 12 words I, frankly, didn't understand. Like the -- was it the 13 block in the chain of presumptions and the inferences. 14 Look, that's -- that's -- there's nothing but smoke 15 and mirrors in Mr. Collins's letter. There are nothing -- 16 there's nothing to rely on. 17 And I -- I think you should take action. I think 18 you should reject this recommendation so you don't leave 19 these candidates in a state of limbo. As it is, we're not 01:28:55 20 giving the money back. Period. End of story. It was 21 earned. It was properly certified by Adrian Fontes who did 22 the job he was supposed to do, despite Mr. Collins claiming 23 now three months later that he didn't. Obviously a claim 24 that's been made in error. 25 And these candidates do not deserve this. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	59 1 Commissioner Crump. 2 COMMISSIONER CRUMP: Aye. 3 ACTING CHAIR WERNER: Commissioner Paton. 4 COMMISSIONER PATON: Aye. 5 ACTING CHAIR WERNER: Commissioner Titla. 6 COMMISSIONER TITLA: Aye. 7 ACTING CHAIR WERTHER: And Chair votes aye. 8 So by 4-to-0, we're going to move into executive session. 9 For those attending, again, it's the Commissioners, 01:31:04 10 Bill Richards and Samantha Fox are our independent legal 11 advisors, and then Angela for our minutes. 12 (Whereupon the proceeding is in executive session 13 from 11:32 a.m. until 11:58 a.m.) 14 15 * * * * * 16 17 MS. HERRING: We are back from executive 18 session. 19 ACTING CHAIR WERTHER: Perfect. Thank you. 01:57:37 20 Just making sure all the Commissioners made it here. Okay. 21 So we're back in open session. Any further 22 discussion by the Commissioners? 23 (No audible response.) 24 ACTING CHAIR WERTHER: If not, is there a 25 motion regarding the repayment recommendations? Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
58 1 Mr. Neely doesn't deserve it either. I don't represent him, 2 but I can certainly under why -- why he's not in a hurry to 3 give more names to -- to Mr. Collins. Because every name he 4 gets sort of a -- is another subpoena, another interview. 5 And I think this has gone way too far. 6 It's the job of this Commission to put a stop to 7 it. Now we're talking about donors are gon- -- are being 8 investigated. We're talking about volunteers. And -- and 9 the sin of the donors is that they didn't donate before. 01:29:50 10 So I think it's time for this to end. The letter 11 is nothing but smoke and mirrors and -- and sort of -- well, 12 unsupported conspiracy theories. So with that, I'll stop 13 talking. 14 ACTING CHAIR WERTHER: Thank you, Mr. LaSota. 15 I think you're still sharing your screen. Oh, there we go. 16 Thank you. 17 Does any Commissioner want to make a motion for 18 executive session? 19 COMMISSIONER CRUMP: I'll make a motion that 01:30:25 20 we move to executive session for legal advice on this matter. 21 ACTING CHAIR WERTHER: Is there a second? 22 COMMISSIONER PATON: I'll second. Paton. 23 ACTING CHAIR WERTHER: Commissioner Crump has 24 made the motion for executive session for legal advice. 25 Commissioner Paton has seconded. I'll call the roll. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	60 1 COMMISSIONER CRUMP: Yeah. Madam Chair, I 2 would like to make a motion. 3 ACTING CHAIR WERTHER: Yes, Commissioner 4 Crump. 5 COMMISSIONER CRUMP: All right. So I would 6 move that the Commissioners vote to provide the following 7 direction to the Executive Director regarding the information 8 contained in his letter dated August 25, 2026, to Candidate 9 Risa Lombardo the information provided to the Commissioners 10 in Executive Director Collins' August 25th, 2026, letter 11 provides sufficient cause to initiate proceedings that 12 include completion of an investigation and submission to the 13 Commissioners of a final report and recommendation regarding 14 whether to issue. And, if so, the appropriate terms for a 15 repayment order to Candidate Risa Lombardo in connection with 16 matters addressed by the Executive Director's letter. 17 Therefore, the -- under this motion, the Commission 18 directs the Executive Director to complete the investigation 19 discussed in his August 25th, '26, letter to Candidate 20 Lombardo, and provide the Commissioners by hopefully by 21 September regular meeting, but no later than our October 22 regular meeting of 2026, a final report and recommendation 23 regarding whether to issue. And, if so, the appropriate 24 terms for a repayment order to Candidate Risa Lombardo so 25 that the Commission may consider and/or act upon any such Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

61 1 recommendation at an appropriately noticed meeting of the 2 Commission. 3 And the Executive Director is authorized to utilize 4 all powers and authority of the Commission in completing his 5 investigation regarding Candidate Lombardo, including 6 issuance and enforcement of subpoenas to witnesses to compel 7 attendance and testimony, and issuance and enforcement of 8 subpoenas for production of books, papers, records, or other 9 material records all as authorized by A.R.S. Section 01:59:55 10 16-956(B). 11 ACTING CHAIR WERTHER: Is there a second? 12 COMMISSIONER TITLA: I second that motion. 13 ACTING CHAIR WERTHER: Okay. Commissioner 14 Crump has made a motion to provide direction to the Executive 15 Director regarding Risa Lombardo as Commissioner Crump has 16 explained. Commissioner Titla has seconded the motion. I'll 17 call the roll. 18 Commissioner Crump. 19 COMMISSIONER CRUMP: Aye. 02:00:16 20 ACTING CHAIR WERNER: Commissioner Paton. 21 COMMISSIONER PATON: Aye. 22 ACTING CHAIR WERNER: Commissioner Titla. 23 COMMISSIONER TITLA: Aye. 24 ACTING CHAIR WERTHER: Chair votes aye. 25 A vote of 4-to-0 on that motion, it passes. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	63 1 Commission may consider -- excuse me. Back to where I was -- 2 so that the Commission may consider and/or act upon any such 3 recommendation at an appropriately noticed meeting of the 4 Commission. 5 The Executive Director is authorized to utilize all 6 powers and authority of the Commission in completing his 7 investigation regarding Candidate Collier, including issuance 8 and enforcement of subpoenas to witnesses to compel 9 attendance and testimony, and issuance and enforcement of 10 subpoenas for production of books, papers, records, and/or 11 other material records all as authorized by A.R.S. 16-956(B). 12 ACTING CHAIR WERTHER: Commissioners, is there 13 a second? 14 COMMISSIONER TITLA: I second. 15 ACTING CHAIR WERTHER: Okay. Commissioner 16 Crump has made a motion to provide direction to the Executive 17 Director regarding Duwayne Collier, and Commissioner Titla 18 has seconded that motion. I'll call the roll. 19 Commissioner Crump. 02:02:45 20 COMMISSIONER CRUMP: Aye. 21 ACTING CHAIR WERNER: Commissioner Paton. 22 COMMISSIONER PATON: Aye. 23 ACTING CHAIR WERNER: Commissioner Titla. 24 COMMISSIONER TITLA: Aye. 25 ACTING CHAIR WERTHER: Chair votes aye. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
62 1 Is any Commissioner have another motion? 2 COMMISSIONER CRUMP: Yes, Madam Chair. With 3 your indulgence, I have a second motion. 4 ACTING CHAIR WERTHER: Yes, Commissioner 5 Crump. Please proceed. 6 COMMISSIONER CRUMP: I move that the 7 Commission vote to provide the following direction to the 8 Executive Director regarding information contained in his 9 letter dated August 25, 2026, to Candidate Duwayne Collier. 10 The information provided to the Commissioners in Executive 11 Director Collins' August 25th, 2026, letter provides 12 sufficient cause to initiate proceedings that include 13 completion of an investigation and submission to the 14 Commissioners of a final report and recommendation regarding 15 whether to issue. And, if so, the appropriate terms for a 16 repayment order to Candidate Duwayne Collier in connection 17 with matters addressed by the Executive Director's letter. 18 Therefore, the Commission directs the Executive 19 Director to complete the investigation discussed in his 20 August 25th, '26, letter to Candidate Collier, and provide 21 the Commissioners hopefully by the September regular meeting 22 of this year, but no later than our October regular meeting 23 of this year, a final report and recommendation regarding 24 whether to issue. And, if so, the appropriate terms for a 25 repayment order to Candidate Duwayne Collier so that the Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	64 1 With a vote of 4-to-0, the motion passed. 2 And do we have any other motions? 3 COMMISSIONER CRUMP: Yes, Madam Chair. I got 4 one third motion. 5 ACTING CHAIR WERTHER: Yes, continue. 6 COMMISSIONER CRUMP: I move that the 7 Commission vote to provide the following direction to the 8 Executive Director regarding information contained in his 9 letter dated August 25, 2026, to Candidate Scott Neely. The 10 information provided to the Commissioners in Executive 11 Director Collins' August 25th, 2026, letter provides 12 sufficient cause to initiate proceedings that include 13 completion of an investigation and submission to the 14 Commissioners of a final report and recommendation regarding 15 whether to issue. And, if so, the appropriate terms for a 16 repayment order to Candidate Scott Neely in connection with 17 matters addressed by the Executive Director's letter. 18 Therefore, the Commission directs the Executive 19 Director to complete the investigation discussed in his 20 August 25th, 2026, letter to Candidate Lombardo -- I'm sorry, 21 Candidate Neely and provide the Commissioners hopefully by 22 the September regular meeting of this year, but no later than 23 the October regular meeting of this year, a final report and 24 recommendation regarding whether to issue. And, if so, the 25 appropriate terms for a repayment order to Candidate Scott Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

65 1 Neely so that the Commission may consider or act upon any 2 such recommendation at an appropriately noticed meeting of 3 the Commission. 4 The Executive Director is authorized to utilize all 5 powers and authority of the Commission in completing his 6 investigation regarding Candidate Neely, including issuance 7 and enforcement of subpoenas to witnesses to compel 8 attendance and testimony, and issuance and enforcement of 9 subpoenas for production of books, papers, records, and/or 02:04:44 10 other material records all as authorized by A.R.S. 16-956(B). 11 ACTING CHAIR WERTHER: Thank you, Commissioner 12 Crump. 13 Is there a second? 14 COMMISSIONER TITLA: I second. 15 ACTING CHAIR WERTHER: Okay. Commissioner 16 Crump has made a motion to provide direction to the Executive 17 Director regarding Scott Neely. Commissioner Titla has 18 seconded. I'll call the roll. 19 Commissioner Crump. 20 COMMISSIONER CRUMP: Aye. 21 ACTING CHAIR WERNER: Commissioner Paton. 22 COMMISSIONER PATON: Aye. 23 ACTING CHAIR WERNER: Commissioner Titla. 24 COMMISSIONER TITLA: Aye. 25 ACTING CHAIR WERTHER: And Chair votes aye. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	67 1 unless you have questions about it. 2 You know, the sta- -- the rule here is not very 3 complicated. It says if you -- if you -- having missed, if 4 you're excuse, you're later excuse, doesn't fit within the 5 categories there then you have -- you're fined \$500. 6 My read on the response is I don't really think it 7 gets at those -- those excuses. But, you know, so I think 8 the \$500 fine is appropriate. 9 But I'll take any questions. 02:07:25 10 ACTING CHAIR WERTHER: Commissioners, do you 11 have any questions? 12 (No audible response.) 13 ACTING CHAIR WERTHER: Tom, I just want to 14 confirm. So there, I guess, it looks like in her statement, 15 it seems that she said she was first notified on May 16th. 16 But it does not look like she reached out to any staff before 17 the May 19th debate; is that -- 18 MR. COLLINS: No, we don't -- we don't have 19 any -- anything -- any record until the records we provided 02:08:03 20 respecting staff member's efforts to contact her on the day 21 of. 22 So our log, contact log that I think is in the 23 packet -- 24 ACTING CHAIR WERTHER: Yes. 25 MR. COLLINS: -- that's -- that's the complete Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
66 1 With a vote of 4-to-0, the motion passes. 2 That concludes that item. We're going to be moving 3 now to Item Number VI, which is a discussion and possible 4 action on an administrative fine involving Gwendalyn "Gwen" 5 Johnston, a participating candidate for legislature for 6 failure to appear at a Commission sponsored debate. 7 Commissioners, you have the relevant materials in 8 your packets. And then I'll have the Executive Director make 9 a statement. If Ms. Johnson or her representative is here, 02:05:44 10 they may speak. 11 So Tom, if you want to please proceed. 12 Oh. And if we can just make sure everyone is 13 muted. Thank you. 14 MR. COLLINS: Madam Chair, thank you. 15 So this is a little bit different thing. We have a 16 rule, Rule 107, that says that, you know, if you are a 17 participating candidate, you're obligated to attend a 18 Commission debate unless you've sought a prior excuse. 19 In this case, Johnston did not attend and -- you 02:06:26 20 know. And as I noted in my letter to her, she hadn't taken 21 the training before this, the training goes into this. But, 22 you know, on the other hand she is working with a very 23 experienced former Clean Elections candidate. 24 You know, you -- you have her response. I don't 25 know that I -- I feel like I ought to categorize it all, Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	68 1 communication. 2 Part of this has to do with the expectation that 3 the candidate, you know, is to know what the candidate's 4 obligations are, you know. So, you know, we do try -- we do 5 outreach, but we do rely on candidate having awareness of 6 their obligations. 7 I mean -- 8 ACTING CHAIR WERTHER: Okay. 9 MR. COLLINS: So, I mean, I'm not -- I'm 02:08:41 10 not -- so I don't know that that -- it was not a failure of 11 notice if that makes. 12 ACTING CHAIR WERTHER: Sure. 13 MR. COLLINS: If the notice is not the notice 14 that the candidates would have preferred, I don't know that's 15 the standard the rule articulates. 16 ACTING CHAIR WERTHER: Did any Commissioners 17 have any questions for Tom? 18 (No audible response.) 19 ACTING CHAIR WERTHER: Is Ms. Johnston or any 02:09:05 20 representative for Ms. Johnston online wishing to speak? 21 (No audible response.) 22 ACTING CHAIR WERTHER: I don't know that I see 23 anybody. 24 Okay. Is there any motion from Commissioner 25 regarding the administrative fine? Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

69 1 COMMISSIONER CRUMP: Madam Chair, I would make 2 a motion that we impose administrative fine of \$500 on 3 Participating Candidate Gwen Johnston for failure to appear 4 at the debate. 5 ACTING CHAIR WERTHER: Is there a second? 6 COMMISSIONER PATON: I'll second. Paton. 7 ACTING CHAIR WERTHER: Commissioner Crump has 8 made the motion to -- for the administrative fine of \$500 to 9 Gwendalyn "Gwen" Johnston for failing to appear for a debate. 02:10:00 10 Commissioner Paton has seconded. I'll call the roll. 11 Commissioner Crump. 12 COMMISSIONER CRUMP: Aye. 13 ACTING CHAIR WERNER: Commissioner Paton. 14 COMMISSIONER PATON: Aye. 15 ACTING CHAIR WERNER: Commissioner Titla. 16 COMMISSIONER TITLA: Aye. 17 ACTING CHAIR WERTHER: Chair votes aye. 18 So vote of 4-to-0. The motion passes. 19 This is the time now Item Number VII, for 02:10:17 20 consideration of comments and suggestions from the public. 21 Please limit your comments to no more than three minutes. 22 So if you're a member of the public and wish to 23 make a comment, please use that raise hand feature in the 24 icon in the Zoom, and I'll call on individuals one at a time. 25 When your name is called, please unmute yourself and state Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	71 1 COMMISSIONER TITLA: Aye. 2 ACTING CHAIR WERTHER: Chair votes aye. 3 With a vote of 4-to-0, the motion passes and the 4 meeting is adjourned. Thank you, everyone. 5 (Whereupon the meeting concludes at 12:13 p.m.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 Miller Certified Reporting, LLC www.MillerCertifiedReporting.com
70 1 your name for the record before beginning your comments. 2 Does anyone on Zoom wish to make a comment? 3 (No audible response.) 4 ACTING CHAIR WERTHER: Okay. I don't see any. 5 So action taken as a result of public comment, of 6 course, was always limited to directing staff, studying the 7 matter, rescheduling for further consideration. 8 Since we have none, public may also submit comments 9 by e-mail at ccec@azcanelections.gov. 02:11:08 10 Item Number VIII, at this time I'm open to a motion 11 to adjourn. 12 COMMISSIONER CRUMP: Madam Chair, I move that 13 we adjourn. 14 ACTING CHAIR WERTHER: Is there a second? 15 COMMISSIONER PATON: I'll second. Paton. 16 COMMISSIONER TITLA: I'll second. 17 ACTING CHAIR WERTHER: Okay. I heard 18 Mr. Paton. 19 So, Commissioner Crump has made the motion to 02:11:26 20 adjourn with Commission Paton seconding. I'll call the roll. 21 Commissioner Crump. 22 COMMISSIONER CRUMP: Aye. 23 ACTING CHAIR WERNER: Commissioner Paton. 24 COMMISSIONER PATON: Aye. 25 ACTING CHAIR WERNER: Commissioner Titla. Miller Certified Reporting, LLC www.MillerCertifiedReporting.com	72 1 <u>C E R T I F I C A T E</u> 2 3 STATE OF ARIZONA) 4) ss. 5 COUNTY OF MARICOPA) 6 7 BE IT KNOWN that the foregoing proceedings were 8 taken before me, Angela Furniss Miller, Certified Reporter 9 No. 50127, all done to the best of my skill and ability; that the proceedings were taken down by me in shorthand and thereafter reduced to print under my direction. 10 I CERTIFY that I am in no way related to any of the 11 parties hereto nor am I in any way interested in the outcome thereof. 12 I FURTHER CERTIFY that I have complied with the 13 requirements set forth in ACJA 7-206. Dated at Litchfield 14 Park, Arizona, this 1st of September, 2026. 15  Angela Furniss Miller, RPR, CR CERTIFIED REPORTER (AZ50127) 16 * * * 17 18 I CERTIFY that Miller Certified Reporting, LLC, has 19 complied with the requirements set forth in ACJA 7-201 and 20 7-206. Dated at LITCHFIELD PARK, Arizona, this 1st of 21 September, 2026. 22  Miller Certified Reporting, LLC Arizona RRF No. R1058 23 24 25 Miller Certified Reporting, LLC www.MillerCertifiedReporting.com

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