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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

July 29, 2019

9:32 a.m.

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1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN
2 ELECTIONS COMMISSION convened at 9:32 a.m. on July 29,
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 Ms. Amy B. Chan, Chairwoman
7 Mr. Mark S. Kimble, Teleconference
8 Mr. Damien R. Meyer, Teleconference
9 Mr. Galen D. Paton, Teleconference

10 OTHERS PRESENT:

11 Thomas M. Collins, Executive Director
12 Paula Thomas, Executive Officer
13 Mike Becker, Policy Director
14 Gina Roberts, Voter Education Director
15 Alec Shaffer, Web Content Manager
16 Avery Oliver, Voter Educations Specialist
17 Fanessa Salazar, Administrative Assistant
18 Adrienne Carmack, AZ Advocacy Network
19 Joel Edman, AZ Advocacy Network
20 Joseph LaRue, Assistant Attorney General
21 Kara Karlson, Assistant Attorney General
22 Nathan Arrowsmith, Osborn Maledon
23 Rivko Knox, AZ League of Women Voters
24
25

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1 sorry for being a little bit late, although that clock
2 says I'm --
3 MR. COLLINS: That clock is wrong.
4 CHAIRWOMAN CHAN: -- early, or super late.
5 All right.
6 COMMISSIONER MEYER: This is Commissioner
7 Meyer. Take your time.
8 CHAIRWOMAN CHAN: Thank you.
9 COMMISSIONER MEYER: You are doing fine.
10 CHAIRWOMAN CHAN: Thank you so much.
11 All right. Well, now that I have my agenda,
12 which was in front of me but I just needed a minute to
13 actually get situated, let's go on to Item Number II,
14 which is discussion and possible action on Commission
15 minutes for our May 30th, 2019 meeting.
16 Do -- do I have a motion and a second on that?
17 COMMISSIONER KIMBLE: This is Commissioner
18 Kimble. I move to approve the minutes.
19 CHAIRWOMAN CHAN: Okay. Second?
20 COMMISSIONER MEYER: Commissioner Meyer,
21 second.
22 CHAIRWOMAN CHAN: All right. Do we need a
23 roll call vote then on that? We do, don't we?
24 MR. COLLINS: We've been taking those.
25 CHAIRWOMAN CHAN: Okay. All right. Let's go

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1 PROCEEDINGS
2
3 CHAIRWOMAN CHAN: All right. This is
4 Commissioner Amy Chan. I'll call this meeting to order.
5 Since I'm the only one here in person, I guess
6 -- Chairman Kimble, I guess I'm going to be doing all
7 the official stuff today here in the -- in Phoenix.
8 I hope that's alright with you, Mr. Chairman.
9 COMMISSIONER KIMBLE: Okay. Fine.
10 CHAIRWOMAN CHAN: Perhaps to start, we can
11 just do a roll call to see who's attending via phone.
12 Let's see. Commissioner Kimble, you're here,
13 correct?
14 COMMISSIONER KIMBLE: I'm here.
15 CHAIRWOMAN CHAN: Okay. Commissioner Paton?
16 COMMISSIONER PATON: Here.
17 CHAIRWOMAN CHAN: Commissioner Meyer?
18 COMMISSIONER MEYER: Here.
19 CHAIRWOMAN CHAN: Okay. Is any other
20 Commissioner on the line that I --
21 MS. THOMAS: No.
22 CHAIRWOMAN CHAN: Okay. All right. So -- and
23 then I'm here, of course, Amy Chan.
24 Please bear with me. I just got here. I
25 think I need a minute to just get organized. And I'm

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1 ahead and take a roll call vote on that to approve the
2 minutes as written.
3 Commissioner Kimble?
4 COMMISSIONER KIMBLE: Aye.
5 CHAIRWOMAN CHAN: Commissioner Meyer?
6 COMMISSIONER MEYER: Aye.
7 CHAIRWOMAN CHAN: And I vote aye.
8 And with that, the minutes for the May 30th
9 meeting are approved as written.
10 COMMISSIONER PATON: You forgot me.
11 CHAIRWOMAN CHAN: Oh. Oh, my God,
12 Commissioner Paton. I am so sorry. How do you vote on
13 this?
14 COMMISSIONER PATON: Aye.
15 CHAIRWOMAN CHAN: Thank you. I apologize.
16 All right. Tom, do I need to do anything to
17 fix that, or we're good?
18 MR. COLLINS: No. I think -- well, he said
19 the -- you got the aye.
20 CHAIRWOMAN CHAN: He voted, so we're good.
21 MR. COLLINS: Yeah, you got the aye.
22 CHAIRWOMAN CHAN: Okay. Moving on to Item
23 Number III, discussion and possible action on executive
24 director's report and legislative report. Thank you.
25 MR. COLLINS: Yes. Chairwoman Chan and

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1 Commissioners, I just wanted to -- it's actually kind of
2 a busy -- we're coming up on the beginning of a busy
3 time here. We have the -- starting this week, if I can
4 read my calendar, on --
5 CHAIRWOMAN CHAN: Can you identify yourself?
6 MR. COLLINS: Oh, sure. Yeah, I should.
7 This is Tom Collins. I'm the Executive
8 director of the Commission. I hope you all can hear me.
9 (Court reporter request to speak louder.)
10 MR. COLLINS: Sure. Okay. Did you get my
11 name, by any chance? No? Yes?
12 Okay. Cool. All right. I'm going to try
13 this volume and see if this works.
14 All right. The most important thing we have
15 happening this week is August 1st begin -- begins the
16 qualifying period for candidates interested in running
17 with Clean Elections funding.
18 So, qualifying contributions, as I think
19 everybody knows now, are \$5 contributions candidates
20 raise to show grassroots support from voters who
21 actually live and are registered in their district if
22 they're a legislative candidate or in the state if they
23 are running statewide. These \$5 contributions are
24 turned in along with the candidate's application for
25 funding.

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1 I also wanted to highlight that Avery
2 completed his first week of the SOS election officer
3 certification training course. So, when he's wrapped
4 that up he'll be a certified election officer for the
5 state. So, that's -- that's cool.
6 We've got some elections coming up that are
7 listed there. I think that in the City of Phoenix, for
8 what it's worth, Prop 105 and 106 are probably going to
9 be pretty, I don't know, big, for lack of better putting
10 it, for --
11 (Court reporter clarification.)
12 MR. COLLINS: Are going to be pretty big
13 elections, I think.
14 We have -- you can see some of the community
15 outreach events that the Voter -- that the Voter
16 Education Department, as it were, is -- has been doing.
17 Gina's been out at election officer certification to do
18 trainings.
19 We've been working with -- Avery's been
20 participating in voter outreach groups put together by a
21 variety of government organizations, including the SOS,
22 the Arizona Commission on African American Affairs, and
23 the Maricopa County Recorder's Office. And Gina has
24 participated in the Department of Education's Civic
25 Engagement Committee meeting.

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1 Commissioner Paton's recent Op Ed has run in a
2 number of papers. It ran in the Capitol Times last week
3 online, and I think it may be in the paper Mon- -- today
4 -- this week. And we're also hopeful and expecting to
5 have it published in the Republic this week. So, that's
6 very cool.
7 And, lastly, there's -- there's just a -- on a
8 miscellaneous, there are a lot of miscellanea. Just to
9 keep things moving, I'll just mention that the GRRC
10 staff moved our pending 2017 5-year review. They
11 removed it from their internal, internal agenda. On
12 GRRC's website they maintain a list of what is coming up
13 in their pipeline. Our report, which has been -- you
14 know, is a couple years old now and has been sitting
15 there. What I was informed is that they were just doing
16 housekeeping.
17 So I -- I can't say for certain that that
18 means that that 2017 report is -- is anything. It's
19 still on file there. But they may decide to wait until
20 the 2020 5-year report, or else there may be some other
21 interaction we have. But that's where we are right now
22 on that old matter.
23 So, without further ado, I -- there's some
24 information on a couple of lawsuits; one filed here in
25 Arizona, one that just got resolved by the Washington

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1 Supreme Court. One has to do with petition circulators
2 for -- for initiatives, and one has to do with affirming
3 the City of Seattle's public financing program which
4 uses something called Democracy Vouchers. That was
5 found not to violate the First Amendment.
6 The only reason I -- it's in the -- part of
7 the reason it's in the notes is that reason. The other
8 reason it's in the notes is because the, you know, the
9 plaintiffs in that case were very hot-to-trot about the
10 fact that the U.S. Supreme Court case Janus had recently
11 been decided. That case basically said that non-union
12 members couldn't be, quote, unquote, forced to pay an
13 administrative offset when they are benefitting from a
14 collective bargaining agreement.
15 The folks who were behind this lawsuit were
16 bragging today in a column in the Hill, bragging about
17 this is the end of public financing. And the Washington
18 Supreme Court distinguished that case in a footnote. So
19 I think that Janus does not necessarily mean that, you
20 know, you have a right to, you know, block all
21 government spending.
22 So, anyways, that's all I've got if -- unless
23 anyone has any questions.
24 CHAIRWOMAN CHAN: Thank you, Tom.
25 COMMISSIONER KIMBLE: Madam Chair --

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1 CHAIRWOMAN CHAN: Commissioner --
2 COMMISSIONER KIMBLE: -- this is Commissioner
3 Kimble.
4 CHAIRWOMAN CHAN: Go ahead, Commissioner
5 Kimble.
6 COMMISSIONER KIMBLE: Tom, going back to
7 another old matter, is there anything at all to report
8 about the long overdue appointment to the Commission?
9 MR. COLLINS: Yeah, yes. There is -- I think
10 I can say that -- that Paula has been coordinating on
11 advertising with both the Governor's office and the
12 Secretary of State's office. So we think we'll be --
13 we're -- we've reached out affirmatively to those
14 administrations and are working to ensure that we can
15 provide whatever support we need to -- to help them
16 achieve getting a person who they believe is qualified.
17 So, we're just going to keep -- keep doing
18 that. And I think it's -- I think -- I think that we've
19 had -- we've focused their attention enough on it that I
20 believe that -- that we'll make progress there. And
21 that's -- that's where we are now.
22 So, following the last meeting we have made at
23 least, you know, been undertaking our own efforts to
24 keep the -- to support the Governor's office and the
25 Secretary of State's office as much as we can.

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1 CHAIRWOMAN CHAN: Is that all, Commissioner
2 Kimble?
3 COMMISSIONER KIMBLE: Okay. I guess so, yes.
4 CHAIRWOMAN CHAN: Okay. Anyone else have any
5 items to add or questions for Tom?
6 If not, Tom, just a comment from myself, or
7 maybe a request. I would love to share any such ads on
8 my own personal Facebook page and Twitter accounts.
9 MR. COLLINS: Yep.
10 CHAIRWOMAN CHAN: So when, if -- I don't know
11 if they're already available, but if and when they are,
12 I'd love to --
13 MR. COLLINS: Sure.
14 CHAIRWOMAN CHAN: -- you know, get a copy or a
15 link. I mean, I usually get the clean election stuff,
16 so -- but I -- I don't know, sometimes I miss things.
17 So, if they're out there, I'll -- I'd love to get a link
18 to share.
19 Unfortunately, I think I know a lot of
20 politically active people, and many times that means
21 they're precinct committeemen in either of the major two
22 parties, but -- and they would be disqualified. But I'd
23 love to share it with anybody who might know me or see
24 something I post and be interested in -- in helping the
25 Commission that way. So -- okay.

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1 Okay. With that, I think the next item is
2 Number IV, discussion and possible action on proposed
3 rule changes for 60 day public comment period.
4 Tom, I know we have some options as far as,
5 you know, maybe going into -- well, making a
6 determination. We may want to discuss the rules. I
7 don't know. Do you want to lead the discussion on this
8 and then we can determine where to go from there?
9 MR. COLLINS: Let's see.
10 CHAIRWOMAN CHAN: Take your time.
11 MR. COLLINS: I need a moment.
12 CHAIRWOMAN CHAN: Sure.
13 COMMISSIONER KIMBLE: Is someone saying
14 something?
15 MR. COLLINS: I'm sorry.
16 CHAIRWOMAN CHAN: No. Sorry. This is
17 Commissioner Chan. Tom just need a moment and I was
18 whispering with Kara about something unrelated. Sorry.
19 MR. COLLINS: Chairwoman Chan, I'm -- I'm
20 back. Sorry. I had to double-check something.
21 I guess -- do I have the --
22 CHAIRWOMAN CHAN: You have the floor.
23 MR. COLLINS: Okay. Thank you.
24 Chairwoman Chan and Commissioners, as you
25 know, back 60 days ago, or a little more than 60 days

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1 ago, or maybe exactly 60 days ago, we put out for public
2 comment for amendments to rules, to four rules. And so
3 now we're at a point where we are recommending different
4 -- well, we have a recommendation on each of those and
5 where we want to go.
6 First of all, you should have in your e-mail a
7 list of -- of -- of potential motion language. And as I
8 noted in my supplemental e-mail on Friday, in each case
9 you'll want to make clear what the effective date you
10 select is for the rules that are in front of us. That's
11 in -- in -- in -- in part, to make -- in large part, to
12 make a clear record, and also, you know, to just -- to
13 do that.
14 So what you have in front of you as far as
15 procedurally, is for the three rules, amendments, that
16 we do recommend adopting today, we have immediate effect
17 motion language and delayed effect motion language. You
18 have proposed language there for both of those. And
19 then there is a -- one of the rules we propose to
20 terminate the proceedings and initiate a different
21 amendment.
22 So, I guess my question, Madam Chairwoman, in
23 the first instance, would you, and maybe the rest of the
24 Commission, as well, would you like me to go through
25 each rule, A, B, C, D, why we're recommending what we're

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1 recommending? I think that, to me, might be the easiest
2 way to go.
3 The only question is, do you want to vote --
4 to -- to vote per amendment or -- or do them all at the
5 end? That really is a question that you can -- you can
6 decide --
7 CHAIRWOMAN CHAN: Well --
8 MR. COLLINS: -- among yourselves.
9 CHAIRWOMAN CHAN: -- and the other
10 Commissioners can weigh in here. Just from my
11 perspective, I think maybe I would like to take them
12 maybe each individually, if you guys don't mind, just to
13 avoid any confusion, particularly since we're not all
14 here in person. That might help me.
15 But Commissioner Paton, Kimble, Meyer, what do
16 you guys think?
17 COMMISSIONER MEYER: This is Commissioner
18 Meyer. I think we should take them one by one.
19 CHAIRWOMAN CHAN: Okay.
20 MR. COLLINS: Okay. Great.
21 Madam Chairwoman, Commissioners, so
22 Item IV (A) is an amendment to Arizona Administrative
23 Code R2-20-702 concerning participating candidate's use
24 of Clean Elections funding.
25 The reason for this amendment, it actually is

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1 self-explanatory, but just to put it on the record, this
2 is the amendment that makes sure that our rules are in
3 compliance with the amendments to 16-948 that were
4 passed by the voters in Proposition 306 in 2018.
5 This rule, the language we propose to strike
6 is, in effect, moot at this point because Prop 306
7 supersedes this rule. Nevertheless, you know, in order
8 to clean up the rules, we need to go through this
9 process. And, therefore, because the sections of 702
10 which are obviated by the recent amendments, you know,
11 we want them in conformity. I recommend that -- that
12 you all go ahead and recommend that the -- and approve
13 the rule.
14 I don't have a strong opinion about the timing
15 of this because, as I say, the language being struck
16 here is already preempted by statute. I think that's
17 well known, you know. So, I'm -- I don't really have a
18 recommendation on immediate versus later effective date.
19 But, in any event, that's -- that's there. I
20 mean, the advantage of immediate is hopefully, you know,
21 within a period of time, you know -- you know, for
22 filing and what have you, you know, everybody will know
23 that's what's coming down the pike, if they don't
24 already. But that's the -- but if someone were to spend
25 money with a party pursuant to 702, they would

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1 absolutely risk, potentially, a violation of 16-948.
2 So, you know, there are stakes there that
3 would -- you know, there's both sides. On the -- on the
4 one hand it's not, you know, it's -- it's important that
5 these be aligned. But, as a legal matter, 702's
6 language we're striking is moot.
7 So, you know, there's arguments on both sides
8 for immediate. I think the question really becomes, in
9 my mind, if you believe there's any -- there's any
10 potential for people to be confused between 16-948 and
11 R2-20-702, I'd recommend that you make the rule
12 effective immediately. On the other hand, if -- if --
13 if we are not concerned about that, then I wouldn't.
14 So, you would be selecting between the first
15 effective motion language and the second top one. So,
16 number one under each category.
17 CHAIRWOMAN CHAN: Okay. Do any Commissioners
18 have questions for Tom?
19 COMMISSIONER KIMBLE: Madam Chair, this is
20 Commissioner Kimble.
21 CHAIRWOMAN CHAN: Commissioner Kimble.
22 COMMISSIONER KIMBLE: Tom, can we put
23 something into effect immediately? Does that require
24 unanimous vote?
25 MR. COLLINS: That's correct. It would

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1 require unanimous vote for -- for you to have it be
2 immediate.
3 Again, if you were, I mean, I think that the
4 best reason, and I would want to state this for the
5 record, is in order to ensure that there's no gap or
6 confusion between what 702 purports to allow but no
7 longer does and what 16-948 disallows.
8 COMMISSIONER KIMBLE: Okay. And -- and
9 unanimous is defined as everyone who's attending the
10 meeting, not all Commissioners?
11 MR. COLLINS: Correct. That's how the
12 Commission has carried out its business for -- since '98
13 or 2000, whenever the Commission was first assembled.
14 That is, in large part, because the statute
15 specifically, unlike many statutes, defines that three
16 commissioners is a quorum. Therefore, I think it's
17 clear that the drafters and the voters who passed that
18 aspect of it wanted the Commission to be able to operate
19 without all five commissioners being present.
20 CHAIRWOMAN CHAN: Anyone else?
21 COMMISSIONER KIMBLE: Okay.
22 CHAIRWOMAN CHAN: Commissioner Kimble, do you
23 have additional questions?
24 COMMISSIONER KIMBLE: No.
25 CHAIRWOMAN CHAN: Okay.

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1 MR. COLLINS: One other note I would make for
2 the record, we received no public comment on this amendment.
3 CHAIRWOMAN CHAN: Okay. Did somebody speak up
4 just now?
5 COMMISSIONER MEYER: This is Commissioner
6 Meyer.
7 I did have a question. And that is, Tom, is
8 there any reason not to make this immediate? Because it
9 seems as -- I mean, if this thing -- if this rule going
10 on the books is moot, then doesn't that mean that there
11 could be confusion?
12 MR. COLLINS: Mr. Chair -- Madam Chairman,
13 Commissioner Meyer, yes. I -- I -- I think, you know,
14 we're going to be doing our training starting this week,
15 for example. We will be making clear in those trainings
16 that the language that hasn't, you know, officially been
17 amended yet is to be ignored.
18 But, yes, I -- I think that's a crack that
19 someone could say, "Oh, I didn't know, how was I to
20 know?" kind of thing. We like to try to avoid those.
21 And that is -- and confusion is -- and simplification is
22 both a goal of the Commission and an express goal of the
23 Arizona Procedure's Act, so I think that that is a -- a
24 -- that's a good justification.
25 CHAIRWOMAN CHAN: Anyone else?

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1 Do -- Are we ready to take a vote on this,
2 Commissioners, or --
3 COMMISSIONER KIMBLE: Madam Chair, this is
4 Commissioner Kimble.
5 CHAIRWOMAN CHAN: Commissioner Kimble.
6 COMMISSIONER KIMBLE: I move that, pursuant to
7 A.R.S. 956(C) and (D), that the amendment to R2-20-702
8 be approved for immediate stay.
9 CHAIRWOMAN CHAN: Thank you. Do we have a
10 second?
11 COMMISSIONER MEYER: This is Commissioner
12 Meyer. I'll second the motion.
13 CHAIRWOMAN CHAN: All right. I'm going to
14 take a roll call vote. This time I will not forget the
15 next Commissioner from Tucson.
16 I'll start with Commissioner Kimble. How do
17 you vote?
18 COMMISSIONER KIMBLE: Aye.
19 CHAIRWOMAN CHAN: Commissioner Paton?
20 COMMISSIONER PATON: Aye.
21 CHAIRWOMAN CHAN: Commissioner Meyer?
22 COMMISSIONER MEYER: Aye.
23 CHAIRWOMAN CHAN: And I vote aye, as well.
24 All right. By your vote of four ayes, zero
25 nays, we have approved R2-20-702, the amendment to it,

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1 for -- with immediate effect.
2 Okay. We'll move on to the next proposed rule
3 amendment. Tom?
4 MR. COLLINS: Yes. Thank you.
5 Members, Madam Chairman and Committee Council
6 members -- or, Commission members, rather, the amendment
7 to Arizona Administrative Code R2-20-704 relates to the
8 repayment of Clean Elections funding.
9 You may recall, in some cases we have asked
10 for repayment of funds for various reasons. In so
11 doing, we had -- we've reviewed Rule 704 and found that
12 there is a, what appears to be a rule of limitations on
13 the Commission as far as recovering Clean Elections
14 funding from candidates. It is a -- it has -- it has a
15 number of problems.
16 First, I -- I do not -- it's not my experience
17 that the state allows the statute to run on a -- on a
18 debt like that as a statutory matter or a common law
19 matter. So the rule is kind of questionable on those
20 grounds and I'd hate to see it end up in litigation.
21 Number 2, you know, I think that policy idea
22 that if you wait a year you can just walk away from
23 whatever you might owe is inconsistent with the
24 Commission's obligations under 16-956 to ensure that
25 monies are paid into the Fund and out of the Fund as

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1 pursuant to the article -- or, pursuant to the --
2 pursuant to the Clean Elections Act.
3 Finally, R2-20-704 is not well drafted in that
4 it is ambiguous about the meaning of the word
5 "election." It just says "from the election." So --
6 which is, in a -- in a -- in a system that has a primary
7 and a general is not -- that's just not clear enough.
8 So -- so for the principal reasons I outlined
9 above, plus the -- the, sort of, confusing nature of it,
10 we recommend just eliminating this altogether. We think
11 it's, again, of questionable validity, questionable
12 consistency with the Commission's obligations, and
13 confusing. And for those three reasons we recommend the
14 deletion of the one-year rule-based limitation on
15 recovering Clean Elections funding that is owed to the
16 Fund.
17 And with that, I'll take your questions.
18 CHAIRWOMAN CHAN: Thank you, Tom.
19 Are there any questions? If not, I think,
20 Tom --
21 MR. COLLINS: Oh, yes. Sorry. I'm sorry.
22 CHAIRWOMAN CHAN: I was just going to ask
23 about the effect.
24 MR. COLLINS: Yes, of course. I'm sorry.
25 CHAIRWOMAN CHAN: No, that's all right.

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1 MR. COLLINS: I should have thought of that
2 myself.
3 Two things. One, we do believe that this
4 should be given effective -- immediate effect. We -- we
5 do not want candidates starting out the process without
6 knowing that they -- that the -- that this doesn't exist
7 any longer. And we don't want to end up in a situation
8 where we have some people who might be under one set of
9 rules and the other under another set of rules, because
10 it's just -- it's -- you know, even though no one will
11 be able to access Clean Elections funding until January,
12 it's just -- we just think this is an important thing to
13 communicate to folks.
14 Secondly, we received no public comment on
15 this rule whatsoever.
16 CHAIRWOMAN CHAN: All right. Thank you, Tom.
17 With that, do I have a motion?
18 Oh, does anybody have anything else to say,
19 though, first?
20 All right. With that, do I have a motion from
21 anybody?
22 COMMISSIONER MEYER: Madam Chair, this is --
23 COMMISSIONER KIMBLE: This is Commissioner
24 Kimble.
25 COMMISSIONER MEYER: -- Commissioner Meyer.

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1 COMMISSIONER KIMBLE: Go Ahead, Commissioner
2 Meyer.
3 COMMISSIONER MEYER: Madam Chair, I have a
4 motion.
5 CHAIRWOMAN CHAN: Okay.
6 COMMISSIONER MEYER: Madam Chair, I move that
7 pursuant to A.R.S. 956(C) and (D), that the amendment to
8 R2-20-704 be approved for immediate effect.
9 CHAIRWOMAN CHAN: Thank you.
10 Do we have a second?
11 COMMISSIONER KIMBLE: I have a point of clari-
12 -- no. I second it.
13 CHAIRWOMAN CHAN: Okay.
14 (Court reporter speaker clarification.)
15 CHAIRWOMAN CHAN: Oh, Commissioner Kimble just
16 seconded it.
17 Commissioner Kimble, before we take our vote,
18 did you want a point of clarification?
19 COMMISSIONER KIMBLE: No, I didn't. That's
20 fine.
21 CHAIRWOMAN CHAN: Okay. All right. In that
22 case, Commissioner Kimble, how do you vote?
23 COMMISSIONER KIMBLE: Aye.
24 CHAIRWOMAN CHAN: Commissioner Paton?
25 COMMISSIONER PATON: Aye.

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1 CHAIRWOMAN CHAN: Commissioner Meyer?
2 COMMISSIONER MEYER: Aye.
3 CHAIRWOMAN CHAN: And I vote aye.
4 And so we have approved, with immediate
5 effect, the amendment to R2-20-704. Thank you.
6 Moving on to R2-20-113. Tom?
7 MR. COLLINS: Yes. Madam Chairwoman and
8 members, the amendment to Rule R2-20-113 relates to
9 candidate statements.
10 And by way of background, as you know, we put
11 together a candidate statement pamphlet that is
12 delivered to every household in the state that -- where
13 a registered voter lives. We have, often have what I
14 would call straggler candidate statements. And this
15 specifically happens in the general election from the
16 primary where folks who won, it may not be top of mind
17 for them to realize that there's another addition of the
18 candidate pamphlet that will be coming and our
19 publication deadlines for that for are much more
20 accelerated than they are for the primary.
21 One of the solutions we have used when
22 possible with some candidates is to substitute their
23 primary candidate statement for a new general candidate
24 statement. And this rule provides that in the event
25 that we don't hear from a candidate and we don't have a

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1 statement from a candidate other than the primary
2 statement, we can use that -- we will use that primary
3 statement as the general statement.
4 With respect to this rule, I don't -- I don't
5 believe we need an immediate effective date because the
6 candidate statement pamphlet won't begin to be put
7 together before January 1.
8 And we received no public comment on this
9 rule. So . . .
10 CHAIRWOMAN CHAN: Okay. Thank you, Tom.
11 Commissioners, do you have any comments or
12 questions about the proposed amendment?
13 And, Tom, do you have a recommendation on the
14 effective date?
15 MR. COLLINS: As I said, Madam -- no, Madam
16 Chairwoman, Commissioners -- well, it doesn't matter.
17 I'm happy to readjust it. I'm sorry for my -- as I
18 said, the -- we don't reco- -- we don't see any need for
19 this to have an immediate effective date because it's --
20 because it doesn't -- that process is later in our
21 process.
22 CHAIRWOMAN CHAN: Okay. Thank you.
23 Commissioners, any questions?
24 COMMISSIONER KIMBLE: Madam Chair?
25 CHAIRWOMAN CHAN: Yes, Commissioner Kimble.

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1 COMMISSIONER KIMBLE: This is Commissioner
2 Kimble.
3 CHAIRWOMAN CHAN: Go ahead, Commissioner
4 Kimble.
5 COMMISSIONER KIMBLE: Should there be some
6 deadline in here that if you don't hear from them by X
7 date or X number of days before the general election?
8 MR. COLLINS: Well, let me -- let me take a --
9 CHAIRWOMAN CHAN: We must have a deadline, I
10 would think, that they have to submit for primary or
11 general.
12 Gina, do you want to --
13 MR. COLLINS: Yeah, Gina'S --
14 CHAIRWOMAN CHAN: Gina, just identify yourself
15 for the record.
16 MS. ROBERTS: Madam Chair, Commissioners, this
17 is Gina Roberts, Voter Education director for the
18 Commission.
19 What we have in the rules is that the deadline
20 will be established by the Commission staff. So that
21 allows us, based off of our print dates with our vender
22 that vary a lot, to determine that deadline after
23 consultation with the print office and the USPS. So we
24 prefer not to have an actual hard deadline in code.
25 So, usually we have plenty of time to collect

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1 our statements from the candidates and so we don't
2 really run into too many issues with deadlines there.
3 So we don't feel we need a deadline in the code.
4 CHAIRWOMAN CHAN: Okay. Thank you, Gina.
5 COMMISSIONER KIMBLE: Okay. So, just to
6 clarify, the candidates will know that if they do not
7 submit a statement by a certain date, their primary
8 statement will be used.
9 MS. ROBERTS: Madam Chair, Commissioner
10 Kimble, the rest of the Commissioners, yes. Yes. So we
11 are in constant communication with them to let them know
12 these are the deadlines that we have, because we also
13 have to have Spanish translation done. And so we will
14 -- usually our internal process is, our staff will
15 contact, through several means of communications, each
16 of these candidates who have not submitted a new
17 statement, and we let them know if we don't hear from
18 you by this date we will just go ahead and re-use your
19 primary statement.
20 And, quite frankly, that's actually assumed.
21 by most of the candidates who haven't turned them in.
22 The usual response we get in is, "Oh, I thought you just
23 re-used my primary."
24 So, it really is in line with what the
25 candidates were assuming would happen anyways.

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1 CHAIRWOMAN CHAN: Thank you, Gina.
2 COMMISSIONER KIMBLE: Okay. Thank you.
3 CHAIRWOMAN CHAN: Any other questions?
4 All right. With that, is -- do we have a
5 motion?
6 COMMISSIONER KIMBLE: Madam Chair, this is
7 Commissioner Kimble.
8 CHAIRWOMAN CHAN: Commissioner Kimble.
9 COMMISSIONER KIMBLE: I move that pursuant to
10 A.R.S. 956(C) and (D) that the amendment to R2-20-113 be
11 approved for immediate effect.
12 CHAIRWOMAN CHAN: All right. Thank you. Do
13 we have a second?
14 COMMISSIONER MEYER: Commissioner Meyer. I
15 second.
16 CHAIRWOMAN CHAN: Thank you, Commissioner
17 Meyer.
18 All right. With that, we'll take our roll
19 call vote.
20 Commissioner Kimble, how do you vote?
21 COMMISSIONER KIMBLE: Aye.
22 CHAIRWOMAN CHAN: Commissioner Paton?
23 COMMISSIONER PATON: Aye.
24 CHAIRWOMAN CHAN: Commissioner Meyer?
25 COMMISSIONER MEYER: Aye.

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1 CHAIRWOMAN CHAN: And I vote aye, as well.
2 And with that we have approved the amendment
3 to R2-20-113 with immediate effect.
4 And moving on to the amendment to R2-20-104.
5 Tom?
6 MR. COLLINS: Yes. Commissioners, Madam
7 Chair, Commissioners, this one gets a little more
8 complicated because we want to -- we have to take two
9 steps. And these are at the bottom of the motion
10 language. But just to give you the background, as a
11 direct result of -- of a candidate in the 2018 -- 2018
12 election who identified what at least is an ambiguity in
13 this -- in 113, or in 104(E) related to loans, that
14 candidate, how I would describe it, is that candidate
15 stacked their personal limit along with all of the
16 individual limits up to the seed money amount, and then
17 that candidate loaned themselves that amount.
18 We had not previously thought that that's what
19 the rule said, nor was it intended. It didn't turn out
20 to be a huge deal because that candidate never qualified
21 for Clean Elections funding.
22 However, that's where we started, with
23 language that we knew had at least -- at least an
24 ambiguity, if not -- if not outright suggesting that you
25 could stack these limits in a manner -- in the manner

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1 that this candidate did. So, that was problem one.
2 Problem two, and that we've talked about, we
3 tried to use the language that's been there, we think,
4 since approximately 2001, tried to work with the
5 ordinary language that was in the rule without changing
6 too much.
7 We did get a helpful public question or
8 comment from Eric Spencer, the former election director
9 and current partner at Snell & Wilmer, saying, you know,
10 the way you have these things set up it's not -- it's no
11 more clear. And, in fact, if you have a copy of the
12 comment, basically, it seems like it's transposing
13 contribution expendi- -- or, campaign expenditures with
14 campaign contributions. And, as a staff, we concluded
15 that's -- that that is correct.
16 We also went further, however, and realized
17 that what it looks like the original drafters of this
18 rule were doing was trying to cram together concepts
19 from up to three or four or five different statutes into
20 two sentences.
21 They wanted concepts from the definition of
22 contribution, which includes loans. They wanted all --
23 they wanted to lump together limiting language in 16-945
24 and 46, as well as 16-941(A) and (B). That is too much
25 work for two sentence to do.

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1 And, frankly, it -- it -- it's confusing.
2 What we realized upon review is that, really, the rule
3 was -- is -- is -- is not serving a purpose, because the
4 individual limits received money, the personal limits
5 for your own personal funds if you agree to run clean,
6 and the requirement that the individual donate --
7 contributions come from individuals, actually, are all
8 apparent on the face of the statute.
9 So we think that allowing the statute to speak
10 for itself provides actually a much more reliable
11 indicator for -- for candidates of what is allowed and
12 what is not allowed.
13 And, therefore, with all of this input and --
14 and reconsideration in mind, we would like to terminate
15 the rule proceeding -- existing rule proceeding
16 regarding R2-20-104. We'd also like to initiate a new
17 proceeding where we strike out Paragraph E from -- from
18 R2-20-104 altogether.
19 So, that's our -- that's our recommendation
20 there. And we think it's the right one. We think where
21 we can, it's easier to use -- to rely on the language of
22 the statute than it is to try to recapitulate the
23 statute in shorthand, for lack of a better way of
24 putting it.
25 So we -- we -- this is the under -- a plan of

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1 the undertaking we would like to see. So what you'll
2 see -- what we recommend is, A, a vote on termination
3 and, B, a vote on circulation of the -- of the
4 strike-out of -- of R2-21-104(E).
5 So, we've received, as I said, the one public
6 comment from Mr. Spencer. We received no other public
7 comments. And this really isn't an effective -- or,
8 this hasn't -- this does not have an effect -- immediate
9 effective date issue. Although, in order to assure the
10 voters -- or, candidates, rather, don't start loaning
11 themselves seed money in excess of the limits, you know,
12 when it comes back around, assuming there's been no
13 serious objections, we would probably recommend an
14 immediate effective date, you know, at that point. But
15 we'll see what we get.
16 Anyways, that's our recommended course of
17 action, Madam Chairwoman, and I'm available for any
18 questions.
19 CHAIRWOMAN CHAN: Thank you, Tom.
20 I would just have a comment. I think that is
21 why public comment is so necessary. I mean, even a
22 question from, of course, the previous election director
23 who's also well-versed in election law, can kind of
24 provoke additional thought and -- and comment and have
25 us reconsider what we're doing.

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1 So, with that, I would say I support Tom's
2 recommendation, but do the other Commissioners have any
3 questions? Comments? Concerns?
4 COMMISSIONER MEYER: This is Commissioner
5 Meyer. I do not have any other questions.
6 CHAIRWOMAN CHAN: Okay. If not, then perhaps
7 one of you would make a motion to terminate the
8 proceedings, the rule amendment proceeding, for
9 R2-20-104.
10 COMMISSIONER MEYER: Madam Chair, this is
11 Meyer. I can make a motion.
12 CHAIRWOMAN CHAN: All right.
13 COMMISSIONER MEYER: Madam Chair, I move that
14 the Commission terminate the rule amendment proceeding
15 for Rule R2-20-104.
16 CHAIRWOMAN CHAN: Thank you.
17 COMMISSIONER KIMBLE: This is Commissioner
18 Kimble and I second.
19 (Court reporter request on speaker
20 identification.)
21 CHAIRWOMAN CHAN: Oh, I'm sorry, that was
22 Commissioner -- I'm sorry, Commissioner Meyer made
23 the --
24 MR. COLLINS: Motion.
25 CHAIRWOMAN CHAN: -- motion, and Commissioner

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1 Kimble seconded. Thank you. And I apologize. I
2 forget, too, when they're on the phone if I recognize
3 their voice.
4 Okay. With that, we'll take a role call vote.
5 Commissioner Kimble, how do you vote?
6 COMMISSIONER KIMBLE: Aye.
7 CHAIRWOMAN CHAN: Commissioner Paton?
8 COMMISSIONER PATON: Aye.
9 CHAIRWOMAN CHAN: Commissioner Meyer?
10 COMMISSIONER MEYER: Aye.
11 CHAIRWOMAN CHAN: And I vote aye, as well.
12 So, by a vote of four to zero we have voted to
13 terminate the rule amendment proceeding in R2-20-104.
14 The next item for this piece of business would
15 be to initiate a new amendment, and we just need the
16 motion for that. And if one of you could identify
17 yourselves and make the motion, that would be great.
18 COMMISSIONER KIMBLE: Madam Chair, this is
19 Commissioner Kimble.
20 CHAIRWOMAN CHAN: Thank you.
21 COMMISSIONER KIMBLE: I move to pursuant to
22 16-956C-E that the amendment to R2-20-104 be published
23 for a public comment period of no less than 60 days.
24 CHAIRWOMAN CHAN: Thank you.
25 And do we have a second?

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1 COMMISSIONER MEYER: Commissioner Meyer, I
2 second the motion.
3 CHAIRWOMAN CHAN: Thank you, Commissioner
4 Meyer.
5 With that, I'll go ahead and take your votes.
6 Commissioner Kimble, how do you vote?
7 COMMISSIONER KIMBLE: Aye.
8 CHAIRWOMAN CHAN: Commissioner Paton?
9 COMMISSIONER PATON: Aye.
10 CHAIRWOMAN CHAN: Commissioner Meyer?
11 COMMISSIONER MEYER: Aye.
12 CHAIRWOMAN CHAN: And I vote aye, as well.
13 So, by a vote of four to zero we have
14 initiated a new amendment that will be published for a
15 comment period of no less than 60 days. Thank you,
16 Commissioners.
17 And moving on to Agenda Item V, public
18 comment, I see Rivko Knox is here. Would you like to
19 come up to the podium and identify yourself for the
20 record?
21 MS. KNOX: Thank you very much. My name is
22 Rivko Knox. I'm here representing the League of Women
23 Voters of Arizona.
24 I wanted to make a few very quick comments.
25 One is that the League, as I think you're all aware, had

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1 sent a letter to the governor indicating our grave
2 concern about the lack of new appointments to the
3 Commission, and so we would be very happy to receive a
4 copy of the ad when it's finalized with all the
5 requirements --
6 CHAIRWOMAN CHAN: Yes.
7 MS. RIVKO: -- because I think the
8 requirements are very significant for people who are
9 interested. And we will do our best to try to find, or
10 encourage those who meet the qualifications to submit
11 their names.
12 Depending -- I've forgotten. I don't know
13 everybody's -- in the League we normally do not know
14 people's registration, so as a result it's hard for me
15 to know who might meet the qualifications; one reason
16 I'm asking that.
17 A second quick comment is that, as I think
18 you're all aware, the League opposed Proposition 306.
19 Unfortunately, we were unsuccessful in persuading the
20 public to vote it down.
21 But that is one of the reasons that the League
22 is actively supporting the Clean Elections -- this
23 year's Clean Elections -- this year's Outlaw Dirty
24 Money; I'm sorry, in the wrong place at the wrong time
25 -- supporting the Outlaw Dirty Money, or Citizens' Right

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1 to Know Initiative.
2 I know that most people have no idea of the --
3 that is involved in the initiative because for most
4 people that whole issue of clean elections and GRRC and
5 all this other stuff is completely esoteric.
6 But that is, for us, a significant reason why
7 we're supporting it, along with our obvious ongoing
8 commitment to the idea of campaign finance reform.
9 And that -- if you have any questions, I'll be
10 happy to answer. That's all I wanted to say.
11 CHAIRWOMAN CHAN: Thank you.
12 Tom, did you have a comment?
13 MR. COLLINS: No. I don't think -- I mean, I
14 don't think we can.
15 CHAIRWOMAN CHAN: And, Rivko, I just want to
16 say thank you for offering to have the League amplify
17 our efforts to try to get as many qualified applicants
18 as possible to join the Commission. That would be
19 wonderful.
20 So, I see Mr. Edman is here. I don't know if
21 you have anything you wanted to say today.
22 MR. EDMAN: Thank you. Commissioner Chan and
23 -- and Commissioners. I'm Joel Edman with the Arizona
24 Advocacy Network.
25 As you know, we, along with the League, work

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1 to support the work that you all do and try to protect
2 the work you all do at the state capitol, among others
3 things.
4 But I just wanted to introduce our new team
5 member, Adrienne Carmack, who is going to be attending,
6 I think, just about all of these meetings on our behalf.
7 So I'm sure you'll get to know her very well.
8 But that's all I had. Thank you so much.
9 CHAIRWOMAN CHAN: Thank you very much, Joel.
10 Thank you everybody for being here. And, you
11 know, I think the Commission certainly appreciates the
12 support that both organizations give us.
13 So, if there's no other public comment, I
14 think the next -- we just need a motion for adjournment.
15 Thank you, Tom.
16 Can I get a motion?
17 COMMISSIONER MEYER: Commissioner Meyer. I
18 move that we adjourn the meeting.
19 CHAIRWOMAN CHAN: Thank you, Commissioner
20 Meyer.
21 COMMISSIONER KIMBLE: Commissioner Kimble,
22 second.
23 CHAIRWOMAN CHAN: Thank you. All right.
24 Do we need to take a roll call vote?
25 MR. COLLINS: We need to take a vote.

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1 CHAIRWOMAN CHAN: Oh, okay. Let's just,
2 everybody in favor, please say aye.
3 Aye.
4 COMMISSIONER KIMBLE: Aye.
5 COMMISSIONER PATON: Aye.
6 COMMISSIONER MEYER: Aye.
7 CHAIRWOMAN CHAN: Anybody opposed to
8 adjournment, please say no.
9 And with that, we are adjourned. See you guys
10 next month.
11 (Whereupon, the proceedings concluded at
12 10:18 a.m.)
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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)
3 BE IT KNOWN the foregoing proceedings were
4 taken by me, that I was then and there a Certified
5 Reporter of the State of Arizona; that the proceedings
6 were taken down by me in shorthand and thereafter
7 transcribed into typewriting under my direction; that
8 the foregoing pages are a full, true, and accurate
9 transcript of all proceedings and testimony had and
10 adduced upon the taking of said proceedings, all done to
11 the best of my skill and ability.
12 I FURTHER CERTIFY that I am in no way
13 related to nor employed by any of the parties thereto
14 nor am I in any way interested in the outcome hereof.
15 DATED at Phoenix, Arizona, this 29th day of
16 July, 2019.
17
18 
19 Deborah L. Tucker
20 Certified Reporter #50464
21 and Notary Public
22 My Commission expires:
23 October 29, 2020
24
25

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