NOTICE OF PUBLIC MEETING
AND POSSIBLE EXECUTIVE SESSION OF THE
STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

Location: Citizens Clean Elections Commission
1616 West Adams, Suite 110
Phoenix, Arizona 85007

Date: Thursday, February 15, 2018

Time: 9:30 a.m.

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Commissioners of the Citizens Clean Elections Commission and the general public that the Citizens Clean Elections Commission will hold a regular meeting, which is open to the public on February 15, 2018. This meeting will be held at 9:30 a.m., at the Citizens Clean Elections Commission, 1616 West Adams, Suite 110, Phoenix, Arizona 85007. The meeting may be available for live streaming online at www.livestream.com/cleanelections. Members of the Citizens Clean Elections Commission will attend either in person or by telephone, video, or internet conferencing.

The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice on any item listed on the agenda, pursuant to A.R.S. § 38-431.03 (A)(3). The Commission reserves the right at its discretion to address the agenda matters in an order different than outlined below.

The agenda for the meeting is as follows:

I. Call to Order.

II. Discussion and Possible Action on Commission Minutes for January 18, 2018 meeting.

III. Discussion and Possible Action on Executive Director’s Report.

IV. Recognition and Appreciation to Commissioner and Past Chairman, Steve M. Titla, for his service to the Commission and the State of Arizona.

V. Discussion and Possible Action on Arizona State University’s Morrison Institute’s Interagency Service Agreement for 2018.

VI. Discussion and Possible Action on Citizens Clean Elections Commission’s 2017 Annual Report.

VII. Discussion and Possible Action on Legislation Affecting the Commission, Campaign Finance, Election, and Administrative Law.
VIII. Discussion and Possible Action on Authorization of Staff to Approve Final Payment of CY 2017 ISA with Arizona Secretary of State’s Office.

IX. Discussion and Possible Action on Legacy Foundation Action Fund v. Citizens Clean Elections Commission.

The Commission may choose to go into executive session on Item IX for discussion or consultation with its attorneys to consider its position and instruct its attorneys regarding the public body's position regarding contracts, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. A.R.S. § 38-431.03(A)(4).


The Commission may choose to go into executive session on Item X for discussion or consultation with its attorneys to consider its position and instruct its attorneys regarding the public body's position regarding contracts, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. A.R.S. § 38-431.03(A)(4).

XI. Public Comment
This is the time for consideration of comments and suggestions from the public. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date or responding to criticism.

XII. Adjournment.
This agenda is subject to change up to 24 hours prior to the meeting. A copy of the agenda background material provided to the Commission (with the exception of material relating to possible executive sessions) is available for public inspection at the Commission’s office, 1616 West Adams, Suite 110, Phoenix, Arizona 85007.

Dated this 13th day of February, 2018.

Citizens Clean Elections Commission
Thomas M. Collins, Executive Director

Any person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission at (602) 364-3477. Requests should be made as early as possible to allow time to arrange accommodations.
THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

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

ITEM II

COASH & COASH, INC.
Court Reporting, Video & Videoconferencing
1802 North 7th Street, Phoenix, AZ 85006
602-258-1440 staff@coashandcoash.com

Prepared by:
LILIA MONARREZ, CSR, RPR
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, 1616 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
Mirja Riester, Riester
Christina Stone, Riester
Talia Cornbeth, Riester

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. Go ahead.

COMMISSIONER CHAN: Mr. Chairman, this is Commissioner Chan. I'm here.

COMMISSIONER KIMBLE: Commissioner Kimble. I'm present.

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 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.

CHAIRMAN MEYER: Is there a second?

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: Okay. Motion passes.

(No response.)

CHAIRMAN MEYER: Okay. 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 completed, the final signoff, some -- I'm looking for
<table>
<thead>
<tr>
<th>Page 6</th>
<th>Page 7</th>
<th>Page 8</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 If anyone has any questions on that, that pretty much concludes the highlights of my report.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 COMMISSIONER PATON: Mr. Chairman.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 CHAIRMAN MEYER: Yes, Commissioner Paton.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 COMMISSIONER PATON: Tom, I do have a question about Rubalcava. So he appealed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 What does that mean?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 MR. LaRUE: 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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 and set a hearing before the Office of Administrative Hearings for February 12th.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 Yes or no?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 MR. LaRUE: 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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 COMMISSIONER PATON: Okay.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17 COMMISSIONER KIMBLE: Mr. Chairman?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 CHAIRMAN MEYER: Commissioner Kimble.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19 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?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20 MR. COLLINS: Mr. Chairman, Commissioner Kimble, the way that -- the way -- the way that I see it is, the way it works is, we had 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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21 Our rules and sort of background 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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>23</td>
<td>24</td>
</tr>
<tr>
<td>24 administrative law in Arizona contemplate, you know, that the -- that there are administrative law judges who can review these kind of administrative decisions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
</tbody>
</table>

---

<table>
<thead>
<tr>
<th>Page 8</th>
<th>Page 9</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 as to timely -- if a timely notice is filed. This is the first opportunity we've really had to talk to you about the notice because it was filed after our December meeting.</td>
<td></td>
</tr>
<tr>
<td>2 In any event, it's not atypical. For example, in the Legacy Foundation Action Fund case which we're waiting the Supreme Court decision on, they went to the ALJ. That decision came back to the Commission. The Commission made some modifications to the ALJ ruling and then, you know, they then could go to Superior Court and then have jurisdictional deadline that we believe they blew there, but -- so this is pretty typical.</td>
<td></td>
</tr>
<tr>
<td>3 In fact, the last time we went through a full-blown -- the other time we went through a full-blown ALJ hearing was in 2012? '14. We had a candidate who had previously been removed from office who under the -- under the statute we denied the right to participate in. He appealed that right to OAH, and we had a hearing. And the administrative law judge affirmed our decision or, I should -- our decision there.</td>
<td></td>
</tr>
<tr>
<td>4 So it's just -- it's basically your first step in an appellate process is to go to the administrative law judge and then, depending upon how</td>
<td></td>
</tr>
</tbody>
</table>
I can say that I think it works. I can also say I've spent a substantial amount of time using it. And I'm couching it that way because, you know, as an attorney I can tell you that one never knows what may happen in a hearing, but the way it is supposed to work is that it is a review of this body's decision with finances and a place you can put feedback in. And I put feedback in. And I sent an email to the Secretary of State, and I've heard nothing back. So where do we stand on our issues with them?

MR. COLLINS: Well, Mr. Chairman, Commissioner Kimble, there's really two -- two different issues there that you've described. The first is the ISA outlined some specific features that the site was to have. One of the things we did not do in our -- in our ISA was make, if you will, aesthetic stipulations.

We did -- the beta testing, however, was gone out and done a pretty ongoing Facebook advertising campaign, for example, to drive people to the site. I have some inquiries into them related to what they've -- what the scope of that was, what the results were, how it's changed things.

As -- in an effort to be -- go above and beyond what our partnership requires, I authorized Gina to make arguments as to why this Commission erred in imposing penalties. And we, of course, will make arguments as to why this Commission was correct.

MR. LaRUE: Mr. Chairman, Commissioner, it is impossible to predict. That said, I would be surprised if there is a ruling that day. COMMISSIONER KIMBLE: Mr. Chairman, I have a question about something else on the -- in the executive director's report, if we're done with this topic.

CHAIRMAN MEYER: Any other questions on the Rubalcava matter?

(No response.)

CHAIRMAN MEYER: If not, go ahead.

Commissioner Kimble.

COMMISSIONER KIMBLE: Mr. Collins, on the See the Money, I've looked at the -- at the site, and I've spent a substantial amount of time using it. And I can say that I think it works. I can also say I think it's -- well, I'll just say unattractive and not at all what we were initially shown as the wire outline of what it was supposed to look like.

So where exactly do we stand with them?

And there's a place you can put feedback, and I put feedback in. And I sent an email to the Secretary of State, and I've heard nothing back. So where do we stand on our issues with them?

MR. COLLINS: Well, Mr. Chairman, Commissioner Kimble, there's really two -- two different issues there that you've described. The first is the ISA outlined some specific features that the site was to have. One of the things we did not do in our -- in our ISA was make, if you will, aesthetic stipulations.

We did -- the beta testing, however, was gone out and done a pretty ongoing Facebook advertising campaign, for example, to drive people to the site. I have some inquiries into them related to what they've -- what the scope of that was, what the results were, how it's changed things.

As -- in an effort to be -- go above and beyond what our partnership requires, I authorized Gina to make arguments as to why this Commission erred in imposing penalties. And we, of course, will make arguments as to why this Commission was correct.

MR. LaRUE: Mr. Chairman, Commissioner, it is impossible to predict. That said, I would be surprised if there is a ruling that day. COMMISSIONER KIMBLE: Mr. Chairman, I have a question about something else on the -- in the executive director's report, if we're done with this topic.

CHAIRMAN MEYER: Any other questions on the Rubalcava matter?

(No response.)

CHAIRMAN MEYER: If not, go ahead.

Commissioner Kimble.

COMMISSIONER KIMBLE: Mr. Collins, on the See the Money, I've looked at the -- at the site, and I've spent a substantial amount of time using it. And I can say that I think it works. I can also say I think it's -- well, I'll just say unattractive and not at all what we were initially shown as the wire outline of what it was supposed to look like.

So where exactly do we stand with them?

And there's a place you can put feedback, and I put feedback in. And I sent an email to the Secretary of State, and I've heard nothing back. So where do we stand on our issues with them?

MR. COLLINS: Well, Mr. Chairman, Commissioner Kimble, there's really two -- two different issues there that you've described. The first is the ISA outlined some specific features that the site was to have. One of the things we did not do in our -- in our ISA was make, if you will, aesthetic stipulations.

We did -- the beta testing, however, was gone out and done a pretty ongoing Facebook advertising campaign, for example, to drive people to the site. I have some inquiries into them related to what they've -- what the scope of that was, what the results were, how it's changed things.

As -- in an effort to be -- go above and beyond what our partnership requires, I authorized Gina to make arguments as to why this Commission erred in imposing penalties. And we, of course, will make arguments as to why this Commission was correct.

MR. LaRUE: Mr. Chairman, Commissioner, it is impossible to predict. That said, I would be surprised if there is a ruling that day. COMMISSIONER KIMBLE: Mr. Chairman, I have a question about something else on the -- in the executive director's report, if we're done with this topic.

CHAIRMAN MEYER: Any other questions on the Rubalcava matter?

(No response.)

CHAIRMAN MEYER: If not, go ahead.

Commissioner Kimble.

COMMISSIONER KIMBLE: Mr. Collins, on the See the Money, I've looked at the -- at the site, and I've spent a substantial amount of time using it. And I can say that I think it works. I can also say I think it's -- well, I'll just say unattractive and not at all what we were initially shown as the wire outline of what it was supposed to look like.

So where exactly do we stand with them?
1. really bugged them about it. We expected some communication by the 16th. We didn't get it. I haven't had a chance to follow up where we are. I do think -- I think there's really three evaluation ways -- there are three ways to evaluate See the Money, and the first is what does it look like right now. The second is what does our ISA call for, and the third is what has Secretary Reagan articulated it will do in the future.

2. And what our RSA -- ISA calls for in terms of functionality is more limited than what the ultimate vision of the system is. We may, as Mr. Miller told us at the -- back in -- God knows -- May or so, you know, we may -- they may come back and ask for assistance with those kinds of things in the future. So I think that there's a lot of information there. I think there's a lot of function there.

3. I think -- I think articulating better why those functions are different than functions that have previously existed and why those functions are relevant to voters is really going to be the challenge going forward, and that may be something that we do -- that may be partially design issues and then maybe partially public relations and it may be a combination of things, but that's kind of where we are.

4. I do -- you know, I want to stress that I think we've had -- at all the meetings we've had -- well, I think the meetings we had -- the meeting we had January 3rd was cordial, and -- and I think that we -- I think we got a lot accomplished in terms of understanding where they're coming from. I just -- you know, the whole purpose of the update to you was simply to -- you know, I'm not -- you at the last meeting authorized me to -- you know, to essentially have this done and it's not.

5. And so I feel like I'm obligated to report on it, but I don't want to -- I don't want to overemphasize this, but on the other hand, you know, it's -- you know, I think we'll get -- I think we'll get there sooner rather than later. That's my hope, and my also hope is that the -- is that there are some -- some of those aesthetic changes are made.

6. And, finally, I really do, in order to -- if you read the -- if you read the contract, the beta testing and off the testing and final signoff, which you authorized me to do, you know, requires me to have some information, and I've asked for that information. I haven't received it yet. So I'm really -- that's an important piece of this. In other words, if the beta testing didn't yield any information or didn't yield any changes, I would like -- there's a reason -- I'd like to know why and those kinds of things because those are the reasons why those were incorporated into the contract itself, if that answers the question at all.

7. CHAIRMAN MEYER: Commissioner Chan?

8. COMMISSIONER CHAN: Mr. Chairman, Tom, is it possible at all to bring it up on the screen for us?

9. I don't -- I don't want to hijack the meeting completely, but I admire the fact that, you know, Commissioner Kimble has actually looked at it. I have been remiss because I haven't, and I was just curious if we could take a look at it because I'm a little surprised that it doesn't look like what we were shown. And I was curious to see it.

10. Thanks, Gina.

11. COMMISSIONER PATON: I have to admit it doesn't lend itself to be real excited to view it, I mean, once you see the --

12. CHAIRMAN MEYER: That's a good -- and, Commissioner Chan, I have actually pulled it up on my phone and was looking at it.

13. COMMISSIONER CHAN: Yeah. Well, Mr. Chairman and Tom, I just -- I also want to thank you and, you know, the staff that's working on this because I appreciate the fact that you're sticking to the terms of our contract and making sure that they're, you know, fulfilling their part of the bargain.

14. MR. COLLINS: And Commissioner --

15. Chairman -- I'm not sure --

16. COMMISSIONER CHAN: It looks a little different.

17. MR. COLLINS: Commissioner Chan, I just wanted to note, I mean, I think that the Secretary of staff has, for the most part, been receptive to our -- to our ideas. I think the question is whether or not they're in a position to implement some of the ones -- some of the suggestions we've made or not. We don't --

18. I don't think we have a clear answer on that.

19. COMMISSIONER KIMBLE: Mr. Chairman, let me just say, this looks somewhat different than when I looked at it as recently as yesterday, although it still has the rather unattractive funny-looking thing at the top.

20. CHAIRMAN MEYER: The magnifying glass?

21. COMMISSIONER KIMBLE: And, also, one of the discussions we had with them was that they would give equal display to saying this was a project of the Secretary of State and the Clean Elections Commission and they have, but you would need to find a microscope...
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 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

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
The participants noted that voting, especially voting in local elections, is important but turns out to be a barrier for many voters. They recognize the need for effective voter education to increase participation.

A few takeaways that we wanted to share.

1. To start off, I'd like to briefly remind the Commission of some research that we conducted in 2017, and this is really the foundation for how we've moved forward for what we have done in 2017 and what our plan is for 2018. This research guides our messaging strategy. It guides the tactics that we utilize, and the Commission has for the past several years conducted research for this purpose to make sure that we understand where the voters stand, where they are looking for their information, what their overall feelings and thoughts are on elections. And so the more we can understand the voter standpoint, the viewpoint of the voters, the better we can reach out to them.

2. So we conducted focus groups earlier in 2017, and we held those in Phoenix, Tucson and Flagstaff. We had about ten groups of about an average of 10 participants in each group, and we had the opportunity to sit down and talk with them. And we discussed a lot of -- a lot of topics, but our ultimate goal here, the objective, again, as I mentioned, was to identify this messaging strategies that we can utilize to reach these voters.

3. So we're just trying to get an understanding of where our voters are at, and this was particularly important coming off of the 2016 presidential election. We just wanted to see how things may have changed with the voters.

4. Some of the subjects that we discussed with them were overall democracy. What is a democracy and what does it mean to be a citizen? What are your roles and responsibilities as a citizen when it comes to participating in your democracy? Elections in general. We talked about social media, media, the news. We talked about where do you go to get your information, how the voting process has been for you. And we had them go through a few exercises such as writing a letter to a nine-year-old and describe what a democracy is to these folks -- you know, to this nine-year-old and write another letter explaining how you felt the last time you voted. Did you feel empowered? Did you have a good experience? Things like that.

5. And then we actually asked them to describe what each elected office does. What is the responsibility of the governor? What is the responsibility of the Corporation Commission? So that was very eye opening for us to see where these focus groups, the participants -- where they stood with that level of knowledge.

6. A few takeaways that we wanted to share. The participants noted that voting, especially voting in local elections, is important but turns out to be a barrier for many voters. They recognize the need for effective voter education to increase participation.

7. It's interesting because a voter -- they recognize the importance because it's their own backyard. These are the things -- the issues that are -- hit really close to home, but unfortunately, we're not seeing that turnout.

8. We see reasons for that due to the lack of coverage maybe. There's obviously not as much media coverage on these local elections as there is the presidential election. So it's not so much in the...
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, 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 positively 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 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
1 So it's a good communication channel for us.
2 CHAIRMAN MEYER: What does engagement mean?
3 Like, someone clicked on it?
4 MS. ROBERTS: Yeah. That would be a click,
5 so depending on the ad that we are talking about. And
6 then the engagement, again, is if they leave a comment
7 or something like that. So they engage with the ad.
8 They clicked on it. They left a message. They shared
9 it with their friends, that type of thing.
10 COMMISSIONER PATON: Did they like it?
11 MS. ROBERTS: Yes, yes.
12 So these are just examples of creative that
13 we did, some of the ads that we had through March. And
14 then we had our May election. You'll see as we go from
15 March, May, August and November, the amount of
16 jurisdictions that are participating, those start to
17 pick up. So when those pick up, because we now have a
18 greater audience, we'll support that with more tactics.
19 So we'll see more social media here.
20 And, again, the messaging that we're
21 putting out there is key dates, deadlines, last date to
22 register to vote. This is where you go to find your
23 polling or your vote center, a reminder to turn in your
24 early ballot, things like that.
25 When we get into August, August was a
26 pretty bigger -- a much bigger election because of the
27 city of Phoenix one that got more media attention on
28 it, and so we did social media and we also had digital
29 tactics. So we helped support this election through
30 banner ads. So when you're on your computer, you see
31 an ad pop up, that type of thing. We had social videos
32 going through YouTube, and then we did paid search. So
33 if you're googling and you type in city of Phoenix
34 election, that type of thing, you'll get to the Clean
35 Elections information.
36 Just some more examples, some examples of
37 our videos for our Facebook. Hopefully our
38 commissioners follow us and have already seen these.
39 Some examples of the banner ads that I mentioned, the
40 digital. And this was a YouTube video that we had to
41 remind voters to mail in your early ballot. And,
42 again, with our paid search.
43 So November picked up. We had 11 counties,
44 it looks like, that had elections. So because of that,
45 we wanted to amplify our tactics. We added radio into
46 the mix here and we -- that helped support our digital
47 and social media efforts. And -- you know, I
48 apologize, but I am trying to go through these items
49 pretty quickly because we do have a lot to cover again,
50 but overall, the main point here is that we had
51 supporting messaging out there for each election and
52 the stats on this show that we were successful.
53 An example of one of the radio reads that
54 we had: Brought to you by the Citizens Clean Elections
55 Commission. Register to vote by October 10th for the
56 November 7th election. Visit
57 azcleanelections.gov/novemberelection for all your
58 voter registration information. Very to the point,
59 very basic. It's the information you need right then
60 and there, and we did radio reads like this for all the
61 key dates and deadlines. So mail your ballot back, the
62 last date to get a ballot by mail.
63 Maricopa County had a very specific voting
64 process with specific dates that people could vote in
65 person once early voting ended. So we a specific radio
66 read to that and then, of course, on election day.
67 So some of the voter tools that we
68 implemented. This is a picture here from when staff
69 went down to ASU at the National Voter Registration
70 Day, and these students who are on their phone, they
71 are downloading our chatbot. They are engaging with
72 it. And with our chatbot, we ran ads to support this.
73 And as most of you saw during the roundtable, the
74 chatbot is a new tool that we developed, and it
75 provides automated responses to voters under specific
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 as the solution to some of the issues that we're seeing, whether, you know, it's on the county side or, you know, maybe getting people to return their early ballots on time, that type of thing. The common denominator here was that voter education could be the solution for most of the issues.

Just a quick overview, we continued our partnerships and building and strengthening those partnerships with the county recorders, our election officials. We held several meetings with them throughout the year. We provided training for them in terms of public relations. We gave a presentation on how can we better educate voters about the ballot by mail process. We had a partnership 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 content for our social medial 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 Elections 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 act -- 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.
can come out and interact with the entire process and pictures of it for their social media channels. They can write up a report. They can take the debate questions. They can cover it as a journalist. They can write up a report. They can take pictures of it for their social media channels. They can come out and interact with the entire process and

Fact. We have different outlets where voters can actually submit a debate question, whether that's

through our smart phone app or our website, coming down in person, but we want those voters to engage with the candidates directly.

And some of the pilot programs that we have -- or excuse me. We do have our media mix for supporting our debates. If you'll recall, during the budget approval process, we had spoke briefly about how we can further support our debates and our Voter Education Guide, and this is where we landed at. We can use tactics that are listed here to let our voters know that the debates are actually happening so we can increase that attendance.

One thing I wanted to point out, this is a new tactic we'll be trying out is direct mail. So we -- with our Voter Education Guide, we send the guide to every household that has a registered voter. We want to now send a personalized invitation to every household with a registered voter letting them know, did you know Clean Elections sponsors debates? You're invited. Visit our website for the schedule, but this is now going back to where voters -- you know, they want that information provided directly to them. So we know that we need to do more to communicate to the voters about the existence of these debates and when they're occurring.

One thing we heard through our research was we need to navigate through the information that we provide in this year voters will have a better experience as they confirm their attendance or, you know, maybe or a no, candidate happens to interact with this, if they think of, like, an Evite invitation, if you've ever seen those, but that's how we want to get our

invitations out to the candidates and the responses. And the goal here is that whatever candidate happens to interact with this, if they confirm their attendance or, you know, maybe or a no, that information is automatically populated to our website so that voters know immediately which candidates will be -- are confirmed to attend and the press as well. So we often get phone calls about who's coming to this debate. This is our automatic way of getting that information out there.

Our Voter Education Guide. As I mentioned, one thing we heard through our research was we need to take a look at this guide and see how can we make it more user friendly for our voters. We are working with the Center for Civic Design. We have sent that to them. This is a national group who -- they work with election officials across the state to develop ballots, education guides, websites, and they focus on plain language and layouts to develop a better user experience.

So we got some really great feedback from them on our guide, and we're working on implementing those changes. So hopefully when we get our guide out this year voters will have a better experience as they navigate through the information that we provide in...
everything you need to know, reminders and all that
hey, did you know this election is coming up?  Here's
so folks can give us their email if they want to sign
tactics as well.  We will be setting up an email registry
when they visit the app or when they visit the website
We are implementing a new communication
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 let 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
we are providing to the voters now, the information, it
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.
MS. ROBERTS: Can I jump right in here?
I'm so sorry.  My apologies.
So here we have our landing page.
COMMISSIONER PATON: Maybe you can sit over
there.
MS. ROBERTS: I'm so sorry.
COMMISSIONER PATON: That way -- you're
making me uncomfortable.
MS. ROBERTS: I know.  I'm sorry.
Our technical difficulties here.  Okay.  So
here we go.
This is the landing page.  As you brought
up during some of the conversations with See the Money,
we have this page here and we tell voters what you will
see if you use this tool.  So very specific here.  You
will get election information.  You will get
information on the candidates, where to vote, the
voting process, who your current elected officials are
and your district information.
So the user will enter in their address.
We don't retain that information, but we do need it to
identify their districts.  And we get going.  The first
thing they're going to see is my upcoming election, and
this button will take them to our election detail page
on our website where they can get everything they need
about it.
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 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.

Min-U-Script®
Coash & Coash, Inc.
602-258-1440 www.coashandcoash.com

(13) Pages 50 - 53
The State of Arizona
Citizens Clean Elections Commission

Public Session
Transcript of Proceedings
January 18, 2018

CHAIRMAN MEYER: No need to apologize.
COMMISSIONER PATON: So as to the -- a couple of things that strike me here is when you compare this dashboard to the See the Money thing and it pales in comparison, the Clean Elections -- I mean, the See the Money looks rather generic compared -- I mean, I'm not a technical person, but I can definitely see the difference.

Secondly, as to my emphasis that I wanted to do as far as have these debates at schools, last week Gina and Stephanie and I met the principal at Sahuaro High School where I went to school, and he was worried that we may go to Sabino or another school. And he was all on Twitter that, you know, we may have a competing thing.

And he is -- he's very excited that we would have the debate for Legislative District 10 at Sahuaro High School, and he's going to involve his government classes. They're going to push it in the community. And we went and saw their auditorium. Obviously, I've been to the auditorium before, and it seats -- I don't know -- like a thousand people or so.

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

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

Are you -- thank you very much.

MS. ROBERTS: Thank you.

CHAIRMAN MEYER: The information is definitely out there if anyone wants to find it. So thank you.

MS. ROBERTS: My apologies again for the technical difficulties.

 Secretary of State's office alleging that Veterans for a Strong America.

MR. COLLINS: So, Mr. Chairman, Commissioner Paton, this complaint comes out of two one pager recommending that the Commission approve this conciliation. I agree with that. I'm ready to approve it with my vote.

Does any of the other commissioners have any questions on this issue?

COMMISSIONER PATON: Actually, I do.

How did you come up with that amount?

I suggest we take five minute -- a five-minute break here, and then we'll reconvene and we'll move on to Action Item Number 5.

(Whereupon, a recess was taken in the proceedings.)

CHAIRMAN MEYER: All right. We're going to reconvene our meeting here. We were actually at Item 5, which is discussion and possible action on MUR 14-027, Veterans for a Strong America.

I know, Tom, you provided a memo to us, a one pager recommending that the Commission approve this conciliation. I agree with that. I'm ready to approve it with my vote.

Does any of the other commissioners have any questions on this issue?

COMMISSIONER PATON: Actually, I do.

How did you come up with that amount?

MR. COLLINS: So, Mr. Chairman, Commissioner Paton, this complaint comes out of two one pager recommending that the Commission approve this conciliation. I agree with that. I'm ready to approve it with my vote.

Does any of the other commissioners have any questions on this issue?
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, 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

1 CHAIRMAN MEYER: We have a motion to
2 approve the reconciliation in MUR 14-027.
3 All in favor say aye.
4 (Chorus of ayes.)
5 CHAIRMAN MEYER: All opposed?
6 (No response.)
7 CHAIRMAN MEYER: Abstentions?
8 (No response.)
9 CHAIRMAN MEYER: All right. Motion carries
10 unanimously.
11 On to Item Number VI on the agenda,
12 discussion and possible action on Arizona Advocacy
14 It says we may choose to go into executive
15 session here, Tom?
16 MR. COLLINS: Yes, Mr. Chairman. And I
17 think Mary is on the line.
18 Mary?
19 MS. O'GRADY: Yes, I am.
20 MR. COLLINS: Okay. I'm not -- Mary, I
21 guess I thought I'd give a quick outline of where we
22 are and then -- and then you and the Commissioners can
23 make a decision about whether or not to go into
24 executive session, but January 8th was the due date for
25 responsive pleadings to the complaint filed by AZN and
The State of Arizona
Citizens Clean Elections Commission

Public Session
Transcript of Proceedings
January 18, 2018

10:59:32-11:00:36 Page 63

COMMISSIONER KIMBLE: Thank you.

24 Mr. Chair?

25 There's no need to go into executive session.

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 Fennemore 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 do 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

10:59:32-11:00:36 Page 63

1 into executive session.

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.

1 Coleman about this because it's not actually clear to
2 Mike and I what they're driving at. We understand,
3 obviously, that the purported controversy over the view
4 of certain -- the incorrect view, I think, about the
5 facts of what happened in 2012, and then we had a
6 different policy discussion here at the Commission
7 which is -- you know, those are different things.
8 You know, and what policy should be, I
9 think, is something that there may be some room to talk
10 about, but this particular version does a couple of
11 things that are problematic. One, it's much broader
12 than even any of the most restrictive policies the
13 Commission considered and might have adopted because it
14 restricts participating candidates even in the use of
15 their private contributions which is -- which is a step
16 farther than anything has ever -- that has ever gone
17 forward.

18 Mr. Coleman has -- similar to last year,
19 Mike and I met with him and discussed that with him and
20 tried to explain to him that if he wanted to accomplish
21 this, the best way to do it was to focus on clean
22 funding, not on all participating candidate dollars
23 because if they don't qualify, those contributions are
24 private contributions that they are free to expend
25 how -- under other law -- of their law.
It also creates some new challenges for the Commission in terms of, essentially, enforcing and ensuring that no money is directly or indirectly spent on voter -- anything other than voter files, and then the definition of voter files which opens up the Commission to be involved in the parties' own internal processes and transactions in a manner that it never has been.

So, ironically, this bill is a -- can only be characterized as an expansion of the Commission's authority, yet it's not something we're super comfortable with anyways. And we're trying to get an understanding of why.

On the rulemaking issue which is the sort of off -- you know, we've done this now for the second or third year. The rulemaking exemption has certain consequences. We would have to do outreach formally under the APA, which is not anywhere -- not any more onerous than what we do now. And with respect to what it does to us in our relationship with GRRC, you know, it essentially -- it's the status quo because GRRC claims they can do what they're doing now.

So if we were to refer -- if for some reason the legislation were to refer this to the voters, we would simply -- GRRC would continue to assert what it asserts. And if we disagreed with GRRC's legal conclusions, we continue to think they are wrong and we might -- you know, we or others might have to take action on that.

So, anyways, we're hoping to talk to Representative Coleman about it and find some way to resolve this short of this HCR but -- and we have some hope about that because we know that he listened to us last year when we tried to explain to him at least the practical implications of what he was trying to do and -- and we'll see.

I can tell you that SB 1023 just passed Senate judiciary on a party line vote or four-three -- I don't know if that's party line. I think it's party line -- that it was amended so that the amount of money that required the candidate to report an identification -- contribute to the identifying information be increased from 50 to more than $100, although from what I understand from Senator Kavanagh's testimony at the -- at the hearing, that still includes 55 percent of the donors.

And in my view, it still raises issues with the effectiveness of See the Money because, you know, if you're cutting it off at more than $100, right, so you have to be at $100 and one cent before you are reported. See the Money -- one of the things See the Money does, it's supposed to encapsulate the profession of a person so that you can essentially track, you know, industry influence, whether it be lobbyists or other industry.

If there's a lot of -- if 55 percent of donations are going to be captured or something along those lines by this and not be reported, it's going to distort what See the Money tells you. So that's problematic even in our investment. And then from a transparency perspective for Clean Elections candidates themselves, most candidates -- the maximum they can take in See the Money is 160 bucks. $100 is well over 50 percent of that. So I think there's still a reason to be concerned.

If the bill were to say at least $100, that would make a difference. That hundred dollar threshold seems like it could have a difference. We don't have a statistical analysis of that yet, but I think we'll be looking at that going forward. But we did -- I did sign in an opposition of this bill based on the reasons I've articulated to you here.

Those are really the top bills that we have identified as having a real impact, 2182 we noted only because we are working with this with the folks who are advocating for this bill to make sure that -- essentially, we'd like to remain neutral on the bill because we don't think that we --we think that it provided that it doesn't affect the 20 percent formula reduction in state campaign contributions, there's really no reason for us to be in opposition, but we've been in close communication with the folks who are working on this bill to make sure that they're -- that we're all on the same page.

So those are the top three. You can see the rest of the -- a number of other bills that have been introduced related to elections and rulemaking and the like, but unless you have any questions on those, those would be --

COMMISSIONER PATON: Question.

MR. COLLINS: Yes.

CHAIRMAN MEYER: Commissioner Paton.

COMMISSIONER PATON: So the 2104, does that have a chance or -- I mean --

MR. COLLINS: 2104.  2104.  2104, you know, Mr. Chairman, Commissioner Paton, we were asked by a couple of county recorders about this, and this is not a bill that we were consulted on before it was introduced because that was their major question. It has not been assigned yet. I don't anticipate it being
1 assigned. For whatever -- for what it's worth, it's
2 a -- it's a bill that is sponsored entirely by
3 Democratic members of the -- of the House. And,
4 frankly, it's simply not been the practice of the -- of
5 the House or the Senate in at least the last ten years
6 to assign or move most Democratic sponsored bills.
7 COMMISSIONER PATON: So --
8 MR. COLLINS: So the answer is probably no.
9 COMMISSIONER PATON: So what they're asking
10 for is us to fund those elections too?
11 MR. COLLINS: That's what they're asking
12 for, but I don't think that their --
13 COMMISSIONER PATON: Since we're kind of
14 worried about our funding to begin with.
15 MR. COLLINS: Yeah. I would be --
16 COMMISSIONER PATON: It made me nervous.
17 MR. COLLINS: I would be surprised if that
18 were -- if that bill were to move, and I also -- based
19 on the contact we received when it was introduced by --
20 from a couple of county recorders, I suspect the
21 county recorders would not be supportive of it even
22 if -- or at least would be skeptical of it even if it
23 were to -- even if it were to move which would have the
24 effect of probably have -- giving it a rough time. So
25 we are not overly concerned about it.

11:10:43-11:11:57  Page 71

1 COMMISSIONER PATON: Okay.
2 COMMISSIONER CHAN: Mr. Chairman?
3 CHAIRMAN MEYER: Commissioner Chan.
4 COMMISSIONER CHAN: Tom, the 2184, the
5 rulemaking one, so does that bill specifically --
6 because our rules -- don't rules have the force of law
7 right now even though they can't -- you know, the law
8 would be preeminent, I guess, but don't rules have the
9 force of law now? Does this bill specifically say that
10 they can preempt statute or --
11 MR. COLLINS: This --
12 COMMISSIONER CHAN: I find it concerning, I
13 guess, this bill.
14 MR. COLLINS: Well, Chairman Meyer,
15 Commissioner Chan, you know -- and we can get you a
16 copy of the bill. The particular clause -- there's a
17 whole mess of stuff that does with rules that we'll be
18 looking at more deeply once this bill gets moving, but
19 I will say that the specific language that stood out to
20 Mike and I is very -- it's counterintuitive in two
21 ways.
22 First, it purports to say that the Arizona
23 Administrative Code as published is the law, and it
24 also says that the Administrative Code is essentially
25 the equivalent of the Arizona Revised Statutes. Given

11:12:02-11:13:20  Page 72

1 that sort of antiregulatory position that many folks in
2 the legislature and elsewhere have taken, that seems
3 counterintuitive.
4 The other thing that seems counterintuitive
5 about it is that, you know, when you vote on a rule or
6 anybody votes on a rule, that rule is the law whether
7 or not the Secretary's office has caught up with
8 publishing it in the Administrative Code. I mean --
9 you know.
10 And as I read this bill, until the
11 Secretary of State's office publishes a rule in the
12 Administrative Code, it's not law, and that's not --
13 and, frankly -- and, Commissioner Chan, you probably
14 know this better than most, but the vision of the
15 Secretary's office that publishes the Administrative
16 Code, they've caught up now but in many years in the
17 past under, I think, more than one of the Secretary's
18 administration, the code itself has been far behind the
19 actual making of rules.
20 So this -- this kind of -- so there's
21 something -- there's something that's not quite right
22 about the language. And, again, if this gets moving,
23 we would -- we would seek to meet with Representative
24 Coleman to try to understand what he's trying to get at
25 because we really don't think that this is written in a


1 way that is consistent with sort of general legal
2 principles.
3 COMMISSIONER CHAN: Okay. Thanks.
4 You know, Mr. Chairman, Tom, I guess my
5 question for the sponsor would be what's the perceived
6 problem he's trying to fix? And then, you know, who's
7 really behind the bill? Is it a governor's office
8 bill? That would be my curiosity, I guess.
9 MR. COLLINS: That's a good question. I
10 don't know. I'm assuming it's a Secretary of State
11 bill, but I don't -- I don't have an answer to that
12 question.
13 COMMISSIONER CHAN: Okay.
14 MR. COLLINS: And we can certainly work on
15 that as it goes forward. I think the other --
16 COMMISSIONER CHAN: I know you have to
17 prioritize based on, you know, there are so many.
18 MR. COLLINS: Right. Well, I think the
19 other -- I think the other stakeholders here -- and
20 just to be quite clear about it -- are other agencies
21 that make rules. Now, some agencies that make rules
22 are more or less interested in those rules. Some
23 agencies are really aggressively seeking to get rid of
24 rules and that kind of thing. You know, other agencies
25 less so, but I think that the problems -- and we'll
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, but 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.)
The State of Arizona Citizens Clean Elections Commission

Public Session

Transcript of Proceedings January 18, 2018

Min-U-Script® Coash & Coash, Inc. 602-258-1440 www.coashandcoash.com (77) $100 - butter

$100 (5) 67:18,24,25; 68:13,16 $2,000 (1) 58:16

A

<table>
<thead>
<tr>
<th>Time</th>
<th>Description</th>
<th>Time</th>
<th>Description</th>
<th>Time</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2184</td>
<td>1 (71:4)</td>
<td>27</td>
<td>1 (4:19)</td>
<td>29th</td>
<td>20 (4:20)</td>
</tr>
<tr>
<td>30</td>
<td>2 (38:15, 20)</td>
<td>30-second</td>
<td>1 (38:21)</td>
<td>31st</td>
<td>1 (4:21)</td>
</tr>
<tr>
<td>3rd</td>
<td>2 (5:14, 15:4)</td>
<td>5</td>
<td>1 (57:5)</td>
<td>50</td>
<td>2 (67:18, 68:14)</td>
</tr>
<tr>
<td>7th</td>
<td>1 (4:18)</td>
<td>8</td>
<td>1 (4:24)</td>
<td>8th</td>
<td>1 (61:24)</td>
</tr>
<tr>
<td>9</td>
<td>1 (58:7)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Announcements:

- The public can view Commission meetings live via the internet at www.livestream.com/cleanelections. A link is available on our website.

Voter Education:

- The Special Primary Election to fill the vacancy in Congressional District 8 will be held on Tuesday, February 27, 2018.
- The City of Douglas, City of South Tucson and City of Tempe are conducting ballot by mail elections on Tuesday, March 13, 2018.
- Staff will have a voter education booth at the African American Conference on Disabilities on February 16, 2018.
- The Commission is sponsoring a training for election officials on Monday, February 26, 2018. The training will be given by the U.S. Election Assistance Commission staff and cover election security and information technology management.

2018 Candidate Information:

- Participating candidates started qualifying and receiving funds this week.
- Participating Legislative Candidates: 51; Received Funding: 6
- Participating Statewide Candidates: 23; Received Funding: 1
- Clean Elections Training Workshops:
  - Commission staff has conducted 13 Clean Election workshops so far this election cycle and currently have trainings scheduled through March 2018.

Enforcement – 2018:

Complaints Pending: 3

- MUR18-01 – Kiana Sears
- MUR18-02 – Jason Bell
- MUR18-03 – Kathy Hoffman

Enforcement – 2017:

Complaints Pending: 1

- MUR 17-01 – Jesus Rubalcava. – On Monday, February 12, 2018, we had an administration hearing in front of Administrative Law Judge Diane Mihalsky regarding Mr. Rubalcava’s appeal. We expect the ALJ’s decision within 20 days of the date of the hearing.

Enforcement – 2014:

Complaints Pending: 3
• MUR 14-006, -015 (consolidated/conciliated): Horne - pending completion of items in conciliation agreement.
• MUR 14-007: Legacy Foundation Action Fund (LFAF) – On this agenda.

Miscellaneous
Voter U.
A voter education and citizen engagement project
Proposal: Arizona Citizens Clean Elections Commission

February 2018

“Voters don’t determine elections, non-voters do.” Unfortunately, that indictment on our democracy is somewhat arguable when considering the fact that while 2.6 million votes were cast in the 2016 Arizona general election, there were 2.1 million “potential voters” who did not exercise their fundamental right. They sat out the election. “Potential voters” are those individuals who were either registered but did not vote, or who were not registered and therefore could not vote. As the 2018 election quickly approaches, this data snapshot is illustrative of the crisis that is silently undermining our democracy – the lack of citizen engagement and the lack of basic voter education being absorbed by the general public.

ASU Morrison Institute for Public Policy is seeking to contract with Arizona Citizens Clean Elections Commission to address this duo challenge in an innovative way. The following proposal calls for delivering customizable and digestible content pertaining to elections and government by using new digital platforms. The “Voter U.” campaign (our working title) will build the foundation for an educated electorate by helping potential, new and infrequent voters make the personal connection on why it’s important to vote, how their vote impacts government and in turn how government impacts their lives.

An engaged citizenry and educated electorate are interrelated, of course. In other words, a citizen with little knowledge about government, its functions or its impact cannot comprehend the compelling reasons to register to vote; likewise, an individual who registers to vote but is unfamiliar with candidates or key issues is more likely to skip elections or cast a ballot infrequently or haphazardly. Both voter education and citizen engagement are essential exercises of civic duty for a healthy government. Therefore, the two must be tackled simultaneously and in conjunction with one another in a nonpartisan and transparent effort, with the only intended outcome being an improved participatory democracy. Voter U. fits that bill, with Morrison Institute for Public Policy providing the content that can be built upon, improved and updated for future elections. Morrison Institute is seeking to contract work with Arizona Citizens Clean Elections Commission on this sponsored project:

**Contract total: $99,955** (divided in two payments, one FY18 and one in FY19)

*See attachment for breakdown of proposal expense*
About Morrison Institute

Morrison Institute for Public Policy, Arizona’s premier think tank, was established in 1982. An Arizona State University resource, Morrison Institute utilizes nonpartisan research, analysis, polling and public dialogue to examine critical state and regional issues. Morrison Institute provides data- and evidence-based review to help improve the state and region’s quality of life. Morrison Institute is part of the ASU College of Public Service and Community Solutions.

Morrison Institute is a respected and proven nonpartisan resource for the state of Arizona and has successfully contracted with Arizona Citizens Clean Elections Commission on past voter-related projects dealing with Arizona’s independent voter, how voters use social media to get their news, and direct democracy via its Arizona Citizens’ Initiative Review – a first of its kind for the state of Arizona. Morrison Institute also has done preliminary research and analysis work regarding primary elections around the nation, holding an Open Primaries national forum in January 2018 at ASU Downtown Phoenix Campus in consortium with the Schwarzenegger Institute at the University of Southern California and the Independent Voting organization.

Morrison Institute’s inaugural Arizona Legislative Academy, which helped incoming legislators learn about roles, responsibilities, issues and key data in January 2017, was embraced by the Governor and legislative leadership as a worthy endeavor and deemed a success. The Legislative Academy furthered Morrison Institute’s academic and nonpartisan reputation among leaders and policy makers. In fact, The Arizona Capitol Times recognized the project with its Leaders in Public Policy Award for Government. While only somewhat different in target audience and scope, Voter U. would be similar to, if not an extension of, the Legislative Academy.

The solution is to provide a common set of information for voters and lawmakers so that both parties know what matters and why and what the roles of the government are. Voter U. would be like a Citizens Academy that is user-friendly in providing the foundation of knowledge about voting, government and civic duty. Many Arizonans – including frequent voters – are in need of a refresher course when it comes to understanding government and its functions, roles, responsibilities and jurisdictions, as well as basic civic lessons about how laws are created, passed and their impact on our individual and collective lives. Voter U. will help voters better understand those aspects. Nonpartisan Morrison Institute provides the credibility, integrity, experience and expertise necessary for such a statewide endeavor.

Project Highlights

Components of this project would include:

- **Public Forums:** Framing the crisis in public understanding regarding civic knowledge (data and roadshow in local communities of the state’s North, Central and South regions)

- **Issue Briefs:** Identifying the crisis in public understanding of civics and how this impacts participation in the political process, which ties directly with the Clean Elections Act

- **Creating Content:** Citizen guide-type content and policy briefs based on Arizona
Legislative Academy presentations and Morrison Institute briefs

- **Media and Public Outreach:** Using media to explain and elaborate about the **Voter U.** voter engagement/education project, its goals and format apparatuses

- **Content Format:** Digestible and easy-to-read information regarding responsibilities and qualifications of each elected office, as well as primer on how laws are made

- **Specific Content:** Information regarding candidates and 2018 ballot measures; promotion of CCEC debates

- **State of Our State Conference:** **Voter U.** project as a topic of focus at Morrison Institute’s annual signature event in fall 2018

- **Real-Time Adjustment:** Work with Arizona Citizens Clean Elections Commission and its contracted public-relations agencies on a weekly and as-needed basis to adjust project and refocus emphasis

**Making the Connection**

Potential voters today may feel ignored or forgotten – unintentionally disenfranchised as disengaged outliers. They may feel ignorant, overwhelmed and embarrassed by their lack of knowledge on such matters. They don’t know where to look or where to even begin and thereby don’t take initial steps toward something of which they have no base foundation. But if potential voters were able to form and then build upon a fresh foundation, their knowledge and participation in voting likely would improve. With its unique content, **Voter U.** will help make the connection with those who presently feel disconnected. For example, if a voter understands that the Arizona Corporation Commission makes decisions that directly impact his or her monthly electric bill, he or she would be more inclined to learn about ACC candidates on the ballot, their qualifications and stances on key issues, and vote accordingly.

Meanwhile, those who already are educated and engaged also use **Voter U.** to improve their knowledge base with more advanced lessons, including nonpartisan and unbiased detailed information and presentations by experts, including that which was presented to freshmen state legislators in January 2017. Morrison Institute’s inaugural Arizona Legislative Academy included such topics as state-county partnerships, tourism, natural resources, education, human services, direct democracy, economic development and water policy. It should be noted that Arizona Legislative Academy information is available on the Morrison Institute website but is rather detailed and not yet in the digestible, easy-access format for the general public such as **Voter U.** will incorporate as the base of its deliverables. Morrison Institute values its brand, so its adherence to education without partisanship will remain in intact and above reproach.

For practical and pragmatic purposes, **Voter U.** will provide quick access to information, including online search engines and content lists on mobile apps and computers, including existing Citizens Clean Elections Commission digital apparatuses:
Voter U. content will originate in Word document format to allow for easy editing. This also will make the content accessible and easily useable by Arizona counties and cities, as it pertains to their local offices and needs. Morrison Institute also will include links on its website and will facilitate voter information public forums across Arizona with a goal of greater citizen engagement in part by framing the problem.

**Timelines**
Content delivery for Voter U. will coincide with Arizona Clean Elections established deadlines regarding publications, public forums and debates, as well as consideration of early voting for both the primary and general elections.

---

**A Quick Glance at Arizona Voter Metrics**

**Arizona Registered Voters and Turnout**
There were 3.5 million (3,588,466) Arizona citizens registered for the Nov. 8, 2016 general election, according to the Arizona Secretary of State’s Office. Voter turnout was 74.17 percent – about the same (74.36 percent) as in 2012, the previous presidential election year. That means 926,901 registered Arizonans did not vote in the 2016 general election. Voter turnout drops significantly in non-presidential election years, with just 47.52 percent of Arizona’s 3.2 million (3,235,963) registered voters at that time casting a ballot in the 2014 general election. Four years earlier, 55.65 percent of Arizonans who were registered to vote cast ballots.

**Arizona Nonregistered Potential Voters**
Voter turnout is a somewhat misleading metric anyway in terms of maximum potential voter participation. That’s because voter turnout only calculates the percentage of registered voters, not unregistered potential voters. A quick look at the 2016 elections shows that the U.S. Census Bureau estimated there were 4.8 million (4,801,062) individuals age 18 and over who were living in Arizona (including native and naturalized U.S. citizens, but excluding non-citizens). Although 3.5 million Arizonans were registered to vote, another 1.2 million (1,212,596 Arizonans age 18 or over) were eligible to register to vote but did not. When combined with the number of registered voters who did not cast a ballot (926,969 people), the number of Arizonans “eligible” to vote in the November 2016 election but did cast a ballot totaled 2.1 million (2,139,565). That’s just 20 percent less than the total number of actual ballots cast, 2.6 million (2,661,497).

**Arizona Primary Elections**
Primaries are ignored even more. Many Arizonans don’t understand that in many instances, the primary election essentially is the general election because the winner of those primary races
faces no opposition or only a token challenge in the November contest due to overwhelming party registration of certain districts. Recent research by Morrison Institute for Public Policy also found that many independent voters didn’t even know they are allowed to vote in major party primaries, so they don’t. Turnout by independent voters also is significantly lower in the general election, underscoring the need for greater voter education and citizen engagement. Primary elections – despite their importance in determining outcomes of elected offices – are often ignored by voters of all and no party affiliations, with a primary turnout of 29.10 percent of registered voters in 2016; 27.02 percent in 2014; and 28.09 in 2012.

**Voter U. Table of Contents for Public Office**

**Federal**
- President
- U.S. Senate
- U.S. Representative
- U.S. Supreme Court (non-elected appointments)

**State**
- Governor
- Secretary of State
- Superintendent of Public Instruction
- Mine Inspector
- Treasurer
- Corporation Commission
- Attorney General
- State Senate
- State House of Representatives
- State Supreme Court
- State Court of Appeals

**Counties**
- Board of Supervisors
- Sheriff
- Recorder
- Treasurer
- Assessor
- Attorney
- Clerk of the Court
- School Superintendent
- Superior Court Judge

**Cities**
- Mayor
- Council

**In Conclusion**
Morrison Institute for Public Policy believes this proposed project aligns with a key provision of the Arizona Citizens Clean Elections Commission mission to promote participation in the political process via increased and enhanced voter education. Voter U. will help take such call-to-action goals to new levels in terms of dynamic content, dissemination and engagement.

**Morrison Institute for Public Policy**
Arizona State University
411 N. Central Ave., Suite 900
Phoenix, AZ 85004-0692

Contact: Joseph Garcia
602-496-0205 office / 480-459-0922 cell / Joseph.C.Garcia@asu.edu
# PUBSRV Budget Worksheet

**Personnel - Salary & Wages**

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th># Months</th>
<th>% Effort</th>
<th>FY19 Year 1</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrea Whitsett</td>
<td>Principal Investigator</td>
<td>12</td>
<td>5%</td>
<td>6,000</td>
<td>6,000</td>
</tr>
<tr>
<td>Dan Hunting</td>
<td></td>
<td>12</td>
<td>11%</td>
<td>8,471</td>
<td>8,471</td>
</tr>
<tr>
<td>Joe Garcia</td>
<td></td>
<td>12</td>
<td>30%</td>
<td>26,736</td>
<td>26,736</td>
</tr>
<tr>
<td>Ed Spyra</td>
<td></td>
<td>3</td>
<td>10.0%</td>
<td>1,500</td>
<td>1,500</td>
</tr>
<tr>
<td>Becky Gilbreath</td>
<td></td>
<td>12</td>
<td>3%</td>
<td>1,815</td>
<td>1,815</td>
</tr>
<tr>
<td><strong>Total Staff Salaries</strong></td>
<td></td>
<td></td>
<td></td>
<td>44,522</td>
<td>44,522</td>
</tr>
<tr>
<td>Fringe Benefits Staff</td>
<td></td>
<td></td>
<td></td>
<td>16,371</td>
<td>16,371</td>
</tr>
<tr>
<td>Research assist - TBD 10 hrs/week</td>
<td>12</td>
<td>25%</td>
<td>7,800</td>
<td>7,800</td>
<td></td>
</tr>
<tr>
<td><strong>Total Student Salaries</strong></td>
<td></td>
<td></td>
<td></td>
<td>7,800</td>
<td>7,800</td>
</tr>
<tr>
<td>Fringe Benefits Students</td>
<td></td>
<td></td>
<td></td>
<td>88</td>
<td>88</td>
</tr>
<tr>
<td><strong>Total Personnel</strong></td>
<td></td>
<td></td>
<td></td>
<td>68,781</td>
<td>68,781</td>
</tr>
</tbody>
</table>

**Travel - In State 7510**

<table>
<thead>
<tr>
<th>Location</th>
<th># of Days</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yuma</td>
<td>368.00</td>
<td>0.445</td>
</tr>
<tr>
<td>Each trip is for two staff members per diem</td>
<td>2</td>
<td>0.445</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>11.00</td>
</tr>
<tr>
<td>Tuscon</td>
<td>236</td>
<td>0.445</td>
</tr>
<tr>
<td>Flagstaff</td>
<td>288</td>
<td>0.445</td>
</tr>
<tr>
<td><strong>Total Travel</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Other Direct Costs**

- Venue for forums (4 x 200) | 800 | 800
- State of Our State Sponsorship | 20,000 | 20,000
- Other-7390 food for forums (4 x 150) | 600 | 600

**Total Other Direct Cost Subtotal** | 21,400 | 21,400

**Total Direct Costs** | 90,868 | 90,868

**Less Direct Costs Exclusions**

**Total Modified Direct Cost Base** | 90,868 | 90,868

**F&A Costs (Indirect)** | 10.00% | 8201

**Total Costs** | 99,955 | 99,955
I VOTED INFORMED
Presented By The Citizens Clean Elections Commission
The Annual Report will be submitted to the Governor, the President of the Arizona State Senate and the Speaker of the Arizona State House of Representatives. This report will be made available online at www.azcleanelections.gov.
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Letter from the Chairman</td>
<td>i</td>
</tr>
<tr>
<td>Voter &amp; Public Education</td>
<td>1</td>
</tr>
<tr>
<td>Financial Information</td>
<td>9</td>
</tr>
<tr>
<td>Enforcement, Candidate Audits &amp; Litigation</td>
<td>10</td>
</tr>
<tr>
<td>Rulemaking &amp; Legislation</td>
<td>11</td>
</tr>
<tr>
<td>Looking Forward to 2018</td>
<td>14</td>
</tr>
<tr>
<td>Commissioners &amp; Staff</td>
<td>15</td>
</tr>
</tbody>
</table>
February 15, 2018

The Honorable Doug Ducey  
Governor of the State of Arizona  
1700 West Washington  
Phoenix, AZ  85007

Dear Governor Ducey:

The Citizens Clean Elections Commission is pleased to submit for your information the 2017 Annual Report, pursuant to Arizona Revised Statutes §16-956(A)(5). The Annual Report describes the activities performed by the Commission in the last calendar year.

In 1998, the voters of Arizona passed the Citizens Clean Elections Act. Over 19 years later, the Commission continues its commitment of upholding the letter and spirit of the Act. The Commission accomplished its goals set forth and looks forward to the same success in 2018.

Respectfully,

Damien R. Meyer, Chairman  
Citizens Clean Elections Commission
Voter & Public Education

The Commission continued to provide information to the public regarding Clean Elections participation and the functions and purposes of the Clean Elections Act. This was accomplished through education campaigns throughout the four local election dates in 2017, along with grassroots and social media outreach. The Commission consistently provides election information on how, where and when to vote.

The Commission’s education and outreach efforts for 2017 included:

• “Vote Informed” Campaign
• “ID at the Polls” Launch
• Facebook Chatbot
• Candidate Training
• Grassroots Outreach
• Research
• Website & Social Media

Educating the Voters. Educating the Candidates.

In addition to educating the voters, the Commission strives to educate candidates running for office.

The Commission hosts candidate training workshops that include details about campaign finance reporting and debate participation.

The Commission spends 10% of the expenditure cap on voter education in accordance with its statutory requirements. See page 11 of this report for more financial information.
Vote Informed Campaign

The emphasis of the 2017 Voter Education Campaign was to inform citizens about upcoming elections and the voting process. The Commission engaged in grassroots outreach including voter registration drives, providing educational materials, and cultivating community partnerships. The core voter education components involve connecting voters directly to non-partisan, unbiased election information that pertains specifically to them.
ID at the Polls Tool

The Commission launched a brand new voter education tool in 2017, the “ID at the Polls Tool”. This interactive tool was designed to simplify the process of determining what identification a voter needs to bring to the polls on Election Day. It is easily accessible on the Commission’s website under the “Voters” tab.

What ID Do I Need to Vote Quiz

Find out if you have the correct identification to vote at the polls on election day by taking the quiz below.

I HAVE A VALID FORM OF:

By Arizona law (A.R.S. § 16-579(A)), there are 3 lists of IDs that tell you what you need to vote at the polls. The IDs below are from List 1. If you have one, it may be the only ID you need if it meets certain requirements (verified during the next step). Select from the list below and click “Continue” or select "I Don't Have Any of These".

<table>
<thead>
<tr>
<th>Arizona Drivers License</th>
<th>U.S. Federal, State or Local Government-Issued ID, Issued with Printed Name and Address</th>
<th>Arizona Identification Card</th>
<th>Tribal Enrollment Card (or Other Form of Tribal ID)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona drivers license</td>
<td>U.S. federal, state, or local government-issued ID, issued with printed name and address</td>
<td>Arizona ID card</td>
<td>Tribal enrollment card (or other form of tribal ID)</td>
</tr>
</tbody>
</table>

*Acceptable forms of tribal identification include (but are not limited to); a tribal identification or enrollment card issued under the authority of a federally recognized Indian tribe, nation, community, or band (“Tribe”), a tribal subdivision or the Bureau of Indian Affairs; or a Certificate of Indian Blood issued to a tribal member under the authority of a tribe or by the Bureau of Indian Affairs; or a voter registration card for tribal elections issued under the authority of a tribe; or a homestead assignment lease, permit or allotment issued under the authority of a tribe, tribal subdivision, or by the Bureau of Indian Affairs; or a grazing permit or allotment issued to a tribal member under the authority of a tribe, tribal subdivision, or by the Bureau of Indian Affairs.
Facebook Chatbot

The Commission launched a “Facebook Chatbot” in August 2017, for the local elections. This interactive messaging system allows voters to gain timely information for their specific election. Some examples of information that it provides includes; where to vote, what is on the ballot, voting deadlines, etc. Another function of the Chatbot is the ability for voters to opt in to receive election notifications as new elections approach. In addition to the unbiased information found on this application, there is a trivia quiz for voters to complete consisting of basic election related questions.
Clean Elections
Training & Guides

Education is a key component to the mission of the Commission. In 2017, the Commission continued to provide information to interested groups and potential candidates through speaking engagements, training workshops, as well as through publications on our enhanced agency website. Each election cycle the Commission develops a guide to assist participating candidates as they navigate the political campaign process and to inform non-participating candidates, and other groups involved in elections, about the Clean Elections Act and rules. The guide covers important topics such as requirements of the Clean Elections Act and Rules, filing and reporting deadlines, how to become a Clean Elections participating candidate, and how to qualify for funding.

Participating candidates are required to attend one Clean Elections Candidate Training Workshop during the election cycle. The workshops are open to the public and designed to provide information to prospective candidates, or those who are assisting participating candidates, about the requirements of the Clean Elections Act.

Throughout 2017, the Commission conducted 10 candidate training workshops starting in July. A total of 97 individuals attended these workshops, 61 of them being candidates and the remaining 36 were members of the public. There was also 1 candidate who completed the self-study training.
Grassroots Outreach

In an ongoing effort to increase outreach to Arizona voters, the Commission participated in the following:

• County Recorder and Election Official Meetings.
• Arizona Municipal Clerks’ Association annual meeting.
• Partnered with the Navajo County Recorder’s Office, to attend the White Mountain Apache Fair.
• Hosted a Roundtable Event in July with participation from election officials and public advocacy groups of differing viewpoints.
• National Voter Registration Day, with ASU – September 26th.
• Partnered with Arizona Center for Disability Law focusing on voters without a permanent home.

NATIONAL VOTER REGISTRATION DAY
SEPTEMBER 26 • 10AM-1PM
STUDENT SERVICES LAWN
TEMPE
Focus Group Research

The Commission conducted focus group research between April 3rd and April 6th. The purpose of this research was to identify possible messaging strategies and positioning opportunities to increase civic interest and participation in any election.

Key Takeaways:
• Participants said elections/voting are important and local elections are especially important because it’s ‘your backyard’, yet active participation in local elections was extremely low.
• Voting in presidential elections was significantly easier for participants as information was everywhere and they were constantly reminded of the election by the continuous media coverage.
• Voters did not feel motivated enough to vote in local elections due to lack of media coverage & direct/easy access to information.
• Voters want information easily accessible and readily available.
Website & Social Media

The Commission had a significant increase in its engagement with voters online. Utilizing social media channels has allowed the Commission to instantly connect with voters on timely and important election related issues. Voters and candidates alike can follow the Commission on social media for more information about elections and running for office.

Social media sites such as Twitter, YouTube and Facebook were utilized and the chart below displays the amount of followers/likes throughout the previous years.

Social Media Traffic:

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>% from 2016-2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facebook</td>
<td>23,540 Likes</td>
<td>33,119 Likes</td>
<td>33,451 Likes</td>
<td>+1%</td>
</tr>
<tr>
<td>Twitter</td>
<td>1,070 Followers</td>
<td>1,270 Followers</td>
<td>1,427 Followers</td>
<td>+12%</td>
</tr>
<tr>
<td>YouTube</td>
<td>437,000+ Views</td>
<td>536,000+ Views</td>
<td>596,000+ Views</td>
<td>+11%</td>
</tr>
</tbody>
</table>

**These totals now reflect the number of views within that calendar year exclusively.

Website Traffic:

<table>
<thead>
<tr>
<th>Year</th>
<th>Sessions</th>
<th>Users</th>
<th>% of New Users</th>
<th>Page Views</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>68,687</td>
<td>55,937</td>
<td>90.8%</td>
<td>101,525</td>
</tr>
<tr>
<td>2016</td>
<td>382,013</td>
<td>304,543</td>
<td>79.54%</td>
<td>646,840</td>
</tr>
<tr>
<td>2015</td>
<td>117,372</td>
<td>98,672</td>
<td>83.9%</td>
<td>150,088</td>
</tr>
<tr>
<td>2014</td>
<td>73,121</td>
<td>55,292</td>
<td>75.3%</td>
<td>175,335</td>
</tr>
</tbody>
</table>
Financial Information

Revenue Sources
Citizens Clean Elections Commission revenue comes from the following sources:
• 10% surcharge on all civil penalties and criminal fines
• Civil penalties paid by candidates.
• $5 qualifying contributions collected from participating candidates.

<table>
<thead>
<tr>
<th>CY 2017** Revenues</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Court Assessments</td>
<td>$7,340,637</td>
</tr>
<tr>
<td>Commission Assessments</td>
<td>$6,200</td>
</tr>
<tr>
<td>$5 Tax Check-off (late tax filings)*</td>
<td>$135</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>$112,583</td>
</tr>
</tbody>
</table>

Controls on Spending
The Commission’s total expenditures cannot exceed seven times the number of Arizona resident personal income tax returns filed during the previous calendar year. Up to 10% of the total expenditure cap for administration and enforcement purposes may be used. The Commission may make public education paid media expenditures up to 10% of the total expenditure cap as well. (A.R.S. §16-949) The 2017 expenditure caps were as follows:
• Total Expenditure Cap: $20,321,063
• Administration & Enforcement Cap: $2,032,106
• Public Education Expenditure Cap: $2,032,106

<table>
<thead>
<tr>
<th>CY 2017** Expenditures:</th>
<th>Admin &amp; Enforcement</th>
<th>Voter Education &amp; Paid Media</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$895,396</td>
<td>$2,382,891</td>
</tr>
</tbody>
</table>

Clean Elections is funded by voluntary contributions and surcharges on criminal penalties and violations, such as traffic tickets.

Not a single dollar of Clean Elections funding comes from the State’s General Fund.

Rather than taking money from taxpayers, Clean Elections has donated $74 million to the State’s General Fund since its inception through 2016.

The removal of the $5 check-off box on Arizona state income tax return forms and dollar-for-dollar tax credits caused a decrease in revenue to the Clean Elections Fund, and as a result the Commission was unable to transfer excess monies to the General Fund in 2017.

*Previously, Arizona citizens could contribute voluntarily through a $5 check-off box on Arizona state income tax return forms and through dollar for dollar tax credits. This portion of the Act was removed in 2012; however, late tax filers may still contribute.

**The Clean Elections Commission operates on a calendar year budget rather than the State’s fiscal year budget.
Enforcement, Audits & Litigation

The Commission enforces the Citizens Clean Elections Act and Commission rules which are a part of the Arizona Administrative Code. The Act and Commission rules contain specific campaign finance provisions and limitations.

Commission staff monitor campaign finance reports to ensure campaign spending occurs as specified by the Act and Rules. The Commission has the authority to subpoena witnesses, take evidence, and require, by subpoena, the production of any books, papers, records or other material relevant to an enforcement matter.

Potential penalties for violations of the Act range from monetary penalties, the disqualification of a candidate or forfeiture of office. Most enforcement matters are settled amicably.

The Commission also conducts random audits to ensure compliance with the Act and Commission rules. Candidates are randomly selected during a public Commission meeting. The audits are completed by an independent auditing agency. Candidate audits are selected during election years after the Commission has disbursed funds to qualified candidates.

In 2017, the Commission approved 29 random candidate audits selected during the 2016 election cycle, including 26 legislative candidates and 3 statewide candidates. The candidates received Clean Elections funding in either the 2016 primary or general election periods.

Enforcement
The Commission acts on both external and internally filed complaints.

During 2017, the Commission resolved 3 complaints arising from the 2016 election cycle.
Rulemaking & Legislation

Commission Rulemaking Authority

In accordance with A.R.S. §16-956(C), the Commission may adopt rules to carry out the purposes of the Citizens Clean Elections Act.

The Commission proposes and adopts rules in public meetings, with at least sixty days allowed for interested parties to comment after the rules are proposed. After consideration of the comments received in the sixty day comment period, the Commission may adopt the rule in an open meeting.

The Commission diligently makes changes to its rules and procedures to address concerns and improve the functions of the program. Rules adopted by the Commission are not effective until January 1 in the year following the adoption of the rule. However, rules adopted by unanimous vote may be immediately effective and are enforceable.

In 2017, the Commission made amendments to, or renumbered, the following rules:

- A.A.C. R2-20-106
- A.A.C. R2-20-109
- A.A.C. R2-20-111
- A.A.C. R2-20-402.01
- A.A.C. R2-20-702
- A.A.C. R2-20-703.01

Vision Statement

Through the successful implementation of the Arizona Citizens Clean Elections Act, the Commission seeks to improve the integrity of Arizona state government and promote public confidence in the Arizona political process.
2017 Legislation

The Commission adopted the following legislative principles and priorities in an effort to improve the Act and Commission procedures:

**Oppose efforts to defund or eliminate the Citizens Clean Elections Act and/or the Commission.** Over several sessions, members of the legislature have proposed measures that seek to defund, limit, or eliminate the authority of the Act or the Commission itself. The Commission has historically opposed these efforts on the grounds that they are typically poorly constructed, misleading, or otherwise ill-considered. The Commission works to maintain the letter and spirit of the law and supports efforts that further the purpose of the Act.

**Support election law reforms.** Elections issues continue to percolate through both the political and legal process. The Commission continues to support reforms including improving the public financing program; improving the campaign finance code to ensure that voters are receiving information about the identity and contributions of campaign contributors and expenditures, including independent expenditures; ensuring that changes improve the State’s anti-corruption, anti-circumvention and informational interests, the Clean Elections Act and the Commission’s independence; and improving voter access to information, voter involvement and voting.

**Support improvements to voter education and access.** The Commission has supported efforts to enhance voter education and participation through legislation that advance the anti-corruption and public participation values that undergird the Act. The Commission continues to express its support for legislation that advances these aims.
2017 Legislation

Support Commission Oversight of Use of Clean Funds By Candidates for Campaign Expenses. Criticism arose do to the payment by Clean Candidates to political parties for services. Aside from certain exemptions, parties are barred from making contributions to candidates, and indeed, the Commission has disciplined candidates for failure to purchase services. In other words, the current policies permit and indeed in some ways encourage this practice. There is a significant caveat: Clean Candidates may not make gifts to parties. It was suggested legislation was necessary in this area, as well as calling for repeal of the Act. The Commission continued to oppose legislation that singled out Clean Candidates.

Oppose amending or superseding Commission funding by the Administrative Office of the Courts.

The Arizona Supreme Court convened a Task Force on Fair Justice for All: Court ordered fines, Penalties, Fees, and Pretrial Release Policies. Part of this task force, which we have monitored, is related to surcharges. The Commission is reliant on a 10 percent surcharge on criminal and civil fines. A.R.S. § 16-954(A). The Commission worked with the Courts to remedy the concerns raised by the legislation.
Looking Forward to 2018

Here is a preview of what the Commission is looking forward to in 2018:

2018 Education Plan
The Commission will continue its voter education efforts in 2018 by offering voters a comprehensive education plan that focuses on how to participate in the electoral process, voting informed and the importance of voting in midterm/local elections. The Commission will offer voters the following education tools in 2018:

- Enhanced Voter Education Guide
- Candidate Compass
- 18 in 2018 Campaign
- Candidate Debates
- ID at the Polls Tool
- Voter Dashboard
- Website Re-design
- Connections Campaign
- Mobile App

2018 Election Cycle - Candidate Information
Candidates could begin collecting $5 qualifying contributions on August 1, 2017, the start of the qualifying period. Candidates must collect a minimum number of qualifying contributions, as referenced below;

<table>
<thead>
<tr>
<th>Governor</th>
<th>Secretary of State</th>
<th>Attorney General</th>
<th>Treasurer</th>
<th>Supt. Of Public Inst.</th>
<th>Corporation Commission</th>
<th>Mine Inspector</th>
<th>Legislature</th>
</tr>
</thead>
<tbody>
<tr>
<td>4,000</td>
<td>2,500</td>
<td>2,500</td>
<td>1,500</td>
<td>1,500</td>
<td>1,500</td>
<td>500</td>
<td>200</td>
</tr>
</tbody>
</table>

*Preview of new Website
Commissioners & Staff

Commissioners*
Chairman Damien R. Meyer (D)
Maricopa County, AZ
Appointed 2015

Steve M. Titla (D)
Gila County, AZ
Appointed 2013

Mark Kimble (I)
Pima County, AZ
Appointed 2015

Galen D. Paton (R)
Pima County, AZ
Appointed 2016

Amy B. Chan (R)
Maricopa County, AZ
Appointed 2017

Commission Staff
Thomas M. Collins, Executive Director
Sara A. Larsen, Fin. Affairs & Comp. Officer
Gina Roberts, Voter Education Director
Mike Becker, Policy Director
Paula Thomas, Executive Officer
Alec Shaffer, Web Content Manager
Stephanie Cooper, Exec. Support Specialist

Commission Structure & Mission
The Citizens Clean Elections Commission was established by the enactment of the Citizens Clean Elections Act, A.R.S., Title 16, Chapter 6, Article 2. In addition to administering the provisions of Article 2, the Commission promulgates rules and enforces A.R.S. §§ 16-940 through 16-961.

The Commission’s mission is to fairly, faithfully and fully implement and administer the Citizens Clean Elections Act.

The Citizens Clean Elections Commission consists of five members. All members must be registered to vote in the State of Arizona. No more than two members of the commission may be members of the same political party. No more than two members of the commission may be residents of the same county.

*Commissioners listed are for the 2017 calendar year.
Commissioner Biographies

Damien R. Meyer – Democrat – Maricopa County
Former Governor Jan Brewer appointed Damien R. Meyer to the Citizens Clean Elections Commission to serve a term ending January 31, 2019. Damien R. Meyer is an experienced commercial litigation attorney. Damien has extensive experience in representing both individuals and businesses including banks, contractors, landlords, real estate developers, aviation companies, entrepreneurs, and health care companies in all areas of their business including contractual analysis and disputes, collection and payment disputes, commercial tort liability, provisional remedies and negotiation of pre-litigation disputes to avoid formal litigation. He also has extensive experience in representing clients in formal litigation in Arizona State and Federal courts, the Arizona Court of Appeals, in private arbitrations and before several state administrative agencies. Mr. Meyer, his wife and two children currently reside in Phoenix.

Steve M. Titla – Democrat - Gila County
Former Senate Democratic Leader Leah Landrum Taylor appointed Steve M. Titla in July 2013 to the Citizens Clean Elections Commission. Mr. Titla is a partner in the Titla & Parsi law firm and is admitted to practice law both in Arizona and on the San Carlos Apache Reservation. The firm represents the San Carlos Apache Tribe as special counsel and has also served as legal counsel for the election boards of the San Carlos Apache and San Juan Southern Paiute Tribes. Previously, Mr. Titla was an attorney with the Navajo Nation Department of Justice and has served as president of the National Native American Bar Association. In addition to a B.S. and J.D. from Arizona State University, Mr. Titla earned an M.B.A. from the University of Phoenix. From 1974-76 Mr. Titla served in the U.S. Marine Corps, leaving with an honorable discharge. He also served in the Arizona National Guard until his honorable discharge in 1980. Mr. Titla’s term on the Citizens Clean Elections Commission expires in January of 2018.
Commissioner Biographies

Mark Kimble – Independent – Pima County
Senate Democratic Leader Katie Hobbs appointed Mark Kimble, an Independent, to the Citizens Clean Elections Commission in July 2015. Mark was a longtime journalist in Southern Arizona. After graduating from the University of Arizona with a bachelor’s degree in journalism, Mark worked for the Associated Press and then for the Tucson Citizen newspaper. During a 35-year career at the Citizen, he was a reporter, city editor, assistant managing editor and associate editor-columnist in charge of the editorial page. When the Citizen closed in 2009, Mark went to work as senior press advisor and later as communications director for Congresswoman Gabrielle Giffords. When she resigned in 2012, Mark became communications director for her successor, Congressman Ron Barber. Mark and his wife, Jennifer Boice, live in Tucson.

Galen D. Paton – Republican – Pima County
Governor Doug Ducey appointed Galen D. Paton, a Republican, to the Citizens Clean Elections Commission for a 5-year term expiring January 31, 2021. Commissioner Paton obtained his Master of Arts in Physical Education from the Southern Methodist University in Dallas, Texas. He has had a long and rewarding career coaching high school and college softball, volleyball and basketball teams in the southwest. In 2005, he led Sabino High School to the Arizona 4A State Championship and a No. 4 ranking in the country. The Arizona Coaches Association along with the National Fastpitch Coaches Association crowned Mr. Paton 2005 coach of the year. Mr. Paton retired from coaching in 2010 and is a current member of the Realty Executives Tucson Elite group. He resides in Tucson with his wife.
Amy B. Chan – Republican – Maricopa County
Senate Democratic Leader Katie Hobbs appointed Amy B. Chan, a Republican, to the Citizens Clean Elections Commission for a 5-year term expiring January 31, 2022.
Amy B. Chan was admitted to the State Bar in 1999. Initially she worked as an immigration attorney, helping people obtain immigration benefits through the administrative and immigration court process. In 2001 she began work as a legislative research analyst for the House Judiciary Committee. She was an Administrative Law Judge for the Corporation Commission from 2005-2006 and then returned to the legislature as Policy Advisor and Counsel to the Majority for the State Senate. In 2009 Secretary of State Ken Bennett appointed her State Election Director. She served in that capacity until 2013, when she left to spend more time with her growing family. She and her husband Keith have two sons and live in Phoenix.
Below are the election bills that may impact the Commission.

HCR 2007 -- Clean Elections; Unlawful Contributions; Rulemaking
(assigned to House Government, passed 4-3)
Sponsor – Reps. Coleman: Shope
- Bars participating candidates from spending any money with parties except for voter files, as defined in statute.
- Strips commission of rulemaking exemption
- Effect on CCEC—Major
  o Rulemaking change does not advance Commission independence.
  o Participation limitation affects participating candidates own funds, not just clean funds, thus restricting their activity with no clear quid pro quo link.
  o Heavily involves the Commission in party business, may have associational issues under the First Amendment.
  o Ties the Clean Elections Act to the $100 biennial adjustment in 16-931 resulting in seed money increasing from $160 to $260. In addition,
    o Ties candidate funding to the $100 biennial adjustment in 16-931, reducing the amount of funding increases as it is no longer tied to the rate of inflation.

ITEM VII
SB 1023 – Campaign Contributions; Reportable Amounts
(assigned to Senate Judiciary, passed 4-3)
Sponsor – Senator Kavanagh
- The bill raises the amount of money that requires a candidate to report the contributor’s identification from $50 to $200
- Effect on CCEC – May change the reporting requirement for CCEC candidates as they may only receive a maximum contribution of $160. Would need an exemption in the bill to ensure this is not an issue.

HB 2182 – Campaign Finance; Candidate Committee; Transfers
(assigned to House Local and International Affairs, passed 4-3, was retained on the House Calendar)
Sponsor – Reps. Coleman: Shope
- The bill would allow for a candidate to transfer funds from one campaign account to a different campaign account. The two accounts must be registered to the same candidate.
- Effect on CCEC – Unclear. Need to ensure 16-941(B) is not affected. Commission staff will need to continue to review campaign finance reports to ensure transfers did not exceed allotted amounts.

HB 2184 – Secretary of State; Rulemaking
(assigned to House Government, passed 5-3, placed on the agenda for the entire House to vote)
Sponsor – Rep. Coleman
- The bill would allow for the Arizona Administrative Code to have the force of law in Arizona. Creates confusion as to when Commission rules are enacted versus what this law would require.
- Effect on CCEC – May create issues if the Code differs from commission rules and the code is enforced as law. Gives the Secretary power to create law, bypassing the legislative process. There is a proposed amendment that would alleviate many of the Commission’s concerns.

SB 1037 – Election and Ethics; Commission; Duties
(assigned to Senate Judiciary and Senate Government)
Sponsor – Senator Quezada
- This bill would establish the Arizona Election and Ethics Commission
- Effect on CCEC – May create issues where the CCEC and the Ethics Commission would be investigating the same complaint creating possible dual penalties.
HB 2049 – Campaign Finance; Corporate Recipients; Registration (assigned to House Government)
Sponsor – Reps. Clark: Alston, Andrade, Salman
- This bill would require Corporations, LLCs, and Labor Organizations that make contributions, attempting to influence an election, to file with the Secretary of State and disclose the amount they are spending.
- Effect on CCEC – May create more complaints for lack of timely filing.

HB 2050 – Independent Expenditures; Corporations; Funding Disclosure (assigned to House Government)
Sponsor – Reps. Clark: Alston, Andrade, Salman
- This bill would require Corporations, LLCs, and Labor Organizations that make independent expenditures, to file campaign finance reports with the Secretary of State. It would also require a person that makes expenditures for fundraising or advertisements to disclose the four funding sources that made the largest aggregate contributions.
- Effect on CCEC – May create more complaints filed with the CCEC because of the lack of timely filing.

HB 2051 – Presidential Preference Election; Independent Voters (assigned to House Government)
Sponsor – Reps. Clark: Alston, Andrade
- This bill would allow Independents to vote in the Presidential Preference Election.
- Effect on CCEC – Minor. CCEC may need to increase voter education to insure Independents understood the change.

HB 2052 – Automatic Voter Registration; Licenses; IDs (assigned to House Government)
Sponsor – Reps. Clark: Alston, Andrade, Chavez, Salman
- This bill would allow for anyone applying for or renewing a driver’s license to automatically be registered to vote if they are not yet.
- Effect on CCEC – Minimal. CCEC may need to increase voter education to insure the change is understood.
HB 2078 – Electronic Filing System; Political Subdivisions
(assigned to House Government, passed 8-0 and 7-0 as amended)
Original Sponsor – Rep. Finchem
- Strike Everything Amendment was introduced. The bill amends 16-928 and allows for a filing officer at all levels (city, town, county) to opt into the Secretary of State’s electronic filing system without paying a fee.
- Effect on CCEC – None. Unless it interferes with the reports the Commission requires, it would not affect the CCEC.

HB 2104– Clean Elections; County Candidates
(assigned to House Government)
- The bill would allow for County Elected officials to use the CCEC system when running for office.
- Effect on CCEC – Major. This would put a major strain on the CCEC system in terms of funding Statewide, Legislative, and County-wide candidates. May require the re-introduction of the $5 tax check-off box.

HB 2121 – Ballot Measures; Paid Circulator Definition
(assigned to House Federalism, Property Rights, and Public Policy)
Sponsor – Rep. Leach
- The bill changes the definition of “paid circulator” removing the way they are currently paid (by the number of signatures). The circulator will now have to be compensated differently.
- Effect on CCEC – None. May be used for other purposes.

HB 2153 – Campaign Finance; Nonprofits; Disclosure
(assigned to House Federalism, Property Rights, and Public Policy, passed 6-3 and was retained on the House Calendar)
Sponsor – Rep. Leach
- The bill exempts 501(c) entities from being required to disclose information regarding their contributors, registering as a political action committee, and submitting to audits, subpoenas, or producing evidence regarding potential campaign finance violations.
- Effect on CCEC – Does not appear to apply and in any event, the Commission has not had a complaint filed against a 501(c) that has resulted in the need for audits, or subpoenas.
Tom,

I have placed responses down below; this should address the remaining action items and bring this project to a close. In cautious optimism, I have attached the invoice for the second deliverable.

Thanks,
Liz

Liz Atkinson
Chief Financial Officer
Arizona Secretary of State Michele Reagan
Office: (602) 542-6171

Liz,

I’m having a little trouble tracking where this email and letter leaves us.

There are certain items that I need to ensure are complete before I am authorized to sign off on the site and the final payment, pursuant to my authority.
Additionally, at least one commissioner has made suggestions directly to Secretary Reagan and through the beta site and to the best of my knowledge not received a response.

In order to review the testing, pursuant to our agreement, I will need:

- As far as "see the money," it would be helpful to have some info on the beta site feedback. I’m looking for few specific things:
  1. Outreach efforts by the SOS to inform the public of the beta site (including costs)
     Document attached “AZ SOS See the Money Campaign 8.28 thru Present”. This outlines the media efforts made by Colling Media on our behalf to inform the public of the beta. The total cost of this was $37,500.
  2. Number of responses received overall and from social media efforts.
     a. From the social media efforts:
        - Platform and flight dates of the social ads: 08/28/2017-01/19/2018
        - Targeted population From Facebook Ads
          - Impressions: 418,042
          - Engagements: 14,533
  3. Details of the feedback received, as well as what changes were or will be implemented.

There were 60 comments from the are outlined in the attached spreadsheet with 6 already addressed, 21 in process of being addressed, and 33 comments that didn’t require any action.

- Additionally, we need confirmation on several items that Sara Larsen detailed in a January 5 email to Bill, which is attached.

The email has the following action items:

1) CF reporting system includes the following dates
   a. Qualifying Period Recap Report
   b. Primary Recap Report
   c. General Recap Report
   d. IE Trigger Report Filing Dates

2) QA Access has been granted

3) Email capability from CCEC

I have confirmed that all of the items have been addressed.

- Finally, what is the current go live date for "see the money" and when do you anticipate my sign off on testing occurring. The site still shows it is in beta (screenshot attached).

Thanks for bringing up the issue with “beta” still showing on the website, that has been corrected as the go live was 01/16/2018.
Thanks,

Tom

From: Atkinson, Liz [mailto:latkinson@azsos.gov]
Sent: Thursday, January 18, 2018 5:15 PM
To: Thomas Collins; Maaske, Bill
Cc: Sara Larsen; Paula Thomas
Subject: RE: ISA follow up

Tom,

Attached is the correspondence updating deliverable 2 of the ISA as well as a response to the question regarding the definitions all being met in Section 2, A.1-5. I have also placed some responses below to help keep you informed.
Dear Liz and Bill,

I just want to confirm the following:

You agree to complete the work on the ISA by the 16th and request payment through AFIS upon completion. Yes the work has been completed but request of payment will be sent once the report on beta testing is complete.

We understand that the Clean Elections trigger reports are available for all filers and that in CFS 4 the same service will be available in the same manner. This is accurate.

Additionally, I require a report on beta testing to confirm and evaluate the test and the product for signoff per the schedule incorporated into the contract. Bill has a copy of my request. We are working on the request and will respond with that and the invoice for deliverable 2 once completed.

Additionally, Sara will be confirming access and connecting Ken and Jason for the emails to filers piece. We assume that this went well but are available for any assistance needed.
Please let me know if you have questions

Thanks

Tom
### Beta Feedback

<table>
<thead>
<tr>
<th>Action</th>
<th>n</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addressed</td>
<td>6</td>
</tr>
<tr>
<td>Addressing</td>
<td>21</td>
</tr>
<tr>
<td>No Action</td>
<td>33</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>60</strong></td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
</tr>
<tr>
<td>-------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>AAE88947-DD24-4806-BEDA-CD43A955A5B9</td>
<td>081BF6DD-7FD1-4376-B4CB-2549627EF06D</td>
</tr>
<tr>
<td>472393FC-205D-452E-AB88-5B27098BA0F1</td>
<td>8F04036A-F7F6-4870-8CD7-B56B05F8BE8A</td>
</tr>
<tr>
<td>FEB2A2BE-1D7F-4A7E-8F33-B7E06F8413DF</td>
<td>311C971A-BAA9-4C97-8B86-53AAC2F410F1</td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>C2B0D76D-B3EE-4819-90B0-7C5217D42549</td>
<td>CFABA8B1-BBC8-4446-96EC-6422D1BCA4B9</td>
</tr>
<tr>
<td>A54D06D9-7460-4174-93FC-116C5D3383BE</td>
<td>F5417632-839B-4100-9BFC-EFAB760AA56E</td>
</tr>
<tr>
<td>0C9ACDA6-6806-40CF-BA58-2896C7EC3FFC</td>
<td>80D638FA-85EB-4ADA-A053-1C0362E87AA9</td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
</tr>
<tr>
<td>------------</td>
<td>--------</td>
</tr>
<tr>
<td>EBDF5CBB-E57F41B1-83C5AE159AA3D814</td>
<td>1F526502-A2AE494C-A10E626B5CD1BBA0</td>
</tr>
<tr>
<td>20C3206C-E18F-452EBF73-C06BBF375FDF</td>
<td>1F526502-A2AE494C-A10E626B5CD1BBA0</td>
</tr>
</tbody>
</table>
| DBB66FC0-71C945E5-874DFB BBC2D778823 | 1F526502-A2AE494C-A10E626B5CD1BBA0 | 10/16/2017 | *Feedback|72.208.82.252|I am having a bit of difficulty trying to determine how to use the heat map chart (left chart). The top five or six are prominently displayed. After that the titles on the rectangles start dropping out. The mouse_over function works pretty well but you sort of have to mouse_over every rectangle to decide what that particular rectangle represents. As you move to the right edge of the heat map it becomes pretty worthless as you can't see names for all of the rectangles and I am not sure you see all of the possible records for whatever you have selected. For candidates there is an underlying menu that allows you to select Income, Expense, Cash on Hand, Income Sources, Independent Expenditures. Not sure at what point Cash on Hand is calculated unless there will be a future "end of reporting period"
Hi guys, Tim sirert here. Just a few comments below, hope it might help. On the vendor graph there are “duplicates” because “Lovas Co LLC” is different than “Lovas Co, LLC” and the one company is treated as two separate ones by the database. On the Vendors charts it’s unclear, maybe note these are committee expenditures to vendors and not by vendors. On all tabs the pie chart is useful, the square chart on the left is not. The burn rate graph is not useful. On the pie chart add an apostrophe to the label to be like “Candidate’s Income Types” etc. In the vendor section I searched for “Criterion” and two companies come up and two separate lists of expenditures. I searched for “Lovas Co” and got two business choices, but both had no data although Lovas Co appeared in a lot of expenditures.

When viewing in “Chart View” the smallest dollar amounts on the right hand side tend to be too small to click or view in anyway.

When viewing Candidates by “Cash on Hand” multiple candidates show up multiple times (Doug Ducey for example) and there are candidates that haven’t been on the ballot in a while (like Buz Mills) who show up in this chart. Also “Burn Rate” on the graph below doesn’t show up.
<table>
<thead>
<tr>
<th>TrackingID</th>
<th>UserID</th>
<th>TrackingDate</th>
<th>URLHash</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>31B063C2-894F-4A20BAB6-A668BBC0C563</td>
<td>282C3555-8B78-4607-A91E-3C4E0839A1D4</td>
<td>10/28/2017</td>
<td>*Feedback</td>
<td>70.196.145.50</td>
</tr>
<tr>
<td>A182042B-45CC-45D4-AE1D-BA80B277BAD4</td>
<td>282C3555-8B78-4607-A91E-3C4E0839A1D4</td>
<td>10/28/2017</td>
<td>*Feedback</td>
<td>70.196.145.50</td>
</tr>
<tr>
<td>FBFD3A26-B619-45D1-86CC-811F64103E07</td>
<td>E10C555F-F556-4C8B-9F65-2F2E2E336AA2</td>
<td>11/3/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
<td>TrackingDate</td>
<td>URLHash</td>
<td>Action</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------------</td>
<td>--------------</td>
<td>--------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>9E9D283E-295F-4FA3-A94C-19695332BCE5</td>
<td>F107E77C-A547-4213-B08C-A4A6E6EDCFF9</td>
<td>11/22/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>23F9B4E3-0D2A-4E18-9BE0-D3732912F64</td>
<td>F107E77C-A547-4213-B08C-A4A6E6EDCFF9</td>
<td>11/22/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>OCCA01A2-C9BE-4A10-A510-SA4DF024D779</td>
<td>F107E77C-A547-4213-B08C-A4A6E6EDCFF9</td>
<td>11/22/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
<td>TrackingDate</td>
<td>URLHash</td>
<td>Action</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------</td>
<td>--------------</td>
<td>--------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>B88FF810-86A7-4D3B-ACC4-5648EC985165</td>
<td>ACF274D7-EC93-4F82-95C1-4B43D6844FC9</td>
<td>11/24/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>F53B1A4E-3195-47DF-A74E-0981E18F4B5B</td>
<td>7C763E0C-D20C-471D-8CAB-C1DB137CB1B9</td>
<td>11/25/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>F02B6BD9-5902-4BC3-AA6E-093ADB66D7CC</td>
<td>2526301C-3E61-435A-9D82-56FAB50EC9FC</td>
<td>11/26/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
<td>TrackingDate</td>
<td>URLHash</td>
<td>Action</td>
</tr>
<tr>
<td>---------------------------</td>
<td>----------------------</td>
<td>--------------</td>
<td>----------------------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>ACE02B07-F763-41E1-A647-0884594D58B4</td>
<td>B3501201-7998-4E88-8E12-93B18E140E2A</td>
<td>11/29/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>A705CD34-A74C-4935-B102-60C88580709E</td>
<td>B3501201-7998-4E88-8E12-93B18E140E2A</td>
<td>11/29/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>519F7026-A616-4399-98A8-489562E17CEE</td>
<td>A73389F3-CA3C-437C-B67A-DC392F843821</td>
<td>12/4/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
<td>TrackingDate</td>
<td>URLHash</td>
<td>Action</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------</td>
<td>--------------</td>
<td>----------------------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>877BDAE7-E534-4929-8D37-2AB29C10A586</td>
<td>2D8AE88C-82AE-484B-85B6-18CCD9A79692</td>
<td>12/21/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>1A13A947-4DE8-429E-A09A-9AC73EB15094</td>
<td>61A3AEBO-C0A3-4400-AC98-06B4E93BC139</td>
<td>1/9/2018</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>F48B193E-8947-4101-4B8B-B385-AE7A-3F642D098E53</td>
<td>889D921D-9D12-4B8B-9B38-B385-03A1657DA7FE</td>
<td>1/10/2018</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
<td>TrackingDate</td>
<td>URLHash</td>
<td>Action</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------------------</td>
<td>--------------</td>
<td>-------------------------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>66905C3E-B857-409C-A511-52CD0E778FCC</td>
<td>1F526502-A2AE-494C-A10E-626B5CD1BBA0</td>
<td>10/13/2017</td>
<td>*Feedback</td>
<td>72.208.82.252</td>
</tr>
<tr>
<td>46B259AC-B5BE-484A-86BA-4D22BF4333B2</td>
<td>C471CAB6-D4BE-45A7-824D-7AFEF2206147</td>
<td>10/13/2017</td>
<td>*Feedback</td>
<td>72.208.82.252</td>
</tr>
<tr>
<td>87B66E65-7185-4DE9-8880-F7218A6571A8</td>
<td>AEE63CF3-4ABD-4EAB-83F8-3F752A57FE73</td>
<td>10/13/2017</td>
<td>*Feedback</td>
<td>72.208.82.252</td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
<td>TrackingDate</td>
<td>URLHash</td>
<td>Action</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------</td>
<td>--------------</td>
<td>-----------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>FC0DD422-18EF-4329-BE68-E61A672DF516</td>
<td>1F526502-A2AE-494C-A10E-626B5CD1BBA0</td>
<td>10/16/2017</td>
<td>*Feedback</td>
<td>72.208.82.252</td>
</tr>
<tr>
<td>7990D169-OCAF-4B76-B9D1-F709836772B2</td>
<td>1F526502-A2AE-494C-A10E-626B5CD1BBA0</td>
<td>10/16/2017</td>
<td>*Feedback</td>
<td>72.208.82.252</td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
<td>TrackingDate</td>
<td>URLHash</td>
<td>Action</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-----------------------------</td>
<td>--------------</td>
<td>------------------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>6CF59ACB-31D7-4EFE-8989-9B54098B4B5C</td>
<td>5031030E-B81E-402F-B559-228ED2F1BC3C</td>
<td>10/31/2017</td>
<td>*Feedback</td>
<td>::1</td>
</tr>
<tr>
<td>2CFA75AB-A5C9-4929-9418-SF0BE0CC923E</td>
<td>67C73B58-7304-4C8D-9BD2-B1AD632A88D6</td>
<td>11/8/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
<td>TrackingDate</td>
<td>URLHash</td>
<td>Action</td>
</tr>
<tr>
<td>------------------</td>
<td>----------------</td>
<td>--------------</td>
<td>-------------------------------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>3CAEA4D6-9F77-4F25-B8DF-4EE2C781EEA6</td>
<td>64EC7CDF-B751-4CCA-B239-58FFB7AA1BE2</td>
<td>11/14/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>B8D1BD83-3A12-44D1-B789-1B589B035576</td>
<td>54296B02-090B-4AB8-9C92-B269FBDA350C</td>
<td>11/16/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>367B02F7-382B-44C2-8695-399960BF1C62</td>
<td>D35FB920-B8A5-43FE-8312-646A626694DB</td>
<td>11/17/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
<td>TrackingDate</td>
<td>URLHash</td>
<td>Action</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------------------------</td>
<td>--------------</td>
<td>----------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>852553FA-9F30-49B1-B274-C48080DD4A39</td>
<td>76E24769-3836-4786-AC78-7D60A84F6DA0</td>
<td>11/17/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>201B9B04-F3AD-4B7D-AD37-682B33E5C347</td>
<td>41C3F841-BFE8-437F-9862-A20ECCDA50E9</td>
<td>11/17/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>6669AA53-1F4F-4968-8569-456870E94282</td>
<td>EA43FA7B-9681-4200-B553-D534401FAEA1</td>
<td>11/18/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
<td>TrackingDate</td>
<td>URLHash</td>
<td>Action</td>
</tr>
<tr>
<td>-------------------------</td>
<td>----------------------------</td>
<td>--------------</td>
<td>--------------------------------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>195BE240-F551-4C53-AF58-90C67AF027C0</td>
<td>EA43FA7B-9681-4200-B553-D534401FAEA1</td>
<td>11/18/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>1083684C-70C0-4A86-8824-1086BA89228C</td>
<td>44B6FC73-E7EC-4847-A0ED-D8E354F9A586</td>
<td>11/24/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>29F7FB0E-124D-4968-9CDD-CCFC91046C87</td>
<td>C5EB9BCC-D041-47E5-A74E-735BB02FD3C7</td>
<td>11/29/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
<td>TrackingDate</td>
<td>URLHash</td>
<td>Action</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------------</td>
<td>--------------</td>
<td>----------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>3372DC97-19CB-4A9B-8C1E-CAA456673E07</td>
<td>2EADA8B0-D11A-4D62-B912-14735A3EB210</td>
<td>12/1/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>A6F88D65-A735-4B91-AA23-1D9232ABF096</td>
<td>CF85AF82-044B-4BA4-8FB6-06A7409F4EE1</td>
<td>12/12/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>FEEE3821-B1DA-4EC4B09D-4E5D96E3D410</td>
<td>1B2BE467-D509-4C79-A45D-63ED5442DFE8</td>
<td>12/25/2017</td>
<td>*Feedback</td>
<td>10.150.103.2</td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
<td>TrackingDate</td>
<td>URLHash</td>
<td>Action</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>------------------</td>
<td>--------------</td>
<td>---------------------</td>
<td>--------</td>
</tr>
<tr>
<td>E7034C64-AEF3-4AA9-9BD0-A45D83A759C8</td>
<td>47235A0B-9960-4FC6-A4D2-981525EBBA7E</td>
<td>10/13/2017</td>
<td>*Feedback</td>
<td>10.150.0.21</td>
</tr>
<tr>
<td>96481BB5-3CA8-417B-A1FB-BB52BDCE7BBA</td>
<td>1F526502-A2AE-494C-A10E-626B5CD1BBA0</td>
<td>10/13/2017</td>
<td>*Feedback</td>
<td>72.208.82.252</td>
</tr>
<tr>
<td>0DSE7486-D6A5-4708-A5A9-521DC61CC52D</td>
<td>1F526502-A2AE-494C-A10E-626B5CD1BBA0</td>
<td>10/13/2017</td>
<td>*Feedback</td>
<td>72.208.82.252</td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
<td>TrackingDate</td>
<td>URLHash</td>
<td>Action</td>
</tr>
<tr>
<td>----------------------------</td>
<td>---------------------------------</td>
<td>--------------</td>
<td>--------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>53C4D552-6419-4D41-A060-E4A1CCE4A4D4</td>
<td>47235A0B-9960-4FC6-A4D2-981525EBBA7E</td>
<td>10/13/2017</td>
<td>*Feedback</td>
<td>10.150.0.21</td>
</tr>
<tr>
<td>87D97947-628C-4DE9-A9C4-9E4E6B90D9EF</td>
<td>12F2B442-3FD6-4080-8A04-5FEBDAB69DBD</td>
<td>10/13/2017</td>
<td>*Feedback</td>
<td>10.150.70.86</td>
</tr>
<tr>
<td>99B07EAB-982D-4BA4-8ECE-C364F4E94878</td>
<td>12F2B442-3FD6-4080-8A04-5FEBDAB69DBD</td>
<td>10/13/2017</td>
<td>*Feedback</td>
<td>10.150.70.86</td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
<td>TrackingDate</td>
<td>URLHash</td>
<td>Action</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------</td>
<td>--------------</td>
<td>------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>946BD912-DF32-490B-9CBC-7D9FC2343653</td>
<td>C68916B0-32BA-4BC5-9446-B3F40E009E43</td>
<td>10/13/2017</td>
<td>*Feedback</td>
<td>10.150.32.123</td>
</tr>
<tr>
<td>ED71A2EF-F5AD-49FC-BC11-4BD67F226217</td>
<td>C68916B0-32BA-4BC5-9446-B3F40E009E43</td>
<td>10/13/2017</td>
<td>*Feedback</td>
<td>10.150.32.123</td>
</tr>
<tr>
<td>5D3CDD02-5C4A-43C1-A7CA-A6A76BDB8750</td>
<td>C68916B0-32BA-4BC5-9446-B3F40E009E43</td>
<td>10/13/2017</td>
<td>*Feedback</td>
<td>10.150.32.123</td>
</tr>
<tr>
<td>TrackingID</td>
<td>UserID</td>
<td>TrackingDate</td>
<td>URLHash</td>
<td>Action</td>
</tr>
<tr>
<td>--------------------</td>
<td>-----------------------------</td>
<td>--------------</td>
<td>------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>6BD94A3D-B2D6-4156-BDE8-08E3DE49F1AF</td>
<td>C68916B0-32BA-4BC5-9446-B3F40E009E43</td>
<td>10/13/2017</td>
<td>*Feedback</td>
<td>10.150.32.123</td>
</tr>
<tr>
<td>3CCF0209-138E-44BA-B06B-A6505B41BB28</td>
<td>C68916B0-32BA-4BC5-9446-B3F40E009E43</td>
<td>10/13/2017</td>
<td>*Feedback</td>
<td>10.150.32.123</td>
</tr>
<tr>
<td>CB2EE9B9-8FD5-459B-BE9D-02CA18E25E1F</td>
<td>C68916B0-32BA-4BC5-9446-B3F40E009E43</td>
<td>10/13/2017</td>
<td>*Feedback</td>
<td>10.150.32.123</td>
</tr>
</tbody>
</table>
Arizona Secretary Of State
See The Money Campaign
8/28 – Current
Table Of Contents

3  Campaign Overview
4  Website Overview
5  Facebook Overview
6  Display Overview
8  Audience Insights
Campaign Overview

- Over the course of your Campaign, There were **5.6 million** ad impressions
- There were over **42.9k** ad clicks
- **29.1k** visits to your site
- Goals were defined as:
  - Links Clicks
  - Form Fills
Website Overview

Overall there were 29.1K visitors to the website. Since the campaign began the amount of visitors has increased by 19%. There were a total of 989 form fills.

Website Access:
Mobile - 66.4%
Desktop – 27.8%
Tablet – 5.8%
Facebook Overview

Best Performing Ads:

<table>
<thead>
<tr>
<th>Ad Name</th>
<th>Results</th>
<th>Reach</th>
<th>Impressions</th>
<th>Page Engagement</th>
<th>Page Likes</th>
<th>Link Clicks</th>
<th>Button Clicks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facebook - See The Money</td>
<td>15027</td>
<td>122108</td>
<td>418042</td>
<td>14533</td>
<td>420</td>
<td>5487</td>
<td>733</td>
</tr>
</tbody>
</table>

Top Liberal Ad

We're showing you the money! Our new site, SeeTheMoney.com, makes it easier for Arizonans to connect the people and corporations who give money to the candidates and the vendors with whom they spend it.

Top Conservative Ad

We're showing you the money! Our new site, SeeTheMoney.com, makes it easier for Arizonans to connect the people and corporations who give money to the candidates and the vendors with whom they spend it.

Top Moderate Ad

We're showing you the money! Our new site, SeeTheMoney.com, makes it easier for Arizonans to connect the people and corporations who give money to the candidates and the vendors with whom they spend it.
## Display Overview

<table>
<thead>
<tr>
<th></th>
<th>Impressions</th>
<th>Interactions</th>
<th>Interaction Types</th>
<th>Interaction Rate</th>
<th>Conversions</th>
<th>All conv.</th>
<th>CTR</th>
<th>Clicks</th>
<th>Avg. position</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Display - English</strong></td>
<td>3,284,512</td>
<td>10,354</td>
<td>Clicks</td>
<td>0.32%</td>
<td>268</td>
<td>528</td>
<td>0.32%</td>
<td>10,354</td>
<td>1</td>
</tr>
</tbody>
</table>

### Ad group

<table>
<thead>
<tr>
<th>Ad group</th>
<th>Status</th>
<th>Clicks</th>
<th>Impressions</th>
<th>CTR</th>
<th>Avg. Pos.</th>
<th>Conversions</th>
<th>Conv. rate</th>
<th>All conv.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audience - Political News Junkies</td>
<td>Eligible</td>
<td>10,008</td>
<td>3,177,409</td>
<td>0.31%</td>
<td>1.0</td>
<td>245.00</td>
<td>2.46%</td>
<td>485.00</td>
</tr>
<tr>
<td>Website Visitors - All Traffic</td>
<td>Eligible</td>
<td>199</td>
<td>35,637</td>
<td>0.59%</td>
<td>1.0</td>
<td>14.00</td>
<td>7.04%</td>
<td>28.00</td>
</tr>
<tr>
<td>Topics - Local News</td>
<td>Eligible</td>
<td>110</td>
<td>50,034</td>
<td>0.22%</td>
<td>1.0</td>
<td>7.00</td>
<td>6.36%</td>
<td>11.00</td>
</tr>
<tr>
<td>Topics - General Politics</td>
<td>Eligible</td>
<td>39</td>
<td>18,452</td>
<td>0.21%</td>
<td>1.0</td>
<td>1.00</td>
<td>2.58%</td>
<td>4.00</td>
</tr>
</tbody>
</table>
Display Overview Cont

Top Performance:
53.2% of men visited the site
46.8% of women visited the site.

Of the 29.1k visitors to the website,
83.4% were of a unknown party affiliation,
4.7% were Liberal, 4.6% were Conservative and
3.5% were Moderate.
THANK YOU

www.collingmedia.com
INVOICE 18-02062018  2.6.2018

BILL TO
Arizona Clean Election Commission  
1616 W. Adams St.  
Suite 110  
Phoenix, AZ 85007

INSTRUCTIONS
Billing per Exhibit One on ISA signed May-2017 for See the Money Project.

<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Deliverable Two</td>
<td>50,000.00</td>
<td>50,000.00</td>
</tr>
</tbody>
</table>

| SUBTOTAL             | 50,000.00  |
| SALES TAX            | 0.00       |
| SHIPPING & HANDLING  | 0.00       |
| TOTAL DUE            | 50,000.00  |
January 18, 2018

Mr. Thomas Collins, Executive Director  
Arizona Citizens Clean Elections Commission  
1616 West Adams Street, Suite 110  
Phoenix, Arizona  85007

Re: See the Money ISA, Dated May 1, 2017

Dear Thomas:

We are pleased to report that the See the Money System went "live" January 16, 2018. The enclosed Exhibit 1, Version 2.0 updates the attachment to the ISA of the "Go-Live" date of Deliverable 2 that was discussed on January 3, 2018.

You also asked for confirmation that the requirements of Section 2, subsection A.1-5 have been met. We are pleased to report that they have. We note that the first requirement is that the System have the capability to report information related to local elections. As of this writing the System does have that capability however no municipality actually uses the system so there is nothing to display yet.

Please let me know of any questions, comments, or concerns.

Thank you.

Lee Miller  
Deputy Secretary of State

Enclosure

ITEM VIII - SOS LTR
Exhibit 1
Update Version 2.0

Project Phase: Application Development – Release into Public Beta

Deliverable Date: October 2, 2017
Deliverable Amount: $150,000
Deliverable Detail:
  Design and Wire Frame
  Proof of Concept
  Coding/Programming of Core Business Requirement
  Private Beta Testing

Project Phase: Go Live – General Availability

Deliverable Date: January 16, 2018
Deliverable Amount: $50,000
Deliverable Detail:
  Public Beta Testing
  Updates and Debugging found in Beta Testing
  Sign-off on Beta Testing, Alpha Testing, Release Testing
  See the Money Website Available to the public
IN THE

SUPREME COURT OF THE STATE OF ARIZONA

LEGACY FOUNDATION ACTION FUND,
Plaintiff/Appellant,

v.

CITIZENS CLEAN ELECTIONS COMMISSION,
Defendant/Appellee.

No. CV-16-0306-PR
Filed January 25, 2018

Appeal from the Superior Court in Maricopa County
The Honorable Crane McClennen, Judge
No. LC2015-000172
AFFIRMED

Memorandum Decision of the Court of Appeals, Division One
1 CA-CV 15-0455
Filed Nov. 15, 2016
VACATED

COUNSEL:

Brian M. Bergin, Bergin, Frakes, Smalley & Oberholtzer, PLLC, Phoenix;
Jason B. Torchinsky (argued), Holtzman Vogel Josefiak Torchinsky, PLLC,
Warrenton, VA, Attorneys for Legacy Foundation Action Fund

Mary R. O’Grady, Joseph N. Roth (argued), Nathan T. Arrowsmith, Osborn
Maledon, P.A., Phoenix, Attorneys for Citizens Clean Elections
Commission

ITEM IX
LEGACY v. CITIZENS CLEAN ELECTIONS COMMISSION
Opinion of the Court

JUSTICE BOLICK authored the opinion of the Court, in which CHIEF JUSTICE BALES, VICE CHIEF JUSTICE PELANDER, JUSTICES BRUTINEL, TIMMER, and GOULD, and JUDGE PHILIP G. ESPINOSA joined.*

JUSTICE BOLICK, opinion of the Court:

¶1 This case presents the question whether the fourteen-day time limit for an appeal of a Citizens Clean Elections Commission (the “Commission”) decision under A.R.S. § 16-957(B) applies when the party challenges the Commission’s personal and subject-matter jurisdiction. We hold that it does.

BACKGROUND

¶2 Legacy Foundation Action Fund (“Legacy”) is a nonprofit organization that seeks to educate the public on governmental policy issues. In March and April of 2014, Legacy funded a television advertisement that aired on multiple occasions criticizing then-Mesa Mayor Scott Smith’s record as President of the U.S. Conference of Mayors. Smith had previously announced his candidacy for governor.

¶3 A complaint was filed with the Commission alleging that the ads constituted “express advocacy” against Smith’s campaign for governor and that Legacy failed to file certain disclosure reports in violation of the Citizens Clean Elections Act, A.R.S. §§ 16-940 to -961 (“CCEA”). The Commission found probable cause to believe that Legacy had violated the CCEA and assessed a civil penalty, and Legacy requested an administrative hearing. The administrative law judge (“ALJ”) concluded that the ads did not constitute express advocacy and, therefore, the Commission lacked

*Justice John R. Lopez IV has recused himself from this case. Pursuant to article 6, section 3 of the Arizona Constitution, the Honorable Philip G. Espinosa, Judge of the Arizona Court of Appeals, Division Two, was designated to sit in this matter.
statutory authority to assess the penalty. The Commission rejected the ALJ’s recommendation, affirmed its earlier order and penalty, and entered a final administrative decision against Legacy on March 27, 2015.

¶4 Eighteen days after the Commission’s final decision, Legacy filed an appeal in superior court. Legacy argued that the Commission lacked personal and subject-matter jurisdiction because the ads did not constitute direct advocacy. The court dismissed the appeal because it was not filed within fourteen days of a final Commission penalty decision as required by A.R.S. § 16-957(B). The court of appeals affirmed. Legacy Found. Action Fund v. Citizens Clean Elections Comm’n, 1 CA-CV 15-0455, 2016 WL 6699308, at *1 ¶ 1 (Ariz. App. Nov. 15, 2016) (mem. decision).

¶5 Whether § 16-957(B)’s time limit applies to a direct appeal of the Commission’s penalty decision when the appellant challenges the Commission’s jurisdiction is a recurrent issue of statewide importance. We have jurisdiction under article 6, section 5(3) of the Arizona Constitution and A.R.S. § 12-120.24.

DISCUSSION


¶7 An aggrieved party generally has thirty-five days to appeal a final administrative decision. A.R.S. § 12-904(A). However, the CCEA provides a fourteen-day time limit for appeals from Commission penalty orders. § 16-957(B) (“The violator has fourteen days from the date of issuance of the order assessing the penalty to appeal to the superior court . . . .”). Legacy failed to file its direct appeal in the superior court within that limited time frame.
Failure to file a timely appeal from an agency decision deprives the court of jurisdiction to hear the appeal, including issues of agency jurisdiction. *Smith*, 212 Ariz. at 413 ¶ 25 (stating that “the time for filing an appeal, . . . following the conclusion of the administrative process, is jurisdictional”). Thus, we are “not free to ignore the clear statutory language of A.R.S. § 16-957(B) and create jurisdiction in the superior courts where the legislature has provided to the contrary.” *Id.* at 414 ¶ 35.

Legacy asserts that an exception to this rule exists to challenge an agency’s subject-matter or personal jurisdiction. Legacy argues that the secretary of state has exclusive jurisdiction over the matter at issue because its ad was not express advocacy. *See* § 16-941(D) (requiring reporting of certain independent expenditures to the secretary of state). An order is void if it exceeds the jurisdiction of the court or agency rendering it. *See*, e.g., *Am. Asphalt & Grading Co. v. CMX, LLC*, 227 Ariz. 117, 119 ¶ 11 (2011) (acknowledging that “void judgments are those rendered by a court lacking jurisdiction over subject matter or parties” (citing *Cockerham v. Zikratch*, 127 Ariz. 230, 234 (1980))); *see also Brumfield v. La. State Bd. of Educ.*, 806 F.3d 289, 291, 298 (5th Cir. 2015) (challenging jurisdiction under Federal Rule of Civil Procedure 60(b)(4)); *Dallas v. Ariz. Corp. Comm’n*, 86 Ariz. 345, 348 (1959) (“We hold, therefore, that the action of the Commission canceling the certificate in question was entered without jurisdiction and such orders are declared to be void and of no effect.”).

Legacy cites cases in which allegedly void judgments were challenged through Arizona Rule of Civil Procedure 60 or special action long after the judgments were issued. *See*, e.g., *Arkules v. Bd. of Adjustment*, 151 Ariz. 438, 440 (App. 1986) (concerning a special action challenge to an allegedly void board of adjustment decision); *Nat’l Inv. Co. v. Estate of Bronner*, 146 Ariz. 138, 140 (App. 1985) (concerning a Rule 60 challenge to an allegedly void judgment). Although Legacy apparently filed two special actions in superior court that were dismissed for failure to exhaust

---

1 Legacy also raises First Amendment challenges to the Commission’s order. We do not consider them because they are beyond the scope of the question presented to the Court, and because Legacy does not explain how such substantive arguments can properly be raised in an untimely direct appeal.
administrative remedies, this action does not challenge the Commission’s jurisdiction through Rule 60, special action, or as a defense to an enforcement action. Rather, it does so through a direct appeal, the filing deadline for which is itself jurisdictional.

¶11 Legacy contends any statutory time limit is abrogated by § 12-902(B), which provides:

Unless review is sought of an administrative decision within the time and in the manner provided in this article, the parties to the proceeding before the administrative agency shall be barred from obtaining judicial review of the decision. If under the terms of the law governing procedure before an agency an administrative decision becomes final because of failure to file any document in the nature of an objection, protest, petition for hearing or application for administrative review within the time allowed by the law, the decision is not subject to judicial review under the provisions of this article except for the purpose of questioning the jurisdiction of the administrative agency over the person or subject matter.

(emphasis added).

¶12 Legacy contends the highlighted language allows aggrieved parties to challenge the Commission’s jurisdiction through direct appeal notwithstanding the fourteen-day time limit for appealing Commission penalties under § 16-957(B). But that argument is unavailing. Section 12-902 expressly does not apply “if the act creating or conferring power on an agency . . . provides for judicial review of the agency decisions and prescribes a definite procedure for the review.” § 12-902(A)(1). The CCEA provides for judicial review of Commission decisions and prescribes a definite procedure for the review; thus § 16-957(B), not § 12-902(B), applies.

¶13 Legacy relies upon two appeals court decisions—State ex rel. Dandoy v. City of Phoenix and Arkules v. Board of Adjustment—for the proposition that statutes of limitations (such as § 16-957(B)) do not apply to jurisdictional challenges. In State ex rel. Dandoy v. City of Phoenix, 133 Ariz. 334 (App. 1982), the party challenging an injunction based on an
administrative consent order had failed to timely appeal that order. *Id.* at 335–36. It nevertheless challenged the agency’s subject-matter jurisdiction to enter the consent order based on § 12-902(B). *Id.* at 336. The court rejected the argument but agreed that § 12-902(B) permits an untimely challenge if the agency lacked jurisdiction to enter its order. *Id.* at 336–37.

¶14  *Arkules* involved a special action in superior court challenging a local board’s jurisdiction after the plaintiffs learned the board had approved a variance. 151 Ariz. at 439. The court construed § 12-902(B) to provide that “an appeal from an administrative agency may be heard even though untimely to question the agency’s personal or subject matter jurisdiction.” *Id.* at 440. From this, the court determined that the statute of limitations for a direct appeal was inapplicable and concluded that the special action was filed within a “reasonable time” after the board’s action. *Id.* We reject those opinions’ construction of § 12-902(B).

¶15  As explained previously, supra ¶ 12, § 12-902 by its terms does not apply where a statute creating an agency prescribes its own time limits for appeals. § 12-902(A)(1). And even if § 12-902(B) applies, its terms do not create the exception Legacy asserts. Section 12-902(B)’s first sentence sets forth a definitive rule: “Unless review is sought of an administrative decision within the time and in the manner provided in this article, the parties to the proceeding before the administrative agency shall be barred from obtaining judicial review of the decision.” The second sentence limits otherwise applicable appeal rights when “an administrative decision becomes final because of failure to file any document in the nature of an objection, protest, petition for hearing or application for administrative review within the time allowed by the law.” § 12-902(B); see *Sw. Paint & Varnish Co. v. Ariz. Dep’t of Envtl. Quality*, 194 Ariz. 22, 24 ¶ 10 (1999) (“We read § 12-902(B) as encompassing the traditional doctrine of exhaustion of administrative remedies . . . .”). Under those circumstances, “the decision is not subject to judicial review . . . except for the purpose of questioning the jurisdiction of the administrative agency over the person or subject matter.” § 12-902(B). In other words, when a decision becomes final because of failure to exhaust administrative remedies, the time limit to appeal applies, and the party may only contest jurisdiction. Contrary to Legacy’s assertions and to the court of appeals’ construction of this provision in *Arkules* and *Dandoy*, § 12-902(B) does not create an exception to the time allotted to take
an appeal from a final agency decision. We therefore disavow the language in *Arkules* and *Dandoy* that construes § 12-902(B) to provide limitless entitlement to challenge an administrative agency’s jurisdiction through direct appeal.

¶16 Quoting *Arkules*, Legacy also contends that “[s]tatutes of limitation or rules of court are not applicable to void judgments,” and therefore statutes stating time limits for appeals do not apply to jurisdictional challenges. 151 Ariz. at 440. This argument, however, conflates two distinct issues. The quoted language is based on decisions of this Court recognizing that a party may seek relief in the trial court from a void judgment beyond the six-month time limit that generally applies for seeking Rule 60(c) relief from a judgment. *See Wells v. Valley Nat’l Bank of Ariz.*, 109 Ariz. 345, 347 (1973) (stating that “the mere lapse of time is no bar to an attack on a void judgment”); *Preston v. Denkins*, 94 Ariz. 214, 219 (1963) (observing that the “right to challenge a judgment on the ground that it is void for lack of jurisdiction . . . does not depend upon rules of the court or statute. . . . Statutes of limitations have no application to void judgments”).

¶17 These decisions are inapposite. Although a party may seek relief from a void judgment beyond the usual time limits, *see Ariz. R. Civ. P. 60(c)*, that proposition does not suggest a party can belatedly do so through direct appeal under an applicable statute that contains specific time limits. Such provisions are not statutes of limitations but rather confer limited appellate jurisdiction subject to timely action by the appealing party. Failure to appeal in a timely manner thus deprives the appellate court (here the superior court) of jurisdiction.

¶18 In *Smith*, 212 Ariz. at 413 ¶ 25, we cited *Arizona Department of Economic Security v. Holland*, 120 Ariz. 371 (App. 1978), which explains this important distinction. In *Holland*, a party sought review of an allegedly void agency determination outside of the thirty-five-day time limit prescribed by A.R.S. § 12-904. *Id.* at 372. The appellant argued that the provision was a statute of limitations that had no effect on a challenge to a void judgment. *Id.* The court held that the time limit was not a statute of limitations but a “jurisdictional prerequisite to judicial review of an administrative decision.” *Id.* at 372–73; *see also Ariz. Comm’n of Agric. & Horticulture v. Jones*, 91 Ariz. 183, 187 (1962) (stating that a “right of appeal
LEGACY v. CITIZENS CLEAN ELECTIONS COMMISSION
Opinion of the Court

‘exists only by force of statute, and this right is limited by the terms of the statute’” (quoting Knape v. Brown, 86 Ariz. 158, 159 (1959)).

¶19 Because Legacy pursued a direct appeal through a statute that specifies a time limit, the superior court lacked jurisdiction to consider any questions concerning the Commission’s jurisdiction or any other substantive matter because the appeal was untimely. Accordingly, the superior court correctly dismissed the appeal, and the court of appeals correctly affirmed that ruling. We express no view on whether Legacy may pursue alternative procedural means to challenge the Commission’s penalty order as void.

CONCLUSION

¶20 We vacate the decision of the court of appeals and affirm the superior court’s dismissal of the administrative appeal. Legacy’s request for attorney fees is denied.