THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
September 27, 2018
9:32 a.m.

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ACTING CHAIRMAN KIMBLE: Good morning. I'm going to call to order the September 27th, 2018, meeting of the Citizens Clean Elections Commission. I'm Commissioner Mark Kimble. Chairman Damien Meyer is -- has a conflict. He may be calling in later today, later during the meeting. Until then, we'll carry on with Commissioner Paton and Commissioner Chan.

Item II on the agenda, discussion and possible action on Commission minutes for the July 19th, 2018, meeting.

Are there any corrections or additions to the minutes? If not, can we have a motion?

COMMISSIONER CHAN: I would move that we approve the minutes as written.

COMMISSIONER PATON: Second.

ACTING CHAIRMAN KIMBLE: It's been moved and seconded that we approve the minutes for the meeting of July 19th, 2018.

All in favor, say aye.

(Chorus of ayes.)

ACTING CHAIRMAN KIMBLE: Any opposed?

No response.

ACTING CHAIRMAN KIMBLE: Passed.
09:35:55-09:37:03

1 ACTING CHAIRMAN KIMBLE: Thank you and best
2 of luck.
3 Tom?
4 MR. COLLINS: The Voter Education Guide is
5 arriving beginning October 4th. We got our bulk
6 mailing yesterday. The digital version is available on
7 the Clean Elections website and, of course, if voters
8 want to tailor their viewing to their -- to their own
9 district, they can go to our Voter Dashboard on the
10 website and use their address and get their candidate
11 information that way.
12 We're in the process of still -- we're in
13 the height of debate season. We've had debates both
14 statewide and local legislative this week and last week
15 and next week and next week after that. Gina will talk
16 some more about debates in the voter education
17 discussion. So I don't want to dwell too much on that.
18 Now -- although we did have the gubernatorial debate on
19 Monday, and I thought that was -- I thought that was --
20 I thought it was a very successful event.
21 We participated in the National Voter
22 Registration Day --
23 COMMISSIONER CHAN: Can I --
24 MR. COLLINS: Sure.
25 COMMISSIONER CHAN: Mr. Chairman, can I

09:37:03-09:37:58

1 just interrupt?
2 I'm sorry, Tom.
3 MR. COLLINS: Yeah, sure.
4 COMMISSIONER CHAN: I don't want to disrupt
5 your flow, but I just wanted to say that sometimes I
6 can't watch the debates just when they're happening.
7 And so I really appreciate having them online, but I
8 know for the -- and I don't know if it happened for any
9 of the other debates, but definitely for the
10 gubernatorial debate, we had a preshow on our Facebook
11 Live. I think it was -- and I don't know. Maybe on
12 our website. I was looking at it on Facebook, I think,
13 and a post show as well.
14 So Tom gave everybody, kind of, a tour of
15 the PBS studio just for a few minutes. It wasn't too
16 long. And I was very impressed with his television
17 presence, actually, a very nice job. So I wanted to
18 just let everybody know that; that if you missed it, it
19 was fabulous. And then the post show was with a
20 gentleman named Billy.
21 MR. COLLINS: Yes, Billy Robb.
22 COMMISSIONER CHAN: -- Billy Robb, who has
23 a podcast, and he and Tom, kind of, did a postmortem of
24 the gubernatorial debate. So it was a 10-minute
25 breakdown of the hour-long session, and I thought it

09:38:00-09:39:02

1 was a really nice way to, kind of, break it down. And
2 I even posted on my Facebook page if you didn't have an
3 hour to watch the governor's debate, check it out; this
4 is a ten-minute breakdown with some seasoned
5 professionals.
6 So thank you for doing that.
7 MR. COLLINS: No problem.
8 COMMISSIONER CHAN: I think that was a
9 fabulous idea. And I think being an election nerd, to
10 me that's just as good as any sporting event would be
11 for an athletic, you know, sporting aficionado. So I
12 hope it will pull some more people into the election
13 nerd world who maybe wouldn't normally participate.
14 MR. COLLINS: Well, thank you.
15 ACTING CHAIRMAN KIMBLE: Okay.
16 MR. COLLINS: Meanwhile, I mean, we -- just
17 as you can see through the voter education section
18 here, I mean, we're throughout -- we're around the
19 state. You know, we have the Take Flight mural which
20 is -- which has really become more -- has already taken
21 on, I think, more significance than -- timeless
22 significance than the 18 in 2018 Campaign of which that
23 is part of. You know, I think it's been launched in
24 the -- at MCC and SCC. We have a portal version we
25 displayed in Flagstaff yesterday.

09:39:04-09:40:42

1 Gina and Alec have been to -- we were out
2 at Glendale and then everybody was out at ASU or Alec
3 and Gina and Steff were out at ASU. I was in Flagstaff
4 yesterday. The -- so we're -- and then we're out at
5 the debates. So it's a very busy voter education
6 schedule, and -- and Gina will talk, as I say, more
7 about the details of that in the next agenda item.
8 The last thing I want -- the last two
9 things I wanted to note, one, former Secretary Bennett
10 failed to qualify for Clean Elections funding, and
11 under our rules, he's not a participating candidate at
12 this point. He had a couple of complaints filed
13 against him. We don't, at this point, anticipate
14 further action on those complaints because -- because
15 they relate to issues that, you know, while they might
16 exist for other folks, wouldn't -- wouldn't be of any
17 issue to us, him having failed to qualify.
18 I will say that since I wrote this part of
19 the report, we got an email from Mr. Bennett indicating
20 he's exploring the options he -- whatever options he
21 thinks may exist to talk to the Secretary and the
22 County Recorders about remedy to be -- remedying his --
23 his shortfall, but just to give you a sense, he filed
24 slightly less than 100 more than the minimum and he
25 came in at, I think, 38/78 in terms of qualified
MR. BECKER: Commissioner -- Mr. Chairman, Commissioners, good morning. Mr. Chairman, Commissioner Paton, that I don't know. I don't know the exact numbers. Those come sporadically throughout the year. So it's hard to figure out exactly where we are versus where we were last year until the end of the year when we can really assemble everything and look at it as a whole.

COMMISSIONER PATON: Okay.

MR. BECKER: Okay. So -- and we're working with several other people in the department of administration that helps us with the budget, and so we'll be working with them at the end of the year to get a full view of everything that's been going on.

COMMISSIONER PATON: Okay. Thank you.

ACTING CHAIRMAN KIMBLE: Any other questions on the executive director's report?

COMMISSIONER PATON: Okay. Thank you.

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MR. BECKER: Okay. So -- and we're working with several other people in the department of administration that helps us with the budget, and so we'll be working with them at the end of the year to get a full view of everything that's been going on.
What we have for you today is a recap of the efforts that the Commission has undertaken with regards to the primary election, specifically about voter education and outreach.

Okay. Let's see. Let's just do this.

Okay.

So to start off, I'll go over some numbers of the turnout from the primary, which was held on August 28th. So you can see the voter registration figures, those are the number of voters who were actually eligible to participate in the primary. So we had about 3.3 million voters, and the turnout ended up being 33.26 percent. So if you take a look at the graph over on the right, that's a graph that we pulled from our voter crisis summary and, basically, it just breaks down the percentage of turnouts over the years. And, you know, while 33 percent may not seem like a great number, it actually broke records. So we are very proud that the -- you know, we're in the right direction in terms of voter turnout. So it's really exciting to see that, you know, it was a 22 percent increase from the 2016 primary. So definitely headed in the right direction, plus, you know, we are also in the midterms. So you would typically see the turnout even less than, you know, in a presidential election year.

Seven of fifteen counties actually broke voter turnout record, which is exciting. Just -- you know, it's a good direction. And, you know, we're really excited to see that, and we -- you know, as you'll see throughout the rest of this presentation, the Commission had significant efforts in educating voters across the state about the primary election, about how to participate and become informed on what's on the ballot. And we had specific campaigns that I'll go in more detail on, but, you know, I think it's safe to say that we had a hand in seeing that turnout increase.

Just a brief overview, if you've been watching the news or maybe you've heard a few things on Primary Election Day, Maricopa County did experience some difficulties, and they have released a report, an internal report. And the Maricopa County Board of Supervisors has authorized an audit to look into some of the issues that they experienced, but the gist of it is that on election day, polls are supposed to open at 6:00 a.m. And approximately, I think, 63 polling locations did not open on time, but by 11:30 that day, the county did have all of their voting locations up.

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So a little bit more information is Maricopa County had a hybrid election day voting system where they had assigned polling places. So when you have an assigned polling place, as a voter, you have to go to that polling location, but they also had an additional 40 vote centers and vote centers where any voter can go to get their ballot. One of the things Maricopa County references -- the Recorder's office references in their report is that the backup plan was to direct the voters to the vote center in the event that there were any issues at the specific polling locations. So when staff received any of those phone calls of questions or concerns -- you know, and we were in communication with the county that day, as well, who they were giving us some information about, yes, there was a delay in some of the polling locations being opened up -- we did our best to direct them to vote centers and to let them know that, you know, at the end of the day, you can go to a vote center -- well, not at the end of the day, but no matter what, you can go to a vote center and you --
1 should always be afforded the right to vote a
2 provisional ballot. So that's, kind of, the experience
3 that we have a little bit. I believe there are -- you
4 know, a full report is coming from the auditor's
5 office. And we can -- staff is happy to share the
6 internal report from Maricopa County and the
7 preliminary report from the auditors if the Commission
8 is interested in reading that in detail.
9 COMMISSIONERCHAN: Thank you.
10 MR. COLLINS: It could be. I mean, we
11 could nail that down with Morrison --
12 ACTING CHAIRMAN KIMBLE: Okay. But if
13 that's a ballpark.
14 MR. COLLINS: -- in terms of their
15 analysis. I mean, based on -- based on the total
16 potential voting population versus how many people cast
17 ballot, that seems like that's a logical extrapolation
18 from the numbers we have.
19 ACTING CHAIRMAN KIMBLE: Okay. Thank you.
20 MS. ROBERTS: And, Chairman Kimble, I would
21 estimate that as well. That sounds like it's in the
22 ballpark. And, also, once we get more in detail, too,
23 in the information, we can then look out what the
24 independent voter turnout rate was as well. We just
25 don't have that level yet of those figures, but we will
26 be looking forward to that.

1 one question just to make something clear.
2 The turnout is based on the percent of
3 registered voters?
4 MS. ROBERTS: Mr. Chairman, yes, that is
5 correct.
6 ACTING CHAIRMAN KIMBLE: And do we have any
7 idea or do you have a ballpark estimate of how many --
8 what percent of eligible voters are registered.
9 MS. ROBERTS: Off the top --
10 ACTING CHAIRMAN KIMBLE: And firm.
11 MS. ROBERTS: Sure. Mr. Chairman, I'm
12 referring back to our voter crisis report.
13 And, Tom, maybe you can help me with this
14 number, but off the top of my head, I believe we were
15 reporting that it would be about half. It was close to
16 half.
17 MR. COLLINS: Yeah. The total number of
18 folks who didn't participate, for example, in 2016 who
19 either were registered and didn't participate or were
20 not registered but could have participated, we set it
21 at about 48 percent in the -- in the 2016 general. So
22 there's still a substantial number of unregistered
23 potential voters out there. You know, there's always
24 in the run up to election and, perhaps, you know, based
25 on voter -- voter registration drives and what have
1 participate more.
2 And so one of the things that we've
3 highlighted, of course, are the logistics of voting, as
4 well. So we highlighted key dates and deadlines, such
5 as voter registration deadline. You know, hey, don't
6 forget; you need to mail in your early ballot today,
7 that type of thing. So we made sure that we were
8 always informing voters of those key dates and
9 deadlines.
10 This is just some examples of what that
11 creative looked like. So we were in print and, again,
12 you know, we made use of, well, if you're in Maricopa
13 County, then you connect an arrow. I believe most
14 other counties use, you know, fill in the dot -- a
15 bubble, but again, we just wanted to show how the
16 actual person connects to the election.
17 And I'll just quickly go through some of
18 these creative examples through digital just so you can
19 see -- you know, hopefully you actually have seen these
20 yourself as voters, but just so you can see what the
21 voter was seeing. And we're on social and, you know, a
22 very clear voter registration deadline, July 30th. You
23 know, early voting. It's happening now. Very clearcut
24 messaging to connect with the voters. We were on TV.
25 We had several TV spots that were running.

1 So that's really just a high-level overview
2 of what the campaign looked like. Towards the end of
3 this presentation, I have statistics on the
4 performance, but I just wanted to go through briefly
5 and give you an idea, spark your memory of what these
6 campaigns looked like.
7 So for our Voter Education Guide, hopefully
8 everybody received theirs in the mail, but the goal of
9 this was to let people know this is coming. So our --
10 our education campaign was to let people know this tool
11 exists for you. You can hear directly from the
12 candidates. And we actually continued with our
13 district-specific method of mailing these out, which we
14 found to be very beneficial to voters but also served
15 as a cost-savings measure. And we emailed out over two
16 million pieces, so a guide went out to every household
17 with a registered voter.
18 So we're really, you know, happy to see
19 that most candidates participated in doing a
20 submission. And in terms of the format of the guide, I
21 believe I shared with the Commission that we were in
22 works with the Center for Civic Design to take a look
23 at how we can improve the layout, the format of the
24 guide, just to make it easier to read, you know, look
25 at using more plain language style, everything to that

1 not only information in the introduction about the
2 logistics of voting and key dates and deadlines, but
3 this is your opportunity to hear directly from the
4 candidates.
5 I'm sure, you know, as voters, we all get
6 our campaign materials in the mail. We see those
7 glassy mailers. You know, things come out from the
8 parties. And so this guide, we really try to let
9 people know that it's coming from the Commission and
10 the candidates themselves are the ones who are making
11 this Commission. You are hearing directly from them.
12 It's your direct connection to the candidates.
13 And that's an example of the cover, which I
14 believe you have the general election guide in front of
15 you, so the same cover. We just updated the date.
16 And just briefly, I'll go through some of
17 the examples of the creative. So we have digital. We
18 have banner ads. On social medial, one of the things
19 that we did was we highlighted the fact that -- so
20 ballots go out 45 days before the election to our UOCAV
21 voters. These are our military and overseas voters.
22 So ballots go out a little bit earlier to them than
23 they do to everybody else. We also make sure that our
24 guide goes out ahead of time for these specific voters,
25 as well, so they get their guide before they get their
1 ballot.
2 So we ran some ads just to let folks know,
3 hey, if you have a loved one who is serving or, you
4 know, is living overseas, please help us reach them and
5 give them a heads up that this guide is on its way to
6 them. And, of course, we let folks know, too, about
7 our partnership with Sun Sounds. Just some more
8 examples of the creative.
9 Debates. So debates is kind of, like, our
10 bread and butter, along with the Voter Education Guide.
11 We had a campaign to let folks know about when debates
12 will be coming to them in their district, what the
13 schedule is, when they can view the statewide debates
14 and how they can participate in them. So that was the
15 overall, you know, messaging of the campaign was to let
16 folks know about debates and, hopefully, we wanted to
17 drive that participation rate, increase attendance.
18 And as, I think, Commissioner Chan noted
19 earlier, we have these videos on our website, as well.
20 So if you can't attend in person, you can watch them
21 online.
22 So briefly, I wanted to go through some of
23 the partnerships and the pilot programs that we
24 instituted this year and talk about the numbers.
25 So for the primary election, we hosted 22

1 legislative debates. So that's 22 out of 30, and we
2 had eight statewide debates. And from the videos that
3 we posted on our website, we had about 4,500 views.
4 And then from the statewide debates that were both
5 posted online and broadcast live, you can see the
6 online views, they were about 93,000, and then
7 broadcast was close to 91,000.
8 And then, in terms of the on-the-ground
9 legislative debates, we had approximately 500 folks
10 attend in person. So the broadcast capability, that is
11 facilitated through our partnership with Arizona PBS.
12 Again, for several years now the Commission has
13 partnered with AZ PBS to broadcast live our statewide
14 debates on the Arizona Horizon segment, which is
15 moderated by Ted Simons. And, you know, the Commission
16 and staff, we have been able to do that for several
17 years.
18 And the reason why we -- we appreciate this
19 partnership so much is because it's public television,
20 but, also, Ted is a veteran journalist. And we just --
21 we appreciate his ability to interact with the
22 candidates and pull out the information during those
23 debates, and we just think it's a great benefit to
24 voters.
25 As Commissioner Chan noted earlier, too,
opening it to the public. And we think that that
provided a unique opportunity to be meet with the
candidates, and it's the kind of thing we could start
to do, in addition to debates, around the state because
we were -- I mean, that was something we were, again,
playing around with, but it seemed like it was a
success.

MS. ROBERTS: And, finally, I wanted to
discuss our pilots that we've had with our high
schools, which was really spearheaded and championed by
Commissioner Paton.
The -- so for three of our legislative
district debates specific to Legislative District 2, 10
and 14, we worked with schools to host the debates on
the ground at their facilities and to really
communicate with the parents and the teachers and the
students that this event is occurring in your community
and, you know, come out and participate and how can we
further engage the students wanting to support, you
know, encouraging that student participation in our
next generation of voters but, also, you know, to make
the debates more inviting in that they're here in the
community and to really promote that attendance to get
guys to come out and want to participate and be
engaged and ask the candidates the questions.

So with our Legislative District 2 debate,
we held that at Sahuarita High School. That ended up
being a 30-minute Q and A session. So one thing I
should note about our primary debates, those
typically -- we don't have as many as we do in the
general election. And, similar to how we see the
turnout rates, you know, it can be a little bit more
difficult to get people to attend the primary debates,
but the general election debates, we do see greater
participation.

And then with Legislative District 10, we
partnered with Sahuarita High School, which I believe was
Commissioner Paton's alma matter. And so we were
seeing a high number of views there with the online
video, and we had about 80 to 90 folks participate in
person. We saw a few reporters there, I believe.

And then with Legislative District 14, we
partnered with Empire High School, which is in Vail.
And that was, you know, great attendance there, about
130. At LD 14, we actually hosted a meet-and-greet
afterwards where we partnered with the local chamber
and the parent networks and the school districts. So
the meet-and-greet, when the debate was over, it really
allowed the candidates and the voters to continue to
engage and speak one on one.
1. surveys in detail. And we ask them questions about,
2. how did you hear about this debate? You know, what can
3. we improve? And, you know, similar things to that that
4. you would expect on a survey.
5. We did a preliminary review at the primary
6. surveys, and the things that we hear the most -- we
7. always hear in all the surveys when -- you know,
8. more advertising of the debate schedule and, also, they
9. wished that more candidates would participate. And so
10. the thing to remember is in the primary, you know,
11. we're only hosting a debate if there is a candidate
12. who's in a contested election. And then, if they are a
13. participating candidate, they're required to, but
14. traditional candidates, it's upon their request.
15. So -- but one positive thing I would note
16. from the reviews is we ask them, how did you hear about
17. this? And in the past, it's typically been we heard
18. from the candidate, directly from the candidate. You
19. know, the candidate is getting their supporters out
20. there, which is great, but this year we're really
21. seeing a wide range of they heard it from the
22. newspaper. They heard it from the radio. They heard
23. it from, you know, a banner ad. So -- and social
24. media.
25. So I think that's, you know, a positive

1. marker there in the fact that the comprehensive
2. campaign that we have to inform people about the
3. schedule, we're reaching folks. And so we will
4. continue to look at ways that we can further increase
5. attendance, but I do appreciate the suggestions from
6. the Commission because it's thinking outside of the box
7. a little bit, if you will, about how can we really
8. connect with the community to, you know, spark this
9. interest and promote that attendance.
10. So we'll definitely be looking, at the end
11. of the general election, about how can we improve these
12. debates and get the attendance up.
13. ACTING CHAIRMAN KIMBLE: Well, one
14. suggestion I've made -- and I've made this to Tom after
15. one of the debates -- is I think the debates are far
16. better when there is a media moderator or a moderator
17. who has some idea of what's going on, as opposed to the
18. other people, I guess, the professional moderators who
19. read a question and then wait for an answer and then
20. just read the next question without any follow-up or
21. anything. It -- it doesn't make for a very engaging
22. debate that way.
23. And I know you're limited by who you can
24. get to moderate them, but I noticed a big difference
25. when there's a media moderator or someone who's heavily

1. involved in the issues.
2. COMMISSIONER PATON: And during the
3. primaries, a lot of the people running, they're not
4. really engaging each other, I mean. And so it's a tad
5. dull. So, I mean, we kind of have the -- we need to
6. have something like Must See TV, as I was saying. By
7. the end of the fourth person, they would say, ditto, I
8. agree with those people. And so somehow we need to
9. have a real debate instead of just you answer the
10. question; you answer the question; you answer the
11. question.
12. We need some more engagement between the
13. people. I mean, we won't -- we don't want fist fights
14. or anything, but it needs to be -- we need to see the
15. difference between these people, not just, oh, we all
16. agree. No, you -- no, you don't. You don't all agree.
17. So to make it more interesting for everybody and to be
18. more incisive to see what the differences are. Then we
19. need more incisive questions and more engagement
20. between the two people, I mean, the people involved.
21. And then, finally, some of these people
22. don't want to be involved that are the candidates, and
23. that is very aggravating. And, I mean, that's part of
24. American culture is to debate your opponent in politics
25. going back to the Lincoln/Douglas debates and so on, on
All right. We'll now jump in the independent voters. So our goal here was to let independent voters know that Arizona has an open primary. So we really started out with -- you know, that would -- that would be our target audience and, again, the goal was to let them know that they can participate in the primary.

And the way we did that was -- the message that we put out there was, first and foremost, did you know? Did you know that you can participate in the primary? And now that you know, this is how. This is the how-to. And we focused on that message, but then, of course, we'd let them know, you know, certain key dates, as well.

And two that I wanted to talk about a little bit more would be the early ballot request deadline for an independent voter. That deadline was really important because, if you're an independent voter and you're on the permanent early voting list, you have to actively tell your county recorder which party ballot you want mailed to you. And that was important for voters to understand because sometimes we'd hear from folks who said, well, I didn't get my ballot; it wasn't mailed to me.

Well, are you an independent? And we would go through that conversation with them. This is what you have to do, the steps you need to take. That date was very highly publicized across the state from -- you know, from our efforts but also from the media and other election official offices.

We just really saw that date being pushed out there, which is great, but one of the things that the Commission started to see -- maybe there's a little bit of confusion from some folks -- is that once that date passed, we were hearing that maybe independents thought, oh, I missed that date; I can't participate in the primary anymore. So we made sure that we continued our messaging, of course, all the way up through election day.

If you're an independent voter and you didn't get an early ballot, if you missed the deadline to request one, it's okay. You still can come to the polls. You can still tell your poll worker which party ballot you'd like to vote.

So that was the messaging that we undertook, and this is an example of the creative. You'll see it's a little bit different than what we've done so far, but I kind of liken this to a street caution sign. You know, it really captures their attention. Stop. You know, did you know you can participate and this is -- this is the process? And we ran those through digital. And we were on social, but we were really trying to be, you know, eye-catching here.

We had infographics available on our website, but again, we just really pushed that message through independent voters.

And our final --

COMMISSIONER PATON: I have a question.

ACTING CHAIRMAN KIMBLE: Yes, Commissioner Paton.

COMMISSIONER PATON: So who -- where is the -- who decides how independents can vote in this?

Would it -- is it -- I mean, who decides whether they can't just get both votes in the mail and just choose one or the other and send it in? Why couldn't that happen?

MS. ROBERTS: Sure. Mr. Chairman, Commissioner Paton, so we say Arizona has an open primary, but it's technically a semiopen primary, if you will. So I believe it was in 1998 in which voters approved this method of voting. So it was a -- it was a citizens' initiative in 1998 and, basically, it allowed an independent voter, someone who is nonaffiliated, the option to pick the party ballot.

So in our primary, it's a partisan election, and the purpose of the primary is to -- for the voters within that political party to select their nominees that will advance to the general election. So ballots are created, you know, in accordance with statute, but they're created by party type. So you have a -- one ballot for Republican -- for the Republican party candidates and then you have one ballot for the Democratic party, you know, and so on.

And so you only get one ballot as a voter, and so you have to pick which one you want. And oftentimes the feedback that we get from independent voters are, well, why isn't there one ballot that has who all the candidates are? Well, in the general election, you'll get that, but the primary -- the purpose of the primary is for the voters that belong to that political party to select their nominees to advance to the general election.

And then, of course, as we know, sometimes in the primary that's really when the candidate is elected because there's maybe not another opponent in the other party. So that is something that independent voters need to consider as they want to participate. The other factor to consider there is so Arizona, at the statewide level, we have four...
recognized political parties. We have the Democrats, the Republicans, the Greens and the Libertarians. The Libertarians actually have a closed primary, which means an independent cannot request a Libertarian party ballot in 2018. In 2016, the Libertarians opened their primary. So then an independent voter could have selected that party ballot.

So, you know, it's a constant -- we need to know the rules for this election and communicate that to the voters. And so that's part of the struggle is that voters say, well, I don't remember doing it that way or, you know, we're having to constantly share with them these are the rules now.

COMMISSIONER PATON: So this would be the early ballots because when they go to the polls, they can just choose one or the other. So it's not that big of a deal. So it's really the early ballots which makes things so much easier for the rest of us.

Thank you, Gina.

MS. ROBERTS: Mr. Chairman, Commissioner, correct. That's why that deadline was so critical to inform independent voters about that you're going to have to actively contact your recorder if you want to select a party ballot. And there are some local nonpartisan ballots available, too. So if maybe --

there's maybe, like, a city or town election and if an independent just doesn't want to vote in any of those partisan elections but maybe their local city council race is happening, they can select a local nonpartisan ballot only.

Okay. Our 18 in 2018 Campaign, this is the last campaign I'll go through and then I'll highlight very quickly some stats, but this is my favorite campaign, if I could just have an opinion on that. It was very fun, and I think we were all very surprised and excited about how much this campaign has grown.

And so our 18 in 2018 Campaign was geared at motivating Arizona youth to participate in the electoral process, to get them to register to vote.

And so we were looking at our, you know, potential voters, the folks who would be 18, you know, by the next general election who could actually preregister now and our, you know 18- to 24-year-olds, so this younger demographic.

If you'll recall from our roundtable that we had in 2017, that kind of helps spark this discussion a little bit where our keynote speaker, Jamie Kasper, talked about how, you know, for this demographic, we have got to go to them, this Gen Z. If we want to encourage them and promote this participation from this age group, we can't expect them to come to us looking for this information. We've got to find them. We've got to go to them and we have to connect with them.

And so, you know -- and I'm sorry. I should have actually mentioned this earlier at the very beginning of this presentation, but of course, all of this was done in conjunction with our partnership with RIESTER. They are our agency, our trusted partners that we've worked with to really get all of these campaigns off the ground. And so when RIESTER came up with this -- this idea, we were all very excited about it.

So the goal, again, was to encourage our next generation of voters to get registered and to really activate their political power by registering and to take flight and to actually get out there and vote, and these are some examples of our logos and our creative campaign that we did here. You'll see it's a little bit different than maybe our other artwork that we've had, a little bit more bolder, something to actually connect with this age group.

And I'll jump through those pretty quickly, but I want to showcase the mural itself. So the mural was installed -- we hired a local artist, and it was painted on a wall down on Roosevelt Row in downtown Phoenix. And we didn't just stop there. We took another layer of adding augmented reality.

And the purpose for this was now that we have this digital component to it, when someone goes out and they scan the QR code through the Shazam application, not only do they get to have fun and interact with the mural, but we present them, through that application, a register-to-vote button. So right then and there, they can click register to vote and they can, you know, go through the minute or two it takes to go through the screens and get registered.

So with this mural, the original installation was done on Roosevelt Row. We brought a wheat pasting to Tucson, and as we mentioned in the ED report, we had installations done at Scottsdale Community College and Mesa Community College. And, you know, those -- they reach out directly to us. We are hearing positive feedback from the community about this is amazing. We love its purpose. That is really inspiring folks to get registered.

We have a partnership right now that we're working with with the School for the Arts in downtown Phoenix where we are going to be hosting a voter registration drive on October 5th, which is going to be
right before the deadline down here on Roosevelt Row at the mural, and it's going to be our first Friday. And the School for the Arts, they are coming out. These are students here, and they are very excited about this campaign. And they are creating their own materials to help promote this registration event and get their classmates out here. They're coming out with a video. I think they're going to be singing in it. It's really exciting to see the positive reaction from, you know, not only the students but the community members. We've heard from -- we've heard from the arts community. We've heard from other government organizations. I've heard from government organizations from California. People have been really taking interest in this mural and really utilizing this street art to promote that civic participation.

So, again, it kind of goes back to that maybe thinking outside of the box a little bit about how can we connect with the community and inspire people to get registered to vote. Just, again, I'll go quickly through some of the examples. You know, we had digital ads. We were on social just to further encourage people to go out and interact with the mural. It's really exciting to see the positive reaction from, you know, not only the students but the community members. We've heard from -- we've heard from the arts community. We've heard from other government organizations. I've heard from government organizations from California. People have been really taking interest in this mural and really utilizing this street art to promote that civic participation.

All right. So I can -- very quickly, I just want to highlight a few things on performance that, I think, are important to share with the Commission. Our website. We launched a new website earlier this year, and the reasoning behind that was because our previous platform, it just did not support the amount of content that we were producing and supplying to voters. And with our new website, I wanted to showcase that the average time on our website is almost two minutes. And if you really think about it, two minutes is a long time to sit there, you know, and interact with a web page for two minutes. And this is higher than what we've seen on any of our other websites before in terms of engagement. So we really are proud to see that number go up, and it shows that people are engaging with the site. And the other thing to note is that 73 percent of people are visiting our website from their mobile applications, and that's important because, when we did the redesign, we really invested a lot of time and energy in ensuring that our website was responsive so it looked well on any of the platforms and screen sizes that folks may be using to get to our site.

So we think that this number is very positive and it showcases the success of the website redesign, but it also speaks to the content that we're putting out there. You know, Alec's job is primarily to manage the website and our social media accounts. So it is a full-time job to keep this information up and current for voters. And, you know, anecdotal, we hear from people all the time we love your website. It's great. We link to it on our site. Staff is hearing that from the community. So we're very proud of the website itself.

Just some visual charts to, again, showcase the performance improvement from the website, and our top pages were the 18 in 2018 Campaign, which is great, and folks are interested in the debates and our voter guide, of course, our home page and then looking for their candidates. One thing I wanted to show here, you can see the spike in that graph on election day. People are looking at our website and, also, when key items hit. So maybe when the voter education is available or when debates are commencing, we'll see those spikes on our website.

The Dashboard. The Dashboard is a tool that folks may be using to get to our site.
So folks are connecting and reaching out to the Commission for some direct information. The Commission is being positioned as a thought leader and an expert on elections where we are engaging one on one with the community. And I think that's really, maybe the time or the space to put into this presentation is how often Commission staff is contacted to go out and give speeches or talk to folks in the community. And I reached out to both of my sons' schools to just see if there were any faculty or staff interested in me coming and just giving a presentation to Glendale Community College, giving a presentation to Prescott and talking to a specific group there. Staff is constantly being sought after to provide this voter education directly to the communities. So I wanted to share that. All right. And then, you know, a lot of the things that we've done so far have been highlighted in the media. We talked about the 18 in 2018, and one thing I would like to note is I appreciate how the Commission has been available to support these efforts. You know, whether that's giving an interview or providing an op-ed, we think that really helps connect all of that information that we're putting out there to the public.

So, for the most part, again, these are just really detailed stats. Unless the Commission has any questions on those, I'm happy to take questions if you have further questions about our performance for the primary.

ACTING CHAIRMAN KIMBLE: Well, I just want to say that I think a lot of people forget that voter education is one of the most important things that we do, and all of this data really shows that a lot of people are considering the Clean Elections website and the Clean Elections personnel and the Clean Elections Guide as their go-to source for independent, unbiased information on issues and on how to vote, where to vote all and that kind of stuff. And I'm very impressed with what you and what RIESTER has done in all these things. There's some very, very innovative ideas there, and I'm really in awe.

Thank you.

Any other commissioners want to say anything?

COMMISSIONER CHAN: Mr. Chairman, if I could just add, I wanted to thank Gina and Tom and Stephanie and Alec and Mike because I actually -- I think I've been inspired by the voter outreach that you guys as staff do, and I reached out to both of my sons' schools to just see if there were any faculty or staff that would be interested in me coming and just giving an overview of how to get registered and what to expect to see on your ballot for the general.

And so they supported me in giving me some, and their -- and their -- and their support -- and their support -- and their support -- and their support for me to just really detailed stats. Unless the Commission has any questions on those, I'm happy to take questions if you have further questions about our performance for the primary.

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Thank you.

Any other commissioners want to say anything?

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And so they supported me in giving me some, and their -- and their -- and their support -- and their support -- and their support -- and their support --
The State of Arizona Citizens Clean Elections Commission

Min-U-Script®

Transcript of Proceedings - Public Meeting

September 27, 2018

1 own, small, you know, piece of your community because
2 of the resources that you guys and RIESTER have made
3 our website become.
4 I included in -- I made my own little
5 handout and just put a screenshot of the Voter
6 Dashboard and explained to them exactly how helpful
7 that is with regard to seeing, what are your issues?
8 Where are you located? What are your deadlines for
9 your election?
10 And so I think that I just can't overstate
11 it enough how impressed I am with you guys -- you, Tom,
12 the whole staff. I mean, you guys have really done an
13 excellent job. And especially when I think back to
14 being at the Secretary of State's Office so long ago, I
15 mean, the best we could do -- and it was wonderful and
16 it still is wonderful -- was we've got online voter
17 registration, but other than that, it's not that you're
18 on your own. We get a publicity pamphlet, but it
19 wasn't really -- there was no one-stop shop.
20 And I feel like our website has really done
21 that for people, and the more outreach we can get out
22 there to let the public know, I think we'll continue to
23 see ourselves as a Commission and the website enhance
24 and encourage people to participate in our democracy.
25 ACTING CHAIRMAN KIMBLE: Thank you.

25

1 American Strong issue?
2 COMMISSIONER PATON: Mr. Commissioner -- I
3 mean, Chairman.
4 ACTING CHAIRMAN KIMBLE: Commissioner
5 Paton.
6 COMMISSIONER PATON: I would just say they
7 emailed you back within 23 minutes and that for some of
8 these other people that just stall us and stall us for
9 years, I would certainly agree to this conciliation.
10 ACTING CHAIRMAN KIMBLE: Thank you.
11 Is there anyone here who wants to be heard
12 on this matter?
13 (No response.)
14 ACTING CHAIRMAN KIMBLE: Okay. Anyone else
15 want to make a comment or a motion?
16 COMMISSIONER CHAN: Mr. Chairman, I would
17 move that we approve -- approve or accept?
18 MR. COLLINS: Approve for me to sign.
19 COMMISSIONER CHAN: Okay. Mr. Chairman, I
20 would move that we approve the conciliation agreement
21 as drafted for our executive director to sign.
22 ACTING CHAIRMAN KIMBLE: Okay. Is there a
23 second?
24 COMMISSIONER PATON: I second.
25 ACTING CHAIRMAN KIMBLE: Okay. There's
10:39:47-10:40:47

1 COMMISSIONER MEYER: I can hear you. Thank you.
2
3 MR. COLLINS: Okay.
4
5 ACTING CHAIRMAN KIMBLE: Okay.
6 Commissioner, just as a point of information, we're on Item VI now. We've just got started on that.
7 COMMISSIONER MEYER: Okay. Thank you. My apologies for -- for being late to the meeting.
8
9 ACTING CHAIRMAN KIMBLE: No worries.
10
11 MR. COLLINS: So the first -- the first issue -- the first way to look at this is there are levels of disclosure required or levels of restrictions on -- and levels of burden on political actors that are different across different cases. So, you know, in the -- in the materials, you'll see a case referenced a lot called Wisconsin Right to Life. That dealt with an absolute ban on a corporation making expenditures during a blackout period that then existed for those advertisements. So that had the highest level of scrutiny.
12
13 The CJF case, the Committee for Justice and Fairness case, dealt with when a requirement for a political committee to register as a political committee kicked in, which requires that group to then not only report their expenditures but their donors.
14
15 MR. COLLINS: So the first -- the first meeting at 10:39 a.m.)
16 (Whereupon, Commissioner Meyer joins the meeting.
17
18 COMMISSIONER MEYER: Okay. Thank you. My apologies for -- for being late to the meeting.
19
20 ACTING CHAIRMAN KIMBLE: No worries.
21
22 MR. COLLINS: So the first -- the first issue -- the first way to look at this is there are levels of disclosure required or levels of restrictions on -- and levels of burden on political actors that are different across different cases. So, you know, in the -- in the materials, you'll see a case referenced a lot called Wisconsin Right to Life. That dealt with an absolute ban on a corporation making expenditures during a blackout period that then existed for those advertisements. So that had the highest level of scrutiny.
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25
26 COMMISSIONER MEYER: Damien Meyer.
27
28 MR. COLLINS: And Commissioner Meyer is now on the phone.
29
30 MS. THOMAS: Hello, sir. We have you on.
31
32 I actually have you on the speakerphone, so hopefully you can hear us. We've got you on a smaller speakerphone.
33
34 MR. COLLINS: So can you hear us?
January 27, 2018

The State of Arizona
Citizens Clean Elections Commission

Transcript of Proceedings - Public Meeting

Page 62

10:42:27-10:43:38

1 ACTING CHAIRMAN KIMBLE: Okay. Sir, could 2 first and then Jim.
3 MR. COLLINS: We're going to have Mike go 4 from any of the commissioners?
5 ACTING CHAIRMAN KIMBLE: Okay. (No response.)
6 COMMISSIONER CHAN: Thank you.
7 COMMISSIONER CHAN: Mr. Chairman, I just 8 have a quick question.
9 ACTING CHAIRMAN KIMBLE: Commissioner Chan.
10 COMMISSIONER CHAN: I was just reviewing,
11 while you were talking, Tom, so I may have missed 12 something, but I just wanted to make sure.
13 So this is for us to -- when we take a vote 14 on this, we'll be voting on whether you proceed with an 15 investigation?
16 MR. COLLINS: Yes. That's correct. Yes.

Page 63

10:43:41-10:44:44

1 COMMISSIONER CHAN: Even though there's 2 already quite a bit of information from both sides?
3 MR. COLLINS: That's correct. And I don't 4 think it's -- I mean, I don't think there's any -- any 5 ball to hide here. The investigation phase here would 6 be focused on establishing the amount of the 7 expenditure. We don't -- 8 COMMISSIONER CHAN: Thank you.
9 MR. COLLINS: -- we don't have an intention 10 to go into, you know, intent. You know, this is an 11 objective test. So we don't plan discovery into the 12 subject of intent of the -- of the Speaker, if he were 13 to agree with my recommendation, for example, but we 14 don't know what the amount of the expenditure is. So, 15 yes, that would be a subject of further inquiry if you 16 were to agree with my recommendation.
17 COMMISSIONER CHAN: Thank you.
18 ACTING CHAIRMAN KIMBLE: Any more questions 19 from any of the commissioners?
20 (No response.)
21 ACTING CHAIRMAN KIMBLE: Okay.
22 MR. COLLINS: We're going to have Mike go 23 first and then Jim.
24 ACTING CHAIRMAN KIMBLE: Okay. Sir, could 25 you come up to the podium and state your name and

Page 64

10:44:47-10:46:19

1 MR. LIBURDI: Good morning, Mr. Chairman 2 and commissioners. My name is Michael Liburdi. I am a 3 lawyer at the firm of Greenberg Traurig, and it's an 4 honor to be with you here this morning. It's nice to 5 see some of you again and to meet some new faces.
6 I represent the complainants here, Brett 7 Moll and Michael Francis. They are the ones who 8 submitted the complaint to you, and we thank staff and 9 you for giving us this opportunity.
10 We agree with the executive director's 11 analysis and recommendation. This matter does meet the 12 threshold for a reason to believe finding under the -- 13 under both the facts, circumstances and the law as it 14 applies to this case.
15 I would begin by asking this one question 16 to all of you: If -- if Sunlight Arizona wished to 17 influence legislation, then they should have exercised 18 their right to influence legislation during the 19 legislative session while -- while the actual 20 legislation was pending. Instead, they chose to wait 21 until after the legislature had adjourned by a month, 22 after legislation had been voted on and passed by a 23 month, a couple of months, and then target certain 24 legislators in reelection campaigns in competitive 25 districts.
1 seeking to get certain senators, the two senators from the state of Wisconsin, to hold hearings on President Bush's judicial nominees.
2 Now, that was a fact back in those days that the Senate was not moving forward on the President's judicial nominees, and it's also a fact that United States Congress is in session all year. So they may go out of session and return to their districts, but the congressional session usually lasts from early January of an odd-numbered year to the next odd-numbered year.
3 So the Senate is continually doing business during that two-year period and nominations for judicial vacancies are continually submitted to the Senate for confirmation and, you know, if we weren't here today, I think most of us would be watching a Senate confirmation proceeding right now.
4 The Arizona legislature is different. The Arizona legislature convenes on the second Monday of every year -- in January and then adjourns usually after 100 days, plus or minus. And then during that, legislators may work on interim committees or, in even-numbered years, like this year, they campaign. They run for office, and that's what's going on here.
5 So -- so I feel like respondent's reliance on Wisconsin Right to Life is wholly misplaced for those reasons, legally speaking, but drilling down on the facts here -- more facts -- these -- the legislation that was referenced, again, passed or defeated months prior to the mailers, the mailers criticized all of the legislators who were targeted. And we put all of the -- as many as we could find -- all of the communications in our document.
6 You have mailers. You have Facebook advertisements that the members were all criticized. They were criticized on issues that are hot-button issues in those districts, in those races. And the call to action -- in fact, in one of them, what the call to action is: Vote for lower class sizes in 2019. The year is wrong, but I think our casual reader would get the message.
7 Now, that was a fact back in those days, because that certainly would be more light.
8 If the Commission chose, the Commission could look at more data. It could figure out, well, if they plan on doing -- did they plan on doing these communications in early January or early February? Because that certainly would be more light.
9 evidence that they timed it in a way that would influence the result of an election. Or is this something that they planned on later? Why did they choose to do it at that time?
10 If they planned it later, why didn't they plan on doing it in the next legislative session? Why didn't they contact the governor's office to seek a plan on doing it in the next legislative session? Why didn't they contact any legislators to see if they could offer amendments or, you know, actually during the time that the legislation was under consideration? So these are all questions that could be asked at the next stage to see if a violation had occurred and to determine whether a monetary penalty is appropriate.
11 So, Mr. Chairman and members, that's our position. We support moving forward with this complaint, and I'd be more than happy to answer any questions that you might have.
12 ACTING CHAIRMAN KIMBLE: Thank you.
13 COMMISSIONER CHAN: Mr. Chairman, I just have --
MR. LIBURDI: Hi, Commissioner Chan.

COMMISSIONER CHAN: -- whether you had also filed a complaint with the Secretary of State's Office and, if so, had that office taken any action on it at this point. I was just looking at the date to make sure -- I don't know -- to see if it was filed too recently, but was there a complaint also filed with the Secretary's Office?

MR. LIBURDI: So, Mr. Chairman and Commissioner Chan, the answer to that question is yes. There was a complaint filed with the Secretary's Office at about the same time that the complaint was filed with the Commission. I am not aware of any action taken by the Secretary of State. I am -- I can tell you I am aware that the Secretary asked for a response from One Arizona's counsel, and I believe it was provided. However, I'm sure Mr. Barton or Mr. Collins could provide you with more up-to-date information.

COMMISSIONER CHAN: Okay. Mr. Chairman and Mr. Liburdi, that doesn't influence, really, my decision here today. I was just curious whether it had only been filed with our Commission or if it had been filed in both places. I know in the past when I was at the Secretary's Office, we had done some global conciliation agreements in cases with the -- you know, the Secretary and Clean Elections. I was just wondering about the posture there. So thank you.

ACTING CHAIRMAN KIMBLE: Thank you, Commissioner Chan.

Any other questions from the Commission for Mr. Liburdi?

ACTING CHAIRMAN KIMBLE: Commissioner Meyer, do you have anything?

COMMISSIONER MEYER: No questions.

ACTING CHAIRMAN KIMBLE: Okay. Thank you.

Thank you, Mr. Liburdi.

MR. LIBURDI: Thank you, Mr. Chairman.

ACTING CHAIRMAN KIMBLE: Yes, sir. Could you state your name and affiliation for the record, please?

MR. BARTON: Thank you, Mr. Chair. My name is Jim Barton. I'm an attorney with the Torres Law Group, and I'm here today on behalf of One Arizona. I think it's important to give you a frame of the mission of One Arizona. One Arizona is an Arizona nonprofit corporation. It has tax-exempt status from the Internal Revenue Service as a 501(c)(3), and its mission is to improve the lives of Latinos, young people and single women by building a culture of civic participation. And that was the purpose of these ads was to encourage civic participation. It was not lobbying against any particular legislation. If it was lobbying, it was doing lobbying, then actually they would have another set of reporting requirements they would have to make. It wasn't lobbying against legislation. It certainly wasn't trying to get someone elected or stop getting someone elected. It was reaching out to voters and saying here's an issue that is important to you. You need to contact this representative -- I said voters. I should say constituents.

It's really reaching out to constitutes and saying, you need to contact your represented official. It gave the phone number. It reached out to talk to them. And the point of One Arizona is it's not good enough to just get people elected. It's not good enough to just give people money. You also have to stay connected, and so they're encouraging -- the reason that they're established and the reason they're established as a 501(c)(3) is that they aren't about campaigning or even primarily lobbying. They're about encouraging engagement.

And, in fact, what this group saw was that sometimes, you know, folks get elected and they forget about you and that we need to make sure that the community stays engaged. And so they stay engaged with our elected representatives, and that's why this mailer had a call to action. It gave you the phone number. It said reach out to this elected official because it's important.

So I want to talk now about the specific details, and first I want to talk about the timing because I think the timing is really important in this matter. These -- this mailer was 60 days before the primary. So surely they can tell constitutes to contact their elected officials 60 days before. It was -- the whole program was finished 60 days before. If 60 days before is too close -- and these aren't these -- I think all these people are going to get reelected, by the way, but I mean, it's pretty far away from -- that's 60 days ahead of their primary. So how far out do they have to go? I think I heard the complainants' counsel say, geez, even if we were planning in January, that would be too close. When do we -- when can they communicate to the electorate and not be accused of campaigning, if not 60 days?
grant. And so, you know, we -- I mean, we heard that if there isn't an active filibuster going on at that time, they're allowed to advocate against filibustering even if the minority leader isn't there -- he's out of session, but again, that's the same thing as we had in the federal election case with the Wisconsin Right to Life. There were no judges being filibustered at the time. If you look at the case, and Mr. Horne as -- in his capacity as the superintendent of public instruction even though he was running for AG. And the timing on that case in Committee for Justice and Fairness was days before the election.

This is what the case says: Shortly before the November general election. Another place, it calls it immediately before the general election. It was right up against the general election. This is 60 days before. So, for example, I mean, I think Wisconsin Right to Life is a pretty close case. I understand it's not -- it is -- as Mr. Collins said, it is dealing with a different situation. It's dealing with a -- a blackout that has since been overruled by other supreme court cases, but in that Wisconsin Right to Life case, that was -- it was done well ahead of the August 15 blackout. It was done on July 26. So it was done ahead. Well, that's the Wisconsin Right to Life case. Our case deals with timing 60 days in advance of the primary.

Another -- and, again, this is why in analogy, it's very hard sometimes to say what's a long time, what's a little time. The Federal Elections Commission regulates electioneering communication when you're broadcasting, and they use a rule of 30 days ahead of the primary. So if you mention a candidate at all 30 days ahead of a primary, within 30 days of the primary or within 60 days of the general, that converts it to election communication, electioneering. It's different, understandably, but my point is that the timing of this, one of the things you consider strongly demonstrates that this was not express advocacy 60 days ahead of the primary.

Also, yeah, it's true that there wasn't -- this is -- this is about values. It's about issues and, no, there weren't any bills being considered. They were out of session, but again, that's the same thing as we had in the federal election case with the Wisconsin Right to Life. There were no judges being filibustered at the time. If you look at the case, you'll see there were no judges being filibustered. You know, the Supreme Court said, well, they're allowed to advocate against filibustering even if there isn't an active filibuster going on at that minute. And so, you know, we -- I mean, we heard that

Office in 2019. That's telling her. It's not saying -- it's not telling the recipient to vote. It's telling Brophy McGee to vote. So I don't -- I mean, this is assuming that this -- these people are going to be in office. So, in any case, it's certainly not saying vote against it, but that's the -- that's part of the content is that it sort of shows these important issues and it asks you to connect to the representative.

So now let's talk about is this closer to what we saw in the Committee for Justice and Fairness or is this closer to the kind of ad that we saw in Wisconsin Right to Life? And I'd like to, just because I think it's helpful to just to look at it, to show the ad from the Committee on Justice and Fairness. And I understand that that's running in the background someplace.

Do you guys know how I can --

MR. COLLINS: Anyone have it? I think we have it set up.

MR. BARTON: Oops. I messed it up.

MR. ROBERTS: You got it? You want to try?

MR. BARTON: I'll let you try.

MR. ROBERTS: Is this --

MR. BARTON: That's it. If you click the

office in 2019. That's telling her. It's not saying -- it's not telling the recipient to vote. It's telling Brophy McGee to vote. So I don't -- I mean, this is assuming that this -- these people are going to be in office. So, in any case, it's certainly not saying vote against it, but that's the -- that's part of the content is that it sort of shows these important issues and it asks you to connect to the representative.

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MR. BARTON: Oops. I messed it up.

MR. ROBERTS: You got it? You want to try?

MR. BARTON: I'll let you try.

MR. ROBERTS: Is this --

MR. BARTON: That's it. If you click the
<table>
<thead>
<tr>
<th>Page 78</th>
<th>11:02:38-11:04:25</th>
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<tbody>
<tr>
<td>1</td>
<td>box? What if we click the green box? I think that's</td>
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<tr>
<td>2</td>
<td>it, then play. Awesome.</td>
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<tr>
<td>3</td>
<td>(Video playing.)</td>
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<td>4</td>
<td>MR. BARTON: Okay. So what's the issue in</td>
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<td>5</td>
<td>that ad? Anti-statutory rape and child -- I mean,</td>
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<td>6</td>
<td>that's a straight hit piece against Tom Horne and was</td>
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<td>7</td>
<td>launched days before his election, and he was no longer</td>
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<td>8</td>
<td>going to be superintendent of public instruction. Our</td>
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<td>9</td>
<td>ads are about issues that are real issues that are up</td>
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<td>10</td>
<td>for this conversation right now. When of our ads say</td>
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<td>11</td>
<td>call this legislator, that's a legislator who's going</td>
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<td>12</td>
<td>to be in office when they went out for a long time and</td>
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<tr>
<td>13</td>
<td>they're addressing -- and they're real, honest ads</td>
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<td>14</td>
<td>addressing honest issues that are important to One</td>
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<td>15</td>
<td>Arizona as a 501(c)(3).</td>
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<td>16</td>
<td>So I think that when you talk about that</td>
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<td>17</td>
<td>ad, I mean, that is a ridiculous hit piece that sort</td>
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<td>18</td>
<td>of -- obviously, sort of tags on at the end, in a very</td>
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<td>19</td>
<td>cynical way, call Tom Horne. These ads are doing just</td>
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<td>20</td>
<td>what the committee is supposed to do, which is to</td>
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<td>21</td>
<td>advocate and to encourage civic participation, to</td>
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<tr>
<td>22</td>
<td>encourage constituents to contact their elected</td>
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<tr>
<td>23</td>
<td>officials.</td>
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<td>24</td>
<td>So here's the ad in Wisconsin Right to</td>
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<tr>
<td>25</td>
<td>Life. In Wisconsin -- I don't have a video of it, but</td>
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<thead>
<tr>
<th>Page 79</th>
<th>11:04:27-11:05:32</th>
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<tbody>
<tr>
<td>1</td>
<td>I tried and couldn't find it. So they have a radio ad,</td>
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<tr>
<td>2</td>
<td>and this is how this ad runs.</td>
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<tr>
<td>3</td>
<td>Pastor: Who gives this woman to be married</td>
</tr>
<tr>
<td>4</td>
<td>to this man?</td>
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<tr>
<td>5</td>
<td>Bride's father: Well, as father of the</td>
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<td>6</td>
<td>bride, I certainly could, but instead, I'd like to</td>
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<td>7</td>
<td>share a few tips on how to properly drywall. Now, you</td>
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<td>8</td>
<td>put the drywall up -- and then that sort of trudges off.</td>
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<td>9</td>
<td>And then, voiceover, sometimes it's just not fair to</td>
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<td>10</td>
<td>delay an important decision but Washington -- in</td>
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<td>11</td>
<td>Washington it's happening. A group of senators'</td>
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<td>12</td>
<td>filibuster tactic is delaying and blocking the federal</td>
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<td>13</td>
<td>judicial nominees from a simple yes or no vote so</td>
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<td>14</td>
<td>qualified candidates don't get a chance to serve. It's</td>
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<td>15</td>
<td>politics at work causing gridlock and backing up some</td>
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<td>16</td>
<td>of our courts to a state of emergency. Contact</td>
</tr>
<tr>
<td>17</td>
<td>Senators Feingold and Cole and tell them to oppose the</td>
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<tr>
<td>18</td>
<td>filibuster. Visit befair.org.</td>
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<td>19</td>
<td>So it was an important issue to Wisconsin</td>
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<td>20</td>
<td>Right to Life, which was to get these judges a fair</td>
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<td>21</td>
<td>hearing. They said in the ad contact the senators</td>
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<td>22</td>
<td>because it was important to them. There was no</td>
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<td>23</td>
<td>filibuster going on when this ad was running. That's</td>
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<td>24</td>
<td>important, and that's in the opinion. There was no</td>
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<td>25</td>
<td>filibuster going on in the ad.</td>
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<thead>
<tr>
<th>Page 80</th>
<th>11:05:35-11:06:34</th>
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<tbody>
<tr>
<td>1</td>
<td>Folks who supported Senator Feingold said,</td>
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<tr>
<td>2</td>
<td>this is nonsense. You're just trying to attack Senator</td>
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<td>3</td>
<td>Feingold. That's what you're really doing with this.</td>
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<td>4</td>
<td>And the Supreme Court said, no, that's not how you do</td>
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<td>5</td>
<td>it. What did the ad say? The ad has an important</td>
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<td>6</td>
<td>issue. The ad has a call to action. This is not</td>
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<td>7</td>
<td>express advocacy. That's what the United States</td>
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<td>8</td>
<td>Supreme Court said, and I think that's what you have to</td>
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<td>9</td>
<td>look at in this case when you look at these ads.</td>
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<td>10</td>
<td>Now, maybe, you know, Senator McGee and</td>
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<td>11</td>
<td>others felt that they were being attacked and -- okay.</td>
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<td>12</td>
<td>I would rather they feel like this is your constituent</td>
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<td>13</td>
<td>reaching out and it's talking about an issue and maybe</td>
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<td>14</td>
<td>think about you need to change your positions on that</td>
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<td>15</td>
<td>issue, in general, but what we do as regulators is you</td>
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<td>16</td>
<td>have to look at the image. You have to think about</td>
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<td>17</td>
<td>things like the content and the timing.</td>
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<td>18</td>
<td>I think the content of this is plainly more</td>
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<td>19</td>
<td>like the Wisconsin Right to Life ad. I mean, it's</td>
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<td>20</td>
<td>talking about a real issue and it's asking for</td>
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<td>21</td>
<td>really -- it's making a sincere ask. We give the phone</td>
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<td>22</td>
<td>number to make it a sincere ask to contact the elected</td>
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<td>23</td>
<td>official.</td>
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<td>24</td>
<td>Also, I think the timing is plainly in our</td>
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<td>25</td>
<td>favor, and I think it's important, finally, that the</td>
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1 influence the next legislative session, which was seven
2 months away?
3 MR. BARTON: We were trying to influence
4 the legislator. We were trying to connect the
5 legislator to its constituents.
6 ACTING CHAIRMAN KIMBLE: Right, but the
7 legislature was not going to be in session until
8 January.
9 MR. BARTON: Sure.
10 ACTING CHAIRMAN KIMBLE: So they should
11 call now to influence their legislator about an issue
12 seven months --
13 MR. BARTON: The legislator does work other
14 than just vote on legislation. I mean, you know,
15 there's interim committees. There's other work that
16 they do. The legislator can -- they could have come
17 out for or against Red for Ed. They could have done --
18 there's all kinds of things that a legislator does
19 besides influence. This isn't lobbying for a specific
20 piece of legislation. It's connecting it. It's trying
21 to promote civic engagement and asking the constituents
22 to contact their elected.
23 So I guess I understand what you're saying,
24 Commissioner -- Mr. Chair, but -- that the legislature
25 wouldn't come back into session until January, but

11:08:27-11:09:34

1 legislators do things other than when they're not in
2 session. The point of this is to connect the
3 constituents with the elected official.
4 ACTING CHAIRMAN KIMBLE: Okay.
5 Any questions from commissioners?
6 COMMISSIONER CHAN: Mr. Chairman, I have
7 some questions for Jim.
8 It's very nice to see you.
9 MR. BARTON: Nice to see you.
10 COMMISSIONER CHAN: And I hate to tell you
11 that I disagree with your position, but I do -- having
12 said that, I do want to ask you some questions about
13 it. And I really hate to be on the opposite side from
14 you because -- Jim used to represent the Secretary of
15 State's Office, and I think you might have been there
16 when we did the Committee for Justice and Fairness ad.
17 And I don't disagree with you that there
18 are always differences with regard to, you know, the
19 timing of that ad. And, you know, I don't -- I can't
20 refute your point with regard to that ad versus these,
21 but I'll just, kind of, lay out for you where I am.
22 I'm just reading it from the perspective
23 of -- even though I'm a lawyer, I try to read things
24 from the perspective of me as a regular person, as
25 well, because I think I'm both. And I think I agree

11:09:38-11:10:45

1 more with the complainants' position on this, and I'll
2 tell you why and you can disagree with me.
3 And I wanted to -- I did check with Tom
4 because if I -- if we do take a vote and we do vote to
5 go forward with allowing an investigation or
6 authorizing an investigation, I just wanted to make
7 sure that at the end of the day when that's complete,
8 if the Commission as a whole decides there's not, you
9 know, reason to believe there was a violation, you
10 know, could we vote today to go forward with an
11 investigation and then, at the ultimate end of the day,
12 decide there's not reasonable cause. And Tom said yes.
13 So --
14 MR. COLLINS: Probable cause.
15 COMMISSIONER CHAN: Probable cause.
16 So I just wanted to mention that because I
17 don't want to cement us in unfairly depending on what
18 comes out. If we -- I don't know how these guys are
19 going to vote, but a couple of things.
20 You mentioned, you know, the group is a
21 501(c)(3), but that doesn't exempt a group from
22 registering as a political committee if that group does
23 engage in express advocacy, does it?
24 MR. BARTON: Well, an entity that's a
25 501 -- or any 501(c) that's in good standing with the

11:10:48-11:11:52

1 IRS right now is exempt from the definition of
2 political action committee under Arizona -- current
3 Arizona law. However, we're not talking about -- no
4 one said we had to register for anything. We're saying
5 that we -- that we had to disclose this.
6 The committee's concern is a 501(c)(3)
7 can't make a political speech. They can't engage in
8 political speech, and so the -- we could not -- we
9 strongly believe this is not a political speech but --
10 based on our exemption. So if this kind of speech is
11 forbidden, if this kind of speech is political speech,
12 then 501(c)(3)s can't do it. They would be completely
13 barred from doing it. Just -- I mean, it would be a
14 complete bar from a 501(c)(3) engaging in that, if this
15 kind of thing, asking someone to contact their
16 legislator, is political -- is express advocacy.
17 So it's not really a registration issue.
18 It has to do with the fact that --
19 COMMISSIONER CHAN: Just the speech?
20 MR. BARTON: -- what they can use, yeah.
21 COMMISSIONER CHAN: Okay. The timing being
22 60 days before the primary, I appreciated
23 Mr. Chairman's question about that because I don't find
24 that it being 60 days before the primary is
25 dispositive, even though, obviously, if it was two days
The State of Arizona
Citizens Clean Elections Commission


1 before the primary, it would probably be a more
clearcut case. I still find that 60 days before the
primary is still -- and particularly, perhaps, you
know, because it was after the legislative session and
it does seem to paint, you know, the targeted members
in a -- in a negative light, I mean, just reading the
plain language.

8 So I think the fact that, you know, it does
highlight issues that are important issues almost maybe
works against the position of the Sunlight 501(c)(3).

11 So -- and now I think I'm understanding more about what
you said, you know, if your clients can't do this as a
501(c)(3). I'm not super familiar with how 501(c)(3)s
work. My understanding was that -- and maybe they have
to be a 501(c)(4) or something, but how do these -- if
they can't engage in political speech, then what are we
even doing with the independent expenditures? I guess
maybe I'm missing something.

19 MR. BARTON: So --

20 COMMISSIONER CHAN: Am I missing something?

21 MR. BARTON: Mr. Chair, Commissioner Chan,
so, yes, C(4)s -- any corporation can do a political
speech now but not a 501(c)(3). A 501(c)(3)
corporation, under its -- in order to maintain its
tax-exempt status, cannot engage in political speech.

11:13:16-11:14:18

1 So that's really, kind of, an our-problem, not a
your-problem thing.

2 I mean -- but it is -- it is a fact that
4 when we -- when we take the definition of "express
advocacy" and we let it grow all the way out to now
encompass calling your senator, calling your
representative, that does -- as we expand the
definition of express advocacy, that does push (c)(3)
or organizations out of it because they cannot engage in
express advocacy. And so, again, that's really more of
an our-problem thing than a your-problem thing.

12 I'm not sure -- so it sounds to me that
what we're -- what we are moving towards is a ruling
that I don't know what -- so any mention of -- I'm
trying to construct the rule now. I mean, this is --
this is an issue that's important to them. They're
trying to connect the voter with the representative,
and if we're saying that even 60 days -- I mean, I
don't know how far in advance you have to do it now.

18 And I guess what we're saying is that you're not
allowed to use the name of an elected official.

22 I mean, I'm honestly trying to think about
23 if I went back to this -- and this is why -- this is
why I think that the vote is now and not afterwards. I
mean, the investigation is just going to be a matter of
to them, that's obviously fine.

MR. BARTON: Okay.

MR. COLLINS: I mean, I think there's a --

I mean, as I said earlier, I think that part of the
question here is what's the burden, and the burden in
the -- in the context here is what's the state law
burden. And the state law burden under 16-940(d) is
just not just very significant.

So I don't -- so in order to get to the
position that I understood the response to the reason
11 to believe memo to take that this is, in effect, a
moratorium, you'd have to -- you'd have to take
13 16-940(d) and 16-901.01 and read them together with
what standards apply to 501(c)(3)s, but when you get
into what the IRS looks at in terms of its factors in
determining whether or not something is a political
campaign in intervention, you know, they have a sort of
non- -- a non- -- an inclusive, kind of, list that's
also multifactor that includes, you know, whether the
statement identifies one or more candidates for a given
office, whether the statement expresses approval or
disapproval of one of the candidate's positions or
actions.

It does consider the closeness in time of
the election. It does consider whether the statement
makes reference to voting or election, you know,
whether it's an ongoing series of communication by an
organization on the same issue that are made
independent of the timing of the election and
whether -- or whether the timing of the communication
are related to a non-electoral event such as a
scheduled vote on specific legislation.

So there are similar factors. The point
being that a 501(c)(3) that gets into identifying
candidates, you know, from the -- from the job, whether
it's in the voter guide or a mailer or whatever is
already in a place where the IRS is sort of saying, you
know, there's -- there's some warning lights there.
And it's not necessarily clear as the VIN diagram of
what the IRS would do and what campaign -- state
campaign finance will do is identical, but it's
certainly not outside of the realm of caution for a
501(c)(3) to -- when candidates are the subject of the
communication.

You know, the other thing I think is worth
noting on the timing is that with respect to the time
from the primary -- and we've talked about this in
other context. The election, for all intents and
purposes, ends -- ended on August 28th, but it began,
you know, essentially, on August 1st, which is a

different -- a different timeframe. So I don't know.

Those are a couple of reasons why I, in considering
your response to the reason to believe memo, didn't
find myself persuaded to change the recommendations.

One, I think that the IRS is looking at --
to the extent the IRS looks at any of these things at
all, which is the ultimate question, it seems to be
saying tread cautiously here and to identify some
factors that are narrow factors, like timing, and some
factors that are even broader with respect to the
purposes of legislation pending that are -- that would
not -- that are not necessarily worldal issues -- you
know, wordal issues. And wordal -- I don't think it's
more fact-specific than that.

And then -- and then -- and then the issue
of, really, when did -- when did the election begin for
purposes of the timing? If you think it begins on
August -- does the election begin the day it ends or
does it begin the day that voting begins?

ACTING CHAIRMAN KIMBLE: Before --
Mr. Barton, I apologize, but before we go into this,
could we take a five-minute break for our court
reporter, please?

MR. COLLINS: Oh, yeah.

ACTING CHAIRMAN KIMBLE: And then we'll
come back and you can address these issues that
Mr. Collins brought up.

Okay. We're going to take a five-minute
break.

(Whereupon, a recess was taken in the
proceedings.)

ACTING CHAIRMAN KIMBLE: Okay. We'll be
back in session.

I apologize, Mr. Barton, for -- for
interrupting your response to Mr. Collins.

MR. COLLINS: And if you want me to, I can
kind of restate the question. The basic questions
were, one, you know, how do you -- how do you reconcile
with the IRS's guidance to 501(c)(3) with respect to
candidate-related statements with -- you know, with
what 16-901 says and does that really create a
moratorium? And, two, you know, what do you see as the
election period here? Does the fact that the
election -- does the election begin and end on August
28th or does the election begin on the day of, really,
voting and end on August 28th for purposes of the
timing assertion were the two questions I had.

MR. BARTON: Sure. So, first off, the
standard that you're evaluating -- and by the way, this
doesn't matter what the penalty is. The standard is
So if the Commission is to find that this
satisfies that, then, I mean, I don't think that
finding is necessarily binding on the IRS. I don't
know how it works, but I mean, just logically, if it's
true that this can have no reasonable meaning other
than to advocate or defeat the
candidate, if it meets that high bar, then it clearly
is -- satisfies 501(c)(3) restriction on political
activity. So that's how those two jive.

As far as whether you go by the date when
the election is finalized or whether you go by the date
of early mailing, obviously, when we were saying 60
days, we were counting from the day of the election.
If you count from the day of early mailing, I guess
it's 30 days. I think in either -- I mean, that's
interesting that the 30-day requirement -- just, again,
for reference, the FEC uses that as when naming a
candidate makes it electioneering communication, the 30
days from a primary.
In any case, I think my concern in both
cases is that if we get done with all the process here
and it's determined that a communication like this done
at this time satisfies express advocacy, then it would
mean that in Arizona 501(c)(3)s would not be -- it
would be reckless for them to even mention candidates

The standard is that the communication referring to one
or more clearly identified candidates and targeted to
the electorate of the candidates in context can have no
reasonable meaning other than to advocate the election
or defeat of the candidates.

So, first off, the standard is a high
standard as put in place by the legislature. It's not
a judicial document. It's not about district
compliance versus substantial compliance. The
legislature said this can have no reasonable meaning
other than to advocate the election or defeat. So
that's the standard we're talking about. That's what
you would have to find reason to believe is you would
have to find this does that.

So to answer the executive director's
question, if a communication literally can have no
reasonable meaning other than to advocate or defeat the
election of a candidate, well, then, that is absolutely
with -- under the umbrella of the 501(c) prohibition.
The 501(c) prohibition is -- the conventional wisdom is
a 501(c) political activity prohibition is more broad
than express advocacy. So, in other words, all express
advocacy is political activity. Not all political
activity is express advocacy.

In any communication because we don't have another end
of when the -- I mean, 30 to 60 days before the primary
election. That's -- if I'm trying to find a number for
somebody, that's the number I can find for them.
So I don't know what number I would say
because, I guess -- I don't know. I would have to have
some deep thoughts on it. And, frankly, if we're
saying this kind of communication -- these ads
literally can have no reasonable meaning, other than to
advocate, I don't know what -- I mean, I just don't
think you can mention a legislator. And so if at the
day of the end of the day that gets -- that's the standard, that
this kind of ad satisfies that requirement, then we
just -- then in Arizona, we would just -- 501(c)(3)s
wouldn't be able to safely do these communications.

So I think that's, kind of, how I would
remedy those two.

ACTING CHAIRMAN KIMBLE: Okay. Thank you,
Mr. Barton.

Any other questions from Commission
members?

COMMISSIONER PATON: I have a question for
Tom.

MR. COLLINS: Commissioner?

COMMISSIONER PATON: So, I mean, I have a
problem with the fact that they have the picture, the
name of the candidate. And this is from your thing
that you handed out, Tom, on page 6.

MR. COLLINS: Yeah.

COMMISSIONER PATON: And it says, State
Senator Brophy McGee voted for a budget that failed to
raise class sizes and then asked the recipient of the
mail piece to vote to reduce class sizes in 2019. To
me that is -- would this be different, in your
opinion -- I'm not a lawyer, but I'm just -- but it
seems to advocate if she's not going to do it, then to
dvote for somebody else. And that -- it's got her
picture on it and so on.

And if her picture wasn't on there and her
name and phone number wasn't on it and they're just
advocating to reduce class sizes in 2019, to me that
would be much different. I'm asking your opinion on
that.

MR. COLLINS: Sure.

COMMISSIONER PATON: Since you are a
lawyer.

MR. COLLINS: Right. So I think that -- I
think that there's -- there's a couple of different
things going on in the context of just the four corners
of the -- of the -- of the Brophy McGee -- Senator
1 Brophy McGee-related mailer that -- we focused in on
2 one of them.  I think -- but I think they're -- one,
3 Mr. Liburdi has already mentioned which is they're --
4 in making an objective determination of this, we're not
5 required to ignore legitimate background facts such as
6 how this session in Arizona works, which is different
7 from how it works in the congressional level, which may
8 be different from how it works in other states.
9 So I think that -- I think that -- you
10 know, I think that that is an issue.  I -- we didn't
11 highlight the reason to believe, but -- but the
12 citation that Mike mentioned being to an amendment that
13 wasn't offered in the Senate gets into an issue of, you
14 know -- you know, when you're talking about whether or
15 not something is issue advocacy or whether something is
16 a form of, you know, electioneering, you know, the fact
17 that this amendment wasn't offered for her to vote on
18 casts the whole ad in a different light.  In other
19 words, you are asking her to do something that she
20 didn't have an opportunity to do which, you know --
21 COMMISSIONER PATON: Because it was a House
22 bill, not a Senate.
23 MR. COLLINS: Right.  So I think that
24 that's -- and I think that that goes, again, to the --
25 to the question of, you know, are you addressing her

2 together, it's difficult for me to see how a reasonable
3 person would conclude that this is not expressly
4 advocating for this person's defeat, you know.
5 I mean, you're basically saying this
6 candidate who is on the ballot for the primary is not
7 representing the interests of the state.  You're saying
8 it 30 to 60 days before the election, depending upon
9 what clock you want to -- where you want to start the
10 clock, and you're presenting it, you know, in -- and
11 just putting the contact number on there is not -- is
12 not a get out of -- is not a get-out-of-disclosure-free
13 card.  And so that's how I analyzed it.
14 COMMISSIONER PATON: So if the person is
15 not identified and they just -- they just said, you
16 know, this is -- this is -- this is the way you should
17 be interested in; some people are against this, but if
18 you're interested in this, you know, this is something
19 that you can do something about, basically.
20 MR. COLLINS: Well, in fact, the Act -- I
21 need the statutory -- the Act says that -- the Clean
22 Elections Act, in fact, says that a communication that
23 would otherwise be expressly advocating is not when it
24 presents information about the voting record or
25 position on a campaign issue of three or more

[11:36:05-11:37:35] 1 record or are you addressing -- are you -- or are you
2 addressing -- are you addressing just throwing out
3 there that this person doesn't support the class sizes?
4 And that coupled with the -- I think one of the key
5 statements is the fact that state lawmakers should
6 represent our interests.
7 I feel -- I know that the response from
8 the -- the post reason to believe memo response, you
9 know, sort of dismisses the state lawmakers should
10 represent our interests part of this as -- as being
11 not -- not meaningful, but I think that the implication
12 of the fact that you say that Senator Brophy McGee
13 voted for a budget that failed to cap class sizes and
14 state lawmakers should represent our interests, that
15 comes very close to a clear call to action to vote
16 against this person for election.
17 And -- and, I mean, it gets very close -- I
18 should say very close to an express -- very close to a
19 magic words type call to vote against this person, and
20 that's the functional equivalent test we're dealing
21 with.  I think if you say Senator X voted against this
22 or voted for this budget that failed to do these things
23 and state lawmakers should do what we tell them to do
24 or what represents our interest and there's no way for
25 this lawmaker to do that in the context of the way our

[11:39:12-11:40:35] 1 candidates so long as it's not made in coordination
2 with a candidate, political party, agent of the party
3 or person who is coordinating with the candidate or
4 candidate's agent.
5 So to your point, you could identify a
6 number of candidates who are -- who are -- perhaps, you
7 think need to be informed by their constituents about
8 this and the law.  I think 16-901 allows for that,
9 expressly allows for that in Subsection B. So it's
10 just not the case that there's a -- that there would be
11 a moratorium.
12 What it would -- what it -- I guess, if you
13 accept Mr. Barton's argument, which I'm still not
14 convinced by, at worst a 501(c)(3) would have to
15 identify more than one candidate in a mailing but, you
16 know, the whole point is that if they're targeting the
17 constituency of the vote of the -- of that candidacy --
18 of that candidate, you know, 30 to 60 days before
19 election in a negative light where there's no
20 likelihood of a vote and, perhaps, a vote -- on a vote
21 that the person to even take, you know -- you know, you
22 get to -- you can see how there's no reasonable
23 meaning.
24 So there's no way out for these 501(c)(3)s,
25 if they want -- if they want to play in this arena,
<table>
<thead>
<tr>
<th>Page 102</th>
<th>Page 103</th>
<th>Page 104</th>
</tr>
</thead>
</table>

1 that even -- even if a different ad -- even if a
2 different ad with Senator Brophy McGee would have not
3 been express advocacy, there's an even easier way,
4 which is an express exemption for certain
5 communications, provided they are designed to reach,
6 you know, a broader set of candidates. I mean, we have
7 an express exemption for that.
8 So it's not -- it's just not as simple as,
9 I think, that -- as if this is -- if this can be -- if
10 this is -- has no other reasonable meaning, then
11 501(c)(3)s can't weigh in on communicating to
12 constituents at all. That's not true.
13 COMMISSIONER PATON: Okay.
14 ACTING CHAIRMAN KIMBLE: I'm sorry. Were
15 you going to say anything, Commissioner Paton?
16 One of the things I wanted to say is I
17 guess I would also be more persuaded if this was done
18 differently. As opposed to educating people about an
19 issue, we're educating people about how a specific
20 legislator voted on three specific issues, which makes
21 it seem a lot more focused on the person than on any
22 one issue. And it just -- it does not really seem like
23 it is genuinely looking for a way to tell people to
24 contact your elected officials.
25 But is there anyone else who wants to

<table>
<thead>
<tr>
<th>Page 103</th>
<th>Page 104</th>
</tr>
</thead>
<tbody>
<tr>
<td>11:45:00-11:46:03</td>
<td>11:46:03-11:48:05</td>
</tr>
</tbody>
</table>

1 ACTING CHAIRMAN KIMBLE: Do we have any
2 more comments from commissioners or a motion on MUR
3 18-07 One Arizona dba Sunlight Arizona?
4 Commissioner Chan?
5 COMMISSIONER CHAN: Mr. Chairman, I'll make
6 a motion that we find reason to believe that there was
7 a violation of a statute or rule over which we have
8 jurisdiction and authorize the executive director to
9 conduct an investigation.
10 COMMISSIONER PATON: Second.
11 ACTING CHAIRMAN KIMBLE: A motion has been
12 made and seconded.
13 Any discussion on the motion?
14 (No response.)
15 ACTING CHAIRMAN KIMBLE: All those in
16 favor, say aye.
17 (Chorus of ayes.)
18 ACTING CHAIRMAN KIMBLE: Anyone opposed?
19 (No response.)
20 ACTING CHAIRMAN KIMBLE: Motion carries 4
21 to 0. Thank you.
22 Item VII, public comment, anyone want to
23 comment on anything we haven't discussed yet?
24 MR. COLLINS: I don't know if I'm allowed
25 to take a point of personal privilege here, but Rivko,
who often publicly comments, has been given an award by
the Protecting Arizona's Families Coalition, which --
as, I think, advocate of the year is, I think the
award.

MS. KNOX: Yeah, more or less.

MR. COLLINS: Yeah. And so I'd just -- as
a matter of my public comment, I just would
congratulate Rivko for her award. And we're always
happy to see her here and proud that she's been
recognized for her advocacy.

MS. KNOX: Thank you.

ACTING CHAIRMAN KIMBLE: Thank you and
congratulations.

MS. KNOX: Thank you.

ACTING CHAIRMAN KIMBLE: Anyone else want
to make any comments?

(No response.)

ACTING CHAIRMAN KIMBLE: Do I hear a motion
to adjourn?

COMMISSIONER CHAN: I'll move that we
adjourn, Mr. Chairman.

COMMISSIONER PATON: I will second.

ACTING CHAIRMAN KIMBLE: Anyone object?

(No response.)

ACTING CHAIRMAN KIMBLE: Okay. We are
adjourned.

Thank you.

(Whereupon, the proceedings concluded at
11:46 a.m.)
The State of Arizona
Citizens Clean Elections Commission

Transcript of Proceedings - Public Meeting
September 27, 2018

15:6
directly (10) 4:12;
21:15;23:11;25:3,11;
29:16;34:18;45:18;
51:25;52:5
director (5) 4:13;57:21;
68:15;89:2;105:8
director’s (6) 4:13;11:3;
13:63;64:11;65:11;
94:16
disagree (3) 83:11,17;
84:2
disapproval (1) 90:22
disclose (1) 85:5
disclosure (1) 60:12
disclosure (1) 63:11
discuss (1) 30:9
discussed (1) 105:23
discussion (10) 3:10;
4:2;6;17:13;17:29:5;
37:21;43:22;55:18;
58:9;105:13
disfavorable (1) 68:13
dishheartening (1) 32:15
dismiss (1) 10:11
dismissal (1) 10:10
dismissals (1) 99:9
displayed (1) 8:25
dispositive (3) 85:25;
103:12;14
dispute (1) 65:15
disrupt (1) 7:4

distinguishable (1) 65:24
district (14) 6:9;26:12;
28:22;30:13;13:31:1;
11:17;49:19,19,20,24;
50:1;94:9
districts (10) 24:8;
37:19;49:19,86,65:1;
66:9;67:12
district-specific (1)
23:13
ditto (1) 36:7

document (2) 67:8;94:9

done (23) 21:13;32:8;
39:23;44:8;45:14;16;
51:7;52:8;53:5;54:12;
20:70;25:74;22:23;
76:13;81:19;82:17;
95:21;22;102:17;
104:11,10

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(112) deep - exists
tabulation (1) 4:16

tact (1) 79:12

tad (1) 36:4

tags (1) 78:18

tailor (1) 6:8

talk (13) 6:15,9,61,21; 11:25,21;9:26,24; 38:15,51;18:72,18; 73:10,11;77:10,78;16

talked (5) 43:23;50:13; 52:9,11;22;103:16

talking (8) 11:25,52:3; 62:20,80:13,20,85:3; 94:13,98:14

target (4) 38:5,64,24; 103:21;104:7

targeted (7) 37:18; 67,66,68,40,86;5, 94:3,103:17

targeting (4) 65:3; 67,22;101,16;103:23
tax-exempt (2) 71:24; 86:25

teachers (1) 30:16
technical (1) 16:16
technically (1) 40:20

Tell (2) 27;15,20
television (2) 7;16; 27,19
telling (3) 77;1,2,3
tells (1) 76;21
ten (1) 33:13
ten-minute (1) 8,4
terms (9) 9,25,10,22; 12,12;14,20,23,20; 27,8;37;19,47,15; 90:15
test (3) 63;11,99,20; 103:8

The State of Arizona Citizens Clean Elections Commission

Transcript of Proceedings - Public Meeting

September 27, 2018
<table>
<thead>
<tr>
<th>Page 1</th>
<th>Page 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>65:13</td>
<td>101:14</td>
</tr>
<tr>
<td>19th (2)</td>
<td>501c3s (8) 85:12;</td>
</tr>
<tr>
<td>1st (2)</td>
<td>95:24:96:14:101:24;</td>
</tr>
<tr>
<td>10:23:91:25</td>
<td>102:11</td>
</tr>
<tr>
<td>2</td>
<td>501c4 (1) 86:15</td>
</tr>
<tr>
<td>(2)</td>
<td>5th (3) 4:8,25:45:25</td>
</tr>
<tr>
<td>30:13:31:1</td>
<td>6</td>
</tr>
<tr>
<td>2007 (1) 65:23</td>
<td>6 (1) 97:3</td>
</tr>
<tr>
<td>2016 (4) 14:22:19:18;</td>
<td>6:00 (1) 15:23</td>
</tr>
<tr>
<td>21:42:5</td>
<td>2017 (1) 43:21</td>
</tr>
<tr>
<td>2018 (11) 3:4,12,20;</td>
<td>20 (21) 73:13,15,16,17;</td>
</tr>
<tr>
<td>77:1:97:8,16</td>
<td>96:2:100:8;101:18</td>
</tr>
<tr>
<td>22 (3) 14:21;26:25;</td>
<td>63 (1) 15:23</td>
</tr>
<tr>
<td>27:1</td>
<td>7</td>
</tr>
<tr>
<td>222 (1) 29:17</td>
<td>7 (1) 17:23</td>
</tr>
<tr>
<td>23 (2) 55:24;57:7</td>
<td>73 (1) 47:18</td>
</tr>
<tr>
<td>24-year-olds (1) 43:18</td>
<td>8</td>
</tr>
<tr>
<td>26 (1) 74:23</td>
<td>80 (1) 31:15</td>
</tr>
<tr>
<td>2663 (1) 67:24</td>
<td>9</td>
</tr>
<tr>
<td>27th (1) 3:4</td>
<td>90 (1) 31:15</td>
</tr>
<tr>
<td>28th (4) 14:9,91:24;</td>
<td>91,000 (1) 27:7</td>
</tr>
<tr>
<td>93:20,21</td>
<td>93,000 (1) 27:6</td>
</tr>
</tbody>
</table>