THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
July 19, 2018
9:31 a.m.

COASH & COASH, INC.
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Prepared by:
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Certificate No. 50699
CHAIRMAN MEYER: The motion carries unanimously.

CHAIRMAN MEYER: Any opposition?

(Chorus of ayes.)

All if favor say aye.

(Chorus of ayes.)

CHAIRMAN MEYER: Any opposition?

(No response.)

CHAIRMAN MEYER: The motion carries unanimously.

CHAIRMAN MEYER: We have a motion to approve the minutes for the June 28th meeting. It has been first and seconded.

All if favor say aye.

(Chorus of ayes.)

CHAIRMAN MEYER: Any opposition?

(No response.)

CHAIRMAN MEYER: The motion carries unanimously.
In full disclosure, I worked on that description. In full disclosure, I worked on that description of, like, the behind the scenes elections officials --

MR. COLLINS: Yeah.

MS. KARLSON: -- what they do. I think that, perhaps, for the public it's better just to understand that Arizona had previously treated people who used the state form one way and people who used the federal form a different way pursuant to a Supreme Court decision. And the LULAC consent decree just says it shouldn't matter what piece of paper you fill out. You get treated the same way as a voter, all consistent with state and federal laws.

MR. COLLINS: That is a much better way of looking at the world. If it works, it works. If it doesn't work, then we'll, you know, think about not doing it again, but that's our hope for that.

I want to real briefly mention the proposed consent decree between -- negotiated between LULAC, Secretary Reagan and Recorder Fontes has now been signed by the judge, and an additional copy of that is there.

Kara will correct me if I'm wrong, but essentially, what the guts of the consent decree are, anyone who submits any kind of form, whether a state or federal form, but without proof of citizenship, will -- but has been signed will automatically be a federal voter for sure. And then the -- whereas, the prior policy was that county recorders were to -- were not to accept but reject forms that didn't have proof of citizenship.

That now is -- that language has been reconsidered and interpreted to allow county recorders to, essentially, bounce the information that they have on the form off the systems that they have for -- for confirming voter I.D. to get at least a soft match. I don't know if it needs to be a hard match.

MR. COLLINS: So there's a lot of action, restrictions for unauthorized proxies.

MR. COLLINS: Okay. So the important thing for voters to know there would be that the issue is resolved. So the hearing will be on August 10th. It's a legal argument.

MR. COLLINS: Okay. Interesting. Okay. Do any Commissioners have any questions on the executive director's report?

CHAIRMAN MEYER: Okay. We'll move on to Item Number IV on the agenda, which is discussion and seeking an injunction against the ballot collection law, as is -- and questions whether it's preempted, essentially, by a federal postal law. And the result would be that you could collect unvoted ballot. If this were to be preempted, then, I guess, the result would be that you could collect ballots of other people.

MS. KARLSON: Correct. The plaintiffs are seeking an injunction against the ballot collection law, as is -- and questions whether it's preempted, essentially, by a federal postal law. And the result would be that you could collect unvoted ballot. If this were to be preempted, then, I guess, the result would be that you could collect ballots of other people.

CHAIRMAN MEYER: That's the end of my report.

CHAIRMAN MEYER: Is that hearing on the merits of the consent decree between -- negotiated between LULAC, Secretary Reagan and Recorder Fontes has now been signed by the judge, and an additional copy of that is there.

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MS. KARLSON: Tom, that's a very good description. In full disclosure, I worked on that description of, like, the behind the scenes elections officials --
1. possible action on the Clean Elections Voter Education Program cross over into actual candidate, you know, apologize for the ad content into the -- Governor Ducey's campaign. We did not intend for and try very hard, in fact, not to have our Voter Education Program stops with me. What we have asked our ad company, or the company that has our voter education purchase order,

2. MR. COLLINS: Yeah. Mr. Chairman, so we wrote this agenda item a little bit broadly to make sure that we could capture as much of discussion as you and others wanted to have about this, but first of all, the genesis of this is a Google AdWords ad that said to the effect of watch Governor Ducey defend his record. And after Governor Ducey had, first of all, declined to participate in the debate, it ran after that. And, second of all, it had some language that that language was -- you know, had an antagonistic quality and, indeed, the ad had the wrong primary date. So I want to, first off, just on behalf of the Commission staff and myself, really, actually, personally, you know, apologize for the ad content into the -- Governor Ducey's campaign. We did not intend for and try very hard, in fact, not to have our Voter Education Program stops with me.

3. MS. BORREGO: Finish up.

4. MR. COLLINS: Okay. Mr. Chairman, so we contacted by the governor's campaign general counsel on, I think, a Thursday night. I contacted Gina that night. Gina contacted RIESTER that night. By the next morning, we had -- we had a preliminary answer by midnight. We had some more specific and a little bit more detailed answers by 8:00 o'clock. That morning we got a stop on the ad as soon as possible. I think that very night, it stopped. RIESTER, working with Google, to get it stopped.

5. Okay. Can you -- well, you can bring --

6. MS. BORREGO: Finish up.

7. MR. COLLINS: Okay. Basically, we were contacted by the governor's campaign general counsel on, I think, a Thursday night. I contacted Gina that night. Gina contacted RIESTER that night. By the next morning, we had -- we had a preliminary answer by midnight. We had some more specific and a little bit more detailed answers by 8:00 o'clock. That morning we got a stop on the ad as soon as possible. I think that very night, it stopped. RIESTER, working with Google, to get it stopped.

8. We worked -- we asked some additional questions of RIESTER, which are in the formal memo that is in your packet, and we have provided all that information in real time to both you as commissioners and to Governor Ducey's campaign, pursuant to their request. And so we have -- we think we've -- we think we've caught up with things, and I think -- more importantly, I think that we'll be talking about, you know, making sure that we have -- we have all the checks and balances in place that we need to make sure that our stated objectives are met. And that's something, I think, RIESTER agrees with.

9. RIESTER has several representatives here.

10. I think Christina Borrego is going to speak -- was going to give a brief presentation on RIESTER and take her questions. And then -- and, Mr. Chairman, if I may, after Christina completes her statement, I thought it might be a good time for the commissioners to ask questions.

11. And then I also want to note that after that, the Governor's campaign has been generous enough to take time out of the campaign to have the Campaign Manager JP Twist and Deputy Campaign Manager Sara Mueller here, and I think one or both of them were going to -- are going to speak.

12. So I thought we'd go Christina, questions, and then to the Governor's -- Governor's campaign manager, if that works for you, Mr. Chairman.

13. CHAIRMAN MEYER: It works for me.

14. MS. BORREGO: Yes. Thank you, Chairman. Thank you, Commissioners. I do have a copy of the timeline.

15. Would you like me to hand that to you to hand out?

16. MR. COLLINS: That will be perfect.

17. MS. BORREGO: So as that's being passed on, I think one or both of them were going to give a brief presentation on RIESTER and take her questions. And then -- and, Mr. Chairman, if I may, after Christina completes her statement, I thought it might be a good time for the commissioners to ask questions.

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21. MS. BORREGO: Yes. Thank you, Chairman. Thank you, Commissioners. I do have a copy of the timeline.

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23. MR. COLLINS: That will be perfect.

24. MS. BORREGO: So as that's being passed on, first of all, RIESTER is not accustomed to this type of attention. We are a very standup shop and work very hard on behalf of many clients in the state and regionally.

25. So on behalf of RIESTER, I would like to officially apologize. We have tremendous respect for the Citizens Corporation Commission -- Citizens -- excuse me -- Citizens Clean Election Commission -- wrong campaign -- its leaders and its important role in our community. We are deeply sorry about our employee's mistake that caused this incident.

26. Upon being made aware of this incorrect ad, our firm acted immediately and swiftly. In fact, our actions are testament to how seriously we took this situation.

27. By now you've had the opportunity to read the memorandum in your -- in your meeting packets that provides answers to questions posed about this matter. I will provide a succinct verbal summary of what occurred. And in front of you, you have the timeline.
1. that will help reinforce the series of events that
transpired, and my hope is that this paints a very
clear picture of what occurred because information and
transparency is very important. And I think that will
help you understand.
2. So there may be some questions related to
technicalities of the technology employed for use of
this type of ad and the process that the department
responsible for search engine marketing employs. I’ll
do my best to clarify those questions in my summary,
but my -- may rely on my colleague Tricia Kashima, who
is here -- she's our media director -- to help me
answer any of your follow-up questions in regards to
technicalities and process.
3. So you have the timeline. I’m going to
refer to it, and I’m going to start at the top where at
9:53 p.m. on Thursday evening -- a week ago -- we were
made aware of this -- of this and sent a screenshot of
this problem ad. We -- the ones who saw it, we
immediately recognized two things: one, the
information was absolutely incorrect and, two, the word
choice was incorrect.
4. Between 9:53 p.m. and 10:25 p.m., the
executive leadership that oversees search engine
marketing was immediately tracked down. Within about
45 minutes of the first communication from Clean
Elections, the firm had identified this unauthorized ad
halted it. By 10:27 p.m., when this specific ad was
halted, it had received 2,557 views and 169 clicks.
5. The next morning at 7:00 a.m., the staff in
charge of search engine marketing and firm executives
gathered on a call to ascertain how this incorrect ad
made it into the software. The managers were
instructed to interview the employee tasked with this
work that morning. Through the interview with this
employee, it was determined that the ad going live was
an absolute mistake. At that moment, this employee was
immediately taken off all projects for Clean Elections.
6. Through conversations with this employee,
it was uncovered that they had conducted an assessment
of search terms for Clean Elections. These assessments
are common because it's their job to continuously
improve exposure awareness on behalf of our client
campaigns.
7. Through this assessment, they concluded
that using the names of specific candidates and the
term "defend" would generate more views and clicks for
the topic of debates. The recommendation founded in
this thinking was simultaneously created in the Google
search software on the employee’s desktop; however,
instead of the sample ad remaining in draft mode, it
was mistakenly set to live mode.
8. Subsequently, the written recommendation
with this new approach was never formally presented to
the Clean Elections staff. As a result, the word
choice and the information in this ad had not been
authorized by Clean Elections staff nor the designated
RIESTER account manager.
9. Once this ad was in the software and had
been set to live mode, it went undetected because it
blended into other search ads that were running for
Clean Elections. In the employee's mind, this
particular ad was not yet in live mode because they had
not yet realized their mistake.
10. As a result of this incident, the firm will
be changing processes as follows: When the media team
has an idea on improving the performance of an ad, a
search engine marketing optimization recommendation,
including sample ads, will be presented to Clean
Elections staff for review in a formal written
recommendation and for discussion but will now have a
signature line for Clean Elections to sign providing
their authorization.
11. If the recommendation is approved, the

1. document will be signed by Clean Elections staff. If
the recommendation is not approved, it will not be
signed. RIESTER's account manager will then determine
the need and the timeline for a new recommendation for
formal review. Only when Clean Elections signs a new
recommendation will these ads be added to the search
software by media team for activation.
2. In addition, RIESTER will provide a weekly
report of the ad performance of every search term to
Clean Elections staff. The firm will also provide
Clean Elections staff log-in access to the search
engine software so that, at any time, they can log in
and see the search engine marketing -- marketing terms.
3. Again, we want to apologize and stress how
rare this situation is. RIESTER has been providing
Google search advertising since it has been available,
and this is the first mistake like this that we have
ever encountered. We appreciate the collaboration with
you, with Tom, with Gina and the whole staff to
formulate stronger processes and to assure this never
happens again.
4. And that concludes my -- my formal remarks.
5. I'd defer to Tom on how you’d like to handle
follow-ups.
6. MR. COLLINS: Well, I think -- I think that
1 the first thing, you know, I want to say is I do
2 appreciate the fact that the RIESTER senior staff got
3 on top of this as soon as Gina notified them. I think
4 that was -- I think that was helpful to halting the ad, 
5 first of all, and then -- and then -- and then being
6 able to get to at least a place where we know what
7 happened with the ad and then -- and then -- and then
8 be able to talk, at least, in general terms about a
9 process going forward by, you know, within a week. And
10 so I appreciate that.
11 I also believe that the company and its
12 members are sincerely concerned and apologetic about
13 this. I think that when the Commission -- when the
14 voter education staff vets State-approved vendors for
15 voter education-type activities, you know, we look for
16 certain things, including, you know, track record
17 working with the State and reliability and the approach
18 to trying to get the message out to voters about how
19 they can participate. And that was -- part of that was
20 the main -- that was really the driving reason for us
21 working with RIESTER for the last two years.
22 And so I would only say that, I mean, if
23 there are questions that are unanswered in terms of --
24 in terms of the Commission or if you would like to hear
25 more about specific actions that will be -- that we're

1 going to be undertaking going forward, you know, now is
2 your time to do that. And I don't have anything more
3 to add than what -- than that.
4 COMMISSIONER CHAN: I have a question,
5 Mr. Chairman.
6 CHAIRMAN MEYER: Go ahead, Commissioner
7 Chan.
8 COMMISSIONER CHAN: Mr. Chairman,
9 Christina, thank you so much for being here, and I
10 appreciate the tone because I -- when Tom notified us
11 of what had had happened, I was -- I was not happy that
12 it had occurred. And I know mistakes happen, but of
13 course, campaigns -- and I know the campaign is here
14 today to speak about this. I've never been involved,
15 really, with a campaign, but having been in elections,
16 I know how seriously these things affect candidates.
17 And so I was very concerned.
18 And I also appreciate -- you know, I want
19 to echo what Tom said that, especially seeing the
20 timeline, that everybody was available, working on it
21 late at night, working on it early in the morning to
22 try to fix it and then address the problem that allowed
23 it to happen.
24 My question is -- because I don't know how
25 this all works technically, but if the -- how does this

1 really address the mistake that happened with regard
2 to -- because the employee, apparently, didn't do it on
3 purpose, so to speak, like, they knew there was a
4 process for somebody above them to review and then
5 approve before it went live, but they mistakenly let it
6 go live? Is that what happened?
7 So how does the new process address that,
8 or is it going to be -- is that able to be addressed, I
9 guess? I mean, how do you prevent a mistake like that
10 from happening if an employee has the authority to make
11 it go live on their own?
12 MS. BORREGO: I think what will happen is
13 that that -- the employee will not have that -- that
14 authority. It would be --
15 COMMISSIONER CHAN: Okay. So that's
16 possible, to take that authority away from a user?
17 MS. BORREGO: Right. Right. And the
18 copy -- the information, the words that are selected
19 need to be run and collaborated -- our account manager
20 would be responsible for assuring that the word choice
21 is correct.
22 COMMISSIONER CHAN: Okay. And then, you
23 know, from what I heard as far as our voter education
24 folks, then, also having access to what is live, I
25 guess.
1. exactly what Christina is talking about.
2. COMMISSIONER KIMBLE: Mr. Chairman?
3. CHAIRMAN MEYER: Commissioner Kimble, go ahead.
4. COMMISSIONER KIMBLE: Ms. Borrego, I think this kind of follows up on Commissioner Chan’s question, but just reading through the reports you provide, I guess I was -- I was pretty surprised that an employee who you’ve had for five months and, according to the report, did not grasp the true role and responsibility of Clean Elections had the technical ability to post something on his or her own without anyone knowing.
5. MS. BORREGO: Right. So within the agency, the account manager is the person that is the gatekeeper for all work. And so his misunderstanding of the brand -- what we would call your brand, your account, we could disallow access, in general. Conducting here, for anybody working on this kind of a measures to prevent that technically from happening, that someone who doesn't grasp the role and responsibility of Clean Elections is not going to be just on their own posting something.
6. MS. KASHIMA: Yes. This is --
7. MS. BORREGO: -- disallow access.
8. MS. KASHIMA: We will. Yes.
9. MS. BORREGO: We will --
10. MS. KASHIMA: So, technically, people with this kind of a measures to prevent that technically from happening, that somebody can't punch that button, I guess? Is that basically what you're saying?
11. MS. BORREGO: Right. I think -- I don't know, Tricia, if you want to come up here and sort of explain how the software -- it's really a matter of toggling over a button and not, like, hovering -- hovering over a button.
12. COMMISSIONER PATON: So is there a way physically that somebody can't punch that button, I guess? Is that basically what you're saying?
13. MS. KASHIMA: Typically --
14. CHAIRMAN MEYER: I think that's the question is how -- how did that happen? Was that access supposed to be there? And how do we know, moving forward, how that issue is being addressed? Is that --
15. MS. KASHIMA: So, technically, people with this job title and his amount of experience are allowed access. That's their job to go into the -- into AdWords, into the platform and look at it, how the information or how the campaign is pacing, basically.
16. MS. KASHIMA: Typically --
17. MS. KASHIMA: So, Chairman, members of the commission, yes.
18. MS. BORREGO: Yes.
19. MS. KASHIMA: So, Chairman, members of the commission, yes.
20. MS. THOMAS: Please give your name --
21. MS. KASHIMA: There's a way --
22. MS. KASHIMA: My name is Tricia Kashima.
23. MS. THOMAS: Excuse me. Please give your name for the court reporter.
24. MS. KASHIMA: My name is Tricia Kashima.
1 about a bundling and they are viewed individually, I
2 guess, but could you explain, like, moving forward, how
3 does something like this get detected sooner.
4 MS. BORREGO: Right.
5 CHAIRMAN MEYER: Taken down sooner.
6 MS. BORREGO: Yes. So, Chairman, what's
7 explained in the memo is that because there were active
8 campaigns already in the system, that this ad sort of
9 was blended into that -- that work, but as Tricia just
10 explained, moving forward on this particular -- on this
11 work, on this account, that will be disabled. So -- so
12 this should not happen again. So any campaigns that
13 are -- that are -- there will be an additional layer of
14 what campaigns are actually live.
15 I think you started by asking how did it --
16 how did it go undetected, and the answer is that it
17 blended into the other efforts that were already in the
18 system and it was flagged as -- just by the name of the
19 account, which is Clean Elections. So -- and, in his
20 mind, because it wasn't intended to go live, it didn't
21 exist. It wasn't -- it wasn't in the system, from his
22 perspective.
23 MR. COLLINS: Mr. Chairman, if I might, can
24 I ask -- may I ask a clarifying question on that point?
25 It sounds, like, I think -- is it an accurate analogy

1 to say that when you are buying SEM or Google AdWords
2 type of things for the purpose of, you know, informing
3 folks about debates and informing folks about whatever,
4 you're buying it sort of in a bulk group? You are
5 putting out a bunch of words in a bulk. And so if this
6 is one line -- one -- you know, in one section of that
7 bulk thing, it would go undetected until somebody saw
8 that specific ad, potentially.
9 Is that a correct analogy?
10 MS. BORREGO: Certainly. I think so.
11 Would you -- I think you would --
12 MS. KASHIMA: So it's -- basically, when
13 we -- the campaigns are set up under a one-umbrella
14 campaign. So when he accidentally uploaded it, it just
15 became an extension of the debates campaign which has
16 thousands of words in there. And when we do -- when it
17 would be detected is when we pull a key word report,
18 which is not typically of the cadence of when we do
19 monitoring because it pulls tens of thousands of words,
20 but for this we can export it weekly and look at --
21 basically, flag and do a search on an Excel sheet on
22 how -- which words could be erroneous or flagged.
23 MR. COLLINS: And I think, Mr. Chairman,
24 Commissioners, one of the points -- I think -- I think
25 the thing -- the disconnect that, of course, concerns

1 us the most and I think will be remedied is that -- you
2 know, and the memo speaks to this -- is that, you know,
3 we were -- we did have a discussion with RIESTER about
4 candidate names specifically because we understand that
5 those are potentially good drivers of traffic to the
6 debate site, but we -- and RIESTER acknowledges this
7 that we specifically rejected that recommendation
8 because we believe -- Gina and I believe firmly that --
9 for the reasons that Commissioner Chan has already
10 cited, that when we get in the business of mentioning
11 candidate names, we get outside of what our -- what our
12 chief goal is, which is to inform voters about how to
13 participate, not to inform voters about, you know --
14 you know, what candidate is doing what.
15 So I think that the -- I think that that --
16 you know, that didn't communicate to this particular
17 staff member, but that is -- I think there's no
18 misunderstanding between us and the account -- the
19 account manager and the other members of the team that
20 we work with that has been unequivocally our position
21 on that issue.
22 CHAIRMAN MEYER: So, Tom, has the staff --
23 Clean Elections staff approved every proposed search or
24 ad from RIESTER before it goes live? Is that the
25 process, or do they go ahead and post things just based
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<th>10:04:32-10:05:33</th>
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<td>approve -- or excuse me. It should already be approved</td>
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<td>anything that comes to us, it must be approved before</td>
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<td>go in and verify that that's the case.</td>
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<td>spreadsheet of some sort to identify the key words that</td>
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<td>would work well, you know, what our -- what our voter</td>
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<td>is looking for when they go to Google, what do they</td>
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<td>type in, that type of thing. And then, yes, we either</td>
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<td>make edits or we approve it and then that is what is</td>
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<td>made live. So, absolutely, anything that is going to</td>
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<td>be out there to the public and marketed, we have to</td>
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<td>give formal approval on that.</td>
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<td>Correct?</td>
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<td>MS. ROBERTS: That is correct. We</td>
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<td>absolutely did not see any type of this language. When</td>
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<td>I was first notified about this, I completely thought</td>
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<td>it was fake; it had the wrong date, the wrong tone. We</td>
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<td>would never use a candidate name. So it was -- it was</td>
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<td>a surprise.</td>
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<td>And I -- when I received the detailed</td>
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<td>instructions from -- or the detailed explanation from</td>
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<td>RIFEST about how this happened, it made it very clear</td>
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<td>to me, okay, this employee was new. He was five months</td>
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<td>in, because my thought was I could not imagine that</td>
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<td>RIFEST would even supply us with this type of</td>
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<tr>
<td>29</td>
<td>recommendation knowing our brand, knowing the rules</td>
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<td>30</td>
<td>that we have in place, that we don't ever utilize a</td>
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<td>31</td>
<td>candidate name and how we work very hard to being</td>
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<tr>
<td>32</td>
<td>non-partisan. So --</td>
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<td>33</td>
<td>CHAIRMAN MEYER: And just -- I didn't ask</td>
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<td>34</td>
<td>that question about assigning blame. I'm just asking a</td>
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<td>35</td>
<td>process question.</td>
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<td>36</td>
<td>MR. COLLINS: No. I understand.</td>
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<td>37</td>
<td>CHAIRMAN MEYER: I don't think -- listen,</td>
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<td>38</td>
<td>this is a mistake. Everybody makes a mistake. I make</td>
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<tr>
<td>39</td>
<td>mistakes every day. I guess my process question is it</td>
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<td>40</td>
<td>seems like the processes may be two ships passing in</td>
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<td>41</td>
<td>the night here because I hear from the RIFEST folks</td>
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<td>42</td>
<td>how we have -- we have these draft ads and some of them</td>
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<tr>
<td>43</td>
<td>are draft and then some of them are live and they're</td>
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<tr>
<td>44</td>
<td>kind of all in this same -- I don't know -- database,</td>
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<tr>
<th>Page 31</th>
<th>10:06:42-10:07:51</th>
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<tbody>
<tr>
<td>1</td>
<td>for lack of a better word, where someone can click a</td>
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<tr>
<td>2</td>
<td>button and that post is now live, where what I'm</td>
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<td>3</td>
<td>hearing from staff is before anything can go live, it</td>
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<td>4</td>
<td>needs to be approved by us.</td>
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<td>5</td>
<td>So my question is, why are we putting these</td>
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<td>6</td>
<td>draft posts and these live posts in the same bin? We</td>
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<td>7</td>
<td>should be running them through a filter so there's no</td>
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<td>8</td>
<td>way anything over here on the draft side -- there's no</td>
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<tr>
<td>9</td>
<td>way anyone can hit a button that would make that live</td>
</tr>
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<td>10</td>
<td>until it goes through the filter of Clean Elections and</td>
</tr>
<tr>
<td>11</td>
<td>now it's out on the other side. Then we hit it live.</td>
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<td>12</td>
<td>So that's why I asked the question, and that's kind of</td>
</tr>
<tr>
<td>13</td>
<td>the process.</td>
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<tr>
<td>14</td>
<td>Maybe that's too simplistic. I don't know,</td>
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<tr>
<td>15</td>
<td>but does that make sense? And I don't understand</td>
</tr>
<tr>
<td>16</td>
<td>why -- why these live and drafts are in the same bin.</td>
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<td>17</td>
<td>COMMISSIONER PATTON: Ball game.</td>
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<td>18</td>
<td>MS. ROBERTS: Mr. Chairman, I'll defer to</td>
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<td>19</td>
<td>Tricia to talk a little bit more on that process. And</td>
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<td>20</td>
<td>if I could add to that, too, if we could verify, I seem</td>
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<td>21</td>
<td>to recall in the response from RIFEST somewhere that</td>
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<td>22</td>
<td>they would no longer keep pending or draft key words in</td>
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<td>23</td>
<td>the system. I think I recall reading that as well.</td>
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<td>24</td>
<td>So, you know, removing that -- or ensuring that nothing</td>
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<td>25</td>
<td>will be entered unless it's actually live, I think</td>
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<th>Page 32</th>
<th>10:07:54-10:09:00</th>
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<tbody>
<tr>
<td>1</td>
<td>would be part of the verification.</td>
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<td>2</td>
<td>And then, if I could also ask, too,</td>
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<td>3</td>
<td>Mr. Chairman, as they consider that response, I do know</td>
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<td>4</td>
<td>that they have to see what key words would work --</td>
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<td>5</td>
<td>would work the best for the client, too. So maybe if</td>
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<td>6</td>
<td>we could get a response that how do we ensure that we</td>
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<td>7</td>
<td>do not have anything that is not live in the system</td>
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<td>8</td>
<td>ever so we don't have that mistake of triggering it but</td>
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<td>9</td>
<td>also ensuring that the client will still receive the</td>
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<td>10</td>
<td>best recommendation that works within our normal -- our</td>
</tr>
<tr>
<td>11</td>
<td>normal process, our normal rules.</td>
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<td>12</td>
<td>MS. KASHIMA: So I think working in the</td>
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<td>13</td>
<td>editor form and not letting that program have access to</td>
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<td>14</td>
<td>the internet at all will be the best way to do it,</td>
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<tr>
<td>15</td>
<td>because we use the editor feature in that platform</td>
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<td>16</td>
<td>because Google has a set amount of standards of how</td>
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<td>17</td>
<td>many text words you can have, how it's supposed -- how</td>
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<td>18</td>
<td>it's supposed to lay out. So when we -- when we want</td>
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<td>19</td>
<td>to show your draft, we want to show you what it</td>
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<tr>
<td>20</td>
<td>actually looks like with the words and the URL.</td>
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<tr>
<td>21</td>
<td>And it actually helps us cost out the ad,</td>
</tr>
<tr>
<td>22</td>
<td>as well, to see, based on what we're inputting into the</td>
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<tr>
<td>23</td>
<td>ad, how many impressions we'll get, how much it will</td>
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<td>24</td>
<td>actually cost because we want to make sure we're not</td>
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<tr>
<td>25</td>
<td>overspending or drastically underspending, that our ad</td>
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expenses are correct.
2. So that's how we use that draft editor --
3. AdWords editor for, but not letting it have access to
4. the actual account, the live account is the best way to
5. do it because we still need to utilize it for -- making
6. sure that we are in Google standards for the ad, that
7. they’ll actually -- when it say's it's ready to run, it
8. will actually get run and not get rejected by Google.
9. CHAIRMAN MEYER: Gina, does that -- did
10. they answer --
11. MS. ROBERTS: Yes.
12. CHAIRMAN MEYER: Okay.
13. Any other commissioners have any questions
14. or comments -- thank you very much for being here to
15. answer those questions.
16. COMMISSIONER CHAN: Well, Mr. Chairman,
17. just one brief one of Tom.
18. So are you -- you and Gina satisfied with
19. whatever changes are being made this will not happen
20. again?
21. MR. COLLINS: Well, like I said, the
22. buck -- the buck ultimately -- the buck ultimately
23. stops here with me. And so if this happens again, you
24. know, you're in a position to be very critical of me.
25. I have a great deal of confidence that

based on both our past experience working with RIESTER
2. the -- and the kind of approach that they take to
3. ensuring that our voter education materials stay within
4. the boundaries that we want and achieve the goals we
5. want of reaching voters and with the steps that have
6. been outlined, that, yes, we should be able to avoid
7. this.
8. I'm confident that if it -- if it happens
9. again, if something like this happens again, we won't
10. be here just with RIESTER being in a position to, you
11. know, just describe it. We'll be here in a position
12. with me, essentially, saying that, you know, like I
13. said, this is -- that would be -- at that point, that
14. would be my responsibility that that happened.
15. And so -- so with that having been said, I
16. think we are in as good a position as we can be, given
17. all of the technical aspects of this. And I know that
18. Gina and I are committed to ensuring that everything
19. that we put out is at the level of quality that you
20. know that we have tried to put into our Voter Education
21. Program, which we think is our -- the crown jewel of
22. what the Commission does, really, and we want to secure
23. that and keep that and make sure that that continues to
24. be an impartial and reliable source of information for
25. candidates.

So I think we're in the best place we can
2. be given the circumstances, and so I do recommend we
3. continue to move forward along the lines of the plan
4. that RIESTER has outlined. And -- and that's my view.
5. MS. BORREGO: If I can just add,
6. Mr. Chairman, you have our utmost commitment that this
7. will never happen again as well. Me and my colleagues,
8. we have been very distressed. This is a very
9. important -- very important work for us personally. We
10. believe so much in the mission of the Commission. So
11. you have our commitment that this -- this will never
12. happen again as well.
13. CHAIRMAN MEYER: Thank you very much, and
14. thank you for coming here and answering questions. We
15. very much appreciate it -- both of you.
16. Tom, I believe you had mentioned some of
17. the Ducey campaign members are here.
18. MR. COLLINS: Yes. This is JP Twist, who
19. is the campaign manager for the Ducey campaign. I
20. think he has some comments, and maybe -- and I'm not
21. sure. I don't know that we have questions for him, but
22. I think he had some -- at least had some statements to
23. make.
24. And so I would just allow him to -- if he
25. could -- JP, if you could introduce yourself for the

record and for the court reporter so we get it all --
2. MR. TWIST: Sure.
3. MR. COLLINS: -- down.
4. MR. TWIST: Sure.
5. Thank you, Mr. Chairman. For the record,
6. my name is JP Twist. I'm here with my colleague Sara
7. Mueller. Sara and I together, over the last four
8. years, are in charge of running the Governor's
9. political operation here in Arizona. We are here today
10. on our official capacity. I'm the campaign manager for
11. the Governor's reelection campaign.
12. I don't think I need to say anything about
13. what's been said here. Obviously, we object to the
14. tone and how the ads were run. The reason why I wanted
15. to come here today on behalf of our campaign is just to
16. thank the Commission, particularly your staff, for the
17. quickness that you guys moved to make sure that these
18. ads were removed and the professionalism that -- that
19. they shared with our campaign over communicating,
20. working late at night to get this resolved and
21. following through with us every step of the way to let
22. us know exactly what happened.
23. That means a lot to us, and I think in this
24. day and age it's not something that we typically come
25. to expect. So it was important for us to come just to
The State of Arizona
Citizens Clean Elections Commission

Public Session
Transcript of Proceedings
July 19, 2018

10:13:47-10:14:46

1 say it meant a lot to us that your staff showed the
2 professionalism that they did. And that's it. That's
3 all I wanted to share, that we very much appreciate
4 taking swift action, and we look forward to continuing
5 to work with you guys -- not in this circumstance, but
6 again, the professionalism was just quite remarkable.
7 And I felt compelled to come and say that.
8 So thank you. And I'm happy to answer your
9 questions, but I just wanted to say that.

10 CHAIRMAN MEYER: Thank you very much.
11 MR. TWIST: Thank you.
12 CHAIRMAN MEYER: Thank you.
13 And, Tom and Gina, thank you.
14 Any further comments on that?
15 MR. COLLINS: I don't -- I don't believe --
16 Ryan, you don't have -- you're not -- you're good?
17 Everybody? And -- everybody good? Gina, good?
18 Does anybody else want to comment on this
19 item? No? I think that closes out this item,
20 Mr. Chairman.
21 CHAIRMAN MEYER: Okay. All right. On to
22 Agenda Item Number V, which is discussion and possible
23 action on legal matters involving the Clean Elections
24 Act and/or the Clean Elections Commission. We have
25 three matters here stated. I guess we'll just take

10:14:51-10:16:07

1 them in order.
2 MR. COLLINS: Yeah. So --
3 CHAIRMAN MEYER: I know Item Number A is
4 Arizona Advocacy, et al., versus Reagan.
5 MR. COLLINS: Yeah. So what -- there's
6 really -- there's sort of more than three items because
7 the one is all litigation related to HCR 2007, which
8 involves two -- there's at least two matters involved
9 there.
10 With respect to the -- with respect to
11 the -- well, Mary is here to answer any specific legal
12 questions and, obviously, you have the option to go
13 into executive session, if you so desire.
14 The Arizona Advocacy case is now -- I think
15 the briefing on summary judgment is now closed. I
16 think we got you the last brief that was filed by the
17 State and GRRC. Both filed -- both the Secretary of
18 State and GRRC filed briefs. You have those for your
19 perusal. I think we have -- and I don't have an oral
20 argument, though, however, for a little while, but
21 that's -- so that's there.
22 That case, just for everybody's
23 understanding, involves Voter Protection Act and
24 Arizona -- and other Arizona constitutional law
25 challenges to SB 1516. We were in the case for two

10:16:12-10:17:47

1 reasons: One, AZAN objects to our rule that allows
2 clean -- you know, because of the contribution
3 definition change expressly allows candidates who are
4 running clean to work with political parties if their
5 nominee is just like any other candidate. And then, on
6 the other hand -- on the other side, they are
7 supportive of our rule on political campaign --
8 political committees and a rule we have in place that
9 deals with what amount to de facto political committees
10 and whether or not they owe a filing enforceable by
11 penalty under Article 2 of the Clean Elections Act.
12 That -- those are really the -- that's
13 really the thrust of their -- of their complaint is the
14 Voter Protection Act and then Article 7 of the Arizona
15 Constitution which provides specifically that
16 information that is related to campaigns shall be --
17 well, the legislature shall pass laws that require the
18 disclosure of contributors, the disclosure of
19 expenditure and the publicity of those.
20 And our position is that 1516 did not do
21 that and our rule, therefore, is a -- is a correct
22 interpretation of the constitution. So we are sort of
23 straddling the two sides of the argument that AZAN is
24 bringing while, the Secretary of State and GRRC are
25 sort of -- they are really focused on the -- our

10:17:51-10:19:23

1 definition of de facto political committee, and -- and
2 that's sort of where things are, to summarize.
3 I'd like to try to move as quickly as I can
4 through the public portion of this. HCR 2007, there
5 are two lawsuits. One, we filed, and we just filed --
6 you have a copy of the -- we have a very expedited
7 summary judgment calendar on that. We filed our motion
8 for summary judgment yesterday, which you have a copy
9 of. We -- legislative council will file their
10 response -- their cross motion on Monday and then -- I
11 think, and then we'll have responses. And I'm not --
12 and, again, I have forgotten what the hearing dates are
13 on these things, but we'll get you those as quickly as
14 possible.
15 That, again, you know, it reflects -- you
16 know, we sent a letter -- I sent a letter to "leg"
17 council outlining many of these flaws that are in the
18 complaint. So the complaint should look familiar in
19 the sense that we have put the legislative council on
20 notice that these were going to be legal deficiencies
21 and they did not solve that problem. So we are -- we
22 are -- feel like this -- you know, we've already made
23 the decision to file a suit, but we are working to
24 expedite the resolution of it through the expedited
25 briefing as much as we can.
The second HCR 2007 suit which was brought by former Commissioner Hoffman and Commissioner Chan in her personal capacity -- so can I call you Amy Chan? -- Lewis Hoffman and Amy Chan, as opposed to Commissioner Chan -- and they're represented by the Center for Law in the Public Interest. The judge in that case -- it's a single subject case. Basically, the constitution, at least as I had understood it, requires legislative bills to contain but one subject. And we believe -- we lobbied during the session that this combination of doing stuff to participating candidates and combining it with the Governor's Regulatory Review Council was a single subject violation. The judge in this case -- the Superior Court judge in this case, of all the ways that she could have ruled, she ruled that legislative referendums which are passed by the legislature pursuant to Article 4, are enactments of the legislature pursuant to the Article 4 of the Arizona Constitution are somehow completely exempt from the single subject requirement, despite the fact that the legislature has to vote for them like any other bill and despite the fact that the constitution specifically says that such bills are not subject to gubernatorial veto. Nevertheless, the judge determined that this was -- this was a -- that it simply doesn't apply at all. So you can have a bill -- apparently, you can have a referendum that, you know, can merge, you know, standards for cattle ranching with standards for school buses and that's perfectly fine. And I -- so, you know, notwithstanding the fact that it's not our case, I think that the decision -- personally I think the decision was -- is incorrect. The Center for Law has indicated that they are filing an appeal and -- well, I don't know. I don't know. I mean, I don't think -- and -- and we'll see what happens after that. If you have questions specifically on anything the Commission might or might not want to do on that, that, if any of these, would be the one thing I would think you -- I'm not recommending an executive session, but that may be one thing you might want to have of all these. And then, finally, we get to our LFAF friends, the Legacy Foundation Action Fund from Iowa. I don't know why, Mr. Chairman, you haven't been able to pull some of the -- your strings in Iowa to resolve this, but in any event, we have cross motions to dismiss there. We sued to enforce our order and demand both payment and the filing of reports that still haven't been filed. They countersued to say somehow they have the right to relitigate the issues they had foregone the opportunity to litigate and had the Supreme Court tell them they've foregone the opportunity to litigate, but nevertheless, they are litigating. So that case is, frankly, frustrating and border -- it's unbelievable to me, just in my -- just, if I might, but it is what it is. So those are the cases. I don't believe that any of them, other than the HCR 2007, would be -- would be -- necessarily require an executive session. And that's only if you have questions on anything that I've talked about. Mary is here in the event that that -- that you -- that anyone wants to go into executive session, but again, I don't think it's a priority. CHAIRMAN MEYER: So the HCR 2007 cases, there's two of them. MR. COLLINS: Yeah. CHAIRMAN MEYER: The one we filed, we have just filed the motion for summary judgment.
10:25:31-10:26:38 Page 47

1 to get beyond what's in public record already, I'd feel
2 more comfortable in executive session in terms of, you
3 know, our legal strategies of what we might do in the
4 future in court.
5
6 COMMISSIONER KIMBLE: Okay. Well, I don't
7 know that it's -- that it's worth that but --
8
9 CHAIRMAN MEYER: So, just from a timing
10 perspective, this is the last chance we have to discuss
11 that before we get a ruling, most likely.
12
13 Correct?
14
15 MR. COLLINS: That is correct. It's also,
16 just on the HCR 2007 -- and I don't know how -- what we
17 would do with Commissioner Chan's role there, but it's
18 also the last opportunity we'll have to discuss if --
19 and this is a big if -- the Commission sees the need to
20 file an amicus on any issues related to the description
21 of Clean Elections or other -- other kinds of -- I
22 don't want to get more detailed than that, but other
23 kinds of things that the Commission itself needs to
24 speak to, if any. This is our -- this is our last
25 opportunity to do that, too.

10:26:41-10:27:51 Page 48

1 COMMISSIONER KIMBLE: Okay. Well, I don't
2 know that it's -- that it's worth that but --
3
4 CHAIRMAN MEYER: So, just from a timing
5 perspective, this is the last chance we have to discuss
6 that before we get a ruling, most likely.
7
8 Correct?
9
10 MR. COLLINS: That is correct. It's also,
11 just on the HCR 2007 -- and I don't know how -- what we
12 would do with Commissioner Chan's role there, but it's
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16 of Clean Elections or other -- other kinds of -- I
17 don't want to get more detailed than that, but other
18 kinds of things that the Commission itself needs to
19 speak to, if any. This is our -- this is our last
20 opportunity to do that, too.
21
22 CHAIRMAN MEYER: All right. Well, I think
23 we should go into executive session.
24
25 Anyone -- I'll make that motion.
26
27 Any comments from --
28
29 COMMISSIONER CHAN: I'll second the motion.

10:27:52-10:45:56 Page 49

1 CHAIRMAN MEYER: Okay. I move we go into
2 executive session. Commissioner Chan has seconded that
3 motion.
4
5 All in favor of going into executive
6 session say aye.
7
8 (Chorus of ayes.)
9
10 CHAIRMAN MEYER: Any opposed?
11
12 (No response.)
13
14 CHAIRMAN MEYER: Okay. Motion carries 4-0.
15 We are in executive session, and I'd ask the attendees
16 to please step out.
17
18 Thank you.
19
20 (The following section of the meeting is in
21 executive session and bound under separate cover.)
22
23 * * * * *
24
25 (End of executive session. Public meeting
26 resumes at 10:45 a.m.)
27
28 ACTING CHAIRMAN KIMBLE: Commissioner Meyer
29 had to leave because of a scheduling conflict. We're
30 out of executive session, and the public portion of the
31 July 19th meeting of the Citizens Clean Elections
32 Commission is resuming with Item VI: Discussion and
33 possible action on recap of Arizona voter crisis report
34 and related issues.
35 Tom?
The purpose of this report was to look at where we are now, and the other purpose of this report, from a voter education perspective, is we have specifically looked at -- and Gina has briefed you on about our specific work on independent voters, our specific work on Millennials that we've worked on for the last several years. So I think that the report also validates, from a research perspective, the work that the Commission has been doing. I also wanted to kind of describe the scene at the -- that we had. And if you-all want me to -- you know, if you get tired of listening to me, let me -- let me know, but we're very -- I'm thrilled about this even. And I have a lot to say about it but, you know, the event itself, once the research was done -- and Commissioner Chan and I were on the panel. We 14 insisted that there was ideological diversity on the panel.

We had Paul Avelar, who is the managing partner of the Institute for Justice's chapter here in Arizona was on the panel with us. And he has different views about -- about these results, the results of the research for sure, but I thought he brought a very good perspective because it's important, when we do research like this, that we be -- they'd be able to withstand and take criticism directly. And so we brought that into the process, and I think that was important. I also -- I also think that -- you know, we thought that the panel was an example of -- you can talk a lot about civility in politics right now, and I would think that the panel was an example of the kind of discussion and actually came to agree on certain issues around the problems with respect to people turning out to vote. And I really -- I'm really proud of the fact that that's the kind of discussion that we had at the event. We will be doing two more of these reports and events. The next one is on independents in August, and that will be in Flagstaff. And then we'll be in Tucson in the general election, providing information on resources for voters. Also -- I also -- just a couple of quick other mentions. One of Morrison researchers and I were on Arizona Horizon, which is the local PBS equivalent to Arizona Illustrated -- if Arizona Illustrated exists anymore -- on the night of the event. And, actually, while this meeting is going on, David Daugherty, who is the -- is also the -- is one of the authors of this report, and I pre-taped an interview with KJZZ, which is -- which aired literally while we were meeting today, again, talking about the report and the findings.

And I think that -- you know, I think that talk a lot about civility, but the panel was an example of people who have wildly different ideological views who had a very healthy and -- and meaningful, I thought, discussion and actually came to agree on certain issues around the problems with respect to people turning out to vote. And I really -- I'm really proud of the fact that that's the kind of discussion that we had at the event. We will be doing two more of these reports and events. The next one is on independents in August, and that will be in Flagstaff. And then we'll be in Tucson in the general election, providing information on resources for voters. Also -- I also -- just a couple of quick other mentions. One of Morrison researchers and I were on Arizona Horizon, which is the local PBS equivalent to Arizona Illustrated -- if Arizona Illustrated exists anymore -- on the night of the event. And, actually, while this meeting is going on, David Daugherty, who is the -- is also the -- is one of the authors of this report, and I pre-taped an interview with KJZZ, which is -- which aired literally while we were meeting today, again, talking about the report and the findings.

And I think that -- you know, I think that...
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July 19, 2018

10:55:24-10:56:47

1. there's some really important messages here and some
2. really important points that I think that we are
3. really -- with the work that Gina and both her team --
4. internal team and external team are addressing.
5. You know, Millennials, for example -- I
6. keep going back to this example -- for the most part
7. grew up in the Great Recession, right? They grew up
8. with different economic opportunities than Baby Boomers
9. grew up with or that even Gen X'ers grew up with. And
10. so, you know, the disconnect -- we have 45 percent of
11. them aren't even registered to vote, but part of the
12. disconnect is they have different issues.
13. They face higher -- higher education costs
14. which changed, you know, the decision factors. They
15. are putting off buying homes longer than -- than prior
16. generations because of that financial thing. I know
17. that's something you've probably seen, Commissioner
18. Paton -- putting off having families, all of that
19. stuff. They have just a whole different group of
20. issues and, as we all know, they have an entirely
21. different media landscape that they interact with.
22. So with our 18 in 2018 campaign, for
23. example, and the way we interact with Snapchat and
24. Shazam, the way we, through the voter dashboard, have
25. individualized and revolutionized, I believe the

10:56:51-10:58:07

1. ability to get all the information that you need in
2. order to vote and know who is -- who you are voting
3. for, I think those kinds of steps that are bringing
4. individualized information to voters really works for
5. the Millennial voter who sees themselves as an
6. individual and may see themselves as not having
7. their -- their issues met.
8. So we're doing the work to reach those
9. voters. At the same time, with the candidate statement
10. pamphlet, we are continuing to reach out to those
11. voters who either are not computer savvy or live in
12. areas of the state, particularly the rural areas and
13. many of the -- many reservation areas where there's
14. simply not the connectivity.
15. And so that the candidate statement
16. pamphlet, which, you know, we have changed and made
17. more effective by -- by not including 300 pages of
18. people you aren't going to be able to vote for, but
19. we've made that more effective. And we continue to be
20. the only state agency that provides that kind of
21. information in both English and Spanish to try to -- to
22. try to make sure that we maintain that integrity and
23. compliance with the Voting Rights Act.
24. So those are some of my takeaways. I don't
25. know if -- Gina, if there's others that you would add

10:58:11-10:59:13

1. on the spot, I know.
2. MS. ROBERTS: Sure.
3. MR. COLLINS: If you -- you're welcome to.
4. MS. ROBERTS: I think you have covered them
5. a lot of it -- most of the important pieces.
6. MR. COLLINS: Okay.
7. And, Ryan, did you have some -- some social
8. data?
9. MR. WHEELOCK: Yeah, we have the -- do you
10. want me to just go ahead and come up?
11. MR. COLLINS: Yeah, if you can.
12. MR. WHEELOCK: Yeah.
13. MR. COLLINS: You have to introduce
14. yourself for the record whether you like it or not.
15. MR. WHEELOCK: My name is Ryan Wheelock.
16. Commissioners, thank you.
17. The event earned about 506,000 online
18. impressions. We pulled this report yesterday. It had
19. six TV mentions equalling about 104,000 impressions for
20. the TV mentions, and it got picked up in Prescott and
21. Tucson. For social media, the live tweeting garnered
22. 700 -- or 7,343 impressions on the day of the event.
23. The day after the event, there was an additional 5,711
24. impressions. There were 329 engagements on Twitter, 22
25. new followers on Twitter and 12 mentions, and the

10:59:17-11:00:40

1. Facebook event reached 2,500 people and garnered 65
2. responses. It was a great event.
3. ACTING CHAIRMAN KIMBLE: Thank you.
4. Anything else, Tom?
5. MR. COLLINS: No, no. I think -- I think
6. that -- I think that that about captures it. We're
7. looking forward to the additional parts of this
8. process, and we think that -- you know, we had a rich a
9. discussion when we decided to go ahead with this
10. project, and I think that this first go around, I will
11. say, from my perspective, the whole package, it
12. exceeded my expectations both in terms of reach -- oh,
13. do you want to -- oh, okay -- both in terms of reach
14. and in terms of attendance and in terms of value to our
15. underlying Voter Education Program in terms of showing
16. the connection between what we're doing and what the
17. numbers show.
18. So I'm really proud of this, the work that
19. everybody involved in this did, and I just want to
20. thank -- you know, thank Gina and Christina and Ryan
21. for their help and, of course, the Morrison Institute
22. for drafting the report. And it's just something we're
23. just -- we're just super proud of. That's all I have
24. to say.
25. ACTING CHAIRMAN KIMBLE: It's a very
impressive report. And I can't claim to be a Millennial, but I am a political independent. And I'm disturbed by looking here that of the 1.2 million independents, 458,000 vote -- did not vote at all in 2016, and that's very discouraging.

MR. COLLINS: You know, and to that point, Commissioner Kimble, we talked about that and that has -- there's about three different -- three different takeaways I have from that. First, the Commission has in the past focused on independent voters and as part of our campaigns, our efforts to get people to be aware of their voting rights. I'm not sure what we have planned -- if we have that planned for this year.

MS. ROBERTS: We're planning it now.

MR. COLLINS: We are doing that now. And what we found in Maricopa County the first time we did this was there was -- even the number of -- the absolute number of independent voters remained quite low. The increase -- percentage increase was significant. So there is some hope there.

The real issue -- the other -- on the other hand, the issue with independents is partially driven by the fact obviously many independents don't want to be part of a party, but the parties are key to driving turnout. And what the parties have done, I think, over time is decided who their voters are and focused on independent voting in a particular primary or whatever.

And I think that is -- that may work for them strategically, but it ultimately has potential problems for the overall public good in the context of a democratic republic. So, you know, communicating to voters that they -- independent voters they have the opportunity to vote in the primaries is a very -- is a very important part of that.

The other irony is, you know, and one of the -- one of the things that was brought out was, you know, some criticism for whether or not -- you know, 45 -- 45 percent of people who are either eligible to vote but didn't register or didn't -- or chose not to vote at all in the 2016 election, maybe that's just not such a big deal.

People don't want to vote, but there's a catch-22 there because if you believe that it's okay that people aren't going to vote and then you end up with city councils and board of supervisors and other entities that might not be representative, you end up with more legislation at the ballot box because people get frustrated with the legislature and they take out initiatives. And folks -- the very folks who claim they don't want people to vote also don't want governments by the ballot box, but that's the result of the fact that we're not getting the best cross section of voters.

So there's a real catch-22 there for folks who say, oh, this isn't really a crisis because if you don't think it's a crisis now, it might get worse, but it also is going to lead to, I think, predictably more initiatives and referendums because folks who feel marginalized are going to take those issues up because of their frustration.

So I think those are the reasons why independents ought to be engaged because, otherwise, they're foregoing their opportunity to have a -- have to -- you know, when you vote for a legislator, you're delegating that person the authority to make decisions on your behalf. And I think communicating to them that -- I said this yesterday in the interview with KJZZ. An independent who doesn't vote isn't just not voting. They're actually doubling the weight of the person who votes. So you're not just staying out of it. You are actually multiplying the power of the vote that you didn't -- you know, you didn't cast.

And I don't think that that kind of -- I don't think I don't think a lot of independents understand how much power they are giving to the folks who do vote when they choose not to vote because every -- for every vote that isn't there, the vote that replaces it is double weighted, basically.

So those are some of my takeaways from the independents.

COMMISSIONER PATON: Can I say something briefly?

MR. COLLINS: Sure.

ACTING CHAIRMAN MEYER: Commissioner Paton.

COMMISSIONER PATON: As far as the independent voting, there seems to be a lot of confusion about them voting in primaries.

MR. COLLINS: Yeah.

COMMISSIONER PATON: And I know my own wife is an independent and she's always, like, can I vote on the primary? Can I not? So -- so, I mean, she's an educated woman with a master's degree.

MR. COLLINS: Sure.

COMMISSIONER PATON: And she's confused.

MR. COLLINS: Sure.

COMMISSIONER PATON: And I know my own wife is an independent and she's always, like, can I vote on the primary? Can I not? So -- so, I mean, she's an educated woman with a master's degree.

MR. COLLINS: Sure.

COMMISSIONER PATON: And she's confused.

MR. COLLINS: And she's confused.

COMMISSIONER PATON: And she's confused.

MR. COLLINS: And she's confused.

COMMISSIONER PATON: And she's confused.

MR. COLLINS: And she's confused.
they are confused. And then, secondly, the -- in my view, both major parties are to both wings and aren't talking to people in the middle and as to their -- both of the parties' detriments, I think.

MR. COLLINS: Mr. Chairman, if I could,

Comissioner Paton, I think you make some absolutely valid points. I mean, the biggest single issue with confusion about independents -- well, I should say there's two issues, but the biggest single issue is the fact that our presidential preference election does not allow independents to vote and our open primary for the -- for the state offices does. And that is something that is a cycle that repeats itself every two years.

And we still, as a -- as an election community, including the county election directors and the recorders and the Secretary of State, all of us are aware of this problem. All of us have worked on it and continue to work on it, but it is the single biggest driver of confusion.

The second -- I think that the second biggest driver of confusion is if you are on the PVL, the primary voting list, you have to tell your county recorder what ballot you want or they won't send you one. That's another area of confusion.

And then the third area of confusion is that it's not an open primary in the sense of the sort of top 2 type of stuff you have in California. You have to pick a ballot of a party and you are not in a position to pick and choose, among -- among them. So those -- those three things are, I think, the top areas of confusion. I think that the consensus among election administrators is that those are the things we need to address. And we have been, but it takes -- I mean, the Commission started -- the first time we did -- we did address the specific independent voters was, I want to say, 2014. And we've persisted in doing that since then.

And I think that it takes -- one of the nice things about the Commission itself is because there's such -- there's stability in the membership; it's not -- and because you're appointed in a way that makes you non-partisan and independent and all the things that we think are important, but the ability to sustain an effort over time is key to what -- to addressing those issues.

Commissioner Paton?

COMMISSIONER PATON: Yeah. I've got -- maybe it's a suggestion that would be appropriate, but maybe we can convince the newspapers the day before the primary to put a big headline independents can vote on this primary, you know, and just put that to all the Arizona newspapers like the day before.

MR. COLLINS: Well, we -- that's the kind of thing we can certainly look at. Gina and I can look at that with our team.

COMMISSIONER CHAN: Mr. Chairman --

COMMISSIONER PATON: I mean, who could be against that if you're a newspaper?

COMMISSIONER CHAN: Or Mr. Chairman --

MR. COLLINS: I don't know who reads the newspaper.

COMMISSIONER CHAN: -- to that point, maybe we have it put on the ADOT signs because maybe even more people read those these days than the newspapers, unfortunately.

COMMISSIONER PATON: And we spoke about that before.

MR. COLLINS: Yeah.

COMMISSIONER PATON: They won't let us put stuff on it.

COMMISSIONER CHAN: Oh, what?

COMMISSIONER PATON: That would be great, actually.

MR. COLLINS: Yeah, I know.
1 education point of it and understanding that you can
2 participate, navigating through the different rule
3 changes across each election.
4 So, for example, as Tom mentioned, the
5 presidential preference election, but then with our
6 open primary, you have an open primary, yet the
7 libertarian party has a closed primary. So you can
8 only choose -- you can't choose from every party, and
9 that changes from year to year. So sometimes they do
10 have an open primary.
11 And then, also, once we get past that
12 education standpoint, we are seeing a lot of the
13 commentary that comes on the information that we put
14 out there is then they don't like having to choose the
15 ballot, and then they say they don't want to
16 participate because they don't like that system. So we
17 have a lot that we have to work through to encourage
18 and promote that participation to get -- you know, see
19 those numbers raise.
20 And as Tom mentioned, in 2014, when we saw
21 this, we were looking at a 7 percent turnout rate. And
22 after our efforts, we saw independent turnout rate
23 increase to, I believe, in the primary election, 14
24 percent. So while the numbers themselves aren't great,
25 we're going in the right direction. And so we do have

1 Commissioner Chan's point, you know, we have an open
2 door to, you know, specifically the county
3 administrators but, really, anybody who wants to
4 propose a policy for Mike and I to review as we put
5 together our legislative agenda as to whether or not we
6 would lend support or not. We have always been open to
7 that. Folks haven't taken us up on that, but we
8 have -- we do have that open.
9 Now, whether or not we would agree or
10 recommend, that's a whole other vetting process we'd
11 have to go through, but that is something we are open
12 to.
13 And, also, I just wanted to say it should
14 be noted that the decree that Kara negotiated on behalf
15 of Secretary Reagan itself may bring in more voters
16 because it is, by its terms, as she noted earlier,
17 designed to eliminate some of the confusion on the --
18 on the registration, and it's for folks who aren't
19 using Service Arizona but are using paper forms.
20 So we do have a positive step there in
21 terms of voter registration, you know, notwithstanding
22 my antiquated views about -- about the case I worked
23 on, but -- no, but in all seriousness, that's -- as
24 Kara said, that's the -- that's the end goal is that
25 there's no wrong door now for folks who file by paper
to register to vote. And these are -- these are
2 good -- these are all going in the same direction, and
3 that's something that I think -- I just wanted to give
4 Kara credit for her work on resolving that case and
5 that -- and that -- and expanding those opportunities.
6 ACTING CHAIRMAN KIMBLE: Okay. Thank you.
7 Item VII, public comment.
8 Is there anyone who wants to comment?
9 (No response.)
10 ACTING CHAIRMAN KIMBLE: Item VIII,
11 adjournment.
12 MR. COLLINS: Do we have a motion? We need
13 a motion.
14 COMMISSIONER CHAN: I vote that we adjourn
15 the meeting.
16 ACTING CHAIRMAN KIMBLE: Is there a second?
17 COMMISSIONER PATON: Second.
18 ACTING CHAIRMAN KIMBLE: All those in favor
19 of adjourning say aye.
20 (Chorus of ayes.)
21 ACTING CHAIRMAN KIMBLE: We are adjourned.
22 (Whereupon, the proceedings concluded at
23 11:15 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
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were taken down by me in shorthand and thereafter
transcribed into typewriting under my direction; that
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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 20th day of

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

Public Session

Transcript of Proceedings
July 19, 2018

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