THE STATE OF ARIZONA

CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
March 28, 2019
9:31 a.m.
1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN
ELECTIONS COMMISSION convened at 9:31 a.m. on March 28,
2 2019, at the State of Arizona, Clean Elections
3 Commission, 1616 West Adams, Conference Room, Phoenix,
4 Arizona, in the presence of the following Board members:
5 Mr. Mark S. Kimble, Chairperson
6 Mr. Damien R. Meyer
7 Mr. Galen D. Paton
8 OTHERS PRESENT:
9 Thomas M. Collins, Executive Director
10 Paula Thomas, Executive Officer
11 Mike Becker, Policy Director
12 Alec Shaffer, Web Content Manager
13 Fanessa Salazar, Administrative Assistant
14 Joseph LaRue, AZ Attorney General's Office
15 Christina Borrego, RIESTER
16 Ryan Wheelock, RIESTER
17
18 PROCEEDING
19 CHAIRMAN KIMBLE: Good morning. I'm
calling to order the Citizens Clean Election meeting of
20 Thursday, March 28th, 2019.
21 Item Number II, discussion and possible
22 action on Commission meeting minutes for March 4th,
23 2019.
24 Are there any additions or corrections to
25 the minutes?
26 (No response.)
27 CHAIRMAN KIMBLE: If not, is there a motion
to approve them?
28 COMMISSIONER MEYER: I move that we approve
the minutes.
29 COMMISSIONER PATON: Second.
30 CHAIRMAN KIMBLE: It's been moved and
31 seconded that we approve the minutes for the meeting of
32 March 4th, 2019.
33 All those in favor say aye.
34 (Chorus of ayes.)
35 CHAIRMAN KIMBLE: Any opposed?
36 (No response.)
37 CHAIRMAN KIMBLE: The minutes are approved.
38 Number III, discussion and possible action
39 on executive director's report and legislative report.
40
41 MR. COLLINS: Yes. Commissioners, thank
42 you.
43 Real quick, you know, we had -- the Phoenix
44 mayoral election for -- was last -- was just a couple
45 of weeks ago, and it had -- it had a pretty high
46 turnout for a -- for a -- for a Phoenix election. And
47 there will be a -- but there will be a runoff for the
48 two council districts seats that were not settled by
49 the election that was running at the same time. And
50 then we have some other local elections coming up on
51 May 21st in Chino Valley, San Luis and Wickenburg. So
52 there will be information on that on our website.
53 On the voter education front, also,
54 obviously -- you know, we'll talk a little bit more
55 about that later on the agenda with respect to the 18
56 in 2018 Campaign. Gina couldn't be here today, but we
57 decided that was -- this was a timely time to talk
58 about that.
59 So Gina and Alec will, next week, be in
60 Nashville for a conference on government social media
61 use. So I think that will be -- I think that will be
62 good. I think right now, you know, people look to our
63 voter education department and Gina and Alec for
64 guidance on social media. So I think the opportunity
65 to learn more about that is a good investment.
66 We have one enforcement case left from 2018
67 that is still pending.
68 I do want to call your attention to the
69 article on Rivko Knox, who is, I think, right now in
70 the Senate Judiciary Committee, among other things,
71 asking them probably to vote down House Bill 2724. I
72 thought it was a great -- great article, and, and
73 obviously, you all know her from her -- from her being
74 here to keep us informed.
75 On the legislative front, I wanted to call
76 a couple of bills. As I said, right now -- and this
77 has been historically true. Judiciary committees
78 chaired by Chairman Farnsworth have always met on
79 Thursday mornings, and so when he went from the House
80 to the Senate, he kept the same schedule. So we
81 will -- it's unlikely we will be available to testify
82 on House Bill 2724, which is -- which is in committee
83 today, basically, while we're here.
84 However, we did send a letter to Chairman
85 Farnsworth and the committee. A similar letter was
86 sent to the House committee members outlining some of
87 the -- what we see as real legal infirmities in the
88 measure. It's -- it has been claimed by the -- the
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<td>1</td>
<td>1 MR. COLLINS: Well, the committee, I</td>
<td>1 know, whether or not, you know he will be persuaded or</td>
<td>1 know, whether or not, you know he will be persuaded or</td>
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<td>measure has a House sponsor, but he's, sort of, a</td>
<td>2 would -- we -- if we had thought the committee was</td>
<td>2 not, I wouldn't want to predict. And I wouldn't want</td>
<td>2 not, I wouldn't want to predict. And I wouldn't want</td>
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<td>sponsor in name only. The people -- the person behind</td>
<td>3 likely to vote this down, we probably would have</td>
<td>3 to put him in that kind of -- I mean, I just don't</td>
<td>3 to put him in that kind of -- I mean, I just don't</td>
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<td>3 this bill has -- as a lobbyist has been, sort of,</td>
<td>4 figured -- you know, decided to make up -- you know,</td>
<td>4 know. I don't know. He needs to evaluate the</td>
<td>4 know. I don't know. He needs to evaluate the</td>
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<td>4 pushing this notion that Prop 306 somehow requires</td>
<td>5 get somebody there just -- you know; however, this</td>
<td>5 question, and I'm sure it hasn't yet been presented to</td>
<td>5 question, and I'm sure it hasn't yet been presented to</td>
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<td>5 additional legislation, and then his proposed</td>
<td>6 committee is not designed that way.</td>
<td>6 him.</td>
<td>6 him.</td>
</tr>
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<td>6 legislation radically alters the terms of Prop 306.</td>
<td>7 CHAIRMAN KIMBLE: Okay.</td>
<td>7 Finally -- you know, and then it would go</td>
<td>7 Finally -- you know, and then it would go</td>
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<td>7 So both of those propositions are incorrect</td>
<td>8 MR. COLLINS: And, I mean, very</td>
<td>8 to -- if it's unamended, it will go -- it would -- and</td>
<td>8 to -- if it's unamended, it will go -- it would -- and</td>
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<td>9 legally. Prop 306, there's nothing required to execute</td>
<td>9 particularly, in the House, it didn't even go to the</td>
<td>9 it passes the Senate, the main body of the Senate, it</td>
<td>9 it passes the Senate, the main body of the Senate, it</td>
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<td>10 it, and nor did it create a, sort of, black hole into</td>
<td>10 House Elections Committee, I think, because they didn't</td>
<td>10 would go straight to the governor. So I think that if</td>
<td>10 would go straight to the governor. So I think that if</td>
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<td>10 which the legislature can put whatever it wants on to</td>
<td>11 think that -- assumed that the folks who put this</td>
<td>11 it's -- now, on the other hand, if it's amended, it</td>
<td>11 it's -- now, on the other hand, if it's amended, it</td>
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<td>11 the Commission via Title 41. I mean, if -- I mean, it</td>
<td>12 together didn't think the Elections Committee was</td>
<td>12 goes back to the House. So, you know, we'll see. I</td>
<td>12 goes back to the House. So, you know, we'll see. I</td>
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<td>12 doesn't even stand to reason because why would they</td>
<td>13 reliable and they sent it to a different committee</td>
<td>13 mean, the last -- whatever -- however many years, we've</td>
<td>13 mean, the last -- whatever -- however many years, we've</td>
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<td>13 have needed to use Title 41 when they could have just</td>
<td>14 altogether.</td>
<td>14 been -- the Clean Elections Commission has been the</td>
<td>14 been -- the Clean Elections Commission has been the</td>
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<td>14 thrown something in Title 16 or Title 36 or Title --</td>
<td>15 CHAIRMAN KIMBLE: So do you have the</td>
<td>15 last bill voted on and it's always been a squeaker,</td>
<td>15 last bill voted on and it's always been a squeaker,</td>
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<td>15 you know, Title 13. There's no -- it just doesn't</td>
<td>16 feeling that the Senate attorneys will give the same</td>
<td>16 even -- even last year. Even though the bill that went</td>
<td>16 even -- even last year. Even though the bill that went</td>
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<td>16 make -- it doesn't make a lot of sense.</td>
<td>17 advice that the House attorneys did about the VPA</td>
<td>17 it's -- now, on the other hand, if it's amended, it</td>
<td>17 it's -- now, on the other hand, if it's amended, it</td>
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<td>17 It also vitiates or attempts to vitiate the</td>
<td>18 issue?</td>
<td>18 goes back to the House. So, you know, we'll see. I</td>
<td>18 goes back to the House. So, you know, we'll see. I</td>
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<td>18 Commission's authority over enforcement, which we know</td>
<td>19 MR. COLLINS: I don't know. I will tell</td>
<td>19 mean, the last -- whatever -- however many years, we've</td>
<td>19 mean, the last -- whatever -- however many years, we've</td>
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<td>19 is expressed in parts of the Act that were not part of</td>
<td>20 you that the Senate Rules attorney is GRRC -- was</td>
<td>20 been -- the Clean Elections Commission has been the</td>
<td>20 been -- the Clean Elections Commission has been the</td>
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<td>20 Prop 306, and we know from Judge Palmer's ruling, or</td>
<td>21 GRRC's staff attorney throughout the last five years.</td>
<td>21 last bill voted on and it's always been a squeaker,</td>
<td>21 last bill voted on and it's always been a squeaker,</td>
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<td>21 integral of the Act, that it violates the VPA to try to</td>
<td>22 So it remains to be seen whether or not -- I mean, I</td>
<td>22 even -- even last year. Even though the bill that went</td>
<td>22 even -- even last year. Even though the bill that went</td>
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<td>22 damage them. And it also ignores what the voters were</td>
<td>23 don't know. So we've had a lot of conversations and we</td>
<td>23 it's -- now, on the other hand, if it's amended, it</td>
<td>23 it's -- now, on the other hand, if it's amended, it</td>
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<td>23 told in Prop 306 which was that it was about rules and</td>
<td>24 have a very cordial relationship and we have a very, I</td>
<td>24 goes back to the House. So, you know, we'll see. I</td>
<td>24 goes back to the House. So, you know, we'll see. I</td>
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<td>24 rule-making and -- and actually tries to import</td>
<td>25 think, good rapport around talking about the law. You</td>
<td>25 So I don't know.</td>
<td>25 So I don't know.</td>
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<td>25 elements of Title 41 that only apply to Title 32 into</td>
<td></td>
<td></td>
<td>25 CHAIRMAN KIMBLE: Okay. And will someone,</td>
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<td></td>
<td></td>
<td>26 the Clean Elections Act.</td>
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The State of Arizona Citizens Clean Elections Commission

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1. you or Mike, let us know as it goes along every step --
2. MR. COLLINS: Sure.
3. CHAIRMAN KIMBLE: -- that this happened?
4. Because this is certainly a matter of interest, I
5. think, to all of us.
6. MR. COLLINS: Sure. Absolutely. And --
7. you know, and I think -- I mean, the reality is that,
8. just to -- you know, we have -- you know, before their
9. staff attorney left, we had had some very good -- as I
10. think I said in my executive director's report a couple
11. of months ago, we said we had very good meetings with
12. them. We had gotten -- we, at least, figured out what
13. we thought the issues with 306 would be or could be,
14. and we were hoping to work towards some kind of common
15. goal.
16. With the personnel changes and stuff, we
17. haven't had a chance to restart those yet, but I don't,
18. you know, like at this point, anticipate there,
19. necessarily, a conflict over 306 itself. You know, and
20. even if this passes, I mean, there's -- again,
21. there's -- you know, there's, you know -- you know, I
22. think the single biggest issue will be -- will be two
23. things. It will be enforcement and, obviously, if they
24. get into other areas of the Act that they haven't
25. gotten into, but, you know, those will raise their own

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1. issues.
2. You know, if you can -- for example, if you
3. can go to GRRC on an enforcement matter, it just says
4. anybody can go to GRRC on an enforcement matter, not
5. the respondent.
6. COMMISSIONER MEYER: Right.
7. MR. COLLINS: So, from a practical matter,
8. if I don't -- if I -- if I don't like you, Respondent,
9. and the Commission were to vote to let you off, a
10. non-party to that proceeding could go to GRRC and order
11. us to reopen the enforcement. And that has due process
12. implications because the statute they're amending
13. literally says that an order from GRRC on that issue is
14. unappealable to the judiciary. So strangers to a
15. proceeding can come to GRRC and say reopen this; we
16. don't like what you did here, we would be ordered to
17. reopen it and no one will be able to appeal that. And
18. that's -- that's -- I'm not kidding.
19. CHAIRMAN KIMBLE: Okay.
20. MR. COLLINS: But that's -- that can't be
21. the law. And we would lose the defense of that on due
22. process.
23. CHAIRMAN KIMBLE: Do any other Commission
24. members have any questions about 2724?
25. (No response.)

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1. CHAIRMAN KIMBLE: Are there any other ones
2. you want to highlight, Tom?
3. MR. COLLINS: Well, I think -- I mean, I
4. just think we're trying to keep track of, really, for
5. voter education purposes, some of the different bills
6. that are moving through respecting -- you know, there's
7. a bill to change the primary date. There's a bill to
8. change how the permanent early voter list works, and
9. then the governor signed a bill, I think, last week --
10. and I'm not sure -- oh, that requires -- now will
11. require aligned early voting places with where you vote
12. in person with regular polling places and the
13. requirement that you show I.D.
14. So that was signed by the governor on --
15. and that's on page 8 of the report. The governor
16. signed that on -- I think, on Monday, I want to say.
17. So -- so that's -- those -- that's it. I mean, that's
18. really -- those are the things we're keeping track of,
19. but not all of them are things that we're necessarily
20. pushing any kind of agenda with.
21. CHAIRMAN KIMBLE: One other one I wanted to
22. mention, SB 1188, the permanent early voter list one.
23. MR. COLLINS: Yeah.
24. CHAIRMAN KIMBLE: Have we taken a stand on
25. that at all?
outside of our -- outside of our wheelhouse. On the
other hand, I mean, we are supposed to promote
participation, but on the other hand, you know, it's --
there are some accountability issues here.
The other, I think, political, slash,
policy problem is, you know, for many years, certainly
since early voting and as early voting has expanded or
mail voting has expanded, you know, the counties'
biggest issue has been what we call -- what is called
late earlies, which is when you vote your early ballot
but then bring it on election day.
And I think -- I think the policy argument
that Senator Urgenti-Rita is making is, basically, look,
if we want to cut that time down, you know, if you're
not using the permanent early voter list consistently,
then your permanent -- your mailing ballot
consistently, then maybe you need to think about
whether or not you want to receive this. And that
would -- and that would overall -- now, that does
result in some number of people will drop off based on
this policy. How many is where the question lies.
So -- but from a voter education
perspective, it's -- you know, it's not an unsolvable
problem, I think. I mean, I think you just have to --
you know, folks who are using it consistently, it's not
less likely to know.

going to affect them at all and folks who are not using
it consistently, I mean, they're going to need to be,
you know, reminded of that. And I think that everyone
will agree about the notion that we need to -- that
folks need to be informed about it. I mean, you know,
so I -- I don't know.
The last thing I'll say, if I could, just
to give you the last piece of the policy puzzle, I
think the biggest problem that there is -- and this is
what some of the County Recorders have observed -- is
independent voters have to request their early ballot,
even if they're on the PEVL, on account of the fact
that they have to pick a party for purposes of the
primary. So, you know, that's -- that's really
probably where the rubber meets the road, and I don't
know enough about the law in this area to know if
that -- if that -- if that amounts to any kind of, you
know, legal issue or not.
CHAIRMAN KIMBLE: Well, it means that the
Independents only have to miss two elections to be
taken off the permanent, as opposed to Democrats and
Republicans and Libertarians who have to miss four.
MR. COLLINS: I think that's -- I think
that's right, and they're also not -- they're also the
least likely to know.

Tom, is there anything you want to say
about these audits?
MR. COLLINS: I just, you know, want to,
you know, say for the record -- and it's in the
memorandum from Mike -- that -- you know, that the
auditor's process here is to look at the candidate's
bank statements, receipts, records and campaign finance
reports. What we try to do is, if the findings are not
significant -- and this year, you know, we audited
every candidate which -- which we -- was a decision we
made -- that you all made in view of the -- one of the
cases we had with a candidate to tighten up the
process.
I think the good thing on that is we have
some confidence that there is -- you know, we didn't --
we did not find the kind of major issues that came up
in that random audit. You know, I think that -- I
think that -- and we think we talked last month that
this process has actually gone as fast or faster than
when we just did the random audits. And so, you know,
Mike and Paula have really done good work on that.
And I think, you know, we've heard from
some folks that they don't like the idea of more
audits. On the other hand, I think it's -- I think
it's the only way to solve for the issue and, you know,
I would note a candidate is here. I don’t know if he wants to address -- Chris, do you want to talk to the Commission about your audit, for some reason?

MR. GILFILLAN: I was just here to listen.

I can -- I can talk generally about the process.

CHAIRMAN KIMBLE: Could you come up to the microphone, please, and state your name --

MR. GILFILLAN: Yes, sir.

CHAIRMAN KIMBLE: -- for the record?

MR. GILFILLAN: My name is Chris Gilfillan, and I was a Clean Elections candidate for the House of Representatives in LD 20. I was also a non-participatory candidate in 2016. So I have, kind of, experience with both sides. I found the Clean Elections Commission to be very aboveboard and helpful.

I just kind of know what I needed to do, how I needed to do it and gave me, you know, a good view of where --

what is expected of me as a candidate.

And, honestly, I didn’t find the audit to be too off-putting. It was something that really was helpful.

CHAIRMAN KIMBLE: Thank you. That’s very helpful.

MR. GILFILLAN: Sure.

CHAIRMAN KIMBLE: Any commissioners have any questions?

Commissioner Meyer?

COMMISSIONER MEYER: Thank you for being here today.

MR. GILFILLAN: Sure.

COMMISSIONER MEYER: Did you find the training that you received to be comprehensive and everything that you needed to know as far as running clean candidate?

MR. GILFILLAN: Yes. I participated in two different trainings with Tom and with legal counsel, and both of them I found to be very helpful. I would also add that the staff at the Clean Elections has been overwhelmingly helpful. If I had a question, I could get it answered very quickly and not worry about what could happen. So, yes, I found the training to be helpful.

COMMISSIONER MEYER: Thank you.

CHAIRMAN KIMBLE: Thank you.

COMMISSIONER PATON: Thank you.

CHAIRMAN KIMBLE: Thank you.

COMMISSIONER MEYER: Thank you.

COMMISSIONER MEYER: Of course.

CHAIRMAN KIMBLE: Any other comments about

COMMISSIONER MEYER: I move that we accept the audits set forth in our materials --

COMMISSIONER PATON: Second.

COMMISSIONER MEYER: I move that we accept these audits?

(Chorus of ayes.)

CHAIRMAN KIMBLE: It’s been moved and seconded that we accept these audits.

COMMISSIONER MEYER: Done.

CHAIRMAN KIMBLE: All those in favor say aye.

(Chorus of ayes.)

CHAIRMAN KIMBLE: Anyone opposed?

(No response.)

CHAIRMAN KIMBLE: Table.

COMMISSIONER MEYER: These audits? The bottom line is that there were no significant findings or the findings have been or are in the process of being addressed for these 23 candidates.

(MR. GILFILLAN: Of course.)

COMMISSIONER MEYER: Thank you.

CHAIRMAN KIMBLE: Thank you.

COMMISSIONER PATON: Second.

MS. THOMAS: Can you speak into the microphone?

CHAIRMAN KIMBLE: Do we have a motion to accept the audits set forth in our materials --

COMMISSIONER MEYER: I move that we accept the audits for the 2018 General Election candidates that are set forth in our materials for today’s meeting.

COMMISSIONER PATON: Second.

CHAIRMAN KIMBLE: And I would second that.

COMMISSIONER PATON: And I would second that.

CHAIRMAN KIMBLE: It’s been moved and seconded that we accept these audits.

All those in favor say aye.

(Chorus of ayes.)

CHAIRMAN KIMBLE: Anyone opposed?

(No response.)
The State of Arizona Citizens Clean Elections Commission

Transcript of Proceedings - Public Meeting
March 28, 2019

Chairs: Kimble, Collins

1: CHAIRMAN KIMBLE: The audits are accepted.

Item V, discussion and possible action on
the Commission's 18 in 2018 Voter Education Campaign
recognition and PR Week award in the best public sector
category.

7: MR. COLLINS: So --

8: CHAIRMAN KIMBLE: Is Gina here or not?

9: MR. COLLINS: Gina is not here today.

10: CHAIRMAN KIMBLE: Okay.

11: MR. COLLINS: But we may -- we were talking
about this, and we decided to go ahead because of the
timeliness of this, rather than waiting until next
month, although Alec -- Alex is in the back. So we may
have to drag him out here.

16: Yes. So, you know, I know you all saw the
emails and maybe saw the Facebook and Twitter things
that we put out about this. You know, I -- this is
what -- this is what the award looks like if you're --
you can see it.

21: CHAIRMAN KIMBLE: For those watching
online.

23: MR. COLLINS: Yes. There you go, but we're
very proud of this. And I'm very proud of the work
that Gina -- Gina and Alec have done on this project.

09:55:18-09:56:26

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1: know, just because it's California and because, you
2: know -- you know, and I think that the fact that we're
3: able to identify a message, target the right audience
4: for it and deliver on it without having to go, you
5: know -- you know, without having to break the bank, I
6: think, is all -- is all upside and, again, proof of
7: concept that the ideas we are working on in voter
8: education and that Gina and Alec and RIESTER and Paula
9: have brought together, both on the cost side and on the
deliverable side, have been -- have been -- are
11: successful.

12: So I just think -- I think it's a good
13: thing. I don't mean to go on about it, but -- and,
14: obviously, if Gina were here, I would just -- you know,
15: we're very happy about -- we're very happy. You know,
16: I think everybody in the state, I think, knows, you
17: know, that Gina runs a very effective and exciting
18: voter education program.

19: CHAIRMAN KIMBLE: Well, voter education is,
20: I think, one of the most important things we do, which
21: seems to be overlooked quite often in more
22: controversial matters, but it certainly speaks for
23: itself when you look at the other finalists in this
24: category: The Centers for Disease Control, the
25: California campaign you referenced, Procter & Gamble.

09:56:33-09:58:09

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1: And we're, obviously, happy that, you know, with the
2: work that we've been receiving from RIESTER and, you
3: know, I just think that -- the reason I wanted to put
4: it on the agenda, in part, was to say, look, I mean,
5: first of all, when you look at the -- and we have a
6: copy of that, I think, back in the office, but if you
7: look at the program for this award and the kinds of
8: folks who are -- the kinds of states and kinds of
9: spending that were up for it along with us, we're
talking about, you know, big -- we're talking about
11: really big -- really big states, really big
12: undertakings with really big national advertising
13: firms.
14: And I think the fact that our initiative
15: could compete with and then be awarded this in that
16: category is a pretty -- is a pretty big deal. It,
17: also, is, I think, proof of the concept that our work
18: is on point, is being evaluated by other professionals
19: to, say, look, this is how you should be doing this
20: kind of campaign.
21: And the cost of it compared to what --
22: Cover California was -- is California's initiative to
23: get people to enroll in expanded Medi-Cal. I mean,
24: that's a huge -- I mean, that's, like -- that's, I
25: mean, really a massive public interest campaign. You
1 deal with. So great job and keep it up. Thank you.
2 CHAIRMAN KIMBLE: And thank you for putting
3 it on the agenda, Tom. I think it deserves some --
4 some attention.
5 MR. COLLINS: Do you guys have anything you
6 want to --
7 COMMISSIONER MEYER: Yes, we have RIESTER.
8 MR. COLLINS: Anything you want to say?
9 MS. BORREGO: No. I think you covered it
10 all.
11 MR. COLLINS: Okay.
12 MS. BORREGO: Thank you for the opportunity
13 of working with you. It's great.
14 CHAIRMAN KIMBLE: Thank you.
15 Item VI, public comment. Is there anyone
16 in the public who wants to comment?
17 (No response.)
18 CHAIRMAN KIMBLE: It doesn't appear so.
19 Item VII, adjournment.
20 Is there a motion to adjourn?
21 COMMISSIONER PATON: I make a motion to
22 adjourn.
23 COMMISSIONER MEYER: Second.
24 CHAIRMAN KIMBLE: All those in favor say
25 aye.

10:01:43-10:01:48 Page 27

1 (Chorus of ayes.)
2 CHAIRMAN KIMBLE: No one opposed?
3 (No response.)
4 CHAIRMAN KIMBLE: We are adjourned.
5 (Whereupon, the proceedings concluded at
6 10:01 a.m.)
7 ///
The State of Arizona Citizens Clean Elections Commission

Transcript of Proceedings - Public Meeting
March 28, 2019

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(2) even - notion
The State of Arizona  
Citizens Clean Elections Commission  

Transcript of Proceedings - Public Meeting  
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