THE STATE OF ARIZONA

CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
August 31, 2017
9:31 a.m.

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P R O C E E D I N G

CHAIRMAN TITLA: It's 9:30 a.m., the time for the meeting for the Citizens Clean Elections Commission. The meeting is called to order at 9:30 a.m.

And Tom Collins is not here. He's stuck in traffic. So I would like to -- if it's okay with the commissioners, to go from I to II and then maybe to VI, if that's okay.

Is Number VI ready? Okay. So why don't we go to Number II, discussion and possible action on the Voter Education updates.

So we will jump to VI, Item VI and wait for Tom to come in later. This Item VI is on discussion and possible action on the Voter Education updates.

MS. ROBERTS: Yes, sir. Mr. Chairman,

Commissioners, thank you. I'm so excited. I never get to go first.

So we wanted to give the Commission an update on Voter Education activities that have occurred throughout the year and also what staff is doing to prepare for 2018.

So we'll jump into what we've done so far this year and, first, I wanted to thank everybody who was able to attend the roundtable. We appreciated everybody's presence there. And in your packets you do have the summary which basically took our notes from all the presentations and our notes from the breakout roundtable sessions and consolidated it into a summarized report. And we did share that with all of the participants, and of course, we have our detailed notes as well, too.

So there was about 100 people that attended. And a little bit of background, we first held a roundtable event in 2015, and we only invited county recorders and county election directors at that point. And the reason for that was we wanted to have a, you know, greater discussion with the counties who are the folks that are on the ground conducting the elections and they know first-hand what the issues that they're seeing in terms of voters and ballots and the process.

And so based on the feedback that we got from that first roundtable session, the survey responses were overwhelmingly positive. We felt, you know, we really could extend this, and so we decided to host another one. And instead of just limiting it to election officials, we actually expanded the invitation list and invited community leaders and the stakeholders that drive election information to their community members.

And so we had a great participation, representation from across the state, and it really
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| 1. provided, you know, a larger perspective on the voter education needs for the state. And as I mentioned, you have the summary. So I won't go into too much detail, but for the most part, you know, the presentations revolved around Voter Education and technology. That was the theme: social media. I will say my perspectives, a few of the things that I took away from that roundtable, a lot of the issues that I heard folks bring up about what's occurring with voters and elections, I think for the most part, 99 percent, the people who were talking about those issues, they referenced that the solution would be Voter Education. And so I think that's a really positive thing to hear because there are solutions that exist and, furthermore, there's the need for our Voter Education program to participate in that because not only did the participants identify voter education as the solution, I do feel most of them turned to the Commission to provide that resource for the voters. So it did reinforce, you know, that we're on the right track in terms of our Voter Education program and the information that we're providing to voters. So I felt that was -- that was a positive. At the roundtable we did a demo of a new tool that we've launched: our Chatbot. This actually went live on July 27th, and the Chatbot is an application within an application of Facebook. So it's available in Facebook Messenger, and this is new technology. So really we did a pilot in the August 29th election this last Tuesday. There were four jurisdictions that were conducting an election: Phoenix, Prescott, Tucson and Yuma. And we did a soft launch because we wanted to learn more about how voters are engaging with this technology. So it's really a moment for us to see how voters interacted with it. Were they following through in the entire script? You know, did they stop at certain points? Was there any feedback that they provided? And we don't have the full analytics on it just yet. The election was Tuesday, but so far everything was looking great. We did see most folks were completing the script all the way through which is a good thing because they're getting the information and they're not quitting. So it was nice to see that. And in the Chatbot voters can get information such as, you know, when is the election, like my city that's conducting the election, contact information, you know. What's on my ballot? Where do I go vote? Things like that. So, again, as it is new technology, we will work towards making it more sophisticated, again, as we learn with how voters are utilizing it and how we can better understand that technology and leverage it as well, too. So it's a new tool, but so far things are looking great on it. COMMISSIONER KIMBLE: Mr. Chairman? CHAIRMAN TITLA: Commissioner Kimble. COMMISSIONER KIMBLE: Gina, so how do people know about this and start engaging with it? MS. ROBERTS: Great question, Mr. Chairman, Commissioner Kimble. So for this particular election, what we did was we ran a few digital banner ads. So we had ads out there that said, hey, you know, Clean Elections has this new tool. It's a Chatbot. Come help us, you know, test this out. And so we had banner ads and we had social media posts as well to target into those voters within those four jurisdictions that were having an election. Additionally, we have a direct URL where voters can click on that link and access it. We have it on the home page of our website, but we shared it into those voters within those four jurisdictions that were having an election. As I mentioned, we were doing sort of a soft launch on it to test it out to see how voters engaged with it, but going forward, we would have to tell voters that it exists because they would have to go into the Facebook Messenger application to look for it or click on that external link somewhere. Additionally, it comes with, like, a QR code. So any printed materials that we have that maybe as -- and I'll talk about this in a little bit too. As we go to our outreach events, we can have that QR code on our printed materials as well so voters can scan it and access the Chatbot that way as well. COMMISSIONER KIMBLE: And is there a way to get it from the app? MS. ROBERTS: Yes. So if you have the Facebook Messenger app installed on your phone -- COMMISSIONER KIMBLE: But the Clean Elections app? MS. ROBERTS: Oh. Mr. Chairman, Commissioner Kimble, no, we do not have it integrated just yet. So we'll have to see if that is a
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<td>1 possibility. I'm sure we can just put the URL in there. That would be very simple to do, but of course, you know, we want to make things look nice and shiny, and we'll see if we can have a more sophisticated approach to integrating it with the app. But in the meantime, I'm sure we can just put the URL there under maybe our FAQs or something like that. We can make that update.</td>
<td>1 lot of it comes down to does it have the necessary information: your photograph, your address. And is it -- is it still valid? And so --</td>
<td>5 COMMISSIONER PATON: The address.</td>
<td>23 MS. ROBERTS: -- it will walk the voters through that entire process. And, you know, sometimes it has to be taken in conjunction with another form of ID. If it doesn't have the photograph, then you can use it with a utility statement, something to that effect. And so there's three lists total of ID that is acceptable by law, and so it's a mix and match. And so we help voters through that mix-and-match process.</td>
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<td>9 COMMISSIONER KIMBLE: Thank you.</td>
<td>10 MS. ROBERTS: Okay. Another tool that we are working on is our ID at the polls tool. So this actually was born out of our Native American outreach. Through our efforts and our talks with ITCA and the recorders in those areas that have a large population of Native American voters, we found that a big issue for voters was, you know, one, do they have the proper ID that they need to vote on election day; and then, two, how do they realize if they have the proper ID? And so we do get phone calls on, you know, well, if I have this does it work? Or if I have this? And so there is a specific set of required forms that work for ID at the polls, and we are looking to take the guesswork out of that. So we're developing an online application that's very easy to use. So the user experience is it will be very simple, but it just guides the voter through, okay, if you have a driver's license and is the address correct? Great, you're all set. Make sure you take it with you on election day. And if it doesn't, you follow that path of what will work together. And then, ultimately, if a voter finds through this application, you know what, I may not have the proper ID, we still let them know it's okay. You can still contact us. We can help you through this. You know, possibly early voting would be a solution. So just kind of an application to take the guesswork out of it. And, again, I mentioned this really came out of our outreach efforts with the Native American communities because it seemed to be an issue on that, and so we felt with this tool we can take the guesswork out of it. And we do hope to launch this in time for the November election, so we hope to have it out within the next month and a half.</td>
<td>13 CHAIRMAN PATON: So tribal ID is not -- that doesn't work or does it or --</td>
<td>13 CHAIRMAN PATON: So tribal ID is not a solution. So just kind of an application to take the guesswork out of it. And, again, I mentioned this really came out of our outreach efforts with the Native American communities because it seemed to be an issue on that, and so we felt with this tool we can take the guesswork out of it. And we do hope to launch this in time for the November election, so we hope to have it out within the next month and a half.</td>
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1. The commissioners to review also.
2. COMMISSIONER CHAN: And, Mr. Chairman, Gina, I would -- I'm glad you chimed in since you're a member of a -- of a tribe. I think -- I love how our staff has been working with, you know, the tribes here in Arizona. I think it's difficult because all the tribes are sovereign nations and so they have their own requirements and for a state agency to -- a state agency can inform them about, you know, what the state requirements are but, you know, as sovereign nations they obviously have their own administration of what's necessary for their -- for themselves in governing.
3. And so I think that's maybe where some of the issues come up. And what I really appreciate, Gina, is the list that you put together and telling people even if you don't have what's on this list, you can still vote. I love that. I really love that. So it's just a road on the reservation. If we went to vote and they asked me for my ID, it would be a veteran U.S. Marine Corps also. And with this it's like a pass to get into events in the reservation. But I would be double-check the specific list, but you may be able to use it in conjunction with another ID. And, for example, I live on a part of the reservation where there's no address. We don't have mail delivery there. So I don't have an address.

1. CHAIRMAN TITLA: And I'll give it to the commissioners to review also.
2. 
3. COMMISSIONER TITLA: Thank you, Commissioner Roberts. The main issue, I think, is we're trying to explain to these different entities how the poll worker matches that up. So it's -- you know, it depends on exactly what does that ID say and what is printed in the roster and how the poll worker matches that up. It's just a road on the reservation. So I got this was because it says on here that I'm a veteran U.S. Marine Corps also. And with this it's like a pass to get into events in the reservation. But I would be double-check the specific list, but you may be able to use it in conjunction with another ID. And, for example, I live on a part of the reservation where there's no address. We don't have mail delivery there. So I don't have an address.

1. people can go vote, and I'm sure that's true for all the different tribes also. They have their own forms of ID and we need to coordinate with them.
2. 
3. CHAIRMAN PATON: Yes, sir, Mr. Chairman.
4. Sure.
5. 
6. MS. ROBERTS: Yes, sir, Mr. Chairman.
7. Sure.
8. CHAIRMAN PATON: The main issue, I think,
9. 
10. CHAIRMAN TITLA: And I'll give it to the commissioners to review also.
11. COMMISSIONER CHAN: And, Mr. Chairman, Gina, I would -- I'm glad you chimed in since you're a member of a -- of a tribe. I think -- I love how our staff has been working with, you know, the tribes here in Arizona. I think it's difficult because all the tribes are sovereign nations and so they have their own requirements and for a state agency to -- a state agency can inform them about, you know, what the state requirements are but, you know, as sovereign nations they obviously have their own administration of what's necessary for their -- for themselves in governing.
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14. CHAIRMAN TITLA: Thank you, Commissioner Roberts. The main issue, I think,
ID and this is all I had, they would say you can't vote, you know. Then I feel that that's not something that we should live with in Arizona.

MS. ROBERTS: Mr. Chairman, Commissioners, a lot of the issues you've just noted are frequent items of discussion, and I'm not sure if you'll recall, but the Commission did sponsor a tri-county rule addressing conference a few years ago to talk about these particular issues with non-standard addresses and how are these voters getting precinct -- you know, how are the counties precincting them and how would they have -- do they have access to their ballot? Do they have to drive and go to their P.O. box and are those P.O. boxes only available at certain times and they have to arrange for transportation? And are polling places, you know, set up close enough to those voters? And so all of these issues, I'm going to -- and I will talk in just a few minutes about a meeting I went to about a week and a half ago that addressed these particular issues as well, too. So those issues are definitely on the forefront of the folks that are working hard towards voter outreach and making sure that voters across all -- you know, the four corners of the state have access to the ballot. And so, again, the issues that you've brought up, those are definitely at the forefront.

Another project that staff is working on is a partnership that we have with the Arizona Center for Disability Law. They contacted us to let us know about an effort to increase voter education and outreach efforts to voters that do not have a permanent residence, so our voters that do not have a home and are -- and are on the go.

And so to assist in this -- this outreach effort, the Commission staff has developed brochures and posters and ACDL developed a wristband that contains the Commission's toll free phone number because we provide Voter Education for the entire state. And so the intent is that these brochures and posters will go to the shelters across the state, and so if a voter, you know, who does not have a permanent residence -- unfortunately, we're hearing that some of these voters just don't think that they can register to vote because they don't have a home and how are they going to get their ballot. There is a process where they can register utilizing certain addresses, whether that's a shelter or a general delivery address at the post office. And so these brochures and this informational material that we're going to hand out to the shelters will provide that information to these voters. And ACDL will take this information and lead the coordination efforts with the shelters and also with the police departments as well, too. So this is another outreach effort we have for this likely underserved community.

With our app, we do have iOS and Android available for the app, and staff is working with our developers to increase the functionality both on the user end and also on staff, how we manage the app and information. And we'll also be working on a redesign for it so it closely mirrors our website and our other applications so to maintain that Clean Elections theme throughout.

The app is up and running and available, and so within the next few days we intend to email candidates with instructions on how they can create a candidate profile. So this profile will be visible. In the app it would have their name, photograph and biography, website, social media links and even their E-Qual links. So if it's a participating candidate and he's set up a $5 qualifying contribution form in E-Qual, he can link directly to it in the app.
1 out there, the social media ads, things like that that we do, our commercials, we drive people back to our website because our website houses all of that information the voter needs to know to vote. And so we need to make sure that if a voter is taking the time to come to our site, they're not going to leave. We want to reduce our bounce rate. We want to make sure that they stay and that they're finding meaningful content.

And so that's the goal of this website redesign, and our timeline is to complete that by the end of this year.

COMMISSIONER MEYER: Mr. Chairman?

CHAIRMAN TITLA: Commissioner Meyer.

COMMISSIONER MEYER: On the website at 15 the -- at the roundtable there was a lot of great feedback on the information on the website. And many of the folks I was at the breakout with were county recorder's offices, city clerks, and they had very good things to say about the website. Our key note speaker, Jaime Casap, was, let's just say, more neutral. And maybe it will be a good idea -- I don't know -- I don't know how connected we stay with him, but maybe give him a call and get some thoughts on the website redesign.

MS. ROBERTS: Yes, sir. Mr. Chairman, Commissioner, our key note, he did tell me -- he did apologize that he had to call it out. From our perspective, we do hear for a government website performs as well, however, taken into context and going with the theme that Mr. -- Mr. Casap provided of meeting them where they are and staying current and, you know, providing that information in an optimal viewpoint for our voters -- and, again, I do think he was speaking mostly to Gen Z in that aspect.

And so we have to service all of the -- the generations, but absolutely. We can take a step back and we can look through his notes and even reach out to him as we are going through our design to hopefully see if he can give some feedback. He -- our key note was very gracious and he did offer to stay in touch and so hopefully we can leverage his expertise on that.

Thank you.

COMMISSIONER MEYER: And I don't think it was meant as a criticism. I just think it was meant as maybe there's ways to improve and reach more potential voters. I don't think it was a criticism.

MS. ROBERTS: Thank you.

Speaking of the roundtable, we talked about those relationships and staff attends meetings across the state. We participated -- I know our chairman and own staff who is certified as election officials, we will -- we will be attending our recertification to maintain our training certificate. And, of course, all of our outreach with the inter-tribal council and various fairs and outreaches events. We do have those going on this year, and so there's a few --

Mr. Chairman.

CHAIRMAN TITLA: Yes, ma'am. Tom Collins, the executive director and I, attended the Gila County Recorder's conference, and that was held at Apache Gold Casino in the San Carlos Apache Reservation. And they had a number of county recorders from Gila County and Pinal County, Graham County, Apache County, Navajo County and some others. So there as a good crowd there, and they were able to talk -- give us some feedback also. And Tom probably can talk to us about that.

MR. COLLINS: Yeah.
Voter education materials and let them know about, you outreach with voters and provide them our tangible good opportunity for us to have that grassroots.

So that was really helpful. And this is a in Gila County.

That invitation resulted from the meeting and invited us down here, and I think this actually booths at these events are sharing their space with us partners with our county recorders who already have the Navajo Nation fair. So we're lucky that our rodeo and then, of course, we will have a presence at the White Mountain Apache tribal fair and we're working on a report from that meeting and our outreach efforts with this particular group. They

So it was a really helpful meeting for us happened in the 2016 election, issues that we saw, and how can we work towards a better, you know, 2018 election experience for our voters. And so we were able to participate in that and, you know, I will tell you again the common theme here is voter education, a lot of the issues that we see that are coming up. And so we were able to take this information, and it will be helping us as we work on our 2018 education plan and identifying the messages that we'll be communicating out there to voters and, of course, the information that we put on our website.

And so it was a really helpful meeting for us to be present at and, of course, we want to continue up our outreach efforts with this particular group. They will be working on a report from that meeting and sending it out to everybody so I look forward to that. We do have all of the statewides this year. And so it will be a pretty busy election. We do -- on the federal level we have one U.S. Senate seat and, of course, we do have our statewide primary and general election. And the offices that are on the ballot, we can create multiple paths in there, and so we hope to update election-related trivia just to help draw the crowds to our booth and inform voters as well about the process.

And so we do have quite a bit of people that come and talk to us here. I would actually say I think our booth is one of the busiest, but it takes a lot of time and effort because our students are very unique. They have unique circumstances on are they an out-of-state student? Do they want to register to vote here? They don't have ID. They don't have their birth certificate. So we have to really talk to each individual student and help them, and so this ends up being a really good event where we're able to do a lot of good work for our students.

Very briefly, what's happening in 2018, we do have our four consolidated elections. And for each of those we did have our voter education efforts. We really touched on social media. That was a strong point for us this year so far, and we provided key election dates, information like that. We had the start of our qualifying period, when early voting begins. There was a message there about Registration Day which is coming up. This is on September 26. This is a very big event where we get a lot of traffic to our website and this is where we house a lot of our comments and these are some examples of our digital media, and we get a lot of good feedback and interaction and engagement with voters through the comments and these are some examples of our digital banners. And as I mentioned, our website, we drive traffic to our website and this is where we house a lot of the information that voters need to vote. Very briefly, what's happening in 2018, we do have our four consolidated election dates and, of course, we do have our statewide primary and general election. And the offices that are on the ballot, we have all of the statewides this year. And so it will be a pretty busy election. We do -- on the federal side, we have one U.S. Senate seat and, of course, we have our nine House of Representative seats that are up.
We will continue with district-specific information.

Commissioner Meyer, thank you for pointing that out.

MS. ROBERTS: And, Mr. Chairman, really -- really positive feedback on that. That was a really big hit for everyone that I interacted with, you know. It was so much voter guides. That was a really big hit for everyone that I interacted with, you know. It was so much.

COMMISSIONER MEYER: Another -- another positive feedback that the Commission received at the roundtable that I was at was the district-specific voter guides. That was a really big hit for everyone that I interacted with, you know. It was so much easier for them to use, less confusing. So that was a really -- really positive feedback on that.

MS. ROBERTS: And, Mr. Chairman, Commissioner Meyer, thank you for pointing that out. We will continue with district-specific information.
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<td>Senate Bill 1431 that has to do with the -- the bill</td>
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<td>itself has to do with an expansion of -- I think the</td>
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<td>term in the statute is empowerment scholarships. The</td>
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<td>colloquial term that's been used is vouchers, but in</td>
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<td>any event, that process of signature verification is</td>
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<td>underway through the Secretary of State's office and</td>
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<td>the County Recorder's.</td>
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<td>If this goes -- if this were to make it to</td>
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<td>the ballot, in theory, it would be on the 2018 general</td>
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<td>election ballot. So that's just something to bear in</td>
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<td>mind. It's not a direct impact on us, but it may have</td>
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<td>an impact on our education efforts in terms of what --</td>
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<td>you know, what we're looking at going forward.</td>
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<td>You see the current participating</td>
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<td>candidates numbers. We do have an oral argument on</td>
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<td>September 11th at 10:40 in the case of Legacy</td>
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<td>Foundation Action Fund versus Citizens Clean Elections</td>
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<td>Commission which some of you or all of you -- many of</td>
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<td>us may have forgotten about it. I certainly forgot</td>
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<td>about it until I looked at my calendar and said, oh,</td>
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<td>wow, we've got an oral argument on September 11th.</td>
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<td>So I think that Joe Roth from Osborn</td>
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<td>Maledon will be doing the argument for us, and I think</td>
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<td>we'll be getting ready for that. And you're all</td>
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| Page 35 | 10:09:01-10:10:23 | 1 | welcome to attend if you want to. I don't think |
|---|---|---|
| 2 | it's -- I don't think it's required at all, but -- and | 2 | know, to the folks who are engaged with candidates or |
| 3 | it's also Livestreamed and the Livestream link is there | 3 | engaged with the process, it's -- you know, this is |
| 4 | in the report. We can send you that, otherwise, as | 4 | something to keep your eye on. And we certainly |
| 5 | well. | 5 | welcome any feedback that we can get, and I'm happy to |
| 6 | Just an FYI, as you know, we have set up | 6 | talk to folks who are here and, of course, the |
| 7 | for public comment an additional expansion of our audit | 7 | Commission about what this means going forward. |
| 8 | rules to capture all participating candidates. Back in | 8 | Just to -- just to put a real fine point on |
| 9 | December, I want to say, we adopted a rule that called | 9 | it, the most significant practical change if this were |
| 10 | for all statewide candidates to be subject to audit, | 10 | to come to pass is that the law as it's written |
| 11 | and now we will expand that to all participating | 11 | allowed -- you know, the money is fungible, right? I |
| 12 | candidates. | 12 | mean, I think we all kind of agree about that. That's |
| 13 | Just to give you a sense of what that audit | 13 | a fact. And so when you collect $5 contributions, |
| 14 | is, that's not going to mean a full audit of every | 14 | you're allowed to use that -- those dollars towards |
| 15 | transaction, but it's the audit where we select certain | 15 | your campaign so long as you reserve sufficient funds |
| 16 | transactions, evaluate those transactions, see if those | 16 | to cut the appropriate check to the Commission at -- |
| 17 | transactions are good. And what we found is that, | 17 | and as the statute says, at the same time as you |
| 18 | generally speaking, candidates go through that process | 18 | deliver your qualifying names. |
| 19 | with minimal difficulty. | 19 | The -- so the change -- the significant |
| 20 | The process itself is not burdensome, but | 20 | change would be that those dollars would not -- I don't |
| 21 | the issue is that we have, in fact, you know, also | 21 | think that's contemplated by the proposal -- would not |
| 22 | caught some potential violations that are more serious. | 22 | be available to the candidates. There are two reasons |
| 23 | And we want to make sure that given that we have the | 23 | why this is significant. The first is that if you're |
| 24 | resources and that the process we've set up is itself | 24 | getting that -- if you're allowed to use the money as |
| 25 | not burdensome, we want to make sure that we're taking | 25 | you get it as long as you have the correct reserves, |
that may or may not affect practical choices you make.

There's another issue which is that if you don't qualify, you get to keep the $5 contributions because they're still campaign contributions. And so if we are turning those -- if those are being turned in on a rolling basis, it's not clear what happens to those contributions if they're directly deposited into the Fund, but they, in fact, really otherwise would be, essentially, the funds that belong to the candidate campaign until they're tendered.

And since we do have folks who don't -- who don't qualify, we -- you know, that's -- that's a little wrinkle there. So it's the reason I flagged it now is because I know the Secretary of State's Office would like to move quickly, you know. You know, I don't personally feel like the Commission wants -- or that I certainly want to be in the way of progress, but we need to recognize that there's a bunch of different competing interests that are there. So I'm just flagging that now for an ongoing discussion going forward.

COMMISSIONER CHAN: Mr. Chairman?

CHAIRMAN TITLA: Commissioner Chan.

COMMISSIONER CHAN: Mr. Chairman, Tom, I would just say this raises in my mind a whole host of issues which -- a few of which you've named, but I mean, it not only -- I guess in my mind when you're filing as a Clean Elections candidate, that means that you've done all the legwork. You've gotten the petition signatures. You've gotten your $5 quals. You file them all at the same time because you know what your decision is.

What about people that change their mind that -- well, you mentioned that. What about contributors that change their mind? You know, to me this is going to create, possibly, significant problems for us to administer something that should be in the hands of the candidates until the time they actually file.

MR. COLLINS: Mr. Chairman, Commissioner Chan, I think -- I mean, I think that -- I think that will be part of the discussion. It's not necessarily -- I don't think -- this is all preliminary. I've certainly made the Secretary aware of the issue with the inflows and outflows from the Fund. And their view, I think, provisionally is that it simplifies things to just deposit the money in the Fund, but as you say -- and one of the reasons it simplifies things is because the way that the E-Qual program was structured from the -- from the outset --
CHAIRMAN PATON: But it's a little -- it
kind of smacks a little bit of David versus Goliath
here. And, I mean, we were talking about all this, the
apps and whatever. Are you serious somebody in a suit
someplace can't figure this out easily?

MR. COLLINS: Yeah. Again, I mean --

CHAIRMAN PATON: I'm a little irritated
just with the whole idea, I guess.

MR. COLLINS: No, I think -- Commissioner
Paton, I think that -- I think that, you know, we've --
with respect to your comments and Commissioner Chan's
comments respecting the rollout of E-Qual itself, you
know, the Commission itself, you know, has been aware
of those issues and the Commission staff. We've done
some outreach to candidates on those issues, but we
have tried to not get involved in any kind of press
kind of public back-and-forth on it because my view is
that at least in the current cycle, the most important
ingredient is to get the thing working and -- and -- and it
seems like that's the case currently.

I mean, I haven't heard new -- new issues
since the initial launch. And I may be wrong about
that, but I certainly -- you know, so there is always
going to be -- you know, the legislature decided, you
know, several years ago that the Secretary's office

in for the candidates. The candidates are the
candidates, and so it is important that the candidates
be aware of these things as we go forward and get
them -- get themselves involved. Because they're going
to be able to make the exact points you are making and
they have -- as we've seen testimony here, they have
the day-to-day experience that even we as staff may
not -- may not have.

So I think that -- I think that's -- I
think that's right. I think that -- you know, so I
think that -- what I view this as -- as an idea to try
to find a better way, and I'm certainly open to
exploring things that may be more efficient for the
purpose of actually getting folks to a place where
they're -- where they're -- you know, the qualifying
process is not hampered unnecessarily by the
bureaucratic stuff so long as we're still getting
verification that the -- that the -- that the
qualifying signatures are good, but that's -- you know,
that's -- yeah.

As you all have observed, that's not a --
that's not as easy as flipping a switch. So -- so I'll
keep you posted as we get closer to something.

CHAIRMAN PATON: Mr. Chairman?

CHAIRMAN TITLA: Commissioner Paton.

CHAIRMAN PATON: Commissioner Chan raised and
identified the kind of policy issues that you do have
to work through. I think that -- I think that my --
these conversations are preliminary. I think it's
important to bear that in mind. I think that if
there's a better way to do the E-Qual program that
meets all the needs of all the stakeholders -- and
we're not the only stakeholder.

I mean, the fact of the matter is that the
Commission can -- is not to stand in -- as I've told
the Secretary's office, the Commission is not to stand

would be responsible for the statute that -- that deals
with E-Qual. I think the tension is that the
Secretary's office would also like the Commission to
share in that responsibility, but the Commission's
ability to share in that responsibility is limited by
the fact that the Commission doesn't have the authority
over the administration of the electronic system
itself.

And so, you know, it's sort of a -- it just
makes things more complicated, but as Commissioner Chan
observed, under the act and under E-Qual both, the
Secretary's office is the place where folks are going
to deliver these materials at the end of the day, not
the Commission. And so we can certainly advise. We
can -- you know, and I have advised, especially on the
stakeholder issue, that the Commission is not the only
stakeholder. The Commission is a stakeholder in this
process.

We have a legal role in terms of the fact
that there are legal issues or policy issues within the
act we have to deal with but, you know, at the end of
the day, if the stakeholder process for making a change
like this isn't done correctly, whether we take the
lead on that -- I mean, I don't mind taking a lead on
that, frankly, provided that, you know, we get that
1 feedback back to the Secretary's office as they're going forward and developing it.
2 It's a matter of at the end of the day where the road meets the road and the implementation happens, we cannot -- well, it just creates a -- well, I'm not saying we cannot. I guess that's too strong a word. There's a conundrum and a tension about how much the Commission itself can administrate a program that the Secretary's is obligated to administrate.

So it's complicated.

COMMISSIONER CHAN: Mr. Chairman, I don't think there's a question. I mean, we don't have a role in administering it. So, okay, having said that.

CHAIRMAN TITLA: Any more comments?

Questions for the director?

(No response.)

CHAIRMAN TITLA: Okay. Let's go to the next item here.

Thank you, Tom for your report.

MR. COLLINS: Thank you.

CHAIRMAN TITLA: We go to Item IV, discussion and possible action on issues related to the Clean -- or Citizens Clean Elections A.R.S. 16-941, the Governor's Regulatory Review Council's activities related to the Commission, and the Secretary of State's interagency -- you know, really, I mean, at least one of them -- maybe not in this packet -- to

10:25:52-10:27:10 Page 47

office actions related to Commission rules and the 2017 Interagency Service Agreement between the Commission and the Secretary of State.

MR. COLLINS: Yes. Mr. Chairman -- and I'll try to keep my summary brief. And we do anticipate that we will ask you to go into executive session on this, but I just want to update you.

Last meeting which was last week, you know, in my executive director's report and in Deputy Secretary Miller's response to it which he was nice enough to come and present, you know, we had a discussion about what's going on with the status of the Commission's rules. The first thing I'll say is that the Commission's view remains, unless otherwise directed, the same it's always been. The rules are the rules that we pass. Those are the rules that are enforced, and those rules reflect directly the statutes that are enforced and those statutes are still enforced.

And so there -- and the case law in Arizona also reflects the law as we currently apply it. So that's always a preparatory comment that I make. I will say that we've sent two letters. I think you have at least one of them -- maybe not in this packet -- to

10:28:49-10:30:12 Page 49

the Secretary's office that Mary had sent them basically saying, you know, we think that -- we think that you ought to put the Rules R2-20-109 and R2-20-111 back into the Administrative Code.

We -- Deputy Secretary Miller cited a particular section of the code, and I think he said something to the effect of if a lawyer would tell him that that's incorrect he would change it. Well, we have told him that's incorrect because the citation he's relying on simply doesn't apply to this situation at all. Nevertheless, we haven't heard back from them on that. So that's the status quo there.

Why that matters is that, you know, we -- for purposes of an Interagency Service Agreement, the services that they're providing are twofold. One, they're providing us with -- with the ability to have access to -- and the public to have access to better presented information about campaign financing activity, but, two, to ensure that specifically the Clean Elections report called for in 16-941(d) and 958 are in the campaign finance reporting system.

And as a condition of that, we asked them to refrain from taking actions in a regulatory manner -- matter or in a lawsuit to interfere with the Commission's ability to obtain information from reporting parties.

So the risk here is -- and just on the ISA piece that is, you know, those are intertwined. If you're going to make a contract for services, which is what we've done, you also have to -- and you have a -- the person with whom you're contracting has previously objected to the existence of the very service that you want them to provide, it seems to me logical that the contract would stipulate that you ought not to interfere with the actual provision of the services we're paying for. And that is where the publication -- the depublication of the rules fits in and why it's important.

But what that's also done is brought together two or three different strains of issues that we have been wrestling with over the course of the last couple of years because the depublication doesn't arise without the Governor's Regulatory Review Commission's activities which don't arise without Eric Spencer and Secretary Reagan's activities at the Governor's Regulatory Review Commission in the first place.

And so we now have a situation where --
10:30:17-10:31:32

1. basically GRRC’s excessive -- you know, both incorrect
2. and excessive exercises of authority are all now
3. wrapped up in one thing which pulling out the strains
4. of that is complicated enough, but that's kind of the
5. lay of the land as it stands today.
6. As it stands today, we have no response
7. from the Secretary. As it stands today, the law is
8. what we say the law is, but the law is not
9. represented -- is not represented as clearly or
10. accurately as it could be in the Administrative Code
11. because those rules are not there. Absent those rules,
12. folks need to either find our rule book or look at the
13. statute and there's not necessarily -- and then that
14. creates an information problem and a concern.
15. So I think that's about all I can say to
16. give the public a sense of what this -- what this issue
17. is, unless Mary thinks there's more I can say. And
18. then -- but we recommend that if there was a motion to
19. go into executive session, we would -- we would
20. recommend that we do that at that time -- at this time.
21. CHAIRMAN TITLA: Is there a motion to go
22. into executive session, Commissioners?
23. COMMISSIONER CHAN: I move that we go into
24. executive session to discuss this issue.
25. CHAIRMAN TITLA: Commissioner Chan motions

11:30:09-11:31:06

1. breach of the Interagency Service Agreement.
2. And I'm happy to answer any questions about
3. that that you have at this time.
4. CHAIRMAN TITLA: Any questions for the
5. director?
6. COMMISSIONER KIMBLE: Mr. Chairman?
7. CHAIRMAN TITLA: Commissioner Kimble.
8. COMMISSIONER KIMBLE: I would move that the
9. Commission direct the executive director, in
10. conjunction with our legal advisors, to draft a written
11. notice of a breach to the Secretary of State's office
12. regarding the 2017 Interagency Services Agreement
13. between the Commission and the Secretary of State.
14. CHAIRMAN TITLA: Motion by Commissioner
15. Kimble.
16. MR. COLLINS: And I don't mean to interrupt
17. the motion, but we would also like -- we would like --
18. we would like to send it.
19. COMMISSIONER KIMBLE: And I would -- I
20. would modify my motion to say draft and send the
21. letter.
22. CHAIRMAN TITLA: Okay. We have a modified
23. motion by Commissioner Kimble.
24. Is there a second?
25. COMMISSIONER CHAN: I would second that
CHAIRMAN TITLA: Commission Chan seconds the motion.

All in favor say aye.

(Chorus of ayes.)

CHAIRMAN TITLA: Commissioner Chan motions unanimously.

CHAIRMAN TITLA: Motion is carried unanimously.

Is there anything else?

MR. COLLINS: That's Item IV. We are prepared to move on to Item V.

CHAIRMAN TITLA: Okay. Item V, discussion and possible action on Clean Elections Surcharge and related issues with the Arizona Administrative Office of the Courts.

MR. COLLINS: And, Mr. Chairman, Joe Kanefield from the law firm Ballard Spahr, as you know, has been appointed to advise us on this matter. He has, I think, an update for us. I also think that you can ask him if we need to go into executive session, but we may have to briefly go into executive session to deal with a couple of issues. But I'll leave it -- I'll put it -- Joe -- that's all I have to say.

MR. KANEFIELD: Mr. Chair, members of the Commission, at the last meeting following your executive session to direct me to proceed as instructed in executive session, I have had some additional communications in a meeting with the senior leadership at the Administrative Office of the Courts. I'd like to report back my latest conversation with them, however, because this is in the context of potential litigation, I would suggest that the Commission go into executive session. And I promise I won't take more than five minutes.

CHAIRMAN TITLA: Is there a motion for executive session?

COMMISSIONER CHAN: I would move that we go back into executive session.

CHAIRMAN TITLA: Commissioner Chan motions to go into executive session.

Second?

COMMISSIONER KIMBLE: Second.

CHAIRMAN PATON: Second -- third.

CHAIRMAN TITLA: Commission Kimble.

All in favor say aye.

(Chorus of ayes.)
COMMISSIONER CHAN: I would move we adjourn
the meeting.
CHAIRMAN TITLA: Commissioner Chan motions
to adjourn.
Second?
COMMISSIONER KIMBLE: Second.
CHAIRMAN TITLA: Commissioner Kimble
seconds.
All in favor say aye.
(Chorus of ayes.)
CHAIRMAN TITLA: Opposed?
(No response.)
CHAIRMAN TITLA: Abstain?
(No response.)
CHAIRMAN TITLA: Motion is carried.
We are adjourned at 11:44. Thank you,
everybody.
(Whereupon, the proceedings concluded at
11:45 a.m.)

STATE OF ARIZONA     )
COUNTY OF MARICOPA   )
BE IT KNOWN the foregoing proceedings were
taken by me; that I was then and there a Certified
Reporter of the State of Arizona, and by virtue thereof
authorized to administer an oath; that the proceedings
were taken down by me in shorthand and thereafter
transcribed into typewriting under my direction; that
the foregoing pages are a full, true, and accurate
transcript of all proceedings and testimony had and
adduced upon the taking of said proceedings, all done to
the best of my skill and ability.
I FURTHER CERTIFY that I am in no way
related to nor employed by any of the parties thereto
nor am I in any way interested in the outcome hereof.
DATED at Phoenix, Arizona, this 2nd day of
September, 2017.

LILIA MONARREZ, RPR, CR #50699
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