

THE STATE OF ARIZONA  
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

April 20, 2017

9:31 a.m.

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1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN ELECTIONS  
2 COMMISSION convened at 9:31 a.m. on April 20, 2017,  
3 at the State of Arizona, Clean Elections Commission,  
4 1616 West Adams, Conference Room, Phoenix, Arizona, in  
5 the presence of the following Board members:  
6  
7 Mr. Steve M. Titla, Chairperson  
8 Mr. Mark S. Kimble  
9 Mr. Damien Meyer  
10 Ms. Amy B. Chan  
11 Mr. Galen D. Paton  
12  
13 OTHERS PRESENT:  
14 Thomas M. Collins, Executive Director  
15 Paula Thomas, Executive Officer  
16 Sara Larsen, Financial Affairs Officer  
17 Gina Roberts, Voter Education Manager  
18 Mike Becker, Policy Director  
19 Alec Shaffer, Web Content Manager  
20 Amy Jicha, Legal Admin and VE Intern  
21 Rivko Knox, LWV, AZ  
22 Joseph N. Roth, Osborn Maledon  
23 Lee Miller, SOS  
24 Garrett Archer, SOS  
25 Liz Atkinson, SOS  
Bill Maaske, SOS  
Joseph La Rue, AG's Office  
Joel Edman, AZ Advocacy Network  
Mirja Riester, Riester

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1 P R O C E E D I N G  
2  
3 CHAIRPERSON TITLA: The Citizens Clean  
4 Elections Commission meeting comes to order Thursday,  
5 April 20, 2017, at 9:30 a.m.  
6 The item we have on the agenda is -- the  
7 first item is discussion and possible action on  
8 Commission minutes for March 23rd, 2017 meeting.  
9 COMMISSIONER KIMBLE: Mr. Chairman.  
10 CHAIRPERSON TITLA: Commissioner Kimble.  
11 COMMISSIONER KIMBLE: I move the minutes be  
12 approved.  
13 CHAIRPERSON TITLA: Motion by Commissioner  
14 Kimble. Is there a second?  
15 COMMISSIONER MEYER: Second.  
16 CHAIRPERSON TITLA: Second by Commissioner  
17 Meyer.  
18 All in favor, say aye.  
19 (Chorus of ayes.)  
20 CHAIRPERSON TITLA: Opposed.  
21 (No response.)  
22 CHAIRPERSON TITLA: Abstain.  
23 (No response.)  
24 CHAIRPERSON TITLA: Motion carried  
25 unanimously.

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1 We go to the next item, discussion and  
2 possible action on Executive Director's Report.  
3 MR. COLLINS: Thank you, Chairman Titla,  
4 Commissions.  
5 A couple of things. First, I want to  
6 congratulate Amy, our -- who's been with us as our  
7 intern now for almost a year, I think. She will be  
8 graduating from the Barrett Honors College in May, and  
9 with -- summa cum laude, and she's decided she's going  
10 to attend Emory Law School in the fall and has received  
11 a scholarship there. So we're really pleased to be  
12 able to say that, and it's been great having her work  
13 with us. And it looks like she's well on her way to a  
14 successful legal career, despite my best efforts to  
15 persuade her otherwise. But -- so that's very --  
16 We're really very pleased and proud of Amy.  
17 We did -- Sara and Gina were at the Election  
18 Officials spring workshop last week and presented  
19 several -- a couple of different presentations and  
20 attended a number of training sessions. So all the  
21 county recorders and election directors were there, as  
22 well as the Secretary's office.  
23 There's a -- voter registration deadline was  
24 April 17th for the next consolidated election date,  
25 which is May 16th.

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1 The last thing I want to really hit upon --  
2 two things. One: There is, sort of behind the report,  
3 the budget -- first quarter budget update. The  
4 revenues, they are on track with what we saw in 2016  
5 and we haven't exceeded any caps that are -- that are  
6 set.  
7 And then the last thing I'd like to say a  
8 couple words about is the -- is the Supreme Court  
9 decision to grant the petition for review in the Legacy  
10 Foundation Action Fund matter. So just for -- Just to  
11 sort of recapitulate, partially for you all and  
12 partially for the public, this is a matter that is left  
13 from the 2014 election, it involves the Legacy  
14 Foundation Action Fund doing advertisements in the  
15 republican gubernatorial primary advocating the defeat  
16 of then Mayor Scott Smith of Mesa. They -- we went  
17 through a -- our administrative process and a final  
18 order issued.  
19 And the Clean Elections Act provides for a  
20 specific statute of limitations on those -- on appeals.  
21 In fact, there's a reported Arizona Supreme Court case  
22 that says that, if the statute wasn't clear enough,  
23 from 2006 where this issue was challenged. Sorry.  
24 COMMISSIONER KIMBLE: I apologize.  
25 MR. COLLINS: No, no. No, that's fine.

<p>09:35:45-09:37:10 Page 6</p> <p>1 Legacy Foundation did not meet the statute of 2 limitations. They -- The case was dismissed by the 3 Superior Court. They appealed to the Court of Appeals. 4 Unanimous Court of Appeals panel, in an unpublished 5 decision, affirmed -- affirmed the lower court 6 decision. 7 The issue in the case really is the statute 8 of limitations. And the argument that Legacy 9 Foundation Action Fund is making has to do not with the 10 merits of the Clean Elections Act or our actions, but 11 with their, we think, clearly erroneous interpretation 12 of the -- the administrative law sections at issue 13 here. 14 In effect, what they've argued is: There is 15 no statute of limitations, as long as you can somehow 16 construct an argument that challenges, quote, unquote, 17 jurisdiction. And that's -- What that really means, 18 in practical terms, is that there would be no finality 19 to administrative legal decisions ever, because you 20 would always be able to default and then come back in 21 and essentially say, you know, whatever you want. 22 And so the reason I want to point that out is 23 because, you know, obviously there's -- in addition to 24 the Clean Elections issues on the merits, which this 25 is -- to make clear, this is not a Clean Elections</p>	<p>09:38:39-09:39:43 Page 8</p> <p>1 administrative agencies in general and much more to do 2 about whether or not, you know, after all is said and 3 done, can you ever have finality. 4 And we believe that finality is critical to 5 the functioning of the Commission, as well as the 6 functioning of any administrative legal proceeding, 7 whether you are a fan of administrative legal 8 proceedings or not. 9 So I just wanted to kind of put that out 10 there. And if you have any questions about any of 11 that, please let me know; otherwise, that concludes my 12 report. 13 CHAIRPERSON TITLA: Any questions by the 14 Commissioners? 15 (No response.) 16 CHAIRPERSON TITLA: I'd just like to also 17 congratulate Amy for her graduation from ASU. That's a 18 lot of degrees I see there in one graduation, bachelor 19 of science in psychology, bachelor of arts in political 20 science, with religious studies and social justice and 21 human rights minors. So a lot of hard work there; I 22 commend you for that. And you are to be commended for 23 the summa cum laude with highest honors also, so 24 congratulations on all that hard work. I'm sure that 25 you will do well in law school. The first year is</p>
<p>09:37:13-09:38:36 Page 7</p> <p>1 merits issue, it's also distinct from some of the -- 2 you know, there's a growing skepticism of 3 administrative law that is part of -- you know, part of 4 the -- part of the legal culture. You saw that 5 highlighted in Justice Gorsuch's confirmation hearing; 6 certainly Arizona's courts are not immune from that 7 either. But this also doesn't deal with that issue, it 8 doesn't deal with the, you know, administrative rules 9 and delegation and those kind of issues that are 10 highlighted in that context; this is not about that 11 either. 12 This is about if you have administrative 13 rules and if you have administrative hearings and if 14 you have administrative decisions, do you get finality 15 or not. And so this is a very, very narrow issue in 16 terms of the broader Clean Elections merits questions 17 and the broader administrative law questions that are 18 out there in the -- in the legal world. But it is a 19 very important issue in terms of any administrative 20 agency, city, county, town that is concerned about 21 finality of their administrative decisions. 22 So it's a -- It is of significance for 23 reasons that have less to do with the issues you'll see 24 either debated around the Commission's authority or the 25 issues you see debated around administrative law and</p>	<p>09:39:46-09:40:59 Page 9</p> <p>1 always the hardest in law school, so hang in there and 2 I'm sure that you'll do well. Thank you. 3 Any questions by the Commissioners on the 4 report? 5 (No response.) 6 CHAIRPERSON TITLA: I also would like to 7 continue to commend the staff here for their voter 8 education efforts. I've been notified by the Director 9 that Sara and Gina attended Election Officials of 10 Arizona spring workshop on April 2nd and they presented 11 some information at the social media 101 training 12 session. They're also continuing to work on campaign 13 finance and Native American voter outreach efforts. So 14 I commend the Director and the staff for working on 15 voter outreach; it's one of the important functions of 16 our Commission, as mandated by the voters in the Clean 17 Elections Act. So we have some dates coming up here, 18 Commissioners, in the report, so I think that we should 19 keep that in mind. 20 Are there any more questions or any comments? 21 COMMISSIONER KIMBLE: Mr. Chairman. 22 CHAIRPERSON TITLA: Commissioner Kimble. 23 COMMISSIONER KIMBLE: I have one question 24 about the budget, statement of operations, where our 25 total revenues are far below what was projected because</p>

<p>09:41:03-09:43:09 Page 10</p> <p>1 of a big drop in court assessments. Where do we stand 2 on that whole issue? 3 MR. COLLINS: So Chairman Titla, Commissioner 4 Kimble, there are sort of three interrelated issues 5 there. First, with respect to the revenues we're 6 seeing coming in right now, they are consistent with 7 our -- with what we anticipated, which is, as you 8 observed, lower and low -- and has been lower and off 9 over the course of the past several years. 10 With respect to our work in addressing some 11 of the intricacies of the issues with the 12 Administrative Office of the Courts, without getting 13 too deeply into, you know, the legal aspects of it, 14 myself and Joe Kanefield have met with the AOC director 15 and his staff in the last week or so to try to work 16 towards a resolution. So we're -- we are still -- 17 We're still at a stage where we are corresponding with 18 them about the interpretations of some of the 19 court-related statutes and the case law related to it, 20 you know, versus ours. But so we're making, I would 21 call it, a steady but -- you know, steady process -- 22 progress. 23 One of the issues that I think is -- sort of 24 was outstanding related to that was the bill, Senate 25 Bill 1158, which you'll recall that we were able to</p>	<p>09:44:59-09:46:01 Page 12</p> <p>1 COMMISSIONER MEYER: Commissioner Titla. 2 CHAIRPERSON TITLA: Commissioner Meyer. 3 COMMISSIONER MEYER: On the budget here, on 4 the fund balance, the 2017 actuals and the projections, 5 there's a \$5.1 million variance there. I guess my 6 question is: Is that \$7 million projection, is that 7 for the entirety of 2017? 8 MR. COLLINS: Yeah. 9 COMMISSIONER MEYER: So we're really kind of 10 on track, then, aren't we? 11 MR. COLLINS: Yeah. Yeah, that's right. 12 COMMISSIONER MEYER: 1.8 through this first 13 quarter is 7.2 annualized, right? Okay. Okay. I just 14 wanted to make sure I was reading that right. That's 15 all I had. Thanks. 16 CHAIRPERSON TITLA: Okay. Any more comments? 17 (No response.) 18 CHAIRPERSON TITLA: If not, why don't we go 19 to the next item, which is discussion and possible 20 action on interagency service agreements with the 21 Arizona Secretary of State's office. 22 Director. 23 MR. COLLINS: Yes. Mr. Chairman, 24 Commissioners, I want to say, as an introductory -- as 25 an introductory matter, that, you know, we've had a</p>
<p>09:43:14-09:44:58 Page 11</p> <p>1 work out with the Court as part of a -- they did a 2 bunch of amendments in the Senate, and one of them 3 dealt with at least part of our issue. And that bill 4 is currently not moving. 5 There is -- it's gotten -- Just to sort of 6 give you press reports, there's been press reports 7 about it, it basically was held in house judiciary. 8 Either the Republic or the -- I think the Capitol 9 Times reported that, you know, Chairman Farnsworth had 10 not talked to the press about, you know, his reasons 11 for holding that bill and a couple of other 12 court-related bills. You know, Chairman Farnsworth has 13 very definitive views on legal issues; he is an 14 attorney. And so, you know, it's just -- but no one 15 knows the answer to why. 16 That having been said, you know, once the 17 amendment was put on it, our view was essentially that 18 it was not really -- I mean, there's not very much else 19 for us to do with that. But if the bill doesn't pass, 20 then we -- you know, we do have some additional work to 21 do with AOC on the issues that the bill would have 22 helped solve, if that's helpful. 23 COMMISSIONER KIMBLE: Yes, it is. Thank you. 24 CHAIRPERSON TITLA: Any more comments, 25 questions, Commissioners?</p>	<p>09:46:05-09:47:36 Page 13</p> <p>1 very productive last week in working with Secretary 2 Reagan and Secretary Reagan's staff on this project. 3 We -- I think the status quo is that what we -- what we 4 did was we've exchanged drafts. I've identified, in a 5 table that is in your packet which you received last 6 night, which you may or may not have gotten a chance to 7 go through, so I'll try to hit the highlights, the 8 differences between the draft that you received in the 9 meeting packet and the draft we received from the 10 Secretary of State. 11 Most of these -- If you see, the comments 12 are in the right-hand column. I would say that the 13 bulk of the suggestions the Secretary of State's office 14 makes are acceptable to us and really are -- are fine. 15 I think we have a couple of recommendations 16 with respect to clarification to make sure we're 17 understanding a couple of things. For example, just to 18 give you the first one, the Secretary, and I can 19 understand why, wants -- there was a clause that we had 20 put in about the rules of the Clean Elections 21 Commission. That language comes out. 22 We want, you know, just to sort of give you 23 an idea of what -- and the Secretary's office hasn't 24 had a chance to review this either, so we're all -- 25 review my comments, so we're kind of all -- we're</p>

<p>09:47:38-09:49:11 Page 14</p> <p>1 trying to sort of get to a place where we're talking 2 about terms. But we'd like to -- We just want to make 3 that clear that we're talking about additional reports 4 that are required of participating candidates by the 5 Act and the rules, we're not -- you know, we don't need 6 a blanket statement about the rules, per se, but we 7 just want to make that clear, those kinds of things. 8 I think that -- I had a brief e-mail 9 conversation with Mr. Miller this morning. Lee Miller 10 is the Deputy Secretary of State and has appeared 11 before the Commission many times as a -- when he was in 12 private practice about the pricing in the -- in the 13 program proposal that we got at the last meeting. 14 Basically he's here, if we have specific questions, but 15 we think that he -- I think there's still some room for 16 us to work out what the cost -- how the costs get 17 allocated and how the deliverables and objectives get 18 described in that project plan, I think, if I'm 19 correct. 20 So I think we have a sense of what -- The 21 critical things in this agreement draft, if we're able 22 to get this finalized over the course of the next few 23 days, is, one, it does ensure our reports are in the 24 system. We have a couple language tweaks we want to do 25 that go to that, but they're really pretty</p>	<p>09:51:00-09:52:08 Page 16</p> <p>1 And so I guess, as far as action, I mean, 2 this is your opportunity to ask questions. I know you 3 haven't necessarily had a chance to digest everything. 4 If you have, you know, bigger picture questions about, 5 you know, the financial aspects of this or those kinds 6 of things, Mr. Miller is here and can talk through 7 those things, I think. And I appreciate him being 8 here. If you have specific legal questions that you've 9 thought of as you've been looking at this stuff or it 10 occurred to you sort of as we're talking, you know, we 11 do have the option to go into executive session and 12 Joe Roth is here and can talk to us about those things. 13 So I think the best thing, from my 14 perspective, may be to sort of -- to open the floor up 15 to -- Mr. Chairman, if you're comfortable with this, is 16 to have Mr. Miller talk a little bit about their 17 perspective, the Secretary's perspective on this, and 18 then any questions you may have. And then you may have 19 questions for me, Mr. Miller, or Joe, and then we'll 20 kind of deal with those accordingly. 21 CHAIRPERSON TITLA: Mr. Miller. 22 MR. MILLER: Thank you very much, 23 Mr. Chairman. 24 Members, my name is Lee Miller. I serve as 25 the Deputy Secretary of State. We very much appreciate</p>
<p>09:49:13-09:50:58 Page 15</p> <p>1 insignificant. 2 Two, we think that it does identify, you 3 know, the goal of the See the Money program to allow 4 folks to be able to use -- get better access to 5 campaign finance data, which is, I think we've all -- I 6 think we all agree is a valid and important voter 7 education interest. I think that, you know, there's 8 some safeguards for the Secretary's office with respect 9 to appropriations made to them; those are very 10 reasonable, standard terms for an interagency service 11 agreement. 12 You know, we have -- so there's a lot of -- 13 there's a lot of really good progress that's been made, 14 and I'm really pleased with that. So without kind of 15 -- I mean, without kind of getting -- it's a little 16 hard to figure out how to address this, per se, except 17 to say that, you know, our basic -- our basic view is 18 that, you know, we -- in my view as staff, and I think 19 staff's view in general, is that, you know, we have the 20 makings of an agreement we can finalize pretty quickly 21 with the -- and we just have a few tweaks we would like 22 to talk about with the Secretary of State's office and 23 -- but most of their suggestions are helpful and they 24 have been -- you know, there's been a lot of compromise 25 on their part that I appreciate greatly.</p>	<p>09:52:12-09:53:49 Page 17</p> <p>1 your consideration of investing in the Secretary's See 2 the Money project. 3 We're going to build this project. It is the 4 top priority of the Secretary. Having said that, your 5 investment in the project will allow us to, frankly, 6 substantially accelerate the functionality we are able 7 to deliver to the people of Arizona. Said not like a 8 lawyer, it's going to allow us to hire a couple more 9 people who are going to -- now who are going to be able 10 to work in support, in addition to the team we already 11 have working on this. So we're going to get more of 12 the project done faster. 13 Having said that, let me also make it clear, 14 I have no intention, the Secretary has no intention to 15 ask the Commission to cut any checks until we have 16 actual technology, we have actually hit milestones, we 17 have actual deliverables to show you. I'm not asking 18 you to just give me a couple hundred thousand dollars 19 today, give me a couple hundred thousand dollars next 20 month. The dialogue I think we need to continue to 21 have with staff is to truly quantify and qualify 22 exactly what pieces and parts will be delivered and 23 exactly what schedule. 24 And similar to the experience you may have 25 had building a house, when I hit a deliverable, when I</p>

<p>09:53:53-09:55:13 Page 18</p> <p>1 pour a slab, I put in a draw request and say, see, 2 there's a slab; so now, pursuant to the agreement, you 3 owe me this. And when the walls go up, see, there are 4 the walls; and now, pursuant to the agreement, when the 5 walls are up, there's another request for funding. 6 That is the type of relationship we seek 7 here. I don't want you to just take it on faith that 8 we're going to deliver a fabulous project. I know 9 we're going to deliver a fabulous project. I want you 10 to invest in it because it's -- I'm going to be able to 11 do more things faster, but I'm not going to ask you for 12 any money until I have actual things to show you. 13 And with that, I'm available for any 14 questions. 15 CHAIRPERSON TITLA: Any questions, 16 Commissioners? 17 COMMISSIONER KIMBLE: Mr. Chairman. 18 CHAIRPERSON TITLA: Commissioner Kimble. 19 COMMISSIONER KIMBLE: So we will make 20 payments on a specific schedule when specific steps are 21 accomplished? 22 MR. MILLER: Mr. Chairman, Mr. Kimble, yes. 23 COMMISSIONER KIMBLE: And then what if we get 24 to the end and it is not what both of us hope it will 25 be? That money is spent by then, right?</p>	<p>09:57:03-09:59:06 Page 20</p> <p>1 agreement, is that correct? 2 MR. MILLER: Mr. Chairman, Mr. Kimble, yes. 3 I was at the Secretary of State's office for probably 4 two whole weeks before I came to the conclusion that 5 every change in law, and to highlight a comment your 6 Director made about rules, every change in rule is a 7 technology project. The -- What is yet to be 8 determined is collectively how do we support this 9 solution going forward. The information needs we would 10 like to provide the people of Arizona, we have to 11 provide the people of Arizona, almost certainly will 12 evolve, and that's great. But every time they evolve, 13 my coders have to go to work to modify the software to 14 accommodate, and that costs money. 15 And so the to be determined, probably perhaps 16 not for even a year, is how do we collectively address 17 that topic. Because if we can commit to one another, 18 wow, this thing looks pretty good, let's just try and 19 keep it like it is, let's try and minimize changes, 20 then costs associated with maintenance and operation, 21 we can keep those down. On the other hand, if we go, 22 this is great and wouldn't it be so much greater if it 23 was in color and HD and -- and sure, and it all costs 24 money. Because every change -- Every change 25 ultimately requires people modifying code, and those</p>
<p>09:55:19-09:56:58 Page 19</p> <p>1 MR. MILLER: Mr. Chairman, Mr. Kimble, yes. 2 In point of fact, the -- your dollars and my dollars 3 really are simply paying computer developer, computer 4 coder salaries. And so it's -- unlike building a 5 house, you know, I can't -- I don't have -- I'm not 6 going to end up with anything other than computer code 7 at the end of this project. 8 And so the -- my risk is that -- is that we 9 get to essentially January 1st, 2018, and it doesn't 10 have the -- the system doesn't have the functionality, 11 it doesn't have the capabilities we envision. I, at my 12 expense, I've got to keep going. I've got to make it 13 work. I have a statutory obligation, the Secretary has 14 a statutory obligation to provide Arizona with an 15 electronic way for political committees to report their 16 finances. So with my dollars and at my risk, I've got 17 to make it work. What we're simply asking you all here 18 for is a \$200,000 investment in that project. 19 COMMISSIONER KIMBLE: Okay. And I just want 20 to be clear about one other point. There was a 21 discussion about a continuing annual maintenance fee or 22 access fee, I'm not exactly sure what it was called; we 23 are setting that aside for a moment, that's not going 24 to be part of this agreement. But whatever comes out 25 of the agreement on the annual fee will not affect this</p>	<p>09:59:09-10:00:20 Page 21</p> <p>1 people get paid fairly well. 2 COMMISSIONER KIMBLE: I guess -- I guess my 3 question is: This agreement talks about continued 4 access by the Commission staff to the See the Money 5 project and ensures that there will be no problem with 6 the Commission staff accessing this. That will -- If 7 we reach agreement on this, that would not be affected 8 if there were some failure to reach agreement on the 9 annual maintenance fee? 10 MR. MILLER: Mr. Chairman, Mr. Kimble, 11 absolutely not. 12 COMMISSIONER KIMBLE: Okay. Thank you. 13 COMMISSIONER CHAN: Mr. Chairman. I'm sorry. 14 CHAIRPERSON TITLA: Commissioner Chan. 15 COMMISSIONER CHAN: Thank you, Mr. Chairman. 16 Lee, it's really good to see you. 17 MR. MILLER: Good morning. 18 COMMISSIONER CHAN: I -- And excuse me, 19 because my voice is leaving me, I think. I'm a little 20 under the weather. 21 Regarding the -- our agency's access to the 22 system, I did voice my concerns last month to the 23 Secretary about the fact that, you know, without any 24 warning, our reports were turned off. And I know that 25 we're addressing that in this agreement by asking that</p>

<p>10:00:22-10:01:47 Page 22</p> <p>1 those be immediately turned back on, and I know she 2 mentioned it's not an issue right now because we're not 3 in the middle of an election. But my understanding is 4 that last year we were in the middle of filing, and 5 inexplicably that happened, which I think is not good 6 for relations between the offices. So I was happy to 7 see that that's part of this agreement. 8 As far as the maintenance going forward -- 9 Well, one, I just wanted to make sure that that's 10 acceptable to you. Because I did feel that the 11 Secretary was not willing to turn on those reports, for 12 whatever reason, when she was here last month. Will it 13 be a problem to turn those on once we sign this 14 agreement? 15 MR. MILLER: Mr. Chairman, Ms. Chan, I don't 16 have -- Commissioner Chan, I don't have an answer for 17 you precisely, as I stand here at the podium, only 18 because we are at work today trying to make forward 19 progress on See the Money, and I don't -- at this 20 moment at the podium, I don't have -- I don't know how 21 much time it's going to take one of those IT folks to 22 do what needs to be done to address your immediate 23 request. 24 COMMISSIONER CHAN: Okay. 25 MR. MILLER: I don't foresee that it's any</p>	<p>10:02:50-10:04:03 Page 24</p> <p>1 And I think that, you know, although, again, 2 we have a couple of tweaks to the language there we 3 want to make, Mr. Miller made some tweaks, we have some 4 other tweaks, but I think that the principle that that 5 will be the substance of this and that that will, going 6 forward, regardless of the See the Money public portion 7 of this, that infrastructure will be in place in time 8 for the election is, I think -- at the very least, I 9 think, all of our understanding of this. And 10 obviously, Mr. Miller, correct me if I'm wrong, but 11 that's certainly my -- 12 MR. MILLER: Mr. Chairman, I share the 13 Executive Director's view about how -- you know, we 14 will -- we will absolutely explore this afternoon how 15 long and what the resources might be to get 16 Commissioner Chan the information she would like now, 17 and we'll go from there. 18 COMMISSIONER CHAN: Thank you. 19 COMMISSIONER MEYER: Mr. Chairman. 20 CHAIRPERSON TITLA: Commissioner Meyer. 21 COMMISSIONER MEYER: Mr. Miller, thanks for 22 being here; really appreciate it. And I'm really 23 encouraged at the progress you made with Tom the last 24 week on this; I think it's great. 25 One question I had, and this is a question</p>
<p>10:01:48-10:02:48 Page 23</p> <p>1 problem. But having said that, if I go back to the 2 office and they say, yeah, we can do that, but that's, 3 you know, seven days of coder time to -- because we 4 are -- we are not spending time on the campaign finance 5 system that we used to have. 6 COMMISSIONER CHAN: Gotcha. Okay. 7 MR. MILLER: So I just don't have an answer 8 for you right now. 9 COMMISSIONER CHAN: Okay. 10 MR. MILLER: But we will absolutely get an 11 answer for you this afternoon, and I'll communicate 12 that with Mr. Collins and he can share it with 13 everyone. 14 COMMISSIONER CHAN: Thank you. 15 MR. COLLINS: If I may, Mr. Chairman. 16 CHAIRPERSON TITLA: Tom. 17 MR. COLLINS: Just to amplify that point, I 18 think that the thing that I have had as one of my 19 objectives in trying to, you know, make this work and 20 get the investment set forth in a way that, I think, 21 you know, deals with the Commissioners' concerns is 22 really focused on -- on ensuring that both, you know, 23 reports that we require that are in the Clean Elections 24 Act or are required of participating candidates are 25 there and remain available.</p>	<p>10:04:05-10:05:25 Page 25</p> <p>1 for you. And Tom, help me out here if I'm wrong. But 2 I think we've kind of looked at some of the cost 3 estimates for part of this website, and we've done some 4 research and found some numbers that are substantially 5 less than the quote that we're seeing from your office, 6 from the Secretary of State's office, to complete that 7 portion of the project. And I think it's the public 8 website portion, if I'm understanding correctly. 9 MR. COLLINS: Yeah. And just to -- if you 10 want me to, I can fill in some of that. I think he -- 11 Mr. Miller knows, but I don't know if he does. 12 COMMISSIONER MEYER: Well, my question is: 13 Based upon the numbers, I think we've shared that -- 14 MR. COLLINS: Yeah. 15 COMMISSIONER MEYER: -- with their office, 16 has there been any evaluation or reassessment by the 17 Secretary of State's office to see if this can be done 18 cheaper? 19 MR. MILLER: Mr. Chairman, Commissioner 20 Meyer, I think the -- I think the most appropriate way 21 to answer your question is to say the See the Money 22 project is being developed entirely with personnel that 23 work for the Secretary. I know, frankly, what those 24 folks get paid. Our chief information officer has set 25 sort of productivity milestones for those individuals.</p>

<p>10:05:30-10:07:21 Page 26</p> <p>1 He's also determined that to get to a fully functioning 2 project that meets the needs of the Commission, of the 3 Secretary, of the people of Arizona, it's going to take 4 us until the end of the year. So my costs are simply 5 how many hours are -- is the staff going to work times 6 what they get paid. 7 And the only way I can really modify my cost 8 is to have fewer people working on the project, and 9 that's -- that would be a significant challenge, 10 because it is also a driver for us to have a fully 11 functioning system live and available by January 1. 12 Because once you get into an even numbered year, once 13 you get into an election year with a -- where there are 14 going to be statewide elections, candidates and the 15 people who are interested in those elections have made 16 it emphatically clear to us, don't be doing anything 17 new in the middle of -- in the middle of an election. 18 So we feel we need to hit -- we absolutely 19 have to hit that January 1 date. There will be a 20 learning curve for candidates, candidate committees, 21 treasurers, all those hardworking folks, that we're 22 going to have to work through in the first quarter of 23 '18. And so I -- I've got to staff the project to hit 24 that milestone. 25 COMMISSIONER MEYER: So on the cost issue,</p>	<p>10:09:08-10:10:20 Page 28</p> <p>1 going out, that's where you really see who influences 2 who, who may have obligations to who. That's a brand 3 new piece, and I want to deliver that, the Secretary 4 wants to deliver that analytical piece by January 1st; 5 and with your investment, it's going to let us do so. 6 COMMISSIONER MEYER: And it sounds like that 7 piece you were just talking about, the analytical 8 piece, that would be really critical for voter 9 education and helping voters better understand who is 10 investing in whom and how that all shakes out. Am I 11 understanding that answer -- 12 MR. MILLER: Mr. Chairman, Commissioner 13 Meyer, absolutely. That's exactly why I think this 14 partnership is entirely appropriate and going to be 15 very valuable for the people of Arizona going forward. 16 COMMISSIONER MEYER: Thank you. 17 CHAIRPERSON TITLA: More comments, 18 Commissioners? 19 COMMISSIONER PATON: Yes. 20 CHAIRPERSON TITLA: Commissioner Paton. 21 COMMISSIONER PATON: Thank you for coming and 22 talking to us in person, instead of this -- just by 23 papers and whatever. I appreciate you coming in and 24 speaking to us. 25 I have -- I believe in teamwork and all that</p>
<p>10:07:24-10:09:03 Page 27</p> <p>1 your figures are just coming from straight math and how 2 many hours it's going to take you guys to complete this 3 and that's how you're getting your number? 4 MR. MILLER: Mr. Chairman, Commissioner 5 Meyer, yes. 6 COMMISSIONER MEYER: And then a follow-up 7 question, based on your answer there, in timing. I 8 think you said earlier, you know, you can get this done 9 faster with the Commission's help. Do you believe that 10 the Secretary of State's office can have this See the 11 Money project done by January 1 of 2018 without the 12 Commission funds? 13 MR. MILLER: Mr. Chairman, Commissioner 14 Meyer, yes. It will not have the full functionality, 15 it will not provide the level of detail to the public 16 that we envision, that we collectively envision. Our 17 statutory mandate is to be able to simply collect 18 contribution information and expense information and 19 show that to the public. That's what we do now, that's 20 what we've all done for more than a decade. That by 21 itself is not very insightful and not very valuable. 22 What collectively we're investing in is the 23 -- is the analytical capability to tie that information 24 together to see that all of the relationships that are 25 associated with those dollars coming in and dollars</p>	<p>10:10:23-10:12:19 Page 29</p> <p>1 kind of stuff and kumbaya, we should all work together, 2 and I think this is part of our -- our mission is to 3 educate people, have information access to everybody. 4 I guess my -- So I'm supportive of this thing. 5 I don't know about the maintenance ongoing, 6 because that 50,000 a year, our income is down, and 7 that kind of concerns me. That could be two elected -- 8 I mean, two people that are -- we're sponsoring for 9 Clean Elections, you know, running for state office. 10 I guess my -- Maybe I don't understand, but 11 why is this not in your budget, this thing that you're 12 asking for us to help you with? 13 MR. MILLER: Mr. Chairman, Commissioner 14 Paton, it is in the budget. We are -- As I've 15 indicated, we are at work today developing our new 16 version of our campaign finance reporting system and 17 the See the Money analytical tool. We are soliciting 18 your investment, as I said, to be able to deliver more 19 functionality faster. 20 The reason we are not here today to talk 21 about a future investment in the maintenance of the 22 site is that's a -- frankly, a completely different 23 question and would require us to forecast, well, what 24 -- this house is nice, but I'd really like it to be, 25 you know, yellow instead of blue. And so we've laid</p>



<p>10:12:28-10:13:59 Page 30</p> <p>1 that question off to the future, because until you 2 actually see -- until you see the house, until you see 3 -- until you see the software solution, you see what 4 functionality you're getting for the initial 5 investment, we'd simply be guessing -- 6 COMMISSIONER PATON: Right. 7 MR. MILLER: -- how many people, and by 8 extension, at what cost it's going to take to continue 9 to make the thing better. 10 COMMISSIONER PATON: So I guess my statement, 11 question, I don't -- I don't know which it is -- Like 12 I said, I'm not opposed to helping you with this. I 13 think it would be good for both of our offices to work 14 together and so on. I just am kind of nervous about 15 the ongoing part of it affecting our budget, and so I 16 was just curious as to why your budget doesn't allow 17 for you to do this in the future once we get on the 18 ground running. 19 MR. MILLER: Mr. Chairman, Commissioner 20 Paton, I guess -- I guess the best example, the most 21 appropriate level of comfort I can share with you, is 22 the reality that, similar to this, the Secretary of 23 State's office operates, on behalf of the 15 Arizona 24 counties, a voter registration software solution. 25 There is a maintenance contract with the vendor that</p>	<p>10:15:51-10:16:55 Page 32</p> <p>1 want me to do now? 2 COMMISSIONER PATON: Right. I see now. 3 MR. MILLER: And that's -- And my agreement 4 with that voter registration software company actually 5 runs five years. But that's why there's actually 6 language in the back of this which says, by the way, if 7 you don't have the money or I don't have the money, 8 then essentially the deal is off. We all are subject 9 to, in my case legislative appropriation, I think in 10 the Commission's case that your revenue streams 11 maintain. And if they don't, then the deal is off; 12 there's nothing any of us can do about that. 13 COMMISSIONER PATON: Okay. Thank you for 14 flushing things out. I mean, that makes things more 15 clear to me. Thank you. 16 COMMISSIONER MEYER: Mr. Chairman. 17 CHAIRPERSON TITLA: Chairman -- Commissioner 18 Meyer. 19 COMMISSIONER MEYER: So just so I understand 20 this, this term of maintenance -- And I think I was 21 mistaken. I was thinking about just general upkeep of, 22 oh, this part of the site is not working; we've got to 23 get a coder out there to fix that. But I think, if I 24 understand what you're saying, the maintenance part is 25 also going to be a component of, well, if the laws</p>
<p>10:14:06-10:15:48 Page 31</p> <p>1 developed that solution. That contract is running us 2 about \$850,000 a year. And essentially what that 3 contract says is: For \$850,000 a year, we'll do all 4 the security updates, we'll fix any obvious bugs in the 5 system, and you get, I'm rounding off here, and you get 6 250 hours of our programmers' time. So you just tell 7 us what cool new things you'd like to see in the 8 system; and if we can get it done within 250 hours, 9 then we're all good for 800,000 bucks. 10 If I said to them, you know what? Take the 11 250 hours of coders' time out of that deal, you know, 12 my price goes down. But my friends across the street 13 here have demonstrated that every single year they make 14 changes to the laws affecting voter registration -- 15 COMMISSIONER PATON: Sure. 16 MR. MILLER: -- and I've used up all 250 17 hours of those coders' time, without fail, year after 18 year after year. So -- 19 And, here is the fun part, my budget is just 20 year by year by year. It's entirely possible for the 21 legislature to make substantive change in the law of 22 voter registration, and then don't give me any money -- 23 COMMISSIONER PATON: Right. 24 MR. MILLER: -- to implement it, and then we 25 just all sort of go look at each other. What do you</p>	<p>10:16:59-10:17:48 Page 33</p> <p>1 change, then we're going to have to rework the website 2 so it functions in a way that's consistent with the way 3 the law has been changed by the legislature. Is that 4 what you're saying is going to be part of this 5 maintenance thing that you're asking -- 6 MR. MILLER: Mr. Chairman, Commissioner 7 Meyer, absolutely. 8 COMMISSIONER MEYER: Okay. Thank you. 9 COMMISSIONER CHAN: Mr. Chairman. 10 CHAIRPERSON TITLA: More questions, 11 Commissioner Chan? 12 COMMISSIONER CHAN: Mr. Chairman and 13 Mr. Miller, I think, you know, that's always the way it 14 is, right? I mean, I don't think there's ever a 15 session that goes by that the legislature doesn't 16 tinker with the election law. They can't help 17 themselves. They're running using the election law, 18 the voters, the constituents, do all that. 19 I think, you know, the difference between 20 what you're talking about with the counties is that the 21 counties actually have a statutory role in, you know, 22 being the keepers of the voter registration database in 23 conjunction with the Secretary of State's office. And 24 I think from my perspective as a Commissioner -- And 25 I'm not saying I'm opposed to doing maintenance. I</p>

<p>10:17:50-10:19:15 Page 34</p> <p>1 want to hear more about it for sure. But I think the 2 difference is that the Secretary actually has the full 3 statutory authority to create and provide this system 4 for the people of Arizona. And I think this is a very 5 exciting system that the -- that your office has put 6 together. I think that's why the Commission is 7 interested in supporting it financially, to help it 8 come online in time for the January -- you know, the 9 '18 election cycle. But I believe that, you know, 10 ongoing I would say philosophically I feel that it is 11 the Secretary's responsibility. 12 I know in the past there has been a burden on 13 your office as far as the five dollar filing -- you 14 know, five dollar -- and our office has paid for, you 15 know, maybe a half a -- I think it was like a half an 16 employee or something like that. And that is the type 17 of thing that makes more sense to me than continuing to 18 pay, unless there's a significant burden on the system. 19 And I know that there is a piece of the system, but -- 20 Anyway, so those would be my thoughts on that subject. 21 I don't know that that's really, you know -- 22 MR. MILLER: Mr. Chairman, Commissioner Chan, 23 Mr. Collins has made it sort of perfectly clear to us 24 that he has no intention of taking a proposal to the 25 Commission and does not foresee the Commission ever</p>	<p>10:20:48-10:22:02 Page 36</p> <p>1 is move forward with that, and then, given that time is 2 of the essence here, you know, when we get to a 3 finalized agreement that Mr. Miller can live with and 4 Secretary Reagan can live with and we're comfortable 5 with as staff, we'd probably call, on 24 hours' notice, 6 a conference call. We'll try to get you the -- we'll 7 try to do it in a way that we can get you the contract 8 and a summary of the contract ahead of the 24 hours, so 9 you have a chance to review that. 10 And the materials you have, I would, you 11 know, take the time to review before that so that you 12 are, you know, as familiar as you can be with the terms 13 of the discussion. And then we can get a meeting 14 together within -- really within not very much time. 15 And I'd like to shoot for the next week or so, if 16 possible. If that doesn't work out, you know, 17 whatever. But I really -- I think the main point that 18 I've heard from the Secretary's office is that because 19 time is of the essence, we need to get this in place 20 before the next Commission meeting, which is, I think, 21 May 18th, 19th, or 20th. 22 MR. MILLER: Mr. Chairman, Members, just to 23 try and crystallize Tom's comment, we are, as we speak, 24 soliciting resumes for more -- for coders, for 25 developers, for more people for this project. If --</p>
<p>10:19:18-10:20:43 Page 35</p> <p>1 supporting any type of ambiguous financial commitment. 2 Just like what we are trying to set forth here is a 3 articulate schedule of deliverables, and the labor 4 associated with achieving that objective equals those 5 amount of dollars, we would foresee the discussion 6 about further support and maintenance going exactly 7 that direction. If it was the pleasure of the 8 Commission to say, wow, that looks great, don't change 9 anything, then I don't disagree that there would be 10 little incentive for the Commission to further invest. 11 On the other hand, if it was the pleasure of the 12 Commission, as I said, to, you know, want to see it in 13 4K, okay, and here is what that costs. 14 COMMISSIONER CHAN: Okay. Thank you. 15 CHAIRPERSON TITLA: Any more comments, 16 Commissioners? 17 (No response.) 18 CHAIRPERSON TITLA: Okay. Tom, so you'll be 19 working on this agreement with him? 20 MR. COLLINS: Yes. Mr. Chairman, 21 Commissioners, what I would like to do is -- You know, 22 we have some tweaks, as I've described them. I don't 23 think they're really that significant, but I think 24 they're important to talk about with Mr. Miller and 25 Mr. Maaske and Ms. Atkinson. What I would like to do</p>	<p>10:22:09-10:23:23 Page 37</p> <p>1 And over the next week or two, we will move those folks 2 through the hiring process and identify the specific 3 individuals we would like to add to the team. 4 If I have your commitment to the investment, 5 we will go forward and we will add those individuals to 6 the team. If I don't have your financial commitment at 7 that time, candidly, I'm not going to add more staff. 8 So the -- Frankly, so the sense of urgency here is I'm 9 moving forward through the hiring process to identify 10 the particular individuals to add to the team. And if 11 I can afford it, I will do so. And if I can't afford 12 it, then we will thank them for their interest and 13 encourage them to seek employment elsewhere. 14 CHAIRPERSON TITLA: Okay. Tom, well, 15 continue working on the agreement and let us know -- 16 MR. COLLINS: Yeah, I will. 17 CHAIRPERSON TITLA: -- ahead of time about 18 the material and we can take a look at it. I think 19 that this is an important project to work on with 20 Mr. Miller and the Secretary of State's office. It's 21 very important, so continue working on it and let us 22 know. Thank you. 23 MR. COLLINS: Okay. 24 CHAIRPERSON TITLA: Why don't we go to the 25 next item --</p>

<p>10:23:24-10:24:43 Page 38</p> <p>1 MR. MILLER: Thank you very much. 2 COMMISSIONER MEYER: Thank you, Mr. Miller. 3 CHAIRPERSON TITLA: -- next item, V, 4 discussion of rule amendment proposals approved for 5 public comment on February 23rd: A. A.A.C 6 R2-20-702(B). And that's to consider: 1. Option A - 7 Ban on expenditures to political parties with Clean 8 Elections funding. 2. Option B - Limit on 9 expenditures to political parties of Clean Elections 10 funding to voter information and political event fees. 11 3. Option C - Restriction of expenditures to political 12 parties for campaign expenditures and additional 13 documentation requirements. 14 Tom. 15 MR. COLLINS: Yes, Mr. Chairman. So the main 16 reason this is here for discussion purposes, not action 17 purposes. The 60-day comment period is still running, 18 and it doesn't end until May 12th, so these amendments 19 that we've proposed won't be eligible to be voted on 20 until the next Commission meeting. 21 We did, however, because of the way the 22 meetings fell, have a little bit of extra -- there's 23 just like a -- I don't know, there's this two-week kind 24 of -- kind of gap that allows us to sort of update you 25 on our thinking along this -- about this, and really</p>	<p>10:26:20-10:27:28 Page 40</p> <p>1 going to -- we're not going to recommend the adoption 2 of those. And we thought, since we have this sort of 3 interstitial meeting, there was no harm in telling you 4 that now, instead of waiting until -- until then. And 5 that's really the purpose of having this on the agenda. 6 And unless you have any questions about it, 7 that's really all I have to say about it. 8 CHAIRPERSON TITLA: Any questions by the 9 Commissioners on this item? 10 COMMISSIONER MEYER: Mr. Chairman, I just 11 have a comment. 12 CHAIRPERSON TITLA: Commissioner Meyer. 13 COMMISSIONER MEYER: I -- I know that we did 14 receive a comment from Brandon Dwyer, who's a former 15 Clean Elections candidate, and I was glad to see that. 16 I think that's -- it's great to get comments from those 17 who participated in the system, and I'd encourage 18 others who have to provide comments as well. 19 MR. COLLINS: And Mr. Chairman, if I may. 20 CHAIRPERSON TITLA: Tom. 21 MR. COLLINS: Mr. Chairman, Commissioner 22 Meyer, we have talked about doing some additional 23 outreach, both informally to, you know, attorneys and 24 consultants, who I hear from semi-regularly, and then 25 through our social media outlets, to solicit that</p>
<p>10:24:48-10:26:17 Page 39</p> <p>1 around one specific issue. And this is sort of bearing 2 in mind some of the comments from Commissioners around 3 the issue on consultants and wanting to, you know, try 4 to make sure that we're -- that candidates are getting 5 the documentation we think they ought to get in order 6 to be essentially in the best position to comply and, 7 you know, deal with any auditing and all those kinds of 8 things, without disrupting the ability of candidates to 9 both seek consulting services and those relationships. 10 So in view of that, you know, we've gotten -- 11 although we have not gotten a lot of public comment on 12 this issue, we have at least -- I've gone out and 13 gotten some feedback from folks on both the democratic 14 side and the republican side who do consulting to talk 15 about that issue. And we think that, you know, that we 16 will not, come May 18th, recommend the adoption of the 17 second sentence that is on Item V, Page 1 about marking 18 up and the additional requirement that the 19 participating candidate provide us and be provided with 20 a list of other political clients of the consultant. 21 There's a number of reasons why we think that 22 that's -- you know, that that's not necessary at this 23 step. We do think that those rule proposals comport 24 with the anti-corruption principles that undergird the 25 Clean Elections Act, but, you know, we will -- we're</p>	<p>10:27:32-10:28:59 Page 41</p> <p>1 comment. 2 CHAIRPERSON TITLA: Yes, Tom, I think it's 3 important to get all the information, the input that we 4 can from the public. I too read the comment by Brandon 5 Dwyer, and he is not in favor of passing Option A on 6 R2-20-702(B). He said that he wouldn't run in 2018 if 7 this option was passed, which is Option A. 8 He also made the same comment on Option B. 9 He said that I use my normal campaign funds to purchase 10 access to the voter file. I would have trouble running 11 as a Clean Elections candidate again. More likely I 12 wouldn't run in 2018 if this option passed, which is 13 Option B that he's talking about. 14 And then he said that on Option C he has -- 15 he calls it great starting ground rules. If these 16 rules were -- or where -- or were in place before the 17 2016 campaign, it would have made life easier, is what 18 he says. 19 But the point I'm making is that if we hear 20 more of these comments by the public, then it's good to 21 hear these comments so we get more public input. I 22 think that it would be good. 23 Any comments by Commissioners? 24 COMMISSIONER PATON: Yes. 25 CHAIRPERSON TITLA: Commissioner Paton.</p>

<p>10:29:00-10:30:13 Page 42</p> <p>1 COMMISSIONER PATON: Just reading through his 2 commentary, he said he wouldn't run, but he's giving no 3 reasons why he wouldn't run for Option B. I mean, the 4 access to the voter files from the party is -- is not 5 very expensive anyway. And in Option B, they're 6 allowing you to use -- to use the party to get access 7 to those files. So I don't understand his statement 8 there. To me he's saying the exact opposite of what I 9 think B states, so I'm a tad confused. Maybe Tom could 10 talk to him and find that out -- 11 MR. COLLINS: Well, sure. 12 COMMISSIONER PATON: -- or you can explain to 13 me that I'm reading this wrong. 14 MR. COLLINS: Mr. Chairman, Commissioner 15 Paton, we'll follow up with -- we follow -- we can 16 follow up with anybody who comments, and we'll follow 17 up about it, but -- We'll just follow up. 18 COMMISSIONER PATON: Okay. Because I really 19 don't understand -- 20 MR. COLLINS: Sure, sure. 21 COMMISSIONER PATON: -- his objection to it. 22 MR. COLLINS: Sure. I'm happy to follow up, 23 and I'm sure -- And frankly, when we do follow up, the 24 public likes that too. I mean, people like to know 25 that their comments are actually getting read.</p>	<p>10:31:27-10:33:03 Page 44</p> <p>1 And in addition, Council Member -- 2 I should note that Commissioner Chan and 3 Commissioner Kimble attended that meeting on behalf of 4 the Commission, along with myself and Sara and Mike. 5 So -- and he tried to articulate, for our 6 purposes and -- mine and Sara's purposes in terms of 7 working on this, returning the report to them, some of 8 his views in a way that is helpful because it sort of 9 -- it sort of encapsulates, encapsures, or 10 recapitulates what his views on the Act are, which GRRC 11 staff attorney Chris Klemminich was helpful enough to 12 put together a summary of those for us so we didn't 13 have to transcribe them ourselves. So that's helpful. 14 I would also say that I had a very productive 15 conversation with Mr. Klemminich this week about how we 16 might address the Council's concerns with respect to 17 what approval means for them and what it means in terms 18 of their own views on the statute and how we might -- 19 now that we have some more articulated sense of that, 20 how we might both acknowledge that in some way, and as 21 I've expressed to Mr. Klemminich, without being in a 22 position where we have waived some of these legal 23 issues that we have sought to preserve. 24 So I think we've made significant headway 25 there in terms of my communication with Mr. Klemminich,</p>
<p>10:30:17-10:31:27 Page 43</p> <p>1 COMMISSIONER PATON: Maybe he's 2 misunderstanding it. 3 MR. COLLINS: Sure. Absolutely. We'll 4 follow up with him, and I'll let you know where that 5 is. 6 COMMISSIONER PATON: Okay. 7 CHAIRPERSON TITLA: Okay. If there's no more 8 comments, why don't we go to Item VI, discussion and 9 possible action on the 5 Year Review Report submitted 10 to Governor's Regulatory Review Council and related 11 matters. 12 Mr. Collins. 13 MR. COLLINS: Yes, Mr. Chairman, 14 Commissioners, and I will try to make this brief as 15 well. Joe Roth is here in case we have, for some 16 reason, legal questions; I don't think there are any. 17 What happened at the last GRRC meeting, I 18 think you're aware, they accepted in part -- or, 19 approved in part and returned in part the 5 Year 20 Report, which is a -- which is significant progress, 21 because that means the vast majority of our -- the vast 22 majority of the rules in the report have now been -- 23 have now been -- gone through that process. What they 24 returned was three rules, R2-20-109, R2-20-110, and 25 111.</p>	<p>10:33:04-10:34:17 Page 45</p> <p>1 the Council's decision to approve part of the report, 2 and I think we now have a potential, you know, 3 trajectory to at least put the 5 Year Report piece 4 together in a way that puts that behind us. The 5 related issues continue to be the purported -- I don't 6 know what term we're using for it. 7 MR. ROTH: Date of purported repeal. 8 MR. COLLINS: What? 9 MR. ROTH: Date of purported repeal. 10 MR. COLLINS: The date of purported repeal, 11 which is currently set at June 7. And I don't know if 12 I told Sara this yet, but we're going to try to turn 13 this report around so this will also be on the June 7 14 agenda of GRRC. Our meeting of the 18th, I have to 15 work with Chris to make sure you guys get a chance to 16 look at the report before we get it to them. But in 17 any event, that's sort of the plan. And I really think 18 we're -- I think we made some progress. 19 And that's -- that really concludes my report 20 on that, and -- unless you have questions about it. 21 And of course, Commission Kimble and Commissioner Chan 22 may have their own observations. 23 CHAIRPERSON TITLA: Any questions, 24 Commissioners, comments? 25 (No response.)</p>

<p>10:34:18-10:35:35 Page 46</p> <p>1 CHAIRPERSON TITLA: Okay. No comments. 2 Let's go the next item, VII, discussion and 3 possible action on final audit approval for the 4 following participating candidates for the 2016 5 election cycle. 6 Sara. 7 MS. LARSEN: Good morning, Chairman, 8 Commissioners. 9 Yesterday you should have received the audit 10 summary, the summary of the findings that we received. 11 A few of them had minor errors in them, there were two 12 or three that did have some significant reporting 13 errors, so I'm going to work with Tom on going forward 14 and trying to get some kind of resolution on those 15 reporting errors. And then some are minor accounting 16 errors that most likely were bank fees or things that 17 really could be resolved fairly easily. And then we 18 had one audit that had absolutely no findings in it at 19 all. 20 So if you have specific questions on any of 21 the audits, I'm happy to answer those. 22 CHAIRPERSON TITLA: Commissioners, questions? 23 COMMISSIONER MEYER: Are we sending a fruit 24 basket to Tonya MacBeth? 25 MS. LARSEN: Chairman, Commissioner Meyer, I</p>	<p>10:36:35-10:37:21 Page 48</p> <p>1 obviously -- We'd ask you approve the audits and 2 authorize Sara and I to work with the candidates that 3 we believe need additional attention to resolve their 4 reporting issues. 5 CHAIRPERSON TITLA: Commissioners, does 6 anybody want to make that motion? 7 COMMISSIONER KIMBLE: Mr. Chairman. 8 CHAIRPERSON TITLA: Commissioner Kimble. 9 COMMISSIONER KIMBLE: I move that we approve 10 the audits of the -- one, two, three, four, five, six 11 -- the eight candidates mentioned in Item VII of the 12 agenda. 13 CHAIRPERSON TITLA: Motion by Commissioner 14 Kimble to approve the audit findings. Second? 15 COMMISSIONER CHAN: Second. 16 CHAIRPERSON TITLA: Commissioner Chan, 17 second. 18 All in favor, say aye. 19 (Chorus of ayes.) 20 CHAIRPERSON TITLA: Opposed. 21 (No response.) 22 CHAIRPERSON TITLA: Abstain. 23 (No response.) 24 CHAIRPERSON TITLA: Motion passes 25 unanimously.</p>
<p>10:35:36-10:36:32 Page 47</p> <p>1 think that we should send something to all of the 2 candidates who have clean audits. It's very -- It's 3 wonderful to see that. Even the candidates that have 4 minor errors, that -- you know, when you have a -- 5 COMMISSIONER PATON: Would that be against 6 the gift clause? 7 MS. THOMAS: Nominal. 8 MS. LARSEN: When I feel that the candidates 9 have, you know, a five dollar discrepancy -- We're 10 talking about a large sum of money that they're dealing 11 with over the course of the primary and general 12 election period. So five dollars, 20 dollars, if you 13 get within that range, that's -- I feel like that's 14 better than I do with my own personal checking account. 15 So there were some large number discrepancies 16 in these, though, that I am going to delve deeper into 17 from the findings from -- from the auditors. 18 CHAIRPERSON TITLA: Any more questions, 19 comments, Commissioners? 20 (No response.) 21 CHAIRPERSON TITLA: Do we need any action on 22 this, Tom? 23 MR. COLLINS: Mr. Chairman, yes. We'd ask 24 that you approve the audits. And approving audits 25 obviously doesn't complete them in the sense I'm</p>	<p>10:37:25-10:38:20 Page 49</p> <p>1 COMMISSIONER MEYER: Do we need to further 2 move that you can continue -- 3 MR. COLLINS: No, I don't think. I think 4 that's just -- Just as long as you understand we're 5 going to do that, I think we're good. 6 COMMISSIONER MEYER: Understood. 7 MS. LARSEN: And Chairman, Commissioners, 8 just to let you know that those did conclude our 9 general election audits, so there are no random audits 10 that are pending. So all of those audits have wrapped 11 up. We do have one full audit review that is out, and 12 I think Tom and I are going to work to hopefully have 13 that to you in the next Commission meeting or two. 14 CHAIRPERSON TITLA: Sara, thank you for all 15 the hard work you've been doing in this area. You've 16 been working on a timely basis and I really appreciate 17 it. You're to be commended for that. 18 MS. LARSEN: Thank you. 19 CHAIRPERSON TITLA: Okay. Let's go to 20 Item VIII, discussion and possible action on 2017 21 legislative agenda and items including update on bills 22 affecting Clean Elections, elections general, and 23 administrative law. 24 Mr. Collins. 25 MR. COLLINS: Mr. Chairman, Commissioners, we</p>


<p>10:38:25-10:39:56 Page 50</p> <p>1 don't really have very much to update. There are a 2 couple of bills that we've been watching that don't 3 have necessarily a dramatic impact on anything we're 4 doing. There are always going to be questions on how 5 laws related to election and administrative law come 6 out after the fact in terms of how they're going to be 7 dealt with. But right now things appear to be quiet 8 from our perspective. We're certainly conscious of the 9 fact that there are lots of bills out there that folks 10 who are generally supportive of the Clean Elections are 11 concerned with, but those are not really Clean 12 Elections issues; those are issues related to other -- 13 other things. So, you know, not to -- So we generally 14 don't and haven't gotten involved in those kinds of 15 things, and we'll continue to not. 16 So that's really it. I mean, I think -- I 17 think there's -- You know, I do think that there's 18 going to be some changes to administrative law that 19 will pass that will potentially affect all 20 administrative agencies in terms of the standard of 21 review that courts use; however, if you look at what 22 the lower Court of Appeals judges currently do, it's 23 really not that clear to me that they are actually 24 particularly, on legal questions, bound in any 25 significant way by Title 12 as it now stands. So I</p>	<p>10:41:42-10:43:12 Page 52</p> <p>1 case. You know, we will see -- The intensity level 2 around our issues is lower this year, that seems to be 3 clear. Next year will be -- but I think it's been -- 4 I think it's been good. 5 I will say this thing -- this, which I think 6 is really actually an irony of the situation we've been 7 in. You know, I think that -- I feel like myself and 8 everybody else on staff really is invested and always 9 has been invested in the success of the Commission and 10 the success of the Act. And I think that when things 11 happen that are challenges, I think that everybody on 12 staff, and this is what makes our staff, I think, the 13 best staff in state government, everybody has a 14 personal stake in the success of this. And we have 15 expectations for ourselves and for the Commission and 16 for the Act that are not reasonable, given the 17 political circumstances that the Act functions in. And 18 so when a challenge arises, we're -- you know, 19 especially, you know, I think, Mike, Gina, Sara, Paula, 20 Alec, and Amy are the best people to have to work with. 21 So it's been a successful session, and I 22 think it's been -- so far, and again -- but, yeah, I 23 think that -- I think things worked out pretty well. 24 And I think a lot of things you said at the beginning 25 about how staff would be -- our staff would be well</p>
<p>10:40:00-10:41:37 Page 51</p> <p>1 think that's -- I think that's gotten some attention 2 in the press and Reason.com and other places, but I 3 don't -- I think the attention it's gotten is overblown 4 if you look at what lower Court of Appeals judges are 5 actually doing in Arizona now. 6 And that's really all I have to say about 7 legislative stuff. 8 CHAIRPERSON TITLA: Any questions by 9 Commissioners, comments? 10 COMMISSIONER PATON: Yes, if I may. 11 CHAIRPERSON TITLA: Commissioner Paton. 12 COMMISSIONER PATON: So Tom, could you 13 explain to us how this all -- this past legislative 14 thing worked without having a true lobbyist, that you 15 and Joe and the staff have seemed to have done 16 admirably without this? I would like to probably pat 17 you on the back and -- Explain to us how this has 18 worked out, in your estimation. 19 MR. COLLINS: Well, so far, Mr. Chairman, 20 Commissioner Paton, Mike and I and Gina and -- have all 21 spent time at the legislature this year in one thing or 22 another -- on one issue or another. And the session is 23 not over, I just want to be clear, so, you know -- but, 24 you know, I think we've -- I think -- I think things 25 have been -- I think we made it through this test</p>	<p>10:43:14-10:44:29 Page 53</p> <p>1 equipped to deal with this turned out to be true, and 2 in a certain way this was galvanizing. 3 COMMISSIONER PATON: Yeah. I just think that 4 having a real face, just like Mr. Miller coming to talk 5 to us, Secretary of State -- when people come and are 6 face to face with people -- you know, you're an expert 7 in your field, you're representing us, you're 8 representing the Act, instead of just for somebody 9 that's just doing this as a job, you know, the 10 lobbyist, to me I just think that that makes a big 11 difference. And of course you're invested, you're 12 vested in the whole deal. And so those legislators see 13 you face to face, and I think it probably made a big 14 difference, instead of just them thinking you're a 15 bureaucrat or whatever. You know, we all have ideas 16 about bureaucrats. But when you go there and tell them 17 your ideas straight heart to heart, I think that makes 18 a big difference. So that's enough of my commercial. 19 MR. COLLINS: I did have to shave my beard, 20 though, so -- 21 COMMISSIONER PATON: I see that it's coming 22 back. 23 CHAIRPERSON TITLA: Any more comments, 24 Commissioners? 25 (No response.)</p>

10:44:29-10:44:57 Page 54

1 CHAIRPERSON TITLA: If not, let's go to next  
2 item, Item IX, public comment. Is there anybody that  
3 wants to make a public comment in the audience?  
4 (No response.)  
5 CHAIRPERSON TITLA: If not, we go to Item X,  
6 adjournment. Is there a motion to adjourn?  
7 COMMISSIONER KIMBLE: I move we adjourn.  
8 CHAIRPERSON TITLA: Commissioner Kimble,  
9 motion. Second?  
10 COMMISSIONER MEYER: Second.  
11 CHAIRPERSON TITLA: Commissioner Meyer,  
12 second.  
13 All in favor, say aye.  
14 (Chorus of ayes.)  
15 CHAIRPERSON TITLA: Opposed.  
16 (No response.)  
17 CHAIRPERSON TITLA: Abstain.  
18 (No response.)  
19 CHAIRPERSON TITLA: We are adjourned. Thank  
20 you, Commissioners.  
21 (The proceedings concluded at 10:45 a.m.)  
22  
23  
24  
25

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1 STATE OF ARIZONA )  
2 )  
3 COUNTY OF MARICOPA )  
4 )  
5 BE IT KNOWN that the foregoing proceedings  
6 were taken by me; that I was then and there a Certified  
7 Reporter of the State of Arizona; that the proceedings  
8 were taken down by me in shorthand and thereafter  
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12 adduced upon the taking of said proceedings, all done  
13 to the best of my skill and ability.  
14 )  
15 )  
16 I FURTHER CERTIFY that I am in no way related  
17 to nor employed by any of the parties hereto nor am I  
18 in any way interested in the outcome hereof.  
19 )  
20 )  
21 DATED at Tempe, Arizona, this 21st day of  
22 April, 2017.  
23 )  
24 )  
25 )

  
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Kathryn A. Blackwelder, RPR  
Certified Reporter #50666

<b>§</b>					
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