THE STATE OF ARIZONA

CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
April 19, 2018
9:33 a.m.

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 9:33 a.m. on April 19, 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. Steve M. Titla

OTHERS PRESENT:
- Thomas M. Collins, Executive Director
- Paula Thomas, Executive Officer
- Gina Roberts, Voter Education Manager
- Mike Becker, Policy Director
- Stephanie Cooper, Executive Support Specialist
- Mary O’Grady, Osborn Maledon
- Kara Karlson, Assistant Attorney General
- Joseph LaRue, Assistant Attorney General
- Morgan Dick, AZ Advocacy Network
- Rivko Knox, LWV AZ
- Molly Graver, Senate
- Christina Stone, Riester
- Christina Borrego, Riester

PROCEEDING

CHAIRMAN MEYER: Good morning. Calling to order the Citizens Clean Elections Commission. It is Thursday, April 19th, 2018, at just after 9:30 a.m. I'm Commissioner Damien Meyer, and our meeting is now in session.

Commissioner Paton, apparently, will not joining us today, but we still have four members present. So we will proceed.

Item Number II on the agenda is discussion and possible action on executive director's report.

Mr. Collins?

MR. COLLINS: Yes. Thank you, Mr. Chairman, members.

Commissioner Titla, good to see you.

COMMISSIONER TITLA: Thank you.

MR. COLLINS: The report, just real quickly to follow up on a matter that was in the report a couple of months ago -- and we'll be getting into this maybe in the legislative section, too, but just -- the governor did sign HB 2153 which is -- has to do with disclosure and cities -- it's thought to be directed at the city of Tempe's recently passed disclosure charter amendment.

I think that the -- the other thing that it did is that formerly there in Senate Bill 1516 the exemption from political committees that was in 1516, which we concluded was not consistent with the Voter Protection Act, among other things, including equal protection, applied to non-profits that were corporations. 2153 also yanked out the piece about requiring those folks to be in good standing with the Corporation Commission.

So now the exemption in 1516 is broader. It is for all non-profits. That was part of AZAN'S lawsuit and, as part of the AZAN'S lawsuit, you know, obviously, the State had a choice. It could have narrowed the issue, but -- in terms of equal protection or broadened it because you can always do either in terms of dealing with the protection issue. So -- so that's, I think -- so part of 2153 is in response, I think, to the Advocacy Network's lawsuit. The candidate filing period begins on April 30th and ends on May 30th. That's important for us to bear in mind. We'll be tracking that.
1 And then just to quick -- a couple of quick
2 notes on voter education that I think are important,
3 our 18 in 2018 voter awareness registration item has
4 begun moving forward. There was a soft launch downtown
5 of the mural that we are doing, and it has some cool
6 features that will be coming online when it launches in
7 full on May the 4th and then we're doing a similar
8 thing in Tucson.
9 CHAIRMAN MEYER: So, Tom, will the mural be
10 done on May 4th or --
11 MR. COLLINS: The mural will be done, and
12 there's some cool -- I don't know what the word is.
13 It's --
14 COMMISSIONER CHAN: Augmented reality?
15 MR. COLLINS: Yes. That's right. It's
16 called augmented reality. Thank you, Commissioner
17 Chan.
18 COMMISSIONER CHAN: No problem.
19 MR. COLLINS: That will -- that will --
20 that will be a big part of it. You had -- there's an
21 app and you snap and -- I'm over 40.
22 COMMISSIONER CHAN: So am I.
23 MR. COLLINS: Touche. So yes. It should
24 be -- it is pretty cool. I'm underselling it.
25 Our voter dashboard feature of our website

1 should be live before the start of the filing period.
2 That's also -- that's another thing that we're very,
3 very proud of. Alec and Gina have been working very,
4 very hard on that and doing very good work on the
5 website revamp in general. The voter dashboard feature
6 is going to be pretty -- is pretty cool. It's going to
7 allow voters to, in one place, get all the information
8 that they need to cast their ballot in an informed
9 manner.
10 I wanted to really quickly hit a couple of
11 other pieces. Friday -- by Friday we should hear from
12 the Legacy Foundation about what their plans are with
13 respect to the case -- the result of the supreme court
14 case. We had a -- while we were at EOA, I noted --
15 Stephanie and Gina and I were at the Election Officials
16 of Arizona's annual meeting, and we presented there on
17 a couple of different issues. We also got an update on
18 some litigation.
19 LULAC and some other folks challenged the
20 manner in which the state processes voter registration
21 forms back in November. And right now in Arizona, if
22 you use the federal form to register to vote but do not
23 provide proof of citizenship, you are registered as
24 what's called a federal voter, which is to say you're
25 allowed to participate in federal elections but not in

1 state elections. That's a result of a combination of
2 litigation in a prior case respecting a Prop -- 2004's
3 Proposition 200 and a policy decision that was made
4 respecting how to implement that consistent with the
5 National Voter Registration Act and the -- and state
6 law.
7 The reason I put this in your items is
8 twofold. First, you know, the state's current position
9 is that if you are a federal-only voter, you cannot
10 give a $5 contribution to a clean candidate. The --
11 the other reason is because this is a voter-protected
12 law. Proposition 200 of 2004, much like Proposition
13 200 of 1998, which is the Clean Elections Act, are
14 voter protected.
15 And so we have here a situation where, you
16 know, least -- so yesterday -- and I don't think this
17 is in your packet because I don't think I printed it.
18 Yesterday Mr. Spencer was asked about this by the
19 "Yellow Sheet," which is the Arizona news service
20 publications for the daily goings on the capitol, and
21 he explained that they're in the process of settlement
22 because the technology didn't exist in 2004 to do the
23 kind of cross-county matching that would have been
24 required.
25 That may or may not be true, and whether or
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<td>know. I don't know why you would want to defer to a federal judge rather than take it to the legislature, but we defer now under 1516 to the IRS instead of the state on campaign finance.</td>
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<td>So -- you know. I just want you guys to be issue-sensitive to this if it becomes something that we -- that means -- that makes more of a difference, and I'll leave it there. I probably said too much.</td>
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<td>3</td>
<td>CHAIRMAN MEYER: Any questions or comments on the executive director's report?</td>
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<td>COMMISSIONER KIMBLE: Mr. Chairman?</td>
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<td>COMMISSIONER KIMBLE: Mr. Collins, if I could follow up on a question by Mr. Herrera who was the subject of a special meeting a couple of weeks ago.</td>
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<td>6</td>
<td>MR. COLLINS: Correct.</td>
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<td>MR. COLLINS: Therefore, he had to turn his campaign account checks did not clear.</td>
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<td>MR. COLLINS: Yeah.</td>
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<td>16</td>
<td>MR. COLLINS: Yeah.</td>
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<td>COMMISSIONER KIMBLE: So he has withdrawn totally from the election?</td>
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<td>MR. COLLINS: That's my understanding. I think -- our first indication was that he had withdrawn just from Clean Elections. That's what he -- he communicated that to us in writing, I think, the day after the meeting, but subsequently, my understanding is he's taken himself out of the race entirely, out of the election race entirely.</td>
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<td>COMMISSIONER KIMBLE: Okay. And your memo here says we received word this week that one of his campaign account checks did not clear.</td>
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<td>So is this -- what check would this be?</td>
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<td>3</td>
<td>MR. COLLINS: So he applied for funding.</td>
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<td>4</td>
<td>COMMISSIONER KIMBLE: Yeah.</td>
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<td>5</td>
<td>MR. COLLINS: Therefore, he had to turn his 5s over to the Clean Elections Fund. And when he withdrew, we communicated to him that he still had to cover that because he applied. That's just part of the process. And apparently there wasn't -- there wasn't sufficient funds in that campaign account to cover the check. We -- we got information on this, I think, the day -- like, whenever, I guess, the executive director's report went out, 36 hours ago. We got this, like, right ahead of that.</td>
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<td>6</td>
<td>So that's all we know is that -- so either there just weren't enough funds in there to begin with or maybe the account got closed. I don't know. I don't know. It just leaves a hanging thread with his, yeah, candidacy.</td>
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<td>COMMISSIONER KIMBLE: So the bottom line is he owes us some money?</td>
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<td>8</td>
<td>MR. COLLINS: Correct.</td>
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<td>9</td>
<td>COMMISSIONER KIMBLE: And you're in communication with him or --</td>
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<td>10</td>
<td>MR. COLLINS: Not yet.</td>
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<td>12</td>
<td>MR. COLLINS: But we will. We will get there.</td>
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<td>13</td>
<td>COMMISSIONER KIMBLE: Okay. And do you know --</td>
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<td>14</td>
<td>MR. COLLINS: Or someone will.</td>
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<td>15</td>
<td>COMMISSIONER KIMBLE: -- if the issues regarding his signatures, is this now a dead issue as far as everyone is concerned? It certainly is as far as we're concerned.</td>
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<td>16</td>
<td>MR. COLLINS: It's definitely not as far as sorting out whether or not anything happened with respect to those signatures that was -- had other -- would have other consequences, and the county has stayed on top of that. And they -- we don't yet know what the result of their review -- the review that they were going to do, they're doing. And so we don't yet know what the results of that review are.</td>
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<td>17</td>
<td>COMMISSIONER KIMBLE: Okay. Thank you.</td>
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<td>CHAIRMAN MEYER: I'll be very interested in the results of that audit just to see --</td>
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<td>19</td>
<td>MR. COLLINS: Yeah.</td>
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<td>20</td>
<td>CHAIRMAN MEYER: It's kind of a check on the whole process, frankly. So I'd really like to know --</td>
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<td>21</td>
<td>MR. COLLINS: Well, we anticipate --</td>
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<td>22</td>
<td>CHAIRMAN MEYER: -- the outcome of that.</td>
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<td>23</td>
<td>MR. COLLINS: We anticipate -- we should -- it went out about two weeks ago, I think, and -- from the county to the firm that they're working with. So I think they'll know within the next two to three weeks what they want to do with it, and then -- and then -- I'm not sure how they'll communicate that. So we'll stay on top of it.</td>
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<td>24</td>
<td>CHAIRMAN MEYER: Okay. Any other questions on the executive director's report?</td>
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<td>COMMISSIONER CHAN: Mr. Chairman?</td>
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<td>26</td>
<td>CHAIRMAN MEYER: Commissioner Chan.</td>
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| 27   | COMMISSIONER CHAN: I actually wanted to comment on the proposed settlement between the Secretary of State's Office and LULAC. You know, regardless of what anybody might think about Prop 200, I feel like this is probably a step in the right direction because it seems like it would make things easier for voters. So, you know, there was a trend, obviously, for quite a while, especially during and after Prop 200, to make it, perhaps, a little more difficult for people to jump through hoops to get
MR. COLLINS: Mr. Chairman, thank you. And Tom?
COMMISSIONER CHAN: Okay.
MR. COLLINS: Mr. Chairman, thank you. And our -- on our lengthy agenda today this is -- so a couple of things. The session is -- is/was wrapping up.

and now may or may not be. You know, there's a lot of -- the budget is not complete, and then the budget and the governor's education proposal and other issues, you know, are out there. I don't know. At the time that we were putting together the meeting packet, we were thinking, you know, the session would either end soon or never, really, is our -- basically, our assessment.

With respect to HCR2007 specifically, it is one of, I think, 11 living referendum -- referenda in the process and, you know, I don't think it's -- well, I don't think it's the top of mind of folks, but on the other hand, if they put it on the floor tomorrow in the Senate, you know, just put in line, it would go. So it's -- it's something that we're prepared for. We have, throughout the legislative session, to the extent we can, sometimes from the outside, sometimes in hearings made some arguments about this bill. Our arguments have, for the most part, been focused on legal issues and, secondarily, policy issues. The legal issues being principally the Voter Protection Act, and there are some other legal issues that, you know, we'll press if we can, I think, but, you know, it's -- it's a -- it's not that -- and the biggest issue for you to be aware of with respect to
So, therefore, we don't have any concerns about it at the -- on the floor. Those amendments have passed and issues. That's the amendments that were proposed by entities such as GRRC in that they took out those concerns the way they were referencing certain other language regarding this issue several months ago. We had Kimble, we -- Tom and I met with the Secretary's office. This is the Secretary of State's rule-making. Could you talk a little bit about that?

Commissioner Kimble.

Okay.

And one other question on HB 2184. There's a note here that there's not be done until June.

Commissioner Kimble: Okay. And one other question on HB 2184. There's a note here that there's a proposed amendment that would alleviate many of the Commission's concerns.

Could you talk a little bit about that?

This is the Secretary of State's rule-making.

Mr. Chairman, Commissioner Kimble, we -- Tom and I met with the Secretary's office regarding this issue several months ago. We had concerns the way they were referencing certain other entities such as GRRC in that they took out those issues. That's the amendments that were proposed by the -- on the floor. Those amendments have passed and so, therefore, we don't have any concerns about it at this point.

Commissioner Kimble: Okay. So the amendment is not proposed at this point. It's part of what the governor signed?

Mr. Becker: It's part of what's been signed.

Commissioner Kimble: Okay.

Mr. Becker: So yes.

Commissioner Kimble: Thank you.

Thank you, Mr. Chairman.

Commissioner Kimble.

Any further question or comment on Agenda Item Number IV?

(No response.)

Chairman Meyer: Now we'll move on to Item Number V, which is 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 stay the matter or rescheduling the matter for further consideration and decision at a later date or responding to criticism.

Any public comment today?

(No response.)

Chairman Meyer: Okay. It's been moved and second.

Is there a second?

Chairman Titla.

Motion to adjourn, Item Number VI, adjournment.

Chairman Meyer: Thank you.

Ms. Knox: Thank you.

Chairman Meyer: It's great to see you.

Ms. Knox: Okay.

Mr. Collins: I couldn't tell.

Ms. Knox: Rivko Knox with the League of Women Voters of Arizona. I just wanted to say it's good to be back. I did not lose interest at all. I was just down at the legislature trying -- trying to promote or protect the perspective of the League of Women Voters on voting rights and Clean Elections, but it's nice to be back.

Chairman Meyer: It's great to see you.

Ms. Knox: Thank you.

Chairman Meyer: Thank you.

Item Number VI, adjournment.

Is there a motion to adjourn?

(No response.)

Any further question or comment on Agenda Item Number IV?

Chairman Meyer: Great questions, Commissioner Kimble.

Thank you, Mr. Chairman.

Commissioner Kimble.

Okay. hearing none, we'll move to Agenda Item VI.

Mr. Collins: Are you getting -- wait. Are you going to get up or you're not going to get up?

Okay. Do you want to get up?

Ms. Knox: Okay.

Mr. Collins: I couldn't tell.

Ms. Knox: Rivko Knox with the League of Women Voters Arizona. I just wanted to say it's good to be back. I did not lose interest at all. I was just down at the legislature trying -- trying to promote or protect the perspective of the League of Women Voters on voting rights and Clean Elections, but it's nice to be back.
seconded that we adjourn the meeting.
All in favor say aye.
(Chorus of ayes.)
CHAIRMAN MEYER: Any opposition?
(No response.)
CHAIRMAN MEYER: Abstention?
(No response.)
CHAIRMAN MEYER: We are adjourned.
(Whereupon, the proceedings concluded at
10:47 a.m.)

STATE OF ARIZONA     )
COUNTY OF MARICOPA   )
BE IT KNOWN the foregoing proceedings were
taken by me; that I was then and there a Certified
Reporter of the State of Arizona, and by virtue thereof
authorized to administer an oath; that the proceedings
were taken down by me in shorthand and thereafter
transcribed into typewriting under my direction; that
the foregoing pages are a full, true, and accurate
transcript of all proceedings and testimony had and
adduced upon the taking of said proceedings, all done to
the best of my skill and ability.
I FURTHER CERTIFY that I am in no way
related to nor employed by any of the parties thereto
nor am I in any way interested in the outcome hereof.
DATED at Phoenix, Arizona, this 21st day of
April, 2018.

LILIA MONARREZ, RPR, CR #50699
The State of Arizona Citizens Clean Elections Commission

Public Session

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