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THE STATE OF ARIZONA  
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

March 4, 2019

9:30 a.m.

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| <p style="text-align: right;">Page 2</p> <p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN<br/>2 ELECTIONS COMMISSION convened at 9:30 a.m. on March 4,<br/>3 2019, at the State of Arizona, Clean Elections<br/>4 Commission, 1616 West Adams, Conference Room, Phoenix,<br/>5 Arizona, in the presence of the following Board members:<br/>6 Mr. Mark S. Kimble, Chairperson<br/>7 Mr. Damien R. Meyer<br/>8 Ms. Amy B. Chan<br/>9 Mr. Galen D. Paton (Telephonic)</p> <p>10 OTHERS PRESENT:</p> <p>11 Thomas M. Collins, Executive Director<br/>12 Paula Thomas, Executive Officer<br/>13 Mike Becker, Policy Director<br/>14 Alec Shaffer, Web Content Manager<br/>15 Fanessa Salazar, Administrative Assistant<br/>16 Rivko Knox, AZ League of Women Voters<br/>17 Joseph LaRue, Assistant Attorney General<br/>18 Kirin Goff, Torres Law Group<br/>19 Ryan Wheelock, RIESTER</p>  | <p style="text-align: right;">Page 4</p> <p>09:30:50-09:32:01</p> <p>1 motion?<br/>2 (No response.)<br/>3 CHAIRMAN KIMBLE: All those in favor say<br/>4 aye.<br/>5 (Chorus of ayes.)<br/>6 CHAIRMAN KIMBLE: Anyone opposed?<br/>7 (No response.)<br/>8 CHAIRMAN KIMBLE: The minutes are approved.<br/>9 Item III, discussion and possible action on<br/>10 Executive Director's report and legislative report.<br/>11 Tom?<br/>12 MR. COLLINS: Yes. Thank you,<br/>13 Mr. Chairman, members.<br/>14 Just as a -- as a quick, you know, update<br/>15 on what's going on election wise around the -- around<br/>16 the state about March 12th, which is -- March 12th are<br/>17 the local elections happening in Maricopa and Navajo<br/>18 County, specifically the city of Phoenix mayoral runoff<br/>19 and then the primaries for the seats that the two<br/>20 candidates vacated.<br/>21 The mail back your early ballot was<br/>22 recommended by March 6th for that.<br/>23 On the enforcement, we've got just -- we've<br/>24 got One Arizona, which is on this agenda for -- we've<br/>25 recommended conciliation. We'll talk about that when</p>   |
| <p>09:29:53-09:30:48</p> <p style="text-align: right;">Page 3</p> <p>1 PROCEEDING</p> <p>2</p> <p>3 CHAIRMAN KIMBLE: Good morning. I'm going<br/>4 to call to order the March 4th, 2019, meeting of the<br/>5 Citizens Clean Elections Commission.<br/>6 Why don't we take roll call since we have<br/>7 one of our commissioners on the phone.<br/>8 I don't know who takes roll call. I guess<br/>9 I'll do it.<br/>10 Commissioner Meyer?<br/>11 COMMISSIONER MEYER: Here.<br/>12 CHAIRMAN KIMBLE: Commissioner Chan?<br/>13 COMMISSIONER CHAN: Here.<br/>14 CHAIRMAN KIMBLE: Commissioner Paton?<br/>15 COMMISSIONER PATON: Here.<br/>16 CHAIRMAN KIMBLE: And I am here, too.<br/>17 Item II, discussion and possible action on<br/>18 Commission minutes for the January 31st, 2019 meeting.<br/>19 We received the minutes.<br/>20 Are there any corrections or additions to<br/>21 the minutes?<br/>22 COMMISSIONER CHAN: I would move that we<br/>23 adopt the minutes as written.<br/>24 COMMISSIONER MEYER: Second.<br/>25 CHAIRMAN KIMBLE: Any discussion on the</p> | <p style="text-align: right;">Page 5</p> <p>09:32:04-09:33:52</p> <p>1 we get there.<br/>2 I wanted to call a couple of -- a couple<br/>3 of -- bless you -- a couple of bills. We're not sure<br/>4 whether or not there's time to get them out of the<br/>5 House, but House Bill 2076 we did support. It adjusted<br/>6 the early contribution limit but maintained the early<br/>7 contribution limits on amount and from whom you can<br/>8 take them. It, also, has a provision that talks<br/>9 about -- that reiterates the Commission's authority<br/>10 over traditional candidates. It passed on a bipartisan<br/>11 basis out of the Election Committee, but that's not<br/>12 necessarily an indication of where things -- where<br/>13 things will be.<br/>14 The other bill we've been -- a couple of<br/>15 bills we've been active on, obviously, you know we've<br/>16 been -- we've written a letter -- we've written a<br/>17 letter to the committee on 2724, which is the bill to<br/>18 expand GRRC's authority over us. We, also, have worked<br/>19 with the County Recorders, Secretary of State's Office<br/>20 and Senator Gowan on the primary day -- moving the<br/>21 primary day to the first Tuesday in August.<br/>22 We did a brief anecdotal survey of some of<br/>23 the clean candidates because, obviously, what that does<br/>24 is, because the way the statute seems to read, it<br/>25 floats the primary date, potentially, or it could be a</p> |

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| <p>09:33:56-09:35:25 Page 6</p> <p>1 VPA issue, but we don't have to get into that, but<br/>2 we've got a date where the candidates who have run<br/>3 clean don't think that the two-week change is going to<br/>4 be a significant impact on their ability to stretch<br/>5 their money, but that was helpful. It was nice to be<br/>6 invited and nice to be in a position to say yes to<br/>7 something that Senator Gowan is invested in, and so<br/>8 that may end up getting wrapped up in some other bill.<br/>9 Many of the -- and I'm reading off -- this<br/>10 is off from Mike's report. So this is all Mike's work<br/>11 I'm stealing. We think, for the most part, the --<br/>12 well, nothing is over until it's over, but seemingly,<br/>13 the preliminary voter list, two consecutive primaries,<br/>14 I think that that has passed out of committee, but I<br/>15 don't know if it's left the -- I don't think it's left<br/>16 the Senate.<br/>17 And, then, 1046, which was the early voting<br/>18 list mailing ballot, as far as we know, unless there's<br/>19 been an update that we're not aware of, there's just<br/>20 not 16 votes in the Senate right now to move that bill.<br/>21 You know, on the other hand, in the House there's<br/>22 some -- there's some bills that seem to have some<br/>23 pretty broad-based support on the -- on the -- on the<br/>24 election front.<br/>25 We're still hopeful. We had some -- we had</p> | <p>09:37:03-09:38:41 Page 8</p> <p>1 session for the last -- I don't know -- as long as I<br/>2 can remember at this point, there's been an early push<br/>3 on a bill that targets the Commission in a way that's<br/>4 not consistent with the Constitution. Sometimes then<br/>5 those go on the back burner, and then the last bill<br/>6 that the legislature has voted on for the past three<br/>7 sessions -- maybe even four -- has been some anti-Clean<br/>8 Elections bill.<br/>9 And last year was the first year that they<br/>10 actually managed to get through, but the last bill that<br/>11 they voted was the HCR 2007 referendum. So the reality<br/>12 is that, although our purview might be -- you know, is<br/>13 narrow compared to, say, you know, what, like, DHS or<br/>14 other people have to look at, we are always here at the<br/>15 last -- we always are here when the legislature<br/>16 suddenly dies because -- because that's when -- that's<br/>17 when the -- you know, so it's really hard to get<br/>18 confident about it.<br/>19 I mean, it did pass out of regulatory -- it<br/>20 passed the regulatory fair's party line vote, its past<br/>21 rule. So it's ready for action, but I haven't seen it<br/>22 on the floor calendar yet. So -- but I don't ever --<br/>23 and we -- you know, sometimes these things will<br/>24 submerge themselves and then -- you know, after they've<br/>25 done the budget, what have you, they've got their, you</p> |
| <p>09:35:28-09:36:59 Page 7</p> <p>1 a couple of positive meetings about trying to -- trying<br/>2 to -- trying to make the judicial retention process,<br/>3 especially, more transparent to voters based on the<br/>4 feedback that we get from folks who call when they get<br/>5 the -- when they get our candidate statement book or<br/>6 the JPR report from the Secretary's Office. We're<br/>7 still hopeful that may -- that may jump out. It may<br/>8 not, but we've worked on that in the past.<br/>9 You know, JPR does what JPR does, but JPR<br/>10 doesn't -- it's not terribly user friendly, frankly,<br/>11 and I think a lot of people, both Democratic and<br/>12 Republican voters that we hear from, find that. And it<br/>13 doesn't give them the answers to the questions they<br/>14 actually want to know the answers to. I mean, you<br/>15 know -- I mean, I'll be blunt with you. They want to<br/>16 know the parties and the judges, and they want to know,<br/>17 you know, who appointed them. And that's not unfair.<br/>18 I mean, the fact that JPR obscures that information<br/>19 doesn't mean that it's not relevant, but we'll see if<br/>20 that gets anywhere.<br/>21 CHAIRMAN KIMBLE: Mr. Collins, in reference<br/>22 to 2724, what's your feelings on if that's going to go<br/>23 anywhere?<br/>24 MR. COLLINS: Well, you know, I mean -- you<br/>25 know, it could always -- I mean, look at -- every</p>              | <p>09:38:45-09:39:35 Page 9</p> <p>1 know, going-home bills that they rush through, you<br/>2 know. And oftentimes ours -- or a bill related to us<br/>3 is on that list.<br/>4 COMMISSIONER CHAN: Mr. Chairman?<br/>5 CHAIRMAN KIMBLE: Commissioner Chan.<br/>6 COMMISSIONER CHAN: This may be a question<br/>7 for Mike just as far as how -- how you're tracking<br/>8 bills. And I don't need to do this during the<br/>9 committee, but I should have asked before, if I thought<br/>10 of it, can I just talk to you, maybe, after the meeting<br/>11 about -- I know Tom has been referencing, kind of,<br/>12 where the bills are, but it would help me, probably, if<br/>13 I could just see where they are.<br/>14 And, Tom, did you already say -- are they<br/>15 done hearing -- no. Are they still processing bills<br/>16 from the House of Origin, or are they -- are those<br/>17 bills, kind of, dead now?<br/>18 MR. COLLINS: The last date to hear<br/>19 bills -- my understanding is this, for what it's worth.<br/>20 The last two weeks -- was it last week? Last week was<br/>21 the last week to hear bills in the committee.<br/>22 COMMISSIONER CHAN: Okay.<br/>23 MR. COLLINS: Except for probes.<br/>24 COMMISSIONER CHAN: Except for rules and<br/>25 probes?</p>   |

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| <p>09:39:35-09:40:10 Page 10</p> <p>1 MR. COLLINS: Right. Right. So my<br/>2 understanding is that they've got last week and this<br/>3 week, and I think the deadline to pass is the 14th, I'm<br/>4 pretty sure. It's either the 7th or the 14th.<br/>5 MR. BECKER: The 14th.<br/>6 COMMISSIONER CHAN: Okay. So they're still<br/>7 moving, potentially.<br/>8 So all of these bills were heard in the<br/>9 Committee of Origin -- or in the House of Origin?<br/>10 MR. COLLINS: Yeah. Yes.<br/>11 COMMISSIONER CHAN: Oh, even the Democratic<br/>12 bills.<br/>13 MR. COLLINS: Oh, no.<br/>14 COMMISSIONER CHAN: No? Okay.<br/>15 MR. COLLINS: Not the Democratic bills.<br/>16 I'm sorry.<br/>17 COMMISSIONER CHAN: I was just -- okay.<br/>18 But I'd love to just -- I'm sorry --<br/>19 MR. COLLINS: No, we can --<br/>20 COMMISSIONER CHAN: -- to use your work to<br/>21 just see where they are just for my own curiosity,<br/>22 Mike. Thanks.<br/>23 MR. COLLINS: Yeah. I think that's easy<br/>24 enough to do.<br/>25 So those are the main -- those are the main</p>   | <p>09:41:56-09:43:08 Page 12</p> <p>1 taken a position on that bill nor are we -- nor have we<br/>2 been asked to but -- you know, one way or the other.<br/>3 And, you know, we stay in contact with<br/>4 folks who are both for and against these bills as much<br/>5 as we can, and so far I don't know that we've got a --<br/>6 you know, that that would be to anybody's advantage.<br/>7 So, anyways, I apologize for going on so<br/>8 long, but that's -- that's, sort of -- that's where we<br/>9 are.<br/>10 CHAIRMAN KIMBLE: Any other questions for<br/>11 Tom on the Executive Director's report or the<br/>12 legislative report?<br/>13 (No response.)<br/>14 CHAIRMAN KIMBLE: Okay. Thank you.<br/>15 Item IV, discussion and possible action on<br/>16 final audit approval for the following 2018 general<br/>17 election participating candidates. I'm not going to<br/>18 read the names of all 22 candidates, but they are in<br/>19 the agenda, which will be incorporated in the -- in the<br/>20 minutes.<br/>21 Tom, is there anything that you want to<br/>22 point out about this?<br/>23 MR. COLLINS: Well, I did want to say, you<br/>24 know, this is the first year that we've done all<br/>25 legislative and statewide participating candidates.</p>  |
| <p>09:40:15-09:41:54 Page 11</p> <p>1 issues. I think that of the, quote/unquote,<br/>2 controversial bills left -- I mean, one of them that<br/>3 there's been some -- is the payment -- there's a<br/>4 prohibition on anyone being paid or receiving anything<br/>5 of value for the registering to vote. I -- you know,<br/>6 that's a -- not something that necessarily has anything<br/>7 to do with us, but again, in the interest of trying to<br/>8 give you guys a broader picture.<br/>9 Now, that passed out of elections. I don't<br/>10 think that's gone up on the board yet, but, you know,<br/>11 it's -- I mean, it's a continuation of, you know, some<br/>12 of the -- some of the restrictions on, you know,<br/>13 financial involvement between -- you know, between<br/>14 whether -- first, they did the ballot-collecting issue<br/>15 and this is another way. And one thing I don't know --<br/>16 and so I can't answer -- is what other states do -- you<br/>17 know, if other states have prohibitions on hiring folks<br/>18 to go out and canvass to register to vote.<br/>19 It seems to me that because that activity<br/>20 is, at least, designated on a Campaign Finance Code,<br/>21 it's non-partisan activity, you know, and it's an<br/>22 exemption from the expenditures as defined in the<br/>23 Campaign Finance Code. It's a little bit -- well,<br/>24 it's, kind of, an odd -- that seems like an odd parody<br/>25 to me, but we don't have a position on -- we haven't</p> | <p>09:43:14-09:44:54 Page 13</p> <p>1 The -- so we did -- so, by comparison, in 2016, we did<br/>2 30 audits. In 2018, we will have done 74 audits, and<br/>3 more than half have been completed. So, in other<br/>4 words, basically, we're doing, roughly, twice as much<br/>5 work with the auditors and achieving the same date, you<br/>6 know, completion.<br/>7 So, you know, Mike has taken that on and<br/>8 Paula has helped coordinate with the auditors, and so<br/>9 they've done a really good job of keeping them on track<br/>10 as we increase the volume of folks that we're auditing.<br/>11 You know, in many ways, the hardest folks who have most<br/>12 the difficult time, which we understand, are folks who<br/>13 are incumbents who won who won't get their general<br/>14 audit until -- until later, but the fact of the matter<br/>15 is that, you know, if they had been selected on the<br/>16 random, they'd be in the same situation.<br/>17 So we do try to make these as painless as<br/>18 possible, and we have, thus far, not made significant<br/>19 findings. The findings that we have made, we're<br/>20 working on corrective actions that we don't anticipate<br/>21 leading to enforcement actions at this point.<br/>22 So with that, I guess -- and with<br/>23 compliments to Mike and Paula -- I would just recommend<br/>24 that you approve the audits as identified in the<br/>25 memorandum, Item IV, and the backup material. So I</p> |

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| <p>09:45:03-09:46:11 Page 14</p> <p>1 guess, basically, that you approve the written material<br/>2 in Item IV as the audits for those candidates.<br/>3 CHAIRMAN KIMBLE: Okay. Thank you.<br/>4 Any questions about these audits?<br/>5 COMMISSIONER CHAN: Mr. Chairman?<br/>6 CHAIRMAN KIMBLE: Commissioner Chan.<br/>7 COMMISSIONER CHAN: I'm just really<br/>8 impressed that now that we're auditing every<br/>9 participating candidate, we haven't had any significant<br/>10 findings. I think that speaks to both the dedication<br/>11 of the people who are running with Clean Elections, as<br/>12 well as maybe the training that the staff does for<br/>13 them, and I -- I'm just -- it makes me very happy to<br/>14 see that our system is working so well.<br/>15 So thanks to the staff for this and, also,<br/>16 to all of those participating candidates for their<br/>17 dedication and making this work and working with us on<br/>18 any of the insignificant findings there may have been.<br/>19 CHAIRMAN KIMBLE: Yeah, I think you're<br/>20 right. I think the training plays a huge role in this<br/>21 because I've attended it once and it's very<br/>22 comprehensive. And if you have problems, it's pretty<br/>23 clearly your fault.<br/>24 Any other comments about the audits?<br/>25 (No response.)</p> | <p>09:47:12-09:48:33 Page 16</p> <p>1 who represents One Arizona is here. And, then, I've<br/>2 had a fairly lengthy conversation with Mike Laverde,<br/>3 who is the attorney for the complainants, and he's,<br/>4 sort of, authorized me to give his views of the<br/>5 conciliation. So -- which is a little bit of an<br/>6 interest position to be in.<br/>7 So here are the reasons why you shouldn't<br/>8 adopt the recommendation.<br/>9 COMMISSIONER CHAN: According to Mike<br/>10 Laverde.<br/>11 MR. COLLINS: Well, I mean, you know --<br/>12 COMMISSIONER CHAN: Not Tom.<br/>13 MR. COLLINS: Well --<br/>14 COMMISSIONER CHAN: Obviously.<br/>15 MR. COLLINS: I don't know where to start.<br/>16 So the bottom line is that, I think, Mike's chief<br/>17 criticism, if I would fairly characterize it, is that,<br/>18 given the overall size of One Arizona, perhaps not the<br/>19 specific spend or maybe inclusive of the specific spend<br/>20 on these mailers, that the financial penalty here is<br/>21 not a sufficient deterrent. That's -- you know, and<br/>22 that's -- that's -- that's a reality that we face in<br/>23 many cases, you know. The overall spend, we believe,<br/>24 here was approximately -- in the complaint about<br/>25 materials was something like -- I had this in here --</p> |
| <p>09:46:12-09:47:07 Page 15</p> <p>1 CHAIRMAN KIMBLE: Does anyone want to make<br/>2 a motion?<br/>3 COMMISSIONER CHAN: Mr. Chairman, I would<br/>4 move that we adopt the final audits as written.<br/>5 Is that correct?<br/>6 MR. COLLINS: Sure. That's fine.<br/>7 CHAIRMAN KIMBLE: Is there a second?<br/>8 COMMISSIONER MEYER: I'll second that<br/>9 motion.<br/>10 CHAIRMAN KIMBLE: Any discussion?<br/>11 (No response.)<br/>12 CHAIRMAN KIMBLE: All those in favor say<br/>13 aye.<br/>14 (Chorus of ayes.)<br/>15 CHAIRMAN KIMBLE: Anyone opposed?<br/>16 (No response.)<br/>17 CHAIRMAN KIMBLE: The audits are accepted<br/>18 unanimously.<br/>19 Item V, discussion and possible action on<br/>20 MUR 18-07, One Arizona.<br/>21 Tom?<br/>22 MR. COLLINS: Yes. So, Commissioners, if<br/>23 you look through your -- your materials on this, you'll<br/>24 see the reason to believe memo that we did and then you<br/>25 see a recommended conciliation agreement. Kirin Goff,</p>   | <p>09:48:41-09:50:01 Page 17</p> <p>1 well, it was something -- it's something around the<br/>2 nature of 84,000, I think.<br/>3 Does that sound right?<br/>4 MS. GOFF: Can you repeat that?<br/>5 MR. COLLINS: The amount of the spend in<br/>6 the -- in the -- in the complaint.<br/>7 MS. GOFF: I don't recall off the top of my<br/>8 head, Tom.<br/>9 MR. COLLINS: Okay. Okay. Well, it's<br/>10 about -- I think it's about 84. So what that means is<br/>11 to -- just to -- just to go through how our fines work<br/>12 for reporting --<br/>13 MS. THOMAS: Tom, can you speak into the<br/>14 mic for her?<br/>15 MR. COLLINS: Oh, sorry. Just to go over a<br/>16 little bit about how our fines work for reporting, they<br/>17 are per-day fine, and they max out at double the amount<br/>18 of the expenditure. So to get to that place would take<br/>19 something, like, another, I think, 300 to 400 days for<br/>20 One Arizona. You know what I mean? So -- you know, to<br/>21 max out. You know, we can't -- we can't -- you know,<br/>22 because it's -- the penalties as set forth in the Act<br/>23 for reporting are not proportional to the size of the<br/>24 organization, and they're not proportional to the size<br/>25 of the -- and they're not necessarily going to be</p>                         |

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| <p>09:50:03-09:51:01 Page 18</p> <p>1 proportional to the size of the overall expenditure<br/>2 because you have to get there day by day.<br/>3 So, you know, although we can get up to<br/>4 double, it still takes -- it would take a long time to<br/>5 get there.<br/>6 CHAIRMAN KIMBLE: Could I just interrupt?<br/>7 So you are now speaking as Tom Collins --<br/>8 MR. COLLINS: Yeah.<br/>9 CHAIRMAN KIMBLE: -- rebutting the<br/>10 statement earlier when you were speaking --<br/>11 MR. COLLINS: Right.<br/>12 CHAIRMAN KIMBLE: -- as Mr. Laverde?<br/>13 MR. COLLINS: Right, right.<br/>14 COMMISSIONER CHAN: Mr. Chairman, can I ask<br/>15 a quick question of Tom?<br/>16 What does Mike think an appropriate penalty<br/>17 would be from the complainant's perspective?<br/>18 MR. COLLINS: Well, I think that his -- I<br/>19 mean, first of all, I would say that he expressed he's<br/>20 grateful and thanks for you all looking for his input<br/>21 after I -- when I -- last month -- the framework I<br/>22 proposed last month, and he did, also, say he's sorry<br/>23 he couldn't be here. I -- I don't know that I got to<br/>24 that level of detail. I think that -- I think his -- I<br/>25 think his bottom line would be, you know, whatever</p>   | <p>09:52:53-09:54:36 Page 20</p> <p>1 some give and take. We started at \$6,700. Why?<br/>2 Because we took the percentage of penalty -- not<br/>3 percentage of spend but the percentage of penalty that<br/>4 we applied in a case called -- with the Solar<br/>5 Industries PAC back in 2016. We applied the percentage<br/>6 to this. We made some adjustments for some filing<br/>7 issues and ended up with 6,700. We went back and forth<br/>8 and ended up at 5,200.<br/>9 Now, is \$5,200 a deterrent amount? Well,<br/>10 look, I mean, this is a five -- I think any finding is,<br/>11 potentially, a deterrent. I think that -- I think the<br/>12 fines are -- the administrative penalty process and<br/>13 getting the information, I think, prioritizes<br/>14 information over fines. We don't -- different cases<br/>15 have different litigation post -- post-decision<br/>16 litigation implications. And we think this is, you<br/>17 know, roughly, in line with what we have done with some<br/>18 similar -- similar cases.<br/>19 So all in all, I mean, you know,<br/>20 understanding, I think, that, you know, Mr. Laverde<br/>21 thinks this is a cost -- this becomes a cost of doing<br/>22 business and it's not going to be effective, I think<br/>23 that that's -- I mean, I don't have -- I don't have --<br/>24 I don't take issue with that argument. I simply -- I<br/>25 simply see it as it's not clear that we can just</p>  |
| <p>09:51:04-09:52:45 Page 19</p> <p>1 the -- whatever that we could -- whatever we could get,<br/>2 we should try to get which, in a sense, that wouldn't<br/>3 be -- in other words, what I didn't drill down on, I<br/>4 guess, but I would -- I would certainly suspect is that<br/>5 we wouldn't necessarily be in a position to conciliate<br/>6 this now because we go through to get -- to get to a --<br/>7 I mean, the whole nature of a compromise is that you're<br/>8 not going to get what -- what you could get if you went<br/>9 through the full process.<br/>10 The goal here was to -- now, we have a<br/>11 variety of goals when we enter into a public<br/>12 administrative settlement, which the Act obligates us<br/>13 to try to do. Here we will have reports filed<br/>14 identifying the candidates against whom the spending<br/>15 was made and for -- you know, therefore, for whom the<br/>16 spending was done. We have reserved -- just in case<br/>17 there's any discrepancy, we reserve the right to review<br/>18 those filings and ask for amendments, if necessary,<br/>19 which is not -- that's not standard. That's a --<br/>20 that's something we added to this.<br/>21 It has to do, in part, with how the -- how<br/>22 the data that we received is, sort of, grouped and<br/>23 whether or not we can get the maximum amount of -- of<br/>24 transparency out of the reports that are filed. The<br/>25 \$5,200 number was -- from my perspective, it involves</p> | <p>09:54:42-09:56:07 Page 21</p> <p>1 automatically get to those kinds of numbers, especially<br/>2 depending upon, you know, what are the consequences the<br/>3 respondent faces and what the -- what could potential<br/>4 litigation posture.<br/>5 So every case is going to be different.<br/>6 I'm comfortable with this number because I think it's<br/>7 in line with other numbers we've -- we've -- we've<br/>8 done. I also, honestly -- I mean, from an enforcement<br/>9 perspective, you know, I think that -- I think my<br/>10 experience here has said that the -- this is my<br/>11 personal experience, and it is that the numbers aren't<br/>12 really a deterrent. I mean -- you know, I mean, we<br/>13 fined the Legacy Foundation Action Fund, you know,<br/>14 95-odd thousand dollars, and we spent -- they've<br/>15 spent -- I don't know how much -- I don't know offhand<br/>16 how much we spent, but I guarantee you with their<br/>17 lawyers lined back and forth across this country<br/>18 filing, you know, all kinds of different motions, they<br/>19 spent a heck of a lot more than \$95,000 on the case.<br/>20 So it's not clear when we do -- you know,<br/>21 are more aggressive with the finding that it has the --<br/>22 it has a deterrent effect, but on the other hand,<br/>23 it's -- it, at least, recognizes that there was a<br/>24 penalty paid here and gets -- and gets the public the<br/>25 information faster than it otherwise would have gotten.</p> |

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| <p>09:56:08-09:57:11 Page 22</p> <p>1 I mean, we still don't have official reports from LFAF,<br/>2 and it's been the governor's -- we've had the whole<br/>3 gubernatorial election cycle since that complaint.<br/>4 So -- so, you know, that's, kind of, how I<br/>5 feel about it. I'm comfortable -- I'm very comfortable<br/>6 recommending this conciliation agreement, and I think<br/>7 that the -- you know, and I think -- I think Mike --<br/>8 Mr. Laverde is fully informed about it, doesn't agree<br/>9 with it, but I don't -- I don't have any -- but<br/>10 that's -- and for those reasons. So I just -- I would<br/>11 just leave that for you to weigh and then, if you want<br/>12 to hear from Ms. Goff, who represents One Arizona,<br/>13 she's here. I don't know if you do or not.<br/>14 CHAIRMAN KIMBLE: We will.<br/>15 Do any of the Commissioners have any<br/>16 questions for Mr. Collins before we ask for the<br/>17 respondent?<br/>18 COMMISSIONER MEYER: Mr. Chairman?<br/>19 COMMISSIONER PATON: Actually -- this is<br/>20 Commissioner Paton.<br/>21 CHAIRMAN KIMBLE: Yes.<br/>22 COMMISSIONER PATON: I do have a question.<br/>23 CHAIRMAN KIMBLE: Commissioner Paton?<br/>24 COMMISSIONER PATON: I'm reading here in a<br/>25 letter, Number 2, where it says respondent disputes</p>  | <p>09:59:04-10:00:31 Page 24</p> <p>1 have about other potential enforcers -- you know, I<br/>2 personally -- my personal view is both with the VSA<br/>3 case and with this case is the IRS does not care what<br/>4 an agency in Arizona has to say about -- about whether<br/>5 or not some 501(c)(3) made a particular expenditure,<br/>6 but nevertheless, we've accommodated this in the past<br/>7 where we have -- where -- we've accommodated with<br/>8 Republican groups.<br/>9 We -- a couple of years ago, we approved --<br/>10 just -- so just to make sure it's not a partisan issue.<br/>11 One Arizona is clearly, I guess -- I guess, it's<br/>12 non-partisan, but it's progressive.<br/>13 Fair? Okay. But, you know, we had the<br/>14 Republican senatorial action -- political action<br/>15 committee. You know, we included language that said<br/>16 they deny that the Commission has the authority to<br/>17 impose any fines, but then they stipulated to a fine,<br/>18 you know. So we're -- we've been flexible on -- on<br/>19 that, in part, because we don't know what other -- all<br/>20 the other complicating factors that a respondent might<br/>21 have and, in part, because sometimes the only way to<br/>22 get it done is to, you know, not -- you know, if they<br/>23 want to say they don't believe -- in the case of the<br/>24 Republican Senatorial Leadership PAC, in 2016, if they<br/>25 want to say that they don't believe Clean Elections can</p> |
| <p>09:57:14-09:58:58 Page 23</p> <p>1 that its expenditures was subject to reporting<br/>2 requirements as set forth in A.R.S. 16-941(B) and 958.<br/>3 So have they not learned their lesson or --<br/>4 MR. COLLINS: Well, Mr. Chairman,<br/>5 Commissioner Paton, that's a very good question, and we<br/>6 have accommodated this language in a couple of prior<br/>7 cases. We had a case with -- that we did jointly with<br/>8 the Arizona Attorney General's Office where one of the<br/>9 major issues was the tax and entity formation of the<br/>10 particular group. This is a case called Veterans for a<br/>11 Strong America or Stronger America.<br/>12 Because of those complications, it took us<br/>13 a couple of years to get that conciliated, but we<br/>14 ultimately, in order to close -- getting it conciliated<br/>15 because of issues -- existing issues they had with the<br/>16 IRS, we allowed them to say, you know, that they don't<br/>17 think this is -- that they didn't think what they did<br/>18 was express advocacy.<br/>19 In this particular case, this is my view.<br/>20 Ms. Goff can speak to whatever One Arizona's view is.<br/>21 One Arizona is a 501(c)(3) and, as such, in theory,<br/>22 they're not supposed to -- or a 501(c)(3), in general,<br/>23 is not supposed to advocate for or against candidates.<br/>24 So to the extent that we find that under our law they<br/>25 did, but the -- but the group, because of concerns they</p> | <p>10:00:33-10:01:57 Page 25</p> <p>1 do this, I mean, we're not the thought police, you<br/>2 know.<br/>3 And, likewise, here, like the VSA case,<br/>4 which we worked with the AG on, this is about allowing<br/>5 this group to resolve the case, which is a benefit to<br/>6 our public without -- without having to say anything<br/>7 one way or the another, essentially, about -- well,<br/>8 while being able to maintain with a straight face that<br/>9 if, for example, some other agency which has authority<br/>10 over the tax implications of this, they can say, well,<br/>11 we -- this is Arizona and they can say whatever they<br/>12 want, but they didn't want -- we would be unable to<br/>13 settle this case, I believe, without this stipulation<br/>14 and we would have to go all the way to through --<br/>15 through the process.<br/>16 And I think that -- I just don't think that<br/>17 those -- I mean, my personal view -- again, this is my<br/>18 recommendation is that that will hinder our ability to<br/>19 resolve the matter for our voters at a -- at a cost<br/>20 that we've not charged -- you know, VSA was, you know,<br/>21 non-partisan but a conservative lenient group. You<br/>22 know, we've done the same thing for -- on an<br/>23 ideological balance basis. So I'm pretty comfortable<br/>24 with it but --<br/>25 CHAIRMAN KIMBLE: Okay.</p>   |

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| <p>10:01:57-10:02:56 Page 26</p> <p>1 MR. COLLINS: Sorry.<br/>2 CHAIRMAN KIMBLE: Okay. Does that answer<br/>3 your question, Commissioner Paton?<br/>4 COMMISSIONER PATON: Yes.<br/>5 CHAIRMAN KIMBLE: Okay. I believe<br/>6 Commissioner Meyer had a question.<br/>7 COMMISSIONER MEYER: Mr. Chairman, I have<br/>8 two questions. The first one is for Tom.<br/>9 Do you know, did Mr. Laverde plan to attend<br/>10 our meeting last week, but we then had to move it?<br/>11 MR. COLLINS: No. He was definitely not<br/>12 planning on attending last week's meeting.<br/>13 COMMISSIONER MEYER: And, then, the other<br/>14 question I had is regarding Commissioner Paton's<br/>15 question on this language in paragraph 2. You know,<br/>16 it's common in commercial litigation, when you settle a<br/>17 case, that you have a clause in there that says neither<br/>18 party is admitting liability or anything like that.<br/>19 Is this, sort of, akin to that?<br/>20 MR. COLLINS: Mr. Chairman, Commissioner<br/>21 Meyer, yes. I mean, it's essentially -- they're<br/>22 admitting liability to us, which is important, but<br/>23 they're stipulating that liability is to us only and<br/>24 that they would -- they're hoping by this clause to<br/>25 reserve the right to contest that if it comes up, I</p> | <p>10:03:56-10:05:18 Page 28</p> <p>1 conciliation. The amount of the proposed conciliation<br/>2 is more than sufficient and, as Mr. Collins mentioned,<br/>3 there was a similar case in 2015 with a Republican<br/>4 group, the Veterans for a Strong America. And they<br/>5 were -- they only ended up paying \$2,000 per that<br/>6 conciliation, which is significantly less than the<br/>7 amount that we're looking at here, even though, I<br/>8 think, that they had a stronger case against them<br/>9 because the candidate at issue was not an incumbent.<br/>10 So they were just running for office, and<br/>11 so there wasn't really a clear interpretation, other<br/>12 than express advocacy; whereas, here, because the<br/>13 candidates at issue were, in fact, in office and the<br/>14 text of the literature that we're talking about was<br/>15 simply asking people to call their representatives,<br/>16 there's a stronger case here for a reasonable<br/>17 interpretation, other than express advocacy, and that<br/>18 standard comes from the Wisconsin Right to Life case.<br/>19 So in light of that objective standard, you<br/>20 know, we're not looking at what was their intent.<br/>21 We're looking at no reasonable -- no reasonable<br/>22 interpretation other than that intent. So in light of<br/>23 that standard and in light of this similar<br/>24 conciliation -- this case with a similar conciliation<br/>25 in 2015, we think that this is a fair conciliation in</p> |
| <p>10:03:00-10:03:54 Page 27</p> <p>1 think. And, again, Ms. Goff can -- if you want to<br/>2 get -- I don't know if you can get into that. I'm<br/>3 speculating, based on my -- I don't have inside<br/>4 information about the -- about the operations of One<br/>5 Arizona. I don't know if Ms. Goff can answer these<br/>6 questions with, you know --<br/>7 COMMISSIONER MEYER: Mr. Chairman, if I<br/>8 could, one more comment.<br/>9 CHAIRMAN KIMBLE: Of course.<br/>10 COMMISSIONER MEYER: And based upon the<br/>11 answers provided and Tom's explanation, I'm prepared to<br/>12 support this conciliation at this time.<br/>13 CHAIRMAN KIMBLE: Okay. Any other<br/>14 questions for Mr. Collins before we ask the respondent<br/>15 to -- if she wants to speak?<br/>16 (No response.)<br/>17 CHAIRMAN KIMBLE: Do you wish to speak?<br/>18 MS. GOFF: Yes. Thanks.<br/>19 CHAIRMAN KIMBLE: Okay. Could you identify<br/>20 yourself for the record, please?<br/>21 MS. GOFF: Kirin Goff, with the Torres Law<br/>22 Group, on behalf of One Arizona. And I think that the<br/>23 Commission addressed most of our concerns, but I wanted<br/>24 to have an opportunity to make our position clear.<br/>25 We urge you to vote yes on this</p>   | <p>10:05:24-10:06:05 Page 29</p> <p>1 this case.<br/>2 And I would need to speak with the client<br/>3 about it, but we're likely to appeal if this<br/>4 conciliation doesn't move forward because we have a<br/>5 strong argument and -- so, yeah, thanks for hearing our<br/>6 thoughts.<br/>7 COMMISSIONER MEYER: Mr. Chairman?<br/>8 CHAIRMAN KIMBLE: Commissioner Meyer.<br/>9 COMMISSIONER MEYER: A point of<br/>10 clarification.<br/>11 Is One Arizona -- is it an LLC? Is it a<br/>12 corporation? Is it -- what is the -- what is the<br/>13 entity?<br/>14 MS. GOFF: I apologize. I'm not the<br/>15 attorney that originally worked this case. So I don't<br/>16 have those details off the top of my head.<br/>17 COMMISSIONER MEYER: Do you know, Tom,<br/>18 because --<br/>19 MS. GOFF: I believe --<br/>20 COMMISSIONER MEYER: We can look at the<br/>21 agreement.<br/>22 MR. COLLINS: I think it's an LLC, but we<br/>23 can -- I'm sure we can work on the amendment to<br/>24 identify the --<br/>25 MS. GOFF: Sure.</p>   |



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| <p>10:06:05-10:06:55 Page 30</p> <p>1 COMMISSIONER MEYER: But it's not a<br/>2 substantive thing. I just thought it would be cleaner<br/>3 to --<br/>4 MR. COLLINS: Sure, sure. No, I<br/>5 understand. I'm almost 100 percent certain it's an<br/>6 LLC.<br/>7 CHAIRMAN KIMBLE: Any other questions for<br/>8 Ms. Goff?<br/>9 COMMISSIONER CHAN: I just have a comment,<br/>10 but it's really not for Ms. Goff.<br/>11 CHAIRMAN KIMBLE: Commissioner Paton, do<br/>12 you have any questions?<br/>13 COMMISSIONER PATON: No. Thank you.<br/>14 CHAIRMAN KIMBLE: Okay. Thank you,<br/>15 Ms. Goff.<br/>16 MS. GOFF: Thank you.<br/>17 CHAIRMAN KIMBLE: Commissioner Chan?<br/>18 COMMISSIONER CHAN: I wanted to share with<br/>19 the other commissioners I'm willing to support the<br/>20 conciliation agreement today. The only thing that<br/>21 bothers me about it is nothing to do, really, with the<br/>22 conciliation agreement itself, but it's the fact that<br/>23 groups like One Arizona and the other -- the veterans<br/>24 group that was referenced, you know, they're dark money<br/>25 groups. And they hide who their donors are for reasons</p>  | <p>10:08:15-10:09:33 Page 32</p> <p>1 I don't have a problem with that amount. You know,<br/>2 apparently, they spent 84,000, which is a huge amount.<br/>3 I would say that when considering what a penalty should<br/>4 be -- and I don't know if there's statutory guidance<br/>5 that prohibits this, but it would make sense to me that<br/>6 if we had somebody or an organization that was,<br/>7 quote/unquote, you know, playing in elections, spending<br/>8 their money in elections, if they were somebody that<br/>9 knew what they were doing, should have known what they<br/>10 were doing, maybe has been before us before, I would<br/>11 think that maybe we would try to go for a -- for a<br/>12 penalty that would be a little bit more of a deterrent,<br/>13 such as Mr. Laverde suggested, but I don't think we<br/>14 need to do that in every case.<br/>15 I feel like people need to get a fair shake<br/>16 and people make mistakes. The cynic in me says, you<br/>17 know, when you're represented by a lawyer, you should<br/>18 be a little more careful and understand that this is<br/>19 what you might be up for.<br/>20 So I just wanted to make those comments. I<br/>21 will support the conciliation agreement, but those are<br/>22 my feelings on this matter. And I -- I know the<br/>23 Commission does not have jurisdiction over -- over<br/>24 whether or not people organize under the IRS as a 501<br/>25 or not, but that really, really bothers me when people</p> |
| <p>10:07:00-10:08:11 Page 31</p> <p>1 I have no idea why.<br/>2 And if you want to respond, you are welcome<br/>3 to. I didn't want to put you on the spot.<br/>4 MS. GOFF: That's all right.<br/>5 COMMISSIONER CHAN: My feeling is that,<br/>6 yes, this language about they're not -- they're<br/>7 disputing that their expenditure was subject to our<br/>8 reporting requirements. I understand why that's in<br/>9 there, and I -- as a lawyer, I can't disagree with<br/>10 putting that in there on their behalf, but I feel like<br/>11 these dark money groups cannot have it both ways. They<br/>12 should not be able to have it both ways. If they're<br/>13 going to incorporate under the IRS rules, then they<br/>14 should not be playing in elections fast and loose and<br/>15 advocating for or against candidates.<br/>16 And I just wanted to get that on the record<br/>17 because it's something that I have a real philosophical<br/>18 problem with and I have since Citizens United, and I<br/>19 think that I'm not the only person in America that<br/>20 feels that way. So I didn't want to do that while<br/>21 Ms. Goff was up there because it has nothing to do with<br/>22 you or your client, in particular, but it's just<br/>23 something that, obviously, is an issue that's very<br/>24 important to me.<br/>25 I would say that with regard to the \$5,200,</p> | <p>10:09:36-10:10:24 Page 33</p> <p>1 try to have it both ways. I think that's very<br/>2 dishonest, intellectually dishonest. So -- but that's<br/>3 where we are.<br/>4 CHAIRMAN KIMBLE: Okay. Thank you,<br/>5 Commissioner Chan.<br/>6 Any other comments? Did you want to<br/>7 address any of that?<br/>8 MS. GOFF: No. That's all right.<br/>9 CHAIRMAN KIMBLE: Okay. Thank you.<br/>10 Okay. Do we have a motion on whether to<br/>11 accept the conciliation agreement involving MUR 18-07,<br/>12 One Arizona?<br/>13 COMMISSIONER CHAN: I would move that we<br/>14 approve the conciliation agreement in the matter of One<br/>15 Arizona and staff can make any --<br/>16 MR. COLLINS: Sure.<br/>17 COMMISSIONER CHAN: -- non-substantive<br/>18 changes that they feel are necessary --<br/>19 MR. COLLINS: Yeah.<br/>20 COMMISSIONER CHAN: -- as mentioned<br/>21 earlier.<br/>22 CHAIRMAN KIMBLE: Is there a second?<br/>23 COMMISSIONER MEYER: I'll second the<br/>24 motion.<br/>25 CHAIRMAN KIMBLE: Any discussion?</p>   |

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| <p>10:10:27-10:11:23 Page 34</p> <p>1 (No response.)<br/>2 CHAIRMAN KIMBLE: All those in favor of<br/>3 approving the conciliation agreement say aye.<br/>4 (Chorus of ayes.)<br/>5 CHAIRMAN KIMBLE: Anyone opposed?<br/>6 (No response.)<br/>7 CHAIRMAN KIMBLE: The agreement is<br/>8 approved. Thank you.<br/>9 Item VI, discussion and possible action on<br/>10 Executive Director compensation. The Commission may<br/>11 vote to adjust the Executive Director's salary. The<br/>12 Commission may vote to discuss this matter in executive<br/>13 session pursuant to A.R.S. 38-431-03(A)(1).<br/>14 Is there a motion to go into executive<br/>15 session?<br/>16 COMMISSIONER CHAN: I would move that we go<br/>17 into executive session to discuss this item.<br/>18 CHAIRMAN KIMBLE: Is there a second?<br/>19 COMMISSIONER MEYER: Second.<br/>20 CHAIRMAN KIMBLE: All those in favor of<br/>21 going into executive session?<br/>22 (Chorus of ayes.)<br/>23 CHAIRMAN KIMBLE: Okay. We'll go into<br/>24 executive session.<br/>25 ///</p> | <p>10:29:37-10:30:40 Page 36</p> <p>1 CHAIRMAN KIMBLE: Anyone opposed?<br/>2 (No response.)<br/>3 CHAIRMAN KIMBLE: The motion is passed.<br/>4 Item VII, public comment. Anyone want to<br/>5 make comment?<br/>6 Ms. Knox, thank you. We missed you last<br/>7 month.<br/>8 COMMISSIONER MEYER: We did miss you.<br/>9 MS. KNOX: Yes. For the record, I'm Rivko<br/>10 Knox. I'm representing the League of Women Voters of<br/>11 Arizona. And I don't really have that much to say, but<br/>12 I did want to say missed you all. Because I am --<br/>13 well, actually, the lobbyist for the League at the<br/>14 legislature and the judiciary committee meets on<br/>15 Thursday mornings, which is when you usually meet, I've<br/>16 been there instead, but I do then go back and watch the<br/>17 videotape.<br/>18 And I came up with, actually, one<br/>19 recommendation, that Mr. Collins should speak more<br/>20 clearly into the mic because there were times I<br/>21 couldn't understand what he said, but -- and, then, I<br/>22 do report, give -- provide a summary of the meeting to<br/>23 the League of Women Voters of Arizona's board -- state<br/>24 board, and they can transmit it to all the members<br/>25 around the state so they know what's going on.</p> |
| <p>10:29:01-10:29:37 Page 35</p> <p>1 (Whereupon, the Commission goes into<br/>2 executive session at 10:11 a.m.)<br/>3 (The following section of the meeting is in<br/>4 executive session and bound under separate cover.)<br/>5 * * * * *<br/>6 (End of executive session. Public meeting<br/>7 resumes at 10:29 a.m.)<br/>8 CHAIRMAN KIMBLE: Okay. We're back in<br/>9 public session.<br/>10 Is there a motion on Item VI, discussion<br/>11 and possible action on Executive Director compensation?<br/>12 COMMISSIONER MEYER: Mr. Chairman, I'll<br/>13 make a motion.<br/>14 CHAIRMAN KIMBLE: Commissioner Meyer.<br/>15 COMMISSIONER MEYER: I move that the<br/>16 Commission raise Executive Director Collins' annual<br/>17 salary to \$133,322.<br/>18 CHAIRMAN KIMBLE: Is there a second?<br/>19 COMMISSIONER CHAN: I would second that<br/>20 motion.<br/>21 CHAIRMAN KIMBLE: Any discussion?<br/>22 (No response.)<br/>23 CHAIRMAN KIMBLE: All those in favor say<br/>24 aye.<br/>25 (Chorus of ayes.)</p>                                | <p>10:30:43-10:31:44 Page 37</p> <p>1 And the league has been -- I've been<br/>2 testifying on several bills, a number of which you saw<br/>3 on the list that Mr. Collins provided, and certainly<br/>4 the one that affected -- and we will continue to<br/>5 monitor the one that affects Clean Elections.<br/>6 So you're doing a great job. Whenever I<br/>7 have an opportunity, I talk about the amazing voter<br/>8 education work that Clean Elections does and wish that<br/>9 more people were aware of it. So I keep spreading the<br/>10 word wherever I go, and thank you for all you do.<br/>11 CHAIRMAN KIMBLE: Thank you, and<br/>12 Mr. Collins is hereby directed to speak more clearly.<br/>13 MR. COLLINS: I think all of you have known<br/>14 me long enough to know that's a --<br/>15 CHAIRMAN KIMBLE: It's probably not going<br/>16 to happen.<br/>17 MS. THOMAS: We have the minutes.<br/>18 MR. COLLINS: I can -- the only thing I do<br/>19 is muttering and ranting. That's really -- as I think<br/>20 all of you know, and I don't think you want me to rant.<br/>21 CHAIRMAN KIMBLE: Which brings us to<br/>22 adjournment.<br/>23 Is there a motion to adjourn?<br/>24 COMMISSIONER MEYER: So moved.<br/>25 CHAIRMAN KIMBLE: Second?</p>                  |

10:31:44-10:31:56 Page 38

1 COMMISSIONER CHAN: Seconded.  
2 CHAIRMAN KIMBLE: All those in favor?  
3 (Chorus of ayes.)  
4 CHAIRMAN KIMBLE: We are adjourned.  
5 Thank you, Commissioner Paton, for  
6 attending by phone.  
7 COMMISSIONER PATON: Sure.  
8 (Whereupon, the proceedings concluded at  
9 10:31 a.m.)

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1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA )  
3 BE IT KNOWN the foregoing proceedings were  
4 taken by me; that I was then and there a Certified  
5 Reporter of the State of Arizona; that the proceedings  
6 were taken down by me in shorthand and thereafter  
7 transcribed into typewriting under my direction; that  
8 the foregoing pages are a full, true, and accurate  
9 transcript of all proceedings and testimony had and  
10 adduced upon the taking of said proceedings, all done to  
11 the best of my skill and ability.

12 I FURTHER CERTIFY that I am in no way  
13 related to nor employed by any of the parties thereto  
14 nor am I in any way interested in the outcome hereof.

15 DATED at Phoenix, Arizona, this 4th day of  
16 March, 2019.



LILIA MONARREZ, RPR, CR #50699

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