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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

July 19, 2018

9:31 a.m.

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<p style="text-align: right;">Page 2</p> <p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 9:31 a.m. on July 19, 3 2018, at the State of Arizona, Clean Elections 4 Commission, 1616 West Adams, Conference Room, Phoenix, 5 Arizona, in the presence of the following Board members: 6 Mr. Damien R. Meyer, Chairperson 7 Mr. Mark S. Kimble 8 Ms. Amy B. Chan 9 Mr. Galen D. Paton 10 11 OTHERS PRESENT: 12 Thomas M. Collins, Executive Director 13 Paula Thomas, Executive Officer 14 Gina Roberts, Voter Education Director 15 Mike Becker, Policy Director 16 Alec Shaffer, Web Content Manager 17 Stephanie Cooper, Executive Support Specialist 18 Mary O'Grady, Osborn Maledon 19 Kara Karlson, Assistant Attorney General 20 Rivko Knox, AZ League of Women Voters 21 Morgan Dick, AZAN 22 Talei Hornback, RIESTER 23 Tricia Kashima, RIESTER 24 Christina Borrego, RIESTER 25 Ryan Wheelock, RIESTER 26 JP Twist, Ducey for Governor 27 Sara Mueller, Ducey for Governor 28 Zack Dean, Senate 29 Jeffrey Ong, Senate</p>	<p style="text-align: right;">Page 4</p> <p>09:31:52-09:32:56</p> <p>1 And I'm assuming we don't have Commissioner 2 Titla on the phone. No one is on the phone. 3 Correct, Tom? 4 MS. THOMAS: That is -- no. We're good. 5 CHAIRMAN MEYER: Thank you. 6 Next item, Item III on the agenda: 7 Discussion and possible action on the executive 8 director's report. 9 Tom? 10 MR. COLLINS: Yes. Chairman, 11 Commissioners, I'll try to make this as quick as 12 possible. 13 I want to -- first, you know, you see all 14 the activity going on in voter education. So I want to 15 give a big shot out to Gina and Alec and Stephanie for 16 their work. 17 Next week we've got the pilot program that 18 initiated from Commissioner -- Commissioner Paton. 19 We'll be having forums or debates at Sahuarita, Sahuaro 20 and Empire High Schools in Tucson. We're excited about 21 that. We think that's a good opportunity to connect 22 with the community and connect with -- with folks. 23 You'll see that Gina presented at the 24 American Indian Right to Vote Conference last week, and 25 Alec will be out at the Municipal Clerks Association</p>
<p>09:31:02-09:31:52</p> <p style="text-align: right;">Page 3</p> <p>1 PROCEEDING 2 3 CHAIRMAN MEYER: All right. Good morning. 4 We're going to call to order the meeting of the 5 Citizens Clean Elections Commission noticed for July 19 6 at 9:30 a.m. 7 The next -- the first item on the agenda is 8 discussion and possible action on Commission minutes 9 for the June 28th, 2018 meeting. 10 Any comments on the minutes or motions? 11 COMMISSIONER KIMBLE: Mr. Chairman? 12 CHAIRMAN MEYER: Commissioner Kimble. 13 COMMISSIONER KIMBLE: I move we approve the 14 minutes of the June 28th, 2018 meeting. 15 CHAIRMAN MEYER: Is there a second? 16 COMMISSIONER CHAN: I second that motion. 17 CHAIRMAN MEYER: We have a motion to 18 approve the minutes for the June 28th meeting. It has 19 been first and seconded. 20 All if favor say aye. 21 (Chorus of ayes.) 22 CHAIRMAN MEYER: Any opposition? 23 (No response.) 24 CHAIRMAN MEYER: The motion carries 25 unanimously.</p>	<p>09:32:59-09:34:05</p> <p style="text-align: right;">Page 5</p> <p>1 meeting. 2 We've also, this year -- for many years 3 we've been asked to sponsor the Meet the Candidates 4 event that the "Arizona Capitol Times" puts on, and 5 we've -- we have previously declined because the event 6 was -- required people to pay. We were able to 7 negotiate with them to become the biggest sponsor and, 8 in return, there's no charge. So the public can 9 actually come and meet the candidates. 10 So that's, again, a bit of a pilot program. 11 We'll see how it works. I know some -- I know it does 12 get attended by folks. The reason we've always 13 objected to sponsoring with the charge is because it's 14 really not -- it doesn't make it a good voter event -- 15 voter education event if, you know, folks have to pay 16 to get in, but we -- we're trying that this year. So 17 we're excited about that. 18 COMMISSIONER PATON: I have a question. 19 MR. COLLINS: Yeah. Yes. 20 COMMISSIONER PATON: So are those statewide 21 candidates? Are there -- 22 MR. COLLINS: All candidates are invited 23 from all over the state, and my understanding is they 24 get fairly good attendance of candidates. What our 25 hope is is if this is something that works, it's</p>

<p>09:34:08-09:35:32</p> <p>Page 6</p> <p>1 something we could do to supplement our debates. If we 2 could do something like this in Phoenix and something 3 like this in Tucson and something like this, you know, 4 in Prescott or Flag, you know, even in Yuma, we might 5 be able to, you know, really supplement the debates by 6 allowing informal opportunities for folks to meet with 7 candidates rather than just the debate context. 8 So that's the theory behind this. If it 9 works, it works. If it doesn't work, then we'll, you 10 know, think about not doing it again, but that's our 11 hope for that. 12 I want to real briefly mention the proposed 13 consent decree between -- negotiated between LULAC, 14 Secretary Reagan and Recorder Fontes has now been 15 signed by the judge, and an additional copy of that is 16 there. 17 Kara will correct me if I'm wrong, but 18 essentially, what the guts of the consent decree are, 19 anyone who submits any kind of form, whether a state or 20 federal form, but without proof of citizenship, will -- 21 but has been signed will automatically be a federal 22 voter for sure. And then the -- whereas, the prior 23 policy was that county recorders were to -- were not to 24 accept but reject forms that didn't have proof of 25 citizenship.</p>	<p>09:36:55-09:38:03</p> <p>Page 8</p> <p>1 may affect voters that was filed by Rivko Knox, who is 2 here and is always here. Rivko Knox v. Brnovich in 3 that case is a challenge to the State's ballot 4 collection law, as is -- and questions whether it's 5 preempted, essentially, by a federal postal law. And 6 we've given you a copy of the complaint and the 7 preliminary injunction motion there. 8 My understanding is that they have moved to 9 consolidate on the merits, and I think they're also 10 working on an expedited basis. 11 Is that correct? 12 MS. KARLSON: Yes. The lawsuit is 13 expedited. So the hearing will be on August 10th. 14 MR. COLLINS: Okay. So the important thing 15 for voters to know there would be that the issue is 16 whether or not the State's current ballot collection 17 law which says that unless you fit into a certain 18 category, you can't collect another person's voted or 19 unvoted ballot. If this were to be preempted, then, I 20 guess, the result would be that you could collect 21 ballots of other people. 22 MS. KARLSON: Correct. The plaintiffs are 23 seeking an injunction against the ballot collection 24 restrictions for unauthorized proxies. 25 MR. COLLINS: So there's a lot of action,</p>
<p>09:35:33-09:36:52</p> <p>Page 7</p> <p>1 That now is -- that language has been 2 reconsidered and interpreted to allow county recorders 3 to, essentially, bounce the information that they have 4 on the form off the systems that they have for -- for 5 confirming voter I.D. to get at least a soft match. I 6 don't know if it needs to be a hard match. 7 MS. KARLSON: Tom, that's a very good 8 description of, like, the behind the scenes elections 9 officials -- 10 MR. COLLINS: Yeah. 11 MS. KARLSON: -- what they do. I think 12 that, perhaps, for the public it's better just to 13 understand that Arizona had previously treated people 14 who used the state form one way and people who used the 15 federal form a different way pursuant to a Supreme 16 Court decision. And the LULAC consent decree just says 17 it shouldn't matter what piece of paper you fill out. 18 You get treated the same way as a voter, all consistent 19 with state and federal laws. 20 MR. COLLINS: That is a much better 21 description. In full disclosure, I worked on that 22 Supreme Court case. So my brain is still locked into 23 that way of looking at the world. 24 And then the last thing I wanted to let you 25 know is there is another case now in federal court that</p>	<p>09:38:05-09:39:01</p> <p>Page 9</p> <p>1 my point is, in terms of -- in terms of voters and what 2 the rules are still for this election cycle, and we're 3 trying to make -- do our best to keep you informed. 4 And then -- and then we'll be -- that will be 5 reflected, obviously, in what we put out on our website 6 and those kinds of things. 7 So thank you, Kara, for filling in the 8 gaps. I appreciate that. 9 That's the end of my report. 10 CHAIRMAN MEYER: Is that hearing on the 11 10th -- is that just legal argument? 12 MS. KARLSON: It's actually -- so the trial 13 judge has consolidated the preliminary injunction 14 motion with the trial on the merits. So it will be, 15 you know, a final decision insofar as the district 16 court goes. 17 CHAIRMAN MEYER: Is there any evidence to 18 be presented in those, or is it just going to be -- 19 MS. KARLSON: It's a legal argument. 20 CHAIRMAN MEYER: Okay. Interesting. 21 Okay. Do any Commissioners have any 22 questions on the executive director's report? 23 (No response.) 24 CHAIRMAN MEYER: Okay. We'll move on to 25 Item Number IV on the agenda, which is discussion and</p>

<p>09:39:06-09:40:46 Page 10</p> <p>1 possible action on the Clean Elections Voter Education 2 and matters relating to informing public of debates. 3 Tom? 4 MR. COLLINS: Yeah. Mr. Chairman, so we 5 wrote this agenda item a little bit broadly to make 6 sure that we could capture as much of discussion as you 7 and others wanted to have about this, but first of all, 8 the genesis of this is a Google AdWords ad that said to 9 the effect of watch Governor Ducey defend his record. 10 And after Governor Ducey had, first of all, declined to 11 participate in the debate, it ran after that. And, 12 second of all, it had some language that that language 13 was -- you know, had an antagonistic quality and, 14 indeed, the ad had the wrong primary date. 15 So I want to, first off, just on behalf of 16 the Commission staff and myself, really, actually, 17 personally, you know, apologize for the ad content into 18 the -- Governor Ducey's campaign. We did not intend 19 for and try very hard, in fact, not to have our Voter 20 Education Program cross over into actual candidate, you 21 know, issues. So I apologize for that. That's my 22 responsibility, and that really -- that buck on the 23 Voter Education Program stops with me. 24 What we have asked our ad company, or the 25 company that has our voter education purchase order,</p>	<p>09:42:20-09:43:35 Page 12</p> <p>1 importantly, I think that we'll be talking about, you 2 know, making sure that we have -- we have all the 3 checks and balances in place that we need to make sure 4 that our stated objectives are met. And that's 5 something, I think, RIESTER agrees with. 6 RIESTER has several representatives here. 7 I think Christina Borrego is going to speak -- was 8 going to give a brief presentation on RIESTER and take 9 her questions. And then -- and, Mr. Chairman, if I 10 may, after Christina completes her statement, I thought 11 it might be a good time for the commissioners to ask 12 questions. 13 And then I also want to note that after 14 that, the Governor's campaign has been generous enough 15 to take time out of the campaign to have the Campaign 16 Manager JP Twist and Deputy Campaign Manger Sara 17 Mueller here, and I think one or both of them were 18 going to -- are going to speak. 19 So I thought we'd go Christina, questions, 20 and then to the Governor's -- Governor's campaign 21 manager, if that works for you, Mr. Chairman. 22 CHAIRMAN MEYER: It works for me. 23 Ms. Borrego. 24 MS. BORREGO: Yes. Thank you, Chairman. 25 Thank you, Commissioners. I do have a copy of the</p>
<p>09:40:49-09:42:17 Page 11</p> <p>1 RIESTER, to do is pull together as much information as 2 we could. We have a timeline I was unable to get a 3 chance to print that shows you the time of how this 4 worked, but I can go over it very -- I just want to go 5 over that really quickly before -- oh, you have it? 6 You have copies? 7 Okay. Can you -- well, you can bring -- 8 MS. BORREGO: Finish up. 9 MR. COLLINS: Okay. Basically, we were 10 contacted by the governor's campaign general counsel 11 on, I think, a Thursday night. I contacted Gina that 12 night. Gina contacted RIESTER that night. By the next 13 morning, we had -- we had a preliminary answer by 14 midnight. We had some more specific and a little bit 15 more detailed answers by 8:00 o'clock. That morning we 16 got a stop on the ad as soon as possible. I think that 17 very night, it stopped. RIESTER, working with Google, 18 to get it stopped. 19 We worked -- we asked some additional 20 questions of RIESTER, which are in the formal memo that 21 is in your packet, and we have provided all that 22 information in real time to both you as commissioners 23 and to Governor Ducey's campaign, pursuant to their 24 request. And so we have -- we think we've -- we think 25 we've caught up with things, and I think -- more</p>	<p>09:43:38-09:44:39 Page 13</p> <p>1 timeline. 2 Would you like me to hand that to you to 3 hand out? 4 MR. COLLINS: That will be perfect. 5 MS. BORREGO: So as that's being passed 6 out, first of all, RIESTER is not accustomed to this 7 type of attention. We are a very standup shop and work 8 very hard on behalf of many clients in the state and 9 regionally. 10 So on behalf of RIESTER, I would like to 11 officially apologize. We have tremendous respect for 12 the Citizens Corporation Commission -- Citizens -- 13 excuse me -- Citizens Clean Election Commission -- 14 wrong campaign -- its leaders and its important role in 15 our community. We are deeply sorry about our 16 employee's mistake that caused this incident. 17 Upon being made aware of this incorrect ad, 18 our firm acted immediately and swiftly. In fact, our 19 actions are testament to how seriously we took this 20 situation. 21 By now you've had the opportunity to read 22 the memorandum in your -- in your meeting packets that 23 provides answers to questions posed about this matter. 24 I will provide a succinct verbal summary of what 25 occurred. And in front of you, you have the timeline</p>

<p>09:44:42-09:45:55 Page 14</p> <p>1 that will help reinforce the series of events that 2 transpired, and my hope is that this paints a very 3 clear picture of what occurred because information and 4 transparency is very important. And I think that will 5 help you understand. 6 So there may be some questions related to 7 technicalities of the technology employed for use of 8 this type of ad and the process that the department 9 responsible for search engine marketing employs. I'll 10 do my best to clarify those questions in my summary, 11 but my -- may rely on my colleague Tricia Kashima, who 12 is here -- she's our media director -- to help me 13 answer any of your follow-up questions in regards to 14 technicalities and process. 15 So you have the timeline. I'm going to 16 refer to it, and I'm going to start at the top where at 17 9:53 p.m. on Thursday evening -- a week ago -- we were 18 made aware of this -- of this and sent a screenshot of 19 this problem ad. We -- the ones who saw it, we 20 immediately recognized two things: one, the 21 information was absolutely incorrect and, two, the word 22 choice was incorrect. 23 Between 9:53 p.m. and 10:25 p.m., the 24 executive leadership that oversees search engine 25 marketing was immediately tracked down. Within about</p>	<p>09:47:22-09:48:40 Page 16</p> <p>1 search software on the employee's desktop; however, 2 instead of the sample ad remaining in draft mode, it 3 was mistakenly set to live mode. 4 Subsequently, the written recommendation 5 with this new approach was never formally presented to 6 the Clean Elections staff. As a result, the word 7 choice and the information in this ad had not been 8 authorized by Clean Elections staff nor the designated 9 RIESTER account manager. 10 Once this ad was in the software and had 11 been set to live mode, it went undetected because it 12 blended into other search ads that were running for 13 Clean Elections. In the employee's mind, this 14 particular ad was not yet in live mode because they had 15 not yet realized their mistake. 16 As a result of this incident, the firm will 17 be changing processes as follows: When the media team 18 has an idea on improving the performance of an ad, a 19 search engine marketing optimization recommendation, 20 including sample ads, will be presented to Clean 21 Elections staff for review in a formal written 22 recommendation and for discussion but will now have a 23 signature line for Clean Elections to sign providing 24 their authorization. 25 If the recommendation is approved, the</p>
<p>09:45:57-09:47:19 Page 15</p> <p>1 45 minutes of the first communication from Clean 2 Elections, the firm had identified this unauthorized ad 3 in the firm's Google search software platform and 4 halted it. By 10:27 p.m., when this specific ad was 5 halted, it had received 2,557 views and 169 clicks. 6 The next morning at 7:00 a.m., the staff in 7 charge of search engine marketing and firm executives 8 gathered on a call to ascertain how this incorrect ad 9 made it into the software. The managers were 10 instructed to interview the employee tasked with this 11 work that morning. Through the interview with this 12 employee, it was determined that the ad going live was 13 an absolute mistake. At that moment, this employee was 14 immediately taken off all projects for Clean Elections. 15 Through conversations with this employee, 16 it was uncovered that they had conducted an assessment 17 of search terms for Clean Elections. These assessments 18 are common because it's their job to continuously 19 improve exposure awareness on behalf of our client 20 campaigns. 21 Through this assessment, they concluded 22 that using the names of specific candidates and the 23 term "defend" would generate more views and clicks for 24 the topic of debates. The recommendation founded in 25 this thinking was simultaneously created in the Google</p>	<p>09:48:41-09:49:51 Page 17</p> <p>1 document will be signed by Clean Elections staff. If 2 the recommendation is not approved, it will not be 3 signed. RIESTER's account manager will then determine 4 the need and the timeline for a new recommendation for 5 formal review. Only when Clean Elections signs a new 6 recommendation will these ads be added to the search 7 software by media team for activation. 8 In addition, RIESTER will provide a weekly 9 report of the ad performance of every search term to 10 Clean Elections staff. The firm will also provide 11 Clean Elections staff log-in access to the search 12 engine software so that, at any time, they can log in 13 and see the search engine marketing -- marketing terms. 14 Again, we want to apologize and stress how 15 rare this situation is. RIESTER has been providing 16 Google search advertising since it has been available, 17 and this is the first mistake like this that we have 18 ever encountered. We appreciate the collaboration with 19 you, with Tom, with Gina and the whole staff to 20 formulate stronger processes and to assure this never 21 happens again. 22 And that concludes my -- my formal remarks. 23 I'd defer to Tom on how you'd like to handle 24 follow-ups. 25 MR. COLLINS: Well, I think -- I think that</p>

<p>09:49:54-09:51:31 Page 18</p> <p>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</p>	<p>09:52:37-09:53:44 Page 20</p> <p>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.</p>
<p>09:51:34-09:52:32 Page 19</p> <p>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</p>	<p>09:53:44-09:54:44 Page 21</p> <p>1 MS. BORREGO: Yes. 2 COMMISSIONER CHAN: That will be helpful as 3 well because they'll be able to be even more in the 4 loop as far as what's out there on the -- on the web. 5 MS. BORREGO: Yes. I think it's an 6 additional layer of quality control and just 7 transparency. 8 COMMISSIONER CHAN: Okay. 9 MS. BORREGO: So we're very comfortable 10 with providing that access. 11 COMMISSIONER CHAN: Thank you. 12 MR. COLLINS: And if I could just add on to 13 Christina's answer, Mr. Chairman, Commissioner Chan, 14 we're -- you know, Gina has been working with the 15 RIESTER staff to look at ads that are out there and 16 identify any other ads that, while not controversial or 17 not within the -- you know, not within this 18 particularly acute problem that might not have gone 19 through the process, to just make sure we've got that 20 all under control. 21 So -- and we appreciate, you know, RIESTER 22 getting us that data so we can -- so we can go over it 23 ourselves, and that's something that Gina has been 24 doing over the course of the last week. So that's 25 been, I think, very helpful in starting the process of</p>

<p>09:54:46-09:56:12 Page 22</p> <p>1 exactly what Christina is talking about. 2 COMMISSIONER KIMBLE: Mr. Chairman? 3 CHAIRMAN MEYER: Commissioner Kimble, go 4 ahead. 5 COMMISSIONER KIMBLE: Ms. Borrego, I think 6 this kind of follows up on Commissioner Chan's 7 question, but just reading through the reports you 8 provide, I guess I was -- I was pretty surprised that 9 an employee who you've had for five months and, 10 according to the report, did not grasp the true role 11 and responsibility of Clean Elections had the technical 12 ability to post something on his or her own without 13 anyone knowing. 14 That -- that seems to me at the crux of the 15 problem, and I just want to make sure that there's some 16 kind of a measures to prevent that technically from 17 happening, that someone who doesn't grasp the role and 18 responsibility of Clean Elections is not going to be 19 just on their own posting something. 20 MS. BORREGO: Right. So within the agency, 21 the account manager is the person that is the 22 gatekeeper for all work. And so his misunderstanding 23 of the brand -- what we would call your brand, your -- 24 you as an organization, was evident after this was 25 written. So the -- his understanding -- his lack of</p>	<p>09:57:05-09:58:10 Page 24</p> <p>1 I'm with RIESTER. I'm the media director. 2 So what will -- usually when we have this 3 software, the draft edit -- it's like a drafting 4 software that's allowed on your desktop, we will 5 disallow the linking to the actual software live. So 6 that way when they do a draft, there's no way for them 7 to actually link it to the account. So it's just -- 8 it's just a program on the computer that's not 9 connected to the internet. It's just connected to the 10 computer. There's no access to upload it to the Google 11 AdWords campaign. 12 CHAIRMAN MEYER: But here there was 13 somehow, right? 14 MS. KASHIMA: Typically -- 15 CHAIRMAN MEYER: I think that's the 16 question is how -- how did that happen? Was that 17 access supposed to be there? And how do we know, 18 moving forward, how that issue is being addressed? Is 19 that -- 20 MS. KASHIMA: So, technically, people with 21 this job title and his amount of experience are allowed 22 access. That's their job to go into the -- into 23 AdWords, into the platform and look at it, how the 24 information or how the campaign is pacing, basically. 25 So that is a technical part of their job, but because</p>
<p>09:56:18-09:57:04 Page 23</p> <p>1 understanding was -- was missed, I guess, but the -- 2 within the organization, there will be checks and 3 balances as far as information going live. 4 COMMISSIONER KIMBLE: Okay. 5 COMMISSIONER PATON: I have -- 6 CHAIRMAN MEYER: Just -- go ahead, 7 Commissioner Paton. 8 COMMISSIONER PATON: So is there a way 9 physically that somebody can't punch that button, I 10 guess? Is that basically what you're saying? 11 MS. BORREGO: Right. I think -- I don't 12 know, Tricia, if you want to come up here and sort of 13 explain how the software -- it's really a matter of 14 toggling over a button and not, like, hovering -- 15 hovering over a button. 16 COMMISSIONER PATON: I mean, we're not 17 technical people as far as -- 18 MS. BORREGO: Yes. 19 MS. KASHIMA: So, Chairman, members of the 20 commission, yes. 21 MS. THOMAS: Please give your name -- 22 MS. KASHIMA: There's a way -- 23 MS. THOMAS: Excuse me. Please give your 24 name for the court reporter. 25 MS. KASHIMA: My name is Tricia Kashima.</p>	<p>09:58:13-09:59:13 Page 25</p> <p>1 of the sensitivity of the nature of what we're 2 conducting here, we -- for anybody working on this 3 account, we could disallow access, in general. 4 MS. BORREGO: We will -- 5 MS. KASHIMA: We will. Yes. 6 MS. BORREGO: -- disallow acces. 7 COMMISSIONER PATON: And for me -- 8 CHAIRMAN MEYER: Go ahead. 9 COMMISSIONER PATON: I mean, that's -- 10 because anybody could do a mistake like that. I mean, 11 we all have posted stuff when we didn't really mean to, 12 but -- so physically, if they can't do it and it's only 13 the account manager or whatever, then, I mean, that 14 makes me feel a lot better. 15 MS. KASHIMA: Yes. This is -- 16 unfortunately, the nature of our business is, you know, 17 timeliness and how fast can we react. So -- but we can 18 definitely restrict the access. 19 COMMISSIONER PATON: Thank you. 20 CHAIRMAN MEYER: I had a question on the -- 21 I guess, the detection issue, the -- I guess, after the 22 mistake was made, it took a few weeks for this to come 23 to anyone's attention when we were put on notice by the 24 Ducey campaign. So I know this is addressed in your 25 memo, and I was just kind of confused. There's talk</p>

<p>09:59:17-10:00:37 Page 26</p> <p>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</p>	<p>10:01:57-10:03:20 Page 28</p> <p>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</p>
<p>10:00:40-10:01:52 Page 27</p> <p>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</p>	<p>10:03:24-10:04:30 Page 29</p> <p>1 upon, sort of, the guidelines that you've given them? 2 MR. COLLINS: I'd have to defer to Gina on 3 the specifics of that, Mr. Chairman. 4 MS. ROBERTS: Mr. Chairman, Commissioners, 5 anything -- before anything goes live, Clean Elections 6 staff does have to approve it, whether it's search, 7 whether it's a print ad. And usually, depending on the 8 type of media we're talking about, we get verification 9 of what was ran. So, for example, if we run a print 10 ad, we get a tear sheet for that. So that's actually a 11 tear -- our hard copy proof saying this has created the 12 message that you approved and this is the proof that it 13 ran. 14 For example, on social media, so if we have 15 an ad that we run on Facebook, we will get a 16 notification that your Facebook ad was approved. We 17 can see what was submitted and then, also, we have 18 access to the platform that RIESTER utilizes to input 19 that. So they utilize a platform called Hootsuite. We 20 have our own user name and log-in. So we can 21 periodically go in there and spot-check to make sure, 22 okay, this is what we agreed the final copy would be. 23 So my understanding is with AdWords now we 24 will also be given a user name and log-in so we can, 25 again, periodically go in there and review and</p>

<p>10:04:32-10:05:33 Page 30</p> <p>1 approve -- or excuse me. It should already be approved 2 if it's in there, but review just to make sure 3 everything is what we agreed upon. So we do -- 4 anything that comes to us, it must be approved before 5 it is live, and usually we have a mechanism in there to 6 go in and verify that that's the case. 7 With search, we would usually get a 8 spreadsheet of some sort to identify the key words that 9 would work well, you know, what our -- what our voter 10 is looking for when they go to Google, what do they 11 type in, that type of thing. And then, yes, we either 12 make edits or we approve it and then that is what is 13 made live. So, absolutely, anything that is going to 14 be out there to the public and marketed, we have to 15 give formal approval on that. 16 MR. COLLINS: Mr. Chairman, may I ask one 17 question to Gina just to make clear for the -- for the 18 record? 19 In this particular case, this particular 20 item did not go through the Clean Elections staff for 21 approval. 22 Correct? 23 MS. ROBERTS: That is correct. We 24 absolutely did not see any type of this language. When 25 I was first notified about this, I completely thought</p>	<p>10:06:42-10:07:51 Page 32</p> <p>1 for lack of a better word, where someone can click a 2 button and that post is now live, where what I'm 3 hearing from staff is before anything can go live, it 4 needs to be approved by us. 5 So my question is, why are we putting these 6 draft posts and these live posts in the same bin? We 7 should be running them through a filter so there's no 8 way anything over here on the draft side -- there's no 9 way anyone can hit a button that would make that live 10 until it goes through the filter of Clean Elections and 11 now it's out on the other side. Then we hit it live. 12 So that's why I asked the question, and that's kind of 13 the process. 14 Maybe that's too simplistic. I don't know, 15 but does that make sense? And I don't understand 16 why -- why these live and drafts are in the same bin. 17 COMMISSIONER PATTON: Ball game. 18 MS. ROBERTS: Mr. Chairman, I'll defer to 19 Tricia to talk a little bit more on that process. And 20 if I could add to that, too, if we could verify, I seem 21 to recall in the response from RIESTER somewhere that 22 they would no longer keep pending or draft key words in 23 the system. I think I recall reading that as well. 24 So, you know, removing that -- or ensuring that nothing 25 will be entered unless it's actually live, I think</p>
<p>10:05:35-10:06:37 Page 31</p> <p>1 it was fake; it had the wrong date, the wrong tone. We 2 would never use a candidate name. So it was -- it was 3 a surprise. 4 And I -- when I received the detailed 5 instructions from -- or the detailed explanation from 6 RIESTER about how this happened, it made it very clear 7 to me, okay, this employee was new. He was five months 8 in, because my thought was I could not imagine that 9 RIESTER would even supply us with this type of 10 recommendation knowing our brand, knowing the rules 11 that we have in place, that we don't ever utilize a 12 candidate name and how we work very hard to being 13 non-partisan. So -- 14 CHAIRMAN MEYER: And just -- I didn't ask 15 that question about assigning blame. I'm just asking a 16 process question. 17 MR. COLLINS: No. I understand. 18 CHAIRMAN MEYER: I don't think -- listen, 19 this is a mistake. Everybody makes a mistake. I make 20 mistakes every day. I guess my process question is it 21 seems like the processes may be two ships passing in 22 the night here because I hear from the RIESTER folks 23 how we have -- we have these draft ads and some of them 24 are draft and then some of them are live and they're 25 kind of all in this same -- I don't know -- database,</p>	<p>10:07:54-10:09:00 Page 33</p> <p>1 would be part of the verification. 2 And then, if I could also ask, too, 3 Mr. Chairman, as they consider that response, I do know 4 that they have to see what key words would work -- 5 would work the best for the client, too. So maybe if 6 we could get a response that how do we ensure that we 7 do not have anything that is not live in the system 8 ever so we don't have that mistake of triggering it but 9 also ensuring that the client will still receive the 10 best recommendation that works within our normal -- our 11 normal process, our normal rules. 12 MS. KASHIMA: So I think working in the 13 editor form and not letting that program have access to 14 the internet at all will be the best way to do it, 15 because we use the editor feature in that platform 16 because Google has a set amount of standards of how 17 many text words you can have, how it's supposed -- how 18 it's supposed to lay out. So when we -- when we want 19 to show your draft, we want to show you what it 20 actually looks like with the words and the URL. 21 And it actually helps us cost out the ad, 22 as well, to see, based on what we're inputting into the 23 ad, how many impressions we'll get, how much it will 24 actually cost because we want to make sure we're not 25 overspending or drastically underspending, that our ad</p>

<p>10:09:04-10:10:07 Page 34</p> <p>1 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 we say 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</p>	<p>10:11:46-10:12:50 Page 36</p> <p>1 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</p>
<p>10:10:14-10:11:46 Page 35</p> <p>1 based on both our past experience working with RIESTER 2 and 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.</p>	<p>10:12:53-10:13:45 Page 37</p> <p>1 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</p>

<p>10:13:47-10:14:46 Page 38</p> <p>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</p>	<p>10:16:12-10:17:47 Page 40</p> <p>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</p>
<p>10:14:51-10:16:07 Page 39</p> <p>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</p>	<p>10:17:51-10:19:23 Page 41</p> <p>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.</p>

<p>10:19:24-10:20:55 Page 42</p> <p>1 The second HCR 2007 suit which was brought 2 by former Commissioner Hoffman and Commissioner Chan in 3 her personal capacity -- so can I call you Amy Chan? -- 4 Lewis Hoffman and Amy Chan, as opposed to Commissioner 5 Chan -- and they're represented by the Center for Law 6 in the Public Interest. The judge in that case -- it's 7 a single subject case. Basically, the constitution, at 8 least as I had understood it, requires legislative 9 bills to contain but one subject.</p> <p>10 And we believe -- we lobbied during the 11 session that this combination of doing stuff to 12 participating candidates and combining it with the 13 Governor's Regulatory Review Council was a single 14 subject violation.</p> <p>15 The judge in this case -- the Superior 16 Court judge in this case, of all the ways that she 17 could have ruled, she ruled that legislative 18 referendums which are passed by the legislature 19 pursuant to Article 4, they are enactments of the 20 legislature pursuant to the -- Article 4 of the Arizona 21 Constitution are somehow completely exempt from the 22 single subject requirement, despite the fact that the 23 legislature has to vote for them like any other bill 24 and despite the fact that the constitution specifically 25 says that such bills are not subject to gubernatorial</p>	<p>10:22:33-10:23:45 Page 44</p> <p>1 dismiss there.</p> <p>2 We sued to enforce our order and demand 3 both payment and the filing of reports that still 4 haven't been filed. They countersued to say somehow 5 they have the right to relitigate the issues they 6 already have foregone the opportunity to litigate and 7 had the Supreme Court tell them they've foregone the 8 opportunity to litigate, but nevertheless, they are 9 litigating.</p> <p>10 So that case is, frankly, frustrating and 11 border -- it's unbelievable to me, just in my -- just, 12 if I might, but it is what it is.</p> <p>13 So those are the cases. I don't believe 14 that any of them, other than the HCR 2007, would be -- 15 would be -- necessarily require an executive session. 16 And that's only if you have questions on anything that 17 I've talked about.</p> <p>18 Mary is here in the event that that -- that 19 you -- that anyone wants to go into executive session, 20 but again, I don't think it's a priority.</p> <p>21 CHAIRMAN MEYER: So the HCR 2007 cases, 22 there's two of them.</p> <p>23 MR. COLLINS: Yeah.</p> <p>24 CHAIRMAN MEYER: The one we filed, we have 25 just filed the motion for summary judgment.</p>
<p>10:21:00-10:22:28 Page 43</p> <p>1 veto.</p> <p>2 Nevertheless, the judge determined that 3 this was -- this was a -- that it simply doesn't apply 4 at all. So you can have a bill -- apparently, you can 5 have a referendum that, you know, can merge, you know, 6 standards for cattle ranching with standards for school 7 buses and that's perfectly fine. And I -- so, you 8 know, notwithstanding the fact that's not our case, I 9 think that the decision -- personally I think the 10 decision was -- is incorrect.</p> <p>11 The Center for Law has indicated that they 12 are filing an appeal and -- well, I don't know. I 13 don't know. I mean, I don't think -- and -- and we'll 14 see what happens after that.</p> <p>15 If you have questions specifically on 16 anything the Commission might or might not want to do 17 on that, that, if any of these, would be the one thing 18 I would think you -- I'm not recommending an executive 19 session, but that may be one thing you might want to 20 have of all these.</p> <p>21 And then, finally, we get to our LFAF 22 friends, the Legacy Foundation Action Fund from Iowa. 23 I don't know why, Mr. Chairman, you haven't been able 24 to pull some of the -- your strings in Iowa to resolve 25 this, but in any event, we have cross motions to</p>	<p>10:23:47-10:24:34 Page 45</p> <p>1 MR. COLLINS: Yeah.</p> <p>2 CHAIRMAN MEYER: Have we gotten an answer 3 on that yet?</p> <p>4 MS. O'GRADY: You want me to give the 5 deadlines?</p> <p>6 MR. COLLINS: Yeah. That would be good.</p> <p>7 MS. O'GRADY: The State's --</p> <p>8 MR. COLLINS: Thank you, Mary.</p> <p>9 MS. O'GRADY: The "leg" council's response 10 is due Monday. Our reply is due Wednesday, and oral 11 argument is next Friday at 1:30. So it's expedited 12 because the printing deadline is in August. So we 13 wanted to leave time both for expedited Supreme Court 14 review, if necessary, and for legislative council to 15 remedy the problems if we prevail.</p> <p>16 CHAIRMAN MEYER: Did they file an answer?</p> <p>17 MS. O'GRADY: They didn't file an answer.</p> <p>18 We are getting right to summary judgment motions.</p> <p>19 CHAIRMAN MEYER: I'm just curious have we 20 gleaned any defenses from the answer, but it doesn't 21 sound like that.</p> <p>22 And then the second case is Amy Chan's 23 case.</p> <p>24 Is that -- that decision has been made and 25 now you are deciding whether or not to appeal?</p>

<p>10:24:36-10:25:27 Page 46</p> <p>1 MS. O'GRADY: I can update that if -- there 2 has been an -- they did appeal. 3 CHAIRMAN MEYER: Okay. 4 MS. O'GRADY: And there's a briefing 5 schedule set. 6 CHAIRMAN MEYER: Okay. 7 MS. O'GRADY: And that, too, is on an 8 expedited basis at the Supreme Court, and that will be 9 conferenced and decided late August. 10 CHAIRMAN MEYER: Okay. 11 Commissioner Kimble? 12 COMMISSIONER KIMBLE: Mr. Chairman, I have 13 one question, Mary. 14 The first case, the one we filed -- and I 15 don't think this has to be in executive session, but 16 should we prevail, do we have some proposed wording to 17 submit to the judge that we would like, or how is this 18 going to proceed? 19 MS. O'GRADY: We've identified the 20 particular problems. 21 COMMISSIONER KIMBLE: Right. 22 MS. O'GRADY: And so our hope is that the 23 Court agrees with us that those are, indeed, problems. 24 And so some of them, the language fix is evident from 25 the description of the problem, but we didn't say make</p>	<p>10:26:41-10:27:51 Page 48</p> <p>1 more comfortable in executive session in terms of, you 2 know, our legal strategies of what we might do in the 3 future in court. 4 COMMISSIONER KIMBLE: Okay. Well, I don't 5 know that it's -- that it's worth that but -- 6 CHAIRMAN MEYER: So, just from a timing 7 perspective, this is the last chance we have to discuss 8 that before we get a ruling, most likely. 9 Correct? 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 13 also the last opportunity we'll have to discuss if -- 14 and this is a big if -- the Commission sees the need to 15 file an amicus on any issues related to the description 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 CHAIRMAN MEYER: All right. Well, I think 22 we should go into executive session. 23 Anyone -- I'll make that motion. 24 Any comments from -- 25 COMMISSIONER CHAN: I'll second the motion.</p>
<p>10:25:31-10:26:38 Page 47</p> <p>1 legislative council say this. We said make them -- 2 it's wrong because they omitted this information or -- 3 so it sort of -- it's evident by the nature of the 4 problem what the solution is, for the most part. 5 COMMISSIONER KIMBLE: Okay. Because I know 6 previously it was -- 7 CHAIRMAN MEYER: Careful we don't discuss 8 anything that we discussed in executive session. 9 COMMISSIONER KIMBLE: No, I don't think 10 this was. 11 It -- other -- other ballot descriptions 12 are substantially lengthier than this one. I mean, 13 it's not like there's a hard word limit that this one 14 is up against as written by the legislative council. 15 MS. O'GRADY: That's right. There were two 16 others approved that they, and this is -- 17 COMMISSIONER KIMBLE: Okay. 18 MS. O'GRADY: -- the shortest of the three. 19 COMMISSIONER KIMBLE: So would it be 20 advantageous to have something ready to -- and tell me 21 if you think this needs to be discussed in executive 22 session, but to have something ready to say this is -- 23 to the judge -- this is what we think it should read? 24 MS. O'GRADY: Well, I think if we're going 25 to get beyond what's in public record already, I'd feel</p>	<p>10:27:52-10:45:56 Page 49</p> <p>1 CHAIRMAN MEYER: Okay. I move we go into 2 executive session. Commissioner Chan has seconded that 3 motion. 4 All in favor of going into executive 5 session say aye. 6 (Chorus of ayes.) 7 CHAIRMAN MEYER: Any opposed? 8 (No response.) 9 CHAIRMAN MEYER: Okay. Motion carries 4-0. 10 We are in executive session, and I'd ask the attendees 11 to please step out. 12 Thank you. 13 (The following section of the meeting is in 14 executive session and bound under separate cover.) 15 * * * * * 16 (End of executive session. Public meeting 17 resumes at 10:45 a.m.) 18 ACTING CHAIRMAN KIMBLE: Commissioner Meyer 19 had to leave because of a scheduling conflict. We're 20 out of executive session, and the public portion of the 21 July 19th meeting of the Citizens Clean Elections 22 Commission is resuming with Item VI: Discussion and 23 possible action on recap of Arizona voter crisis report 24 and related issues. 25 Tom?</p>

<p>10:45:57-10:47:17 Page 50</p> <p>1 MR. COLLINS: Yes. Commissioners, this 2 is -- this is a -- the good news -- good news/bad news. 3 The bad news is not enough people are voting, and in 4 the future it looks like there may be fewer people 5 voting. The good news is that this particular project, 6 in working with the Morrison Institute and, actually, 7 working with RIESTER, because RIESTER really did help 8 us pull this together, and then -- and then, obviously, 9 Gina and her staff helped us make this into an event 10 that I really think was one of the best events that 11 we've hosted. 12 We had 70 people there live. I have some 13 metrics on the media coverage. We got coverage on 14 television stations from Phoenix to Tucson, Channel 15 15 here, channel -- a number of -- a number of Tucson 16 channels. I don't know. I don't know if we have any 17 metrics on the social engagement. We did see a lot of 18 social engagement. 19 Ryan, I'm looking at you. I don't know if 20 we -- 21 MR. WHEELOCK: We do have some metrics. 22 MR. COLLINS: Okay. Okay. That will be -- 23 that might -- that will be great to add here, but while 24 Ryan is looking for that, what I'd like to do is 25 play -- we put together -- RIESTER -- working with</p>	<p>10:52:35-10:53:46 Page 52</p> <p>1 specific work on Millennials that we've worked on for 2 the last several years. So I think that the report 3 also validates, from a research perspective, the work 4 that the Commission has been doing. 5 I also wanted to kind of describe the scene 6 at the -- that we had. And if you-all want me to -- 7 you know, if you get tired of listening to me, let 8 me -- let me know, but we're very -- I'm thrilled about 9 this even. And I have a lot to say about it but, you 10 know, the event itself, once the research was done -- 11 and Commissioner Chan and I were on the panel. We 12 assured that there was ideological diversity on the 13 panel. 14 We had Paul Avelar, who is the managing 15 partner of the Institute for Justice's chapter here in 16 Arizona was on the panel with us. And he has different 17 views about -- about these results, the results of the 18 research for sure, but I thought he brought a very good 19 perspective because it's important, when we do research 20 like this, that we be -- they'd be able to withstand 21 and take criticism directly. And so we brought that 22 into the process, and I think that was important. 23 I also -- I also think that -- you know, we 24 talk a lot about civility in politics right now, and I 25 thought that the panel was an example of -- you can</p>
<p>10:47:20-10:52:32 Page 51</p> <p>1 RIESTER we put together an intro video for the -- for 2 the live event that's now on our website. And Alec has 3 done a great job of featuring all of these items on our 4 website. It really looks sharp. And we're really 5 proud of it, but we'd like to -- without further ado. 6 MS. ROBERTS: And, Commissioners, 7 unfortunately, due to the power outage we had last 8 week, this is the only TV that we have that is 9 operating right now. So my apologies. You'll have to 10 turn. 11 (Video playing.) 12 MR. COLLINS: So that video aired before 13 the Morrison Institute presented their findings, and I 14 think it helped set the tone for what we're -- what 15 we're looking at, which is, you know, what are -- what 16 is the status now and what we're looking at in the 17 future. And that's within the legal framework that we 18 have -- that we have to work with. I mean, in other 19 words, some people want different laws changed, but 20 that wasn't the purpose of this report. 21 The purpose of this report was to look at 22 where we are now, and the other purpose of this report, 23 from a voter education perspective, is we have 24 specifically looked at -- and Gina has briefed you on 25 about our specific work on independent voters, our</p>	<p>10:53:49-10:55:22 Page 53</p> <p>1 talk a lot about civility, but the panel was an example 2 of people who have wildly different ideological views 3 who had a very healthy and -- and meaningful, I 4 thought, discussion and actually came to agree on 5 certain issues around the problems with respect to 6 people turning out to vote. And I really -- I'm really 7 proud of the fact that that's the kind of discussion 8 that we had at the event. 9 We will be doing two more of these reports 10 and events. The next one is on independents in August, 11 and that will be an event up in Flagstaff. And then 12 we'll be in Tucson in the general election, providing 13 information on resources for voters. 14 Also -- I also -- just a couple of quick 15 other mentions. One of Morrison researchers and I were 16 on Arizona Horizon, which is the local PBS equivalent 17 to Arizona Illustrated -- if Arizona Illustrated exists 18 anymore -- on the night of the event. And, actually, 19 while this meeting is going on, David Daugherty, who is 20 the -- is also the -- is one of the authors of this 21 report, and I pre-taped an interview with KJZZ, which 22 is -- which aired literally while we were meeting 23 today, again, talking about the report and the 24 findings. 25 And I think that -- you know, I think that</p>

<p>10:55:24-10:56:47 Page 54</p> <p>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</p>	<p>10:58:11-10:59:13 Page 56</p> <p>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. WHEELLOCK: 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. WHEELLOCK: Yeah. 13 MR. COLLINS: You have to introduce 14 yourself for the record whether you like it or not. 15 MR. WHEELLOCK: 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</p>
<p>10:56:51-10:58:07 Page 55</p> <p>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</p>	<p>10:59:17-11:00:40 Page 57</p> <p>1 Facebook event reached 2.5000 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</p>

<p>11:00:40-11:02:02 Page 58</p> <p>1 impressive report. And I can't claim to be a 2 Millennial, but I am a political independent. And I'm 3 disturbed by looking here that of the 1.2 million 4 independents, 458,000 vote -- did not vote at all in 5 2016, and that's very discouraging. 6 MR. COLLINS: You know, and to that point, 7 Commissioner Kimble, we talked about that and that 8 has -- there's about three different -- three different 9 takeaways I have from that. First, the Commission has 10 in the past focused on independent voters and as part 11 of our campaigns, our efforts to get people to be aware 12 of their voting rights. I'm not sure what we have 13 planned -- if we have that planned for this year. 14 MS. ROBERTS: We're planning it now. 15 MR. COLLINS: We are doing that now. And 16 what we found in Maricopa County the first time we did 17 this was there was -- even the number of -- the 18 absolute number of independent voters remained quite 19 low. The increase -- percentage increase was 20 significant. So there is some hope there. 21 The real issue -- the other -- on the other 22 hand, the issue with independents is partially driven 23 by the fact obviously many independents don't want to 24 be part of a party, but the parties are key to driving 25 turnout. And what the parties have done, I think, over</p>	<p>11:03:18-11:04:35 Page 60</p> <p>1 initiatives. And folks -- the very folks who claim 2 they don't want people to vote also don't want 3 governments by the ballot box, but that's the result of 4 the fact that we're not getting the best cross section 5 of voters. 6 So there's a real catch-22 there for folks 7 who say, oh, this isn't really a crisis because if you 8 don't think it's a crisis now, it might get worse, but 9 it also is going to lead to, I think, predictably more 10 initiatives and referendums because folks who feel 11 marginalized are going to take those issues up because 12 of their frustration. 13 So I think those are the reasons why 14 independents ought to be engaged because, otherwise, 15 they're foregoing their opportunity to have a -- have 16 to -- you know, when you vote for a legislator, you're 17 delegating that person the authority to make decisions 18 on your behalf. And I think communicating to them 19 that -- I said this yesterday in the interview with 20 KJZZ. An independent who doesn't vote isn't just not 21 voting. They're actually doubling the weight of the 22 person who votes. So you're not just staying out of 23 it. You are actually multiplying the power of the vote 24 that you didn't -- you know, you didn't cast. 25 And I don't think that that kind of -- I</p>
<p>11:02:04-11:03:15 Page 59</p> <p>1 time is decided who their voters are and focused on 2 those folks. So they're not necessarily going to focus 3 on an independent unless they see some record of that 4 independent voting in a particular primary or whatever. 5 And I think that is -- that may work for 6 them strategically, but it ultimately has potential 7 problems for the overall public good in the context of 8 a democratic republic. So, you know, communicating to 9 voters that they -- independent voters they have the 10 opportunity to vote in the primaries is a very -- is a 11 very important part of that. 12 The other irony is, you know, and one of 13 the -- one of the things that was brought out was, you 14 know, some criticism for whether or not -- you know, 15 45 -- 45 percent of people who are either eligible to 16 vote but didn't register or didn't -- or chose not to 17 vote at all in the 2016 election, maybe that's just not 18 such a big deal. 19 People don't want to vote, but there's a 20 catch-22 there because if you believe that it's okay 21 that people aren't going to vote and then you end up 22 with city councils and board of supervisors and other 23 entities that might not be representative, you end up 24 with more legislation at the ballot box because people 25 get frustrated with the legislature and they take out</p>	<p>11:04:38-11:05:30 Page 61</p> <p>1 don't think -- I don't think a lot of independents 2 understand how much power they are giving to the folks 3 who do vote when they choose not to vote because 4 every -- for every vote that isn't there, the vote that 5 replaces it is double weighted, basically. 6 So those are some of my takeaways from the 7 independents. 8 COMMISSIONER PATON: Can I say something 9 briefly? 10 MR. COLLINS: Sure. 11 ACTING CHAIRMAN MEYER: Commissioner Paton. 12 COMMISSIONER PATON: As far as the 13 independents, there seems to be a lot of confusion 14 about them voting in primaries. 15 MR. COLLINS: Yeah. 16 COMMISSIONER PATON: And I know my own wife 17 is an independent and she's always, like, can I vote on 18 the primary? Can I not? So -- so, I mean, she's an 19 educated woman with a master's degree. 20 MR. COLLINS: Sure. 21 COMMISSIONER PATON: And she's confused. 22 So one thing I think we need to, as far as our 23 education program goes -- and I know that Gina has done 24 stuff about that, but we really need to educate the 25 independents of when they can vote and so on because</p>

<p>11:05:34-11:06:53 Page 62</p> <p>1 they are confused. And then, secondly, the -- in my 2 view, both major parties are to both wings and aren't 3 talking to people in the middle and as to their -- both 4 of the parties' detriments, I think. 5 MR. COLLINS: Mr. Chairman, if I could, 6 Commissioner Paton, I think you make some absolutely 7 valid points. I mean, the biggest single issue with 8 confusion about independents -- well, I should say 9 there's two issues, but the biggest single issue is the 10 fact that our presidential preference election does not 11 allow independents to vote and our open primary for 12 the -- for the state offices does. And that is 13 something that is a cycle that repeats itself every two 14 years. 15 And we still, as a -- as an election 16 community, including the county election directors and 17 the recorders and the Secretary of State, all of us are 18 aware of this problem. All of us have worked on it and 19 continue to work on it, but it is the single biggest 20 driver of confusion. 21 The second -- I think that the second 22 biggest driver of confusion is if you are on the PVL, 23 the primary voting list, you have to tell your county 24 recorder what ballot you want or they won't send you 25 one. That's another area of confusion.</p>	<p>11:08:12-11:08:47 Page 64</p> <p>1 primary to put a big headline independents can vote on 2 this primary, you know, and just put that to all the 3 Arizona newspapers like the day before. 4 MR. COLLINS: Well, we -- that's the kind 5 of thing we can certainly look at. Gina and I can look 6 at that with our team. 7 COMMISSIONER CHAN: Mr. Chairman -- 8 COMMISSIONER PATON: I mean, who could be 9 against that if you're a newspaper? 10 COMMISSIONER CHAN: Or Mr. Chairman -- 11 MR. COLLINS: I don't know who reads the 12 newspaper. 13 COMMISSIONER CHAN: -- to that point, maybe 14 we have it put on the ADOT signs because maybe even 15 more people read those these days than the newspapers, 16 unfortunately. 17 COMMISSIONER PATON: And we spoke about 18 that before. 19 MR. COLLINS: Yeah. 20 COMMISSIONER PATON: They won't let us put 21 stuff on it. 22 COMMISSIONER CHAN: Oh, what? 23 COMMISSIONER PATON: That would be great, 24 actually. 25 MR. COLLINS: Yeah, I know.</p>
<p>11:06:56-11:08:07 Page 63</p> <p>1 And then the third area of confusion is 2 that it's not an open primary in the sense of the sort 3 of top 2 type of stuff you have in California. You 4 have to pick a ballot of a party and you are not in a 5 position to pick and choose among -- among them. 6 So those -- those three things are, I 7 think, the top areas of confusion. I think that the 8 consensus among election administrators is that those 9 are the things we need to address. And we have been, 10 but it takes -- I mean, the Commission started -- the 11 first time we did -- we did address the specific 12 independent voters was, I want to say, 2014. And we've 13 persisted in doing that since then. 14 And I think that it takes -- one of the 15 nice things about the Commission itself is because 16 there's such -- there's stability in the membership; 17 it's not -- and because you're appointed in a way that 18 makes you non-partisan and independent and all the 19 things that we think are important, but the ability to 20 sustain an effort over time is key to what -- to 21 addressing those issues. 22 Commissioner Paton? 23 COMMISSIONER PATON: Yeah. I've got -- 24 maybe it's a suggestion that would be appropriate, but 25 maybe we can convince the newspapers the day before the</p>	<p>11:08:48-11:09:46 Page 65</p> <p>1 COMMISSIONER CHAN: That was -- 2 COMMISSIONER PATON: Instead of their 3 little phrases that they use. 4 ACTING CHAIRMAN KIMBLE: Gina? 5 MS. ROBERTS: Commissioners, if I could, 6 that's a sore subject for me. We have tried very, very 7 hard for several years to get ADOT to post signs on 8 there and even so more recently since they seem to be a 9 little bit more relaxed on the type of message they are 10 putting out there. I sent an email, you know, maybe a 11 month ago to try to touch base again, and so we are 12 working on that effort for sure. We definitely want to 13 see if we can utilize that tactic. 14 And then, as far as the newspaper coverage 15 goes, we were fortunate where in 2016, a lot of the 16 materials that we created to educate independent voters 17 and -- about the primary election, in general, AZ 18 Central and the "Republic," they did pick those up. 19 They did utilize our infographics, and this was, I 20 think, on the bottom fold of the front page. So we are 21 making headway there to work with our partners in the 22 media to make sure that we can get that message out 23 there. 24 As Tom mentioned, the biggest issues that 25 we run across with independents are, one, just the</p>


<p>11:09:48-11:10:46 Page 66</p> <p>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</p>	<p>11:11:57-11:13:14 Page 68</p> <p>1 partisan elections. 2 And I know that's a very politically loaded 3 statement, probably, but it just -- just thinking about 4 the system, it just -- I continue to -- I've started 5 wondering and continue to have the question of where 6 did that come from and why do we continue to do it? So 7 I know there was an initiative. I didn't remember if 8 we voted on it, but to have a top 2, you know, primary. 9 But I just -- I continue to believe with 10 everything that I see from people I know and in the 11 media and on social media -- and, again, that's 12 probably my microcosm. So it may be very like-minded 13 people, but that many tend to believe that our partisan 14 system does tend to have some extreme viewpoints in it. 15 And having the primaries be -- even though they're 16 open, having more party members participate than, you 17 know, the independents can lead to some polarization 18 that I believe might not be there if we had more people 19 participate at the very beginning than just at the 20 general election. 21 MR. COLLINS: Mr. Chairman, can I just make 22 two quick points? 23 ACTING CHAIRMAN KIMBLE: Tom. 24 MR. COLLINS: And I'm sure you're probably 25 ready to head back down to south of the Gila, but to</p>
<p>11:10:49-11:11:54 Page 67</p> <p>1 education efforts out right now aimed at independents, 2 and we're going to continue that. 3 COMMISSIONER PATON: Mr. Kimble, was a 4 former newspaper man, as well as Tom. Maybe they have 5 ideas about, like, the week before, the day before 6 primaries, how the newspapers can promote the fact that 7 independents could vote in primaries. 8 ACTING CHAIRMAN KIMBLE: Yeah, I don't -- I 9 think that's pretty widely promoted in the newspapers. 10 You know, it's not a big surprise that newspaper 11 readership has fallen off the cliff. So I'm not sure 12 that that's the best solution. That's certainly one of 13 them, though. 14 COMMISSIONER CHAN: Mr. Chairman. 15 ACTING CHAIRMAN KIMBLE: Commissioner Chan. 16 COMMISSIONER CHAN: If I could just make a 17 comment. You know, one thing that just continually 18 comes to my mind when we talk about voter participation 19 and taking into account the increase in the folks who 20 are not registered with recognized parties and who, you 21 know, for a variety of reasons, but including the 22 confusion we're talking about with participating, and 23 then just the -- not real barriers but barriers in the 24 sense of, oh, now I can vote, but I have to choose a 25 ballot, it just makes me wonder why we continue to have</p>	<p>11:13:18-11:14:37 Page 69</p> <p>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</p>

11:14:41-11:15:19

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1 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.)
24
25

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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)
3 BE IT KNOWN the foregoing proceedings were
4 taken by me; that I was then and there a Certified
5 Reporter of the State of Arizona, and by virtue thereof
6 authorized to administer an oath; that the proceedings
7 were taken down by me in shorthand and thereafter
8 transcribed into typewriting under my direction; that
9 the foregoing pages are a full, true, and accurate
10 transcript of all proceedings and testimony had and
11 adduced upon the taking of said proceedings, all done to
12 the best of my skill and ability.
13 I FURTHER CERTIFY that I am in no way
14 related to nor employed by any of the parties thereto
15 nor am I in any way interested in the outcome hereof.
16 DATED at Phoenix, Arizona, this 20th day of
17 July, 2018.
18 
19 LILIA MONARREZ, RPR, CR #50699
20
21
22
23
24
25

	<p>added (1) 17:6 addition (1) 17:8 additional (6) 6:15; 11:19;21:6;26:13; 56:23;57:7 address (5) 19:22;20:1, 7;63:9,11 addressed (3) 20:8; 24:18;25:24 addressing (2) 54:4; 63:21 adjourn (1) 70:14 adjourned (1) 70:21 adjourning (1) 70:19 adjournment (1) 70:11 administrators (2) 63:8; 69:3 ado (1) 51:5 ADOT (2) 64:14;65:7 ads (8) 16:12,20;17:6; 21:15,16;31:23;37:14, 18 advantageous (1) 47:20 advertising (1) 17:16 Advocacy (2) 39:4,14 AdWords (6) 10:8; 24:11,23;27:1;29:23; 34:3 affect (2) 8:1;19:16 again (19) 5:10;6:10; 17:14,21;26:12;29:25; 34:20,23;35:9,9;36:7, 12;38:6;41:12,15; 44:20;53:23;65:11; 68:11 against (3) 8:23;47:14; 64:9 age (1) 37:24 agency (2) 22:20;55:20 agenda (6) 3:7;4:6; 9:25;10:5;38:22;69:5 ago (2) 14:17;65:11 agree (2) 53:4;69:9 agreed (2) 29:22;30:3 agrees (2) 12:5;46:23 ahead (7) 19:6;22:4; 23:6;25:8;28:25;56:10; 57:9 aimed (1) 67:1 aired (2) 51:12;53:22 al (1) 39:4 Alec (3) 4:15,25;51:2 allow (3) 7:2;36:24; 62:11 allowed (3) 19:22;24:4, 21 allowing (1) 6:6 allows (2) 40:1,3 along (1) 36:3 always (4) 5:12;8:2; 61:17;69:6 American (1) 4:24</p>	<p>amicus (1) 48:15 among (3) 63:5,5,8 amount (3) 24:21; 33:16;40:9 Amy (3) 42:3,4;45:22 analogy (2) 26:25;27:9 and/or (1) 38:24 antagonistic (1) 10:13 antiquated (1) 69:22 anymore (1) 53:18 apologetic (1) 18:12 apologies (1) 51:9 apologize (4) 10:17,21; 13:11;17:14 apparently (2) 20:2; 43:4 appeal (3) 43:12; 45:25;46:2 apply (1) 43:3 appointed (1) 63:17 appreciate (9) 9:8; 17:18;18:2,10;19:10, 18;21:21;36:15;38:3 approach (3) 16:5; 18:17;35:2 appropriate (1) 63:24 approval (2) 30:15,21 approve (6) 3:13,18; 20:5;29:6;30:1,12 approved (9) 16:25; 17:2;28:23;29:12,16; 30:1,4;32:4;47:16 area (2) 62:25;63:1 areas (4) 55:12,12,13; 63:7 argument (5) 9:11,19; 39:20;40:23;45:11 Arizona (16) 5:4;7:13; 37:9;39:4,14,24,24; 40:14;42:20;49:23; 52:16;53:16,17,17; 64:3;69:19 around (2) 53:5;57:10 Article (4) 40:11,14; 42:19,20 ascertain (1) 15:8 aspects (1) 35:17 assessment (2) 15:16, 21 assessments (1) 15:17 assigning (1) 31:15 Association (1) 4:25 assuming (1) 4:1 assure (1) 17:20 assured (1) 52:12 assuring (1) 20:20 attendance (2) 5:24; 57:14 attended (1) 5:12 attendees (1) 49:10 attention (2) 13:7;25:23 August (4) 8:13;45:12; 46:9;53:10</p>	<p>authority (4) 20:10,14, 16;60:17 authorization (1) 16:24 authorized (1) 16:8 authors (1) 53:20 automatically (1) 6:21 available (2) 17:16; 19:20 Avelar (1) 52:14 avoid (1) 35:6 aware (4) 13:17;14:18; 58:11;62:18 awareness (1) 15:19 away (1) 20:16 aye (3) 3:20;49:5; 70:19 eyes (3) 3:21;49:6; 70:20 AZ (1) 65:17 AZAN (2) 40:1,23</p>	<p>blame (1) 31:15 blended (3) 16:12;26:9, 17 board (1) 59:22 Boomers (1) 54:8 border (1) 44:11 BORREGO (20) 11:8; 12:7,23,24;13:5;20:12, 17;21:1,5,9;22:5,20; 23:11,18;25:4,6;26:4, 6;27:10;36:5 both (15) 11:22;12:17; 35:1;36:15;39:17,17; 44:3;45:13;54:3;55:21; 57:12,13;62:2,2,3 bottom (1) 65:20 bounce (1) 7:3 bound (1) 49:14 boundaries (1) 35:4 box (2) 59:24;60:3 brain (1) 7:22 brand (3) 22:23,23; 31:10 brief (3) 12:8;34:17; 39:16 briefed (1) 51:24 briefing (3) 39:15; 41:25;46:4 briefly (2) 6:12;61:9 briefs (1) 39:18 bring (2) 11:7;69:15 bringing (2) 40:24;55:3 Brnovich (1) 8:2 broadly (1) 10:5 brought (4) 42:1;52:18, 21;59:13 buck (4) 10:22;34:22, 22,22 bulk (3) 27:4,5,7 bunch (1) 27:5 bundling (1) 26:1 buses (1) 43:7 business (2) 25:16; 28:10 button (5) 23:9,14,15; 32:2,9 buying (3) 27:1,4;54:15</p>
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