

THE STATE OF ARIZONA  
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona  
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9:30 a.m.

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<p style="text-align: right;">Page 2</p> <p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 9:30 a.m. on 3 September 28, 2017, at the State of Arizona, Clean 4 Elections Commission, 1616 West Adams, Conference Room, 5 Phoenix, Arizona, in the presence of the following Board 6 members: 7 Mr. Steve M. Titla, Chairperson 8 Mr. Mark S. Kimble 9 Mr. Damien Meyer 10 Ms. Amy B. Chan 11 Mr. Galen D. Paton 12 13 OTHERS PRESENT: 14 Thomas M. Collins, Executive Director 15 Paula Thomas, Executive Officer 16 Gina Roberts, Voter Education Director 17 Sara Larsen, Financial Affairs Officer 18 Mike Becker, Policy Director 19 Alec Shaffer, Web Content Manager 20 Christina Stone, RIESTER 21 Paula Bickett, AZ Attorney General's Office 22 Jeffrey Ong, Senate 23 Zoe K. Dean, Senate 24 Rivko Knox, AZ League of Women Voters 25 Mary O'Grady, Osborn Maledon Garrett Archer, SOS IT Manager Lisette Flores, AZ State Senate Joel Edman, AZAW</p>	<p style="text-align: right;">Page 4</p> <p>09:31:33-09:32:57</p> <p>1 (No response.) 2 CHAIRMAN TITLA: Motion passes unanimously. 3 Let's go to the third item, discussion and 4 possible action on the executive director's report. 5 Tom? 6 MR. COLLINS: Yes. Commissioner -- 7 Chairman Titla, Commissioners, just real quick, we 8 had -- the National Voter Registration Day was Tuesday, 9 and we partnered with the ASU undergraduate student 10 government and hosted a voter registration event there. 11 We previewed -- or didn't really preview. 12 We launched -- well, we didn't -- we already launched. 13 So, I guess -- what's the word I'm looking for? We 14 used. We used our chatbot as part of a civics trivia 15 opportunity for students to test their knowledge, and 16 that was very popular. We think we registered 17 somewhere between 40 and 50 voters which is nice. And 18 we distributed voter education materials for the same 19 event to Yuma and the Arizona Center for Disability 20 Law. 21 The -- I think the whole thing was -- was a 22 really -- was a really great opportunity for us, and I 23 think the chatbot is really an exciting way we're 24 engaging -- you know, we've talked about this at our 25 roundtable, but we're engaging Gen Z and millennials</p>
<p>09:30:37-09:31:33</p> <p style="text-align: right;">Page 3</p> <p>1 PROCEEDING 2 3 CHAIRMAN TITLA: The Clean Elections 4 Commission meeting is called to order, Thursday, 5 September 28, 2017, 9:30 a.m. 6 We will go to the -- that's the first item. 7 The second item is discussion and possible action on 8 commission minutes from the August 31, 2017 meeting. 9 Commissioners, had a chance to take a look 10 at them? 11 COMMISSIONER KIMBLE: Mr. Chairman? 12 CHAIRMAN TITLA: Commissioner Kimble. 13 COMMISSIONER KIMBLE: I move we approve the 14 minutes for the Commission meeting of August 31st, 15 2017. 16 CHAIRMAN TITLA: Okay. There's a motion by 17 Commissioner Kimble to pass the minutes. 18 COMMISSIONER PATON: Second. 19 CHAIRMAN TITLA: Second by Commissioner 20 Paton. 21 All in favor say aye. 22 (Chorus of ayes.) 23 CHAIRMAN TITLA: Opposed? 24 (No response.) 25 CHAIRMAN TITLA: Abstain?</p>	<p>09:33:02-09:34:21</p> <p style="text-align: right;">Page 5</p> <p>1 where they're at with that, and that can be used 2 flexibly to provide both election information and other 3 information. 4 We've got -- there are elections coming up, 5 and the next voter registration deadline for bonds, 6 over- -- those are mostly bonds, overrides, those kinds 7 of things. They're on -- so the next voter 8 registration deadline is October 10th. 9 You can see the candidate information. I 10 wanted to briefly mention -- and I think -- I think all 11 you know this. The Arizona Supreme Court held oral 12 arguments in the Legacy Foundation Action Fund versus 13 Clean Elections Commission on September 11th, and that 14 link there will take you to that. If you haven't had a 15 chance to watch that argument, I do -- do recommend you 16 check it out. It's fairly brief. 17 And I think Joe Roth from Osborn Maledon 18 did a very good job of arguing our position which, you 19 know, just so everybody in the public and in the 20 Commission, everybody -- and the Commission knows this, 21 but the public understands that the issue in that case 22 is not really a Clean Elections issue. It's a 23 jurisdictional issue under Title 12 and the civil -- in 24 terms of how civil proceedings are handled from -- from 25 administrative actions.</p>

<p>09:34:23-09:35:49</p> <p>Page 6</p> <p>1 Finally, there's an update there. Last 2 week the Republic -- well, Secretary Reagan, I should 3 say, reported on reports she had received from the U.S. 4 Department of Homeland Security which seemed to provide 5 a little more detail to the -- what happened last -- or 6 summer of 2016. You may recall that E-Qual and -- 7 well, the voter registration system itself and then 8 because of that E-Qual, we were offline. We had some 9 meetings -- at least one meeting to address that. 10 So that summary is designed to keep you as 11 up to date as we can, as far as the information the 12 Secretary's office has put out, along with the 13 background from what happened in 2016 there. So that's 14 there for your -- your information. I don't really 15 have a lot to add to it other than, I guess, the best 16 way to understand, at least from what I can tell the 17 DHS notice is that it seems to be sort of an official 18 confirmation and perhaps provides more detail through 19 the Secretary's office, but DHS has made clear that it 20 will be up to each Secretary to provide whatever detail 21 they think is necessary. 22 But, you know, I think that the most 23 important point to take away is that really important 24 from a -- from our perspective, obviously, we have an 25 interest in the voter registration system because of</p>	<p>09:36:51-09:38:07</p> <p>Page 8</p> <p>1 candidate information, you have listed participating 2 candidates. 3 Is that normal? Above? Below? 4 MR. COLLINS: I guess I'd defer to Sara. I 5 think that -- I think it's -- I don't think it's -- I 6 don't think it's out of line at this point. The thing 7 is that -- well, I don't know -- well, Sara, do you 8 want to get up and address that? It might be easier. 9 I'd defer to Sara on that question. 10 MS. LARSEN: Chairman, Commissioner Paton, 11 I would say that it's on average. We really won't know 12 until probably the spring sometime really what a good 13 idea the number of participating candidates that we're 14 really going to have. So these are people who are just 15 interested in just getting going on the process. We 16 don't know how many are actually going to apply for 17 funding and how many will be funded, but I would say 18 that it's a good start on the participating numbers. 19 COMMISSIONER PATON: So initially they -- 20 what do they do to tell you that they're kind of 21 interested? 22 MS. LARSEN: Chairman, Commissioner Paton, 23 how they tell us that they're interested is they file 24 an application for certification to be a participating 25 candidate.</p>
<p>09:35:51-09:36:50</p> <p>Page 7</p> <p>1 E-Qual and because of our packet and all those other 2 things, but from a voter perspective, which is the 3 other part of our mandate in working with voters, the 4 two -- the two takeaways that I think are most 5 important is that, number one, the Secretary's office 6 has said all along and continues to say that there was 7 no breach of the system that actually occurred, which I 8 think is terribly important. 9 And I think the other thing that the 10 Secretary's office has stressed, which I think is 11 equally important to stress for us, is that none of 12 this involved election results. We're talking about an 13 effort to try to backdoor your way into a voter 14 registration system that's got nothing to do with the 15 actual results of elections. And I think that those 16 two messages which the Secretary has communicated are 17 equally important for you to be aware of and for us to 18 communicate. 19 So unless you have any questions, that 20 completes my executive director's report. 21 CHAIRMAN TITLA: Any questions for 22 Mr. Collins, Commissioners? 23 COMMISSIONER PATON: I have a question. 24 CHAIRMAN TITLA: Commissioner Paton? 25 COMMISSIONER PATON: So on the 2018</p>	<p>09:38:08-09:38:54</p> <p>Page 9</p> <p>1 COMMISSIONER PATON: Okay. 2 MS. LARSEN: So they actually take an 3 active step to say I want to be a Clean Elections 4 candidate and that's how I'm going to fund my campaign. 5 COMMISSIONER PATON: So whether they follow 6 through will happen later? 7 MS. LARSEN: Right. It will, you know, 8 depend on how many actually qualify to be on the 9 ballot. So they still have collect their petition 10 signatures and qualify to be on the ballot in order to 11 receive funding. So -- 12 COMMISSIONER PATON: Yeah. 13 MS. LARSEN: So we still have some time to 14 go to see how many participating candidates we are 15 going to have. 16 COMMISSIONER PATON: I was just curious 17 since we had people saying things were difficult or 18 whatever. I just wanted to see if that was normal. 19 MS. LARSEN: Yeah. And, Chairman, 20 Commissioner Paton, I would say that it's -- it's a 21 good start in our numbers. 22 COMMISSIONER PATON: Okay. Thank you. 23 CHAIRMAN TITLA: More questions, comments, 24 Commissioners? 25 (No answer.)</p>

<p>09:38:54-09:39:48</p> <p>Page 10</p> <p>1 CHAIRMAN TITLA: If not -- do we need a 2 motion to approve -- 3 MR. COLLINS: No, no. I don't think 4 there's a -- I don't think there's a motion, other 5 than, you know, it is a -- do you mind if I -- go 6 ahead? 7 The other -- the other thing I'd like to 8 report which is breaking news is that today is 9 Commissioner Chan's birthday. So if we all have an 10 opportunity to wish her happy birthday, you should do 11 that. 12 COMMISSIONER CHAN: Thank you. 13 MR. COLLINS: I don't know if you want a 14 motion on that. 15 CHAIRMAN TITLA: Happy birthday, 16 Commissioner Chan. 17 COMMISSIONER CHAN: Thank you. 18 CHAIRMAN TITLA: Okay. Let's go on to the 19 fourth item, discussion and possible action on the rule 20 amendment proposals, A, R2-20-402-01, random audits of 21 participating legislative candidates, approved for 22 public comment on June 22nd of 2017. 23 Mr. Collins? 24 MR. COLLINS: Oh, yes. I'm sorry. Yes, 25 Commissioner -- or Chairman, Commissioners, so -- how</p>	<p>09:41:15-09:42:24</p> <p>Page 12</p> <p>1 the bookkeeping rules that we've already passed, will 2 put us in a position where it's going to be difficult 3 to game the system because there will be people looking 4 at both ends of the spectrum in terms of when the money 5 comes in and when the money goes out. 6 As we all know -- or we should all know at 7 this point, campaign finance reports are not -- the 8 campaign finance reporting system is not a bank. It 9 reflects what people reported, and so, you know, one of 10 the things that the -- that the Clean Elections system 11 does that benefits voter confidence is ensures that 12 candidates are living up to the expectations that are 13 set for them by the act. 14 So we think this is an important rule. We 15 circulated it for public comment. I don't think we got 16 a single comment one way or the other on it. We don't 17 think this will be a significant additional burden 18 because we set this rule up so that if you lose in the 19 primary, you get audited after the primary. And if you 20 lose in the general, you get audited for the primary 21 and the general. So nobody is going to get audited -- 22 the way we formerly did it is it didn't matter if you 23 won the primary or not. You might be in the primary 24 hopper. 25 So this is actually, for candidates, a more</p>
<p>09:39:54-09:41:12</p> <p>Page 11</p> <p>1 do we have this set up? So we have two rules and we 2 have two different actions we'd like taken on them. 3 And just for your -- just as an FYI, you know, Paula 4 Bickett from the Attorney General's Office, she's the 5 chief appellate counsel there and supervises Kara and 6 Joe who are the day-to-day attorneys and, you know, is 7 my supervisor there. 8 She's with us today just in case we have 9 procedural questions or other questions. Kara and Joe 10 are wrapped up in a trial. So Paula is here. She's -- 11 so if we have any questions, she'll be more than -- 12 she's beyond qualified to answer our questions, but in 13 any event, she's here to make sure we have coverage. 14 There's two issues, and I guess we'll have 15 to -- I'd like to take them serially. The first issue 16 is R2-20-402.01. R2-20-402.01, in effect -- well, 17 takes a rule we passed, I think, at the end of last 18 year and expands it to all legislative candidates. And 19 that rule says that if you take clean funding, you're 20 going to be subject to an audit. That audit is the 21 same audit that we did on a random basis in the past. 22 And we did 29 of those in 2016, but this would mean 23 basically all candidates would be subject to random 24 audit. 25 We think that this, coupled with some of</p>	<p>09:42:27-09:43:28</p> <p>Page 13</p> <p>1 efficient way to do it even though all of them are now 2 going to be exposed to an audit. And so we'd ask that 3 you approve this for final publication and adoption as 4 a rule. So that would be -- the motion would be to 5 final -- for final approval of R2-20-4.0 -- 402.01. 6 CHAIRMAN TITLA: Any questions? 7 MR. COLLINS: Unless you have questions. 8 CHAIRMAN TITLA: Comments? 9 COMMISSIONER CHAN: Mr. Chairman? 10 CHAIRMAN TITLA: Commissioner Chan. 11 COMMISSIONER CHAN: I would like to say 12 that I do support this rule. The only comment that I 13 wanted to make is just that initially when staff 14 explained the -- the proposal, I was a little concerned 15 that it might discourage folks from running as clean 16 candidates, but I think the fact that it's only a 17 random audit won't discourage people. And I think it 18 does help ensure the integrity of our system, so I 19 would fully support the adoption of the rule. 20 CHAIRMAN TITLA: Any other comments? 21 Commissioner? 22 COMMISSIONER MEYER: Just to clarify, it's 23 not a random, right? Everyone is getting audited, 24 right? 25 MR. COLLINS: That's correct. Yes.</p>

<p>09:43:28-09:44:18</p> <p>Page 14</p> <p>1 Exactly. 2 COMMISSIONER MEYER: Okay. 3 MR. COLLINS: Exactly. The -- 4 COMMISSIONER CHAN: Or -- I'm sorry. Yes. 5 COMMISSIONER MEYER: I think -- 6 COMMISSIONER CHAN: Pardon me. Pardon me. 7 I misspoke. Thank you. 8 MR. COLLINS: Yeah. The audit itself, just 9 to -- if it goes to the -- sort of the underlying 10 question is the audit is not a -- it's not a full 11 audit. Like, we've done full audits when we've had to 12 do an enforcement action and that kind of thing. What 13 this does is we take specific transactions. I mean, I 14 think we're going to focus, we've already said, on 15 party transactions. We're going to focus on other 16 transactions. 17 We have other things that we look for -- 18 petty cash, whether or not there's a legal defense fund 19 set up, those kinds of things. And we do that on an 20 administrative basis, working with the auditors to 21 set -- set up what are called -- and there's an 22 auditing term that I'm going to now forget -- scope of 23 work and the agreed-upon procedures for the audit. 24 And -- and so we do that on an 25 administrative basis, but basically, you know, we think</p>	<p>09:45:32-09:46:38</p> <p>Page 16</p> <p>1 be a -- that's not a -- that's not a substantive 2 change. I don't think that would require any sort of 3 recirculation, but it would be a clean-up change. So 4 certainly if you wanted to edit out that -- that term 5 from the heading and just say "audits of participating 6 legislative candidates," you know, we could -- we 7 could -- we could adopt it that way without any serious 8 procedural problem. So it's really -- it's really up 9 to you-all as commissioners. 10 COMMISSIONER PATON: Yeah. Somehow I think 11 that needs to be addressed. 12 MR. COLLINS: Okay. Well, in that case -- 13 COMMISSIONER PATON: Because it's confusing 14 to me. 15 MR. COLLINS: Sure. 16 COMMISSIONER PATON: And, obviously, it was 17 confusing to Commissioner Chan. So -- 18 MR. COLLINS: I think, Mr. Chairman, 19 Commissioner Paton, in that case, I would recommend 20 that since there hasn't been a motion made yet, that 21 the motion simply be to adopt the rule along with 22 excluding the word "random" from the heading. So it's 23 essentially adopt R2-20-402.01 except for the word 24 "random" in the heading. And I think that that -- 25 again, because that's not a substantive change to the</p>
<p>09:44:21-09:45:31</p> <p>Page 15</p> <p>1 that if you're -- if you're monkeying around in the 2 system, this is going to do -- and we think most people 3 are not, to be honest with you, but this will make sure 4 that anybody who does choose to engage in that kind of 5 thing is not going to -- is going to be -- going to 6 face a much less likelihood of getting away with it. 7 COMMISSIONER PATON: I have a question. 8 CHAIRMAN TITLA: Commissioner Paton. 9 COMMISSIONER PATON: So the term "random" 10 here doesn't refer to you're randomly selected. It's 11 the actual receipt or whatever expenditure is random 12 within the document? 13 MR. COLLINS: I think that that's a fair 14 reading of the heading. 15 COMMISSIONER PATON: Because I was kind of 16 confused by that myself. 17 MR. COLLINS: Yeah. No, I think that's a-- 18 I think that's a fair reading of the heading. I think 19 we could probably change the heading without making a 20 significant change to the substance of the rules when 21 we publish them. I think -- I don't -- so whatever 22 your pleasure is in terms of whether or not -- if you 23 think "random" is unclear there -- 24 COMMISSIONER PATON: Yeah. 25 MR. COLLINS: -- I don't think that would</p>	<p>09:46:41-09:47:28</p> <p>Page 17</p> <p>1 rule, I don't think that's a serious problem. 2 CHAIRMAN TITLA: Any more comments, 3 Commissioners? 4 COMMISSIONER KIMBLE: Mr. Chairman? 5 CHAIRMAN TITLA: Commissioner Kimble. 6 COMMISSIONER KIMBLE: I would -- I would so 7 moved, based on Mr. Collins' recommendation, that we 8 adopt Rule R2-20-402-01 striking in the title the word 9 "random." So the title would read "audits of 10 participating legislative candidates." 11 CHAIRMAN TITLA: Okay. There's a motion by 12 Commissioner Kimble. 13 Is there a second? 14 COMMISSIONER MEYER: Second. 15 CHAIRMAN TITLA: Second, Commissioner 16 Meyer. 17 All in favor say aye. 18 (Chorus of ayes.) 19 CHAIRMAN TITLA: Opposed? 20 (No response.) 21 CHAIRMAN TITLA: Abstain? 22 (No response.) 23 CHAIRMAN TITLA: Motion is passed 24 unanimously, and we go to B. 25 MR. COLLINS: Right. Yes. So,</p>

<p>09:47:30-09:49:00 Page 18</p> <p>1 Mr. Chairman, if I may. So the changes here start 2 on -- start with letter G. This is a draft we'll be 3 finalizing into the notice format that you see in the 4 other -- in the other -- in the other document. So 5 I'll just walk you through the changes, if I may. 6 First, under G, you know, that's a clean-up 7 that -- in terms of the statutory citation change and 8 the, you know, removal of surplus language. We're 9 adding Section 2. It's underlined, but the underlining 10 doesn't go all the way through, but that -- underlining 11 2 should -- should be -- it's a signal. And we'll 12 correct that in the final published version for -- 13 which, again, it's just for public comment that all 14 general funds not committed to expenditures during the 15 general election period and for goods and services 16 directed to the general election. 17 That's a -- that's new language to clarify 18 that -- that, you know, again, the general funds have 19 to be committed to general election period funding -- 20 what's that? -- and returned if they're not. So that, 21 too, should have -- the underlining should have gone 22 all the way across and it will in the final version we 23 circulate for -- for public comment. 24 Section H, all funds returned to the 25 Commission pursuant to Subsection (G) shall be returned</p>	<p>09:50:25-09:51:41 Page 20</p> <p>1 where candidates have come back, in some cases, months 2 after the campaigns have closed out and said, hey, I 3 forgot to note that I had this bill and I've got to pay 4 it and I need the Fund to reimburse me for this because 5 of a campaign expense. 6 And that's not efficient for the Fund and 7 this reinforces on candidates that they've got to be on 8 top of their bookkeeping just like the audit rules do 9 and the other things -- steps we're taking, but it also 10 makes clear that they can't use this rule to exceed the 11 spending limits they've agreed to. So they've got to 12 be on top of things. And the rules we passed a couple 13 of months ago about needing to get invoices up front 14 and all that kind of stuff, they should have a better 15 handle on this based on all the rules. 16 The rules, if you will, that we've passed 17 over the course of the last couple of -- over the last 18 six months or so have all been designed to -- on the 19 one hand, you know, they are demonstrating to 20 candidates that they bear a responsibility, but on the 21 other hand, they are demonstrating to clean candidates 22 that, you know, there are -- if they follow the rules, 23 they won't have these issues arise. And that's what 24 we're trying to do is create, essentially, prophylactic 25 rules that say, look, do this by the book and you're</p>
<p>09:49:04-09:50:23 Page 19</p> <p>1 to the Fund by a cashier's check drawn on the 2 candidate's campaign bank account and any fee is deemed 3 a direct campaign expenditure. So what does that rule 4 do? That's a -- all these rules are of a piece -- 5 they're housekeeping rules. 6 One of the issues that we face from an 7 administrative perspective when we wrap up Clean 8 Elections campaigns is that candidates will write us a 9 check with the remainder, but it is administratively 10 inefficient to send checks one by one to the -- to the 11 state office that processes the checks. So we end up 12 having to hold them in a batch for efficiency purposes. 13 That -- as a consequence, candidates occasionally face 14 bank fees because they've got these outstanding checks. 15 So if they close out their accounts with cashier's 16 checks, their accounts are closed and they've got 17 nothing else to worry about and we can more efficiently 18 process the checks on a batch basis. 19 Letter I, if a participating candidate does 20 not account for outstanding expenditures in the amount 21 of funds returned to the Commission, the candidate must 22 reconcile the outstanding expenditures with personal 23 monies and they may not exceed the per -- the primary 24 general election spending limits. So what that says 25 is -- essentially, we've had a couple of instances</p>	<p>09:51:44-09:53:29 Page 21</p> <p>1 not going to have this come up, but this has come up in 2 the past and it's just not an efficient use of the Fund 3 to be going in and out for, you know, a couple of 4 hundred dollars that ought to have been accounted for 5 before monies are returned. 6 And then, finally, Subsection J deals with 7 a specific issue which is occasionally, whether it's 8 through an audit or a return of funds, the cost of 9 collecting or cashing that check actually exceeds the 10 amount of the return. And given that the -- the 11 Commission's rule is to see that money is expended from 12 the Fund as it should be and not otherwise, you know, 13 that kind of fiduciary-like language means that, you 14 know, when the Fund is making expenditures that are 15 greater than the value of the income, right, that 16 there's a balance. It means that it's better to just 17 let those go as de minimus -- de minimus returns and 18 the Commission would be notified on those waivers. 19 So taken together, what these rules G2, H, 20 I and J, as well as the clean-up of G1, essentially 21 will -- are largely bureaucratic rules, but they 22 bookend the rules we're working on in terms of the 23 invoicing and the auditing to make sure that clean 24 candidates are on top of their game. And, you know, as 25 I often say, you know, clean candidates face more</p>

<p>09:53:32-09:54:42 Page 22</p> <p>1 scrutiny than any other candidate or any independent 2 spender in the system, and so I think this is a good -- 3 a good step to close that out. It resolves that. 4 And, again, I would stress this is only for 5 public comment so we're going to -- we will take these 6 rules. We will put them in a formal notice document 7 that we'll submit to the Secretary of State's Office 8 for publication, but we would ask that you approve 9 Items G, H -- well, a guess I would just say the 10 amendments to R2-20-2 --106 for public comment. 11 COMMISSIONER CHAN: Mr. Chairman? 12 CHAIRMAN TITLA: Commissioner Chan. 13 COMMISSIONER CHAN: Mr. Chairman, Tom, I 14 have a question about J3 contains an "and" which makes 15 me think -- should that be an "or"? And then on Number 16 4, I'm just not sure what that means: "The Commission 17 is notified" -- 18 MR. COLLINS: Well -- 19 COMMISSIONER CHAN: We may waive the return 20 of funds if the Commission is notified of any waiver 21 the return of funds? I'm not sure what that means. 22 MR. COLLINS: So the way -- Commissioner -- 23 Chairman Titla, Commissioner Chan, the way we 24 envisioned this working is that first the staff would 25 determine the amount to be de minimus, and they would</p>	<p>09:56:19-09:57:27 Page 24</p> <p>1 COMMISSIONER CHAN: Okay. Thank you. 2 CHAIRMAN TITLA: Any further comments, 3 Commissioners? 4 COMMISSIONER MEYER: Mr. Chairman? 5 CHAIRMAN TITLA: Commissioner Meyer. 6 COMMISSIONER MEYER: I have a few comments 7 on -- starting with Section G. Is there a deadline 8 that we want to put in here for the time in which they 9 need to return the funds? 10 MR. COLLINS: I think -- I think that 11 deadline is set in -- I'm looking to Sara. I think 12 it's within 10 days? Is that correct? 13 COMMISSIONER MEYER: In E? 14 MR. COLLINS: And so that's in E. 15 COMMISSIONER MEYER: Okay. And then on 16 Subsection I, does the rule essentially say, you know, 17 once a clean candidate returns the unused funds you're 18 not going to give them back to pay for any more 19 expenses? 20 MR. COLLINS: That's essentially correct, 21 with the caveat that they still have to follow the 22 agreement in terms of their own limits. In other 23 words, they are limited severely on how much personal 24 money they can spend and/or how much seed money they 25 can spend and they're not allowed to spend that money</p>
<p>09:54:45-09:56:18 Page 23</p> <p>1 do that by determining the cost for recovery exceeds 2 the amount returned. There's a limit of \$25. So, in 3 other words, in no event would a return in excess of 4 \$25 be considered de minimus. 5 And then the Commission would receive 6 notice likely in the form of either an email from staff 7 or in the executive director's report that this waiver 8 had occurred. So that you're aware of the -- you know, 9 of that. And that would be the process. In other 10 words, you know, it's not a -- it's not an approval 11 type of a rule. It's more of an FYI, we've done this, 12 which provides an opportunity, obviously, for the 13 Commission to weigh in if it wants to, but the -- the 14 thought would be that, you know, we do feel like we're 15 obligated -- we provide notice to you about when we 16 close out enforcements under the executive director's 17 authority, those kinds of things. 18 It's really an FYI that we've done this. 19 We don't know how often this is going to come up. We 20 think rarely because, frankly, in our experience, this 21 has come up not often. And so we just think that -- 22 but it does help us with ticky-tack issues that may 23 arise in an audit or in a -- at the end of a campaign. 24 And then you'll know that that happened and we can keep 25 track of it that way.</p>	<p>09:57:27-09:58:34 Page 25</p> <p>1 after the process. So they could face -- so if this 2 was a serious amount of money, they would face 3 potential enforcement for violating those -- those 4 statutes. 5 And Sara can detail that a little more. 6 MS. LARSEN: Yeah. Chairman, Commissioner 7 Meyer, candidates also, when these return of funds are 8 determined, they have a campaign finance report that's 9 due. It's a Clean Elections campaign finance report. 10 So we know the amount of money that candidates need to 11 return to the Clean Elections Fund, and when they file 12 that campaign finance report, they're certifying that 13 they have accounted for all of their transactions for 14 that reporting period. 15 So that is how we have, you know, our best 16 knowledge of -- of all the transactions that have 17 occurred and this is the money coming back to us. So 18 if they are on top of all of their expenditures, they 19 should have all of their expenditures accounted for in 20 those campaign finance reports and they should be true 21 and accurate at that time and the amount that they 22 return to us should be correct. 23 In the past, we have had candidates come 24 back to us months later and say, oh, I received this 25 late bill and I need to have this paid for. Well, that</p>

<p>09:58:39-09:59:42 Page 26</p> <p>1 causes an internal problem in our office because we 2 have to go through a special process to have checks cut 3 to candidates, and it's quite lengthy. It's an 4 involved process, and so we have to go through and have 5 that done and get a check returned back to them and 6 then they have to have their finance report amended. 7 So this, essentially, would say when you 8 file that campaign finance report to return your funds, 9 that you are accounting for all of your campaign 10 finance activity for that election cycle. And they 11 should know all of -- you know, anything that's 12 outstanding. And we do have a rule that allows them to 13 hold for 30 days an amount of money for bills that 14 might come in. They just need to let us know that they 15 have an amount outstanding for -- for bills that might 16 come in late or that they haven't received yet. 17 So we already do have a rule for that. So 18 this really just shores up that, that they stay on top 19 of their books and that they really are accounting for 20 all of their expenditures in their campaign finance 21 reports. 22 COMMISSIONER MEYER: Mr. Chairman? 23 CHAIRMAN TITLA: Commissioner Meyer. 24 COMMISSIONER MEYER: I agree with all of 25 that. I suggest that we consider putting something in</p>	<p>10:00:45-10:01:58 Page 28</p> <p>1 simply add the sentence, if this works for everyone, no 2 further reimbursements from the Clean Elections Fund 3 shall be permitted. And then the next sentence would 4 be participating candidates may not exceed the general 5 election. I don't know if everybody got that or 6 anybody got that. Sara got it so that's the most 7 important thing. 8 So maybe, Sara, if you could read that back 9 just real quick for the -- so we have it on the record. 10 MS. LARSEN: Yes. Chairman, so Rule 11 R2-20-106, Subsection I would state: If a 12 participating candidate does not account for any 13 outstanding expenditures in the amount of funds 14 returned to the Commission, the participating candidate 15 must reconcile the outstanding expenditures with 16 personal monies. And then new sentence: No further 17 reimbursements from the Clean Elections Fund shall be 18 permitted. Participating candidates may not exceed the 19 primary or general election spending limits. 20 COMMISSIONER MEYER: One thought. On the 21 sentence you propose, I would maybe suggest saying 22 once -- once funds are returned to the Commission, 23 comma, then what you had added. 24 MR. COLLINS: Okay. 25 COMMISSIONER MEYER: Let's take a look at</p>
<p>09:59:45-10:00:44 Page 27</p> <p>1 the rule and make it more clear that once you return 2 the funds, you can't come back to the Commission and 3 ask for it to pay bills that you didn't submit. I 4 understand -- I think we could maybe clear that up a 5 little bit because it's kind of implicit in the rule 6 and maybe we can make it more explicit. That's the 7 only -- that was where I was going with that. 8 MR. COLLINS: And, Mr. Chairman, 9 Commissioner Meyer, we can do that now given that we 10 haven't circulated these at all. I mean, we can add a 11 sentence to H that say -- or I, rather, if a 12 participating candidate does not account for the -- 13 must reconcile. We could add, between "participating 14 candidate," no further reimbursements will be 15 permitted. 16 COMMISSIONER MEYER: Yeah. Mr. Chairman, 17 I'm not saying you need to draft it now. 18 MR. COLLINS: Okay. 19 COMMISSIONER MEYER: I just thought it was 20 a suggestion to make -- 21 MR. COLLINS: Okay. Well, I guess -- I 22 guess what I -- I guess what I'm try to say is it would 23 be easier to add that now than it would be later. 24 COMMISSIONER PATON: Yeah. 25 MR. COLLINS: So my suggestion would be to</p>	<p>10:02:00-10:03:17 Page 29</p> <p>1 that. 2 MS. LARSEN: Okay. 3 MR. COLLINS: Okay. So -- so in terms of 4 making the record clear, I think that what I would 5 recommend, if everybody is -- and you guys can talk 6 about this more, obviously, Mr. Chairman, but, 7 Mr. Chairman, Commissioners, what I would recommend is 8 that we circulate the amendment -- that we authorize 9 circulation of the amendments to R2-20-106 and then -- 10 and then including the language that Ms. Larsen has 11 drafted. So I think that the record will be fairly 12 clear at that point. I mean, we have everything on 13 the -- on the record there. 14 Paula, do you have any further thoughts on 15 that? 16 MS. BICKETT: The only -- Mr. Chair, 17 commission members, the only thing I would say is in 18 your motion, if you could state the language -- 19 MR. COLLINS: Okay. 20 MS. BICKETT: That would make it crystal 21 clear, I believe. 22 MR. COLLINS: Okay. 23 MS. BICKETT: And Sara needs to repeat the 24 language. 25 MR. COLLINS: Sure.</p>



<p>10:03:18-10:04:20 Page 30</p> <p>1 MS. BICKETT: Including the beginning 2 phrase that Commissioner Meyer had recommended. 3 MR. COLLINS: Okay. Well, that would be 4 helpful. 5 Sara, can you could restate that. And then 6 if there was a motion after that, that would be -- 7 sounds like that would complete the record. 8 MS. LARSEN: Yes. Chairman, so, again, 9 Rule R2-20-106, Subsection I would be: If a 10 participating candidate does account for any 11 outstanding expenditures in the amount of the funds 12 returned to the Commission, the participating candidate 13 must reconcile the outstanding expenditures with 14 personal monies. Once funds are returned to the 15 Commission, no further reimbursements from the Clean 16 Elections Fund shall be permitted. Participating 17 candidates may not exceed the -- exceed the primary or 18 general election spending limits. 19 COMMISSIONER MEYER: Mr. Chairman? 20 CHAIRMAN TITLA: Commissioner Meyer. 21 COMMISSIONER MEYER: I move that we 22 circulate for comment R2-20-106 with the changes to 23 Subsection I just read by Ms. Larsen. 24 CHAIRMAN TITLA: Motion by Commissioner 25 Meyer.</p>	<p>10:05:29-10:06:23 Page 32</p> <p>1 MR. COLLINS: So, Mr. Chairman, at this 2 point, if Commissioner Kimble will withdraw his 3 second -- 4 COMMISSIONER MEYER: I withdraw my motion. 5 MR. COLLINS: And Commissioner Meyer 6 withdraws his motion, we -- 7 CHAIRMAN TITLA: Okay. Commissioner 8 Kimble, is that okay? 9 COMMISSIONER KIMBLE: Yes, it is. 10 CHAIRMAN TITLA: Commissioner Kimble 11 withdraws his a second and Commissioner Meyer -- 12 Commissioner -- withdraws his motion for further 13 changes. 14 MR. COLLINS: And then -- and then we would 15 have Sara read it off with the "shall." 16 CHAIRMAN TITLA: A second -- a second item 17 I was looking at -- 18 MR. COLLINS: Oh. We'll get them all. 19 CHAIRMAN TITLA: -- Sara, is J4, the last 20 sentence. It says, "The Commission is notified of any 21 waiver the return of funds." So there's a word missing 22 there, I think. Of? 23 MS. LARSEN: Yes. Correct, Chairman. Yes. 24 CHAIRMAN TITLA: If we can add "of" there, 25 then change that word to must, "may" to must or shall.</p>
<p>10:04:22-10:05:28 Page 31</p> <p>1 Second? 2 COMMISSIONER KIMBLE: Second. 3 CHAIRMAN TITLA: Commissioner Kimble. 4 I have a comment, Sara, on discussion. On 5 the -- I, again, you know, the last sentence about 6 participating candidates -- 7 MS. LARSEN: Yes. 8 CHAIRMAN TITLA: -- may not exceed the 9 primary or general -- you know, that "may," the word 10 "may" in the Oxford dictionary that I use, I think the 11 word "may" -- and the prior sentence says "must," the 12 participating candidates must reconcile, which is a 13 mandatory which means must, shall, mandatory. Now, the 14 word participating candidates may, "may" is sort of 15 more, you know, varied there. It's not a mandatory 16 type of thing. So I wonder whether it would help if we 17 put down participating candidates must not exceed. 18 COMMISSIONER MEYER: Or shall? 19 CHAIRMAN TITLA: Or shall not exceed, 20 right. 21 COMMISSIONER MEYER: Although we just 22 approved that. 23 MR. COLLINS: Well, I don't think we took a 24 vote. 25 COMMISSIONER MEYER: Oh, okay. Right.</p>	<p>10:06:28-10:07:45 Page 33</p> <p>1 Shall. Shall not exceed, yeah. I think that's better. 2 MS. LARSEN: Correct. Thank you. 3 Okay. So, Chairman, the Rule R2-20-106, 4 Subsection I would then read: If a participating 5 candidate does not account for any outstanding 6 expenditures in the amount of the funds returned to the 7 Commission, the participating candidate must reconcile 8 the outstanding expenditures with personal monies. 9 Once the funds are returned to the Commission, no 10 further reimbursements from the Clean Elections Fund 11 shall be permitted. Participating candidates shall not 12 exceed the primary or general election expenditure -- 13 primary or general election spending elements. 14 MR. COLLINS: And the change in "I" would 15 be that in -- Commission staff may waive the return of 16 funds if the Commission staff determines the amount 17 returned is de minimus, the cost of recovery exceeds 18 the amount of the return, and the funds to be returned 19 shall not exceed \$25, and the Commission is notified of 20 any waiver of the return of funds. 21 COMMISSIONER KIMBLE: That would be the 22 change to J, I believe. 23 MR. COLLINS: That's correct. So with 24 those -- with my comments and Sara's comments which, I 25 think, clears -- makes the record clear, that would be</p>

<p>10:07:47-10:09:01 Page 34</p> <p>1 what you would be approving, along with the other 2 outlying changes for public comment on Rule R2-20-106. 3 CHAIRMAN TITLA: Commissioner Meyer? 4 COMMISSIONER MEYER: I had one other 5 question on J. Sorry, Tom. On Number 2 where it says 6 "The cost of recovery exceeds the amount of the 7 return," how is that determined? And I wonder if you 8 might want to have it say the Commission staff 9 determines the cost of recovery would exceed the amount 10 of the return just to give the staff some discretion 11 there because I don't know how you would actually 12 calculate that cost. 13 MR. COLLINS: Right. And, Mr. Chairman, 14 Commissioner Meyer, we have done an evaluation and 15 Paula -- Paula Thomas provided some background 16 information on that. So we do think that that's -- 17 that the \$25 is really the right threshold. I 18 certainly don't have any objection to that at this 19 point. I -- I guess -- I don't want to table these 20 because I'd like -- we have this meeting to get these 21 underway for the 60 days in order to get them in place 22 before 2018. 23 So we're going to need to -- this isn't 24 major surgery, but I think what I -- what I'm going to 25 do now you is read the entire rule that we are amending</p>	<p>10:10:25-10:11:48 Page 36</p> <p>1 On H we will say, All funds returned to the 2 Commission pursuant to Subsection (G) of this rule, 3 shall be returned to the Fund by a cashier's check 4 drawn on the candidate's campaign bank account. Any 5 fee associated with the issuance of a cashier's check 6 shall be deemed a direct campaign expenditure and 7 reported on the candidate's campaign finance report. 8 If a participating candidate does not 9 account for any outstanding expenditure in the amount 10 of funds returned to the Commission, the participating 11 candidate must reconcile the outstanding expenditures 12 with personal monies. Once funds are returned to the 13 Commission, no further reimbursements from the Clean 14 Elections Fund shall be permitted. Participating 15 candidates shall not exceed the primary or general 16 election spending limits. 17 Then Subsection J: The Commission staff 18 may waive the return of funds if: The Commission staff 19 determines the amount to be returned is de minimus; the 20 Commission -- the cost -- the Commission staff 21 determines the cost of recovery exceeds the amount of 22 the return; the funds to be returned shall not exceed 23 \$25, and the Commission is notified of any waiver of 24 the return of funds. 25 So that -- those are the changes that I</p>
<p>10:09:04-10:10:24 Page 35</p> <p>1 and have everybody -- see if we caught everything. And 2 then if we have -- sorry, Paula. 3 MS. THOMAS: Can we consider the accounting 4 cost? The accounting -- 5 MR. COLLINS: Well, I think the issue is 6 just does staff -- as staff we can account whatever 7 however we want to. So we'd have discretion. 8 MS. THOMAS: Okay. 9 MR. COLLINS: So -- so I am going to read 10 the changes out, everything that everybody has 11 discussed, and then that will be on the court 12 reporter's record and we will adopt those changes into 13 the formal document that we provide to the thing. 14 So, Sara, I think I need you to give me the 15 one piece that Damien wrote -- or Commissioner Meyer, 16 rather, wrote out. 17 Okay. So -- so here we go. What we are 18 asking you to approve for preliminary comment is under 19 G1, we will be eliminating the Subsection A from 20 pursuant to A.R.S. 16-953. We will be cleaning up the 21 "all" and eliminating the "of his or her." We will be 22 underlining as new language all general funds not 23 committed to expenditures, one, during the general 24 election period and, two, for goods and services 25 directed to the general period.</p>	<p>10:11:51-10:12:52 Page 37</p> <p>1 think this discussion has brought about, and that is 2 what we would ask you to approve for public comment. 3 Has our court reporter kept up? Are we -- 4 are we pretty cool? 5 Okay. So unless there's any questions on 6 that, we would suggest a motion on the language I just 7 read for public comment. 8 CHAIRMAN TITLA: Commissioners, any further 9 changes or any motions to approve? 10 COMMISSIONER MEYER: On J3, just to 11 confirm, I think Tom read -- made one change here. You 12 want it to stay the way it's written here, right? "The 13 funds to be returned do not exceed \$25." 14 MR. COLLINS: Right. 15 COMMISSIONER MEYER: You put "shall" in 16 there. 17 MR. COLLINS: Mr. Chairman, Commissioner 18 Meyer, I think -- I think Chairman -- Chairman Titla 19 wanted a "shall" there, and so that's why we added a 20 "shall," if I was tracking the discussion correctly. 21 Am I correct, Mr. Chairman? I think you 22 wanted "shall." 23 CHAIRMAN TITLA: Yeah. I think mine was in 24 I, but I think that's a good idea to put it in 3 also, 25 shall not --</p>

<p>10:12:53-10:13:36 Page 38</p> <p>1 MR. COLLINS: Okay. Okay. So we have two 2 "shalls." 3 CHAIRMAN TITLA: Yeah. 4 MR. COLLINS: Okay. 5 CHAIRMAN TITLA: Any further comments, 6 Commissioners? Motion? 7 COMMISSIONER KIMBLE: Mr. Chairman? 8 CHAIRMAN TITLA: Commissioner Kimble. 9 COMMISSIONER KIMBLE: I move we publish for 10 public comment the changes to R2-20-106 reflecting the 11 language just read by Mr. Collins. 12 CHAIRMAN TITLA: Motion made by 13 Commissioner Kimble to approve. 14 Second? 15 COMMISSIONER MEYER: Second. 16 CHAIRMAN TITLA: Commissioner Meyer 17 seconds. 18 All in favor say aye. 19 (Chorus of ayes.) 20 CHAIRMAN TITLA: Opposed? 21 (No response.) 22 CHAIRMAN TITLA: Abstain? 23 (No response.) 24 CHAIRMAN TITLA: The motion is carried 25 unanimously.</p>	<p>10:15:29-10:16:24 Page 40</p> <p>1 Do you think that would be helpful to move 2 on to the next step after that, or do you think you'd 3 rather wait and talk about it in mass? 4 MS. O'GRADY: So this would be approve -- 5 approving -- I'm sorry, Tom. 6 MR. COLLINS: No, no, no. 7 MS. O'GRADY: So we're just approving that 8 we accept the Secretary's actions as being compliant 9 with the ISA? 10 MR. COLLINS: With respect to the 11 publication. Correct. 12 MS. O'GRADY: With respect to the 13 publication? Yeah, they basically did what we asked 14 them to do. 15 MR. COLLINS: Right. So I don't know if 16 you want a formal vote. I think it would be helpful 17 to -- because we have a payment coming up and I don't 18 want -- I don't think that either staff or -- anyone on 19 staff wants to make the payment in view of everything 20 without that -- we'd like to have that formally 21 approved and then we'll move on to -- Mr. Archer from 22 the Secretary is here to show you what all the work 23 they have done otherwise, which I think is important. 24 So -- and then we can move onto the legal 25 stuff which is a little bit different. So if that</p>
<p>10:13:37-10:15:29 Page 39</p> <p>1 Okay. Then we go to V, discussion and 2 possible action on the following related issues, A, 3 Citizens Clean Elections Section 16-941, -942, -956, 4 -957. 5 Mr. Collins? 6 MR. COLLINS: Yes. Commissioner -- I mean, 7 Chairman Titla, Commissioners, I think -- I think the 8 most efficient way to work through this is first to -- 9 really A, B, C and D are interrelated, although we've 10 broken them out so people can kind of follow along. I 11 think that the first question -- and I'm going to look 12 to Mary here. I think the first question is I think 13 staff is recommending that the Commission, in effect, 14 approve in some way the -- the republication of rules 15 in the Administrative Code. 16 That republication does include the GRRC 17 notice, but it also includes our rules. So I think 18 that's -- in my view, I think that's about as good as 19 we're going to get under these circumstances. I think 20 that roughly complies with the -- with the Interagency 21 Service Agreement which we have entered into with 22 the -- with the Commission. So I think we'd ask you to 23 go ahead and approve those as being consistent with the 24 Interagency Service Agreement, if I'm not mistaken, 25 Mary.</p>	<p>10:16:28-10:17:32 Page 41</p> <p>1 works for Mary and it works for the Commission -- 2 MS. O'GRADY: That makes -- 3 MR. COLLINS: Yeah. 4 MS. O'GRADY: Yeah. Mr. Chairman, Members, 5 I think -- Commissioners, I think that makes sense. We 6 gave them a notice of breach letter. They responded by 7 doing what we asked them to do, and so I think it makes 8 sense to follow Tom's recommendation and take action 9 that will allow the ISA to move forward. 10 MR. COLLINS: Right. So -- so the motion 11 we are looking for is that the Commission finds that 12 the -- that the -- that the Secretary's republication 13 of the Commission's rules in the Administrative Code 14 substantially complies with the Interagency Service 15 Agreement. 16 CHAIRMAN TITLA: Comments, Commissioners? 17 COMMISSIONER KIMBLE: Mr. Chairman, 18 Mr. Collins. 19 CHAIRMAN TITLA: Commissioner Kimble. 20 COMMISSIONER KIMBLE: I'm struggling to 21 find something that was included in our email. We have 22 here what the Secretary of State's Office -- I believe 23 this is item V.C -- 24 MR. COLLINS: Yeah. 25 COMMISSIONER KIMBLE: -- 5C now has</p>

<p>10:17:33-10:18:57 Page 42</p> <p>1 published. 2 MR. COLLINS: Right. 3 COMMISSIONER KIMBLE: But I believe in the 4 material that you emailed to us, there was also an 5 index, is that correct, that's not included here? 6 MR. COLLINS: We sent you the whole 7 Administrative Code. We -- for the purposes of this 8 packet, I limited it to what -- the most relevant 9 sections. In the table of contents, if you look to 10 page 1 -- it's not on page 1. There is a table of 11 contents on page 2 which you don't have because I 12 didn't think it was necessary, and that table of 13 contents outlines first the Commission's rule and then 14 the GRRC revision. So they're both there, but the most 15 important one, from our perspective, is that the 16 Commission's rule is there. 17 COMMISSIONER KIMBLE: Well, it was my 18 recollection that when it came to the disputed items, 19 that in the index all it said was "expired." 20 MR. COLLINS: Mr. Chairman, Commissioner 21 Kimble, that was certainly the case with the prior 22 iterations of the publication of the -- of the 23 Administrative Code. I would have to double-check if 24 that's still the case in the index and, if so, given 25 that -- I would have to -- hang on. If you bear with</p>	<p>10:20:53-10:22:31 Page 44</p> <p>1 And then it said -- under Disputed Section R2-20-111, 2 it said "nonparticipating reporting requirements and 3 contribution limits," and then it said "expired." 4 So that's the table of contents that's on 5 page -- that's on page 1 which you didn't receive in 6 the limited packet, but you did receive in the email. 7 What I would say about that is, yes, that, in fact, the 8 expiration -- and you can look at this, what I'm 9 looking at right here. While you are looking at that, 10 I would simply say that the expiration is still noted 11 in the -- in the Administrative Code, but our major 12 purpose has been to ensure that our language of the 13 rule was there too. 14 So if you recall last month, the expiration 15 was there without our rule. Now the Secretary of State 16 acting, I think, more consistently with what it has 17 said its role is as a publisher, has essentially 18 published both the expiration and the rule. And from 19 our perspective, the most -- or at least from staff's 20 perspective, I should say, the most important thing in 21 this particular context was to ensure that the rule 22 that we have promulgated is there. 23 And then we have some other discussion to 24 have post this about that and it may be better, then, 25 to move that into that -- into that broader discussion</p>
<p>10:19:02-10:20:50 Page 43</p> <p>1 me, I will -- 2 COMMISSIONER KIMBLE: Okay. I guess what 3 I'm looking for is you included in here pages 8 -- 4 MR. COLLINS: Right. 5 COMMISSIONER KIMBLE: -- and forward. What 6 is page 7? 7 MR. COLLINS: Page 7 is just Rule 107. 8 COMMISSIONER KIMBLE: Okay, or whatever the 9 index to this section is. 10 MR. COLLINS: Yes. 11 COMMISSIONER KIMBLE: My concern with the 12 index was there was no indication in the index, if you 13 never went beyond that, that there was any concern. 14 MR. COLLINS: I follow -- I follow your 15 question. I am trying to call up the full -- the full. 16 COMMISSIONER CHAN: I can't find it either. 17 MR. COLLINS: I'm trying to call -- if 18 you'll bear with me. I am searching for the -- okay. 19 So the original document that was emailed to you was 29 20 pages, and it did not include the index to the 21 Administrative Code. It included a table of contents 22 that on page -- page 1 of the table of contents under 23 "General Provisions," it said -- under the heading 24 "Disputed Section R2-20-109," it said "independent 25 expenditure reportings," and then it said "expired."</p>	<p>10:22:34-10:23:45 Page 45</p> <p>1 and hold on approval so you can get that information in 2 the context of the legal advice. That might be better. 3 COMMISSIONER KIMBLE: Okay. Mr. Chair, 4 Mr. Collins, in this statement we were just handed 5 which is what we were emailed -- 6 MR. COLLINS: Yes. 7 COMMISSIONER KIMBLE: -- reflects my 8 concern that if I am a candidate and I'm looking 9 through the index here, general provisions, and I come 10 down to disputed Section R2-20-109, it says "expired." 11 So with no -- 12 MR. COLLINS: Correct. 13 COMMISSIONER KIMBLE: -- with no further 14 explanation other than it says disputed, but are you 15 comfortable with that in the index being an accurate 16 reflection of what's in the actual document? 17 MR. COLLINS: Well, let me -- let me say 18 this about that. And, again, I would -- I would 19 suggest that there's -- there are some broader legal 20 issues that we might want to discuss in executive 21 session, but for purposes of your question, 22 Mr. Chairman, Commissioner Kimble, I believe this is as 23 good as it's going to get right now and that the most 24 important thing is that candidates have notice that 25 there is, in fact, a rule that applies to the</p>

<p>10:23:48-10:24:56 Page 46</p> <p>1 traditional candidates and, likewise, the independent 2 spenders know that there's a rule that's applied to 3 them. 4 The fact that there's a dispute over that 5 rule is a publicly known fact. So it's not -- it's 6 like -- it's not like they're publishing anything that 7 people don't already know, but you know, again, I think 8 the question is if we want to defer action on approving 9 that particular aspect, it would be better to have that 10 in the context of how this fits into our broader legal 11 discussion which Mary can do if you want to move into 12 executive session, and then the only question becomes 13 do you want to look at the progress that the See the 14 Money program itself has made which Mr. Archer is here 15 to present before or after that executive session. 16 COMMISSIONER KIMBLE: Well, Mr. Chairman, I 17 would be happy to see the progress on the See the 18 Money. 19 MR. COLLINS: Okay. So -- 20 COMMISSIONER KIMBLE: Before so we don't 21 inconvenience Mr. Archer. 22 MR. COLLINS: Okay. So, Mr. Chairman, if 23 that -- if that meets your fancy, I would -- I would 24 recommend that we let Mr. -- Mr. Archer provided a memo 25 that, putting aside the publication issue, outlines the</p>	<p>10:26:23-10:27:30 Page 48</p> <p>1 in, we're satisfied with, and we think we have 2 developed -- we have a good working relation with the 3 Secretary's office, Mr. Archer and the rest of the 4 folks there. So I think if Mr. Archer can step to the 5 podium and make it all -- do his magic, that would be 6 great. 7 MR. ARCHER: Thank you, Tom. 8 CHAIRMAN TITLA: Mr. Archer. 9 MR. ARCHER: Thank you, Chairman, 10 Commissioners, my name is Garrett Archer. I am the IT 11 project manager specifically for See the Money, and I'm 12 very excited to be here today to show you the progress 13 that we've made on the application. 14 As Tom noted, it is an internal beta 15 release right now. We are going -- undergoing 16 extensive quality assurance testing. The data is -- 17 it's using real data, but every once in a while, 18 there's still some things that we have to look at and 19 say, okay, we need to reframe this data set a certain 20 way to make sure that it accurately reflects how the 21 data is actually reported, but other than that, we're 22 very excited how the data is being presented. And we 23 are confident that we're going to make our October 31st 24 public beta release. 25 And at that point, we're going to basically</p>
<p>10:24:59-10:26:19 Page 47</p> <p>1 progress that they have made. I can say without 2 hesitation that Sara and I have been at every meeting 3 regarding the development of this program and process. 4 We've been updated on it. 5 We have seen it develop, and we are putting 6 all the -- putting everything else -- you know, this 7 rule issue is important because the rule relates to the 8 reports and the reports relate to authority and then 9 all of it fits together in the ISA; however, while this 10 issue has been discussed, Sara and I have continued to 11 attend meetings and the Secretary's office and the IT 12 staff, including Mr. Archer and others, have been there 13 and listening to us and engaging -- we've been engaging 14 with them. 15 And so it's been a very positive working 16 relationship, and I think some positive things have 17 come from it. And Mr. Archer is able to -- I think, if 18 we have the computer system set up, to show you some of 19 the -- some of the pieces of this on a preliminary 20 basis, granted the data here has not been cleaned. 21 This is sort of a mockup, but it shows the 22 functionality. 23 And I guess I'd turn it to over to him, but 24 with the idea that putting all of the legal issues 25 aside, the work product Sara and I have been involved</p>	<p>10:27:33-10:29:05 Page 49</p> <p>1 engage the community for their feedback, their input in 2 anticipation of our January general availability 3 release which will begin the process of the onboarding 4 of -- of other jurisdictions which fits into our full 5 goal of providing a campaign finance reporting tool 6 that doesn't just include state data but also data from 7 other jurisdictions. 8 So I was told to do this just to make sure 9 it works. There we go. Okay. So this is the landing 10 page as it stands right now. The logo will change. We 11 have not branded this site yet so there are no -- there 12 are no disclosure statements. The logo is not up yet, 13 but this is the -- the landing page as it will be 14 presented on the public beta with the disclosures and 15 the branding. 16 I'm going to start with the elections 17 overview. This is where I cross my fingers. Okay. 18 And this said, the data is not fully optimized quite 19 yet. So -- 20 MR. COLLINS: And our system may be slow. 21 I don't know. 22 MR. ARCHER: Yeah, but it did work when I 23 tested it here. So I'm going to try one more time. 24 Here we go. 25 Okay. So as you can see, this is the</p>

<p>10:29:08-10:30:10 Page 50</p> <p>1 elections overview page. This is where an enduser 2 would go to see, you know, a broad overview of -- did 3 you have a question? 4 MR. COLLINS: Now, I was just -- you know, 5 for people who can't see this screen, there's a set of 6 screens in the back. 7 MR. ARCHER: Oh, okay. 8 MR. COLLINS: If you want to look. 9 MR. ARCHER: So this is a broad overview of 10 the money that's been spent in 2016. The -- everything 11 is color coordinated based on these entity types right 12 here. So as you can see, SolarCity, for example, you 13 hover over them, they've spent the most for 2016, and 14 it goes down from there. There's -- there's you. And 15 then we have -- orange is individuals and vice versa. 16 This is a pie chart that basically shows just an 17 overall amount that's been spent based on the 18 percentages. So this is -- and then we -- yes. 19 COMMISSIONER CHAN: Mr. Taylor, 20 Mr. Chairman, this is -- this is already fascinating to 21 me. This is over every committee, what was given over 22 the whole election cycle last time? 23 MR. ARCHER: Mr. Chairman, Commissioner 24 Chan, that is correct. Yeah. 25 COMMISSIONER CHAN: That's really</p>	<p>10:31:22-10:32:33 Page 52</p> <p>1 and then when an enduser is going through this 2 information, they will -- they'll be able to say, well, 3 green will mean PACs, parties and whatnot. So it's 4 always going to be consistent across the board. 5 One of the things that we're very excited 6 about right now is in the organizations tab, these are 7 the -- you know, a lot of these are made up of 8 501(c)(4)s. If you click on these people -- on this 9 organization, you get their expenses; however, when you 10 go into the info view which is kind of the vitals page 11 for everything, it gives the vitals that are reported 12 to us. This is their -- the reports that they file. 13 And then we've tapped into ProPublica to 14 actually pick up their 990 information. So all of 15 the -- any organization 501(c)(4) that files with the 16 IRS -- obviously, they all do -- we will have whatever 17 their most recent filing on their info page. 18 MR. COLLINS: Right. And, if I may, 19 Mr. Chairman, Commissioners, I mean, the 990 thing, I 20 think, is very helpful. It's -- it is an interesting 21 dynamic because the 990 comes a year after the 22 election, basically. So -- 23 MR. ARCHER: Yeah. 24 MR. COLLINS: So -- well, whereas the 25 campaign finance reports and our -- our reports, the</p>
<p>10:30:11-10:31:19 Page 51</p> <p>1 fascinating. 2 COMMISSIONER MEYER: This is real info. 3 This not -- 4 MR. ARCHER: This is -- yeah. This is real 5 info. As I said, the data might not be either 6 optimized or sometimes it's not categorized correctly, 7 and you have to work with the development team to make 8 sure that when they do their schematic changes, that it 9 is -- they're not, you know, putting a condition 10 someplace where it shouldn't be and then, you know, 11 something happens. But this is as -- you know, I'm 12 doing some extensive auditing of this information, and 13 this is -- accurately reflects 2016 right now. Yes. 14 So -- and we can click on these people. So 15 you can click on an entity and it will bring up a data 16 view of their income and expenses. You can see -- you 17 can also download this information, and it will 18 download everything across the filters that you have 19 applied up here. And here's the -- for example, here's 20 some of these committees. I don't -- I'm not sure 21 these links work yet so I'm not going to click on them 22 right now, but it will show the committee name, the 23 name of the -- that group right there that received it. 24 We can go through these. There's 25 consistency across all of these tabs. So, you know --</p>	<p>10:32:36-10:33:47 Page 53</p> <p>1 16-941(d) reports that I mentioned in Garrett's memos 2 are time sensitive, the 990 reports are sort of going 3 to be things that you are going to be looking at in 4 retrospect. 5 MR. ARCHER: Yeah. Well, we're kind of at 6 the mercy -- 7 MR. COLLINS: Yeah. 8 MR. ARCHER: -- of the IRS. 9 MR. COLLINS: Yeah. 10 MR. ARCHER: And if you click on these 11 PDFs, it will take you to the link of the actual 990. 12 So we also have a very powerful search 13 function here. We use some of the same techniques that 14 Google and other search languages do -- or search 15 engines do where you can type in any part of a record 16 and you'll get -- and, of course, now that I'm showing 17 you this, as you can see, there's a lot of -- just to 18 address this, one of the things that we are working on 19 for our January release is a name normalization. 20 It's an extremely extensive process, but 21 one of our big goals is to make sure that when I type 22 in "Michelle Reagan" as a user or whoever, it will show 23 one entity rather than, you know, multiple -- multiple. 24 So -- but, you know, it's not just that. I can also -- 25 come on. Okay. I can also say -- I live on Olive</p>

<p>10:33:51-10:35:03 Page 54</p> <p>1 Avenue so I can also type in my street name and see who 2 in my area or on Olive Avenue has donated as well and 3 is in the campaign finance system. So -- and this 4 works across cities. You know, anything that's in the 5 record, essentially, we can basically tie into that 6 search function. 7 Let's see. Here are the filters. This is 8 where you would go to make alterations to your query. 9 Sorry. I think the mouse is losing functionality here. 10 I'm sorry. 11 MR. COLLINS: The mouse is very far away 12 from its home. 13 MR. ARCHER: Yeah. So -- and this is -- as 14 you see, this is -- this is all the office -- this is 15 all the filters that you can use. I anticipate -- when 16 I was sitting here I -- I'm going to anticipate putting 17 a filter on here to actually also filter out Clean 18 Elections candidates as well. So you can just click on 19 the filter and when you go into candidate page, it will 20 only reflect Clean Elections participants, but -- and 21 this, you know, I can -- I can change this. 22 COMMISSIONER KIMBLE: Excuse me. Could I 23 ask you one question? Do you have historical data in 24 here, too, going back -- I saw quite a few years here. 25 Do you have historical data entered from --</p>	<p>10:36:35-10:37:27 Page 56</p> <p>1 vitals as well as the file reports, the PDF reports. 2 COMMISSIONER CHAN: May I ask, 3 Mr. Chairman, Mr. Taylor [sic], what is the burn rate 4 for a candidate? 5 MR. ARCHER: Mr. Chairman, Commissioner 6 Chan, the burn rate is simply a ratio of their expenses 7 and their income for that quarter. 8 COMMISSIONER CHAN: Oh, okay. How fast 9 they spent the money they got? 10 MR. ARCHER: Yeah. And if they had a 11 certain cash on hand number, and then, you know, they 12 spent 80 percent of it. 13 COMMISSIONER CHAN: Okay. 14 MR. ARCHER: For example. 15 COMMISSIONER CHAN: Okay. 16 MR. ARCHER: So that is pretty much the 17 meat and potatoes right now. Everything -- as you can 18 see, it's very consistent across the board. 19 One other thing I guess I should point out 20 as well is all of these graphs can be printed, 21 downloaded, these images, and they can also be embedded 22 into other websites. So you can get an embed code 23 which you can then -- you know, if you are -- if you 24 are a citizen, a concerned citizen that likes to blog 25 about elections, you can pick one of these graphs. You</p>
<p>10:35:08-10:36:32 Page 55</p> <p>1 MR. ARCHER: Mr. Chairman, Commissioner 2 Kimble, we have data going back all the way from when 3 we began doing computerized campaign finance systems. 4 So it goes all the way back into the -- 5 COMMISSIONER KIMBLE: And it's searchable 6 through See the Money? 7 MR. ARCHER: Yes. That is correct. It 8 is -- it is searchable all the way back to where we 9 have records in our campaign finance database. 10 So if I set this filter -- I'm going to go 11 to something that's a little -- a little more exciting 12 when I filter out. So this is the 2014 -- money spent 13 in 2014. If I wanted to filter it some more, I could 14 filter it by legislative -- there's a good one. So it 15 will show -- there's how it's filtered now on those 16 candidates. So -- and then -- sorry. The mouse is -- 17 and then here, down here is a timeline. It will show 18 their expenses, their income, as well as their burn 19 rate ratio over time. So these are the -- excuse me -- 20 the three graphs that power the system. 21 All of this data, like I said, if you go 22 into the data view, it can be downloaded by anybody 23 with no problem. I can download all of this 24 information right here. I can go to this info view 25 page for the candidate and it will show all their</p>	<p>10:37:30-10:38:40 Page 57</p> <p>1 can pick up the embed code and then that graph will 2 remain on your site. And then if the data -- 3 underlying data changes at any time, the graph will 4 also change to reflect -- on your site it will reflect 5 the changes. So it's not a static graph. It doesn't 6 just pick up this data and move on. It actually picks 7 up whatever is the newest information. 8 COMMISSIONER MEYER: Mr. Chairman? 9 CHAIRMAN TITLA: Commissioner Meyer. 10 COMMISSIONER MEYER: Thank you for showing 11 this. This is really amazing. So the chart on the 12 left, I'm assuming that's to scale where you're 13 hovering now? 14 MR. ARCHER: Mr. Chairman, Commissioner 15 Meyer, when you say "to scale," you mean this is a, 16 say, 60-plus association? This -- so this -- yeah. 17 The tree chart -- the tree chart is to reflect -- we 18 chose it because we can display an enormous amount of 19 data, but also, you know, we kind of intuitively know 20 that most people who look at campaign finance data are 21 kind of looking for who the big influencers are. So we 22 chose this chart because it really does show the impact 23 of the larger influencers and it kind of shows it 24 across the board, you know. 25 COMMISSIONER MEYER: So it is to scale?</p>

<p>10:38:43-10:39:41 Page 58</p> <p>1 MR. ARCHER: It is to scale. Yes, sir. 2 COMMISSIONER MEYER: So then the chart on 3 the right, the pie chart or circle chart -- 4 MR. ARCHER: Uh-huh. 5 COMMISSIONER MEYER: -- is that the same 6 information as what's on the left, just in a different 7 format? 8 MR. ARCHER: Yes. That is an aggregated 9 version of the chart on the left. So this one is 10 showing the entities and how they spent it. That one 11 is just showing everything within the IE. So that's 12 PACs, 14 million. And then organizations gave 10 13 million. 14 COMMISSIONER MEYER: Okay. 15 MR. ARCHER: And then one thing has to be 16 clarified at some point, but it's somewhat obvious, but 17 green means it was in support. Red means that it was 18 against. 19 COMMISSIONER MEYER: Got you. 20 MR. ARCHER: It was money spent in 21 opposition. 22 And, then, I guess I'll just do one more 23 here. This is the individuals. Let me go back to '16. 24 I'm not going to do '17 because there's obviously no 25 reports filed so there's no data. So this is money</p>	<p>10:41:13-10:42:35 Page 60</p> <p>1 form of a graphic while it's in beta release -- 2 obviously, once in beta release, we are going to 3 maintain the link to the current reporting site and 4 then that link will bring you to this site which we 5 will then have the appropriate disclosures on, you 6 know, everything that was in the ISA that reflects that 7 this is a government site. 8 And then at that point, after the -- after 9 the release in January, that's when we would flip it 10 over and actually have -- what we currently have is -- 11 you know, for the search, the finance database site or 12 link in our site, it will then link to this. 13 COMMISSIONER KIMBLE: And one other 14 question -- and I apologize if this sounds petty, but 15 what did we agree to, Mr. Collins, on the banner of it 16 to show Secretary of State's Office, Clean Elections, 17 or what did we agree on? 18 MR. COLLINS: Well, as I think -- 19 Mr. Chairman, Commissioner Kimble, as Mr. Archer has 20 alluded to, we have the provision of the ISA that 21 explicitly says that -- basically, three things. 22 There's a -- that both logos will be displayed on the 23 site, and we've expressed -- and I think -- I think 24 we're in general agreement that that's an appropriate 25 thing to do because seethemoney.com is not on its own</p>
<p>10:39:45-10:41:07 Page 59</p> <p>1 that was spent in '16 by individuals only. So, you 2 know, you can see, for example, Mr. Hail over here, he 3 gave a pretty sizable donation. So if I was a -- I 4 could say, oh, what did Mr. Hail give to? And you can 5 see that he gave to Prop 123. 6 So that is what I have right now. As I 7 said, we anticipate -- we are completely on schedule 8 for an October 30th -- 31st release. In fact, we've 9 put our money where our mouth is, as we've put on our 10 site -- we've actually put an -- on the actual See the 11 Money site, we now have a countdown because we are 12 going to make that beta release. 13 So -- and that is -- if you have any other 14 questions, certainly I can do my best to answer them. 15 COMMISSIONER MEYER: A budget for the 16 trademark defense? 17 CHAIRMAN TITLA: Any further comments? 18 COMMISSIONER KIMBLE: Well, Mr. Chairman, 19 so will -- I see it's seethemoney.com. 20 Will there be a place on your page -- on 21 the Secretary of State's page that directs people to 22 it? 23 MR. ARCHER: Mr. Chairman, Commissioner 24 Kimble, yes. On our -- once the beta is -- we will 25 make adjustments to the sos.gov site. You know, in the</p>	<p>10:42:39-10:43:49 Page 61</p> <p>1 going to tell anybody what this means. In other words, 2 we know qualitatively and quantitatively that voters 3 don't really trust information. 4 So we want to have something on there that 5 says this is government-verified information. And 6 that's what that's there for, and then there's a paid 7 for with Clean Elections money -- or clean -- money 8 from the Clean Elections Fund. I don't have the exact 9 phraseology that goes on the -- on the footer of the -- 10 of the website. 11 So those will both be there. They 12 haven't -- as Mr. Archer alluded to, they haven't been 13 added to the landing page yet, but as far as I know, 14 they'll be there. And that's -- that's the main point. 15 We also, as part of the ISA -- and this is 16 a major benefit to the Commission, you know, we have 17 access to the information we need to do our job. And 18 so I think that this will continue to be -- although 19 housed in the Secretary's office and the Secretary's 20 office has the administrative responsibility for this, 21 I think this is something that we will want to join 22 with them in promoting the amount of information and 23 the way the information can be utilized, but we will -- 24 I anticipate, unless something changes, that Clean 25 Elections and the Secretary's office will be</p>



<p>10:43:51-10:44:42 Page 62</p> <p>1 represented on the -- on the landing page. 2 COMMISSIONER KIMBLE: Okay. And, 3 Mr. Archer, I just want to say as someone who has been 4 very skeptical of this because of past incidents which 5 we probably don't need to go into now, this is very 6 impressive. I am -- I am very impressed by this. I 7 think it's intuitive. It's attractive. It's -- the 8 search functions are far in excess of what I expected, 9 and I like it a lot. 10 MR. ARCHER: Thank you very much. 11 CHAIRMAN TITLA: Any more comments, 12 Commissioners? Commissioner Chan? 13 COMMISSIONER CHAN: Mr. Chair, I just 14 wanted the opportunity to thank Mr. Archer. I mean, 15 this is -- Garrett Taylor or Archer? I'm sorry. 16 MR. ARCHER: No. 17 COMMISSIONER CHAN: What is your last name? 18 MR. ARCHER: Garrett Archer. 19 COMMISSIONER CHAN: Archer. I'm so sorry. 20 MR. COLLINS: Garrett Taylor is this -- is 21 the chamber's lobbyist and he's less friendly. 22 MR. ARCHER: Yeah, Gary. 23 COMMISSIONER CHAN: Well, thank you -- 24 thank you, Mr. Archer, for coming and showing us this 25 because, you know, seeing your memo versus seeing</p>	<p>10:45:53-10:46:39 Page 64</p> <p>1 operations would be to go -- talk to Mary. That may be 2 in executive session, come out of the executive 3 session, any other discussion that needs to occur, and 4 then -- and then, provided you agree with the staff 5 recommendation, move forward with the, you know, 6 approval of the October 2nd transfer. So that's how I 7 would handle it if that works for you, Mr. Chairman. 8 CHAIRMAN TITLA: So we need to go into 9 executive session now? 10 MR. COLLINS: I guess it's up to Mary, how 11 much Mary wants to talk in open session versus how much 12 she wants to talk in executive session. 13 MS. O'GRADY: Let's go into executive 14 session. 15 MR. COLLINS: I think we probably might 16 want to go into executive session for a bit and kind of 17 hash out the questions we have legally. 18 COMMISSIONER MEYER: Mr. Chairman -- 19 CHAIRMAN TITLA: Thank you, Mr. Archer, for 20 your work. 21 MR. ARCHER: Commissioners, thank you. 22 CHAIRMAN TITLA: Commissioner Meyer? 23 COMMISSIONER MEYER: I move we move to 24 executive session. 25 CHAIRMAN TITLA: Motion by Commissioner</p>
<p>10:44:45-10:45:50 Page 63</p> <p>1 this -- and I know I was excited about the project, but 2 seeing it like this is -- I just would echo what 3 Commissioner Kimble said. It's really incredible, and 4 I just can't wait to get my hands on it and play with 5 it a little bit when it launches. So thank you. 6 CHAIRMAN TITLA: Any further comments 7 Commissioners? 8 (No response.) 9 CHAIRMAN TITLA: Do we take action on this 10 item? 11 MR. COLLINS: Well, what I would recommend, 12 Mr. Chairman, is that, you know, this -- what we'll 13 probably want to do -- I mean, I don't think that 14 Mr. Archer needs to actually hang around for this, but 15 we'll want to have the legal conversation around the 16 issues that Mr. Kimble -- that Commissioner Kimble has 17 raised and the broader -- we've got a bunch of other 18 items related to legal stuff. 19 And we want to get that resolved and 20 then -- and then we'll have action after that, I think. 21 You know, because the main action we want to make sure 22 is that the Commission is comfortable and comfortable 23 with the staff recommendation that we go ahead and make 24 the progress payment on October 2nd that we would make. 25 So -- so I think that the best order of</p>	<p>10:46:39-11:38:52 Page 65</p> <p>1 Meyer to go into executive session. 2 Second? 3 COMMISSIONER CHAN: Second. 4 CHAIRMAN TITLA: Commissioner Chan seconds. 5 All in favor say aye. 6 (Chorus of ayes.) 7 CHAIRMAN TITLA: Opposed? 8 (No response.) 9 CHAIRMAN TITLA: Abstain? 10 (No response.) 11 CHAIRMAN TITLA: We are in executive 12 session at 10:45 a.m. 13 (The following section of the meeting is in 14 executive session and bound under separate cover.) 15 * * * * * 16 (End of executive session. Public meeting 17 resumes at 11:38 a.m.) 18 CHAIRMAN TITLA: We're back in regular 19 session on Item V: Discussion and possible action in 20 the following related issues. 21 Mr. Director, are we -- what's your 22 recommendation? 23 MR. COLLINS: Oh, yes. Commissioners, just 24 to recap, you've seen the ISA -- or the demonstration, 25 rather, on the See the Money program as it stands.</p>

<p>11:38:55-11:40:21 Page 66</p> <p>1 You've reviewed Garrett Archer's memo and had an 2 opportunity to see Mr. Archer's work along with the 3 team there at the -- at the Secretary of State's. And 4 we think that's good progress and we're positive -- we 5 feel positively about that. 6 In addition, pursuant to the -- to Mary's 7 negotiations with the Secretary's office, we think that 8 we have a resolution that's about as good as it's going 9 to get for now in terms of the publication of our rules 10 in the Administrative Code. Although that comes along 11 with the publication of GRRC's objections, they're both 12 there, but at least the public will be on notice that 13 we believe our rules are our rules and that is also the 14 law. 15 So unless you have further questions, I 16 have a couple of recommendations. My first 17 recommendation would be that we approve the payment of 18 the \$150,000 under the terms of the ISA on October 2nd 19 subject to the reservation of any rights we have under 20 the Interagency Service Agreement entered into with the 21 Secretary of State's Office. 22 So a motion along those lines would be, I 23 think, our recommendation. So a motion to approve 24 payment of 150 -- actually, really a transfer of 25 \$150,000 on October 2nd to the Secretary of State's</p>	<p>11:41:24-11:43:02 Page 68</p> <p>1 16-941, 16-958 and 16-942(B) with respect to 2 independent expenditures. We think that those rules 3 provide guidance to the public and that's part of the 4 reason we wanted them in the Administrative Code. 5 However, in order to ensure that the 6 Administrative Code is as clean as possible, we would 7 recommend that you vote to circulate R2-20-109 for 60 8 days public comment, and we will publish the notice 9 that is in your materials with the Secretary of State's 10 Office as soon as possible. 11 Relatedly, we would recommend the same with 12 respect to R2-20-111. R2-20-111 does a couple of 13 different things. The first is it reiterates the 14 statute, the Clean Elections Act says what it says and 15 what the courts have said it said both in the Supreme 16 Court and the Superior Court in 2014 in the Horne 17 versus Clean Elections Commission case; that the -- 18 that the Commission does have authority to enforce 19 16-941(B) and 16-942(B) against the so-called 20 traditional candidates. 21 It also makes clear that the -- under the 22 Supreme Court's ruling in Clean Elections Commission v. 23 Brain, that the 20 percent reduction comes off of the 24 adjusted campaign finance limits, and it makes a 25 similar technical -- technical adoption. Those two</p>
<p>11:40:26-11:41:20 Page 67</p> <p>1 Office subject to the reservation of any rights under 2 the Interagency Service Agreement that this is all 3 subject to. 4 COMMISSIONER CHAN: Mr. Chairman? 5 CHAIRMAN TITLA: Commissioner Chan. 6 COMMISSIONER CHAN: I would so move. 7 CHAIRMAN TITLA: Motion made by 8 Commissioner Chan. 9 Second? 10 COMMISSIONER KIMBLE: Second. 11 CHAIRMAN TITLA: Commissioner Kimble 12 seconds the motion. 13 All in favor say aye. 14 (Chorus of ayes.) 15 CHAIRMAN TITLA: Opposed? 16 (No response.) 17 CHAIRMAN TITLA: Abstain? 18 (No response.) 19 CHAIRMAN TITLA: Motion is carried 20 unanimously. 21 MR. COLLINS: Mr. Chairman, before we move 22 on, as the agenda indicates, there's a discussion and 23 possible action on Rules R2-20-109 and R2-20-111. Just 24 to recap, R2-20-109 are rules that detail the 25 Commission's policies with respect to enforcement of</p>	<p>11:43:06-11:44:39 Page 69</p> <p>1 changes are designed to avoid a Voter Protection Act 2 issue because the legislation tweaked the formula away 3 from inflation and in favor of a flat \$100 increase. 4 So we adopted that rule, as the explanation 5 provides, in order to avoid conflict, and we -- again, 6 we believe that this will help clarify -- that 7 recirculating and republishing will help clarify things 8 for the public and address these -- the conflict issue 9 in the -- in the -- in the published Administrative 10 Code. 11 So there's some tweaks to 111 to make the 12 language a little more efficient and clearer which are 13 acknowledged in there. There's some superfluous 14 language that we've lined out. You'll note that all 15 the language in there is submitted as, quote/unquote, 16 new language, although it's not new language, and 17 that's in part because we don't really know any other 18 way to properly notice the fact that these rules are 19 being, you know, essentially reenacting existing rules, 20 but that's what we're doing. 21 If the Secretary's office asks us to change 22 those, we'll -- we'll work on that, but the bottom line 23 is we'd ask you to approve both of those rules for 24 public comment. And we will forthwith publish them 25 with the Secretary and publish them on our website. So</p>


<p>11:44:42-11:45:25</p> <p>Page 70</p> <p>1 that's what I'm hoping and recommending a motion. I 2 would do separate motions on Rule 109 and 111 for 3 public comment. 4 CHAIRMAN TITLA: Any motion or comment by 5 the commissioners based upon the director's 6 recommendation? 7 COMMISSIONER KIMBLE: Mr. Chairman? 8 CHAIRMAN TITLA: Commissioner Kimble. 9 COMMISSIONER KIMBLE: I move that we 10 publish R2-20-109 for 60 days for public comment. 11 CHAIRMAN TITLA: Motion made by 12 Commissioner Kimble as stated. 13 Second? 14 COMMISSIONER CHAN: Second. 15 CHAIRMAN TITLA: Second by Commissioner 16 Chan. 17 All in favor say aye. 18 (Chorus of ayes.) 19 CHAIRMAN TITLA: Opposed? 20 (No response.) 21 CHAIRMAN TITLA: Abstain? 22 (No response.) 23 CHAIRMAN TITLA: Motion is carried 24 unanimously. 25 Any other comments or motions?</p>	<p>11:46:14-11:47:01</p> <p>Page 72</p> <p>1 comment? 2 (No response.) 3 CHAIRMAN TITLA: I just want to note that 4 our esteemed counsel, Mary O'Grady -- I'd like to 5 commend and congratulate her for an award she received 6 in the attorney magazine that we get each month. It's 7 a very prestigious award that she got being recognized 8 as an attorney -- I can't remember the word 9 specifically, but congratulations, Mary. 10 MS. O'GRADY: Thank you. 11 CHAIRMAN TITLA: As attorneys we get a 12 monthly magazine called attorney magazine, and 13 attorneys that have received awards get recognized 14 there. So congratulations. 15 MS. O'GRADY: Thank you very much. 16 CHAIRMAN TITLA: Motion to adjourn? 17 COMMISSIONER KIMBLE: Mr. Chairman, I move 18 we adjourn. 19 CHAIRMAN TITLA: Commissioner Kimble. 20 Second? 21 COMMISSIONER MEYER: Second. 22 CHAIRMAN TITLA: Commissioner Meyer 23 seconds. 24 All in favor say aye. 25 (Chorus of ayes.)</p>
<p>11:45:28-11:46:13</p> <p>Page 71</p> <p>1 COMMISSIONER MEYER: Mr. Chairman? 2 CHAIRMAN TITLA: Commissioner Meyer. 3 COMMISSIONER MEYER: I'll make that same 4 motion that we put out for public comment for 60 days 5 proposed Rule R2-20-111. 6 CHAIRMAN TITLA: Motion made by 7 Commissioner Meyer to publish for 60 days for public 8 comment R2-20-111. 9 Is there a second? 10 COMMISSIONER KIMBLE: Second. 11 CHAIRMAN TITLA: Second, Commissioner 12 Kimble. 13 All in favor say aye. 14 (Chorus of ayes.) 15 CHAIRMAN TITLA: Opposed? 16 (No answer.) 17 CHAIRMAN TITLA: Abstain? 18 (No response.) 19 CHAIRMAN TITLA: Motion is carried 20 unanimously. 21 Is there anything else, Director? 22 MR. COLLINS: Mr. Chairman, we just have 23 public comment, if any. If not, a motion to adjourn 24 is -- I think we're at a motion to adjourn. 25 CHAIRMAN TITLA: Is there any public</p>	<p>11:47:02-11:47:07</p> <p>Page 73</p> <p>1 CHAIRMAN TITLA: Opposed? 2 (No response.) 3 CHAIRMAN TITLA: Abstain? 4 (No response.) 5 CHAIRMAN TITLA: We are adjourned at 11:46 6 a.m. Thank you, everyone. 7 (Whereupon, the proceedings concluded at 8 11:47 a.m.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

1 STATE OF ARIZONA       )  
2 COUNTY OF MARICOPA    )

3           BE IT KNOWN the foregoing proceedings were  
4 taken by me; that I was then and there a Certified  
5 Reporter of the State of Arizona, and by virtue thereof  
6 authorized to administer an oath; that the proceedings  
7 were taken down by me in shorthand and thereafter  
8 transcribed into typewriting under my direction; that  
9 the foregoing pages are a full, true, and accurate  
10 transcript of all proceedings and testimony had and  
11 adduced upon the taking of said proceedings, all done to  
12 the best of my skill and ability.

13           I FURTHER CERTIFY that I am in no way  
14 related to nor employed by any of the parties thereto  
15 nor am I in any way interested in the outcome hereof.

16           DATED at Phoenix, Arizona, this 29th day of  
17 September, 2017.



LILIA MONARREZ, RPR, CR #50699

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