



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

Location: Citizens Clean Elections Commission
1616 West Adams, Suite 110
Phoenix, Arizona 85007

Date: Thursday, October 17, 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 October 17, 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 September 26, 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 Commission Rules submissions to the Governor's Regulatory Review Commission, Proposition 306, and Arizona Advocacy Network vs. State.

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 15th day of October, 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
September 26, 2019
9:30 a.m.

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Prepared by:
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1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 9:30 a.m. on 3 September 26, 2019, at the State of Arizona, Clean 4 Elections Commission, 1616 West Adams, Conference Room, 5 Phoenix, Arizona, in the presence of the following Board 6 members: 7 Mr. Mark S. Kimble, Chairman 8 Mr. Damien Meyer (Telephonic) 9 Mr. Galen D. Paton 10 Ms. Amy B. Chan 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 Julian Arndt, Executive Support Specialist 18 Avery Oliver, Voter Education Specialist 19 Kara Karlson, Assistant Attorney General 20 Adrienne Carmack, AZAN 21 Ken Bennett, Self 22 Rivko Knox, AZ LWM 23 24 25	1 meeting. 2 Is there a second? 3 COMMISSIONER PATON: Second. 4 CHAIRMAN KIMBLE: It's been moved and 5 seconded. 6 All those in favor -- no. Let's do a roll 7 call vote. 8 Commissioner Meyer? 9 COMMISSIONER MEYER: Aye. 10 CHAIRMAN KIMBLE: Commissioner Chan? 11 COMMISSIONER CHAN: Aye. 12 CHAIRMAN KIMBLE: Commissioner Paton? 13 COMMISSIONER PATON: Aye. 14 CHAIRMAN KIMBLE: And the Chair votes aye. 15 The minutes are approved. 16 Item III: Discussion and possible action 17 on executive director's report and legislative report. 18 Tom? 19 MR. COLLINS: Yes, Mr. Chairman, 20 Commissioners, just a couple of things to update. You 21 know, we've -- we've all gotten our recertification 22 for -- as election officers. 23 And, then, I want to introduce Julian 24 Arndt, who started with the Commission on August 26. 25 He's graduated from ASU with a B.S. in public policy	

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1 PROCEEDING 2 3 CHAIRMAN KIMBLE: Good morning. I'm going 4 to call to order the meeting of the Citizens Clean 5 Elections Commission for Thursday, September 26, 2019. 6 We're going to do a roll call because we 7 have one of our members on the phone. 8 Commissioner Meyer? 9 COMMISSIONER MEYER: Good morning, Chairman 10 Kimble. Damien Meyer here. 11 CHAIRMAN KIMBLE: Okay. Thank you. 12 Commissioner Chan? 13 COMMISSIONER CHAN: Here. 14 CHAIRMAN KIMBLE: Commissioner Paton? 15 COMMISSIONER PATON: Here. 16 CHAIRMAN KIMBLE: And Commissioner Kimble 17 is also here. 18 Item II: Discussion and possible action on 19 Commission minutes for the July 29th, 2019 meeting. 20 Any additions or corrections to the 21 minutes? 22 COMMISSIONER CHAN: Mr. Chairman, I would 23 move that we approve or adopt the minutes as written. 24 CHAIRMAN KIMBLE: There's been a motion to 25 approve the minutes as written for the July 29th	1 and public service, and he'll be helping us out with 2 administration, campaign finance and enforcement during 3 this election cycle. So, we're happy to have him. 4 And so, welcome, Julian. 5 MR. ARNDT: Thank you. 6 MR. COLLINS: He already -- we did a video 7 on some ballot issues, and Julian had written up the 8 materials. And so, when I was, like, what is this? He 9 rattled it off. And I was, like, wow, this is great. 10 So, it was really -- it's always -- that's good. 11 There are local elections on November 5th, 12 and so that means that within the next few weeks, the 13 early voter registration deadline for the November 5th 14 elections will be -- will be up. 15 And the production we worked on with -- 16 with Julian and Gina was to talk with Christine 17 Thompson, who works at Expect More Arizona about bonds 18 and override elections because we think that that's 19 something where people are often -- I mean, there 20 are people who are informed, but there are other people 21 who really don't know the difference and how it works. 22 The Chairman was at the League of Women 23 Voters in Tucson this week, and as you can see through 24 the outreach events, we've had really a really 25 aggressive effort to reach out to different	

<p>09:33:54-09:35:01 Page 6</p> <p>1 communities. Avery and Gina have really been 2 leading -- leading the charge on that, as well as Alec, 3 and I think that that's great. 4 And, then, of course, we had National Voter 5 Registration day this week, and Alec, Julian, Avery and 6 Gina were all there. 7 The only other thing is we do have a couple 8 of outstanding legal matters. The Legacy Foundation 9 Action Fund case and the AZAN -- AZAN versus State 10 case, those are just in -- well, not in limbo, but 11 they're just in a procedural posture where there's 12 really not much to report that's of interest. 13 So, with that, if there's no questions, 14 that completes my report. 15 CHAIRMAN KIMBLE: Do any members of the 16 Commission have questions of Tom? 17 (No response.) 18 CHAIRMAN KIMBLE: Okay. Thank you. 19 Item IV: Discussion and possible action on 20 Voter Education's We the Voters: Our Impact on 2020 21 Conference. 22 Tom, are you going to do this or Gina? 23 MR. COLLINS: I think -- I believe Gina was 24 going to do this. 25 MS. ROBERTS: Good morning, Chairman,</p>	<p>09:36:24-09:37:18 Page 8</p> <p>1 the role that they play when it comes to covering 2 elections. It's such a significant role, as they are a 3 direct connection to voters in relaying election 4 information. So, we're excited that she agreed to be 5 our keynote speaker. 6 And the conference is organized where we 7 have main session events that repeat in the morning and 8 the afternoon, and then we have breakout sessions that 9 vary throughout the day. This format was selected to 10 allow voters who, perhaps, they didn't want to spend 11 their whole Saturday, but you know, there were key 12 interests that they wanted to come and learn about, to 13 get really the main information that we're talking 14 about. 15 So, for our main session events, we're 16 covering the three major elections that we have next 17 year, which is our presidential preference election, 18 our primary election and the general election, which 19 is, of course, the presidential election, as well. 20 And you'll see we have Commissioner Chan, 21 who is going to be speaking on the PPE. And we've got 22 our Maricopa County Recorder Adrian Fontes, who will be 23 discussing the primary election, and we have our state 24 election director Bo Dul, who will be covering the 25 presidential election.</p>
<p>09:35:16-09:36:24 Page 7</p> <p>1 Commissioners. This is just a brief update about our 2 upcoming conference that we have for voters, which is 3 scheduled for Saturday, October 26th. It will be a 4 full-day conference, and we're holding it at the 5 Phoenix Convention Center in the north building. 6 And, if you'll recall, the purpose for this 7 conference is to help educate voters in preparation of 8 the 2020 election cycle. And so, we just wanted to 9 give you a very quick update of we have our website 10 landing page active where we are, basically, giving an 11 introduction into the purpose of the conference and 12 where people can sign up by clicking the "register now" 13 button. 14 And I can briefly go over with you who we 15 have for our lineup of speakers. We still have a few 16 more to add here that you won't see on the list. We're 17 just waiting for some of their information to come 18 through, their photos and biographies, and we are 19 finalizing the program this week. So, once we finalize 20 all this information, we will gear up and really start 21 to put the word out to let people know so that they can 22 get registered. 23 So, we do have a keynote speaker. This is 24 Mi-Ai Parrish, and we're excited for her to come talk 25 to us about, basically, the perspective of media and</p>	<p>09:37:21-09:38:33 Page 9</p> <p>1 Just a few highlights that I wanted to call 2 out. We are, also, very excited that we were able to 3 get the chairs of these state political parties to 4 agree to participate and sit on a panel discussion. 5 So, we will have the Libertarian party chair. That's 6 Howard Blitz. And, then, we have the Arizona 7 Democratic party chair, Felicia Rotellini. And we have 8 the state Arizona Republican party chair, Dr. Kelli 9 Ward, who will be sitting on a panel to inform and 10 educate voters about the roles of political parties in 11 our elections and what their perspectives will be for 12 2020. And we're grateful that Lauren Gilger, who is 13 from KGZZ, will me moderating that panel for us. 14 And, then, we have a number of breakout 15 sessions where we'll be discussing everything from the 16 voter to-do list to prepare, such as, you know, making 17 sure you're registered or, you know, if you have to 18 update your registration. We will be doing just 19 general civics. We will be talking about independent 20 voters specifically. We will have election security. 21 Commissioner Paton has agreed to talk about 22 our youth voters and get out the vote efforts for them, 23 and we also have Garrett Archer, who is with ABC 15. 24 He'll be discussing election projections for next year. 25 We have information, such as voting down the ballot.</p>

<p>09:38:37-09:39:42 Page 10</p> <p>1 Since it is a presidential election, we want to make 2 sure that voters are aware of all of the other local 3 and equally important elections that are through your 4 ballot. We have a commissioner from the Judicial 5 Performance Review -- and I am not sure what happened 6 there. There we go. Sorry about that. 7 So, we have quite the lineup here from, 8 basically, these folks are election officials and 9 election experts across the state. We have county 10 recorders, county election directors who are 11 participating. We have Dr. Paul Carrese, who is with 12 the school -- the ASU School of Civic and Economic 13 Thought and Leadership. He'll be doing an exercise, 14 one that I've actually been through personally about 15 working across perspectives, and that will help promote 16 and foster civil discourse. 17 We will be hearing, you know, about voters 18 with disabilities, and we'll be talking about money and 19 politics and elections and talking about Clean 20 Elections, of course. So, we feel that we have a very 21 robust agenda to cover a lot of topics, as this 22 conference is really geared towards the entire state of 23 Arizona, even though it will be held in Phoenix. We 24 are communicating with voters across the state to let 25 them know if you're going to be in town, you know, this</p>	<p>09:40:41-09:41:52 Page 12</p> <p>1 have been geared towards election officials and 2 community stakeholders in terms of how can we make the 3 election process better. This is now taking the role 4 of we are trying to inform and educate voters in this 5 one-day workshop where any member of the public can 6 come and attend. So, it's really our first time doing 7 something of this aspect. 8 COMMISSIONER CHAN: I am so impressed. I 9 think this is absolutely fantastic. I don't know if 10 any other state does anything like this or if you 11 developed this just as an original idea, I mean, but 12 regardless, it is absolutely fantastic. And I think it 13 deserves another award, another national award because, 14 I think, you know, I corresponded with you about a 15 friend who had posted and asked -- because I shared 16 this on my Facebook page, and a friend who teaches at 17 ASU had asked, oh, is this for everyone? Is this just 18 for people who really know nothing about elections? 19 And I had checked with you because I wasn't 20 certain, and you said it's for everyone. And so, I 21 shared that with her, and I think this really has 22 potential if we can encourage people to really 23 participate. And I know with the first year, you know, 24 maybe we'll have to ramp up, but I think it's something 25 that is very worthwhile and valuable, especially with</p>
<p>09:39:44-09:40:39 Page 11</p> <p>1 is a conference that you can come and attend and learn 2 about everything you need to know for 2020. 3 So, we are still in the works of finalizing 4 our program, and we will have that wrapped up this 5 week. And, then, we'll really get going to -- to get 6 the word out to get folks to register. And we'll, 7 also, have a vendor hall, too, where the parties will 8 have a table. We'll have our elections and county 9 recorders staff from across the state where they can 10 have booths and, of course, we'll be doing voter 11 registration services there and really just providing 12 this one-day workshop where voters can come and, 13 basically, take care of everything that they need to 14 prior to 2020. 15 So, if there's any questions, that's all I 16 have for you. 17 CHAIRMAN KIMBLE: Any questions from 18 commissioners? 19 COMMISSIONER CHAN: Just a comment. 20 Was last year the first year we did this? 21 MS. ROBERTS: Chairman, Commissioner Chan, 22 this is actually the first year that we have done a 23 conference that has been open to the public like this. 24 COMMISSIONER CHAN: Okay. 25 MS. ROBERTS: In the past, our conferences</p>	<p>09:41:56-09:43:02 Page 13</p> <p>1 the number of voters out there who aren't sure of their 2 rights or how elections work. 3 So, thank you for this work that you guys 4 are all doing, and I think we probably all feel the 5 same way, very proud to be part of this with you. 6 MS. ROBERTS: Mr. Chairman, Commissioners, 7 and to your point, Commission Chan, one of the breakout 8 sessions that we have is really about Voting 101. It 9 gets down to the bare bones basics. So, if you have 10 never voted in this state before and maybe you find it 11 a little intimidating or, perhaps, it's just been a 12 while and you need a refresher, we'll get down to the 13 bare basics about what the voting experience is going 14 to be like. And we'll do it in, you know, a 15 story-telling way. And so, we have the Maricopa County 16 elections director who will be doing that for us. 17 And so, each of the breakouts are designed 18 to are you really somebody who is in the know and you 19 stay on top of things and, you know, you vote every 20 year and you still want to come out and learn about 21 what to expect for 2020, all the way down to maybe I've 22 never -- this is my first election. Maybe I will be 18 23 and can vote next year and it's my first time. 24 So, we have quite the range in the breakout 25 sessions to, hopefully, provide something for every</p>

<p>09:43:04-09:44:06 Page 14</p> <p>1 voter and their circumstance. 2 COMMISSIONER PATON: I have a question. 3 CHAIRMAN KIMBLE: Commissioner Paton. 4 COMMISSIONER PATON: Is there a cost to it? 5 MS. ROBERTS: Mr. Chairman, Commissioner 6 Paton, thank you. There is no cost to voters. It is a 7 free conference. We do make sure to note that and when 8 we are putting out the information to the public to 9 sign up that it is a free voter conference. There's no 10 charge to voters. The Phoenix Convention Center -- 11 there would be some parking charges, parking fees, 12 perhaps, for parking around the area, but the entire 13 conference, it is free. And we encourage as many 14 people to attend. 15 And since this is our first time doing 16 something to this aspect, again, we recognize that it 17 is being held in Phoenix but, you know, obviously, we 18 want to reach all of the voters across the state. We 19 are looking at ways there, perhaps, maybe for those 20 main sessions that we could Livestream them for people 21 that can't attend in person. And once we get through 22 this conference, we'll see and learn from it and see if 23 there's ways that we could do, sort of, a on-the-road 24 version of it and hit some of the other regions of our 25 state with it.</p>	<p>09:45:11-09:46:07 Page 16</p> <p>1 badge. So, anybody can come. You know, if they don't 2 get around to registering, that's okay. We want to 3 encourage attendance, and so we are -- anybody is 4 welcome to be there. 5 CHAIRMAN KIMBLE: Okay. 6 COMMISSIONER PATON: I have another 7 question. 8 CHAIRMAN KIMBLE: Commissioner Paton? 9 COMMISSIONER PATON: If it's free, how are 10 we funding this? 11 MS. ROBERTS: Mr. Chairman, Commissioner 12 Paton, that was part of our budget for this year. So, 13 we have, in the past four or five -- four or five years 14 now, we've done an annual conference to the extent of 15 whether or not it was inviting just election officials 16 or community stakeholders. And so, this year it was 17 geared towards voters across the state. 18 So, the funding is coming out of the public 19 and voter education budget to pay for the conference, 20 and we are working with our vendor who we work with to 21 facilitate our debates. So, we know that he's very 22 familiar with the Commission's business, and we work 23 with the Phoenix Convention Center. 24 Oh, and I, also -- 25 COMMISSIONER PATON: I have another</p>
<p>09:44:07-09:45:11 Page 15</p> <p>1 CHAIRMAN KIMBLE: I just want to echo my 2 colleagues in congratulating you for putting this on. 3 I wish I could be there, but I can't. And thank both 4 of my colleagues here for participating in it, as well 5 as the Commission staff members who are participating. 6 I think this is a great innovative idea. And when I 7 talked to the League of Women Voters members in Tucson 8 earlier this week, they were unaware of it. They were 9 very excited about it. They were asking me how they 10 could register. They asked what Commissioner Paton 11 asked is what -- is there a cost for this. 12 So, if people show up and they haven't 13 registered, can they still attend? Are you going to 14 throw them out? 15 MS. ROBERTS: Mr. Chairman, Commissioners, 16 absolutely. If somebody shows up, we will have our 17 materials available to register them on the spot. 18 CHAIRMAN KIMBLE: Okay. 19 MS. ROBERTS: Everyone that attends -- 20 there are security issues with the Phoenix Convention 21 Center where everyone has to have credentials. They 22 have to have a badge. So, we will have a registration 23 booth set up so anyone that comes in, whether or not we 24 have them on our list as being registered, we'll take 25 care of that right then and there and issue them a</p>	<p>09:46:08-09:47:03 Page 17</p> <p>1 question. 2 MS. ROBERTS: Yes. 3 CHAIRMAN KIMBLE: Commissioner Paton. 4 COMMISSIONER PATON: Can we get sponsors, 5 maybe, to help us? 6 MS. ROBERTS: Mr. Chairman, Commissioner 7 Paton, we have discussed having sponsors; however, we 8 typically don't go that route because everything that 9 we put out, we want to ensure that it is unbiased, 10 non-partisan and not advocating for a particular issue. 11 And so, typically, it just makes things easier where we 12 know that the Commission itself is the sole sponsor. 13 So we haven't really explored sponsorships before for 14 that reason. 15 COMMISSIONER PATON: I'm thinking, like, 16 food vendors or, you know, something like that. 17 MS. ROBERTS: And, Mr. Chairman, 18 Commissioner Paton, that's a -- that's a great point. 19 The convention center -- we will have a short break in 20 the agenda. So, the convention center has agreed to 21 have -- their on-site food vendors will be open that 22 day so for attendees who need to take a quick break, 23 you know, they want to grab something to eat from their 24 vendor hall area. Those will be available to us at no 25 cost because it would come from the cost of the voters,</p>

<p>09:47:05-09:47:53 Page 18</p> <p>1 but there will be on-site refreshments available for 2 voters, too, to access. 3 COMMISSIONER PATON: Okay. 4 MS. ROBERTS: And I should, also, mention 5 to you -- and we didn't see it up here yet, as we're 6 still working on it, but we did get word this week, 7 too, that Mayor Gallego from the City of Phoenix will 8 be able to attend and provide opening remarks to 9 welcome folks to the Phoenix Convention Center. So, 10 she is one of our guest speakers, as well. 11 COMMISSIONER PATON: Thank you. 12 CHAIRMAN KIMBLE: Thank you. 13 Any other questions from any members of the 14 Commission? 15 (No response.) 16 CHAIRMAN KIMBLE: Thank you very much, 17 Gina. 18 MS. ROBERTS: Thank you. 19 CHAIRMAN KIMBLE: A really exciting event. 20 Item V: Discussion and possible action on 21 adoption of amendment to A.A.C. R2-20-104 relating to 22 loans to participating candidates. 23 Tom? 24 MR. COLLINS: Yes. Mr. Chairman, 25 Commissioners, I'll, kind of, introduce the thing. I</p>	<p>09:49:42-09:51:15 Page 20</p> <p>1 explaining any of that, in our view. 2 COMMISSIONER CHAN: Mr. Chairman, Tom, 3 could I just interrupt? 4 MR. COLLINS: Please. 5 COMMISSIONER CHAN: When you take the 6 statutes together, what's the result? 7 MR. COLLINS: The result is that you would 8 be able to take a loan, i.e., a contribution up to the 9 limits that are imposed under 16-941(A) and 16-941 -- 10 (A)(1) and (A)(2), I should say. So, for example, you 11 can take a loan for -- I think this year it's \$170, 12 which is the seed money contribution limit. You can 13 take a loan for, I think, some -- 720, maybe, or 14 somewhere around that, in terms of loans from family 15 members or to -- or from yourself, and those are the 16 limits that apply because loans are contributions. 17 The way the rule had been drafted, it -- 18 what it, essentially, allowed was for you to stack 19 those limits and then fund them through a loan by the 20 candidate, for example, which is -- you know, which is 21 the instant issue. And we would -- and then the 22 Commission would then backstop that with the Fund. So, 23 there's two distinct issues. One, I think the rule 24 confused what the applicable limits were and, then, 25 second of all, the rule, essentially, triggered the</p>
<p>09:47:58-09:49:39 Page 19</p> <p>1 know we have -- Secretary Bennett is here, and he had 2 public comment on this item. So, I'll just be as brief 3 as I can. 4 We originally circulated this amendment 5 in -- earlier this year in an effort to unpack what had 6 happened with respect to R2-20-104(E), which the way it 7 was put together, it, at the very least, was ambiguous, 8 if not outright, said that -- that, essentially, a -- 9 you could add the different -- different contribution 10 limits together and then fund those through a single 11 loan to a campaign and then -- and then repay that out 12 of the Clean Elections Fund. 13 Our first attempt at that, we got some 14 public comment that, I think, was helpful that was 15 indicated that we weren't accomplishing that. So, we 16 went back through and rethought about it and realized 17 that really what we -- the problem with the rule is it 18 is trying to compact things that are already set forth 19 in statute into a single rule, and we think that the 20 statutes actually speak for themselves on this issue. 21 And they speak for themselves because the 22 definition of "contribution" includes a loan and the 23 contribution limits that apply to Clean Elections 24 candidates are set forth in the Act. And so, if you 25 take those together, then there's no need for a rule</p>	<p>09:51:21-09:52:32 Page 21</p> <p>1 Clean Elections Fund being a -- the backstop for that 2 loan. 3 And -- and we think both of those are -- 4 have potential legal problems and potential -- and 5 really aren't what, I think, the Clean Elections Fund 6 was intended to do was to be a guarantor of personal 7 loans. 8 I think that's it. Kara -- since Kara has 9 been integral in this process, I don't know if I missed 10 anything that I should have said. 11 Okay. She's nodding her head. So, she's 12 saying -- 13 MS. KARLSON: I'm shaking my head. 14 MR. COLLINS: Oh, shaking her head. Right. 15 MS. KARLSON: But, no, you haven't missed 16 anything. 17 MR. COLLINS: Yeah. Right. I don't know 18 my left from my right, if I'm nodding or shaking. 19 MS. KARLSON: No, you're right. I should 20 speak for the court reporter. My apologies. 21 MR. COLLINS: So -- anyway, so that's what 22 our purpose was. It was, essentially, by eliminating 23 this rule, it's our belief that it aligns the rule with 24 the statute in the correct way by having it not having 25 it, and it removes the possibility of the Fund to be a</p>

<p>09:52:41-09:53:54 Page 22</p> <p>1 repayment -- being guarantor of a loan. 2 Essentially, the way the rule had been 3 drafted, it, essentially, would have allowed you to 4 say, hey, I'm going to -- I'm going to do this -- I'm 5 going to -- I'm going to fund this loan and -- but it, 6 essentially, operated as not a loan but an advance 7 against the Clean Elections funding that one would have 8 received. And that -- and that, we think, is -- we 9 think that's a -- we don't think that's a -- as staff, 10 we don't think that's a good policy. And we think it's 11 caused confusion, and we would like to prevent it in 12 the future. 13 That's our position. And so, unless the 14 Commission has questions for me, I certainly would -- 15 you know, Mr. Chairman, I'm happy to yield the floor 16 for you to have Secretary Bennett make his comments. 17 CHAIRMAN KIMBLE: Okay. I just want to be 18 clear that what we -- the proposed -- the discussion 19 here is whether to eliminate from Section R2-20-04(E) 20 Section E. 21 MR. COLLINS: That's correct. Yes. 22 CHAIRMAN KIMBLE: Okay. 23 MR. COLLINS: That's exactly right. 24 CHAIRMAN KIMBLE: Okay. Any other 25 questions from the Commission?</p>	<p>09:55:11-09:56:09 Page 24</p> <p>1 correct. It happens to, also, be that -- that as we 2 thought -- as we've thought about this, there's an 3 additional part of the rule that creates an additional 4 problem. So -- so, in other words, to your point, the 5 Act is very clear about the grassroots nature of it. 6 And that is the reason why we had been doing that 7 initially; however, the fact that the rule triggers 8 this repayment from the Fund is an additional reason. 9 So, you're not -- you're not wrong at all. 10 It's just that we've, sort of -- 11 COMMISSIONER CHAN: Okay. Thank you. 12 MR. COLLINS: We just have a couple of 13 reasons. 14 COMMISSIONER CHAN: Thank you. 15 CHAIRMAN KIMBLE: Any other questions from 16 commissioners? 17 (No response.) 18 CHAIRMAN KIMBLE: Secretary Bennett, did 19 you want to address this matter? 20 SECRETARY BENNETT: Yes. Thank you, 21 Mr. Chairman, Commissioners. 22 CHAIRMAN KIMBLE: And could you state your 23 name and address for the record, please? 24 SECRETARY BENNETT: Yes. My name is Ken 25 Bennett. I reside in Prescott, and I would,</p>
<p>09:53:55-09:55:10 Page 23</p> <p>1 COMMISSIONER CHAN: Can I just make a 2 comment? 3 CHAIRMAN KIMBLE: Commissioner Chan. 4 COMMISSIONER CHAN: And maybe get 5 commissioners' thoughts or Tom's thought on this? You 6 know, Tom -- and forgive me if I missed any other 7 nuances in what you stated, but you were, kind of, 8 discussing this rule or the removal of it as removing 9 the public funding as a guarantor of a personal loan, 10 but in my mind, when I've supported this rule change, I 11 believe it's been more of a preventing a personal loan 12 from displacing the broader grassroots support that we 13 think of as encouraging citizen participation in this 14 process. 15 MR. COLLINS: Right. 16 COMMISSIONER CHAN: It's not so much that 17 I -- I mean, I understand what you're saying about the 18 guarantor of the personal loan, but as far as our 19 mandate, I viewed it more as a candidate's personal 20 monies, perhaps, subsidizing what should rightly be, 21 under the Act, the broader grassroots support to get 22 him to the place where he can qualify or she can 23 qualify for the Clean Election funding. 24 MR. COLLINS: Mr. Chairman, Commissioner 25 Chan, I think -- I think that's -- that's absolutely</p>	<p>09:56:12-09:57:46 Page 25</p> <p>1 respectfully, offer a different viewpoint and ask you 2 to consider some very important aspects which I 3 think -- I think the Clean Elections system will be 4 harmed by adopting the rule that you are about to 5 adopt. 6 In the first place, it would eliminate from 7 the Clean Elections rules, in this case, R2-20-104(E), 8 paragraph E entirely, which is the only place in your 9 rules that talk about loans. If you have had a loan 10 section in your rules and you eliminate it completely, 11 it could be argued by some that you are now prohibiting 12 loans completely. Now, I think what I've understood 13 from Mr. Collins' comments is that by eliminating the 14 rule, we want to go back to the statutes themselves, 15 and within the statutes -- I think it's 941 or 16 somewhere -- 17 MR. COLLINS: Yeah, close enough. 18 SECRETARY BENNETT: -- that you can -- you 19 can find a definition of statutes that says, within the 20 context of contributions, loans are authorized in the 21 underlying campaign contribution statutes, but I don't 22 think loans are mentioned at all in the Clean Elections 23 statutes that the voters passed. It neither identified 24 the possibility of loans being made nor did it prohibit 25 loans being made. And so, the Clean Elections rule in</p>

<p>09:57:52-09:59:31 Page 26</p> <p>1 12-20-204 -- or 2-20-104 -- excuse me -- simply 2 codified, as has been now used since the inception of 3 Clean Elections, that there is a loan process similar 4 to the fact that there's loans allowed in the 5 non-participating candidate contribution system. 6 And so, first of all, I think it would be 7 very unwise for the Commission overseeing Clean 8 Elections to take away from potential Clean Election 9 candidates a tool that is used in the other 10 non-participating system extensively. I mean, we have 11 existing sitting elected officials in this state who 12 have loaned their campaigns millions of dollars. I 13 wholeheartedly support and applaud your efforts to 14 clean up paragraph E because, as Tom mentioned, it is 15 very -- it was worded very confusing. 16 I think the proposed rule that was going to 17 change it was not that more clear, and I think Former 18 Elections Director Spencer pointed that out in his 19 communication to the Commission when you were 20 considering the previous rule change. 21 Based on his, I think, pretty accurate 22 input that the new proposed rule wasn't much clearer 23 than the old one, I'm saddened to see that the 24 response, then, is, well, we'll just get rid of Section 25 E altogether and no loans at all, unless it could be</p>	<p>10:01:09-10:02:29 Page 28</p> <p>1 loan repaid, I would think you would want that as one 2 of the tools for a potential Clean Elections candidate, 3 as opposed to the only thing I can do is just put my 4 thousand dollars in and I never have a chance of 5 getting it back. 6 Maybe you want to set the limit of a loan 7 to the personal monies and the total of early 8 contributions allowed, which are also coming from 9 grassroots supporters but not touching the Clean 10 Elections funds. 11 Another aspect to, I think, consider is 12 that whenever a candidate is running to become a Clean 13 Elections candidate, that doesn't happen by just saying 14 I'm a Clean Elections candidate. They apply to be a 15 Clean Elections candidate, but then they have to show 16 that they have collected enough 5s in order to qualify. 17 Sometimes that happens and sometimes that doesn't. 18 I think standing before you today is the 19 person in this state who has collected more \$5 20 contributions under the Clean Elections system than 21 anyone else in the state, having run for Secretary of 22 State under Clean Elections once, which was, I think, 23 2,500 \$5 contributions, and then for governor twice, 24 which was for a thousand \$5 contributions. 25 And anyone, I'm sure -- your Clean</p>
<p>09:59:36-10:01:04 Page 27</p> <p>1 argued that you go back now into the statutes and 2 somewhere buried in the statutes loans are, kind of, 3 part of contributions. 4 And so, rather than do that, I would 5 suggest that you simply redo paragraph E to clearly 6 state that for a participating candidate in the Clean 7 Elections system, you allow a loan to their committee 8 up to whatever amount you think is reasonable. Maybe 9 it's the personal monies limit that they can put in. 10 There may be candidates wanting to run under the Clean 11 Elections system who want to put in the personal monies 12 that are allowed under your rules and the statutes, but 13 that may be a pretty good chunk of money to them. 14 I mean, \$1,000 to a candidate, or whatever 15 the numbers are, that may be a pretty good chunk to 16 some candidate. They may want to put that in as a loan 17 and, then, if they are able to raise the early 18 contribution -- or the early contributions, if they are 19 able to show the grassroots support that, I think, 20 Commissioner Chan appropriately, kind of, ties this 21 whole concept to in the first place, if they put some 22 personal monies in, but they put it in as a loan, then 23 if they are able to demonstrate the grassroots support 24 by early contributions, the 140s -- or whatever they 25 are now -- and the \$5, if they can then get that small</p>	<p>10:02:33-10:04:04 Page 29</p> <p>1 Elections candidates have told you that collecting \$5 2 is not easy. There are many legislative candidates 3 that struggle to get a couple hundred out of their own 4 district. When you go to a statewide-elected 5 situation, I think the minimum for, like, Corporation 6 Commissioners, or whatever, is, like, 1,500 or 1,700, 7 or somewhere there. That is monumental. When you go 8 to Secretary of State and it's 2,500, it's 9 astronomical. When you're at 4,000, it's huge. 10 So, even though someone has told you going 11 in the door that they want to become a Clean Elections 12 candidate, they are setting themselves up for quite a 13 task to collect all those \$5 contributions. While 14 that's happening and while they're also trying to 15 attract some early contributions from the small 140s -- 16 or whatever they are now -- there's got to be a way for 17 them to fund their campaign. 18 And if you say there's no loans at all or 19 if you set the limit so low that it's unreasonable for 20 them to have the kind of funds to set up a system or 21 send out emails to try to get early contributions sent 22 in or whatever, I just think that you are -- to adopt 23 this rule is going to make it much harder for people to 24 be Clean Elections candidates. And I think you should 25 be about exactly the opposite.</p>

<p>10:04:07-10:05:27 Page 30</p> <p>1 COMMISSIONER PATON: Can I make a 2 statement? 3 CHAIRMAN KIMBLE: Go ahead, Commissioner. 4 COMMISSIONER PATON: I'm sorry. I don't 5 mean to butt in. 6 SECRETARY BENNETT: No, no, please. 7 COMMISSIONER PATON: I think it's great 8 that you're here telling us this because you lived it 9 and we're in theory. I mean, Tom has a lot more 10 experience with all the different things. I appreciate 11 your -- your input because you actually lived it. 12 And I would suggest that we contemplate 13 what he says and maybe table this and maybe we could 14 have Tom, kind of, research Mr. Bennett's comments and 15 maybe we could rethink this because I haven't thought 16 of this. 17 SECRETARY BENNETT: Yeah. 18 COMMISSIONER PATON: And -- and I 19 appreciate the fact that you've gone and tried to do 20 all this. And if you think that this is a problem to 21 get all these \$5 things for the state -- the big state 22 elections, I can appreciate that. And I certainly felt 23 bad for you when all this didn't work out and, you 24 know -- and we want people to do this. We want people 25 to run. That's the whole idea of our Commission is to</p>	<p>10:06:48-10:08:17 Page 32</p> <p>1 whatever limit you may end up deciding is the correct 2 limit. Maybe you want to make it clear that you don't 3 want loans at a point where the only way they can be 4 repaid is from the Clean Elections funds, although I 5 would say, if a candidate has loaned their campaign 6 committee to make allowable campaign expenses -- 7 expenditures, if they end up qualifying for the Clean 8 Elections funding by getting the \$5 contributions, then 9 why -- why would you prohibit Clean Elections funding 10 from going to pay for legitimate campaign expenditures 11 in the first place? 12 But my response to Commissioner Paton is 13 that I couldn't agree more. I think you need to take a 14 step here and slow down. 15 As a technicality, I think you're a day 16 early from being able to adopt this rule, anyway. On 17 your website, when you proposed this rule, you opened 18 the 60-day public comment period which expires 19 tomorrow. And even though it's one day, on your 20 website it says that you're open for public comment on 21 this proposed rule until September 27th, and today is 22 September 26th. So, I don't actually think you should 23 be adopting this rule today, anyway, but I applaud your 24 observations that maybe you can slow down a little bit 25 and review why we're doing this. I agree completely</p>
<p>10:05:32-10:06:44 Page 31</p> <p>1 have people get grassroots efforts and not be funded 2 by, you know, big corporations, and so on. 3 So, I think that Mr. Bennett has a very 4 good input here for us. 5 CHAIRMAN KIMBLE: Thank you, Commissioner. 6 Before we discuss whether to table or not, 7 I want to find out if any of the other commissioners 8 have any questions, and then I want to ask Tom to weigh 9 in, too. 10 COMMISSIONER CHAN: I had some comments, as 11 well. I don't know if Secretary Bennett had a response 12 to what Commissioner Paton mentioned. 13 SECRETARY BENNETT: Well, I would like to 14 respond to that because I think it's an excellent 15 point. I was delayed because of weather. It's raining 16 like cats and dogs in Yavapai County, and so I don't 17 have with me the enabling statutes of the Clean 18 Elections system which identifies the findings that the 19 voters of Arizona agreed with to set up the entire 20 Clean Elections system to begin with, but I think there 21 are about ten findings. 22 And of those findings, you will make it 23 more difficult for about six of those findings if you 24 take the tool away from potential Clean Elections 25 candidates to loan a campaign \$1,000 or \$10,000 or</p>	<p>10:08:22-10:09:15 Page 33</p> <p>1 that the old rule was confusing. 2 COMMISSIONER PATON: Right. I mean, 3 confusion -- I'm not a lawyer. 4 SECRETARY BENNETT: Neither am I. 5 COMMISSIONER PATON: I'm one of the few 6 that's not a lawyer, but you know, sometimes we do 7 things because we don't like, maybe, something that 8 happened. And you overreact, and then you mess other 9 things up on the other end. And so, anyway, that's my 10 feeling on this. 11 CHAIRMAN KIMBLE: Okay. Commissioner Chan, 12 you were going to make a point. 13 COMMISSIONER CHAN: Thanks, Mr. Chairman. 14 Hi, Secretary Bennett. 15 SECRETARY BENNETT: Hi. 16 COMMISSIONER CHAN: Just hearing you speak 17 reminds me of why I love working for you. You always 18 are so knowledgeable and, you know, you always make a 19 lot of sense. 20 SECRETARY BENNETT: Thank you. 21 COMMISSIONER CHAN: So -- and I agree with 22 Commissioner Paton. I think you are making a lot of 23 sense and, frankly, when you were talking about -- you 24 know, it always does mean a lot to me when candidates 25 show up here to talk to us about rule changes. I'm --</p>

<p>10:09:18-10:10:31 Page 34</p> <p>1 I'm reminded very much today by when candidates came to 2 speak to us about the political party rule and paying 3 political parties for consulting fees. And I know 4 that's water under the bridge with the proposition that 5 prohibited it, but I remember at the time thinking that 6 if we did not enact a rule to clarify that, clean 7 candidates would have one hand tied behind their back, 8 while traditional candidates would not. 9 And there was no special interest money, 10 you know, kind of, aspect. As you heard me mention and 11 you addressed it, this special -- or the, you know, 12 encouraging citizen participating -- 13 SECRETARY BENNETT: Grassroots. 14 COMMISSIONER CHAN: Absolutely. And 15 you're -- you're absolutely right to point out the \$5 16 quals. I mean, that in itself ensures broad citizen 17 participation. When I was thinking about it, my 18 thought was that if a candidate was in the privileged 19 position to loan themselves so much money that they 20 were able to completely fund their seed money, it's not 21 that that's necessarily bad or wrong. It's just not in 22 the spirit of the Act, per se. And so, I appreciate 23 your willingness, it sounds like, to consider some, 24 perhaps, limits on it -- 25 SECRETARY BENNETT: Sure, sure.</p>	<p>10:11:43-10:12:53 Page 36</p> <p>1 beautiful weather, but driving in it is horrible. So, 2 I'm glad you made it down safely. 3 SECRETARY BENNETT: Thank you. Thank you. 4 COMMISSIONER CHAN: Tom, do you want to 5 react to anything that the Secretary has said? 6 MR. COLLINS: Just briefly. If we have the 7 wrong data on the website, that's on us, and simply 8 just ends up with that we need to table it, anyway. So 9 I'm not -- I'm not -- I'm not interested in -- we 10 thought we had the 60 -- we thought this was the 60th 11 day. And if there's a staff snafu there, then we're 12 going to table this. So, it really doesn't -- it 13 really doesn't matter, in that sense. And I don't 14 want -- because it's not worth debating. So, in that 15 sense, I concur with tabling. 16 With respect to the -- with respect to the 17 rule, you know, look, I'm also perfectly happy to, you 18 know, continue to work with Kara, and we can include 19 Mr. Bennett and we can talk to other folks about -- 20 about what would work. The current construction we 21 have of the rule is that -- to Mr. Bennett's point, is 22 that a person -- a candidate can, in fact, stack those 23 up, those -- not the \$5, but the seed money and the -- 24 SECRETARY BENNETT: Right, the seed and the 25 early contributions.</p>
<p>10:10:32-10:11:41 Page 35</p> <p>1 COMMISSIONER CHAN: -- consistent with the 2 Act. And I, again, as I stated, agree with 3 Commissioner Paton that, perhaps, we shouldn't throw 4 the baby out with the bath water. I'm not as concerned 5 as you that leaving it to the statute would completely 6 prohibit the loans, but from my years working at the 7 legislature, working in elections, I understand your 8 concern that taking it completely away -- I mean, at 9 least if we can come up with some new language, perhaps 10 then there's no question. 11 So, I understand, you know, that -- I hope 12 I'm not causing heart palpitations for the executive 13 director here. 14 MR. COLLINS: No, no, no. 15 COMMISSIONER CHAN: Or -- or our attorney, 16 but -- well, I guess, I just want you to recognize that 17 I realize the gravity of what we're talking about here, 18 especially with the timing coming into an election 19 year, but I do feel like when we have input from 20 somebody like yourself, especially, who's touched every 21 piece of this process, including the loans, the 22 personal loans, there's nothing like that real 23 experience to inform our considerations. 24 So, thank you very much for coming down, 25 especially in this horrible -- I mean, I love the</p>	<p>10:12:53-10:14:07 Page 37</p> <p>1 MR. COLLINS: Right, and the early 2 contributions. That's the construction we currently 3 have on the rule, and -- so just so we're clear about 4 that. And, look -- and that -- and Mr. Bennett is 5 absolutely right. That rule has been there since 2001. 6 So, I have no -- so, I have no issue with either of 7 those things, honestly. The only thing I would ask is 8 that I need some authorization -- some flexibility with 9 respect to GRRC -- not GRRC -- with respect to the 10 Secretary of State's publication stuff as to whether or 11 not we have to terminate this and start a new one or we 12 do a supplemental. That's something we'll have to work 13 through as a procedural matter, but I have no problem 14 with not moving forward today at all. 15 COMMISSIONER CHAN: Okay. 16 CHAIRMAN KIMBLE: Commissioner Meyer, did 17 you want to say anything? 18 COMMISSIONER MEYER: Chairman Kimble, I 19 just agree with what Commissioner Kimble [sic] and 20 Commissioner Chan said. I sincerely appreciate 21 Secretary Bennett coming today and offering his input. 22 CHAIRMAN KIMBLE: Thank you. 23 So, to summarize, I think our sense is that 24 we want to allow loans and we want to probably allow 25 loans up to a certain amount, possibly the \$5 limit and</p>

<p>10:14:13-10:15:17 Page 38</p> <p>1 the -- the -- 2 COMMISSIONER CHAN: Seed money. 3 CHAIRMAN KIMBLE: -- the seed money. 4 Is that, basically, what you're -- 5 SECRETARY BENNETT: Well, I think what Tom 6 has said is that the current interpretation of the rule 7 is that the loans are your -- if you're allowed to put 8 in personal monies -- and I think it's a thousand or 9 1,500, or something, right now or 700 for maybe -- 10 MR. COLLINS: Yeah, whatever it is. Yeah. 11 SECRETARY BENNETT: Yeah. I think the 12 stacking that he's talking about is the amount that a 13 candidate is allowed to put in on personal monies, 14 which is very low, a thousand bucks or less, and then 15 how much can they raise in the early contributions from 16 private supporters at 140 or a hundred and something 17 dollars -- 160 now? 18 COMMISSIONER CHAN: 170. 19 SECRETARY BENNETT: 70, yeah. And that's 20 capped already in your rules. And so, that's not even 21 reaching into whether or not they're getting Clean 22 Elections money from the 5s. The current rule -- and 23 I, frankly, agree with it -- is that the loan amount is 24 limited to the combination, the sum of how much 25 personal money can they put in, which is about a</p>	<p>10:16:25-10:17:20 Page 40</p> <p>1 COMMISSIONER PATON: Is what you're saying. 2 And you've tried to do it and you've tried to figure 3 out how -- because it's all about getting your name out 4 and that you're doing this. 5 SECRETARY BENNETT: Oh, I succeeded in one 6 of my three tries for statewide office. I ran -- in 7 fact, I think I'm the last Republican official to run 8 successfully for statewide office under Clean Elections 9 when I succeed in the Secretary of State's race in 10 2010, but that's almost ten years ago. 11 COMMISSIONER PATON: And so, by -- by 12 getting rid of this, that would effectively not made it 13 so you could have done it or, at the very least, 14 discouraged you from attempting to do it. 15 SECRETARY BENNETT: Correct. 16 COMMISSIONER PATON: Which is directly 17 opposite of what we want to do. 18 COMMISSIONER CHAN: Right. 19 CHAIRMAN KIMBLE: All right. 20 COMMISSIONER CHAN: Mr. Chairman? 21 CHAIRMAN KIMBLE: Commissioner Chan. 22 COMMISSIONER CHAN: Just one thing. I 23 mean, if the concern is, also, about the Clean 24 Elections Fund becoming a guarantor of, you know, a 25 personal loan, it seems to me there could be something</p>
<p>10:15:20-10:16:24 Page 39</p> <p>1 thousand bucks, and how much early contributions can 2 they raise from individuals. And neither one of those 3 touched the \$5 Clean Elections funding, and so, you're 4 leaving in place something that's existed for 18 years. 5 And while we think about whether or not we 6 want to say that in a more clear way, which I think can 7 be done, but I don't think we want to eliminate 8 paragraph E completely and send the possible signal to 9 anybody who can say, well, if their rules allowed -- or 10 had a loan section that allowed loans for 18 years and 11 then they got rid of it completely, they must have 12 wanted to get rid of loans completely. And that's not 13 what I think I'm hearing you say either. 14 So, let's just change the loan paragraph so 15 that it more clearly says what the limits are and not 16 get rid of it completely. 17 COMMISSIONER PATON: Can I -- can I say 18 something? 19 CHAIRMAN KIMBLE: Okay. Thank you. 20 Commissioner Paton. 21 COMMISSIONER PATON: So, really, if you're 22 running for state office, if you're running for 23 secretary of state or governor and -- you're 24 effectively not going to have a chance, basically. 25 SECRETARY BENNETT: Exactly.</p>	<p>10:17:23-10:18:31 Page 41</p> <p>1 in the rule to prevent that, such as if the candidate 2 wishes to make a loan to get that head start and 3 make -- you know, get those email lists, get, you know, 4 maybe, leaflets or some sort of help to support their 5 candidacy and start getting their \$5 quals going and 6 make that running start, it seems there could be 7 something in the rule that, perhaps, they can't use the 8 monies to pay themselves back until they've shown 9 they've obtained enough seed money. 10 You know, it seems like there should be 11 some way to make a tradeoff that way rather than making 12 the public monies the guarantor, if that makes sense. 13 And I don't know if there's any other considerations 14 there legally, but I mean, if that's a concern, perhaps 15 there's some way to put that in the rule, as well. 16 MR. COLLINS: Sure. I mean, I -- 17 SECRETARY BENNETT: Well, to that point, 18 Mr. Chairman and Commissioner Chan, on the surface, 19 that feels right. And I don't disagree with that, but 20 the only reason you put money in, whether it's a 21 personal contribution and it's not a loan and you can't 22 get it back or whether you loan your campaign committee 23 or whether a friend gives you \$170 as an early 24 contribution, the reason you put money into a campaign 25 is to spend it to -- on authorized expenditures as</p>

<p>10:18:36-10:19:52 Page 42</p> <p>1 allowed by Arizona laws and Clean Elections rules to 2 get a mailing list or to pay somebody to send out, you 3 know, an email blast or something, you know, help my 4 campaign. 5 So, no matter how the money has come into 6 the campaign, whether it's a loan from the candidate or 7 personal monies or seed contributions or whatever, the 8 only thing it can spend it on is authorized 9 expenditures under Arizona state law. And if they end 10 up qualifying for Clean Elections funding by getting 11 the number of \$5 contributions that are required for 12 their various offices, then the money is going for 13 authorized expenditures in the first place. 14 MR. COLLINS: Right. 15 COMMISSIONER CHAN: True. 16 SECRETARY BENNETT: So, we can talk about 17 that going forward as to whether we need to have a 18 limit there, but to me, your current interpretation of 19 the rule limits it to the sum of the candidate's 20 authorized personal contribution limit and the seed 21 money contribution coming from their private 22 supporters. Neither one of those is tapping in early 23 or committing to or being backed up by the Clean 24 Elections Fund. They only get money if they 25 demonstrate the grassroots support that was fundamental</p>	<p>10:21:20-10:22:53 Page 44</p> <p>1 process or challenge -- or if you're challenging 2 signatures, in every other aspect of the election 3 system in Arizona where voter signatures are involved, 4 there's a clearly laid-out process that says how you 5 challenge those signatures. And if your signatures are 6 challenged, then you can come in with affidavits from 7 voters who signed whatever they signed and prove that 8 it was them that signed it. 9 COMMISSIONER PATON: Right. 10 SECRETARY BENNETT: That's what I was, I 11 feel, disadvantaged with in my situation because I 12 collected 4,100 \$5 contributions in a matter of about 13 60 days. That was a monumental effort, but that didn't 14 get me to the 10 percent threshold. I needed 4,000. 15 The way the rules are, if you don't come in with more 16 than 10 percent more than that, then they all have to 17 be sent out to the recorders and every one is checked. 18 And when -- when 4,100 were checked by the 19 recorders, they came up with about 200 bad, they 20 claimed. And so, now I was at 3,900, and I needed 21 4,000. When I contacted the county recorders and said 22 I know some of the ones that you have disqualified are 23 from legitimate voters; can I come in and bring an 24 affidavit, bring the voter themselves, something, they 25 said, well, there's no process in the law.</p>
<p>10:19:57-10:21:18 Page 43</p> <p>1 to Clean Elections that they get the \$5 contributions. 2 And, once they get that, those monies can only be used 3 on authorized expenditures in the first place. 4 COMMISSIONER CHAN: Okay. Great point. 5 COMMISSIONER PATON: Yeah. You know, I 6 feel like my -- I was -- you know, when we were talking 7 about this previously, I just -- maybe it was an 8 overaction to what happened with your situation where I 9 didn't want to be in that situation again of somebody 10 trying to do that and then didn't get enough 11 contribution, you know, enough \$5 things. And I think 12 that was the -- I didn't want that to happen to anybody 13 again. And so -- I mean, I guess I've said what I've 14 said. 15 SECRETARY BENNETT: Well, I have a whole 16 other -- Mr. Chairman, Commissioner Paton, I have a 17 whole other speech about what happened to me, but it 18 wasn't the fault of Clean Elections. It was the fault 19 of Arizona statutes being completely silent and the 20 county recorders offices having not adopted procedures 21 at that time as to how you verify signatures on \$5 22 contribution forms. 23 In every other aspect of our election 24 system in Arizona, when you submit signatures either to 25 get your name on the ballot through the nominating</p>	<p>10:22:55-10:24:22 Page 45</p> <p>1 They actually recommended I file a lawsuit, 2 which I did because they said you can bring these 3 affidavits in to the judge and then the judge can hear 4 from the voter or see the affidavit from the voter and 5 say, yeah, 100 of the 200 we rejected were, in fact, 6 from legitimate voters. Then I would have been back to 7 the 4,000. I would have got the Clean Elections 8 funding. I would have been able to do what I needed, 9 but they recommended that I file the lawsuit, go to 10 court and bring these affidavits in court. 11 Then, when I filed the lawsuit, those very 12 same county recorders opposed me in the lawsuit saying 13 that there's no process for validating signatures under 14 the Clean Elections system and, unfortunately, the 15 judge agreed. 16 MR. COLLINS: And to that point, 17 Mr. Chairman, Commissioners, I mean, that's actually 18 something that is a change of -- of, I guess, what 19 would have been, I guess, an informal policy. For 20 years previously, the Maricopa County -- the former 21 Maricopa County Recorder and election director did, in 22 fact, accept those kinds of corrections and on a 23 routine basis and people did qualify. So that -- that 24 is a change in position that I had not fully grasped. 25 SECRETARY BENNETT: Nor did I. I had four</p>

<p>10:24:24-10:25:45 Page 46</p> <p>1 counties that represented the bulk of the rejections of 2 my 200 that I needed to restore 100 of them, and Pima 3 County said, sure, come on in and show us affidavits 4 that these were legitimate voters and we will restore 5 them. Maricopa, Yavapai -- my own Yavapai -- and Yuma 6 all said, well, there's not a clear statute of how 7 that's done. We've always done that in front of a 8 judge, and so just file the suit and we'll let you come 9 in front of the judge and show that. 10 I filed the suit and then their own county 11 attorney's offices from those three counties opposed me 12 saying you shouldn't have even been allowed to do that. 13 And, as you point out, the previous Maricopa County 14 Recorder used to allow you to come in and show 15 affidavits from voters that, yes, I did sign. I mean, 16 one of the signatures they rejected in Yavapai County 17 was from a 20-year seeded city councilman in the city 18 of Prescott, who I've known for 50 years, who probably 19 signed his voter registration form when he was 18 years 20 old. 21 He's now 64. And his signature is 22 different, but I know Steve Blair signed that \$5 form. 23 But it was rejected by the -- the Yavapai County 24 recorder, and I was not allowed to come in and bring 25 Steve or an affidavit from Steve saying, yes, I signed</p>	<p>10:26:42-10:27:38 Page 48</p> <p>1 commissioner want to make a motion? 2 MR. COLLINS: Let me -- I had a question. 3 Kara, do we even need to make a motion to 4 table or can just move on? 5 MS. KARLSON: Move on. 6 MR. COLLINS: Okay. So, unless -- 7 COMMISSIONER CHAN: Do you need us to give 8 you any permission on anything, Tom? 9 MR. COLLINS: No. 10 COMMISSIONER CHAN: You said you needed -- 11 MR. COLLINS: No. I was just -- I was just 12 saying that I will have -- inherent within that, I'll 13 have to take such actions as necessary under the filing 14 to update it, if we need to, but I'll work that out 15 later. Don't worry. 16 COMMISSIONER CHAN: All right. 17 MR. COLLINS: Okay. 18 CHAIRMAN KIMBLE: Okay. Without objection 19 from Commission members, we'll do that. 20 Item VI: Discussion and possible action on 21 proposed amendment to A.A.C. R2-20-209 for 60-day 22 public comment period pursuant to A.R.S. 16-956. 23 Tom? 24 MR. COLLINS: Sure. So, this is a rule 25 that was -- a rule that we -- a proposal that we</p>
<p>10:25:48-10:26:38 Page 47</p> <p>1 Ken's form and gave him 5 bucks. That had nothing to 2 do with paragraph E. 3 COMMISSIONER CHAN: Thank God. 4 SECRETARY BENNETT: Yeah. 5 COMMISSIONER PATON: Then I would really 6 feel bad. 7 SECRETARY BENNETT: But don't throw the 8 baby out with the bath water as far as by allowing 9 loans to candidates who want to be a Clean Elections 10 candidate. We should be -- in this room, if ever, if 11 anywhere, we should be about helping Clean Elections 12 candidates be successful, not taking a tool away from 13 them that the non-participating candidates have and use 14 in full force. 15 CHAIRMAN KIMBLE: Thank you very much for 16 your time, Secretary Bennett, and I appreciate you 17 driving down here in, sounds like, hazardous 18 conditions. 19 SECRETARY BENNETT: It was all right. 20 CHAIRMAN KIMBLE: And you've been bringing 21 perspective, as both my colleagues have said, that we 22 don't have and I think is a valuable one. 23 SECRETARY BENNETT: Thank you. 24 CHAIRMAN KIMBLE: So, thank you very much. 25 So, where do we proceed? Does any</p>	<p>10:27:44-10:29:01 Page 49</p> <p>1 developed, I think I can say in conjunction with the 2 Attorney General's Office, and I think that Kara can 3 speak to it in whatever context she thinks is 4 appropriate. I would only say that the main -- the 5 main objective of it is we have two -- currently two 6 rules that we have to read together to articulate how 7 the enforcement process works, and it does in a way 8 that assures that a respondent has, you know, all of 9 the process they could imagine. 10 This would simply mean you wouldn't have to 11 read both rules to put that construction together, in 12 my view. Anything other than that, I would simply 13 defer to Kara if she would be interested in -- and if 14 she recommends an executive session for advice on this 15 rule. 16 MS. KARLSON: I would be happy to answer 17 questions in executive session. 18 MR. COLLINS: Okay. So, Mr. Chairman, I'm 19 going to interpret that as a recommendation that we, at 20 least, consider going into executive session. 21 CHAIRMAN KIMBLE: Is there a motion to go 22 into executive session? 23 COMMISSIONER CHAN: Mr. Chairman, I move 24 that we go into executive session to discuss the 25 proposed amended language of the rule.</p>

<p>10:29:04-10:41:06 Page 50</p> <p>1 CHAIRMAN KIMBLE: Is there a second? 2 COMMISSIONER PATON: Second. 3 CHAIRMAN KIMBLE: Roll call. 4 Commissioner Chan? 5 COMMISSIONER CHAN: Aye. 6 CHAIRMAN KIMBLE: Commissioner Paton? 7 COMMISSIONER PATON: Aye. 8 CHAIRMAN KIMBLE: Commissioner Meyer? 9 COMMISSIONER MEYER: Aye. 10 CHAIRMAN KIMBLE: The Chair votes aye. 11 We're going to go into an executive session on Item VI. 12 (The following section of the meeting is in 13 executive session and bound under separate cover.) 14 * * * * * 15 (End of executive session. Public meeting 16 resumes at 10:40 a.m.) 17 CHAIRMAN KIMBLE: Okay. The Commission is 18 back in public session. 19 Is there a motion on Item VI? 20 COMMISSIONER CHAN: Mr. Chairman. 21 CHAIRMAN KIMBLE: Commissioner Chan. 22 COMMISSIONER CHAN: I would move that we 23 approve the amended language for the 60-day public 24 comment period. 25 CHAIRMAN KIMBLE: Is there a second?</p>	<p>10:41:50-10:43:06 Page 52</p> <p>1 COMMISSIONER CHAN: Depending on the 2 weather, it could be a power outage. 3 CHAIRMAN KIMBLE: Okay. Item VII: 4 Discussion and possible action on approval of audit of 5 former Candidate Rebecca Speakman. 6 Tom? 7 MR. COLLINS: Mr. Chairman, I'll just, 8 briefly, introduce this and then -- and, then, Mike 9 will be available to answer any questions. 10 As you recall, we requested to do a full 11 audit on this candidate. We've done that. The 12 auditors worked with her to get to the point where we 13 have an audit for approval, and I think Mike can say -- 14 discuss what we think the conclusions are and what, if 15 any, action is necessary at this point. 16 CHAIRMAN KIMBLE: Mike? 17 MR. BECKER: Mr. Chairman, Commissioners, 18 as Tom said, Ms. Speakman was fully audited for her 19 general election. The auditors did not find anything 20 that was extraordinary in the audit. There was one 21 issue of paying a fine to the Secretary of State with 22 Clean Elections funding, which, as we know, is against 23 the rules. And we have already been in contact with 24 her to make that repayment to the Commission, but other 25 than that, there's nothing out of the ordinary.</p>
<p>10:41:08-10:41:50 Page 51</p> <p>1 COMMISSIONER PATON: Second. 2 CHAIRMAN KIMBLE: Roll call. 3 Commissioner Meyer? 4 (No response.) 5 CHAIRMAN KIMBLE: Commissioner Meyer, are 6 you there? 7 (No response.) 8 CHAIRMAN KIMBLE: Okay. We'll come back to 9 you in just a second and see if you're there. 10 Commissioner Chan? 11 COMMISSIONER CHAN: Aye. 12 CHAIRMAN KIMBLE: Commissioner Paton? 13 COMMISSIONER PATON: Aye. 14 CHAIRMAN KIMBLE: The Chair votes aye. 15 Commissioner Meyer, are you there? 16 (No response.) 17 CHAIRMAN KIMBLE: Okay. It is approved 3 18 to nothing to open the 60-day public comment period. 19 Do we know if Commissioner Meyer is -- 20 MS. THOMAS: I'm going to send him a quick 21 message. I'm still live. 22 CHAIRMAN KIMBLE: Okay, okay. 23 COMMISSIONER PATON: Maybe he got cut off 24 during the -- 25 CHAIRMAN KIMBLE: Yeah.</p>	<p>10:43:10-10:43:55 Page 53</p> <p>1 There were minor things. Campaign finance 2 reports need to be updated, and certain things like 3 that, but nothing out of the -- out of the ordinary 4 that weren't going to be fixed. So, it was a good 5 audit overall. 6 CHAIRMAN KIMBLE: And is she amenable to 7 repaying this amount? 8 MR. BECKER: Mr. Chairman, yes. 9 CHAIRMAN KIMBLE: Okay. 10 MR. BECKER: Yeah. 11 CHAIRMAN KIMBLE: So, are you recommending 12 that we approve the audit subject to her actually 13 paying it or -- 14 MR. BECKER: Mr. Chairman, at this point, 15 I'm asking you to approve the audit today, and then 16 we'll work with her and get that payment take care of. 17 CHAIRMAN KIMBLE: Okay. Okay. Thank you, 18 Mike. 19 Any questions from Commissioners? 20 (No response.) 21 CHAIRMAN KIMBLE: Is there a motion? 22 COMMISSIONER CHAN: Mr. Chairman, I would 23 move that we approve the audit of former Candidate 24 Rebecca Speakman. 25 CHAIRMAN KIMBLE: Is there a second?</p>

<p>10:43:56-10:44:58 Page 54</p> <p>1 COMMISSIONER PATON: Second. 2 CHAIRMAN KIMBLE: Okay. We have a motion 3 to approve the audit of former Candidate Rebecca 4 Speakman. 5 Commissioner Chan? 6 COMMISSIONER CHAN: Aye. 7 CHAIRMAN KIMBLE: Commissioner Paton? 8 COMMISSIONER PATON: Aye. 9 CHAIRMAN KIMBLE: Commissioner Meyer, are 10 you there? 11 COMMISSIONER MEYER: Aye. 12 CHAIRMAN KIMBLE: Okay. Thank you. 13 And the Chair votes aye. The motion is 14 approved 4 to nothing. 15 Item VIII: Discussion and possible action 16 on State Ex Rel. Brnovich versus Arizona Board of 17 Regents, 1 CA-CV 18-0420 and petition for review to the 18 Arizona Supreme Court. 19 Tom? 20 MR. COLLINS: Yeah. Commissioners, the 21 reason I put this on the agenda is, you know, this is 22 an issue -- it really doesn't have anything to do with 23 the merits of the ABOR case. The ABOR case merits are 24 about whether or not the Board of Regents sets tuition 25 in the way it should or shouldn't. And I have -- you</p>	<p>10:46:30-10:48:09 Page 56</p> <p>1 issue is because, first of all, if we were to end up in 2 a situation where the Attorney General could decide in 3 his or her own mind what the State's interests are, 4 that puts -- I think that puts our agency at a 5 different risk than other agencies on account of, 6 regardless of the public perception of the agency, 7 the -- inside this square mile around the capitol is a 8 different world than the one we live in. 9 I'm also concerned because, you know, we 10 have had situations arise within the past few years 11 where despite opting out of -- despite -- you know, for 12 example, we have an ongoing conflict with the Secretary 13 of State on issues -- on certain issues. When those 14 conflicts have occurred, we've had at least one 15 instance where the Attorney General's Office then 16 dispatched someone to the Commission to tell the 17 Commission in open session, notwithstanding the 18 conflict, that what the Commission was doing was 19 illegal and that -- essentially, impugning the 20 Commission. 21 Now, that happened in a manner that, 22 essentially, leveraged the conflict that took the AG 23 out of the matter -- it had to do with our independent 24 expenditure rules -- and then turned around and 25 asserted that they could go into -- come into an open</p>
<p>10:45:02-10:46:28 Page 55</p> <p>1 know, I mean, one can have one's personal opinion about 2 that. 3 The reason that I agendized this item is 4 that in so -- in seeking to proceed with the suit 5 against the Board of Regents, thus far, the trial court 6 and the Court of Appeals have rejected the -- the 7 Attorney General's efforts; however, at the Court of 8 Appeals, there would -- the entire panel joined in 9 concurrence that said that the construction of the 10 statute under 16 -- or not. I'm sorry -- under 41 11 193(b), that the court -- Supreme Court had articulated 12 1960 was in error. 13 And that statute, basically, means that 14 the -- that the Attorney General can't substitute his 15 own view of the States' interest and file suit against 16 State agencies without either -- without permission of 17 the governor, when you read it together. That whole -- 18 that ruling expressly said the Attorney General's 19 Office is not a policymaking office, and it also 20 reflects -- notwithstanding the flexibility with the 21 government lawyers with regard to ethics, it also 22 under -- is undergirded by the ethical rules that do 23 apply to government lawyers. 24 The reason why this is of concern to -- and 25 the reason I wanted to make you fully aware of this</p>	<p>10:48:15-10:49:41 Page 57</p> <p>1 session, give us what amounts to legal advice because 2 they weren't representing anyone. 3 And what this change -- if the Supreme 4 Court were to reverse its statutory construction, which 5 under stare decisis -- stare decisis has the strongest 6 on statute. It's the legislature that can change them 7 as many times as they want. If the Supreme Court were 8 to reverse that decision of 60 years' time, then it 9 would be up to -- you know, at any time, if the 10 Attorney General decided that he did not agree with, 11 for whatever reason, a policy of a -- of an agency, he 12 would -- he or she would be able to, essentially, bring 13 suit against that agency. 14 Now, we have a great relationship with the 15 attorneys who work with us, Kara and Joseph, but this 16 is a -- this is a -- this is a much bigger picture 17 thing for the executive office. 18 So, what I've done in my executive director 19 capacity is spoken out about some of the negatives, 20 potentially, because of this. And I'm not saying that 21 I begrudge the Attorney General's Office for seeking 22 it, but rather, that there are both ethical and 23 practical permutations of reversing this case that are 24 unpredictable, that will lead to more -- not less -- 25 litigation among state agencies, including satellite</p>

<p>10:49:45-10:51:14 Page 58</p> <p>1 litigation about disqualification. 2 And -- and I think that that's something 3 that, given our history with the Attorney General's 4 Office, we're more likely to be -- you know, we're 5 just -- there's just some things -- I've tried to put 6 it this way. I don't know if it makes sense. When 7 state -- when all other agencies catch this -- catch a 8 cold, we get pneumonia, you know. It's a -- it's a -- 9 it's just -- it's just -- and my goal in speaking 10 publicly about this has been to create a decision making 11 space for the Commission so that the efforts by the 12 executive office and that have been joined by former AG 13 Terry Goddard were not -- did not overrun the other 14 side of this argument. There is another side of the 15 argument. 16 The governor, for what it's worth, has said 17 at a gaggle last week that he did not appear to agree 18 with the position the AG is taking, for what it's 19 worth. And -- and, obviously, we enclosed the two, 20 sort of, public discussions on this one by Bob Robb and 21 one by Mr. Goddard. 22 So -- so, that's what I've done so far. 23 Today I'm here to simply say -- answer any other 24 questions you may have about that. 25 As far as direction goes, I'm seeking, if</p>	<p>10:52:37-10:53:49 Page 60</p> <p>1 And the majority of attorney generals in 2 the country do, in fact, have powers like these. I 3 just don't think that -- I think a lawsuit is a bad 4 mechanism because of all of the ethical and policy 5 permutations that flow from that decision. It needs -- 6 it ought to go through the legislature where it will be 7 vetted by our lawmakers and the governor. 8 CHAIRMAN KIMBLE: Any questions from 9 members of the Commission? 10 COMMISSIONER CHAN: Just a comment, 11 Mr. Chairman. 12 CHAIRMAN KIMBLE: Commissioner Chan. 13 COMMISSIONER CHAN: I always have a comment 14 about these fascinating issues. I think this is 15 particularly interesting because this case, you know, 16 regarding Arizona constitutions provision for a nearly 17 free as possible an education at our state 18 universities, I think it's something that's worthy of 19 bringing up a lawsuit, but I think Tom was smart to 20 bring this to our attention because I believe that if 21 the Attorney General is -- as a policy matter, is 22 allowed to go unchecked, bringing lawsuits against 23 state agencies like this, in spite of my support of 24 what he's trying to accomplish with this, I don't think 25 I can support the way he's going about it for the very</p>
<p>10:51:17-10:52:36 Page 59</p> <p>1 anything, direction to continue to be able to discuss 2 this matter in public on behalf of the Commission, but 3 I don't recommend at this point any legal filings. I 4 do not believe we -- in fact, we don't have outside 5 counsel for this case. We don't have a lawyer for this 6 case -- for this because I've not -- I feel -- I felt 7 that for me to request outside counsel would be an act 8 of aggression beyond which we are at a place to do. 9 I still -- that's still my recommendation 10 is that we monitor, rather than engage, but allow me to 11 continue to observe the potential pitfalls of this. 12 That's my recommendation, and then we'll have another 13 opportunity to review this if the Supreme Court 14 declines to take the case, which we won't know for 15 several months. I suspect that this will go to the 16 legislature, and we can reconsider then, if we care 17 about it at the legislative level. 18 My view as a process point is that because 19 of stare decisis and because the statute, I think, was 20 correctly construed in the first place, the proper 21 venue for the Attorney General's Office to seek remedy 22 here is at the legislature. And I've said that. I 23 mean, I've not -- you know, there's not -- it's not as 24 if there's no way to fix this problem, if it is a 25 problem.</p>	<p>10:53:52-10:55:10 Page 61</p> <p>1 reasons that Tom suggested, because I do think it's a 2 dangerous precedent of one legal official on his own or 3 her own trying to impose that policy determination on 4 other agencies through the courts. 5 And I think that the matter would more 6 properly be pursued, as Tom mentioned, by being vetted 7 at the legislature whether it's for authorization or, 8 perhaps, by getting the Board of Regents to adjust the 9 tuition downward, if that's -- that's the case. 10 MR. COLLINS: And to that point, 11 Mr. Chairman, Commissioner Chan, the AG's office, I 12 believe, put out an AG opinion within the last 18 13 months that said, in fact, the legislature can regulate 14 ABOR's tuition setting. So, there are -- so, on both 15 the substantive issue and the procedural issue, there 16 are legislative solutions. 17 So, again, you know, I'm not recommending 18 we get into filing stuff with the Supreme Court saying 19 me too to whatever ABOR says because we don't know what 20 ABOR is going to say. I do think, though, that the 21 issue is worth -- the issue -- it is worth preserving 22 the other side of the argument by making it -- by being 23 available to speak to it. 24 CHAIRMAN KIMBLE: Okay. 25 COMMISSIONER PATON: I just --</p>

<p>10:55:11-10:56:12 Page 62</p> <p>1 CHAIRMAN KIMBLE: Commissioner Paton. 2 COMMISSIONER PATON: If it has something to 3 do with that policy and if it does say that in the 4 Constitution, then -- and he's not able to prosecute 5 it, who can? 6 MR. COLLINS: Mr. Chairman -- 7 COMMISSIONER PATON: I mean, I understand 8 your comment. I understand the way you're thinking, 9 but if it says that there, then, if he can't do it, who 10 can make it happen? 11 MR. COLLINS: I have an answer for that, 12 Mr. Chairman. 13 COMMISSIONER PATON: Good. 14 MR. COLLINS: Commissioner Paton. It's 15 ironic, actually. There's a case from 2007 where a 16 public interest attorney, on behalf of several 17 students, brought a case to the Supreme -- that 18 ultimately ended up in the Supreme Court. The way that 19 they framed their case was in such a way that the 20 Supreme Court said it was a political question, so it 21 wasn't something the Court would deal with. 22 The Attorney General is currently trying to 23 distinguish that case on the basis of there's a line in 24 that case that was written by a former justice, current 25 Ninth Circuit Judge Andy Hurwitz, also former president</p>	<p>10:57:11-10:58:04 Page 64</p> <p>1 MR. COLLINS: So -- yeah. The point here 2 is not to dispute -- 3 COMMISSIONER PATON: I'm not that old. I'm 4 kind of old, but not that old. 5 COMMISSIONER CHAN: It's gone up. 6 COMMISSIONER PATON: Right. It's \$12,000. 7 MR. COLLINS: I mean, so, to your point, 8 the merits of this are entirely -- are entirely 9 unsettling. There are other people who can bring it. 10 There is no statutory authority, and I think that the 11 statutory authority that the concurrence in the lower 12 court is trying to -- trying to say should be reviewed, 13 it would be -- it would be a rejection of a central 14 tenet of stare decisis to do this. And given the 15 unknowns, it needs -- it should be a policy decision. 16 COMMISSIONER PATON: Because free is not 17 \$12,000 a year. 18 COMMISSIONER CHAN: Well, the issue, 19 Mr. Chairman and Commissioner Paton, is that if the 20 Supreme Court allows the Attorney General to go forward 21 with this case, regardless of the merits of the case, 22 without the AG having either statutory authorization or 23 the governor's permission, that means the Attorney 24 General can do whatever he wants. 25 MR. COLLINS: Right, right.</p>
<p>10:56:15-10:57:11 Page 63</p> <p>1 of the regents, that said if you were challenging the 2 formula, maybe it would be different. So that's where 3 they're trying to go. 4 The point is, though, that the whole reason 5 we're here is because a public interest law firm 6 brought this suit on behalf of students. And so, 7 there's simply no -- ordinarily, when a state agency is 8 sued, the AG is the defender of that. So -- 9 COMMISSIONER PATON: Right. 10 MR. COLLINS: So, I agree. I agree it 11 would be a problem if it were true that no one else can 12 bring it. The fact is that absolutely tons of people 13 have standing because there's, what, 100,000 students 14 in here, and there's -- and there's numerous public 15 interest law firms that care about all kinds of 16 university policies, as you know. So -- as you know. 17 So, that's how I see it. 18 COMMISSIONER PATON: When you and I were in 19 school, it was fairly close to three. 20 MR. COLLINS: Right, right. 21 COMMISSIONER PATON: Graduation was 275 a 22 semester -- 23 MR. COLLINS: Right, right. 24 COMMISSIONER PATON: -- in the State of 25 Arizona.</p>	<p>10:58:04-10:58:42 Page 65</p> <p>1 COMMISSIONER PATON: I understand. I 2 understand that. I just wanted to know if that can 3 happen, what would be the remedy. 4 COMMISSIONER CHAN: Yeah, yeah. 5 COMMISSIONER PATON: So that was -- 6 COMMISSIONER CHAN: Very good question. 7 COMMISSIONER PATON: -- a good answer. 8 MR. COLLINS: Okay. 9 CHAIRMAN KIMBLE: Any other -- Commissioner 10 Meyer, do you have anything to say about this? 11 COMMISSIONER MEYER: No. I appreciate you 12 guys' debate here. 13 COMMISSIONER PATON: Because you're going 14 to pay tuition. 15 CHAIRMAN KIMBLE: Okay. Thank you. 16 MR. COLLINS: So, Mr. Chairman, if I may, 17 if you don't have any objection, I'm going to continue 18 to speak the way I've spoken. 19 CHAIRMAN KIMBLE: Well, I think -- I think 20 by not voting on anything, no one here has any 21 objection. 22 MR. COLLINS: That's what I interpret, too. 23 CHAIRMAN KIMBLE: Yeah. 24 MR. COLLINS: Okay. 25 CHAIRMAN KIMBLE: Item IX: Public comment.</p>

10:58:45-11:00:18

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1 Is there anyone who wishes to speak?
2 (No response.)
3 MR. COLLINS: Rivko?
4 CHAIRMAN KIMBLE: Rivko?
5 COMMISSIONER CHAN: It's a rare day.
6 CHAIRMAN KIMBLE: This is your item on the
7 agenda.
8 Item X: Adjournment.
9 Is there a motion to adjourn?
10 COMMISSIONER CHAN: Mr. Chairman, I would
11 move that we adjourn the meeting.
12 CHAIRMAN KIMBLE: Is there a second?
13 COMMISSIONER PATON: Second.
14 CHAIRMAN KIMBLE: Commissioner Meyer?
15 COMMISSIONER MEYER: I will either offer a
16 third or vote aye in favor of the motion.
17 CHAIRMAN KIMBLE: Okay. Aye.
18 Commissioner Chan?
19 COMMISSIONER CHAN: Aye.
20 CHAIRMAN KIMBLE: Commissioner Paton?
21 COMMISSIONER PATON: Aye.
22 CHAIRMAN KIMBLE: The Chair votes aye.
23 We are adjourned.
24 (Whereupon, the proceedings concluded at
25 11:00 a.m.)

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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)
3 BE IT KNOWN the foregoing proceedings were
4 taken by me; that I was then and there a Certified
5 Reporter of the State of Arizona; that the proceedings
6 were taken down by me in shorthand and thereafter
7 transcribed into typewriting under my direction; that
8 the foregoing pages are a full, true, and accurate
9 transcript of all proceedings and testimony had and
10 adduced upon the taking of said proceedings, all done to
11 the best of my skill and ability.
12 I FURTHER CERTIFY that I am in no way
13 related to nor employed by any of the parties thereto
14 nor am I in any way interested in the outcome hereof.
15 DATED at Phoenix, Arizona, this 28th day of
16 September, 2019.
17 
18 LILIA MONARREZ, RPR, CR #50699
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**CITIZENS CLEAN ELECTIONS COMMISSION
EXECUTIVE DIRECTOR REPORT
October 17, 2019**

Announcements:

- The public can view Commission meetings live via the internet at www.livestream.com/cleanelections. A link is available on our website.
- Avery was accepted into the African American Leadership Institute, which promotes civic leadership and public service.

Voter Education:

Elections:

- Local elections will be held on November 5th.
 - Early voting began Wednesday, October 9, 2019
- Elections are occurring in 12 counties. Information on all of the local elections can be found on our website.

Community Outreach/Events

- Avery participated in the SOS's Voter Outreach Advisory Committee meetings.
- Avery participated in the Arizona Commission of African American Affairs meetings.
- Avery participated in the Maricopa County Recorder's Town Hall.
- Gina and Tom participated in the Maricopa County Recorder's planning session for voter outreach for the Presidential Preference Election and the March 2020 local elections.
- Avery met with the Mesa Community College Civic Engagement Team.

Miscellaneous

- **Outstanding legal matters**
 - Legacy Foundation Action Fund
 - AZAN v. State et. al.
- **Appointments**
 - Progress being made by the governor's office.