



NOTICE OF PUBLIC MEETING AND POSSIBLE EXECUTIVE SESSION OF THE STATE OF ARIZONA CITIZENS CLEAN ELECTIONS COMMISSION

Location: Citizens Clean Elections Commission

1616 West Adams, Suite 110

Phoenix, Arizona 85007

Date: Thursday, May 30, 2019

Time: 9:30 a. m.

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Commissioners of the Citizens Clean Elections Commission and the general public that the Citizens Clean Elections Commission will hold a regular meeting, which is open to the public on May 30, 2019. This meeting will be held at 9:30 a.m., at the Citizens Clean Elections Commission, 1616 West Adams, Suite 110, Phoenix, Arizona 85007. The meeting may be available for live streaming online at www.livestream.com/cleanelections. Members of the Citizens Clean Elections Commission will attend either in person or by telephone, video, or internet conferencing.

The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice on any item listed on the agenda, pursuant to A.R.S. § 38-431.03 (A)(3). The Commission reserves the right at its discretion to address the agenda matters in an order different than outlined below.

All matters on the agenda may be discussed, considered and are subject to action by the Commission.

Possible action on any Matter Under Review (MUR) identified in this agenda may include authorizing or entering into a conciliation agreement with subject of the MUR, in addition to any other actions, such as finding reason to believe a violation has occurred, finding probable cause to believe a violation has occurred, applying penalties, ordering the repayment of monies to the Clean Elections Fund, or terminating a proceeding.

The agenda for the meeting is as follows:

- I. Call to Order.
- II. Discussion and Possible Action on Commission Minutes for April 25, 2019 meeting.
- III. Discussion and Possible Action on Executive Director's Report and Legislative Report. **Possible Action may include directing staff to take positions on legislation or legal issues discussed in the report. The report is typically available online on the Clean Elections Commission website or via email request at ccec@azcleanelections.gov**
- IV. Discussion and Possible Action on Final Audit Approval for the 2018 General Election Participating Candidates, Rebecca Speakman and Kathy Hoffman.

- V. Discussion and Possible Action on MUR 18-14, U.S. Term Limits, Inc.
- VI. Discussion and Possible Action on the following Rule Changes for 60 day Public Comment period:
 - A. Amendment to A.A.C. R2-20-702, Participating Candidates use of Clean Elections Funding.
 - B. Amendment to A.A.C. R2-20-704, Repayment of Clean Elections Funding.
 - C. Amendment to A.A.C. R2-20-113, Candidate Statements.
 - D. Amendment to A.A.C. R2-20-104, Loans to Participating Candidates.

The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice on this item, pursuant to A.R.S. § 38-431.03 (A)(3).

- VII. Discussion and Possible Action on Proposed Letter to Governor Ducey re: Appointment for Clean Elections Commissioner.
- VIII. Discussion and Possible Action on Proposed 2019 Commission Meeting Dates for July – December.
- IX. Public Comment

This is the time for consideration of comments and suggestions from the public. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date or responding to criticism
- X. Adjournment.

This agenda is subject to change up to 24 hours prior to the meeting. A copy of the agenda background material provided to the Commission (with the exception of material relating to possible executive sessions) is available for public inspection at the Commission’s office, 1616 West Adams, Suite 110, Phoenix, Arizona 85007.

Dated this 28th day of May, 2019.

Citizens Clean Elections Commission
Thomas M. Collins, Executive Director

Any person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission at (602) 364-3477. Requests should be made as early as possible to allow time to arrange accommodations.

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THE STATE OF ARIZONA

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CITIZENS CLEAN ELECTIONS COMMISSION

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REPORTER'S TRANSCRIPT OF PUBLIC MEETING

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Phoenix, Arizona

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April 25, 2019

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9:31 a.m.

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ITEM II

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COASH & COASH, INC.

22

Court Reporting, Video & Videoconferencing
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Prepared by:

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LILIA MONARREZ, CSR, RPR
Certificate No. 50699

<p>Page 2</p> <p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 9:31 a.m. on April 25, 3 2019, at the State of Arizona, Clean Elections 4 Commission, 1616 West Adams, Conference Room, Phoenix, 5 Arizona, in the presence of the following Board members: 6 Mr. Mark S. Kimble, Chairperson 7 Ms. Amy B. Chan 8 Mr. Galen D. Paton 9 10 OTHERS PRESENT: 11 Thomas M. Collins, Executive Director 12 Paula Thomas, Executive Officer 13 Gina Roberts, Voter Education Director 14 Mike Becker, Policy Director 15 Alec Shaffer, Web Content Manager 16 Fanessa Salazar, Administrative Assistant 17 Avery Oliver, Voter Education Specialist 18 Mary O'Grady, Osborn Maledon 19 Kara Karlson, AZ Attorney General's Office 20 Joseph LaRue, AZ Attorney General's Office 21 Mary Williams, AZ Attorney General's Office 22 Ryan Wheelock, RIESTER 23 Rivko Knox, AZ League of Women Voters 24 25</p>	<p>09:32:22-09:33:27</p> <p>Page 4</p> <p>1 CHAIRMAN KIMBLE: It's been moved and 2 seconded that we approve the minutes for the meeting of 3 March 28th, 2019. 4 All those in favor say aye. 5 (Chorus of ayes.) 6 CHAIRMAN KIMBLE: Anyone opposed? 7 (No response.) 8 CHAIRMAN KIMBLE: The minutes are approved. 9 Item III, discussion and possible action on 10 executive director's report and legislative report. 11 Tom? 12 MR. COLLINS: Yes. Commissioners, a couple 13 of quick things I wanted to talk about. 14 First, we'd like to welcome Avery Oliver to 15 our team. He has joined us as a voter education 16 specialist. He has background working on candidate 17 campaigns and legislative issues. He worked at the 18 Secretary of State's Office. He's a United States Air 19 Force veteran and is actually a published comic book 20 author, and we're very excited to have him. He's 21 already been both working on focus groups, and such, 22 that Gina will fill you in on a little bit about later 23 and out at some of our public events that, also, Gina 24 will fill you about later, but he's jumped right in and 25 that's -- and that's great.</p>
<p>09:31:23-09:32:21</p> <p>Page 3</p> <p>1 PROCEEDING 2 3 CHAIRMAN KIMBLE: Good morning. I'm going 4 to call to order the April 25th, 2019, meeting of the 5 Citizens Clean Elections Commission. 6 For sake of the record, why don't we have a 7 roll call. And, I guess, I'll -- I guess, I'll call 8 it. 9 Commissioner Chan? 10 COMMISSIONER CHAN: Here. 11 CHAIRMAN KIMBLE: Commissioner Paton? 12 COMMISSIONER PATON: Here. 13 CHAIRMAN KIMBLE: Is Commissioner Meyer on 14 the phone? 15 MS. THOMAS: He is not. 16 CHAIRMAN KIMBLE: He is not. 17 MS. THOMAS: He may call in, though. 18 CHAIRMAN KIMBLE: Okay. And I'm Mark 19 Kimble, and I am present, too. So we do have a quorum. 20 Item II, discussion and possible action on 21 Commission minutes from March 28th, 2019. 22 Are there any comments on the minutes? 23 COMMISSIONER CHAN: I would move that we 24 approve the minutes as written. 25 COMMISSIONER PATON: Second.</p>	<p>09:33:28-09:34:49</p> <p>Page 5</p> <p>1 On the -- on the personnel, sort of, front, 2 for lack of a better way of putting it, I do want to 3 mention that Kara Karlson, our counsel or co-counsel in 4 our -- in our matters and, also, the Secretary of 5 State's counsel or co-counsel, was nominated by the 6 readers of the "Cap Times" as one of the five best 7 political lawyers in Arizona. And one of the things 8 that makes this particularly remarkable is that the 9 "Cap Times" readership has been -- how do we say? 10 Seemingly unwilling to nominate women candidates for 11 this particular honor to be voted on. 12 And so it's very exciting for us to have an 13 attorney we work with in that list, and it's also a 14 good sign for, maybe -- you know, for, maybe, the 15 capitol waking up to the fact that there's more 16 diversity in the -- in the bar than people realize. So 17 it's a very exciting honor for Kara, and we're happy 18 about that. 19 We have local elections coming -- coming up 20 in May. We'll -- and you see the registration 21 deadlines there. We have the U.S. Term Limits matter 22 on this agenda. And then with the AZAN v. State and 23 Legacy Foundation Action Fund, there's really not a 24 whole heck of a lot to report, except that, you know, 25 they're in procedural -- they're in -- not procedural</p>

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<p>1 limbo, but moving slowly through the processes to get</p> <p>2 to some kind of appellate court.</p> <p>3 Yes?</p> <p>4 COMMISSIONER CHAN: Mr. Chairman, could I</p> <p>5 just -- regarding the personnel issue, could I just ask</p> <p>6 Tom a quick question?</p> <p>7 CHAIRMAN KIMBLE: Of course.</p> <p>8 COMMISSIONER CHAN: Tom -- Mr. Chairman,</p> <p>9 Tom, I -- you know, this is another meeting where we</p> <p>10 have two holdover commissioners who are -- who have</p> <p>11 served for over five years with no -- you know, no</p> <p>12 problem serving but -- but, you know, I think Governor</p> <p>13 Ducey needs to appoint somebody to fill Commissioner</p> <p>14 Titla's position. And I think Secretary Hobbs has been</p> <p>15 advised that she needs to wait to fill Commissioner</p> <p>16 Meyer's position until Doug Ducey does his work.</p> <p>17 MR. COLLINS: Yeah.</p> <p>18 COMMISSIONER CHAN: And I just wanted to</p> <p>19 put this out there.</p> <p>20 Is there anything we can do as the</p> <p>21 Commission to encourage that? Because I, frankly,</p> <p>22 think it's a dereliction of his duty that he's letting</p> <p>23 this go on for so long.</p> <p>24 MR. COLLINS: I would say this. I mean, I</p> <p>25 think that, to the extent that this is, you know,</p>	<p>1 lot of pressure on the remaining -- on the three of you</p> <p>2 to have to be here at every meeting to get a quorum.</p> <p>3 So, you know, it's a thing where we can't push the</p> <p>4 governor to do something that he doesn't care about</p> <p>5 because it does -- it's just -- it's just harder. What</p> <p>6 we might be able to talk about is, at another time and</p> <p>7 maybe at another meeting, is what the Commission or a</p> <p>8 commissioner might do to discuss it with the governor's</p> <p>9 office, rather than staff.</p> <p>10 I mean, as staff members, we are not --</p> <p>11 we're not in a position to -- we don't want to -- we</p> <p>12 don't -- we're not -- we don't have the same stature to</p> <p>13 make a statement along the lines that you made because</p> <p>14 we're staff.</p> <p>15 COMMISSIONER CHAN: Sure. Mr. Chairman,</p> <p>16 Tom, I totally -- and don't disagree with what you're</p> <p>17 saying. I understand that we have two commissioners in</p> <p>18 place who are holdovers and they're willing to do that,</p> <p>19 but at the same time, I frankly don't think it's fair,</p> <p>20 when the governor has a duty to make this appointment,</p> <p>21 to continue to burden Commissioner Titla who -- and,</p> <p>22 again, I understand, you know, out of county, there's</p> <p>23 fewer people who may be able and willing to serve</p> <p>24 because it is a burden to drive in. I mean, I'm very</p> <p>25 lucky. I live here in Maricopa County. It's easy for</p>		
09:36:07-09:37:49	Page 7	09:39:10-09:40:09	Page 9
<p>1 within the announcements. We have had informal</p> <p>2 conversations with staff members at the governor's</p> <p>3 office. I certainly think that their main election</p> <p>4 expert in that office is aware. I think it's -- I</p> <p>5 think -- I think there's -- there may be a combination</p> <p>6 of different reasons why.</p> <p>7 One of them is, perhaps -- and this is -- I</p> <p>8 don't know for a fact, but I will say that when</p> <p>9 Commissioner and former Chairman Titla was appointed,</p> <p>10 because, at that time, it had to be an out-of-county</p> <p>11 Democrat, it was very difficult to find someone to fill</p> <p>12 that -- that role. And so it took a lot of effort on</p> <p>13 behalf of -- we even got us -- we even had staff</p> <p>14 involved. We had all kinds of people involved in</p> <p>15 trying to just come up with applicants. So it's not an</p> <p>16 easy seat to fill.</p> <p>17 I don't know what the -- what the strategy</p> <p>18 is, you know. I think that we won't reach a crisis</p> <p>19 point until either Commissioner Titla or Commissioner</p> <p>20 Meyer resign because I -- because, you know, our</p> <p>21 understanding of the holdover provisions of the -- of</p> <p>22 the background law are that they need to serve until</p> <p>23 they're replaced or they can quit. And they haven't</p> <p>24 done that yet.</p> <p>25 So if they were to do that, it would put a</p>	<p>1 me to get to the meetings.</p> <p>2 So I appreciate those considerations, but I</p> <p>3 just feel at this point, it's getting ridiculous. It's</p> <p>4 over a year. We're into Year 2 where we're -- you</p> <p>5 know, Commissioner Titla is seven years now into his</p> <p>6 term. It's a five-year term, and he has done more than</p> <p>7 his duty, as far as doing that. He's come to meetings</p> <p>8 when we've asked him to after his term has expired as a</p> <p>9 holdover. And I know we can continue to rely on him to</p> <p>10 do that, but I don't think it's fair to him.</p> <p>11 And I think that the governor needs to take</p> <p>12 the action that is on him as a matter of law, and</p> <p>13 especially now that he's holding up Secretary Hobbs in</p> <p>14 performing her duty because she may very well wish to</p> <p>15 appoint somebody new and not miss out on having a full</p> <p>16 five-year term member that's hers under the law.</p> <p>17 MR. COLLINS: Right.</p> <p>18 COMMISSIONER CHAN: And Governor Ducey is</p> <p>19 holding that up, and I'm just -- you know, I think my</p> <p>20 patience is wearing thin, and I don't know how the</p> <p>21 other commissioners feel. And I know we may have to</p> <p>22 just table this until we can put it on an agenda item,</p> <p>23 but I thought, since we were talking about personnel, I</p> <p>24 would ask the question.</p> <p>25 MR. COLLINS: Right. Sure. And just by</p>		

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<p>1 way of background on the law, you know, the statute is</p> <p>2 not -- the statute says, basically, two things. It</p> <p>3 says go in order, and it says the order should be</p> <p>4 executed within something, like, ten days after the</p> <p>5 vacancy. Historically, nobody -- and you know, whether</p> <p>6 it was Governor Brewer, even -- how long did Scaramazzo</p> <p>7 hold over? Who was governor then? Napolitano?</p> <p>8 Governor Napolitano. No one has pressed that ten-day</p> <p>9 thing.</p> <p>10 COMMISSIONER CHAN: Sure.</p> <p>11 MR. COLLINS: At some point --</p> <p>12 COMMISSIONER CHAN: Ten days may be</p> <p>13 unreasonable, I mean --</p> <p>14 MR. COLLINS: Well -- yeah.</p> <p>15 COMMISSIONER CHAN: But I'm sure it makes</p> <p>16 sense to have something in statute, but I think, you</p> <p>17 know, a year and a half is a little excessive.</p> <p>18 MR. COLLINS: At some point -- right. At</p> <p>19 some point -- yeah. At some point -- at some point, it</p> <p>20 becomes an issue between Secretary Hobbs and the</p> <p>21 governor, but we can certainly weigh in on that. And</p> <p>22 we can talk about that. You know, maybe you and I can</p> <p>23 talk about it.</p> <p>24 COMMISSIONER CHAN: Sure.</p> <p>25 MR. COLLINS: We can figure out how to do</p>	<p>1 CHAIRMAN KIMBLE: Yes. No, I wasn't going</p> <p>2 to move on.</p> <p>3 MR. COLLINS: Okay. Sorry. I didn't mean</p> <p>4 that.</p> <p>5 COMMISSIONER CHAN: Okay.</p> <p>6 MR. COLLINS: The -- sort of some of the</p> <p>7 issues that -- the biggest issue that's developing this</p> <p>8 morning is probably, I believe, sometime around 10:00,</p> <p>9 the Senate goes to the floor. The Bill 2427, which we</p> <p>10 believe is a -- has a lot of problems in it, but the</p> <p>11 top line problem is it is a bill that, by its terms and</p> <p>12 even as they added an amendment that the Free</p> <p>13 Enterprise Club wrote to try to alleviate the VPA</p> <p>14 concerns, but it doesn't -- it expands --</p> <p>15 CHAIRMAN KIMBLE: If I could interrupt you.</p> <p>16 What bill are you talking about?</p> <p>17 MR. COLLINS: 2427.</p> <p>18 COMMISSIONER CHAN: What page is it?</p> <p>19 MR. BECKER: 2724.</p> <p>20 MR. COLLINS: 2724.</p> <p>21 CHAIRMAN KIMBLE: 2724.</p> <p>22 MR. COLLINS: I'm sorry. It's on page 7.</p> <p>23 CHAIRMAN KIMBLE: Okay.</p> <p>24 MR. COLLINS: Sorry.</p> <p>25 CHAIRMAN KIMBLE: I'm sorry. Okay. Thank</p>		
09:41:07-09:42:08	Page 11	09:43:09-09:44:34	Page 13
<p>1 that.</p> <p>2 COMMISSIONER CHAN: And I appreciate,</p> <p>3 Mr. Chairman, that you've spoken with the governor's</p> <p>4 office about it. I just -- you know, I wanted to</p> <p>5 publicly express my desire for something to happen.</p> <p>6 And I know Governor Ducey probably doesn't -- you know,</p> <p>7 that's probably not high on his priority list, but I</p> <p>8 still wanted to put that out there because, to me, it's</p> <p>9 very important for the business of the Commission. And</p> <p>10 I think it's unfortunate that somebody whose interests</p> <p>11 may not always align with the Commission is in a</p> <p>12 position to hobble us this way, frankly.</p> <p>13 CHAIRMAN KIMBLE: Thank you, Commissioner</p> <p>14 Chan. I totally agree with everything you said.</p> <p>15 Today's meeting illustrates how tenuous our quorum is.</p> <p>16 If two of us hadn't driven from Tucson, we wouldn't be</p> <p>17 meeting here. If one of us hadn't driven from Tucson,</p> <p>18 we wouldn't be meeting. So, yeah, this has gotten a</p> <p>19 little ridiculous.</p> <p>20 MR. COLLINS: Before we move on from the</p> <p>21 executive director's report, Mr. Chairman, if I could,</p> <p>22 I'd like to highlight a few points in the -- in the</p> <p>23 legislative --</p> <p>24 CHAIRMAN KIMBLE: Oh, yes, yes.</p> <p>25 MR. COLLINS: -- report.</p>	<p>1 you.</p> <p>2 COMMISSIONER PATON: He's making you work.</p> <p>3 MR. COLLINS: Yeah, I apologize. I</p> <p>4 can't -- numbers are -- bill numbers are tough.</p> <p>5 So it's going to go -- so the bottom line</p> <p>6 is we have serious Voter Protection Act concerns.</p> <p>7 There are other concerns that this raises on due</p> <p>8 process and a variety of other issues. More</p> <p>9 importantly -- but, most importantly, it's moving in</p> <p>10 the House. It's in the Senate. It's on cal. It will</p> <p>11 likely be amended and have to go back to the House. So</p> <p>12 we will see what happens with that, but, you know, the</p> <p>13 Free Enterprise Club and Representative Biasiucci,</p> <p>14 basically, their position is that Prop 306, despite its</p> <p>15 language and the language of the question posed to</p> <p>16 voters, allows the legislature with a simple majority</p> <p>17 to make any changes to the process of taking matters to</p> <p>18 GRRC related to Clean Elections that it wants to.</p> <p>19 And that's not how the Voter Protection Act</p> <p>20 works. It's just not. You can't make a change but</p> <p>21 then say that change is in an amendment. An amendment</p> <p>22 is an amendment is an amendment, and even the rules</p> <p>23 attorney in the Senate who oversaw, first, he said that</p> <p>24 the bill that came from the House was -- had a VPA</p> <p>25 problem. Then it was -- an amendment was proposed by</p>		

09:44:35-09:45:58	Page 14	09:47:33-09:49:05	Page 16
<p>1 the Free Enterprise Club, which he said made it not</p> <p>2 amendatory, which I'm not sure why -- I mean, it really</p> <p>3 can -- but then he admitted in the next -- in the next</p> <p>4 rules meeting that it was reasonable to argue it</p> <p>5 violated the VPA still.</p> <p>6 So -- you know, so the vote is what the</p> <p>7 vote is, will be what the vote is. And we'll see what</p> <p>8 happens, but that's the most, quote/unquote, negative</p> <p>9 thing we have dealing with that we know of right now.</p> <p>10 And we don't know ever -- you know, going to cal</p> <p>11 doesn't necessarily mean anything. As I said last</p> <p>12 time, you know, a lot of these times -- a lot of times</p> <p>13 these things come out at the last minute.</p> <p>14 A couple other bills of interest to</p> <p>15 commissioners from previous meetings. Senate Bill 1188</p> <p>16 is the bill that we talked about last month that has to</p> <p>17 do with removing folks from the permanent early voting</p> <p>18 list. You know, my understanding is that that is still</p> <p>19 awaiting cal in the House, and it hasn't -- it hasn't</p> <p>20 gotten out yet.</p> <p>21 Senate Bill 10 -- that was on page 6.</p> <p>22 Senate Bill 1090, which talks about emergency voting</p> <p>23 procedures and board action, it basically says the</p> <p>24 board of supervisors can determine the use of emergency</p> <p>25 voting centers or location and hours of operation, and</p>	<p>1 you might have heard about that you want to ask, I'm</p> <p>2 open to those questions.</p> <p>3 CHAIRMAN KIMBLE: Does any member of the</p> <p>4 Commission have any questions about any bills on the</p> <p>5 legislature?</p> <p>6 (No response.)</p> <p>7 CHAIRMAN KIMBLE: Any other questions about</p> <p>8 the executive director's report?</p> <p>9 (No response.)</p> <p>10 CHAIRMAN KIMBLE: Let me welcome Avery to</p> <p>11 the -- to the Clean Elections team. I think all of us</p> <p>12 have been pressing for quite a while to get a published</p> <p>13 comic book author on the staff. I'm glad that we've --</p> <p>14 we finally filled that spot.</p> <p>15 MR. OLIVER: Thank you.</p> <p>16 CHAIRMAN KIMBLE: And, Kara,</p> <p>17 congratulations to you. I think it's not a surprise to</p> <p>18 any of us that -- that you will receive this award.</p> <p>19 Congratulations.</p> <p>20 Item IV, discussion and possible action on</p> <p>21 the voter education research and ongoing projects.</p> <p>22 Gina?</p> <p>23 MS. ROBERTS: Mr. Chairman, Commissioners,</p> <p>24 good morning. I just have a very brief update for you</p> <p>25 on just some voter education efforts that have been</p>		
09:46:02-09:47:31	Page 15	09:49:08-09:50:17	Page 17
<p>1 there's a -- now will be a standard for what's an</p> <p>2 emergency. This is a law proposal that emerges from</p> <p>3 the view of some that counties, particularly the bigger</p> <p>4 counties, have been using emergency voting as</p> <p>5 supplemental -- as supplemental election early voting.</p> <p>6 And the governor in his -- wrote a signing</p> <p>7 letter where he basically said, look, I think this is</p> <p>8 the right thing to do to have a standard process in</p> <p>9 every county. And he said -- and he also said, you</p> <p>10 know, if you want to have a conversation by expanding</p> <p>11 the early voting, let's have that conversation</p> <p>12 separately.</p> <p>13 And so some of the -- and then, you know,</p> <p>14 some of the more -- I think those are some of the big</p> <p>15 ones. You know, a couple of them got -- a couple of</p> <p>16 the bigger ones we talked about earlier in the session</p> <p>17 just did not make it out of the Senate, and I think</p> <p>18 those are the highlights. We tried to make sure we</p> <p>19 captured as many of the -- some of the other voting</p> <p>20 bills that are not necessarily Clean Elections bills in</p> <p>21 this -- in this list that Mike -- Mike pulled this</p> <p>22 together and did the research. So we try to capture as</p> <p>23 much of that as we can.</p> <p>24 So -- I don't know. If there's any</p> <p>25 questions about any of those bills or any of the bills</p>	<p>1 conducted this year so far. We thought it would be a</p> <p>2 good time to touch in and touch base with you and let</p> <p>3 you know where we're at and how we're moving forward.</p> <p>4 Really quickly, I just wanted to highlight</p> <p>5 the last election that we had in March. The Commission</p> <p>6 is providing voter education on the local</p> <p>7 jurisdictional elections that are happening in 2019,</p> <p>8 and so, in particular, there was the City of Phoenix</p> <p>9 mayoral election, as well as the initials for Districts</p> <p>10 5 and 8, as well as a few other, like, special district</p> <p>11 in Holbrook and Goodyear. And so our efforts there, we</p> <p>12 were very pleased with the performance of our efforts.</p> <p>13 That was mostly a digital campaign in reaching voters.</p> <p>14 One thing I wanted to highlight was we had</p> <p>15 the opportunity for Tom to sit down with the Phoenix</p> <p>16 City Clerk and have, basically, an interview about the</p> <p>17 upcoming election, what voters would, you know, see on</p> <p>18 their ballot, some key dates and information pertaining</p> <p>19 to Phoenix's election, and really tried to clarify why</p> <p>20 there was that additional election for the mayoral</p> <p>21 candidates with local elections.</p> <p>22 They had their initial election in which no</p> <p>23 candidate received 50 percent plus one of the votes.</p> <p>24 So it required a runoff, and we saw a little bit of</p> <p>25 confusion and questions from voters on that end. So</p>		

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<p>1 it's really great to have the opportunity with Phoenix</p> <p>2 clerks to sit down with Tom and explain that a little</p> <p>3 bit more for the Phoenix voters.</p> <p>4 And so we, again, saw great engagement with</p> <p>5 voters on that video and we, also, had the opportunity</p> <p>6 on election day, for Tom to go out, stand in front of</p> <p>7 Phoenix City Hall, which is a voting location, and try</p> <p>8 to get that last-minute push to people to turn out in</p> <p>9 the Phoenix election.</p> <p>10 MR. COLLINS: I also got to stand in my</p> <p>11 raincoat and the wind as the rain began to blow in. So</p> <p>12 I really -- I really feel like I'm qualified to be a</p> <p>13 weatherman, also.</p> <p>14 COMMISSIONER PATON: You have a raincoat.</p> <p>15 MR. COLLINS: Yeah.</p> <p>16 MS. ROBERTS: We do have an election</p> <p>17 upcoming in May, and we will, again, have the Phoenix</p> <p>18 election for the city counsel candidates in Districts 5</p> <p>19 and 8 that did not receive 50 percent plus one of the</p> <p>20 vote. There's also elections in Phoenix -- or excuse</p> <p>21 me -- Wickenburg, Chino Valley and San Luis. We --</p> <p>22 again, going off of that success with the interview</p> <p>23 with the Phoenix City Clerk, we are making arrangements</p> <p>24 for Tom to have another interview with the Chino Valley</p> <p>25 clerk and their team, their staff. And so we'll be</p>		<p>1 Phoenix and Tucson for those kind of things?</p> <p>2 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>3 Paton, that's a great idea. We can look at seeing</p> <p>4 if -- we would have to make sure that the video is</p> <p>5 filmed in a way that it could be broadcast-available.</p> <p>6 And so we can start to look at that as an option and</p> <p>7 explore and see if maybe those stations would pick it</p> <p>8 up and run it so we can reach the targeted area.</p> <p>9 That's a great idea. Thank you.</p> <p>10 Okay. So we wanted to touch base on some</p> <p>11 research that the Commission has conducted the past few</p> <p>12 weeks. We held focus groups on April 15th and 16th and</p> <p>13 17th, and we held nine focus groups. We had them here</p> <p>14 in Phoenix. We went to Tucson, and we went out to</p> <p>15 Flagstaff. And, in addition to focus groups, we will</p> <p>16 also be doing the statewide survey, as well, but we</p> <p>17 wanted to touch base and let the Commission know some</p> <p>18 of the takeaways that staff initially saw, just to let</p> <p>19 you know, you know, what we're hearing from voters.</p> <p>20 And research is very critical to the voter</p> <p>21 education campaign that we have because it really tells</p> <p>22 us, are we meeting the needs of voters? Are we going</p> <p>23 the right direction? Do we need to adjust our</p> <p>24 communication strategy and our tone and our messaging?</p> <p>25 So we have often conducted research in odd number of</p>	
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<p>1 driving up there, hopefully, next week to have that</p> <p>2 conversation with them and push that information out to</p> <p>3 Chino Valley voters.</p> <p>4 COMMISSIONER PATON: I have a question.</p> <p>5 CHAIRMAN KIMBLE: Yes, Commissioner Paton.</p> <p>6 COMMISSIONER PATON: So the interview is</p> <p>7 seen where?</p> <p>8 MS. ROBERTS: Online. And so we -- think</p> <p>9 of, like, a Facebook live video. It's similar to that,</p> <p>10 except we -- actually, we don't do it live. We record</p> <p>11 it and we edit it, and then we push it out on Facebook.</p> <p>12 And with that ability, we can target the ZIP codes for</p> <p>13 Chino Valley to reach those voters specifically. So</p> <p>14 we'll have it there. We can post it on our YouTube</p> <p>15 channel, but we also share it with the town themselves.</p> <p>16 So they have the ability to -- I know they have been</p> <p>17 working with some community groups in their areas.</p> <p>18 So they can use it as a resource, as well,</p> <p>19 whether they want to embed it on their website or,</p> <p>20 again, use it in their voter education efforts. So we</p> <p>21 provide the video to the jurisdiction, but we post it</p> <p>22 mostly on Facebook. That way we can target those</p> <p>23 voters directly.</p> <p>24 COMMISSIONER PATON: And do we -- have we</p> <p>25 tried to get more publicity, like using PBS channels in</p>		<p>1 years, and we find it very critical to making sure that</p> <p>2 our messaging is on point.</p> <p>3 A few things that we wanted to share. We</p> <p>4 saw this in 2017, but we are still seeing the Google</p> <p>5 effect where, when we asked voters where are you going</p> <p>6 to get your information, they are going to Google. And</p> <p>7 they're basically looking at the first five links that</p> <p>8 pop up, and that's -- that's their resource. That's</p> <p>9 the source that they're going to. So, you know, that</p> <p>10 helps the Commission better understand our efforts,</p> <p>11 whether it is in paid search efforts or just in general</p> <p>12 search engine optimization, and how we're structuring</p> <p>13 our website and the tags that we have, the background</p> <p>14 information there. So that gives us some good</p> <p>15 information that we can go back and look at our</p> <p>16 efforts.</p> <p>17 One thing that really stood out was</p> <p>18 bullets. So when we heard from voters, it was</p> <p>19 expressed that they don't have a lot of time to do the</p> <p>20 necessary reading to become an informed voter. And so</p> <p>21 whether or not that's the Voter Education Guide or the</p> <p>22 Secretary's publicity pamphlet, you know, oftentimes</p> <p>23 whatever the information that they are finding out on</p> <p>24 these websites, they are looking for information that</p> <p>25 is concise, that is easily adjustable.</p>	

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<p>1 And throughout the focus groups, we often</p> <p>2 heard the terms "bullets." So that, again, tells us</p> <p>3 that we need to be mindful of how we are preparing any</p> <p>4 type of written information and the format and that</p> <p>5 it's, you know, clear, to the point, concise and,</p> <p>6 again, to try to reach that request of bulleted</p> <p>7 information to really get the point across of what the</p> <p>8 issues are. And so that stood out to staff.</p> <p>9 The other thing that stood out was sources</p> <p>10 of information. And, in particular, Clean Elections.</p> <p>11 So we know that voters, they want to know who is</p> <p>12 pushing this message out to voters, you know, who is</p> <p>13 the source of this information, whether it's a mailer</p> <p>14 or a TV ad, but the same applies to Clean Elections, as</p> <p>15 well, whether it's our voter education guide or maybe a</p> <p>16 commercial or something that we're running on Facebook.</p> <p>17 Voters want to understand who is the Clean Elections</p> <p>18 Commission that is trying to give me this information.</p> <p>19 And so that tells us that we need to look</p> <p>20 at efforts to ensuring that people understand the</p> <p>21 Commission is this five-member Commission, nonpartisan.</p> <p>22 You know, and it's unbiased information. And so we</p> <p>23 have to look at our efforts in ensuring that voters</p> <p>24 understand that this is coming from a source that is</p> <p>25 trustworthy, that does not have an agenda in trying to</p>	<p>1 is the brand of the Commission, the brand in that we</p> <p>2 are Arizona's Citizens Clean Elections Commission.</p> <p>3 We -- you know, we're brought forth by the</p> <p>4 citizens, and the information that we put out, it is</p> <p>5 nonpartisan. We are trying to give you the information</p> <p>6 that you need so you can make your informed decisions</p> <p>7 and your vote. And that is something that I feel like</p> <p>8 we have done more so than we have in the past few</p> <p>9 years. We have been doing that lately to, again, try</p> <p>10 to really solidify that brand of who the Commission is</p> <p>11 to voters, but I think you hit on something there.</p> <p>12 During these focus groups, we see a lot of</p> <p>13 contradiction in some of the information that we're</p> <p>14 hearing directly from the voters, as well, and so we</p> <p>15 have to find a way to balance that. So the next steps</p> <p>16 from this research are we are, again, working with our</p> <p>17 partners RIESTER. They will be providing an analysis</p> <p>18 of the focus groups, and that will build into their</p> <p>19 recommendations to the Commission for our media</p> <p>20 strategy and how can we accomplish some of these goals,</p> <p>21 but it is -- it is a challenge.</p> <p>22 COMMISSIONER PATON: I have -- I don't know</p> <p>23 if it's a statement or a question.</p> <p>24 CHAIRMAN KIMBLE: Commissioner Paton.</p> <p>25 COMMISSIONER PATON: So from that</p>		
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<p>1 sway your vote. It's just here -- here are the facts</p> <p>2 and here are the resources that we provide to you.</p> <p>3 And a lot of the -- one thing that really</p> <p>4 stood out to me was why your information and not</p> <p>5 others. And so, that is, you know, one of the things</p> <p>6 that we have to consider and, you know, try to</p> <p>7 overcome.</p> <p>8 COMMISSIONER CHAN: Mr. Chairman, Gina.</p> <p>9 CHAIRMAN KIMBLE: Commissioner Chan.</p> <p>10 COMMISSIONER CHAN: So it's interesting</p> <p>11 because you were talking about the fact that they don't</p> <p>12 have a lot of time, which I totally understand, and yet</p> <p>13 we need to be able to give them information. At the</p> <p>14 same time, perhaps, it almost sounds like, but this is</p> <p>15 trustworthy information. And how do you explain that</p> <p>16 in a bullet point? So does that mean separately we</p> <p>17 need to do more outreach to just make the Commission</p> <p>18 more well known, or how do you do that?</p> <p>19 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>20 Chan, that is a great question, and that presents the</p> <p>21 challenge that we have. The challenge in that we know</p> <p>22 that we need to connect and reach to these voters with</p> <p>23 very simple, direct information. You know, just think</p> <p>24 about that five, ten seconds to grab their attention,</p> <p>25 but also meet the goal of establishing what I would say</p>	<p>1 information, I would say that if you did some kind of</p> <p>2 short video explaining what Clean Elections is, what</p> <p>3 our purpose is, and so on; that it is non-partisan, and</p> <p>4 maybe put that video so it will go into the top five of</p> <p>5 Google for, you know, election information or, you</p> <p>6 know, something similar. Then when they look for that,</p> <p>7 then it will pop up and they can see the short video</p> <p>8 explaining where -- you know, our purpose, and then</p> <p>9 maybe they'll dive in deeper.</p> <p>10 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>11 Paton, that is -- that is doable. That is definitely</p> <p>12 something that can be accomplished. We do invest in</p> <p>13 paid search. So we ensure that links to the Clean</p> <p>14 Elections information is on that top page. We can make</p> <p>15 sure that we invest in that. And then, as far as</p> <p>16 developing videos goes, one thing that staff has been</p> <p>17 discussing that we would like to work with all of you</p> <p>18 on is to ideally set aside some time with each of the</p> <p>19 commissioners to film you and talk about who you are,</p> <p>20 your background and what your goals are for the</p> <p>21 Commission and, of course, doing, you know, some</p> <p>22 messaging for the Commission as a whole, as well, but</p> <p>23 we've really heard from these voters and this focus</p> <p>24 group.</p> <p>25 One takeaway that we have is that they also</p>		

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<p>1 want to see the face to the name. That helps make it</p> <p>2 more relatable and trustworthy, if you will. So it's</p> <p>3 not just this faceless, non- -- you know, nonpartisan</p> <p>4 Commission. They want to know who each of the</p> <p>5 commissioners are and their background and their, you</p> <p>6 know, biography, things like that. So we are looking</p> <p>7 at, hopefully, getting some time with each of you to</p> <p>8 see how we can, you know, follow through on that and</p> <p>9 present that to the voters, but definitely, we will be</p> <p>10 looking at our plans to make sure that we are</p> <p>11 continuing to invest in search and we do look at ways</p> <p>12 to present the Commission in that manner.</p> <p>13 COMMISSIONER PATON: I mean, as a little</p> <p>14 aside, I drive up from Tucson when I come up, and</p> <p>15 there's a billboard coming out this way somewhere</p> <p>16 around Ray Road where it really slows down, and it</p> <p>17 changes their ad. It's an electronic one, and maybe</p> <p>18 something like that where people are parked on the</p> <p>19 freeway and maybe something -- because it's short.</p> <p>20 It's sweet, and it rotates amongst, I'm sure, five,</p> <p>21 six, seven different messages. I don't know. That's</p> <p>22 the one -- only one I've seen, but maybe there's others</p> <p>23 around.</p> <p>24 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>25 Paton, I think we do have paid bill boards in our -- in</p>	<p>1 know, Commissioner Paton did an interview with Cronkite</p> <p>2 News about the Commission. Chairman Kimble was -- will</p> <p>3 be on Arizona Illustrated on Friday, I believe.</p> <p>4 CHAIRMAN KIMBLE: I'm not sure, but yes. I</p> <p>5 did it yesterday.</p> <p>6 MR. COLLINS: Yeah, yeah. And then</p> <p>7 Commissioner Chan was on a weekend -- well, we taped a</p> <p>8 weekend public affairs show on KTAR. So we have the</p> <p>9 basis there. You all are remarkably good at dealing</p> <p>10 with the press and stuff, in the first place. You have</p> <p>11 an inherent ability to, like, be on camera and be --</p> <p>12 and explain stuff.</p> <p>13 So we want to -- we want -- we want to take</p> <p>14 that and run with it because you guys really have a --</p> <p>15 I shouldn't say "you guys." The commissioners really</p> <p>16 have a -- have a -- you all, actually, are better,</p> <p>17 maybe -- well, you're certainly better than me at</p> <p>18 speaking in very plain terms about what we do. So</p> <p>19 that's what we're trying to hit, I think.</p> <p>20 MS. ROBERTS: Mr. Chairman, Commissioners,</p> <p>21 that's great feedback. Thank you. We'll take that</p> <p>22 back with our team as we continue to look at what our</p> <p>23 strategy will be when we finalize it after all of the</p> <p>24 research is completed.</p> <p>25 A few other notes that we wanted to</p>		
10:01:05-10:02:23	Page 27	10:03:45-10:04:47	Page 29
<p>1 our plan for 2020, if I remember off the top of my</p> <p>2 head. So we do have that as one of the tactics that we</p> <p>3 will be exploring. We did that in 2016, and we found</p> <p>4 those to be very successful, as well. So we will be</p> <p>5 looking at continuing to utilize those. So, yes, great</p> <p>6 suggestions and ideas there that we can explore.</p> <p>7 COMMISSIONER PATON: I would think that --</p> <p>8 because a lot of people aren't going to -- I mean, a</p> <p>9 lot of people, maybe older people, may not do the</p> <p>10 Google thing, but they would see that ad or something</p> <p>11 on TV or something like that. And people don't know</p> <p>12 what the Clean Elections Commission is, people that I</p> <p>13 just meet, and you have to always explain what it is.</p> <p>14 I don't know if you've come up with that,</p> <p>15 as well. I mean, and these are people -- a lot of them</p> <p>16 are educated. They just don't know. So if they don't</p> <p>17 know, then, you know, the average person that's not as,</p> <p>18 maybe, educated about our system, they're not going to</p> <p>19 know, probably. So, anyway, anything to promote, you</p> <p>20 know, non-partisan information because a lot of the</p> <p>21 population is just jaded one way or the other. They</p> <p>22 don't believe anything they read anymore, and that's a</p> <p>23 shame.</p> <p>24 MR. COLLINS: And all of you have done, at</p> <p>25 one time or another, you know, some kind of -- you</p>	<p>1 highlight is that importance does not always equal</p> <p>2 priority. So we often hear, across the board, voting</p> <p>3 is important. Voters understand that, absolutely. It</p> <p>4 is extremely important, but then when you look at the</p> <p>5 time commitment and building that into my everyday</p> <p>6 life, it is not always made the priority.</p> <p>7 And so we have to look at bridging that</p> <p>8 connection and encouraging people to take the time to</p> <p>9 read the voter guide and to look at the website and to</p> <p>10 educate yourself about the issues and the candidates,</p> <p>11 to become an informed voter, to invest in that time</p> <p>12 that it takes, and to really make it a priority in</p> <p>13 their lives. And so that is something that we'll have</p> <p>14 to tackle, as well.</p> <p>15 And just two more thoughts here, the</p> <p>16 sticker, the "I voted" sticker. A great term that I</p> <p>17 heard for this is that it really is social currency.</p> <p>18 And so when people on election day are getting that</p> <p>19 sticker, they wear it. It's a badge of honor, and they</p> <p>20 love that pride. The thing to remember, though, is the</p> <p>21 majority of our state is voting early, and they do</p> <p>22 not -- most counties, I believe, are not sending a</p> <p>23 sticker along with an early ballot.</p> <p>24 So we are -- you know, we have, in the</p> <p>25 past, created a digital "I voted" sticker. So we have</p>		

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<p>1 to look at ways of, okay, how can we continue to build</p> <p>2 on that social currency to inspire people to vote if</p> <p>3 they are voting early. And maybe there's ways where we</p> <p>4 can do a social media campaign, you know, share your</p> <p>5 sticker, you know, a selfie with it, you know, that</p> <p>6 type of thing. And so we'll be exploring options with</p> <p>7 that.</p> <p>8 COMMISSIONER CHAN: Mr. Chairman, Gina, do</p> <p>9 you know why the counties don't send stickers?</p> <p>10 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>11 Chan, I believe it is the cost. I believe Maricopa</p> <p>12 County has --</p> <p>13 COMMISSIONER CHAN: Pays more?</p> <p>14 MS. ROBERTS: It is upwards in the millions</p> <p>15 of dollars to do so.</p> <p>16 COMMISSIONER CHAN: Because it all adds up</p> <p>17 over all those millions of ballots. Okay. Thank you.</p> <p>18 MS. ROBERTS: And, finally, Mr. Chairman,</p> <p>19 Commissioners, we have to -- and this is something that</p> <p>20 we see all the time when we have this research, but we</p> <p>21 have to continue to combat the distress in the citizens</p> <p>22 and the system as a whole, and that is just, you know,</p> <p>23 something that is ongoing. And we have to continue to</p> <p>24 show voters that your one vote, your one voice is</p> <p>25 important to the electoral process and that it can make</p>	<p>1 wanted to take a step back and look at it and see,</p> <p>2 okay, how did it perform? Did it meet our</p> <p>3 expectations? What areas can we improve?</p> <p>4 I'm very happy with the results of the</p> <p>5 audit. Mostly what we have seen are the things that we</p> <p>6 can do to improve, they're technical. They are things</p> <p>7 that we can do immediately. Again, we are, overall,</p> <p>8 very pleased with the performance of the website. I</p> <p>9 just wanted to throw this out there and let you know</p> <p>10 that our website is really our main source of</p> <p>11 communication to voters. This is what we are driving</p> <p>12 voters to when we are on paid social medial and ads and</p> <p>13 TV ads and radio reads. We are taking everyone to our</p> <p>14 website, and so it's critical that it is performing as</p> <p>15 best as it can.</p> <p>16 And that's why we wanted to take a step</p> <p>17 back and do the audit of it. And so we're really happy</p> <p>18 to see with how people are engaging with the sites, the</p> <p>19 paths, that we look at everything from how they're --</p> <p>20 you know, what their pathways are across the pages and,</p> <p>21 you know, some behind-the-scenes stuff with our URL</p> <p>22 structures and ADA compliance. And so I'm really happy</p> <p>23 with the turnout of the audit. We do have some</p> <p>24 improvements that we can make, but it's very doable.</p> <p>25 So, again, really excited to see that the website is</p>		
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<p>1 a difference and have an impact and that, you know,</p> <p>2 it's directly attributed to democracy.</p> <p>3 So we will continue to further analyze the</p> <p>4 takeaways from this research, and we'll have a full or</p> <p>5 comprehensive report on that. And then we'll dive into</p> <p>6 our statewide survey, as well. And so, again, once we</p> <p>7 get all of that information on our research, we will</p> <p>8 then take a look at what our strategy has been and</p> <p>9 adjust accordingly.</p> <p>10 CHAIRMAN KIMBLE: Thank you very much,</p> <p>11 Gina.</p> <p>12 Are there any questions from any of my</p> <p>13 colleagues?</p> <p>14 MS. ROBERTS: Mr. Chairman, I do have a few</p> <p>15 more slides.</p> <p>16 CHAIRMAN KIMBLE: Oh, I'm sorry. I'm</p> <p>17 sorry.</p> <p>18 MS. ROBERTS: No, that's okay. I'll go</p> <p>19 quickly, I promise.</p> <p>20 CHAIRMAN KIMBLE: I apologize.</p> <p>21 MS. ROBERTS: I did want to let the</p> <p>22 Commissioners know that staff has undergone an audit of</p> <p>23 our website. If you'll recall, we've recently launched</p> <p>24 a brand-new website in 2018, and so now, since it has</p> <p>25 taken us through a statewide general election, we</p>	<p>1 performing as we intended it to.</p> <p>2 We do have a voter conference that we are</p> <p>3 working on for this fall. It will be held on Saturday,</p> <p>4 October 26th, at the Phoenix Convention Center. And so</p> <p>5 this conference is going to be open to the public, and</p> <p>6 I listed just a few agenda items here that we are</p> <p>7 considering. It's everything from informing voters and</p> <p>8 having sessions on the presidential preference</p> <p>9 election, the primary and the general, but getting</p> <p>10 into, you know, what's on my ballot in the 2020 and</p> <p>11 workshops for voters, what's my to-do list as a voter,</p> <p>12 and informing them how your vote is secured and the</p> <p>13 life of the ballot.</p> <p>14 And so this is something that I will be</p> <p>15 contacting the commissioners about to put on your</p> <p>16 calendar and, you know, encourage your attendance,</p> <p>17 perhaps even teach a few classes. You know, some of</p> <p>18 these, I think, you -- each of you have experience in.</p> <p>19 And so I just wanted to put that on your radar. Staff</p> <p>20 is working on preparing this.</p> <p>21 COMMISSIONER CHAN: Mr. Chairman, Gina, so</p> <p>22 that's for just our general population of voters?</p> <p>23 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>24 Chan, yes. It will be open --</p> <p>25 COMMISSIONER CHAN: That's awesome.</p>		

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<p>1 MS. ROBERTS: We like to think of it in our</p> <p>2 mind as when we talk about Comic-Con, but we don't want</p> <p>3 to say Voter-Con, but Comic-Con. It's going to be</p> <p>4 this, you know, one day, large convention for every</p> <p>5 single voter to come down to. We're going to be</p> <p>6 working, you know, with our partners to promote it so</p> <p>7 voters are aware of it.</p> <p>8 We do realize -- and we're hoping to have</p> <p>9 all 15 county recorders and election directors there</p> <p>10 and have booths available and exhibitions, as well as</p> <p>11 these main sessions and a keynote speaker. We do</p> <p>12 realize it is going to be centralized in Phoenix, and</p> <p>13 so once that conference is done, we will look at ways</p> <p>14 on how staff can bring it on the road to other</p> <p>15 counties, potentially. So, you know, maybe we can</p> <p>16 bring it to Tucson. We can bring it to Flagstaff in a</p> <p>17 smaller capacity, but we are hoping to have one large</p> <p>18 day of conference for any voter to attend free of</p> <p>19 charge. So we want to --</p> <p>20 COMMISSIONER CHAN: That's great.</p> <p>21 MS. ROBERTS: -- basically, the theme here</p> <p>22 is looking forward to 2020. We want -- 2020 will be a</p> <p>23 big election year, and we want voters to come down in</p> <p>24 the fall and start to be prepared for it. You know,</p> <p>25 get those, you know, voters registered as early as</p>	<p>1 We're working with Pinal County. They</p> <p>2 are -- they are doing quite an investment in enhancing</p> <p>3 the voter experience in their county. They are looking</p> <p>4 at everything from securing a -- if you will, a food</p> <p>5 truck, but for voting. So a mobile truck where they</p> <p>6 can drive around the county for -- to serve as a vote</p> <p>7 center, registration center at events. And we are</p> <p>8 helping them in the branding of that, the design and</p> <p>9 the communications plan to let people know about it.</p> <p>10 We can, potentially, build a feature into</p> <p>11 our app to help people, you know, track the truck,</p> <p>12 follow the truck so they can follow it in Pinal County</p> <p>13 and help them know where the truck will be for these</p> <p>14 events. And we, also, are hoping to get down to Yuma</p> <p>15 County. We were hoping to reach them last week, but we</p> <p>16 had to reschedule; but we want to go down there and</p> <p>17 talk to the Yuma County recorder. They have made some</p> <p>18 changes in developing an Election Advisory Commission</p> <p>19 and combining their elections and recorder's office</p> <p>20 together. So we wanted to go down there and chat with</p> <p>21 the recorder and, you know, just see, you know, again,</p> <p>22 how the Commission can continue to support our</p> <p>23 partners.</p> <p>24 And, then, finally, we recently had a</p> <p>25 meeting with the Secretary of State and her team. They</p>		
10:09:38-10:10:41	Page 35	10:11:48-10:12:54	Page 37
<p>1 possible and make sure that they're informed and know</p> <p>2 what to expect going into that election year.</p> <p>3 MR. COLLINS: The 2020 election year is</p> <p>4 going to be -- we're going to have the presidential</p> <p>5 primary, or presidential preference election. You</p> <p>6 know, how that works out, we don't really know yet, but</p> <p>7 that will be an important thing to inform people about.</p> <p>8 There's going to be some new laws, potentially. I</p> <p>9 mean, it's a really good opportunity. And, I think, as</p> <p>10 Gina said, it builds on the conferences we've held. We</p> <p>11 started with the county recorders. We expanded out to</p> <p>12 501(c)s and other types of organizations that work with</p> <p>13 voters, both on the right and the left and, you know,</p> <p>14 so this is sort of bringing it home to --</p> <p>15 COMMISSIONER CHAN: I love it.</p> <p>16 MR. COLLINS: -- direct voters. So it's</p> <p>17 really exciting stuff that Gina and Alec and Avery and</p> <p>18 Dave are working on.</p> <p>19 MS. ROBERTS: Mr. Chairman, Commissioners,</p> <p>20 I have just two more slides, I believe.</p> <p>21 I just wanted to let you know that we are</p> <p>22 continuing our partnerships with the county recorders</p> <p>23 and the Secretary of State's Office. So, for example,</p> <p>24 we're working with Graham County right now to help them</p> <p>25 develop a Voter Education Guide for next year.</p>	<p>1 are looking at informing voters about election</p> <p>2 security, and so there's, potentially, ways for the</p> <p>3 Commission, again, with our communication and voter</p> <p>4 education plan, to help support and amplify that</p> <p>5 message, as well. So we are continuing to work with</p> <p>6 our election official partners across the state.</p> <p>7 COMMISSIONER CHAN: I love the idea of the</p> <p>8 food truck, but a voter food truck. I mean, that is so</p> <p>9 great. I want us to get some of those and take them</p> <p>10 around the state. That's awesome.</p> <p>11 COMMISSIONER PATON: Tacos on one side and</p> <p>12 then registration on the other.</p> <p>13 COMMISSIONER CHAN: Yes.</p> <p>14 MR. COLLINS: The other thing that we came</p> <p>15 up in the course of the conversation with Pinal and</p> <p>16 talking to people who are representing the cities in</p> <p>17 Pinal -- and I don't know if they've connected, but we</p> <p>18 tried to connect them -- was, you know, it is the</p> <p>19 census here. So all of the cities, especially, are out</p> <p>20 there trying to get their voters to -- or their people,</p> <p>21 I should say, to make sure that they fill out their</p> <p>22 census information and that kind of thing.</p> <p>23 So there's some synergy between what Pinal</p> <p>24 County is doing and what Maricopa -- the city of</p> <p>25 Maricopa is interested in, and so there may be -- that</p>		

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<p>1 may be something that goes forward. I don't know where</p> <p>2 the status of that is, but there's a lot -- there's a</p> <p>3 lot going -- going on for sure.</p> <p>4 MS. ROBERTS: Mr. Chairman, continuing on</p> <p>5 with community outreach, we -- Maricopa County has</p> <p>6 launched some roundtable events that they are hosting</p> <p>7 throughout the county, and they are, essentially,</p> <p>8 holding meetings with protected groups and underserved</p> <p>9 populations to talk about their voter education needs.</p> <p>10 And they've invited us to participate in those. Staff</p> <p>11 will be attending those with them.</p> <p>12 The state election director, Bo Deuell, she</p> <p>13 and her family conduct the Phoenix Night Market event,</p> <p>14 which is happened over the weekend. And so she invited</p> <p>15 Clean Elections to come out there and participate, and</p> <p>16 so we had a voter education booth there.</p> <p>17 And, again, the Commission will be</p> <p>18 sponsoring a June 8th event with the Navajo Nation, the</p> <p>19 Navajo Voters Coalition. So Tom will be going up there</p> <p>20 to present to that group, and we are looking at our</p> <p>21 outreach with high schools. We've had an invitation</p> <p>22 from a high school in Yuma to come down and talk, and</p> <p>23 we'll continue to work with our partners at community</p> <p>24 colleges and such organizations.</p> <p>25 And we are, also, preparing, again, for</p>	<p>1 about our award that we won for the mural and the</p> <p>2 wings. So that's exciting to share that with that</p> <p>3 large group of civic leaders in the state.</p> <p>4 And then staff will be attending an</p> <p>5 election officials conference, election officer</p> <p>6 certification and recertification training from the</p> <p>7 Secretary of State's Office and an election law CLE</p> <p>8 refresher course. So we have that coming up for staff</p> <p>9 training and development.</p> <p>10 And all of this is culminating to our</p> <p>11 preparation for 2020. We are looking at our debate</p> <p>12 format, looking, you know, how can we partner with some</p> <p>13 of the schools and some of the ideas that Chairman</p> <p>14 [sic] Paton has had that we were able to work through</p> <p>15 last year and what we found successful and looking at,</p> <p>16 okay, should, perhaps, our primary debates have a</p> <p>17 different format than our general debates? What are</p> <p>18 the presidential debates going to look like?</p> <p>19 We're doing some research now to see how we</p> <p>20 can better improve them and, also, look back at our</p> <p>21 surveys. And we're looking at enhancements that we can</p> <p>22 make to the voter guide. A lot of great information</p> <p>23 came out from the focus groups that we feel can</p> <p>24 influence some changes that we can make in the voter</p> <p>25 guide and then, overall, our communication strategy.</p>		
10:14:06-10:15:02	Page 39	10:16:03-10:17:03	Page 41
<p>1 National Voter Registration Day this year, which will</p> <p>2 be in September. That is one of our biggest events</p> <p>3 that we do. We usually partner with ASU on it, and</p> <p>4 it's really fun and exciting. And we usually get a --</p> <p>5 have a great time with the students out there and</p> <p>6 educating them and getting them registered.</p> <p>7 And I put a copy of something that we're</p> <p>8 working on right now that Avery has developed. It's a</p> <p>9 little pledge card. So when we are going to high</p> <p>10 schools and talking to, maybe, these students that can</p> <p>11 preregister, if they're 16 and a half, 17, we're also</p> <p>12 going to be leaving them with a pledge card for them</p> <p>13 to, you know, think about, now, why do you want to</p> <p>14 vote? Why are you pledging to vote? What is important</p> <p>15 to you? So when they do turn 18 and they are able to</p> <p>16 cast that ballot for the first time, they can look back</p> <p>17 at that card and, you know, remember what is important</p> <p>18 to them.</p> <p>19 And staff has been attending several</p> <p>20 trainings throughout the year. So far Alec and I have</p> <p>21 attended the Government Social Media Training, and we</p> <p>22 have some great takeaways from there just to help us in</p> <p>23 our efforts. I am wrapping up a civic leadership</p> <p>24 academy that I went to for Flinn Brown, which they are</p> <p>25 having a convention, and they have asked me to talk</p>	<p>1 So with that, I'm happy to answer any</p> <p>2 questions, if there are more, from the commissioners.</p> <p>3 CHAIRMAN KIMBLE: Okay. Thank you.</p> <p>4 Any questions from the commissioners?</p> <p>5 COMMISSIONER CHAN: I just have a comment,</p> <p>6 and I'm sorry because I know I've -- you had so much</p> <p>7 good information to tell us. And I kept interrupting</p> <p>8 and asking questions, but I just have to say -- and I</p> <p>9 think we all say this quite a bit, but I am so</p> <p>10 impressed with the depth and breadth of the Voter</p> <p>11 Education Program that you have developed and the</p> <p>12 synergy that we have here at the Commission. And I</p> <p>13 just -- it makes me emotional. You know, I mean, I</p> <p>14 just -- I really am so proud of the work you are doing.</p> <p>15 And, I guess, maybe pride shouldn't be the thing</p> <p>16 because I'm not doing it myself, but I'm just so</p> <p>17 impressed. And I think the work you're doing is so</p> <p>18 important, and so thank you.</p> <p>19 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>20 Chan, thank you for that feedback, and I would say that</p> <p>21 the commissioners absolutely have a strong leadership</p> <p>22 and influence in the development of our plan. We've</p> <p>23 heard from every commissioner individually about things</p> <p>24 that are important to them that we've executed on. And</p> <p>25 I'm really happy to say that now, having a published</p>		

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<p>1 comic book author, will help lend to our creativity for</p> <p>2 our communications plan. And so we are continuing to</p> <p>3 look at how we can improve our team and our methods.</p> <p>4 So thank you.</p> <p>5 COMMISSIONER PATON: And I just have a</p> <p>6 statement about the -- just during the previous</p> <p>7 election, and I had told you about don't do the short</p> <p>8 radio commercials because you can't understand</p> <p>9 everything they're saying. They just talk really fast.</p> <p>10 And so, like, 30 -- 30-second ones instead of, like,</p> <p>11 15.</p> <p>12 MS. ROBERTS: Thank you.</p> <p>13 CHAIRMAN KIMBLE: I have one comment. You</p> <p>14 talked about doing the -- on National Voter</p> <p>15 Registration Day, you're doing something with ASU. You</p> <p>16 talked about a number of things up here, which is</p> <p>17 great.</p> <p>18 Do you have anything for high schools or at</p> <p>19 the University of Arizona that you're going to be doing</p> <p>20 in Pima County?</p> <p>21 MS. ROBERTS: Mr. Chairman, Commissioners,</p> <p>22 we have, on our website -- we have a webpage dedicated</p> <p>23 to student outreach, and we post on there that if you</p> <p>24 are a high school teacher or, you know, a professor, to</p> <p>25 contact our office because these are the things that we</p>	<p>1 debates there and even come out and talk to the</p> <p>2 students and the classes, which we did a few meetings</p> <p>3 on-site. We were able to bring them some swag for the</p> <p>4 students and some informational items, but we can</p> <p>5 definitely look at exploring that more and having that</p> <p>6 direct outreach on the ground in Pima County.</p> <p>7 CHAIRMAN KIMBLE: Yeah. I think Pima</p> <p>8 Community College would welcome the same kinds of</p> <p>9 things you're doing up here with community colleges,</p> <p>10 and while it's great that they can look on the website</p> <p>11 and reach out to you, I don't know that a lot of them</p> <p>12 know to look on the website and reach out to you.</p> <p>13 MS. ROBERTS: And Pima County is a great</p> <p>14 idea -- or Pima Community College is a great idea</p> <p>15 because they have historically served as a location for</p> <p>16 our debates. So we do have that relationship with</p> <p>17 them, and we can reach out to them and see if there's</p> <p>18 an opportunity for staff to come down there and address</p> <p>19 some of the students and their classes.</p> <p>20 CHAIRMAN KIMBLE: Okay.</p> <p>21 COMMISSIONER PATON: Maybe, like, the</p> <p>22 political science majors or the -- you know, the</p> <p>23 chairman of the department or something at both U of A</p> <p>24 and Pima College, I would think.</p> <p>25 MR. COLLINS: Commissioner Kimble, can you</p>		
10:18:15-10:19:23	Page 43	10:20:35-10:21:39	Page 45
<p>1 can do. We can come out to your students and talk. We</p> <p>2 can come out to your universities and talk. And so our</p> <p>3 goal is -- now that we have our additional team member</p> <p>4 is to -- one of Avery's focus will be to do more</p> <p>5 outreach on our end in contacting them.</p> <p>6 What we've been doing in the past is -- and</p> <p>7 it's worked out really well because folks tend to come</p> <p>8 to us, which is great. Last year we had a lot of</p> <p>9 community colleges reach out to us, and maybe it's</p> <p>10 during Constitution week and they want Clean Elections</p> <p>11 to come out. Gila Ridge High School in Yuma County</p> <p>12 wanted us to come out and talk to every single one of</p> <p>13 their classes all day long.</p> <p>14 And so we can -- and our partnership that</p> <p>15 we've done with ASU is just, kind of -- it's developed</p> <p>16 over the years in that we've focused on being solely at</p> <p>17 ASU on National Voter Registration Day. We don't</p> <p>18 really have the staff to break apart on that one day to</p> <p>19 handle multiple events, but we can definitely look at</p> <p>20 more on-the-ground outreach in Pima County</p> <p>21 specifically. We can look at contacting their school</p> <p>22 districts.</p> <p>23 When we had our debates, we did work with</p> <p>24 Commissioner Paton -- and you were involved in that, as</p> <p>25 well -- in having meetings with them to host our</p>	<p>1 guarantee that if we go on campus and speak that we</p> <p>2 won't be arrested?</p> <p>3 CHAIRMAN KIMBLE: Be careful.</p> <p>4 MS. ROBERTS: Mr. Chairman, Commissioners,</p> <p>5 thank you for the feedback.</p> <p>6 CHAIRMAN KIMBLE: Okay. Thank you, Gina.</p> <p>7 Thank you very much. And I apologize for interrupting</p> <p>8 you, thinking you were done.</p> <p>9 You are done now?</p> <p>10 MS. ROBERTS: I'm done. Yes.</p> <p>11 CHAIRMAN KIMBLE: Okay.</p> <p>12 Item V, discussion and possible action on</p> <p>13 legal advice related to Proposition 306. The</p> <p>14 Commission may go -- vote to go into executive session,</p> <p>15 which will not be open to the public, for the purpose</p> <p>16 of obtaining legal advice on any item listed on the</p> <p>17 agenda.</p> <p>18 Tom?</p> <p>19 MR. COLLINS: Yeah. Commissioners, without</p> <p>20 getting into too fine a point on it, we're -- you know,</p> <p>21 Prop 306 has been in place since whatever date the</p> <p>22 (inaudible) was signed. We -- you know, we did some</p> <p>23 more preliminary conversations with staff. The</p> <p>24 legislature, kind of, interrupted that, but that having</p> <p>25 been said, there are issues with respect to Prop 306</p>		

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<p>1 that we've been working through. And although -- and,</p> <p>2 basically, I recommend that we go into executive</p> <p>3 session to try to -- to discuss and get -- receive</p> <p>4 legal advice about some of the issues that the</p> <p>5 referendum, as written, raises.</p> <p>6 COMMISSIONER CHAN: Mr. Chairman?</p> <p>7 CHAIRMAN KIMBLE: Okay. Commissioner Chan.</p> <p>8 COMMISSIONER CHAN: I would move that we go</p> <p>9 into executive session for the purpose as stated by</p> <p>10 Tom.</p> <p>11 CHAIRMAN KIMBLE: Is there a second?</p> <p>12 COMMISSIONER PATON: Second.</p> <p>13 CHAIRMAN KIMBLE: All those in favor of</p> <p>14 going into executive session say aye.</p> <p>15 (Chorus of ayes.)</p> <p>16 CHAIRMAN KIMBLE: Anyone opposed?</p> <p>17 (No response.)</p> <p>18 CHAIRMAN KIMBLE: Okay. We'll go into</p> <p>19 executive session.</p> <p>20 (Whereupon, the Commission goes into</p> <p>21 executive session at 10:22 a.m.)</p> <p>22 (The following section of the meeting is in</p> <p>23 executive session and bound under separate cover.)</p> <p>24 ///</p> <p>25 ///</p>		<p>1 As we told you at the reason to believe a</p> <p>2 violation may have occurred stage, we think that under</p> <p>3 the Arizona Case Committee for Justice in Fairness, as</p> <p>4 well as under the Commission's statutory role under</p> <p>5 16-958, 16-941(D), that they do, in fact, qualify as</p> <p>6 express advocacy, given their timing to the campaign,</p> <p>7 their dependency on the election as a -- as a basis for</p> <p>8 the action and -- and the portrayal of the candidates,</p> <p>9 all of which is consistent with both, we think, CJF</p> <p>10 and, frankly, WRTL, but more importantly CJF, which is</p> <p>11 the Arizona controlling case.</p> <p>12 As you can see, Mr. La Sota, who represents</p> <p>13 U.S. Term Limits, and I have agreed to let him submit</p> <p>14 his legal brief on the reason to believe as his</p> <p>15 supplement here because the issues overlap.</p> <p>16 As far as what I think might not be</p> <p>17 relevant, but might be exculpatory, you know, I did</p> <p>18 note in my memo that USTL has, at least nominally,</p> <p>19 continued to have a presence in Arizona at the</p> <p>20 legislature. That doesn't necessarily discount -- and</p> <p>21 I don't think it does discount mailers during the</p> <p>22 election process, but it, at least, acknowledges that</p> <p>23 this was part of -- at least looks like it was part of</p> <p>24 a longer process. But when it comes to the election</p> <p>25 process, you know, those mailers were too tight, too</p>	
11:06:17-11:08:06	Page 47	11:10:10-11:12:08	Page 49
<p>1 * * * * *</p> <p>2 (End of executive session. Public meeting</p> <p>3 resumes at 11:06 a.m.)</p> <p>4 CHAIRMAN KIMBLE: Okay. We are back,</p> <p>5 finally.</p> <p>6 Item VI, discussion and possible action of</p> <p>7 whether there's probable cause to believe a violation</p> <p>8 occurred in MUR 18-14 U.S. Term Limits, Inc.</p> <p>9 Tom?</p> <p>10 MR. COLLINS: Commissioners, we're here</p> <p>11 today on this matter to determine whether or not there</p> <p>12 is probable cause to believe that the respondent here,</p> <p>13 which is U.S. Term Limits, Incorporated, a nonprofit</p> <p>14 corporation based in Washington, failed to file two</p> <p>15 specific reports related to legislative candidates in</p> <p>16 District 24.</p> <p>17 As a -- as a preface, I want to mention</p> <p>18 that the courts have been working to get to the bottom</p> <p>19 of this process. There are other potential mailings</p> <p>20 that we are still exploring, which is why the memo</p> <p>21 maintains that the investigation remains open. We</p> <p>22 think that if you look at the language used and the way</p> <p>23 that the mailers were set up -- and if you look at</p> <p>24 those, they're at page -- they're at page 13 and</p> <p>25 page 18 and 19 of your materials.</p>		<p>1 close and had the wrong -- you know, characterized the</p> <p>2 positions of the candidates, all the checkboxes that</p> <p>3 are in 16-901.01(B)(2), which is laid out on page 5 of</p> <p>4 my memo, which is page 5 of your materials, as well.</p> <p>5 In fact, USTL conceded all of the elements,</p> <p>6 except for is this express advocacy, in their -- in</p> <p>7 their initial response. So I think, given all of that,</p> <p>8 it's -- it's clear to me that there is probable cause</p> <p>9 to believe that, at least with respect to those two</p> <p>10 mailers, there is probable cause to believe that the --</p> <p>11 that the Act was violated.</p> <p>12 I think that -- a couple of other points I</p> <p>13 wanted to make, sort of -- they're footnote points, but</p> <p>14 they're important. One of the issues that came up and</p> <p>15 it's in -- we have complaints from -- and responses</p> <p>16 from the complainant, who's represented by Andy Gaona</p> <p>17 about, well, one of the persons, again, for whom the</p> <p>18 mailer was sent wasn't even in office. WRTL, when it's</p> <p>19 talking about what constitutes genuine issue advocacy,</p> <p>20 as opposed to electioneering, specifically uses the</p> <p>21 phrase "public officials."</p> <p>22 So the -- and this is the footnote at</p> <p>23 page 7 of your materials. And so it's not clear to me,</p> <p>24 although respondents argue that the fact that the</p> <p>25 mailer on behalf of Mr. Ferrell was simply urging him</p>	

11:12:12-11:13:12	Page 50	11:14:42-11:15:09	Page 52
<p>1 to take a position, that position was contingent on him</p> <p>2 winning an election. And he was not a public official</p> <p>3 who would have been subject to what WRTL calls</p> <p>4 run-of-the-mill or ordinary issue advocacy. Now, if</p> <p>5 WRTL has expanded on that, that's really not our issue</p> <p>6 because we have case law in Arizona on this point,</p> <p>7 anyways, with the CJF case.</p> <p>8 COMMISSIONER CHAN: Mr. Chairman and Tom,</p> <p>9 could I just ask, you know, you mentioned that the</p> <p>10 definition of expressly advocates and that there's</p> <p>11 probable cause to believe Elements 1 through 3 are</p> <p>12 established and Element 4 is, you know, that, in</p> <p>13 context, these mailers, in this example, can have no</p> <p>14 reasonable meaning other than to advocate the election</p> <p>15 or defeat of the candidates and there are certain</p> <p>16 factors.</p> <p>17 MR. COLLINS: Right.</p> <p>18 COMMISSIONER CHAN: Could you, kind of, go</p> <p>19 over how that applies to these mailers for us?</p> <p>20 MR. COLLINS: Sure, sure. Absolutely. So</p> <p>21 I first want to talk about some of the things that the</p> <p>22 respondents are correct about.</p> <p>23 COMMISSIONER CHAN: Okay.</p> <p>24 MR. COLLINS: The respondents are correct</p> <p>25 that if they -- you know, that -- you know, obviously,</p>	<p>1 CHAIRMAN KIMBLE: Can I stop you for a</p> <p>2 minute? Can you get closer to the microphone? I think</p> <p>3 people are having trouble hearing.</p> <p>4 MR. COLLINS: Okay. I'm sorry.</p> <p>5 CHAIRMAN KIMBLE: And why are you even</p> <p>6 standing there? Why aren't you sitting here? I was</p> <p>7 very confused.</p> <p>8 MR. COLLINS: Just because -- just for --</p> <p>9 CHAIRMAN KIMBLE: Dramatic thing?</p> <p>10 MR. COLLINS: -- appearance. Well, not</p> <p>11 dramatic --</p> <p>12 COMMISSIONER CHAN: I like it that he's</p> <p>13 presenting to us so we can look him in the eyes.</p> <p>14 MR. COLLINS: It's because -- it's because</p> <p>15 of the ex parte issues and why you have Ms. Williams in</p> <p>16 here.</p> <p>17 CHAIRMAN KIMBLE: Okay.</p> <p>18 MR. COLLINS: And I just want -- the</p> <p>19 appearances to all be appropriate.</p> <p>20 COMMISSIONER CHAN: And, Mr. Chairman and</p> <p>21 Tom, can I just -- because I asked about Number 4,</p> <p>22 which is the --</p> <p>23 MR. COLLINS: Right.</p> <p>24 COMMISSIONER CHAN: -- you know, as</p> <p>25 evidenced by factors such as the presentation of the</p>		
11:13:19-11:14:42	Page 51	11:15:11-11:16:03	Page 53
<p>1 if this was a classic issue of advocacy, we wouldn't be</p> <p>2 here. They're also correct in noting that their</p> <p>3 mailers don't have what we call magic words, which are</p> <p>4 taken care of in another section of 16-901, which are</p> <p>5 the vote for, vote against, elect, support, endorse,</p> <p>6 cast your ballot, so-and-so 20, so-and-so 18 and, you</p> <p>7 know, vote against.</p> <p>8 All those magic words are laid out on page</p> <p>9 6, and they're correct that none of those magic words</p> <p>10 appear in this thing. However -- and this is where I</p> <p>11 think things become problematic with the respondent's</p> <p>12 response. They conceded that their -- that these</p> <p>13 mailers were, in fact, designed to reflect thanks to</p> <p>14 the candidate and to reinforce the policy position on</p> <p>15 Wayward candidates.</p> <p>16 Now, they claim these purposes are not</p> <p>17 related to winning an election, but I think that a</p> <p>18 communication that is admittedly designed to set up a</p> <p>19 situation where you're thanking someone in the middle</p> <p>20 of a campaign and then using it to, potentially -- you</p> <p>21 know, as further campaign totter, it's very hard for me</p> <p>22 to accept the fact that the definition of winning an</p> <p>23 election is so narrow because we know magic words isn't</p> <p>24 the thing. In other words, his logic comes back to we</p> <p>25 didn't use --</p>	<p>1 candidates, and I note that in one of the mailers on</p> <p>2 pages 18 and 19, the statement in the mailer is that --</p> <p>3 it's apparently a quote by Mark Twain, which I have</p> <p>4 never heard, but politicians and diapers must be</p> <p>5 changed often and for the same reason, which I think --</p> <p>6 I mean, you cannot interpret that in anything but a</p> <p>7 very unfavorable light.</p> <p>8 MR. COLLINS: Right.</p> <p>9 COMMISSIONER CHAN: So, you know, you're</p> <p>10 talking about the magic words, and I think obviously,</p> <p>11 the magic words worked when people used "vote for" or</p> <p>12 "elect" because -- until they were trying to get around</p> <p>13 the magic words and began using things like comparing</p> <p>14 people to a baby's dirty diapers.</p> <p>15 MR. COLLINS: Sure.</p> <p>16 COMMISSIONER CHAN: So, I mean, that's,</p> <p>17 kind of, what I was trying to get at is if we have 1</p> <p>18 through 3, you know, what are we seeing here that's in</p> <p>19 Number 4 that we can hang a hat on if we want to make a</p> <p>20 decision on this?</p> <p>21 MR. COLLINS: If I didn't highlight that</p> <p>22 sufficiently in the memo --</p> <p>23 COMMISSIONER CHAN: No, I think you --</p> <p>24 MR. COLLINS: Okay. But I just want to --</p> <p>25 let's go through the actual document.</p>		

11:16:05-11:17:27	Page 54	11:19:12-11:20:35	Page 56
<p>1 COMMISSIONER CHAN: Okay.</p> <p>2 MR. COLLINS: On page 15, we start with</p> <p>3 Marcus Ferrell and President Obama agree. Again, we've</p> <p>4 had cases where -- we've had cases where disagreement</p> <p>5 with -- juxtaposition with President Obama itself has</p> <p>6 been one of the factors that we've considered.</p> <p>7 In this particular case, this is a</p> <p>8 democratic-dominated district, and associating</p> <p>9 Mr. Ferrell, who's not in office, with President Obama,</p> <p>10 you know, is designed to trigger a specific thing. In</p> <p>11 other words, it's not -- and it's not about anything --</p> <p>12 about term limits. You know, the call to action is</p> <p>13 arguably thank you for protecting our democracy, but</p> <p>14 this also says that Marcus Ferrell will support</p> <p>15 legislation for term limits on the members of Congress,</p> <p>16 which reflects on specifically what his platform is.</p> <p>17 COMMISSIONER PATON: And?</p> <p>18 MR. COLLINS: What?</p> <p>19 CHAIRMAN KIMBLE: Commissioner Paton?</p> <p>20 COMMISSIONER PATON: And then on page 19,</p> <p>21 it says Ken Clark -- and then in all caps -- voted</p> <p>22 against.</p> <p>23 MR. COLLINS: Right.</p> <p>24 COMMISSIONER PATON: I mean --</p> <p>25 MR. COLLINS: So when you take that</p>	<p>1 And I think that if you take these in</p> <p>2 actual context, the thing that's not reasonable is to</p> <p>3 read these as classic issue advertisements based on</p> <p>4 their timing, the juxtaposition of the records, and</p> <p>5 the -- I mean, and just to cite, but not quote, CJF,</p> <p>6 you know, which involved an ad that said -- that</p> <p>7 criticized Tom Horne as superintendent while he was</p> <p>8 running for AG: Advertisement unambiguously about a</p> <p>9 candidate for the office run immediately before the</p> <p>10 election but criticizing prior actions did expressly</p> <p>11 advocate defeat.</p> <p>12 So certainly, with respect to Ms. Clark,</p> <p>13 that is CJF. With respect to Mr. Ferrell, well, it as</p> <p>14 sure as heck is not WRTL because he's not a public</p> <p>15 official. And I think, in context, you know, he's</p> <p>16 going to vote for term limits is -- you know, it's not</p> <p>17 criticizing prior actions, but it's promising voters</p> <p>18 further actions. And I don't see those two sides of</p> <p>19 the coin being -- being distinguishable enough to</p> <p>20 determine that it's reasonable.</p> <p>21 So, in other words, my conclusion is</p> <p>22 that -- that the -- you know, since the question is no</p> <p>23 other reasonable meaning, the first -- that presumes</p> <p>24 that it's not electioneering, first. U.S. Term Limits</p> <p>25 comes back and says, well, this isn't electioneering,</p>		
11:17:31-11:19:10	Page 55	11:20:41-11:22:12	Page 57
<p>1 highlighting of the two candidates' records together</p> <p>2 with the lack of a legislative session and the -- you</p> <p>3 know, the issues that are at hand, they're clearly</p> <p>4 trying to -- they mailed these out in a manner that</p> <p>5 there are two sides of a pair. And both sides, if you</p> <p>6 read them together, clearly they're attempting to get</p> <p>7 people to reflect favorably on Mr. Ferrell and reflect</p> <p>8 negatively on Mr. Clark.</p> <p>9 I think that the -- in the -- in the memo,</p> <p>10 we outline that -- that -- we wrapped that up by saying</p> <p>11 they're both expressly driven by the electoral process</p> <p>12 and holding candidates accountable to it. I think</p> <p>13 that's a safe and fair reading of the documents you</p> <p>14 have in front of you and, therefore -- and this is a</p> <p>15 test -- they're functionally urging voters to vote for</p> <p>16 or against the candidates. And that's the CJF test.</p> <p>17 And I -- and, as I say, I think that to</p> <p>18 suggest that, you know, this, quote/unquote, wasn't --</p> <p>19 this communication had nothing to do with,</p> <p>20 quote/unquote, winning an election boiled down to --</p> <p>21 boils down to, unless it has magic words, it's not. I</p> <p>22 mean, there's no -- you know, there's generally no --</p> <p>23 you know, you have to establish that there is no other</p> <p>24 meaning that is reasonable, other than as an</p> <p>25 electioneering communication.</p>	<p>1 in large part, because maybe we didn't intend it to be</p> <p>2 or maybe we thought we were within the law or maybe we</p> <p>3 just -- if it was election-related, it wasn't directed</p> <p>4 at winning an election.</p> <p>5 But that's a pretty cramped -- for anybody</p> <p>6 who sees mailers, that's a very cramped view of what</p> <p>7 winning an election means because, you know, I think</p> <p>8 everybody who engages, it's just a very -- it's just</p> <p>9 not -- there's not anything in 16-901 -- 16-901.01 or</p> <p>10 the Committee for Justice in Fairness that suggests</p> <p>11 that you can get away -- you can narrow the scope of</p> <p>12 the election question quite so arbitrarily; therefore,</p> <p>13 the response is that thing that's unreasonable or, you</p> <p>14 know, that I don't think all -- I don't think that, you</p> <p>15 know -- you know, reasonable people would have to, you</p> <p>16 know, not be able to disagree with that.</p> <p>17 I don't think that's true; whereas, our</p> <p>18 interpretation is, I think -- the interpretation</p> <p>19 proposed by staff, I should say, is much more honest to</p> <p>20 the context rule issues that we face on a regular basis</p> <p>21 with respect to these kind of skirting the</p> <p>22 electioneering reports.</p> <p>23 And the other thing -- let me, folks, just</p> <p>24 for the -- just for the record, is we're not talking</p> <p>25 about going after donors of the U.S. Term Limits. You</p>		

11:22:16-11:23:24	Page 58	11:25:17-11:26:42	Page 60
<p>1 know, the U.S. Term Limits has been around for 30</p> <p>2 years. They're -- you know, the reason we don't have</p> <p>3 Term Limits in the congressional level is because U.S.</p> <p>4 Term Limits lost a case in the supreme court. That was</p> <p>5 close to 30 years ago. I mean, this is an established</p> <p>6 group.</p> <p>7 So, you know, I just don't -- you know, I</p> <p>8 just don't -- I mean, I'm not sure how purposeful this</p> <p>9 was by them, but -- if they were getting advice in</p> <p>10 D.C., as opposed to Arizona. There's all kinds of ways</p> <p>11 this could have happened, but the point is we're not</p> <p>12 trying to delve into anything other than mailers and</p> <p>13 the cost of mailers and the timing of mailers. We're</p> <p>14 not interested in, you know, who funds CJ --</p> <p>15 COMMISSIONER CHAN: Term Limits.</p> <p>16 MR. COLLINS: -- Term Limits. I mean,</p> <p>17 we're just -- that's just not even on the table.</p> <p>18 CHAIRMAN KIMBLE: So, Mr. Collins, can you</p> <p>19 explain to me why is it Mr. La Sota opted not to</p> <p>20 discuss this?</p> <p>21 COMMISSIONER CHAN: I was just going to ask</p> <p>22 that.</p> <p>23 MR. COLLINS: Well, you know, it's</p> <p>24 complicated. We have been working on a -- I think I</p> <p>25 can say this without a problem. We've been working on</p>	<p>1 either.</p> <p>2 CHAIRMAN KIMBLE: We might as well talk</p> <p>3 about it now.</p> <p>4 MR. COLLINS: Okay. So -- so what I --</p> <p>5 what I propose we do is if three of you -- and we need</p> <p>6 three people for this -- agree that there's probable</p> <p>7 cause to believe, at least on the two mailers we're</p> <p>8 looking at in this case, I would -- I would recommend</p> <p>9 two things. Number 1, you'll notice I did not make a</p> <p>10 penalty recommendation on this yet.</p> <p>11 So I would recommend and I would move, for</p> <p>12 lack of a better way of putting it, for if you were to</p> <p>13 find that an immediate stay of the order. So the order</p> <p>14 is in place, but we stay the order for a month. We</p> <p>15 don't -- and we -- and then we deal at the end of --</p> <p>16 next month we deal with any penalties or, potentially,</p> <p>17 any resolution short of that. I recommend that because</p> <p>18 this has been on the agenda now for three months</p> <p>19 running, and I would like to make progress without</p> <p>20 jeopardizing the opportunity to resolve this in a way</p> <p>21 that can satisfy, I think, all of the public's interest</p> <p>22 and still be comfortable for you.</p> <p>23 And I think that's possible, I really do,</p> <p>24 but that's -- but, on the other hand, I'm not -- you</p> <p>25 know, my judgment bringing this before you today was,</p>		
11:23:27-11:25:13	Page 59	11:26:45-11:27:44	Page 61
<p>1 a conciliation, as we always do. Those conversations</p> <p>2 have not come to fruition yet, although we are getting</p> <p>3 to where we need to get. It's just taking a long time.</p> <p>4 I've expressed to Mr. La Sota -- if I can -- sorry. I</p> <p>5 need -- you know, I have lawyers, too.</p> <p>6 I would say this. We're working with</p> <p>7 Ms. La Sota.</p> <p>8 CHAIRMAN KIMBLE: Okay.</p> <p>9 MR. COLLINS: I think Mr. La Sota is not</p> <p>10 here because he's waiting -- he's trying to get -- I</p> <p>11 can't speak for him, but given what we've been doing, I</p> <p>12 think maybe he doesn't think it's necessary. I</p> <p>13 informed him this morning that I intended to go forward</p> <p>14 with this, pending whatever else we're able to work</p> <p>15 out. He has not requested any stay from -- with</p> <p>16 respect to me or Paula or anybody. I don't think we've</p> <p>17 heard from him, other than my conversations around the</p> <p>18 efforts to resolve the matter.</p> <p>19 MS. THOMAS: No, sir.</p> <p>20 MR. COLLINS: So -- and I have some</p> <p>21 specific -- I have a specific request if we do -- if</p> <p>22 you were to conclude there was probable cause to</p> <p>23 believe that relates to the timing of that and working</p> <p>24 that out, and I don't know if you would like to know</p> <p>25 that now or after you might have voted. I'm open to</p>	<p>1 having put this on the agenda three times, we need to</p> <p>2 put some -- some -- something out there to say, look,</p> <p>3 we're moving forward. We'll do the -- if we stay, you</p> <p>4 know, we get a little time, but then he -- then,</p> <p>5 presumably, everyone will recognize that we have --</p> <p>6 we're serious. We've taken that step.</p> <p>7 CHAIRMAN KIMBLE: So if you negotiate with</p> <p>8 him and if something comes of this, you would come back</p> <p>9 with a specific recommended amount.</p> <p>10 MR. COLLINS: Oh, yeah, absolutely.</p> <p>11 CHAIRMAN KIMBLE: Okay.</p> <p>12 MR. COLLINS: Absolutely.</p> <p>13 CHAIRMAN KIMBLE: One other question I have</p> <p>14 is you said there were -- you are looking at other</p> <p>15 mailers.</p> <p>16 MR. COLLINS: Uh-huh.</p> <p>17 CHAIRMAN KIMBLE: But in your memo you say,</p> <p>18 I recommend the Commission find probable cause that the</p> <p>19 respondent violated the Act in regards to the mailers</p> <p>20 addressed in the complaint initiating this matter.</p> <p>21 MR. COLLINS: Yeah.</p> <p>22 CHAIRMAN KIMBLE: So what's going to happen</p> <p>23 to the other mailers?</p> <p>24 MR. COLLINS: Well, the other mailers --</p> <p>25 CHAIRMAN KIMBLE: Would this be something</p>		

11:27:45-11:29:04	Page 62	11:30:18-11:31:05	Page 64
<p>1 that would be overlooked as part of a settlement</p> <p>2 agreement to get right to it?</p> <p>3 MR. COLLINS: That would be my goal.</p> <p>4 Otherwise -- otherwise, I mean, without getting too</p> <p>5 deeply into the procedural things and things I don't</p> <p>6 want to scare anybody about but, you know, otherwise,</p> <p>7 we get into -- we have not issued a subpoena to USTL,</p> <p>8 for example. So far all the information we've gotten</p> <p>9 has been voluntarily disclosed. And I'd like to</p> <p>10 maintain that relationship as much as possible, but if</p> <p>11 we get to a place where we feel like we're getting, you</p> <p>12 know, real assurance, as opposed to lawyers juggling</p> <p>13 their schedules and all this other stuff, you know, I</p> <p>14 mean, we -- that may -- that's going to be the option,</p> <p>15 but I can tell you that it is clear there were other</p> <p>16 mailers.</p> <p>17 U.S. -- you know, that's absolutely clear.</p> <p>18 In fact, I received two of them myself not related to</p> <p>19 the two candidates here. So, essentially, out of the</p> <p>20 reasonable cause and compliance order, we said, you</p> <p>21 know, give us everything -- give us everything. Give</p> <p>22 us everything you mailed is what we said in the</p> <p>23 compliance order, and we did not receive that -- we</p> <p>24 didn't receive really anything as a result of the</p> <p>25 compliance order, although we have continued to --</p>	<p>1 I'll ask our attorney -- sorry -- to do that, as well</p> <p>2 as stay any final determination? Would it be --</p> <p>3 MS. WILLIAMS: I'd probably do two.</p> <p>4 COMMISSIONER CHAN: Two? Okay. And so the</p> <p>5 first one would be about whether or not there's</p> <p>6 probable cause.</p> <p>7 MS. WILLIAMS: Yes.</p> <p>8 COMMISSIONER CHAN: And assuming we all</p> <p>9 agree that there was, which maybe we don't, then I</p> <p>10 would say, perhaps, move to stay the final</p> <p>11 determination until next month to give the executive</p> <p>12 director --</p> <p>13 MS. WILLIAMS: Correct.</p> <p>14 COMMISSIONER CHAN: -- an opportunity to</p> <p>15 finalize with the respondent.</p> <p>16 MS. WILLIAMS: Yes. That would be my</p> <p>17 advice and guidance to do that.</p> <p>18 COMMISSIONER CHAN: Okay. Thank you.</p> <p>19 COMMISSIONER PATON: I have a question.</p> <p>20 CHAIRMAN KIMBLE: Thank you.</p> <p>21 Commissioner Paton?</p> <p>22 COMMISSIONER PATON: So what do we have to</p> <p>23 do to compel them to give us the other fliers?</p> <p>24 MR. COLLINS: You know, without getting too</p> <p>25 far into what's still, sort of, on the investigative</p>		
11:29:06-11:30:13	Page 63	11:31:09-11:32:55	Page 65
<p>1 because he would have to come into compliance.</p> <p>2 Right? But we have continued to work with</p> <p>3 Mr. La Sota on an amicable resolution, and that's part</p> <p>4 of the reason we haven't broken out subpoenas and all</p> <p>5 the other stuff.</p> <p>6 CHAIRMAN KIMBLE: Okay. And I don't know</p> <p>7 if this is proper to say. There's enough lawyers here</p> <p>8 who, I think, would stop me if it isn't, but it seems</p> <p>9 to me that if there is a resolution and a financial</p> <p>10 penalty agreed to, that there should be some thought</p> <p>11 that this penalty may only apply to these mailers, but</p> <p>12 you did other stuff, too, that we know about.</p> <p>13 MR. COLLINS: Yeah.</p> <p>14 CHAIRMAN KIMBLE: And that there ought to</p> <p>15 be some way to take that into account even if it's not</p> <p>16 specifically enumerated.</p> <p>17 MR. COLLINS: That's our --</p> <p>18 CHAIRMAN KIMBLE: And maybe you don't need</p> <p>19 to respond to that but --</p> <p>20 COMMISSIONER CHAN: Mr. Chairman?</p> <p>21 CHAIRMAN KIMBLE: Commissioner Chan.</p> <p>22 COMMISSIONER CHAN: If I were going to make</p> <p>23 a motion to -- for the Commission to find that there's</p> <p>24 probable cause to believe a violation occurred in this</p> <p>25 case, would I do -- could I just do a joint motion?</p>	<p>1 side, we have had enough information from them to</p> <p>2 set -- to understand how many unreported mailers there</p> <p>3 were and what the value of those mailers were. Any</p> <p>4 conciliation to be acceptable to me would identify --</p> <p>5 right now I have Mailer 1, Mailer 2, Mailer 3 -- would</p> <p>6 identify on whose behalf or against whom those mailers</p> <p>7 were done. And that's plain from the communications</p> <p>8 that -- I mean, that's just -- that's -- that's -- if</p> <p>9 you look through all of our conciliations, that's a --</p> <p>10 always been a requirement.</p> <p>11 So we -- we -- like I say, we're trying to</p> <p>12 avoid a subpoena if only because a subpoena drags you</p> <p>13 guys back into it and creates, I think, a potential for</p> <p>14 unnecessary drama. I think that -- I think that --</p> <p>15 however, I think that communicating to USTL that the</p> <p>16 commissioners want to make sure we get that is pretty</p> <p>17 compelling because what it would suggest is, look, if</p> <p>18 we do do a subpoena, the commissioners or, you know, at</p> <p>19 least some commissioners would back us up, I assume,</p> <p>20 but I'm not speaking for you.</p> <p>21 COMMISSIONER PATON: So we don't have all</p> <p>22 the information.</p> <p>23 MR. COLLINS: Right. We have a lot of</p> <p>24 information. We don't have all of it. We don't have</p> <p>25 the completion.</p>		

11:32:55-11:34:07	Page 66	11:35:15-11:35:56	Page 68
<p>1 COMMISSIONER PATON: Then it puts into your</p> <p>2 mind what are they hiding, you know.</p> <p>3 CHAIRMAN KIMBLE: I totally agree with</p> <p>4 Commissioner Paton. You know, I'm not opposed to</p> <p>5 drama. I think we ought to get a complete agreement</p> <p>6 with them --</p> <p>7 MR. COLLINS: Yeah.</p> <p>8 CHAIRMAN KIMBLE: -- for all the things</p> <p>9 they did that didn't comply with our -- with our rules.</p> <p>10 MR. COLLINS: That's definitely the goal.</p> <p>11 Well, let me -- let me ask you this. I guess, the</p> <p>12 other thing I have not asked for specific authorization</p> <p>13 for -- and I'm not sure I have to, but I'd like to, I</p> <p>14 guess, a third request or -- a third request -- we need</p> <p>15 a taller thing for me. The third request --</p> <p>16 CHAIRMAN KIMBLE: Or a shorter executive</p> <p>17 director.</p> <p>18 MR. COLLINS: Well, that's -- you know, is</p> <p>19 it legal to put a height requirement on there? The --</p> <p>20 I can think of some five-foot-six guys who would love</p> <p>21 this job. Not as much as I love it, though.</p> <p>22 I'm certainly -- look. Let me put it this</p> <p>23 way. I would make a motion that the Commission</p> <p>24 authorize me to issue subpoenas, if necessary, to</p> <p>25 compel the production of documents. I mean, that's a</p>		<p>1 MS. WILLIAMS: For the violations that are</p> <p>2 cited in the director's memo.</p> <p>3 COMMISSIONER CHAN: Thank you. I'll</p> <p>4 clarify my motion. I'll make a motion to determine --</p> <p>5 find that there's probable cause to believe a violation</p> <p>6 occurred as determined in the executive director's</p> <p>7 memo.</p> <p>8 MS. WILLIAMS: Okay. And with respect to</p> <p>9 the two mailers that are at issue today.</p> <p>10 COMMISSIONER CHAN: And with respect to the</p> <p>11 two mailers that are issued and identified in that memo</p> <p>12 in MUR 18-14 U.S. Term Limits.</p> <p>13 MS. WILLIAMS: And then the second was?</p> <p>14 CHAIRMAN KIMBLE: And then, Commissioner</p> <p>15 Paton, do you agree to that?</p> <p>16 COMMISSIONER PATON: Yes.</p> <p>17 CHAIRMAN KIMBLE: Okay.</p> <p>18 MS. WILLIAMS: Thank you.</p> <p>19 CHAIRMAN KIMBLE: So there's been a motion</p> <p>20 and a second.</p> <p>21 All those in favor say aye.</p> <p>22 (Chorus of ayes.)</p> <p>23 CHAIRMAN KIMBLE: Anyone opposed?</p> <p>24 (No response.)</p> <p>25 CHAIRMAN KIMBLE: It passes three to</p>	
11:34:10-11:35:12	Page 67	11:35:59-11:36:43	Page 69
<p>1 third motion, but I don't think there's anything in</p> <p>2 the -- I don't think -- now, he can come back to you</p> <p>3 and say quash this subpoena under the rules, but I</p> <p>4 don't believe there's anything that prevents you from</p> <p>5 authorizing me to issue subpoenas.</p> <p>6 And sometimes we'd ask you to do that at</p> <p>7 the reason-to-believe stage of that. So just to fully</p> <p>8 equip me having to go in and dealing with that, I'm</p> <p>9 perfectly happy to move and request that you, as a</p> <p>10 third vote, authorize me to subpoena that information</p> <p>11 about the remaining mailers.</p> <p>12 CHAIRMAN KIMBLE: Okay. Any other comments</p> <p>13 from commissioners? Questions? Anything?</p> <p>14 COMMISSIONER CHAN: Mr. Chairman.</p> <p>15 CHAIRMAN KIMBLE: Commissioner Chan.</p> <p>16 COMMISSIONER CHAN: At this time, I'd like</p> <p>17 to make a motion to -- that there is probable cause to</p> <p>18 believe a violation occurred in MUR 18-14 U.S. Term</p> <p>19 Limits, Inc.</p> <p>20 CHAIRMAN KIMBLE: Is there a second?</p> <p>21 COMMISSIONER PATON: Second.</p> <p>22 CHAIRMAN KIMBLE: Any discussion?</p> <p>23 MS. WILLIAMS: Just for clarification --</p> <p>24 I'm sorry, Commissioner Kimble and Commissioners.</p> <p>25 CHAIRMAN KIMBLE: Sure.</p>		<p>1 nothing.</p> <p>2 COMMISSIONER CHAN: Mr. Chairman, I have</p> <p>3 another motion to stay the final action on our approval</p> <p>4 of that finding of the violation until next month to</p> <p>5 give the executive director time to continue working on</p> <p>6 his conciliation attempts with the respondent.</p> <p>7 CHAIRMAN KIMBLE: Okay.</p> <p>8 MS. WILLIAMS: So you want to stay the</p> <p>9 issuance?</p> <p>10 COMMISSIONER CHAN: Stay the issuance of</p> <p>11 the --</p> <p>12 MR. COLLINS: Of the probable cause order.</p> <p>13 COMMISSIONER CHAN: -- probable cause</p> <p>14 order.</p> <p>15 COMMISSIONER PATON: Second.</p> <p>16 CHAIRMAN KIMBLE: Okay. It's been moved</p> <p>17 and seconded that we are authorizing a one-month stay</p> <p>18 in the order.</p> <p>19 All those in favor say aye.</p> <p>20 (Chorus of ayes.)</p> <p>21 CHAIRMAN KIMBLE: Anyone opposed?</p> <p>22 (No response.)</p> <p>23 CHAIRMAN KIMBLE: It's approved three to</p> <p>24 nothing.</p> <p>25 Commissioner Chan?</p>	

11:36:45-11:37:33

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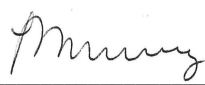
1 COMMISSIONER CHAN: And one more motion,
2 Mr. Chairman, to authorize the executive director to
3 issue subpoenas in the matter, if he deems it
4 necessary, to finalize things with regard to this
5 matter.
6 CHAIRMAN KIMBLE: Is there a second?
7 COMMISSIONER PATON: Second.
8 CHAIRMAN KIMBLE: Is that --
9 MS. WILLIAMS: Yes.
10 CHAIRMAN KIMBLE: Okay. All those in favor
11 of that motion authorizing Mr. Collins to issue
12 subpoenas, should he find it necessary, say aye.
13 (Chorus of ayes.)
14 CHAIRMAN KIMBLE: Anyone opposed?
15 (No response.)
16 CHAIRMAN KIMBLE: It passes three to
17 nothing.
18 Thank you.
19 MR. COLLINS: That's all I have. Thank
20 you.
21 CHAIRMAN KIMBLE: Okay. Thank you.
22 Item VI -- no. I'm sorry. Item VII,
23 public comment.
24 Anyone have comments?
25 (No response.)

11:37:34-11:37:47

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1 CHAIRMAN KIMBLE: No? Adjournment.
2 COMMISSIONER CHAN: Oh, do I have to move?
3 MR. COLLINS: More for adjournment.
4 COMMISSIONER CHAN: I move that we adjourn,
5 Mr. Chairman.
6 COMMISSIONER PATON: I would second that.
7 CHAIRMAN KIMBLE: All those in favor?
8 (Chorus of ayes.)
9 CHAIRMAN KIMBLE: We are adjourned.
10 (Whereupon, the proceedings concluded at
11 11:37 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 28th day of
16 April, 2019.
17 
18
19 LILIA MONARREZ, RPR, CR #50699
20
21
22
23
24
25

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**CITIZENS CLEAN ELECTIONS COMMISSION
EXECUTIVE DIRECTOR REPORT
May 30, 2019**

Announcements:

- The public can view Commission meetings live via the internet at www.livestream.com/cleanelections. A link is available on our website.
- Please review Chairman Kimble's recent statement on comments by certain legislators relating to Clean Elections. Exhibit 1.

Voter Education:

- Local Elections were held on May 21, 2019. CCEC provided voter education for the following elections:
 1. Town of Chino Valley, City of San Luis, Town of Wickenburg, City of Phoenix (Districts 5 and 8 runoff)
 2. Voter education videos were filmed with the Mayor and Town Administration on Chino Valley ballot questions.
- Staff attended the following community events in May to provide voter education and information on CCEC:
 - Avery attended roundtable events for the Native American and African American communities, hosted by the Maricopa County Recorder.
 - Avery attended a Community Leadership Breakfast, sponsored by the Phoenix Indian Center.
 - Avery attended the African American Commission Meeting.
 - Alec, Avery & Gina will attend the Native Vote Strategy Session on Friday, May 31st.
- A "Happy Graduation" campaign is currently running to encourage the Class of 2019 to register to vote. CCEC is utilizing social media posts and frames to: encourage new graduates to visit the mural in their cap & gown for the perfect graduation selfie and to register to vote; and to encourage parents/mentors to provide new graduates with a voter registration form as a part of their graduation celebrations.
- CCEC is sponsoring the Navajo Voters Coalition Voter Education Summit on June 8th at Dine College. CCEC is promoting this event to the public to encourage attendance.
- Tom filmed a video with LeNora Yazzie Fulton, the former Apache County Recorder and former member of the Navajo Board of Election Supervisors. LeNora shared her cultural experiences of voting and her memories of election day as a child. The goal of this video is to encourage and inspire Native American communities to participate in Arizona elections.
- Tom will film a legislative update on Thursday, May 30th to educate voters on the election related law changes.

Enforcement – 2018:

- MUR 18-14 US Term Limits – This Agenda.

Miscellaneous

- **Outstanding legal matters**
 - Legacy Foundation Action Fund
 - AZAN v. State et. al.



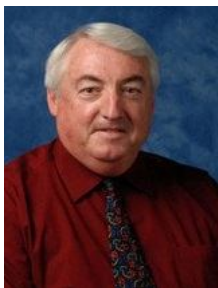
PRESS RELEASE

Chairman responds to shocking comments made by certain lawmakers about Clean Elections



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CHAIRMAN MARK KIMBLE RESPONDS TO SHOCKING COMMENTS MADE BY ARIZONA LEGISLATORS TOWARD THE ARIZONA CITIZENS CLEAN ELECTIONS COMMISSION



Clean Elections Chairman
MARK KIMBLE

Phoenix, AZ - May 28, 2019

During a recent caucus of Republicans in the state House, two legislators made an extremely offensive statement about leadership of the Arizona Citizens Clean Elections Commission.

Specifically, while discussing a possible Clean Elections role in a bill, Rep. John Allen asked, "Can we virtually shoot the head of Clean Elections?" Rep. Kevin Payne said "Yes." To her credit, Rep. Becky Nutt told her colleagues that type of talk was inappropriate. The exchange was reported on Twitter by [Jeremy Duda](#), associate editor of the Arizona Mirror.

To that end, the following statement is from current [Citizens Clean Elections Commission Chairman Mark Kimble](#), in response to this alarming exchange:

It is deeply troubling - particularly to those of us from Tucson - to joke about shooting someone in the head because of a policy difference. That is not funny. Reps. Allen and Payne owe an apology to all Arizonans for thinking it is appropriate to jest about shooting people in the head.

The late Sen. John McCain was known for urging his colleagues to "disagree without being disagreeable." The comments by Reps. Allen and Payne go far beyond being disagreeable. They are shameful and disgusting.

About the Arizona Citizens Clean Elections Commission (CCEC). The CCEC is an independent state body made up of individuals who have sworn to faithfully administer the Clean Elections Act. Voters passed the Citizens Clean Elections Act in 1998 to promote participation in the political process and to ensure Arizona's politics are free from corruption. The act includes administration of voter education, clean funding programs, and campaign finance enforcement.

Members of the Commission are appointed alternatively by the governor and the highest-ranking official of the opposite party. Commissioners must not have served in, or run for, public office for five years, nor have been an officer of a political party. No more than two members of the commission may be from any one party or county. Currently, the Commission is made up of two Republicans, two Democrats and one independent. Learn more at [azcleelections.gov](#).



Jeremy Duda
@jeremyduda

Follow

During House GOP caucus, question arises over possible Clean Elections role in a bill. John Allen asks, "Can we virtually shoot the head of Clean Elections?" @kevinpayneLD21 says yes before @beckynutt3 tells everyone to knock it off and says that kind of talk isn't OK.

1:17 PM - 27 May 2019

33 Retweets 30 Likes



13 33 30



Cat F @catikins9 · 24h

Replying to @jeremyduda @kevinpayneLD21 @beckynutt3

Here's a reminder that Arizona voters passed the Clean Elections Act with bipartisan votes.

1 3 12



Rebecca McHood @RebeccaforAZ · 22h

Yes we did. Getting \$\$, especially #DarkMoney out of politics is a unifying issue!

2 4



Stephanie Heeg @40wattbulb · May 27

Replying to @jeremyduda @kevinpayneLD21 @beckynutt3

Once again proving that AZ needs to vote blue. This "joke" is unacceptable. GOP embarrassing AZ again.

3 7



Joe Downs @JoeDownsAZ · May 27

Replying to @jeremyduda @kevinpayneLD21 @beckynutt3

HAHA BECAUSE GUN VIOLENCE IS FUNNY

That would be unacceptable coming from any adult, let alone an elected. Jesus.

1 15

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Commissioners

State of Arizona
Citizens Clean Elections Commission

1616 W. Adams - Suite 110 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - www.azcleanelections.gov

Below are the election bills that may impact the Commission.

HCR 2002 – Independent Redistricting Commission; Nine Members

Sponsor – Rep. Fillmore

Assigned to House Government and House Elections

- Gives the Citizens Clean Elections Commission (CCEC) the authority to nominate candidates for the Independent Redistricting Commission (IRC)
- If appointment timelines are not met, then the CCEC has the authority to appoint members to the IRC
- Effect on CCEC
 - o Gives the Commission authority that does not exist now to nominate IRC members.

HCR 2004 – Legislature; Sixty House Districts

Sponsor – Rep. Shope

Has not been assigned a committee yet

- Changes the State Senate districts to consist of two entire House districts that are completely in the Senate district
- Increases the number of House districts to 60 with one member representing each House district
- Effect on CCEC
 - o May increase the number of candidates thus increasing the amount of funds that are distributed.

HB 2076 – Clean Elections; Enforcement; Early Contributions

Sponsor – Rep. Fillmore

Assigned to House Elections; Passed Elections 8-2; Passed the House 59-1 with an amendment and was sent to the Senate; Assigned to Senate Judiciary

- Increase early the early contribution limit from legislative candidates from 10% to 15% of the sum of the original primary and general spending limits.
- Allows for early contributions to be spent any time during the election cycle.

- *This section was amended out of the bill.

- * Has been replaced with a Strike Everything Amendment, Peace Officer Training Equipment. The bill as originally drafted is dead.

Eliminates the argument of whether or not the Commission has the authority to enforce contribution limits on nonparticipating candidates by expressly authorizing this authority.

- Effect on CCEC
 - o Positive effect as it allows for more funds for participating candidates without it coming from the Fund.
 - o More staff may be needed to review nonparticipating candidates campaign finance reports.

HB 2411 – Clean Elections; County Candidates

Sponsor – Rep. Powers-Hannley

Assigned to House Government and House Elections

- Would allow candidates for County Board of Supervisors, County Assessor, County Attorney, County Recorder, County School Superintendent, County Sheriff, and County Treasurer to use the Clean Elections system.

- Effect on CCEC
 - o Would increase the number of candidates as well as the amount of funds distributed possibly reducing the amount of funding candidates could receive.

HB 2210 – Campaign Finance; Covered Transfers; Disclosure

Sponsor – Rep. Rodriguez

Has not been assigned a committee yet

- The bill changes the definition of “Affiliated Entity” to include the governing board as well as staff of the governing board or representatives of the governing board.
- Adds the definition of “Covered Transfer”
- Eliminates the definition of “Primary Purpose”
- Requires entities to register as a political action committee before making a contribution or expenditure, requires entities formed 10-days prior to the start of early voting to file their statement organization within 24-hours.
- Requires an entity that makes or obligates itself to make independent or ballot measure expenditures in excess of \$1000 in any combination to file a report with the filing officer.
- Effect on CCEC
 - Would increase the workload for the staff to ensure entities are following the new law.

HB 2199 – Primary Election Date

Sponsor – Rep. Carroll

Has not been assigned a committee yet

- Would change the primary date to be on the nineteenth Tuesday before the general election.
- Effect on CCEC
 - Would reduce the qualifying period for candidates

SB 1154– Primary Date; First August Tuesday

Sponsor – Senator Gowan

Assigned to Senate Judiciary; Passed Judiciary 6-1; Passed the Senate 28-2; Assigned to House Elections; Passed Elections 6-4; Passed the House 39-21 as amended; Passed the Senate 24-2; Signed by the Governor

- Would change the primary election day to the first Tuesday in August
- Effect on CCEC
 - Would reduce the qualifying period for candidates

HB 2050 – May Primary Election Date

Sponsor – Rep. Shope

Has not been assigned a committee yet

- Would change the primary election day to the seventeenth Tuesday before the general election
- Effect on CCEC
 - o Would reduce the qualifying period

HB 2410 – Campaign Finance; Contribution Limits

Sponsor – Rep. Powers-Hanley

Assigned to House Elections and House Government

- Dramatically reduces the contribution limits for candidates at all levels. Individuals may contribute up to \$390 to a candidate for a city, town, county or district office; \$488 to a candidate for a legislative office; \$1,010 to a candidate for a statewide office
- Candidate committees may not accept more than the following from political action committees: \$10,020 for candidates for city, town, county, or district office; \$16,150 for legislative candidates; \$100,110 for statewide candidates
- Effect on CCEC
 - o Minimal. Potentially reduces the difference between what a Clean Elections candidate “raises” and a traditional candidate raises.

HB 2340– Campaign Finance; Repeal; Reenactment

Sponsor – Rep. Salman

Has not been assigned to a committee yet

- Would repeal the entire campaign finance law that was put in place by SB 1516 in 2016
- Effect on CCEC
 - o The Commission would need to review all of the rules that were enacted based on SB 1516 and possibly repeal them.
 - o Potentially need to enact new rules based on the new campaign finance laws.

HB 2131 – State Agencies; Citizen Portal; Access

Sponsor – Rep. Thorpe

Assigned to House Technology; Passed Technology 5-1; Passed Rules 5-1; Passed the House 33-26 and sent to the Senate; Assigned to Senate Government; Passed Government 4-3

- Requires a State Agency that collects personal information from the public to establish a portal where the public can access the information and correct any errors. Access would be limited to only the person's specific information.

- Effect on CCEC

- o Unknown effect on the Commission. There isn't a definition of "personal information" for an agency to know what needs to provide to the public. The Commission only has e-mail address from the public.

SB 1188 – Permanent Early Voting List

Sponsor – Senator Ugenti-Rita

Assigned to Senate Judiciary; Passed Judiciary 4-3; Passed Senate 16-14; Assigned to House Elections; Passed Elections 6-4

- Allows the County to remove a voter from the Permanent Early Voting List (PEVL) if they fail to vote by any method for two consecutive primary and general elections.

- Effect on CCEC

- o No effect on CCEC. Would require more voter education to ensure the information is available to the public.

SB 1032 – On-Site Early Voting; Identification Required

Sponsor – Senator Ugenti-Rita

Assigned to Senate Judiciary

- Requires identification to be presented at on-site early voting locations before the elector is allowed to vote.

- Effect on CCEC

- o No effect on CCEC. Would require more voter education to ensure the public is aware of the change.

SB 1054 – Early Ballots; Deficiencies; Cure Period

Sponsor – Senator Ugenti-Rita

Assigned to Senate Judiciary; Passed Judiciary 7-0; Passed Senate 30-0 and sent to the House; Assigned to House Elections; Passed House Elections 10-0; Passed the House 59-0; sent to the Governor and signed into law

- Allows for the County Recorders or other officers in charge of elections to contact voters to verify signatures, etc. through the 5th business day after the election.
- Creates a uniform curing process for all counties
- Effect on CCEC
 - o No effect on CCEC.

SB 1046 – Early Voting List; Mailing Ballot

Sponsor – Senator Ugenti-Rita

Assigned to Senate Judiciary; Passed Judiciary 4-3

- Prohibits voters on the Permanent Early Voting List (PEVL) to drop off a ballot on Election Day. Mail in ballots must be mailed to be processed by elections officials.
- Allows for PEVL members to vote on Election Day with a provisional ballot.
- Effect on CCEC
 - o No effect on CCEC. Would require more voter education to ensure the public is aware of the change.

HB 2724 – GRRC; Petition to Request Review

Sponsor – Rep. Biasiucci

Assigned to House Regulatory Affairs; Passed Regulatory Affairs 4-3; Passed Rules 5-1; Passed the House 31-27; Assigned to Senate Judiciary; Passed Judiciary 4-2; Passed out of Senate Rules, passed Senate 17-12 and was amended and sent back to the House. **FAILED to pass in the House 30-28.**

- Allows a person to petition the Governor's regulatory Review Council (GRRC) to request a review of an agency's existing practice, policy statement, enforcement action or final rule. This affects agencies established under Title 16 Chapter 6.
- Amended to: remove CCEC enforcement actions from being subject to review by GRRC and specifies that existing CCEC practices must involve interpreting a rule to be subject to GRRC review.
- Effect on CCEC

- Continues to erode away at the Commission's authority. Gives GRRC more power and authority over the Commission. Written to specifically target CCEC.

HB 2032 – Strike Everything Amendment: Ballots; Counting Centers

Sponsor – Rep. Townsend

Assigned to House Elections; Passed Elections 10-0; Passed Rules 5-1;

Passed the House 60-0 and sent to the Senate; Assigned to Senate

Judiciary; removed from Judiciary and assigned to Senate Appropriations;

Passed Appropriations 6-3

- Changes the time when tallying of ballots begins from seven days prior to the election to fourteen days prior to the election.

- Requires those that want to be included in the draw to observe the counting center to notify the officer in charge of elections not later than three days before the posted date for the logic and accuracy test.

- Makes clear that only those authorized to process or county ballots or ballot material may touch the ballots.

- Effect on CCEC

- No effect on the Commission

HB 2236 – Strike Everything Amendment: Limitation on Appeals of Nomination Petitions; Disqualification of a Candidate

Sponsor – Rep. Townsend

Assigned to House Elections; Passed Elections 10-0; Passed Rules 5-1;

Passed the House 60-0 and sent to the Senate; Assigned to Senate

Judiciary; Passed Judiciary 7-0; Passed the Senate 29-0; signed by the Governor.

- Adds language that requires the County Recorder to perform signature verification for nomination petition challenges and provide testimony or other evidence on request of any of the parties to the challenge.

- Effect on CCEC

- Minimal effect on the Commission. May push \$5 qualifying contribution form reviews to the maximum allowed under the law.

HB 2237 – Strike Everything Amendment: Request for a Ballot; Civil Penalties; Violation

Sponsor – Rep. Townsend

Assigned to House Elections; Passed Elections 10-0

- Allows the County Recorder or other officer in charge of elections to establish early voting locations provided the Board of Supervisors approves the locations in advance.
- Early voting locations may to be operated up to 5:00pm on the Monday immediately preceding Election Day, except that early voting locations may close as needed to ensure that the necessary materials are made available to determine who requested an early ballot, who has voted, and who is on the inactive voter list.
- Effect on CCEC
 - o No effect on the Commission.

HB 2238 – Strike Everything Amendment: Rules; Procedures Manual

Sponsor – Rep. Townsend

Assigned to House Elections; Passed Elections 10-0; Passed the House 59-0; Assigned to Senate Judiciary; Passed Judiciary 7-0; Passed the Senate 28-0; signed by the Governor.

- Requires the Secretary of State to provide an Elections Procedures Manual no later than December 31 of each odd-numbered year immediately preceding the general election.
- The manual must be submitted to the Governor for approval no later than October 1 of the year before each general election.
- Effect on CCEC
 - o No effect on the Commission provided the manual does not attempt to infringe upon the Commissions jurisdiction.

HB 2616 – Registration of Voters; Payment; Prohibition

Sponsor – Rep. Townsend

Assigned to House Elections; Passed Elections 6-4; Passed the House 31-27; Assigned to Senate Judiciary; Passed Judiciary 4-2

- Prohibits individuals from being paid or receiving anything of value for registering people to vote.
- Effect on CCEC
 - o No effect on the Commission.

SB1090 – Emergency Voting Procedures; Board Action

Sponsor – Senator Ugenti-Rita

Assigned to Senate Judiciary; Passed Judiciary 4-3; Passed the Senate 16-14; Assigned to House Elections; Passed Elections 6-4; Passed Rules; Passed the House 31-27 and sent back to the Senate as it was amended; Passed the Senate 16-13; sent to Governor and signed into law.

- Requires a voter that wants to vote based on an emergency to sign an affidavit under penalty of perjury that describes the emergency, states that they did not know about the emergency in advance and that without the emergency voting they would not be able to vote.
- Gives the Board of Supervisors the authority to determine the use of emergency election voting centers, their location, and hours of operations.
- An amendment was adopted to remove the word “affidavit” and replace it with “statement”.
- Effect on CCEC
 - No effect on the Commission.

SB 1289 – Candidate Petitions; Filing Period

Sponsor – Senator Gowan

Assigned to Senate Judiciary; Passed Judiciary 4-3; Passed the Senate 17-13; Assigned to House Elections; Passed Elections 6-4

- Changes the time a person has to file their nominating petitions from no more than 120 days prior to the primary to no more than 105 days prior to the primary.
- Requires a person to register as a candidate committee if they collect one or more signatures on a candidate nomination petition.
- States that a candidate committee is only required to file a campaign finance report if the candidate committee meets the monetary threshold that triggers registration.
- Effect on CCEC
 - No effect on the Commission.

Doug Ducey
Governor

Thomas M. Collins
Executive Director



Mark S. Kimble
Chair

Damien R. Meyer
Steve M. Titla
Galen D. Paton
Amy B. Chan
Commissioners

State of Arizona
Citizens Clean Elections Commission

1616 W. Adams - Suite 110 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - www.azcleanelections.gov

MEMORANDUM

From: Mike Becker, Policy Director

Date: May 30, 2019

Subject: General Audit Findings Summary

All Legislative and Statewide participating candidates that advanced to the general election were audited in 2018. The auditors reviewed the following candidates' bank statements, receipts and records, and campaign finance reports for the reporting period.

- A. Rebecca Speakman
- B. Kathy Hoffman, Statewide candidate

ITEM IV

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Kathy Hoffman
Participating Candidate for
Superintendent of Public Instruction
General Election 2018**

ITEM IV - HOFFMAN AUDIT



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Kathy Hoffman (the Candidate) Campaign finance reports for both the General Recap (October 21, 2018 to November 6, 2018) and the 2018 4th Quarter (October 21, 2018 to December 31, 2018) reporting periods were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the General Recap and 4th Quarter Reports. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The summary of procedures and associated findings are presented on the subsequent pages.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the General Recap and 4th Quarter Campaign finance reports of Kathy Hoffman. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

February 26, 2019

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained both the General Recap (October 21, 2018 to November 6, 2018) and the 2018 4th Quarter (October 21, 2018 to December 31, 2018) Campaign finance reports from the Arizona Secretary of State's Website.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:
 - (i) Determine whether the candidate accepted contributions only from individuals.

Finding

No contributions were received during the periods under review.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

No contributions were received during the periods under review.

- (iii) Check compliance with the maximum early contribution limits.

Finding

No contributions were received during the periods under review.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

No contributions were received during the periods under review.

- c). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice of primary audit selection to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
 - Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five withdrawals from the bank statements for the periods under review and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports. There were no deposits on the bank statements during the period under review.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period with the following exception, we noted a remaining balance in the Campaign finance report of \$92.53, however the Campaign's bank account listed a \$0.00 balance.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

No contributions were received during the periods under review.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the periods under review.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the periods under review.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and select 100% of Arizona Democratic Party, Maricopa Democratic Party, Pinal County Democratic, Yavapai County Democratic Party expenses for selected candidates, and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,460.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the periods under review.

- (i) If applicable, judgmentally select a sample of expenditures made from the candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$160 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the periods under review.

- g) Determine whether a legal defense fund has been established.

Finding

Based on inquiry of the Candidate, a legal defense fund was established.

- (i) If a legal defense fund was established, how was it accounted for?

Finding

The Candidate established a legal defense fund in May 2018, after she was the subject of campaign finance complaints filed with the Commission and Secretary of State. The attorneys have kept a ledger of deposits into and payments made from the legal defense fund for legal services. This fund was maintained in a bank account separate from the Clean Elections Campaign account, and no Clean Elections funding was used for the legal defense fund.

- h) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Rebecca Speakman
Participating Candidate for
State Senator - District 26
General Election 2018**

**ITEM IV - SPEAKMAN
AUDIT**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Rebecca Speakman (the Candidate) Campaign finance reports for both the General Recap (October 21, 2018 to November 6, 2018) and the 2018 4th Quarter (October 21, 2018 to December 31, 2018) reporting periods were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the General Recap and 4th Quarter Reports. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The summary of procedures and associated findings are presented on the subsequent pages.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the General Recap and 4th Quarter Campaign finance reports of Rebecca Speakman. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

May 21, 2019

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained both the General Recap (October 21, 2018 to November 6, 2018) and the 2018 4th Quarter (October 21, 2018 to December 31, 2018) Campaign finance reports from the Arizona Secretary of State's Website.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:
 - (i) Determine whether the candidate accepted contributions only from individuals.

Finding

No contributions were received during the periods under review.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

No contributions were received during the periods under review.

- (iii) Check compliance with the maximum early contribution limits.

Finding

No contributions were received during the periods under review.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

No contributions were received during the periods under review.

- c). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted two expenditures for late filing fees reported on the Candidate's Campaign Finance Reports which were tested during fieldwork.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We attempted to contact the Candidate on numerous occasions between January 14, 2019 and February 16, 2019 following the procedures laid out by CCEC; email on 1/14/19, second email on 1/22/19, phone call on 2/4/19 (left message), second phone call on 2/11/19 (left message), and sent certified letter on 2/14/19 with proof of receipt at the Candidate's residence on 2/16/19. The Candidate finally responded on 4/2/19 and provided support for the initial document requests. However, repeated requests for additional documentation went unanswered.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice of primary audit selection to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

We attempted to contact the Candidate on numerous occasions between January 14, 2019 and February 16, 2019 following the procedures laid out by CCEC; email on 1/14/19, second email on 1/22/19, phone call on 2/4/19 (left message), second phone call on 2/11/19 (left message), and sent certified letter on 2/14/19 with proof of receipt at the Candidate's residence on 2/16/19. The Candidate finally responded on 4/2/19 and provided support for the initial document requests. However, repeated requests for additional documentation went unanswered.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
- Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five withdrawals from the bank statements for the periods under review and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports, with one exception. For one out of five withdrawals selected, the item selected did not appear in the Candidate's Campaign finance report. There were no deposits on the bank statements during the periods under review.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period with the following exceptions: (a) the Campaign bank account listed a \$0.00 balance, but the 4th Quarter Campaign finance report listed an ending balance of \$2,511.53; (b) a credit on the Campaign account bank statement for \$20.00 was not listed on the Campaign finance reports; (c) three withdrawals on the Campaign account bank statements which totaled \$2,800.35 were not listed on the Campaign finance reports. The net result of these differences was a remaining unreconciled variance of \$268.82.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

No contributions were received during the periods under review.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the periods under review.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the periods under review.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and select 100% of Arizona Democratic Party, Maricopa Democratic Party, Pinal County Democratic, Yavapai County Democratic Party expenses for selected candidates, and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We attempted to review five expenditures and agree amounts to supporting invoices or other documentation to the Candidate's Campaign finance report, but noted the following exceptions: for five out of five expenditures tested which totaled \$14,407.03, no invoice or other documentation was provided to support the amount reported in the Candidate's finance report; the only information provided by the Candidate was a copy of the Campaign's bank account activity.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We attempted to review five expenditures and agree the name, address, and nature of goods or services provided in the Candidate's Campaign finance report, but noted the following exceptions: for five out of five expenditures tested, no invoice or other documentation was provided to support the name, address and nature of goods or services reported in the Candidate's finance report; the only information provided by the Candidate was a copy of the Campaign's bank account activity.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We attempted to review five expenditures and determine whether they appear to have been made for direct campaign purposes, but noted the following exceptions: (a) for five out of five expenditures tested, no invoice or other documentation was provided to determine if the charge was made for direct campaign purposes; the only information provided by the Candidate was a copy of the Campaign's bank account activity, (b) in addition, per review of the Candidate's finance reports, we noted \$265.00 in expenditures that were payments to the Arizona Secretary of State for fees/penalties for filing various reports late. These expenditures are not allowed per Clean Elections rules.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures however, for five out of five expenditures tested, no invoice or other documentation was provided to determine if the expenditure should be classified as a joint expenditure; the only information provided by the Candidate was a copy of the Campaign's bank account activity.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,460.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the periods under review.

- (i) If applicable, judgmentally select a sample of expenditures made from the candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$160 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the periods under review.

- g) Determine whether a legal defense fund has been established.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a legal defense fund during the periods under review.

- (i) If a legal defense fund was established, how was it accounted for?

Finding

Based on inquiry of the Candidate, the Candidate did not establish a legal defense fund during the periods under review.

- h) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

STATE OF ARIZONA

CITIZENS CLEAN ELECTIONS COMMISSION
OFFICE OF THE ATTORNEY GENERAL

In the Matter of:

U.S. Term Limits, Inc. , a Washington, D.C.
corporation, Respondent

MUR No. 18-14
SOS-CF-2018-020

[Recommended] CONCILIATION AGREEMENT

Pursuant to ARS §§ 16-938 and 16-957(A), the Citizens Clean Elections Commission (the "Commission"), the Arizona Attorney General's Office, (the "AGO"), and U.S Term Limits, Inc. a Washington D.C. corporation, (Respondent) enter this Conciliation Agreement (the "Conciliation Agreement") in the manner described below.

The Commission and Respondent:

A. Respondent did not file certain reports required by the Commission related to spending on behalf of or against certain candidates for the Legislature. The Commission found that these failures demonstrate there is reason to believe Respondent may have committed a violation of the Citizens Clean Elections Act and Commission rules (collectively, the "Act").

B. A.R.S. § 16-941(D) states that "any person who makes independent expenditures related to a particular office" in excess of certain amounts must report such expenditures to the Secretary of State. A.R.S. § 16-956(A)(7) provides that the Commission has authority to enforce the Act and to assess penalties that apply for failure to file reports.

1 C. The Commission received a Complaint regarding Respondent's failure to file a report
2 required by A.R.S. § 16-941, -958.

3 D. Following the Complaint, Respondent filed three reports in the general election. The
4 remaining reports pertain to 6 candidates. The total cost was \$26,896.96.

5 E. In response to the Reason to Believe determination, Respondent complied voluntarily
6 with requests for information, while reserving its right to appeal whether the
7 expenditures involved constituted "express advocacy" requiring reports under the Act
8 and Rules. See A.R.S. § 16-901.01.

9 The AGO and Respondent:

10 F. On December 10, 2018, the Arizona Secretary of State (the "SOS") found reasonable
11 cause to believe that Respondent violated A.R.S. § 16-925 (the "Reasonable Cause
12 Notice") by failing to include a "paid for" disclaimer on mailers it distributed in the
13 Legislative District 24 House race and referred the Reasonable Cause Notice together
14 with the underlying administrative record to the AGO.

15 G. A.R.S. § 16-925(A) states in relevant part that advertising expenditures shall include
16 "the words 'paid for by', followed by the name of the person making the expenditure for
17 the advertisement." In its exercise of its enforcement authority pursuant to A.R.S. § 16-
18 938, the AGO has given due consideration to the facts and law implicated by the
19 Reasonable Cause Notice. H. The AGO asserts that Respondent violated A.R.S. §
20 16-925(A) by failing to include a "paid for" disclaimer on mailers it distributed in the
21 Legislative District 24 House race. However, to conserve the time and resources
22 required to further enforce this matter, the AGO joins this Conciliation Agreement to
23 resolve the AGO's asserted violation.

24 This Conciliation Agreement concludes the Commission and the AGO's enforcement proceedings
25 respecting the Complaints based on the conditions below and constitutes a waiver of the Respondent's
26 right to appeal, including under A.R.S. § 16-938. Respondent does not admit liability or necessarily
agree with legal conclusions stated in the settlement

1 WHEREFORE, the Commission and the AGO enter the following agreement in lieu of any other action
2 regarding this matter:

- 3 1. The Commission has jurisdiction over persons subject to A.R.S. §§ 16-941(D) and 16-
4 958, including political committees.
- 5 2. The AGO has jurisdiction over persons subject to A.R.S. §16-938.
- 6 3. Pursuant to A.R.S. §§ 16-941(D) and -958 any person who makes an independent
7 expenditure above a threshold set forth in the Clean Elections Act must file reports
8 required by the person and that under A.R.S. § 16-942(B) the statutory penalty for any
9 reporting violation on behalf of a candidate is up to \$320 per day up to twice the value
10 of the unreported amount.
- 11 4. Pursuant to A.R.S. § 16-925, any person who makes an expenditure for an
12 advertisement must include certain disclosures in the advertisement and that under
13 A.R.S. § 16-938 failure to do so is subject to enforcement.
- 14 5. Respondent agrees to settle this matter for \$5,374.00, in addition to the other
15 provisions herein. This amount represents a combined mitigated penalty by the
16 Commission and the AGO based, in part, on the facts stated in paragraphs A –H.
- 17 6. To satisfy the debt amount acknowledged in paragraph 5 above, Respondent shall
18 render payment for \$2,687.00 to the Commission within three weeks of the execution of
19 this document by check or money order payable to the Citizens Clean Elections Fund
20 and delivered to the Citizens Clean Elections Commission, 1616 West Adams, Suite
21 110, Phoenix, Arizona, 85007.
- 22 7. To satisfy the debt amount acknowledged in paragraph 5 above, Respondent shall
23 render payment for \$2,687.00 to the Office of the Attorney General within three weeks
24 of the execution of this document by check or money order payable to the Office of the
25 Arizona Attorney General, and delivered to the Arizona Attorney General's Office, c/o
26 Government Accountability Unit, 2005 N. Central Ave., Phoenix, Arizona, 85004.

- 1 8. Respondent shall file completed Independent Expenditure Reports with the
2 Commission within two week of the execution of this agreement.
- 3 9. The Commission and the AGO shall not commence any legal action(s) against
4 Respondent to collect the claims so long as the Respondent is not in default.
- 5 10. Respondent shall be in default of this Agreement upon the occurrence of any of the
6 following:
- 7 a. Respondent fails to make any payment required hereunder within five (5) working
8 days following the date due, including being returned by the financial institution for
9 any reason, including insufficient funds and closed accounts;
- 10 b. Respondent files a petition under the bankruptcy laws or any creditor of the
11 Respondent files any petition under said laws against the Respondent;
- 12 c. Any creditor of Respondent commences a foreclosure action to foreclose (by suit
13 or trustee sale) on real property of the Respondent or commences garnishment,
14 attachment, levy or execution against the Respondent's property; or;
- 15 d. Respondent provides false information to the Commission, the AGO or any other
16 agent of the State.
- 17 e. Respondent fails to abide by any provision of this agreement.
- 18 11. In the event of default hereunder, at the option of the Commission and the AGO, all
19 unpaid amounts hereunder shall be immediately due and payable and the Commission
20 or the State may pursue additional penalties mitigated by this agreement. In addition,
21 interest shall accrue on the unpaid balance from the date that the payments become
22 due and payable. Interest shall accrue at the statutory rate of ten percent (10%)
23 pursuant to A.R.S. § 44-1201(A).
- 24 12. Nothing contained in this Agreement shall be construed to prevent any state agency
25 which issues licenses for any profession from requiring that the debt in issue be paid in
26 full before said agency will issue Respondent a new license.

- 1 13. The Commission and the AGO may waive any condition of default without waiving any
2 other condition of default and without waiving its rights to full, timely future performance
3 of the conditions waived.
- 4 14. In the event legal action is necessary to enforce collection hereunder, Respondent shall
5 additionally pay all costs and expenses of collection, including without limitation,
6 reasonable attorneys' fees in an amount equal to thirty-five percent (35%) of monies
7 recovered.
- 8 15. Respondent acknowledges that all obligations payable pursuant to this Agreement
9 constitute a fine, penalty, or forfeiture payable to and for the benefit of a governmental
10 unit, and not compensation for actual pecuniary loss; and that pursuant to 11 USC §
11 523 such obligations are not subject to discharge in bankruptcy.
- 12 16. This Agreement shall be construed under the laws of the State of Arizona.
- 13 17. In the event that any paragraph or provision hereof shall be ruled unenforceable, all
14 other provisions hereof shall be unaffected thereby.
- 15 18. This Agreement shall constitute the entire agreement between the parties regarding the
16 subject matter. This Agreement shall not be modified or amended except in a writing
17 signed by all parties hereto.
- 18 19. This Agreement shall not be subject to assignment.
- 19 20. No delay, omission or failure by the Commission or the AGO to exercise any right or
20 power hereunder shall be construed to be a waiver or consent of any breach of any of
21 the terms of this Agreement by the Respondent.
- 22 21. By entering into this Agreement, the Respondent does not waive any rights, claims,
23 defenses or arguments in any subsequent proceeding before the Commission, the
24 AGO, or any agency, court or other tribunal.
- 25 22. Respondent has obtained independent legal advice in connection with the execution of
26 this Agreement or has freely chosen not to do so. Any rule construing this Agreement
 against the drafter is inapplicable and is waived.

1 23. This Agreement shall be void unless executed by the Respondent and delivered to the
2 Commission and the AGO not later than _____, 2019, or such other time as agreed
3 between the Respondent, the AGO, and the Executive Director of the Commission and
4 confirmed in a writing.

5 24. All proceedings commenced by the Commission and the AGO in this matter will be
6 terminated and the matter closed upon receipt of the final payment of the civil penalty
7 and compliance with the other terms set forth in this Agreement.

8
9 Dated this ____ day ____, 2019.

10 By: _____
11 Thomas M. Collins, Executive Director
12 Citizens Clean Elections Commission

13 By: _____
14 Evan Daniels, Unit Chief Counsel
15 Government Accountability Unit
16 Arizona Attorney General's Office

17 By: _____
18 Respondent
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26

Timothy A. La Sota, PLLC

2198 East Camelback, Suite 305

Phoenix, Arizona 85016

P 602-515-2649

tim@timlasota.com

September 27, 2018

18 OCT 1 PM 12:04 CCEC

Via email and U.S. mail to:

Thomas M. Collins
Executive Director
Citizens Clean Elections Commission
1616 W. Adams, Suite 110
Phoenix, Arizona 85007
thomas.collins@azcleelections.gov

Eric Spencer
Arizona State Elections Director
Arizona Secretary of State's Office
1700 West Washington Street
Phoenix, Arizona 85007
espencer@azsos.gov

Re: CCEC MUR 18-14, Arizona Secretary of State CF-2017-020 (U.S. Term Limits)

Dear Messrs. Collins and Spencer:

This firm represents U.S. Term Limits.

I write in response to the complaint filed on September 11, 2018 against U.S. Term Limits. The complaint was filed by Andrew Gaona on behalf of Chad Campbell and was addressed to both of you.

Mr. Gaona's letter alleged that U.S. Term Limits failed to file a required independent expenditure report with the Citizens Clean Elections Commission and that U.S. Term Limits failed to include required disclosure statements on mailers that it sent out, in violation of A.R.S. §§ 16-925, 16-941, 19-958, and A.A.C. § R2-20-109(B). [Letter from D. Andrew Gaona to Thomas Collins and Eric Spencer, September 11, 2018].

U.S. Term Limits responds as follows to these baseless allegations. In short, the mailers do not trigger reports and are not required to have a statutorily prescribed disclaimer because they do not constitute express advocacy under the law.

Background

Because it is relevant in the context of the complaint that has been filed, as well as this response, I wanted to provide you with some background on U.S. Term Limits.

U.S. Term Limits has been recognized as a tax-exempt organization by the Internal Revenue Service since 1991. It is not an entity that sprung up yesterday. U.S. Term Limits exists for one reason—to enact term limits for elected officials at every level of government in the United

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States. U.S. Term Limits does not try to elect Republicans or Democrats. As if to underscore the nonpartisan nature of U.S. Term Limits, in the mailers that Mr. Campbell filed his complaint about, one Democrat is mentioned who supports term limits, and another Democrat is mentioned who does not support term limits.

U.S. Term Limits' efforts in Arizona, and elsewhere, are limited to issue advocacy.

The mailers at issue were not independent expenditures under A.R.S. §§ 16-901(31) and 16-901.01 because the mailers are clearly susceptible to an interpretation other than as an appeal to vote for Mr. Ferrell or against Mr. Clark

An "independent expenditure" is "an expenditure by a person, other than a candidate committee, that complies with both of the following:

- (a) Expressly advocates the election or defeat of a clearly identified candidate.
- (b) Is not made in cooperation or consultation with or at the request or suggestion of the candidate or the candidate's agent"¹.

A.R.S. § 16-901(31).

Under Arizona law, "expressly advocates" is defined as:

1. Conveying a communication containing a phrase such as "vote for," "elect," "reelect," "support," "endorse," "cast your ballot for," "(name of candidate) in (year)," "(name of candidate) for (office)," "vote against," "defeat," "reject" or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of one or more clearly identified candidates.
2. Making a general public communication, such as in a broadcast medium, newspaper, magazine, billboard or direct mailer referring to one or more clearly identified candidates and targeted to the electorate of that candidate(s) that in context can have no reasonable meaning other than to advocate the election or defeat of the candidate(s), as evidenced by factors such as the presentation of the candidate(s) in a favorable or unfavorable light, the targeting, placement or timing of the communication or the inclusion of statements of the candidate(s) or opponents.

A.R.S. § 16-901.01.

The mailers did not expressly advocate under the first part of subsection (1) because they contained none of the enumerated phrases of advocacy for election or defeat.

Both the second part of subsection (1), and subsection (2), describe communications "that in context can have no reasonable meaning other than to advocate the election or defeat of" a candidate. And the mailers do not constitute express advocacy under this part of the statute

¹ Subpart (b) defines when a qualifying expenditure is truly "independent" and is not at issue here.

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because the mailers clearly have a reasonable meaning other than to advocate the election of a candidate. That is, they are classic issue advocacy—they advocate for the issue of imposing term limits on politicians.

The United States Supreme Court case of *FEC v. Wisconsin Right to Life* is on point. 127 S.Ct. 2652, 2667, 551 U.S. 449, 470 (2007). *Wisconsin Right to Life* dealt with an ad that the FEC claimed was express advocacy, but Wisconsin Right to Life claimed was issue advocacy. The Supreme Court proceeded to enunciate the legal standard for determining if an ad is express advocacy, and examine whether the ad met this standard:

In light of these considerations, a court should find that an ad is the functional equivalent of express advocacy only if the ad is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate. Under this test, WRTL's [Wisconsin Right to Life's] three ads are plainly not the functional equivalent of express advocacy. First, their content is consistent with that of a genuine issue ad: The ads focus on a legislative issue, take a position on the issue, exhort the public to adopt that position, and urge the public to contact public officials with respect to the matter. Second, their content lacks indicia of express advocacy: The ads do not mention an election, candidacy, political party, or challenger; and they do not take a position on a candidate's character, qualifications, or fitness for office.

127 S.Ct. at 2667, 551 U.S. at 470.

Turning to the mailers produced by U.S. Term Limits, the Supreme Court could just as easily have been talking about U.S. Term Limits' mailers in the block quote above—the ads “focus on a legislative issue, take a position on the issue, exhort the public to adopt that position, and urge the public to contact public officials with respect to the matter.” In addition, the mailers’ “content lacks indicia of express advocacy: The ads do not mention an election, candidacy, political party, or challenger; and they do not take a position on a candidate's character, qualifications, or fitness for office.”

It is true that one of the persons mentioned, Ken Clark, is a member of the Legislature and was a candidate for reelection at the August primary. But election time is when elected officials listen to constituents the most, when the public pays the most attention, and when issue ads are most effective. *McConnell v. Federal Election Commission*, 251 F.Supp.2d 176, 306. (D.D.C. 2003).

It is also true that Mr. Ferrell was not an elected official at the time the mailer was sent, a point that Mr. Gaona made in the complaint letter. But the Arizona statutes cited above, in defining “expressly advocate”, all speak in terms of “candidates”, not elected officials. Mr. Gaona cites no law for why a line should be drawn between what is said about an elected official-candidate, and what is said about a non-elected official candidate. Nor could he—there is no legal support for this distinction.

In addition, U.S. Term Limits is not a soothsayer and did not know in advance of the primary election which candidates would emerge victorious. It is also true that candidates have been known to forget their promises after securing election—providing a reminder of a promise serves both as a thank you and also as a way of potentially buttressing an issue position with the actual candidate who may soon hold office—two things that have nothing to do with actually winning an election.

It should also be noted that with a regulation of speech on matters of public concern, the First Amendment requires that the benefit of any doubt must be given to “protecting rather than stifling speech.” *Wisconsin Right to Life, Inc.*, 551 U.S. at 469. The mailers here share all of the specific hallmarks mentioned by the Supreme Court in finding that the ad at issue in *Wisconsin Right to Life* was not express advocacy. As such, the mailers do not constitute “express advocacy”, and thus are not subject to disclosure and reporting requirements.

Arizona has declined to follow the federal government and other states in regulating anything constituting an “electioneering communication.”

While U.S. Term Limits’ mailers clearly fall into the category of issue advocacy, in some cases it can be difficult to distinguish between issue and express advocacy. For this reason, the United States Congress, as well as some states, have adopted a regulation that applies not just to “express advocacy”, but to any “electioneering communication.” *See, e.g.*, 52 United States Code Annotated § 30104; Montana Code Annotated § 13–1–101 *et seq.*, Colorado Revised Statutes §§1-45-1-101 to 118. In these jurisdictions, “electioneering communications” are subject to disclosure requirements and reporting.

The federal law on this point defines “electioneering communication” as:

- any broadcast, cable, or satellite communication which--
- (I) refers to a clearly identified candidate for Federal office;
- (II) is made within--
- (aa) 60 days before a general, special, or runoff election for the office sought by the candidate; or
- (bb) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for the office sought by the candidate; and
- (III) in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.

52 U.S.C.A. § 30104(f)(3)(A)(i).

These “electioneering communication” statutes were clearly enacted “[t]o capture...issue ads.” *Citizens for Responsibility and Ethics in Washington v. Federal Election Commission*, 299 F.Supp.3d 83, 87 (D.D.C. 2018). And the power of a governmental entity to impose reporting and disclosure requirements has been upheld by the United State Supreme Court. *Citizens United v. Federal Election Commission*, 558 U.S. 310, 369, 130 S.Ct. 876, 175 L.Ed.2d 753 (2010).

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In Arizona, our elected leaders have decided not to pass something requiring all “electioneering communications” to be regulated. Had they adopted the federal definition, U.S. Term Limits’ mailers might fall into it. But they have not adopted this approach. In Arizona, the line between express advocacy and issue advocacy remains the line between what is regulated and what is not. There is no category for “electioneering communications,” and U.S. Term Limits’ mailers clearly fall into the category of issue advocacy.

Subsequent issue advocacy in Arizona

U.S. Term Limits may well engage in further issue advocacy in Arizona. To avoid frivolous complaints such as the one filed by Mr. Campbell, we may choose to adhere to campaign finance disclosure and reporting laws in the future. This should not be construed as admission that these legal requirements apply.

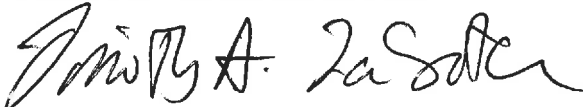
Conclusion

The complaint submitted against U.S. Term Limits is simply sour grapes emanating from an ally of an unsuccessful candidate for office. The mailers are clearly susceptible the interpretation that they are intended to advocate for the “issue” of term limits, and that ends the inquiry. The fact that someone might also draw a negative or positive view of a candidate is immaterial.

For these reasons, we ask that you take no enforcement action.

Very truly yours,

TIMOTHY A. LA SOTA PLC

A handwritten signature in black ink, appearing to read "Timothy A. La Sota". The signature is fluid and cursive, with the first name and last name clearly legible.

Timothy A. La Sota

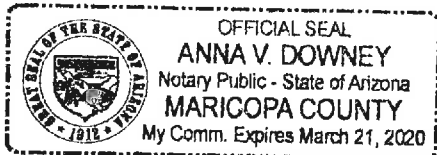
Messrs. Collins and Spencer
September 27, 2018

VERIFICATION

I, Timothy A. La Sota, state that I have read the foregoing Response to Chad Campbell's Complaint against U.S. Term Limits, Inc. To the best of my knowledge, information and belief, the statements made in the Response are true and correct.

STATE OF ARIZONA)
) ss.:
County of Maricopa)

Subscribed and sworn before me this 27th day of September, by Timothy A. La Sota.




Notary Public

STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION
MUR 18-14
US TERM LIMITS

STATEMENT OF REASONS OF THE EXECUTIVE DIRECTOR

On behalf of the Citizens Clean Elections Commission (“Commission”), the Executive Director hereby provides the following Statement of Reasons why there is reason to believe that a violation of the Citizens Clean Elections Act and Commission rules (collectively, the “Act”) may have occurred.

I. Background

On September 11, Chad Campbell (Complainant) filed a Complaint against U.S. Term Limits, Inc., a Washington D.C. based nonprofit (Respondent). The Complaint alleges that on August 25, 2018 Respondent “delivered a series of mailers to voters in LD24 related to its mission of imposing term limits on members of the United States Congress.” Exhibit 1 (Complaint) at 2. One mailer stated that Candidate 1 was for term limits and encouraged recipients to call that Candidate and thank him for supporting term limits. Another mailer was critical of Candidate 2, an incumbent representative seeking reelection for failing to support term limits. It urged recipients to call Candidate 2 at his legislative office and share their disagreement. *Id.* The Complaint alleges, among other things, that Respondent should have filed Clean Elections Independent Expenditure Reports under A.R.S. § 16-941(D) because the mailers were “express advocacy” under A.R.S. § 16-901.01 and cost more than the threshold requiring spending disclosure.

Respondent filed a timely response arguing that the mailers in question were not express advocacy, but rather “classic issue advocacy,” because they have a meaning other than to advocate for or against a candidate. Exhibit 2, (Response) at 3-4.

II. Legal Background

a. Relevant Evidentiary Standard

At this preliminary stage in Commission proceedings, the Commission need only find that there may be reason to believe that the Respondent has committed a violation of the Act or Rules. Ariz. Admin. Code R2-20-208(A).

b. Relevant Legal Standard

The Clean Elections Act defines expressly advocates, in relevant part as an advertisement

[1.] Making a general public communication, such as in a broadcast medium, newspaper, magazine, billboard or direct mailer

[2.] referring to one or more clearly identified candidates and

[3.] targeted to the electorate of that candidate(s)

[4.] that in context can have no reasonable meaning other than to advocate the election or defeat of the candidate(s), as evidenced by factors such as the presentation of the candidate(s) in a favorable or unfavorable light, the targeting, placement or timing of the communication or the inclusion of statements of the candidate(s) or opponents. A.R.S. § 16-901.01(A)(2).

However, such a communication “shall not be considered as one that expressly advocates merely because it presents information about the voting record or position on a campaign issue of three or more candidates, so long as it is not made in coordination with a candidate, political party, agent of the candidate or party or a person who is coordinating with a candidate or candidate's agent.” *Id.* § 16-901.01(B).

The controlling case for reporting under this standard is *Committee for Justice in Fairness v. Arizona Secretary of State's Office (CJF)*, 235 Ariz. 347 (App. 2014). There, the Court held that an advertisement, targeted at the general electorate of a candidate who, while not identified as a candidate for the office sought, was nevertheless unambiguously a candidate for the office sought, run immediately before the election, but criticizing prior actions, did expressly advocate defeat. *Id.* at 354-55 (citing A.R.S. § 16-901(9)).

The U.S. Supreme Court case *Federal Election Commission v. Wisconsin Right to Life (WRTL)*, 551 U.S. 449 (2007) is persuasive authority here. That case dealt with when an absolute ban on express advocacy could be imposed, in the context of the greater scrutiny that absolute bans require. *Id.* at 464-65. That case held that, in order to impose a ban on express advocacy under the then-existing federal standard, the advertisement in question must, objectively be the functional equivalent of express advocacy “only if the ad is susceptible of no reasonable

interpretation other than as an appeal to vote for or against a specific candidate.”

Id. at 470.

III. Application

Respondent’s principle argument is based on *WRTL*. In essence, they argue that because the call to action here was to call the two candidates, that is the reasonable alternative meaning of the mailers. Moreover, they argue that they could not have foreseen the results of the primary and that the mailer serves as a “thank you” “and also as a way of potentially buttressing an issue position with the person who may soon hold office” reasons, they argue that have nothing to do with winning the election. Response at 3-4.

The statute, however, requires that there be no other reasonable meaning in “as evidenced by factors such as the presentation of the candidate(s) in a favorable or unfavorable light, the targeting, placement or timing of the communication or the inclusion of statements of the candidate(s) or opponent” A.R.S. § 16-901(A)(2). Here, both mailers present the candidates in favorable (Candidate 1) and unfavorable (Candidate 2) light. They were targeted at the district, timed close to the election and included statements of the candidates through their positions. Thus under the statute and *CJF* there is not a reasonable alternative meaning. *CJF* at 354-55 Accordingly, under the statute, the

expenditures constituted express advocacy, likely over the threshold reporting amount.¹

Recommendation

I recommend the Commission find reason to believe a violation may have been committed.

After the Commission finds reason to believe that a violation of a statute or rule over which the Commission has jurisdiction has occurred, the Commission shall conduct an investigation. Ariz. Admin. Code R2-20-209(A). The Commission may authorize the Executive Director to subpoena all of the Respondent's records documenting disbursements, debts, or obligations to the present, and may authorize an audit.

Upon expiration of the fourteen (14) days, if the Commission finds that the alleged violator remains out of compliance, the Commission shall make a public finding to that effect and issue an order assessing a civil penalty in accordance with A.R.S. § 16-942, unless the Commission publishes findings of fact and conclusions of law expressing good cause for reducing or excusing the penalty. A.R.S. § 16-957(B).

¹¹ Respondent argues, Response at 3-5, that Arizona legislators did not include an electioneering communication definition similar to federal law in the statute. The voters of Arizona who actually approved A.R.S. § 16-901.01 did, however. The legislature later removed it with a 3/4ths vote. Laws 2012, Ch. 257, § 1. While this measure received a 3/4ths vote of the legislature, whether the amendment furthered the purpose of the Clean Elections Act is an open legal question.

After fourteen (14) days and upon completion of the investigation, the Executive Director will recommend whether the Commission should find probable cause to believe that a violation of a statute or rule over which the Commission has jurisdiction has occurred. Ariz. Admin. Code R2-20-214(A). Upon a finding of probable cause that the alleged violator remains out of compliance, by an affirmative vote of at least three (3) of its members, the Commission may issue of an order and assess civil penalties pursuant to A.R.S. § 16-957(B). Ariz. Admin. Code R2-20-217.

Dated this 30th day of October, 2018.

By: S/Thomas M. Collins

Thomas M. Collins, Executive Director

R2-20-702. Use of Campaign Funds

A. A participating candidate shall use funds in the candidate's current campaign account to pay for goods and services for direct campaign purposes only. Funds shall be disbursed and reported in accordance with A.R.S. § 16-948(C).

B. A participating candidate may:

1. Make a payment from the candidate's campaign bank account:

a. To a political committee or civic organization ~~including a person with tax exempt status under section 501(a) of the internal revenue code~~ or an unincorporated association. The payment is not a contribution if the payment is reasonable in relation to the value received.

b. For customary charges for services rendered, such as for printing and obtaining voter or telephone lists, shall be considered reasonable in relation to the value received.

c. Of not more than \$200 per person to attend a political event open to the public or to party members shall be considered reasonable in relation to the value received.

~~2. Only make an advanced payment to a political party for services such as consulting, communications, field employees, canvassers, mailers, auto-dialers, telephone town halls, electronic communications and other advertising purchases and other campaign services if an itemized invoice identifying the value of the service is provided directly to the participating candidate at the time of the advanced payment.~~

~~a. Payment in the absence of an itemized invoice or advanced payment for such services shall be deemed a contribution to the political party.~~

~~b. Payment may be advanced for postage upon the receipt of a written estimate and so long as any balance is returned to the candidate if the advance exceeds the actual cost of the postage.~~

~~c. Payment may be advanced for advertising that customarily requires prepayment upon the receipt of a written estimate and so long as any balance is returned to the candidate if the advance exceeds the actual cost of the advertisement.~~

~~d. A political party may not mark up or add any additional charge to the value of services provided to the particular candidate. All expenditures must be for the services used by the particular participating candidate.~~

~~e. The Commission shall be included in the mail batch for all mailers and invitations. The Commission shall also be provided with documentation from the mail house, printer or other original source showing the number of mailers printed and the number of households to which a mailer was sent. Failure to provide this information within 7 days after a mailer has been mailed may be considered as evidence the mailer was not for direct campaign purposes.~~

R2-20-704. Repayment

- A. In general, the Commission may determine that a participating candidate who has received payments from the Fund must repay the Fund as determined by the Commission.
1. A candidate who has received payments from the Fund shall pay the Fund any amounts that the Commission determines to be repayable. In making repayment determinations, the Commission may utilize information obtained from audits and examinations or otherwise obtained by the Commission in carrying out its responsibilities.
 2. The Commission will notify the candidate of any repayment determinations made under this section as soon as possible, ~~but not later than one year after the day of the election.~~

ITEM VI(B)

R2-20-113. Candidate Statement Pamphlet

A. The Commission shall publish a candidate statement pamphlet in both the primary and general elections as required by A.R.S. §16-956(A)(1). Commission staff shall send invitations for submission of a 200 word statement to every statewide and legislative candidate who has qualified for the ballot.

Statements submitted for the primary candidate statement pamphlet shall be used for the general candidate statement pamphlet unless otherwise stated by the candidate.

B. The following candidates will not be invited to submit a statement for the candidate statement pamphlet: 1. In the primary election: write-in candidates for the primary election, independent candidates, no party affiliation or unrecognized party candidates. 2. In the general election: write in candidates

ITEM VI(C)

R2-20-104. Certification as a Participating Candidate

E. Loans. A participating candidate may accept an individual contribution as a loan or may loan his or her campaign committee personal monies during the exploratory and qualifying periods only. The total sum of the contributions received ~~or personal funds and loans~~ shall not exceed the expenditure limits set forth in A.R.S. § 16-941(A)(1). Personal funds and loans shall not exceed the expenditure limits set forth in A.R.S. § 16-941(A)(2). ~~and~~ (2). If the loan is to be repaid, the loans shall be repaid promptly upon receipt of Clean Elections funds if the participating candidate qualifies for Clean Elections funding. Loans from a financial institution or bank, to a candidate used for the purpose of influencing that candidate's election shall be considered personal monies and shall not exceed the personal monies expenditure limits set forth in A.R.S. § 16-941(A)(2).

ITEM VI(D)



1934 E. Camelback, Suite 120
Phoenix, AZ 85016

Dear Governor Ducey,

The League of Women Voters of AZ, a progressive, political and non-partisan non-profit organization founded in AZ in 1942, is part of the LWV of the United States, which was formed in 1920 and grew out of the women's suffrage movement.

The original and continuing focus of the League has been on protecting and expanding voting rights for everyone, but League also takes a stand on other issues-that affect our democracy. The impact of money in politics is one of these issues.

The League of Women Voters was an integral part of the campaign which culminated in the formation of the Citizens Clean Election Commission in 1998. Ever since, League has worked to protect the Commission's funding, independence and integrity. The League believes that the Commission furthers several of our primary goals: encouraging informed citizen participation in the political process, improving the integrity of the voting process, and diminishing the influence of special interest money in the election process.

However, in order to conduct any business, the Commission requires that a quorum of at least three members be present. We are aware that currently two of the five existing Commissioner's terms have expired and no replacements have been named! And after July, there will be a 3rd. As a result, members who have faithfully fulfilled their duties to the Commission and the state of AZ have tried to continue to attend as many meetings as they can in order to ensure that the Commission has a quorum and can thus function properly.

The League believes that it is imperative on the Governor, as the highest ranking officer of the Republican Party, to fulfill his lawful duty to the Commission. Therefore, we ask that you ensure that the three members whose terms have expired are replaced by others that you appoint, who shall also be "persons who are committed to enforcing this article in an honest, independent and impartial fashion" as well as who meet the geographic, party and other requirements of the law.

The League of Women Voters of AZ is willing and able to assist your office, as appropriate, to help identify potential candidates for the Commission as we are committed to ensuring that it can fulfill its legal requirements. This is especially relevant as the 2020 election draws near.

Please, Governor Ducey, make these important appointments as soon as possible, in the name of honoring the work of the Commission, supporting the intention of Arizona voters, and of following the dictates of the laws which you are here to uphold.

Sincerely,

Alice Stambaugh, President
LWVAZ

Rivko Knox, Advocacy Chair
LWVAZ

***Proposed Commission Meeting Dates for
July - December 2019***

Month	<i>Date</i>	<i>State Holiday</i>
July	<i>25th</i>	<i>Thursday, July 4th, Independence Day</i>
August	<i>22nd</i>	
September	<i>26th</i>	<i>Monday, Sept 2nd, Labor Day</i>
October	<i>17th</i>	<i>Monday, Oct 14th, Columbus Day</i>
November	<i>14th</i>	<i>Monday, Nov 11th Veteran's Day & Thursday, Nov 28th, Thanksgiving Day</i>
December	<i>12th</i>	<i>Wednesday, Dec 25th, Christmas Holiday</i>

In the event additional meetings are required or changes need to be made, staff will work directly with each member to secure at least a quorum. All above proposed meeting dates are on Thursday, scheduled to begin at 9:30 a.m.



ITEM VIII