



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, February 27, 2020

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 February 27, 2020. 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, but is not limited to, 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.

Possible actions with regard to Rules and Rules amendments may include, but is not limited to, approval of the proposed rules or amendments, a determination whether any rules adopted unanimously should be made effective immediately, termination of a rulemaking docket, or directing staff to file a notice of supplemental rulemaking, approving a proposed Rule or Amendment for Public Comment.

The agenda for the meeting is as follows:

- I. Call to Order.
- II. Discussion and Possible Action on Commission Minutes for January 23, 2020 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, legal, rulemaking, appointment and voter education issues discussed in the report. The report is typically available online on the Clean Elections Commission website or via email request at ccec@azcleanelections.gov**

IV. Discussion and Possible Action on the 2019 Annual Report.

V. Discussion and Possible Action on status of Rule Amendment filings, Governor's Regulatory Review Council Actions, and Final Approval of Amendments to A.A.C. R2-20-701, 702.01 and 703.03.

The Commission may vote to make the amendment(s) effective immediately. A.R.S. § 16-956(D), (E). 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).

VI. 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

VII. Adjournment.

This agenda is subject to change up to 24 hours prior to the meeting. A copy of the agenda background material provided to the Commission (with the exception of material relating to possible executive sessions) is available for public inspection at the Commission's office, 1616 West Adams, Suite 110, Phoenix, Arizona 85007.

Dated this 25th day of February, 2020.

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

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CITIZENS CLEAN ELECTIONS COMMISSION

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REPORTER'S TRANSCRIPT OF PUBLIC MEETING

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Phoenix, Arizona

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January 23, 2020

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9:30 a.m.

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ITEM II

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COASH & COASH, INC.

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<p style="text-align: right;">Page 2</p> <p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 9:30 a.m. on 3 January 23, 2020, 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. Galen D. Paton, Chairperson 8 Ms. Amy B. Chan 9 Mr. Mark S. Kimble 10 11 OTHERS PRESENT: 12 Thomas M. Collins, Executive Director 13 Paula Thomas, Executive Officer 14 Gina Roberts, Voter Education Director 15 Mike Becker, Policy Director 16 Alec Shaffer, Web Content Manager 17 Avery Oliver, Voter Education Specialist 18 Julian Arndt, Executive Support Specialist 19 Adrienne Carmack, AZ League of Women Voters 20 Mary O'Grady, Osborn Maledon 21 Kara Karlson, Assistant Attorney General 22 Dustin Romney, AZ Attorney General's Office 23 Allie Bones, Assistant Secretary of State 24 Bill Maaske, Secretary of State CIO 25</p>	<p style="text-align: right;">Page 4</p> <p>09:32:52-09:33:51</p> <p>1 CHAIRMAN PATON: We have a motion, and do 2 we have a second? 3 COMMISSIONER KIMBLE: Second. 4 CHAIRMAN PATON: We have a second. And, I 5 guess, I need to call the roll for that. 6 Commissioner Chan, how do you vote? 7 COMMISSIONER CHAN: Aye. 8 CHAIRMAN PATON: Commissioner Kimble? 9 COMMISSIONER KIMBLE: Aye. 10 CHAIRMAN PATON: And the Chair votes aye, 11 as well. Tom, it's not supposed to say that right 12 here. What if I voted no? 13 MR. COLLINS: It was a suggestion. 14 CHAIRMAN PATON: Right. Okay. I'm sorry. 15 I should be more proper here. 16 The minutes are approved. 17 Item III: Discussion and possible action 18 on the executive director's report and legislative 19 report and news, new business. 20 Mr. Collins, you're on parade. 21 MR. COLLINS: Okay. Thank you, 22 Mr. Chairman, Commissioners. I just want to highlight 23 a few things on the executive director's report. I 24 hope you've had a chance to review it. We've had a -- 25 as always, we've had a busy -- a busy -- it seems like</p>
<p>09:31:56-09:32:52</p> <p style="text-align: right;">Page 3</p> <p>1 P R O C E E D I N G 2 CHAIRMAN PATON: I will call our Citizens 3 Clean Elections Commission to order. I'm the brand-new 4 chairman. My name is Galen Paton. And, I guess, we 5 will do a roll call. 6 Commissioner Chan, are you here? 7 COMMISSIONER CHAN: I am here, 8 Mr. Chairman. Good morning. 9 CHAIRMAN PATON: And Commissioner Kimble, 10 are you here? 11 COMMISSIONER KIMBLE: Yes, I am. 12 CHAIRMAN PATON: And the Chair is here, and 13 I got a cheat sheet, by the way. So, I feel -- 14 COMMISSIONER CHAN: Very helpful. 15 CHAIRMAN PATON: I feel, I guess, like it's 16 the first day of school, or something. 17 Okay. And Commissioners Meyer and Titla 18 have informed us of scheduling conflicts, but we do 19 have a quorum. 20 Okay. Item II: Discussion and possible 21 action on Commission minutes for December 12th, 2019. 22 Do I have a motion to approve the minutes 23 for December 12th? 24 COMMISSIONER CHAN: Mr. Chairman, I move 25 that we approve the minutes as written.</p>	<p>09:33:54-09:35:15</p> <p style="text-align: right;">Page 5</p> <p>1 it's been more than one month, but some of the good 2 things we're working on here, we've got -- Avery and 3 Gina have been working with the Arizona Commission for 4 the Deaf and Hard of Hearing on collaborating on our 5 voter education materials and providing them in 6 American sign language. 7 The ACDHH, which is the -- that 8 commission's acronym, has been using voter education 9 videos that utilize the information that we've 10 developed, and we should be able to, also, use those on 11 our website. And we are looking at how to implement 12 the Voter Education Guide in American sign language. 13 So, that's all very exciting for us. 14 You see that on March 10th, we have several 15 local elections, which we'll be doing some educational 16 efforts on -- and, then, on March 17th, we'll have the 17 Presidential Preference Election which, you know, it 18 bears repeating that only Democratic party -- only the 19 Democratic party is participating and only voters 20 registered with the democratic party by February 18th 21 can vote in the PPE. 22 You'll see in our voter education efforts 23 that we'll be transitioning from awareness of the date 24 to awareness of the voter registration deadline and the 25 related issues of who can -- who can participate.</p>

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<p>1 MS. THOMAS: Microphone.</p> <p>2 MR. COLLINS: Oh, I'm sorry. Yeah. We'll</p> <p>3 be transitioning into who can participate and -- and</p> <p>4 the voter registration deadline for that purpose.</p> <p>5 As you can see, Avery, who's, you know,</p> <p>6 been out as our outreach -- doing outreach, we've</p> <p>7 met -- he's met with a number of different folks about</p> <p>8 that. He's continued to coordinate with the Secretary</p> <p>9 of State's Office on their voter outreach efforts, and</p> <p>10 we're looking at everything from a partnership with the</p> <p>11 Tempe Public Library to working with the kids voting</p> <p>12 program to working with ASU on youth development.</p> <p>13 So, really, I think that, you know, the</p> <p>14 Voter Education Department and Avery and Gina and Alec</p> <p>15 have really been doing a heck of a lot of work and</p> <p>16 creating the kinds of connections that we need to help</p> <p>17 ensure that folks are getting the information that they</p> <p>18 need.</p> <p>19 A couple other --</p> <p>20 CHAIRMAN PATON: And I have a comment.</p> <p>21 MR. COLLINS: Sure. Yeah, please.</p> <p>22 CHAIRMAN PATON: I think all that is great,</p> <p>23 and Avery looks like he wants to be the new executive</p> <p>24 director, or something, because his name is everywhere.</p> <p>25 So, I mean, that's good to have a face going out and</p>		<p>1 note on the State Ex Rel Brnovich v. Arizona Board of</p> <p>2 Regents, the state's Supreme Court in their last -- oh,</p> <p>3 sorry. A quick note on the State Ex Rel Brnovich v.</p> <p>4 ABOR case, the Supreme Court continued that on its last</p> <p>5 minute agenda. So we'll have -- we -- I would</p> <p>6 anticipate an update on that when they next conference,</p> <p>7 potentially.</p> <p>8 The Election Procedures Manual thing,</p> <p>9 that's -- that's an errata there. I needed to update</p> <p>10 that, and I will update that now just orally. The</p> <p>11 Elections Procedure Manual was approved in December.</p> <p>12 And so, congratulations to the Secretary of State's</p> <p>13 Office and Allie and Bo Dul and their efforts to get</p> <p>14 that accomplished.</p> <p>15 And, then, on the appointment issue, which</p> <p>16 we've discussed, I don't have -- I don't have an update</p> <p>17 to give you, but you may -- that maybe -- so, I would</p> <p>18 just leave that to you to discuss.</p> <p>19 CHAIRMAN PATON: Is that okay to discuss</p> <p>20 that, then?</p> <p>21 MR. COLLINS: Yes.</p> <p>22 CHAIRMAN PATON: I mean -- go ahead,</p> <p>23 Ms. Chan.</p> <p>24 COMMISSIONER CHAN: Okay. Mr. Chairman --</p> <p>25 and I don't know. I don't want to step on</p>	
09:36:38-09:37:40	Page 7	09:39:04-09:40:29	Page 9
<p>1 promoting Clean Elections instead of just being in an</p> <p>2 office. I mean, I think that's -- that's what we need</p> <p>3 to do.</p> <p>4 So, good. Thank you.</p> <p>5 COMMISSIONER CHAN: Mr. Chairman?</p> <p>6 CHAIRMAN PATON: Yes.</p> <p>7 COMMISSIONER CHAN: I, also -- when I was</p> <p>8 reading this and seeing Avery, Avery, Avery, I was</p> <p>9 thinking about when Avery was hired on here, and I had</p> <p>10 no idea what a difference it would make to our voter</p> <p>11 outreach program.</p> <p>12 And I just want to compliment you on the</p> <p>13 great strategy you've made to really enrich our program</p> <p>14 because I think, like Chairman Paton said, having a</p> <p>15 real person out there is really enhancing the work that</p> <p>16 we do from the office here. So, excellent.</p> <p>17 CHAIRMAN PATON: And with so many groups</p> <p>18 and different kinds of groups and, of course, I like</p> <p>19 the fact that you're going to schools. So, thank you.</p> <p>20 Tom?</p> <p>21 MR. COLLINS: Yes. I'm sorry. Thank you,</p> <p>22 Mr. Chairman.</p> <p>23 CHAIRMAN PATON: Game on.</p> <p>24 MR. COLLINS: The outstanding legal issues</p> <p>25 that we've mentioned in the past are still pending. A</p>		<p>1 Mr. Kimble's -- Commissioner Kimble's toes. I don't</p> <p>2 know if he wanted to speak to -- I, you know, had made</p> <p>3 statements previously about my concern about the fact</p> <p>4 that the Governor had not made an appointment to fill</p> <p>5 Mr. -- Commissioner Titla's position.</p> <p>6 I double-checked with Tom this morning</p> <p>7 about how long Commissioner Titla has been a member of</p> <p>8 the Commission, and I think we're all aware that</p> <p>9 commissioners fill terms of five years. Arizona has a</p> <p>10 holdover provision in its Constitution and laws so that</p> <p>11 we do not have vacancies, but a five-year term is a</p> <p>12 good, long term.</p> <p>13 And checking in with Tom this morning,</p> <p>14 Commissioner Titla has been on this Commission almost</p> <p>15 seven years because he was appointed after a few months</p> <p>16 had elapsed in the term that he was appointed for,</p> <p>17 which, I think, that's reasonable. I think it's</p> <p>18 reasonable. It doesn't have to be right at the</p> <p>19 beginning of a term, but the Governor has been waiting</p> <p>20 or unable to make this appointment for two years.</p> <p>21 I think that is negligence of his duty, and</p> <p>22 the thing that really grates on my nerves is that after</p> <p>23 I spoke up, I received a call from someone in the</p> <p>24 Governor's office who was unhappy with how I had</p> <p>25 publicly stated my concerns about how the Governor's</p>	

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<p>1 office was handling it. And I -- that, actually, made</p> <p>2 me feel bad. I thought, you know, maybe I was being</p> <p>3 unfair. And, frankly, before our last meeting, I</p> <p>4 texted that person to see -- because I had been told by</p> <p>5 that person to reach out if I had any concerns. And I</p> <p>6 did reach out to that person, and I did not even</p> <p>7 receive a text back.</p> <p>8 So, at this point, I feel that we need to</p> <p>9 really look at whether we have any options. I feel</p> <p>10 manipulated -- I know I said that at the last</p> <p>11 meeting -- because behind the scenes we've been told,</p> <p>12 through staff, because the Governor's staff has told</p> <p>13 our staff, oh, we've got somebody; oh, but don't make</p> <p>14 any announcements yet; oh, no, this month we'll have</p> <p>15 somebody, but don't make any announcements yet. And, I</p> <p>16 mean, it's been, like -- I don't know -- four months</p> <p>17 now.</p> <p>18 So, to me, that's just manipulation behind</p> <p>19 the scenes, and I don't appreciate it. It's</p> <p>20 unprofessional. It's unfair, and the ultimate -- what</p> <p>21 it comes down to is that nothing has been done for two</p> <p>22 years to fill this term that has been, basically,</p> <p>23 vacant and filled by a holdover who, frankly, deserves</p> <p>24 to go back to his life and not be tethered to a</p> <p>25 position that he filled fine and well and dutifully for</p>		<p>1 Governor has not done this. The Governor has not made</p> <p>2 any appointments, as Commissioner Chan pointed out,</p> <p>3 since 2016.</p> <p>4 So, I don't know what the motives here are.</p> <p>5 I'll leave that to other people, but it's really</p> <p>6 becoming increasingly difficult for the Commission to</p> <p>7 do its work. As Commissioner Chan pointed out, people</p> <p>8 have other responsibilities, and they were not expected</p> <p>9 to be here six and even seven years for a five-year</p> <p>10 term.</p> <p>11 It hurts the Commission, but I think, much</p> <p>12 more importantly, it hurts the 481,963 Arizonans who</p> <p>13 voted in 1998 to form this Commission with the goal of</p> <p>14 improving Arizona's state government and promoting</p> <p>15 public confidence in elections. And I don't know what</p> <p>16 to do about this, but it cannot continue. We cannot</p> <p>17 just continue forcing people to keep coming to meetings</p> <p>18 months and, in some cases, years after their term</p> <p>19 expires. I am proud to serve on this Commission, and I</p> <p>20 will continue serving. I don't know that I want to be</p> <p>21 here in two more years, though.</p> <p>22 Thank you, Mr. Chairman.</p> <p>23 CHAIRMAN PATON: Tom, any information to</p> <p>24 impart to us?</p> <p>25 COMMISSIONER CHAN: Perhaps, Mr. Chairman,</p>	
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<p>1 five years.</p> <p>2 And, having said that, I will give it back</p> <p>3 to Mr. Chairman and let it go at that.</p> <p>4 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>5 CHAIRMAN PATON: Commissioner Kimble.</p> <p>6 COMMISSIONER KIMBLE: A couple of things I</p> <p>7 wanted to say. First of all, a week from tomorrow my</p> <p>8 term on the Commission ends, but in all likelihood,</p> <p>9 I'll be back next month and probably for quite a few</p> <p>10 months to come. And as Commissioner Chan has pointed</p> <p>11 out, Commissioner Meyer's term ended a year ago. He's</p> <p>12 still serving on the Commission. Commissioner Titla's</p> <p>13 term ended two years ago. He's still serving on the</p> <p>14 Commission. And in a week, three members of this</p> <p>15 Commission, a majority of the Commission, will be</p> <p>16 serving past the end of their terms.</p> <p>17 And if the three of us stop coming to</p> <p>18 meetings, there would be no meetings. The Commission</p> <p>19 would be unable to do anything, and this really</p> <p>20 shouldn't be the case. The law that established this</p> <p>21 Commission said that the Governor and the top elected</p> <p>22 official of the other party shall make appointments.</p> <p>23 It doesn't say they may make appointments; they should</p> <p>24 go ahead and do it if they feel in a good mood. It</p> <p>25 says they should make appointments, and they -- the</p>		<p>1 I could interrupt briefly.</p> <p>2 CHAIRMAN PATON: Yes. Go ahead.</p> <p>3 COMMISSIONER CHAN: Maybe we could direct</p> <p>4 Tom to coordinate with our attorneys to look into what</p> <p>5 our options could be with regard to this matter going</p> <p>6 forward.</p> <p>7 CHAIRMAN PATON: Do we need to make a</p> <p>8 motion on that?</p> <p>9 MR. COLLINS: No, no. No. I can just take</p> <p>10 the direction and contact the appropriate folks and</p> <p>11 that would be just -- that would be that, I mean, and</p> <p>12 then we'll get them available for you. Oh, I'm sorry.</p> <p>13 There's no motion necessary. I will just take the</p> <p>14 direction.</p> <p>15 CHAIRMAN PATON: Okay. Well, please --</p> <p>16 please do that.</p> <p>17 MR. COLLINS: Okay.</p> <p>18 CHAIRMAN PATON: It does stresses all.</p> <p>19 Like, what if something happens? You break down on the</p> <p>20 road, or something, and the people are here coming and</p> <p>21 you couldn't have a quorum. And two of us are coming</p> <p>22 from Tucson and before light. So -- anyway.</p> <p>23 COMMISSIONER CHAN: Thank you,</p> <p>24 Mr. Chairman.</p> <p>25 CHAIRMAN PATON: Sure.</p>	

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<p>1 Tom, back to you.</p> <p>2 MR. COLLINS: The only -- the last thing,</p> <p>3 so we've got some rules stuff, but most of that is on</p> <p>4 the agenda already later. And, then, we have --</p> <p>5 currently, we have 43 participating candidates, and we</p> <p>6 have, I believe, one candidate funded, so far. And --</p> <p>7 and candidates are filing for funding, as we speak.</p> <p>8 So, that concludes -- oh, the other thing</p> <p>9 is, obviously, we've included our legislative reports,</p> <p>10 as we have in past sessions. I want to thank Julian</p> <p>11 and Mike for working on this and putting it together</p> <p>12 with a little bit different format that I quite like.</p> <p>13 So far we're not -- you know, the main, quote/unquote,</p> <p>14 Clean Elections Bill that we've identified is HP 2054,</p> <p>15 which is, basically, the same thing that Representative</p> <p>16 Biasiucci introduced last year.</p> <p>17 The bill -- you know, the bill violates the</p> <p>18 Voter Protection Act on its face even -- and, in</p> <p>19 effect, that is including Prop 306. In other words,</p> <p>20 Prop 306 is voter-protected. And so, it does not give</p> <p>21 the legislature the ability, on a simple majority, just</p> <p>22 to add things in that target the Clean Elections</p> <p>23 Commission. The last session, we were -- we had a good</p> <p>24 discussion that was fruitful with the rules attorneys</p> <p>25 for the -- for the House and the Senate and with the --</p>		<p>1 convicted of crimes.</p> <p>2 Would this, possibly, impact our largest</p> <p>3 source of funding?</p> <p>4 MR. COLLINS: Our only -- well -- yes.</p> <p>5 Mr. Chairman, Commissioner Kimble, we have said --</p> <p>6 we've contended with this issue, from our narrow</p> <p>7 perspective, since Justice Bales was chief justice.</p> <p>8 You know, our view -- and at that time, you may recall,</p> <p>9 we -- the Commission authorized us, in the event</p> <p>10 something happened, to actually sue the Administrative</p> <p>11 Office of the Court. That would turn out to be</p> <p>12 unnecessary. We did get, from the Administrative</p> <p>13 Office of the Courts, some guidance to judges about the</p> <p>14 Clean Elections surcharge.</p> <p>15 To the extent that bills broadly grant</p> <p>16 judges the authority to waive surcharges, as applying</p> <p>17 to the Clean Elections Act, that is either an</p> <p>18 amendment, a diversion or a superseding, which are all</p> <p>19 under the -- under the Voter Protection Act require a</p> <p>20 three-quarter vote and furthering the purpose of the</p> <p>21 Act.</p> <p>22 So, our position would be, therefore, that,</p> <p>23 to the extent that those bills do not have -- and I'll</p> <p>24 just tell you that, generally, those bills do not get a</p> <p>25 Prop 105 clause because "leg" council leaves that up to</p>	
09:47:21-09:48:40	Page 15	09:50:12-09:51:29	Page 17
<p>1 and, you know, the bill, ultimately, failed on final a</p> <p>2 passage in the House. So, we'll probably -- we'll</p> <p>3 proceed along the lines that we proceeded last year.</p> <p>4 And -- and, then, just the general</p> <p>5 proposition, because we have Julian and Mike working</p> <p>6 together on this, we will be able to have more -- as we</p> <p>7 talked about in the private meetings, more eyes on the</p> <p>8 bills. And Julian has really taken a strong role in</p> <p>9 monitoring the bills that have been being filed.</p> <p>10 Just a quick side note, the legislature</p> <p>11 has, I think, more bills this year than it has in an</p> <p>12 election year in the last several cycles, in general.</p> <p>13 So, that's where we are. So, that,</p> <p>14 basically, concludes my report, unless anyone has any</p> <p>15 other questions.</p> <p>16 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>17 CHAIRMAN PATON: Yes.</p> <p>18 COMMISSIONER KIMBLE: Mr. Collins, I know</p> <p>19 there's a lot of talk about sentencing reform in the</p> <p>20 legislature this year, and one of the stories I saw</p> <p>21 said that there's some talk about giving judges --</p> <p>22 excuse me -- giving judges authority to waive some of</p> <p>23 the fines and penalties --</p> <p>24 MR. COLLINS: Right.</p> <p>25 COMMISSIONER KIMBLE: -- of people who were</p>		<p>1 the sponsor, but, you know, one of the educational</p> <p>2 efforts we'll be undertaking as part of our lobbying is</p> <p>3 ensuring that folks understand that as applied to the</p> <p>4 Clean Elections Act surcharge, the legislature must</p> <p>5 have a three-quarter vote and further the purpose.</p> <p>6 And to the extent that they can muster the</p> <p>7 three-quarter vote, it's very difficult to see how</p> <p>8 continuing to diminish the funds of the Commission</p> <p>9 are -- is furthering the purpose.</p> <p>10 In 2012, for example, when the -- when the</p> <p>11 legislature virtually unanimously repealed the tax --</p> <p>12 the voluntary tax credits, both on the income tax form</p> <p>13 and the tax credit that folks could take for up to --</p> <p>14 there was a bigger tax credit associated with that --</p> <p>15 those got a three-quarter vote. I don't have any</p> <p>16 problem saying that that did not further the purpose of</p> <p>17 the Act.</p> <p>18 So, on the other hand, those -- and, in</p> <p>19 fact, it actually raised taxes. It didn't have a Prop</p> <p>20 108 clause on it even, but -- so, that having been</p> <p>21 said, you know, that will be part of our educational</p> <p>22 effort. You know, it does not require the waiver of --</p> <p>23 the other waiver -- other -- so, just to -- I'm sorry.</p> <p>24 Just to give you a little bit of more</p> <p>25 background here, my understanding is that the Clean</p>	

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<p>1 Elections surcharge was the first surcharge on criminal</p> <p>2 and civil fines and penalties. Subsequently, a variety</p> <p>3 of different law enforcement surcharges were added.</p> <p>4 Some of those surcharges actually do some for law</p> <p>5 enforcement and kick back into the general fund -- some</p> <p>6 portion of it. What that means is that there's a total</p> <p>7 of 80 -- of an 80 percent surcharge on a traffic</p> <p>8 ticket, for example. We make up only 12 percent of</p> <p>9 that.</p> <p>10 So -- so, we would be hopeful that both the</p> <p>11 Commission staff and the advocates for Clean Elections</p> <p>12 will be able to explain that -- you know, that you --</p> <p>13 that you needn't comprehensively just strike out the</p> <p>14 word "surcharge" out of every -- out of every thing to</p> <p>15 address the problem.</p> <p>16 I would, also, note that under 16-907,</p> <p>17 surcharges have never been required to be paid in order</p> <p>18 to restore one's voting rights. The only things that</p> <p>19 have ever been included are restitution and fines, and</p> <p>20 I think that the legislature, in the last session, took</p> <p>21 fines out. So, now it's just restitution, but the</p> <p>22 bottom line is our surcharge does not prevent anyone</p> <p>23 from voting, and our surcharge is a small part of the</p> <p>24 overall surcharge. And it's the only one approved by</p> <p>25 voters, and it's the -- and it's a very small piece of</p>		<p>1 process. I think that's -- I think that that report is</p> <p>2 helpful. We, also, have the -- the Secretary of</p> <p>3 State's staff is, also -- have been generous enough to</p> <p>4 be here today to discuss any issues that you might want</p> <p>5 to raise and answer any questions that you may have.</p> <p>6 And I'm not sure if they want to make a</p> <p>7 presentation of their own or not, but we have the</p> <p>8 Deputy Secretary of State, Allie Bones, and the</p> <p>9 director of I.T., Bill Maaske.</p> <p>10 And so -- do you want to introduce</p> <p>11 yourself?</p> <p>12 MS. BONES: Sure.</p> <p>13 CHAIRMAN PATON: Welcome.</p> <p>14 MS. BONES: Hi. Good morning,</p> <p>15 Mr. Chairman, members of the Commission. And I'm Allie</p> <p>16 Bones. I'm the Assistant Secretary of State. I don't</p> <p>17 have a formal presentation. We provided the report in</p> <p>18 writing, but I did just want to, you know, come before</p> <p>19 you and, basically, share, you know, how much we are</p> <p>20 appreciative of the partnership that we have with the</p> <p>21 Clean Elections Commission and hope that we can, you</p> <p>22 know, really move forward in a clear working</p> <p>23 relationship in good partnership to make sure that the</p> <p>24 goals of having a transparent campaign finance system</p> <p>25 for the public are met.</p>	
09:53:12-09:54:17	Page 19	09:55:49-09:57:11	Page 21
<p>1 that.</p> <p>2 So, that's the law as I see it. We'll be</p> <p>3 hopeful to communicate that to folks because as both a</p> <p>4 legal matter, you know, and, frankly, as a policy</p> <p>5 matter, to the extent these interfere -- there's a</p> <p>6 perception these interfere with people being able to</p> <p>7 vote, those are not -- those are -- it's legally wrong,</p> <p>8 and policy-wise, we're not interfering with anybody's</p> <p>9 right to vote.</p> <p>10 COMMISSIONER KIMBLE: Okay. Thank you.</p> <p>11 CHAIRMAN PATON: Okay. Any other</p> <p>12 questions?</p> <p>13 (No response.)</p> <p>14 CHAIRMAN PATON: All right. Item IV:</p> <p>15 Discussion and possible action on matters relating to</p> <p>16 the Secretary of State's Office, the See the Money</p> <p>17 project, the Campaign Finance Reporting System,</p> <p>18 Commission Interagency Service Agreement with the</p> <p>19 Secretary of State's Office.</p> <p>20 Tom?</p> <p>21 MR. COLLINS: Yes. Mr. Chairman,</p> <p>22 Commissioners, you have in your -- in your packet a</p> <p>23 report that the Arizona -- that the Secretary of</p> <p>24 State's Office generously took the time to update us on</p> <p>25 their process. The -- and where they are in their</p>		<p>1 So, this project, as you know, started</p> <p>2 under the previous administration. We have been</p> <p>3 working ever since we got on board to, kind of, unravel</p> <p>4 what happened and what our office committed to, what we</p> <p>5 were able to do, really trying to understand some of</p> <p>6 the expectations that were set and how realistic, or</p> <p>7 not, those were for the public, as well as for the</p> <p>8 Commission. So, we hope that this report really, kind</p> <p>9 of, gets into where we're at with the development of</p> <p>10 the project.</p> <p>11 We -- the previous administration entered</p> <p>12 into the ISA with the Clean Elections Commission. I</p> <p>13 know that there was some discussion about that at the</p> <p>14 last Commission meeting, and we were, you know, looking</p> <p>15 into, kind of, what the status of that was. We really</p> <p>16 didn't have a good sense of what was in it before the</p> <p>17 discussion and have since, you know, uncovered where</p> <p>18 things are and what's going on.</p> <p>19 So, I don't -- I think it was represented</p> <p>20 that our office did not recognize that ISA, and that is</p> <p>21 not our position at all. We understand that any</p> <p>22 contracts or agreements or anything that was entered</p> <p>23 into by the previous administration carries forward</p> <p>24 into our administration. Anyone who's been watching</p> <p>25 the news about what's happening with our office knows</p>	

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<p>1 that we are in a contract -- a 10-year-contract with</p> <p>2 Iron Mountain around records management and records</p> <p>3 storage that we are trying to, you know, figure out and</p> <p>4 deal with going forward.</p> <p>5 So, this is a common issue that we are</p> <p>6 dealing with, but we want to make sure that you all</p> <p>7 know that our office has spent a great deal of time on</p> <p>8 the system. When we came on board, we -- you know,</p> <p>9 Secretary Hobbs and I met with our CIO, Bill Maaske,</p> <p>10 who is here, too, and can answer any questions from a</p> <p>11 technical nature, but really said, like, what are the</p> <p>12 priorities? What are you all working on?</p> <p>13 And it became really clear that the need</p> <p>14 for attention and focus was on the input side of the</p> <p>15 equation; that what is reported through the</p> <p>16 public-facing site, See the Money, is very dependent</p> <p>17 upon the data that goes into the reporting side of</p> <p>18 that. And so, the better part of the last year has</p> <p>19 been spent developing and updating and making that</p> <p>20 reporting site, which we now call Beacon, functional</p> <p>21 and making sure that the reports that are going in</p> <p>22 there make sense and have good data because, as we</p> <p>23 know, it's data in that is reported out. And so, we</p> <p>24 need to make sure we're not having, you know, garbage</p> <p>25 in/garbage out. We want to have good, strong data and</p>		<p>1 doing, and I think I have an understanding of what you</p> <p>2 guys have been having to deal with. I mean, not from</p> <p>3 the inside, obviously.</p> <p>4 MS. BONES: Right.</p> <p>5 COMMISSIONER CHAN: I've just seen the</p> <p>6 reports that have come out in the news, and I'm sorry.</p> <p>7 MS. BONES: Thank you.</p> <p>8 COMMISSIONER CHAN: So -- but I know you</p> <p>9 guys have a good team with Bill, and I think it looks</p> <p>10 like, you know -- and I'll let Tom chime in here, but</p> <p>11 it sounds like -- I know Tom had conveyed to us that he</p> <p>12 and staff had had a great meeting with you guys. And</p> <p>13 it just sounds like, obviously, you know, the previous</p> <p>14 Secretary was going one way.</p> <p>15 MS. BONES: Right.</p> <p>16 COMMISSIONER CHAN: And, to my mind, I</p> <p>17 wasn't whetted to that, especially knowing there's a</p> <p>18 new Secretary. You guys -- everybody has their own</p> <p>19 agenda, but that doesn't mean it's not something that</p> <p>20 we can support. It's just knowing what it is and</p> <p>21 moving forward and making sure that we have a meeting</p> <p>22 of the minds again. And thank you very much for</p> <p>23 communicating this to us and coming over here and</p> <p>24 spending your time this morning and putting this</p> <p>25 together for us so that we are aware of, you know,</p>	
09:58:30-09:59:36	Page 23	10:00:45-10:01:45	Page 25
<p>1 things that can be done.</p> <p>2 So, from there we've been working on an</p> <p>3 updated plan for the public-facing site. We really see</p> <p>4 See the Money as something that is a system that we,</p> <p>5 kind of, are putting to rest. We're using the</p> <p>6 infrastructure and what it was built upon as a basis</p> <p>7 for moving forward and creating new functionality,</p> <p>8 which is referenced in the report, some of our goals,</p> <p>9 and are going to be transitioning that to a system that</p> <p>10 we're going to be calling Spotlight and expect a</p> <p>11 release within the next month, or so.</p> <p>12 Any questions?</p> <p>13 CHAIRMAN PATON: Questions?</p> <p>14 COMMISSIONER CHAN: Mr. Chairman?</p> <p>15 CHAIRMAN PATON: Yes.</p> <p>16 COMMISSIONER CHAN: First of all, Allie,</p> <p>17 thank you so much for coming today, for you and Bill.</p> <p>18 And I'm sorry for any misunderstandings that we had.</p> <p>19 MS. BONES: It's okay.</p> <p>20 COMMISSIONER CHAN: And I read this last</p> <p>21 night, and I was so happy to see that it feels like we</p> <p>22 really did have -- there was -- it really was just a</p> <p>23 misunderstanding. Like, it seems, like, all we needed</p> <p>24 was a little communication. And looking at this, I'm</p> <p>25 happy. You know, I love seeing what you guys are</p>		<p>1 what's going on and that we're having all of our needs</p> <p>2 met as a Commission.</p> <p>3 So, thank you.</p> <p>4 MS. BONES: Absolutely. Yes. Thank you</p> <p>5 Mr. Chairman, Commissioner Chan, yeah, absolutely.</p> <p>6 We're happy to be here and to answer any questions. I</p> <p>7 think, as Tom mentioned, we did have a really good</p> <p>8 meeting, and I think it's a good stepping-off point for</p> <p>9 us to ensure that we're having regular communication</p> <p>10 and discussion as the development of Spotlight</p> <p>11 continues to move forward. We want to make sure that</p> <p>12 the needs of the Commission are being met, as well.</p> <p>13 COMMISSIONER CHAN: Thank you.</p> <p>14 MS. BONES: Yeah.</p> <p>15 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>16 CHAIRMAN PATON: Commissioner Kimble.</p> <p>17 COMMISSIONER KIMBLE: First of all, I was</p> <p>18 very impressed with this report. And it looks like a</p> <p>19 lot of things have been resolved, but I want to ask Tom</p> <p>20 two questions.</p> <p>21 First of all, are you happy with this?</p> <p>22 And, second of all, we -- it seemed like we had some</p> <p>23 issue about confusion over something that -- over our</p> <p>24 program called Voter Compass, or something, that was</p> <p>25 going to have the same name as something else.</p>	

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<p>1 MR. COLLINS: Oh, we resolved --</p> <p>2 COMMISSIONER KIMBLE: That's been resolved.</p> <p>3 MR. COLLINS: That's been resolved.</p> <p>4 COMMISSIONER KIMBLE: Okay. So, are you</p> <p>5 satisfied with this?</p> <p>6 MR. COLLINS: Well, I think -- I mean,</p> <p>7 Mr. Chairman, Commissioner Kimble, my view is this. I</p> <p>8 think the meetings were very productive. I think Allie</p> <p>9 and I started to get in touch with one other -- around</p> <p>10 the time that there were some news stories about that.</p> <p>11 It was -- it was, kind of, a coincidence that --</p> <p>12 MS. BONES: Right around Christmas.</p> <p>13 MR. COLLINS: Right. Yeah.</p> <p>14 MS. BONES: Yes, it was perfect.</p> <p>15 MR. COLLINS: Right. Well, yeah. It was a</p> <p>16 coincidence. We met, and then the story was being</p> <p>17 worked on. And so, these, kind of, coalesced around</p> <p>18 each other. So, I think we handled that aspect of the</p> <p>19 things appropriately.</p> <p>20 You know, I think that -- long-term, I</p> <p>21 think that -- you know, I think that -- I think the</p> <p>22 issue is -- has been whether the Commission has gotten</p> <p>23 the value for the investment that it made. And I think</p> <p>24 that -- you know, I think that, you know, we -- I think</p> <p>25 the -- I think the commitment that the Secretary's</p>	<p>1 finance reporting system, the statute says that the</p> <p>2 Secretary and the Commission have to jointly approve</p> <p>3 it. I don't see -- I don't anticipate any reason not</p> <p>4 to do that, but I thought that it would be just, you</p> <p>5 know, for the sake of efficiency -- it's, actually,</p> <p>6 more efficient to do that at the next meeting than it</p> <p>7 is to do it at this meeting, but I don't anticipate</p> <p>8 any -- any difficulty with that. I just -- I just</p> <p>9 thought that, basically, that would allow the dialogue</p> <p>10 that's happening here, absent some pressure.</p> <p>11 So, other than that, I don't have any other</p> <p>12 comments.</p> <p>13 COMMISSIONER KIMBLE: Okay. Thank you.</p> <p>14 CHAIRMAN PATON: Okay. I do. So, you have</p> <p>15 to understand you weren't here, but we were here. And</p> <p>16 we had two years of assurances, money paid out, things</p> <p>17 not working right, assurances. The Secretary of State</p> <p>18 came here in person, told us this is how it's going to</p> <p>19 be done and whatever. The technical guys came, did</p> <p>20 their little show, dog-and-pony show, and we were</p> <p>21 assured. And, then, here comes -- it comes to pass</p> <p>22 that it was like a video game out of control, or</p> <p>23 something. It wasn't -- nothing was working right, you</p> <p>24 know.</p> <p>25 And so, that led to a lot of frustration on</p>		
10:02:45-10:04:02	Page 27	10:05:26-10:06:36	Page 29
<p>1 office has made and is making is -- demonstrates that</p> <p>2 there -- whatever value might have been there --</p> <p>3 whatever value might not have occurred in the past</p> <p>4 will -- we should be in a position to have that value</p> <p>5 going forward.</p> <p>6 I know I don't know technically if any --</p> <p>7 if the Secretary's office or anybody else wants to</p> <p>8 work -- if there's anything else that needs to be done</p> <p>9 with respect to the documentation on that. I'm</p> <p>10 agnostic on that, but I mean, I think that, look, if --</p> <p>11 we're going -- the point is the things that we asked</p> <p>12 for are either complete or in the pipeline by virtue of</p> <p>13 what we paid for, and the things that -- and that</p> <p>14 means -- and that's what, I think, as I understood the</p> <p>15 Commission's request of us at the last meeting, was the</p> <p>16 thing that we needed to establish.</p> <p>17 And I think that that's something that</p> <p>18 we've done. The only technical legal thing that we</p> <p>19 still have -- that we have to do that we have to do,</p> <p>20 which I was going to defer until -- which I do -- I</p> <p>21 would like to defer until next month and just make sure</p> <p>22 that everybody is comfortable on the -- on the -- on</p> <p>23 the CFRS approval piece that's in the Clean Elections</p> <p>24 Act.</p> <p>25 We do have a -- when there's a new campaign</p>	<p>1 my part, anyway. And then -- then the news that, well,</p> <p>2 we weren't here, and so on, so we don't know anything</p> <p>3 about it. And that was a tad aggravating for me.</p> <p>4 So -- but it sounds like things are back in order,</p> <p>5 somewhat. So, I feel better. I mean, we're not the</p> <p>6 technical people here. We just know that we have a</p> <p>7 finite amount of money, as you do, and our funds were</p> <p>8 being depleted.</p> <p>9 And we felt like we are being -- I don't</p> <p>10 know -- misled or we were told things were going to</p> <p>11 happen, and we felt like it was a good operation to</p> <p>12 make our function and your function much better for the</p> <p>13 public. And that's what we're here for. So, when it</p> <p>14 looked like that was down to ashes, it was quite</p> <p>15 frustrating. So, I'm sorry if you, kind of, caught the</p> <p>16 brunt of that.</p> <p>17 So, with that, thank you.</p> <p>18 MS. BONES: All right.</p> <p>19 CHAIRMAN PATON: Any other questions?</p> <p>20 (No response.)</p> <p>21 CHAIRMAN PATON: Thank you for coming</p> <p>22 and --</p> <p>23 MS. BONES: Absolutely.</p> <p>24 CHAIRMAN PATON: -- and telling us -- and</p> <p>25 your report makes it feel like everything is going</p>		

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<p>1 well.</p> <p>2 So, thank you.</p> <p>3 MS. BONES: Thank you, Mr. Chairman and</p> <p>4 Commissioners. I appreciate it.</p> <p>5 CHAIRMAN PATON: Thank you.</p> <p>6 MS. BONES: Thanks.</p> <p>7 CHAIRMAN PATON: All right. Item V:</p> <p>8 Discussion and possible action on proposed meeting</p> <p>9 dates for February through July 2020.</p> <p>10 And, Commissioners, have you all had the</p> <p>11 chance to review the dates as Thomas has proposed? Any</p> <p>12 discussion?</p> <p>13 COMMISSIONER CHAN: Mr. Chairman, I would</p> <p>14 move that we adopt the proposed meeting dates for</p> <p>15 February through July of 2020.</p> <p>16 COMMISSIONER KIMBLE: Second.</p> <p>17 CHAIRMAN PATON: We have a motion and a</p> <p>18 second.</p> <p>19 Let's take a vote.</p> <p>20 Commissioner Chan?</p> <p>21 COMMISSIONER CHAN: Aye.</p> <p>22 CHAIRMAN PATON: Commissioner Kimble?</p> <p>23 COMMISSIONER KIMBLE: Aye.</p> <p>24 CHAIRMAN PATON: And the Chair votes aye,</p> <p>25 even though it says the Chair votes yes. So, that is</p>		<p>1 candidates to do things that they are still allowed to</p> <p>2 do regardless of Prop 306.</p> <p>3 His view is that -- that the Commission,</p> <p>4 apparently, doesn't have authority to tell people what</p> <p>5 they can legally spend money on. And so, he believes</p> <p>6 that with the passage of Prop 306, the Commission</p> <p>7 should not be telling people what is legal but only</p> <p>8 what is not legal. And so, that's what the amendment</p> <p>9 to R2-20-209 accomplishes.</p> <p>10 With respect to the small business impact,</p> <p>11 the consumer impact and the -- and the other business</p> <p>12 impacts, economic impact, I think that the fact that</p> <p>13 GRRC returned R2-20-209 to us implicitly means that</p> <p>14 this is -- that they believe that the benefits of this</p> <p>15 to those groups, to the extent there are any, which is</p> <p>16 always an issue because we don't regulate -- we don't</p> <p>17 regulate business entities, as such, but it's</p> <p>18 difficult -- I mean, let me -- let me put it this way.</p> <p>19 There are obvious costs to candidates in</p> <p>20 terms of this amendment that Mr. Sundt wrote. The</p> <p>21 costs are the candidate compliance costs are increased</p> <p>22 because they no longer have guidance about what is</p> <p>23 legal for them to spend money on in Rule 702; however,</p> <p>24 the council returned 702 to us with this direction.</p> <p>25 And so, they've, obviously, made that analysis</p>	
10:07:33-10:09:24	Page 31	10:11:04-10:12:30	Page 33
<p>1 passed.</p> <p>2 That was V. Okay. Let's go to the next.</p> <p>3 Item Number VI: Discussion and possible</p> <p>4 action on rules and rule amendments.</p> <p>5 Mr. Collins?</p> <p>6 MR. COLLINS: Yes. So, real briefly, so, I</p> <p>7 wanted to just update you on Rule 113, I think it</p> <p>8 was -- Rule 1 -- I might check it again.</p> <p>9 So, we had -- GRRC had a special meeting on</p> <p>10 January 7th? Is that right, Mike? And they gave their</p> <p>11 stamp of approval to the amendments we had to Rule 113</p> <p>12 and 704. Those had to do with the candidate statement</p> <p>13 pamphlet and the -- a rule related to repayment</p> <p>14 obligations that was contrary to the Act and to -- and</p> <p>15 to law. So, we are going to go ahead -- we'll file</p> <p>16 that statement from GRRC, in accordance with our --</p> <p>17 with our prior statements about that.</p> <p>18 With respect to Item VI.B, that is an</p> <p>19 action item. We are -- we have circulated -- this is</p> <p>20 Council Member Sundt's first pass at revising the 700</p> <p>21 series -- or chapters -- or Article 7 of our rules. We</p> <p>22 have three other rules that he either drafted or</p> <p>23 suggested out circulating right now. This one,</p> <p>24 essentially, takes the pieces of 702 that -- that he</p> <p>25 believed were confusing, insofar as they allowed</p>		<p>1 themselves and concluded otherwise. So, with that, I</p> <p>2 recommend that you all give -- we need two motions, as</p> <p>3 we've talked about, a motion to approve and a motion to</p> <p>4 set the effective date.</p> <p>5 COMMISSIONER CHAN: Mr. Chairman?</p> <p>6 CHAIRMAN PATON: Yes.</p> <p>7 COMMISSIONER CHAN: I just want to make a</p> <p>8 comment. This is just another example of the</p> <p>9 Governor's Regulatory Review Council, once again,</p> <p>10 making policy, which is a completely inappropriate</p> <p>11 exercise of its statutory authority, in my opinion. I</p> <p>12 think it's outrageous, but let's go ahead and let them</p> <p>13 make these decisions. And we'll see what happens.</p> <p>14 And with that, I will -- unless there's --</p> <p>15 I will let -- hand it back to the chairman.</p> <p>16 CHAIRMAN PATON: Any other comments?</p> <p>17 COMMISSIONER KIMBLE: Well, it seems to me</p> <p>18 that in this election cycle, we ought to keep track of</p> <p>19 the type of questions we get that could have been</p> <p>20 answered if this language had remained so that a year</p> <p>21 hence, for whoever is still here, we can, maybe, say,</p> <p>22 okay, this was a mistake; let's push back again on</p> <p>23 this. And -- because it led to confusion. It led to a</p> <p>24 lot of unnecessary questions, and we now have evidence</p> <p>25 of that. And I think then we would be in a far</p>	

10:12:35-10:13:41	Page 34	10:14:15-10:15:34	Page 36
<p>1 stronger position to put this language back in which I</p> <p>2 do think is very helpful guidance, but at some point, I</p> <p>3 think you've got to stop hitting your head against the</p> <p>4 wall.</p> <p>5 CHAIRMAN PATON: Considering your -- and</p> <p>6 you're finished?</p> <p>7 COMMISSIONER KIMBLE: Yes, I am.</p> <p>8 CHAIRMAN PATON: I mean, considering that</p> <p>9 many of the people running have no idea. It's their</p> <p>10 first time. They have no idea what they're doing, and</p> <p>11 they need as much guidance as they can get. And</p> <p>12 they -- and we wouldn't want them to do something that</p> <p>13 would -- that we could warn them about.</p> <p>14 But do I have a motion about R2-20-209?</p> <p>15 COMMISSIONER CHAN: Mr. Chairman, I move</p> <p>16 that we approve the proposed amendments to R2-20-702</p> <p>17 for final adoption or --</p> <p>18 MR. COLLINS: It's 702. I kept saying 209.</p> <p>19 I've got --</p> <p>20 COMMISSIONER CHAN: Did I say --</p> <p>21 MR. COLLINS: No. I'm wrong. I said 209.</p> <p>22 COMMISSIONER CHAN: Okay.</p> <p>23 MR. COLLINS: It's 702.</p> <p>24 COMMISSIONER CHAN: Okay.</p> <p>25 MR. COLLINS: Sorry. I apologize.</p>	<p>1 COMMISSIONER KIMBLE: Aye.</p> <p>2 CHAIRMAN PATON: And the Chair votes aye,</p> <p>3 as well.</p> <p>4 COMMISSIONER CHAN: And, then,</p> <p>5 Mr. Chairman, as far as the effective date, I don't</p> <p>6 know if Tom --</p> <p>7 MR. COLLINS: Yes.</p> <p>8 COMMISSIONER CHAN: -- has a recommendation</p> <p>9 or not.</p> <p>10 MR. COLLINS: I do. I do, in fact. As</p> <p>11 we've outlined in previous meetings, the Governor's</p> <p>12 Regulatory Review Commission counsel and its staff came</p> <p>13 to the conclusion that, I think, is impossible to</p> <p>14 square with the language that was in front of voters</p> <p>15 wherein the Commission lost its authority to determine</p> <p>16 the effective date of -- of rules.</p> <p>17 Additionally, if the Commission does not</p> <p>18 act unanimously, a rule cannot be implemented until</p> <p>19 January 1 of the subsequent year. So, in this case,</p> <p>20 if -- you know, if we want to make sure that this rule</p> <p>21 is on the books during the election cycle so people are</p> <p>22 aware of the change, I would recommend that you vote --</p> <p>23 that the motion be made to make it -- make it effective</p> <p>24 immediately. If that motion is not unanimous, then it</p> <p>25 will not be effective until January 1st.</p>		
10:13:42-10:14:12	Page 35	10:15:35-10:16:30	Page 37
<p>1 CHAIRMAN PATON: On my cheat sheet, it says</p> <p>2 209 here, Tom.</p> <p>3 COMMISSIONER CHAN: Okay. I read it off</p> <p>4 the agenda. So, hopefully, that was right.</p> <p>5 MR. COLLINS: Well, the agenda is right.</p> <p>6 The cheat sheet is wrong.</p> <p>7 CHAIRMAN PATON: Okay.</p> <p>8 MR. COLLINS: And I apologize. I have --</p> <p>9 CHAIRMAN PATON: Now you're really</p> <p>10 aggravating me.</p> <p>11 MR. COLLINS: Well --</p> <p>12 CHAIRMAN PATON: All right. You said 702?</p> <p>13 COMMISSIONER CHAN: Yes.</p> <p>14 CHAIRMAN PATON: Okay.</p> <p>15 MR. COLLINS: I apologize.</p> <p>16 CHAIRMAN PATON: All right. So, are we</p> <p>17 having a motion?</p> <p>18 COMMISSIONER CHAN: I made the motion.</p> <p>19 CHAIRMAN PATON: Okay.</p> <p>20 COMMISSIONER KIMBLE: Second.</p> <p>21 CHAIRMAN PATON: So, we're having a motion</p> <p>22 and a second. Let's call the roll.</p> <p>23 Commissioner Chan?</p> <p>24 COMMISSIONER CHAN: Aye.</p> <p>25 CHAIRMAN PATON: Commissioner Kimble?</p>	<p>1 That would place us in a position with</p> <p>2 vis-a-vis GRRC that is a little unknown, and we have</p> <p>3 avoided that thus far because the -- our position,</p> <p>4 staff's position has been -- my position, which is</p> <p>5 where we're putting it in -- has been that it's better</p> <p>6 to just get something out there that -- I mean, we</p> <p>7 need -- this rule should be amended regardless because</p> <p>8 we need -- the language that says you can spend money</p> <p>9 with parties has to go. It's not consistent with the</p> <p>10 statute, and that creates confusion.</p> <p>11 So, for that reason, I would recommend that</p> <p>12 you -- that a motion for immediate effectiveness --</p> <p>13 CHAIRMAN PATON: I thought it was already</p> <p>14 unanimous?</p> <p>15 MR. COLLINS: It has to be unanimous.</p> <p>16 CHAIRMAN PATON: But it was unanimous.</p> <p>17 COMMISSIONER CHAN: And, then, I think,</p> <p>18 Mr. Chairman --</p> <p>19 MR. COLLINS: I would like -- we need to</p> <p>20 make the record clear of the effective date. So,</p> <p>21 you've approved it, but we need to state the effective</p> <p>22 date for the record.</p> <p>23 CHAIRMAN PATON: Okay.</p> <p>24 COMMISSIONER CHAN: I think, Mr. Chairman,</p> <p>25 then, I'll go ahead and just make another specific</p>		

<p>10:16:31-10:17:16</p> <p>Page 38</p> <p>1 motion --</p> <p>2 CHAIRMAN PATON: Okay.</p> <p>3 COMMISSIONER CHAN: -- for clarity --</p> <p>4 CHAIRMAN PATON: Go ahead.</p> <p>5 COMMISSIONER CHAN: -- to make our approval</p> <p>6 of this amendment to the rule effective immediately.</p> <p>7 CHAIRMAN PATON: Okay.</p> <p>8 COMMISSIONER KIMBLE: Second.</p> <p>9 CHAIRMAN PATON: We have a motion and a</p> <p>10 second, and I'll call the roll.</p> <p>11 Commissioner Chan?</p> <p>12 COMMISSIONER CHAN: Aye.</p> <p>13 CHAIRMAN PATON: Commissioner Kimble?</p> <p>14 COMMISSIONER KIMBLE: Aye.</p> <p>15 CHAIRMAN PATON: And the Chair votes aye,</p> <p>16 as well.</p> <p>17 So, that passed, both.</p> <p>18 MR. COLLINS: Yes.</p> <p>19 CHAIRMAN PATON: Item VII: Discussion and</p> <p>20 possible action on 2020 Interagency Service Agreement</p> <p>21 with the Attorney General's Office.</p> <p>22 Tom?</p> <p>23 MR. COLLINS: Yes. So, Mr. Chairman,</p> <p>24 Commissioners, we've been working with the Attorney</p> <p>25 General's Office on this year's Interagency Service</p>	<p>10:19:01-10:19:53</p> <p>Page 40</p> <p>1 So -- so, that's where we are. So,</p> <p>2 we're -- you know, we're -- we would say -- or</p> <p>3 recommend that you all approve it, and then I can sign</p> <p>4 it and send it back to the Attorney General's Office.</p> <p>5 CHAIRMAN PATON: Any questions for</p> <p>6 Mr. Collins?</p> <p>7 COMMISSIONER CHAN: Mr. Chairman, just a</p> <p>8 comment.</p> <p>9 CHAIRMAN PATON: Yes.</p> <p>10 COMMISSIONER CHAN: This, actually, doesn't</p> <p>11 have any bearing on the ISA, but I noticed that our</p> <p>12 attorney's boss issued a letter to our two U.S.</p> <p>13 senators urging them to acquit the President in his</p> <p>14 impeachment trial. And I just found that so</p> <p>15 interesting because I didn't know how it related to his</p> <p>16 job as our State Attorney General. And I just -- I</p> <p>17 just wanted to throw that out there. I don't ask them</p> <p>18 to comment on that, but I thought that was so</p> <p>19 interesting yesterday.</p> <p>20 Anyway, welcome, Dustin, and I hope you</p> <p>21 enjoy elections as much as we all do. I think it's a</p> <p>22 pretty interesting area of law.</p> <p>23 So, having made that comment that I</p> <p>24 couldn't resist --</p> <p>25 CHAIRMAN PATON: Mr. Kimball?</p>
<p>10:17:21-10:18:54</p> <p>Page 39</p> <p>1 Agreement. We have -- I think, have established -- we</p> <p>2 are happy to recommend that the Commission approve</p> <p>3 this. So, I'll take a moment here, you know, to -- as</p> <p>4 we all know, Mr. Joseph LaRue has now moved to the</p> <p>5 county where he's a county election lawyer. We still,</p> <p>6 lucky for us, have the benefit of Ms. Carlson's</p> <p>7 expertise as, literally, the longest-serving election</p> <p>8 attorney in the Attorney General's Office since,</p> <p>9 probably, 2010, if not -- if not earlier. Not counting</p> <p>10 Mary.</p> <p>11 And so, we're pleased that she's still with</p> <p>12 the Attorney General's Office. We, also, have with us</p> <p>13 today Dustin Romney. He's sitting next to Mary. He is</p> <p>14 a member of the Attorney General's Office. He's an</p> <p>15 attorney there. He will be, as I understand, helping</p> <p>16 out the elections section. He's -- comes from the -- I</p> <p>17 think, the government accountability section of the</p> <p>18 AG's office. So, welcome, Dustin. I think we'll be</p> <p>19 seeing him around for some period of time, if not</p> <p>20 permanently.</p> <p>21 And so, with that, the cost on the ISA came</p> <p>22 down to about \$60,000 this year because -- based on the</p> <p>23 funding that we are providing for positions and the</p> <p>24 hours that we were -- the hours being -- the</p> <p>25 anticipated hours based on last year being less.</p>	<p>10:19:56-10:20:36</p> <p>Page 41</p> <p>1 COMMISSIONER KIMBLE: I have no comments.</p> <p>2 COMMISSIONER CHAN: I'll go ahead and make</p> <p>3 a -- make the motion, then, Mr. Chairman.</p> <p>4 CHAIRMAN PATON: Okay.</p> <p>5 COMMISSIONER CHAN: I'll move that we</p> <p>6 approve the 2020 Interagency Service Agreement with the</p> <p>7 Attorney General's Office.</p> <p>8 CHAIRMAN PATON: Do I have a second?</p> <p>9 COMMISSIONER KIMBLE: Second.</p> <p>10 CHAIRMAN PATON: We have a motion and a</p> <p>11 second. I'll call roll.</p> <p>12 Commissioner Chan?</p> <p>13 COMMISSIONER CHAN: Aye.</p> <p>14 CHAIRMAN PATON: Commissioner Kimble?</p> <p>15 COMMISSIONER KIMBLE: Aye.</p> <p>16 CHAIRMAN PATON: And the Chair votes aye.</p> <p>17 Item VIII: Public comment.</p> <p>18 Do we have anybody that would like to make</p> <p>19 a public comment.</p> <p>20 (No response.)</p> <p>21 CHAIRMAN PATON: I don't see anybody</p> <p>22 leaping up.</p> <p>23 So, Item IV: Motion to adjourn.</p> <p>24 COMMISSIONER CHAN: Mr. Chairman, I move</p> <p>25 that we adjourn the meeting.</p>

10:20:38-10:20:50

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1 COMMISSIONER KIMBLE: Second.
2 CHAIRMAN PATON: We have a motion and a
3 second to adjourn.
4 Commissioner Chan?
5 COMMISSIONER CHAN: Aye.
6 CHAIRMAN PATON: Commissioner Kimble?
7 COMMISSIONER KIMBLE: Aye.
8 CHAIRMAN PATON: And the Chair votes aye,
9 and we are done.
10 We're adjourned.
11 (Whereupon, the proceedings concluded at
12 10:20 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, and by virtue thereof
6 authorized to administer an oath; that the proceedings
7 were taken down by me in shorthand and thereafter
8 transcribed into typewriting under my direction; that
9 the foregoing pages are a full, true, and accurate
10 transcript of all proceedings and testimony had and
11 adduced upon the taking of said proceedings, all done to
12 the best of my skill and ability.

13 I FURTHER CERTIFY that I am in no way
14 related to nor employed by any of the parties thereto
15 nor am I in any way interested in the outcome hereof.

16 DATED at Phoenix, Arizona, this 24th day of
17 January, 2020.

18 
19 _____
20 LILIA MONARREZ, RPR, CR #50699
21
22
23
24
25

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306 (4) 14:19,20;32:2,6				
4				
<p>43 (1) 14:5 481,963 (1) 12:12</p>				
7				
<p>7 (1) 31:21 700 (1) 31:20 702 (6) 31:24;32:23, 24;34:18,23;35:12 704 (1) 31:12 7th (1) 31:10</p>				
8				
80 (2) 18:7,7				

**CITIZENS CLEAN ELECTIONS COMMISSION
EXECUTIVE DIRECTOR REPORT
February 27, 2020**

Announcements:

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

Voter Education:

- At the request of the County Elections Director, Tom and Avery conducted a training for local county candidates in Santa Cruz County on February 20th.
- Debate preparations are underway:
 - The 2020 Primary Debate schedule is available on the CCEC website and candidates were emailed a Save the Date notice.
 - A moderator training was held on February 12th.
- Voter Education Guide preparations are underway:
 - Staff will meet with our printing and mailing vendor and USPS on March 6th for a kick off meeting.
- There are two election dates in March:
 - March 10, 2020 Local Elections (ballot by mail election):
 - City of Douglas (Mayoral & Council)
 - City of Tempe (Mayor & Council)
 - City of Chandler (Prop 426)
 - March 17, 2020 Presidential Preference Election
 - Only the Democratic Party is participating; therefore,
 - Only voters registered with the Democratic Party by February 18th can vote in the PPE.

Community Outreach/Events

- Avery participated in We Care Wednesday at Mesa Community College to register and inform students (2/5/2020)
- Mesa Community College Presentation to Phi Theta Kappa about upcoming elections and how to vote informed (2/6/2020)
- Avery, Tom and Gina attended 2020 AZ Election Law CLE course via webcast (2/7/2020)
- Avery met with the Maryvale Revitalization Corporation to discuss future collaborations (2/10/20)
- Avery, Gina and Alec attended moderator training facilitated by Cap Times
- Avery met with Nelexia Galloway the African American Outreach coordinator of U.S. Representative Gallego's Office to inform her on Clean Elections (2/12/20)
- Avery engaged and informed community members at Eastlake Park during a nightly Basketball function (2/13/20)
- Avery participated in the African American Legislative Council's Youth Day at the Capitol event where I handed out materials and informed the students about civic engagement (2/14/2020)

- Avery attended the Maricopa County Records' Office Presidential Preference Election Townhall and educated the attendees on the Presidential Preference Election (2/15/2020)
- Tom and Avery traveled to Santa Cruz County and presented to local residents a workshop on candidate training (2/20/20)
- Gina and Avery attended Cap Times Morning Scoop where Senators Mesnard, Brophy-McGee and Quezada discussed the state of civic education in our schools (2/25/20)
- Avery will be presenting to Phi Theta Kappa at Red Mountain on How to vote informed and political leadership (2/26/20)
- Avery will be presenting to students at Mesa Community College on How to Vote informed (2/27/20)
- Avery will be attending the African American Conference on Disabilities (2/28/20)

Miscellaneous

- **Outstanding legal matters**
 - Legacy Foundation Action Fund
 - AZAN v. State et. al.
 - Briefing substantially complete, awaiting Oral Argument date.
 - State Ex Rel Brnovich v. Ariz. Board of Regents.
 - Arizona Supreme Court accepted case for review. AG's office and others agree it raises issue of overturning a case known as McFate, which stands for the proposition that the AG is not statutorily authorized to sue state agencies based on free-standing constitutional claim.
 - AG's office and amicus former AG's urge overruling of the case.
 - The Attorney General's Office denied my request for outside counsel to consult on a potential amicus brief. This has never occurred in the Commission's history to my knowledge. See attached.
 - Because case and statute have been unchanged for 60 years, staff believes this is properly a legislative decision.
 - Staff is not recommending an Amicus brief on this matter at this time.
 - Individual commissioners are free to sign onto amicus briefs, if they develop, so long as public resources are not expended. Please consult me or Eryn McCarthy if you have questions.
- **Legislature**
 - HB2054 & HB 2055 raise substantial Voter Protection Act issues. Counsel has been appointed regarding HB2055. Please see letters to House Rules Attorney, Exhibit 1-2.
- **Appointments**
 - outside counsel has been hired and we'll have a report next month
- **Rules**
 - See this agenda.
- Number of Participating Candidates – 54
- Participating Candidates Funded - 5

From: **McCarthy, Eryn** <Eryn.McCarthy@azag.gov>
Date: Tuesday, February 25, 2020
Subject: FW: CCEC questions
To: Thomas Collins <thomas.collins@azcleelections.gov>

Hi Tom, this Office has approved the Commission's two most recent requests for outside counsel for representation directly relating to the Commission's work. Based on your email below, we understand that the Commission may be making a third request for the appointment of outside counsel. To the extent that the Commission makes such a request, it will not be approved. Your email indicates that the proposed request for outside counsel would be for the purpose of preparing and filing an amicus brief in the *State v. ABOR* matter. It would not be appropriate for this Office to approve the expenditure of public monies on behalf of a state agency to insert itself in a matter that does not specifically implicate the agency or the work it is authorized to perform. Accordingly, the Office would not approve such a request, if made, to appoint outside counsel for that matter.

PRIVILEGED AND CONFIDENTIAL- This email and any attachments may contain discussion of matters protected by the Attorney-Client or Work Product Privilege. Dissemination of this document to third parties may break those privileges.

Eryn M. McCarthy
Section Chief Counsel
Agency Counsel Section
Office of the Arizona Attorney General
[2005 North Central Avenue](#)
[Phoenix, Arizona 85004](#)
[Office: 602-542-7723](#)
Facsimile: 602-542-4385

From: Thomas Collins [mailto:thomas.collins@azcleelections.gov]
Sent: Wednesday, February 12, 2020 5:16 AM
To: Karlson, Kara
Subject: : 2 important developments that require legal advice

Kara,

Two items that warrant near term attention.

1) yesterday, the Az Supreme Court granted the attorney general's petition for review in *abor*. The case, as the ag himself he explains, now focuses on his efforts to expand the authority of the AG's office itself to take actions against other state officials and agencies. I have brought the matter to the commission's attention repeatedly. In order to be prepared and not risk missing a deadline I need to know 1) what the deadline for filing a merits amicus brief is and 2) whether the attorney general's office will provide representation to the commission on this matter. Those questions can be answered in either order but the deadline is the most pressing issue, for obvious reasons.

2) the house will advance HB 2055 to the floor today. As the attached memo indicates, the measure is plainly unconstitutional as drafted. In order to be prepared for potential (but likely) litigation there are may be (and I believe there are) steps that need to be taken soon. I need to know if the attorney general's office will provide representation on this bill. It will be on the agenda on 2/28.

To the extent that ago determines it will not provide legal services on these matters, please consider these requests for the appointment of counsel and please implement appropriate screens.

Thanks!
Tom

RE: Request for outside counsel potential amicus brief on State ex rel Brnovich v. ABOR

1 message

Gillilan-Gibson, Kelly <Kelly.Gillilan-Gibson@azag.gov>
To: Thomas Collins <thomas.collins@azcleelections.gov>

Thu, Feb 13, 2020 at 6:21 PM

Thanks Tom.

Kelly Gillilan-Gibson

Unit Chief Counsel



Office of the Attorney General
Agency Counsel Section
2005 N. Central Ave., Phoenix, AZ 85004-1592
Direct: 602-542-8333 | Fax: 602-542-4385
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From: Thomas Collins [mailto:thomas.collins@azcleelections.gov]
Sent: Thursday, February 13, 2020 10:35 AM
To: Gillilan-Gibson, Kelly
Subject: Request for outside counsel potential amicus brief on State ex rel Brnovich v. ABOR

Kelly,

I've been advised the AGO has determined outside counsel is necessary to advise the Commission and draft and file, if necessary, an amicus brief in the above matter. Thank you for that prompt determination. I understand from Ms. Karlson the current filing deadline for such a brief is March 17. The Commission meets once between now and then. It meets Feb. 28. I have no particular recommendation on the attorney for this matter other than they be free of conflict, will to write and file such a brief, and potentially appear in court and on conference calls associated with the case. The person should also have sufficient appellate experience.

Thank you,

Tom Collins

Executive Director

Arizona Citizens Clean Elections Commission



State of Arizona
Citizens Clean Elections Commission

1616 W. Adams - Suite 110 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - www.azcleanelections.gov

January 31, 2020

The Hon. Anthony Kern
Chairman
Rules Committee
Arizona House of Representatives
1700 W. Washington 85007
Phoenix, AZ

Tim Fleming
House Rules Attorney
Arizona House of Representatives
1700 W. Washington 85007
Phoenix, AZ

Dear Mr. Chairman and Mr. Fleming:

The Clean Elections Commission was created by voters to independently administrate and enforce the Citizens Clean Elections Act. HB2054, as drafted, would likely be ruled unconstitutional under the Arizona Constitution's Voter Protection Act. The Constitution prohibits the amendment or superseding of an initiative approved or referendum decided by the people unless the bill receives a three-quarters vote and furthers the purpose of the measure. The bill does not further Clean Elections Act's purpose, even as amended by Proposition 306.

HB 2054 would, among other things, allow

A PERSON [TO] PETITION THE COUNCIL TO REQUEST A REVIEW OF AN EXISTING AGENCY PRACTICE THAT INVOLVES INTERPRETING A RULE ADOPTED BY THE AGENCY, SUBSTANTIVE POLICY STATEMENT OR FINAL RULE OF AN AGENCY ESTABLISHED UNDER TITLE 16, CHAPTER 6 BASED ON THE PERSON'S BELIEF THAT THE EXISTING AGENCY PRACTICE THAT INVOLVES INTERPRETING A RULE ADOPTED BY THE AGENCY, SUBSTANTIVE POLICY STATEMENT OR FINAL RULE

**DOES NOT MEET THE REQUIREMENTS OF CHAPTER 6
OF THIS TITLE, EXCEEDS THE AGENCY'S STATUTORY
AUTHORITY OR VIOLATES THIS STATE'S
CONSTITUTION OR THE UNITED STATES
CONSTITUTION.**

This proposal represents an effort to alter language voters approved or decided that has no support in the Constitution, the Courts' rulings on the Clean Elections Act, or the VPA. The Legislature has already attempted a similar end run around the VPA. Maricopa County Judge David Palmer correctly determined that such efforts, such as infringing on the Commission's enforcement power, violate the Constitution.

Second, nothing in Proposition 306 empowered the legislature to amend the rule-making statutes as they apply to the Clean Elections Commission without complying with the VPA. Rather, Proposition 306 asked voters to remove the Commission's exemption from Chapter 6, article 3 of Title 41, but it also explicitly preserved the Commission's own statutory rule-making authority and processes (even though many of these processes are inconsistent with article 3 of Chapter 6). Nothing in Proposition 306 granted (nor did the Legislative Council description recognize) the legislature new and sweeping powers to rewrite the authority of the Commission or the Governor's Regulatory Review Council with regard to Commission rules, let alone enforcement. Thus, the legislature must still comply with the constitutional mandates of the VPA. Finally, testimony in the House indicated that rather than apply laws that apply to other agencies, this measure is intended to treat Clean Elections as a Title 32 licensing agency—no legislative history and no language in the referendum supports such an extension.

HB 2054 violates constitutional requirements. For these reasons, I urge you to reserve your time and resources for lawful enactments and find that HB2054 is not constitutional and proper for consideration without a Proposition 105 Clause.

Sincerely,
S/Thomas M. Collins

Thomas M. Collins
Executive Director
Arizona Citizens Clean Elections Commission



State of Arizona
Citizens Clean Elections Commission

1616 W. Adams - Suite 110 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - www.azcanelections.gov

February 7, 2020

The Hon. Anthony Kern
Chairman
Rules Committee
Arizona House of Representatives
1700 W. Washington 85007
Phoenix, AZ

Tim Fleming
House Rules Attorney
Arizona House of Representatives
1700 W. Washington 85007
Phoenix, AZ

Dear Mr. Chairman and Mr. Fleming:

I am writing to express deep concern that House Bill 2055, as amended by a Strike Everything Amendment (Striker) in the House Judiciary Committee, is not constitutional and proper for consideration. The proposed measure raises serious legal issues under the Arizona Constitution's Voter Protection Act.

Although we have a scheduled meeting with the bill's Sponsor for the week of February 10, I wanted to bring these concerns to your attention as soon as practicable.

1. The Striker requires a Prop 105 Clause.

The Arizona Constitution's Voter Protection Act (VPA) bars the legislature from amending, superseding, or diverting funds from, an initiative or referendum passed by voters unless a 3/4ths affirmative vote of each house is obtained and the measure furthers the purpose of the initiative or referendum. Ariz. Const. Art. IV, Pt. 1, § 1(6); *accord* Ariz. Legislative Council, The Arizona Legislative Bill

Drafting Manual 2019-20 at 42 (“Proposition 105 applies to all legislation enacted by initiative or referendum beginning with the 1998 general election.”).

Arizona voters passed the Clean Elections Act in 1998. In passing the Act, the voters created the Clean Elections Surcharge applied to criminal and civil fines that are authorized by law. A.R.S. §§ 12-116.01; 16-954(A). The revenue from the surcharge is deposited in the Clean Elections Fund and appropriated for the enforcement and administration of the Clean Elections Act. *Rios v. Symington*, 172 Ariz. 3, 7 (1992) (“This statute creates an appropriation because: (1) it sets aside a certain sum of money (surcharges on licenses and certificates of authority); (2) for a specified object . . .; and (3) creates an authority to spend. . .”).

The Striker clearly requires a Proposition 105 Clause because it amends, supersedes, or diverts the Surcharge created and appropriated by the voters. First, the Striker seeks to amend, supersede or divert the Surcharge by its terms. Under the Striker, all laws related to the administration of surcharges are “notwithstanding,” meaning the Striker proposes an exception to existing law. Bill Drafting Manual at 49 (“To state an exception to existing law, the drafter may introduce language with “NOTWITHSTANDING ANY OTHER LAW,” “NOTWITHSTANDING ANY LAW TO THE CONTRARY,” “NOTWITHSTANDING ANY STATUTE TO THE CONTRARY,” or “NOTWITHSTANDING ANY OTHER STATUTE,”. . . .”). Thus, by its terms, the Striker seeks to amend, supersede or divert the Surcharge by creating an exception to the Clean Elections Act itself.

Second, by displacing the voters’ appropriation, the Striker seeks to amend, supersede or divert funding from Clean Elections Act purposes. It does so by defining those financial obligations that accompany civil penalties as a revenue obligation that may be waived in return for community restitution up to 100 percent of the value of the obligation. Striker at 1 Ins. 8-14. Accordingly, as a matter of law, the proposal seeks to amend, supersede, or divert the Surcharge by allowing a person to avoid paying the Surcharge all together, and, at a minimum, paying no more than half of it. *Ariz. Early Childhood Dev. & Health Bd. v. Brewer*, 221 Ariz. 467, 469 ¶ 6 (2009) (“The Voter Protection Act, added to the Arizona Constitution by voters in 1998, limits the legislature’s authority” to change initiatives and referenda); *Cave Creek v. Ducey*, 233 Ariz. 1, 7, ¶ 24 (2013) (“The VPA itself does not define the words “repeal,” “amend,” or “supersede” in Article 4, Part 1, Section 1 of the Arizona Constitution. But we have recognized that a statute can be implicitly repealed or amended . . .”).

Finally, the legislature cannot avoid the plain meaning of the VPA by attempting to delegate decision-making to a judicial officer. *See Rios*, 172 Ariz. at 9 (noting that the legislature may not evade the state constitution's appropriations and veto process by doing something indirectly it may not do directly).

The legal concerns here (though not all of the concerns raised by the measure) at a minimum, require a Proposition 105 clause on HB2055.

2. The Striker does not further the purpose of the Clean Elections Act.

Additionally, the Striker does not further the purpose of the Clean Elections Act. *Ariz. Early Childhood Dev. & Health Bd. v. Brewer*, 221 Ariz. at 472 ¶ 18 (2009) (holding that sweeping interest from the First Things First Board's account did not further the purpose of the Early Childhood Initiative). First, the sine qua non of *not* furthering the purpose of an underlying initiative is to ignore it—which the Striker does expressly by “notwithstanding” the Clean Elections Act. Second, the amendment seeks to amend, divert or supersede the Clean Elections Act Surcharge in precisely the same way disallowed by our Supreme Court—namely taking the revenue away from the purposes of the underlying initiative.

In sum, the HB2055 Striker requires a Prop. 105 Clause, but does not, as a matter of law, further the purposes of the Clean Elections Act.

Thank you for your consideration of these comments.

Sincerely,
S/Thomas M. Collins

Thomas M. Collins
Executive Director
Arizona Citizens Clean Elections Commission

Bill:	Sponsor:	Assigned to:	What it does:	Effect on CCEC:	Status:
HB2236: deferred prosecution program; definition	Rep. John Allen (R)	Judiciary, Rules	Would allow the county attorney to allow those who have been convicted of previous crimes along with drug possession and paraphernalia charges to be allowed to participate in diversion and defer programs.	May allow others who would normally pay a fine, participate in a deferred prosecution program.	Passed Judiciary 10-0, Passed Rules 8-0.
HB2028: candidate signs; prohibition; primary	Rep. John Fillmore (R)	Elections, Rules	Extends the period in which mailers and campaign signage can be posted up to 120 days before an election.	n/a	Passed Elections 8-1, Passed Rules 8-0.
HB2043: voter identification; school ID cards	Rep. Kelly Townsend (R)	Elections, Rules	Restricts secondary ID's that can be used at the polls, no more: utility bills; bank or credit union statements; vehicle registration; vehicle insurance card; and property tax statements. Also prohibits use of high school, college, or university as acceptable ID for elections.	Limits voter access, would require an update to educational material and website.	No action.
HB2054: GRRC; petition to request review	Rep. Leo Biasiucci (R)	Regulatory Affairs, Rules	Allows a person to petition GRRC to review an agency's rule or interpretation of a rule of an agency established under Title 16, Chapter 6.	Would allow anyone to request GGRC to review Clean Elections adopted rules, policy statements, or final rules.	Passed Regulatory Affairs 4-3, Passed Rules 5-3, Passed Floor 31-28, Transmitted to Senate.

HB2055: civil traffic violation; community restitution	Rep. Leo Biasiucci (R)	Judiciary, Rules	Amended: If a monetary obligation is imposed on a person at sentencing, the court may order the person to perform community restitution in lieu of the payment. The court shall credit any community restitution at \$10 per hour.	Could have a major impact on funding.	Passed Judiciary 6-4, Passed Rules 5-3, Passed House 33-27, Transmitted to Senate.
HB2070: prearrest diversion programs; civil citation	Rep. Walt Blackman (R)	n/a	Officer may issue a civil citation to someone with previous offenses as a prearrest diversion tactic.	May actually increase funding?	No Action.
HB2109: unification; consolidation; notice; ballot language	Rep. Michelle Udall (R)	Elections, Rules	When forming a new school district, notice of the proposed vote must be posted in 3 separate locations.	n/a	Passed Education 12-0, Passed Rules 8-0, Passed House 59-0, Transmitted to Senate.
HB2121: election pamphlet submittals; identification required	Rep. John Kavanagh (R)	Elections, Rules	For school elections (overrides, special elections, bonds), anybody submitting an argument for/against must to signed and notarized.	n/a	Passed Elections 6-4, Passed Rules 8-0, Passed House 60-0, Transmitted to Senate.
HB2137: polling places; law enforcement officers	Rep. Jay Lawrence (R)	n/a	Requires a peace officer be stationed at all polling stations/vote centers for both the primary and general election.	n/a	No action.
HB2233: court rules; signatures; court documents	Rep. John Allen (R)	Judiciary, Rules	Gives Supreme Court ability to adopt rules that govern signatures on court documents.	n/a	Passed Judiciary 10-0, Passed Rules 8-0, Passed House 60-0, Transmitted to Senate.

HB2268: election complaints; attorney general	Rep. Kelly Townsend (R)	Elections, Rules	Allows individuals to that believe an election irregularity or unlawful act has occurred to submit a complaint to the attorney general.	n/a	Passed Elections 6-4, Passed Rules 8-0.
HB2272: postelection equipment testing	Rep. Bob Thorpe (R)	Elections, Rules	Would require an additional round of logic and accuracy testing to be done on ballot equipment after ballot tabulation but prior to certification.	n/a	Passed Elections 5-4.
HB2304: federal only ballots; paper; tabulation	Rep. Kelly Townsend (R)	Elections, Rules	Federal ballots would be printed on a different color paper and labeled. Tabulation and retention of federal ballots would be separate from other elections.	n/a	Passed Elections 5-3.
HB2306: elections; counting center; electronic adjudication	Rep. Kelly Townsend (R)	Elections, Rules	Appoint an electronic vote adjudication board to oversee the process, keep records, and make decisions.	n/a	Passed Elections 10-0, Passed Rules 7-0.
HB2308: judges; election; technical correction	Rep. Kelly Townsend (R)	n/a	Technical correction.	n/a	No action.
HB2343: early voting; identification required	Rep. John Fillmore (R)	Elections, Rules	Allows a voter to drop off an early ballot at an early voting location and/or vote center. Early voter would be required to print name on early voting log and provide ID pursuant to 16-579.	Update information on website.	Passed Elections 6-4.
HB2364: election law amendment	Rep. Kelly Townsend (R)	Elections, Rules	Several changes to county processes and general clean up. Would extend early voting through the weekend to a Monday instead of ending on the Friday before the weekend.	May be a slight additional cost to extend early voting marketing for an extra 2 days. Changes to the website to reflect early voting extension.	Passed Elections 10-0.

HB2461: voter registration; temporary residency	Rep. Bob Thorpe (R)	Elections, Rules	Dormitory address or other temporary college/university address, or an address where an individual does not intend to stay for 12 months may not be used for determining residency when registering to vote.	Update to website information.	No action.
HB2487: appropriation; election equipment	Rep. Charlene Fernandez (D)	n/a	Appropriate \$20,000,000 for 2020-2021 to S.O.S. to provide grants to county recorder's office for election equipment.	n/a	No action.
HB2503: campaign finance; corporate recipients; registration	Rep. Athena Salman (D)	n/a	A corporation, limited liability company or labor organization that contributes over \$5,000 for statewide, \$2,500 for legislative, \$1000 for county, city, or town election must register and notify the appropriate filing officer for public viewing.	n/a	No action.
HB2527: initiative; referendum signatures; electronic submittal	Rep. Amish Shah (D)	Elections, Rules	S.O.S. shall provide a system for electors to sign initiative and referendum petitions through an online portal.	n/a	No action.
HB2560: sentencing; mitigation; monetary obligations; fines	Rep. Kirsten Engel (D)	Judiciary, Rules	Judges are authorized to mitigate a mandatory fine if a defendant demonstrates that the payment would work a hardship on the defendant or on the defendant's immediate family. Would allow for community restitution in lieu of the payment.	n/a	No action.
HB2619: election boards; marshal training	Rep. John Fillmore (R)	Elections, Rules	Election marshals shall receive additional training from the attorney general.	n/a	Passed Elections 6-4.
HB2647: federal form registrations; reregistration	Rep. Kelly Townsend (R)	Elections, Rules	Provide and notify those registered as federal only voters the opportunity to provide citizenship in order to be registered as a state voter.	n/a	No action.

HB2718: out-of-state contributions; prohibition	Rep. Bob Thorpe (R)	n/a	Residents of another state or whose corporate/organizational domicile, or residence is in another state cannot donate to any committee, person, or candidate for office.	Would require rule changes.	No action.
HB2776: publicity pamphlet; submittal dates	Rep. Shawwna Bolick (R)	Elections, Rules	Deadline for Leg. Council to provide analysis of provisions of each ballot proposal in the publicity pamphlet is moved to 30 days preceding from 60, deadline for someone to submit a position statement is no 27 days preceding from 48.	n/a	Passed Elections 9-0
HB2801: automatic voter registration; same day	Rep. Raquel Teran (D)	n/a	Allows registration up to and on election day.	Update to information.	No action.
HB2805: Arizona election process study committee	Rep. Mark Finchem (R)	Elections, Rules	Establishes a 7-member Arizona Election Process Study committee to review a list of issues relating to elections, including ballot tabulation and voter suppression claims. Required to submit report to the Governor and Legislature.	n/a	Passed Elections 6-4.
HB2815: campaign finance; public service corporations	Rep. Kirsten Engel (D)	n/a	A public service corporation or an affiliate or a principal of a public service corporation or its affiliate are prohibited from contributing directly or indirectly to a Corporation Commission candidate or candidate committee.	n/a	No action.

HB2827: elections; tabulation review; logs	Rep. Mark Finchem (R)	Elections, Rules	Requires the county recorder to conduct a hand count if the number of ballots cast in any precinct exceeds the number of registered voters in the precinct.	n/a	Passed Elections 6-4.
HCR2032: initiatives; single subject; title	Rep. Anthony Kern (R)	Elections, Rules	The 2020 general election ballot is to carry the question of whether to amend the state Constitution to require every initiative measure to cover only a single subject.	n/a	Passed Elections 6-4.
HCR2046: initiatives; referendums; reauthorization	Rep. Rusty Bowers (R)		Provides the reauthorization of statewide initiative and referendum measures and amends the Constitution to make such measures to be reauthorized every 10 years.	Would put Clean acts act on the ballot in 2028.	Passed Elections 6-4.
SB1014: election procedures manual; rulemaking; GRRC	Sen. Michelle Ugenti-Rita (R)	Judiciary, Rules	S.O.S. must have their procedures manual approved by GRRC.	n/a	No action.
SB1014: election procedures manual; rulemaking; GRRC	Sen. Ugenti-Rita (R)	Judiciary, Rules	Elections manual to be approve by GRRC instead of the Governor and Attorney General.	n/a	
SB1020: ballot measures; proposition 105; disclosure	Sen. Michelle Ugenti-Rita (R)	Judiciary, Rules	Would require that all ballots with a statutory measure have a disclosure of Prop 105.	n/a	Passed Commerce 4-3, Passed COW 17-13.

SB1032: early voting; signature required, notice	Sen. Michelle Ugenti-Rita (R)	Judiciary, Rules	A ballot without a signature will not be counted and that an elector would not be able to add their signature post-receipt of the envelope.	Update to website.	Passed Judiciary 4-3, Passed Senate Floor 17-13.
SB1067: voting rights; felonies; automatic restoration	Sen. Martin Quezada (D)	Judiciary, Rules	Voting rights will be automatically restored on a person discharge from probation or absolute discharge from imprisonment.	n/a	No action.
SB1068: election and ethics; commission; duties	Sen. Martin Quezada (D)	Judiciary, Rules	Creates a commission that shall succeed to the duties of the Secretary of State in regards to Title 16, Chapter 6 (all but Article 2) with respect to acting as the investigatory, compliance, and enforcement officer.	Would work with this elections and ethics commission on enforcement issues.	No action.
SB1077: countywide elections; vote by mail	Sen. Sean Bowie (D)	Judiciary, Rules	Counties may conduct a mail in ballot election for every election within that county's jurisdiction only after a vote of approval by a County Board of Supervisors and if 60% of the electorate is on the PEVL.	n/a	No action.
SB1092: early ballot delivery; identification; attestation	Sen. Michelle Ugenti-Rita (R)	Judiciary, Rules	Vote/Emergency vote centers must adhere to identification laws set up in 16-548. If dropping off someone else's ballot, the voter must attest in writing that they are a family member, caregiver, or household member.	Update to voter information on website.	No action.

SB1211: administrative rules; expiration; legislative extension	Sen. Vince Leach (R)	Government, Rules	Eliminates all administrative rules expire July 1, 2022, and all rules in the future shall expire yearly	Would require the Commission to extend its rules through the standard rulemaking process, and beginning July 1, 2023 the AAC would get repealed each year unless extended by the Legislature for up to one year.	Passed Government 4-3.
SB1257: presidential candidates; electors; tax returns	Sen. Juan Mendez (D)	Judiciary, Rules	To be on the ballot a candidate for president must submit a copy of their state and federal tax returns for the past 5 years.	n/a	No action.
SB1300: mobile polling places; compliance	Sen. Vince Leach (R)	Judiciary, Rules	Requires mobile polling stations to comply with all requirements that apply to polling places, including providing access to political party observers.	n/a	Passed Judiciary 7-0, Passed Floor 30-0, Transmitted to House.
SB1342: elections; polling places; standards	Sen. Martin Quezada (D)	Judiciary, Rules	S.O.S. and County Recorder's must meet once a year to set goals and plan to increase safety, access, and reduce lines at polling locations.	n/a	No action.
SB1419: election observers; access	Sen. David Farnsworth (R)	Judiciary, Rules	Election observers may also; observe all stages of the election, ask questions and document observations, and must register by 10:00 a.m. the day before with the election officer.	n/a	No action.
SB1420: election boards; training; marshals; duties	Sen. David Farnsworth (R)	Judiciary, Rules	Election marshals shall receive additional training from the attorney general. (HB2619)	n/a	No action.

SB1434: recall petitions and elections; revisions	Sen. David Gowan (R)	Judiciary, Rules	Must also submit an electronic petition. Stricter requirements for petition circulators.	n/a	Passed Judiciary 5-2, Passed Senate floor 17-13, Transmitted to House.
SB1452: restoration; voting rights; website notification	Sen. Tony Navarrete (D)	Judiciary, Rules	Establish and maintain a hyperlink to S.O.S. website describing voting rights restoration on probation department website.	n/a	No action.
SB1481: campaign finance; public service corporations	Sen. Juan Mendez (D)	Judiciary, Rules	Prevents a utility company such as APS from donating to a Corp Comm. Candidate.	Would require rule change for Corp Comm candidates.	No action.
SB1520: coordinated party expenditures; contributions	Sen. Ugenti-Rita (R)	Judiciary, Rules	Removes the political party exemption regarding contributions to nominees. Parties would no longer be able to spend money on candidates.	Would require an update to existing rules and literature.	No action.
SB1532: presidential preference election; independent voters	Sen. Martin Quezada (D)	Judiciary, Rules	Would allow independent voters to choose their ballot in a PPE similar to how it is done in the primary.	Change in messaging.	No action.
SB1533: early ballot collection; limitations; repeal	Sen. Martin Quezada (D)	Judiciary, Rules	Removes limitation on early ballot collection.	n/a	No action.
SB1534: registration; voting; jails; confinement	Sen. Martin Quezada (D)	Judiciary, Rules	Anyone eligible to register to vote who is in the custody of the state department of corrections or county jail shall be provided the opportunity to register and receive an early ballot. The county recorder must also setup a vote center at a county jail in a county with a population greater than 300,000.	n/a	No action.
SB1561: voting rights; felonies; automatic restoration	Sen. Sally Ann Gonzales (D)	Judiciary, Rules	At the time of sentencing, a person must be notified that their voting rights shall be restored upon completion of sentence or probation.	n/a	No action.

SB1610: voter registration; same day	Sen. Martin Quezada (D)	Judiciary, Rules	A person who is qualified to register to vote may register in the 28 days preceding the election, may register on election day by appearing at a polling place. Registering this way would restrict the voter to a provisional ballot and to vote only in federal offices, presidential races, state and countywide offices and the legislature but does not qualify to vote in a partisan primary election.	Change in educational material.	No action.
SB1611: automatic voter registration; same day	Sen. Martin Quezada (D)	Judiciary, Rules	Includes language from 1610. Adds automatic voter registration upon applying for a driver license or renewal, nonoperating license or renewal shall be registered to vote on completion of the application unless the voter chooses to opt out.	Change in educational material.	No action.
SB1612: early voting locations; operation	Sen. Martin Quezada (D)	Judiciary, Rules	Would allow the county recorder or other officer in charge of elections make changes to early vote centers and continue to operate them during the 3 days preceding the election, except on-site early voting would end.	n/a	No action.
SB1613: campaign finance; repeal; reenactment	Sen. Lela Alston (D)	Judiciary, Rules	Complete campaign finance overhaul. Would require a line by line comparison to determine all the changes.	Would require a line by line comparison to determine all the changes.	No action.

2019 ANNUAL REPORT



**WE THE
VOTERS**
OUR IMPACT ON 2020



C i t i z e n s C l e a n E l e c t i o n s C o m m i s s i o n

2019 ANNUAL REPORT

Presented By The Citizens Clean Elections Commission

The Annual Report will be submitted to the Governor, the President of the Arizona State Senate and the Speaker of the Arizona State House of Representatives. This report will be made available online at www.azcleanelections.gov.

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Douglas A. Ducey
Governor

Thomas M. Collins
Executive Director



Galen D. Paton
Chair

Damien R. Meyer
Mark Kimble
Steve M. Titla
Amy B. Chan
Commissioners

State of Arizona
Citizens Clean Elections Commission

1616 W. Adams - Suite 110 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - www.azcleanelections.gov

February 27, 2020

The Honorable Doug Ducey
Governor of the State of Arizona
1700 West Washington
Phoenix, AZ 85007

Dear Governor Ducey:

The Citizens Clean Elections Commission is pleased to submit for your information the 2019 Annual Report, pursuant to Arizona Revised Statutes §16-956(A)(5). The Annual Report describes the activities performed by the Commission in the last calendar year.

In 1998, the voters of Arizona passed the Citizens Clean Elections Act. 21 years later, the Commission continues its commitment of upholding the letter and spirit of the Act. The Commission accomplished its goals set forth and looks forward to the same success in 2020.

Respectfully,

Galen D. Paton, Chairman
Citizens Clean Elections Commission

Voter & Public Education

The Commission provided information to the public regarding participation in the political process and the functions and purposes of the Clean Elections Act. This was accomplished through education campaigns throughout the four local election dates in 2019, along with grassroots and social media outreach. The Commission consistently provides election information on how, where and when to vote.

The Commission's education and outreach efforts for 2019 included:

- We the Voters Conference
- Take Flight Campaign Evolution
- Election Information Web Pages
- Grassroots Outreach
- Candidate Training
- Website & Social Media

Voter Education Budget

The Commission spends 10% of the expenditure cap on voter education in accordance with its statutory requirements. See page 9 of this report for more financial information.

We the Voters Conference

2019's We the Voters conference was held in order to educate voters on how to participate in the 2020 elections. Topics included an overview of the statewide elections, what will be on the ballot, how the media plays a part in elections, how to participate and so much more. The conference was a kick off to educating Arizona voters on the impact they will have this upcoming election year. The Citizens Clean Elections Commission is the non-partisan voter education resource in the state and promotes participation in the political process.



Election Information

Prior to each election, the Commission reaches out to all 15 counties within Arizona to identify what jurisdictions are having an election. The Commission updates its website with information on each election, highlighting key deadlines, how to get your ballot and more. This creates a one stop shop for voters to obtain all of their necessary voting information. The Commission informs voters on how to access this information through a comprehensive outreach campaign. It's worth noting that the November 5, 2019 election was particularly eventful with 12 of the 15 counties conducting an election. The Commission received positive feedback from the Arizona Association of School Business Officials (AASBO) regarding this effort and AASBO was able to share these detail pages with their mailing list, which contains around 3,900 readers!

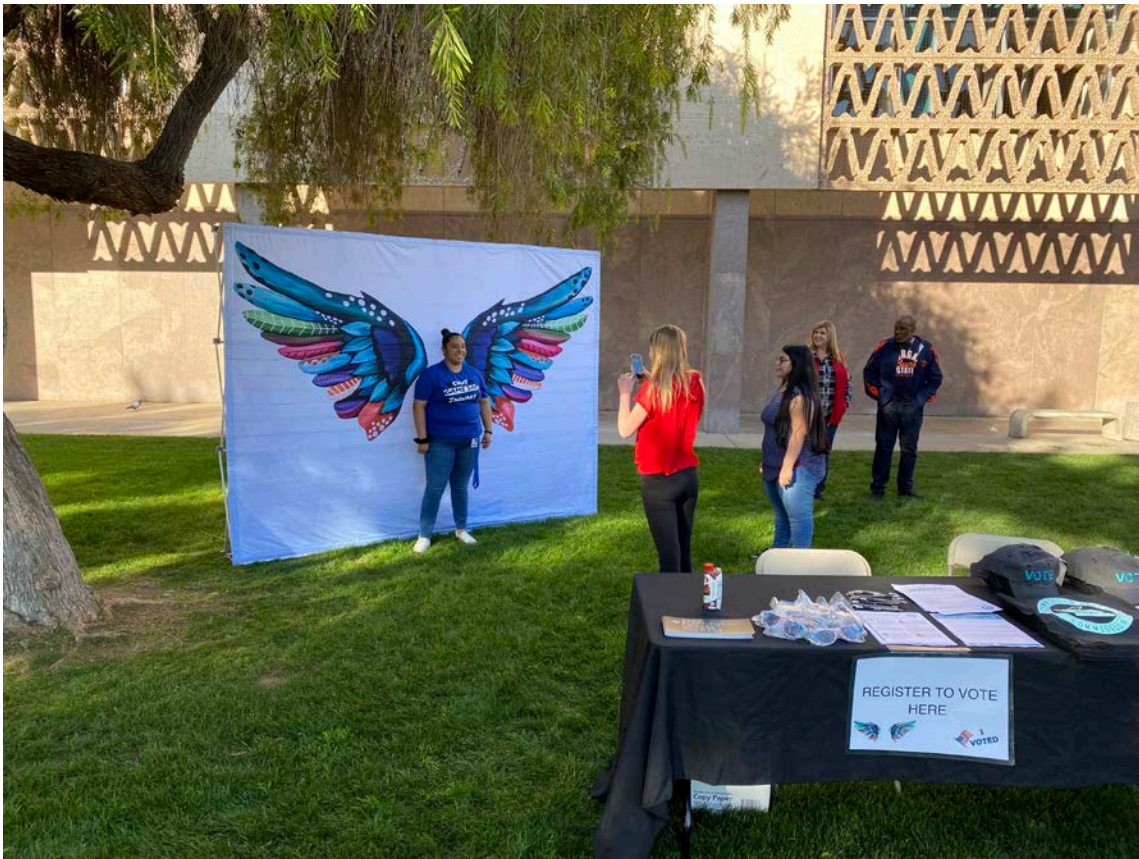
The Commission supplements these election information web pages with voter education tools, such as videos and infographics. For example the Commission developed a video explaining bond and override elections.

WHAT ARE BOND AND OVERRIDE QUESTIONS?



Take Flight Campaign

In 2018, the Commission launched a successful youth voter outreach campaign, “18 in 2018”. The focal point of the campaign was an original mural located on Roosevelt Row. This outreach effort evolved into our “Take Flight” campaign, which encourages younger voters to activate their political power and register to vote. Through the use of a QR code the mural of wings animate. Potential voters are given a prompt to register to vote and 1,435 users registered at the Take Flight mural in 2019! A mobile “Pop-Up” version of the wings were created to take to outreach events (pictured below).



Achievements: PR WEEK



The Commission's 18in2018 campaign was a national award from PR Week for Best in Public Sector. CCEC was among a prominent group of nominees including the Centers for Disease Control and Prevention, Procter & Gamble and Covered California a campaign by 70-year old agency Ogilvy.

The campaign used "amazing creativity to bring a focused message to a target audience and make an impact," said one judge. Not only did it inspire young people to vote and encourage those not registered to do so, it also increased the commission's visibility and credibility, particularly with a young audience.



Grassroots Outreach

In an ongoing effort to increase outreach to Arizona Voters, the Commission participated in many events over the course of 2019. Some outings included National Voter Registration Day and Registration Drives across the county where the Commission helped register voters and inform them on how to vote and stay up to date on local, state and federal elections. We also partnered with Pinal County Recorder's Office to introduce Arizona's first Mobile Voter Outreach van. The van will help reach voters in rural parts of the county, host early voting events, register voters and more.

Snapshot of Outreach Events



- Native Vote Strategy Session (May 31)
- Maryvale YMCA Registration Drive (Sept.19)
- National Voter Registration Day (Sept. 24)
- YMCA Spooktacular member Potluck and Voter Education (Oct. 23)
- Linda Abril Academy High School Open House (Oct. 30)
- Collaboration with Mesa Community College's Civic Action Team (Fall 2019)
- Central Arizona College Presentation (Nov. 14 & 18)
- Ft. McDowell Orme Dam Victory Days (Nov. 15,16 and 17)
- 6th Annual Giving Thanks By Giving Event at Eastlake Park (Nov. 23)
- Urban Connections Interview #347 (Nov. 30)

Clean Elections

Training & Guides

Education is a core component of the Commission. In 2019, the Commission continued to provide information to interested groups and potential candidates through speaking engagements, training workshops, as well as through publications on our enhanced agency website. Each election cycle the Commission develops a guide to assist participating candidates as they navigate the political campaign process and to inform non-participating candidates, and other groups involved in elections, about the Clean Elections Act and rules. The guide covers important topics such as requirements of the Clean Elections Act and Rules, filing and reporting deadlines, how to become a Clean Elections participating candidate, and how to qualify for funding.






Participating candidates are required to attend one Clean Elections Candidate Training Workshop during the election cycle. The workshops are open to the public and designed to provide information to prospective candidates, or those who are assisting participating candidates, about the requirements of the Clean Elections Act.

Website & Social Media

The Commission had an increase in its engagement with voters online. Utilizing social media channels has allowed the Commission to instantly connect with voters on timely and important election related issues. Voters and candidates alike can follow the Commission on social media for more information about elections and running for office.

Social media sites such as Twitter, YouTube and Facebook were utilized and the chart below displays the amount of followers/likes throughout the previous years. Even years represent statewide election years.

Social Media Traffic:

	2016	2017	2018	2019
	33,119 Likes	33,451 Likes	35,098 Likes	34,492 Likes
	1,270 Followers	1,427 Followers	1,699 Followers	1,860 Followers
	536,000+ Views	596,000+ Views	990,541+ Views	3,307 Views

**These totals reflect the number of views within that calendar year exclusively.

Website Traffic:

Year	Sessions	Users	% of New Users	Page Views
2019	194,338	165,171	90.4%	356,231
2018	1,012,202	676,846	81.9%	1,909,600
2017	68,687	55,937	90.8%	101,525
2016	382,013	304,543	79.54%	646,840

Financial Information

Revenue Sources

Citizens Clean Elections Commission revenue comes from the following sources:

- 10% surcharge on all civil penalties and criminal fines
- Civil penalties paid by candidates.
- \$5 qualifying contributions collected from participating candidates.

CY 2019** Revenues

Court Assessments	\$6,937,212
Commission Assessments	\$10,782
\$5 Tax Check-off (late tax filings)*	\$0
Miscellaneous	\$26,564
\$5 Qualifying Contributions	\$0

Controls on Spending

The Commission's total expenditures cannot exceed seven times the number of Arizona resident personal income tax returns filed during the previous calendar year. Up to 10% of the total expenditure cap for administration and enforcement purposes may be used. The Commission may make public education paid media expenditures up to 10% of the total expenditure cap as well. (A.R.S. §16-949) The 2019 expenditure caps were as follows:

- Total Expenditure Cap: \$20,932,604
- Administration & Enforcement Cap: \$2,093,260
- Public Education Expenditure Cap: \$2,093,260

Clean Elections is funded by voluntary contributions and surcharges on criminal penalties and violations, such as traffic tickets.

Not a single dollar of Clean Elections funding comes from the State's General Fund.

Rather than taking money from taxpayers, Clean Elections has donated \$74 million to the State's General Fund since its inception through 2016.

The removal of the \$5 check-off box on Arizona state income tax return forms and dollar-for-dollar tax credits caused a decrease in revenue to the Clean Elections Fund, and as a result the Commission was unable to transfer excess monies to the General Fund in 2019.

*Previously, Arizona citizens could contribute voluntarily through a \$5 check-off box on Arizona state income tax return forms and through dollar for dollar tax credits. This portion of the Act was removed in 2012; however, late tax filers may still contribute.

**The Clean Elections Commission operates on a calendar year budget rather than the State's fiscal year budget.

Enforcement, Audits & Litigation

The Commission enforces the Citizens Clean Elections Act and Commission rules which are a part of the Arizona Administrative Code. The Act and Commission rules contain specific campaign finance provisions and limitations.

Commission staff monitor campaign finance reports to ensure campaign spending occurs as specified by the Act and Rules. The Commission has the authority to subpoena witnesses, take evidence, and require, by subpoena, the production of any books, papers, records or other material relevant to an enforcement matter.

Potential penalties for violations of the Act range from monetary penalties, the disqualification of a candidate or forfeiture of office. Most enforcement matters are settled amicably.

The Commission also conducts audits to ensure compliance with the Act and Commission rules. The audits are completed by an independent auditing agency. Candidate audits are conducted during election years after the Commission has disbursed funds to qualified candidates.

In 2019, the Commission did not conduct any audits. All participating candidates will be audited during the 2020 election cycle.

Enforcement

The Commission acts on both external and internally filed complaints.

During 2019, the Commission resolved 3 complaints arising from the 2018 election cycle.

Rulemaking & Legislation

Commission Rulemaking Authority

In accordance with A.R.S. §16-956(C), the Commission may adopt rules to carry out the purposes of the Citizens Clean Elections Act. In 2019, the Commission began implementing Proposition 306.

The Commission proposes and adopts rules in public meetings, with at least sixty days allowed for interested parties to comment after the rules are proposed. After consideration of the comments received in the sixty day comment period, the Commission may adopt the rule in an open meeting.

The Commission diligently makes changes to its rules and procedures to address concerns and improve the functions of the program. Rules adopted by the Commission are not effective until January 1 in the year following the adoption of the rule. However, rules adopted by unanimous vote may be immediately effective and are enforceable.

In 2019, the Commission amended the following rules:

A.A.C. R2-20-104(E)

A.A.C. R2-20-113(A)

A.A.C. R2-20-702(B)

A.A.C. R2-20-704(A)

Vision Statement

Through the successful implementation of the Arizona Citizens Clean Elections Act, the Commission seeks to improve the integrity of Arizona state government and promote public confidence in the Arizona political process.

2019 Legislation



The Commission adopted the following legislative principles and priorities in an effort to improve the Act and Commission procedures:

Oppose efforts to defund, eliminate or limit the Citizens Clean Elections Act and/or the Commission. Over several sessions, members of the legislature have proposed measures that seek to defund, limit, or eliminate the authority of the Act or the Commission itself. The Commission has historically opposed these efforts on the grounds that they are typically poorly constructed, misleading, or otherwise ill-considered. The Commission works to maintain the letter and spirit of the law and supports efforts that further the purpose of the Act. Specifically the Commission opposes the following:

- **Amending, superseding the Clean Elections Act and/or diverting funds from the Clean Elections fund without furthering the purpose of the act or the required supermajority vote.**
- **Attempts to limit the power the Commission has to enforce the Act**

Additionally, the Commission monitors proposed legislation regarding current campaign and elections laws and supports election law reforms. Elections issues continue to percolate through both the political and legal process. The Commission continues to support reforms including improving the public financing program; improving the campaign finance code to ensure that voters are receiving information about the identity and contributions of campaign contributors and expenditures, including independent expenditures; ensuring that changes improve the State's anti-corruption, anti-circumvention and informational interests, the Clean Elections Act and the Commission's independence; and improving voter access to information, voter involvement and voting.

2019 Legislation

Support improvements to voter education and access. The Commission continues to support efforts to enhance voter education and participation through legislation that advances the anti-corruption and public participation values that undergird the Act.

Looking Forward to 2020

Here is a preview of what the Commission is looking forward to in 2020:

2020 Education Plan

The Commission will continue its voter education efforts in 2020 by offering voters a comprehensive education plan that focuses on how to participate in the electoral process and voting informed. The Commission will offer voters the following education tools in 2020:

- Voter Education Guide
- Candidate Debates
- Candidate Compass
- Take Flight Campaign
- ID at the Polls Tool
- Voter Dashboard
- Website Content
- Mobile App



2020 Education Plan Preview

2020 will be a presidential election year and therefore Arizona will conduct it's Presidential Preference Election in addition to it's regular primary and general. The Commission will develop and host detailed information pertaining to all of these elections to better assist the electorate!

2020 Election Cycle ~ Candidate Information

Candidates may begin collecting \$5 qualifying contributions on August 1, 2019, the start of the qualifying period. Candidates must collect a minimum number of qualifying contributions, as referenced below;

Corporation Commission	Legislature
1,500	200

Commissioners & Staff

Commissioners*

Chairman Mark Kimble (I)
Pima County, AZ
Appointed 2015

Damien R. Meyer (D)
Maricopa County, AZ
Appointed 2015

Steve M. Titla (D)
Gila County, AZ
Appointed 2013

Galen D. Paton (R)
Pima County, AZ
Appointed 2016

Amy B. Chan (R)
Maricopa County, AZ
Appointed 2017

Commission Staff

Thomas M. Collins, Executive Director
Paula Thomas, Executive Officer
Mike Becker, Policy Director
Gina Roberts, Voter Education Director
Alec Shaffer, Web Content Manager
Avery Oliver, Voter Education Specialist
Julian Arndt, Executive Support Specialist

Commission Structure & Mission

The Citizens Clean Elections Commission was established by the enactment of the Citizens Clean Elections Act, A.R.S., Title 16, Chapter 6, Article 2. In addition to administering the provisions of Article 2, the Commission promulgates rules and enforces A.R.S. §§ 16-940 through 16-961.

The Commission's mission is to fairly, faithfully and fully implement and administer the Citizens Clean Elections Act.

The Citizens Clean Elections Commission consists of five members. All members must be registered to vote in the State of Arizona. No more than two members of the commission may be members of the same political party. No more than two members of the commission may be residents of the same county.

*Commissioners listed are for the 2019 calendar year.

Commissioner Biographies

Mark Kimble – Independent – Pima County

Senate Democratic Leader Katie Hobbs appointed Mark Kimble, an Independent, to the Citizens Clean Elections Commission in July 2015. Mark was a longtime journalist in Southern Arizona. After graduating from the University of Arizona with a bachelor's degree in journalism, Mark worked for the Associated Press and then for the Tucson Citizen newspaper. During a 35-year career at the Citizen, he was a reporter, city editor, assistant managing editor and associate editor-columnist in charge of the editorial page. When the Citizen closed in 2009, Mark went to work as senior press advisor and later as communications director for Congresswoman Gabrielle Giffords. When she resigned in 2012, Mark became communications director for her successor, Congressman Ron Barber. Mark and his wife, Jennifer Boice, live in Tucson.

Damien R. Meyer – Democrat – Maricopa County

Former Governor Jan Brewer appointed Damien R. Meyer to the Citizens Clean Elections Commission to serve a term ending January 31, 2019. Damien R. Meyer is an experienced commercial litigation attorney. Damien has extensive experience in representing both individuals and businesses including banks, contractors, landlords, real estate developers, aviation companies, entrepreneurs, and health care companies in all areas of their business including contractual analysis and disputes, collection and payment disputes, commercial tort liability, provisional remedies and negotiation of pre-litigation disputes to avoid formal litigation. He also has extensive experience in representing clients in formal litigation in Arizona State and Federal courts, the Arizona Court of Appeals, in private arbitrations and before several state administrative agencies. Mr. Meyer, his wife and two children currently reside in Phoenix.

Commissioner Biographies

Steve M. Titla – Democrat - Gila County

Former Senate Democratic Leader Leah Landrum Taylor appointed Steve M. Titla in July 2013 to the Citizens Clean Elections Commission. Mr. Titla is a partner in the Titla & Parsi law firm and is admitted to practice law both in Arizona and on the San Carlos Apache Reservation. The firm represents the San Carlos Apache Tribe as special counsel and has also served as legal counsel for the election boards of the San Carlos Apache and San Juan Southern Paiute Tribes. Previously, Mr. Titla was an attorney with the Navajo Nation Department of Justice and has served as president of the National Native American Bar Association. In addition to a B.S. and J.D. from Arizona State University, Mr. Titla earned an M.B.A. from the University of Phoenix. From 1974-76 Mr. Titla served in the U.S. Marine Corps, leaving with an honorable discharge. He also served in the Arizona National Guard until his honorable discharge in 1980. Mr. Titla's term on the Citizens Clean Elections Commission expires in January of 2018.

Galen D. Paton – Republican – Pima County

Governor Doug Ducey appointed Galen D. Paton, a Republican, to the Citizens Clean Elections Commission for a 5-year term expiring January 31, 2021. Commissioner Paton obtained his Master of Arts in Physical Education from the Southern Methodist University in Dallas, Texas. He has had a long and rewarding career coaching high school and college softball, volleyball and basketball teams in the southwest. In 2005, he led Sabino High School to the Arizona 4A State Championship and a No. 4 ranking in the country. The Arizona Coaches Association along with the National Fastpitch Coaches Association crowned Mr. Paton 2005 coach of the year. Mr. Paton retired from coaching in 2010 and is a current member of the Realty Executives Tucson Elite group. He resides in Tucson with his wife.

Commissioner Biographies

Amy B. Chan - Republican - Maricopa County

Senate Democratic Leader Katie Hobbs appointed Amy B. Chan, a Republican, to the Citizens Clean Elections Commission for a 5-year term expiring January 31, 2022.

Amy B. Chan was admitted to the State Bar in 1999. Initially she worked as an immigration attorney, helping people obtain immigration benefits through the administrative and immigration court process. In 2001 she began work as a legislative research analyst for the House Judiciary Committee. She was an Administrative Law Judge for the Corporation Commission from 2005-2006 and then returned to the legislature as Policy Advisor and Counsel to the Majority for the State Senate. In 2009 Secretary of State Ken Bennett appointed her State Election Director. She served in that capacity until 2013, when she left to spend more time with her growing family. She and her husband Keith have two sons and live in Phoenix.



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Arizona
Secretary
of State

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State
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Arizona Administrative REGISTER

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Vol. 26, Issue 3

~ Administrative Register Contents ~

January 17, 2020

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ITEM V

DIRECTOR
Administrative Rules Division
Scott Cancelosi

PUBLISHER
Secretary of State
KATIE HOBBS

RULES MANAGING EDITOR
Arizona Administrative Register
Rhonda Paschal



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemakings.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R19-288]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)** **Rulemaking Action**
R2-20-701 Amend
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 16-956(A)(6), *Id.* § 16-956(A)(7)
Implementing statute: A.R.S. § 16-948(C)
3. **Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
Notice of Rulemaking Docket Opening: 26 A.A.R. 115, January 17, 2020 (*in this issue*)
4. **The agency's contact person who can answer questions about the rulemaking:**
Name: Thomas M. Collins
Address: Citizens Clean Elections Commission
1616 W. Adams, Suite 110
Phoenix, AZ 85007
Telephone: (602) 364-3477
E-mail: ccec@azcleelections.gov
Web site: www.azcleelections.gov
5. **An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
The proposed amendment, authored by Governor's Regulatory Review Council Member John Sundt, is intended to smooth the Commission's rules regarding participating candidate expenditures as provided by A.R.S. § 16-948(C). The Commission approved the following rules for public comment, subject to its reservation of rights under the Clean Elections Act (A.R.S. §§ 16-940 to 16-961), Title 41, Chapter 6, and the Arizona and Federal Constitutions.
6. **A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
Not applicable
7. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
These changes do not diminish a previous grant of authority to a political subdivision of this state.
8. **The preliminary summary of the economic, small business, and consumer impact:**
As indicated in our filing with the Council, the Commission believes there is little consumer, economic, or small business impact. The amendment only concerns participating candidates.
9. **The agency's contact person who can answer questions about the economic, small business and consumer impact statement:**
Name: Thomas M. Collins
Address: Citizens Clean Elections Commission
1616 W. Adams, Suite 110



Phoenix, AZ 85007
Telephone: (602) 364-3477
E-mail: ceec@azcleelections.gov
Web site: www.azcleelections.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Pursuant to A.R.S. § 16-956, a 60-day public comment period precedes an oral hearing, which is the earliest the Commission may act on a proposed rule. Rule comments are accepted, in addition, through the web site, email, and regular mail, as well as at call to the public at interim meetings. Rules that are passed unanimously may be made effective immediately. All other approved rules are effective January 1 of the year following their enactment. A.R.S. § 16-956(C), (D).

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

Not applicable

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

Not applicable

13. The full text of the rules follows:

**TITLE 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION**

ARTICLE 7. USE OF FUNDS AND REPAYMENT

Section

R2-20-701. Purpose and Scope

ARTICLE 7. USE OF FUNDS AND REPAYMENT

R2-20-701. Purpose and Scope

Notwithstanding any other provision of the Rules to the contrary, a participating candidate shall not make any payment to a private organization that is exempt under section 501(a) of the internal revenue code and that is eligible to engage in activities to influence the outcome of a candidate election, nor make any payment directly or indirectly to a political party; and subject to the foregoing, may spend clean elections monies only for reasonable and necessary expenses that are directly related to the campaign of that participating candidate.

NOTICE OF PROPOSED RULEMAKING

**TITLE 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION**

[R19-289]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable)** **Rulemaking Action**
R2-20-702.01 Amend
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 16-956(A)(6), *Id.* § 16-956(A)(7)
Implementing statute: A.R.S. § 16-948(C)
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
Notice of Rulemaking Docket Opening: 26 A.A.R. 115, January 17, 2020 (*in this issue*)
- 4. The agency's contact person who can answer questions about the rulemaking:**
Name: Thomas M. Collins
Address: Citizens Clean Elections Commission



1616 W. Adams, Suite 110
Phoenix, AZ 85007

Telephone: (602) 364-3477

E-mail: ccec@azcleanelections.gov

Web site: www.azcleanelections.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The proposed amendment, drafted by Clean Elections staff based on a comment by Governor's Regulatory Review Council Member John Sundt, is intended to smooth the Commission's rules regarding participating candidate expenditures as provided by A.R.S. § 16-948(C). The Commission approved the following rules for public comment, subject to its reservation of rights under the Clean Elections Act (A.R.S. §§ 16-940 to 16-961), Title 41, Chapter 6, and the Arizona and Federal Constitutions.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

Not applicable

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

These changes do not diminish a previous grant of authority to a political subdivision of this state.

8. The preliminary summary of the economic, small business, and consumer impact:

There is little consumer, economic, or small business impact. The amendment only concerns participating candidates.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Thomas M. Collins

Address: Citizens Clean Elections Commission
1616 W. Adams, Suite 110
Phoenix, AZ 85007

Telephone: (602) 364-3477

E-mail: ccec@azcleanelections.gov

Web site: www.azcleanelections.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Pursuant to A.R.S. § 16-956, a 60-day public comment period precedes an oral hearing, which is the earliest the Commission may act on a proposed rule. Rule comments are accepted, in addition, through the web site, email, and regular mail, as well as at call to the public at interim meetings. Rules that are passed unanimously may be made effective immediately. All other approved rules are effective January 1 of the year following their enactment. A.R.S. § 16-956(C), (D).

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

Not applicable

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

Not applicable

13. The full text of the rules follows:

**TITLE 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION**

ARTICLE 7. USE OF FUNDS AND REPAYMENT

Section
R2-20-702.01. Use of Assets



ARTICLE 7. USE OF FUNDS AND REPAYMENT

R2-20-702.01. Use of Assets

A participating candidate may use assets such as signs, pamphlets, and office equipment from a prior election cycle only after the candidate's current campaign pays for the assets in an amount equal to the fair market value of the assets, which amount shall in no event be less than one-fifth (1/5) the original purchase price of such assets. If the candidate was a participating candidate during the prior election cycle, the cash payment shall be made to the Fund. If the candidate was not a participating candidate during the prior election cycle, the cash payment shall be made to the prior campaign. If the prior campaign account of a nonparticipating candidate is closed, the payment shall be made to the candidate. Notwithstanding any other provision of the Rules to the contrary, a participating candidate shall not make any payment to a private organization that is exempt under section 501(a) of the internal revenue code and that is eligible to engage in activities to influence the outcome of a candidate election, nor make any payment directly or indirectly to a political party.

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R19-290]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)** **Rulemaking Action**
R2-20-703.01 Amend
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 16-956(A)(6), *Id.* § 16-956(A)(7)
Implementing statute: A.R.S. § 16-948(C).
3. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
Notice of Rulemaking Docket Opening: 26 A.A.R. 116, January 17, 2020 (*in this issue*)
4. **The agency's contact person who can answer questions about the rulemaking:**
Name: Thomas M. Collins
Address: Citizens Clean Elections Commission
1616 W. Adams, Suite 110
Phoenix, AZ 85007
Telephone: (602) 364-3477
E-mail: ccec@azcleelections.gov
Web site: www.azcleelections.gov
5. **An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
The proposed amendment, drafted by Clean Elections staff based on a comment by Governor's Regulatory Review Council Member John Sundt, is intended to smooth the Commission's rules regarding participating candidate expenditures as provided by A.R.S. § 16-948(C). The Commission approved the rule for public comment, subject to its reservation of rights under the Clean Elections Act (A.R.S. §§ 16-940 to 16-961), Title 41, Chapter 6, and the Arizona and Federal Constitutions.
6. **A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
Not applicable
7. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
These changes do not diminish a previous grant of authority to a political subdivision of this state.
8. **The preliminary summary of the economic, small business, and consumer impact:**
There is little consumer, economic, or small business impact. The amendment only concerns participating candidates.
9. **The agency's contact person who can answer questions about the economic, small business and consumer impact statement:**
Name: Thomas M. Collins
Address: Citizens Clean Elections Commission
1616 W. Adams, Suite 110
Phoenix, AZ 85007
Telephone: (602) 364-3477
E-mail: ccec@azcleelections.gov
Web site: www.azcleelections.gov



10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Pursuant to A.R.S. § 16-956, a 60-day public comment period precedes an oral hearing which is the earliest the Commission may act on a proposed rule. Rule comments are accepted, in addition, through the web site, email, and regular mail, as well as at call to the public at interim meetings. Rules that are passed unanimously may be made effective immediately. All other approved rules are effective January 1 of the year following their enactment. A.R.S. § 16-956(C), (D).

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

Not applicable

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

Not applicable

13. The full text of the rules follows:

**TITLE 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION**

ARTICLE 7. USE OF FUNDS AND REPAYMENT

Section

R2-20-703.01. Campaign Consultants

ARTICLE 7. USE OF FUNDS AND REPAYMENT

R2-20-703.01. Campaign Consultants

- A.** No change
- B.** No change
- C.** No change
 - 1. No change
 - 2. No change
 - 3. No change
- D.** No change

E. Notwithstanding any other provision of the Rules to the contrary, a participating candidate shall not make any payment to a private organization that is exempt under section 501(a) of the internal revenue code and that is eligible to engage in activities to influence the outcome of a candidate election, nor make any payment directly or indirectly to a political party.