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: Monday, July 29, 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 July 29, 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 May 30, 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 the following proposed Rule Changes for 60 day public comment period. **Possible action may include approval of the proposed rules, a determination whether any rules adopted unanimously should be made effective immediately, termination of a rulemaking docket, or directing staff to file a notice of supplemental rulemaking.**

A. Amendment to A.A.C. R2-20-702 concerning participating candidates use of clean elections funding.

B. Amendment to A.A.C. R2-20-704 related to repayment of clean elections funding.

C. Amendment to A.A.C. R2-20-113 related to candidate statements.

D. Amendment to A.A.C. R2-20-104 related to 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).

V. 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.

VI. 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 25th day of July, 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.
THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
May 30, 2019
9:30 a.m.

ITEM II
The State of Arizona Citizens Clean Elections Commission

PUBLIC MEETING BEFORE THE CITIZENS CLEAN ELECTIONS COMMISSION convened at 9:30 a.m. on May 30, 2019, at the State of Arizona, Clean Elections Commission, 1616 West Adams, Conference Room, Phoenix, Arizona, in the presence of the following Board members:

Mr. Mark S. Kimble, Chairperson
Mr. Damien R. Meyer
Ms. Amy B. Chan
Mr. Galen D. Paton

OTHERS PRESENT:

Thomas M. Collins, Executive Director
Paula Thomas, Executive Officer
Gina Roberts, Voter Education Director
Mike Becker, Policy Director
Alec Shaffer, Web Content Manager
Avery Oliver, Voter Education Specialist
Fanessa Salazar, Administrative Assistant
Mary O'Grady, Osborn Maledon
Nathan Arrowsmith, Osborn Maledon
Kara Karlson, AZ Attorney General's Office
Joseph LaRue, AZ Attorney General's Office
Ryan Wheelock, RIESTER
Rivko Knox, AZ League of Women Voters

Item I, Roll Call Vote

CHAIRMAN KIMBLE: Okay. Roll call vote.

COMMISSIONER MEYER: Second.

CHAIRMAN KIMBLE: Is there a second?

COMMISSIONER MEYER: Yes.

CHAIRMAN KIMBLE: The Chair votes aye.

COMMISSIONER PATON: Aye.

COMMISSIONER MEYER: Aye.

COMMISSIONER CHAN: Aye.

It's approved 4 to nothing.

Item III, discussion and possible action on executive director's report and legislative report.

CHAIRMAN KIMBLE: Good morning. I call to meeting the May 30th, 2019, meeting of the Citizens Clean Elections Commission.

Item II, discussion and possible action on Commission minutes for the April 25th, 19 -- 2019 meeting.

CHAIRMAN KIMBLE: Are there any comments or additions or corrections to the minutes?

Mr. Galen D. Paton

CHAIRMAN KIMBLE: Commissioner Meyer?

COMMISSIONER MEYER: Aye.

CHAIRMAN KIMBLE: Commissioner Paton?

COMMISSIONER PATON: Aye.

CHAIRMAN KIMBLE: Commissioner Chan?

COMMISSIONER CHAN: No, I don't think so.

Thank you.

MR. COLLINS: Okay. With respect to voter education, we've been working with local jurisdictions to help ensure folks have information about the elections that are happening. We did an interview in the -- or last quarter with the City of Phoenix clerks about the City of Phoenix elections. We did -- we spent some time with the mayor and town administrators of Chino Valley about some significant ballot questions there.

CHINO VALLEY TOWN ADMINISTRATOR:

CHAIRMAN KIMBLE: Thank you.

We have -- we have -- we have been working with local jurisdictions to help ensure folks have information about the elections that are happening. We did an interview in the -- or last quarter with the City of Phoenix clerks about the City of Phoenix elections. We did -- we spent some time with the mayor and town administrators of Chino Valley about some significant ballot questions there.

CHINO VALLEY TOWN ADMINISTRATOR:

CHAIRMAN KIMBLE: Thank you.
MR. COLLINS: Okay. So -- and then we're working -- and we'll get into that when we get into the item. We'll get into more detail.
14 We still have some outstanding legal matters. The Legacy Foundation Action Fund case is now at the Court of Appeals, maybe, or -- no, not yet.
16 It's not yet at the Court of Appeals nor is AZAN versus State yet at the Court of Appeals, but eventually, those cases are anticipated to go to the Court of Appeals by somebody.
20 And that really -- oh, and then -- and, then, getting into the -- you know, if you have specific questions that Mike can answer, but the legislative report, I think, the big takeaway from the legislation this year was that, you know, there was also a -- on the last day, bills could be introduced. There was a bill introduced, which we've been tracking, 2724, which had serious constitutional problems in it. We worked closely with the staffs of both houses, the majority staff and minority staff, to articulate those constitutional issues. We didn't actually -- bless you.
8 COMMISSIONER MEYER: Excuse me.
9 MR. COLLINS: You know, we did not spend a lot of time actually at -- physically at the capitol, though we did, this year, make a concerted effort to get out and meet more of the new lawmakers, as well as lawmakers who had changed chairmanships and that kind of thing. So we think overall this -- this was a quite -- this was a pretty successful legislative session, from our perspective.
17 COMMISSIONER PATON: I have a question.
18 MR. COLLINS: Sure, please.
19 CHAIRMAN KIMBLE: Commissioner Paton.
20 COMMISSIONER PATON: So, to me, the fact that we aren't able to have a lobbyist --
22 MR. COLLINS: Yeah.
23 COMMISSIONER PATON: -- may even be better because you're lobbying, right?
25 MR. COLLINS: Well, I would say this. With
MR. COLLINS: That's exactly right.
Mr. Chairman, Commissioner Paton, and I think that
that's been a good strategy so far. We feel
comfortable with that, and it seems to -- it seems --
9 it seems to work. I mean, like, I think, both Mike and
10 I am more comfortable -- policy discussions don't
11 really get us anywhere but, you know -- you know, so we
12 really approach these things as legal issues more than
13 political issues, at this point. And I think that's
14 been helpful for the last couple of years. So I agree,
15 and so I think we're doing all right.
16 CHAIRMAN KIMBLE: Any other questions for
17 Mr. Collins on his executive director's report?
18 COMMISSIONER MEYER: I just have a quick
question, Mr. Chairman.
19 CHAIRMAN KIMBLE: Commissioner Meyer.
20 COMMISSIONER MEYER: On the Happy
22 Graduation Campaign, one, that's a great idea. I'm
23 always continually amazed at the creative ideas you
24 come up with to promote voter education.
25 MR. COLLINS: This was entirely 100 percent

Gina's idea. She literally walked into my office and
said, hey, why don't we do something for graduation?
3 So it was -- that was -- so all -- you know, all
compliments to Gina on this one.
5 COMMISSIONER MEYER: Great job. And I'm
just curious, is there a way to track how many --
7 COMMISSIONER PATON: I was going to ask.
8 COMMISSIONER MEYER: -- people are doing
9 that?
10 MS. ROBERTS: Mr. Chairman, Commissioner
11 Meyer, I just wanted to speak on the microphone so that
12 the reporter can hear me.
13 Yes, we track all of our campaigns. So we
14 will -- after -- the campaign is going to run for four
15 weeks total. So we have about three weeks left of it
16 to run, and once that ends, we will track the success
17 of it, the metrics, how many people -- you know,
18 impressions we got, how many people actually used it.
19 So, the frame that Tom mentioned, it says, "I
20 registered to vote."
21 We -- I think in the ED report, it
22 mentions, you know, we're targeting parents to say,
23 hey, when you're celebrating with your -- with your new
24 graduates, you know, present them with the voter
25 registration form as part of their present. So we can
1 track all of those posts that we have. It's a
2 completely digital campaign. So, yes, we would be able
3 to track the success for it.
4 COMMISSIONER MEYER: Can you -- is there,
5 like, email blast or anything you did, like, to send it
6 to school superintendents or stuff like that?
7 MS. ROBERTS: Mr. Chairman, Commissioner,
8 we -- I did send an email to the Public Information
9 Officer at the Department of Education about this. I
10 haven't received a response back yet. I just sent it a
11 few days ago. As Tom mentioned, we, kind of, did this
12 really quickly, so I'm hoping to get a response back
13 from them. We would have loved the opportunity to even
14 get Superintendent Hoffman down to the mural and get,
15 you know, her in front of the wings to help support
16 this and amplify this message because we have been
17 seeing a lot of Happy Graduation messaging coming out
18 of, you know, the teachers and the administrators.
19 So we do have that email out there, but we
20 can, also, follow up on it to see if they can, also,
21 send it out to the other administrators, as well.
22 COMMISSIONER MEYER: I think it's a great
23 idea. I mean, something you can do every year and just
24 build on it. So, well done.
25 MS. ROBERTS: Thank you.
CHAIRMAN KIMBLE: Aye.

CHAIRMAN KIMBLE: Commissioner Paton?

COMMISSIONER PATON: Aye.

CHAIRMAN KIMBLE: Commissioner Meyer?

COMMISSIONER MEYER: Mr. Chairman.

CHAIRMAN KIMBLE: Commissioner Chan?

COMMISSIONER CHAN: Aye.

Commissioner Chan?

vote.

CHAIRMAN KIMBLE: We'll do a roll call vote.

Any other motions on these audits?

It's approved 4 to nothing.

COMMISSIONER MEYER: Mr. Chairman?

CHAIRMAN KIMBLE: Commissioner Meyer?

CHAIRMAN KIMBLE: Commissioner Meyer?

COMMISSIONER MEYER: Mr. Chairman, I move we authorize staff to move forward with the full audit of Candidate Speakman.

COMMISSIONER CHAN: Aye.

CHAIRMAN KIMBLE: It's been moved and seconded that we authorize staff to move forward with the full audit of Candidate Speakman.

Roll call vote.

Commissioner Chan?

COMMISSIONER CHAN: Aye.

CHAIRMAN KIMBLE: Commissioner Meyer?

COMMISSIONER MEYER: Aye.

CHAIRMAN KIMBLE: Commissioner Paton?

COMMISSIONER PATON: Aye.

CHAIRMAN KIMBLE: The Chair votes aye.

COMMISSIONER MEYER: Mr. Chairman?

CHAIRMAN KIMBLE: Commissioner Meyer?

CHAIRMAN KIMBLE: Commissioner Meyer?

COMMISSIONER MEYER: Mr. Chairman, I move we authorize staff to move forward with the full audit of Candidate Speakman.

CHAIRMAN KIMBLE: It's approved 4 to nothing.

Item V, discussion and possible action on MUR 18-14, U.S. Term Limits, Inc.

CHAIRMAN KIMBLE: The Chair votes aye.

CHAIRMAN KIMBLE: Commissioner Paton?

COMMISSIONER PATON: Aye.

CHAIRMAN KIMBLE: Commissioner Meyer?

COMMISSIONER MEYER: Aye.

CHAIRMAN KIMBLE: Commissioner Chan?

COMMISSIONER CHAN: Aye.

CHAIRMAN KIMBLE: Commissioner Chan?

COMMISSIONER CHAN: Aye.

CHAIRMAN KIMBLE: We'll do a roll call vote.

We have what I would call -- well, sufficient agreement amongst myself as staff for the head of the AG's governmental accountability unit and as staff in his capacity as -- you know, staff capacity and Mr. LaSota on behalf of U.S. Term Limits.

I do need to note that the -- obviously, the AG's office is an independent agency in this context. I am -- you know, they are moving on a similar trajectory to us in terms of getting final approval from their front office, much like you give final approval for our end of this.

We think that this matter, this conciliation does a couple of things. Number 1, it's efficient because it ensures that the Commission and the Attorney General resolve two ends of a case that are not necessarily related -- or they're related, but they're not necessarily legally joined; but it gets the whole picture, which I think is a very good step and something we've been able to do consistently with the Attorney General's office. And I -- and I commend them for their help on that.

So we assume they will -- we don't know and I can't assure, but I am confident that they will also accomplish here. We have what I would call -- well, sufficient agreement amongst myself as staff for the head of the AG's governmental accountability unit and as staff in his capacity as -- you know, staff capacity and Mr. LaSota on behalf of U.S. Term Limits.

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So we assume they will -- we don't know and I can't assure, but I am confident that they will also accomplish here. We have what I would call -- well, sufficient agreement amongst myself as staff for the head of the AG's governmental accountability unit and as staff in his capacity as -- you know, staff capacity and Mr. LaSota on behalf of U.S. Term Limits.
1 approve this formally. I'm confident that Mr. LaSota will sign if we approve it. So, really, it's -- and, basically, what it does is goes over the fact that the group, U.S. Term Limits, which is a -- it's a longstanding 501. It's -- I mean, there's even -- I mean, there's a very famous U.S. Supreme Court case involving U.S. Term Limits where their efforts to have term limits imposed on Congress by state legislators were struck down.

So this is -- and so, you know, given that there's not -- we do, you know, still maintain that these were electioneering communications, but for purposes of conciliation, obviously, we're -- we're always willing to -- you know, to allow some, you now, leeway on the -- well, not just leeway, but it's a settlement. In other words, we don't have -- we don't demand an admission of wrongdoing by USTL, and I don't think that, frankly, as a national group coming in Arizona, it would be -- I mean, it's not true of all cases, but in this case, I think that it's reasonable. The amount of the fine overall, though it's split between us and AGO when this is all done, is basically 10 percent of what they could have been fined, which is consistent with our conciliation agreement. So this is -- and so, you know, given that there's not -- we do, you know, still maintain that these were electioneering communications, but for purposes of conciliation, obviously, we're -- we're always willing to -- you know, to allow some, you now, leeway on the -- well, not just leeway, but it's a settlement. In other words, we don't have -- we don't demand an admission of wrongdoing by USTL, and I don't think that, frankly, as a national group coming in Arizona, it would be -- I mean, it's not true of all cases, but in this case, I think that it's reasonable. The amount of the fine overall, though it's split between us and AGO when this is all done, is basically 10 percent of what they could have been fined, which is consistent with our conciliation agreement.

MR. COLLINS: I think that what is basically, once you get to 27,000, you can -- or cap out at twice the amount of the spend. So, because there hadn't been reports filed -- they also cap out at twice the amount of the spend. So, basically, once you get to 27,000, you can -- or

COMMISSIONER MEYER: 53,000?

MR. COLLINS: -- the 53, and then we -- and then we just took it down to 10. Now, I think that, you know, obviously, you know, the amount that we enforce in terms of fines is always open to discussion. You know, our issue has always been to try to get the reports first, you know, and make sure we can get that locked in and not let the dollars interfere with getting the public information.

We don't -- the fact of the matter is that because the fines don't really keep up with inflation exactly, it's -- you know, it's -- because a day -- it's a day-to-day thing, not an overall spending thing, that creates a -- I wouldn't call it a distortion. It's just the metric for -- the metric for penalty is different from the metric of value of the expenditure.

CHAIRMAN KIMBLE: Well, I semi-understand that, but you were -- you were just talking about that U.S. Term Limits is a large national organization. And is a fine of this amount going to be sufficient to deter them from doing this again or -- it seems like pocket change to them.

MR. COLLINS: I think that what is sufficient to deter them from doing this again is the fact that, notwithstanding the -- I don't know how to put this. Entities that come from outside of Arizona do not necessarily understand some of the differences between Arizona law and the U.S. Supreme Court's law with respect to absolute bans on -- on speech by corporations, which are all gone. So reporting is still allowed. Our basis for requiring reporting is set forth -- is set forth in both statute and case law. I think the biggest concern of a group like this is they don't want any trouble with the IRS. So I would think that, even if they -- even if they were -- you know, we believe they were communicating in electioneering, they probably don't want the mailers counted towards their advocacy, sort of, numbers as they're working with the IRS. And that's really the big -- the big -- the IRS carries the bigger hammer in this than we do.

CHAIRMAN KIMBLE: Okay. Any other comments or questions from other members of the commission?

COMMISSIONER MEYER: I have a question. COMMISSIONER MEYER: I have a question.

CHAIRMAN KIMBLE: Commissioner Meyer?

COMMISSIONER MEYER: Commissioner Meyer?

CHAIRMAN KIMBLE: Commissioner Meyer?

COMMISSIONER MEYER: Commissioner Meyer?
Commissioner Paton: I have a question.

You know, but there is, I mean --

That I'm making gives me some confidence we're in the

same agreement and at least the person at my level, you

notified them of the issue, they did comply and provide

the information that you requested.

MR. COLLINS: Both -- they both began to

file -- they filed for the General Election -- and,

also, they provided me the information that I've asked

for. Yes.

COMMISSIONER MEYER: So once they were

aware of their obligations, they began to report?

MR. COLLINS: That's correct. They did not

go back and report the primary spending because they

were, basically, you know, essentially, reserving

their, you know, right to litigate that. And, as you

recall, they narrowed it to the issue of expressed

advocacy purely. They did not dispute the timing,

targeting, any of that. It was expressly whether or

not the document was expressed advocacy. Yeah, they

reserved that to have this conversation, but -- I mean,

to have -- to either -- to either have an

administrative proceeding or else to conciliate.

And, obviously, we've already done probable

cause, I think, at the last meeting. And so this is --

this is, in our rules, the next -- I mean, there's

always an opportunity to conciliate, but there's a

specific rule that allows for post probable cause

conciliation at the request of the respondent. And so

that's where we are with USTL.

You know, as I say, I mean, we can have a

broader conversation -- and I'd be happy to -- about

what we want to do in terms of the ratio of fine to --

potential fine. I mean, that's -- because that comes

up regularly. We have tried to become a little more

predictable in terms of setting some percentage -- some

threshold percentages. You know, they don't always

work out perfectly, but -- but, you know, we -- we

don't think we're out of step with other agencies.

The fact that the Attorney General's

Office, in its independent capacity, is considering the

same agreement and at least the person at my level, you

know, is going to present, as I am, the recommendation

that I'm making gives me some confidence we're in the

ballpark of -- you know, of reasonable. And I, also --

you know, but there's, I mean --

COMMISSIONER PATON: I have a question.

MR. COLLINS: Yeah.

CHAIRMAN KIMBLE: Commissioner Paton.

COMMISSIONER PATON: It seems to me that

maybe they didn't know exactly that they were violating

our --

MR. COLLINS: Yeah.

COMMISSIONER PATON: -- our laws here. And

then they tried to play nice after that, but it does

seem like we are spending an inordinate amount of time

dealing with this. I mean, it's been on the agenda

many, many times.

MR. COLLINS: Right.

COMMISSIONER PATON: So if it's on our

agenda, that means it's on our -- you know, your

staff's agenda.

MR. COLLINS: Yeah, yeah.

COMMISSIONER PATON: And it's taken a lot

of time.

MR. COLLINS: Sure.

COMMISSIONER PATON: And I think we do a

lot of -- the staff seems to do a lot of work on these

items, and I think like Commissioner Kimble. $5,000

seems like -- I mean, to a normal person maybe it seems

like it's a lot, but to these people it's probably not.

So I think maybe in the future we can look to making

more expensive penalties because we're spending so

much time and effort to get to the bottom of this --

MR. COLLINS: Sure, sure.

COMMISSIONER PATON: -- and get them to act

and to get them to turn stuff in to us --

MR. COLLINS: Right.

COMMISSIONER PATON: -- and whatever. And

so, in this case, I would go with the conciliation

because --

MR. COLLINS: Yeah.

COMMISSIONER PATON: -- our laws here. And

they haven't been obstinate or anything like that, but I agree. It

sounds like a small amount when we are spending a lot

of time and effort dealing with it.

MR. COLLINS: Understood.

CHAIRMAN KIMBLE: Any other comments from

commissioners?

COMMISSIONER MEYER: Yes.

CHAIRMAN KIMBLE: Commissioner Meyer.

COMMISSIONER MEYER: I mean, I agree a lot

with what Commissioner Paton said. I -- due to the

fact that, one, they weren't aware of this obligation

to comply and then, two, they did comply and worked

with us as soon as the requests were made or when the

requests were made, I think this re -- this
conciliation is fine at this time. I think now that
they're aware of what their obligations are, if this
happens again, then, I think --

MR. COLLINS: Sure.

COMMISSIONER MEYER: -- we would look at
this through an entirely different lens.

MR. COLLINS: Sure.

COMMISSIONER MEYER: So on the -- so I
support this amount.

And on the issue of the amount of time and
whatnot we've put into this, I don't think that the
durpose of this fine is to -- is to compensate the
Commission for the work they've put into this. I think
the purpose of this fine is to try to provide notice
and deter them from doing this again in the future.

And, I think -- from the factual background I have
here, I think that's going to happen. So I will
support this conciliation, as well.

COMMISSIONER CHAN: Mr. Chairman?

CHAIRMAN KIMBLE: Commissioner Chan.

COMMISSIONER CHAN: Since everybody else
weighed in, I'll take a turn, too.

I support this conciliation agreement. I'm
very cynical. So I feel like organizations like this
probably know exactly what they're doing, and they're
playing fast and loose with the rules. I'm not
saying -- again, I do support this. I'm not saying I
don't, but I appreciate that we are willing to, kind
of, give somebody a mulligan.

And, then, I agree with what, I think,
Chairman Meyer was trying to point out that, you
know, if this particular organization comes back and
does the same thing, I think definitively we have to go
for more harsher penalties, like I would expect us to
do in any case.

You know, I always harken back to when I
was election director for the Secretary of State, and
if I truly believed -- I mean, I like that human
aspect. When you're talking to the person who was
responsible for the spending and they're saying to you,
I am really sorry; I had no idea; we were doing our
best to exercise our First Amendments rights in a way
that we thought was legal and acceptable, I took them
at their word.

Sometimes there were people I didn't
believe because I knew they had experience in other
arenas, maybe not with our office, but that they had
done the same thing in our jurisdictions, et cetera.
So those people maybe we would not be as conciliatory
with.
10:03:27-10:04:32
1 I mean, there's -- there's just -- you 2 know, if you can get the reports without having to go 3 through -- what are we now on, what, five years of 4 litigation we LFAF? Then I take the reports. That's 5 just my -- you know, so -- but definitely, we can have 6 a broader discussion about how this works in general 7 because I am -- certainly.
8 And you're -- you know, just so you know 9 and the parties know, everybody knows, I don't bind you 10 all. So you are -- you know, if you want to -- if you 11 want to vote on this now, that's your -- I mean, if, 12 that was your choice, that's -- you're fully within 13 your rights. You're not obligated to follow any -- 14 anything -- anything we recommend. That's just what we 15 recommend.
16 CHAIRMAN KIMBLE: Any more comments on this 17 item?
18 COMMISSIONER MEYER: Mr. Chairman?
19 CHAIRMAN KIMBLE: Commissioner Meyer.
20 COMMISSIONER MEYER: As someone who does 21 litigation for a living, I just want to reinforce what 22 Tom just said about -- what I heard him say was 23 sometimes, you know, you have to resolve matters so you 24 get the information you want. And it's not about 25 winning or losing, per se, in that specific case. It's

10:04:35-10:05:22
1 a bigger goal. It's the bigger picture of what is 2 our -- what are we trying to accomplish, what is our 3 objective. And getting the reports and being able to 4 provide that information, I think, is a primary 5 objective.
6 And -- I guess I'll leave it at that, but I 7 agree with what Tom just said very much.
8 CHAIRMAN KIMBLE: Any other -- any other 9 comments on Item V?
10 COMMISSIONER CHAN: Mr. Chairman, can I 11 just make a motion?
12 CHAIRMAN KIMBLE: Yes. Commissioner Chan?
13 COMMISSIONER CHAN: Would it just be to 14 adopt the conciliation agreement?
15 MR. COLLINS: To authorize -- yeah. I 16 guess --
17 COMMISSIONER CHAN: I am sorry.
18 MR. COLLINS: No, It's my fault. Just,
19 yeah, to approve the conciliation agreement.
20 COMMISSIONER CHAN: Okay. Mr. Chairman, I 21 would move that we approve the recommended conciliation 22 agreement.
23 COMMISSIONER MEYER: I would second that 24 motion.
25 CHAIRMAN KIMBLE: Second? It's been moved

MR. COLLINS: And Mike is here. He drafted 2 these. So if you're -- he may have other -- if you 3 have questions that go beyond my knowledge, please do 4 and ask him. And then we have a voter-ed related one, 5 too.
6 CHAIRMAN KIMBLE: Before you start, is it 7 safe to say that all these changes are driven by 8 legislation?
9 MR. COLLINS: Mr. Chairman --
10 CHAIRMAN KIMBLE: Not initiated by us?
11 MR. COLLINS: Mr. Chairman, the change in 12 Rule 702 is driven by legislation. The change in -- 13 but the changes in 704, 113 and 104 -- specifically 704 14 and 104, without getting into divulging any 15 attorney-client issues, have to do with some analysis 16 we've done about the rules and some problematic issues 17 in them that we would like to correct. They had -- 18 those rules have not been reviewed in some time until 19 recently. And then 7 -- then 113 deals with a -- 20 essentially, codifying what's become the practice of 21 the Commission so that they're -- with respect to 22 candidate statements.
23 CHAIRMAN KIMBLE: Okay. Thank you.
24 MR. COLLINS: So that's how it is.
25 CHAIRMAN KIMBLE: Okay. Go ahead. You
|
|---|
|Page 34|Page 36|
|1 want to go through them in order?|1 not political -- gre-op political that invite folks to|
|2 MR. COLLINS: Sure. So, 702, this is the|2 talk about --|
|3 306 change. As you recall, Prop -- this is the party|3 COMMISSIONER CHAN: Like the chamber or|
|4 piece. As you recall, 306 said that money may not be|4 something?|5 MR. COLLINS: Or the chamber or -- you|
|5 paid directly or indirectly to a party or a 501 group|6 know, I mean, we've -- I mean, an example is we've had|
|6 that can spend money on candidates. So -- and it,|7 a table at the Panhellenic Conference the last couple|
|7 also -- so what we've done here is we've taken out the|8 of times before elections. We've had --|
|8 specific reference to tax-exempt status under 501(a) in|9 COMMISSIONER CHAN: Okay.|
|9 Section A. And then, with respect to parties, the|10 MR. COLLINS: We've had what -- we are out|
|10 advanced payment to parties, we just took all this out|11 at National Voter Registration Day. I mean, we're|
|11 because it's -- that's just not allowed anymore. |12 doing a lot of stuff. I assume that, I mean, the|
|12 So that's it. I mean, it's that simple. I |13 candidates do the same kinds of things. I mean, if|
|13 mean, basically, this is taking the language of 306|14 civic organization means anything, you know, if it|
|14 with respect to parties, taking any authorization that|15 means that, you know, you send -- you spend 20 -- $20|
|15 was in 702 to use money in a way that's now prohibited|16 to get your campaign ad in a -- in a program of a --|
|16 expressly by 306, and that's it. |17 you know, of -- you know, your neighborhood association|
|17 COMMISSIONER CHAN: Mr. Chairman? |18 or something like that, I mean, that's clearly not --|
|18 CHAIRMAN KIMBLE: Commissioner Chan. |19 well, first of all, 306 does not affect that and,|
|19 COMMISSIONER CHAN: Tom, they can still |20 second of all, that would be another example, you know,|
|20 make a payment from their campaign bank account to a|21 here. |
|21 political committee, though, or civic organization? |22 COMMISSIONER CHAN: Thank you. And,|
|22 What examples of that be? And that wasn't |23 Mr. Chairman, Tom, I didn't mean --|
|23 prohibited by 306? |24 MR. COLLINS: No, no, no.|
|24 MR. COLLINS: It was absolutely not |25 COMMISSIONER CHAN: I didn't mean that I|
|25 prohibited by 306. 306 was express about political |

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<th>Page 35</th>
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<tr>
<td>1 parties and 501(a) groups that can -- I shouldn't have</td>
<td>1 thought that violated 306. I was just curious what</td>
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<td>2 included the text in here. I'm sorry -- and 501(a)</td>
<td>2 that actually looked like and meant.</td>
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<td>3 groups that can spend on candidates. So our striking</td>
<td>3 MR. COLLINS: It's a fair question. I</td>
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<td>4 here is actually even broader than what 306 requires</td>
<td>4 didn't take it that way. I just -- I just -- 306 says</td>
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<td>5 because we're not reserving the right to make</td>
<td>5 what it says, and it doesn't say what it doesn't say.</td>
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<td>6 contributions to -- or not make contributions -- to</td>
<td>6 And so we've -- I mean, in analyzing this -- and, I</td>
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<tr>
<td>7 make purchases from 501 groups that don't make</td>
<td>7 mean, this is -- this is my recommendation, as much as</td>
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<td>8 expenditures on candidates. We're just taking the</td>
<td>8 any other, but you know, we did talk about that</td>
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<td>9 whole 501 out.</td>
<td>9 arguable inconsistency. But it's not our job to fix</td>
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<td>10 They did not say anything about political</td>
<td>10 that.</td>
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<td>11 committees. The only objection they raised to civic</td>
<td>11 COMMISSIONER CHAN: Well, and I think</td>
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<td>12 organizations was the addition of the 501(a) language.</td>
<td>12 that's why I supported the inclusion and specificity of</td>
</tr>
<tr>
<td>13 So that's gone, and there's nothing in the language.</td>
<td>13 our rule which, again, the voters, obviously, approved</td>
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<td>14 COMMISSIONER CHAN: Mr. Chairman, Tom, what</td>
<td>14 this change.</td>
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<td>15 are -- what are some examples -- real world examples</td>
<td>15 MR. COLLINS: Yeah.</td>
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<td>16 how clean candidates would make -- like, what kind of</td>
<td>16 COMMISSIONER CHAN: So, thank you for</td>
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<td>17 payments do our clean candidates make to political</td>
<td>17 explaining that.</td>
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<td>18 committees or civic organizations? Do you -- I'm</td>
<td>18 MR. COLLINS: No. Yeah, I hope -- I hope</td>
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<td>19 putting you on the spot a little bit, but I'm just</td>
<td>19 that's the explanation. I think -- I think, you know,</td>
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<tr>
<td>20 curious about --</td>
<td>20 the political committee thing -- we'll see. You know,</td>
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<tr>
<td>21 MR. COLLINS: Well, I think the most</td>
<td>21 we may be back in a year, you know, talking about --</td>
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<tr>
<td>22 obvious one is attendance at events. I think that, you</td>
<td>22 COMMISSIONER CHAN: Civic organization?</td>
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<tr>
<td>23 know, I mean, having a table set up might cost you 50</td>
<td>23 MR. COLLINS: -- what's a civic</td>
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<tr>
<td>24 bucks at either a community -- or 25 bucks. I don't</td>
<td>24 organization. I don't know, but I know that this both</td>
</tr>
<tr>
<td>25 know. I mean, there are all kinds of groups that are</td>
<td>25 addressed what's in the text of 306 and what Scott</td>
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Min-U-Script®
10:14:01-10:14:48

14. Chairman Kimble: Are there any questions from the commissioners?

15. Commissioner Meyer: I have a legal question on the statute of limitations that I don't really want to bring up. It's more of an executive session.


18. Ms. Karlson: Well, we could always go into executive session, if you'd like.

19. Chairman Kimble: Should we --

20. Commissioner Meyer: Why don't we go
The language was and, as it turns out, that person to take out because of the -- because of the way that about 100 times larger than we contemplated being able a large loan, quite larger -- about -- I don’t know --

Long story short, the person took out quite come to the Commission.

I -- this part is -- I mean, I wrote him a letter about one.  And, as a result, that candidate -- and I -- and unless you --

10 candidate -- General Election candidate statement but -- you know, and are advancing, unless you --

12 unless you give us a General Election statement, we will use your primary statement.

14 And we’ll make that -- people aware of that 15 so that they don’t have to call in and do this, sort

16 of, like, oh, can you do this?  Can you do that?  It will make things more efficient on the production side

18 for sure.  And, as I say, it’s never been a --

19 "practice" is probably a word we will never use again after today in this room, but it is a -- it is an informal ad hoc request-driven decision that we now want to codify.

23 CHAIRMAN KIMBLE: Okay.  Any questions 24 about 113?

25 (No audible response.)

10:18:08-10:19:44

1 CHAIRMAN KIMBLE: Okay.  And, finally, 104, 2 Tom?

3 MR. COLLINS: Yeah, 104.  104, and I would

4 ask, when we make the motion, there’s a strike 2 -- you see the line -- it says line 1, 2, 3, 4 -- 5, after the struck "and," that 2 should have been struck, I believe -- no?  It’s not supposed to be struck.  Okay.

8 Okay.  So, fine.  Never mind.  So, then, that is what it is.

10 And what this does is deals with the --

11 this deals with the issue we found that we had a -- we had a candidate last -- last election who brought forward that our guidance on loans and the particular language that was in the rule did not line up one to one.  And, as a result, that candidate -- and I -- and I -- this part is -- I mean, I wrote him a letter about

17 this.  So we were in a position where we were able to confirm that his -- that his reading was acceptable;

19 however, you know, if there was a complaint, it would come to the Commission.

21 Long story short, the person took out quite a large loan, quite larger -- about -- I don’t know --

23 about 100 times larger than we contemplated being able to take out because of the -- because of the way that the language was and, as it turns out, that person borrowed as much money as one expenditure limit would...

1 running clean and -- you know, we have different
2 interests that we're trying to promote through the
3 Clean Elections system, you know: improve the
4 integrity of state government, diminishing the
5 influence of special interest money, encouraging
6 citizen participation in the political process.
7 And, on one hand, I feel, like, personal
8 monies are not going to be special interest money, but
9 at the same time, if you're allowing people with their
10 own money to put their personal money into a clean
11 candidacy, you are diminishing their need for more
12 grassroots support. And so I think, for that reason, I
13 can support this rule. I think it's maybe a little bit
14 of two -- not conflicting things but -- just my
15 thoughts.
16 \COMMISSIONER PATON: It's like they're
17 circumventing something.
18 MR. COLLINS: Well -- Mr. Chairman,
19 Commissioner Chan, Commissioner Paton, yeah, it's, sort
20 of, both. It's, on the one hand, your personal
21 money -- corruptive influence may be limited, but the
22 agreements you've made as a clean candidate supercede
23 those. So, you know, if this person wanted to make
24 some kind of constitutional challenge that he can't be
25 required to agree to spending limits in order to have

10:25:15-10:26:27

1 to -- we want to be able to ask questions about and now
2 seems like the appropriate time because all of these
3 confluence of litigation, legislation, existing, you
4 know, stuff.
5 You know, we talked a little about this
6 last time. We have a little more -- a deeper -- a
7 little more extensive staff to ask questions about. I
8 have some. So I would recommend we go into executive
9 session with Mary for the purposes of that I've
10 identified -- and Nate.
11 COMMISSIONER MEYER: Mr. Chairman?
12 CHAIRMAN KIMBLE: Commissioner Meyer?
13 COMMISSIONER MEYER: Does that purpose
14 include questions on these four rules we just
15 discussed?
16 MR. COLLINS: It would -- it would
17 especially concern -- well, let me put it this way. It
18 concerns all of them to the extent that GRRC is
19 involved and, obviously, 306 specifically. So what
20 we're really talking about is, okay, we're in
21 litigation with GRRC, the State of Arizona and the
22 Secretary of the State of Arizona, all of whom are
23 opposed to our position, even though we're on the same
24 side of the V. So I think that -- I think that
25 questions related to the GRRC process are -- are -- you

10:26:36-10:27:03

1 access to Clean Elections, then more power to him.
2 He -- the particular candidate in this case
3 sued us twice just -- just to try to get his loan back
4 and did not succeed. Joe defended both of those cases.
5 And I would simply say this about that. The other --
6 the other important part of this is the fact that the
7 candidate is required to repay, out of their Clean
8 Elections grant, this immediately. Well, that means
9 that -- if you make a loan to yourself of $43,000, that
10 means you're, essentially, making it -- you're repaying
11 yourself, then, with public money, which is not what --
12 clearly not within what I think the best reading of the
13 Act is.
14 CHAIRMAN KIMBLE: Okay. Any other
15 questions about 104?
16 (No response.)
17 CHAIRMAN KIMBLE: Any questions about any
18 of these that require us to go into executive session?
19 MR. COLLINS: Mr. Chairman, if I may
20 interrupt for a moment. I would recommend, for
21 purposes of addressing the 306, AZAN versus State,
22 overlap, Mary O'Grady and Nathan Arrowsmith are here
23 for that specific purpose. I would recommend an
24 executive session on that because, you know, we're in
25 a -- we're in a -- there are some steps that we want

10:27:08-10:28:11

1 know, are clearly -- clearly relevant to what we would
2 be going into executive session to discuss.
3 COMMISSIONER MEYER: Mr. Chairman?
4 CHAIRMAN KIMBLE: Commissioner Meyer.
5 COMMISSIONER MEYER: I move that we go into
6 executive session to discuss the issues that Tom has
7 listed.
8 CHAIRMAN KIMBLE: Is there a second?
9 COMMISSIONER CHAN: I would second that
10 motion.
11 CHAIRMAN KIMBLE: We'll have a roll call
12 vote.
13 Commissioner Chan?
14 COMMISSIONER CHAN: Aye.
15 CHAIRMAN KIMBLE: Commissioner Meyer?
16 COMMISSIONER MEYER: Aye.
17 CHAIRMAN KIMBLE: Commissioner Paton?
18 COMMISSIONER PATON: Aye.
19 CHAIRMAN KIMBLE: The Chair votes aye.
20 We'll go into executive session.
21 (The following section of the meeting is in
22 executive session and bound under separate cover.)
23 ***
24 ///
25 ///
CHAIRMAN KIMBLE: Okay. We're now back in open session for Item VI, discussion and possible action on four different rule changes opening a 60-day public comment period.

COMMISSIONER CHAN: Mr. Chairman, I move that we approve --

CHAIRMAN KIMBLE: Commissioner Chan.

COMMISSIONER CHAN: I approve -- I move that we approve the proposed amended versions of R2-20-104, 113, 702 and 704 for 60 days of public comment.

CHAIRMAN KIMBLE: Is there a second?

COMMISSIONER PATON: Second.

CHAIRMAN KIMBLE: Commissioner Paton?

COMMISSIONER MEYER: Aye.

CHAIRMAN KIMBLE: Commissioner Meyer?

COMMISSIONER CHAN: Aye.

CHAIRMAN KIMBLE: Commissioner Chan?

COMMISSIONER PATON: Aye.

COMMISSIONER CHAN: The Chair votes aye.

It's 4 to nothing approved.

Item VII, discussion and possible action on a proposed letter to Governor Ducey regarding appointment for Clean Elections commissioner.

Tom, do you want to talk about that?

MR. COLLINS: Yes. Mr. Chairman,

Commissioners, you know, I've had ad hoc conversations with a number of people about this, and the League of Women Voters sent a letter to Governor Ducey last week, which is in your materials. Rivko is here and is a cosigner of that letter, along with, I believe, the president, of the League --- or the then president of the League.

Did she -- is she still the president after this weekend? No. Okay.

They had their convention in Yavapai County last week.

MS. KNOX: She was when she signed it. I'm sorry. I'm speaking out of context.

MR. COLLINS: Yeah. In any event, it raises a question as to how or whether we -- or you, I should say, as commissioners, want to communicate with the Governor. I think that the League is an important group in the whole world of elections and voting, and I hope that they get a response. I don't know that they have yet, but I think it, also, is the question given that the holdover is -- you know, are a little -- no one has resigned yet.

You know, we have -- we have an issue that, you know, is -- becomes really ripe in January 30th when Chairman Kimble's term ends because, at that point, we will be down to -- assuming that Commissioner Meyer and Commissioner Titla don't resign, we will be down to Commissioner -- Commissioner Paton and Commissioner Chan.

So Commissioner -- so the issue -- so we're really six months away from a potential crisis on this issue, and -- and so the question we have to ask ourselves -- and I would defer to your all political judgment because it's probably better than mine, but whether or not we want to work on a draft -- you all want to work on a draft which we can facilitate without violating the open meeting law or you want to designate a member to write, on behalf of the Commission, a letter to the governor urging the governor to make an appointment. I really don't think any of these are long, anyway.

I don't mean to accept that. And -- okay.

Mr. Chairman, may I interrupt?

CHAIRMAN KIMBLE: Commissioner Chan.

MR. COLLINS: No. No. I was talking too long, anyway.

COMMISSIONER CHAN: No, no. I'm sorry.

I'm sorry. I think the polite -- I think a politely written letter that reminds the governor that this is important -- because he's got a lot of other stuff going on. I'm wondering if we have a standing? I mean, what -- do we have a standing? A mandamus?

And, frankly, Tom, I mean, I feel like we can write a letter. I don't think the polite -- I think a politely written letter that reminds the governor that this is important -- because he's got a lot of other stuff going on. I'm wondering if we have a standing? A mandamus?

And, frankly, the problem is we have a crisis, like you said, when we're down to two, who are serving already served five years to continue serving. And, like it's a lot to ask of commissioners who have

I think the polite -- I think a politely written letter that reminds the governor that this is important -- because he's got a lot of other stuff going on. I'm wondering if we have a standing? A mandamus?

And, frankly, the problem is we have a crisis, like you said, when we're down to two, who are serving already served five years to continue serving. And, like it's a lot to ask of commissioners who have
MR. COLLINS: Three weeks?
CHAIRMAN KIMBLE: I don't see a date on it.
MR. COLLINS: A month?
CHAIRMAN KIMBLE: I would ask, Ms. Knox, have you received any reply? When -- how long ago did we finish up with this.
COMMISSIONER PATON: -- for them to follow through with this.
CHAIRMAN KIMBLE: I would ask, Ms. Knox, have you received any reply? When -- how long ago did this go out?
MR. COLLINS: A month?
CHAIRMAN KIMBLE: I don't see a date on it.
MR. COLLINS: Three weeks?

In our packet, we have the proposed meeting dates for July through December.

CHAIRMAN KIMBLE: It's been long that you could have received a reply? Okay.
MS. KNOX: Yes. Probably -- I don't know -- ten days or two weeks, something like that.
CHAIRMAN KIMBLE: Okay.
MS. KNOX: At the most.
MR. LaRUE: Excuse me.
CHAIRMAN KIMBLE: Okay.
MR. LaRUE: Chairman, could I recommend that you have her come to the microphone?
CHAIRMAN KIMBLE: I'm sorry.
MS. KNOX: I apologize. Thank you very much.

MR. LaRUE: Chairman, could I recommend that -- let me put it this way. I'm sorry, Mr. Chairman, Commissioner Chan.
COMMISSIONER CHAN: No, please.
MR. COLLINS: I think there -- I think there are a variety of options on the table. One thing we haven't approached to the governor's office to do is to have any kind of sit-down meeting with an appropriately -- appropriate staff level meeting. You know, I have -- you know, we have some connections, but we've never, for example, asked for a meeting between our chairman and the chief of staff of the Governor's office.

I mean, that would be -- I mean, if we were to ask for that and ask for a prompt response to the request for a meeting, that would be one thing, too. That would be more -- in the -- you know, more -- arguably more aggressive than a mere letter. It would be, like, look, we really need to talk about this. I think a meeting would be ideal at this point.

MS. KNOX: Give or take.

CHAIRMAN KIMBLE: Okay. And you've received no reply?
MS. KNOX: No, no.
CHAIRMAN KIMBLE: Okay. Is the governor's staff.
COMMISSIONER CHAN: I'll just state that I think a meeting would be ideal at this point.
MS. KNOX: I apologize. Thank you very much.

MS. KNOX: At the most.

CHAIRMAN KIMBLE: Thank you.
Any other comments from commissioners?
COMMISSIONER CHAN: I'll just state that I think a meeting would be ideal at this point.
CHAIRMAN KIMBLE: Okay. I agree with Commissioner Chan. I don't think we need a motion on this, do we?
MR. COLLINS: No, no. I think it's just -- I mean, it sounds like the commissioners -- you have --
MR. COLLINS: Commissioner Paton -- I think we're all on the same page.
COMMISSIONER PATON: No. I think we should have -- somebody should have a meeting with the governor's staff.
CHAIRMAN KIMBLE: Okay.
MR. COLLINS: Okay.
CHAIRMAN KIMBLE: Okay. And we would share any response we got with the Commission, as appropriate, which I know -- ten days or two weeks, something like that.

CHAIRMAN KIMBLE: Okay. And you've received no reply?
MS. KNOX: No, no.
CHAIRMAN KIMBLE: Okay.
MS. KNOX: And we would share any response we got with the Commission, as appropriate, which I think a meeting would be ideal at this point.

CHAIRMAN KIMBLE: Thank you.

CHAIRMAN KIMBLE: I'm sorry.
CHAIRMAN KIMBLE: Commissioner Paton.
CHAIRMAN KIMBLE: Commissioner Paton.

I mean, it sounds like the commissioners -- you have --

MR. COLLINS: Commissioner Paton -- I think we're all on the same page.

COMMISSIONER PATON: No. I think we should have -- somebody should have a meeting with the governor's staff.

CHAIRMAN KIMBLE: Okay.

MR. COLLINS: Okay.

CHAIRMAN KIMBLE: Okay. And we would share any response we got with the Commission, as appropriate, which I think a meeting would be ideal at this point.

CHAIRMAN KIMBLE: Thank you.
The State of Arizona
Citizens Clean Elections Commission

Public Meeting

Transcript of Proceedings
May 30, 2019

11:14:26-11:15:13

11:15:17-11:16:16

11:16:20-11:17:01

11:17:04-11:17:59

Page 58

Page 59

Page 60

Page 61

1 dates of July 29th, August 22nd, September 26th.
2 October 17th, November 14th and December 12th.
3 Any comments or concerns about any of these
4 meeting dates from members of the Commission?
5 COMMISSIONER MEYER: Mr. Chairman.
6 CHAIRMAN KIMBLE: Yes, Commissioner Meyer.
7 COMMISSIONER MEYER: I would move that we
8 approve the meeting dates as presented in Item VIII of
9 our agenda for July through December 2019.
10 COMMISSIONER PATON: Question about --
11 CHAIRMAN KIMBLE: Wait.
12 Is there a second?
13 COMMISSIONER CHAN: Oh, I second.
14 CHAIRMAN KIMBLE: Okay. Commissioner
15 Paton?
16 COMMISSIONER PATON: And July 29th, that's
17 a Monday?
18 MS. THOMAS: Correct.
19 COMMISSIONER PATON: Okay.
20 MR. COLLINS: Yeah.
21 COMMISSIONER PATON: So the other ones are
22 Thursdays?
23 MS. THOMAS: Correct.
24 CHAIRMAN KIMBLE: And, I guess, it's worth
25 stating that we're holding a Monday meeting because the
26 30-day comment period would not have --
27 MR. COLLINS: Correct.
28 CHAIRMAN KIMBLE: -- would not have been
29 reached if we held a Thursday meeting before that.
30 MR. COLLINS: That's correct.
31 CHAIRMAN KIMBLE: Okay.
32 COMMISSIONER PATON: So you'll remind us,
33 like, on Thursday or Friday?
34 MS. THOMAS: Yes.
35 CHAIRMAN KIMBLE: Okay. It's been moved
36 and seconded that -- to approve the meeting dates for
37 July through December that are in Attachment VIII --
38 I'm sorry. Tom?
39 MR. COLLINS: Oh, I'm sorry. I had a -- I
40 had a quick question for you, Mr. Chairman.
41 CHAIRMAN KIMBLE: Okay.
42 MR. COLLINS: And for Joe and Kara, if it's
43 not irrelevant. I have a -- or it might be relevant to
44 Item I -- or Item III about the June 20th meeting we
45 have scheduled. We have a June 20th meeting which is
46 not on here because it's already scheduled. It is very
47 unlikely that I will be at the June 20th meeting. It
48 will be the first meeting that I've missed in -- I
49 don't know -- ever, but I have some unavoidable stuff
50 that I've got to deal with that day. So I just wanted
51 to put that on your radar.
52 CHAIRMAN KIMBLE: Okay.
53 MR. COLLINS: I may be able to attend by
54 phone.
55 CHAIRMAN KIMBLE: Okay. Or you could have
56 some member of your staff be delegated to --
57 MR. COLLINS: Okay. Absolutely. Yeah,
58 we're not worried about getting the meeting done. It's
59 more of a matter if you're -- if I'm not here.
60 CHAIRMAN KIMBLE: Yeah. Okay.
62 Look, someone -- someone made a sound cloud of
63 imitations of how I talk, and I'll never share it with
64 you guys.
65 COMMISSIONER CHAN: I don't want to hear
66 it.
67 MS. KARLSON: I will find it.
68 CHAIRMAN KIMBLE: Okay, then. So it's been
69 moved and seconded that we approve the meeting -- the
70 meeting dates for July through December of 2019.
71 Commissioner Chan?
72 COMMISSIONER CHAN: Aye.
73 CHAIRMAN KIMBLE: Commissioner Meyer?
74 COMMISSIONER MEYER: Aye.
75 CHAIRMAN KIMBLE: Commissioner Paton?
76 COMMISSIONER PATON: Aye.
77 COMMISSIONER MEYER: The Chair votes aye.
78 COMMISSIONER PATON: Aye.
79 COMMISSIONER MEYER: It's approved 4 to nothing.
80 CHAIRMAN KIMBLE: The Chair votes aye.
81 COMMISSIONER PATON: The Chair votes aye.
82 COMMISSIONER MEYER: It's approved 4 to nothing.
83 Item XI, public comment. Is there anyone
84 who wants to make comment to the Commission?
85 MS. KNOX: Yes.
86 CHAIRMAN KIMBLE: Could you state your name
87 and address for the record.
88 MS. KNOX: Yes.
89 CHAIRMAN KIMBLE: Could you state your name
90 and address for the record.
91 MS. KARLSON: I will find it.
92 COMMISSIONER MEYER: The Chair votes aye.
93 COMMISSIONER PATON: The Chair votes aye.
94 It's approved 4 to nothing.
95 Item XI, public comment. Is there anyone
96 who wants to make comment to the Commission?
97 MS. KNOX: Yes.
98 CHAIRMAN KIMBLE: Could you state your name
99 and address for the record.
100 MS. KARLSON: I will find it.
101 COMMISSIONER MEYER: The Chair votes aye.
102 COMMISSIONER PATON: The Chair votes aye.
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152 CHAIRMAN KIMBLE: Could you state your name
153 and address for the record.
154 MS. KARLSON: I will find it.
Accurate factual information is the bedrock of a vibrant democracy. Further, civic engagement requires civil dialogue. People do not want to engage if they fear being belittled, yelled at, forced to face personal criticism and rude comments and language or especially threatened.

League members live in our present society and thus are aware of the sad state of so much of what goes for information, as well as conversations about public policy issues.

However, we were shocked to read about the comments of Representatives John Allen and Kevin Payne relating to the head of Clean Elections. Although the comment made by Representative Allen did include the words "virtual" in the middle of this sentence "Can we virtually shoot the head of Clean Elections?" to which Payne replied "Yes," the sentiment was very disturbing.

The Clean Elections Commission and staff -- Commissioners and staff do an outstanding job of voter education, especially in less urban areas and with more diverse populations, while educating candidates who choose to run clean and providing transparency in the electoral process.

League members helped write the language that became the initiative that created Clean Elections, worked for its passage and continue to monitor and attempt to protect its vital mission of ensuring integrity in government, encouraging involvement in elections and reducing the influence of money in the electoral process. Although some legislators oppose the concept of public funds (though it is not taxpayer money) being used to encourage candidates to run, a disagreement about policy should never lead to even virtual threats of violence.

The League urges the leadership of the Legislature, as well as Governor Ducey, to speak out about the language used by Representatives Allen and Payne, encourage them both to apologize to the Commission and staff, and remind them that the words of public figures carry great weight and help establish a standard conduct for the public.

COMMISSIONER CHAN: Well said.

Chairman Knox: So, we would like that to go on the record.

Chairman Kimble: Very, very well done.

Thank you. Thank you, Ms. Knox.

Does anyone else wish to address the Commission? I guess not, since everyone else works for the Commission.

Is there a motion to adjourn?

COMMISSIONER CHAN: I would move to adjourn the meeting.

CHAIRMAN KIMBLE: Second? I’ll second it. Commissioner Chan?

COMMISSIONER CHAN: Aye.

CHAIRMAN KIMBLE: Commissioner Meyer?

COMMISSIONER MEYER: Aye.

CHAIRMAN KIMBLE: Commissioner Paton?

COMMISSIONER PATON: Aye.

CHAIRMAN KIMBLE: The Chair votes aye.

We are adjourned.

(Whereupon, the proceedings concluded at 11:20 a.m.)
The State of Arizona Citizens Clean Elections Commission

Public Meeting

Transcript of Proceedings

May 30, 2019

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The State of Arizona Citizens Clean Elections Commission

Public Meeting

Transcript of Proceedings

May 30, 2019

Vague (1) 40:23
Valley (2) 5:10, 16
value (2) 19:22, 20:18
variety (2) 6:9, 54:13
versions (1) 50:11
versus (2) 7:17, 47:21
VI (2) 32:12, 50:4
vibrant (1) 62:2
view (1) 29:10
VII (1) 51:2
VIII (3) 57:22, 58:8, 59:12
violated (1) 37:1
violating (3) 22:1, 24:4, 52:18
violence (1) 63:9
voter (6) 15:2, 16:7, 16:8
voting (1) 4:19

U

unavoidable (1) 59:24
under (6) 22:5, 34:8, 41:4, 47:9, 29:24
understood (2) 22:1, 25:15
unit (1) 17:5
unless (4) 19:3, 39:12, 42:11, 12
unlike (1) 59:22
up (17) 7:4, 10, 20, 23, 23:19, 26:12, 29:9, 32:10, 40:22, 42:24, 51:11
upon (1) 38:13
urban (1) 62:20
urges (1) 63:10
urgency (1) 52:20

W

Wait (1) 58:11
waiving (3) 38:19, 19:19, 39:5
walked (1) 11:1
wants (1) 61:5
warning (1) 10:3
Washington (1) 29:9
week (2) 51:9, 17
weekend (1) 51:15
weeks (6) 11:15, 15, 19:15, 25:5, 26:4, 16
weighed (1) 26:22
weight (1) 63:15
welcome (1) 14:7
werten't (1) 25:22
whatnot (1) 26:11
what's (6) 7:2, 33:20, 37:23, 25, 40:14, 53:18
Whereupon (1) 64:12
white (1) 9:10
whole (3) 17:20, 35:9, 51:24
who's (2) 15:1, 28:13
will (5) 14:3, 18:14, 27:3, 53:1, 11
wings (1) 12:15
winning (1) 30:25
Wisconsin (1) 29:6
wish (1) 63:22
wishful (1) 29:11
within (4) 19:13, 10:12, 41:3, 47:12
without (4) 30:2, 23, 34:5, 52:17
Women (5) 51:9, 53:12, 56:15, 61:11, 22
wonderful (1) 53:14
word (2) 27:9, 14:19, 42
words (4) 18:16, 41:23, 62:15, 63:14
work (7) 10:9, 23:16, 24:21, 26:13, 52:16, 17, 57:20
worked (3) 8:4, 25:23, 63:1
working (4) 5:4, 7:12, 13, 16:21, 16

d works (2) 30:6, 63:23
world (2) 35:15, 14:21
worried (1) 60:8
worth (1) 58:24
wrapped (1) 13:18
write (5) 42:15, 2:19
53:16, 61:22
writing (2) 53:13, 16
written (2) 3:20, 52:23
wrongdoing (1) 18:17
wrote (2) 9:17, 43:16
WRTL (1) 29:10

X

XI (1) 61:4

Y

Yavapai (1) 51:16
year (10) 5:15, 7:25, 8:11, 9, 12, 17, 12:23, 37:21, 40:16, 18, 41:3
years (4) 6:11, 10:14, 30:3, 53:21
yelled (1) 62:4

I

1 (3) 17:15, 32:11, 43:5
## The State of Arizona
Citizens Clean Elections Commission

**Public Meeting**

**Transcript of Proceedings**

**May 30, 2019**

<table>
<thead>
<tr>
<th>10 (4) 18:23;19:19,21;20:5</th>
<th>60 (1) 50:12</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:06 (1) 50:2</td>
<td>60-day (3) 32:13;50:5,18</td>
</tr>
<tr>
<td>100 (2) 10:25;43:23</td>
<td>7</td>
</tr>
<tr>
<td>104 (6) 33:13,14;43:1,3,3;47:15</td>
<td>7 (1) 33:19</td>
</tr>
<tr>
<td>11:20 (1) 64:13</td>
<td>702 (5) 33:12;34:2,15;38:5;50:12</td>
</tr>
<tr>
<td>113 (8) 33:13,19;40:8,9;41:20,21;42:24;50:12</td>
<td>704 (6) 33:13,13;38:11,12;40:6;50:12</td>
</tr>
<tr>
<td>12th (1) 58:2</td>
<td>8</td>
</tr>
<tr>
<td>14th (1) 58:2</td>
<td>8th (2) 6:22,24</td>
</tr>
<tr>
<td>17th (1) 58:2</td>
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<tr>
<td>18 (1) 6:15</td>
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<td>18--14 (1) 16:24</td>
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<td>19 (1) 3:7</td>
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2

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<tr>
<th>2 (6) 22:5;38:5;43:4,5;6:44;20</th>
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<td>2018 (1) 13:6</td>
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<td>2019 (5) 3:4;7;57:23;58:9;60:20</td>
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<td>20th (3) 59:19;20,22</td>
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<td>2724 (1) 8:2</td>
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<td>29th (2) 58:1,16</td>
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4

| 4 (6) 4:6;16:2;22:43:5;51:1;61:3 | |

5

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6

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(8) 10 - 8th
CITIZENS CLEAN ELECTIONS COMMISSION
EXECUTIVE DIRECTOR REPORT
July 29, 2019

Announcements:

- The qualifying period for candidates interested in running with Clean Elections funding begins August 1 and training (live and online) begins August 2. Qualifying contributions are $5 contributions candidates raise to show there is grassroots support from actual voters living in their district. They are turned in along with the candidates application for funding.

- The public can view Commission meetings live via the internet at www.livestream.com/cleanelections. A link is available on our website.

- Avery completed the first week of the Secretary of State’s Election Officer Certification training course. He will become a certified election official after completing the remaining coursework this fall.

Voter Education:

Elections:

- Local elections will be held on August 27th.
  - Voter registration deadline = Monday, July 29th
  - Early voting begins = Wednesday, July 31st
  - City of Phoenix = Proposition 105 and Proposition 106
  - City of Peoria = Councilmember
  - City of Prescott = Mayor & Councilmember
  - City of Tucson = Mayor & Councilmember
  - City of Yuma = Municipal Judge & Councilmember
  - Navajo County = Proposition 421

Community Outreach/Events

- The Navajo Voters Coalition Summit was held on June 8th at Dine College in Tsaile. Tom presented on Clean Elections’ voter education efforts and running for office.
- Chairman Kimble filmed the introductory video in our Commissioner video series, which is designed to educate voters on the commission, and the background and goals for each commissioner.
- Gina trained attendees at Election Officer Certification training on assisting and communicating with the public.
- Gina and Tom participated in the Secretary of State’s statewide election security conference calls with county election officials.
- Gina attended the Election Officials of Arizona spring workshop.
- Avery participated in the SOS’s Voter Outreach Advisory Committee meetings.
- Avery participated in the Arizona Commission of African American Affairs.
- Gina participated in the Department of Education’s Civic Engagement Committee meeting.
- Avery participated in the Maricopa County Recorder’s Town Hall event.
- A byline article by Commissioner Paton regarding the start of the qualifying period ran in the Apache Junction Independent, and is slated to run in the Arizona Capitol Times, West Valley View, Glendale Star, and Peoria Times this week.
Miscellaneous

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

- **GRRC**
  - GRRC Staff has removed our pending 2017 5-year-review from their internal agenda. Staff informs us that this was done as housekeeping. It is not clear if this means the Council will never address the additional report we filed, but that seems possible.
  - Mike and Tom recently had a meeting with SOS staff about GRRC and other matters, including those covered by the Interagency Service Agreement. Although those discussions have not progressed, we still plan to work with the Secretary’s office on shared items of interest.

- **Challenge to Circulator “Strike out” law**
  - A coalition of voters, organizers, and organizations are challenging A.R.S. section 19-118(c) on First and Fourteenth Amendment Grounds.
  - The law requires that, in the event of a challenge to initiative or referendum signatures, the failure of a properly subpoenaed signature gatherer to appear results in the striking of all that person’s petition signatures.
  - According to plaintiffs, the restrictions chill “core political speech” and have reduced the chances of a successful placement on the ballot, results in unfair content-based treatment based on the kind of petition, and impermissibly burdens the exercise of a fundamental right.
  - Plaintiffs’ motion for preliminary injunction and complaint are available.

- **Washington Supreme Court upholds Seattle public financing program.**
  - According to the Seattle television station KING 5, the court: ruled that Seattle’s democracy vouchers do not burden free speech, because they facilitate public discussion and encourage voter participation. Justices also found the program doesn’t force taxpayers to associate with any particular message that the program may be conveying, and therefore doesn’t violate First Amendment rights.
  - The program distributes vouchers to voters that are used in its public financing program.
  - This challenge was somewhat novel in that Plaintiffs are among the first to claim that Janus, a recent US Supreme Court case barring mandatory payments to unions by non-members on first amendment associational grounds, also barred the public financing program. The Court distinguished that case, stating, “Unlike the employees in Janus, [Plaintiffs] cannot show the tax [which funds the program] individually associated them with any message conveyed by the Democracy Voucher Program.”
  - The opinion can be read here:
Hi Mike and Tom,

Quick question for you about the highlighted phase below. Is 16-941(A)(1) really an expenditure limitation? It reads more like a provision governing how contributions may be accepted (a “contribution limitation” of sorts), but I’m not seeing the expenditure limitation part. Can you all help me out? Thanks!

Take care, Eric

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 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). 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).
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 services 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 IV(B)
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 IV(C)**
R2-20-104. Certification as a Participating Candidate

A. No change
   1. No change
   2. No change
   3. No change
   4. No change
   5. No change
   6. No change

B. No change
   1. No change
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C. No change
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   9. No change
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Staff Recommended Motions

Immediate effect motion language

Mr. Chairman, I move that pursuant to Ars 956 (c) and (d) that the amendment to r2-20-702 be approved for immediate effect.

Mr. Chairman, I move that pursuant to Ars 956 (c) and (d) that the amendment to r2-20-113 be approved for immediate effect.

Mr. Chairman, I move that pursuant to Ars 956 (c) and (d) that the amendment to r2-20-704 be approved for immediate effect.

Delayed effect Motion Language

Mr. Chairman, I move that pursuant to Ars 956 (c) and (d) that the amendment to r2-20-702 be approved effective January 1.

Mr. Chairman, I move that pursuant to Ars 956 (c) and (d) that the amendment to r2-20-113 be approved effective January 1.

Mr. Chairman, I move that pursuant to Ars 956 (c) and (d) that the amendment to r2-20-704 be approved effective January 1.

Termination of proceedings

Mr. chairman, I move that the commission terminate the rule amendment proceeding in R2-20-104.

Initiation of new amendment

Mr. Chairman, I move that, pursuant to 16-956(c) - (e) that the amendment to R2-20-104 be published for public comment period of no less than 60 days.