



**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.

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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

COASH & COASH, INC.
Court Reporting, Video & Videoconferencing
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Prepared by:
LILIA MONARREZ, CSR, RPR
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<p style="text-align: right;">Page 2</p> <p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 9:30 a.m. on May 30, 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 Mr. Damien R. Meyer 8 Ms. Amy B. Chan 9 Mr. Galen D. Paton 10 11 OTHERS PRESENT: 12 Thomas M. Collins, Executive Director 13 Paula Thomas, Executive Officer 14 Gina Roberts, Voter Education Director 15 Mike Becker, Policy Director 16 Alec Shaffer, Web Content Manager 17 Avery Oliver, Voter Education Specialist 18 Fanessa Salazar, Administrative Assistant 19 Mary O'Grady, Osborn Maledon 20 Nathan Arrowsmith, Osborn Maledon 21 Kara Karlson, AZ Attorney General's Office 22 Joseph LaRue, AZ Attorney General's Office 23 Ryan Wheelock, RIESTER 24 Rivko Knox, AZ League of Women Voters 25</p>	<p style="text-align: right;">Page 4</p> <p>09:30:54-09:32:07</p> <p>1 CHAIRMAN KIMBLE: Commissioner Meyer? 2 COMMISSIONER MEYER: Aye. 3 CHAIRMAN KIMBLE: Commissioner Paton? 4 COMMISSIONER PATON: Aye. 5 CHAIRMAN KIMBLE: The Chair votes aye. 6 It's approved 4 to nothing. 7 Item III, discussion and possible action on 8 executive director's report and legislative report. 9 Tom? 10 MR. COLLINS: Yes. Thank you, 11 Mr. Chairman. 12 We are -- a couple of things. I don't know 13 if we want to start at the top, but I do think, if you 14 haven't had a chance to read Chairman Kimble's 15 statement relating to the comments of some -- a couple 16 of legislators at the end of the session, please take a 17 look at that. You know, I think it's suffice it to 18 say, that whatever subjective intent the members had, I 19 think the language was -- somebody, I think, took 20 certainly myself and Chairman Kimble aback, and I think 21 we needed to -- I think it was appropriate to make that 22 statement. 23 And I don't -- I don't have anything to add 24 to it. I don't know if -- Chairman Kimble, if you 25 wanted to add anything more.</p>
<p>09:25:39-09:30:54</p> <p style="text-align: right;">Page 3</p> <p>1 PROCEEDING 2 3 CHAIRMAN KIMBLE: Good morning. I call to 4 meeting the May 30th, 2019, meeting of the Citizens 5 Clean Elections Commission. 6 Item II, discussion and possible action on 7 Commission minutes for the April 25th, 19 -- 2019 8 meeting. 9 Are there any comments or additions or 10 corrections to the minutes? 11 (No response.) 12 CHAIRMAN KIMBLE: Hearing none, we'll do a 13 roll call vote. 14 Commissioner Chan? 15 COMMISSIONER CHAN: Oh, do you need a 16 motion, Mr. Chairman? 17 CHAIRMAN KIMBLE: Oh, that would be 18 helpful, yes. 19 COMMISSIONER CHAN: I would move that we 20 approve the minutes as written. 21 CHAIRMAN KIMBLE: Is there a second? 22 COMMISSIONER MEYER: Second. 23 CHAIRMAN KIMBLE: Okay. Roll call vote. 24 Commissioner Chan? 25 COMMISSIONER CHAN: Aye.</p>	<p style="text-align: right;">Page 5</p> <p>09:32:09-09:33:36</p> <p>1 CHAIRMAN KIMBLE: No, I don't think so. 2 Thank you. 3 MR. COLLINS: Okay. With respect to voter 4 education, we've been working with local jurisdictions 5 to help ensure folks have information about the 6 elections that are happening. We did an interview in 7 the -- or last -- I guess, last quarter with the City 8 of Phoenix clerks about the City of Phoenix elections. 9 We did -- we spent some time with the mayor and town 10 administrators of Chino Valley about some significant 11 ballot questions there. 12 Part of that was our effort to help provide 13 voters with more information about the fact that, you 14 know, there are elections going on around the -- 15 throughout the year, some of which may be the most 16 important election to you. You know, in Chino Valley, 17 for example, they were putting -- offering their first 18 property tax in the town's history, and -- you know, 19 and that's a pretty significant decision there. So, in 20 any event, we've been doing that. I think that was 21 successful for the May 21st election. 22 We've had Avery and then -- and then Alec 23 and Gina at -- on a number of different events, 24 including events -- roundtable events hosted by the 25 Maricopa County Recorder. We've -- Avery has been to</p>

<p>09:33:41-09:35:06 Page 6</p> <p>1 the Community Leadership Breakfast sponsored by the 2 Phoenix Indian Center. We have -- Avery attended a 3 meeting of the African-American Commission and -- and 4 tomorrow Alec, Avery and Gina will be at the Native 5 Vote Strategy Session. 6 So we're continuing to try, in effect, 7 enhancing, with the additional staff we have through 8 Avery, our ability to be, you know, in touch with 9 leaders from a variety of communities. And I think 10 that builds on what we've been -- what we've been doing 11 over the course of the last five years. 12 We are using -- we do have this Happy 13 Graduation Campaign on -- on the internet. It's pretty 14 cool. You can put a frame around your graduation 15 picture and a reminder to vote, you know, if you're 18. 16 So that was -- that was only put together relatively -- 17 relatively quickly, but we hope to expand on going in 18 the future. We think it was a good -- a good pilot 19 there. 20 And we'll be -- we're a co-sponsor of the 21 Navajo Voters Coalition Voter Education Summit on 22 June 8th. So we've been helping to encourage 23 attendance, and my plan is to be -- I plan to be there 24 on the 8th. 25 So -- and, then, we're doing -- later on</p>	<p>09:36:34-09:37:48 Page 8</p> <p>1 a -- on the last day, bills could be introduced. There 2 was a bill introduced, which we've been tracking, 2724, 3 which had serious constitutional problems in it. We 4 worked closely with the staffs of both houses, the 5 majority staff and minority staff, to articulate those 6 constitutional issues. We didn't actually -- bless 7 you. 8 COMMISSIONER MEYER: Excuse me. 9 MR. COLLINS: You know, we did not spend a 10 lot of time actually at -- physically at the capitol, 11 though we did, this year, make a concerted effort to 12 get out and meet more of the new lawmakers, as well as 13 lawmakers who had changed chairmanships and that kind 14 of thing. So we think overall this -- this was a 15 quite -- this was a pretty successful legislative 16 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 21 that we aren't able to have a lobbyist -- 22 MR. COLLINS: Yeah. 23 COMMISSIONER PATON: -- may even be better 24 because you're lobbying, right? 25 MR. COLLINS: Well, I would say this. With</p>
<p>09:35:12-09:36:30 Page 7</p> <p>1 today, we're doing a brief interview with one of the -- 2 with one of the experts on what's been going on at the 3 legislature just so voters know what they need to 4 expect at the ballot coming -- coming up going forward 5 after the -- after the -- after the general effective 6 date. 7 We have the U.S. Term Limits matter on this 8 agenda. I think both Mr. LaSota and Mr. Gaona got 9 notice, right? 10 MS. THOMAS: Yes, sir. 11 MR. COLLINS: Okay. So -- and then we're 12 working -- and we'll get into that when we get into the 13 item. We'll get into more detail. 14 We still have some outstanding legal 15 matters. The Legacy Foundation Action Fund case is now 16 at the Court of Appeals, maybe, or -- no, not yet. 17 It's not yet at the Court of Appeals nor is AZAN versus 18 State yet at the Court of Appeals, but eventually, 19 those cases are anticipated to go to the Court of 20 Appeals by somebody. 21 And that really -- oh, and then -- and, 22 then, getting into the -- you know, if you have 23 specific questions that Mike can answer, but the 24 legislative report, I think, the big takeaway from the 25 legislation this year was that, you know, there was</p>	<p>09:37:51-09:39:07 Page 9</p> <p>1 the strategy that Mike and I have developed -- and Mike 2 is, really, the principal architect of -- is to say, 3 look, we -- we're not in a position, really, where -- 4 because, as you all know, the legislature is very 5 ideologically divided on campaign finance issues. So 6 we're not in a position to really convince anyone on a 7 policy basis. You know, you either like what we do or 8 you don't, but -- so we focused on talking -- on, 9 essentially, speaking about the legal issues because 10 those, to us, are black and white. 11 And so, yeah, we -- the one success -- the 12 referendum that passed last year had a section we were 13 able to get -- negotiate with the rules attorneys in 14 the senate to have removed from the final piece of -- 15 the final referendum, which actually would have made 16 that referendum significantly more problematic than it 17 was. This year we wrote about a number of 18 constitutional issues to the extent that, I think, 19 basically, folks came to the conclusion that if the 20 bill did something, it would probably be a VK problem 21 or the bill might not do anything. 22 And I think that people had other 23 priorities with the budget and everything like that. 24 So it just didn't -- it didn't come -- it didn't come 25 back. We would expect -- so, yeah, I agree. I mean, I</p>

<p>09:39:10-09:40:16</p> <p>Page 10</p> <p>1 think -- 2 COMMISSIONER PATON: So you're, like, 3 effectively warning them of passing something that 4 would be dubious. 5 MR. COLLINS: That's exactly right, 6 Mr. Chairman, Commissioner Paton, and I think that 7 that's been a good strategy so far. We feel 8 comfortable with that, and it seems to -- it seems -- 9 it seems to work. I mean, like, I think, both Mike and 10 I are 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 19 question, Mr. Chairman. 20 CHAIRMAN KIMBLE: Commissioner Meyer. 21 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</p>	<p>09:41:19-09:42:23</p> <p>Page 12</p> <p>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 hopping 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.</p>
<p>09:40:18-09:41:16</p> <p>Page 11</p> <p>1 Gina's idea. She literally walked into my office and 2 said, hey, why don't we do something for graduation? 3 So it was -- that was -- so all -- you know, all 4 compliments to Gina on this one. 5 COMMISSIONER MEYER: Great job. And I'm 6 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</p>	<p>09:42:23-09:43:37</p> <p>Page 13</p> <p>1 CHAIRMAN KIMBLE: Thank you. 2 Any other comments on the executive 3 director's report? 4 (No response.) 5 CHAIRMAN KIMBLE: Item IV, discussion and 6 possible action on final audit approval for the 2018 7 general election participating candidates, Rebecca 8 Speakman and Kathy Hoffman. 9 Tom? 10 MR. COLLINS: Yeah. Yes. Mr. Chairman 11 and -- and Commissioners, so I believe -- both 12 candidates, I think, received notice this was going to 13 be on the agenda, I assume. I don't know. Do we know? 14 Yeah, they did. Okay. So -- but I'm not totally 15 shocked they're not here. 16 So, Mike has been working with the auditors 17 on these. Kathy Hoffman was just the last statewide 18 candidate to get wrapped up. The Speakman situation is 19 a little more complicated, as you can tell from reading 20 the -- the audit itself. So, as you know, approval of 21 the audit is not the same as approval of the -- you 22 know, the actions detailed in the audit. 23 COMMISSIONER MEYER: Sure. 24 MR. COLLINS: So, for that -- for that 25 purpose, we would recommend -- and I think we've -- I</p>

<p>09:43:41-09:44:58 Page 14</p> <p>1 sent -- we put out a recommended motion. Basically, 2 what we're asking for is approval of the audits on A 3 and B. Of course, Mike and I are willing -- or happy 4 to take questions on those. And then, obviously, we 5 are looking for authorization to do a more extensive 6 audit on Candidate Speakman. 7 So with that, I welcome any questions 8 anyone has on the audits, and Mike and I are ready to 9 answer any questions you might have. 10 CHAIRMAN KIMBLE: Any questions on these 11 two audits? 12 COMMISSIONER PATON: I have a question. 13 CHAIRMAN KIMBLE: Commissioner Paton. 14 COMMISSIONER PATON: So, from what -- from 15 reading the thing about the Candidate Speakman, did she 16 turn anything in? 17 MR. BECKER: Mr. Chairman, Commissioner 18 Paton, yes, the candidate did turn in some information 19 to get the preliminary audit moving, but when the 20 auditor went back to her asking for more information 21 regarding bank statements, receipts, things like that, 22 there was no response. We contacted her, several phone 23 calls, emails. I emailed her. The auditor emailed 24 her. The auditor called her. I called her. We sent 25 her letters. In fact, I was even speaking with her</p>	<p>09:45:50-09:46:33 Page 16</p> <p>1 CHAIRMAN KIMBLE: The Chair votes aye. 2 It's approved 4 to nothing. 3 Any other motions on these audits? 4 COMMISSIONER MEYER: Mr. Chairman? 5 CHAIRMAN KIMBLE: Commissioner Meyer? 6 COMMISSIONER MEYER: Mr. Chairman, I move 7 we authorize staff to move forward with the full audit 8 of Candidate Speakman. 9 COMMISSIONER CHAN: I would second that 10 motion, Mr. Chairman. 11 CHAIRMAN KIMBLE: It's been moved and 12 seconded that we authorize staff to move forward with 13 the full audit of Candidate Speakman. 14 Roll call vote. 15 Commissioner Chan? 16 COMMISSIONER CHAN: Aye. 17 CHAIRMAN KIMBLE: Commissioner Meyer? 18 COMMISSIONER MEYER: Aye. 19 CHAIRMAN KIMBLE: Commissioner Paton? 20 COMMISSIONER PATON: Aye. 21 CHAIRMAN KIMBLE: The Chair votes aye. 22 It's approved 4 to nothing. 23 Item V, discussion and possible action on 24 MUR 18-14, U.S. Term Limits, Inc. 25 Tom?</p>
<p>09:45:03-09:45:49 Page 15</p> <p>1 father-in-law, who's also a candidate for the 2 legislature, and he was trying to get her involved and 3 still no response. 4 And so this is the next step to move 5 forward and do a full audit and then see what 6 information we can gather. 7 CHAIRMAN KIMBLE: Any other questions on 8 these two audits? 9 (No response.) 10 CHAIRMAN KIMBLE: Do we have a motion on 11 both or either audit? 12 COMMISSIONER MEYER: Mr. Chairman. 13 CHAIRMAN KIMBLE: Commissioner Meyer? 14 COMMISSIONER MEYER: Mr. Chairman, I move 15 we approve the Hoffman and Speakman audits. 16 CHAIRMAN KIMBLE: Is there a second? 17 COMMISSIONER CHAN: Second. 18 CHAIRMAN KIMBLE: We'll do a roll call 19 vote. 20 Commissioner Chan? 21 COMMISSIONER CHAN: Aye. 22 CHAIRMAN KIMBLE: Commissioner Meyer? 23 COMMISSIONER MEYER: Aye. 24 CHAIRMAN KIMBLE: Commissioner Paton? 25 COMMISSIONER PATON: Aye.</p>	<p>09:46:33-09:48:04 Page 17</p> <p>1 MR. COLLINS: Yes, Mr. Chairman, 2 Commissioners, so a couple of things we're trying to 3 accomplish here. We have what I would call -- well, 4 sufficient agreement amongst myself as staff for the 5 head of the AG's governmental accountability unit and 6 as staff in his capacity as -- you know, staff capacity 7 and Mr. LaSota on behalf of U.S. Term Limits. 8 I do need to note that the -- obviously, 9 the AG's office is an independent agency in this 10 context. I am -- you know, they are moving on a 11 similar trajectory to us in terms of getting final 12 approval from their front office, much like you give 13 final approval for our end of this. 14 We think that this matter, this 15 conciliation does a couple of things. Number 1, it's 16 efficient because it ensures that the Commission and 17 the Attorney General resolve two ends of a case that 18 are not necessarily related -- or they're related, but 19 they're not necessarily legally joined; but it gets the 20 whole picture, which I think is a very good step and 21 something we've been able to do consistently with the 22 Attorney General's office. And I -- and I commend them 23 for their help on that. 24 So we assume they will -- we don't know and 25 I can't assure, but I am confident that they will also</p>

<p>09:48:09-09:49:46 Page 18</p> <p>1 approve this formally. I'm confident that Mr. LaSota 2 will sign if we approve it. So, really, it's -- and, 3 basically, what it does is goes over the fact that the 4 group, U.S. Term Limits, which is a -- it's a 5 longstanding 501. It's -- I mean, there's even -- I 6 mean, there's a very famous U.S. Supreme Court case 7 involving U.S. Term Limits where their efforts to have 8 term limits imposed on Congress by state legislators 9 were struck down.</p> <p>10 So this is -- and so, you know, given that 11 there's not -- we do, you know, still maintain that 12 these were electioneering communications, but for 13 purposes of conciliation, obviously, we're -- we're 14 always willing to -- you know, to allow some, you now, 15 leeway on the -- well, not just leeway, but it's a 16 settlement. In other words, we don't have -- we don't 17 demand an admission of wrongdoing by USTL, and I don't 18 think that, frankly, as a national group coming in 19 Arizona, it would be -- I mean, it's not true of all 20 cases, but in this case, I think that it's reasonable.</p> <p>21 The amount of the fine overall, though it's 22 split between us and AGO when this is all done, is 23 basically 10 percent of what they could have been 24 fined, which is consistent with our conciliation 25 practices. And, then, most importantly, we'll get the</p>	<p>09:51:19-09:52:46 Page 20</p> <p>1 whatever the number is, you double that. That's how 2 you get to the 58 -- whatever the -- 3 COMMISSIONER MEYER: 53,000? 4 MR. COLLINS: -- the 53, and then we -- and 5 then we just took it down to 10. Now, I think that, 6 you know, obviously, you know, the amount that we 7 enforce in terms of fines is always open to discussion. 8 You know, our issue has always been to try to get the 9 reports first, you know, and make sure we can get that 10 locked in and not let the dollars interfere with 11 getting the public information.</p> <p>12 We don't -- the fact of the matter is that 13 because the fines don't really keep up with inflation 14 exactly, it's -- you know, it's -- because a day -- 15 it's a day-to-day thing, not an overall spending thing, 16 that creates a -- I wouldn't call it a distortion.</p> <p>17 It's just the metric for -- the metric for penalty is 18 different from the metric of value of the expenditure.</p> <p>19 CHAIRMAN KIMBLE: Well, I semi-understand 20 that, but you were -- you were just talking about that 21 U.S. Term Limits is a large national organization. And 22 is a fine of this amount going to be sufficient to 23 deter them from doing this again or -- it seems like 24 pocket change to them.</p> <p>25 MR. COLLINS: I think that what is</p>
<p>09:49:48-09:51:14 Page 19</p> <p>1 reports filed within two weeks after this -- after this 2 agreement is resolved.</p> <p>3 So with all that having been said, unless 4 you have particular questions left over from the 5 background materials and things that -- that you -- any 6 other questions you have, my recommendation is that we 7 would approve this conciliation agreement, and then I 8 would -- you know, then we would, you know, circulate a 9 signed copy to, you know, our counterparties, so to 10 speak.</p> <p>11 CHAIRMAN KIMBLE: Well --</p> <p>12 MR. COLLINS: But the AG is not a 13 counterparty. It's just in this -- in its own 14 capacity, just -- but it's hard to figure out the 15 exact, correct language.</p> <p>16 CHAIRMAN KIMBLE: Well, Mr. Collins, so 17 this involves spending of close to \$27,000, and the 18 total settlement is \$5,400, roughly. You said this is 19 10 percent of what they could have been fined. To a 20 laymen such as myself, it seems awfully lenient.</p> <p>21 MR. COLLINS: Well, it's 10 percent of -- 22 see, our fines are based on time, not value. So, 23 because there hadn't been reports filed -- they also 24 cap out at twice the amount of the spend. So, 25 basically, once you get to 27,000, you can -- or</p>	<p>09:52:49-09:54:20 Page 21</p> <p>1 sufficient to deter them from doing this again is the 2 fact that, notwithstanding the -- I don't know how to 3 put this. Entities that come from outside of Arizona 4 do not necessarily understand some of the differences 5 between Arizona law and the U.S. Supreme Court's law 6 with respect to absolute bans on -- on speech by 7 corporations, which are all gone. So reporting is 8 still allowed.</p> <p>9 Our basis for requiring reporting is set 10 forth -- is set forth in both statute and case law. I 11 think the biggest concern of a group like this is they 12 don't want any trouble with the IRS. So I would think 13 that, even if they -- even if they were -- you know, we 14 believe they were communicating in electioneering, they 15 probably don't want the mailers counted towards their 16 advocacy, sort of, numbers as they're working with the 17 IRS. And that's really the big -- the big -- the IRS 18 carries the bigger hammer in this than we do.</p> <p>19 CHAIRMAN KIMBLE: Okay. Any other comments 20 or questions from other members of the commission? 21 COMMISSIONER MEYER: I have a question. 22 CHAIRMAN KIMBLE: Commissioner Meyer? 23 COMMISSIONER MEYER: So, Tom, help me 24 understand this. 25 Did the U.S. Term Limits -- do you think</p>

<p>09:54:22-09:55:25 Page 22</p> <p>1 they understood they were violating our reporting 2 obligations? 3 MR. COLLINS: No. 4 COMMISSIONER MEYER: Okay. So -- so, one, 5 it looks, like, under paragraph E on page 2 here -- 6 MR. COLLINS: Yeah. 7 COMMISSIONER MEYER: -- that once you 8 notified them of the issue, they did comply and provide 9 the information that you requested. 10 MR. COLLINS: Both -- they both began to 11 file -- they filed for the General Election -- and, 12 also, they provided me the information that I've asked 13 for. Yes. 14 COMMISSIONER MEYER: So once they were 15 aware of their obligations, they began to report? 16 MR. COLLINS: That's correct. They did not 17 go back and report the primary spending because they 18 were, basically, you know, essentially, reserving 19 their, you know, right to litigate that. And, as you 20 recall, they narrowed it to the issue of expressed 21 advocacy purely. They did not dispute the timing, 22 targeting, any of that. It was expressly whether or 23 not the document was expressed advocacy. Yeah, they 24 reserved that to have this conversation, but -- I mean, 25 to have -- to either -- to either have an</p>	<p>09:56:55-09:57:50 Page 24</p> <p>1 MR. COLLINS: Yeah. 2 CHAIRMAN KIMBLE: Commissioner Paton. 3 COMMISSIONER PATON: It seems to me that 4 maybe they didn't know exactly that they were violating 5 our -- 6 MR. COLLINS: Yeah. 7 COMMISSIONER PATON: -- our laws here. And 8 then they tried to play nice after that, but it does 9 seem like we are spending an inordinate amount of time 10 dealing with this. I mean, it's been on the agenda 11 many, many times. 12 MR. COLLINS: Right. 13 COMMISSIONER PATON: So if it's on our 14 agenda, that means it's on our -- you know, your 15 staff's agenda. 16 MR. COLLINS: Yeah, yeah. 17 COMMISSIONER PATON: And it's taken a lot 18 of time. 19 MR. COLLINS: Sure. 20 COMMISSIONER PATON: And I think we do a 21 lot of -- the staff seems to do a lot of work on these 22 items, and I think like Commissioner Kimble. \$5,000 23 seems like -- I mean, to a normal person maybe it seems 24 like it's a lot, but to these people it's probably not. 25 So I think maybe in the future we can look to making</p>
<p>09:55:28-09:56:54 Page 23</p> <p>1 administrative proceeding or else to conciliate. 2 And, obviously, we've already done probable 3 cause, I think, at the last meeting. And so this is -- 4 this is, in our rules, the next -- I mean, there's 5 always an opportunity to conciliate, but there's a 6 specific rule that allows for post probable cause 7 conciliation at the request of the respondent. And so 8 that's where we are with USTL. 9 You know, as I say, I mean, we can have a 10 broader conversation -- and I'd be happy to -- about 11 what we want to do in terms of the ratio of fine to -- 12 potential fine. I mean, that's -- because that comes 13 up regularly. We have tried to become a little more 14 predictable in terms of setting some percentage -- some 15 threshold percentages. You know, they don't always 16 work out perfectly, but -- but, you know, we -- we 17 don't think we're out of step with other agencies. 18 The fact that the Attorney General's 19 Office, in its independent capacity, is considering the 20 same agreement and at least the person at my level, you 21 know, is going to present, as I am, the recommendation 22 that I'm making gives me some confidence we're in the 23 ballpark of -- you know, of reasonable. And I, also -- 24 you know, but there's, I mean -- 25 COMMISSIONER PATON: I have a question.</p>	<p>09:57:56-09:58:49 Page 25</p> <p>1 this more expensive penalties because we're spending so 2 much time and effort to get to the bottom of this -- 3 MR. COLLINS: Sure, sure. 4 COMMISSIONER PATON: -- and get them to act 5 and to get them to turn stuff in to us -- 6 MR. COLLINS: Right. 7 COMMISSIONER PATON: -- and whatever. And 8 so, in this case, I would go with the conciliation 9 because -- 10 MR. COLLINS: Yeah. 11 COMMISSIONER PATON: -- they haven't been 12 obstinate or anything like that, but I agree. It 13 sounds like a small amount when we are spending a lot 14 of time and effort dealing with it. 15 MR. COLLINS: Understood. 16 CHAIRMAN KIMBLE: Any other comments from 17 commissioners? 18 COMMISSIONER MEYER: Yes. 19 CHAIRMAN KIMBLE: Commissioner Meyer. 20 COMMISSIONER MEYER: I mean, I agree a lot 21 with what Commissioner Paton said. I -- due to the 22 fact that, one, they weren't aware of this obligation 23 to comply and then, two, they did comply and worked 24 with us as soon as the requests were made or when the 25 requests were made, I think this re -- this</p>

<p>09:58:53-09:59:44</p> <p>Page 26</p> <p>1 conciliation is fine at this time. I think now that 2 they're aware of what their obligations are, if this 3 happens again, then, I think -- 4 MR. COLLINS: Sure. 5 COMMISSIONER MEYER: -- we would look at 6 this through an entirely different lens. 7 MR. COLLINS: Sure. 8 COMMISSIONER MEYER: So on the -- so I 9 support this amount. 10 And on the issue of the amount of time and 11 whatnot we've put into this, I don't think that the 12 purpose of this fine is to -- is to compensate the 13 Commission for the work they've put into this. I think 14 the purpose of this fine is to try to provide notice 15 and deter them from doing this again in the future. 16 And, I think -- from the factual background I have 17 here, I think that's going to happen. So I will 18 support this conciliation, as well. 19 COMMISSIONER CHAN: Mr. Chairman? 20 CHAIRMAN KIMBLE: Commissioner Chan. 21 COMMISSIONER CHAN: Since everybody else 22 weighed in, I'll take a turn, too. 23 I support this conciliation agreement. I'm 24 very cynical. So I feel like organizations like this 25 probably know exactly what they're doing, and they're</p>	<p>10:00:52-10:01:56</p> <p>Page 28</p> <p>1 So I think that you do have to take each 2 case individually, and it does matter to me and, I 3 think, it would matter to the Commission and the AG's 4 office, too, and to ourselves as commissioners if we 5 saw the same people coming back or doing the same thing 6 they had done in another jurisdiction and been dinged 7 for here, if that makes sense. 8 So I agree, I guess, with everything 9 everybody has said, and I would support this 10 conciliation agreement. 11 CHAIRMAN KIMBLE: I would -- I would just 12 say one other thing. We're not dealing with some naive 13 legislative candidate from Gila Bend who's never run 14 for office before and doesn't understand the 15 intricacies of it. This is an organization that this 16 is what they do. 17 MR. COLLINS: Right. 18 CHAIRMAN KIMBLE: And if they didn't know 19 what Arizona law was, then they should have checked 20 before they started playing in Arizona elections. And 21 it still seems awfully little to me. 22 MR. COLLINS: Mr. Chairman, if I can make 23 one other observation. I mean, the other thing we have 24 here is, you know, we have -- we have an expressed 25 advocacy definition here in statute that's part of the</p>
<p>09:59:46-10:00:51</p> <p>Page 27</p> <p>1 playing fast and loose with the rules. I'm not 2 saying -- again, I do support this. I'm not saying I 3 don't, but I appreciate that we are willing to, kind 4 of, give somebody a mulligan. 5 And, then, I agree with what, I think, 6 Commissioner Meyer was trying to point out that, you 7 know, if this particular organization comes back and 8 does the same thing, I think definitely we have to go 9 for more harsher penalties, like I would expect us to 10 do in any case. 11 You know, I always harken back to when I 12 was election director for the Secretary of State, and 13 if I truly believed -- I mean, I like that human 14 aspect. When you're talking to the person who was 15 responsible for the spending and they're saying to you, 16 I am really sorry; I had no idea; we were doing our 17 best to exercise our First Amendments rights in a way 18 that we thought was legal and acceptable, I took them 19 at their word. 20 Sometimes there were people I didn't 21 believe because I knew they had experience in other 22 arenas, maybe not with our office, but that they had 23 done the same thing in our jurisdictions, et cetera. 24 So those people maybe we would not be as conciliatory 25 with.</p>	<p>10:02:02-10:03:23</p> <p>Page 29</p> <p>1 Clean Elections Act, and we also have a case called the 2 Committee for Justice and Fairness v. -- whoever it 3 was. And -- and that -- and that case lays out that 4 the standards for disclosure are not the standards 5 for -- for not speaking at all, which is what the issue 6 was in this Wisconsin Right to Life case. 7 That's how we see the law here. It may 8 very well be -- and I know that, you know, if you're 9 getting your compliance advice from Washington, the 10 prevailing view is that WRTL controls all these things, 11 which is just -- this is wishful reading to me, but -- 12 but nevertheless, there is -- there are campaign 13 finance agencies out of state who believe the Supreme 14 Court has held other than it has held about disclosure 15 in this context. 16 And we also have a case that because of 17 the -- for lack of a better way of putting it -- 18 dilatory actions of the respondents, we already have a 19 case on expressed advocacy that's not resolved. And 20 I'm -- my preference -- and conciliation is a tradeoff. 21 My preference is to get the reports from the people 22 now, get what -- you know, have some monetary 23 association but not start loading up the courts with 24 questions about expressed advocacy because there is a 25 case there, you know. And so it's a give and take.</p>

<p>10:03:27-10:04:32 Page 30</p> <p>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</p>	<p>10:05:23-10:06:24 Page 32</p> <p>1 and seconded that we approve the conciliation agreement 2 with U.S. Term Limits, Inc. 3 Roll call vote. 4 Commissioner Chan? 5 COMMISSIONER CHAN: Aye. 6 CHAIRMAN KIMBLE: Commissioner Meyer? 7 COMMISSIONER MEYER: Aye. 8 CHAIRMAN KIMBLE: Commissioner Paton? 9 COMMISSIONER PATON: Aye. 10 CHAIRMAN KIMBLE: The Chair votes no. It 11 approves 3 to 1. 12 Item VI, discussion and possible action on 13 the following rule changes for 60-day public comment 14 period: A, amendment to A.A.C. R2-20-702, 15 participating candidates use of clean elections 16 funding; B, amendment to A.A.C. R2-20-704, repayment of 17 Clean Elections funding; C, amendment to A.A.C. 18 R2-20-113, candidate statements; and, D, amendment to 19 A.A.C. R2-20-104, loans to participating candidates. 20 Tom? 21 MR. COLLINS: Yes. I don't -- I'm not sure 22 what the best order to taking them is, but I will take 23 them in the order they're presented, if that's all 24 right with everyone. 25 CHAIRMAN KIMBLE: Sure.</p>
<p>10:04:35-10:05:22 Page 31</p> <p>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</p>	<p>10:06:24-10:07:45 Page 33</p> <p>1 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</p>

<p>10:07:48-10:09:14 Page 34</p> <p>1 want to go through them in order? 2 MR. COLLINS: Sure. So, 702, this is the 3 306 change. As you recall, Prop -- this is the party 4 piece. As you recall, 306 said that money may not be 5 paid directly or indirectly to a party or a 501 group 6 that can spend money on candidates. So -- and it, 7 also -- so what we've done here is we've taken out the 8 specific reference to tax-exempt status under 501(a) in 9 Section A. And then, with respect to parties, the 10 advanced payment to parties, we just took all this out 11 because it's -- that's just not allowed anymore. 12 So that's it. I mean, it's that simple. I 13 mean, basically, this is taking the language of 306 14 with respect to parties, taking any authorization that 15 was in 702 to use money in a way that's now prohibited 16 expressly by 306, and that's it. 17 COMMISSIONER CHAN: Mr. Chairman? 18 CHAIRMAN KIMBLE: Commissioner Chan. 19 COMMISSIONER CHAN: Tom, they can still 20 make a payment from their campaign bank account to a 21 political committee, though, or civic organization? 22 What would examples of that be? And that wasn't 23 prohibited by 306? 24 MR. COLLINS: It was absolutely not 25 prohibited by 306. 306 was express about political</p>	<p>10:10:29-10:11:27 Page 36</p> <p>1 not political -- co-op political that invite folks to 2 talk about -- 3 COMMISSIONER CHAN: Like the chamber or 4 something? 5 MR. COLLINS: Or the chamber or -- you 6 know, I mean, we've -- I mean, an example is we've had 7 a table at the Panhellenic Conference the last couple 8 of times before elections. We've had -- 9 COMMISSIONER CHAN: Okay. 10 MR. COLLINS: We've had what -- we are out 11 at National Voter Registration Day. I mean, we're 12 doing a lot of stuff. I assume that, I mean, the 13 candidates do the same kinds of things. I mean, if 14 civic organization means anything, you know, if it 15 means that, you know, you send -- you spend 20 -- \$20 16 to get your campaign ad in a -- in a program of a -- 17 you know, of -- you know, your neighborhood association 18 or something like that, I mean, that's clearly not -- 19 well, first of all, 306 does not affect that and, 20 second of all, that would be another example, you know, 21 here. 22 COMMISSIONER CHAN: Thank you. And, 23 Mr. Chairman, Tom, I didn't mean -- 24 MR. COLLINS: No, no, no. 25 COMMISSIONER CHAN: I didn't mean that I</p>
<p>10:09:20-10:10:26 Page 35</p> <p>1 parties and 501(a) groups that can -- I shouldn't have 2 included the text in here. I'm sorry -- and 501(a) 3 groups that can spend on candidates. So our striking 4 here is actually even broader than what 306 requires 5 because we're not reserving the right to make 6 contributions to -- or not make contributions -- to 7 make purchases from 501 groups that don't make 8 expenditures on candidates. We're just taking the 9 whole 501 out. 10 They did not say anything about political 11 committees. The only objection they raised to civic 12 organizations was the addition of the 501(a) language. 13 So that's gone, and there's nothing in the language. 14 COMMISSIONER CHAN: Mr. Chairman, Tom, what 15 are -- what are some examples -- real world examples 16 how clean candidates would make -- like, what kind of 17 payments do our clean candidates make to political 18 committees or civic organizations? Do you -- I'm 19 putting you on the spot a little bit, but I'm just 20 curious about -- 21 MR. COLLINS: Well, I think the most 22 obvious one is attendance at events. I think that, you 23 know, I mean, having a table set up might cost you 50 24 bucks at either a community -- or 25 bucks. I don't 25 know. I mean, there are all kinds of groups that are</p>	<p>10:11:29-10:12:29 Page 37</p> <p>1 thought that violated 306. I was just curious what 2 that actually looked like and meant. 3 MR. COLLINS: It's a fair question. I 4 didn't take it that way. I just -- I just -- 306 says 5 what it says, and it doesn't say what it doesn't say. 6 And so we've -- I mean, in analyzing this -- and, I 7 mean, this is -- this is my recommendation, as much as 8 any other, but you know, we did talk about that 9 arguable inconsistency. But it's not our job to fix 10 that. 11 COMMISSIONER CHAN: Well, and I think 12 that's why I supported the inclusion and specificity of 13 our rule which, again, the voters, obviously, approved 14 this change. 15 MR. COLLINS: Yeah. 16 COMMISSIONER CHAN: So, thank you for 17 explaining that. 18 MR. COLLINS: No. Yeah, I hope -- I hope 19 that's the explanation. I think -- I think, you know, 20 the political committee thing -- we'll see. You know, 21 we may be back in a year, you know, talking about -- 22 COMMISSIONER CHAN: Civic organization? 23 MR. COLLINS: -- what's a civic 24 organization. I don't know, but I know that this both 25 addressed what's in the text of 306 and what Scott</p>

<p>10:12:32-10:13:58 Page 38</p> <p>1 Musey, who is the leading proponent of all of the 2 anti-Clean Elections measures in the legislature, 3 specifically complained about in his testimony. 4 CHAIRMAN KIMBLE: Any other questions or 5 comments about 2 -- 702? 6 MR. COLLINS: And he's got a chance to 7 public comment. People can -- this is only open for 8 public comment. They can -- 9 CHAIRMAN KIMBLE: Right. Right, by people 10 here. 11 Okay. Tom, you want to discuss 704? 12 MR. COLLINS: Yeah. 704 is pretty easy. 13 We came upon this rule which dates to, at least, at the 14 best we can determine, 2001. It's problematic in two 15 respects. One, it's a repayment-specific rule. The 16 statute of limitations for repayment to the State does 17 not -- there is not one. So, by imposing by rule a 18 one-year implicit rule of limitation, we are not -- we 19 are, sort of, waiving -- or implicitly waiving an 20 important defense. 21 And -- and relatedly -- and this is where 22 we bring the second piece, which is that the Clean 23 Elections statute itself says the Commission is to 24 monitor inflows and outflows from the account to make 25 sure money is placed in accounts as necessary and not</p>	<p>10:14:50-10:15:41 Page 40</p> <p>1 through all of them. 2 CHAIRMAN KIMBLE: Yeah, let's go through 3 all of them and see if we need to -- 4 MR. COLLINS: Okay. Okay. Okay. 5 CHAIRMAN KIMBLE: Any other questions about 6 704? 7 (No response.) 8 CHAIRMAN KIMBLE: Okay. Tom, 113? 9 MR. COLLINS: 113, this is -- 10 COMMISSIONER PATON: Well, actually, I do 11 have a question. 12 MR. COLLINS: Yes. 13 CHAIRMAN KIMBLE: Commissioner Paton? 14 COMMISSIONER PATON: So if you -- so what's 15 the penalty if they keep on stringing this out more 16 than a year? 17 MR. COLLINS: This is -- the problem is 18 that the one year is a restriction on us, not on them. 19 So that's the issue. The issue is it's restricting our 20 ability to go out. 21 And, then, I would answer -- I would answer 22 one -- I would note one other thing. This rule is 23 vague as to what "election" would mean, anyway. So by 24 taking out the -- this self-imposed rule of limitation, 25 you don't have to deal with which was the primary,</p>
<p>10:14:01-10:14:48 Page 39</p> <p>1 otherwise. 2 So those two things together, to me, make 3 clear that we need to make this change. Again, I don't 4 want to -- I don't -- I'm not sure how to quite talk 5 about this without waiving any -- I'm looking down at 6 Kara to -- 7 MS. KARLSON: Yeah. 8 MR. COLLINS: Do you have anything you want 9 to add? Let me put it that way. Do you have anything 10 you want to add, or have I covered what we need to say? 11 MS. KARLSON: I think you've covered what 12 you need to say, unless there's additional questions. 13 MR. COLLINS: Okay. All right. 14 CHAIRMAN KIMBLE: Are there any questions 15 from the commissioners? 16 COMMISSIONER MEYER: I have a legal 17 question on the statute of limitations that I don't 18 really want to bring up. It's more of an executive 19 session. 20 MS. KARLSON: Yeah, that -- 21 COMMISSIONER MEYER: Okay. 22 MR. COLLINS: Well, we could always go into 23 executive session, if you'd like. 24 CHAIRMAN KIMBLE: Should we -- 25 COMMISSIONER MEYER: Why don't we go</p>	<p>10:15:44-10:16:48 Page 41</p> <p>1 general. It just doesn't -- it's a -- this is -- this 2 just makes sure that if we don't catch you with 3 something you need to repay within a year of the 4 election, we can still go after you under our -- under 5 our -- 6 COMMISSIONER PATON: Okay. 7 MR. COLLINS: -- under our express 8 authority -- 9 COMMISSIONER PATON: It doesn't relieve 10 them of the fact they have to pay. 11 MR. COLLINS: That's absolutely correct. 12 COMMISSIONER CHAN: Mr. Chairman and 13 Commissioner Paton, thank you, because, for some 14 reason, I was reading it, I think, the way you were, 15 and then what Tom just said cleared it up for me. So, 16 frankly, I don't think I need to go into executive 17 session for this, but if we -- if other commissioners 18 do, that's fine. I think I need more coffee. 19 CHAIRMAN KIMBLE: Okay. Let's move on to 20 113, Tom. 21 MR. COLLINS: Okay. 113 is an effort to 22 codify what has become -- I wouldn't say a formal 23 practice because those words are crucial, but I would 24 say an accommodation that we regularly make to 25 candidates who request it, which is when they run</p>


<p>10:16:50-10:18:07 Page 42</p> <p>1 something for the primary but don't want to write a 2 different thing for the general, we'll run their 3 general thing, their general statement. 4 Oftentimes, what that means is Gina and 5 Alec and others will be calling members -- or not 6 members -- campaigns and saying, hey, what do you want 7 to do? And, oftentimes, they will say, well, can you 8 run my old one instead? So what this says is, 9 basically, if you choose not to submit a general 10 candidate -- General Election candidate statement 11 but -- you know, and are advancing, unless you -- 12 unless you give us a General Election statement, we 13 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 17 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 20 after today in this room, but it is a -- it is an 21 informal ad hoc request-driven decision that we now 22 want to codify. 23 CHAIRMAN KIMBLE: Okay. Any questions 24 about 113? 25 (No audible response.)</p>	<p>10:19:50-10:20:59 Page 44</p> <p>1 managed to not only not repay himself but to -- it 2 turned out not to matter that he did this, but it did 3 point up that we would like to have our guidance and 4 our rules line up. 5 And we think this is more consistent with 6 the statute than allowing, you know, a loan amount of 7 the entire -- I mean, I don't think the entire amount 8 of your seed money, for example -- 9 COMMISSIONER PATON: So I have a question. 10 MR. COLLINS: Yeah, yeah. 11 CHAIRMAN KIMBLE: Commissioner Paton? 12 COMMISSIONER PATON: To clear this up in my 13 mind. 14 MR. COLLINS: Yeah. Sure. 15 COMMISSIONER PATON: So the person borrowed 16 more money than what the top expenditure that was set 17 forth? 18 MR. COLLINS: It should be -- it should be 19 or shouldn't be? Should not be? Okay. 20 That 2 will need to be struck. I'm sorry, 21 but -- I'm sorry, Mr. Chairman, Commissioner Paton. 22 COMMISSIONER PATON: So they borrowed more 23 money than the expenditure limit? 24 MR. COLLINS: They borrowed -- no. They 25 borrowed as much money as one expenditure limit would</p>
<p>10:18:08-10:19:44 Page 43</p> <p>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 5 see the line -- it says line 1, 2, 3, 4 -- 5, after the 6 struck "and," that 2 should have been struck, I 7 believe -- no? It's not supposed to be struck. Okay. 8 Okay. So, fine. Never mind. So, then, that is what 9 it is. 10 And what this does is deals with the -- 11 this deals with the issue we found that we had a -- we 12 had a candidate last -- last election who brought 13 forward that our guidance on loans and the particular 14 language that was in the rule did not line up one to 15 one. And, as a result, that candidate -- and I -- and 16 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 18 confirm that his -- that his reading was acceptable; 19 however, you know, if there was a complaint, it would 20 come to the Commission. 21 Long story short, the person took out quite 22 a large loan, quite larger -- about -- I don't know -- 23 about 100 times larger than we contemplated being able 24 to take out because of the -- because of the way that 25 the language was and, as it turns out, that person</p>	<p>10:21:03-10:22:20 Page 45</p> <p>1 allow them to. So there are multiple expenditure 2 limits that apply. We believe that the personal 3 expenditure limit, which is like \$740, is the limit on 4 loans, and we've said that in our guidance for a long 5 time. This person brought us the question of, hey, 6 this rule seems to say you add these, you add all of 7 these expenditure limits together, and I get to stack 8 them and I can take out a loan up to that total. 9 And that's not how we've ever read the 10 rule, but it was certainly not implausible. We had to, 11 you know, tell him that, and then -- and then he just 12 failed to qualify. He became a non-Clean Elections 13 candidate, and he just ended up owing to himself -- 14 owing himself a bunch of money. So, I mean, the 15 backstory sounds more complicated than it is. The 16 bottom line is we want to have straightforward that you 17 can't stack caps together to take -- give loans to 18 yourself. 19 CHAIRMAN KIMBLE: Okay. 20 COMMISSIONER CHAN: Mr. Chairman? 21 CHAIRMAN KIMBLE: Commissioner Chan. 22 COMMISSIONER CHAN: I just have a comment 23 because, you know, initially reading this -- and I 24 remember this situation. So I know what we're 25 clarifying. I was thinking, you know, if somebody is</p>

<p>10:22:23-10:23:35 Page 46</p> <p>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</p>	<p>10:25:15-10:26:27 Page 48</p> <p>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</p>
<p>10:23:40-10:25:11 Page 47</p> <p>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</p>	<p>10:26:36-10:27:03 Page 49</p> <p>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 ///</p>

<p>11:06:40-11:07:19 Page 50</p> <p>1 (End of executive session. Public meeting 2 resumes at 10:06 a.m.) 3 CHAIRMAN KIMBLE: Okay. We're now back in 4 open session for Item VI, discussion and possible 5 action on four different rule changes opening a 60-day 6 public comment period. 7 COMMISSIONER CHAN: Mr. Chairman, I move 8 that we approve -- 9 CHAIRMAN KIMBLE: Commissioner Chan. 10 COMMISSIONER CHAN: I approve -- I move 11 that we approve the proposed amended versions of 12 R2-20-104, 113, 702 and 704 for 60 days of public 13 comment. 14 CHAIRMAN KIMBLE: Is there a second? 15 COMMISSIONER PATON: Second. 16 CHAIRMAN KIMBLE: It's been moved and 17 seconded that we open these four rule changes for a 18 60-day public comment period. 19 Commissioner Chan? 20 COMMISSIONER CHAN: Aye. 21 CHAIRMAN KIMBLE: Commissioner Meyer? 22 COMMISSIONER MEYER: Aye. 23 CHAIRMAN KIMBLE: Commissioner Paton? 24 COMMISSIONER PATON: Aye. 25 CHAIRMAN KIMBLE: The Chair votes aye.</p>	<p>11:08:27-11:09:54 Page 52</p> <p>1 have yet, but I think it, also, is the question given 2 that the holdover is -- you know, are a little -- no 3 one has resigned yet. 4 You know, we have -- we have an issue that, 5 you know, is -- becomes really ripe in January 30th 6 when Chairman Kimble's term ends because, at that 7 point, we will be down to -- assuming that Commissioner 8 Meyer and Commissioner Titla don't resign, we will be 9 down to Commissioner -- Commissioner Paton and 10 Commissioner Chan. 11 So Commissioner -- so the issue -- so we're 12 really six months away from a potential crisis on this 13 issue, and -- and so the question we have to ask 14 ourselves -- and I would defer to your all political 15 judgment because it's probably better than mine, but 16 whether or not we want to work on a draft -- you all 17 want to work on a draft which we can facilitate without 18 violating the open meeting law or you want to designate 19 a member to write, on behalf of the Commission, a 20 letter to the governor urging the governor to make an 21 appointment. I really don't think any of these are 22 outside of the bounds of good taste. I know. And I 23 think the polite -- I think a politely written letter 24 that reminds the governor that this is important -- 25 because he's got a lot of other stuff going on. I'm</p>
<p>11:07:22-11:08:24 Page 51</p> <p>1 It's 4 to nothing approved. 2 Item VII, discussion and possible action on 3 a proposed letter to Governor Ducey regarding 4 appointment for Clean Elections commissioner. 5 Tom, do you want to talk about that? 6 MR. COLLINS: Yes. Mr. Chairman, 7 Commissioners, you know, I've had ad hoc conversations 8 with a number of people about this, and the League of 9 Women Voters sent a letter to Governor Ducey last week, 10 which is in your materials. Rivko is here and is a 11 cosigner of that letter, along with, I believe, the 12 president, of the League --- or the then president of 13 the League. 14 Did she -- is she still the president after 15 this weekend? No. Okay. 16 They had their convention in Yavapai County 17 last week. 18 MS. KNOX: She was when she signed it. I'm 19 sorry. I'm speaking out of context. 20 MR. COLLINS: Yeah. In any event, it 21 raises a question as to how or whether we -- or you, I 22 should say, as commissioners, want to communicate with 23 the Governor. I think that the League is an important 24 group in the whole world of elections and voting, and I 25 hope that they get a response. I don't know that they</p>	<p>11:09:57-11:10:50 Page 53</p> <p>1 willing to -- you know, I think we're all willing to 2 accept that. And -- okay. 3 COMMISSIONER CHAN: I'm sorry. 4 Mr. Chairman, may I interrupt? 5 CHAIRMAN KIMBLE: Commissioner Chan. 6 COMMISSIONER CHAN: No. 7 MR. COLLINS: No, no. I was talking too 8 long, anyway. 9 COMMISSIONER CHAN: I don't mean to 10 minimize what the governor has. I know he's very busy, 11 but this is one of his duties. So, anyway, I just want 12 to say to Rivko and the League of Women Voters, thank 13 you so much for writing this letter. I think that was 14 wonderful. 15 And, frankly, Tom, I mean, I feel like 16 writing a letter is -- we can write a letter. I don't 17 not want to write a letter, but I mean, at this point, 18 it's almost, like, what's our next option? A mandamus 19 action? I mean, what -- do we have a standing? I feel 20 like it's a lot to ask of commissioners who have 21 already served five years to continue serving. And, 22 like you said, when we're down to two, who are serving 23 and then three in a holdover status, that is a crisis 24 for the Commission. 25 And, frankly, the problem is we have a</p>

<p>11:10:53-11:11:59 Page 54</p> <p>1 governor who doesn't like Clean Elections. So why -- 2 it's, like, his philosophy or policy disagreement is 3 impacting the legitimacy of this independent, 4 non-partisan election body. And that really is what 5 the crux of the matter is, and how do we get him to 6 move on that. 7 MR. COLLINS: Well, there are other 8 options. I mean, the other options are these. I think 9 that -- let me put it this way. I'm sorry, 10 Mr. Chairman, Commissioner Chan. 11 COMMISSIONER CHAN: No, please. 12 MR. COLLINS: I think there -- I think 13 there are a variety of options on the table. One thing 14 we haven't approached to the governor's office to do is 15 to have any kind of sit-down meeting with an 16 appropriately -- appropriate staff level meeting. You 17 know, I have -- you know, we have some connections, but 18 we've never, for example, asked for a meeting between 19 our chairman and the chief of staff of the Governor's 20 office. 21 I mean, that would be -- I mean, if we were 22 to ask for that and ask for a prompt response to the 23 request for a meeting, that would be one thing, too. 24 That would be more -- in the -- you know, more -- 25 arguably more aggressive than a mere letter. It would</p>	<p>11:13:00-11:13:36 Page 56</p> <p>1 CHAIRMAN KIMBLE: It's been long that you 2 could have received a reply? Okay. 3 MS. KNOX: Yes. Probably -- I don't 4 know -- ten days or two weeks, something like that. 5 CHAIRMAN KIMBLE: Okay. 6 MS. KNOX: At the most. 7 MR. LaRUE: Excuse me. 8 CHAIRMAN KIMBLE: Okay. 9 MR. LaRUE: Chairman, could I recommend 10 that you have her come to the microphone? 11 CHAIRMAN KIMBLE: I'm sorry. 12 MS. KNOX: I apologize. Thank you very 13 much. 14 Rivko -- for the record, Rivko Knox, with 15 the League of Women Voters. I think the letter was 16 sent probably about two weeks ago. 17 CHAIRMAN KIMBLE: Okay. 18 MS. KNOX: Give or take. 19 CHAIRMAN KIMBLE: Okay. And you've 20 received no reply? 21 MS. KNOX: No, no. 22 CHAIRMAN KIMBLE: Okay. 23 MS. KNOX: And we would share any response 24 we got with the Commission, as appropriate, which I 25 think -- thank you for bringing that up.</p>
<p>11:12:02-11:12:58 Page 55</p> <p>1 be, like, look, we really need to talk about this. I 2 don't -- I really don't have a recommendation to make 3 here, other than I do feel like, you know, as long as 4 this is an institutional concern, we'll need to make 5 some kind of move -- maybe more than one kind of move. 6 So -- 7 COMMISSIONER PATON: Can I make a 8 statement, please? 9 MR. COLLINS: I'm sorry. 10 CHAIRMAN KIMBLE: Commissioner Paton. 11 COMMISSIONER PATON: I would think that 12 would probably be the best policy. I mean, the letter 13 thing is, I mean, kind of, passive. I think if either 14 you or Mr. Kimble or -- you know, should, maybe, make 15 an appointment with somebody in the governor's office 16 and make a plea -- 17 MR. COLLINS: Sure. 18 COMMISSIONER PATON: -- for them to follow 19 through with this. 20 CHAIRMAN KIMBLE: I would ask, Ms. Knox, 21 have you received any reply? When -- how long ago did 22 this go out? 23 MR. COLLINS: A month? 24 CHAIRMAN KIMBLE: I don't see a date on it. 25 MR. COLLINS: Three weeks?</p>	<p>11:13:37-11:14:22 Page 57</p> <p>1 CHAIRMAN KIMBLE: Thank you. 2 Any other comments from commissioners? 3 COMMISSIONER CHAN: I'll just state that I 4 think a meeting would be ideal at this point. 5 CHAIRMAN KIMBLE: Okay. I agree with 6 Commissioner Chan. I don't think we need a motion on 7 this, do we? 8 MR. COLLINS: No, no. I think it's just -- 9 I mean, it sounds like the commissioners -- 10 CHAIRMAN KIMBLE: Commissioner Paton, do 11 you have -- 12 MR. COLLINS: Commissioner Paton -- I think 13 we're all on the same page. 14 COMMISSIONER PATON: No. I think we should 15 have -- somebody should have a meeting with the 16 governor's staff. 17 CHAIRMAN KIMBLE: Okay. 18 MR. COLLINS: Okay. 19 CHAIRMAN KIMBLE: Are you okay with that? 20 Okay. So we're not going to work on a 21 letter right now. 22 Item VIII, discussion and possible action 23 on proposed 2019 Commission meeting dates for July 24 through December. 25 In our packet, we have the proposed meeting</p>

<p>11:14:26-11:15:13 Page 58</p> <p>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</p>	<p>11:16:20-11:17:01 Page 60</p> <p>1 to put that on your radar. 2 CHAIRMAN KIMBLE: Okay. 3 MR. COLLINS: I may be able to attend by 4 phone. 5 CHAIRMAN KIMBLE: Okay. Or you could have 6 some member of your staff be delegated to -- 7 MR. COLLINS: Okay. Absolutely. Yeah, 8 we're not worried about getting the meeting done. It's 9 more of a matter if you're -- if I'm not here. 10 CHAIRMAN KIMBLE: Yeah. Okay. 11 MR. COLLINS: Huh? That's true. I know. 12 Look, someone -- someone made a sound cloud of 13 imitations of how I talk, and I'll never share it with 14 you guys. 15 COMMISSIONER CHAN: I don't want to hear 16 it. 17 MS. KARLSON: I will find it. 18 CHAIRMAN KIMBLE: Okay, then. So it's been 19 moved and seconded that we approve the meeting -- the 20 meeting dates for July through December of 2019. 21 Commissioner Chan? 22 COMMISSIONER CHAN: Aye. 23 CHAIRMAN KIMBLE: Commissioner Meyer? 24 COMMISSIONER MEYER: Aye. 25 CHAIRMAN KIMBLE: Commissioner Paton?</p>
<p>11:15:17-11:16:16 Page 59</p> <p>1 30-day comment period would not have -- 2 MR. COLLINS: Correct. 3 CHAIRMAN KIMBLE: -- would not have been 4 reached if we held a Thursday meeting before that. 5 MR. COLLINS: That's correct. 6 CHAIRMAN KIMBLE: Okay. 7 COMMISSIONER PATON: So you'll remind us, 8 like, on Thursday or Friday? 9 MS. THOMAS: Yes. 10 CHAIRMAN KIMBLE: Okay. It's been moved 11 and seconded that -- to approve the meeting dates for 12 July through December that are in Attachment VIII -- 13 I'm sorry. Tom? 14 MR. COLLINS: Oh, I'm sorry. I had a -- I 15 had a quick question for you, Mr. Chairman. 16 CHAIRMAN KIMBLE: Okay. 17 MR. COLLINS: And for Joe and Kara, if it's 18 not irrelevant. I have a -- or it might be relevant to 19 Item I -- or Item III about the June 20th meeting we 20 have scheduled. We have a June 20th meeting which is 21 not on here because it's already scheduled. It is very 22 unlikely that I will be at the June 20th meeting. It 23 will be the first meeting that I've missed in -- I 24 don't know -- ever, but I have some unavoidable stuff 25 that I've got to deal with that day. So I just wanted</p>	<p>11:17:04-11:17:59 Page 61</p> <p>1 COMMISSIONER PATON: Aye. 2 CHAIRMAN KIMBLE: The Chair votes aye. 3 It's approved 4 to nothing. 4 Item XI, public comment. Is there anyone 5 who wants to make comment to the Commission? 6 Ms. Knox? 7 MS. KNOX: Yes. 8 CHAIRMAN KIMBLE: Could you state your name 9 and address for the record. 10 MS. KNOX: Yes, definitely. Rivko Knox, on 11 behalf of the League of Women Voters of Arizona. 12 I was authorized to make this statement, 13 and we -- the League, although, like Tom mentioned a 14 few minutes ago, we do have new leadership. We have 15 three new co-presidents. I'm not quite sure how 16 quickly they respond, but we may be submitting a 17 letter, more or less, to this effect of paper, as well, 18 but I wanted to speak on this this morning. But if the 19 letter goes in, the title would be the antithesis -- 20 antithesis -- I can't speak well this morning -- of 21 civil dialogue. 22 The non-partisan League of Women Voters has 23 always encouraged civic participation in our democracy 24 and has tried to ensure that the public is well 25 informed about the issues that impact on their lives.</p>

<p>11:18:02-11:19:08 Page 62</p> <p>1 Accurate factual information is the bedrock of a 2 vibrant democracy. Further, civic engagement requires 3 civil dialogue. People do not want to engage if they 4 fear being belittled, yelled at, forced to face 5 personal criticism and rude comments and language or 6 especially threatened. 7 League members live in our present society 8 and thus are aware of the sad state of so much of what 9 goes for information, as well as conversations about 10 public policy issues. 11 However, we were shocked to read about the 12 comments of Representatives John Allen and Kevin Payne 13 relating to the head of Clean Elections. Although the 14 comment made by Representative Allen did include the 15 words "virtual" in the middle of this sentence "Can we 16 virtually shoot the head of Clean Elections?" to which 17 Payne replied "Yes," the sentiment was very disturbing. 18 The Clean Elections Commission and staff -- 19 Commissioners and staff do an outstanding job of voter 20 education, especially in less urban areas and with more 21 diverse populations, while educating candidates who 22 choose to run clean and providing transparency in the 23 electoral process. 24 League members helped write the language 25 that became the initiative that created Clean</p>	<p>11:20:13-11:20:26 Page 64</p> <p>1 COMMISSIONER CHAN: I would move to adjourn 2 the meeting. 3 CHAIRMAN KIMBLE: Second? I'll second it. 4 Commissioner Chan? 5 COMMISSIONER CHAN: Aye. 6 CHAIRMAN KIMBLE: Commissioner Meyer? 7 COMMISSIONER MEYER: Aye. 8 CHAIRMAN KIMBLE: Commissioner Paton? 9 COMMISSIONER PATON: Aye. 10 CHAIRMAN KIMBLE: The Chair votes aye. 11 We are adjourned. 12 (Whereupon, the proceedings concluded at 13 11:20 a.m.) 14 /// 15 16 17 18 19 20 21 22 23 24 25</p>
<p>11:19:11-11:20:10 Page 63</p> <p>1 Elections, worked for its passage and continue to 2 monitor and attempt to protect its vital mission of 3 ensuring integrity in government, encouraging 4 involvement in elections and reducing the influence of 5 money in the electoral process. Although some 6 legislators oppose the concept of public funds (though 7 it is not taxpayer money) being used to encourage 8 candidates to run, a disagreement about policy should 9 never lead to even virtual threats of violence. 10 The League urges the leadership of the 11 Legislature, as well as Governor Ducey, to speak out 12 about the language used by Representatives Allen and 13 Payne, encourage them both to apologize to the 14 Commissioners and staff, and remind them that the words 15 of public figures carry great weight and help establish 16 a standard conduct for the public. 17 COMMISSIONER CHAN: Well said. 18 MS. KNOX: So, we would like that to go on 19 the record. 20 CHAIRMAN KIMBLE: Very, very well done. 21 Thank you. Thank you, Ms. Knox. 22 Does anyone else wish to address the 23 Commission? I guess not, since everyone else works for 24 the Commission. 25 Is there a motion to adjourn?</p>	<p>Page 65</p> <p>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 31st day of 16 May, 2019. 17  18 LILIA MONARREZ, RPR, CR #50699 19 20 21 22 23 24 25</p>

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<p style="text-align: center;">7</p>	<p>7 (1) 33:19 702 (5) 33:12;34:2,15; 38:5;50:12 704 (6) 33:13,13;38:11, 12;40:6;50:12</p>			
<p style="text-align: center;">8</p>	<p>8th (2) 6:22,24</p>			
<p style="text-align: center;">2</p>	<p>2 (6) 22:5;38:5;43:4,5, 6;44:20 20 (1) 36:15 2001 (1) 38:14 2018 (1) 13:6 2019 (5) 3:4,7;57:23; 58:9;60:20 20th (3) 59:19,20,22 21st (1) 5:21 22nd (1) 58:1 25 (1) 35:24 25th (1) 3:7 26th (1) 58:1 27,000 (1) 19:25 2724 (1) 8:2 29th (2) 58:1,16</p>			
<p style="text-align: center;">3</p>	<p>3 (2) 32:11;43:5 306 (14) 34:3,4,13,16, 23,25,25;35:4;36:19; 37:1,4,25;47:21;48:19 30-day (1) 59:1 30th (2) 3:4;52:5</p>			
<p style="text-align: center;">4</p>	<p>4 (6) 4:6;16:2,22;43:5; 51:1;61:3</p>			
<p style="text-align: center;">5</p>	<p>5 (1) 43:5 50 (1) 35:23 501 (4) 18:5;34:5;35:7, 9 501a (4) 34:8;35:1,2,12 53 (1) 20:4 53,000 (1) 20:3 58 (1) 20:2</p>			
<p style="text-align: center;">6</p>				

**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.
<https://www.king5.com/article/news/seattle-democracy-vouchers-are-constitutional-washington-supreme-court-rules/281-0c4b3b61-9b72-4df5-b6e2-f30a740be516>
 - 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:
<http://www.courts.wa.gov/opinions/pdf/966605.pdf>

From: **Spencer, Eric H.** <espencer@swlaw.com>

Date: Sunday, July 14, 2019

Subject: Question re proposed amended R2-20-104(E)

To: "michael.becker@azcleaselections.gov" <michael.becker@azcleaselections.gov>, "thomas.collins@azcleaselections.gov" <thomas.collins@azcleaselections.gov>

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).

ITEM IV – PUBLIC COMMENT

R2-20-702. Use of Campaign Funds

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

B. A participating candidate may:

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

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

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

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

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

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

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

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

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

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

R2-20-704. Repayment

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

ITEM IV(B)

R2-20-113. Candidate Statement Pamphlet

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

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

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

ITEM IV(C)

TITLE 2. ADMINISTRATION CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION ARTICLE 1. GENERAL PROVISIONS Section R2-20-104. Certification as a Participating Candidate ARTICLE 1. GENERAL PROVISIONS

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
2. No change
3. No change
4. No change

C. No change

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change

10. No change

11. No change

D. No change

1. No change

2. No change

3. No change

4. No change

5. No change

a. No change

b. No change

6. No change

~~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 contribution contributions received or personal funds and loans shall not exceed the expenditure limits set forth in A.R.S. § 16-941(A)(1) and (2). 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).~~

F. No change

G. No change

R2-20-104. Certification as a Participating Candidate

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

ITEM IV(D)

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.