THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
January 18, 2018
9:34 a.m.

COASH & COASH, INC.
Court Reporting, Video & Videoconferencing
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Prepared by:
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Certificate No. 50699
PUBLIC MEETING BEFORE THE CITIZENS CLEAN ELECTIONS COMMISSION convened at 9:34 a.m. on January 18, 2018, at the State of Arizona, Clean Elections Commission, 1416 West Adams, Conference Room, Phoenix, Arizona, in the presence of the following Board members:

Mr. Damien R. Meyer, Chairperson
Mr. Mark S. Kimble
Ms. Amy B. Chan
Mr. Galen D. Paton

OTHERS PRESENT:

Thomas M. Collins, Executive Director
Paula Thomas, Executive Officer
Sara Larsen, Financial Affairs Officer
Gina Roberts, Voter Education Director
Mike Becker, Policy Director
Alec Shaffer, Web Content Manager
Stephanie Cooper, Executive Support Specialist
Kara Karlson, Assistant Attorney General
Mary O'Grady, Osborn Maledon (telephonic)
Joseph LaRue, Assistant Attorney General
Mira Rieste, Rieste
Christina Stone, Rieste
Talia Cornbeth, Riester

09:34:27-09:35:23

CHAIRMAN MEYER: All right. Good morning, everyone. We're going to call to order the meeting of the Citizens Clean Elections Commission. It is Thursday, January 18, 2018. Commissioner Damien Meyer.
We are -- let's just go ahead and call the roll here, I guess.
Everyone announce their presence.

COMMISSIONER PATON: Galen Paton, present.

CHAIRMAN MEYER: Okay. And we have -- Mary O'Grady is on the phone, counsel for the Commission.
Let's start with Item -- or move to Item Number II: Discussion and possible action on the Commission minutes for December 14, 2017.

COMMISSIONER KIMBLE: Mr. Chairman?

CHAIRMAN MEYER: Yes.

COMMISSIONER KIMBLE: I move we approve the minutes for the meeting of December 14th, 2017.

COMMISSIONER CHAN: I second that motion.

CHAIRMAN MEYER: Commissioner Chan, thank you.
We have a motion and a second.
All in favor say aye.
(Chorus of ayes.)

CHAIRMAN MEYER: All opposed?

(No response.)

CHAIRMAN MEYER: Okay. Motion passes.
Item Number III: Discussion and possible action on executive director's report.

Tom?

MR. COLLINS: Yes. Thank you, Mr. Chairman, Commissioners.
Just real briefly, we do have a -- there's a special primary election to fill the vacancy in Congressional District 8 you may have heard about.
That's on Tuesday, February 27, and the voter registration deadline for that is January 29th. Early voting begins January 31st.
We will have a booth at the African-American Conference on Disabilities on February 16th.
We have started to receive applications for funding from candidates. We have thus far funded three candidates, one statewide and two legislative candidates.
We are -- just to note real quick, MUR 17-01 on Rubalcava, that has been appealed. And then the Legacy Foundation Action Fund case, oral argument was in September. We're still waiting for -- for that.
This miscellaneous is -- was on last month's agenda. We just sort of left it -- left it in there. It's not -- it's not new. And then there's the supplement. We're still working with the Secretary's office on completion of the deliverables for the See the Money program, and Sara and I had, I think, a productive meeting with them on January 3rd and had hoped that things will be completed by the 16th.
It doesn't look like all work has been completed by the 16th, although on the -- on the good side, the indications are that Clean Elections independent expenditure reports are available for filing. So, you know, it's kind of a mixed bag, but we have not yet made the final payment on that.
And, you know, we -- when we last met, you-all -- you-all authorized me to issue that payment conditioned on completion and without having the items.
1 some information on the beta testing and those kinds of things. I've been unable to do that, and they haven't asked for the final payment yet either. So that's where we are.
2 If anyone has any questions on that, that pretty much concludes the highlights of my report.
3 COMMISSIONER PATON: Mr. Chairman?
4 CHAIRMAN MEYER: Yes, Commissioner Paton.
5 COMMISSIONER PATON: Tom, I do have a question about Rubalcava. So he appealed.
6 What does that mean?
7 MR. COLLINS: I may not be the best person to ask. Joe LaRue may be -- may be the best person to answer that question. My -- my answer is, essentially, the case goes to the Office of Administrative Hearings.
8 There are some procedures there. He has some filings he has to make. We have filed our -- essentially, noted our presence or something to that effect, entered an appearance, I think.
9 MR. LA RUE: Commissioner -- or Mr. Chair and Commissioner, basically, the way it works is that Mr. Rubalcava sent a notice to Clean Elections indicating that he wanted to appeal the decision that the Commission reached. At that point, we, the Attorney General's Office, prepared a notice of hearing.
10 and set a hearing before the Office of Administrative Hearings for February 12th.
11 Mr. Rubalcava will have the opportunity to make his case in that -- that hearing as to why your decision against him was in error, and there's a process through which that will go. The judge in that hearing will either affirm your decision or else will find problems with it, but until we come to that -- that hearing date, I really don't know any more than that.
12 MR. COLLINS: And, Mr. Chairman, Commissioner Paton, I think just to add to that, when we -- when/if the administrative law judge issues an order, then we'll have -- I can't remember the other Attorney General -- Assistant Attorney General's name who will come back to be your adviser on the return of that order because Joe and Kara will be in the process of defending the decision. So there will be a separate screened attorney general to advise you on what steps you might take after an order comes back from the ALJ.
13 COMMISSIONER PATON: And if I may -- and is it possible the Attorney General's Office could pursue something criminally or -- I mean, it's not just our thing? It's the Attorney General could do something.
14 Yes or no?

1 MR. LA RUE: Mr. Chairman and Commissioner, I really -- I don't know. The criminal side of things is not something that Kara and I deal with, and so I really don't know the answer to that.
2 COMMISSIONER PATON: Okay.
3 COMMISSIONER KIMBLE: Mr. Chairman?
4 CHAIRMAN MEYER: Commissioner Kimble.
5 COMMISSIONER KIMBLE: So just to be clear, this -- my understanding was that his deadline to appeal had passed and now he's appealing to a different agency and we are removed from this and -- am I accurate in that?
6 MR. COLLINS: Mr. Chairman, Commissioner Kimble, the way that -- the way -- the way that I see it, there are two separate orders against him. One order related to repayment and one order related to fines and penalties. The fines and penalties deadline ran from the date of service which was -- I don't know -- something like a couple of days after -- after the last meeting. He did timely file that notice of appeal.
7 Our rules and sort of background administrative law in Arizona contemplate, you know, that the -- that there are administrative law judges who can review these kind of administrative decisions.
24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

9:45:27-09:46:32 Page 11

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<td>See the Money, I've looked at the -- at the site, and</td>
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<td>COMMISSIONER KIMBLE: Mr. Collins, allowed to make arguments as to why this</td>
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<td>MR. COLLINS: Mr. Chairman, that's how I</td>
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<td>understand things.</td>
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<td>CHAIRMAN MEYER: Okay.</td>
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<td>MR. COLLINS: What he -- what he would say</td>
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<td>at a -- at a hearing is up to him, but that certainly</td>
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<td>13 would be the position I believe we hold.</td>
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<td>CHAIRMAN MEYER: Then the next question.</td>
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<td>At the hearing, this is just a review of the record,</td>
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<td>correct? There's not going to be evidence put on or</td>
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<td>17 anything like that, will there?</td>
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<td>MR. LaRUE: Mr. Chairman, that is my</td>
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<td>understanding. That's the way it's supposed to work,</td>
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<td>16</td>
<td>and I'm couching it that way because, you know, as an</td>
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<td>attorney I can tell you that one never knows what may</td>
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<td>happen in a hearing, but the way it is supposed to work</td>
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<td>23 is that it is a review of this body's decision with</td>
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<td>Mr. Rubalcava allowed to make arguments as to why this</td>
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<td>25 Commission erred in imposing penalties. And we, of</td>
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<td>was correct.</td>
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<td>CHAIRMAN MEYER: Okay. Any other questions</td>
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<td>on the appeal?</td>
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<td>COMMISSIONER KIMBLE: Well, one other one.</td>
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<td>So this may be getting in the realm of it's difficult</td>
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<td>to predict, but typically will the administrative judge</td>
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<td>rule that day or is this something he takes under</td>
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<td>advisement?</td>
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<td>10</td>
<td>MR. LaRUE: Mr. Chairman, Commissioner, it</td>
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<td>is impossible to predict. That said, I would be</td>
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<td>12</td>
<td>surprised if there is a ruling that day.</td>
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<td>COMMISSIONER KIMBLE: Mr. Chairman, I have</td>
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<td>a question about something else on the -- in the</td>
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<td>executive director's report, if we're done with this</td>
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<td>topic.</td>
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<td>CHAIRMAN MEYER: Any other questions on the</td>
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<td>Rubalcava matter?</td>
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<td>(No response.)</td>
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<td>CHAIRMAN MEYER: If not, go ahead.</td>
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<td>Commissioner Kimble.</td>
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<td>COMMISSIONER KIMBLE: Mr. Collins, on the</td>
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<td>See the Money, I've looked at the -- at the site, and</td>
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<td>I've spent a substantial amount of time using it. And</td>
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<td>I can say that I think it works. I can also say I</td>
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<td>think it's -- well, I'll just say unattractive and not</td>
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<td>at all what we were initially shown as the wire outline</td>
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<td>of what it was supposed to look like.</td>
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<td>So where exactly do we stand with them?</td>
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<td>And there's a place you can put feedback, and I put</td>
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<td>6</td>
<td>feedback in. And I sent an email to the Secretary of</td>
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<td>State, and I've heard nothing back. So where do we</td>
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<td>stand on our issues with them?</td>
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<td>MR. COLLINS: Well, Mr. Chairman,</td>
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<td>Commissioner Kimble, there's really two -- two</td>
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<td>different issues there that you've described. The</td>
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<td>first is the ISA outlined some specific features that</td>
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<td>the site was to have. One of the things we did not do</td>
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<td>in our -- in our ISA was make, if you will, aesthetic</td>
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<td>stipulations.</td>
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<td>We did -- the beta testing, however, was</td>
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<td>specifically part of the process, and the Secretary has</td>
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<td>gone out and done a pretty ongoing Facebook advertising</td>
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<td>campaign, for example, to drive people to the site. I</td>
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<td>have some inquiries into them related to what</td>
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<td>they've -- what the scope of that was, what the results</td>
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<td>were, how it's changed things.</td>
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<td>As -- in an effort to be -- go above and</td>
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<td>beyond what our partnership requires, I authorized Gina</td>
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<td>to work with our -- with the designers at the Riester</td>
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<td>firm that we work on a lot of our design matters to</td>
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<td>provide feedback and some mockups of some -- some,</td>
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<td>perhaps, more -- dealing with some of the aesthetic</td>
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<td>issues.</td>
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<td>I think that the major -- putting aside,</td>
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<td>you know, whether they like the tones and stuff like</td>
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<td>that, I think there are -- I think, in my view -- and</td>
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<td>Gina can correct me if I'm wrong, but I think there are</td>
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<td>two major design issues. The first is that if you look</td>
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<td>at what's currently there, the color scheme and the</td>
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<td>granularity around the different icons makes it very</td>
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<td>difficult to read. So there's a -- so there's a</td>
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<td>visibility and accessibility issue there which we've</td>
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<td>identified for the IT staff.</td>
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<td>Secondly, the site as it's currently</td>
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<td>designed doesn't articulate as well as it might why you</td>
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<td>should look at it, and we think that's important.</td>
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<td>We've given them a mockup that basically lays out, you</td>
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<td>know, here's what -- here's why this matters; here's</td>
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<td>what is -- here's where to find certain things. You</td>
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<td>know, we haven't had a meeting with them about that. I</td>
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<td>know they've been -- you know, their goal was to really</td>
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<td>grind out a lot of this stuff over the course of the</td>
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<td>next -- of the last two weeks.</td>
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<td>So I'm not sure whether -- and we haven't</td>
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Mr. Chairman, let me start off.  I've really -- that's an important piece of this.  In other words, if the beta I haven't received it yet.  So I'm really -- that's an some information, and I've asked for that information.

And, finally, I really do, in order to -- 18 18
if you read the -- if you read the contract, the beta 19 19
testing and off the testing and final signoff, which 20 20
you authorized me to do, you know, requires me to have 21 21
some information, and I've asked for that information.

I haven't received it yet.  So I'm really -- that's an 23 23
important piece of this.  In other words, if the beta 24 24
testing didn't yield any information or didn't yield 25 25
1. to find that which is at the very bottom there in about
2. the one-point type.
3. MR. COLLINS: Yeah. Mr. Chairman,
4. Commissioner Kimble, with respect to that, I mean, I
5. think that the contract actually calls for a landing
6. page with both logos on it. I know that there are
7. folks who work on IT at the Secretary's office who
8. don't like landing pages. You know, part of it is a
9. question of what -- what battles to fight and what
10. battles not to fight. At a certain point there's --
11. that's -- that's ultimately a call for you-all to make.
12. I mean, certainly -- and I don't have the
13. contract -- a copy of the contract with me, but I'm
14. pretty -- I'm almost 100 percent certain we wrote in
15. that there would be a landing page and then you would
16. go into it which would allow for more space for the
17. logos. A landing page with those logos could also
18. explain you are about to enter a system that allows you
19. to do X, Y, and Z and that kind of thing.
20. So there are some things you could do with
21. a landing page that I think would be beneficial but,
22. you know, I suspect that I can certainly give that
23. feedback to them. I mean, there's -- there's nothing
24. to prevent that, and I'm halfway certain they're
25. watching the meeting anyways. So, you know, I mean, I

1. think we can -- but I do know there's a general dislike
2. for that. I don't know if that's true as a web design
3. concept in general or if it's simply just an
4. idiosyncrasy of the Secretary's IT folks.
5. COMMISSIONER CHAN: Thank you,
6. Mr. Chairman.
7. CHAIRMAN MEYER: Thank you.
8. Okay. So just sort of maybe bringing this
9. back a bit to the supplement to your report, Tom, if I
10. understand it correctly, you're just going to keep in
11. communication with them. There's certain deliverables
12. you've asked to have before we submit the second and
13. final payment?
14. MR. COLLINS: Yeah.
15. CHAIRMAN MEYER: And you're still waiting
16. on those and we'll hear from you on that, but once you
17. get those you're going to make the payment.
18. Is that a fair summary?
19. MR. COLLINS: I think -- yeah. I think as
20. long as the -- as long as the contracts are filled, I
21. think -- I think that -- I think we're obligated to
22. make the payment. You know, hindsight being 20/20,
23. surely there are things that we might have -- you know,
24. we might have been more specific of. Some things we
25. were specific of that we may or may not really care

1. about or it depends on, you know, how much you want to
2. be sticklers about it.
3. I certainly -- I think -- I think that Sara
4. and I have demonstrated a willingness to accommodate
5. the views of the Secretary's office insofar as they
6. don't mesh with the contract the Secretary's office
7. signed, but there is a point in which, you know, that
8. has to -- there is a point past which, you know, we
9. need to have -- the terms were written for the purpose
10. of having them done, you know, not to not have them
11. done.
12. So it's -- you know, on the other hand, you
13. know, we do have our reports in which is important, and
14. there's some other benefits. So it's -- you know, I
15. think the only thing I can say is that you'd like to
16. believe that a contract is a contract is a contract,
17. but a contract is often -- it becomes a jumping-off
18. place for further negotiations of that contract.
19. I don't think we've given anything away on
20. that score, but we have also tried not to overplay our
21. hand because it is important to us to have the
22. functionality. Once the functionality is built, the
23. Secretary's office over time has time to improve the
24. product. And if our relationship is good, we're happy
25. to continue to work with them to make sure that the
the viewpoint of the voters, the better we can reach their overall feelings and thoughts are on elections. to make sure that we understand where the voters stand, past several years conducted research for this purpose research guides our messaging strategy. It guides the done in 2017 and what our plan is for 2018. This foundation for how we've moved forward for what we have the beginning of 2017, and this is really the brief. So what we have for you today is a recap of our voter education activities and the 2018 voter education plan.

MS. ROBERTS: Mr. Chairman, Commissioners, good morning.

CHAIRMAN MEYER: Yes, good morning.

MS. ROBERTS: Mr. Chairman, Commissioners, good morning.

CHAIRMAN MEYER: All right. Any other questions on the executive director report?

(No response.)

CHAIRMAN MEYER: Okay. Let's move on to Item Number IV, which is discussion and possible action on the 2017 voter education activities and the 2018 voter education plan.

CHAIRMAN MEYER: Okay.

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CHAIRMAN MEYER: Okay.

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CHAIRMAN MEYER: Okay.
1 voter's face. They don't have that constant reminder
2 this election is coming up. And then where do they go
3 to get information? Most of these voters describe
4 difficulty in I don't really know where to go to find
5 information on, you know, my local candidate or, you
6 know, my midterm election or my legislative candidate.
7 So there was that overall feeling of, yes,
8 they're important, but the reason why we're not turning
9 out is because we don't know where to go for the
10 information. We're not being constantly reminded of
11 it.
12 We did talk to them about our debates and
13 our voter guide, and with regard to debates, voters
14 spoke positive when it came to the presidential ones.
15 As far as the local debates, not so much awareness that
16 these are actually happening.
17 And our voter guide, folks reference the
18 guide as being too long and complicated to be fully
19 understood. So we have made some changes, as you're
20 aware of, with going from the full pamphlet to the
21 district specific. And the first year that we
22 implemented that was the 2016 cycle. So with this
23 feedback after the fact, we still have some
24 improvements that we can make.
25 And I'll share those with you a little bit

1 later throughout the presentation, but we are aware of,
2 you know, how can we improve our Voter Education Guide?
3 How can we make folks aware of the debate so that
4 they'll come out?
5 So the overall takeaway that we left with
6 from the research was, as far as our messaging goes, we
7 really need -- and I apologize. I know this is
8 difficult to see, but we need to demonstrate the
9 emotional reward of voting, that feeling of
10 empowerment, that feeling of, you know, I just cast my
11 ballot and I feel really great walking away from the
12 polls.
13 We need to provide our information in a
14 more simplified manner. We need to show the connection
15 of this information to the individual voter, the local
16 issues, how they impact their backyard. We need to
17 make our information as easily accessible as possible
18 and as easily digestible as possible and just to be
19 transparent. It's important for voters to understand
20 where they're getting their information from, that it's
21 non-partisan and that it's unbiased so they trust the
22 source. And we need to consistently provide multiple
23 touch points on how we can get this information to
24 voters.
25 So 2017, our elections, we had four

elections this year on our consolidated election dates.
1 One thing I want to notice -- or mention here, the
2 messaging and tactics that we've used. So I described
3 a little bit about the research and how that drives our
4 messaging, and that will go forward with our tactics
5 that we used for our media plan.
6 The other thing that I want to point out to
7 consider as we go through this, we have the job of
8 educating the entire state of Arizona. We have 15
9 counties. The voting experience is different in each
10 county for each individual voter as in what options do
11 they have. And we have terminology from vote by mail,
12 vote centers, all mail, all mail ballot, polling place,
13 provisional ballot, early voting, ballot replacement
14 centers. All of these terms are different across
15 counties and a matter of what's available.
16 So a voter who is in Pima County can have a
17 very different voting experience than a voter that's in
18 Yavapai County. So that's important for us to keep in
19 mind as we consider the messaging that we're pushing
20 out statewide and then how we have to reach each
21 individual voter across the four corners of the state.
22 So this is where I'll go pretty quickly.
23 These are just some brief details on the elections and
24 what we did. So we had our March election with our
25
local cities, and we've supported these through social
2 media. And these are just some examples of the
3 creative that we did, and you'll see a lot here where
4 we talk about impressions and engagement and the cost.
5 We had a very strong media plan in 2017, and overall
6 our performance was above industry standard.
7 So, you know, in terms of what do these
8 numbers mean, it means we did a good job. It means our
9 media buyer and our media team, they did a good job in
10 getting us our bank for a buck in our reach.
11 COMMISSIONER CHAN: Mr. Chairman, Gina,
12 could you just explain what impressions are and
13 engagement?
14 MS. ROBERTS: Sure. So an impressions is
15 how many times was this ad -- a message, an ad that we
16 have, how many times was it displayed to somebody so
17 they were impressed with it.
18 Now, whether or not they clicked on it,
19 that's a click or did they engage with it somehow. So
20 if we're talking social, you know, did they react to
21 it? Did they leave a comment? That type -- that's
22 engagement, and we want engagement because that gives
23 us the opportunity, then, if someone puts a question on
24 social media, we can respond to it pretty quickly. You
25 know, we have a hundred response rate through those.
So it's a good communication channel for us.

Like, someone clicked on it?

That would be a click, so depending on the ad that we are talking about. And then the engagement, again, is if they leave a comment or something like that. So they engage with the ad. They clicked on it. They left a message. They shared it with their friends, that type of thing.

COMMISSIONER PATON: Did they like it?

MS. ROBERTS: Yes, yes.

So these are just examples of creative that we did, some of the ads that we had through March. And then we had our May election. You'll see as we go from March, May, August and November, the amount of jurisdictions that are participating, those start to pick up. So when those pick up, because we now have a greater audience, we'll support that with more tactics. So we'll see more social media here.

And, again, the messaging that we're putting out there is key dates, deadlines, last date to register to vote. This is where you go to find your polling or your vote center, a reminder to turn in your early ballot, things like that.

When we get into August, August was a pretty bigger -- a much bigger election because of the city of Phoenix one that got more media attention on it, and so we did social media and we also had digital tactics. So we helped support this election through banner ads. So when you're on your computer, you see an ad pop up, that type of thing. We had social videos going through YouTube, and then we did paid search. So if you're googling and you type in city of Phoenix election, that type of thing, you'll get to the Clean Elections information.

Just some more examples, some examples of our videos for our Facebook. Hopefully our commissioners follow us and have already seen these. Some examples of the banner ads that I mentioned, the digital. And this was a YouTube video that we had to remind voters to mail in your early ballot. And, again, with our paid search.

So November picked up. We had 11 counties, it looks like, that had elections. So because of that, we wanted to amplify our tactics. We added radio into the mix here and we -- that helped support our digital and social media efforts. And -- you know, I apologize, but I am trying to go through these items pretty quickly because we do have a lot to cover again, but overall, the main point here is that we had supporting messaging out there for each election and the stats on this show that we were successful.

An example of one of the radio reads that we had: Brought to you by the Citizens Clean Elections Commission. Register to vote by October 10th for the November 7th election. Visit azcleanelections.gov/novemberelection for all your voter registration information. Very to the point, very basic. It's the information you need right then and there, and we did radio reads like this for all the key dates and deadlines. So mail your ballot back, the last date to get a ballot by mail.

Maricopa County had a very specific voting process with specific dates that people could vote in person once early voting ended. So we a specific radio read to that and then, of course, on election day.

Some of the voter tools that we implemented. This is a picture here from when staff went down to ASU at the National Voter Registration Day, and these students who are on their phone, they are downloading our chatbot. They are engaging with it. And with our chatbot, we ran ads to support this.

And as most of you saw during the roundtable, the chatbot is a new tool that we developed, and it provides automated responses to voters under specific key dates and deadlines. You want to learn more about how to get your ballot or where your voting location is or visit azcleanelections.gov directly to learn more. It's a new tool, new technology. We learned a lot about how voters use this, and it was really interesting to see their reaction to it.

We had three paths in the chatbot. We had one for the August election, the November -- elections. Elections in general, the details about it. And then we had a path for trivia. So test your election trivia knowledge. We had about ten questions -- or eight to ten questions in there. And where we asked what we thought as staff were very easy questions, such as how old do you have to be to register to vote or, you know, when is the deadline, things like that, it took our users about nine to ten minutes to answer those questions which was, you know, a little bit of an eye opener for us because, again, on our end, we think this is easy information but, you know, it took a little bit longer than anticipated to respond to those.

So this tool, again, is very new. We're learning more about it, how we can best use it to reach our -- to reach our voters and -- sorry about that.
One of the interesting things, too, is with our subscription rate. So with the chatbot, when someone downloads it, they can choose to subscribe to notifications. And we had a 10 percent subscription rate, which was really great to see. So what that means now is every time we have an election deadline, we can push that notification out to them and it will pop up.

We had our voter I.D. at the polls tool that we developed, and so we launched that later in 2017. If you'll recall, this tool was developed to help people navigate through that standard list. There's three lists of acceptable I.D., and sometimes it's kind of a mix and match. You know, do I have this, but is it the right -- you know, is it out of date, or does this have my current address on it? So we developed an application to take the guesswork out of it.

Events and outreach that we went through in 2017, we had our roundtable. That was really great. We had a good turnout between our counties, our election officials, and our stakeholders throughout the community. So we took away from that roundtable -- the highlight was the need for voter education. Throughout all of the breakout sessions, from the feedback that we got in our surveys, the Number 1 theme was the need for voter education and how most people view voter education campaign, we are terming that "Connections." Our campaign for this year, our voter education campaign, is working with our counties to sponsor a local print and online ad. We also have partnerships with the Arizona Center for Disability Law in developing education materials for voters without permanent residence. This is just a snapshot of what we have done this year.

As I mentioned, we were at National Voter Registration Day. This is a really fun event for staff to go to because we get to interact with really our young generation of voters here. These are going to be the folks who are shaping our future, and it's really exciting to see their level of interest and how passionate they are. We also know that they need a lot of help just because, you know, we have voters who maybe they're here temporarily, you know, this is not their home state. They don't have an Arizona I.D., an Arizona driver's license. They live in a dorm.

We just have to talk to each individual voter to understand more about how we can help them. These are just some pictures of the event. So it's really great to get these folks registered, and we asked them to write down on a whiteboard, why are you registering today? And so this is also really great information for our social media channels too, but you'll hear some of the messages here. All voices should be heard. Voting creates a better future. This is just a picture of our booth. So we hope to be out there in 2018 as well.

So that was a very brief -- hopefully it was very brief -- review of 2017. Unless there's any questions, Mr. Chairman, I can jump right into what our plans are for this year.

CHAIRMAN MEYER: No. Go ahead.

MS. ROBERTS: Okay. So we do have some events coming up. The first would be in February. The Commission is working with our counties to sponsor a security training conducted by the United States Election Assistance Commission. So that will be towards the end of February down at the Hyatt, and this training will really talk about what it means -- what IT means with regards to elections and how important it is to have an IT manager in your office and how they interact with all of the different applications and databases and the overall security for that, for making sure that our voters' information is secured.

There will be a conference in February as well for the African-American Conference on Disabilities. This is through our partnership with ACDL. So the staff will be out there with education materials. There will be a Federal Election Commission Regional Conference that staff will be attending. We have our EOA spring conference and, of course, National Voter Registration Day. Again, this is just a snapshot of some of the grassroots efforts that staff will be attending in 2018.

Our campaign for this year, our voter education campaign, we are terming that "Connections." And, again, this goes back to our research. How can we connect the voter to the election? So our goal here is to motivate Arizona voters to vote informed in our state elections, of course, but also, you know, their local.
And our approach for doing that is, again, we need to showcase that emotional reward of voting and actually voting informed as well, too, but we need to have that -- if we can demonstrate that emotional reward and demonstrate the connection to the individual voter on why it matters to them to vote in this election, the goal is to increase that turnout and get these folks to participate in the political process. We'll have a strong media mix to support all of our messaging efforts. So we will be on TV this year. We will have our radio reads. We'll have our print ads and, of course, a strong presence on digital and social and paid search.

I would like to play for you one of our TV spots that we have developed. It's a 30 second spot, and if you'll excuse me. I just have to go straight to the source. I don't think -- I'll just go straight up here. There we go.

(Video playing.)

MS. ROBERTS: Okay. So that was our 30 -- 30-second TV spot, and as we've been mentioning and building up towards, the point behind this strategy was really, again, that emotional connection. So we showcase talent that represents our college student down in NAU. We had folks who represented our urban area, our rural areas. We wanted to try to reach, you know, again, the four corners of the state and establish that emotional reward, that connection to what it means to vote local in our state elections. This is just some examples of the print of what that Connections campaign looks like and how we'll be communicating with voters. So, again, how does this election connect with you. And, again, we'll have our talent representing the different areas of the state.

And we also have another campaign that we'll be running in 2018, and it's our 18 in 2018 campaign. We have voters who will be turning 18 years old in 2018, and as part of that we want to reach -- we want to reach them and get them to register to vote now and activate -- what we are terming activate their political power. These are, again, our next generation of voters. And so we want to get to them and celebrate that they are now able to vote, to participate in the political process. And so our goal is to increase our voter registration with these younger voters and inform them. They're new now. They're new to this process, to voting, to elections. So we want to introduce them to the tools and resources that we can provide so they can not just vote but be that informed voter.

We will have -- our supporting media for this includes developing a mural. So we will have a location here in downtown Phoenix. I'm sure you've seen street art, but we're actually going to develop a mural -- I'll give you an example on them just in another slide here -- and turn that into augmented reality. So it will be a mural on a physical location, but then we'll have an application where voters can actually interact with it digitally.

And this will encourage our younger voters to come out. You know, it's that Instagram worthy moment for them. This goes back to what we heard in our roundtable from Mr. Casap that it's meeting them where they're at. So trying to hit our younger generation here. Again, with these media tactics, we'll meet them where they're at with our social, snapshot. We'll have Snapchat filters, Instagram, and then we'll run ads on their college campus newspapers and things like that.

So this is an example of what that mural could look like, the 18 in 2018. So we've seen similar types of wings before, but you get the person out there. They stand in front of it and they get that photo. Ideally they share it and then they interact with -- with our website.

This -- on the right you'll see our Instagram page for the 18 in '18, and the kind of content we'll be pushing out there is interesting facts about young leaders. So we just did one for MLK Day about some of the other leaders that have been younger activists, and really it goes back to informing this younger generation. You're 18 now. You can vote. You have this voice now. So activate it. Get out there and register.

So we also have our debates. That's going to be part of our bread and butter that the Commission sponsors, and this year we have all of our statewide that will be on the ballot. So in addition to statewide, we will have our legislative candidates. So we will be running debates in every legislative district where it's eligible and, of course, our statewide. And just a reminder for our statewide debates, we do broadcast those. So those are televised. And our legislative ones are on the ground in the district, and voters can actually attend those in person.

And our goals here are to increase attendance ultimately and engagement and provide multiple touch points on how voters can access this information. We record them for viewing after the
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<tr>
<th>Page 42</th>
<th>Page 43</th>
<th>Page 44</th>
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<td><strong>fact. We have different outlets where voters can</strong></td>
<td><strong>1 household with a registered voter letting them know,</strong></td>
<td><strong>1 they can bring their parents and they can get involved.</strong></td>
<td><strong>1 invitations out to the candidates and the responses.</strong></td>
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<td><strong>2 actually submit a debate question, whether that's</strong></td>
<td><strong>2 did you know Clean Elections sponsors debates? You're</strong></td>
<td><strong>2 They get the community involved.</strong></td>
<td><strong>2 And the goal here is that whatever</strong></td>
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<td><strong>3 through our smart phone app or our website, coming down</strong></td>
<td><strong>3 invited. Visit our website for the schedule, but this</strong></td>
<td><strong>3 And what we're doing there is, again, with</strong></td>
<td><strong>3 candidate happens to interact with this, if they</strong></td>
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<td><strong>4 in person, but we want those voters to engage with the</strong></td>
<td><strong>4 is now going back to where voters -- you know, they</strong></td>
<td><strong>4 confirm their attendance or, you know, maybe or a no,</strong></td>
<td><strong>4 confirm their attendance or, you know, maybe or a no,</strong></td>
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<td><strong>5 candidates directly.</strong></td>
<td><strong>5 want that information provided directly to them. This</strong></td>
<td><strong>5 that information is automatically populated to our</strong></td>
<td><strong>5 website so that voters know immediately which</strong></td>
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<td><strong>6 And some of the pilot programs that we</strong></td>
<td><strong>6 is the response to that. So they're going to get it in</strong></td>
<td><strong>6 candidates will be -- are confirmed to attend and the</strong></td>
<td><strong>6 candidates will be -- are confirmed to attend and the</strong></td>
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<td><strong>7 have -- or excuse me. We do have our media mix for</strong></td>
<td><strong>7 their mailboxes, in their hands that a debate will be</strong></td>
<td><strong>8 press as well. So we often get phone calls about who's</strong></td>
<td><strong>8 press as well. So we often get phone calls about who's</strong></td>
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<td><strong>8 supporting our debates. If you'll recall, during the</strong></td>
<td><strong>8 occurring in their district.</strong></td>
<td><strong>9 coming to this debate. This is our -- our automatic</strong></td>
<td><strong>9 coming to this debate. This is our -- our automatic</strong></td>
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<td><strong>9 budget approval process, we had spoke briefly about how</strong></td>
<td><strong>9 Some of the pilots that we're working</strong></td>
<td><strong>10 way of getting that information out there.</strong></td>
<td><strong>10 way of getting that information out there.</strong></td>
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<td><strong>10 we can further support our debates and our Voter</strong></td>
<td><strong>10 through and how can we improve our debate experience</strong></td>
<td><strong>11 Our Voter Education Guide. As I mentioned,</strong></td>
<td><strong>11 Our Voter Education Guide. As I mentioned,</strong></td>
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<td><strong>11 Education Guide, and this is where we landed at. We</strong></td>
<td><strong>11 for voters. We have been working with Commissioner</strong></td>
<td><strong>12 one thing we heard through our research was we need to</strong></td>
<td><strong>12 one thing we heard through our research was we need to</strong></td>
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<td><strong>12 can use tactics that are listed here to let our voters</strong></td>
<td><strong>12 Paton on implementing a pilot with some high schools</strong></td>
<td><strong>13 take a look at this guide and see how can we make it</strong></td>
<td><strong>13 take a look at this guide and see how can we make it</strong></td>
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<td><strong>13 know that the debates are actually happening so we can</strong></td>
<td><strong>12 down in the Tucson area and incorporating the student</strong></td>
<td><strong>14 more user friendly for our voters. We are working with</strong></td>
<td><strong>14 more user friendly for our voters. We are working with</strong></td>
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<td><strong>14 increase that attendance.</strong></td>
<td><strong>13 groups and parent networks. So if we host a debate --</strong></td>
<td><strong>15 the Center for Civic Design. We have sent that to</strong></td>
<td><strong>15 the Center for Civic Design. We have sent that to</strong></td>
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<td><strong>15 The feedback that we constantly hear from</strong></td>
<td><strong>14 and right now we're working with Sahuarro High School</strong></td>
<td><strong>16 them. This is a national group who -- they work with</strong></td>
<td><strong>16 them. This is a national group who -- they work with</strong></td>
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<td><strong>16 our surveys is they just -- voters, they learn last</strong></td>
<td><strong>17 and Empire High School.</strong></td>
<td><strong>17 election officials across the state to develop ballots,</strong></td>
<td><strong>17 election officials across the state to develop ballots,</strong></td>
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<td><strong>17 minute about it, and the way that they knew about it</strong></td>
<td><strong>18 So if we host a debate down there, we can</strong></td>
<td><strong>18 education guides, websites, and they focus on plain</strong></td>
<td><strong>18 education guides, websites, and they focus on plain</strong></td>
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<td><strong>18 was from the candidate themselves. So we know that we</strong></td>
<td><strong>19 get those students who are in the student government</strong></td>
<td><strong>19 language and layouts to develop a better user</strong></td>
<td><strong>19 language and layouts to develop a better user</strong></td>
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<td><strong>19 need to do more to communicate to the voters about the</strong></td>
<td><strong>20 classes, who are on the debate team, who maybe they</strong></td>
<td><strong>20 experience.</strong></td>
<td><strong>20 experience.</strong></td>
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<td><strong>20 existence of these debates and when they're occurring.</strong></td>
<td><strong>21 have an A/V club or they have a social media club.</strong></td>
<td><strong>21 So we got some really great feedback from</strong></td>
<td><strong>21 So we got some really great feedback from</strong></td>
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<td><strong>21 One thing I wanted to point out, this a</strong></td>
<td><strong>22 These groups can get involved and they can maybe write</strong></td>
<td><strong>22 them on our guide, and we're working on implementing</strong></td>
<td><strong>22 them on our guide, and we're working on implementing</strong></td>
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<td><strong>22 new tactic we'll be trying out is direct mail. So</strong></td>
<td><strong>23 the debate questions. They can cover it as a</strong></td>
<td><strong>23 those changes. So hopefully when we get our guide out</strong></td>
<td><strong>23 those changes. So hopefully when we get our guide out</strong></td>
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<td><strong>23 we -- with our Voter Education Guide, we send the guide</strong></td>
<td><strong>24 journalist. They can write up a report. They can take</strong></td>
<td><strong>24 this year voters will have a better experience as they</strong></td>
<td><strong>24 this year voters will have a better experience as they</strong></td>
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<td><strong>24 to every household that has a registered voter. We</strong></td>
<td><strong>25 pictures of it for their social media channels. They</strong></td>
<td><strong>25 navigate through the information that we provide in</strong></td>
<td><strong>25 navigate through the information that we provide in</strong></td>
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<td><strong>25 want to now send a personalized invitation to every</strong></td>
<td><strong>25 can come out and interact with the entire process and</strong></td>
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hey, did you know this election is coming up? Here's have an election coming up, we'll send out an email, tool as well. We will be setting up an email registry when they visit the app or when they visit the website that they are on the Clean Elections site. We are implementing a new communication that they are on the Clean Elections site. When you look at our site compared to even our new site will look like. So we've worked closely with our partner Riester to put a new skin on our site of it, to support all of the information we have out connections campaign, the look and feel of it. And we will continue with the district-specific guides that we are putting out there. That's proved to be not only cost efficient for us, but also it was a better experience for the voter. Again, we don't want to intimidate them with that thick guide.

We will have supporting messaging and media tactics out there to inform voters about the existence of the guide; that it's coming to them; what information they can get from it and how to use it. So we'll let voters know about this through several tactics such as radio print and digital.

We will have a specific campaign for our independent voters. As we know, Arizona has an open primary. So we want to make sure that we get this significant block of voters understand the process so they know how to participate and get their ballot. And this is an example of the media that we'll do use to support that.

Our website. We have launched a redesign of our website. We launched -- working on it, I should say. The new design is not live yet, but this is what our new site will look like. So we've worked closely with our partner Riester to put a new skin on our site and also work on the flow of the information that we provide, the structure of it.

When you look at our site compared to even last year, but a few years ago, the amount of content has increased significantly. And the previous site structure that we had did not really support that, and so we had to take a step back and see how can we improve the overall structure of this site, the bones of it, to support all of the information we have out there.

And so we went through a process of working with Riester on that redesign, and we hope to have this launched within the next month or two. So we are close to getting this new design out there. With that, we'll be updating the mobile app design as well so folks know when they visit the app or when they visit the website that they are on the Clean Elections site.

We are implementing a new communication tool as well. We will be setting up an email registry so folks can give us their email if they want to sign up to get election-related information. So any time we have an election coming up, we'll send out an email, hey, did you know this election is coming up? Here's everything you need to know, reminders and all that.

good stuff.

And then if there's something significant that voters need to know, you know, maybe it's not a date or something but it's something specific, maybe it's about the open primary and independent voters, we have this communication channel to send them an email about it now.

And I saved the best for last, so our voter dashboard. I'd like to walk you through this tool that we are building as part of our new website design. And I will probably have to work from over there because I will be using the mouse, but the dashboard -- we've mentioned this before a few times. This is really that one stop shop for voters to come to.

They enter in their address, and when we get their address, we know what districts they're in. If we know what districts they're in, we know what county they're in. We know their voting experience, the voting options that they have to them. We know their candidates, and so we can provide them very useful information in one location.

And I'm going to jump up over there to guide you through that. COMMISSIONER CHAN: It looks like we need a mouse with more range. It probably doesn't exist yet.
1 to know about that specific election. And we jump into
2 our important dates. So what's the voter registration
3 deadline? When do they need to return their ballot?
4 When will they get their ballot?
5 Then we jump into where to vote. As I
6 mentioned with our 15 counties, the voting options that
7 are available, there can be a lot to filter through.
8 So we have it broken down by am I going to vote early
9 or do I prefer to vote on election day? And so if I'm
10 voting early, we have the information to request an
11 early ballot, who their specific county recorder is and
12 the contact information.
13 We also list all of the early voting
14 locations in that county. We explain what an early
15 voting location is and then we show them the top three
16 to the address that they entered. If they decide, you
17 know what, maybe I want to visit an early voting
18 location near my job, then they can change their
19 location. And we will list all of them so they can
20 click "see all," but we do list the top three nearest
21 to them. And, of course, it will have the operating
22 hours.
23 Then if I want to vote on election day, if
24 I'm in a county that utilizes polling places, then --
25 and this is very important. We do need to let the

1 voter know you have an assigned polling location. And
2 so here that information will be displayed if we have
3 access to that data. If it's a county that utilizes
4 voting centers, we'll have all of those voting centers
5 listed just like with did with those early voting
6 locations.
7 Then if I go back up to my different tabs
8 here, that was the when and where to vote. Now I want
9 to know what's on my ballot. So here's the candidate
10 information that populates. So we'll have all of the
11 candidate profiles, and you would just click on the
12 view info to view their candidate statement, their
13 contact information, their social media links. This
14 would be a link to our candidate compass quiz, and then
15 here's the information on, great, here's the upcoming
16 debates in my district or statewide -- oh, sorry about
17 that.
18 COMMISSIONER CHAN: Mr. Chairman, this is
19 incredible.
20 Sorry you're having a technical difficulty.
21 I was going to ask about the candidate
22 links.
23 Do you -- do you think it would be
24 beneficial or too confusing to also link to their
25 campaign finance, you know, at the Secretary of State's

1 office, for example, in addition to just their social
2 media --
3 MS. ROBERTS: Yes, Mr. Chairman,
4 Commissioner Chan. We have that capability. So right
5 now in our profiles we can link to their -- we can link
6 to -- we can link to actually whatever we want. We
7 have the fields to do it. Right now we have just
8 linked to their E-Qual documents and we have talked
9 about integrating their campaign finance reports into
10 it when we get access to that data. With our existing
11 structure, we really didn't have that opportunity, but
12 now through See the Money hopefully we will have more
13 access to that system where we could do that.
14 COMMISSIONER CHAN: Great. Thank you.
15 Well, Mr. Chairman, while Gina is
16 completing what she needs to to get past the technical
17 difficulties, I'll just mention that prior to seeing
18 this dashboard, the most exciting thing for me so
19 far -- I mean, it's all exciting, but I was able to
20 actually subscribe through the chatbot to get election
21 updates for myself which I guess I hadn't done that
22 before. You just go on Facebook and message the
23 Commission and it will kind of take you through the
24 thing, and you give it a thumbs up if you want to get
25 election information.
The State of Arizona
Citizens Clean Elections Commission

Public Session
Transcript of Proceedings
January 18, 2018


1  And so this fits in well with Gina's plan
2  for the 18 in 2018 and my goal of getting a more
3  educated electorate. It's frustrating when people ask
4  me, well, who should I vote for, you know, that kind of
5  thing. We need an electorate that knows what's going
6  on. And so if this goes well, hopefully, my goal would
7  be to have all these debates of contested elections, I
8  mean -- you know, to be at school sites. And you're
9  going to get these schools to back up these debates and
10  hopefully promote the younger kids voting as well as
11  educating their parents and the community areas around
12  them so that we have more participation in our
13  elections.

14  CHAIRMAN MEYER: Thank you, Commissioner
15  Paton. And on behalf of the Commission, thanks for all
16  your work on that. I think it's a really -- a really
17  great idea and a really great thing.
18  So anyone else have any other questions for
19  Gina?

20  Are you -- thank you very much.
21  MS. ROBERTS: Thank you.
22  CHAIRMAN MEYER: The information is
23  definitely out there if anyone wants to find it. So
24  thank you.
25  MS. ROBERTS: My apologies again for the

10:45:39-10:52:50 Page 56

1  technical difficulties.
2  CHAIRMAN MEYER: No need to apologize.
3  I suggest we take five minute -- a
4  five-minute break here, and then we'll reconvene and
5  we'll move on to Action Item Number 5.
6  (Whereupon, a recess was taken in the
7  proceedings.)

8  CHAIRMAN MEYER: All right. We're going to
9  reconvene our meeting here. We were actually at Item
10  Number V, which is discussion and possible action on
11  MUR 14-027, Veterans for a Strong America.
12  I know, Tom, you provided a memo to us, a
13  one pager recommending that the Commission approve this
14  conciliation. I agree with that. I'm ready to approve
15  it with my vote.
16  Does any of the other commissioners have
17  any questions on this issue?

18  COMMISSIONER PATON: Actually, I do.
19  How did you come up with that amount?
20  MR. COLLINS: So, Mr. Chairman,
21  Commissioner Paton, this complaint comes out of two --
22  well, one set of expenditures and two different
23  complaints. There was a complaint filed with the
24  Secretary of State's office alleging that Veterans for
25  a Strong America was a corporation that owed corporate

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(14) Pages 54 - 57
1 reports under what then 16-914.02.
2 I as -- in my capacity as executive -- in
3 my capacity as executive director and my ability to
4 make complaints reviewed that complaint and concluded
5 that based on the information available, that DSA was
6 an unincorporated association in South Dakota and,
7 therefore, not subject to 914.02, but subject to the
8 Clean Elections Act which does not make a distinction
9 between corporate entities and unincorporated
10 associations.

11 The Commission worked with the Attorney
12 General's Office after the Commission directed me to do
13 so. There were a number of different changes in
14 both -- counsel both of the AG's office and most
15 specifically and more difficulty at the -- at DSA. And
16 the $2,000 was arrived at by the Attorney General's
17 Office, and the specific attorney that negotiated it is
18 not -- is not here.
19 I think that -- my view was, given that we
20 were working on this together, that getting the Clean
21 Elections reports was more important for Clean
22 Elections. And to the extent the Attorney General's
23 office did take the lead in negotiating this
24 conciliation, that the fine going to the Attorney
25 General was reasonable.

1 In the past we've done -- I think in 2014
2 we did a similar conciliation with the Attorney
3 General's Office where we got the fine. So I don't
4 really have a -- I don't have a -- I don't have an
5 answer to why the fine was set as it was, but I did
6 defer to the Attorney General on the fine because they
7 did the bulk of the negotiating legwork here and yet we
8 are getting the Clean Elections reports out of the
9 conciliation which I think is -- our bottom line --
10 most important.
11 If that -- I mean, that's the answer to
12 your question. It may not be a -- it may not be an
13 answer, answer, but it's the answer.
14 CHAIRMAN MEYER: Any other questions on the
15 proposed conciliation agreement?
16 (No response.)
17 CHAIRMAN MEYER: I think -- I think it's
18 been signed by all the other parties --
19 MR. COLLINS: That's correct.
20 CHAIRMAN MEYER: -- if I'm correct, Tom?
21 MR. COLLINS: Yeah. And, Mr. Chairman,
22 that's different from most reconciliations. Typically
23 the parties will wait until we approve before they
24 sign, but in this particular case, they have actually
25 signed. And the -- and the fine dollars are waiting to
26 be cashed in the possession of the Attorney General's
27 Office.
28 This is -- this is -- I'm very -- I have to
29 say I'm very happy the Attorney General's Office and
30 particularly O.H. Skinner who is the civil -- the
31 government accountability chief there who worked with
32 me on this getting this done was helpful. I think it
33 relieved a lot of ongoing issues or outstanding issues
34 that had been shifted around as the Attorney General's
35 Office has gone through its own reorganization, but
36 this did not get lost in the shuffle.
37 And I'm appreciative to the Attorney
38 General's Office as well as to Joe and Kara who kept me
39 informed when it was in their section for their help on
40 getting this done. And I think this is a good
41 resolution and -- and given, obviously, the amount of
42 time passed since that election, I'm happy to have it
43 resolved. And I would encourage you to vote to approve
44 it. And if someone would move.
20 COMMISSIONER KIMBLE: Mr. Chairman?
21 CHAIRMAN MEYER: Commissioner Kimble.
22 COMMISSIONER KIMBLE: I move that we
23 approve the agreement in MUR 14-027.
24 CHAIRMAN MEYER: Is there a second?
25 COMMISSIONER CHAN: I second that motion.
26 CHAIRMAN MEYER: We have a motion to
27 approve the reconciliation in MUR 14-027.
28 All in favor say aye.
29 (Chorus of ayes.)
30 CHAIRMAN MEYER: All opposed?
31 (No response.)
32 CHAIRMAN MEYER: Abstentions?
33 (No response.)
34 CHAIRMAN MEYER: All right. Motion carries
35 unanimously.
36 On to Item Number VI on the agenda,
37 discussion and possible action on Arizona Advocacy
39 It says we may choose to go into executive
40 session here, Tom?
41 MR. COLLINS: Yes, Mr. Chairman. And I
42 think Mary is on the line.
43 MR. COLLINS: Mary?
44 MS. O'GRADY: Yes, I am.
45 MR. COLLINS: Okay. I'm not -- Mary, I
46 guess I thought I'd give a quick outline of where we
47 are and then -- and then you and the Commissioners can
48 make a decision about whether or not to go into
49 executive session, but January 8th was the due date for
50 responsive pleadings to the complaint filed by AZN and
10:59:32-11:00:36
1 the other plaintiffs which include the bulk of the
2 Democratic caucus as well as at least one union.
3 We filed our answer. The State and the
4 Secretary of State whom are both represented by Tim
5 Berg of Fennimore Craig, filed an answer, and then the
6 Governor's Regulatory Review Council which was named
7 filed a motion to dismiss on the basis of essentially
8 that they are not a jural entity; that is to say,
9 they're not an entity that can be sued or be sued
10 independently.
11 So that is sort of the beginning of the
12 lawsuit. There will be some deadlines approaching as
13 far as initial disclosures and those kinds of things,
14 but I think that so far, you know, there's -- you know,
15 one might have anticipated that the Secretary of State
16 might have filed a motion to dismiss. They did not,
17 and -- and that's kind of where things are.
18 Mary, I don't know how you want to -- if
19 you want to get into any -- any detail or talk -- or if
20 there's anything we need to go into executive session
21 on or if there are any questions that are public that
22 anybody has.
23 MS. O'GRADY: This is Mary. Yeah. I think
24 Tom gave a good procedural update, and unless the
25 commissioners have questions, I don't see a need to go
into executive session.
2
2 CHAIRMAN MEYER: I do not have any
3 questions.
4 Any of the other commissioners have any
5 questions?
6 COMMISSIONER KIMBLE: Mr. Chairman?
7 CHAIRMAN MEYER: Commissioner Kimble.
8 COMMISSIONER KIMBLE: I guess I just have a
9 general question.
10 So what's next in this?
11 MS. O'GRADY: Tom, do you want me to
12 respond or Commissioner -- Mr. Chair?
13 MR. COLLINS: Yeah.
14 MS. O'GRADY: Procedurally --
15 CHAIRMAN MEYER: Mary, go ahead, please.
16 MS. O'GRADY: Okay. Thank you.
17 Procedurally there will be briefing on
18 GRRC's motion to dismiss. So those will be the next
19 court filings, and then -- and then we'll also get
20 into, you know, initial disclosures and discovery and
21 setting a schedule for the case. So that will -- that
22 will be in the next few months, but the next paper that
23 will be filed is likely the briefing on GRRC's motion
24 to dismiss that Tom described.
25 COMMISSIONER KIMBLE: Thank you.
11:03:30-11:05:01

1 It also creates some new challenges for the
2 Commission in terms of, essentially, enforcing and
3 ensuring that no money is directly or indirectly spent
4 on voter -- anything other than voter files, and then
5 the definition of voter files which opens up the
6 Commission to be involved in the parties' own internal
7 processes and transactions in a manner that it never
8 has been.
9 So, ironically, this bill is a -- can only
10 be characterized as an expansion of the Commission's
11 authority, yet it's not something we're super
12 comfortable with anyways. And we're trying to get an
13 understanding of why.
14 On the rulemaking issue which is the sort
15 of off -- you know, we've done this now for the second
16 or third year. The rulemaking exemption has certain
17 consequences. We would have to do outreach formally
18 under the APA, which is not anywhere -- not any more
19 onerous than what we do now. And with respect to what
20 it does to us in our relationship with GRRC, you know,
21 it essentially -- it's the status quo because GRRC
22 claims they can do what they're doing now.
23 So if we were to refer -- if for some
24 reason the legislation were to refer this to the
25 voters, we would simply -- GRRC would continue to

11:06:38-11:07:57

1 reported. See the Money -- one of the things See the
2 Money does, it's supposed to encapsulate the profession
3 of a person so that you can essentially track, you
4 know, industry influence, whether it be lobbyists or
5 other industry.
6 If there's a lot of -- if 55 percent of
7 donations are going to be captured or something along
8 those lines by this and not be reported, it's going to
9 distort what See the Money tells you. So that's
10 problematic even in our investment. And then from a
11 transparency perspective for Clean Elections candidates
12 themselves, most candidates -- the maximum they can
13 take in See the Money is 160 bucks. $100 is well over
14 50 percent of that. So I think there's still a reason
15 to be concerned.
16 If the bill were to say at least $100, that
17 would make a difference. That hundred dollar threshold
18 seems like it could have a difference. We don't have a
19 statistical analysis of that yet, but I think we'll be
20 looking at that going forward. But we did -- I did
21 sign in an opposition of this bill based on the reasons
22 I've articulated to you here.
23 Those are really the top bills that we have
24 identified as having a real impact, 2182 we noted only
25 because we are working with this with the folks who are

11:06:04-11:06:35

1 assert what it asserts. And if we disagreed with
2 GRRC's legal conclusions, we continue to think they are
3 wrong and we might -- you know, we or others might have
4 to take action on that.
5 So, anyways, we're hoping to talk to
6 Representative Coleman about it and find some way to
7 resolve this short of this HCR but -- and we have some
8 hope about that because we know that he listened to us
9 last year when we tried to explain to him at least the
10 practical implications of what he was trying to do
11 and -- and we'll see.
12 I can tell you that SB 1023 just passed
13 Senate judiciary on a party line vote or four-three --
14 I don't know if that's party line. I think it's party
15 line -- that it was amended so that the amount of money
16 that required the candidate to report an
17 identification -- contribute to the identifying
18 information be increased from 50 to more than $100,
19 although from what I understand from Senator Kavanagh's
20 testimony at the -- at the hearing, that still includes
21 55 percent of the donors.
22 And in my view, it still raises issues with
23 the effectiveness of See the Money because, you know,
24 if you're cutting it off at more than $100, right, so
25 you have to be at $100 and one cent before you are

11:08:03-11:09:16

1 advocating for this bill to make sure that --
2 essentially, we'd like to remain neutral on the bill
3 because we don't think that we -- we think that it
4 provided that it doesn't affect the 20 percent formula
5 reduction in state campaign contributions, there's
6 really no reason for us to be in opposition, but we've
7 been in close communication with the folks who are
8 working on this bill to make sure that they're -- that
9 we're all on the same page.
10 So those are the top three. You can see
11 the rest of the -- a number of other bills that have
12 been introduced related to elections and rulemaking and
13 the like, but unless you have any questions on those,
14 those would be --
15 COMMISSIONER PATON: Question.
16 MR. COLLINS: Yes.
17 CHAIRMAN MEYER: Commissioner Paton.
18 COMMISSIONER PATON: So the 2104, does that
19 have a chance or -- I mean --
20 MR. COLLINS: 2104, 2104. 2104, you know,
21 Mr. Chairman, Commissioner Paton, we were asked by a
22 couple of county recorders about this, and this is not
23 a bill that we were consulted on before it was
24 introduced because that was their major question. It
25 has not been assigned yet. I don't anticipate it being
COMMISSIONER PATON: Okay.

CHAIRMAN MEYER: Commissioner Chan.

COMMISSIONER CHAN: Tom, the 2184, the rulemaking one, so does that bill specifically -- because our rules -- don't rules have the force of law right now even though they can't -- you know, the law would be preeminent, I guess, but don't rules have the force of law now? Does this bill specifically say that they can preempt statute or --

MR. COLLINS: This --

COMMISSIONER CHAN: I find it concerning, I guess, this bill.

MR. COLLINS: Well, Chairman Meyer, Commissioner Chan, you know -- and we can get you a copy of the bill. The particular clause -- there's a whole mess of stuff that does with rules that we'll be looking at more deeply once this bill gets moving, but I will say that the specific language that stood out to Mike and I is very -- it's counterintuitive in two ways.

First, it purports to say that the Arizona Administrative Code as published is the law, and it also says that the Administrative Code is essentially the equivalent of the Arizona Revised Statutes. Given
have to examine the rest of the bill more to understand precisely what the overall intent is, but the definitional change here really creates a potential for a lot of confusion about what is the law. And that's a -- that seems to us to be a significant problem that raises all kinds -- I mean, it raises due process issues, frankly. I mean, you need to know what the law is. That's part of the reason we spend so much time making clear what the law is insofar as the Clean Elections Act is concerned.

COMMISSIONER CHAN: Thank you.

CHAIRMAN MEYER: Any other questions on Item Number VII?

(No response.)

CHAIRMAN MEYER: Let's move on to Item Number VIII, which is the recognition and appreciation of Commissioner and Past Chairman Steve M. Titla. He's not here today.

So we'll hold that over to the next meeting, Tom?

MR. COLLINS: Yeah. I mean, we can -- we can certainly invite him to come, you know. He's in court today. I got an email from him shortly before the meeting. So we will certainly invite him back -- invite him back, you know, or perhaps -- unless there's an appointment made by January -- by the next meeting, he may still be on the Commission. So -- although we anticipate there will be an appointment before the next meeting.

CHAIRMAN MEYER: And item Number IX, public comment, I don't see anyone from the public here.

Item X, adjournment. Do I have a motion to adjourn?

COMMISSIONER KIMBLE: Mr. Chairman, I move we adjourn.

CHAIRMAN MEYER: Is there a second?

COMMISSIONER CHAN: I second.

CHAIRMAN MEYER: All right. All in favor of adjourning, say aye.

(Chorus of ayes.)

CHAIRMAN MEYER: Any opposition?

(No response.)

CHAIRMAN MEYER: Motion carries.

Thank you.

(Whereupon, the proceedings concluded at 11:16 a.m.)

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The State of Arizona Citizens Clean Elections Commission

Public Session

Transcript of Proceedings

January 18, 2018

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Transcript of Proceedings
January 18, 2018

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(46) roll - thick

tab (1) 53:18

tabs (1) 51:7

tactic (1) 42:22


takeaway (1) 27:5

takeaways (1) 25:12

talent (2) 38:24:39:9


talking (2) 29:20:30.5
tap (1) 44:17

team (2) 29:9:43:19

technical (7) 49:10; 51:20:52:16:53:7:54:2; 11:57:1

technology (2) 33:6; 44:13

televised (1) 41:19

tells (1) 68:9

temporarily (1) 36:3

ten (5) 2:4:3:33:13,14; 18:70:5

terming (2) 37:20:39:15

terminology (1) 28:12


test (1) 33:12

testimony (1) 67:20

testing (5) 6:1:12:16; 15:20:20

Thanks (4) 16:16; 21:16:56:15:73:3
theme (1) 35:1

therefore (1) 58:7

thick (1) 46:7
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<td>67:18;68:14</td>
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