Transcript of Proceedings - January 23, 2020
Public Meeting

THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
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the State of Arizona
Citizens Clean Elections Commission

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1 PROCEEDING

2 CHAIRMAN PATON: I will call our Citizens

3 Clean Elections Commission to order. I'm the brand-new

4 chairperson. 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.

09:35:15-09:36:15

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

COMMISSIONER KIMBLE: A couple of things I wanted to say. First of all, a week from tomorrow my term ends, but in all likelihood, I'll be back next month and probably for quite a few months to come. And as Commissioner Chan has pointed out, Commissioner Meyer's term ended a year ago. He's still serving on the Commission. And in a week, three members of this Commission, a majority of the Commission, will be serving past the end of their terms.

And if the three of us stop coming to meetings, there would be no meetings. The Commission would be unable to do anything, and this really shouldn't be the case. The law that established this Commission said that the Governor and the top elected officials of the other party shall make appointments. It doesn't say they may make appointments; they should do it if they feel in a good mood. It says they should make appointments, and they -- the Governor has not done this. The Governor has not made any appointments, as Commissioner Chan pointed out, since 2016. So, I don't know what the motives here are. I'll leave that to other people, but it's really becoming increasingly difficult for the Commission to do its work. As Commissioner Chan pointed out, people have other responsibilities, and they were not expected to be here six and even seven years for a five-year term.

It hurts the Commission, but I think, much more importantly, it hurts the 481,963 Arizonans who voted in 1998 to form this Commission with the goal of improving Arizona's state government and promoting public confidence in elections. And I don't know what to do about this, but it cannot continue. We cannot just continue forcing people to keep coming to meetings months and, in some cases, years after their term expires. I am proud to serve on this Commission, and I will continue serving. I don't know that I want to be here in two more years, though.

Thank you, Mr. Chairman.

CHAIRMAN PATON: Tom, any information to impart to us?

COMMISSIONER CHAN: Perhaps, Mr. Chairman, I could interrupt briefly.

I think our options could be with regard to this matter going forward.

CHAIRMAN PATON: Do we need to make a motion on that?

MR. COLLINS: No, no. I can just take the direction and contact the appropriate folks and that would be just -- that would be that, I mean, and then we'll get them available for you. Oh, I'm sorry. There's no motion necessary. I will just take the direction.

CHAIRMAN PATON: Okay. Well, please -- please do that.

MR. COLLINS: Okay.

CHAIRMAN PATON: It does stresses all.

Like, what if something happens? You break down on the road, or something, and the people are here coming and you couldn't have a quorum. And two of us are coming from Tucson and before light. So -- anyway.

COMMISSIONER CHAN: Thank you, Mr. Chairman.

CHAIRMAN PATON: Sure.
COMMISSIONER KIMBLE: -- of people who were
1 MR. COLLINS: The only -- the last thing,
2 so we've got some rules stuff, but most of that is on
3 the agenda already later. And, then, we have --
4 currently, we have 43 participating candidates, and we
5 have, I believe, one candidate funded, so far. And --
6 and candidates are filing for funding, as we speak.
7 So, that concludes -- oh, the other thing
8 is, obviously, we've included our legislative reports,
9 as we have in past sessions. I want to thank Julian
10 and Mike for working on this and putting it together
11 with a little bit different format that I quite like.
12 So far we're not -- you know, the main, quote/unquote,
13 Clean Elections Bill that we've identified is HP 2054,
14 which is, basically, the same thing that Representative
15 Biasiucci introduced last year.
16 The bill -- you know, the bill violates the
17 Voter Protection Act on its face even -- and, in
18 effect, that is including Prop 306. In other words,
19 Prop 306 is voter-protected. And so, it does not give
20 the legislature the ability, on a simple majority, just
21 to add things in that target the Clean Elections
22 Commission. The last session, we were -- we had a good
23 discussion that was fruitful with the rules attorneys
24 for the -- for the House and the Senate and with the --
25
26 and, you know, the bill, ultimately, failed on final a
27 passage in the House. So, we'll probably -- we'll
28 proceed along the lines that we proceeded last year.
29 And -- and, then, just the general
30 proposition, because we have Julian and Mike working
31 together on this, we will be able to have more -- as we
32 talked about in the private meetings, more eyes on the
33 bills. And Julian has really taken a strong role in
34 monitoring the bills that have been being filed.
35 Just a quick side note, the legislature
36 has, I think, more bills this year than it has in an
37 election year in the last several cycles, in general.
38 So, that's where we are. So, that,
39 basically, concludes my report, unless anyone has any
40 other questions.
41 COMMISSIONER KIMBLE: Mr. Chairman?
42 CHAIRMAN PATON: Yes.
43 COMMISSIONER KIMBLE: Mr. Collins, I know
44 there's a lot of talk about sentencing reform in the
45 legislature this year, and one of the stories I saw
46 said that there's some talk about giving judges --
47 excuse me -- giving judges authority to waive some of
48 the fines and penalties --
49 MR. COLLINS: Right.
50 COMMISSIONER KIMBLE: -- of people who were
51 convicted of crimes.
52 Would this, possibly, impact our largest
53 source of funding?
54 MR. COLLINS: Our only -- well -- yes.
55 Mr. Chairman, Commissioner Kimble, we have said --
56 we've contended with this issue, from our narrow
57 perspective, since Justice Bales was chief justice.
58 You know, our view -- and at that time, you may recall,
59 we -- the Commission authorized us, in the event
60 something happened, to actually sue the Administrative
61 Office of the Court. That would turn out to be
62 unnecessary. We did get, from the Administrative
63 Office of the Courts, some guidance to judges about the
64 Clean Elections surcharge.
65 To the extent that bills broadly grant
66 judges the authority to waive surcharges, as applying
67 to the Clean Elections Act, that is either an
68 amendment, a diversion or a superseding, which are all
69 under the -- under the Voter Protection Act require a
70 three-quarter vote and furthering the purpose of the
71 Act.
72 So, our position would be, therefore, that,
73 to the extent that those bills do not have -- and I'll
74 just tell you that, generally, those bills do not get a
75 Prop 105 clause because "leg" council leaves that up to
1. Elections surcharge was the first surcharge on criminal and civil fines and penalties. Subsequently, a variety of different law enforcement surcharges were added. Some of those surcharges actually do some for law enforcement and kick back into the general fund -- some portion of it. What that means is that there's a total of 80 -- of an 80 percent surcharge on a traffic ticket, for example. We make up only 12 percent of that.

2. So -- so, we would be hopeful that both the Commission staff and the advocates for Clean Elections will be able to explain that -- you know, that you -- that you needn't comprehensively just strike out the word "surcharge" out of every -- out of every thing to address the problem.

3. I would, also, note that under 16-907, surcharges have never been required in order to restore one's voting rights. The only things that have ever been included are restitution and fines, and I think that the legislature, in the last session, took fines out. So, now it's just restitution, but the bottom line is our surcharge does not prevent anyone from voting, and our surcharge is a small part of the overall surcharge. And it's the only one approved by voters, and it's the -- and it's a very small piece of that.

1. process. I think that's -- I think that that report is helpful. We, also, have the -- the Secretary of State's staff is, also -- have been generous enough to be here today to discuss any issues that you might want to raise and answer any questions that you may have.

2. And I'm not sure if they want to make a presentation of their own or not, but we have the Deputy Secretary of State, Allie Bones, and the director of I.T., Bill Maaske.

3. And so -- do you want to introduce yourself?

4. MS. BONES: Sure.

5. CHAIRMAN PATON: Welcome.


7. Mr. Chairman, members of the Commission. And I'm Allie Bones. I'm the Assistant Secretary of State. I don't have a formal presentation. We provided the report in writing, but I did just want to, you know, come before you and, basically, share, you know, how much we are appreciative of the partnership that we have with the Clean Elections Commission and hope that we can, you know, really move forward in a clear working relationship in good partnership to make sure that the goals of having a transparent campaign finance system for the public are met.

1. So, this project, as you know, started under the previous administration. We have been working ever since we got on board to, kind of, unravel what happened and what our office committed to, what we were able to do, really trying to understand some of the expectations that were set and how realistic, or not, those were for the public, as well as for the Commission. So, we hope that this report really, kind of, gets into where we're at with the development of the project.

2. We -- the previous administration entered into the ISA with the Clean Elections Commission. I know that there was some discussion about that at the last Commission meeting, and we were, you know, looking into, kind of, what the status of that was. We really didn't have a good sense of what was in it before the discussion and have since, you know, uncovered where things are and what's going on.

3. So, I don't -- I think it was represented that our office did not recognize that ISA, and that is not our position at all. We understand that any contracts or agreements or anything that was entered into by the previous administration carries forward into our administration. Anyone who's been watching the news about what's happening with our office knows
1. That we are in a contract -- a 10-year-contract with Iron Mountain around records management and records storage that we are trying to, you know, figure out and deal with going forward.

2. So, this is a common issue that we are dealing with, but we want to make sure that you all know that our office has spent a great deal of time on the system. When we came on board, we -- you know, Secretary Hobbs and I met with our CIO, Bill Masaee, who is here, too, and can answer any questions from a technical nature, but really said, like, what are the priorities? What are you all working on?

3. And it became really clear that the need for attention and focus was on the input side of the equation; that what is reported through the public-facing site, See the Money, is very dependent upon the data that goes into the reporting side of that. And so, the better part of the last year has been spent developing and updating and making that reporting site, which we now call Beacon, functional and making sure that the reports that are going in there make sense and have good data because, as we know, it's data in that is reported out. And so, we need to make sure we're not having, you know, garbage in/garbage out. We want to have good, strong data and things that can be done.

4. CHAIRMAN PATON: Questions?

5. COMMISSIONER CHAN: Mr. Chairman?

6. COMMISSIONER CHAN: First of all, Allie, thank you so much for coming today, for you and Bill. And I'm sorry for any misunderstandings that we had. We're going to be calling Spotlight and expect a release within the next month, or so.

7. Any questions?

8. CHAIRMAN PATON: Questions?

9. COMMISSIONER CHAN: Mr. Chairman?

10. CHAIRMAN PATON: Yes.

11. COMMISSIONER CHAN: First of all, Allie, thank you so much for coming today, for you and Bill. And I'm sorry for any misunderstandings that we had. Ms. Bones: It's okay.

12. COMMISSIONER CHAN: And I read this last night, and I was so happy to see that it feels like we really did have -- there was -- it really was just a misunderstanding. Like, it seems, like, all we needed was a little communication. And looking at this, I'm happy. You know, I love seeing what you guys are doing, and I think I have an understanding of what you guys have been having to deal with. I mean, not from the inside, obviously.

13. MS. BONES: Right.

14. COMMISSIONER CHAN: I've just seen the reports that have come out in the news, and I'm sorry. COMMISSIONER CHAN: So -- but I know you guys have a good team with Bill, and I think it looks like, you know -- and I'll let Tom chime in here, but it sounds like -- I know Tom had conveyed to us that he and staff had had a great meeting with you guys. And it just sounds like, obviously, you know, the previous Secretary was going one way.

15. MS. BONES: Right.

16. COMMISSIONER CHAN: And, to my mind, I wasn't whetted to that, especially knowing there's a new Secretary. You guys -- everybody has their own agenda, but that doesn't mean it's not something that we can support. It's just knowing what it is and moving forward and making sure that we have a meeting of the minds again. And thank you very much for communicating this to us and coming over here and spending your time this morning and putting this together for us so that we are aware of, you know, what's going on and that we're having all of our needs met as a Commission.

17. So, thank you.

18. MS. BONES: Absolutely. Yes. Thank you Mr. Chairman, Commissioner Chan, yeah, absolutely. We're happy to be here and to answer any questions. I think, as Tom mentioned, we did have a really good meeting, and I think it's a good stepping-off point for us to ensure that we're having regular communication and discussion as the development of Spotlight continues to move forward. We want to make sure that the needs of the Commission are being met, as well.

19. COMMISSIONER CHAN: Thank you.

20. MS. BONES: Yeah.

21. COMMISSIONER KIMBLE: Mr. Chairman?

22. CHAIRMAN PATON: Commissioner Kimble.

23. COMMISSIONER KIMBLE: First of all, I was very impressed with this report. And it looks like a lot of things have been resolved, but I want to ask Tom two questions. First of all, are you happy with this?

24. And, second of all, we -- it seemed like we had some issue about confusion over something that -- over our program called Voter Compass, or something, that was going to have the same name as something else.
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| 1. MR. COLLINS: Oh, we resolved --
2. COMMISSIONER KIMBLE: That's been resolved.
3. MR. COLLINS: That's been resolved.
4. COMMISSIONER KIMBLE: Okay. So, are you satisfied with this?
5. MR. COLLINS: Well, I think -- I mean,
7. Mr. Chairman, Commissioner Kibble, my view is this. I think the meetings were very productive. I think Allie and I started to get in touch with one other -- around the time that there were some news stories about that.
10. It was -- it was, kind of, a coincidence that --
12. MS. BONES: Right around Christmas.
14. MS. BONES: Yes, it was perfect.
15. MR. COLLINS: Right. Well, yeah. It was a coincidence. We met, and then the story was being worked on. And so, these, kind of, coalesced around each other. So, I think we handled that aspect of the things appropriately.
20. You know, I think that -- long-term, I think that -- you know, I think that the issue is -- has been whether the Commission has gotten the value for the investment that it made. And I think the -- you know, I think that, you know, we -- I think the -- I think the commitment that the Secretary's office has made and is making is -- demonstrates that there -- whatever value might have been there -- whatever value might not have occurred in the past will -- we should be in a position to have that value going forward.
6. I know I don't know technically if any --
7. if the Secretary's office or anybody else wants to work -- if there's anything else that needs to be done with respect to the documentation on that. I'm agnostic on that, but I mean, I think that, look, if --
11. we're going -- the point is the things that we asked for are either complete or in the pipeline by virtue of what we paid for, and the things that -- and that means -- and that's what, I think, as I understood the Commission's request of us at the last meeting, was the thing that we needed to establish.
17. And I think that that's something that we've done. The only technical legal thing that we still have -- that we have to do that we have to do, which I was going to defer until -- which I do -- I would like to defer until next month and just make sure that everybody is comfortable on the -- on the -- on the CFRS approval piece that's in the Clean Elections Act.
24. We do have a -- when there's a new campaign finance reporting system, the statute says that the Secretary and the Commission have to jointly approve it. I don't see -- I don't anticipate any reason not to do that, but I thought that it would be just, you know, for the sake of efficiency -- it's, actually, more efficient to do that at the next meeting than it is to do it at this meeting, but I don't anticipate any -- any difficulty with that. I just -- I just thought that, basically, that would allow the dialogue that's happening here, absent some pressure.
10. So, other than that, I don't have any other comments.
13. COMMISSIONER KIMBLE: Okay. Thank you.
14. CHAIRMAN PATON: Okay. I do. So, you have to understand you weren't here, but we were here. And we had two years of assurances, money paid out, things not working right, assurances. The Secretary of State came here in person, told us this is how it's going to be done and whatever. The technical guys came, did their little show, dog-and-pony show, and we were assured. And, then, here comes -- it comes to pass that it was like a video game out of control, or something. It wasn't -- nothing was working right, you know.
25. And so, that led to a lot of frustration on your part, anyway. And then -- then the news that, well, we weren't here, and so on, so we don't know anything about it. And that was a tad aggravating for me. So -- but it sounds like things are back in order, somewhat. So, I feel better. I mean, we're not the technical people here. We just know that we have a finite amount of money, as you do, and our funds were being depleted.
9. And we felt like we are being -- I don't know -- misled or we were told things were going to happen, and we felt like it was a good operation to make our function and your function much better for the public. And that's what we're here for. So, when it looked like that was down to ashes, it was quite frustrating. So, I'm sorry if you, kind of, caught the brunt of that.
17. So, with that, thank you.
18. MS. BONES: All right.
19. CHAIRMAN PATON: Any other questions?
20. (No response.)
21. CHAIRMAN PATON: Thank you for coming and --
23. MS. BONES: Absolutely.
24. CHAIRMAN PATON: -- and telling us -- and your report makes it feel like everything is going
COMMISSIONER CHAN: Mr. Chairman, I would move that we adopt the proposed meeting dates for February through July of 2020.

CHAIRMAN PATON: COMMISSIONER KIMBLE: Second.

CHAIRMAN PATON: Let's take a vote.

Commissioner Chan?

COMMISSIONER CHAN: Aye.

COMMISSIONER KIMBLE: Mr. Chairman?

Mr. Chairman?

COMMISSIONER CHAN: Mr. Chairman?

CHAIRMAN PATON: COMMISSIONER CHAN: Mr. Chairman?

CHAIRMAN PATON: COMMISSIONER KIMBLE: Mr. Chairman?

CHAIRMAN PATON: COMMISSIONER KIMBLE: Mr. Chairman?

But we had -- GRRC had a special meeting on January 7th? Is that right, Mike? And they gave their stamp of approval to the amendments we had to Rule 113 and 704. Those had to do with the candidate statement pamphlet and the -- a rule related to repayment obligations that was contrary to the Act and to -- and to law. So, we are going to go ahead -- we'll file that statement from GRRC, in accordance with our -- with our prior statements about that.

With respect to Item VI.B, that is an action item. We are -- we have circulated -- this is Council Member Sundt's first pass at revising the 700 series -- or chapters -- or Article 7 of our rules. We have three other rules that he either drafted or suggested out circulating right now. This one, essentially, takes the pieces of 702 that -- that he believed were confusing, insofar as they allowed candidates to do things that they are still allowed to do regardless of Prop 306.

His view is that -- that the Commission, apparently, doesn't have authority to tell people what they can legally spend money on. And so he believes that with the passage of Prop 306, the Commission should not be telling people what is legal but only what is not legal. And so, that's what the amendment to R2-20-209 accomplishes.

With respect to the small business impact, the consumer impact and the -- and the other business impacts, economic impact, I think that the fact that GRRC returned R2-20-209 to us implicitly means that this is -- that they believe that the benefits of this to those groups, to the extent there are any, which is always an issue because we don't regulate -- we don't regulate business entities, as such, but it's difficult -- I mean, let me -- let me put it this way.

There are obvious costs to candidates in terms of this amendment that Mr. Sundt wrote. The costs are the candidate compliance costs are increased because they no longer have guidance about what is legal for them to spend money on in Rule 702; however, the council returned 702 to us with this direction.

And so, they've, obviously, made that analysis themselves and concluded otherwise. So, with that, I recommend that you all give -- we need two motions, as we've talked about, a motion to approve and a motion to set the effective date.

COMMISSIONER CHAN: Mr. Chairman?

CHAIRMAN PATON: Yes.

COMMISSIONER CHAN: Mr. Chairman?

CHAIRMAN PATON: Governor's Regulatory Review Council, once again, making policy, which is a completely inappropriate exercise of its statutory authority, in my opinion. I think it's outrageous, but let's go ahead and let them make these decisions. And we'll see what happens.

And with that, I will -- unless there's -- I will let -- hand it back to the chairman.

CHAIRMAN PATON: Any other comments?

COMMISSIONER KIMBLE: Well, it seems to me that in this election cycle, we ought to keep track of the type of questions we get that could have been answered if this language had remained so that a year hence, for whoever is still here, we can, maybe, say, okay, this was a mistake; let's push back again on this. And -- because it led to confusion. It led to a lot of unnecessary questions, and we now have evidence of that. And I think then we would be in a far
CHAIRMAN PATON: Commissioner Kimble?

COMMISSIONER CHAN: Aye.

Commissioner Chan?

and a second.  Let's call the roll.

CHAIRMAN PATON: So, we're having a motion

COMMISSIONER KIMBLE: Second.

CHAIRMAN PATON: Okay.

COMMISSIONER CHAN: Okay.

MR. COLLINS: Okay.

MR. COLLINS: Sorry.  I apologize.

MR. COLLINS: It's 702.  I kept saying 209.

MR. COLLINS: No.  I'm wrong.  I said 209.

MR. COLLINS: It's 702.

MR. COLLINS: Okay.

MR. COLLINS: Sorry.  I apologize.

CHAIRMAN PATON: On my cheat sheet, it says

209 here, Tom.

COMMISSIONER CHAN: Okay.  I read it off

the agenda.  So, hopefully, that was right.

MR. COLLINS: Well, the agenda is right.

The cheat sheet is wrong.

CHAIRMAN PATON: Okay.

MR. COLLINS: And I apologize.  I have --

CHAIRMAN PATON: Now you're really

aggravating me.

MR. COLLINS: Well --

CHAIRMAN PATON: All right.  You said 702?

COMMISSIONER CHAN: Yes.

CHAIRMAN PATON: Okay.

MR. COLLINS: I apologize.

CHAIRMAN PATON: All right.  So, are we

having a motion?

COMMISSIONER CHAN: I made the motion.

CHAIRMAN PATON: Okay.

COMMISSIONER KIMBLE: Second.

CHAIRMAN PATON: So, we're having a motion

and a second.  Let's call the roll.

Commissioner Chan?

COMMISSIONER CHAN: Aye.

CHAIRMAN PATON: Commissioner Kimble?

That would place us in a position with

vis-a-vis GRRC that is a little unknown, and we have

avoided that thus far because the -- our position,

staff's position has been -- my position, which is

where we're putting it in -- has been that it's better

to just get something out there that -- I mean, we

need -- this rule should be amended regardless because

we need -- the language that says you can spend money

with parties has to go.  It's not consistent with the

statute, and that creates confusion.

So, for that reason, I would recommend that

you -- that a motion for immediate effectiveness --

CHAIRMAN PATON: I thought it was already

unanimous?

MR. COLLINS: It has to be unanimous.

CHAIRMAN PATON: But it was unanimous.

COMMISSIONER CHAN: And, then, I think,

Mr. Chairman --

MR. COLLINS: I would like -- we need to

make the record clear of the effective date.  So,

you've approved it, but we need to state the effective

date for the record.

CHAIRMAN PATON: Okay.

COMMISSIONER CHAN: I think, Mr. Chairman,

then, I'll go ahead and just make another specific

10:16:31-10:17:16

1 motion --
2 CHAIRMAN PATON: Okay.
3 COMMISSIONER CHAN: -- for clarity --
4 CHAIRMAN PATON: Go ahead.
5 COMMISSIONER CHAN: -- to make our approval
6 of this amendment to the rule effective immediately.
7 CHAIRMAN PATON: Okay.
8 COMMISSIONER KIMBLE: Second.
9 CHAIRMAN PATON: We have a motion and a
10 second, and I'll call the roll.
11 Commissioner Chan?
12 COMMISSIONER CHAN: Aye.
13 CHAIRMAN PATON: Commissioner Kimble?
14 COMMISSIONER KIMBLE: Aye.
15 CHAIRMAN PATON: And the Chair votes aye,
16 as well.
17 So, that passed, both.
18 MR. COLLINS: Yes.
19 CHAIRMAN PATON: Item VII: Discussion and
20 possible action on 2020 Interagency Service Agreement
21 with the Attorney General's Office.
22 Tom?
23 MR. COLLINS: Yes. So, Mr. Chairman,
24 Commissioners, we've been working with the Attorney
25 General's Office on this year's Interagency Service

10:17:21-10:18:54

1 Agreement. We have -- I think, have established -- we
2 are happy to recommend that the Commission approve
3 this. So, I'll take a moment here, you know, to -- as
4 we all know, Mr. Joseph LaRue has now moved to the
5 county where he's a county election lawyer. We still,
6 lucky for us, have the benefit of Ms. Carlson's
7 expertise as, literally, the longest-serving election
8 attorney in the Attorney General's Office since,
9 probably, 2010, if not -- if not earlier. Not counting
10 Mary.
11 And so, we're pleased that she's still with
12 the Attorney General's Office. We, also, have with us
13 today Dustin Romney. He's sitting next to Mary. He is
14 a member of the Attorney General's Office. He's an
15 attorney there. He will be, as I understand, helping
16 out the elections section. He's -- comes from the -- I
17 think, the government accountability section of the
18 AG's office. So, welcome, Dustin. I think we'll be
19 seeing him around for some period of time, if not
20 permanently.
21 And so, with that, the cost on the ISA came
22 down to about $60,000 this year because -- based on the
23 funding that we are providing for positions and the
24 hours that we were -- the hours being -- the
25 anticipated hours based on last year being less.

10:19:01-10:19:53

1 Mr. Collins?
2 COMMISSIONER KIMBLE: I have no comments.
3 COMMISSIONER CHAN: I'll go ahead and make
4 a -- make the motion, then, Mr. Chairman.
5 CHAIRMAN PATON: Okay.
6 COMMISSIONER CHAN: I'll move that we
7 approve the 2020 Interagency Service Agreement with the
8 Attorney General's Office.
9 CHAIRMAN PATON: Do I have a second?
10 CHAIRMAN PATON: Mr. Kimball?
11 CHAIRMAN PATON: We have a motion and a
12 second. I'll call roll.
13 Commissioner Chan?
14 COMMISSIONER CHAN: Aye.
15 CHAIRMAN PATON: Commissioner Kimble?
16 COMMISSIONER KIMBLE: Aye.
17 CHAIRMAN PATON: And the Chair votes aye.
18 CHAIRMAN PATON: Item VIII: Public comment.
19 Do we have anybody that would like to make
20 a public comment.
21 (No response.)
22 CHAIRMAN PATON: I don't see anybody
23 leaping up.
24 So, Item IV: Motion to adjourn.
25 CHAIRMAN PATON: Mr. Chairman, I move
COMMISSIONER KIMBLE: Second.

CHAIRMAN PATON: We have a motion and a second to adjourn.

Commissioner Chan?

COMMISSIONER CHAN: Aye.

CHAIRMAN PATON: Commissioner Kimble?

COMMISSIONER KIMBLE: Aye.

CHAIRMAN PATON: And the Chair votes aye, and we are done.

We're adjourned.

(Whereupon, the proceedings concluded at 10:20 a.m.)

STATE OF ARIZONA
COUNTY OF MARICOPA

BE IT KNOWN the foregoing proceedings were taken by me; that I was then and there a Certified Reporter of the State of Arizona, and by virtue thereof authorized to administer an oath; that the proceedings were taken down by me in shorthand and thereafter transcribed into typewriting under my direction; that the foregoing pages are a full, true, and accurate transcript of all proceedings and testimony had and adduced upon the taking of said proceedings, all done to the best of my skill and ability.

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

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

LILIA MONARREZ, RPR, CR #50699
The State of Arizona
Citizens Clean Elections Commission

Public Meeting

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(3) grates - needed
The State of Arizona Citizens Clean Elections Commission

Public Meeting

Transcript of Proceedings

January 23, 2020

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