THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
June 29, 2018
10:02 a.m.

COASH & COASH, INC.
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Prepared by:
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Certificate No. 50699
**PUBLIC MEETING BEFORE THE CITIZENS CLEAN ELECTIONS COMMISSION convened at 10:02 a.m. on June 29, 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 (Telephonic)  
Mr. Steve Titla (Telephonic)  
Ms. Amy B. Chan  
Mr. Galen D. Paton  

**OTHERS PRESENT:**

Thomas M. Collins, Executive Director  
Paula Thomas, Executive Officer (Telephonic)  
Gina Roberts, Voter Education Director  
Alec Shaffer, Web Content Manager  
Stephanie Cooper, Executive Support Specialist  
Nathan Arrowsmith, Osborn Maledon  
Joseph LaRue, Attorney General’s Office  
Representative Ken Clark, D-24  
Joel Edman, Executive Director, AZLN  
Rivko Knox, AZ LWV  
Kayla Blessinger, AZAN  
Rehit Rajan, AZAN  
Morgan Dick, AZAN  
Rhonda Barnes, House  
Lisette Flores, Senate  
Talei Hornback, RIESTER  

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1 **PROCEEDING**

2 CHAIRMAN MEYER: All right. Good morning.

3 We're going to call to order the Citizens Clean Elections Commission meeting. It's Friday, June 29, 2018, at 10:00 o'clock a.m.

4 It looks like we have a quorum here.

5 Tom, is anyone on the phone?

6 MR. COLLINS: I think Commissioner Kimble is joining us on the phone. I don't know if he's on yet.

7 COMMISSIONER PATON: Yes, he's there.

8 MR. COLLINS: Okay.

9 COMMISSIONER KIMBLE: Yes, I am here.

10 CHAIRMAN MEYER: Thank you.

11 MR. COLLINS: Okay.

12 CHAIRMAN MEYER: Good morning, Commissioner Kimble.

13 COMMISSIONER KIMBLE: Good morning.

14 CHAIRMAN MEYER: So Item Number II on the agenda is discussion and possible action on Commission minutes for April 19, 2018 and May 10, 2018.

15 Any comments or questions on the minute --

16 minutes for those meetings?

17 COMMISSIONER CHAN: Mr. Chairman, I would move that we approve the minutes as written.

18 CHAIRMAN MEYER: Is there a second?

19 COMMISSIONER PATON: Second.

20 CHAIRMAN MEYER: All right. We have a motion to approve the minutes.

21 All in favor say aye.

22 (Chorus of ayes.)

23 CHAIRMAN MEYER: Opposed?

24 (No response.)

25 CHAIRMAN MEYER: Abstentions?

26 (No response.)

27 CHAIRMAN MEYER: Okay. The motion carries unanimously to approve the minutes.

28 Let's go to Item Number III, which is the discussion and possible action on the executive director's report.

29 Tom?

30 MR. COLLINS: Yes, Mr. Chairman,

31 Commissioners, just to take the highlights, as you can see, there is a comprehensive amount of activity going on in voter education that Gina and Alec and Stephanie are spearheading. We've had -- our debates on Horizon have begun. We are starting to work with Apache, Coconino and Navajo Counties on voter education advertising on KTNN to reach those -- underserved community.

32 We are working to expand our 18 in 2018 campaign to raise awareness among younger voters. Gina has been invited to present at the American Indian Right to Vote Conference in July. Alec will be presenting at the Municipal Clerks Association Election Conference in July, and then we'll be doing a -- this is a new event for us.

33 The "Capitol Times" has for years hosted a thing called the Meet the Candidates event, and that event had previously been a paid-for admission event for -- you know, people paid for admission. And we decided, because of the possibility of addition -- in addition to the debates and the -- and the -- and the pamphlet, that it would be a good, interesting idea to try this year to see if we could make that available to the public.

34 So we -- we, essentially, became the exclusive sponsor of it in order that the entire public could -- could participate instead of having to -- have paid admission the way they kept time. So it's more of a forum and an opportunity for people to come to Phoenix or who are in Phoenix and meet -- and meet candidates and interact with them.

35 So we think that's, you know, consistent
1 with what we've been trying to do. It's not a debate, per se, but it is an opportunity to promote interaction with candidates, which is a key part of what Clean Elections does. So I think that's -- that's sort of the high points there.
2 We will have, just to -- just to -- and this has been in the newspaper. We will -- under the Clean Elections rules, we have a gubernatorial Republican candidate, Former Secretary of State Ken Bennett, who is a participating candidate. Governor Ducey has declined to participate in that debate. And, in accordance with our rules, there will be a 30-minute Q and A session where then Mr. Bennett is obligated to take questions during. So that will be in the beginning of August.
3 COMMISSIONER PATON: Question.
4 MR. COLLINS: Yes.
5 COMMISSIONER PATON: So on the Q and A --
6 MR. COLLINS: Yeah.
7 COMMISSIONER PATON: -- would that be on TV?
8 MR. COLLINS: It will be on TV. We think that, you know, KAET may or may not have different obligations under its own standards to provide time to Mr. Ducey if they want to. Our rules are clear -- and Mr. Ducey if they want to. Our rules are clear -- and it's not entirely clear how those changes will play out but, you know, I think that the -- that the consensus among folks who pay attention to this stuff is that this is -- year was pretty -- pretty extraordinary for that.
9 So I don't know if --
10 COMMISSIONER TITLA: Tom?
11 MR. COLLINS: Yes.
12 COMMISSIONER TITLA: Steve Titla. I joined the call earlier.
13 MR. COLLINS: Oh, good. I didn't hear you.
14 Sorry.
15 COMMISSIONER TITLA: Mr. Chairman, thank you.
16 CHAIRMAN MEYER: Just for the record, we have -- Commissioner Titla has joined the meeting.
17 MR. COLLINS: Wonderful. Thank you.
18 Sorry.
19 So -- anyway, so that's their -- I think that's something to be aware of because, you know, it may -- I think that looking at some of the Secretary of State's comments there in the article, that cited I think that we may see some changes to that process.
20 MR. COLLINS: Wonderful. Thank you.
21 MR. COLLINS: Thank you.
Secretary of State and the County -- County Recorders.
2 That's of statutory -- that's their statutory
3 obligation.
4 However, the Commission does have the
5 authority in its mandate to make suggestions on how to
6 improve the process to make it, you know, cleaner. And
7 so I think that, A, you know, we have some issues that
8 I don't think it's appropriate for us to discuss now in
9 terms of what we may be looking at specifically, but we
10 may have some general -- but, generally, I think we
11 will want to weigh in on that from a Clean Elections
12 perspective.
13 And then I think, more generally, because
14 of our interaction with signature gathering in all of
15 its facets -- because you need to qualify for the
16 ballot in order to be funded. I think there's a nexus
17 there for us to be constructive. So I think what we'll
18 try to do going forward, as much as we can -- that's
19 Secretary of State, the Maricopa County Recorder, the
20 other recorders -- I think that -- I think, you know,
21 Pima, Yavapai, other -- Yuma -- the other -- you know,
22 all of the other recorders that are dealing with these
23 issues -- I think we do have an opportunity to -- to be
24 constructive.
25 And I think that is with that mandate, but
1 it remains to be seen what, you know, kinds of
2 proposals get developed. And we may come to a point
3 where we want to develop our own proposals down the
4 road that may have a nexus with the $5 qualifying
5 process and may have a nexus with the qualifying for
6 the ballot process.
7 We'll just have to -- we'll have to --
8 we're going to have to play this a little by ear, but
9 it's definitely something that's within our -- to
directly answer your question, it's definitely within
10 our -- both our -- the Comission's express authority to
11 make recommendations on proving the process and the
12 Commission's duty to ensure that the electoral -- the
13 integrity of the electoral process.
14 CHAIRMAN MEYER: Commissioner Chan.
15 COMMISSIONER CHAN: As long as Commissioner
16 Paton has gotten his answer.
18 COMMISSIONER PATON: Shoot. Yes.
19 COMMISSIONER CHAN: Just a comment on that.
20 I find it pretty disheartening that we're seeing this
21 many irregularities and an increase, you know, from
22 years, but it does happen, unfortunately. And I think
23 that the fact that candidates were kind of cut out, so
24 to speak, for their actions -- or even if it wasn't
25 directly their actions, the people that they allowed to
1 might know this off the top of their heads.
2 One of the bars to running for office, even
3 filing for office to run for office, is a campaign
4 fraud, like a signature fraud-type conviction. So
5 that's the other piece here. It's not just that they
6 don't get to run for office. They might get kicked off
7 the ballot for this election. If they're actually
8 convicted by being referred for criminal activity, then
9 I believe that they could be barred for a period of
10 years from even filing.
11 MR. COLLINS: I'm a little rusty on that.
12 I know there's a -- or was a provision of law that said
13 that there was certain things that could happen that
14 would cause you to be out for five years. I don't know
15 if that -- I don't know what the trigger on that is.
16 COMMISSIONER CHAN: That might have been a
17 campaign finance thing.
18 MR. COLLINS: Yeah.
19 COMMISSIONER CHAN: I think.
20 MR. COLLINS: So I will say this, just to
21 add a little more context -- and, Joe, correct me if
22 I'm wrong. You know, one of the things that's pending
23 at the -- I think the Arizona Supreme Court is an
24 appeal by a candidate for the Secretary of State's
25 Office over the amount of time that she received to
1 review a report from the Maricopa County Recorder's Office.
2 Office.
3 The Maricopa County Recorder's Office has taken the position that, really, there's no statutory
4 obligation to -- for them to be doing these reviews and, in effect, inviting the legislature to review
5 these things if they were successful in that argument. So I do think that going forward -- to Commissioner
6 Paton's point -- there's going to be -- you know, that case may not be the -- may not resolve that issue, but
7 that case is an indicator that there's going to be some legislative activity.
8 I mean, I think it's safe to say there will be some legislative interest here; that coupled with
9 Mr. Spencer's comments and the story I provided. I think -- I think you'll see some legislative activity
10 in this area next year.
11 COMMISSIONER PATON: I have a statement, I guess.
12 Particularly, it looks like the incentive for people to pass petitions for monetary gain -- I mean, as a job is, obviously, causing the majority of this issue. And so, I mean, I don't want to malign everybody that's doing this, but when they find hundreds and dead people signing up and people that are out of the country and so on that have no chance to sign, it's pretty disheartening because when it gets to the newspapers and the TV and everything, it -- the average -- the average person thinks that politicians aren't that trustworthy as it is.
13 MR. COLLINS: Right.
14 COMMISSIONER PATON: And, then, do we want to be one of these countries that the electorate doesn't believe that anything legitimate is happening anymore? And I certainly don't want to go through something like that, and -- so I don't know what we can do, but I'm really pretty concerned about that.
15 MR. COLLINS: And if I -- I don't want to take -- you know, I know we have some other activity, but just to sort, of amplify and validate, Commissioner Paton, what you've been saying, one of the things the legislature did in 2014, '15, '16, somewhere like that, was to prohibit per-signature payment for initiative and referendum gathering.
16 Now, to your point, they did not do that for candidates, and so the tension between those two policies is exacerbated by the news that has happened this year. So, again, I don't know how the legislature will wrestle with that but, you know, they did take steps based precisely on your -- or at least, in their view, based precisely on your view regarding initiatives. Perhaps they will make a similar effort with respect to candidates. It's hard to say, but we'll definitely keep an eye on it. COMMISSIONER PATON: Okay. Thank you.
18 MR. COLLINS: Just real quick, running through issues, we've got the AZAN, et al., lawsuit. The summary judgment briefing is ongoing. We have an update on See the Money. It appears the See the Money program is -- is now being fed -- the current information, by the campaign finance reporting system which is good, but we'll continue to keep you apprised of that.
19 And then --
20 COMMISSIONER PATON: I have a question. I'm sorry.
21 MR. COLLINS: Sure, sure, sure.
22 COMMISSIONER PATON: Talking about -- I haven't been for a couple --
23 MR. COLLINS: Well, none of us have been.
24 We didn't have a meeting last month.
25 COMMISSIONER PATON: Okay. Thank you.
1. deadline comes, our anticipation is that things will be working the way they're anticipated.
2. If that turns out to be different, we'll let you know, but we have had, I would say, productive conversations with the Secretary of State's Office to keep ourselves informed and to keep you informed about where that is.
3. COMMISSIONER PATON: Since we helped --
4. MR. COLLINS: Right.
5. COMMISSIONER PATON: -- pay for this.
6. MR. COLLINS: Yeah.
7. COMMISSIONER PATON: I think the article made it sound like it was sheer chaos or -- you know.
8. So -- but you don't seem to be too concerned.
9. MR. COLLINS: Well, I --
10. COMMISSIONER PATON: So I guess I shouldn't be.
11. MR. COLLINS: Well, I would say this about that. I would say that in talking to the Secretary of State's Office, I think their view -- and I'm somewhat speaking for them and, you know -- is that the distinction between CFRS and See the Money is not always drawn neatly in press reports, but the more important thing to me is to ensure that they are continuing to make progress so that by the time we're at the most critical time, which is coming up here as we enter the meat of the election season, things are functioning.
12. They seem to be responsive to our questions, which is -- which is a good thing. So so long as we continue to be able to have a productive relationship with them and conversation with them around these issues, you know, my -- my anxiety level around this is lower than it otherwise would be.
13. COMMISSIONER PATON: Thank you.
14. CHAIRMAN MEYER: Commissioner Chan.
15. COMMISSIONER CHAN: Thank you,
16. Mr. Chairman.
17. Commissioner Paton, I'm actually glad you brought that up because I think it was last month that this news story broke, if I'm not mistaken, and I had actually forgotten just because so much has happened since then, but I was very disappointed that one of the fundamental bases of what I thought See the Money was going to be was not happening, which was to be hooked into actual real information from the campaign finance system.
18. I mean, what is the point of See the Money if it's not hooked into real actual information? It just -- I really actually -- you could have knocked me over with a feather, I think, when I read that article.
19. And I'm very happy to hear that they have now addressed that. I think this kind of goes to my trust issues that we discussed at length with their office when they asked us for this money to save this project. And, unfortunately, it's just another, kind of, broken step in our -- this Commission's relationship, I think, with that office that this was an important enough piece to have it hooked into real time information.
20. And so, thank you, Commissioner Paton, for reminding me that that was an issue.
21. And as I mentioned, Tom, you are the voice of reason, and I appreciate that very much.
22. MR. COLLINS: You may be the only person who thinks that.
23. COMMISSIONER CHAN: But I'm -- I just wanted to make that statement because I wanted to have on the record that I was appalled when I learned that that -- I just don't understand how that could even have been an option with See the Money.
24. MR. COLLINS: Right. Well -- and if I may, Mr. Chairman, Commissioner Chan, I think -- I think -- you know, I think we'll just continue to work through this. I think that the -- I think there is some pressure on the Secretary's office, and I think that there -- and I think -- my feeling is that -- you know, just from a staff perspective, which is different from a commissioner's perspective is that, you know, my job at this point is to try to keep the lines of communication open until we can -- until something -- you know, so that we can get what we need, you know. And we can -- you know, certainly, you can direct -- either you or Commissioner Paton can direct me to put this on the agenda as a separate item in the future, if you'd like to have a more extensive discussion.
25. COMMISSIONER CHAN: I think, Mr. Chairman, and Tom, the thing that's disappointing is that we even have to be having this discussion when they came here and promised us that this was going to be a particular way and then one of the fundamental aspects of it wasn't even put in place. So --
27. COMMISSIONER CHAN: But having said that, thank you.
28. And the other thing I'll say is that it would be difficult to know what we would even need --
29. that we would even need to put it on the agenda.
1 without, you know, reporting, like Dustin Garner has
2 been doing.
3 So, anyway, thank you very much for that.
4 Thank you, Mr. Chairman.
5 MR. COLLINS: Thank you.
6 CHAIRMAN MEYER: And I'll just make a brief
7 comment on that.
8 As far as See the Money, I mean, I'm glad
9 we're part of it. I understand this was a cutting-edge
10 piece of technology and new thing that other states are
11 doing. I understand there's going to be some bumps in
12 the road anytime you try to implement a system like
13 that. I'm glad that they're working on it and we're
14 going to get this up and running. It's going to do
15 what they said it would do. So, I mean, I understand
16 anytime you implement systems like this, it's very
17 common to have some bumps in the road.
18 So I would, I guess, urge some patience
19 from my fellow commissioners and let Tom, who is very
20 optimistic on this issue, to keep doing what he's
21 doing. And I think we're going to get what we -- what
22 we were told we were going to get and just -- and I'll
23 leave it at that.
24 MR. COLLINS: Mr. Chairman, the last item I
25 want to highlight is that there is litigation related

1 to the substance -- well, I should say the procedures
2 by which HCR 2007 was put on the ballot. Oral
3 arguments on the motion for a preliminary injunction
4 filed by -- in the Hoffman v. Reagan matter are
5 July 12th.
6 That's really all I want to highlight.
7 Unless anyone else has questions, I am concluded.
8 CHAIRMAN MEYER: Commissioner Kimble,
9 Commissioner Titla, unless you have questions, we're
10 going to move on to the next agenda item.
11 COMMISSIONER KIMBLE: I'm good. Thank you.
12 CHAIRMAN MEYER: Okay. We're going to bump
13 up an item here, public comment.
14 Do you want to do now, Tom, or do you want
15 to --
16 MR. COLLINS: Well, yeah. What I would
17 propose would be -- with respect to Item IV, what I
18 would propose is that we take -- we'll still need to do
19 the public comment that we have noticed, but since we
20 take public comment on items, I was going to suggest,
21 since we have folks here who are interested in
22 addressing this particular item after the legislative
23 council met yesterday to pass its summary that goes in
24 the publicity pamphlet, we have at least three people
25 here who, I believe, are interested in testifying on

1 that.
2 So I thought it would be best to have them
3 testify prior to going into executive session,
4 although, I think Nate and I recommend that we do go
5 into executive session after that. And so that would
6 be the way I would structure it just --
7 CHAIRMAN MEYER: So we're going to do
8 public comment on just HCR 207 -- 2007 right now?
9 MR. COLLINS: 2007 publicity pamphlet,
10 yeah.
11 CHAIRMAN MEYER: And then we'll --
12 MR. COLLINS: And then go into executive
13 session.
14 CHAIRMAN MEYER: All right.
15 MR. COLLINS: And, if I could, as a matter
16 of preface, just so everybody knows the background,
17 yesterday the legislative council met and drafted the
18 language that will go in the publicity pamphlet of the
19 Secretary of State. As I think everyone knows, that
20 language is very important. The courts look to it to
21 interpret initiatives and referendums. The voters look
22 at it as a way -- it may be the only interaction that
23 voters have with the actual text of the legal measures
24 that are obligated to -- where they have the
25 opportunity to vote on.
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<td>just say first, with the help of our Senate staff, we</td>
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<td>legislature is attempting to do in HCR 2007 are not</td>
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<td>already been done by the -- by the Commission.</td>
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<td>authority. Second, it seemed as if the Commission did</td>
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<td>insofar as they only took, I think, the part that -- I</td>
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<td>think that just kind of said it's a council of six</td>
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<td>members who are appointed by the governor, like that.</td>
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<td>think -- I tried to say at the very end of the whole</td>
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<td>distinction that we had just spent a large amount of</td>
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<td>time talking about this ESA thing, going into great</td>
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<td>context on something for ESAs that ended up being about</td>
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<td>50 lines long, yet one of the big reasons that they</td>
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<td>used not to accept either of my amendments was, well,</td>
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<td>we don't want to make this too long.</td>
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<td>So even had they accepted my amendments in</td>
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<td>full which, you know, of course, they didn't, had they</td>
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<td>accepted those amendments in full, it would have come</td>
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| **1** | 10:31:01-10:32:30 |

| **1** | 10:33:15-10:34:20 |

| **1** | The point that I made was if you look at |
| **2** | the history, the legislature -- of which this meeting |
| **3** | yesterday was a subset and very -- I don't know if it's |
| **4** | representative of the legislature, but there were ten |
| **5** | Republicans and four Democrats. That legislature has |
| **6** | historically shown hostility toward the Clean Elections |
| **7** | Commission. You can look at the record and see that; |
| **8** | whereas, they have shown a warm embrace toward |
| **9** | empowerment scholarship accounts. |
| **10** | And they were happy to go into great detail |
| **11** | and add context to that one, but they were not to this |
| **12** | one. And I don't know what that gets you but -- |
| **13** | COMMISSIONER PATON: Excuse me. |
| **14** | REPRESENTATIVE CLARK: Yeah. |
| **15** | COMMISSIONER PATON: The ESA, is that -- |
| **16** | does that mean the scholarships? |
| **17** | REPRESENTATIVE CLARK: Yeah, the ESAs. |
| **18** | COMMISSIONER PATON: Okay. |
| **19** | REPRESENTATIVE CLARK: So -- and I don't |
| **20** | know what that gets you in the end. Obviously, I am |
| **21** | not a legal scholar. And I don't know if that informs |
| **22** | in any way what could be done at this point, but I |
| **23** | don't know if there's a much more clear example of a |
| **24** | legislature that has open hostility toward a Commission |
| **25** | and, therefore, expresses that hostility in the way |
10:34:24-10:35:32

1 that it very misleadingly writes the ballot -- or the
2 pamphlet language.
3 

COMMISSIONER CHAN: Mr. Chairman?
4 

CHAIRMAN MEYER: Go ahead, Commissioner
5 Chan.

6 COMMISSIONER CHAN: Representative Clark, I
7 think, you know, definitely being -- having worked in
8 elections for years and worked in and around the
9 legislature for years, I'm very familiar with this, you
10 know. And it's just a political process. And
11 so I think there's definitely -- what you're saying, I
12 think, is accurate on many levels. I know that there's
13 a lot of animosity from some legislators toward the
14 Commission.

15 Unfortunately, for the Commission's, you
16 know, feeling -- well, I guess I can't speak for the
17 Commission yet, but unfortunately, from my feelings
18 about this summary and about this bill, since I'm
19 actually one of the plaintiffs in the other lawsuit
20 that -- in the lawsuit that's pending right now, you
21 know, having ten Rs on the committee, I'm sure they all
22 feel strongly about the Clean Elections role.
23 And, frankly, I will -- I want to, kind of,
24 give some credit to Commissioner Paton because I know
25 when this Commission considered rules regarding using

10:35:37-10:36:56

1 Clean Election monies for -- to pay political parties
2 for services, he expressed concern that we would have
3 this kind of clap back and here it is. So everything
4 is political. Everything is -- in that sense, you
5 know, can be biased, in my opinion, you know.
6 I think -- I'm sure I want to -- I think
7 when legislators come to write the summary, they're
8 definitely coming from their own -- we all have our own
9 biases. So they're coming from their biased space, and
10 I think when I read this summary, I was sorriely
11 disappointed in it, but I understand, you know, the --
12 how this comes to be. And so, obviously, thank you so
13 much for your time and being here today and, kind of,
14 going over with us your two amendments.
15 I didn't have an opportunity yet to watch
16 the committee meeting or even look at your two
17 amendments, and I would -- I'd really be interested in
18 looking at those as well. So just thank you, and I
19 just wanted to kind of validate what you're saying.
20 REPRESENTATIVE CLARK: Well, Commissioner
21 grab a soda and some popcorn because it's a lot of fun.
22 COMMISSIONER CHAN: Okay. Thank you.
23 CHAIRMAN MEYER: Commissioner Paton, do you
24 have a comment?
25 COMMISSIONER PATON: No. I mean, my

10:36:59-10:38:34

1 inclination during -- you know, when we set our rules
2 was that this was going to happen and it was going to
3 be more restrictive than what -- because of them not
4 being happy with -- with our rules. And I'm not happy
5 with the GRRC being lumped in with this, and now I'm
6 just not happy with the whole situation, actually.
7 REPRESENTATIVE CLARK: If I could, there
8 was some discussion, both during the ESA issue and this
9 yesterday, about our job as legislators to present an
10 impartial -- impartial language regarding -- and I
11 don't know how anybody can believe that leaving out
12 these two very critical things could be in any way
13 considered impartial. I obviously -- I have my
14 opinion. I believe it's a power grab. I believe that
15 the governor, in an attempt to influence a Commission
16 that he does not like, is trying to, with his friends
17 in the legislature, fold this under the Governor's
18 Regulatory Review Council.

19 I would not try to put that in this
20 language, but I would like people to be able to
21 understand the very basics here, that the Commission
22 already has successful rules in place and has
23 rule-making authority as set up by a proposition that
24 was passed by the voters. And that's it. All you have
25 to do is say that, and I think people will fully
1. CHAIRMAN MEYER: Let's not have a --
2. MR. EDMAN: I know better than to fight
3. Rivko.
4. Yeah, Mr. Chairman, Commissioners, I'm Joel Edman, Arizona Advocacy Network. As you know, we're longtime friends of Clean Elections and the Commission and have played several roles now in this saga here, sort of. So we're active at the legislative session, trying to oppose HCR 2007, along with the League who actually just filed an amicus brief in the case challenging it under the single subject rule, and we were there at "leg council" yesterday.
5. And so I'll just start, I think, by saying that I think Representative Clark's characterization of how things went and sort of the summary of what happened, I agree with all of that. And so I won't repeat it, but just try to add a couple of points.
6. You know, there was a lot of discussion about, oh, we can't add these couple of sentences; it will make it too long and it needs to be concise. And it's true that they have an obligation to be concise but also to be clear, and there can be a tradeoff at times there, right? And I think that there's a couple of instances of where moving towards being more concise is misleadingly incomplete.
7. That's been the fight with GRRC over the last several years. It has really been about that aspect of the Clean Elections program, and since that is, I think, the fundamental change that would be made by this measure to put the Commission, at least arguably -- I'm sure there will be legal fights at first, but under these sort of auspices of GRRC, that's really the ball game here, right?
8. And so to not tell voters or not signal to voters the Clean Elections is more than, you know, handing out checks to candidates, they do a lot of other things that would also be affected by that change, I think is misleadingly incomplete. And I know that was something that Representative Clark was pushing to have changed, to have just, you know, a sentence or two saying the other things the Clean Elections Act is very briefly in a short parenthetical language here, you know, it explains what the Clean Elections is more than, you know, your voter education activities, not your authority to regulate independent expenditures, nonparticipating candidates. And, of course, those last pieces are really where this issue comes from, right?
9. CHAIRMAN MEYER: It's because it doesn't mean.
10. COMMISSIONER CHAN: I wasn't even sure what that meant.
11. MR. EDMAN: Exactly.
12. CHAIRMAN MEYER: That tells no one anything.
13. MR. EDMAN: I know better than to fight that -- in the voucher, Prop 305, the ESA measure, I didn't stick around for hours of debate that happened there, but the draft had, you know, a paragraph or two at the top explaining what the ESAs are. And, you know, that sort of context is appropriate for something that voters aren't necessarily going to have all, you know, at the top of their head. And, you know, these are complicated changes. To understand how they actually play out is important.
14. And then I think, you know, the -- as part of that, in that parenthetical, you know, it says voluntary system of public funding of election campaigns for candidates. And, of course, that's correct. That in itself leaves out an important aspect of the public funding piece. Candidates give something up to get that, you know.
15. They -- as Mr. Collins was explaining, they have certain obligations to show up to debates. They can't raise money from certain sources of people, right? They can only raise a limited amount of private money. They have an expenditure cap. You know, it's not just you show up and say give me some money. And, you know, if you don't have that background knowledge, you know, on Point 2 here that the Commission would be required to follow rule-making requirements without any context that you already do, of course, have your own rule-making requirements that are in some way similar and some ways inconsistent with, you know, the Administrative Procedures Act, but it sort of suggests without any context that you have just been able to do whatever you want from, you know, day one until now.
16. And I think that is, you know, also misleadingly incomplete. I think the -- adding "except as currently provided by law," I don't know --
17. MR. EDMAN: Exactly.
18. COMMISSIONER CHAN: I wasn't even sure what that meant.
19. CHAIRMAN MEYER: That tells no one anything.
I didn't mention the [inaudible] that gets to that problem.

of main aspects of the program. And that, I think, funding and then adds -- sorry -- voter education and Citizens Clean Elections act as a system of public

mean, I think, looking here at Amendment 1, yeah, the Citizens Clean Elections act as a system of public
funding and then adds -- sorry -- voter education and

campaign finance enforcement, you know, the other sort of main aspects of the program. And that, I think, gets to that problem.

I didn't mention the [inaudible] that Representative Clark did that, you know, the Commission

I think, also -- you know, and this may not be appropriate to include in an analysis or not, but since that process is inconsistent with the Procedures Act -- Mike Braun from the "leg council" yesterday, when he testified, sort of had to speculate as to how those two systems would be merged together.
1 in a little humor by saying this reminds me a lot of
2 something I heard with another board that I've been
3 involved in where the saying was everything has been
4 said but not everyone said it. And so, in this case, I
5 think pretty much everything has been said, but I
6 haven't had the chance to say my part yet.
7 So, anyway, I did show up yesterday and --
8 representing the League. I wanted to say that the
9 process was very confusing. And I have sat in many
10 legislative committees, but the way that it worked, I
11 had no idea that it would be this long debate. And
12 then they would -- before they took votes, they would
13 ask for the public comment. It was a very confusing
14 process to begin with.
15 I have not had a chance to see
16 Representative Clark's amendments, but what I planned
17 to say was very similar to that. And so, of course, I
18 appreciated what he had to say, and it was very well --
19 much better phrased than what I think I said and with,
20 you know, appropriate legal background, et cetera,
21 et cetera.
22 It was -- to me there was no question but
23 that when there was no -- I love the word that
24 Representative Clark used: context. When there was no
25 explanation of the current status, there was no way for

1 the public to know what was being changed. And I
2 pointed out, when I spoke, I had not read the
3 pension -- the first item on the agenda because,
4 truthfully, I don't know enough about pensions to have
5 had an opinion before that. And the League does not
6 have an opinion.
7 Although I will read it before I vote in
8 November, I saw no point in downloading it and reading
9 it, but I have read the Proposition 305 because,
10 truthfully, the League does have a position on that.
11 And very clearly there were sentences that started the
12 current situation is, currently this is, and they would
13 not allow that. So it was very frustrating. I pointed
14 out that the omission of the current situation was very
15 distorting and kept it from being clear and impartial,
16 in my opinion.
17 I think the whole issue -- and I pointed
18 out, again, in my testimony that prior to my coming and
19 observing and having a chance just to speak -- thank
20 you -- to the Clean Elections Commission, I would have
21 had no idea what GRRC was. When I reported to the
22 League of Women Voters of Arizona board, they were,
23 like, what -- I have always had to clarify what this
24 was and the difference between a bipartisan or, in
25 your -- bipartisan/nonpartisan board the way you are

1 and the ways that you are appointed compared to the
2 GRRC.
3 So -- and I also wanted to add, in relation
4 to what you said, Commissioner Paton, that from what I
5 understand, the tension or disagreements between GRRC
6 and the Clean Elections Commission came about well
7 before the change in the expenditure rules for use of
8 Clean Election money to purchase services from
9 political parties. So I think it preceeded that.
10 So it was -- it was disturbing. I think
11 people, if the language remains the same, will not have
12 the opportunity to really be informed -- voters when
13 they vote.
14 I will also add, by the way, that the
15 League has already submitted a statement to the
16 Secretary of State's Office. We have not seen the
17 language that was proposed yesterday. Although I think
18 we cover quit of bit, but I think if we had known how,
19 bluntly speaking, in my opinion, distorted it was, by
20 supposed brevity -- or conciseness was the word they
21 used -- we might have reworded some of our argument,
22 but we've already submitted a statement in
23 opposition -- I shouldn't say it's for -- in opposition
24 to HCR 2007.
25 So is there any -- any questions? Okay.
CHAIRMAN MEYER: All opposed?
COMMISSIONER TITLA: Aye.
CHAIRMAN MEYER: Okay. Just to confirm, Commissioner Titla, are you opposing going into executive session?
COMMISSIONER TITLA: No. I said aye.
CHAIRMAN MEYER: Okay. I went too fast.
So all opposed, aye -- or all in favor, aye.
(Chorus of ayes.)
CHAIRMAN MEYER: Any opposition?
(No response.)
CHAIRMAN MEYER: Okay. None. Okay.
Motion carries. We are in -- we'll go into executive session.
(The following section of the meeting is in executive session and bound under separate cover.)
(End of executive session. Public meeting resumes at 11:26 a.m.)
CHAIRMAN MEYER: Okay. We are back from executive session. Thank you, everyone.
Is there any motion to be made out of executive session?
COMMISSIONER CHAN: Mr. Chairman, I move that we direct counsel and the executive director to take such legal actions necessary to ensure that a fair, legal and accurate summary of HCR 2007 is included in the State's publicity pamphlet.
CHAIRMAN MEYER: Is there a second?
COMMISSIONER PATON: Second.
CHAIRMAN MEYER: We have a motion pending. All in favor of the motion, vote aye, please.
(Chorus of ayes.)
CHAIRMAN MEYER: So we have five ayes.
Any opposition?
(No response.)
CHAIRMAN MEYER: Any abstention?
(No response.)
CHAIRMAN MEYER: Okay. The motion carries 5 to 0.
that we direct counsel and the executive director to take such legal actions necessary to ensure that a fair, legal and accurate summary of HCR 2007 is included in the State's publicity pamphlet.
CHAIRMAN MEYER: Is there a second?
COMMISSIONER PATON: Second.
CHAIRMAN MEYER: We have a motion pending. All in favor of that motion say aye.
(Chorus of ayes.)
CHAIRMAN MEYER: Commissioner Titla --
COMMISSIONER TITLA: Yeah, aye.
CHAIRMAN MEYER: Commissioner Kimble?
MR. COLLINS: Did we lose Kimble?
CHAIRMAN MEYER: Commissioner Kimble, was your vote an aye?
MS. THOMAS: It looks like he dropped off the line. I don't see him on the line.
CHAIRMAN MEYER: Okay. Do we want to try to get him back for this vote?
MS. THOMAS: Yes, sir. One moment, please.
MR. COLLINS: Okay.
MS. THOMAS: I believe he's on.
Commissioner Kimble, are you back on the line?
One second.
1 I mention that I have -- I attended my legislative
2 district's Clean Election debate which was quite well
3 attended. Luigi Depart [phonetic], the moderator, did
4 an outstanding job, and I've watched every one of the
5 Horizon debates. And I think they were really good.
6 And I would like to compliment the
7 Commission for -- and staff for how this has been
8 organized. And I do agree that Ted Simons was asked
9 very difficult -- or, shall we say, challenging
10 questions that really get to the heart of, I think,
11 what the particular office is supposed to do and how
12 the various candidates feel about what their roles
13 would be if elected.
14 So thank you.
15 CHAIRMAN MEYER: Thank you.
16 Any other public comment?
17 (No response.)
18 CHAIRMAN MEYER: All right. Hearing
19 none --
20 MR. COLLINS: Motion to adjourn?
21 CHAIRMAN MEYER: -- is there a motion to
22 adjourn?
23 COMMISSIONER CHAN: Do we need to do this
24 one?
25 MR. COLLINS: What?

1 COMMISSIONER CHAN: The proposed meeting
2 dates?
3 CHAIRMAN MEYER: Oh, the meeting dates.
4 That's right.
5 COMMISSIONER CHAN: Do we need to do that
6 or --
7 MR. COLLINS: Yeah. I guess --
8 CHAIRMAN MEYER: Yeah.
9 MR. COLLINS: Yeah, I guess we do need to
10 do that.
11 CHAIRMAN MEYER: Oh, I'm sorry. What?
12 MR. COLLINS: We've forgot about the
13 meeting dates.
14 Do you all agree --
15 CHAIRMAN MEYER: Oh, the meeting dates
16 issue.
17 COMMISSIONER CHAN: That's just Item V.
18 MR. COLLINS: Yeah. Do you want to move on
19 the --
20 CHAIRMAN MEYER: Forgive me. I missed
21 Item V and the discussion and possible action on
22 proposed meeting dates.
23 COMMISSIONER CHAN: How do I do that?
24 MR. COLLINS: Just move them.
25 COMMISSIONER CHAN: Could I -- I'll move
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 30th day of June, 2018.

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

Transcript of Proceedings
June 29, 2018