

THE STATE OF ARIZONA  
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Phoenix, Arizona

May 18, 2017

9:31 a.m.

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Page 2

1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN ELECTIONS  
2 COMMISSION convened at 9:31 a.m. on May 18, 2017, at the  
3 State of Arizona, Clean Elections Commission, 1616 West  
4 Adams, Conference Room, Phoenix, Arizona, commencing in  
5 the presence of the following board members:  
6  
7 Mr. Steve M. Titla, Chairperson  
8 Mr. Mark S. Kimble  
9 Ms. Amy B. Chan  
10 Mr. Galen D. Paton  
11  
12 OTHERS PRESENT  
13 Thomas M. Collins, Executive Director  
14 Paula Thomas, Executive Officer  
15 Sara Larsen, Financial Affairs Officer  
16 Mike Becker, Policy Director  
17 Alec Shaffer, Web Content Manager  
18 Amy Jicha, Legal Admin and VE Intern  
19 Joseph N. Roth, Osborn Maledon (telephonic)  
20 Joseph La Rue, Attorney General's Office  
21 Dana Walton, ADLCC  
22 Rhonda Barnes, House  
23 Joel Edman, AZ Advocacy Network  
24 Christina Caviglia, Riester  
25 Talei Hornback, Riester  
Jill Foley, Fester & Chapman  
Kevin Camberg, Fester & Chapman  
Jesus Rubalcava, Representative, Dist. 4 (telephonic)  
Joseph Kanefield, Ballard Sphar  
Chase Bales, Ballard Sphar  
Athena Salmon, Representative, Dist. 26  
Isela Blanc, Representative, Dist. 26  
Juan Mendez, Senator, Dist. 26

09:31:52-09:32:43 Page 3

1 CHAIRMAN TITLA: At this time why don't we call  
2 the meeting to order.  
3 This is the Citizens Clean Elections Commission  
4 meeting, Thursday, May 18th, 9:30 a.m. We have an agenda  
5 here. So we have, I, call to order, and we have done  
6 that.  
7 II, discussion and possible action on Commission  
8 minutes for April 20, 2017 and April 27, 2017.  
9 COMMISSIONER KIMBLE: Mr. Chairman.  
10 CHAIRMAN TITLA: Commissioner.  
11 COMMISSIONER KIMBLE: I move we approve the  
12 minutes for the meetings of April 20th, 2017 and April 27,  
13 2017.  
14 CHAIRMAN TITLA: Okay. There is a motion. Is  
15 there a second?  
16 COMMISSIONER PATON: Second.  
17 CHAIRMAN TITLA: Okay. We have got a second.  
18 All in favor say eye.  
19 (A chorus of ayes.)  
20 CHAIRMAN TITLA: Opposed.  
21 (No response.)  
22 CHAIRMAN TITLA: Abstained.  
23 (No response.)  
24 CHAIRMAN TITLA: Motion passed unanimously.  
25 So next we go to the Executive Director's

09:32:57-09:34:25 Page 4

1 report.  
2 MR. COLLINS: Yes. Mr. Chairman, Commissioners,  
3 real briefly on the Executive Director's report, you will  
4 find a couple items.  
5 We do have elections this past week. We had  
6 jurisdictional elections. We had a number of cities and  
7 towns. We have been doing some, we have been doing  
8 some -- we have done some work with them in providing  
9 information about that.  
10 We are working on putting together our July 13th  
11 roundtable event. And we are excited to announce that the  
12 keynote speaker for that event is going to be Jaime Casap,  
13 who is the chief education evangelist for Google, which  
14 is, which should be a really interesting presentation. He  
15 is an impressive guy, featured in the New York Times this  
16 Sunday in fact. So I am pretty pleased to have him coming  
17 to talk to us about engaging folks and the election  
18 officials and stakeholders that we will have at that  
19 event.  
20 I wanted to get a couple of real quick points.  
21 The Legacy Foundation Action Fund matter at the Arizona  
22 Supreme Court, we filed and Legacy Foundation filed their  
23 supplemental, we both filed our supplemental briefs  
24 simultaneously on Friday. Those are attached for your  
25 review. And the oral argument is currently scheduled for

09:34:52-09:36:19 Page 5

1 September 11th. That issue principally has to do with  
2 whether or not, you know, Legacy Foundation can get back  
3 into court, having failed to take action within the time  
4 allotted for their appeal of the administrative order.  
5 A couple of other news items I just want to real  
6 quickly mention before we move on to page 2. You know,  
7 the Republic has reported that the County Recorder's  
8 Office has begun processing state voter registration forms  
9 that may not have provided proof of citizenship on them as  
10 statute appears to require. There is a link in your  
11 materials which you can read the story at your, at your  
12 leisure. I will mention that, you know, why does that  
13 matter to clean elections, it is really for, two reasons.  
14 One, under current thinking of the -- well, I  
15 shouldn't say current. Under the thinking of the  
16 Secretary of State's Office and the Attorney General's  
17 Office, heretofore, a person who uses a state form that  
18 did not provide proof of citizenship wasn't eligible to  
19 sign a candidate petition or give a qualifying  
20 contribution. So how this plays into that will be of some  
21 importance.  
22 Additionally, from a voter education perspective  
23 is, if we are going to have one county that does things  
24 one way and it is not clear what the other counties are  
25 going to do, we are going to want to be able to be

<p>09:36:38-09:38:01 Page 6</p> <p>1 consistent about what we tell folks what they are required 2 to bring as far as voter registration requirements. 3 We right now operate in a bifurcated system 4 where, because as a result of a federal litigation, folks 5 who use the federal postcard form promulgated by the 6 Election Assistance Commission, which requires them to 7 attest to their citizenship, are registered for federal 8 elections but not for state elections. And so there is a 9 bifurcated process there. 10 What the Recorder in Maricopa County is doing, 11 at least according to the news reports, is adopting a 12 position that he can use a state form, which is a 13 different form and not a form that was subject to 14 litigation I just described, or that we defended, I should 15 say, in the litigation I just described -- and by we I 16 mean when I was at the AG's office -- and looking up and 17 sort of checking and seeing if those folks are in fact 18 citizens. 19 The legal issue, as I described as briefly as I 20 could in the note there, is A.R.S. 166 -- A.R.S. 16-166 21 says that if sufficient proof or evidence is not provided, 22 the County Recorder is to reject that. So there is a 23 question about whether or not -- you know, what does that 24 mean and what flexibility is there. So, you know, we do 25 have something to keep our eye on.</p>	<p>09:39:46-09:41:14 Page 8</p> <p>1 filed on that. You know, we will keep you updated to the 2 extent that's something that is of interest to you all as 3 we go forward. 4 But that's the news, as it were. Unless anyone 5 has any questions, that completes my report. 6 CHAIRMAN TITLA: Commissioners, any questions 7 for Director Collins? 8 (No response.) 9 CHAIRMAN TITLA: Director Collins, I have a 10 question for you. You write in your report that Recorder 11 Fontes is exploring going through mail only elections -- 12 MR. COLLINS: Sure. 13 CHAIRMAN TITLA: -- in 2017. Are there other 14 jurisdictions that follow that procedure? 15 MR. COLLINS: Mr. Chairman, Commissioners, so as 16 you can see from the earlier part of the report, some 17 jurisdictions are already in all mail elections. The 18 Recorder's Office has been building towards -- Mr. Fontes 19 made an announcement about this on television about, I 20 want to say, a month and a half ago that he would like to 21 see Maricopa County go to all mail elections. Gina and 22 Alec and I attended an informational session with the 23 Recorder's Office last week on that. And I think that we 24 are talking about 2017. So they are still in the process 25 of, in Maricopa, of ascertaining how many, how many</p>
<p>09:38:19-09:39:32 Page 7</p> <p>1 I will note since this was produced, the League 2 of Women of Voters, Rivko, can't be here today but wanted 3 me to mention to you that the League believes that what 4 Recorder Fontes is doing is appropriate. We haven't taken 5 a position on it. I have -- you can read the story and 6 see where different attorneys are, you know. I certainly 7 have my experience from when I worked on this issue at the 8 AG's office, and others of course who have worked on this 9 issue may have their views, but that's in flux. 10 I also added late, you will see in the back of 11 your packet, a note about a story that came out about the 12 legal standard for initiative petitions, which I think we 13 will want to keep our eye on. Although the Commission 14 itself is not in the process of doing initiatives, we do 15 come out of an initiative. And the legislature passed the 16 law this past year that says that initiative petitions 17 will be reviewed under what is called a strict compliance 18 standard. 19 That standard means that basically, to 20 oversimplify, any error in the process would result 21 potentially in those petitions or certain sheets being 22 tossed out. It is a different standard that applies to 23 candidate petitions. And it is the same standard that 24 applies to referendum petitions and, I believe, recall 25 petitions. So there is some litigation that has been</p>	<p>09:41:35-09:43:05 Page 9</p> <p>1 jurisdictions are affected. 2 And what mail only really means is not so much 3 that you have to mail back your ballot but it will simply 4 mean that, you know, you will have essentially ballot 5 centers where you would deliver your early ballot to a, to 6 a fixed location in addition to mail it. So right now, 7 you know, all of, a really high percentage, I don't have 8 an exact figure but somewhere in the, around 80 percent of 9 folks, are, you know, participate by mail in some way, 10 either because they vote their ballot and mail it back or 11 they vote their ballot and bring it to a ballot polling 12 place on election day. The contours of this plan on a 13 countywide basis would be to create ballot centers where 14 folks who have gotten their ballots could come in and drop 15 them off in addition to having the option to mail them in, 16 which they always have. 17 So we are there in part because, like any 18 jurisdiction, we try to supplement the voter education 19 efforts that they make and so, you know, we have -- we 20 will be, as the county, like all jurisdictions go through, 21 sort of fleshing this out. We will be working to see how 22 we can, on a cost efficient basis, ensure that folks have, 23 you know, good information about how this is going to work 24 and whether or not it is going to -- and how they can get 25 their ballot back and counted.</p>

<p>09:43:23-09:44:25 Page 10</p> <p>1 We are not really in a posture to take a 2 position on how the Recorder or the individual 3 jurisdictions want to run their elections. You know, 4 Phoenix, for example, runs its own election system, you 5 know, separately. That's not really our interest or role. 6 Our role is more in terms of ensuring that whatever 7 jurisdictions are doing, you know, we are ensuring that 8 our voter education materials are, you know, consistent 9 with that so folks are getting good information and have a 10 source that they can go to that gives accurate 11 information. 12 So we are tracking that and in conversations 13 with them related to that. And we will see how that goes 14 moving forward. 15 CHAIRMAN TITLA: Thank you, Mr. Collins. 16 COMMISSIONER PATON: Mr. Chairman, I have a 17 question. 18 CHAIRMAN TITLA: Commissioner Paton. 19 COMMISSIONER PATON: So I presume the reason for 20 this is cost efficiency. 21 MR. COLLINS: Yeah. Mr. Chairman, Commissioner 22 Paton, I believe that's right. I think that, if you can 23 get to a place where you have, where you have ballot 24 centers that are effective and laid out in a way that 25 are -- that works for voters, you should be able to see</p>	<p>09:46:23-09:47:14 Page 12</p> <p>1 You know, the manpower, person power associated with 2 manning those polling places is an issue. On the other 3 hand, you know, there are folks who believe that that's 4 just part of the process and ought to be. So we are right 5 now in a position where we are, again, weighing in on the 6 policy question. 7 COMMISSIONER PATON: So our, I mean our concern 8 is that it is fair for everybody. 9 MR. COLLINS: Right. Our concern, right, our 10 concern is voters get -- I am sorry. 11 Mr. Chairman, Commissioner Paton, our concern is 12 that, whatever happens in Maricopa County and statewide in 13 2017 that, when folks come to the Clean Elections website 14 or look at Clean Elections produced voter education 15 materials, that they are getting accurate information 16 about how they can vote in this election. 17 COMMISSIONER PATON: Thank you. 18 CHAIRMAN TITLA: Any further questions, 19 Commissioners? 20 (No response.) 21 CHAIRMAN TITLA: If not, why don't we go on to 22 the next item, IV, discussion and possible action and 23 final comprehensive audit approval of Jesus Rubalcava, 24 participating candidates for 2016 election cycle. 25 MR. COLLINS: Thank you, Mr. Chairman. And I</p>
<p>09:44:51-09:46:02 Page 11</p> <p>1 some cost savings as a county. 2 The 2017 is not a full scale, you know, 3 statewide election or consolidated election dates in 2017, 4 but they are not, you know, we are not talking about, you 5 know, sort of -- it is a good year, I mean if you are 6 going to do this quickly, which Recorder Fontes clearly is 7 doing in the sense that he has announced he wants to do 8 this and is moving forward in this calendar year, the 9 benefit of that is potentially cost savings. The benefit 10 of doing it in an election year that's off county, off 11 state is the scope should be lower to see if it, if it is 12 something that works, so... 13 COMMISSIONER PATON: Like the State of Oregon, I 14 believe, is all mail. 15 MR. COLLINS: That is correct. And over time, 16 you know, I think there is a sense, and I don't want to 17 speak for all of the county election officials because I 18 certainly can't, but my impression has been that, you 19 know, generally speaking, most county election directors 20 and recorders are favorably disposed towards mail 21 elections in one form or another because of the cost 22 savings. 23 If you think about precinct based elections, you 24 know, you are talking about deploying hundreds of machines 25 all over the place, and the equipment itself has costs.</p>	<p>09:47:30-09:48:58 Page 13</p> <p>1 will mention real quickly I believe Representative 2 Rubalcava is on the telephone. And he will be, I guess, 3 available to answer questions and/or talk to you in a 4 moment. 5 I wanted to preface my comments by saying, you 6 know, we have the auditors, independent auditors who 7 performed this audit are here, Kevin Camberg and Jill 8 Foley. They are here in the audience in case you have 9 technical questions about the audit itself. Sara is 10 obviously here and has been overseeing the audit. 11 Just to put the audit in context, after our 12 primary random audits, we had what we deemed were 13 sufficient questions about some of the accounting there to 14 do a full audit. The question before you today is 15 acceptance of the audit, which is really to say you accept 16 that the audit has been performed. There may be other 17 things that come out of this audit. But those are a 18 separate question that's not before you today. The 19 question before you is the audit itself. Any questions 20 you may have about it, there are other, there are other 21 issues that may develop out of this audit, but those 22 aren't in front of you today. 23 The way we felt the best way to proceed was to 24 review the audit on its own terms and then any subsequent 25 actions that, you know, I may recommend or may come up</p>

<p>09:49:18-09:50:29 Page 14</p> <p>1 with would be in a separate context. We believe that's 2 the most appropriate way to proceed. 3 I don't have very much to add beyond what Sara 4 has written in the memo, other than to say that, you know, 5 there are some issues with, well, accounting and inflows 6 and outflows into accounts, among other things. 7 Mr. Rubalcava had an opportunity to review this audit and 8 respond to it, and that response is incorporated into the 9 audit. 10 We are simply asking for you to approve the 11 audit. And I don't really have much to add beyond that. 12 If you have questions for either Mr. Camberg or Ms. Foley 13 or for Sara, they are here. And then, of course, I think 14 Mr. Rubalcava is on the line if he -- if you have 15 questions for him or if he wants to address the Commission 16 in some kind of way. 17 But, again, the issue here is not to do, or not 18 do a thing with respect to Mr. Rubalcava's status or in 19 any kind of -- but, rather, to just deal with the audit 20 itself, and other questions that may be implicit in this 21 audit will be dealt with in another process, another 22 proceeding. 23 CHAIRMAN TITLA: Commissioners, any questions? 24 COMMISSIONER PATON: Mr. Chairman. 25 CHAIRMAN TITLA: Commissioner Paton.</p>	<p>09:52:01-09:53:14 Page 16</p> <p>1 Director to file an internal complaint in an appropriate 2 time that then will get its own separate response from the 3 candidate or -- and then that would -- that, and then 4 assuming that happens, which it hasn't yet, that hasn't 5 been done -- 6 COMMISSIONER PATON: Correct. 7 MR. COLLINS: -- but assuming that that happens, 8 that candidate then has the right to, you know, respond to 9 an internal complaint to -- if that internal complaint 10 leads to a reason to believe memorandum, the candidate has 11 a right to appear at that proceeding and provide further 12 information. 13 Subsequent to that, there is, assuming that 14 there are three votes for reason to believe, there is an 15 investigative process, after which there is briefing 16 where, you know, where the Commission will be briefed, but 17 the candidate will have an opportunity to brief the 18 Commission. And that will be an independent decision by 19 the Commission. 20 Subsequent to that, if that were to, if that -- 21 if the Commission were to find probable cause and impose 22 penalties, the candidate has the opportunity to go to the 23 administrative office, administrative hearing office. 24 That then comes back to the Commission and subsequently it 25 goes to Superior Court.</p>
<p>09:50:42-09:51:33 Page 15</p> <p>1 COMMISSIONER PATON: So the auditors are here. 2 MR. COLLINS: Yes. 3 COMMISSIONER PATON: Would they be back at a 4 different time before any actions were taken? 5 I don't know the procedures for this. I mean 6 they are here. Maybe they -- is this appropriate for them 7 to say certain things about explaining it to us? I mean 8 there are pages and pages here. 9 MR. COLLINS: Right. 10 COMMISSIONER PATON: And of course I am not a 11 CPA. 12 MR. COLLINS: Fair. Mr. Chairman. 13 COMMISSIONER PATON: So I don't know what your, 14 the whole scheme of this is. 15 MR. COLLINS: No, fair question. 16 COMMISSIONER PATON: That's my concern, I guess. 17 MR. COLLINS: Fair question, Commissioner Paton 18 and -- Mr. Chairman, Commissioner Paton. The way I would 19 put it is like this. And I don't know if either Sara or 20 any of the others would want to talk about what the audit 21 process was. 22 The distinction I am trying to draw is between a 23 post audit, you know, putting aside this, any -- doesn't 24 matter. Let's talk about any candidate at this juncture 25 in the cycle. The statute puts the onus on the Executive</p>	<p>09:53:24-09:54:12 Page 17</p> <p>1 COMMISSIONER PATON: So I guess, Mr. Chairman, 2 if I may, I mean we have Mr. Rubalcava here. He made an 3 effort to get on the phone. 4 MR. COLLINS: Right. 5 COMMISSIONER PATON: And so at the very least, I 6 think we should hear from him. 7 MR. COLLINS: Sure. 8 COMMISSIONER PATON: And then if you don't think 9 it is needed for us to listen to the auditors now, then I 10 just think that, number one, the other Commissioners, if 11 we think that's a good idea to hear from them now -- 12 MR. COLLINS: Right, right. 13 COMMISSIONER PATON: -- but at the very least we 14 need to make the effort to listen to Mr. Rubalcava while 15 he is here. 16 MR. COLLINS: Mr. Chairman, Commissioner Paton, 17 I would agree with both of those things. In fact, if you 18 all are comfortable sort of talking about what the audit 19 process is, and then, Mr. Chairman, if you were to, you 20 know, turn it over to Mr. Rubalcava to make whatever 21 statement, I think we could do both those things so 22 everyone understands what an audit is, you know, what the 23 difference between an audit is and all these other 24 procedural steps I outlined for you. 25 COMMISSIONER PATON: All right. Thank you.</p>

<p>09:54:27-09:55:44 Page 18</p> <p>1 CHAIRMAN TITLA: Okay. Why dont we have Sara 2 start. 3 Sara, can you explain what you did. 4 MS. LARSEN: Good morning, Chairman, 5 Commissioners. So our independent auditors, Fester &amp; 6 Chapman, are here today. They conducted the primary 7 random audit of Mr. Rubalcava when he was selected, I 8 believe, last September. And because of the findings in 9 that audit that we presented to you, we had some concerns. 10 So we asked them to do a full audit, which was an 11 item-by-item review of the campaign finance reports and 12 bank statements. 13 So the audit is included in the summary that I 14 provided to you. And it is pretty in depth. I have also 15 done a fairly in depth memo on the background, the 16 summary, and any potential violations from the findings of 17 the auditors. And that memo was directed to you and to 18 Tom, because Tom is the one who has the ability, if he 19 sees fit, for any of those violations, to do an internal 20 complaint. 21 So right now it is just highlighting the things 22 that were found in the audit. And Jill Foley and Kevin 23 Camberg are here. They were the ones that had contact 24 with Mr. Rubalcava and requested the documentation from 25 him.</p>	<p>09:57:28-09:58:39 Page 20</p> <p>1 items over Christmas break where he had stored them at his 2 job at the school district. So this is more or less a 3 summary of his bank account activity for his campaign and 4 then a cross-referencing to what he reported on his 5 campaign finance reports. 6 And, you know, she really tied it together. We 7 just basically listed out everything that was in the 8 statements and summarized them and tried to categorize 9 them; although, with no support, they were possible 10 personal use or possible campaign use without support 11 behind it. So really what you have in our report is a 12 very comprehensive summary, but I believe Sara summarized 13 our large summary into something that's useable hopefully 14 for you. 15 CHAIRMAN TITLA: Any questions, Commissioners? 16 COMMISSIONER KIMBLE: Mr. Chairman. 17 CHAIRMAN TITLA: Commissioner Kimble. 18 COMMISSIONER KIMBLE: This is an overly 19 simplistic question from a non-CPA. But I have read this 20 several times. And I guess my bottom line question is: 21 Is there any evidence of campaign funds used for personal 22 noncampaign expenses, or are you unable to answer that 23 question because of the lack of records? 24 MR. CAMBERG: The latter. We really, I can't 25 really speak to it, other than we summarized what appears</p>
<p>09:56:00-09:57:09 Page 19</p> <p>1 No documentation was provided throughout this 2 process. So they utilized -- well, he did provide his 3 bank statements. So they utilized his bank statements and 4 campaign finance reports to ascertain which items had been 5 reported, which items had not been reported, which items 6 were potentially campaign expenses, even though there was 7 no documentation provided for those, and which items were 8 possibly personal use expenditures, and to really give us 9 an overview of what happened in the bank accounts. So 10 they did, they did that. 11 They did some pretty in depth spreadsheets and I 12 tried to provide a summary of that in my summary. But if 13 you have any questions, I am happy to answer those. 14 CHAIRMAN TITLA: Any questions for Sara, 15 Commissioners? 16 (No response.) 17 CHAIRMAN TITLA: Okay. Thank you, Sara. 18 And can we hear from Fester &amp; Chapman, PC? 19 MR. CAMBERG: Thank you, Mr. Chairman. 20 I don't have too much to add. She did a great 21 job of summarizing. Just the overall, normally we would 22 have done more work as far as there was no supporting 23 documentation. He wasn't, Mr. Rubalcava wasn't able to 24 locate the supporting documentation subsequent to -- as 25 you can see in his response, they had, someone moved his</p>	<p>09:59:00-09:59:46 Page 21</p> <p>1 to be campaign related and what appeared to not be in the 2 summary pages. But without the supporting documentation, 3 it is not a -- it is just our estimation; it is not based 4 on actual invoices. 5 COMMISSIONER CHAN: Mr. Chairman. 6 CHAIRMAN TITLA: Commissioner Chan. 7 COMMISSIONER CHAN: Mr. Chairman and -- I am 8 sorry. I do not know your name. 9 MR. CAMBERG: I am Kevin Camberg. 10 COMMISSIONER CHAN: Kevin Camberg, Mr. Camberg. 11 You know, I am not a CPA either. And I am just curious. 12 Have you participated in these types of audits before? I 13 wasn't sure if your firm had. You are the firm that does 14 these? 15 MR. CAMBERG: Yes, we have been engaged over 16 the years, the normal campaign audit. And we have had, I 17 think this is our second comprehensive audit that we have 18 completed over the years. 19 COMMISSIONER CHAN: Okay. Thank you. 20 And I don't know if this is actually a good 21 question for you or maybe for Sara, not to put anybody on 22 the spot too much. But, for example, in, and this is 23 actually from Sara's memo, which I think did pull 24 everything together beautifully, there are quite a few, I 25 think there are 16 noncampaign withdrawals that were</p>

<p>10:00:05-10:01:09 Page 22</p> <p>1 identified. And, again, you know, without support from 2 Mr. Rubalcava, it is difficult to know. But, for example, 3 just the overdraft fees, which is noted were numerous, 4 would those be considered a noncampaign expense or could 5 they ever be considered a campaign expense, do you know? 6 MR. CAMBERG: That's, statute would drive that. 7 Sara can speak to that. 8 MS. LARSEN: Chairman, Commissioner Chan, those 9 would be a noncampaign expenses. Participating candidates 10 are not required to go into debt, so having an overdraft 11 fee out of your bank account would make the assumption 12 that there was not funds in there to adequately support 13 whatever expenditure had been made. But without 14 documentation, again, for all the expenditures, it is hard 15 to align what was a campaign expense and what was a 16 personal expense. But I think that there are some fairly 17 obvious expenditures in there that would say that they 18 were personal expenditures rather than campaign 19 expenditures. 20 COMMISSIONER CHAN: Okay. 21 COMMISSIONER PATON: Are you going to continue? 22 COMMISSIONER CHAN: Well, Mr. Chairman, Sara, I 23 just wanted to say thank you. And I know today we are 24 just here voting on whether to accept the audit, and I 25 just was curious. Out of the 16 listed, you know,</p>	<p>10:02:52-10:03:44 Page 24</p> <p>1 on. 2 MR. COLLINS: Well, he came on early and then he 3 left. I don't know if he is going to come back or not. 4 CHAIRMAN TITLA: I thought he came on. Okay. 5 MR. COLLINS: He was on. 6 COMMISSIONER PATON: He was on and then he left. 7 CHAIRMAN TITLA: Excuse me. Go ahead. 8 MS. LARSEN: It's okay, thank you, Chairman. 9 Commissioner Paton, the \$9,209.72 that the 10 auditors found in the bank accounts, that was an amount 11 that was not reported on the campaign finance reports. So 12 we know that there was -- that's an aggregate of 13 expenditures that were made out of the bank account that 14 were not identifiable on the campaign finance reports. 15 So expenditures happened out of the campaign 16 bank account that were not reported. So that was a 17 failure to report. 18 COMMISSIONER PATON: But that amount is what we 19 are concerned about? Any other amounts? I guess I get 20 confused. 21 MS. LARSEN: So -- 22 COMMISSIONER PATON: Maybe I shouldn't be in the 23 weeds in here on all of this. I am just trying to 24 understand. 25 MR. COLLINS: If I could, Mr. Chairman,</p>
<p>10:01:28-10:02:43 Page 23</p> <p>1 noncampaign expenditures, I can see why we believe or you 2 believe or the CPAs believe they were noncampaign related, 3 because many of them are out-of-town, for example, trips. 4 It seems to be associated. And I don't want to get too 5 much into the nitty-gritty if, you know, if that's better 6 reserved for another time. But I just was curious about 7 that. 8 So thank you. And I am done. 9 CHAIRMAN TITLA: Commissioner Paton. 10 COMMISSIONER PATON: So I mean, as not being a 11 CPA and just trying to do math and so on, what it comes 12 down to is \$9,209 and change hasn't been found to be 13 documentation for it or campaign expenses. We have 14 documentation of the amount of money from clean elections, 15 is that correct, or -- I am on page 3 of your memorandum, 16 of the memorandum. 17 (A telephonic disturbance occurred.) 18 MS. LARSEN: Chairman, Commissioner Paton, the 19 \$9,000 -- 20 CHAIRMAN TITLA: Sara, one moment. 21 Mr. Rubalcava? 22 (No response.) 23 COMMISSIONER CHAN: I believe he left the 24 meeting, Mr. Chairman. 25 CHAIRMAN TITLA: Oh, he left? I thought he came</p>	<p>10:04:06-10:04:50 Page 25</p> <p>1 Commissioner Paton, I think the way I would summarize it 2 is this, that there are, based on what the auditors have 3 been unable to ascertain as final numbers, there are 4 substantial questions about virtually every expenditure, 5 whether they be campaign, personal or otherwise, that 6 occurred in this campaign. 7 COMMISSIONER PATON: So above, there are all 8 kinds of questions besides what I just asked. 9 (A telephonic disturbance occurred.) 10 CHAIRMAN TITLA: Do you have any more questions 11 for Sara, Commissioners? 12 (No response.) 13 CHAIRMAN TITLA: If not, I have a question 14 for -- 15 MS. THOMAS: Chairman, one moment, please. 16 Can you identify yourself from the phone, 17 please. 18 REPRESENTATIVE RUBALCAVA: Yes. This is 19 Representative Jesus Rubalcava. I dropped off and then I 20 just came back on. 21 MS. THOMAS: Okay. Thank you, sir. We are 22 still in session. One moment. 23 REPRESENTATIVE RUBALCAVA: Thank you. 24 CHAIRMAN TITLA: Commissioners, this is a 25 reminder this is just the beginning of the process. And</p>

<p>10:05:12-10:06:13 Page 26</p> <p>1 today we are asked to accept or not accept the audit, I 2 guess. And Mr. Rubalcava is on the line now, so he may 3 choose to respond or make a statement or, say, maybe 4 submit some needed documentation or something. 5 But we have a letter from Fester &amp; Chapman, PC, 6 dated April 28th, 2017. And the signature is Fester &amp; 7 Chapman, PC. Are you the one that signed it? 8 MR. CAMBERG: I am. 9 CHAIRMAN TITLA: You put Fester &amp; Chapman, PC? 10 MR. CAMBERG: We signed it with the name of our 11 firm, correct. 12 CHAIRMAN TITLA: Okay. And in the last, the 13 next to last paragraph you put down we were not engaged to 14 and did not conduct an examination, the objective of which 15 would be the expression of an opinion on the comprehensive 16 audit and review of the finance activity of Rubalcava for 17 House, is that correct? 18 MR. CAMBERG: Yes, because technically what we 19 are doing is an agreed upon procedure. It is not a 20 financial statement audit, and that's what that paragraph 21 is referring to. 22 CHAIRMAN TITLA: And, accordingly, you said that 23 we do express such an opinion, is that correct? 24 MR. CAMBERG: That's correct. 25 CHAIRMAN TITLA: So, additionally, you say that</p>	<p>10:07:49-10:08:50 Page 28</p> <p>1 So, essentially, under R2-20-406 you are 2 required to simply acknowledge the audit has been 3 completed. Actions to be taken subsequent that may be 4 based in part on the audit are handled pursuant to 5 R2-20-200 series. And that's referenced in R2-20-405. 6 So the approval is, in effect, to say that the 7 work was done and the subsequent actions that the 8 Commission may take via staff and itself are a jumping off 9 point that the rules contemplate after the acceptance of 10 the audit by the Commission and the forwarding the final 11 audit to the candidate after this meeting, assuming you 12 all approve it. 13 Does that make sense? 14 CHAIRMAN TITLA: Yeah. Thank you for the 15 clarification, Director Collins. 16 Anymore questions, Commissioners? 17 MR. CAMBERG: Mr. Chairman, I would just like to 18 add we don't give an opinion. We provide information. It 19 is for your -- the Commission to decide how to act upon 20 that information. 21 CHAIRMAN TITLA: Thank you. Now, in this 22 process that we are in, if you were engaged to conduct an 23 examination for an opinion, could you express an opinion? 24 MR. CAMBERG: Yes. That would be a different 25 engagement, but yeah, yes; although, it wouldn't be a</p>
<p>10:06:27-10:07:30 Page 27</p> <p>1 this report that you submitted to us today is intended 2 solely for the information and use of the Citizens Clean 3 Election Commission, is that correct? 4 MR. CAMBERG: That is correct. 5 CHAIRMAN TITLA: And it is not to be used for 6 any other purpose, is that correct? 7 MR. CAMBERG: Yes, because of the engagement, 8 how the engagement letter is worded. 9 CHAIRMAN TITLA: Okay. Now, based upon those 10 statements, how do we accept or not accept the document do 11 you think? 12 MR. CAMBERG: Well, it is intended for the 13 Commission's use. 14 MR. COLLINS: So if I may, Mr. Chairman. 15 CHAIRMAN TITLA: Okay. Director Collins. 16 MR. COLLINS: Mr. Chairman, pursuant to our 17 audit rules, following an audit report, the audit may 18 identify issues that weren't a referral for possible 19 enforcement procedures. That's what Sara's memo 20 essentially summarizes for my purposes. And then the 21 rules say the Commission will consider the final audit 22 report in an open meeting, which is what we are currently 23 doing. We are to provide the candidate with copies, which 24 we have done. And then following the approval of the 25 final audit report, we will forward it to the candidate.</p>	<p>10:09:07-10:09:45 Page 29</p> <p>1 financial statement. Audit opinion involves GAAP 2 financial statements -- 3 (Telephonic disturbance occurred.) 4 MR. CAMBERG: We could, to answer your question. 5 CHAIRMAN TITLA: Okay. Sounds like we are by 6 the ocean or something. 7 MR. CAMBERG: I think so. 8 COMMISSIONER CHAN: Mr. Chairman. 9 CHAIRMAN TITLA: Commissioner Chan. 10 COMMISSIONER CHAN: Perhaps prior to making a 11 motion to accept the audit, we could hear from 12 Mr. Rubalcava if he has any issue with what was contained 13 in the audit. 14 MR. COLLINS: Yeah, that would be a good idea. 15 It would also be helpful if he muted his phone. 16 MS. THOMAS: He is going to talk. 17 REPRESENTATIVE RUBALCAVA: Yes. 18 MR. COLLINS: Mr. Rubalcava, I think the 19 Chairman has given you the floor, if I am correct. 20 CHAIRMAN TITLA: Yes. 21 MR. COLLINS: Mr. Rubalcava, the floor is yours. 22 REPRESENTATIVE RUBALCAVA: Okay. Thank you. 23 So thank you, Chairman, and thank you, 24 Commissioners. 25 I wanted to basically just, well, thank -- you</p>



<p>10:10:08-10:11:33 Page 30</p> <p>1 know, that I have been working with the audit firm since 2 the primary audit with Jill Foley. And we have had plenty 3 of communication back and forth. 4 I did have a chance to review the final audit. 5 I didn't know whether I would be able to address the 6 Commission so I went ahead and wrote up a brief statement 7 of summary of what happened. As I mentioned in that 8 statement, there is -- I am not disputing the outcome of 9 the audit. And I do acknowledge and I am taking 10 responsibility that there was poor accounting and 11 practices during this campaign cycle. And there is, you 12 know, reasons that I explained in my response there as to 13 why one thing led to the next. 14 And so, you know, basically I wanted to make 15 myself available for you, you know, should you have any 16 questions. 17 I do understand now. I am learning the process 18 as we go along as well. I had never gone through anything 19 like this. And so I, you know, I just want to make myself 20 available should you have any questions, understanding now 21 that this is basically an approval of acknowledgment that 22 the audit has been completed. I thought there would be 23 other action taking place today. 24 CHAIRMAN TITLA: Any questions, Commissioners? 25 COMMISSIONER CHAN: Mr. Chairman.</p>	<p>10:12:44-10:13:54 Page 32</p> <p>1 Rubalcava. 2 Okay. We will go to the next item, discussion 3 of possible action on a five-year review report submitted 4 to Governor's Regulatory Review Council and related 5 matters. 6 Director Collins. 7 MR. COLLINS: Yes, Mr. Chairman. And I think 8 this can be brief. This is really just we are asking you 9 to approve the draft letter and draft report. 10 As you recall, at the, I don't know, two or 11 three, two GRRC meetings ago, I guess, the council 12 accepted in part and returned in part our five-year 13 report. This addresses the provisions that were returned 14 and also provides a cover letter explaining how we 15 believe -- you know, GRRC's counsel, Chris Klemmich, has 16 suggested that there is a substantial compliance standard 17 that might be applied. So we made an effort there in the 18 cover letter to articulate why putting aside our, you 19 know, reserving our procedural and substantive objections 20 to the actions that the council has taken, that 21 nevertheless the Commission has substantially complied 22 with what the council has asked for. 23 So we are simply asking that you, well, we are 24 asking you to approve the letter and the report to be 25 submitted after this meeting, probably tomorrow. If --</p>
<p>10:11:45-10:12:31 Page 31</p> <p>1 CHAIRMAN TITLA: Commissioner Chan. 2 COMMISSIONER CHAN: If Representative Rubalcava 3 doesn't dispute the audit, and the other Commissioners 4 don't have any questions, I would be comfortable, you 5 know, moving to accept the audit as it has been presented 6 to us today. 7 CHAIRMAN TITLA: Okay. There is a motion by 8 Commissioner Chan to accept the audit. Is there a second? 9 COMMISSIONER KIMBLE: I second it. 10 CHAIRMAN TITLA: Second by Commissioner Kimble. 11 All in favor say aye. 12 (A chorus of ayes.) 13 CHAIRMAN TITLA: Opposed. 14 (No response.) 15 CHAIRMAN TITLA: Abstained. 16 (No response.) 17 CHAIRMAN TITLA: Okay. The audit is accepted. 18 MR. COLLINS: And, Mr. Rubalcava, we will be in 19 touch with you with a final copy of this and any other 20 correspondence from us here in the next bit. 21 REPRESENTATIVE RUBALCAVA: Okay. 22 MR. COLLINS: So you are free to go. 23 REPRESENTATIVE RUBALCAVA: I appreciate it. 24 Thank you, Chairman. Thank you, Commissioners. 25 CHAIRMAN TITLA: Okay, thank you, Representative</p>	<p>10:14:12-10:14:55 Page 33</p> <p>1 you know, either way we are going to submit something. It 2 would be better to have you approve it, but if you don't 3 approve it, this is what we are submitting. 4 CHAIRMAN TITLA: Commissioners, any questions? 5 MR. COLLINS: Unless, well, unless you object, 6 unless you object. I mean absent an objection, this is 7 what we plan to submit, I guess would be a better way of 8 putting that. 9 CHAIRMAN TITLA: Okay. Any questions for the 10 director? 11 COMMISSIONER PATON: No questions. 12 CHAIRMAN TITLA: Okay. He is asking us to 13 approve the letter as submitted in our documentation. 14 MR. COLLINS: That's correct. That's correct. 15 That's correct, Chairman Titla. 16 COMMISSIONER KIMBLE: Mr. Chairman. 17 CHAIRMAN TITLA: Commissioner Kimble. 18 COMMISSIONER KIMBLE: I move we approve the 19 response to the Governor's Regulatory Review Council. 20 COMMISSIONER PATON: Okay. 21 CHAIRMAN TITLA: Okay. There is a motion by 22 Commissioner Kimble to approve the letter and report as 23 submitted in our documentation by the Director Collins. 24 Is there a second? 25 COMMISSIONER CHAN: I will second that,</p>

<p>10:15:01-10:15:57 Page 34</p> <p>1 Mr. Chairman. 2 CHAIRMAN TITLA: Second by Commissioner Chan. 3 So we will have a vote. 4 All in favor say aye. 5 (A chorus of ayes.) 6 CHAIRMAN TITLA: Opposed. 7 (No response.) 8 CHAIRMAN TITLA: Any abstained. 9 (No response.) 10 CHAIRMAN TITLA: The motion passes. It is 11 approved for submittal, Director Collins. 12 MR. COLLINS: Thank you. 13 CHAIRMAN TITLA: Okay. The next item is VI, 14 Item VI, discussion and possible action on rule amendment 15 proposals approved for public comment on February 23rd: 16 A. A.A.C. R2-20-702(B). And we have options 17 here. 18 Option 1. Option A, ban on expenditures to 19 political parties with clean elections funding. 20 2. Option B, limit on expenditures 21 political parties of clean elections funding to voter 22 information and political event fees. 23 3. Option C, restriction of expenditures to 24 political parties for campaign expenditures and additional 25 documentation requirements.</p>	<p>10:17:40-10:18:47 Page 36</p> <p>1 come and testify on this. So we do want to make sure that 2 they are heard on the record and get that, get that into 3 the public record. 4 Again, the question, if you want to, out of 5 deference to Commissioner Meyer, wait until he is here to 6 vote, that is your discretion. 7 I will also say one other caveat is that, 8 because these rules are tailored to clean elections 9 funding, they cannot affect anyone's use of seed money or 10 other contributions that they are receiving that are 11 permitted that are not clean funding. And what that means 12 is that, if you were to vote and it wasn't unanimous, it 13 wouldn't be effective until January 1, but no one will be 14 receiving clean money until January 1. So there is no 15 prejudice to anyone if there is not a vote today. 16 So all that having been said, I think it is 17 imperative that the folks who are here, particularly the 18 state representatives who are here, have taken time out of 19 their day to testify are here and can talk to you, and you 20 can engage with them about their opinions about this, and 21 then we have that on the record going forward. And then 22 at that point you all can make, you know, a judgment among 23 yourselves about how you want to proceed in view of 24 Commissioner Meyer's absence. If you want to proceed 25 today, tomorrow, that's really a discussion for you all to</p>
<p>10:16:12-10:17:27 Page 35</p> <p>1 Mr. Collins. 2 MR. COLLINS: Yes. Chairman Titla, I want to 3 preface this in a couple different ways. First, as is 4 apparent, Commissioner Meyer was unable to attend today's 5 meeting because of a conflict that was unmovable. So two 6 thoughts. 7 One, it is really your discretion in terms of 8 the, as the Commission, to adopt or not adopt these rules 9 today. The way the statute works is we have to circulate 10 them for 60 days. But that doesn't mean after 60 days, 11 you know, you must vote on them or not vote on them. So 12 if it is the Commission's judgment to not -- to wait until 13 Commissioner Meyer is available, that's reasonable. 14 However, that having been said, we have at least 15 one, two, three, four, five people here who do want to 16 testify on these rules. And we haven't gotten a lot of 17 written public comments, so this will be the bulk of our 18 public comment. And I think that what we want to do, 19 whether we vote on this today, is get that public comment, 20 make sure you all have it, if you don't vote on it today, 21 give you time to digest it. We will also have minutes for 22 you for you to review before the next meeting. 23 So we have three representatives from the House 24 of Representatives who are here -- or two or three -- two 25 representatives who have taken time out of their day to</p>	<p>10:19:04-10:20:24 Page 37</p> <p>1 make. 2 And then obviously there are policy decisions 3 within the A, B, and C choices for party interaction. 4 Just to -- the 30,000 foot view is A is sort of a ban on 5 the use of clean money with parties. B is a, you know, 6 mailing lists and admissions to events at \$200 or less. 7 And then C is a different approach, a more comprehensive 8 approach that essentially creates a prophylactic for both 9 candidates and, frankly, party, and we have the exact same 10 language for consultants, to ensure that folks are 11 documenting things and have something to hold over their, 12 whether through their consultant or a party staffer that 13 they are paying for services to say, look, we need to have 14 this documented so that, you know, when and if, you know, 15 there is an audit, you have, hey, boom, here it is, here 16 is what we got, here is what we paid, here is what it is. 17 So there are three, under the party issue, there are three 18 distinct approaches. 19 And then the third one is paralleled with the 20 consultant approach, because, in my personal view, 21 different -- Commissioners may have different views about 22 this, but my personal view is that a consultant with 23 multiple candidates under his or her umbrella is not 24 different substantially from a party with multiple 25 candidates under his or her umbrella because of the</p>

<p>10:20:44-10:21:42 Page 38</p> <p>1 ability to -- to the same issues with respect to is money 2 going here, there, or anywhere is going to happen. Not 3 everyone may share that view, but, practically speaking, 4 once you have one entity that everybody is working with, 5 you know, you have got, you have similar issues. Now, 6 different people have different views about what parties 7 are, and that's a separate question, so... 8 That's all my preface. So I would, 9 Mr. Chairman, recommend, if you are comfortable with this, 10 turn -- you know, we have four or five people to testify. 11 And, you know, you are free to ask them questions about, 12 you know, what they think and what their -- I don't -- you 13 know, what their positions are on things. And then we can 14 go from there, if that works for you. 15 CHAIRMAN TITLA: Okay. If it is okay with the 16 Commissioners, I would suggest that we hear from these 17 people. And we have a couple representatives. Why don't 18 we hear from the honorable representatives then. 19 Can you identify yourself for the record. 20 REPRESENTATIVE SALMON: Thank you. 21 Representative Athena Salmon from District 26. 22 I want to note that Representative Isela Blanc 23 from District 26 was here to testify as well. She had a 24 House administrative committee hearing that she had to 25 step out to. But this is something that she also is</p>	<p>10:23:19-10:24:30 Page 40</p> <p>1 I know that, you know, it is, that the 2 Commission could or could not argue, that the seed money 3 is technically private money since that's not coming from 4 public funds. But when I use the party services, which I 5 did use services rendered by the party, I used the voter 6 file purchased by the party in an app that the party had 7 to help digest that information, that made our canvass or 8 door-to-door efforts incredibly successful to have that on 9 us. 10 But the seed money, as it stands, has to be 11 spent in the primary election. So going on into the 12 general election, I would have no, I guess you could say, 13 seed funds and private funds to be able to contract and 14 have some services provided by my party. Specifically 15 that's when, the general election, that's when I use party 16 services. 17 The firm that we worked with in the primary 18 election had just enough capacity to help us over the hump 19 for the primary elections, but when the general election 20 came and you have all these other ballot priorities and 21 candidates, they could not work with us. The only vendor 22 that we had that we trusted and knew would provide a 23 quality product when promoting myself as a candidate for 24 District 26 was the party. And they did a phenomenal job. 25 They helped us reach doors that we just could not reach on</p>
<p>10:21:59-10:23:05 Page 39</p> <p>1 concerned and watching. 2 So after reviewing the three rules, I want to 3 make it very clear that if Option A or Option B were to 4 pass, if the Commission were to adopt these rules, I would 5 have to seriously reconsider whether or not I would run as 6 a clean elections candidate in the future. 7 For me clean elections was not only the most 8 viable choice, it was the choice that most closely aligned 9 with my ideology. I believe that elections and candidates 10 and elected officials should be advocating for the public, 11 should be focused on the voters in their district. And 12 that's what clean elections empowered me to do. 13 In my race, I spent my time fundraising, talking 14 to my voters, asking for the small dollar contributions. 15 My district fortunately has been electing clean election 16 candidates for the past ten years, I guess going on to 11, 17 12, you know, in this upcoming cycle. So this is 18 something that, you know, you go to our meetings and 19 people ask are you running clean and something that our 20 voters value. 21 My fear with Option A and B is that cutting 22 ties, cutting me off as a candidate affiliated with the 23 Democratic party, cutting me off from my party's services, 24 the services that they can render, hinders my ability to 25 be a competitive candidate.</p>	<p>10:24:47-10:25:52 Page 41</p> <p>1 a volunteer basis. We needed paid staff to do that. And 2 for me, the background that I come is very, and the 3 campaigns I run, is very intensive on door-to-door, 4 face-to-face contact with voters. 5 And for me, Option C makes the most sense. My 6 only concern with Option C -- so, I am a fan of 7 transparency. That's the other thing that I think is 8 beautiful about clean elections. Because I get the 4,000 9 seed money, and then I get the 300 \$5 contributions, and 10 that's matched by, through clean election funding, every 11 single reporting period you don't have to worry about did 12 a PAC just drop a check right before the deadline. So you 13 don't know. Right? Like it is very transparent. People, 14 my voters know this reporting deadline doesn't matter 15 because she got her money clean. And to me that's very 16 important. 17 But Option C, so, makes the most sense because I 18 do believe in transparency. And I think we could improve 19 clean elections and the reporting processes. And I think 20 the public should know. Like if the public, if my voters, 21 if other people want to see like exactly how the money is 22 being spent, that's great. 23 My concern is I believe in there it talks about 24 when you can pay for services rendered. And during our 25 primary election, we did work with a small firm that</p>

<p>10:26:08-10:27:03 Page 42</p> <p>1 specializes in door-to-door contact voter engagement. And 2 had we not been able to pay them up front, they probably 3 couldn't have worked with us because they are a small 4 local business. 5 And so my concern right now is, with the warning 6 around that portion, I encourage you guys to relook at 7 that, because my fear is that a small Arizona local 8 business would not have the capacity or the means to work 9 with clean elections candidates in the future, which would 10 narrow our choices when we are trying to contract for 11 services with the vendors who are out there. 12 I feel like I covered most of my points. I am, 13 I will be here. I am open for questions right now. I 14 will be sitting here for the rest of this conversation, 15 so... 16 CHAIRMAN TITLA: Thank you, ma'am. 17 Any questions -- 18 COMMISSIONER PATON: I have. 19 CHAIRMAN TITLA: -- for the representative? 20 Commissioner Paton. 21 COMMISSIONER PATON: Thank you for your 22 presentation. 23 I guess my concern is when we had like ten 24 candidates all writing checks to a party, and this is 25 supposed to be independent money from the state, it</p>	<p>10:28:36-10:29:57 Page 44</p> <p>1 lot of time in that. 2 COMMISSIONER PATON: I am sorry. 3 REPRESENTATIVE SALMON: Yeah. 4 COMMISSIONER PATON: But the picture of writing 5 checks to a party of -- you are getting a certain amount 6 of money. And we saw candidates writing checks of 10-, 7 \$12,000 to a party. To me, just, it bothers me as far as 8 the independence of this, of the clean elections money. 9 I have been a part of campaigns before. And I 10 know in the instances that I have been a part of them, the 11 campaign chairman gets the accountants and whoever else 12 organizes these kinds of things. And it is separate from 13 the party, especially when you are in the primary. In the 14 primary, you know, the party doesn't really want to, you 15 know, back one instead of somebody else. 16 Do you understand my concern, I guess? 17 REPRESENTATIVE SALMON: Yeah, I know. 18 Absolutely. 19 So my campaign, I, I don't have the exact number 20 memorized. I think it was \$3600. So in terms of the 21 checks and candidates who wrote to the party, I wrote the 22 party, or the ADLCC -- no, the Democratic party, sorry -- 23 a 3600 check. But, and I can't speak for other 24 candidates, I can only speak for myself, but I was getting 25 services in return to further my candidacy and my</p>
<p>10:27:24-10:28:29 Page 43</p> <p>1 just -- I guess, why can't you just find a campaign 2 chairman and the other people that help the campaign 3 chairman separate from your party? I don't understand 4 that. 5 REPRESENTATIVE SALMON: So for me, I was my own 6 campaign chairman. And -- 7 COMMISSIONER PATON: That's hard. 8 REPRESENTATIVE SALMON: I did everything. 9 But I think the party already has the structure 10 in place. Because when you are, when you are running the 11 campaign that I am running, which is a field campaign, you 12 need someone. So you need like an organizer, and you need 13 organizers below the organizers who are then doing the 14 work in the community to bring in volunteers, to organize 15 and cut the list for the volunteers and the paid staff to 16 walk and knock on those doors, and someone to then go 17 through and call those people. And to build that 18 independently, that would, that would take a lot of time 19 out of my day as a candidate to try and build that from 20 scratch independently. And, so there would be an 21 inefficiency. And the most important thing in a campaign 22 is not money. The most important thing is the time. 23 So -- 24 COMMISSIONER PATON: But -- 25 REPRESENTATIVE SALMON: -- we would be losing a</p>	<p>10:30:14-10:31:16 Page 45</p> <p>1 campaign. 2 And I mean you could look at the data. You 3 compare 2012 to 2016, and voter turnout increased in my 4 district. And so, you know, there is indicators that what 5 was happening was what was supposed to happen, which was 6 people, organizers, canvassers going door to door and 7 talking about my candidacy and encouraging people to vote. 8 And so, for me, it doesn't -- if it is the party 9 that does it or if there is another firm that could be 10 more competitive and actually has a capacity to do it, I 11 just want the work done. And in my instance, it was the 12 party that was the most competitive and most viable 13 option. 14 And the other thing, too, that I would just add 15 is I ran as a Democrat. Like, so to separate clean 16 election candidates to start creating this arbitrary rule 17 that says, well, if you are running clean you can't use 18 the Democratic party services or the Republican party 19 services, then it further disincentivizes me from running 20 clean in the future because I am a Democrat. And when I 21 am at the legislature and the House of Representatives, I 22 caucus with the Democrats. 23 And so that is part of our political system. 24 And that's why I think it is important to still have that 25 as an option. It is not mandatory. Like I -- you know,</p>

<p>10:31:32-10:32:26 Page 46</p> <p>1 but it is in terms of the kind of campaign that I wanted 2 to run and the kind of impact I wanted to have in my 3 district, realizing that we needed to hire outside help 4 and seeing what was available, in my instance, in my 5 district, in my -- given the funding I had, working with 6 the Democratic party was the best choice. And I feel like 7 they did a really good job. 8 I think we are in this boat and we are here and 9 you guys are trying to address this, is we need more 10 transparency so that without a doubt you can say, oh, 11 like, okay, so that money went to hire an organizer and 12 two fellows and, you know, they said they were going to 13 recruit this many volunteers and target these many doors. 14 And I think that's fair. 15 You know, when we worked with a firm in our 16 primary that wasn't the party, we said this is how many 17 doors you can hit, or you are supposed to hit. I don't 18 have these numbers memorized. I apologize. And then 19 midway through, when they weren't reaching their goal, we 20 asked them to give us a refund. And they gave us a 21 refund, and then hit the rest of the doors that they were 22 supposed to hit. 23 So the accountability piece can be better. And 24 I think that's what you guys are trying to improve. But 25 to completely cut us off from the party resources, it just</p>	<p>10:34:11-10:35:15 Page 48</p> <p>1 REPRESENTATIVE SALMON: So I think it 2 is not make a -- "political party for services such as 3 consulting." 4 So maybe I misread it. Maybe, so does that -- 5 so let me ask for a clarification. If I am working with a 6 firm that isn't the party, I can do an advanced 7 placement -- or payment. 8 COMMISSIONER KIMBLE: I guess I will let 9 Mr. Collins respond. But I am asking if your concern is 10 about R2-20-703.01(C). 11 MR. COLLINS: So I can clarify this. 12 REPRESENTATIVE SALMON: Okay. 13 MR. COLLINS: The language is basically the 14 same. They are different because they are, at least as I 15 read it, they are different because of the way that we 16 broke down the rules in A, B, and C. 17 The upshot is, and we can clarify this without a 18 substantive change, that you can't advance money without a 19 receipt. So, in other words, let's assume you are 20 subscribing to a newspaper. You pay, you know, \$30 and 21 you are going to get the newspaper for a month. You get a 22 receipt that says you have subscribed to the newspaper for 23 a month. That's an advanced payment, but you have a 24 receipt that tells you what it is for. 25 And so if you read (C)(1) in 703.01 and (C)(2)</p>
<p>10:32:41-10:34:03 Page 47</p> <p>1 doesn't make sense, because I am running as a Democrat. 2 Why wouldn't I be able to use those resources if it is 3 going to further my candidacy? 4 COMMISSIONER KIMBLE: Mr. Chairman. 5 CHAIRMAN TITLA: Mr. Kimble. 6 COMMISSIONER KIMBLE: Representative, let me 7 make sure I understand your objection to the one point 8 that you raised about advanced payments. 9 So is this, and I will also ask Mr. Collins 10 about this, is this under the campaign consultants rule 11 that you are talking about, where it says a participating 12 candidate may not advance a campaign consultant for 13 services? Because I am also looking at the option, the 14 original Option C, a participating candidate may, and then 15 this talks about may not make an advanced payment to a 16 political party. 17 So your concern is about making advanced 18 payments to a campaign consultant? 19 REPRESENTATIVE SALMON: So I guess in general. 20 But I think it would have a -- if we were prohibited from 21 doing that, advance payment to the party, I mean the party 22 would probably figure it out, because they have just a lot 23 more scale. But for consultants, especially local firms, 24 they don't have that scale. So I think -- 25 COMMISSIONER KIMBLE: So you are --</p>	<p>10:35:38-10:37:00 Page 49</p> <p>1 together, not advance and only provide payments upon 2 receipt of an itemized, timely invoice, basically you 3 can't advance cash. You can get, you can buy ahead of 4 time provided you know what you are buying. 5 So if it is a thing like we are going to pay, 6 our view is, if you are going to pay for, I don't know, I 7 am going to buy, you know, a thousand mailers or whatever, 8 a thousand handbills, I don't have to have a handbill in 9 hand but I do have to have a receipt that says I have paid 10 for a thousand handbills. And then if it turns out you 11 don't get a thousand handbills, then the resulting 12 difference ought to be returned to you. That's the way we 13 intend the rule to operate. And that's what we think it 14 says. 15 If the language is confusing, we don't think it 16 would be a substantial change to, I don't think it would 17 be a substantial change to tweak that and make it clear if 18 folks wanted to for the next meeting. But that's, the 19 upshot is that what we don't want to have happen is, to 20 your point and to Commissioner Kimble's point, we don't 21 want to have -- and we fix a lot of this stuff in the 22 process of Sara's and Amy's and other desk reviewers of 23 the campaign, but we did have some, you know, some line 24 items and campaign finance reports that seemed very vague. 25 Those got fixed. And those also got, we got, you know,</p>

<p>10:37:18-10:38:11 Page 50</p> <p>1 sworn evidence about all those things in the enforcement 2 process. However, this would prevent that. It would say 3 you can't write a 12,000 line item for miscellaneous, 4 which you didn't do but was done and corrected. And you 5 would have to have what it is before you pay the money. 6 That's our goal. 7 COMMISSIONER KIMBLE: Whether that is from a 8 political committee or a private consultant. 9 MR. COLLINS: Right, right. It is like a 10 purchase order. Like we issue purchase orders here to our 11 marketing firm or to our auditing firm that says, you 12 know, this is how much, this is what you are going to do, 13 you are going to charge against this purchase order; if 14 there is an amount left over that you didn't use, then we 15 are not going to obviously pay you that or you are going 16 to give it back. We do the same thing with interagency 17 service agreements. We do it with the Attorney General's 18 Office. It is based on a pro rata basis. We advance 19 funds. They return funds when they haven't been used. 20 COMMISSIONER KIMBLE: Okay. So -- 21 MR. COLLINS: But it is all itemized in terms of 22 what the services are. 23 COMMISSIONER KIMBLE: Okay. So do you still 24 have problems with that with that clarification, or are 25 you okay with it?</p>	<p>10:39:25-10:40:33 Page 52</p> <p>1 on this today just because our other Commissioner is not 2 here. And, again, it is up to the Commission. But what I 3 would like to suggest is that we just make sure with 4 staff, I know we have gotten at least a couple of other, I 5 think, just members of the public who are considering 6 running clean who had thoughts on this, and I would of 7 course like to make sure that you and the other members 8 have your concerns addressed. 9 It sounds like with Commissioner Kimble's 10 questioning, we discovered that maybe we are on the same 11 page, that you maybe, even under this rule, could still 12 operate the way that you needed to. And my understanding 13 has been that, you know, especially when you are just 14 starting out, I think that candidates need the parties' 15 support. That's kind of what the parties do. I think 16 that what we were trying to do is solve a problem that we 17 saw as kind of a slush fund for the parties or the 18 consultants perhaps with kind of vague invoicing or 19 receipts. 20 So, but maybe if the other Commissioners are in 21 agreement, perhaps we could just ask staff to make sure 22 that we are addressing any concerns that you do have that 23 are outstanding and come back at our next meeting to 24 finalize these proposals, Mr. Chairman. 25 CHAIRMAN TITLA: Commissioners? Kimble?</p>
<p>10:38:20-10:39:10 Page 51</p> <p>1 REPRESENTATIVE SALMON: Yeah, the clarification 2 makes sense, and that's, I think, how things operate now. 3 MR. COLLINS: Yeah. 4 REPRESENTATIVE SALMON: So yeah. 5 COMMISSIONER KIMBLE: Okay. So you would not be 6 making a payment to either a political party or a 7 consultant without a bill or some itemized statement 8 saying this is what you are paying for ahead of time. 9 REPRESENTATIVE SALMON: That's correct. And to 10 me, that's really important, too, because otherwise you 11 don't have anything to hold them accountable to. 12 COMMISSIONER KIMBLE: Okay. 13 REPRESENTATIVE SALMON: So, you know, that, and 14 if that's how you put that in writing, then that makes 15 sense. And, yeah, I think that should be happening, 16 absolutely. 17 COMMISSIONER KIMBLE: Okay. Thank you. 18 CHAIRMAN TITLA: Commissioner Chan. 19 COMMISSIONER CHAN: Mr. Chairman, Representative 20 Salmon, thank you so much for being here. I know that 21 your time is so valuable, and I know we have another 22 elected member here, and I just really appreciate both of 23 your time to kind of provide us this feedback. 24 I think, I hope you guys wouldn't mind, I don't 25 know how the other Commissioners feel, if we didn't vote</p>	<p>10:40:42-10:42:01 Page 53</p> <p>1 COMMISSIONER KIMBLE: Well, I am supportive of 2 that, but I am also very interested in hearing from the 3 other people who have come here. 4 COMMISSIONER CHAN: Absolutely. 5 REPRESENTATIVE SALMON: Thank you. 6 CHAIRMAN TITLA: Representative, thank you for 7 your presentation. I really learned a lot. And this 8 feedback that you gave us was very good, because we just 9 look at the rules and review the rules, and without 10 feedback from yourself, a person like yourself in the 11 representative capacity, then we would be, I think, short 12 of information, so very good information. It sounds like 13 you run an intense grassroots campaign in your district. 14 And it sounds like you did a good job. You are here as an 15 elected representative. So congratulations. 16 But looking at the language, Director Collins, 17 it seems that it is kind of conflicting or vague to me, 18 and now that the representative has brought this out, 19 because if you look at R2-20-703.01(C)(1), it says that a 20 participating candidate may not advance a campaign 21 consultant for services such as consulting, 22 communications, and other advertising purchases and other 23 campaign services. So I am confused what not advance 24 means, not advance a campaign consultant. 25 And then (2) says that a participating candidate</p>

<p>10:42:15-10:43:25 Page 54</p> <p>1 may only provide payment for such services as described in 2 subsection (C)(1) of this rule upon receipt of an 3 itemized -- 4 MR. COLLINS: Sure. 5 CHAIRMAN TITLA: So I would suggest that we 6 clarify that not advance a campaign consultant. I don't 7 know what that means. 8 MR. COLLINS: Yes. Mr. Chairman, Commissioners, 9 I am of the view to, subject to correction by Mr. La Rue, 10 that that's, that that change, because of what we think 11 the language says, will not be a substantial change, would 12 be a technical change, and that we could do that for the 13 next meeting without any problem, without having to 14 recirculate for 60 days, is my view. 15 So that's, that, you know, we may hear 16 differently down the road, but provisionally I believe 17 that's a reason -- I mean for purposes of having all of 18 these rules in a form we want them, that's a, more of a 19 nuance change than a substantial change. And I think we 20 can do that well within our discretion and within the APA, 21 even though the APA doesn't apply to us. So I think 22 that's exactly the kind of change we can make for the next 23 meeting. 24 CHAIRMAN TITLA: Okay. And I agree with 25 Commissioner Chan, that we hold off on voting on this</p>	<p>10:45:17-10:46:34 Page 56</p> <p>1 that. 2 But I do want to speak to the idea that there is 3 this fine line of like -- I understand that I am taking 4 public money and that there is things I cannot do with it 5 and that I should not do. But part of what we are doing 6 with this is to empower the public to be a part of the 7 political process. And the political process is already 8 set up with parties. And so, to me, it feels like it is a 9 part of political speech, or like freedom of political 10 speech to declare what party we are working with. And, 11 but these objectives of part C would make everything a lot 12 clearer. 13 And so I believe -- I guess what I don't want to 14 see, though, is a discouraging of people from using clean 15 elections. And so we have already voiced how hard it is 16 to -- I mean vendors are not set up to even deal with 17 clean election candidates normally. They don't write 18 their plans to deal with clean election candidates. They 19 don't have their billing and checking set up to deal with 20 clean election candidates. So it is already an education 21 process for us as it is. And even with Option C we will 22 have to sit down and totally write the rules and have to 23 make sure that our vendors have the ability to do this. 24 And we will take on that, that responsibility. 25 So I mean I guess I just want to let you know</p>
<p>10:43:42-10:45:01 Page 55</p> <p>1 until Commissioner Meyer is here because he is an integral 2 part of our Commission and we can, I think, do that, if 3 that's okay. 4 Let's hear from the other representatives here. 5 REPRESENTATIVE MENDEZ: Hello. My name is Juan 6 Mendez. I am the state senator from District 26. 7 I don't want to reiterate too much of what my 8 counterpart in the House said, but I do want to speak to 9 some of the questions that were brought up. 10 I do welcome the change that people are 11 suggesting. That would make all this easier for me. I 12 guess I don't want to come up here and complain. But it 13 already is hard being a clean elections candidate in the 14 political reality that we have. And I understand what it 15 means to be clean. And I am really appreciative and 16 grateful for your stewardship of this program. It is -- 17 that's the only reason I would be, I am in office, is 18 because of this clean election system. 19 I think everybody should be, I believe everybody 20 should be running as a clean candidate so that we can 21 remove the impression of special-interest controlling 22 candidates. And so I do, I welcome, I mean I appreciate 23 your concern about the optics of what this looks like when 24 we cut checks and what the public can see. And so I do 25 think the transparency that comes in Option C will address</p>	<p>10:46:46-10:48:08 Page 57</p> <p>1 that I am happy with how we are going forward if Option C 2 is what we think would be able to work with that. 3 CHAIRMAN TITLA: Any questions for Senator 4 Mendez? 5 Commissioner Paton. 6 COMMISSIONER PATON: I guess besides the optics, 7 when I view clean elections, I view it as being 8 independent. And I know that the -- that you are a part 9 of a party. But when you have to, when you write checks 10 to me, to the party, then that gives the party a chance to 11 maybe strong-arm you and forcing you to do something that 12 the party wants. Maybe you want to be independent and do 13 something a little bit different, and, but you are writing 14 checks to them. Whereas, if you didn't write checks to 15 the party, you would have a political consultant, campaign 16 people, whatever -- I know we are not talking about 17 \$500,000 or anything like that. But I have been part of 18 campaigns before. And I know that the party has power to 19 kind of grind you down to accept what the party in general 20 wants to do. 21 I just feel like this takes away -- it may be 22 semantics, but to me it is important that, instead of 23 writing a check to a party, you could have a campaign 24 person that may be associated with them somehow or 25 whatever, but engage them privately and write the check to</p>

<p>10:48:19-10:49:20 Page 58</p> <p>1 them.</p> <p>2 REPRESENTATIVE MENDEZ: Yes.</p> <p>3 COMMISSIONER PATON: These other things that we</p> <p>4 were talking about, I have no problem with any of that.</p> <p>5 It is just that I don't trust the parties --</p> <p>6 REPRESENTATIVE MENDEZ: I mean --</p> <p>7 COMMISSIONER PATON: -- to -- especially</p> <p>8 somebody starting out. Because I was part of somebody</p> <p>9 that started out, and I know the things that they were</p> <p>10 doing to this person. And I thought this was</p> <p>11 unconscionable. This is America. You should be able to</p> <p>12 do what -- run as a citizen. And to have them say, you</p> <p>13 know, this is a primary, what are you doing in a primary,</p> <p>14 you know, we already have somebody slated for that, and</p> <p>15 that aggravated me. I didn't know that was a part of</p> <p>16 elections.</p> <p>17 And so when you are starting out and you are</p> <p>18 having basically to write, because everybody else is</p> <p>19 writing checks to the party, and so you are writing, you</p> <p>20 feel like you have to, and I feel like you may have to</p> <p>21 knuckle down to what they want you to do.</p> <p>22 Do you understand what I am saying?</p> <p>23 REPRESENTATIVE MENDEZ: So I have got a couple</p> <p>24 things I can maybe put out that will help you understand</p> <p>25 where there is big differences.</p>	<p>10:50:46-10:52:00 Page 60</p> <p>1 them --</p> <p>2 COMMISSIONER PATON: And we are saying in B</p> <p>3 that's perfectly all right.</p> <p>4 REPRESENTATIVE MENDEZ: So that's one, that's</p> <p>5 one thing. But I mean that's just how, that is an example</p> <p>6 of how they allow me to do things upscale that are</p> <p>7 practical to the campaign. We are going to them just to</p> <p>8 access voters. They --</p> <p>9 COMMISSIONER PATON: So that's already in B.</p> <p>10 REPRESENTATIVE MENDEZ: But I believe we can't</p> <p>11 stretch the idea of -- special interests is a word that</p> <p>12 gets thrown around a lot. But a party is a political</p> <p>13 party with a platform. It can't be viewed as a special</p> <p>14 interest the way, you know, a corporation is or a, you</p> <p>15 know, a PAC or a nonprofit.</p> <p>16 COMMISSIONER PATON: So I guess when, when we</p> <p>17 had testifying before about this, there was a whole list</p> <p>18 of candidates. And there was like 10 or 12, eight, nine,</p> <p>19 10 or 12 people writing checks to the Democratic party of</p> <p>20 varying amounts. And to me that just smacks of the party</p> <p>21 could take advantage of that.</p> <p>22 And me being here, it just seems like this money</p> <p>23 should be independent. You are getting money from the</p> <p>24 state. You don't want special interest money. But then</p> <p>25 you want to just give it to a party who could tell you how</p>
<p>10:49:34-10:50:35 Page 59</p> <p>1 But the first thing, I may -- I have never -- I,</p> <p>2 too, am always my campaign chairman for my party, or for</p> <p>3 my candidacy. So I mean I understand the scenario that</p> <p>4 you put forward and how you do that. But I am -- you can</p> <p>5 explain it again later, but that might, from how I</p> <p>6 understood it, lead to less transparency, to where we</p> <p>7 would still be able to do what we want to do, but you</p> <p>8 wouldn't know about it. So I feel that's what you</p> <p>9 shouldn't do.</p> <p>10 COMMISSIONER PATON: No, you would write a check</p> <p>11 to your campaign person. They would have to write a</p> <p>12 receipt to you, so on. It is just not you are not doing</p> <p>13 it to the party.</p> <p>14 REPRESENTATIVE MENDEZ: So like an intermediary</p> <p>15 maybe. But what we end up fighting with with the party is</p> <p>16 much more over the scale and size and what the mailer is</p> <p>17 going to look like. There is never -- the organization or</p> <p>18 the entity that you described is much more on the</p> <p>19 political PAC side, it has nothing to do with the party,</p> <p>20 that we never engage with in any kind of monetary way.</p> <p>21 That doesn't get our money.</p> <p>22 So our money goes directly to the organizational</p> <p>23 effort, the part that we couldn't build on ourselves, in a</p> <p>24 very practical way that just the -- I use my party as a</p> <p>25 way to access the VAN, the voter, the voter file. Without</p>	<p>10:52:18-10:53:14 Page 61</p> <p>1 to -- and maybe I am totally off about that. But just, to</p> <p>2 me, I have had some experiences with that, where that's --</p> <p>3 and I don't want to beat a dead horse here for anybody.</p> <p>4 Go ahead. I am sorry.</p> <p>5 CHAIRMAN TITLA: Thank you, Commissioner Paton.</p> <p>6 Any other statement?</p> <p>7 COMMISSIONER CHAN: Mr. Chairman.</p> <p>8 CHAIRMAN TITLA: Commissioner Chan.</p> <p>9 COMMISSIONER CHAN: Just thank you also for</p> <p>10 being here today. And I am sorry that we were not able to</p> <p>11 hear from Representative Blanc.</p> <p>12 CHAIRMAN TITLA: Senator, thank you for coming</p> <p>13 to us.</p> <p>14 And I think that, Commissioners, he is a</p> <p>15 senator, the honorable senator, and also he is a citizen</p> <p>16 of the State of Arizona. And he brings out a good point</p> <p>17 in the statement that he made about making -- I think what</p> <p>18 I got from him is that the rules that we create here</p> <p>19 should be clear enough for the average citizen to</p> <p>20 understand so that the citizens do not have to hire</p> <p>21 attorneys to interpret the rules for them. The rules</p> <p>22 should be clear enough so that they understand what we are</p> <p>23 trying to, you know, write here. So let's keep that in</p> <p>24 mind.</p> <p>25 And I think that it is good to review the</p>



<p>10:53:36-10:54:35 Page 62</p> <p>1 Citizens Clean Elections Act and the reason it was passed 2 by the public. The people of Arizona said that they 3 declare our intent to create a clean election system that 4 will improve the integrity of Arizona state government by 5 diminishing the influence of special interest money and 6 that will encourage citizen participation in the political 7 process and promote freedom of speech under the US and 8 Arizona Constitutions. 9 So I think that the more we can have access to 10 the public and their participation in their system, under 11 the clean elections as mandated by the public, I think 12 that the better we will be. 13 But thank you, Senator, for your statement. 14 And any other representatives here? 15 MR. COLLINS: I know we have, Mr. Chairman, I 16 know we have two other folks who were interested in 17 testifying, or one other. I don't know, Joel and Dana. 18 CHAIRMAN TITLA: Can you identify yourself for 19 the record, sir. 20 MR. EDMAN: Yeah. My name is Joel Edman. I am 21 the executive director of the Arizona Advocacy Network. 22 Those of you I haven't met yet you probably 23 remember my predecessor, Samantha Pstross. And we at 24 Advocacy Network are huge fans of clean elections. It is, 25 a core part of our mission is to protect clean elections.</p>	<p>10:56:12-10:57:26 Page 64</p> <p>1 will just echo the concern about sort of tweaking the 2 rule. I did read it to mean that you couldn't do any 3 advanced payments whatsoever. I think if it is the rule 4 as Tom laid it out, I think, makes a lot of sense. 5 So that's all I have. I just wanted to sort of 6 say that AzAN is a huge clean elections fan and basically 7 agrees with what has been said so far this morning. 8 CHAIRMAN TITLA: Okay. Thank you for your 9 statement. 10 Any questions for -- 11 MR. EDMAN: Thank you. 12 CHAIRMAN TITLA: Okay. Any other comment by 13 anyone here? 14 MR. COLLINS: Your call. 15 MS. WALTON: My name is Dana Walton. I am the 16 executive director of the Arizona Democratic Legislative 17 Campaign Committee. We say ADLCC because it rolls off the 18 tongue a little bit better. 19 So we are the arm of the Democratic party that 20 services solely on legislative races. But I, on a daily 21 basis, encourage candidates to run, and oftentimes it is 22 to run clean, because as we talk about here and as has 23 been mentioned, a huge part of a first entry to politics, 24 which the legislature often is, running clean and having 25 access to this money and being able to spend more time on</p>
<p>10:54:48-10:55:52 Page 63</p> <p>1 So we do a lot of work at the Capitol with Tom on the 2 repealer bill this session, and we continue to going 3 forward. 4 And I don't have a lot substantive to add to 5 what the elected officials who have run clean before. I 6 have never run for office before. So their personal 7 experience, I think, is a lot more valuable than anything 8 I would have to say. Although, I echo their concerns, 9 because it is something I have heard from candidates, that 10 a strict bar on paying parties for anything or limiting it 11 to just those two items in Option B would seriously 12 discourage candidates from running clean. 13 And, you know, I think the transparency provided 14 in Option C and, further, transparency generally is a 15 really valuable part of the clean elections system. And 16 you all can impose rules that provide that kind of 17 transparency on an ongoing basis. And so I think that the 18 right balance to strike between providing that 19 transparency and not discouraging participation in the 20 system is something that I really worry about going 21 forward. You know, we already have a, unfortunately, less 22 robust system than, of course, we did before the Supreme 23 Court. And I worry about any, you know, further 24 discouragement from candidates running clean. 25 And along the issue of the advanced payments, I</p>	<p>10:57:43-10:58:46 Page 65</p> <p>1 talking to voters is crucial to their first campaign. 2 So we, as an organization, are in support of 3 Option C. Greater transparency is certainly something 4 that we want not just from political parties but also from 5 consultants who work with these clean candidates. 6 Option A and Option B certainly would make it 7 significantly harder for our candidates to run and to 8 address some of the concerns I think that you had, which I 9 am sure you will ask. It is simply that there is no use 10 in reinventing the wheel, particularly for some of these 11 candidates who are running for the first time and may not 12 have necessarily the networks to really grow and engage 13 new folks in sort of this operation. 14 And campaigns are ever changing. So we need 15 some professionals to help these candidates, particularly 16 running for the first time, to learn the ropes, and not 17 just the bare bones techniques in running for office, but 18 these newer. Right? There is digital ads, there is 19 Facebook, there are all these things that require trained 20 professionals to assist these candidates in sort of 21 learning how to utilize. So Option A and B, I think, and 22 utilizing -- eliminating utilizing the political party for 23 those purposes would really hinder a lot of our 24 candidates' ability to run. 25 We have a 30-district strategy at ADLCC. And,</p>

<p>10:59:05-10:59:52 Page 66</p> <p>1 like I said, a huge part of that is asking those folks to 2 run clean so that they can really put the time and effort 3 that they need to in their campaigns. 4 So with that, if you have any other further 5 questions... 6 CHAIRMAN TITLA: Any questions? 7 COMMISSIONER KIMBLE: Mr. Chairman. 8 CHAIRMAN TITLA: Mr. Kimble. 9 COMMISSIONER KIMBLE: Ms. Walton, you have no 10 problem with, in Option C, providing an itemized written 11 bill, receipt, whatever, in advance of service provided? 12 MS. WALTON: Absolutely not. I believe that 13 last cycle, which is, I believe, where a lot of this is 14 coming from, that should have been provided to legislative 15 candidates up front, and not just legislative candidates. 16 Right? There are other candidates who received complaints 17 regarding their buy-in into the coordinated campaign 18 operation. 19 So I was not a part of this discussion, 20 unfortunately. Had I been, they would have been received. 21 I function much better in a structured environment, and I 22 believe that's what the invoice allows for. 23 COMMISSIONER KIMBLE: Okay. Thank you. 24 CHAIRMAN TITLA: Any more questions? 25 COMMISSIONER CHAN: Mr. Chairman.</p>	<p>11:01:09-11:01:42 Page 68</p> <p>1 Senator Mendez mentioned, when we are arguing with the 2 candidate or trying to make sure that they are 3 implementing something in their campaign only, it is that 4 we want you all to knock more doors. Oftentimes those are 5 sort of the larger discussions that we are having with 6 candidates, that I think was mentioned before, is a 7 concern of, you know, the party coming in and 8 strong-arming candidates. That certainly is not our 9 intention. Our intention is to make sure that these 10 candidates are receiving services in their district for 11 the financial investment that they have made into the 12 party. 13 COMMISSIONER PATON: I have a question. 14 CHAIRMAN TITLA: Commissioner. 15 COMMISSIONER PATON: But you concede to me 16 that -- 17 MS. WALTON: Absolutely. 18 COMMISSIONER PATON: -- it is possible. I mean 19 you look back through politics over the years -- 20 MS. WALTON: Yes. 21 COMMISSIONER PATON: -- Tammany Hall and, you 22 know, just over the years -- 23 MS. WALTON: Right. 24 COMMISSIONER PATON: -- that that's a 25 possibility.</p>
<p>10:59:59-11:00:51 Page 67</p> <p>1 CHAIRMAN TITLA: Commissioner Chan. 2 COMMISSIONER CHAN: I would just like to add 3 that, you know, I feel like the Democratic party has been 4 overrepresented here today -- I am sure this could happen 5 in any party -- I think, you know, just because of what 6 happened last cycle, I think, involved of course the 7 Democratic party, so... But I think that this rule will 8 prevent it from happening in the future for certain, any 9 party. 10 MS. WALTON: I believe so, too. 11 And Tom and I have talked a lot about Option C 12 actually. I think there is a lot of really good things in 13 it that will prevent some of this confusion and/or 14 frustration on behalf of the Commission, that you see 15 these clean election candidates running and they are 16 buying into the party operation at, you know, \$12,000, 17 which was mentioned before. 18 I can assure you that those candidates did 19 receive equal amount of services for their buy-in. So 20 Elizabeth Brown, who ran in LD12, who did buy in at 21 \$12,000, she was the only legislative candidate running in 22 the ballot there. And that meant that she was receiving 23 data back from all those voter contact goals that were 24 given to the staff in the district. 25 So the number one thing that we often, I think</p>	<p>11:01:51-11:02:44 Page 69</p> <p>1 MS. WALTON: Yes. 2 COMMISSIONER PATON: And so that's my concern. 3 MS. WALTON: Yeah. It is certainly not that I 4 do not respect, Commissioner, where you are coming from 5 and those concerns. I guess I want to be here to tell 6 you, as a whole Commission, that that certainly is not our 7 intention. 8 You know, we are here to make sure that these 9 candidates have the best chance to run a comprehensive and 10 modern campaign. That is what I do day in and day out as 11 a trained professional. I've been working in campaigns 12 specifically for about ten years now. 13 So, you know, we, we just really want to make 14 sure that our candidates are using their time and 15 resources as wisely as possible. So sometimes reinventing 16 the wheel really eliminates a candidate from utilizing 17 their time, which we always tell candidates during our 18 candidate trainings your two most fleeting resources are 19 your time and your money. And with clean elections 20 candidates, we know how much money they are going to get. 21 We know when they are going to get it. So that means 22 their time and implementing their campaign is the most 23 important resource there. So our intention is to make 24 sure that they are using that wisely. 25 COMMISSIONER PATON: So of the people you</p>

<p>11:03:03-11:03:56 Page 70</p> <p>1 have -- excuse me. Of the people that you have running in 2 the 30 districts, how many of them are a part of your 3 system that -- are all of the Democrats in your system? 4 MS. WALTON: Our program? So we invite everyone 5 to be a part of our program. We offer baseline services 6 to everyone. And that is because some of them, right, are 7 current caucus members who are running in districts that 8 look completely different from some of those new 9 candidates who are running in other parts of the state 10 that look vastly different. And so, yes, we try to invite 11 everyone to be a part of our program. 12 COMMISSIONER PATON: Do they all accept, I 13 guess? 14 MS. WALTON: Yeah, for the most part, certainly. 15 And when you are offering services, I think some 16 of our, specifically, legislators like Athena and Juan are 17 a perfect example, they have done this for a cycle, but 18 beyond that, they were politically involved beforehand and 19 so they knew more or less what they were getting into. 20 Some of our candidates who are first-time 21 candidates, this is really their first entry into 22 politics. And so they haven't really had time to build 23 the network that you would need to find an independent 24 campaign chairman who is not then either employed by the 25 party or work directly with them.</p>	<p>11:05:22-11:06:39 Page 72</p> <p>1 MS. WALTON: Overwhelmed with the amount of work 2 they get? Certainly, you know, a huge part of why -- 3 again, when Tom and I first spoke about these rules, that 4 we were pro Option C is because it -- working with a 5 candidate or campaign, you should be willing to undertake 6 some of what goes on or some of the regulations that 7 candidates have to provide or live under. 8 I personally think it would be fine if you 9 received a mail piece. I work with vendors all the time 10 and set expectations of what they have to do. There are 11 certainly, when candidates run traditionally, other 12 requirements and laws that the mail houses have to work 13 under, even on the independent expenditure side. Right? 14 The candidate has to -- i.e., a piece has to go to 15 everyone in the district that's being impacted. 16 So in my personal opinion, and it may not be 17 popular to say so, I am not of the opinion that that is a 18 huge burden. 19 COMMISSIONER KIMBLE: Thank you. 20 CHAIRMAN TITLA: Ma'am, in your experience in 21 campaigns where a first-time person starts a campaign and 22 they want to employ people for the campaign, like 23 consultants or people in communications or field 24 employees, canvassers, mailers, auto dialers, telephone, 25 town halls, or electronic communications, or other</p>
<p>11:04:09-11:05:05 Page 71</p> <p>1 And a huge part of it, too, is making sure that 2 those connections can help grow their networks outside of 3 the party. And that is something we certainly encourage 4 them to do, and really working with them on, you know, 5 learning sort of the basic lessons in campaign techniques, 6 so... 7 CHAIRMAN TITLA: Any further questions? 8 COMMISSIONER KIMBLE: Mr. Chairman. 9 CHAIRMAN TITLA: Commissioner Kimble. 10 COMMISSIONER KIMBLE: One other question, 11 Ms. Walton. This may not be fair, but one of the comments 12 we received, and I am asking you this just as someone who 13 was in this field -- 14 MS. WALTON: Sure. 15 COMMISSIONER KIMBLE: -- which I am not, deals 16 with a number, a different concern, saying that one of our 17 stipulations in Option C would be that the Commission 18 should be provided documentation from a mail house printer 19 or other source, et cetera, et cetera. And this comment 20 says this sets an undue burden on the printing house; it 21 has been my experience print shops do not respond in a 22 timely manner. 23 Is this a, is this -- I don't know how to say 24 this. Is this a legitimate concern? Is this a major 25 issue, that print shops are a big problem?</p>	<p>11:07:00-11:08:08 Page 73</p> <p>1 advertising purchases and campaign purchases, would these 2 companies or these people agree to produce an invoice 3 without getting paid? 4 MS. WALTON: So I believe it would depend on the 5 type of services, service that you are attempting to 6 offer. Right? So to Athena's point, or Representative 7 Salmon, I apologize, if you are employing a firm that 8 specifically goes out and does door knocking, right, so 9 they are providing -- and the service really that they are 10 providing is the voter contact on behalf your campaign 11 and, ideally, returning to you data and information on 12 specifically those voters that they talked to, 13 specifically if you are talking to a firm and they are a 14 smaller firm, a local firm -- we have a few of them here 15 in Arizona and they do great work -- it would be hard to 16 undertake an overhead expense to employ the necessary 17 people through their own organization to go out and knock 18 those doors without any sort of initial service. 19 If you are working with -- so this is one of the 20 points, too, that I had thought about -- if you are 21 working with a larger firm who can sort of cover that 22 overhead initially, and then you not have to pay them 23 until the service is rendered, then the candidate's 24 expenses, right, it is going to be a more expensive 25 service, because you are using a larger firm that</p>

<p>11:08:21-11:09:17 Page 74</p> <p>1 typically will charge candidates a little bit more than, 2 say, a local firm. And that is a huge concern of ours 3 when we are talking legislative candidates. Right? We 4 want to make sure they are getting the most bang for the 5 buck, particularly because they are running under this 6 service of \$42,000, right, is what it is up to. 7 So we want to, again, it goes back to making 8 sure that they are utilizing -- sorry, I am repeating 9 myself -- they are working with firms that can sort of 10 take on that cost. So if you are rendering payments after 11 the service is done, it would certainly be, I think, 12 harder for these smaller firms to provide those services 13 to the candidates. And they would actually have to 14 probably pay more or go to a larger firm who could take on 15 that overhead. 16 The Democratic party, as Athena mentioned, does 17 have the capacity, because there are other organizations 18 and entities sort of buying into the coordinated campaign 19 and receiving these services as well. So they have the 20 opportunity to take on some of that overhead. 21 But, additionally, the Democratic party is a 22 nonprofit. We are not trying to make money off of what we 23 are providing, whereas a consulting firm certainly is, 24 so... 25 The other services, though, some of them may be</p>	<p>11:10:27-11:11:13 Page 76</p> <p>1 MR. COLLINS: -- rule to make it clear, and then 2 we will bring it back. There will be another -- that 3 extends an opportunity for folks who want to submit 4 written comment for the next month, and then, of course, 5 folks who have opinions that might be more consistent 6 with -- you know, obviously we have a diversity of views 7 up here, so there are other folks that might come to the 8 next meeting who might share different views. So that's 9 all going good. 10 Representative Blanc has come back. 11 If you would like to speak, I am not -- I mean 12 it is up to the Chairman. 13 COMMISSIONER PATON: Representative, the 14 Honorable. 15 REPRESENTATIVE BLANC: Thank you so much, 16 Mr. Chairman and Commissioners. I really appreciate your 17 time. 18 I just wanted to come and tell you a little bit 19 about myself as a first-time clean elections candidate and 20 now representative, just kind of give you a different 21 perspective. 22 Sorry. I am out of breath. 23 COMMISSIONER PATON: Calm down. 24 REPRESENTATIVE BLANC: I ran over here. 25 You know, I remember 1998 when the clean</p>
<p>11:09:36-11:10:06 Page 75</p> <p>1 able, particularly if you are paying an individual to 2 implement as a digital campaign strategy, and they -- you 3 know, you know them more personally or they are a friend, 4 you could probably, they could probably wait to be paid 5 after that service was rendered. But specifically for 6 consulting firms who then have to employ additional people 7 to go out and provide the service, my assumption is that 8 rendering the payment once the service is over is going to 9 be really hard for those consulting firms to implement. 10 CHAIRMAN TITLA: Okay. Thank you for your 11 comments. 12 MS. WALTON: Absolutely. No other? 13 CHAIRMAN TITLA: Any other questions? 14 (No response.) 15 MS. WALTON: Thank you so much. And thank you 16 for your consideration. 17 CHAIRMAN TITLA: Okay. Thank you. 18 Let's see. Where were we at? 19 MR. COLLINS: So, Mr. Chairman, my 20 understanding -- 21 CHAIRMAN TITLA: We are deciding not to decide 22 today? 23 MR. COLLINS: Right. And we were going to, we 24 are going to tweak the -- 25 CHAIRMAN TITLA: Rules?</p>	<p>11:11:38-11:13:04 Page 77</p> <p>1 elections was on the ballot. And I remember voting yes. 2 And I remember voting yes because for me, as an Arizona 3 citizen, I was really concerned with what I was seeing in 4 our politics. And since that time, close to 20 years, it 5 saddens me to say that money and politics has only gotten 6 worse, and especially the last ten years. 7 So for me, when you look at my resumé, it says 8 nothing about having or creating a political career. I 9 was a mom, still am. I have a 21 and an 18-year-old. I 10 guess you can say my politics started when I became a PTA 11 president. And I became a PTA president because I really 12 wanted to be invested in my community, not only my 13 children's education, but the children who were attending 14 the school. 15 Aside from helping in one campaign, former 16 Congressman Harry Mitchell, I was really not involved in 17 politics. And I helped Congressman Harry Mitchell because 18 he was a former high school teacher of mine and I knew 19 that he would certainly represent me well. 20 The reason I share this is because, for me, it 21 is an important part of my story. I would have never in 22 my lifetime thought or considered running for any 23 position, not even a school board position. And so when I 24 look at the intent of the clean elections, it is to give 25 people like me an opportunity to run, someone like me, who</p>

<p>11:13:24-11:14:53 Page 78</p> <p>1 is not wealthy by any means. 2 I remember when my children were young, I worked 3 part time, because my first role was to be a mom and to 4 forego financial benefit, and standing in front of 5 curtains and deciding if I could afford to pay the \$15 for 6 these new curtains that I thought I needed. The answer at 7 that time was no. 8 I also am not at all politically connected. 9 Many who talk to me, I say, tell them I am very green. 10 They will name people in politics that I know nothing of. 11 It could be anyone, other than the people that I know who 12 represent me in my city council and in my legislative 13 district and congressional district. 14 Why is it important? Because I took a chance 15 with two phenomenal people right behind me, Representative 16 Salmon, who I am sure gave an amazing report, because she, 17 I call her the clean elections guru, she is passionate and 18 understands this much more, better than I, and same with 19 Senator Mendez. And they took a risk with me. They asked 20 me to join and be a part of their team, someone with no 21 political savvy, someone that is not at all connected to 22 wealth or money, certainly not at all connected to any 23 lobbyists or people who want to drive their interests in 24 politics. 25 And so the first step of even deciding to run</p>	<p>11:17:05-11:18:24 Page 80</p> <p>1 sun went down all the way through the end of May. 2 And I can further tell you that between June and 3 primary election day, I knocked on doors every single day 4 with my seat mates starting at 9:00 a.m. until 1 p.m., 5 sometimes going to our favorite taco place, and then 6 starting back again at 4:00 and walking until the sun went 7 down. 8 And the reason I am describing these events to 9 you is because that's what clean elections allowed me to 10 do. It allowed me to spend time talking to my 11 constituents. It allowed me not to worry about where the 12 money was going to come from, because I had to work to get 13 300 qualifying contributions and over 1200 signatures. So 14 for someone like me, who is not at all politically 15 connected, I was able to do it because I had two amazing 16 people. And Juan Mendez, who this was his third election, 17 so he understood how to use clean elections a lot better 18 than I. 19 And I have got to tell you we would sit at the 20 dinner table and have discussions about our financial 21 reports. And you know because the three of us were 22 audited. And we used our money the best way we knew how. 23 But I have to tell you that, as a clean 24 elections candidate, if you are not politically savvy, as 25 I was, it is intimidating, and even reading through the</p>
<p>11:15:17-11:16:42 Page 79</p> <p>1 for office for a person like me is incredibly 2 intimidating. The first and most difficult decision for 3 me was even deciding to run. And when I decided to run, 4 it is because I was guided by these two people that I 5 absolutely adore and I see as my mentors, and because I 6 believe in the clean elections system. And I believe in 7 the clean elections system because I want to stay true to 8 my values. I want to represent the people from my 9 district, from the community I grew up in. And clean 10 elections has allowed me to do that as a representative. 11 And I have to tell you I spent 95 percent of my 12 time knocking on doors because clean elections allowed me 13 to do that. I can tell you of the many faces and the many 14 people that live in my district. And I can tell you what 15 their number one concern is, because I had those 16 conversations at the door. 17 I can tell you that between January and 18 March 31st of 2016, when I was working full time, first 19 things first, I had to leave that job because it's a state 20 agency. And I can tell you between my 8:00 to 5:00 job I 21 came home and I started knocking on doors to collect those 22 \$5 qualifying contributions until 7:30 and 8:00, along 23 with my seat mates. I can tell you when I left my job 24 starting on April 1st, it became an earlier walk, starting 25 at 4:00 as opposed to 5:00, 5:30, and walking until the</p>	<p>11:18:45-11:20:40 Page 81</p> <p>1 rules. So the fact that we are considering to change and 2 make it harder for candidates and now representatives like 3 me, I looked at those rules and I am credibly intimidated, 4 because I was already intimidated by the process that we 5 currently have, because I wanted to make sure I was 6 following every single rule, which I did. I saved every 7 receipt. We looked over every piece of mail carefully. 8 We would call Sara for support and advice and 9 clarification on anything that I did not understand. And 10 as we know, the process to run for office is already made 11 incredibly difficult for a mom of two that never imagined 12 running for public office. 13 So I looked back. You know, the clean elections 14 is to allow more citizens like me to run for office. It 15 reduces the influence of interest money, making the 16 officeholders beholden to the voters, and I have been, and 17 I continue to be; allows officeholders to spend time 18 speaking to the public and not having to worry about 19 raising funds. It has. 20 Rose Mofford said, God rest her soul, that she 21 saw firsthand the negative influence of money and 22 politics. And that was close to 20 years ago. She 23 recalled a time when policymakers, politicians spent more 24 time connecting with their constituents and their voters. 25 She talked about the importance of taking money out of</p>

<p>11:21:10-11:23:00 Page 82</p> <p>1 politics. And she understood that it threatened the very 2 principle of democracy. 3 You know you have done a phenomenal job already. 4 And I ask you to seriously consider some of these rules. 5 And I am sure you have heard from many why. They could be 6 barriers for people like me. And I, a citizen who voted 7 for the clean elections in 1998, voted because I trusted 8 the system to allow people like me to run for office and 9 actually be a voice. 10 So I just wanted to share that with you, because 11 I think it is important to help you understand the 12 positive impact that it has had on my life and how proud I 13 am to be a clean elections candidate and how I am 14 committed to stay a clean elections candidate, because I 15 believe in this process, but, more importantly, because it 16 makes me a better policymaker. And this is what Arizona 17 citizens wanted close to 20 years ago. And I don't have 18 to tell you. There are people that continue to try to 19 destroy a system that is working for people like me. So I 20 ask that you not, or that you at least consider the rules, 21 because we do need some help sometimes. 22 I use the voter files that are provided from the 23 Democratic party. It is an essential tool for me to be 24 effective. This isn't about handing over money to 25 political organizations. This is just an opportunity to</p>	<p>11:24:41-11:25:53 Page 84</p> <p>1 we are just making these rules even harder. I looked 2 through it, and I have a hard, had a hard time really 3 understanding the process. Right? So I am already trying 4 to -- I feel like I kind of have a foothold of the current 5 process. 6 And I mean maybe you can help me understand what 7 we are trying to solve, the problem we are trying to 8 solve. Can someone help me understand that? 9 COMMISSIONER KIMBLE: I will let Mr. Collins 10 address that. 11 MR. COLLINS: Well, yeah. The problem, 12 Representative Blanc, Mr. Chairman, Representative Blanc, 13 the issue we are trying to solve is this. In the 2014 14 election we had a number of expenditures that were made to 15 the Democratic party in one form or another. Not all the 16 folks who made those expenditures did a good job of 17 documenting those payments on their campaign finance 18 reporting forms. Those forms, because they failed to be 19 sufficiently detailed, gave rise to a complaint that said 20 basically, hey, you can't just write a miscellaneous check 21 for \$12,000 to a party. And that is correct. That is 22 true. That is a violation of the law if that is in fact 23 true. 24 So what we undertook as staff is a comprehensive 25 effort to try to audit those candidates who were already</p>
<p>11:23:21-11:24:20 Page 83</p> <p>1 help us be a little bit more effective and knowing who we 2 are speaking to. 3 I appreciate your time. Thank you. 4 CHAIRMAN TITLA: Thank you for your comments, 5 Representative. 6 Any other questions? 7 COMMISSIONER KIMBLE: Mr. Chairman. 8 CHAIRMAN TITLA: Commissioner Kimble. 9 COMMISSIONER KIMBLE: Representative Blanc, 10 thank you very much for coming today. And thank you for 11 your service. 12 I just want to, want to make clear, or want you 13 to make clear, are there any one of these options that you 14 would favor, or would you favor no option at all? 15 REPRESENTATIVE BLANC: Well, Commissioner 16 Kimble, I will be honest with you. I am not really sure 17 why we are considering these options. Maybe we should 18 have asked those questions. But I certainly do not favor 19 A or B. C is a little bit more doable; although, I think 20 there needs to be some clarity. 21 There are so many challenges in running a 22 campaign. And, you know, I was looking at it. And I am 23 sure Representative Salmon did a phenomenal job. Like I 24 said, she reads everything incredibly clearly and really 25 has a complete understanding. But my fear is that we are,</p>	<p>11:26:10-11:27:18 Page 85</p> <p>1 subject to audit, their transactions to the Democratic 2 party. We collected evidence, sworn affidavits about how 3 those monies were expended. And we did all that, and 4 ultimately the staff recommended and the Commission 5 concurred that there wasn't reason to believe the 6 violation occurred. 7 However, what that revealed to us is one of two 8 things. I mean if you have listened to Commissioner 9 Paton, you know his concern relates to the party's 10 relationship with the candidates and that that may be 11 problematic. The other issue is that what it also meant 12 was that candidates were not being protected by the party 13 from the potential liability that they face for not 14 reporting. 15 So Option A and B deal with the substantive 16 question of, policy question of ought candidates be 17 involved with the party with clean money, which is one 18 question. And then Option C deals with a distinct 19 question, but a question we also ought to have an answer 20 to if we work through A and B, which is how can candidates 21 protect themselves from the party in terms of not getting 22 sufficient documentation for what they paid for. Because 23 if you are giving money to the party, you are violating 24 the law. And if the party is giving money to you, they 25 are violating the law, with the exception of if you are a</p>

<p>11:27:30-11:28:27 Page 86</p> <p>1 nominee under 1516, in which case the whole world -- there 2 is a different world there now that's, you know, that we 3 can talk about. 4 But that's, that's the reason. The reason is 5 because the complaints were filed. The responses -- the 6 complaints were not, it turns out to be, good in the sense 7 that they led to discipline, but they did demonstrate that 8 there is a need to protect candidates and give candidates 9 some leverage to talk to parties and consultants and say, 10 look, I have got to be able to produce to the Commission 11 something that says I got what I paid for. And then, if 12 you do get audited, you will have that, instead of having 13 to, you know, put together a bunch of affidavits and stuff 14 like that. So this is all designed to protect candidates 15 one way or another. 16 REPRESENTATIVE BLANC: And I appreciate that -- 17 MR. COLLINS: That's the answer. 18 REPRESENTATIVE BLANC: -- Mr. Collins. So make 19 it simple. Define that to the invoice, which I think was 20 yellow highlighted -- 21 MR. COLLINS: Right. 22 REPRESENTATIVE BLANC: -- has to really 23 perfectly identify. But I think, if I read in there, 24 payments have to be made after service is rendered, which 25 can be a barrier to some degree. So simplify it in a way</p>	<p>11:30:17-11:31:28 Page 88</p> <p>1 those invoices, the services rendered, the hours worked, 2 without really creating this huge massive change, but just 3 define it more clearly so it reads simply. I guess that's 4 what I am asking you guys, the Commissioners, to do. 5 I certainly understand there is a need for 6 transparency. And I can tell you I sat with the auditors 7 that were here earlier. And my friend who was my 8 treasurer was accounting for every penny. And he probably 9 spent more time with the accountant than she had imagined 10 because there was not a problem with his accounting or my 11 accounting, it was a system that we were using to collect 12 the \$4,000 and how they were reporting the monies. 13 But my point is just make it more clear and 14 defined without adding all of these extra, what appeared 15 to be rules or, in my view, just more barriers. Just make 16 it clear and defined, these are the expectations because 17 we want to protect you as a candidate from conspicuous 18 consultants or the party that may not offer you the 19 protection it may boast or not. More clear and defined, 20 transparency, this is the expectation on the invoices, 21 et cetera, that's what I ask. 22 COMMISSIONER KIMBLE: Thank you. 23 CHAIRMAN TITLA: Thank you, Representative. 24 REPRESENTATIVE BLANC: Thank you so much. 25 CHAIRMAN TITLA: Thank you, appreciate it.</p>
<p>11:28:47-11:29:56 Page 87</p> <p>1 that is clear and well defined. 2 And I guess I understand maybe the concerns with 3 like handing over money to the Democratic party 4 potentially from something that happened three years ago. 5 Just more clear and defined, and that's how you will 6 protect us but then not create a barrier. 7 COMMISSIONER KIMBLE: Mr. Chairman. 8 CHAIRMAN TITLA: Commissioner Kimble. 9 COMMISSIONER KIMBLE: Representative Blanc, I 10 guess I would add to what Mr. Collins said. I think, 11 speaking only for myself, I am looking for two things. 12 Number one, I don't want to make it harder for people to 13 run as a clean election candidate. Number two, I want 14 some transparency for where money is spent, whether it is 15 spent with the party or with a consultant. 16 And your concern about advanced payments is a 17 good one, which your seat mate brought up. And it is one 18 that we are going to clarify. Because I think we agree 19 that you should be able to make payments in advance of the 20 service delivered, as long as you have an itemized bill, 21 receipt, something saying what you are paying for. 22 REPRESENTATIVE BLANC: And I certainly 23 appreciate that for certain. And I would agree with the 24 transparency. And, for me, I just -- make it simple. Be 25 very clear and defined in what expectations you have on</p>	<p>11:31:44-11:32:53 Page 89</p> <p>1 Okay. So let's go through the next item, Item 2 VII, discussion. 3 COMMISSIONER KIMBLE: Mr. Chairman, do we need 4 to vote on whether we are going to continue this item? 5 MR. COLLINS: No, no. We will just continue. 6 That's fine. There is no vote necessary. We will take it 7 as a direction from you all to put it on the next agenda. 8 It is not a big deal. 9 As this item -- Joe Kanefield and Chase Bales 10 are here to update you on our discussions with the courts. 11 Question, do you guys want to do that this month 12 or are you, or are you -- do you want to wait until next 13 month because we are -- you know. 14 COMMISSIONER CHAN: Mr. Chairman, members, I 15 need to leave by 12:30 to make an appointment for my son's 16 therapy. So it depends on how long it is going to be. 17 MR. COLLINS: All right. Well, so I don't know. 18 Joe, what do you want to do? Do you want to 19 give a -- 20 MR. KANEFIELD: Mr. Chair, members of the 21 Commission, we have discussed this item before. We would 22 give you a brief overview of our discussions with the 23 administrative office of the courts. We would probably 24 want to do that in executive session given that there is 25 legal issues here. I don't think it would take very long</p>

<p>11:33:10-11:33:50 Page 90</p> <p>1 if you want to try and do it. But we would be happy to 2 table this until next month. There is no rush to do this 3 today if you are running short on time, so... 4 COMMISSIONER PATON: Mr. Chairman. 5 CHAIRMAN TITLA: Commissioner Paton. 6 COMMISSIONER PATON: I would feel more 7 comfortable if Commissioner Meyer was here to hear 8 whatever we would hear. 9 MR. COLLINS: It is all, it is up to you guys. 10 I don't have an opinion. 11 CHAIRMAN TITLA: Why don't we table it until 12 next month. 13 MR. KANEFIELD: Mr. Chair, if I may, personal 14 privilege. I just want to say hello to Commissioner Chan 15 and welcome her. What a wonderful addition to the 16 Commission. We have worked together for many years. So 17 happy to see her. 18 COMMISSIONER CHAN: Thank you. 19 CHAIRMAN TITLA: Thank you. Thank you. 20 MR. COLLINS: What we might do is have a -- have 21 Joe and I get you some summary of where we are that's 22 privileged in another context so you would have it for the 23 next meeting. 24 CHAIRMAN TITLA: Okay. Thank you. 25 MR. COLLINS: That brings us to the last item</p>	<p>11:35:23-11:36:24 Page 92</p> <p>1 policies. So, for example, the Secretary of State's 2 procedures manual may be subject to a lawsuit with a 3 guarantee of fees. 4 There are ways you can structure lawsuits to get 5 fees almost no matter what. And so we have always 6 anticipated that, if we were to be sued and lose, we would 7 pay fees. So it is not really something that we think is 8 of super significance. We think it is more, I personally 9 think it is more interesting how it looks like a clean 10 elections thing but, you know, in the drafting of it there 11 are lots of little exceptions to the APA. And because it 12 says an exception from, you know, Title 41 Chapter 6, 13 well, that could be a lot of people who are on the hook 14 for fees other than clean elections. It is really 15 unclear. I think we were the target, but I am not sure 16 that we are the only target that they hit. And I also 17 don't think that the short title reflected what the bill 18 ultimately ended up being, which could be problematic if 19 it were ever challenged. And we do think there are Voter 20 Protection Act issues. 21 That's the only, that's really the only bill 22 that passed that we feel any serious, not even serious, 23 but we feel is worth noting. Other than that, you know, 24 there was no repealer. You know, we will see where we are 25 next year. And I don't know if Mike has anything to add</p>
<p>11:34:10-11:35:12 Page 91</p> <p>1 before public comment and adjournment, which is the 2 legislative session, which ended, so can we all relax. 3 The only bill that causes us some marginal 4 concern is a bill called 1072. It started out to be a 5 rewrite of the administrative process of administrative 6 appeals. It ended up being a bill that says that you can 7 get attorneys fees if you challenge a rule, policy, or law 8 administrated by somebody who is not subject to Title 41 9 Chapter 6. 10 COMMISSIONER CHAN: Is that only us, 11 Mr. Chairman and Tom? 12 MR. COLLINS: That's a really interesting 13 question. It is very weird. It is written in a way that 14 it seems like it is intended to get at us. And the short 15 title doesn't refer to this. So there is not really, 16 there wasn't really good public notice on this. 17 There are two reasons why it is confusing. The 18 first is that, as far as the APA is concerned, there are 19 all kinds of things that exempt from APA. For example, 20 something, I think the agriculture department's rules 21 related to peanut farming are exempted from the APA. So 22 now, if you challenge those rules, you can get attorney's 23 fees. The other group that, since this is a blanket 24 exception from the APA, are groups that are excepted from 25 GRRRC, which is all elected officials who might have</p>	<p>11:36:39-11:37:04 Page 93</p> <p>1 that I haven't. And Mike has been tracking this stuff 2 diligently. And that's where we are. 3 So other than that, Mr. Chairman, if you don't 4 have any questions about that, it is public comment and 5 then adjournment, I guess. 6 CHAIRMAN TITLA: Any questions, Commissioners, 7 on this item? 8 (No response.) 9 CHAIRMAN TITLA: Okay. The next one is Item IX, 10 public comment. Do we have any public comment in the 11 audience? 12 (No response.) 13 CHAIRMAN TITLA: Okay. Do we have a motion to 14 adjourn? 15 COMMISSIONER KIMBLE: Mr. Chairman, I move we 16 adjourn. 17 CHAIRMAN TITLA: Motion by Commissioner Kimble 18 to adjourn. 19 COMMISSIONER CHAN: Second. 20 CHAIRMAN TITLA: Second by Commissioner Chan. 21 All in favor say aye. 22 (A chorus of ayes.) 23 CHAIRMAN TITLA: Okay. We are adjourned. 24 (The proceeding concluded at 11:37 a.m.) 25</p>



1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA )

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11 outcome hereof.

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16 

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<p><b>\$12,000 (4)</b> 44:7;67:16, 21;84:21  <b>\$15 (1)</b> 78:5  <b>\$200 (1)</b> 37:6  <b>\$30 (1)</b> 48:20  <b>\$3600 (1)</b> 44:20  <b>\$4,000 (1)</b> 88:12  <b>\$42,000 (1)</b> 74:6  <b>\$5 (2)</b> 41:9;79:22  <b>\$500,000 (1)</b> 57:17  <b>\$9,000 (1)</b> 23:19  <b>\$9,209 (1)</b> 23:12  <b>\$9,209.72 (1)</b> 24:9</p>	<p><b>act (3)</b> 28:19;62:1; 92:20  <b>action (7)</b> 3:7;4:21;5:3; 12:22;30:23;32:3; 34:14  <b>actions (5)</b> 13:25;15:4; 28:3,7;32:20  <b>activity (2)</b> 20:3;26:16  <b>actual (1)</b> 21:4  <b>actually (6)</b> 21:20,23; 45:10;67:12;74:13; 82:9  <b>add (9)</b> 14:3,11;19:20; 28:18;45:14;63:4;67:2; 87:10;92:25  <b>added (1)</b> 7:10  <b>adding (1)</b> 88:14  <b>addition (3)</b> 9:6,15; 90:15  <b>additional (2)</b> 34:24; 75:6  <b>Additionally (3)</b> 5:22; 26:25;74:21  <b>address (6)</b> 14:15;30:5; 46:9;55:25;65:8;84:10  <b>addressed (1)</b> 52:8  <b>addresses (1)</b> 32:13  <b>addressing (1)</b> 52:22  <b>adequately (1)</b> 22:12  <b>adjourn (3)</b> 93:14,16,18  <b>adjourned (1)</b> 93:23  <b>adjournment (2)</b> 91:1; 93:5  <b>ADLCC (3)</b> 44:22; 64:17;65:25  <b>administrated (1)</b> 91:8  <b>administrative (7)</b> 5:4; 16:23,23;38:24;89:23; 91:5,5  <b>admissions (1)</b> 37:6  <b>adopt (3)</b> 35:8,8;39:4  <b>adopting (1)</b> 6:11  <b>adore (1)</b> 79:5  <b>ads (1)</b> 65:18  <b>advance (12)</b> 47:12,21; 48:18;49:1,3;50:18; 53:20,23,24;54:6; 66:11;87:19  <b>advanced (8)</b> 47:8,15, 17;48:6,23;63:25;64:3; 87:16  <b>advantage (1)</b> 60:21  <b>advertising (2)</b> 53:22; 73:1  <b>advice (1)</b> 81:8  <b>Advocacy (2)</b> 62:21,24  <b>advocating (1)</b> 39:10  <b>affect (1)</b> 36:9  <b>affected (1)</b> 9:1  <b>affidavits (2)</b> 85:2;86:13  <b>affiliated (1)</b> 39:22  <b>afford (1)</b> 78:5  <b>again (10)</b> 12:5;14:17;</p>	<p>22:1,14;36:4;52:2; 59:5;72:3;74:7;80:6  <b>against (1)</b> 50:13  <b>agency (1)</b> 79:20  <b>agenda (2)</b> 3:4;89:7  <b>aggravated (1)</b> 58:15  <b>aggregate (1)</b> 24:12  <b>ago (5)</b> 8:20;32:11; 81:22;82:17;87:4  <b>agree (5)</b> 17:17;54:24; 73:2;87:18,23  <b>agreed (1)</b> 26:19  <b>agreement (1)</b> 52:21  <b>agreements (1)</b> 50:17  <b>agrees (1)</b> 64:7  <b>agriculture (1)</b> 91:20  <b>AG's (2)</b> 6:16;7:8  <b>ahead (5)</b> 24:7;30:6; 49:3;51:8;61:4  <b>Alec (1)</b> 8:22  <b>align (1)</b> 22:15  <b>aligned (1)</b> 39:8  <b>allotted (1)</b> 5:4  <b>allow (3)</b> 60:6;81:14; 82:8  <b>allowed (5)</b> 79:10,12; 80:9,10,11  <b>allows (2)</b> 66:22;81:17  <b>almost (1)</b> 92:5  <b>along (3)</b> 30:18;63:25; 79:22  <b>Although (5)</b> 7:13;20:9; 28:25;63:8;83:19  <b>always (4)</b> 9:16;59:2; 69:17;92:5  <b>amazing (2)</b> 78:16; 80:15  <b>amendment (1)</b> 34:14  <b>America (1)</b> 58:11  <b>among (2)</b> 14:6;36:22  <b>amount (7)</b> 23:14; 24:10,18;44:5;50:14; 67:19;72:1  <b>amounts (2)</b> 24:19; 60:20  <b>Amy's (1)</b> 49:22  <b>and/or (2)</b> 13:3;67:13  <b>announce (1)</b> 4:11  <b>announced (1)</b> 11:7  <b>announcement (1)</b> 8:19  <b>anticipated (1)</b> 92:6  <b>Anymore (1)</b> 28:16  <b>APA (7)</b> 54:20,21; 91:18,19,21,24;92:11  <b>apologize (2)</b> 46:18; 73:7  <b>app (1)</b> 40:6  <b>apparent (1)</b> 35:4  <b>appeal (1)</b> 5:4  <b>appeals (1)</b> 91:6  <b>appear (1)</b> 16:11  <b>appeared (2)</b> 21:1; 88:14</p>	<p><b>appears (2)</b> 5:10;20:25  <b>applied (1)</b> 32:17  <b>applies (2)</b> 7:22,24  <b>apply (1)</b> 54:21  <b>appointment (1)</b> 89:15  <b>appreciate (8)</b> 31:23; 51:22;55:22;76:16; 83:3;86:16;87:23; 88:25  <b>appreciative (1)</b> 55:15  <b>approach (3)</b> 37:7,8,20  <b>approaches (1)</b> 37:18  <b>appropriate (4)</b> 7:4; 14:2;15:6;16:1  <b>approval (4)</b> 12:23; 27:24;28:6;30:21  <b>approve (10)</b> 3:11; 14:10;28:12;32:9,24; 33:2,3,13,18,22  <b>approved (2)</b> 34:11,15  <b>April (6)</b> 3:8,8,12,12; 26:6;79:24  <b>arbitrary (1)</b> 45:16  <b>argue (1)</b> 40:2  <b>arguing (1)</b> 68:1  <b>argument (1)</b> 4:25  <b>Arizona (11)</b> 4:21;42:7; 61:16;62:2,4,8,21; 64:16;73:15;77:2; 82:16  <b>arm (1)</b> 64:19  <b>around (3)</b> 9:8;42:6; 60:12  <b>ARS (2)</b> 6:20,20  <b>articulate (1)</b> 32:18  <b>ascertain (2)</b> 19:4;25:3  <b>ascertaining (1)</b> 8:25  <b>aside (3)</b> 15:23;32:18; 77:15  <b>assist (1)</b> 65:20  <b>Assistance (1)</b> 6:6  <b>associated (3)</b> 12:1; 23:4;57:24  <b>assume (1)</b> 48:19  <b>assuming (4)</b> 16:4,7,13; 28:11  <b>assumption (2)</b> 22:11; 75:7  <b>assure (1)</b> 67:18  <b>Athena (3)</b> 38:21; 70:16;74:16  <b>Athena's (1)</b> 73:6  <b>attached (1)</b> 4:24  <b>attempting (1)</b> 73:5  <b>attend (1)</b> 35:4  <b>attended (1)</b> 8:22  <b>attending (1)</b> 77:13  <b>attest (1)</b> 6:7  <b>Attorney (2)</b> 5:16;50:17  <b>attorneys (3)</b> 7:6;61:21; 91:7  <b>attorney's (1)</b> 91:22  <b>audience (2)</b> 13:8;</p>	<p>93:11  <b>audit (57)</b> 12:23;13:7,9, 10,11,14,15,16,17,19, 21,24;14:7,9,11,19,21; 15:20,23;17:18,22,23; 18:7,9,10,13,22;21:16, 17;22:24;26:1,16,20; 27:17,17,17,21,25; 28:2,4,10,11;29:1,11, 13;30:1,2,4,9,22;31:3, 5,8,17;37:15;84:25; 85:1  <b>audited (2)</b> 80:22;86:12  <b>auditing (1)</b> 50:11  <b>auditors (9)</b> 13:6,6; 15:1;17:9;18:5,17; 24:10;25:2;88:6  <b>audits (2)</b> 13:12;21:12  <b>auto (1)</b> 72:24  <b>available (5)</b> 13:3; 30:15,20;35:13;46:4  <b>average (1)</b> 61:19  <b>away (1)</b> 57:21  <b>aye (3)</b> 31:11;34:4; 93:21  <b>ayes (4)</b> 3:19;31:12; 34:5;93:22  <b>AzAN (1)</b> 64:6</p>
				<b>B</b>
				<p><b>back (20)</b> 5:2;7:10;9:3, 10,25;15:3;16:24;24:3; 25:20;30:3;44:15; 50:16;52:23;67:23; 68:19;74:7;76:2,10; 80:6;81:13  <b>background (2)</b> 18:15; 41:2  <b>balance (1)</b> 63:18  <b>Bales (1)</b> 89:9  <b>ballot (12)</b> 9:3,4,5,10, 11,11,13,25;10:23; 40:20;67:22;77:1  <b>ballots (1)</b> 9:14  <b>ban (2)</b> 34:18;37:4  <b>bang (1)</b> 74:4  <b>bank (9)</b> 18:12;19:3,3, 9;20:3;22:11;24:10,13, 16  <b>bar (1)</b> 63:10  <b>bare (1)</b> 65:17  <b>barrier (2)</b> 86:25;87:6  <b>barriers (2)</b> 82:6;88:15  <b>based (6)</b> 11:23;21:3; 25:2;27:9;28:4;50:18  <b>baseline (1)</b> 70:5  <b>basic (1)</b> 71:5  <b>basically (10)</b> 7:19; 20:7;29:25;30:14,21; 48:13;49:2;58:18;64:6; 84:20  <b>basis (6)</b> 9:13,22;41:1;</p>

<p>50:18;63:17;64:21  <b>beat (1)</b> 61:3  <b>beautiful (1)</b> 41:8  <b>beautifully (1)</b> 21:24  <b>became (3)</b> 77:10,11;  79:24  <b>beforehand (1)</b> 70:18  <b>beginning (1)</b> 25:25  <b>begun (1)</b> 5:8  <b>behalf (2)</b> 67:14;73:10  <b>behind (2)</b> 20:11;78:15  <b>beholden (1)</b> 81:16  <b>believes (1)</b> 7:3  <b>below (1)</b> 43:13  <b>benefit (3)</b> 11:9,9;78:4  <b>besides (2)</b> 25:8;57:6  <b>best (4)</b> 13:23;46:6;  69:9;80:22  <b>better (10)</b> 23:5;33:2,7;  46:23;62:12;64:18;  66:21;78:18;80:17;  82:16  <b>beyond (3)</b> 14:3,11;  70:18  <b>bifurcated (2)</b> 6:3,9  <b>big (3)</b> 58:25;71:25;  89:8  <b>bill (9)</b> 51:7;63:2;  66:11;87:20;91:3,4,6;  92:17,21  <b>billing (1)</b> 56:19  <b>bit (7)</b> 31:20;57:13;  64:18;74:1;76:18;83:1,  19  <b>Blanc (15)</b> 38:22;  61:11;76:10,15,24;  83:9,15;84:12,12;  86:16,18,22;87:9,22;  88:24  <b>blanket (1)</b> 91:23  <b>board (1)</b> 77:23  <b>boast (1)</b> 88:19  <b>boat (1)</b> 46:8  <b>bones (1)</b> 65:17  <b>boom (1)</b> 37:15  <b>both (5)</b> 4:23;17:17,21;  37:8;51:22  <b>bothers (1)</b> 44:7  <b>bottom (1)</b> 20:20  <b>break (1)</b> 20:1  <b>breath (1)</b> 76:22  <b>brief (4)</b> 16:17;30:6;  32:8;89:22  <b>briefed (1)</b> 16:16  <b>briefing (1)</b> 16:15  <b>briefly (2)</b> 4:3;6:19  <b>briefs (1)</b> 4:23  <b>bring (4)</b> 6:2;9:11;  43:14;76:2  <b>brings (2)</b> 61:16;90:25  <b>broke (1)</b> 48:16  <b>brought (3)</b> 53:18;55:9;  87:17</p>	<p><b>Brown (1)</b> 67:20  <b>buck (1)</b> 74:5  <b>build (4)</b> 43:17,19;  59:23;70:22  <b>building (1)</b> 8:18  <b>bulk (1)</b> 35:17  <b>bunch (1)</b> 86:13  <b>burden (2)</b> 71:20;72:18  <b>business (2)</b> 42:4,8  <b>buy (3)</b> 49:3,7;67:20  <b>buy-in (2)</b> 66:17;67:19  <b>buying (3)</b> 49:4;67:16;  74:18</p> <p style="text-align: center;"><b>C</b></p> <p><b>C1 (2)</b> 48:25;54:2  <b>C2 (1)</b> 48:25  <b>calendar (1)</b> 11:8  <b>call (6)</b> 3:1,5;43:17;  64:14;78:17;81:8  <b>called (2)</b> 7:17;91:4  <b>Calm (1)</b> 76:23  <b>Camberg (22)</b> 13:7;  14:12;18:23;19:19;  20:24;21:9,9,10,10,15;  22:6;26:8,10,18,24;  27:4,7,12;28:17,24;  29:4,7  <b>came (7)</b> 7:11;23:25;  24:2,4;25:20;40:20;  79:21  <b>campaign (63)</b> 18:11;  19:4,6;20:3,5,10,21;  21:1,16;22:5,15,18;  23:13;24:11,14,15;  25:5,6;30:11;34:24;  43:1,2,6,11,11,21;  44:11,19;45:1;46:1;  47:10,12,18;49:23,24;  53:13,20,23,24;54:6;  57:15,23;59:2,11;60:7;  64:17;65:1;66:17;68:3;  69:10,22;70:24;71:5;  72:5,21,22;73:1,10;  74:18;75:2;77:15;  83:22;84:17  <b>campaigns (7)</b> 41:3;  44:9;57:18;65:14;66:3;  69:11;72:21  <b>can (65)</b> 5:2,11;6:12;  7:5;8:16;9:22,24;  10:10,22;12:16;18:3;  19:18,25;22:7;23:1;  25:16;32:8;36:19,20,  22;38:13,19;39:24;  41:24;44:24;46:10,17,  23;48:6,11,17;49:3,3;  54:20,22;55:2,20,24;  58:24;59:4;62:9,18;  63:16;66:2;67:18;71:2;  73:21;74:9;77:10;  79:13,14,17,20,23;</p>	<p>80:2;84:6,8;85:20;  86:3,25;88:6;91:2,6,  22;92:4  <b>candidacy (4)</b> 44:25;  45:7;47:3;59:3  <b>candidate (34)</b> 5:19;  7:23;15:24;16:3,8,10,  17,22;27:23,25;28:11;  39:6,22,25;40:23;  43:19;47:12,14;53:20,  25;55:13,20;67:21;  68:2;69:16,18;72:5,14;  76:19;80:24;82:13,14;  87:13;88:17  <b>candidates (58)</b> 12:24;  22:9;37:9,23,25;39:9,  16;40:21;42:9,24;44:6,  21,24;45:16;52:14;  55:22;56:17,18,20;  60:18;63:9,12,24;  64:21;65:5,7,11,15,20;  66:15,15,16;67:15,18;  68:6,8,10;69:9,14,17,  20;70:9,20,21;72:7,11;  74:1,3,13;81:2;84:25;  85:10,12,16,20;86:8,8,  14  <b>candidates' (1)</b> 65:24  <b>candidate's (1)</b> 73:23  <b>canvass (1)</b> 40:7  <b>canvassers (2)</b> 45:6;  72:24  <b>capacity (5)</b> 40:18;  42:8;45:10;53:11;  74:17  <b>Capitol (1)</b> 63:1  <b>career (1)</b> 77:8  <b>carefully (1)</b> 81:7  <b>Casap (1)</b> 4:12  <b>case (2)</b> 13:8;86:1  <b>cash (1)</b> 49:3  <b>categorize (1)</b> 20:8  <b>caucus (2)</b> 45:22;70:7  <b>cause (1)</b> 16:21  <b>causes (1)</b> 91:3  <b>caveat (1)</b> 36:7  <b>centers (3)</b> 9:5,13;  10:24  <b>certain (5)</b> 7:21;15:7;  44:5;67:8;87:23  <b>certainly (18)</b> 7:6;  11:18;65:3,6;68:8;  69:3,6;70:14;71:3;  72:2,11;74:11,23;  77:19;78:22;83:18;  87:22;88:5  <b>cetera (3)</b> 71:19,19;  88:21  <b>Chair (2)</b> 89:20;90:13  <b>CHAIRMAN (170)</b> 3:1,  9,10,14,17,20,22,24;  4:2;8:6,9,13,15;10:15,  16,18,21;12:11,18,21,</p>	<p>25;14;23,24,25;15:12,  18;17:1,16,19;18:1,4;  19:14,17,19;20:15,16,  17;21:5,6,7;22:8,22;  23:9,18,20,24,25;24:4,  7,8,25;25:10,13,15,24;  26:9,12,22,25;27:5,9,  14,15,16;28:14,17,21;  29:5,8,9,19,20,23;  30:24,25;31:1,7,10,13,  15,17,24,25;32:7;33:4,  9,12,15,16,17,21;34:1,  2,6,8,10,13;35:2;38:9,  15;42:16,19;43:2,3,6;  44:11;47:4,5;51:18,19;  52:24,25;53:6;54:5,8,  24;57:3;59:2;61:5,7,8,  12;62:15,18;64:8,12;  66:6,7,8,24,25;67:1;  68:14;70:24;71:7,8,9;  72:20;75:10,13,17,19,  21,25;76:12,16;83:4,7,  8;84:12;87:7,8;88:23,  25;89:3,14;90:4,5,11,  19,24;91:11;93:3,6,9,  13,15,17,20,23  <b>challenge (2)</b> 91:7,22  <b>challenged (1)</b> 92:19  <b>challenges (1)</b> 83:21  <b>CHAN (34)</b> 21:5,6,7,10,  19;22:8,20,22;23:23;  29:8,9,10;30:25;31:1,2,  8;33:25;34:2;51:18,19;  53:4;54:25;61:7,8,9;  66:25;67:1,2;89:14;  90:14,18;91:10;93:19,  20  <b>chance (4)</b> 30:4;57:10;  69:9;78:14  <b>change (13)</b> 23:12;  48:18;49:16,17;54:10,  11,12,19,19,22;55:10;  81:1;88:2  <b>changing (1)</b> 65:14  <b>Chapman (5)</b> 18:6;  19:18;26:5,7,9  <b>Chapter (2)</b> 91:9;92:12  <b>charge (2)</b> 50:13;74:1  <b>Chase (1)</b> 89:9  <b>check (6)</b> 41:12;44:23;  57:23,25;59:10;84:20  <b>checking (2)</b> 6:17;  56:19  <b>checks (10)</b> 42:24;44:5,  6,21;55:24;57:9,14,14;  58:19;60:19  <b>chief (1)</b> 4:13  <b>children (2)</b> 77:13;78:2  <b>children's (1)</b> 77:13  <b>choice (3)</b> 39:8,8;46:6  <b>choices (2)</b> 37:3;42:10  <b>choose (1)</b> 26:3  <b>chorus (4)</b> 3:19;31:12;</p>	<p>34:5;93:22  <b>Chris (1)</b> 32:15  <b>Christmas (1)</b> 20:1  <b>circulate (1)</b> 35:9  <b>cities (1)</b> 4:6  <b>citizen (6)</b> 58:12;61:15,  19;62:6;77:3;82:6  <b>Citizens (7)</b> 3:3;6:18;  27:2;61:20;62:1;81:14;  82:17  <b>citizenship (3)</b> 5:9,18;  6:7  <b>city (1)</b> 78:12  <b>clarification (5)</b> 28:15;  48:5;50:24;51:1;81:9  <b>clarify (4)</b> 48:11,17;  54:6;87:18  <b>clarity (1)</b> 83:20  <b>Clean (71)</b> 3:3;5:13;  12:13,14;23:14;27:2;  34:19,21;36:8,11,14;  37:5;39:6,7,12,15,19;  41:8,10,15,19;42:9;  44:8;45:15,17,20;52:6;  55:13,15,18,20;56:14,  17,18,20;57:7;62:1,3,  11,24,25;63:5,12,15,  24;64:6,22,24;65:5;  66:2;67:15;69:19;  76:19,25;77:24;78:17;  79:6,7,9,12;80:9,17,23;  81:13;82:7,13,14;  85:17;87:13;92:9,14  <b>clear (14)</b> 5:24;39:3;  49:17;61:19,22;76:1;  83:12,13;87:1,5,25;  88:13,16,19  <b>clearer (1)</b> 56:12  <b>clearly (3)</b> 11:6;83:24;  88:3  <b>close (3)</b> 77:4;81:22;  82:17  <b>closely (1)</b> 39:8  <b>collect (2)</b> 79:21;88:11  <b>collected (1)</b> 85:2  <b>COLLINS (68)</b> 4:2;8:7,  9,12,15;10:15,21;  11:15;12:9,25;15:2,9,  12,15,17;16:7;17:4,7,  12,16;24:2,5,25;27:14,  15,16;28:15;29:14,18,  21;31:18,22;32:6,7;  33:5,14,23;34:11,12;  35:1,2;47:9;48:9,11,  13;50:9,21;51:3;53:16;  54:4,8;62:15;64:14;  75:19,23;76:1;84:9,11;  86:17,18,21;87:10;  89:5,17;90:9,20,25;  91:12  <b>comfortable (4)</b> 17:18;  31:4;38:9;90:7  <b>coming (7)</b> 4:16;40:3;</p>
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<p>61:12;66:14;68:7;69:4;83:10  <b>comment (10)</b> 34:15;35:18,19;64:12;71:19;76:4;91:1;93:4,10,10  <b>comments (5)</b> 13:5;35:17;71:11;75:11;83:4  <b>Commission (29)</b> 3:3,7;6:6;7:13;14:15;16:16,18,19,21,24;27:3,21;28:8,10,19;30:6;32:21;35:8;39:4;40:2;52:2;55:2;67:14;69:6;71:17;85:4;86:10;89:21;90:16  <b>COMMISSIONER (155)</b>  3:9,10,11,16;10:16,18,19,21;11:13;12:7,11,17;14:24,25;15:1,3,10,13,16,17,18;16:6;17:1,5,8,13,16,25;20:16,17,18;21:5,6,7,10,19;22:8,20,21,22;23:9,10,18,23;24:6,9,18,22;25:1,7;29:8,9,10;30:25;31:1,2,8,9,10;33:11,16,17,18,20,22,25;34:2;35:4,13;36:5,24;42:18,20,21;43:7,24;44:2,4;47:4,6,25;48:8;49:20;50:7,20,23;51:5,12,17,18,19;52:1,9;53:1,4;54:25;55:1,5;57:5,6;58:3,7;59:10;60:2,9,16;61:5,7,8,9;66:7,9,23,25;67:1,2;68:13,14,15,18,21,24;69:2,4,25;70:12;71:8,9,10,15;72:19;76:13,23;83:7,8,9,15;84:9;85:8;87:7,8,9;88:22;89:3,14;90:4,5,6,7,14,18;91:10;93:15,17,19,20  <b>Commissioners (27)</b>  4:2;8:6,15;12:19;14:23;17:10;18:5;19:15;20:15;25:11,24;28:16;29:24;30:24;31:3,24;33:4;37:21;38:16;51:25;52:20,25;54:8;61:14;76:16;88:4;93:6  <b>Commission's (2)</b>  27:13;35:12  <b>committed (1)</b> 82:14  <b>committee (3)</b> 38:24;50:8;64:17  <b>communication (1)</b> 30:3  <b>communications (3)</b>  53:22;72:23,25  <b>community (3)</b> 43:14;77:12;79:9</p>	<p><b>companies (1)</b> 73:2  <b>compare (1)</b> 45:3  <b>competitive (3)</b> 39:25;45:10,12  <b>complain (1)</b> 55:12  <b>complaint (5)</b> 16:1,9,9;18:20;84:19  <b>complaints (3)</b> 66:16;86:5,6  <b>complete (1)</b> 83:25  <b>completed (3)</b> 21:18;28:3;30:22  <b>completely (2)</b> 46:25;70:8  <b>completes (1)</b> 8:5  <b>compliance (2)</b> 7:17;32:16  <b>complied (1)</b> 32:21  <b>comprehensive (7)</b>  12:23;20:12;21:17;26:15;37:7;69:9;84:24  <b>concede (1)</b> 68:15  <b>concern (23)</b> 12:7,9,10,11;15:16;41:6,23;42:5,23;44:16;47:17;48:9;55:23;64:1;68:7;69:2;71:16,24;74:2;79:15;85:9;87:16;91:4  <b>concerned (4)</b> 24:19;39:1;77:3;91:18  <b>concerns (7)</b> 18:9;52:8,22;63:8;65:8;69:5;87:2  <b>concluded (1)</b> 93:24  <b>concurred (1)</b> 85:5  <b>conduct (2)</b> 26:14;28:22  <b>conducted (1)</b> 18:6  <b>conflict (1)</b> 35:5  <b>conflicting (1)</b> 53:17  <b>confused (2)</b> 24:20;53:23  <b>confusing (2)</b> 49:15;91:17  <b>confusion (1)</b> 67:13  <b>congratulations (1)</b>  53:15  <b>congressional (1)</b> 78:13  <b>Congressman (2)</b>  77:16,17  <b>connected (4)</b> 78:8,21,22;80:15  <b>connecting (1)</b> 81:24  <b>connections (1)</b> 71:2  <b>consider (3)</b> 27:21;82:4,20  <b>consideration (1)</b> 75:16  <b>considered (3)</b> 22:4,5;77:22  <b>considering (3)</b> 52:5;81:1;83:17  <b>consistent (3)</b> 6:1;10:8;76:5  <b>consolidated (1)</b> 11:3</p>	<p><b>conspicuous (1)</b> 88:17  <b>constituents (2)</b> 80:11;81:24  <b>Constitutions (1)</b> 62:8  <b>consultant (12)</b> 37:12,20,22;47:12,18;50:8;51:7;53:21,24;54:6;57:15;87:15  <b>consultants (8)</b> 37:10;47:10,23;52:18;65:5;72:23;86:9;88:18  <b>consulting (5)</b> 48:3;53:21;74:23;75:6,9  <b>contact (5)</b> 18:23;41:4;42:1;67:23;73:10  <b>contained (1)</b> 29:12  <b>contemplate (1)</b> 28:9  <b>context (3)</b> 13:11;14:1;90:22  <b>continue (6)</b> 22:21;63:2;81:17;82:18;89:4,5  <b>contours (1)</b> 9:12  <b>contract (2)</b> 40:13;42:10  <b>contribution (1)</b> 5:20  <b>contributions (5)</b> 36:10;39:14;41:9;79:22;80:13  <b>controlling (1)</b> 55:21  <b>conversation (1)</b> 42:14  <b>conversations (2)</b>  10:12;79:16  <b>coordinated (2)</b> 66:17;74:18  <b>copies (1)</b> 27:23  <b>copy (1)</b> 31:19  <b>core (1)</b> 62:25  <b>corporation (1)</b> 60:14  <b>corrected (1)</b> 50:4  <b>correction (1)</b> 54:9  <b>correspondence (1)</b>  31:20  <b>cost (6)</b> 9:22;10:20;11:1,9,21;74:10  <b>costs (1)</b> 11:25  <b>Council (6)</b> 32:4,11,20,22;33:19;78:12  <b>counsel (1)</b> 32:15  <b>counted (1)</b> 9:25  <b>counterpart (1)</b> 55:8  <b>counties (1)</b> 5:24  <b>County (11)</b> 5:7,23;6:10,22;8:21;9:20;11:1,10,17,19;12:12  <b>countywide (1)</b> 9:13  <b>couple (7)</b> 4:4,20;5:5;35:3;38:17;52:4;58:23  <b>course (7)</b> 7:8;14:13;15:10;52:7;63:22;67:6;76:4  <b>Court (4)</b> 4:22;5:3;16:25;63:23</p>	<p><b>courts (2)</b> 89:10,23  <b>cover (3)</b> 32:14,18;73:21  <b>covered (1)</b> 42:12  <b>CPA (3)</b> 15:11;21:11;23:11  <b>CPAs (1)</b> 23:2  <b>create (4)</b> 9:13;61:18;62:3;87:6  <b>creates (1)</b> 37:8  <b>creating (3)</b> 45:16;77:8;88:2  <b>credibly (1)</b> 81:3  <b>cross-referencing (1)</b>  20:4  <b>crucial (1)</b> 65:1  <b>curious (3)</b> 21:11;22:25;23:6  <b>current (4)</b> 5:14,15;70:7;84:4  <b>currently (3)</b> 4:25;27:22;81:5  <b>curtains (2)</b> 78:5,6  <b>cut (3)</b> 43:15;46:25;55:24  <b>cutting (3)</b> 39:21,22,23  <b>cycle (7)</b> 12:24;15:25;30:11;39:17;66:13;67:6;70:17</p>	<p><b>degree (1)</b> 86:25  <b>deliver (1)</b> 9:5  <b>delivered (1)</b> 87:20  <b>democracy (1)</b> 82:2  <b>Democrat (3)</b> 45:15,20;47:1  <b>Democratic (15)</b> 39:23;44:22;45:18;46:6;60:19;64:16,19;67:3,7;74:16,21;82:23;84:15;85:1;87:3  <b>Democrats (2)</b> 45:22;70:3  <b>demonstrate (1)</b> 86:7  <b>department's (1)</b> 91:20  <b>depend (1)</b> 73:4  <b>depends (1)</b> 89:16  <b>deploying (1)</b> 11:24  <b>depth (3)</b> 18:14,15;19:11  <b>described (5)</b> 6:14,15,19;54:1;59:18  <b>describing (1)</b> 80:8  <b>designed (1)</b> 86:14  <b>desk (1)</b> 49:22  <b>destroy (1)</b> 82:19  <b>detailed (1)</b> 84:19  <b>develop (1)</b> 13:21  <b>dialers (1)</b> 72:24  <b>difference (2)</b> 17:23;49:12  <b>differences (1)</b> 58:25  <b>different (21)</b> 6:13;7:6,22;15:4;28:24;35:3;37:7,21,21,24;38:6,6;48:14,15;57:13;70:8,10;71:16;76:8,20;86:2  <b>differently (1)</b> 54:16  <b>difficult (3)</b> 22:2;79:2;81:11  <b>digest (2)</b> 35:21;40:7  <b>digital (2)</b> 65:18;75:2  <b>diligently (1)</b> 93:2  <b>diminishing (1)</b> 62:5  <b>dinner (1)</b> 80:20  <b>directed (1)</b> 18:17  <b>direction (1)</b> 89:7  <b>directly (2)</b> 59:22;70:25  <b>Director (12)</b> 8:7,9;16:1;27:15;28:15;32:6;33:10,23;34:11;53:16;62:21;64:16  <b>directors (1)</b> 11:19  <b>Director's (2)</b> 3:25;4:3  <b>discipline (1)</b> 86:7  <b>discourage (1)</b> 63:12  <b>discouragement (1)</b>  63:24  <b>discouraging (2)</b> 56:14;63:19  <b>discovered (1)</b> 52:10  <b>discretion (3)</b> 35:7;36:6;54:20</p>
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**D**

<p><b>discussed (1)</b> 89:21 <b>discussion (7)</b> 3:7; 12:22;32:2;34:14; 36:25;66:19;89:2 <b>discussions (4)</b> 68:5; 80:20;89:10,22 <b>disincentivizes (1)</b> 45:19 <b>disposed (1)</b> 11:20 <b>dispute (1)</b> 31:3 <b>disputing (1)</b> 30:8 <b>distinct (2)</b> 37:18;85:18 <b>distinction (1)</b> 15:22 <b>district (18)</b> 20:2;38:21, 23;39:11,15;40:24; 45:4;46:3,5;53:13; 55:6;67:24;68:10; 72:15;78:13,13;79:9, 14 <b>districts (2)</b> 70:2,7 <b>disturbance (3)</b> 23:17; 25:9;29:3 <b>diversity (1)</b> 76:6 <b>doable (1)</b> 83:19 <b>document (1)</b> 27:10 <b>documentation (15)</b> 18:24;19:1,7,23,24; 21:2;22:14;23:13,14; 26:4;33:13,23;34:25; 71:18;85:22 <b>documented (1)</b> 37:14 <b>documenting (2)</b> 37:11; 84:17 <b>dollar (1)</b> 39:14 <b>done (13)</b> 3:5;4:8;16:5; 18:15;19:22;23:8; 27:24;28:7,45;11;50:4; 70:17;74:11;82:3 <b>dont (1)</b> 18:1 <b>door (4)</b> 45:6,6;73:8; 79:16 <b>doors (10)</b> 40:25; 43:16;46:13,17,21; 68:4;73:18;79:12,21; 80:3 <b>door-to-door (3)</b> 40:8; 41:3;42:1 <b>doubt (1)</b> 46:10 <b>down (10)</b> 23:12;26:13; 48:16;54:16;56:22; 57:19;58:21;76:23; 80:1,7 <b>draft (2)</b> 32:9,9 <b>drafting (1)</b> 92:10 <b>draw (1)</b> 15:22 <b>drive (2)</b> 22:6;78:23 <b>drop (2)</b> 9:14;41:12 <b>dropped (1)</b> 25:19 <b>during (3)</b> 30:11;41:24; 69:17</p>	<p><b>earlier (3)</b> 8:16;79:24; 88:7 <b>early (2)</b> 9:5;24:2 <b>easier (1)</b> 55:11 <b>echo (2)</b> 63:8;64:1 <b>EDMAN (3)</b> 62:20,20; 64:11 <b>education (7)</b> 4:13; 5:22;9:18;10:8;12:14; 56:20;77:13 <b>effect (1)</b> 28:6 <b>effective (4)</b> 10:24; 36:13;82:24;83:1 <b>efficiency (1)</b> 10:20 <b>efficient (1)</b> 9:22 <b>effort (6)</b> 17:3,14;32:17; 59:23;66:2;84:25 <b>efforts (2)</b> 9:19;40:8 <b>eight (1)</b> 60:18 <b>either (7)</b> 9:10;14:12; 15:19;21:11;33:1;51:6; 70:24 <b>elected (5)</b> 39:10; 51:22;53:15;63:5; 91:25 <b>electing (1)</b> 39:15 <b>election (31)</b> 4:17;6:6; 9:12;10:4;11:3,3,10,17, 19;12:16,24;27:3; 39:15;40:11,12,15,18, 19;41:10,25;45:16; 55:18;56:17,18,20; 62:3;67:15;80:3,16; 84:14;87:13 <b>Elections (55)</b> 3:3;4:5, 6;5:13;6:8,8;8:11,17, 21;10:3;11:21,23; 12:13,14;23:14;34:19, 21;36:8;39:6,7,9,12; 40:19;41:8,19;42:9; 44:8;55:13;56:15;57:7; 58:16;62:1,11,24,25; 63:15;64:6;69:19; 76:19;77:1,24;78:17; 79:6,7,10,12;80:9,17, 24;81:13;82:7,13,14; 92:10,14 <b>electronic (1)</b> 72:25 <b>eligible (1)</b> 5:18 <b>eliminates (1)</b> 69:16 <b>eliminating (1)</b> 65:22 <b>Elizabeth (1)</b> 67:20 <b>else (3)</b> 44:11,15;58:18 <b>employ (3)</b> 72:22; 73:16;75:6 <b>employed (1)</b> 70:24 <b>employees (1)</b> 72:24 <b>employing (1)</b> 73:7 <b>empower (1)</b> 56:6 <b>empowered (1)</b> 39:12 <b>encourage (4)</b> 42:6; 62:6;64:21;71:3 <b>encouraging (1)</b> 45:7</p>	<p><b>end (2)</b> 59:15;80:1 <b>ended (3)</b> 91:2,6;92:18 <b>enforcement (2)</b> 27:19; 50:1 <b>engage (4)</b> 36:20; 57:25;59:20;65:12 <b>engaged (3)</b> 21:15; 26:13;28:22 <b>engagement (4)</b> 27:7,8; 28:25;42:1 <b>engaging (1)</b> 4:17 <b>enough (3)</b> 40:18; 61:19,22 <b>ensure (2)</b> 9:22;37:10 <b>ensuring (2)</b> 10:6,7 <b>entities (1)</b> 74:18 <b>entity (2)</b> 38:4;59:18 <b>entry (2)</b> 64:23;70:21 <b>environment (1)</b> 66:21 <b>equal (1)</b> 67:19 <b>equipment (1)</b> 11:25 <b>error (1)</b> 7:20 <b>especially (5)</b> 44:13; 47:23;52:13;58:7;77:6 <b>essential (1)</b> 82:23 <b>essentially (4)</b> 9:4; 27:20;28:1;37:8 <b>estimation (1)</b> 21:3 <b>et (3)</b> 71:19,19;88:21 <b>evangelist (1)</b> 4:13 <b>even (12)</b> 19:6;52:11; 54:21;56:16,21;72:13; 77:23;78:25;79:3; 80:25;84:1;92:22 <b>event (4)</b> 4:11,12,19; 34:22 <b>events (2)</b> 37:6;80:8 <b>everybody (5)</b> 12:8; 38:4;55:19,19;58:18 <b>everyone (6)</b> 17:22; 38:3;70:4,6,11;72:15 <b>evidence (4)</b> 6:21; 20:21;50:1;85:2 <b>exact (3)</b> 9:8;37:9; 44:19 <b>exactly (2)</b> 41:21;54:22 <b>examination (2)</b> 26:14; 28:23 <b>example (8)</b> 10:4; 21:22;22:2;23:3;60:5; 70:17;91:19;92:1 <b>excepted (1)</b> 91:24 <b>exception (3)</b> 85:25; 91:24;92:12 <b>exceptions (1)</b> 92:11 <b>excited (1)</b> 4:11 <b>Excuse (2)</b> 24:7;70:1 <b>Executive (6)</b> 3:25;4:3; 15:25;62:21;64:16; 89:24 <b>exempt (1)</b> 91:19 <b>exempted (1)</b> 91:21 <b>expectation (1)</b> 88:20</p>	<p><b>expectations (3)</b> 72:10; 87:25;88:16 <b>expended (1)</b> 85:3 <b>expenditure (3)</b> 22:13; 25:4;72:13 <b>expenditures (14)</b> 19:8; 22:14,17,18,19;23:1; 24:13,15;34:18,20,23, 24;84:14,16 <b>expense (5)</b> 22:4,5,15, 16;73:16 <b>expenses (5)</b> 19:6; 20:22;22:9;23:13; 73:24 <b>expensive (1)</b> 73:24 <b>experience (4)</b> 7:7; 63:7;71:21;72:20 <b>experiences (1)</b> 61:2 <b>explain (2)</b> 18:3;59:5 <b>explained (1)</b> 30:12 <b>explaining (2)</b> 15:7; 32:14 <b>exploring (1)</b> 8:11 <b>express (2)</b> 26:23; 28:23 <b>expression (1)</b> 26:15 <b>extends (1)</b> 76:3 <b>extent (1)</b> 8:2 <b>extra (1)</b> 88:14 <b>eye (3)</b> 3:18;6:25;7:13</p>	<p>51:25;57:21;58:20,20; 59:8;67:3;84:4;90:6; 92:22,23 <b>feels (1)</b> 56:8 <b>fees (8)</b> 22:3;34:22; 91:7,23;92:3,5,7,14 <b>fellows (1)</b> 46:12 <b>felt (1)</b> 13:23 <b>Fester (5)</b> 18:5;19:18; 26:5,6,9 <b>few (2)</b> 21:24;73:14 <b>field (3)</b> 43:11;71:13; 72:23 <b>fighting (1)</b> 59:15 <b>figure (2)</b> 9:8;47:22 <b>file (3)</b> 16:1;40:6;59:25 <b>filed (5)</b> 4:22,22,23;8:1; 86:5 <b>files (1)</b> 82:22 <b>final (7)</b> 12:23;25:3; 27:21,25;28:10;30:4; 31:19 <b>finalize (1)</b> 52:24 <b>finance (8)</b> 18:11;19:4; 20:5;24:11,14;26:16; 49:24;84:17 <b>financial (6)</b> 26:20; 29:1,2;68:11;78:4; 80:20 <b>find (4)</b> 4:4;16:21;43:1; 70:23 <b>findings (2)</b> 18:8,16 <b>fine (3)</b> 56:3;72:8;89:6 <b>firm (20)</b> 21:13,13; 26:11;30:1;40:17; 41:25;45:9;46:15;48:6; 50:11,11;73:7,13,14, 14,21,25;74:2,14,23 <b>firms (5)</b> 47:23;74:9,12; 75:6,9 <b>First (14)</b> 35:3;59:1; 64:23;65:1,11,16; 70:21;72:3;78:3,25; 79:2,18,19;91:18 <b>firsthand (1)</b> 81:21 <b>first-time (3)</b> 70:20; 72:21;76:19 <b>fit (1)</b> 18:19 <b>five (2)</b> 35:15;38:10 <b>five-year (2)</b> 32:3,12 <b>fix (1)</b> 49:21 <b>fixed (2)</b> 9:6;49:25 <b>fleeting (1)</b> 69:18 <b>fleshing (1)</b> 9:21 <b>flexibility (1)</b> 6:24 <b>floor (2)</b> 29:19,21 <b>flux (1)</b> 7:9 <b>focused (1)</b> 39:11 <b>Foley (4)</b> 13:8;14:12; 18:22;30:2 <b>folks (20)</b> 4:17;6:1,4, 17;9:9,14,22;10:9; 12:3,13;36:17;37:10;</p>
<b>F</b>				
<b>E</b>				

<p>49:18;62:16;65:13; 66:1;76:3,5,7;84:16 <b>follow (1)</b> 8:14 <b>following (3)</b> 27:17,24; 81:6 <b>Fontes (4)</b> 7:4;8:11,18; 11:6 <b>foot (1)</b> 37:4 <b>foothold (1)</b> 84:4 <b>forcing (1)</b> 57:11 <b>forego (1)</b> 78:4 <b>form (8)</b> 5:17;6:5,12,13, 13;11:21;54:18;84:15 <b>former (2)</b> 77:15,18 <b>forms (3)</b> 5:8;84:18,18 <b>forth (1)</b> 30:3 <b>fortunately (1)</b> 39:15 <b>forward (9)</b> 8:3;10:14; 11:8;27:25;36:21;57:1; 59:4;63:3,21 <b>forwarding (1)</b> 28:10 <b>found (3)</b> 18:22;23:12; 24:10 <b>Foundation (3)</b> 4:21,22; 5:2 <b>four (2)</b> 35:15;38:10 <b>frankly (1)</b> 37:9 <b>free (2)</b> 31:22;38:11 <b>freedom (2)</b> 56:9;62:7 <b>Friday (1)</b> 4:24 <b>friend (2)</b> 75:3;88:7 <b>front (4)</b> 13:22;42:2; 66:15;78:4 <b>frustration (1)</b> 67:14 <b>full (4)</b> 11:2;13:14; 18:10;79:18 <b>function (1)</b> 66:21 <b>Fund (2)</b> 4:21;52:17 <b>funding (6)</b> 34:19,21; 36:9,11;41:10;46:5 <b>fundraising (1)</b> 39:13 <b>funds (8)</b> 20:21;22:12; 40:4,13,13;50:19,19; 81:19 <b>further (10)</b> 12:18; 16:11;44:25;45:19; 47:3;63:14,23;66:4; 71:7;80:2 <b>future (4)</b> 39:6;42:9; 45:20;67:8</p>	<p><b>Gina (1)</b> 8:21 <b>given (4)</b> 29:19;46:5; 67:24;89:24 <b>gives (2)</b> 10:10;57:10 <b>giving (2)</b> 85:23,24 <b>goal (2)</b> 46:19;50:6 <b>goals (1)</b> 67:23 <b>God (1)</b> 81:20 <b>goes (6)</b> 10:13;16:25; 59:22;72:6;73:8;74:7 <b>good (19)</b> 9:23;10:9; 11:5;17:11;18:4;21:20; 29:14;46:7;53:8,12,14; 61:16,25;67:12;76:9; 84:16;86:6;87:17; 91:16 <b>Google (1)</b> 4:13 <b>government (1)</b> 62:4 <b>Governor's (2)</b> 32:4; 33:19 <b>grassroots (1)</b> 53:13 <b>grateful (1)</b> 55:16 <b>great (3)</b> 19:20;41:22; 73:15 <b>Greater (1)</b> 65:3 <b>green (1)</b> 78:9 <b>grew (1)</b> 79:9 <b>grind (1)</b> 57:19 <b>group (1)</b> 91:23 <b>groups (1)</b> 91:24 <b>grow (2)</b> 65:12;71:2 <b>GRRC (2)</b> 32:11;91:25 <b>GRRC's (1)</b> 32:15 <b>guarantee (1)</b> 92:3 <b>guess (27)</b> 13:2;15:16; 17:1;20:20;24:19;26:2; 32:11;33:7;39:16; 40:12;42:23;43:1; 44:16;47:19;48:8; 55:12;56:13,25;57:6; 60:16;69:5;70:13; 77:10;87:2,10;88:3; 93:5 <b>guided (1)</b> 79:4 <b>guru (1)</b> 78:17 <b>guy (1)</b> 4:15 <b>guys (7)</b> 42:6;46:9,24; 51:24;88:4;89:11;90:9</p>	<p><b>happening (3)</b> 45:5; 51:15;67:8 <b>happens (3)</b> 12:12; 16:4,7 <b>happy (4)</b> 19:13;57:1; 90:1,17 <b>hard (8)</b> 22:14;43:7; 55:13;56:15;73:15; 75:9;84:2,2 <b>harder (5)</b> 65:7;74:12; 81:2;84:1;87:12 <b>Harry (2)</b> 77:16,17 <b>hear (11)</b> 17:6,11; 19:18;29:11;38:16,18; 54:15;55:4;61:11;90:7, 8 <b>heard (3)</b> 36:2;63:9; 82:5 <b>hearing (3)</b> 16:23; 38:24;53:2 <b>Hello (2)</b> 55:5;90:14 <b>help (12)</b> 40:7,18;43:2; 46:3;58:24;65:15;71:2; 82:11,21;83:1;84:6,8 <b>helped (2)</b> 40:25;77:17 <b>helpful (1)</b> 29:15 <b>helping (1)</b> 77:15 <b>heretofore (1)</b> 5:17 <b>hey (2)</b> 37:15;84:20 <b>high (2)</b> 9:7;77:18 <b>highlighted (1)</b> 86:20 <b>highlighting (1)</b> 18:21 <b>hinder (1)</b> 65:23 <b>hinders (1)</b> 39:24 <b>hire (3)</b> 46:3,11;61:20 <b>hit (5)</b> 46:17,17,21,22; 92:16 <b>hold (3)</b> 37:11;51:11; 54:25 <b>home (1)</b> 79:21 <b>honest (1)</b> 83:16 <b>honorable (3)</b> 38:18; 61:15;76:14 <b>hook (1)</b> 92:13 <b>hope (1)</b> 51:24 <b>hopefully (1)</b> 20:13 <b>horse (1)</b> 61:3 <b>hours (1)</b> 88:1 <b>House (7)</b> 26:17;35:23; 38:24;45:21;55:8; 71:18,20 <b>houses (1)</b> 72:12 <b>huge (9)</b> 62:24;64:6, 23;66:1;71:1;72:2,18; 74:2;88:2 <b>hump (1)</b> 40:18 <b>hundreds (1)</b> 11:24</p>	<p><b>identifiable (1)</b> 24:14 <b>identified (1)</b> 22:1 <b>identify (5)</b> 25:16; 27:18;38:19;62:18; 86:23 <b>ideology (1)</b> 39:9 <b>ie (1)</b> 72:14 <b>II (1)</b> 3:7 <b>imagined (2)</b> 81:11; 88:9 <b>impact (2)</b> 46:2;82:12 <b>impacted (1)</b> 72:15 <b>imperative (1)</b> 36:17 <b>implement (2)</b> 75:2,9 <b>implementing (2)</b> 68:3; 69:22 <b>implicit (1)</b> 14:20 <b>importance (2)</b> 5:21; 81:25 <b>important (10)</b> 41:16; 43:21,22;45:24;51:10; 57:22;69:23;77:21; 78:14;82:11 <b>importantly (1)</b> 82:15 <b>impose (2)</b> 16:21;63:16 <b>impression (2)</b> 11:18; 55:21 <b>impressive (1)</b> 4:15 <b>improve (3)</b> 41:18; 46:24;62:4 <b>included (1)</b> 18:13 <b>incorporated (1)</b> 14:8 <b>increased (1)</b> 45:3 <b>incredibly (4)</b> 40:8; 79:1;81:11;83:24 <b>independence (1)</b> 44:8 <b>independent (9)</b> 13:6; 16:18;18:5;42:25;57:8, 12;60:23;70:23;72:13 <b>independently (2)</b> 43:18,20 <b>indicators (1)</b> 45:4 <b>individual (2)</b> 10:2;75:1 <b>inefficiency (1)</b> 43:21 <b>inflows (1)</b> 14:5 <b>influence (3)</b> 62:5; 81:15,21 <b>information (14)</b> 4:9; 9:23;10:9,11;12:15; 16:12;27:2;28:18,20; 34:22;40:7;53:12,12; 73:11 <b>informational (1)</b> 8:22 <b>initial (1)</b> 73:18 <b>initially (1)</b> 73:22 <b>initiative (3)</b> 7:12,15,16 <b>initiatives (1)</b> 7:14 <b>instance (2)</b> 45:11;46:4 <b>instances (1)</b> 44:10 <b>instead (3)</b> 44:15; 57:22;86:12 <b>integral (1)</b> 55:1 <b>integrity (1)</b> 62:4</p>	<p><b>intend (1)</b> 49:13 <b>intended (3)</b> 27:1,12; 91:14 <b>intense (1)</b> 53:13 <b>intensive (1)</b> 41:3 <b>intent (2)</b> 62:3;77:24 <b>intention (4)</b> 68:9,9; 69:7,23 <b>interaction (1)</b> 37:3 <b>interagency (1)</b> 50:16 <b>interest (6)</b> 8:2;10:5; 60:14,24;62:5;81:15 <b>interested (2)</b> 53:2; 62:16 <b>interesting (3)</b> 4:14; 91:12;92:9 <b>interests (2)</b> 60:11; 78:23 <b>intermediary (1)</b> 59:14 <b>internal (4)</b> 16:1,9,9; 18:19 <b>interpret (1)</b> 61:21 <b>intimidated (2)</b> 81:3,4 <b>intimidating (2)</b> 79:2; 80:25 <b>into (15)</b> 5:3,20;14:6,8; 20:13;22:10;23:5;36:2; 40:11;66:17;67:16; 68:11;70:19,21;74:18 <b>invested (1)</b> 77:12 <b>investigative (1)</b> 16:15 <b>investment (1)</b> 68:11 <b>invite (2)</b> 70:4,10 <b>invoice (4)</b> 49:2;66:22; 73:2;86:19 <b>invoices (3)</b> 21:4;88:1, 20 <b>invoicing (1)</b> 52:18 <b>involved (4)</b> 67:6; 70:18;77:16;85:17 <b>involves (1)</b> 29:1 <b>Isela (1)</b> 38:22 <b>issue (13)</b> 5:1;6:19;7:7, 9;12:2;14:17;29:12; 37:17;50:10;63:25; 71:25;84:13;85:11 <b>issues (7)</b> 13:21;14:5; 27:18;38:1,5;89:25; 92:20 <b>item (13)</b> 12:22;32:2; 34:13,14;50:3;89:1,1,4, 9,21;90:25;93:7,9 <b>item-by-item (1)</b> 18:11 <b>itemized (6)</b> 49:2; 50:21;51:7;54:3;66:10; 87:20 <b>items (9)</b> 4:4;5:5;19:4, 5,5,7;20:1;49:24;63:11 <b>IV (1)</b> 12:22 <b>IX (1)</b> 93:9</p>
<p><b>G</b></p> <p><b>GAAP (1)</b> 29:1 <b>gave (4)</b> 46:20;53:8; 78:16;84:19 <b>general (5)</b> 40:12,15, 19;47:19;57:19 <b>generally (2)</b> 11:19; 63:14 <b>General's (2)</b> 5:16; 50:17 <b>gets (2)</b> 44:11;60:12</p>	<p><b>H</b></p> <p><b>half (1)</b> 8:20 <b>Hall (1)</b> 68:21 <b>halls (1)</b> 72:25 <b>hand (2)</b> 12:3;49:9 <b>handbill (1)</b> 49:8 <b>handbills (3)</b> 49:8,10,11 <b>handing (2)</b> 82:24;87:3 <b>handled (1)</b> 28:4 <b>happen (4)</b> 38:2;45:5; 49:19;67:4 <b>happened (5)</b> 19:9; 24:15;30:7;67:6;87:4</p>	<p><b>I</b></p> <p><b>idea (4)</b> 17:11;29:14; 56:2;60:11 <b>ideally (1)</b> 73:11</p>	<p><b>J</b></p>	<p><b>J</b></p>

<p><b>Jaime (1)</b> 4:12 <b>January (3)</b> 36:13,14; 79:17 <b>Jesus (2)</b> 12:23;25:19 <b>Jill (3)</b> 13:7;18:22;30:2 <b>job (11)</b> 19:21;20:2; 40:24;46:7;53:14; 79:19,20,23;82:3; 83:23;84:16 <b>Joe (3)</b> 89:9,18;90:21 <b>Joel (2)</b> 62:17,20 <b>join (1)</b> 78:20 <b>Juan (3)</b> 55:5;70:16; 80:16 <b>judgment (2)</b> 35:12; 36:22 <b>July (1)</b> 4:10 <b>jumping (1)</b> 28:8 <b>junction (1)</b> 15:24 <b>June (1)</b> 80:2 <b>jurisdiction (1)</b> 9:18 <b>jurisdictional (1)</b> 4:6 <b>jurisdictions (6)</b> 8:14, 17;9:1,20;10:3,7</p>	<p style="text-align: center;"><b>L</b></p> <p><b>La (1)</b> 54:9 <b>lack (1)</b> 20:23 <b>laid (2)</b> 10:24;64:4 <b>language (5)</b> 37:10; 48:13;49:15;53:16; 54:11 <b>large (1)</b> 20:13 <b>larger (4)</b> 68:5;73:21, 25;74:14 <b>LARSEN (5)</b> 18:4;22:8; 23:18;24:8,21 <b>last (8)</b> 8:23;18:8; 26:12,13;66:13;67:6; 77:6;90:25 <b>late (1)</b> 7:10 <b>later (1)</b> 59:5 <b>latter (1)</b> 20:24 <b>law (5)</b> 7:16;84:22; 85:24,25;91:7 <b>laws (1)</b> 72:12 <b>lawsuit (1)</b> 92:2 <b>lawsuits (1)</b> 92:4 <b>LD12 (1)</b> 67:20 <b>lead (1)</b> 59:6 <b>leads (1)</b> 16:10 <b>League (2)</b> 7:1,3 <b>learn (1)</b> 65:16 <b>learned (1)</b> 53:7 <b>learning (3)</b> 30:17; 65:21;71:5 <b>least (7)</b> 6:11;17:5,13; 35:14;48:14;52:4; 82:20 <b>leave (2)</b> 79:19;89:15 <b>led (2)</b> 30:13;86:7 <b>left (6)</b> 23:23,25;24:3,6; 50:14;79:23 <b>Legacy (3)</b> 4:21,22;5:2 <b>legal (3)</b> 6:19;7:12; 89:25 <b>Legislative (8)</b> 64:16, 20;66:14,15;67:21; 74:3;78:12;91:2 <b>legislators (1)</b> 70:16 <b>legislature (3)</b> 7:15; 45:21;64:24 <b>legitimate (1)</b> 71:24 <b>leisure (1)</b> 5:12 <b>less (5)</b> 20:2;37:6;59:6; 63:21;70:19 <b>lessons (1)</b> 71:5 <b>letter (8)</b> 26:5;27:8; 32:9,14,18,24;33:13,22 <b>leverage (1)</b> 86:9 <b>liability (1)</b> 85:13 <b>life (1)</b> 82:12 <b>lifetime (1)</b> 77:22 <b>limit (1)</b> 34:20 <b>limiting (1)</b> 63:10 <b>line (6)</b> 14:14;20:20;</p>	<p>26:2;49:23;50:3;56:3 <b>link (1)</b> 5:10 <b>list (2)</b> 43:15;60:17 <b>listed (2)</b> 20:7;22:25 <b>listen (2)</b> 17:9,14 <b>listened (1)</b> 85:8 <b>lists (1)</b> 37:6 <b>litigation (4)</b> 6:4,14,15; 7:25 <b>little (7)</b> 57:13;64:18; 74:1;76:18;83:1,19; 92:11 <b>live (2)</b> 72:7;79:14 <b>lobbyists (1)</b> 78:23 <b>local (5)</b> 42:4,7;47:23; 73:14;74:2 <b>locate (1)</b> 19:24 <b>location (1)</b> 9:6 <b>long (3)</b> 87:20;89:16,25 <b>look (12)</b> 12:14;37:13; 45:2;53:9,19;59:17; 68:19;70:8,10;77:7,24; 86:10 <b>looked (4)</b> 81:3,7,13; 84:1 <b>looking (5)</b> 6:16;47:13; 53:16;83:22;87:11 <b>looks (2)</b> 55:23;92:9 <b>lose (1)</b> 92:6 <b>losing (1)</b> 43:25 <b>lot (18)</b> 35:16;43:18; 44:1;47:22;49:21;53:7; 56:11;60:12;63:1,4,7; 64:4;65:23;66:13; 67:11,12;80:17;92:13 <b>lots (1)</b> 92:11 <b>lower (1)</b> 11:11</p>	<p>83:21;90:16 <b>March (1)</b> 79:18 <b>marginal (1)</b> 91:3 <b>Maricopa (4)</b> 6:10;8:21, 25;12:12 <b>marketing (1)</b> 50:11 <b>massive (1)</b> 88:2 <b>matched (1)</b> 41:10 <b>mate (1)</b> 87:17 <b>materials (3)</b> 5:11;10:8; 12:15 <b>mates (2)</b> 79:23;80:4 <b>math (1)</b> 23:11 <b>matter (5)</b> 4:21;5:13; 15:24;41:14;92:5 <b>matters (1)</b> 32:5 <b>May (37)</b> 3:4;5:9;7:9; 13:16,20,21,25,25; 14:20;17:2;26:2;27:14, 17;28:3,8;37:21;38:3; 47:12,14,15;53:20; 54:1,15;57:21,24; 58:20;59:1;65:11; 71:11;72:16;74:25; 80:1;85:10;88:18,19; 90:13;92:2 <b>Maybe (17)</b> 15:6;21:21; 24:22;26:3;48:4,4; 52:10,11,20;57:11,12; 58:24;59:15;61:1; 83:17;84:6;87:2 <b>mean (25)</b> 6:16,24;9:4; 11:5;12:7;15:5,7;17:2; 23:10;33:6;35:10;45:2; 47:21;54:17;55:22; 56:16,25;58:6;59:3; 60:5;64:2;68:18;76:11; 84:6;85:8 <b>means (9)</b> 7:19;9:2; 36:11;42:8;53:24;54:7; 55:15;69:21;78:1 <b>meant (2)</b> 67:22;85:11 <b>meeting (14)</b> 3:2,4; 23:24;27:22;28:11; 32:25;35:5,22;49:18; 52:23;54:13,23;76:8; 90:23 <b>meetings (3)</b> 3:12; 32:11;39:18 <b>member (1)</b> 51:22 <b>members (5)</b> 52:5,7; 70:7;89:14,20 <b>memo (5)</b> 14:4;18:15, 17;21:23;27:19 <b>memorandum (3)</b> 16:10;23:15,16 <b>memorized (2)</b> 44:20; 46:18 <b>MENDEZ (12)</b> 55:5,6; 57:4;58:2,6,23;59:14; 60:4,10;68:1;78:19; 80:16 <b>mention (4)</b> 5:6,12;7:3;</p>	<p>13:1 <b>mentioned (6)</b> 30:7; 64:23;67:17;68:1,6; 74:16 <b>mentors (1)</b> 79:5 <b>met (1)</b> 62:22 <b>Meyer (5)</b> 35:4,13;36:5; 55:1;90:7 <b>Meyer's (1)</b> 36:24 <b>midway (1)</b> 46:19 <b>might (7)</b> 32:17;59:5; 76:5,7,8;90:20;91:25 <b>Mike (2)</b> 92:25;93:1 <b>mind (2)</b> 51:24;61:24 <b>mine (1)</b> 77:18 <b>minutes (3)</b> 3:8,12; 35:21 <b>miscellaneous (2)</b> 50:3; 84:20 <b>misread (1)</b> 48:4 <b>mission (1)</b> 62:25 <b>Mitchell (2)</b> 77:16,17 <b>modern (1)</b> 69:10 <b>Mofford (1)</b> 81:20 <b>mom (3)</b> 77:9;78:3; 81:11 <b>moment (4)</b> 13:4;23:20; 25:15,22 <b>monetary (1)</b> 59:20 <b>money (42)</b> 23:14;36:9, 14;37:5;38:1;40:2,3, 10;41:9,15,21;42:25; 43:22;44:6,8;46:11; 48:18;50:5;56:4;59:21, 22;60:22,23,24;62:5; 64:25;69:19,20;74:22; 77:5;78:22;80:12,22; 81:15,21,25;82:24; 85:17,23,24;87:3,14 <b>monies (2)</b> 85:3;88:12 <b>month (8)</b> 8:20;48:21, 23;76:4;89:11,13;90:2, 12 <b>more (37)</b> 10:6;19:22; 20:2;25:10;37:7;45:10; 46:9;47:23;54:18; 59:16,18;62:9;63:7; 64:25;66:24;68:4; 70:19;73:24;74:1,14; 75:3;76:5;78:18;81:14, 23;82:15;83:1,19;87:5; 88:3,9,13,15,19;90:6; 92:8,9 <b>morning (2)</b> 18:4;64:7 <b>most (16)</b> 11:19;14:2; 39:7,8;41:5,17;42:12; 43:21,22;45:12,12; 69:18,22;70:14;74:4; 79:2 <b>motion (8)</b> 3:14,24; 29:11;31:7;33:21; 34:10;93:13,17 <b>move (4)</b> 3:11;5:6;</p>
<p style="text-align: center;"><b>K</b></p> <p><b>Kanefield (3)</b> 89:9,20; 90:13 <b>keep (4)</b> 6:25;7:13;8:1; 61:23 <b>Kevin (4)</b> 13:7;18:22; 21:9,10 <b>keynote (1)</b> 4:12 <b>KIMBLE (45)</b> 3:9,11; 20:16,17,18;31:9,10; 33:16,17,18,22;47:4,5, 6,25;48:8;50:7,20,23; 51:5,12,17;52:25;53:1; 66:7,8,9,23;71:8,9,10, 15;72:19;83:7,8,9,16; 84:9;87:7,8,9;88:22; 89:3;93:15,17 <b>Kimble's (2)</b> 49:20;52:9 <b>kind (15)</b> 14:16,19; 46:1,2;51:23;52:15,17, 18;53:17;54:22;57:19; 59:20;63:16;76:20; 84:4 <b>kinds (3)</b> 25:8;44:12; 91:19 <b>Kleinich (1)</b> 32:15 <b>knew (4)</b> 40:22;70:19; 77:18;80:22 <b>knock (3)</b> 43:16;68:4; 73:17 <b>knocked (1)</b> 80:3 <b>knocking (3)</b> 73:8; 79:12,21 <b>knowing (1)</b> 83:1 <b>knuckle (1)</b> 58:21</p>	<p style="text-align: center;"><b>M</b></p> <p><b>ma'am (2)</b> 42:16;72:20 <b>machines (1)</b> 11:24 <b>mail (15)</b> 8:11,17,21; 9:2,3,6,9,10,15;11:14, 20;71:18;72:9,12;81:7 <b>mailer (1)</b> 59:16 <b>mailers (2)</b> 49:7;72:24 <b>mailing (1)</b> 37:6 <b>major (1)</b> 71:24 <b>makes (6)</b> 41:5,17; 51:2,14;64:4;82:16 <b>making (8)</b> 29:10; 47:17;51:6;61:17;71:1; 74:7;81:15;84:1 <b>mandated (1)</b> 62:11 <b>mandatory (1)</b> 45:25 <b>manner (1)</b> 71:22 <b>manning (1)</b> 12:2 <b>manpower (1)</b> 12:1 <b>manual (1)</b> 92:2 <b>many (13)</b> 8:25,25; 23:3;46:13,13,16;70:2; 78:9;79:13,13;82:5;</p>			

<p>33:18;93:15 <b>moved (1)</b> 19:25 <b>moving (3)</b> 10:14;11:8;31:5 <b>much (18)</b> 9:2;14:3,11;19:20;21:22;23:5;50:12;51:20;55:7;59:16,18;66:21;69:20;75:15;76:15;78:18;83:10;88:24 <b>multiple (2)</b> 37:23,24 <b>must (1)</b> 35:11 <b>muted (1)</b> 29:15 <b>myself (7)</b> 30:15,19;40:23;44:24;74:9;76:19;87:11</p>	<p>56:17 <b>note (4)</b> 6:20;7:1,11;38:22 <b>noted (1)</b> 22:3 <b>notice (1)</b> 91:16 <b>noting (1)</b> 92:23 <b>nuance (1)</b> 54:19 <b>number (9)</b> 4:6;17:10;44:19;67:25;71:16;79:15;84:14;87:12,13 <b>numbers (2)</b> 25:3;46:18 <b>numerous (1)</b> 22:3</p>	<p><b>onus (1)</b> 15:25 <b>open (2)</b> 27:22;42:13 <b>operate (4)</b> 6:3;49:13;51:2;52:12 <b>operation (3)</b> 65:13;66:18;67:16 <b>opinion (9)</b> 26:15,23;28:18,23,23;29:1;72:16,17;90:10 <b>opinions (2)</b> 36:20;76:5 <b>opportunity (7)</b> 14:7;16:17,22;74:20;76:3;77:25;82:25 <b>Opposed (4)</b> 3:20;31:13;34:6;79:25 <b>optics (2)</b> 55:23;57:6 <b>option (31)</b> 9:15;34:18,18,20,23;39:3,3,21;41:5,6,17;45:13,25;47:13,14;55:25;56:21;57:1;63:11,14;65:3,6,6,21;66:10;67:11;71:17;72:4;83:14;85:15,18</p>	<p><b>out-of-town (1)</b> 23:3 <b>outside (2)</b> 46:3;71:2 <b>outstanding (1)</b> 52:23 <b>over (18)</b> 11:15,25;17:20;20:1;21:15,18;37:11;40:18;50:14;59:16;68:19,22;75:8;76:24;80:13;81:7;82:24;87:3 <b>overall (1)</b> 19:21 <b>overdraft (2)</b> 22:3,10 <b>overhead (4)</b> 73:16,22;74:15,20 <b>overly (1)</b> 20:18 <b>overrepresented (1)</b> 67:4 <b>overseeing (1)</b> 13:10 <b>oversimplify (1)</b> 7:20 <b>overview (2)</b> 19:9;89:22 <b>Overwhelmed (1)</b> 72:1 <b>own (5)</b> 10:4;13:24;16:2;43:5;73:17</p>	<p>44:5,7,13,14,21,22,22;45:8,12,18,18;46:6,16,25;47:16,21,21;48:2,6;51:6;56:10;57:9,10,10,12,15,18,19,23;58:19;59:2,13,15,19,24;60:12,13,19,20,25;64:19;65:22;67:3,5,7,9,16;68:7,12;70:25;71:3;74:16,21;82:23;84:15,21;85:2,12,17,21,23,24;87:3,15;88:18 <b>party's (2)</b> 39:23;85:9 <b>pass (1)</b> 39:4 <b>passed (4)</b> 3:24;7:15;62:1;92:22 <b>passes (1)</b> 34:10 <b>passionate (1)</b> 78:17 <b>past (3)</b> 4:5;7:16;39:16 <b>PATON (67)</b> 3:16;10:16,18,19,22;11:13;12:7,11,17;14:24,25;15:1,3,10,13,16,17,18;16:6;17:1,5,8,13,16,25;22:21;23:9,10,18;24:6,9,18,22;25:1,7,33;11,20,42;18,20,21;43:7,24;44:2,4;57:5,6;58:3,7;59:10;60:2,9,16;61:5;68:13,15,18,21,24;69:2,25;70:12;76:13,23;85:9;90:4,5,6 <b>pay (11)</b> 41:24;42:2;48:20;49:5,6;50:5,15;73:22;74:14;78:5;92:7 <b>paying (5)</b> 37:13;51:8;63:10;75:1;87:21 <b>payment (7)</b> 47:15,21;48:7,23;51:6;54:1;75:8 <b>payments (10)</b> 47:8,18;49:1;63:25;64:3;74:10;84:17;86:24;87:16,19 <b>PC (4)</b> 19:18;26:5,7,9 <b>peanut (1)</b> 91:21 <b>penalties (1)</b> 16:22 <b>penny (1)</b> 88:8 <b>people (39)</b> 35:15;38:6,10,17;39:19;41:13,21;43:2,17;45:6,7;53:3;55:10;56:14;57:16;60:19;62:2;69:25;70:1;72:22,23;73:2,17;75:6;77:25;78:10,11,15,23;79:4,8,14;80:16;82:6,8,18,19;87:12;92:13 <b>percent (2)</b> 9:8;79:11 <b>percentage (1)</b> 9:7 <b>perfect (1)</b> 70:17 <b>perfectly (2)</b> 60:3;86:23 <b>performed (2)</b> 13:7,16 <b>Perhaps (3)</b> 29:10;52:18,21 <b>period (1)</b> 41:11</p>
<b>N</b>	<b>O</b>	<p><b>options (3)</b> 34:16;83:13,17 <b>oral (1)</b> 4:25 <b>order (5)</b> 3:2,5;5:4;50:10,13 <b>orders (1)</b> 50:10 <b>Oregon (1)</b> 11:13 <b>organization (3)</b> 59:17;65:2;73:17 <b>organizational (1)</b> 59:22 <b>organizations (2)</b> 74:17;82:25 <b>organize (1)</b> 43:14 <b>organizer (2)</b> 43:12;46:11 <b>organizers (3)</b> 43:13,13;45:6 <b>organizes (1)</b> 44:12 <b>original (1)</b> 47:14 <b>others (2)</b> 7:8;15:20 <b>otherwise (2)</b> 25:5;51:10 <b>ought (4)</b> 12:4;49:12;85:16,19 <b>ours (1)</b> 74:2 <b>ourselves (1)</b> 59:23 <b>out (36)</b> 7:11,15,22;9:21;10:24;13:17,21;20:7;22:11,25;24:13,15;35:25;36:4,18;38:25;42:11;43:19;47:22;49:10;52:14;53:18;58:8,9,17,24;61:16;64:4;69:10;73:8,17;75:7;76:22;81:25;86:6;91:4 <b>outcome (1)</b> 30:8 <b>outflows (1)</b> 14:6 <b>outlined (1)</b> 17:24</p>	<b>P</b>	<p><b>PAC (3)</b> 41:12;59:19;60:15 <b>packet (1)</b> 7:11 <b>page (3)</b> 5:6;23:15;52:11 <b>pages (3)</b> 15:8,8;21:2 <b>paid (8)</b> 37:16;41:1;43:15;49:9;73:3;75:4;85:22;86:11 <b>paragraph (2)</b> 26:13,20 <b>paralleled (1)</b> 37:19 <b>part (33)</b> 8:16;9:17;12:4;28:4;32:12,12;44:9,10;45:23;55:2;56:5,6,9,11;57:8,17;58:8,15;59:23;62:25;63:15;64:23;66:1,19;70:2,5,11,14;71:1;72:2;77:21;78:3,20 <b>participate (1)</b> 9:9 <b>participated (1)</b> 21:12 <b>participating (6)</b> 12:24;22:9;47:11,14;53:20,25 <b>participation (3)</b> 62:6,10;63:19 <b>particularly (5)</b> 36:17;65:10,15;74:5;75:1 <b>parties (12)</b> 34:19,21,24;37:5;38:6;52:15,17;56:8;58:5;63:10;65:4;86:9 <b>parties' (1)</b> 52:14 <b>parts (1)</b> 70:9 <b>party (81)</b> 37:3,9,12,17,24;39:23;40:4,5,6,6,14,15,24;42:24;43:3,9;</p>



<p>permitted (1) 36:11  <b>person (8)</b> 5:17;12:1;  53:10;57:24;58:10;  59:11;72:21;79:1  <b>personal (11)</b> 19:8;  20:10,21;22:16,18;  25:5;37:20,22;63:6;  72:16;90:13  <b>personally (3)</b> 72:8;  75:3;92:8  <b>perspective (2)</b> 5:22;  76:21  <b>petition (1)</b> 5:19  <b>petitions (6)</b> 7:12,16,21,  23,24,25  <b>phenomenal (4)</b> 40:24;  78:15;82:3;83:23  <b>Phoenix (1)</b> 10:4  <b>phone (3)</b> 17:3;25:16;  29:15  <b>picture (1)</b> 44:4  <b>piece (4)</b> 46:23;72:9,  14;81:7  <b>place (6)</b> 9:12;10:23;  11:25;30:23;43:10;  80:5  <b>placement (1)</b> 48:7  <b>places (1)</b> 12:2  <b>plan (2)</b> 9:12;33:7  <b>plans (1)</b> 56:18  <b>platform (1)</b> 60:13  <b>plays (1)</b> 5:20  <b>please (2)</b> 25:15,17  <b>pleased (1)</b> 4:16  <b>plenty (1)</b> 30:2  <b>pm (1)</b> 80:4  <b>point (8)</b> 28:9;36:22;  47:7;49:20,20;61:16;  73:6;88:13  <b>points (3)</b> 4:20;42:12;  73:20  <b>policies (1)</b> 92:1  <b>policy (4)</b> 12:6;37:2;  85:16;91:7  <b>policymaker (1)</b> 82:16  <b>policymakers (1)</b> 81:23  <b>political (23)</b> 34:19,21,  22,24;45:23;47:16;  48:2;50:8;51:6;55:14;  56:7,7,9,9;57:15;  59:19;60:12;62:6;65:4,  22;77:8;78:21;82:25  <b>politically (4)</b> 70:18;  78:8;80:14,24  <b>politicians (1)</b> 81:23  <b>politics (11)</b> 64:23;  68:19;70:22;77:4,5,10,  17;78:10,24;81:22;  82:1  <b>polling (2)</b> 9:11;12:2  <b>poor (1)</b> 30:10  <b>popular (1)</b> 72:17  <b>portion (1)</b> 42:6</p>	<p><b>position (6)</b> 6:12;7:5;  10:2;12:5;77:23,23  <b>positions (1)</b> 38:13  <b>positive (1)</b> 82:12  <b>possibility (1)</b> 68:25  <b>possible (9)</b> 3:7;12:22;  20:9,10;27:18;32:3;  34:14;68:18;69:15  <b>possibly (1)</b> 19:8  <b>post (1)</b> 15:23  <b>postcard (1)</b> 6:5  <b>posture (1)</b> 10:1  <b>potential (2)</b> 18:16;  85:13  <b>potentially (4)</b> 7:21;  11:9;19:6;87:4  <b>power (2)</b> 12:1;57:18  <b>practical (2)</b> 59:24;60:7  <b>practically (1)</b> 38:3  <b>practices (1)</b> 30:11  <b>precinct (1)</b> 11:23  <b>predecessor (1)</b> 62:23  <b>preface (3)</b> 13:5;35:3;  38:8  <b>prejudice (1)</b> 36:15  <b>presentation (3)</b> 4:14;  42:22;53:7  <b>presented (2)</b> 18:9;31:5  <b>president (2)</b> 77:11,11  <b>presume (1)</b> 10:19  <b>pretty (3)</b> 4:16;18:14;  19:11  <b>prevent (3)</b> 50:2;67:8,  13  <b>primary (13)</b> 13:12;  18:6;30:2;40:11,17,19;  41:25;44:13,14;46:16;  58:13,13;80:3  <b>principally (1)</b> 5:1  <b>principle (1)</b> 82:2  <b>print (2)</b> 71:21,25  <b>printer (1)</b> 71:18  <b>printing (1)</b> 71:20  <b>prior (1)</b> 29:10  <b>priorities (1)</b> 40:20  <b>private (3)</b> 40:3,13;50:8  <b>privately (1)</b> 57:25  <b>privilege (1)</b> 90:14  <b>privileged (1)</b> 90:22  <b>pro (2)</b> 50:18;72:4  <b>probable (1)</b> 16:21  <b>probably (9)</b> 32:25;  42:2;47:22;62:22;  74:14;75:4,4;88:8;  89:23  <b>problem (8)</b> 52:16;  54:13;58:4;66:10;  71:25;84:7,11;88:10  <b>problematic (2)</b> 85:11;  92:18  <b>problems (1)</b> 50:24  <b>procedural (2)</b> 17:24;  32:19</p>	<p><b>procedure (2)</b> 8:14;  26:19  <b>procedures (3)</b> 15:5;  27:19;92:2  <b>proceed (4)</b> 13:23;  14:2;36:23,24  <b>proceeding (3)</b> 14:22;  16:11;93:24  <b>process (25)</b> 6:9;7:14,  20;8:24;12:4;14:21;  15:21;16:15;17:19;  19:2;25:25;28:22;  30:17;49:22;50:2;56:7,  7,21;62:7;81:4,10;  82:15;84:3,5;91:5  <b>processes (1)</b> 41:19  <b>processing (1)</b> 5:8  <b>produce (2)</b> 73:2;86:10  <b>produced (2)</b> 7:1;12:14  <b>product (1)</b> 40:23  <b>professional (1)</b> 69:11  <b>professionals (2)</b> 65:15,  20  <b>program (4)</b> 55:16;  70:4,5,11  <b>prohibited (1)</b> 47:20  <b>promote (1)</b> 62:7  <b>promoting (1)</b> 40:23  <b>promulgated (1)</b> 6:5  <b>proof (3)</b> 5:9,18;6:21  <b>prophylactic (1)</b> 37:8  <b>proposals (2)</b> 34:15;  52:24  <b>protect (6)</b> 62:25;85:21;  86:8,14;87:6;88:17  <b>protected (1)</b> 85:12  <b>protection (2)</b> 88:19;  92:20  <b>proud (1)</b> 82:12  <b>provide (14)</b> 5:18;  16:11;19:2,12;27:23;  28:18;40:22;49:1;  51:23;54:1;63:16;72:7;  74:12;75:7  <b>provided (12)</b> 5:9;6:21;  18:14;19:1,7;40:14;  49:4;63:13;66:11,14;  71:18;82:22  <b>provides (1)</b> 32:14  <b>providing (6)</b> 4:8;63:18;  66:10;73:9,10;74:23  <b>provisionally (1)</b> 54:16  <b>provisions (1)</b> 32:13  <b>Pstross (1)</b> 62:23  <b>PTA (2)</b> 77:10,11  <b>public (23)</b> 34:15;  35:17,18,19;36:3;  39:10;40:4;41:20,20;  52:5;55:24;56:4,6;  62:2,10,11;81:12,18;  91:1,16;93:4,10,10  <b>pull (1)</b> 21:23  <b>purchase (3)</b> 50:10,10,</p>	<p>13  <b>purchased (1)</b> 40:6  <b>purchases (3)</b> 53:22;  73:1,1  <b>purpose (1)</b> 27:6  <b>purposes (3)</b> 27:20;  54:17;65:23  <b>pursuant (2)</b> 27:16;28:4  <b>put (11)</b> 13:11;15:19;  21:21;26:9,13;51:14;  58:24;59:4;66:2;86:13;  89:7  <b>puts (1)</b> 15:25  <b>putting (4)</b> 4:10;15:23;  32:18;33:8</p> <p style="text-align: center;"><b>Q</b></p> <p><b>qualifying (3)</b> 5:19;  79:22;80:13  <b>quality (1)</b> 40:23  <b>quick (1)</b> 4:20  <b>quickly (3)</b> 5:6;11:6;  13:1  <b>quite (1)</b> 21:24</p> <p style="text-align: center;"><b>R</b></p> <p><b>R2-20-200 (1)</b> 28:5  <b>R2-20-405 (1)</b> 28:5  <b>R2-20-406 (1)</b> 28:1  <b>R2-20-702B (1)</b> 34:16  <b>R2-20-703.01C (1)</b>  48:10  <b>R2-20-703.01C1 (1)</b>  53:19  <b>race (1)</b> 39:13  <b>races (1)</b> 64:20  <b>raised (1)</b> 47:8  <b>raising (1)</b> 81:19  <b>ran (3)</b> 45:15;67:20;  76:24  <b>random (2)</b> 13:12;18:7  <b>rata (1)</b> 50:18  <b>rather (2)</b> 14:19;22:18  <b>reach (2)</b> 40:25,25  <b>reaching (1)</b> 46:19  <b>read (7)</b> 5:11;7:5;  20:19;48:15,25;64:2;  86:23  <b>reading (1)</b> 80:25  <b>reads (2)</b> 83:24;88:3  <b>real (4)</b> 4:3,20;5:5;13:1  <b>reality (1)</b> 55:14  <b>realizing (1)</b> 46:3  <b>really (50)</b> 4:14;5:13;  9:2,7;10:1,5;13:15;  14:11;19:8;20:6,11,24,  25;32:8;35:7;36:25;  44:14;46:7;51:10,22;  53:7;55:15;63:15,20;  65:12,23;66:2;67:12;  69:13,16;70:21,22;</p>	<p>71:4;73:9;75:9;76:16;  77:3,11,16;83:16,24;  84:2;86:22;88:2;91:12,  15,16;92:7,14,21  <b>reason (11)</b> 10:19;  16:10,14;54:17;55:17;  62:1;77:20;80:8;85:5;  86:4,4  <b>reasonable (1)</b> 35:13  <b>reasons (3)</b> 5:13;30:12;  91:17  <b>recall (2)</b> 7:24;32:10  <b>recalled (1)</b> 81:23  <b>receipt (10)</b> 48:19,22,  24;49:2,9;54:2;59:12;  66:11;81:7;87:21  <b>receipts (1)</b> 52:19  <b>receive (1)</b> 67:19  <b>received (4)</b> 66:16,20;  71:12;72:9  <b>receiving (5)</b> 36:10,14;  67:22;68:10;74:19  <b>recirculate (1)</b> 54:14  <b>recommend (2)</b> 13:25;  38:9  <b>recommended (1)</b> 85:4  <b>reconsider (1)</b> 39:5  <b>record (5)</b> 36:2,3,21;  38:19;62:19  <b>Recorder (6)</b> 6:10,22;  7:4;8:10;10:2;11:6  <b>recorders (1)</b> 11:20  <b>Recorder's (3)</b> 5:7;8:18,  23  <b>records (1)</b> 20:23  <b>recruit (1)</b> 46:13  <b>reduces (1)</b> 81:15  <b>refer (1)</b> 91:15  <b>referenced (1)</b> 28:5  <b>referendum (1)</b> 7:24  <b>referral (1)</b> 27:18  <b>referring (1)</b> 26:21  <b>reflected (1)</b> 92:17  <b>refund (2)</b> 46:20,21  <b>regarding (1)</b> 66:17  <b>registered (1)</b> 6:7  <b>registration (2)</b> 5:8;6:2  <b>regulations (1)</b> 72:6  <b>Regulatory (2)</b> 32:4;  33:19  <b>reinventing (2)</b> 65:10;  69:15  <b>reiterate (1)</b> 55:7  <b>reject (1)</b> 6:22  <b>related (5)</b> 10:13;21:1;  23:2;32:4;91:21  <b>relates (1)</b> 85:9  <b>relationship (1)</b> 85:10  <b>relax (1)</b> 91:2  <b>relook (1)</b> 42:6  <b>remember (5)</b> 62:23;  76:25;77:1,2;78:2  <b>reminder (1)</b> 25:25</p>
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<p><b>remove (1)</b> 55:21  <b>render (1)</b> 39:24  <b>rendered (6)</b> 40:5;  41:24;73:23;75:5;  86:24;88:1  <b>rendering (2)</b> 74:10;  75:8  <b>repealer (2)</b> 63:2;92:24  <b>repeating (1)</b> 74:8  <b>report (17)</b> 4:1,3;8:5,10,  16;20:11;24:17;27:1,  17,22,25;32:3,9,13,24;  33:22;78:16  <b>reported (6)</b> 5:7;19:5,5;  20:4;24:11,16  <b>reporting (6)</b> 41:11,14,  19;84:18;85:14;88:12  <b>reports (8)</b> 6:11;18:11;  19:4;20:5;24:11,14;  49:24;80:21  <b>represent (3)</b> 77:19;  78:12;79:8  <b>Representative (62)</b>  13:1;25:18,19,23;  29:17,22;31:2,21,23,  25;38:20,21,22;42:19;  43:5,8,25;44:3,17;47:6,  19;48:1,12;51:1,4,9,13,  19;53:5,6,11,15,18;  55:5,58:2,6,23;59:14;  60:4,10;61:11;73:6;  76:10,13,15,20,24;  78:15;79:10;83:5,9,15,  23;84:12,12;86:16,18,  22;87:9,22;88:23,24  <b>representatives (10)</b>  35:23,24,25;36:18;  38:17,18;45:21;55:4;  62:14;81:2  <b>Republic (1)</b> 5:7  <b>Republican (1)</b> 45:18  <b>requested (1)</b> 18:24  <b>require (2)</b> 5:10;65:19  <b>required (3)</b> 6:1;22:10;  28:2  <b>requirements (3)</b> 6:2;  34:25;72:12  <b>requires (1)</b> 6:6  <b>reserved (1)</b> 23:6  <b>reserving (1)</b> 32:19  <b>resource (1)</b> 69:23  <b>resources (4)</b> 46:25;  47:2;69:15,18  <b>respect (3)</b> 14:18;38:1;  69:4  <b>respond (5)</b> 14:8;16:8;  26:3;48:9;71:21  <b>response (19)</b> 3:21,23;  8:8;12:20;14:8;16:2;  19:16,25;23:22;25:12;  30:12;31:14,16;33:19;  34:7,9;75:14;93:8,12  <b>responses (1)</b> 86:5</p>	<p><b>responsibility (2)</b> 30:10;  56:24  <b>rest (3)</b> 42:14;46:21;  81:20  <b>restriction (1)</b> 34:23  <b>result (2)</b> 6:4;7:20  <b>resulting (1)</b> 49:11  <b>resumé (1)</b> 77:7  <b>return (2)</b> 44:25;50:19  <b>returned (3)</b> 32:12,13;  49:12  <b>returning (1)</b> 73:11  <b>revealed (1)</b> 85:7  <b>review (12)</b> 4:25;13:24;  14:7;18:11;26:16;30:4;  32:3,4;33:19;35:22;  53:9;61:25  <b>reviewed (1)</b> 7:17  <b>reviewers (1)</b> 49:22  <b>reviewing (1)</b> 39:2  <b>rewrite (1)</b> 91:5  <b>right (37)</b> 6:3;9:6;  10:22;12:4,9,9;15:9;  16:8,11;17:4,12,12,25;  18:21;41:12,13;42:5,  13;50:9,9;60:3;63:18;  65:18;66:16;68:23;  70:6;72:13;73:6,8,24;  74:3,6;75:23;78:15;  84:3;86:21;89:17  <b>rise (1)</b> 84:19  <b>risk (1)</b> 78:19  <b>Rivko (1)</b> 7:2  <b>road (1)</b> 54:16  <b>robust (1)</b> 63:22  <b>role (3)</b> 10:5,6;78:3  <b>rolls (1)</b> 64:17  <b>ropes (1)</b> 65:16  <b>Rose (1)</b> 81:20  <b>roundtable (1)</b> 4:11  <b>Rubalcava (27)</b> 12:23;  13:2;14:7,14;17:2,14,  20;18:7,24;19:23;22:2;  23:21;25:18,19,23;  26:2,16;29:12,17,18,  21,22;31:2,18,21,23;  32:1  <b>Rubalcava's (1)</b> 14:18  <b>Rue (1)</b> 54:9  <b>rule (12)</b> 34:14;45:16;  47:10;49:13;52:11;  54:2;64:2,3;67:7;76:1;  81:6;91:7  <b>rules (27)</b> 27:17,21;  28:9;35:8,16;36:8;  39:2,4;48:16;53:9,9;  54:18;56:22;61:18,21,  21;63:16;72:3;75:25;  81:1,3;82:4,20;84:1;  88:15;91:20,22  <b>run (23)</b> 10:3;39:5;  41:3;46:2;53:13;58:12;  63:5,6;64:21,22;65:7,</p>	<p>24;66:2;69:9;72:11;  77:25;78:25;79:3,3;  81:10,14;82:8;87:13  <b>running (24)</b> 39:19;  43:10,11;45:17,19;  47:1;52:6;55:20;63:12,  24;64:24;65:11,16,17;  67:15,21;70:1,7,9;  74:5;77:22;81:12;  83:21;90:3  <b>runs (1)</b> 10:4  <b>rush (1)</b> 90:2</p> <p style="text-align: center;"><b>S</b></p> <p><b>saddens (1)</b> 77:5  <b>SALMON (19)</b> 38:20,  21;43:5,8,25;44:3,17;  47:19;48:1,12;51:1,4,9,  13,20;53:5;73:7;78:16;  83:23  <b>Samantha (1)</b> 62:23  <b>same (7)</b> 7:23;37:9;  38:1;48:14;50:16;  52:10;78:18  <b>Sara (15)</b> 13:9;14:3,13;  15:19;18:1,3;19:14,17;  20:12;21:21;22:7,22;  23:20;25:11;81:8  <b>Sara's (3)</b> 21:23;27:19;  49:22  <b>sat (1)</b> 88:6  <b>saved (1)</b> 81:6  <b>savings (3)</b> 11:1,9,22  <b>savvy (2)</b> 78:21;80:24  <b>saw (3)</b> 44:6;52:17;  81:21  <b>saying (6)</b> 13:5;51:8;  58:22;60:2;71:16;  87:21  <b>scale (4)</b> 11:2;47:23,  24;59:16  <b>scenario (1)</b> 59:3  <b>scheduled (1)</b> 4:25  <b>scheme (1)</b> 15:14  <b>school (4)</b> 20:2;77:14,  18,23  <b>scope (1)</b> 11:11  <b>scratch (1)</b> 43:20  <b>seat (3)</b> 79:23;80:4;  87:17  <b>second (12)</b> 3:15,16,  17;21:17;31:8,9,10;  33:24,25;34:2;93:19,  20  <b>Secretary (2)</b> 5:16;92:1  <b>seed (5)</b> 36:9;40:2,10,  13;41:9  <b>seeing (3)</b> 6:17;46:4;  77:3  <b>seemed (1)</b> 49:24  <b>seems (4)</b> 23:4;53:17;  60:22;91:14</p>	<p><b>sees (1)</b> 18:19  <b>selected (1)</b> 18:7  <b>semantics (1)</b> 57:22  <b>senator (8)</b> 55:6;57:3;  61:12,15,15;62:13;  68:1;78:19  <b>sense (10)</b> 11:7,16;  28:13;41:5,17;47:1;  51:2,15;64:4;86:6  <b>separate (7)</b> 13:18;  14:1;16:2;38:7;43:3;  44:12;45:15  <b>separately (1)</b> 10:5  <b>September (2)</b> 5:1;18:8  <b>series (1)</b> 28:5  <b>serious (2)</b> 92:22,22  <b>seriously (3)</b> 39:5;  63:11;82:4  <b>service (15)</b> 50:17;  66:11;73:5,9,18,23,25;  74:6,11;75:5,7,8;  83:11;86:24;87:20  <b>services (28)</b> 37:13;  39:23,24;40:4,5,14,16;  41:24;42:11;44:25;  45:18,19;47:13;48:2;  50:22;53:21,23;54:1;  64:20;67:19;68:10;  70:5,15;73:5;74:12,19,  25;88:1  <b>session (5)</b> 8:22;25:22;  63:2;89:24;91:2  <b>set (4)</b> 56:8,16,19;  72:10  <b>sets (1)</b> 71:20  <b>several (1)</b> 20:20  <b>share (4)</b> 38:3;76:8;  77:20;82:10  <b>sheets (1)</b> 7:21  <b>shops (2)</b> 71:21,25  <b>short (4)</b> 53:11;90:3;  91:14;92:17  <b>side (2)</b> 59:19;72:13  <b>sign (1)</b> 5:19  <b>signature (1)</b> 26:6  <b>signatures (1)</b> 80:13  <b>signed (2)</b> 26:7,10  <b>significance (1)</b> 92:8  <b>significantly (1)</b> 65:7  <b>similar (1)</b> 38:5  <b>simple (2)</b> 86:19;87:24  <b>simplify (1)</b> 86:25  <b>simplistic (1)</b> 20:19  <b>simply (6)</b> 9:3;14:10;  28:2;32:23;65:9;88:3  <b>simultaneously (1)</b> 4:24  <b>single (3)</b> 41:11;80:3;  81:6  <b>sit (2)</b> 56:22;80:19  <b>sitting (1)</b> 42:14  <b>size (1)</b> 59:16  <b>slated (1)</b> 58:14  <b>slush (1)</b> 52:17</p>	<p><b>smacks (1)</b> 60:20  <b>small (4)</b> 39:14;41:25;  42:3,7  <b>smaller (2)</b> 73:14;74:12  <b>solely (2)</b> 27:2;64:20  <b>solve (4)</b> 52:16;84:7,8,  13  <b>somebody (5)</b> 44:15;  58:8,8,14;91:8  <b>someone (1)</b> 57:24  <b>somehow (9)</b> 19:25;  43:12,16;71:12;77:25;  78:20,21;80:14;84:8  <b>sometimes (3)</b> 69:15;  80:5;82:21  <b>somewhere (1)</b> 9:8  <b>son's (1)</b> 89:15  <b>sorry (8)</b> 12:10;21:8;  44:2,22;61:4,10;74:8;  76:22  <b>sort (15)</b> 6:17;9:21;  11:5;17:18;37:4;64:1,  5;65:13,20;68:5;71:5;  73:18,21;74:9,18  <b>soul (1)</b> 81:20  <b>Sounds (4)</b> 29:5;52:9;  53:12,14  <b>source (2)</b> 10:10;71:19  <b>speak (8)</b> 11:17;20:25;  22:7;44:23,24;55:8;  56:2;76:11  <b>speaker (1)</b> 4:12  <b>speaking (5)</b> 11:19;  38:3;81:18;83:2;87:11  <b>special (4)</b> 60:11,13,24;  62:5  <b>special-interest (1)</b>  55:21  <b>specializes (1)</b> 42:1  <b>Specifically (7)</b> 40:14;  69:12;70:16;73:8,12,  13;75:5  <b>speech (3)</b> 56:9,10;  62:7  <b>spend (3)</b> 64:25;80:10;  81:17  <b>spent (8)</b> 39:13;40:11;  41:22;79:11;81:23;  87:14,15;88:9  <b>spoke (1)</b> 72:3  <b>spot (1)</b> 21:22  <b>spreadsheets (1)</b> 19:11  <b>staff (8)</b> 28:8;41:1;  43:15;52:4,21;67:24;  84:24;85:4  <b>staffer (1)</b> 37:12  <b>stakeholders (1)</b> 4:18  <b>standard (6)</b> 7:12,18,  19,22,23;32:16  <b>standing (1)</b> 78:4  <b>stands (1)</b> 40:10  <b>start (2)</b> 18:2;45:16  <b>started (4)</b> 58:9;77:10;</p>
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<p>79:21;91:4  <b>starting (7)</b> 52:14;58:8, 17;79:24,24;80:4,6  <b>starts (1)</b> 72:21  <b>state (14)</b> 5:8,17;6:8, 12;11:11,13;36:18; 42:25;55:6;60:24; 61:16;62:4;70:9;79:19  <b>statement (11)</b> 17:21; 26:3,20;29:1;30:6,8; 51:7;61:6,17;62:13; 64:9  <b>statements (6)</b> 18:12; 19:3,3;20:8;27:10;29:2  <b>State's (2)</b> 5:16;92:1  <b>statewide (2)</b> 11:3; 12:12  <b>status (1)</b> 14:18  <b>statute (4)</b> 5:10;15:25; 22:6;35:9  <b>stay (2)</b> 79:7;82:14  <b>step (2)</b> 38:25;78:25  <b>steps (1)</b> 17:24  <b>stewardship (1)</b> 55:16  <b>still (7)</b> 8:24;25:22; 45:24;50:23;52:11; 59:7;77:9  <b>stipulations (1)</b> 71:17  <b>stored (1)</b> 20:1  <b>story (4)</b> 5:11;7:5,11; 77:21  <b>strategy (2)</b> 65:25;75:2  <b>stretch (1)</b> 60:11  <b>strict (2)</b> 7:17;63:10  <b>strike (1)</b> 63:18  <b>strong-arm (1)</b> 57:11  <b>strong-arming (1)</b> 68:8  <b>structure (2)</b> 43:9;92:4  <b>structured (1)</b> 66:21  <b>stuff (3)</b> 49:21;86:13; 93:1  <b>subject (5)</b> 6:13;54:9; 85:1;91:8;92:2  <b>submit (4)</b> 26:4;33:1,7; 76:3  <b>submittal (1)</b> 34:11  <b>submitted (5)</b> 27:1; 32:3,25;33:13,23  <b>submitting (1)</b> 33:3  <b>subscribed (1)</b> 48:22  <b>subscribing (1)</b> 48:20  <b>subsection (1)</b> 54:2  <b>subsequent (6)</b> 13:24; 16:13,20;19:24;28:3,7  <b>subsequently (1)</b> 16:24  <b>substantial (6)</b> 25:4; 32:16;49:16,17;54:11, 19  <b>substantially (2)</b> 32:21; 37:24  <b>substantive (4)</b> 32:19; 48:18;63:4;85:15  <b>successful (1)</b> 40:8</p>	<p><b>sued (1)</b> 92:6  <b>sufficient (3)</b> 6:21; 13:13;85:22  <b>sufficiently (1)</b> 84:19  <b>suggest (3)</b> 38:16;52:3; 54:5  <b>suggested (1)</b> 32:16  <b>suggesting (1)</b> 55:11  <b>summarize (1)</b> 25:1  <b>summarized (3)</b> 20:8, 12,25  <b>summarizes (1)</b> 27:20  <b>summarizing (1)</b> 19:21  <b>summary (10)</b> 18:13, 16;19:12,12;20:3,12, 13;21:2;30:7;90:21  <b>sun (2)</b> 80:1,6  <b>Sunday (1)</b> 4:16  <b>super (1)</b> 92:8  <b>Superior (1)</b> 16:25  <b>supplement (1)</b> 9:18  <b>supplemental (2)</b> 4:23, 23  <b>support (7)</b> 20:9,10; 22:1,12;52:15;65:2; 81:8  <b>supporting (3)</b> 19:22, 24;21:2  <b>supportive (1)</b> 53:1  <b>supposed (4)</b> 42:25; 45:5;46:17,22  <b>Supreme (2)</b> 4:22; 63:22  <b>Sure (28)</b> 8:12;17:7; 21:13;35:20;36:1;47:7; 52:3,7,21;54:4;56:23; 65:9;67:4;68:2,9;69:8, 14,24;71:1,14;74:4,8; 78:16;81:5;82:5;83:16, 23;92:15  <b>sworn (2)</b> 50:1;85:2  <b>system (16)</b> 6:3;10:4; 45:23;55:18;62:3,10; 63:15,20,22;70:3,3; 79:6,7;82:8,19;88:11</p>	<p>16  <b>teacher (1)</b> 77:18  <b>team (1)</b> 78:20  <b>technical (2)</b> 13:9; 54:12  <b>technically (2)</b> 26:18; 40:3  <b>techniques (2)</b> 65:17; 71:5  <b>telephone (2)</b> 13:2; 72:24  <b>telephonic (3)</b> 23:17; 25:9;29:3  <b>television (1)</b> 8:19  <b>tells (1)</b> 48:24  <b>ten (4)</b> 39:16;42:23; 69:12;77:6  <b>terms (7)</b> 10:6;13:24; 35:7;44:20;46:1;50:21; 85:21  <b>testify (5)</b> 35:16;36:1, 19;38:10,23  <b>testifying (2)</b> 60:17; 62:17  <b>therapy (1)</b> 89:16  <b>thinking (2)</b> 5:14,15  <b>third (2)</b> 37:19;80:16  <b>THOMAS (3)</b> 25:15,21; 29:16  <b>though (4)</b> 19:6;54:21; 56:14;74:25  <b>thought (7)</b> 23:25;24:4; 30:22;58:10;73:20; 77:22;78:6  <b>thoughts (2)</b> 35:6;52:6  <b>thousand (4)</b> 49:7,8,10, 11  <b>threatened (1)</b> 82:1  <b>three (10)</b> 16:14;32:11; 35:15,23,24;37:17,17; 39:2;80:21;87:4  <b>throughout (1)</b> 19:1  <b>thrown (1)</b> 60:12  <b>Thursday (1)</b> 3:4  <b>tied (1)</b> 20:6  <b>ties (1)</b> 39:22  <b>timely (2)</b> 49:2;71:22  <b>Times (2)</b> 4:15;20:20  <b>TITLA (106)</b> 3:1,10,14, 17,20,22,24;8:6,9,13; 10:15,18;12:18,21; 14:23,25;18:1;19:14, 17;20:15,17;21:6;23:9, 20,25;24:4,7;25:10,13, 24;26:9,12,22,25;27:5, 9,15;28:14,21;29:5,9, 20;30:24;31:1,7,10,13, 15,17,25;33:4,9,12,15, 17,21;34:2,6,8,10,13; 35:2;38:15;42:16,19; 47:5;51:18;52:25;53:6; 54:5,24;57:3;61:5,8, 12;62:18;64:8,12;66:6,</p>	<p>8,24;67:1;68:14;71:7, 9;72:20;75:10,13,17, 21,25;83:4,8;87:8; 88:23,25;90:5,11,19, 24;93:6,9,13,17,20,23  <b>Title (4)</b> 91:8,15;92:12, 17  <b>today (21)</b> 7:2;13:14, 18,22;18:6;22:23;26:1; 27:1;30:23;31:6;35:9, 19,20;36:15,25;52:1; 61:10;67:4;75:22; 83:10;90:3  <b>today's (1)</b> 35:4  <b>together (6)</b> 4:10;20:6; 21:24;49:1;86:13; 90:16  <b>Tom (7)</b> 18:18,18;63:1; 64:4;67:11;72:3;91:11  <b>tomorrow (2)</b> 32:25; 36:25  <b>tongue (1)</b> 64:18  <b>took (2)</b> 78:14,19  <b>tool (1)</b> 82:23  <b>tossed (1)</b> 7:22  <b>totally (2)</b> 56:22;61:1  <b>touch (1)</b> 31:19  <b>towards (2)</b> 8:18;11:20  <b>town (1)</b> 72:25  <b>towns (1)</b> 4:7  <b>tracking (2)</b> 10:12;93:1  <b>traditionally (1)</b> 72:11  <b>trained (2)</b> 65:19;69:11  <b>trainings (1)</b> 69:18  <b>transactions (1)</b> 85:1  <b>transparency (14)</b> 41:7, 18;46:10;55:25;59:6; 63:13,14,17,19;65:3; 87:14,24;88:6,20  <b>transparent (1)</b> 41:13  <b>treasurer (1)</b> 88:8  <b>tried (2)</b> 19:12;20:8  <b>trips (1)</b> 23:3  <b>true (3)</b> 79:7;84:22,23  <b>trust (1)</b> 58:5  <b>trusted (2)</b> 40:22;82:7  <b>try (6)</b> 9:18;43:19; 70:10;82:18;84:25; 90:1  <b>trying (14)</b> 15:22;23:11; 24:23;42:10;46:9,24; 52:16;61:23;68:2; 74:22;84:3,7,7,13  <b>turn (2)</b> 17:20;38:10  <b>turnout (1)</b> 45:3  <b>turns (2)</b> 49:10;86:6  <b>tweak (2)</b> 49:17;75:24  <b>tweaking (1)</b> 64:1  <b>two (19)</b> 5:13;32:10,11; 35:5,15,24,24;46:12; 62:16;63:11;69:18; 78:15;79:4;80:15; 81:11;85:7;87:11,13;</p>	<p>91:17  <b>type (1)</b> 73:5  <b>types (1)</b> 21:12  <b>typically (1)</b> 74:1</p>
<b>T</b>				<b>U</b>
	<p><b>table (3)</b> 80:20;90:2,11  <b>taco (1)</b> 80:5  <b>tailored (1)</b> 36:8  <b>talk (10)</b> 4:17;13:3; 15:20,24;29:16;36:19; 64:22;78:9;86:3,9  <b>talked (3)</b> 67:11;73:12; 81:25  <b>talking (13)</b> 8:24;11:4, 24;17:18;39:13;45:7; 47:11;57:16;58:4;65:1; 73:13;74:3;80:10  <b>talks (2)</b> 41:23;47:15  <b>Tammany (1)</b> 68:21  <b>target (3)</b> 46:13;92:15,</p>			<p><b>ultimately (2)</b> 85:4; 92:18  <b>umbrella (2)</b> 37:23,25  <b>unable (3)</b> 20:22;25:3; 35:4  <b>unanimous (1)</b> 36:12  <b>unanimously (1)</b> 3:24  <b>unclear (1)</b> 92:15  <b>unconscionable (1)</b> 58:11  <b>under (15)</b> 5:14,15; 7:17;28:1;37:17,23,25; 47:10;52:11;62:7,10; 72:7,13;74:5;86:1  <b>understands (2)</b> 17:22; 78:18  <b>understood (3)</b> 59:6; 80:17;82:1  <b>undertake (2)</b> 72:5; 73:16  <b>undertook (1)</b> 84:24  <b>undue (1)</b> 71:20  <b>unfortunately (2)</b> 63:21; 66:20  <b>Unless (4)</b> 8:4;33:5,5,6  <b>unmovable (1)</b> 35:5  <b>up (20)</b> 6:16;13:25; 30:6;42:2;52:2;55:9, 12;56:8,16,19;59:15; 66:15;74:6;76:7,12; 79:9;87:17;90:9;91:6; 92:18  <b>upcoming (1)</b> 39:17  <b>update (1)</b> 89:10  <b>updated (1)</b> 8:1  <b>upon (5)</b> 26:19;27:9; 28:19;49:1;54:2  <b>upscale (1)</b> 60:6  <b>upshot (2)</b> 48:17;49:19  <b>use (19)</b> 6:5,12;19:8; 20:10,10;27:2,13;36:9; 37:5;40:4,5,15;45:17; 47:2;50:14;59:24;65:9; 80:17;82:22  <b>useable (1)</b> 20:13  <b>used (5)</b> 20:21;27:5; 40:5;50:19;80:22  <b>uses (1)</b> 5:17  <b>using (5)</b> 56:14;69:14, 24;73:25;88:11  <b>utilize (1)</b> 65:21  <b>utilized (2)</b> 19:2,3  <b>utilizing (4)</b> 65:22,22; 69:16;74:8</p>

	wants (4) 11:7;14:15; 57:12,20	worth (1) 92:23 write (12) 8:10;50:3; 56:17,22;57:9,14,25; 58:18;59:10,11;61:23; 84:20	26 (4) 38:21,23;40:24; 55:6 27 (2) 3:8,12 28th (1) 26:6	
<b>V</b>	warning (1) 42:5 watching (1) 39:1 way (24) 5:24;9:9; 10:24;13:23,23;14:2, 16:15;18:25;1:33;1,7; 35:9;48:15;49:12; 52:12;59:20,24,25; 60:14;80:1,22;86:15, 25;91:13	writing (9) 42:24;44:4, 6:51;14:57;13,23; 58:19,19;60:19 written (5) 14:4;35:17; 66:10;76:4;91:13 wrote (3) 30:6;44:21,21	<b>3</b>	
vague (3) 49:24;52:18; 53:17 valuable (3) 51:21; 63:7,15 value (1) 39:20 values (1) 79:8 VAN (1) 59:25 varying (1) 60:20 vastly (1) 70:10 vendor (1) 40:21 vendors (4) 42:11; 56:16,23;72:9 VI (2) 34:13,14 via (1) 28:8 viable (2) 39:8;45:12 view (11) 36:23;37:4, 20,22;38:3;49:6;54:9, 14;57:7,7;88:15 viewed (1) 60:13 views (5) 7:9;37:21; 38:6;76:6,8 VII (1) 89:2 violating (2) 85:23,25 violation (2) 84:22;85:6 violations (2) 18:16,19 virtually (1) 25:4 voice (1) 82:9 voiced (1) 56:15 volunteer (1) 41:1 volunteers (3) 43:14, 15;46:13 vote (15) 9:10,11; 12:16;34:3;35:11,11, 19,20;36:6,12,15;45:7; 51:25;89:4,6 voted (2) 82:6,7 voter (16) 5:8,22;6:2; 9:18;10:8;12:14;34:21; 40:5;42:1;45:3;59:25, 25;67:23;73:10;82:22; 92:19 Voters (14) 7:2;10:25; 12:10;39:11,14,20; 41:4,14,20;60:8;65:1; 73:12;81:16,24 votes (1) 16:14 voting (4) 22:24;54:25; 77:1,2	ways (2) 35:3;92:4 wealth (1) 78:22 wealthy (1) 78:1 website (1) 12:13 weeds (1) 24:23 week (2) 4:5;8:23 weighing (1) 12:5 weird (1) 91:13 welcome (3) 55:10,22; 90:15 weren't (2) 27:18;46:19 whatsoever (1) 64:3 wheel (2) 65:10;69:16 Whereas (2) 57:14; 74:23 whole (4) 15:14;60:17; 69:6;86:1 willing (1) 72:5 wisely (2) 69:15,24 withdrawals (1) 21:25 within (4) 5:3;37:3; 54:20,20 without (16) 20:10; 21:2;22:1,13;46:10; 48:17,18;51:7;53:9; 54:13,13;59:25;73:3, 18;88:2,14 Women (1) 7:2 wonderful (1) 90:15 word (1) 60:11 worded (1) 27:8 words (1) 48:19 work (19) 4:8;9:23; 19:22;28:7;40:21; 41:25;42:8;43:14; 45:11;57:2;63:1;65:5; 70:25;72:1,9,12;73:15; 80:12;85:20 worked (8) 7:7,8;40:17; 42:3;46:15;78:2;88:1; 90:16 working (15) 4:10;9:21; 30:1;38:4;46:5;48:5; 56:10;69:11;71:4;72:4; 73:19,21;74:9;79:18; 82:19 works (4) 10:25;11:12; 35:9;38:14 world (2) 86:1,2 worry (5) 41:11;63:20, 23;80:11;81:18 worse (1) 77:6	<b>Y</b>	3 (2) 23:15;34:23 30 (1) 70:2 30,000 (1) 37:4 300 (2) 41:9;80:13 30-district (1) 65:25 31st (1) 79:18 3600 (1) 44:23	
vague (3) 49:24;52:18; 53:17 valuable (3) 51:21; 63:7,15 value (1) 39:20 values (1) 79:8 VAN (1) 59:25 varying (1) 60:20 vastly (1) 70:10 vendor (1) 40:21 vendors (4) 42:11; 56:16,23;72:9 VI (2) 34:13,14 via (1) 28:8 viable (2) 39:8;45:12 view (11) 36:23;37:4, 20,22;38:3;49:6;54:9, 14;57:7,7;88:15 viewed (1) 60:13 views (5) 7:9;37:21; 38:6;76:6,8 VII (1) 89:2 violating (2) 85:23,25 violation (2) 84:22;85:6 violations (2) 18:16,19 virtually (1) 25:4 voice (1) 82:9 voiced (1) 56:15 volunteer (1) 41:1 volunteers (3) 43:14, 15;46:13 vote (15) 9:10,11; 12:16;34:3;35:11,11, 19,20;36:6,12,15;45:7; 51:25;89:4,6 voted (2) 82:6,7 voter (16) 5:8,22;6:2; 9:18;10:8;12:14;34:21; 40:5;42:1;45:3;59:25, 25;67:23;73:10;82:22; 92:19 Voters (14) 7:2;10:25; 12:10;39:11,14,20; 41:4,14,20;60:8;65:1; 73:12;81:16,24 votes (1) 16:14 voting (4) 22:24;54:25; 77:1,2	year (5) 7:16;11:5,8,10; 92:25 years (12) 21:16,18; 39:16;68:19,22;69:12; 77:4,6;81:22;82:17; 87:4;90:16 yellow (1) 86:20 York (1) 4:15 young (1) 78:2	<b>1</b>	<b>4</b>	
vague (3) 49:24;52:18; 53:17 valuable (3) 51:21; 63:7,15 value (1) 39:20 values (1) 79:8 VAN (1) 59:25 varying (1) 60:20 vastly (1) 70:10 vendor (1) 40:21 vendors (4) 42:11; 56:16,23;72:9 VI (2) 34:13,14 via (1) 28:8 viable (2) 39:8;45:12 view (11) 36:23;37:4, 20,22;38:3;49:6;54:9, 14;57:7,7;88:15 viewed (1) 60:13 views (5) 7:9;37:21; 38:6;76:6,8 VII (1) 89:2 violating (2) 85:23,25 violation (2) 84:22;85:6 violations (2) 18:16,19 virtually (1) 25:4 voice (1) 82:9 voiced (1) 56:15 volunteer (1) 41:1 volunteers (3) 43:14, 15;46:13 vote (15) 9:10,11; 12:16;34:3;35:11,11, 19,20;36:6,12,15;45:7; 51:25;89:4,6 voted (2) 82:6,7 voter (16) 5:8,22;6:2; 9:18;10:8;12:14;34:21; 40:5;42:1;45:3;59:25, 25;67:23;73:10;82:22; 92:19 Voters (14) 7:2;10:25; 12:10;39:11,14,20; 41:4,14,20;60:8;65:1; 73:12;81:16,24 votes (1) 16:14 voting (4) 22:24;54:25; 77:1,2	year (5) 7:16;11:5,8,10; 92:25 years (12) 21:16,18; 39:16;68:19,22;69:12; 77:4,6;81:22;82:17; 87:4;90:16 yellow (1) 86:20 York (1) 4:15 young (1) 78:2	<b>1</b>	<b>5</b>	
vague (3) 49:24;52:18; 53:17 valuable (3) 51:21; 63:7,15 value (1) 39:20 values (1) 79:8 VAN (1) 59:25 varying (1) 60:20 vastly (1) 70:10 vendor (1) 40:21 vendors (4) 42:11; 56:16,23;72:9 VI (2) 34:13,14 via (1) 28:8 viable (2) 39:8;45:12 view (11) 36:23;37:4, 20,22;38:3;49:6;54:9, 14;57:7,7;88:15 viewed (1) 60:13 views (5) 7:9;37:21; 38:6;76:6,8 VII (1) 89:2 violating (2) 85:23,25 violation (2) 84:22;85:6 violations (2) 18:16,19 virtually (1) 25:4 voice (1) 82:9 voiced (1) 56:15 volunteer (1) 41:1 volunteers (3) 43:14, 15;46:13 vote (15) 9:10,11; 12:16;34:3;35:11,11, 19,20;36:6,12,15;45:7; 51:25;89:4,6 voted (2) 82:6,7 voter (16) 5:8,22;6:2; 9:18;10:8;12:14;34:21; 40:5;42:1;45:3;59:25, 25;67:23;73:10;82:22; 92:19 Voters (14) 7:2;10:25; 12:10;39:11,14,20; 41:4,14,20;60:8;65:1; 73:12;81:16,24 votes (1) 16:14 voting (4) 22:24;54:25; 77:1,2	year (5) 7:16;11:5,8,10; 92:25 years (12) 21:16,18; 39:16;68:19,22;69:12; 77:4,6;81:22;82:17; 87:4;90:16 yellow (1) 86:20 York (1) 4:15 young (1) 78:2	<b>1</b>	<b>5</b>	
vague (3) 49:24;52:18; 53:17 valuable (3) 51:21; 63:7,15 value (1) 39:20 values (1) 79:8 VAN (1) 59:25 varying (1) 60:20 vastly (1) 70:10 vendor (1) 40:21 vendors (4) 42:11; 56:16,23;72:9 VI (2) 34:13,14 via (1) 28:8 viable (2) 39:8;45:12 view (11) 36:23;37:4, 20,22;38:3;49:6;54:9, 14;57:7,7;88:15 viewed (1) 60:13 views (5) 7:9;37:21; 38:6;76:6,8 VII (1) 89:2 violating (2) 85:23,25 violation (2) 84:22;85:6 violations (2) 18:16,19 virtually (1) 25:4 voice (1) 82:9 voiced (1) 56:15 volunteer (1) 41:1 volunteers (3) 43:14, 15;46:13 vote (15) 9:10,11; 12:16;34:3;35:11,11, 19,20;36:6,12,15;45:7; 51:25;89:4,6 voted (2) 82:6,7 voter (16) 5:8,22;6:2; 9:18;10:8;12:14;34:21; 40:5;42:1;45:3;59:25, 25;67:23;73:10;82:22; 92:19 Voters (14) 7:2;10:25; 12:10;39:11,14,20; 41:4,14,20;60:8;65:1; 73:12;81:16,24 votes (1) 16:14 voting (4) 22:24;54:25; 77:1,2	year (5) 7:16;11:5,8,10; 92:25 years (12) 21:16,18; 39:16;68:19,22;69:12; 77:4,6;81:22;82:17; 87:4;90:16 yellow (1) 86:20 York (1) 4:15 young (1) 78:2	<b>1</b>	<b>5</b>	
vague (3) 49:24;52:18; 53:17 valuable (3) 51:21; 63:7,15 value (1) 39:20 values (1) 79:8 VAN (1) 59:25 varying (1) 60:20 vastly (1) 70:10 vendor (1) 40:21 vendors (4) 42:11; 56:16,23;72:9 VI (2) 34:13,14 via (1) 28:8 viable (2) 39:8;45:12 view (11) 36:23;37:4, 20,22;38:3;49:6;54:9, 14;57:7,7;88:15 viewed (1) 60:13 views (5) 7:9;37:21; 38:6;76:6,8 VII (1) 89:2 violating (2) 85:23,25 violation (2) 84:22;85:6 violations (2) 18:16,19 virtually (1) 25:4 voice (1) 82:9 voiced (1) 56:15 volunteer (1) 41:1 volunteers (3) 43:14, 15;46:13 vote (15) 9:10,11; 12:16;34:3;35:11,11, 19,20;36:6,12,15;45:7; 51:25;89:4,6 voted (2) 82:6,7 voter (16) 5:8,22;6:2; 9:18;10:8;12:14;34:21; 40:5;42:1;45:3;59:25, 25;67:23;73:10;82:22; 92:19 Voters (14) 7:2;10:25; 12:10;39:11,14,20; 41:4,14,20;60:8;65:1; 73:12;81:16,24 votes (1) 16:14 voting (4) 22:24;54:25; 77:1,2	year (5) 7:16;11:5,8,10; 92:25 years (12) 21:16,18; 39:16;68:19,22;69:12; 77:4,6;81:22;82:17; 87:4;90:16 yellow (1) 86:20 York (1) 4:15 young (1) 78:2	<b>1</b>	<b>5</b>	
vague (3) 49:24;52:18; 53:17 valuable (3) 51:21; 63:7,15 value (1) 39:20 values (1) 79:8 VAN (1) 59:25 varying (1) 60:20 vastly (1) 70:10 vendor (1) 40:21 vendors (4) 42:11; 56:16,23;72:9 VI (2) 34:13,14 via (1) 28:8 viable (2) 39:8;45:12 view (11) 36:23;37:4, 20,22;38:3;49:6;54:9, 14;57:7,7;88:15 viewed (1) 60:13 views (5) 7:9;37:21; 38:6;76:6,8 VII (1) 89:2 violating (2) 85:23,25 violation (2) 84:22;85:6 violations (2) 18:16,19 virtually (1) 25:4 voice (1) 82:9 voiced (1) 56:15 volunteer (1) 41:1 volunteers (3) 43:14, 15;46:13 vote (15) 9:10,11; 12:16;34:3;35:11,11, 19,20;36:6,12,15;45:7; 51:25;89:4,6 voted (2) 82:6,7 voter (16) 5:8,22;6:2; 9:18;10:8;12:14;34:21; 40:5;42:1;45:3;59:25, 25;67:23;73:10;82:22; 92:19 Voters (14) 7:2;10:25; 12:10;39:11,14,20; 41:4,14,20;60:8;65:1; 73:12;81:16,24 votes (1) 16:14 voting (4) 22:24;54:25; 77:1,2	year (5) 7:16;11:5,8,10; 92:25 years (12) 21:16,18; 39:16;68:19,22;69:12; 77:4,6;81:22;82:17; 87:4;90:16 yellow (1) 86:20 York (1) 4:15 young (1) 78:2	<b>1</b>	<b>5</b>	
<b>W</b>	wait (4) 35:12;36:5; 75:4;89:12 walk (2) 43:16;79:24 walking (2) 79:25;80:6 Walton (18) 64:15,15; 66:9,12;67:10;68:17, 20,23;69:1,3;70:4,14; 71:11,14;72:1;73:4; 75:12,15	year (5) 7:16;11:5,8,10; 92:25 years (12) 21:16,18; 39:16;68:19,22;69:12; 77:4,6;81:22;82:17; 87:4;90:16 yellow (1) 86:20 York (1) 4:15 young (1) 78:2	<b>5</b>	
wait (4) 35:12;36:5; 75:4;89:12 walk (2) 43:16;79:24 walking (2) 79:25;80:6 Walton (18) 64:15,15; 66:9,12;67:10;68:17, 20,23;69:1,3;70:4,14; 71:11,14;72:1;73:4; 75:12,15	wait (4) 35:12;36:5; 75:4;89:12 walk (2) 43:16;79:24 walking (2) 79:25;80:6 Walton (18) 64:15,15; 66:9,12;67:10;68:17, 20,23;69:1,3;70:4,14; 71:11,14;72:1;73:4; 75:12,15	year (5) 7:16;11:5,8,10; 92:25 years (12) 21:16,18; 39:16;68:19,22;69:12; 77:4,6;81:22;82:17; 87:4;90:16 yellow (1) 86:20 York (1) 4:15 young (1) 78:2	<b>5</b>	
<b>W</b>	wait (4) 35:12;36:5; 75:4;89:12 walk (2) 43:16;79:24 walking (2) 79:25;80:6 Walton (18) 64:15,15; 66:9,12;67:10;68:17, 20,23;69:1,3;70:4,14; 71:11,14;72:1;73:4; 75:12,15	year (5) 7:16;11:5,8,10; 92:25 years (12) 21:16,18; 39:16;68:19,22;69:12; 77:4,6;81:22;82:17; 87:4;90:16 yellow (1) 86:20 York (1) 4:15 young (1) 78:2	<b>5</b>	
		year (5) 7:16;11:5,8,10; 92:25 years (12) 21:16,18; 39:16;68:19,22;69:12; 77:4,6;81:22;82:17; 87:4;90:16 yellow (1) 86:20 York (1) 4:15 young (1) 78:2	<b>5</b>	
		year (5) 7:16;11:5,8,10; 92:25 years (12) 21:16,18; 39:16;68:19,22;69:12; 77:4,6;81:22;82:17; 87:4;90:16 yellow (1) 86:20 York (1) 4:15 young (1) 78:2	<b>5</b>	
		year (5) 7:16;11:5,8,10; 92:25 years (12) 21:16,18; 39:16;68:19,22;69:12; 77:4,6;81:22;82:17; 87:4;90:16 yellow (1) 86:20 York (1) 4:15 young (1) 78:2	<b>5</b>	
		year (5) 7:16;11:5,8,10; 92:25 years (12) 21:16,18; 39:16;68:19,22;69:12; 77:4,6;81:22;82:17; 87:4;90:16 yellow (1) 86:20 York (1) 4:15 young (1) 78:2	<b>5</b>	
		year (5) 7:16;11:5,8,10; 92:25 years (12) 21:16,18; 39:16;68:19,22;69:12; 77:4,6;81:22;82:17; 87:4;90:16 yellow (1) 86:20 York (1) 4:15 young (1) 78:2	<b>5</b>	
		year (5) 7:16;11:5,8,10; 92:25 years (12) 21:16,18; 39:16;68:19,22;69:12; 77:4,6;81:22;82:17; 87:4;90:16 yellow (1) 86:20 York (1) 4:15 young (1) 78:2	<b>5</b>	
		year (5) 7:16;11:5,8,10; 92:25 years (12) 21:16,18; 39:16;68:19,22;69:12; 77:4,6;81:22;82:17; 87:4;90:16 yellow (1) 86:20 York (1) 4:15 young (1) 78:2	<b>5</b>	
		year (5) 7:16;11:5,8,10; 92:25 years (12) 21:16,18; 39:16;68:19,22;69:12; 77:4,6;81:22;82:17; 87:4;90:16 yellow (1) 86:20 York (1) 4:15 young (1) 78:2		