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THE STATE OF ARIZONA  
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

April 25, 2019

9:31 a.m.

COASH & COASH, INC.  
Court Reporting, Video & Videoconferencing  
1802 North 7th Street, Phoenix, AZ 85006  
602-258-1440                      staff@coashandcoash.com

Prepared by:  
LILIA MONARREZ, CSR, RPR  
Certificate No. 50699

<p style="text-align: right;">Page 2</p> <p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 9:31 a.m. on 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 style="text-align: right;">Page 4</p> <p>09:32:22-09:33:27</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 style="text-align: right;">Page 3</p> <p>1 P R O C E E D I N G 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 style="text-align: right;">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>

<p>09:34:53-09:35:59 Page 6</p> <p>1 limbo, but moving slowly through the processes to get 2 to some kind of appellate court. 3 Yes? 4 COMMISSIONER CHAN: Mr. Chairman, could I 5 just -- regarding the personnel issue, could I just ask 6 Tom a quick question? 7 CHAIRMAN KIMBLE: Of course. 8 COMMISSIONER CHAN: Tom -- Mr. Chairman, 9 Tom, I -- you know, this is another meeting where we 10 have two holdover commissioners who are -- who have 11 served for over five years with no -- you know, no 12 problem serving but -- but, you know, I think Governor 13 Ducey needs to appoint somebody to fill Commissioner 14 Titla's position. And I think Secretary Hobbs has been 15 advised that she needs to wait to fill Commissioner 16 Meyer's position until Doug Ducey does his work. 17 MR. COLLINS: Yeah. 18 COMMISSIONER CHAN: And I just wanted to 19 put this out there. 20 Is there anything we can do as the 21 Commission to encourage that? Because I, frankly, 22 think it's a dereliction of his duty that he's letting 23 this go on for so long. 24 MR. COLLINS: I would say this. I mean, I 25 think that, to the extent that this is, you know,</p>	<p>09:37:52-09:39:05 Page 8</p> <p>1 lot of pressure on the remaining -- on the three of you 2 to have to be here at every meeting to get a quorum. 3 So, you know, it's a thing where we can't push the 4 governor to do something that he doesn't care about 5 because it does -- it's just -- it's just harder. What 6 we might be able to talk about is, at another time and 7 maybe at another meeting, is what the Commission or a 8 commissioner might do to discuss it with the governor's 9 office, rather than staff. 10 I mean, as staff members, we are not -- 11 we're not in a position to -- we don't want to -- we 12 don't -- we're not -- we don't have the same stature to 13 make a statement along the lines that you made because 14 we're staff. 15 COMMISSIONER CHAN: Sure. Mr. Chairman, 16 Tom, I totally -- and don't disagree with what you're 17 saying. I understand that we have two commissioners in 18 place who are holdovers and they're willing to do that, 19 but at the same time, I frankly don't think it's fair, 20 when the governor has a duty to make this appointment, 21 to continue to burden Commissioner Titla who -- and, 22 again, I understand, you know, out of county, there's 23 fewer people who may be able and willing to serve 24 because it is a burden to drive in. I mean, I'm very 25 lucky. I live here in Maricopa County. It's easy for</p>
<p>09:36:07-09:37:49 Page 7</p> <p>1 within the announcements. We have had informal 2 conversations with staff members at the governor's 3 office. I certainly think that their main election 4 expert in that office is aware. I think it's -- I 5 think -- I think there's -- there may be a combination 6 of different reasons why. 7 One of them is, perhaps -- and this is -- I 8 don't know for a fact, but I will say that when 9 Commissioner and former Chairman Titla was appointed, 10 because, at that time, it had to be an out-of-county 11 Democrat, it was very difficult to find someone to fill 12 that -- that role. And so it took a lot of effort on 13 behalf of -- we even got us -- we even had staff 14 involved. We had all kinds of people involved in 15 trying to just come up with applicants. So it's not an 16 easy seat to fill. 17 I don't know what the -- what the strategy 18 is, you know. I think that we won't reach a crisis 19 point until either Commissioner Titla or Commissioner 20 Meyer resign because I -- because, you know, our 21 understanding of the holdover provisions of the -- of 22 the background law are that they need to serve until 23 they're replaced or they can quit. And they haven't 24 done that yet. 25 So if they were to do that, it would put a</p>	<p>09:39:10-09:40:09 Page 9</p> <p>1 me to get to the meetings. 2 So I appreciate those considerations, but I 3 just feel at this point, it's getting ridiculous. It's 4 over a year. We're into Year 2 where we're -- you 5 know, Commissioner Titla is seven years now into his 6 term. It's a five-year term, and he has done more than 7 his duty, as far as doing that. He's come to meetings 8 when we've asked him to after his term has expired as a 9 holdover. And I know we can continue to rely on him to 10 do that, but I don't think it's fair to him. 11 And I think that the governor needs to take 12 the action that is on him as a matter of law, and 13 especially now that he's holding up Secretary Hobbs in 14 performing her duty because she may very well wish to 15 appoint somebody new and not miss out on having a full 16 five-year term member that's hers under the law. 17 MR. COLLINS: Right. 18 COMMISSIONER CHAN: And Governor Ducey is 19 holding that up, and I'm just -- you know, I think my 20 patience is wearing thin, and I don't know how the 21 other commissioners feel. And I know we may have to 22 just table this until we can put it on an agenda item, 23 but I thought, since we were talking about personnel, I 24 would ask the question. 25 MR. COLLINS: Right. Sure. And just by</p>

<p>09:40:12-09:41:07 Page 10</p> <p>1 way of background on the law, you know, the statute is 2 not -- the statute says, basically, two things. It 3 says go in order, and it says the order should be 4 executed within something, like, ten days after the 5 vacancy. Historically, nobody -- and you know, whether 6 it was Governor Brewer, even -- how long did Scaramazzo 7 hold over? Who was governor then? Napolitano? 8 Governor Napolitano. No one has pressed that ten-day 9 thing. 10 COMMISSIONER CHAN: Sure. 11 MR. COLLINS: At some point -- 12 COMMISSIONER CHAN: Ten days may be 13 unreasonable, I mean -- 14 MR. COLLINS: Well -- yeah. 15 COMMISSIONER CHAN: But I'm sure it makes 16 sense to have something in statute, but I think, you 17 know, a year and a half is a little excessive. 18 MR. COLLINS: At some point -- right. At 19 some point -- yeah. At some point -- at some point, it 20 becomes an issue between Secretary Hobbs and the 21 governor, but we can certainly weigh in on that. And 22 we can talk about that. You know, maybe you and I can 23 talk about it. 24 COMMISSIONER CHAN: Sure. 25 MR. COLLINS: We can figure out how to do</p>	<p>09:42:09-09:43:09 Page 12</p> <p>1 CHAIRMAN KIMBLE: Yes. No, I wasn't going 2 to move on. 3 MR. COLLINS: Okay. Sorry. I didn't mean 4 that. 5 COMMISSIONER CHAN: Okay. 6 MR. COLLINS: The -- sort of some of the 7 issues that -- the biggest issue that's developing this 8 morning is probably, I believe, sometime around 10:00, 9 the Senate goes to the floor. The Bill 2427, which we 10 believe is a -- has a lot of problems in it, but the 11 top line problem is it is a bill that, by its terms and 12 even as they added an amendment that the Free 13 Enterprise Club wrote to try to alleviate the VPA 14 concerns, but it doesn't -- it expands -- 15 CHAIRMAN KIMBLE: If I could interrupt you. 16 What bill are you talking about? 17 MR. COLLINS: 2427. 18 COMMISSIONER CHAN: What page is it? 19 MR. BECKER: 2724. 20 MR. COLLINS: 2724. 21 CHAIRMAN KIMBLE: 2724. 22 MR. COLLINS: I'm sorry. It's on page 7. 23 CHAIRMAN KIMBLE: Okay. 24 MR. COLLINS: Sorry. 25 CHAIRMAN KIMBLE: I'm sorry. Okay. Thank</p>
<p>09:41:07-09:42:08 Page 11</p> <p>1 that. 2 COMMISSIONER CHAN: And I appreciate, 3 Mr. Chairman, that you've spoken with the governor's 4 office about it. I just -- you know, I wanted to 5 publicly express my desire for something to happen. 6 And I know Governor Ducey probably doesn't -- you know, 7 that's probably not high on his priority list, but I 8 still wanted to put that out there because, to me, it's 9 very important for the business of the Commission. And 10 I think it's unfortunate that somebody whose interests 11 may not always align with the Commission is in a 12 position to hobble us this way, frankly. 13 CHAIRMAN KIMBLE: Thank you, Commissioner 14 Chan. I totally agree with everything you said. 15 Today's meeting illustrates how tenuous our quorum is. 16 If two of us hadn't driven from Tucson, we wouldn't be 17 meeting here. If one of us hadn't driven from Tucson, 18 we wouldn't be meeting. So, yeah, this has gotten a 19 little ridiculous. 20 MR. COLLINS: Before we move on from the 21 executive director's report, Mr. Chairman, if I could, 22 I'd like to highlight a few points in the -- in the 23 legislative -- 24 CHAIRMAN KIMBLE: Oh, yes, yes. 25 MR. COLLINS: -- report.</p>	<p>09:43:09-09:44:34 Page 13</p> <p>1 you. 2 COMMISSIONER PATON: He's making you work. 3 MR. COLLINS: Yeah, I apologize. I 4 can't -- numbers are -- bill numbers are tough. 5 So it's going to go -- so the bottom line 6 is we have serious Voter Protection Act concerns. 7 There are other concerns that this raises on due 8 process and a variety of other issues. More 9 importantly -- but, most importantly, it's moving in 10 the House. It's in the Senate. It's on cal. It will 11 likely be amended and have to go back to the House. So 12 we will see what happens with that, but, you know, the 13 Free Enterprise Club and Representative Biasiucci, 14 basically, their position is that Prop 306, despite its 15 language and the language of the question posed to 16 voters, allows the legislature with a simple majority 17 to make any changes to the process of taking matters to 18 GRRC related to Clean Elections that it wants to. 19 And that's not how the Voter Protection Act 20 works. It's just not. You can't make a change but 21 then say that change is in an amendment. An amendment 22 is an amendment is an amendment, and even the rules 23 attorney in the Senate who oversaw, first, he said that 24 the bill that came from the House was -- had a VPA 25 problem. Then it was -- an amendment was proposed by</p>

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

<p>09:50:20-09:51:21 Page 18</p> <p>1 it's really great to have the opportunity with Phoenix 2 clerks to sit down with Tom and explain that a little 3 bit more for the Phoenix voters. 4 And so we, again, saw great engagement with 5 voters on that video and we, also, had the opportunity 6 on election day, for Tom to go out, stand in front of 7 Phoenix City Hall, which is a voting location, and try 8 to get that last-minute push to people to turn out in 9 the Phoenix election. 10 MR. COLLINS: I also got to stand in my 11 raincoat and the wind as the rain began to blow in. So 12 I really -- I really feel like I'm qualified to be a 13 weatherman, also. 14 COMMISSIONER PATON: You have a raincoat. 15 MR. COLLINS: Yeah. 16 MS. ROBERTS: We do have an election 17 upcoming in May, and we will, again, have the Phoenix 18 election for the city council candidates in Districts 5 19 and 8 that did not receive 50 percent plus one of the 20 vote. There's also elections in Phoenix -- or excuse 21 me -- Wickenburg, Chino Valley and San Luis. We -- 22 again, going off of that success with the interview 23 with the Phoenix City Clerk, we are making arrangements 24 for Tom to have another interview with the Chino Valley 25 clerk and their team, their staff. And so we'll be</p>	<p>09:52:28-09:53:39 Page 20</p> <p>1 Phoenix and Tucson for those kind of things? 2 MS. ROBERTS: Mr. Chairman, Commissioner 3 Paton, that's a great idea. We can look at seeing 4 if -- we would have to make sure that the video is 5 filmed in a way that it could be broadcast-available. 6 And so we can start to look at that as an option and 7 explore and see if maybe those stations would pick it 8 up and run it so we can reach the targeted area. 9 That's a great idea. Thank you. 10 Okay. So we wanted to touch base on some 11 research that the Commission has conducted the past few 12 weeks. We held focus groups on April 15th and 16th and 13 17th, and we held nine focus groups. We had them here 14 in Phoenix. We went to Tucson, and we went out to 15 Flagstaff. And, in addition to focus groups, we will 16 also be doing the statewide survey, as well, but we 17 wanted to touch base and let the Commission know some 18 of the takeaways that staff initially saw, just to let 19 you know, you know, what we're hearing from voters. 20 And research is very critical to the voter 21 education campaign that we have because it really tells 22 us, are we meeting the needs of voters? Are we going 23 the right direction? Do we need to adjust our 24 communication strategy and our tone and our messaging? 25 So we have often conducted research in odd number of</p>
<p>09:51:23-09:52:21 Page 19</p> <p>1 driving up there, hopefully, next week to have that 2 conversation with them and push that information out to 3 Chino Valley voters. 4 COMMISSIONER PATON: I have a question. 5 CHAIRMAN KIMBLE: Yes, Commissioner Paton. 6 COMMISSIONER PATON: So the interview is 7 seen where? 8 MS. ROBERTS: Online. And so we -- think 9 of, like, a Facebook live video. It's similar to that, 10 except we -- actually, we don't do it live. We record 11 it and we edit it, and then we push it out on Facebook. 12 And with that ability, we can target the ZIP codes for 13 Chino Valley to reach those voters specifically. So 14 we'll have it there. We can post it on our YouTube 15 channel, but we also share it with the town themselves. 16 So they have the ability to -- I know they have been 17 working with some community groups in their areas. 18 So they can use it as a resource, as well, 19 whether they want to embed it on their website or, 20 again, use it in their voter education efforts. So we 21 provide the video to the jurisdiction, but we post it 22 mostly on Facebook. That way we can target those 23 voters directly. 24 COMMISSIONER PATON: And do we -- have we 25 tried to get more publicity, like using PBS channels in</p>	<p>09:53:43-09:54:49 Page 21</p> <p>1 years, and we find it very critical to making sure that 2 our messaging is on point. 3 A few things that we wanted to share. We 4 saw this in 2017, but we are still seeing the Google 5 effect where, when we asked voters where are you going 6 to get your information, they are going to Google. And 7 they're basically looking at the first five links that 8 pop up, and that's -- that's their resource. That's 9 the source that they're going to. So, you know, that 10 helps the Commission better understand our efforts, 11 whether it is in paid search efforts or just in general 12 search engine optimization, and how we're structuring 13 our website and the tags that we have, the background 14 information there. So that gives us some good 15 information that we can go back and look at our 16 efforts. 17 One thing that really stood out was 18 bullets. So when we heard from voters, it was 19 expressed that they don't have a lot of time to do the 20 necessary reading to become an informed voter. And so 21 whether or not that's the Voter Education Guide or the 22 Secretary's publicity pamphlet, you know, oftentimes 23 whatever the information that they are finding out on 24 these websites, they are looking for information that 25 is concise, that is easily adjustable.</p>

<p>09:54:52-09:56:07</p> <p>Page 22</p> <p>1 And throughout the focus groups, we often 2 heard the terms "bullets." So that, again, tells us 3 that we need to be mindful of how we are preparing any 4 type of written information and the format and that 5 it's, you know, clear, to the point, concise and, 6 again, to try to reach that request of bulleted 7 information to really get the point across of what the 8 issues are. And so that stood out to staff. 9 The other thing that stood out was sources 10 of information. And, in particular, Clean Elections. 11 So we know that voters, they want to know who is 12 pushing this message out to voters, you know, who is 13 the source of this information, whether it's a mailer 14 or a TV ad, but the same applies to Clean Elections, as 15 well, whether it's our voter education guide or maybe a 16 commercial or something that we're running on Facebook. 17 Voters want to understand who is the Clean Elections 18 Commission that is trying to give me this information. 19 And so that tells us that we need to look 20 at efforts to ensuring that people understand the 21 Commission is this five-member Commission, nonpartisan. 22 You know, and it's unbiased information. And so we 23 have to look at our efforts in ensuring that voters 24 understand that this is coming from a source that is 25 trustworthy, that does not have an agenda in trying to</p>	<p>09:57:16-09:58:24</p> <p>Page 24</p> <p>1 is the brand of the Commission, the brand in that we 2 are Arizona's Citizens Clean Elections Commission. 3 We -- you know, we're brought forth by the 4 citizens, and the information that we put out, it is 5 nonpartisan. We are trying to give you the information 6 that you need so you can make your informed decisions 7 and your vote. And that is something that I feel like 8 we have done more so than we have in the past few 9 years. We have been doing that lately to, again, try 10 to really solidify that brand of who the Commission is 11 to voters, but I think you hit on something there. 12 During these focus groups, we see a lot of 13 contradiction in some of the information that we're 14 hearing directly from the voters, as well, and so we 15 have to find a way to balance that. So the next steps 16 from this research are we are, again, working with our 17 partners RIESTER. They will be providing an analysis 18 of the focus groups, and that will build into their 19 recommendations to the Commission for our media 20 strategy and how can we accomplish some of these goals, 21 but it is -- it is a challenge. 22 COMMISSIONER PATON: I have -- I don't know 23 if it's a statement or a question. 24 CHAIRMAN KIMBLE: Commissioner Paton. 25 COMMISSIONER PATON: So from that</p>
<p>09:56:10-09:57:12</p> <p>Page 23</p> <p>1 sway your vote. It's just here -- here are the facts 2 and here are the resources that we provide to you. 3 And a lot of the -- one thing that really 4 stood out to me was why your information and not 5 others. And so, that is, you know, one of the things 6 that we have to consider and, you know, try to 7 overcome. 8 COMMISSIONER CHAN: Mr. Chairman, Gina. 9 CHAIRMAN KIMBLE: Commissioner Chan. 10 COMMISSIONER CHAN: So it's interesting 11 because you were talking about the fact that they don't 12 have a lot of time, which I totally understand, and yet 13 we need to be able to give them information. At the 14 same time, perhaps, it almost sounds like, but this is 15 trustworthy information. And how do you explain that 16 in a bullet point? So does that mean separately we 17 need to do more outreach to just make the Commission 18 more well known, or how do you do that? 19 MS. ROBERTS: Mr. Chairman, Commissioner 20 Chan, that is a great question, and that presents the 21 challenge that we have. The challenge in that we know 22 that we need to connect and reach to these voters with 23 very simple, direct information. You know, just think 24 about that five, ten seconds to grab their attention, 25 but also meet the goal of establishing what I would say</p>	<p>09:58:25-09:59:48</p> <p>Page 25</p> <p>1 information, I would say that if you did some kind of 2 short video explaining what Clean Elections is, what 3 our purpose is, and so on; that it is non-partisan, and 4 maybe put that video so it will go into the top five of 5 Google for, you know, election information or, you 6 know, something similar. Then when they look for that, 7 then it will pop up and they can see the short video 8 explaining where -- you know, our purpose, and then 9 maybe they'll dive in deeper. 10 MS. ROBERTS: Mr. Chairman, Commissioner 11 Paton, that is -- that is doable. That is definitely 12 something that can be accomplished. We do invest in 13 paid search. So we ensure that links to the Clean 14 Elections information is on that top page. We can make 15 sure that we invest in that. And then, as far as 16 developing videos goes, one thing that staff has been 17 discussing that we would like to work with all of you 18 on is to ideally set aside some time with each of the 19 commissioners to film you and talk about who you are, 20 your background and what your goals are for the 21 Commission and, of course, doing, you know, some 22 messaging for the Commission as a whole, as well, but 23 we've really heard from these voters and this focus 24 group. 25 One takeaway that we have is that they also</p>

<p>09:59:50-10:01:02 Page 26</p> <p>1 want to see the face to the name. That helps make it 2 more relatable and trustworthy, if you will. So it's 3 not just this faceless, non- -- you know, nonpartisan 4 Commission. They want to know who each of the 5 commissioners are and their background and their, you 6 know, biography, things like that. So we are looking 7 at, hopefully, getting some time with each of you to 8 see how we can, you know, follow through on that and 9 present that to the voters, but definitely, we will be 10 looking at our plans to make sure that we are 11 continuing to invest in search and we do look at ways 12 to present the Commission in that manner. 13 COMMISSIONER PATON: I mean, as a little 14 aside, I drive up from Tucson when I come up, and 15 there's a billboard coming out this way somewhere 16 around Ray Road where it really slows down, and it 17 changes their ad. It's an electronic one, and maybe 18 something like that where people are parked on the 19 freeway and maybe something -- because it's short. 20 It's sweet, and it rotates amongst, I'm sure, five, 21 six, seven different messages. I don't know. That's 22 the one -- only one I've seen, but maybe there's others 23 around. 24 MS. ROBERTS: Mr. Chairman, Commissioner 25 Paton, I think we do have paid bill boards in our -- in</p>	<p>10:02:28-10:03:42 Page 28</p> <p>1 know, Commissioner Paton did an interview with Cronkite 2 News about the Commission. Chairman Kimble was -- will 3 be on Arizona Illustrated on Friday, I believe. 4 CHAIRMAN KIMBLE: I'm not sure, but yes. I 5 did it yesterday. 6 MR. COLLINS: Yeah, yeah. And then 7 Commissioner Chan was on a weekend -- well, we taped a 8 weekend public affairs show on KTAR. So we have the 9 basis there. You all are remarkably good at dealing 10 with the press and stuff, in the first place. You have 11 an inherent ability to, like, be on camera and be -- 12 and explain stuff. 13 So we want to -- we want -- we want to take 14 that and run with it because you guys really have a -- 15 I shouldn't say "you guys." The commissioners really 16 have a -- have a -- you all, actually, are better, 17 maybe -- well, you're certainly better than me at 18 speaking in very plain terms about what we do. So 19 that's what we're trying to hit, I think. 20 MS. ROBERTS: Mr. Chairman, Commissioners, 21 that's great feedback. Thank you. We'll take that 22 back with our team as we continue to look at what our 23 strategy will be when we finalize it after all of the 24 research is completed. 25 A few other notes that we wanted to</p>
<p>10:01:05-10:02:23 Page 27</p> <p>1 our plan for 2020, if I remember off the top of my 2 head. So we do have that as one of the tactics that we 3 will be exploring. We did that in 2016, and we found 4 those to be very successful, as well. So we will be 5 looking at continuing to utilize those. So, yes, great 6 suggestions and ideas there that we can explore. 7 COMMISSIONER PATON: I would think that -- 8 because a lot of people aren't going to -- I mean, a 9 lot of people, maybe older people, may not do the 10 Google thing, but they would see that ad or something 11 on TV or something like that. And people don't know 12 what the Clean Elections Commission is, people that I 13 just meet, and you have to always explain what it is. 14 I don't know if you've come up with that, 15 as well. I mean, and these are people -- a lot of them 16 are educated. They just don't know. So if they don't 17 know, then, you know, the average person that's not as, 18 maybe, educated about our system, they're not going to 19 know, probably. So, anyway, anything to promote, you 20 know, non-partisan information because a lot of the 21 population is just jaded one way or the other. They 22 don't believe anything they read anymore, and that's a 23 shame. 24 MR. COLLINS: And all of you have done, at 25 one time or another, you know, some kind of -- you</p>	<p>10:03:45-10:04:47 Page 29</p> <p>1 highlight is that importance does not always equal 2 priority. So we often hear, across the board, voting 3 is important. Voters understand that, absolutely. It 4 is extremely important, but then when you look at the 5 time commitment and building that into my everyday 6 life, it is not always made the priority. 7 And so we have to look at bridging that 8 connection and encouraging people to take the time to 9 read the voter guide and to look at the website and to 10 educate yourself about the issues and the candidates, 11 to become an informed voter, to invest in that time 12 that it takes, and to really make it a priority in 13 their lives. And so that is something that we'll have 14 to tackle, as well. 15 And just two more thoughts here, the 16 sticker, the "I voted" sticker. A great term that I 17 heard for this is that it really is social currency. 18 And so when people on election day are getting that 19 sticker, they wear it. It's a badge of honor, and they 20 love that pride. The thing to remember, though, is the 21 majority of our state is voting early, and they do 22 not -- most counties, I believe, are not sending a 23 sticker along with an early ballot. 24 So we are -- you know, we have, in the 25 past, created a digital "I voted" sticker. So we have</p>



<p>10:04:50-10:05:39 Page 30</p> <p>1 to look at ways of, okay, how can we continue to build 2 on that social currency to inspire people to vote if 3 they are voting early. And maybe there's ways where we 4 can do a social media campaign, you know, share your 5 sticker, you know, a selfie with it, you know, that 6 type of thing. And so we'll be exploring options with 7 that.</p> <p>8 COMMISSIONER CHAN: Mr. Chairman, Gina, do 9 you know why the counties don't send stickers?</p> <p>10 MS. ROBERTS: Mr. Chairman, Commissioner 11 Chan, I believe it is the cost. I believe Maricopa 12 County has --</p> <p>13 COMMISSIONER CHAN: Pays more?</p> <p>14 MS. ROBERTS: It is upwards in the millions 15 of dollars to do so.</p> <p>16 COMMISSIONER CHAN: Because it all adds up 17 over all those millions of ballots. Okay. Thank you.</p> <p>18 MS. ROBERTS: And, finally, Mr. Chairman, 19 Commissioners, we have to -- and this is something that 20 we see all the time when we have this research, but we 21 have to continue to combat the distress in the citizens 22 and the system as a whole, and that is just, you know, 23 something that is ongoing. And we have to continue to 24 show voters that your one vote, your one voice is 25 important to the electoral process and that it can make</p>	<p>10:06:30-10:07:32 Page 32</p> <p>1 wanted to take a step back and look at it and see, 2 okay, how did it perform? Did it meet our 3 expectations? What areas can we improve?</p> <p>4 I'm very happy with the results of the 5 audit. Mostly what we have seen are the things that we 6 can do to improve, they're technical. They are things 7 that we can do immediately. Again, we are, overall, 8 very pleased with the performance of the website. I 9 just wanted to throw this out there and let you know 10 that our website is really our main source of 11 communication to voters. This is what we are driving 12 voters to when we are on paid social medial and ads and 13 TV ads and radio reads. We are taking everyone to our 14 website, and so it's critical that it is performing as 15 best as it can.</p> <p>16 And that's why we wanted to take a step 17 back and do the audit of it. And so we're really happy 18 to see with how people are engaging with the sites, the 19 paths, that we look at everything from how they're -- 20 you know, what their pathways are across the pages and, 21 you know, some behind-the-scenes stuff with our URL 22 structures and ADA compliance. And so I'm really happy 23 with the turnout of the audit. We do have some 24 improvements that we can make, but it's very doable. 25 So, again, really excited to see that the website is</p>
<p>10:05:43-10:06:27 Page 31</p> <p>1 a difference and have an impact and that, you know, 2 it's directly attributed to democracy.</p> <p>3 So we will continue to further analyze the 4 takeaways from this research, and we'll have a full or 5 comprehensive report on that. And then we'll dive into 6 our statewide survey, as well. And so, again, once we 7 get all of that information on our research, we will 8 then take a look at what our strategy has been and 9 adjust accordingly.</p> <p>10 CHAIRMAN KIMBLE: Thank you very much, 11 Gina.</p> <p>12 Are there any questions from any of my 13 colleagues?</p> <p>14 MS. ROBERTS: Mr. Chairman, I do have a few 15 more slides.</p> <p>16 CHAIRMAN KIMBLE: Oh, I'm sorry. I'm 17 sorry.</p> <p>18 MS. ROBERTS: No, that's okay. I'll go 19 quickly, I promise.</p> <p>20 CHAIRMAN KIMBLE: I apologize.</p> <p>21 MS. ROBERTS: I did want to let the 22 Commissioners know that staff has undergone an audit of 23 our website. If you'll recall, we've recently launched 24 a brand-new website in 2018, and so now, since it has 25 taken us through a statewide general election, we</p>	<p>10:07:36-10:08:38 Page 33</p> <p>1 performing as we intended it to.</p> <p>2 We do have a voter conference that we are 3 working on for this fall. It will be held on Saturday, 4 October 26th, at the Phoenix Convention Center. And so 5 this conference is going to be open to the public, and 6 I listed just a few agenda items here that we are 7 considering. It's everything from informing voters and 8 having sessions on the presidential preference 9 election, the primary and the general, but getting 10 into, you know, what's on my ballot in the 2020 and 11 workshops for voters, what's my to-do list as a voter, 12 and informing them how your vote is secured and the 13 life of the ballot.</p> <p>14 And so this is something that I will be 15 contacting the commissioners about to put on your 16 calendar and, you know, encourage your attendance, 17 perhaps even teach a few classes. You know, some of 18 these, I think, you -- each of you have experience in. 19 And so I just wanted to put that on your radar. Staff 20 is working on preparing this.</p> <p>21 COMMISSIONER CHAN: Mr. Chairman, Gina, so 22 that's for just our general population of voters?</p> <p>23 MS. ROBERTS: Mr. Chairman, Commissioner 24 Chan, yes. It will be open --</p> <p>25 COMMISSIONER CHAN: That's awesome.</p>

<p>10:08:39-10:09:37 Page 34</p> <p>1 MS. ROBERTS: We like to think of it in our 2 mind as when we talk about Comic-Con, but we don't want 3 to say Voter-Con, but Comic-Con. It's going to be 4 this, you know, one day, large convention for every 5 single voter to come down to. We're going to be 6 working, you know, with our partners to promote it so 7 voters are aware of it. 8 We do realize -- and we're hoping to have 9 all 15 county recorders and election directors there 10 and have booths available and exhibitions, as well as 11 these main sessions and a keynote speaker. We do 12 realize it is going to be centralized in Phoenix, and 13 so once that conference is done, we will look at ways 14 on how staff can bring it on the road to other 15 counties, potentially. So, you know, maybe we can 16 bring it to Tucson. We can bring it to Flagstaff in a 17 smaller capacity, but we are hoping to have one large 18 day of conference for any voter to attend free of 19 charge. So we want to -- 20 COMMISSIONER CHAN: That's great. 21 MS. ROBERTS: -- basically, the theme here 22 is looking forward to 2020. We want -- 2020 will be a 23 big election year, and we want voters to come down in 24 the fall and start to be prepared for it. You know, 25 get those, you know, voters registered as early as</p>	<p>10:10:41-10:11:45 Page 36</p> <p>1 We're working with Pinal County. They 2 are -- they are doing quite an investment in enhancing 3 the voter experience in their county. They are looking 4 at everything from securing a -- if you will, a food 5 truck, but for voting. So a mobile truck where they 6 can drive around the county for -- to serve as a vote 7 center, registration center at events. And we are 8 helping them in the branding of that, the design and 9 the communications plan to let people know about it. 10 We can, potentially, build a feature into 11 our app to help people, you know, track the truck, 12 follow the truck so they can follow it in Pinal County 13 and help them know where the truck will be for these 14 events. And we, also, are hoping to get down to Yuma 15 County. We were hoping to reach them last week, but we 16 had to reschedule; but we want to go down there and 17 talk to the Yuma County recorder. They have made some 18 changes in developing an Election Advisory Commission 19 and combining their elections and recorder's office 20 together. So we wanted to go down there and chat with 21 the recorder and, you know, just see, you know, again, 22 how the Commission can continue to support our 23 partners. 24 And, then, finally, we recently had a 25 meeting with the Secretary of State and her team. They</p>
<p>10:09:38-10:10:41 Page 35</p> <p>1 possible and make sure that they're informed and know 2 what to expect going into that election year. 3 MR. COLLINS: The 2020 election year is 4 going to be -- we're going to have the presidential 5 primary, or presidential preference election. You 6 know, how that works out, we don't really know yet, but 7 that will be an important thing to inform people about. 8 There's going to be some new laws, potentially. I 9 mean, it's a really good opportunity. And, I think, as 10 Gina said, it builds on the conferences we've held. We 11 started with the county recorders. We expanded out to 12 501(c)s and other types of organizations that work with 13 voters, both on the right and the left and, you know, 14 so this is sort of bringing it home to -- 15 COMMISSIONER CHAN: I love it. 16 MR. COLLINS: -- direct voters. So it's 17 really exciting stuff that Gina and Alec and Avery and 18 Dave are working on. 19 MS. ROBERTS: Mr. Chairman, Commissioners, 20 I have just two more slides, I believe. 21 I just wanted to let you know that we are 22 continuing our partnerships with the county recorders 23 and the Secretary of State's Office. So, for example, 24 we're working with Graham County right now to help them 25 develop a Voter Education Guide for next year.</p>	<p>10:11:48-10:12:54 Page 37</p> <p>1 are looking at informing voters about election 2 security, and so there's, potentially, ways for the 3 Commission, again, with our communication and voter 4 education plan, to help support and amplify that 5 message, as well. So we are continuing to work with 6 our election official partners across the state. 7 COMMISSIONER CHAN: I love the idea of the 8 food truck, but a voter food truck. I mean, that is so 9 great. I want us to get some of those and take them 10 around the state. That's awesome. 11 COMMISSIONER PATON: Tacos on one side and 12 then registration on the other. 13 COMMISSIONER CHAN: Yes. 14 MR. COLLINS: The other thing that we came 15 up in the course of the conversation with Pinal and 16 talking to people who are representing the cities in 17 Pinal -- and I don't know if they've connected, but we 18 tried to connect them -- was, you know, it is the 19 census here. So all of the cities, especially, are out 20 there trying to get their voters to -- or their people, 21 I should say, to make sure that they fill out their 22 census information and that kind of thing. 23 So there's some synergy between what Pinal 24 County is doing and what Maricopa -- the city of 25 Maricopa is interested in, and so there may be -- that</p>

<p>10:12:56-10:14:03 Page 38</p> <p>1 may be something that goes forward. I don't know where 2 the status of that is, but there's a lot -- there's a 3 lot going -- going on for sure. 4 MS. ROBERTS: Mr. Chairman, continuing on 5 with community outreach, we -- Maricopa County has 6 launched some roundtable events that they are hosting 7 throughout the county, and they are, essentially, 8 holding meetings with protected groups and underserved 9 populations to talk about their voter education needs. 10 And they've invited us to participate in those. Staff 11 will be attending those with them. 12 The state election director, Bo Deuell, she 13 and her family conduct the Phoenix Night Market event, 14 which is happened over the weekend. And so she invited 15 Clean Elections to come out there and participate, and 16 so we had a voter education booth there. 17 And, again, the Commission will be 18 sponsoring a June 8th event with the Navajo Nation, the 19 Navajo Voters Coalition. So Tom will be going up there 20 to present to that group, and we are looking at our 21 outreach with high schools. We've had an invitation 22 from a high school in Yuma to come down and talk, and 23 we'll continue to work with our partners at community 24 colleges and such organizations. 25 And we are, also, preparing, again, for</p>	<p>10:15:03-10:15:59 Page 40</p> <p>1 about our award that we won for the mural and the 2 wings. So that's exciting to share that with that 3 large group of civic leaders in the state. 4 And then staff will be attending an 5 election officials conference, election officer 6 certification and recertification training from the 7 Secretary of State's Office and an election law CLE 8 refresher course. So we have that coming up for staff 9 training and development. 10 And all of this is culminating to our 11 preparation for 2020. We are looking at our debate 12 format, looking, you know, how can we partner with some 13 of the schools and some of the ideas that Chairman 14 [sic] Paton has had that we were able to work through 15 last year and what we found successful and looking at, 16 okay, should, perhaps, our primary debates have a 17 different format than our general debates? What are 18 the presidential debates going to look like? 19 We're doing some research now to see how we 20 can better improve them and, also, look back at our 21 surveys. And we're looking at enhancements that we can 22 make to the voter guide. A lot of great information 23 came out from the focus groups that we feel can 24 influence some changes that we can make in the voter 25 guide and then, overall, our communication strategy.</p>
<p>10:14:06-10:15:02 Page 39</p> <p>1 National Voter Registration Day this year, which will 2 be in September. That is one of our biggest events 3 that we do. We usually partner with ASU on it, and 4 it's really fun and exciting. And we usually get a -- 5 have a great time with the students out there and 6 educating them and getting them registered. 7 And I put a copy of something that we're 8 working on right now that Avery has developed. It's a 9 little pledge card. So when we are going to high 10 schools and talking to, maybe, these students that can 11 preregister, if they're 16 and a half, 17, we're also 12 going to be leaving them with a pledge card for them 13 to, you know, think about, now, why do you want to 14 vote? Why are you pledging to vote? What is important 15 to you? So when they do turn 18 and they are able to 16 cast that ballot for the first time, they can look back 17 at that card and, you know, remember what is important 18 to them. 19 And staff has been attending several 20 trainings throughout the year. So far Alec and I have 21 attended the Government Social Media Training, and we 22 have some great takeaways from there just to help us in 23 our efforts. I am wrapping up a civic leadership 24 academy that I went to for Flinn Brown, which they are 25 having a convention, and they have asked me to talk</p>	<p>10:16:03-10:17:03 Page 41</p> <p>1 So with that, I'm happy to answer any 2 questions, if there are more, from the commissioners. 3 CHAIRMAN KIMBLE: Okay. Thank you. 4 Any questions from the commissioners? 5 COMMISSIONER CHAN: I just have a comment, 6 and I'm sorry because I know I've -- you had so much 7 good information to tell us. And I kept interrupting 8 and asking questions, but I just have to say -- and I 9 think we all say this quite a bit, but I am so 10 impressed with the depth and breadth of the Voter 11 Education Program that you have developed and the 12 synergy that we have here at the Commission. And I 13 just -- it makes me emotional. You know, I mean, I 14 just -- I really am so proud of the work you are doing. 15 And, I guess, maybe pride shouldn't be the thing 16 because I'm not doing it myself, but I'm just so 17 impressed. And I think the work you're doing is so 18 important, and so thank you. 19 MS. ROBERTS: Mr. Chairman, Commissioner 20 Chan, thank you for that feedback, and I would say that 21 the commissioners absolutely have a strong leadership 22 and influence in the development of our plan. We've 23 heard from every commissioner individually about things 24 that are important to them that we've executed on. And 25 I'm really happy to say that now, having a published</p>

<p>10:17:06-10:18:14 Page 42</p> <p>1 comic book author, will help lend to our creativity for 2 our communications plan. And so we are continuing to 3 look at how we can improve our team and our methods. 4 So thank you. 5 COMMISSIONER PATON: And I just have a 6 statement about the -- just during the previous 7 election, and I had told you about don't do the short 8 radio commercials because you can't understand 9 everything they're saying. They just talk really fast. 10 And so, like, 30 -- 30-second ones instead of, like, 11 15. 12 MS. ROBERTS: Thank you. 13 CHAIRMAN KIMBLE: I have one comment. You 14 talked about doing the -- on National Voter 15 Registration Day, you're doing something with ASU. You 16 talked about a number of things up here, which is 17 great. 18 Do you have anything for high schools or at 19 the University of Arizona that you're going to be doing 20 in Pima County? 21 MS. ROBERTS: Mr. Chairman, Commissioners, 22 we have, on our website -- we have a webpage dedicated 23 to student outreach, and we post on there that if you 24 are a high school teacher or, you know, a professor, to 25 contact our office because these are the things that we</p>	<p>10:19:25-10:20:34 Page 44</p> <p>1 debates there and even come out and talk to the 2 students and the classes, which we did a few meetings 3 on-site. We were able to bring them some swag for the 4 students and some informational items, but we can 5 definitely look at exploring that more and having that 6 direct outreach on the ground in Pima County. 7 CHAIRMAN KIMBLE: Yeah. I think Pima 8 Community College would welcome the same kinds of 9 things you're doing up here with community colleges, 10 and while it's great that they can look on the website 11 and reach out to you, I don't know that a lot of them 12 know to look on the website and reach out to you. 13 MS. ROBERTS: And Pima County is a great 14 idea -- or Pima Community College is a great idea 15 because they have historically served as a location for 16 our debates. So we do have that relationship with 17 them, and we can reach out to them and see if there's 18 an opportunity for staff to come down there and address 19 some of the students and their classes. 20 CHAIRMAN KIMBLE: Okay. 21 COMMISSIONER PATON: Maybe, like, the 22 political science majors or the -- you know, the 23 chairman of the department or something at both U of A 24 and Pima College, I would think. 25 MR. COLLINS: Commissioner Kimble, can you</p>
<p>10:18:15-10:19:23 Page 43</p> <p>1 can do. We can come out to your students and talk. We 2 can come out to your universities and talk. And so our 3 goal is -- now that we have our additional team member 4 is to -- one of Avery's focus will be to do more 5 outreach on our end in contacting them. 6 What we've been doing in the past is -- and 7 it's worked out really well because folks tend to come 8 to us, which is great. Last year we had a lot of 9 community colleges reach out to us, and maybe it's 10 during Constitution week and they want Clean Elections 11 to come out. Gila Ridge High School in Yuma County 12 wanted us to come out and talk to every single one of 13 their classes all day long. 14 And so we can -- and our partnership that 15 we've done with ASU is just, kind of -- it's developed 16 over the years in that we've focused on being solely at 17 ASU on National Voter Registration Day. We don't 18 really have the staff to break apart on that one day to 19 handle multiple events, but we can definitely look at 20 more on-the-ground outreach in Pima County 21 specifically. We can look at contacting their school 22 districts. 23 When we had our debates, we did work with 24 Commissioner Paton -- and you were involved in that, as 25 well -- in having meetings with them to host our</p>	<p>10:20:35-10:21:39 Page 45</p> <p>1 guarantee that if we go on campus and speak that we 2 won't be arrested? 3 CHAIRMAN KIMBLE: Be careful. 4 MS. ROBERTS: Mr. Chairman, Commissioners, 5 thank you for the feedback. 6 CHAIRMAN KIMBLE: Okay. Thank you, Gina. 7 Thank you very much. And I apologize for interrupting 8 you, thinking you were done. 9 You are done now? 10 MS. ROBERTS: I'm done. Yes. 11 CHAIRMAN KIMBLE: Okay. 12 Item V, discussion and possible action on 13 legal advice related to Proposition 306. The 14 Commission may go -- vote to go into executive session, 15 which will not be open to the public, for the purpose 16 of obtaining legal advice on any item listed on the 17 agenda. 18 Tom? 19 MR. COLLINS: Yeah. Commissioners, without 20 getting into too fine a point on it, we're -- you know, 21 Prop 306 has been in place since whatever date the 22 (inaudible) was signed. We -- you know, we did some 23 more preliminary conversations with staff. The 24 legislature, kind of, interrupted that, but that having 25 been said, there are issues with respect to Prop 306</p>

<p>10:21:43-10:22:24</p> <p>Page 46</p> <p>1 that we've been working through. And although -- and, 2 basically, I recommend that we go into executive 3 session to try to -- to discuss and get -- receive 4 legal advice about some of the issues that the 5 referendum, as written, raises. 6 COMMISSIONER CHAN: Mr. Chairman? 7 CHAIRMAN KIMBLE: Okay. Commissioner Chan. 8 COMMISSIONER CHAN: I would move that we go 9 into executive session for the purpose as stated by 10 Tom. 11 CHAIRMAN KIMBLE: Is there a second? 12 COMMISSIONER PATON: Second. 13 CHAIRMAN KIMBLE: All those in favor of 14 going into executive session say aye. 15 (Chorus of ayes.) 16 CHAIRMAN KIMBLE: Anyone opposed? 17 (No response.) 18 CHAIRMAN KIMBLE: Okay. We'll go into 19 executive session. 20 (Whereupon, the Commission goes into 21 executive session at 10:22 a.m.) 22 (The following section of the meeting is in 23 executive session and bound under separate cover.) 24 /// 25 ///</p>	<p>11:08:13-11:10:05</p> <p>Page 48</p> <p>1 As we told you at the reason to believe a 2 violation may have occurred stage, we think that under 3 the Arizona Case Committee for Justice in Fairness, as 4 well as under the Commission's statutory role under 5 16-958, 16-941(D), that they do, in fact, qualify as 6 express advocacy, given their timing to the campaign, 7 their dependency on the election as a -- as a basis for 8 the action and -- and the portrayal of the candidates, 9 all of which is consistent with both, we think, CJF 10 and, frankly, WRTL, but more importantly CJF, which is 11 the Arizona controlling case. 12 As you can see, Mr. La Sota, who represents 13 U.S. Term Limits, and I have agreed to let him submit 14 his legal brief on the reason to believe as his 15 supplement here because the issues overlap. 16 As far as what I think might not be 17 relevant, but might be exculpatory, you know, I did 18 note in my memo that USTL has, at least nominally, 19 continued to have a presence in Arizona at the 20 legislature. That doesn't necessarily discount -- and 21 I don't think it does discount mailers during the 22 election process, but it, at least, acknowledges that 23 this was part of -- at least looks like it was part of 24 a longer process. But when it comes to the election 25 process, you know, those mailers were too tight, too</p>
<p>11:06:17-11:08:06</p> <p>Page 47</p> <p>1 * * * * * 2 (End of executive session. Public meeting 3 resumes at 11:06 a.m.) 4 CHAIRMAN KIMBLE: Okay. We are back, 5 finally. 6 Item VI, discussion and possible action of 7 whether there's probable cause to believe a violation 8 occurred in MUR 18-14 U.S. Term Limits, Inc. 9 Tom? 10 MR. COLLINS: Commissioners, we're here 11 today on this matter to determine whether or not there 12 is probable cause to believe that the respondent here, 13 which is U.S. Term Limits, Incorporated, a nonprofit 14 corporation based in Washington, failed to file two 15 specific reports related to legislative candidates in 16 District 24. 17 As a -- as a preface, I want to mention 18 that the courts have been working to get to the bottom 19 of this process. There are other potential mailings 20 that we are still exploring, which is why the memo 21 maintains that the investigation remains open. We 22 think that if you look at the language used and the way 23 that the mailers were set up -- and if you look at 24 those, they're at page -- they're at page 13 and 25 page 18 and 19 of your materials.</p>	<p>11:10:10-11:12:08</p> <p>Page 49</p> <p>1 close and had the wrong -- you know, characterized the 2 positions of the candidates, all the checkboxes that 3 are in 16-901.01(B)(2), which is laid out on page 5 of 4 my memo, which is page 5 of your materials, as well. 5 In fact, USTL conceded all of the elements, 6 except for is this express advocacy, in their -- in 7 their initial response. So I think, given all of that, 8 it's -- it's clear to me that there is probable cause 9 to believe that, at least with respect to those two 10 mailers, there is probable cause to believe that the -- 11 that the Act was violated. 12 I think that -- a couple of other points I 13 wanted to make, sort of -- they're footnote points, but 14 they're important. One of the issues that came up and 15 it's in -- we have complaints from -- and responses 16 from the complainant, who's represented by Andy Gaona 17 about, well, one of the persons, again, for whom the 18 mailer was sent wasn't even in office. WRTL, when it's 19 talking about what constitutes genuine issue advocacy, 20 as opposed to electioneering, specifically uses the 21 phrase "public officials." 22 So the -- and this is the footnote at 23 page 7 of your materials. And so it's not clear to me, 24 although respondents argue that the fact that the 25 mailer on behalf of Mr. Ferrell was simply urging him</p>

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

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

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



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

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


11:36:45-11:37:33 Page 70

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 Page 71

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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