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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

April 3, 2018

10:00 a.m.

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<p style="text-align: right;">Page 2</p> <p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 10:00 a.m. on April 3, 3 2018, at the State of Arizona, Clean Elections 4 Commission, 1616 West Adams, Conference Room, Phoenix, 5 Arizona, in the presence of the following Board members: 6 Ms. Amy B. Chan, Acting Chairperson 7 Mr. Damien R. Meyer, (Telephonic) 8 Mr. Mark S. Kimble (Telephonic) 9 Mr. Galen D. Paton, (Telephonic) 10 OTHERS PRESENT: 11 Thomas M. Collins, Executive Director 12 Paula Thomas, Executive Officer 13 Gina Roberts, Voter Education Manager 14 Mike Becker, Policy Director 15 Alec Shaffer, Web Content Manager 16 Stephanie Cooper, Executive Support Specialist 17 Paula Bickett, AAG 18 Mary Fontes, Maricopa County 19 Larry Herrera, Self 20 Evan Wyloge, AZCIR 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>10:01:53-10:03:36</p> <p>1 executive director, Tom Collins. 2 MR. COLLINS: Thank you, Madam Chair, 3 Commissioners. 4 Just to give you a quick overview of how I 5 think that this -- how we'll proceed here, the, sort of 6 order, I think, will be best to go in will be I'm going 7 to give a quick overview of where we are and what the 8 purpose of the meeting is. We have Mary Fontes from 9 the County Recorder's Office who can speak to their 10 process for reviewing the qualifying contribution 11 slips. Then Mr. Herrera is here and present, and he 12 has -- and I think -- and will then address the 13 Commission. And then if there's any summary -- summing 14 up that I need to make after that, we'll do that. 15 So just to first frame this so everybody 16 understands where we are in the process, the question 17 before the Commission right now is my recommendation 18 that we hold payment of the primary funding pending 19 looking into and potentially resolving issues raised in 20 the qualifying process. So the issue that will be in 21 front of you today is not beyond that, in my view. 22 It's not -- there are other procedures for going 23 farther than this, and those procedures require other 24 steps and we're not at that point yet. 25 I would -- I would simply say that, you</p>
<p>10:00:59-10:01:51</p> <p style="text-align: right;">Page 3</p> <p>1 PROCEEDING 2 ACTING CHAIRWOMAN CHAN: All right. We're 3 going to call this meeting of the Clean Elections 4 Commission -- Citizens Clean Elections Commission to 5 order. 6 I'm Commissioner Amy Chan, and I am 7 chairing this meeting on behalf of Commissioner Meyer, 8 who is with us on the phone today. Commissioners 9 Kimble and Paton are also attending via phone. 10 And if I could just have those members on 11 the phone identify themselves officially for the 12 record. 13 Go ahead, gentlemen. 14 CHAIRMAN MEYER: Good morning. This is 15 Commissioner Damien Meyer. 16 ACTING CHAIRWOMAN CHAN: Thank you. 17 COMMISSIONER PATON: This is Galen Paton. 18 COMMISSIONER KIMBLE: And this is Mark 19 Kimble. 20 ACTING CHAIRWOMAN CHAN: Thank you, all. 21 And with that, I believe we can move on to 22 Item Number II: Discussion and possible action on 23 primary election funding for Larry Herrera, 24 participating candidate for State Senate LD20. 25 And I'm going to hand it over to our</p>	<p>10:03:43-10:05:30</p> <p style="text-align: right;">Page 5</p> <p>1 know, if you reviewed my memo, which Mr. Herrera has a 2 copy of and you-all have -- should have copies of, you 3 know, we received notice on the 27th at about 3:20 that 4 Mr. Herrera had been approved for funding. There were 5 still questions from the County Recorder's Office at 6 that time, as I understand it, and, moreover, the issue 7 of -- potential issues in the qualifying signatures had 8 been raised on March 15th with the Arizona Secretary of 9 State's Office and myself. 10 To put this in context, the Secretary of 11 State's Office oversees the -- for the most part, you 12 know, the qualification process. It does that by 13 making a determination. That's the words of the 14 Attorney General opinion that's been on the books since 15 2011 -- or 2001, I should say, about whether or not 16 someone is qualified. 17 And so, in this particular case, I think 18 that, you know, a determination does mean that the 19 Secretary of State's Office was in the position to look 20 into this and take actions. If prior to reaching this 21 point they chose not to for -- I'm not entirely sure 22 why. Nevertheless, we are where we are, and my 23 recommendation is that given the substantial potential 24 issues raised by the County Recorder's Office, it's 25 appropriate for the Commission to pause here, gather</p>

<p>10:05:34-10:06:51 Page 6</p> <p>1 more facts and then make a determination about 2 payment -- withhold payment pending a later 3 determination about payment and determination. 4 That's basically the outline of my 5 recommendation. Paula Bickett from the Arizona 6 Attorney General's Office is present here in the event 7 the Commission chooses to go into executive session, 8 but unless you have questions for me, I would -- I 9 would -- I think that with the Chair's indulgence, I'd 10 like -- I think it might be helpful to have Mary Fontes 11 who is the voter registration director for the Maricopa 12 County Recorder's Office talk a little bit about what 13 the recorder does when they are analyzing these 14 signatures that are on qualifying slips and what they 15 have -- what they've been able to ascertain. 16 ACTING CHAIRWOMAN CHAN: Of course. 17 Ms. Fontes, would you come up to the podium 18 and state your name for the record. And it's very good 19 to see you. We used to work together at the Secretary 20 of State's Office. So very nice to see you today. 21 MS. FONTES: Hi. I'm Mary Fontes with the 22 Maricopa County Recorder's Office. I'm the voter 23 registration director. I have 15 years of experience 24 in the election world and voter reg. So I think I'm 25 pretty qualified to answer your questions, but what we</p>	<p>10:08:18-10:09:44 Page 8</p> <p>1 Election slips are for. 2 ACTING CHAIRWOMAN CHAN: Commissioner 3 Paton? 4 COMMISSIONER PATON: Okay. Thank you. 5 COMMISSIONER KIMBLE: This is Mark Kimble. 6 ACTING CHAIRWOMAN CHAN: Commissioner 7 Kimble, go ahead. 8 COMMISSIONER KIMBLE: Ms. Fontes, could you 9 outline what you found in this case that caused you to 10 have some concerns? 11 MS. FONTES: The majority of what caused 12 our concerns were non-matching signatures. So we found 13 invalid signatures. We also found signatures of people 14 who we have record of being deceased and then those -- 15 those would be considered not registered because they 16 were cancelled. And then we have some that were out of 17 district. Of course, we have three different reports. 18 So if you want totals, I can give them to you. 19 For our first review of the 5 percent, we 20 had 16 that were not qualified. I can't remember how 21 many were turned in. I don't have that information 22 with me, and I apologize for not having that. Then the 23 second review after the 100 percent, we had -- let's 24 see -- 137 that were not valid. The majority of those 25 were invalid signatures. We have 94 invalid signatures</p>
<p>10:06:54-10:08:12 Page 7</p> <p>1 do -- when we receive the voter registration slips from 2 the Secretary of State's Office, we look at each one 3 that's sent to us. First, of course, is the 5 percent 4 random. 5 We look to see if they're registered, if 6 they are within the district that the candidate is 7 running for. We also look to see if the signatures are 8 valid or invalid, and I believe that's all that's 9 required for -- oh, and -- wait -- I believe that's all 10 that's required for Clean Election slips. Yes. So 11 that's what we look at. 12 Are there questions? 13 ACTING CHAIRWOMAN CHAN: Do any of the 14 commissioners on the phone have any questions for 15 Ms. Fontes? 16 COMMISSIONER PATON: This is Galen Paton. 17 ACTING CHAIRWOMAN CHAN: Commissioner 18 Paton. 19 COMMISSIONER PATON: So do these people 20 that are doing the \$5 contribution, do they show an 21 I.D. to whoever -- whoever is collecting these 22 signatures? 23 MS. FONTES: That would be a question for 24 the Secretary of State's Office. I don't believe they 25 have to show I.D. That's not part of what Clean</p>	<p>10:09:48-10:11:16 Page 9</p> <p>1 for that particular one. And then the third, the 2 supplemental, I believe the signatures or the slips 3 were much cleaner than the first two rounds that we 4 looked at, and we had a total of 30 that were invalid 5 out of the supplementals. 6 ACTING CHAIRWOMAN CHAN: Commissioner 7 Kimble? 8 COMMISSIONER KIMBLE: Okay. So -- this is 9 Mark Kimble again. 10 Just so I understand, when you reviewed the 11 100 percent the first time, you found that there were 12 an insufficient number of valid signatures and then the 13 candidate subsequently turned in more signatures and 14 that made their -- there now were enough valid 15 signatures? Do I have this correct? 16 MS. FONTES: That is my understanding. 17 COMMISSIONER KIMBLE: Okay. And your 18 determination of them being invalid was based on the 19 fact that the signature on the \$5 slip did not match 20 the signature in your records? 21 MS. FONTES: That is correct. 22 COMMISSIONER KIMBLE: Okay. And did you 23 make any determination as to whether these signatures 24 had all been done by one individual or did they just 25 not match the signature?</p>

<p>10:11:19-10:12:26 Page 10</p> <p>1 MS. FONTES: It didn't appear that they 2 were done by one particular individual, but they 3 just -- they did not match the signatures on file 4 and -- was that me? Sorry. And we will be turning 5 these over to Affiliated Forensics Laboratory for their 6 review to make sure that we did not make errors in our 7 work, but I feel pretty confident in what we have done. 8 ACTING CHAIRWOMAN CHAN: Commissioner 9 Kimble? 10 COMMISSIONER KIMBLE: Okay. Thank you. 11 MS. FONTES: You're welcome. 12 ACTING CHAIRWOMAN CHAN: Mary -- or, 13 Ms. Fontes, just based on what Commissioner Kimble 14 asked you and what you mentioned about sending them to 15 Affiliated Forensic Laboratories, so have the 16 signatures been sent yet? 17 MS. FONTES: No. The -- I can't remember 18 her name -- Kathleen. Her last name is very long and 19 hyphenated, but anyway, she will be doing a signature 20 documentation class for us actually this week. And so 21 she asked us to just give her -- give them to her at 22 that time. 23 ACTING CHAIRWOMAN CHAN: Okay. 24 MS. FONTES: So she will be picking them up 25 on the 5th, April 5th.</p>	<p>10:13:40-10:14:53 Page 12</p> <p>1 are those -- having 101 or 200 forms invalid in that 2 context, is that -- is that an unusual number of forms 3 to be invalid for those reasons? 4 MS. FONTES: Yes, it is. 5 MR. COLLINS: Okay. And do you ordinarily 6 send your analysis to forensic laboratories for further 7 analysis, or are you doing that in this particular case 8 because of your findings? 9 MS. FONTES: We're doing it in this 10 particular case because of the findings. Normally we 11 do not see that many invalid signatures. And what 12 we're turning over to her are the invalid signatures 13 alone and the signatures that are on the deceased 14 records, but we're not sending all of them to the lab. 15 MR. COLLINS: Okay. Thank you. 16 MS. FONTES: You're welcome. 17 ACTING CHAIRWOMAN CHAN: Ms. Fontes, I did 18 have one more question, and then I want to make sure 19 that all the commissioners on the phone got an 20 opportunity to ask questions if they had them. 21 Do you have the numbers of records showing 22 that the signatures were by deceased people, that you 23 have records that those people were passed away? 24 MS. FONTES: Yes, we do. And that's -- 25 there were four total.</p>
<p>10:12:27-10:13:38 Page 11</p> <p>1 ACTING CHAIRWOMAN CHAN: And do you happen 2 to know, Ms. Fontes, how long does their review 3 normally take? 4 MS. FONTES: I do not know that. 5 ACTING CHAIRWOMAN CHAN: Okay. I was only 6 asking because one of the issues, of course, is funding 7 Mr. Herrera and whether, you know, we find out 8 additional information perhaps by the time of our 9 second meeting this month so that, you know, where your 10 finding is not confirmed, then perhaps we can fund him 11 at that time. Those are some of the things that are 12 before us today. 13 Thank you. 14 MS. FONTES: You're welcome. 15 ACTING CHAIRWOMAN CHAN: Tom, did you want 16 to -- 17 MR. COLLINS: Yeah. Madam Chair, 18 Ms. Fontes, in reviewing the emails -- the email that 19 Ms. Varvel sent to Mr. Spencer and myself on 20 March 15th, that indicated that the signatures don't 21 match registration records, lack of voter registration 22 and records that are deceased. So I have two 23 questions. 24 First, is that, in your experience, both 25 either at the Secretary's Office or at the county --</p>	<p>10:14:55-10:15:47 Page 13</p> <p>1 ACTING CHAIRWOMAN CHAN: Four total. Okay. 2 Thank you. 3 MS. FONTES: Yes. 4 ACTING CHAIRWOMAN CHAN: Okay. Are there 5 any other questions for Ms. Fontes before we let her 6 take her seat? 7 CHAIRMAN MEYER: This is Damien Meyer. 8 ACTING CHAIRWOMAN CHAN: Commissioner 9 Meyer. 10 CHAIRMAN MEYER: Ms. Fontes, thank you for 11 appearing before us today. 12 Regarding these four signatures from folks 13 who appear to have -- appear to be deceased, is there 14 any plausible explanation that you can come up with in 15 thinking about this as to how this could have happened? 16 MS. FONTES: I have -- I do not have any 17 idea, Commissioner. I apologize. 18 ACTING CHAIRWOMAN CHAN: And, 19 Commissioner -- 20 CHAIRMAN MEYER: You certainly don't need 21 to apologize. I'm just -- I'm a bit flabbergasted by 22 this and I just wanted to make sure there wasn't 23 something I was missing, but apparently that's not the 24 case. 25 MS. FONTES: Correct. The deceased records</p>

<p>10:15:50-10:16:48 Page 14</p> <p>1 were a surprise to us. We do not normally see slips 2 from deceased members. 3 ACTING CHAIRWOMAN CHAN: And, perhaps -- 4 CHAIRMAN MEYER: And do we know, are these 5 deceased people related to or connected to Mr. Herrera 6 in some way and have they been deceased for many, many 7 years? 8 MS. FONTES: I do not have that information 9 with me. And I don't believe they're related to 10 Mr. Herrera, but I'm not 100 percent sure. That is 11 something that we could go back and look at a little 12 more closely. 13 ACTING CHAIRWOMAN CHAN: Commissioner 14 Meyer? 15 CHAIRMAN MEYER: Do you know how long 16 they've been deceased? 17 MS. FONTES: I don't -- I don't have that 18 information directly in front of me. 19 CHAIRMAN MEYER: Okay. 20 ACTING CHAIRWOMAN CHAN: And perhaps we can 21 ask Mr. Herrera when he comes up to speak. 22 Anything further, Commissioner Meyer, or 23 any of the commissioners? 24 CHAIRMAN MEYER: No, not for me. Thank 25 you.</p>	<p>10:17:47-10:18:44 Page 16</p> <p>1 ACTING CHAIRWOMAN CHAN: Okay. 2 Mr. Herrera, please come to the podium and 3 just state your name for the record. 4 MR. HERRERA: Thank you. Larry Herrera. 5 ACTING CHAIRWOMAN CHAN: And please go 6 ahead, if you would like to -- 7 MR. HERRERA: Thank you for allowing me to 8 address the Commission. First, I apologize for the 9 inconvenience that you and the commissioners have had 10 and the chairman, also Clean Elections staff. 11 I wanted to start by saying that 30 days 12 ago today I started what would have been a simple 13 process for me, submitting what I thought was credible 14 and accurate, as much information as I thought. Two 15 weeks later, I was alerted that I didn't qualify based 16 on signatures that just were invalid. So then I 17 requested an audit from the County Recorder's and after 18 a few days finally received that. 19 What I found -- I went through each and 20 every single one and I found -- 21 COMMISSIONER PATON: Excuse me. I can't 22 hear. 23 MR. HERRERA: I'm sorry. I went through 24 each and every single of their findings, and one of 25 those -- excuse me. I'm just extremely frustrated, and</p>
<p>10:16:50-10:17:47 Page 15</p> <p>1 ACTING CHAIRWOMAN CHAN: Okay. 2 COMMISSIONER KIMBLE: This is Mark Kimble. 3 I have one other question. 4 ACTING CHAIRWOMAN CHAN: Okay. 5 COMMISSIONER KIMBLE: Ms. Fontes, I just 6 want to clarify your answer to a question that 7 Mr. Collins asked. 8 So is it correct that more than half of the 9 signatures that were submitted were deemed invalid? 10 MS. FONTES: On the 100 percent check, that 11 is correct. So it would have been our second review of 12 the first slips that he had turned in. 13 COMMISSIONER KIMBLE: Okay. Thank you. 14 ACTING CHAIRWOMAN CHAN: All right. Any 15 other questions from any of the commissioners? 16 (No response.) 17 ACTING CHAIRWOMAN CHAN: All right. Thank 18 you very much, Ms. Fontes, for being here today to 19 answer our questions. 20 MS. FONTES: Thank you. 21 ACTING CHAIRWOMAN CHAN: Tom? 22 MR. COLLINS: Madam Chair, I know that 23 Mr. Herrera is here. I think he'd like to address the 24 Commission, and then I have some closing comments, I'd 25 like to make.</p>	<p>10:18:49-10:20:04 Page 17</p> <p>1 I'll tell you why here in a second. One of those 2 signatures was my wife's. Now, she's not dead, just 3 for the record. If I can't even get hers to qualify, I 4 don't know what rules I'm playing by here. 5 I have no control over how somebody signs 6 their name, but at this point, I'm willing to go out 7 and get an affidavit from each -- every single person 8 on here to clear my name because it's extremely 9 aggravating for me as a candidate to try and deal with 10 this and then also be campaigning at the same time. I 11 realize the politics behind it, believe me, but I also 12 feel that I'm going to go out to each and every single 13 of these people and get an affidavit and say, did you 14 sign it or not? 15 And this time, now that I know that the 16 rule specifically reads that their signature must match 17 the voter registration file, which nowhere in the Clean 18 Elections manual does it say that -- it does say 19 signature verification, just for the record, and that's 20 for us candidates to identify. 21 Speaking with Sara Larsen when I took the 22 class, I asked her specifically what rules clarify. 23 And she said that the rules, they're complex between 24 the Clean Elections manual and the state statute 25 manuals, which I understand. It's upon us. That's not</p>

<p>10:20:07-10:20:57 Page 18</p> <p>1 a defense, but that's more feedback. 2 All I want to ask at this point is to be 3 given the chance to rectify this and any discrepancy 4 that may exist. And, like I said, you know, I have 5 this. If I can't get my wife to qualify, then I don't 6 know what else to do. I mean, you know, it's -- I 7 don't know. So, anyway, I just want to thank you again 8 for that. 9 ACTING CHAIRWOMAN CHAN: Thank you, 10 Mr. Herrera. 11 Do you mind staying at the podium just for 12 a moment? 13 MR. HERRERA: Sure. 14 ACTING CHAIRWOMAN CHAN: Because the 15 commissioners -- I know I have some questions. The 16 other commissioners may have some questions, and just 17 briefly, I want to -- I want to make -- just ask you, 18 you know, you mentioned the politics behind something. 19 And I wasn't sure what you were alluding to, but I want 20 you to know -- I mean, I actually have complete faith 21 in the Recorder's office just based on my experience 22 with them over the years. 23 I know when I used to work at the Secretary 24 of State's Office sometimes with certain batches of 25 signatures these issues would come up and sometimes --</p>	<p>10:21:51-10:22:51 Page 20</p> <p>1 MR. HERRERA: 115. I personally collected 2 115 of the second batch. 3 COMMISSIONER KIMBLE: 115 out of how many? 4 200? 5 MR. HERRERA: Correct. 6 COMMISSIONER KIMBLE: Okay. And the 7 remaining were collected by one of your supporters -- 8 MR. HERRERA: Correct. 9 COMMISSIONER KIMBLE: -- or members of your 10 supporters? 11 MR. HERRERA: Correct. Volunteers. 12 COMMISSIONER KIMBLE: Okay. And from what 13 you know about the signatures that were deemed invalid, 14 were most of those collected by you or by your 15 supporters? 16 MR. HERRERA: The only ones that I know 17 that were collected by me that were invalid -- and I 18 haven't done a full analysis -- of the first batch, 19 from what I understand, because I have not received 20 that report yet from the County Recorder's, is 30, 21 which, out of those 115 that I personally collected, 22 I'm curious to know which ones they were because I 23 actually went down to the County Recorder's and 24 verified each one to make sure that they were 25 registered to vote and in my district.</p>
<p>10:21:01-10:21:46 Page 19</p> <p>1 very few times, really, there would be an error on the 2 part of the staff there, but they do get training. And 3 so I don't think there's anything political going on at 4 their office. 5 And I understand, you know, sometimes 6 people have their own opinions but -- and I hope you 7 certainly don't feel that way about the Commission 8 because we are just trying to do our due diligence as 9 far as, yeah, this person -- 10 MR. HERRERA: I understand. I understand. 11 I completely understand. 12 ACTING CHAIRWOMAN CHAN: Maybe I'll open it 13 up and just see if the commissioners who are on the 14 phone have any questions for you. 15 MR. HERRERA: Sure. 16 ACTING CHAIRWOMAN CHAN: Does anyone have 17 any questions? 18 COMMISSIONER KIMBLE: This is Mark Kimble. 19 ACTING CHAIRWOMAN CHAN: Commissioner 20 Kimble. 21 COMMISSIONER KIMBLE: Mr. Herrera, I have 22 one question. 23 Of all the signatures that were turned in, 24 what percent of them did you personally collect versus 25 someone -- one of your supporters collecting?</p>	<p>10:22:54-10:24:01 Page 21</p> <p>1 We don't have any way of verifying their 2 signature as candidates, so we don't have access to 3 that. So there's no way for me to verify to make sure 4 that's an accurate -- or that's the signature that 5 somebody signed based on the qualifying slips. A few 6 people did a few scribbles, which I was very weary of, 7 so maybe that's one of them, but I can get an affidavit 8 from those 30 as well. 9 COMMISSIONER KIMBLE: Okay. Thank you, 10 Mr. Herrera. 11 CHAIRMAN MEYER: This is Damien Meyer. 12 ACTING CHAIRWOMAN CHAN: Commissioner 13 Meyer. 14 CHAIRMAN MEYER: All right. Mr. Herrera, 15 I'm trying to keep track of all this. I believe you 16 said you personally collected 115 of the 200 in the 17 second batch? Did I hear that correctly? 18 MR. HERRERA: The second supplement that I 19 turned in, I turned in 115, and those are the ones that 20 I collected. 21 CHAIRMAN MEYER: As I understand it, it's 22 the first batch that had 200 signatures and 101 of them 23 were deemed -- or flagged for whatever reason. 24 Correct? 25 MR. HERRERA: Correct. I don't have a --</p>

<p>10:24:03-10:25:14 Page 22</p> <p>1 I'd have to go through and tell you how many I 2 collected out of the first batch. So, yeah, I want to 3 clarify that. Sorry. 4 CHAIRMAN MEYER: Okay. Do you know -- do 5 you have an estimate of how many you collected out of 6 the first batch? 7 MR. HERRERA: I want to say about 30 to 35, 8 and they were close friends and family. 9 CHAIRMAN MEYER: And were any of those 30 10 to 35 the folks who have been determined to be 11 deceased? 12 MR. HERRERA: No. No. 13 CHAIRMAN MEYER: So the other 165 to -70 14 were collected by supporters of yours? 15 MR. HERRERA: Correct. 16 CHAIRMAN MEYER: And you said that your 17 wife's signature was invalidated? 18 MR. HERRERA: Correct. 19 CHAIRMAN MEYER: Why don't you tell me a 20 little bit more about that, if you could. 21 MR. HERRERA: So when I received the report 22 from the County Recorder's Office after requesting it 23 from the Secretary of State, I went through each line 24 item. And being an engineer in me, I analyzed every 25 single one and I put it in a spreadsheet, and I noticed</p>	<p>10:26:41-10:27:50 Page 24</p> <p>1 else to do but to ask for blood from people and to 2 verify that, you know. I just -- I don't know. 3 ACTING CHAIRWOMAN CHAN: Let me just follow 4 up with Commissioner Meyer and make sure -- I think he 5 was the last commissioner with some questions. 6 Did you have additional questions, 7 Commissioner Meyer, or any of the other -- 8 CHAIRMAN MEYER: I don't think so, no. 9 ACTING CHAIRWOMAN CHAN: Okay. Any other 10 commissioners on the phone have any questions? 11 COMMISSIONER PATON: Yes. This is Galen 12 Paton. 13 ACTING CHAIRWOMAN CHAN: Commissioner. 14 COMMISSIONER PATON: Can you explain, 15 Mr. Herrera, the four deceased since that's 16 particularly bothering me? And as well as, I'm sure, 17 you could understand, and if you have any explanation. 18 MR. HERRERA: I don't, Commissioner. I 19 don't -- I wasn't provided with that information. The 20 only information that I received, the full slip 21 verification list from the County Recorder's, was the 22 number of eQUAL, qualifying contributions, and then 23 also the reason: out of district, no sign date. One 24 was thrown back because it didn't have a date, which is 25 valid. Out of district. One said signed before</p>
<p>10:25:17-10:26:39 Page 23</p> <p>1 that a few things stood out to me. 2 First of all, Line Item 66, signature does 3 not match in the report, and 66 is my wife's 4 contribution. 93 was considered a duplicate. I 5 requested that to be eliminated, but then when I got 6 the report, it says signature does not match. Again, 7 for 103. And the Secretary of State's Office 8 recognized that and they apologize for it, but it 9 doesn't help me in this case. 10 Because what happens when they do a 11 duplicate, they take it out and they put a blank form 12 in, but unfortunately, when I received this report and 13 then these, they didn't match up to their count. Their 14 count didn't match up. So there's three that I know 15 that are questionable. I haven't checked each one to 16 verify their validity, but I do know that my wife's is, 17 obviously. You know, if I can't get that one verified, 18 then I don't know what else to do. 19 So I'm here today just to represent myself, 20 to clear my name and to be asked for the opportunity to 21 clear this up. You know, I'm prepared to do what I 22 have to do. When they first told me about it, I was a 23 little frustrated, and then I went out myself and got 24 them myself and people are more than willing to do 25 that. Now I'm at this stage where I don't know what</p>	<p>10:27:55-10:29:01 Page 25</p> <p>1 filing. I don't know what that means. And others said 2 not registered, out of district and signature doesn't 3 match. 4 So it doesn't say -- tell me which one. 5 The only thing I can do is just go through a full 6 verification on these myself and do an analysis myself 7 and identify which ones they are at the Maricopa County 8 Recorder's Office so I know that their computers are 9 obviously up to date, I'm hoping. That's the only 10 thing I can start with. 11 ACTING CHAIRWOMAN CHAN: Okay. 12 Commissioner Paton? 13 COMMISSIONER PATON: Thank you. 14 Yes. And, Commissioner Chan, could we have 15 Fontes explain about what Mr. Herrera said about the 16 Number 66, or is that -- 17 ACTING CHAIRWOMAN CHAN: Mr. Herrera, would 18 you mind if Ms. Fontes -- 19 MR. HERRERA: Absolutely. 20 ACTING CHAIRWOMAN CHAN: -- comes up to the 21 podium again to try to address some of these questions 22 about the reasons for the rejections? 23 MR. HERRERA: Absolutely. I was going to 24 request an appeal for this, but it's just one out of 25 many. And, you know, I didn't want to contribute more</p>

<p>10:29:05-10:30:09 Page 26</p> <p>1 issues than there already was. 2 ACTING CHAIRWOMAN CHAN: Okay. Thank you. 3 Ms. Fontes? 4 And I'm not sure -- so, Commissioner Paton, 5 do you want to go ahead and ask Ms. Fontes which, you 6 know -- 7 COMMISSIONER PATON: Yes. So Mr. Herrera 8 in particular talked about his wife signing on line 9 66 -- 10 ACTING CHAIRWOMAN CHAN: Oh, that's right. 11 COMMISSIONER PATON: -- or, you know, 12 Number 66. 13 Does that correspond with, you know, how 14 you-all have it set up his Number 66? Would that be a 15 separate 66 there? 16 MS. FONTES: Yes. That is the number of 17 the Clean Elections slip. So 66, looking at -- I was 18 just looking at something -- was Felicia Herrera. So I 19 believe it would have been his spouse. I don't have 20 the slip in front of me to check the signature, but 21 we -- I certainly took note of that, and I will be 22 looking at it when I get back to our office. 23 ACTING CHAIRWOMAN CHAN: And does the -- 24 and just to that point -- Commissioner Paton, excuse 25 me, but --</p>	<p>10:30:46-10:31:39 Page 28</p> <p>1 Meyer. I had a question. I didn't catch the 2 explanation of Mr. Herrera on the four deceased 3 individuals. 4 What was that explanation? I apologize. 5 ACTING CHAIRWOMAN CHAN: All right. 6 Commissioner Meyer, let's go ahead -- it looked like 7 Ms. Fontes had one more thing to add, if I can allow 8 her to add that and then we'll call Mr. Herrera back up 9 to explain. 10 MS. FONTES: It was exactly about the 11 deceased. They show up on the report as not 12 registered. So Mr. Herrera would not have any idea of 13 who those four individuals are. He can do a public 14 records request with our office and we can determine 15 who they are, but they show up as not registered 16 because they have been cancelled. 17 ACTING CHAIRWOMAN CHAN: Okay. So, 18 Commissioner Meyer, does that answer your question? 19 CHAIRMAN MEYER: Yes. 20 ACTING CHAIRWOMAN CHAN: Okay. Thank you, 21 Ms. Fontes. 22 Yes? 23 COMMISSIONER KIMBLE: Commissioner Chan -- 24 this is Mark Kimble -- could I ask Ms. Fontes one more 25 question?</p>
<p>10:30:09-10:30:45 Page 27</p> <p>1 COMMISSIONER PATON: Sure. 2 ACTING CHAIRWOMAN CHAN: -- is there an 3 indication of the reason for rejection by your office 4 on that? 5 MS. FONTES: Yeah. It says signature does 6 not match. 7 ACTING CHAIRWOMAN CHAN: Oh, it does not 8 match. It's not deceased. 9 MS. FONTES: Correct. 10 ACTING CHAIRWOMAN CHAN: Okay. 11 MS. FONTES: She is not deceased. 12 ACTING CHAIRWOMAN CHAN: Okay. Well, 13 that's good to know, at least. 14 Thank you. 15 MS. FONTES: All right. 16 ACTING CHAIRWOMAN CHAN: Commissioner 17 Paton, did you have additional questions for 18 Ms. Fontes? 19 COMMISSIONER PATON: No. That was just 20 something that I thought maybe we could get to the 21 bottom of right there. 22 ACTING CHAIRWOMAN CHAN: Okay. And while 23 we have you at the podium, do either of the other 24 commissioners have any questions for Ms. Fontes? 25 CHAIRMAN MEYER: I'm sorry. This is Damien</p>	<p>10:31:39-10:32:33 Page 29</p> <p>1 ACTING CHAIRWOMAN CHAN: Certainly. 2 Ms. Fontes. 3 COMMISSIONER KIMBLE: I just want to be 4 clear that at this point after the supplemental 5 signatures were collected there are now -- setting 6 aside the problems with the -- with the first batch, 7 there are now enough valid signatures? Is that 8 correct? 9 MS. FONTES: That is my understanding from 10 what the Secretary of State's Office has done because 11 they certified that he has enough signatures. We don't 12 determine that; the Secretary of State's Office does. 13 COMMISSIONER KIMBLE: Okay. Thank you. 14 ACTING CHAIRWOMAN CHAN: Okay. Thank you 15 very much, Ms. Fontes. 16 Thank you, Mr. Herrera, for allowing her to 17 come back up. 18 Were there any other questions for 19 Mr. Herrera? 20 (No response.) 21 ACTING CHAIRWOMAN CHAN: Okay. And, 22 Mr. Herrera, thank you very much for being here. I 23 think it's very important for us to be able to talk to 24 you and hear your side and ask you questions. So thank 25 you very much.</p>

<p>10:32:35-10:33:49 Page 30</p> <p>1 MR. HERRERA: Thank you for allowing me the 2 opportunity. 3 ACTING CHAIRWOMAN CHAN: Tom? 4 MR. COLLINS: Yes. Madam Chair, 5 Commissioners, just really briefly to recap, I think 6 that, you know, one of the things to understand here -- 7 and I appreciate Mr. Herrera's frustration. I -- in 8 fact, regardless of what we are able to establish as a 9 matter of fact, I share his frustration because the 10 Clean Elections Act is written in a way where the 11 Commission is not generally the decider of who 12 qualifies for Clean Elections funding. 13 The purpose of assigning that duty to the 14 Secretary of State is so that the Secretary of State 15 does the duty and the Secretary of State's Office then 16 is -- the Commission is one step removed from the 17 process so that the Commission is not put in a position 18 where it is both approving folks for funding and also 19 then regulating those folks. So this is a safeguard 20 that is put in place that requires the Secretary of 21 State to act on information that it has and, in this 22 case, it's self-evident the Secretary of State did not 23 do that. 24 And so Mr. Herrera is in a position where 25 he's frustrated. I will say I am frustrated. I think</p>	<p>10:35:15-10:36:40 Page 32</p> <p>1 and to the electoral process both are duties that the 2 Commission should act on to take a pause here, 3 determine what we can from the county, from 4 Mr. Herrera, to establish the facts, and then we can 5 proceed appropriately with whatever needs to happen 6 from that point. 7 So that's my recommendation. That remains 8 my recommendation, and I would ask that you -- for a 9 vote to withhold funding at this time. And if you have 10 any legal questions, I would just remind you that Paula 11 Bickett from the Attorney General's Office is here for 12 your -- for your -- if you need any questions answered. 13 So with that -- that's the end of my 14 comments unless you have questions for me, Madam Chair. 15 ACTING CHAIRWOMAN CHAN: Actually, Tom, I 16 have one last question for Mr. Herrera. And I'm sorry. 17 Mr. Herrera, Tom alluded to the fact that 18 you might be willing to allow us this, you know, 16-day 19 period to allow Affiliated Forensics to do their job. 20 Are you willing -- would you be willing? 21 MR. HERRERA: Yes. I'm fine, as long as 22 you guys give me the opportunity to rectify all the 23 discrepancies, which I'm willing to do. You know, I 24 was advised to go out and get an affidavit, but I don't 25 know what else there is to challenge those -- you know,</p>
<p>10:33:52-10:35:12 Page 31</p> <p>1 this leaves us in a position, however, where the 2 prudent course and the correct course is to pause, as 3 I've expressed to Mr. Herrera -- and Mr. Herrera seems 4 very willing to be helpful in this process -- to 5 resolve this matter in terms of what happened. 6 I think the fact that there are qualifying 7 signatures, in the Secretary's view in this case, is 8 not in and of itself sufficient to allow the 9 Commission -- or, in my view, to allow the Commission 10 to avoid or waive its obligations to the Fund and its 11 obligations to uphold the integrity of the electoral 12 process because, you know, there are a number of 13 statutory obligations with respect to the collection of 14 contributions by clean candidates that are potentially 15 implicated. 16 And so pausing here, given that we have 17 another meeting in, I think -- what? Two weeks? 18 Something like that? A week and a half? Two weeks 19 maybe? 20 MR. BECKER: 16 days. 21 MR. COLLINS: 16 days, you know, we have -- 22 we have some time to move with alacrity here, but -- 23 but this should not have come to the Commission in this 24 way, but it has come in the way it has come. And so I 25 believe that the Commission's obligations to the Fund</p>	<p>10:36:43-10:37:45 Page 33</p> <p>1 their decision or the Recorder's decision or your 2 decision. At this point, obviously, I'm willing to do 3 what it takes to get this -- 4 ACTING CHAIRWOMAN CHAN: Sure. And I'm 5 certainly not in a position to give you that kind of 6 advice. 7 MR. HERRERA: I understand. 8 ACTING CHAIRWOMAN CHAN: But it sounds like 9 you have spoken with, maybe, Tom and the Recorder's 10 Office as well about how you might go about addressing 11 the issues of the ones that don't match. 12 Okay. Thank you very much for that. 13 Well, at this time, Commissioners, does 14 anyone wish to get legal advice on this matter, or is 15 there a motion to accept the recommendation of Tom to 16 withhold funding at this time? 17 CHAIRMAN MEYER: This is Damien Meyer. I 18 do have a question for Tom. 19 ACTING CHAIRWOMAN CHAN: Okay. 20 MR. COLLINS: Yes. 21 CHAIRMAN MEYER: And that is, are we going 22 to know in 16 days what Affiliated Forensic's 23 conclusions are? Have they -- have they promised us a 24 turnaround by that date? 25 MR. COLLINS: Madam Chair, Chairman Meyer,</p>

<p>10:37:48-10:39:05 Page 34</p> <p>1 we don't. I think, as Ms. Fontes testified, they 2 will -- that's not necessarily true. I'm simply saying 3 16 days is the soonest we can possibly have this 4 resolved. There are -- you know, there are -- it may 5 take less time. It may take more time. To the extent 6 that Mr. Herrera has evidence that he can provide to 7 the county or to the Commission or to both to go to his 8 issues, those -- those may -- those may accelerate that 9 process.</p> <p>10 I'm simply saying that's the next available 11 date we have, which is not very long. And in view of 12 the fact that the primary itself is some time off, we 13 would -- my goal would be to get this resolved as soon 14 as possible one way or the other. I just -- I don't 15 have a guarantee on that, Mr. Chairman.</p> <p>16 CHAIRMAN MEYER: Thank you.</p> <p>17 ACTING CHAIRWOMAN CHAN: So is there a 18 motion on the table that somebody would wish to make, 19 anyway?</p> <p>20 CHAIRMAN MEYER: This is Damien Meyer. I 21 actually would have a couple of questions for Paula.</p> <p>22 ACTING CHAIRWOMAN CHAN: Okay. Perhaps you 23 can move to into executive session then.</p> <p>24 CHAIRMAN MEYER: I'll move that we go into 25 executive session to get advice from legal counsel.</p>	<p>10:54:19-10:55:13 Page 36</p> <p>1 (The following section of the meeting is in 2 executive session and bound under separate cover.) 3 * * * * *</p> <p>4 (End of executive session. Public meeting 5 resumes at 10:54 a.m.)</p> <p>6 ACTING CHAIRWOMAN CHAN: All right. We 7 will reconvene our regularly scheduled emergency 8 Citizens Clean Elections Commission meeting and go back 9 to Item Number II.</p> <p>10 Do we have a motion from any of the members 11 to delay funding of candidate Larry Herrera's -- Larry 12 Herrera?</p> <p>13 COMMISSIONER KIMBLE: Mr. Chairman, this is 14 Mark Kimble -- or Ms. Chairman.</p> <p>15 ACTING CHAIRWOMAN CHAN: Yes. Go ahead.</p> <p>16 COMMISSIONER KIMBLE: I would move that we 17 delay distribution of funding to Mr. Herrera with a -- 18 until our next regularly scheduled meeting.</p> <p>19 ACTING CHAIRWOMAN CHAN: Okay. Is there a 20 second?</p> <p>21 CHAIRMAN MEYER: Commissioner Meyer. I 22 second.</p> <p>23 ACTING CHAIRWOMAN CHAN: Thank you.</p> <p>24 All right. It has been moved and seconded 25 to delay funding of Candidate Herrera until we can</p>
<p>10:39:09-10:39:43 Page 35</p> <p>1 ACTING CHAIRWOMAN CHAN: Okay. Is there a 2 second?</p> <p>3 COMMISSIONER KIMBLE: Second.</p> <p>4 COMMISSIONER PATON: Second. This is Galen 5 Paton.</p> <p>6 ACTING CHAIRWOMAN CHAN: Okay. Thank you.</p> <p>7 COMMISSIONER KIMBLE: This is Mark Kimble. 8 Second.</p> <p>9 ACTING CHAIRWOMAN CHAN: Thank you, 10 Commissioner Kimble.</p> <p>11 All right. It's been moved and seconded 12 that we go into executive session to obtain legal 13 advice, and with that --</p> <p>14 MR. COLLINS: We need a vote.</p> <p>15 ACTING CHAIRWOMAN CHAN: Oh, I'm sorry. 16 We'll -- we'll have a vote on that.</p> <p>17 All those in favor of going into executive 18 session, please say aye. 19 (Chorus of ayes.)</p> <p>20 ACTING CHAIRWOMAN CHAN: All those opposed 21 please say no. 22 (No response.)</p> <p>23 ACTING CHAIRWOMAN CHAN: All right. It 24 looks like we have been approved to go into executive 25 session. So we'll take some time to do that.</p>	<p>10:55:18-10:56:01 Page 37</p> <p>1 consider it at our next meeting. 2 All those in favor would please vote aye. 3 (Chorus of ayes.)</p> <p>4 ACTING CHAIRWOMAN CHAN: Anyone opposed? 5 (No response.)</p> <p>6 ACTING CHAIRWOMAN CHAN: Anyone not voting? 7 (No response.)</p> <p>8 ACTING CHAIRWOMAN CHAN: All right. It 9 looks like that motion has been approved. 10 And with that, we can move on to any public 11 comment.</p> <p>12 MR. COLLINS: Public comment.</p> <p>13 ACTING CHAIRWOMAN CHAN: I don't know that 14 anyone who is a member of the public here wishes to 15 speak.</p> <p>16 MR. COLLINS: Mr. Wyloge?</p> <p>17 ACTING CHAIRWOMAN CHAN: Okay. And in that 18 case, it looks like we could adjourn.</p> <p>19 MR. COLLINS: Motion to adjourn.</p> <p>20 ACTING CHAIRWOMAN CHAN: Yeah. Will one of 21 the commissioners motion to adjourn? 22 Do we need a motion?</p> <p>23 MR. COLLINS: Yes.</p> <p>24 COMMISSIONER KIMBLE: This is Mark Kimble. 25 I move we adjourn.</p>

10:56:02-10:56:24

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1 ACTING CHAIRWOMAN CHAN: All right. Can
2 someone second that motion?
3 COMMISSIONER PATON: Seconded. This is
4 Galen.
5 ACTING CHAIRWOMAN CHAN: All right. Thank
6 you. We are adjourned -- oh, do we need to vote?
7 MR. COLLINS: Vote, yes, please.
8 ACTING CHAIRWOMAN CHAN: Oh, I'm sorry.
9 MR. COLLINS: Sorry. No, no.
10 ACTING CHAIRWOMAN CHAN: I'm jumping the
11 gun.
12 Please, all those who approve of adjourning
13 please vote aye.
14 (Chorus of ayes.)
15 ACTING CHAIRWOMAN CHAN: All those opposed?
16 (No response.)
17 ACTING CHAIRWOMAN CHAN: All right. We are
18 adjourned.
19 (Whereupon, the proceedings concluded at
20 10:56 a.m.)
21
22
23
24
25

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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)
3 BE IT KNOWN the foregoing proceedings were
4 taken by me; that I was then and there a Certified
5 Reporter of the State of Arizona, and by virtue thereof
6 authorized to administer an oath; that the proceedings
7 were taken down by me in shorthand and thereafter
8 transcribed into typewriting under my direction; that
9 the foregoing pages are a full, true, and accurate
10 transcript of all proceedings and testimony had and
11 adduced upon the taking of said proceedings, all done to
12 the best of my skill and ability.
13 I FURTHER CERTIFY that I am in no way
14 related to nor employed by any of the parties thereto
15 nor am I in any way interested in the outcome hereof.
16 DATED at Phoenix, Arizona, this 4th day of
17 April, 2018.
18 
19 LILIA MONARREZ, RPR, CR #50699
20
21
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23
24
25

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