

Transcript of Proceedings - February 27, 2020
Public Meeting

THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
February 27, 2020
9:31 a.m.

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1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN
2 ELECTIONS COMMISSION convened at 9:31 a.m. on February
3 27, 2020, at the State of Arizona, Clean Elections
4 Commission, 1616 West Adams, Conference Room, Phoenix,
5 Arizona, in the presence of the following Board
6 Members:
7 Mr. Galen D. Paton, Chairperson
8 Mr. Steven M. Titla
9 Mr. Damien R. Meyer
10 Mr. Mark S. Kimble
11 Ms. Amy B. Chan
12
13 OTHERS PRESENT:
14 Thomas M. Collins, Executive Director
15 Paula Thomas, Executive Officer
16 Gina Roberts, Voter Education Director
17 Mike Becker, Policy Director
18 Alec Shaffer, Web Content Manager
19 Avery Oliver, Voter Education Specialist
20 Julian Arndt, Executive Support Specialist
21 Kara Karlson, Assistant Attorney General
22 Rivko Know, Ariona League of Women Voters
23 Joel Edman, Arizona Advocacy Network
24 Travis Huber, Arizona Advocacy Network
25 Bailey Mills, RIESTER
Maria Dillan, RIESTER

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1 CHAIRMAN PATON: Good morning. It is 9:31,
2 past our time, January 23rd, and I call this meeting of
3 the Citizens Clean Elections Commission to order. And
4 I will call our roll, so if you'll answer.
5 Commissioner Chan, are you here?
6 COMMISSIONER CHAN: I'm here.
7 CHAIRMAN PATON: Commissioner Kimble.
8 COMMISSIONER KIMBLE: Here.
9 CHAIRMAN PATON: Commissioner Meyer.
10 COMMISSIONER MEYER: Here.
11 CHAIRMAN PATON: And Commissioner Titla,
12 welcome.
13 COMMISSIONER TITLA: Thank you. Here.
14 CHAIRMAN PATON: And I'm Galen Paton, the
15 Chairman, and I am here.
16 All right. Agenda II: Discussion and
17 possible action on Commission minutes for
18 December 12th, 2019 meeting.
19 MR. COLLINS: Oops, sorry. That's my
20 mistake. It's the January 23rd meeting.
21 COMMISSIONER CHAN: It would be the January
22 23rd, 2020.
23 CHAIRMAN PATON: Oh, Tom.
24 MR. COLLINS: Yeah, I know.
25 CHAIRMAN PATON: Okay. January 23rd. I'm

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1 sorry.
2 MR. COLLINS: I'm getting better, but not
3 perfect.
4 CHAIRMAN PATON: Tom messed up.
5 MR. COLLINS: I know. This is the second
6 time; there won't be a third time.
7 CHAIRMAN PATON: Tom.
8 COMMISSIONER CHAN: Mr. Chairman.
9 CHAIRMAN PATON: Yes.
10 COMMISSIONER CHAN: I move that we approve
11 the minutes of our January 23rd, 2020 meeting as
12 written.
13 CHAIRMAN PATON: Okay. We have a motion. Do
14 we have a second?
15 COMMISSIONER KIMBLE: Second.
16 CHAIRMAN PATON: We have a second, and we'll
17 call the roll.
18 Commissioner Chan.
19 COMMISSIONER CHAN: Aye.
20 CHAIRMAN PATON: Commissioner Kimble.
21 COMMISSIONER KIMBLE: Aye.
22 CHAIRMAN PATON: Commissioner Meyer.
23 COMMISSIONER MEYER: Aye.
24 CHAIRMAN PATON: Commissioner Titla.
25 COMMISSIONER TITLA: I abstain. I wasn't

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1 here for the meeting.
2 CHAIRMAN PATON: Okay. And Chair votes aye.
3 Item III: Discussion and possible action on
4 Executive Director's Report and Legislative Report new
5 business.
6 Mr. Collins, you're on.
7 MR. COLLINS: Yes. Thank you, Mr. Chairman,
8 Commissioners.
9 I'm working on getting those dates updated,
10 but my cut and paste skills aren't what I thought they
11 were.
12 With respect to the Executive Director's
13 Report, obviously I want to highlight our continued
14 activities on voter education. We are in the process
15 of -- of putting together our primary debates. That
16 schedule is available now on the Clean Elections
17 website, and we've e-mailed candidates the
18 save-the-date notice.
19 Avery and I were in Santa Cruz County last
20 week to do a training with the Santa Cruz County
21 Election Director, Tara Hampton. We had a great
22 turnout of local candidates who are running for County
23 office, including three candidates for Santa Cruz
24 County Sheriff, two for County Attorney, two or three
25 for Board of Supervisors, and two for the County

<p>09:34:07-09:34:59 Page 6</p> <p>1 Recorder's Office itself. So I think that was a 2 successful trip, and we really -- we really enjoyed 3 being down there and getting to spend time with -- with 4 the Santa Cruz County folks. 5 COMMISSIONER CHAN: Mr. Chairman, Tom. 6 MR. COLLINS: Yes. 7 CHAIRMAN PATON: Yes, Commissioner Chan. 8 COMMISSIONER CHAN: I just wanted to point 9 out when I was reading this I noticed that it was local 10 county candidates, and I just wanted to say that even 11 though those are not candidates that we have 12 jurisdiction over, I really appreciate the fact that 13 you guys are still doing outreach with those counties. 14 And I think that it's really important and we still 15 have something, obviously, that we can offer, if those 16 election directors are reaching out to us, and 17 especially it sounds like it went really well with 18 those candidates, so -- 19 MR. COLLINS: Yeah. 20 COMMISSIONER CHAN: -- that's excellent. 21 MR. COLLINS: Thank you. Thank you. 22 Mr. Chairman, Commissioners, just continuing, 23 obviously we've -- we've got both -- two elections in 24 the next -- coming up between now and the next meeting. 25 One is a local election on March 10th, which affects</p>	<p>09:36:51-09:38:35 Page 8</p> <p>1 and local community members. And I think that Avery is 2 getting more requests generated from his -- his visits. 3 I also want to thank Commissioner -- 4 Commissioner Chan for participating in the 2020 Arizona 5 election law CLE, which -- on the panel on campaign 6 finance, which I think was successful. 7 I want to get into some matters that are a 8 little more -- that take a little more detail. And I 9 apologize, if you'll indulge me. The first issue I 10 want to -- I want to -- you know, we have two cases 11 that directly involve us that are outstanding. One, 12 the Legacy Foundation Action Fund case, which I don't 13 think I need to get into. In the case of Arizona 14 Advocacy Network v State, the briefing is basically 15 complete and we're awaiting an oral argument date. 16 With respect to the case of State ex rel 17 Brnovich versus Arizona Board of Regents, which we have 18 discussed in front of the Commission many times and 19 that we've had on our Executive Director's Report for 20 the past few months, the bullet points there outline 21 the basics. Although the case is nominally about 22 whether or not the Board of Regents' process for 23 tuition setting is consistent with the Arizona's 24 Constitution's mandates related to that, the AG's 25 Office, in my reading of the -- of the case as it now</p>
<p>09:35:03-09:36:45 Page 7</p> <p>1 the City of Douglas, the City of Tempe, and the City of 2 Chandler. And then of course, the big -- bigger 3 undertaking, that all State and County officials are -- 4 are working on, which is the presidential preference 5 election. 6 I just want to reiterate and ask you to 7 reiterate this, if you can, to your friends and family, 8 that only registered members of the Democratic party 9 may participate in that election, and they would have 10 had to have been registered by February 18th. So -- so 11 if you are a no party or a Republican or a Libertarian, 12 we would -- whatever your frustrations are, it does not 13 help the process and the processing of election -- of 14 ballots and the results to -- to appear. 15 And so as a matter of community service, 16 frankly, given the law is what it is, we really just 17 want to stress and have stressed, as have all of the -- 18 both everyone from the League of Women Voters to the 19 Secretary of State's office, you know, has been 20 stressing that this is a Democratic party election. 21 I don't think I need to gainsay that Avery 22 has been continuing to blanket the state and Valley as 23 part of our outreach efforts. That's -- that's really 24 been great, and I think is yielding some real good 25 contacts and authentic interactions between our offices</p>	<p>09:38:40-09:40:18 Page 9</p> <p>1 stands, and based on the concurrence in the Court of 2 Appeals, is that the -- the major issue, potentially, 3 has become whether or not a case known as McFate will 4 be overruled. 5 McFate stands for the proposition that under 6 the statute it construed the Attorney General does not 7 have a sort of free-standing right to sue State 8 agencies that, in his or her view, are violating 9 some -- some law. Were that case overturned, after 60 10 years with both the case and the statute having been 11 unchanged, it would have very clear implications for 12 all executive branch agencies. Nevertheless -- 13 So as part of my effort to provide the 14 Commission and Commissioners the opportunity to 15 contemplate whether or not to enter into this issue -- 16 this case as a -- as an amicus, in theory on the side 17 of -- of the Board of Regents on the McFate issue, I 18 did request outside counsel from the Attorney General's 19 Office. 20 Before I get into the details of this, I 21 wanted to first just ask the indulgence of the Attorney 22 General's Office, if they later review or -- this tape 23 or the written transcript, to allow me to discuss some 24 of the ramifications of Eryn McCarthy's e-mail without 25 taking any precipitous action.</p>

<p>09:40:22-09:41:49 Page 10</p> <p>1 This is an issue now between the Commission 2 and the Attorney General's Office; it's not between the 3 Executive Director's Office and the Attorney General's 4 Office. This is a legal issue, but it's not a legal 5 issue about legal advice; it's a legal issue between a 6 law firm that has withdrawn from our representation 7 and, at the same time, has declared that we ought not 8 have access to outside counsel. 9 As is apparent from the terms of 10 Ms. McCarthy's e-mail, the AG, after declaring -- the 11 AG's Office, I should say, after declaring a conflict, 12 administratively barred the Commission from 13 contemplating an amicus brief with outside counsel in 14 the appropriate confidential context, and substituted 15 the Attorney General's Office judgment for any 16 judgment, including the Elections Commission, might 17 have made, but had not yet made. 18 Two, there are consequences associated with 19 Eryn McCarthy's e-mail that are not encompassed in 20 Ms. McCarthy's e-mail. When the Attorney General says, 21 you may not use public resources for something that 22 includes an implicit -- and, frankly, the statute's 23 explicit -- potential of personal civil and criminal 24 penalties -- those of us who were here when the 25 Goldwater Institute sued the Commissioners and Staff</p>	<p>09:43:27-09:44:44 Page 12</p> <p>1 made about why overruling McFate was problematic -- is 2 problematic were not greeted with particular joy by the 3 Attorney General's Office. 4 But that having been said, I think it's a 5 question for the Attorney General's Office what the 6 scope of this issue is. And I think that I certainly 7 could take a direction to try to arrange to have the 8 Attorney General's Office here, with an appropriate 9 representative, at the next meeting, with one caveat: 10 This is not an issue -- attorney-client issue that 11 should be in executive session. This is an 12 administrative dispute that under no circumstances is 13 appropriate for an executive session. 14 COMMISSIONER CHAN: Mr. Chairman. 15 CHAIRMAN PATON: Yes, go ahead. 16 COMMISSIONER CHAN: Tom, a few points that I 17 wanted to raise, and maybe you can elaborate or correct 18 me if I'm wrong. First of all, what you're saying is 19 that the Attorney General cannot represent us in this 20 case because there is a conflict; is that correct? 21 MR. COLLINS: The Attorney General, in fact 22 -- the Attorney General's Office, I should say, made 23 that -- directly informed us that there is a -- that 24 there is a conflict, correct. 25 COMMISSIONER CHAN: Okay. So when the</p>
<p>09:41:52-09:43:24 Page 11</p> <p>1 personally over their objections to our voter education 2 program will recall that. 3 Third, this is, frankly, of a piece with 4 prior actions of the Attorney General's Office, where, 5 for example, it leveraged a conflict between Secretary 6 Reagan and the Commission over Commission rules to have 7 its then chief deputy come before the Commission and 8 object to those rules and provide legal analysis 9 against those rules in -- in front of the Commission. 10 So because of all of those things, I think 11 this raises some serious issues that we will have to 12 address at some point. I'm happy to take questions on 13 this matter now, if anyone has any. 14 CHAIRMAN PATON: Any questions? 15 COMMISSIONER KIMBLE: Mr. Chairman. 16 CHAIRMAN PATON: Yes. 17 COMMISSIONER KIMBLE: So is it a problem with 18 this specific case at this point, or is it a problem 19 that you're concerned about for the future? 20 MR. COLLINS: Mr. Chairman, Commissioner 21 Kimble, it's not clear to me. If this was the first 22 instance in which we had had this Attorney General's 23 Office leverage its conflicts to take administrative 24 advantage of them, I would say it's a one-off. I can 25 certainly tell you that public comments that I have</p>	<p>09:44:45-09:45:59 Page 13</p> <p>1 Attorney General has a conflict and cannot represent 2 us, is there not a statute that provides, when we need 3 counsel in a case like that, they shall provide that we 4 can have outside counsel? 5 MR. COLLINS: That -- Mr. Chairman, 6 Commissioner Chan, that had been my understanding. 7 COMMISSIONER CHAN: Is there -- is there 8 still a question about that? Is that kind of an open 9 question or... 10 MR. COLLINS: Honestly, because this is an 11 administrative decision by the Attorney General's 12 Office, what authority they're operating under is 13 something that they have -- I mean, there's nothing in 14 Ms. McCarthy's -- and I should be clear. I don't think 15 that Ms. McCarthy necessarily drafted that e-mail on 16 her own. But regardless, just the McCarthy e-mail does 17 not really, I don't think, explain what the basis is. 18 I guess there's an argument that says that 19 since this is part of the way the procurement law 20 works, perhaps they have an administrative hole card. 21 Certainly they've -- certainly that's -- that's the 22 impression I have. But that would be a -- we'd be 23 better served asking that question directly. 24 COMMISSIONER CHAN: Okay. Mr. Chairman, Tom, 25 I would just say that, based on my previous experience</p>

<p>09:46:03-09:47:25 Page 14</p> <p>1 as a public employee at the Secretary of State's 2 Office, admittedly more than half a decade ago, when we 3 had to obtain outside counsel there was no procurement 4 process. If there was a conflict, there was a list of 5 approved attorneys who we could hire from. We would 6 choose which attorney, we would hire an attorney. It 7 was not a big deal, that was that. 8 So I'm -- I'm troubled by the e-mail. And 9 perhaps Ms. McCarthy is kind of the bagman here, the 10 messenger, but I am troubled. And especially, you 11 know, as Tom reminds us, that the way she has worded it 12 is especially troubling, that she is saying it would 13 not be appropriate for this office to approve the 14 expenditure of public monies on behalf of a State 15 agency to insert itself in a matter. 16 For example, the AG has taken it upon himself 17 to do something that is not specifically authorized by 18 statute. He is taking up a case, that is basically not 19 authorized by law, to try to get approval -- new law 20 approved by the Supreme Court of this state. It's kind 21 of a power grab. 22 Now, it may be approved by the Supreme Court. 23 But as a State agency, I believe that we have an 24 argument to make that that's not good policy. I don't 25 think it's good policy as a taxpayer. I think that</p>	<p>09:48:13-09:49:32 Page 16</p> <p>1 Mr. Chairman, and I don't know if Tom needs us to do 2 anything more official. But I would just say, you 3 know, for the Attorney General, who is nominally our 4 lawyer, and obviously not in this case, now that we 5 have a conflict, to leave us in the lurch like this, 6 I don't want to say unethical, but that's kind of the 7 only word I'm left with. 8 And I -- I feel very awkward saying this in 9 front of Kara, because she is extremely ethical and a 10 very capable lawyer and I leave her out of this 11 entirely, other than to say I feel extremely bad even 12 talking about the big boss in front of her like this. 13 MR. COLLINS: Commissioner Chan -- yeah. 14 Mr. Chairman, Commissioner Chan, no, I think that I 15 have -- throughout this process I think -- I think 16 Ms. Karlson understands the respect that the Staff and 17 Commission have for her work. 18 COMMISSIONER TITLA: Chairman. 19 CHAIRMAN PATON: Yes, Mr. Titla. 20 COMMISSIONER TITLA: Mr. Collins, so to -- to 21 understand this more, so the Attorney General is saying 22 that he has a conflict of interest and cannot represent 23 us? 24 MR. COLLINS: That's correct. 25 Mr. Chairman --</p>
<p>09:47:28-09:48:11 Page 15</p> <p>1 there are times that the legislature has said the AG 2 can do these things, and that's appropriate. I don't 3 think it's a good idea to have an AG that can just 4 willy-nilly sue State agencies. And I say this knowing 5 that I personally think that the Regents charge too 6 much tuition. So I'm aligned with the AG in that 7 argument, that this case -- 8 That's the case that he's -- 9 MR. COLLINS: Correct. 10 COMMISSIONER CHAN: -- suing on, right? 11 Okay. I just wanted to make sure I -- I don't have my 12 cases mixed up. 13 So it's -- it's kind of ironic that I agree 14 with the AG in what he's doing in this case, but I 15 think he's going about it the wrong way. He should 16 have found a plaintiff. 17 CHAIRMAN PATON: Or -- 18 COMMISSIONER CHAN: Anyway -- 19 CHAIRMAN PATON: Or a private party -- 20 COMMISSIONER CHAN: Right, right. 21 CHAIRMAN PATON: -- should be suing. 22 COMMISSIONER CHAN: Exactly. There could 23 have been a private party found. 24 So having said all that, I'm extremely 25 troubled by this. And Tom, for my part --</p>	<p>09:49:33-09:50:42 Page 17</p> <p>1 COMMISSIONER TITLA: Then as we request 2 outside counsel, he says no to that also? 3 MR. COLLINS: Mr. Chairman, Commissioner 4 Titla, one slight nuance to that. And this is -- there 5 was a -- 6 MS. THOMAS: Speak a little louder, please. 7 MR. COLLINS: I'm sorry. 8 There was an initial e-mail, which is in your 9 materials. Subsequent to that e-mail, I was informed 10 that there was a conflict. And subsequent to that 11 e-mail, I was given direction on how to request outside 12 counsel, and I did. So that second e-mail is included 13 in your materials. 14 So as I read the e-mail, it denies any 15 request I made. It says that if the Commission were to 16 make a request in its own name, it would also be 17 denied. I think that's -- I think that's -- I don't 18 think -- I don't think there's any -- I don't think 19 it's ambiguous about that. 20 COMMISSIONER TITLA: Yeah. I'm concerned 21 about this issue with the Attorney General. Because 22 the Clean Elections Commission is, you know, a voter 23 initiative by the citizens of the state of Arizona. So 24 we, as Commissioners of Clean Elections, we represent 25 the citizens of Arizona. And the people of Arizona</p>

<p>09:50:46-09:52:04 Page 18</p> <p>1 declared, in their intent and the findings and 2 declaration of the clean elections law, that they would 3 encourage citizen participation in the political 4 process. 5 And they found the -- that the people of 6 Arizona find that our current election financing system 7 effectively suppresses the voices and influences of the 8 vast majority of Arizona citizens in favor of a small 9 number of wealthy special interests, and also that it 10 undermines public confidence in the integrity of public 11 officials. I think that those findings are at play 12 here. 13 If we represent the citizens of Arizona, and 14 we cannot go forward on the litigation matters and we 15 represent the State of Arizona -- I mean, the citizens, 16 and the citizens have initiated the clean election 17 initiative for more citizen participation and that -- 18 saying that our voices should not be suppressed and 19 that this undermines public confidence in the integrity 20 of public officials, I think that that is at play here 21 and I'm very concerned about that. 22 I think the Attorney General's Office is in 23 conflict itself. Aren't they in conflict themselves by 24 saying that we cannot have outside counsel to represent 25 us in this matter?</p>	<p>09:53:40-09:55:37 Page 20</p> <p>1 would the Attorney General's Office block payment to 2 that law firm? 3 MR. COLLINS: Mr. Chairman, Mr. -- 4 Commissioner Kimble, my advice, to the extent I can 5 give it in the absence of a lawyer, is that the 6 Commission would risk -- Commissioners would risk, and 7 potentially Staff involved in the process would risk, 8 penalties applied personally, as well as potential 9 prosecution, from this Attorney General's Office if we 10 were to proceed in that manner. And I would recommend 11 against that under any circumstances. 12 COMMISSIONER KIMBLE: So is it your 13 recommendation that we accept this decision by the 14 Attorney General's Office, at least at this point, and 15 live to fight another day or -- or what? 16 MR. COLLINS: Mr. Chairman, Commissioner 17 Kimble, my view is that nothing in Ms. McCarthy's 18 e-mail bars individual Commissioners from joining 19 amicus briefs that may be out there. I certainly 20 don't have certain -- I do not have certainty about 21 what or -- what will develop in that regard. However, 22 I think if somebody else is writing something and a 23 Commissioner was to sign onto it, I do not believe that 24 would involve the use of public resources. 25 Nevertheless, I am not your attorney.</p>
<p>09:52:06-09:53:36 Page 19</p> <p>1 MR. COLLINS: Mr. Chairman, Commissioner 2 Titla, the way that -- the best way that I would 3 respond, if I was the Attorney General's Office, would 4 be to say it this way. The Attorney General's Office 5 believes that, notwithstanding the fact that they are 6 the law firm for State agencies, that they have 7 authority to both be the exclusive representative of 8 the Commission, or any State agency, and also, 9 independent of that, make administrative decisions or, 10 quote, unquote, policy decisions that may affect those 11 agencies, and that there is no -- there is no way, in 12 their view, conceptually, for those to be in conflict 13 with one another. 14 I personally, because they are a law firm and 15 because they are mandated to be our law firm, have a -- 16 and we are in this relationship forever together -- 17 have a difficult time reconciling those in view of 18 underlying principles of legal -- of just professional 19 relationships between attorneys, their law firms, and 20 their clients. 21 COMMISSIONER KIMBLE: Mr. Chairman. 22 CHAIRMAN PATON: Yes. 23 COMMISSIONER KIMBLE: So Mr. Collins, is it 24 your understanding that -- if we decide to go ahead and 25 hire an outside law firm, what would happen? Would --</p>	<p>09:55:45-09:56:46 Page 21</p> <p>1 COMMISSIONER CHAN: Mr. Chairman. 2 CHAIRMAN PATON: Yes. 3 COMMISSIONER CHAN: Could we just ask that 4 somebody from the AG's Office who could speak to this 5 be here at the next meeting so that we can talk to them 6 about this? This has left me with a very bad taste in 7 my mouth regarding their representation, or lack 8 thereof. They cannot leave us in the lurch like this 9 with -- in no man's land with regard to representation. 10 Either they represent us, or they don't; and if they 11 don't, they need to allow us to make a determination 12 whether we need counsel in certain cases. And if we 13 do, and they do not represent us, then they cannot tell 14 us we do not get to hire counsel. That is just the way 15 it is. 16 I mean, and especially telling us that we 17 would be personally liable, that is just a nontenable 18 position for them. And I would like to have somebody 19 here who can actually look us in the face and tell us 20 that that is the case. Because I -- I would be very 21 surprised if somebody could be at that podium and tell 22 us that that is actually the law. 23 MR. COLLINS: Mr. Chairman, Commissioner 24 Chan, as I said, I think it's perfectly reasonable to 25 ask someone from the Attorney General's Office to be</p>

<p>09:56:49-09:58:07 Page 22</p> <p>1 here. 2 With respect to the public -- to the 3 liability issues, I want to make clear, that is based 4 on my own experience defending this Commission and its 5 Staff in actions over alleged, but later proven to be 6 incorrect, assertions related to public resources. 7 Nothing in Ms. McCarthy's e-mail says that. But 8 because she is not our attorney, and because I'm not 9 your attorney, I believe someone needs to say -- state 10 the implication, which I know, because I have done that 11 job for this body. So that's just to make that clear. 12 What the AG would do in his or -- in his or 13 her discretion is not something that I can speak to. I 14 am only speaking to what the law says. So just to -- 15 just to -- just to be clear about that. 16 I think the other meta conflict issue here 17 that this raises is, I think you've identified it 18 precisely, is we need an attorney to help us talk to 19 our attorney. And I'm not sure how that request -- I'm 20 happy to make that request, if you were direct -- if 21 you were to direct me to do so. I do not know how that 22 would be received. But I -- in fact, I think we 23 might -- should. I mean, I don't know what -- what the 24 consensus is here. 25 CHAIRMAN PATON: So what do we need to do to</p>	<p>09:59:12-10:00:30 Page 24</p> <p>1 And I haven't been here at a meeting for the 2 past few months, and I apologize for that, but my term 3 has ended. But I understand that my term continues 4 until somebody appoints somebody in my place, and 5 that's okay. 6 But the term that comes to mind initially is 7 we're being bullied, and you cannot -- you have to 8 stand up to bullies. That's my impression here. And 9 we need to do something here and get an attorney; 10 otherwise, we might be personally liable for who knows 11 what. I don't know what. Thank you, Chairman. 12 MR. COLLINS: Mr. Chairman, if I may, just 13 to -- just to sort of -- there are some questions 14 implicit in Commissioner Titla's statement. 15 First, I'd like to commend Commissioner 16 Titla for continuing to be involved with the 17 Commission. We -- he was in the office not more than a 18 couple of weeks ago, and we have been in communication 19 with him throughout this period of time. 20 I would also -- but I would say two things 21 about that. With respect to the pro bono, again, I'm 22 not your attorney, but as I read the procurement code, 23 you can't simply go with someone who is free, to the 24 exclusion of people who have competed and been accepted 25 into a procurement. That's not how the procurement</p>
<p>09:58:10-09:59:09 Page 23</p> <p>1 invite the Attorney General to send somebody? 2 MR. COLLINS: Just write an e-mail. 3 COMMISSIONER CHAN: So Mr. Chairman, maybe we 4 could have Tom write an e-mail. 5 And Tom, I just want to be clear. I -- I 6 appreciate your cautious approach, I really do, 7 because, you know, personal liability is not something 8 to be trifled with. I'd rather err on the side of 9 caution with that for all of us, so thank you. 10 COMMISSIONER TITLA: Chairman. 11 CHAIRMAN PATON: Commissioner Titla. 12 COMMISSIONER TITLA: So if we have no 13 attorney, then who is going to give us legal advice? I 14 think before this, the Attorney General represented us, 15 I think, and now they're out, so -- and they're saying, 16 we're not going to give you any money to hire any 17 attorneys. Attorneys are not free, I don't think. So 18 unless we can do a request for a free attorney in the 19 state of Arizona, see if somebody will represent us -- 20 so that way we're put in a, you know, crazy situation 21 here. 22 COMMISSIONER CHAN: I think -- 23 COMMISSIONER TITLA: We have no attorney. So 24 I share the concerns of Commissioner Chan in that she 25 used the word maybe this is unethical.</p>	<p>10:00:33-10:01:47 Page 25</p> <p>1 code works, in my view. That's my view. 2 So what I would recommend at this point, and 3 no vote is necessary, is simply that -- I think I have 4 direction to contact the Attorney General's Office to 5 have a representative here. I would also like 6 direction from any Member or the Chairman to request 7 outside counsel on the meta representation question 8 that has been raised by these actions, unless -- unless 9 anyone thinks that's a bad idea. 10 CHAIRMAN PATON: I would just say -- I'm not 11 an attorney here, but I would say if they came and told 12 us what their -- you know, explained things to us, then 13 we could make a more rational decision. 14 MR. COLLINS: I agree. 15 CHAIRMAN PATON: And then we could proceed 16 from that point. If the rest of the Members agree or 17 disagree, I guess you can say. 18 COMMISSIONER MEYER: Mr. Chairman. 19 CHAIRMAN PATON: Yes, Commissioner Meyer. 20 COMMISSIONER MEYER: I have one question and 21 one observation. And the question is: I see the 22 e-mails we have here in our packet. It looks like 23 there was an exchange. Tom sent an e-mail on 24 February 12th, two e-mails, and there was two responses 25 from the AG's Office. Is there -- are there any other</p>

<p>10:01:50-10:03:18 Page 26</p> <p>1 communications about this, whether they be verbal, 2 meetings, anything else beyond these e-mails? 3 And then the other -- I guess the observation 4 is, in Tom's e-mail the deadline for filing an amicus 5 brief is March 17th, which is, I believe, after the 6 date of our next meeting. So -- so it could be too 7 late to deal with that at that point. 8 MR. COLLINS: Mr. Chairman, Commissioner 9 Meyer, I have answers to both those questions. As part 10 of the process of the request, I initially, as you can 11 see, sent the e-mail to Ms. Karlson related to the 12 house bill that is referenced in the legislative 13 session and to this particular issue. 14 After that, there was a communication 15 relating to how to -- that, yes, there was a conflict, 16 and how to proceed to request -- that a request for 17 outside counsel -- a more formal request for outside 18 counsel would be necessary. That request is the e-mail 19 from me to Kelly -- Kelly -- Kelly Gillilan-Gibson. 20 That is because, as I learned from their e-mail and had 21 been informed by Ms. Karlson, Ms. McCarthy was not in 22 that week. 23 So I followed the procedure I was given for 24 the request. Why Ms. McCarthy chose not to 25 acknowledge, let alone respond to, the formal request</p>	<p>10:04:49-10:06:16 Page 28</p> <p>1 of the actual request, it says, potential amicus brief. 2 I do not understand, given that, why -- that's where we 3 get into it. There was no decision, there was no -- 4 you know, I, as a matter of our ethics rules, am not 5 permitted to make Commission decisions. And committing 6 the Commission to an amicus brief is a Commission 7 decision. We have had that discussion and decision 8 pretermitted by our law firm. That's -- that's -- 9 that's that. 10 So -- so I guess my point is, you know, we're 11 not currently recommending one for -- for a variety of 12 reasons, and I'm sure -- and timing may be one of them. 13 But of course, we can, depending upon the seriousness 14 with which the Commission wants to proceed, we can -- 15 we have the option to schedule special meetings and all 16 that kind of stuff. That's all -- that's all -- you 17 know, that's all fair game, so... 18 CHAIRMAN PATON: So would anybody be against 19 having the Attorney General send somebody to speak to 20 us next meeting, and we could decide what to do after 21 that meeting? 22 COMMISSIONER KIMBLE: No. 23 COMMISSIONER CHAN: No. 24 COMMISSIONER TITLA: Chairman, if we do that, 25 what's the time frame for filing any legal</p>
<p>10:03:22-10:04:44 Page 27</p> <p>1 that I was asked to provide is a question I don't have 2 the answer to, I think. 3 And secondly, I have learned, in the last 24 4 hours, from other parties interested in this matter, 5 that the amicus deadline has been extended to 6 March 30th. I don't know when our next meeting is, off 7 the top of my head, but I think it's before then. But 8 nevertheless, that would give us -- 9 COMMISSIONER MEYER: That's not a lot of 10 time -- 11 MR. COLLINS: Right. 12 COMMISSIONER MEYER: -- for a lawyer to get 13 up to speed and draft a brief. 14 MR. COLLINS: And to be honest, Mr. Chairman, 15 Commissioner Meyer, the question of whether or not to 16 actually do this is what's been pretermitted by the 17 Attorney General's decision. That's part of the 18 problem here. There's no -- the goal of counsel in 19 this instance is to have a confidential setting in 20 which the Commission can discuss the pros, cons, legal 21 cons, pros, how to best articulate why the -- you know, 22 the Commission's interest as an amicus, the 23 Commission's viewpoint, and then whether to proceed at 24 all. 25 So I would say that if you read the heading</p>	<p>10:06:19-10:07:42 Page 29</p> <p>1 documentation in this potential case that we're talking 2 about? Let's say we have a meeting next month, and the 3 time frame is too short between that meeting and the 4 date to file any documentation. If something is 5 decided at our next meeting, and we have a green light 6 to hire a firm to represent us, and the firm says, 7 yeah, we recommend that you file something in this 8 case, and there's only a short time frame between that 9 period, then what do we do, you know? So we need to 10 take the time under consideration, I think. 11 CHAIRMAN PATON: Tom. 12 MR. COLLINS: Mr. Chairman, Commissioner 13 Titla, the next meeting is March 26th. And as I said, 14 my understanding is that the next -- that the amicus 15 deadline is March 30th. 16 So if the Commission is interested in 17 contemplating, as a body, filing something, and 18 requesting in some manner that the Attorney General 19 discuss this with us, I guess I would have to recommend 20 that we schedule an interim meeting. 21 COMMISSIONER TITLA: Chairman, I recommend we 22 have a special meeting, just so that, in the event that 23 we have to go forward, that we have time to hire 24 somebody and somebody can get the necessary 25 documentation. But if it's only four days to get</p>

<p>10:07:45-10:08:55 Page 30</p> <p>1 ready, I don't think -- 2 CHAIRMAN PATON: Yeah. 3 COMMISSIONER TITLA: -- they have time to do 4 that. 5 MR. COLLINS: I can -- I take that -- 6 Mr. Chairman, Commissioner Titla, I take that as a 7 direction for me and Paula to work on getting an 8 interim meeting set up, if that's -- if that's -- if 9 I'm correct. 10 CHAIRMAN PATON: Okay. Do we need to vote on 11 that? 12 MR. COLLINS: Absolutely not. 13 CHAIRMAN PATON: And I have to say that, I 14 mean, this case -- I mean, as Commissioner Chan, I 15 think they charge too much for tuition myself too. I 16 mean, I remember -- I'll date myself -- but I went to 17 school at the University of Arizona at \$275 a semester. 18 So the difference between \$275 a semester to 11,000 -- 19 I have a stepdaughter that goes there now -- is 20 incredible. And I graduated in 1980, but it started 21 out at 225 a semester, actually, in 1976. So -- so I 22 think it's a good thing for him to challenge that. I'm 23 kind of worried about getting embroiled in something 24 that, for this case, I don't know how much standing we 25 really have in it. It's down the road, I think, is the</p>	<p>10:10:34-10:11:57 Page 32</p> <p>1 bill passed out of the House on a party line vote. 2 House Bill 2055 -- and here I want to take a 3 moment and thank the League of Women Voters, and Rivko 4 especially, for being our allies in this. We faced the 5 possibility of going into this completely alone, 6 because we had no support from anyone else publicly, 7 but the League of Women Voters and Rivko's analysis 8 helped us tremendously. 9 On HB 2055 the goal is to notwithstanding all of 10 the existing law and allow a judge to sentence, for 11 lack of a better word -- better word, a person to a 12 term of community restitution at \$10 an hour to pay off 13 any civil fines or penalties. Civil fines and 14 penalties are, at this point, because of legislative 15 action, the vast majority of our revenue. In addition, 16 the notwithstanding clause, applied to a 17 voter-protected act, is the sine qua non of violating 18 the Voter Protection Act. 19 On this issue, the House Rules attorney did 20 not agree with us, for reasons that are not entirely 21 clear to me. But nevertheless, we are -- we have -- 22 that is one of the other matters alluded to where 23 outside counsel was approved. That one, I think, is 24 unfortunate. We would have -- we would have hoped we 25 could have worked with the AG's office on that issue.</p>
<p>10:09:00-10:10:32 Page 31</p> <p>1 problem, correct, Tom? 2 MR. COLLINS: Mr. Chairman, I think that's -- 3 I think that's correct. And frankly, again, the entire 4 purpose of requesting outside counsel is to contemplate 5 that question. The Attorney General has arrogated, 6 administratively, that decision to itself. That's the 7 discussion that the Commission is -- ought to have been 8 entitled to have in the proper context with 9 conflict-free counsel; instead, we are not. 10 CHAIRMAN PATON: Okay. So I guess we'll have 11 a special meeting; you'll let us know when that is. 12 MR. COLLINS: Yes. Yes, I will. 13 And if I could just really quickly hit the 14 rest of this report, unless there are other questions. 15 CHAIRMAN PATON: Yeah. This was going to be 16 short, I thought, Tom. 17 MR. COLLINS: Well, you know, I should never 18 say a thing. 19 The two -- the two big legislative issues we 20 have are HB 2054 and HB 2055. HB 2054 is a bill we saw 21 last year where the Free Enterprise Club would like to 22 add additional requirements to the Commission in terms 23 of treating us like a licensing board, and they believe 24 that Prop 306 authorizes this. The House Rules 25 attorney disagrees with them; but nevertheless, the</p>	<p>10:12:00-10:13:42 Page 33</p> <p>1 But nevertheless, we -- we are opposed to post bills. We 2 are trying to prevent them from getting a three-quarter 3 vote. We -- we don't know yet what kind of -- you 4 know, how this will play out. We are -- we are hopeful 5 that we can do more work with the Senate, and that's 6 where that is. 7 So we did take the initiative in asking for 8 counsel on this -- or, asking if we needed outside 9 counsel on this, and then having it -- having outside 10 counsel appointed, because we're not sure, honestly -- 11 we want to have guidance on what kind of facts and 12 those kinds of things we need to be looking for. 13 Because, you know, these are the kinds of actions that 14 you often need to pull the trigger quickly on. 15 Now, granted, I know there are other members 16 of the community that recognize that this puts the 17 Clean Elections funding source in jeopardy and violates 18 the VPA. It's just that when it came to having -- when 19 it came to convincing the -- most of the Democratic 20 caucus to vote against this, you know, a large 21 number of folks signed in from the League of Women 22 Voters. 23 Finally, on HB 2055 the policy does not match 24 the law proposed. The purported policy is to allow 25 people who are poor or indigent or otherwise to be able</p>

<p>10:13:47-10:15:17 Page 34</p> <p>1 to, quote, work off their fine, rather than to pay it. 2 And rather than helping, frankly -- and I -- and I say 3 this as a former public defender who has worked with 4 involved people before and worked with them on issues 5 related to community service specifically. Community 6 service involves people more in the criminal justice 7 system, not less. Community service -- this bill does 8 not set up an apparatus for what will have to be a new 9 probation department, essentially, to monitor these 10 folks. 11 And third, it's a sentence, in a civil 12 context, to work off something at \$10 an hour, which is 13 below the minimum wage. So it's, frankly -- so it's -- 14 it's -- if you were a person who, as the sponsor notes, 15 you know, is working two jobs and has kids and stuff, 16 you are going to be sentenced to work for the State at 17 \$10 an hour, without any regard for your transportation 18 cost, your work, your inconsistent scheduling if you -- 19 or your gig economy job. So it is a law that by policy 20 purports to help the poor, but, in fact, punishes the 21 poor in favor of those who have easier access to cash. 22 And so the policy and the law don't match at 23 all. And that's something I have said to members of 24 the legislature and would say to members of the 25 community in favor of civil justice reform. I don't</p>	<p>10:16:37-10:18:09 Page 36</p> <p>1 things that we -- that, in your opinion, we ought to be 2 involved in? 3 MR. COLLINS: Mr. Chairman, Commissioner 4 Kimble, sort of a two-part answer, of course, to that. 5 First, I absolutely think it's within the Commission's 6 charter to take positions on those matters. 7 However, the perception of the Commission at 8 the capitol, among both Republicans and moderate 9 Democrats, continues to be, notwithstanding all 10 evidence to the contrary, that the Commission is a 11 lightning rod. And so my general sense is that 12 advocates against restrictions on participation by 13 voting would prefer the Commission stay away because of 14 the potential for driving off moderate Republican votes 15 they might be trying to seek. 16 And so notwithstanding the fact the 17 Commission has a voice and is the State's agency for 18 purposes of voter education and promoting 19 participation, the antipathy that we face at the 20 legislature practically prevents us from acting in that 21 way without potentially jeopardizing the very thing we 22 seek to advance. 23 COMMISSIONER KIMBLE: Well, it just seems -- 24 these bills, I know, are important to the League, as 25 well as to many citizens. And the League has been</p>
<p>10:15:20-10:16:33 Page 35</p> <p>1 have any problem with civil justice reform. I have a 2 problem with civil justice reform that punishes the 3 people that it's supposed to be helping. So that's 4 that. That's just the last thing I think you needed to 5 be absolutely aware of. And I guess with that, I'll -- 6 if you have any other questions... 7 CHAIRMAN PATON: Any other questions by the 8 Commissioners? 9 COMMISSIONER KIMBLE: Mr. Chairman. 10 CHAIRMAN PATON: Yes, Commissioner Kimble. 11 COMMISSIONER KIMBLE: Mr. Collins, I know 12 that we're mostly focused on bills here affecting the 13 Commission, but part of our mission is to encourage 14 citizen participation in the political process. And 15 this year, as in a number of recent years, there's a 16 number of bills that I wonder if we ought to be 17 involved in that have to do with the initiative 18 process, that have to do with early voting, that do not 19 necessarily impact the Commission directly, but seems 20 like our general charge to increase citizen 21 participation would -- would argue against some of 22 these -- some of these bills that make it more 23 difficult for initiatives to be on the ballot, that 24 make it more onerous for people to turn in an early 25 ballot at a polling place on election day. Are those</p>	<p>10:18:13-10:19:39 Page 37</p> <p>1 helpful -- well, the League had a large role in setting 2 up the Commission and -- and is very helpful in some of 3 our legislation. And if we think we can be helpful in 4 some other legislation that's important to them and is 5 also important to the voters of Arizona, I hate to see 6 us take a pass on it. But I think you make an 7 interesting strategic point. 8 COMMISSIONER TITLA: Chairman. 9 CHAIRMAN PATON: Yes, Commissioner Titla. 10 COMMISSIONER TITLA: Yeah, I share the views 11 of my esteemed colleague, Commissioner. If these 12 various actions -- the impact of these various actions 13 go to suppress the vote of the people in the state of 14 Arizona, and the people it's going to impact is the 15 poor people. And these are going to be -- the first 16 impact is going to be on the Native Americans in the 17 state of Arizona, in the four corners of the state of 18 Arizona, it's going to impact upon them. It's going to 19 impact upon the Hispanic people in Arizona. It's going 20 to impact upon the African American people in Arizona. 21 It's going to impact upon the poor people in Arizona. 22 And the ultimate aim may be to suppress that vote 23 because you don't want them to vote, because if they 24 vote all together then you're afraid your position in 25 the state of Arizona legislature -- is that what the</p>

<p>10:19:43-10:21:14 Page 38</p> <p>1 aim of the supression of the vote is? 2 And it is our charge under the law here, I'm 3 reading the law, that we need to encourage citizen 4 participation in the political process. And if these 5 actions here discourage citizen participation in the 6 political process by suppressing their vote, then I 7 think that it behooves us, as Commissioners, to study 8 this issue and decide at some meeting, with 9 recommendation and maybe advice from attorneys, to see 10 whether we should proceed onward and go ahead and study 11 that to see whether we should take some action. Thank 12 you. 13 MR. COLLINS: Mr. Chairman, if I may. 14 CHAIRMAN PATON: Yes, go ahead, Tom. 15 MR. COLLINS: Mr. -- Commissioner Titla, one 16 way that you all, as individuals, can register your 17 views on these bills is by using the legislature's 18 request to speak system, where you can do that -- 19 What? Oh, I'm sorry. 20 So you as individuals can sign in on bills 21 and you have about, what, I think 180 characters or 22 something to express your view and your role. So we 23 can put together -- how to do that is pretty easy, but 24 as an interim -- as an interim decision, but certainly 25 we can agendize this in the future.</p>	<p>10:22:50-10:24:12 Page 40</p> <p>1 his wisdom and experience, along with Mike and 2 Justin -- 3 MR. COLLINS: Julian. 4 COMMISSIONER CHAN: Julian, sorry. What is 5 wrong with me today? Sorry about that. 6 -- believe that our public support of a bill 7 could damage support for the bill by the people that 8 vote on it, I really would give deference to that 9 opinion, because I would hate for our support to do 10 that to something that's a valuable and good bill. 11 Boy, that's sad, though. And I just -- 12 sometimes I think about it. I just have to say this. 13 I think about it sometimes. You know, Clean Elections 14 has been around, obviously, since 1998; I mean, that's 15 when voters approved us. And what is going on that we 16 are here in 2020 and there's so much bad blood by so 17 many policymakers at the legislature and in the private 18 sector? I really wish I could understand. I -- I 19 don't understand it. 20 And, I mean, I -- I may have fostered some 21 bad feeling myself because, frankly, I'm just done 22 being diplomatic about stuff. I'm tired of -- of the 23 bad feelings and I'm tired of being diplomatic, because 24 I think the time for that has passed. It's gone on too 25 long, people have behaved badly to us, and I'm done</p>
<p>10:21:15-10:22:46 Page 39</p> <p>1 CHAIRMAN PATON: I would just caution, just 2 as I did with the GRRRC -- the GRRRC mess, that the more 3 that we're painted as being liberal left or whatever, 4 the more hassles we get from -- I mean, even though I 5 don't believe we are, we're painted that way. And if 6 we want legislation to get through this legislature 7 that we want, we have to pick our spots, I believe. 8 And if we don't pick our spots, then we get GRRRC 9 embroiled in the middle of where they did that -- 10 that -- oh, what's the word? 11 COMMISSIONER CHAN: 306. 12 CHAIRMAN PATON: Yeah, where they got mad and 13 did that, and then now a lot of our input is -- is 14 messed up. So I would agree with Tom that we need to 15 choose our battles. 16 COMMISSIONER CHAN: Mr. Chairman, I was going 17 to -- 18 CHAIRMAN PATON: Yes. 19 COMMISSIONER CHAN: I was about to say the 20 same thing. Even though I really value what 21 Commissioners Kimble and Titla are saying, and I feel 22 strongly also about access and about our mission, 23 sadly, I think, when politics are at play, I do think 24 sometimes discretion is the better part of value -- of 25 valor. Sorry, I misspoke. And I think that if Tom, in</p>	<p>10:24:16-10:25:22 Page 41</p> <p>1 with it. And I should maybe try to be better myself. 2 But I -- it's 2020; get over it, people. Like move on. 3 We're here. 4 And people are still trying to destroy Clean 5 Elections, and for what? We have a great mission. 6 We're doing great voter education. I mean, I look 7 again -- I mean, I think I say this at every meeting 8 now. But, I mean, I look at this amazing hole that I 9 didn't even know existed in our voter education program 10 that was already so robust. Avery is out there almost 11 every day doing wonderful things with our community, 12 pieces of our community that we weren't reaching out to 13 before too. And that's incredible, and people don't 14 seem to value that, policymakers. 15 CHAIRMAN PATON: Well, that's -- we need to 16 trumpet that stuff somehow -- 17 COMMISSIONER CHAN: Yeah. 18 CHAIRMAN PATON: -- so it looks like we're -- 19 we're valuing voter education. And that's one of our 20 charges, and that can hardly be seen as being one side 21 or the other. 22 COMMISSIONER CHAN: Thank you, Mr. Chairman. 23 Well said. 24 CHAIRMAN PATON: Any other questions for Tom? 25 (No response.)</p>

<p>10:25:24-10:26:23 Page 42</p> <p>1 CHAIRMAN PATON: Okay. Item IV: Discussion 2 and possible action on the 2019 Annual Report. 3 Mr. Collins, again, you're on. 4 MR. COLLINS: Well, I'd like to turn the 5 floor over to Julian Arndt, who's been putting this 6 together for the past couple of weeks to present the 7 2019 Annual Report, which we will file I guess Friday 8 or Monday; I'm not sure. But anyways -- 9 CHAIRMAN PATON: And is this Julian's first 10 time -- 11 MR. COLLINS: Yes. 12 CHAIRMAN PATON: -- on parade? 13 MR. COLLINS: Yes. 14 CHAIRMAN PATON: Welcome. 15 MR. ARNDT: Thank you. 16 MR. COLLINS: We're going to have to get a 17 higher podium. 18 MR. ARNDT: Yeah, a little bit. 19 CHAIRMAN PATON: It looks very uncomfortable. 20 It's discrimination against tall people. 21 MR. ARNDT: Is there a way to full screen 22 this? No, I'm not even going to try. Oh, wait here. 23 Does this do it? There we go, that's a little better. 24 CHAIRMAN PATON: Is that guy you? 25 MR. ARNDT: No.</p>	<p>10:27:51-10:29:01 Page 44</p> <p>1 And then we also continued our Take Flight 2 campaign, election, continually updating information on 3 the web page, grassroots outreach, which everybody 4 knows Avery has been all over the place, continuing 5 candidate training, and updating our website and social 6 media. 7 If we move on. So We the Voters conference, 8 like I said, it was the first event I have been a part 9 of, and just wanted to highlight that. I think it was 10 a really great step in the right direction. But 11 basically the point of it was in order to educate 12 voters on how to participate in the 2020 elections. 13 Topics included: An overview of kind of the statewide 14 elections; what's going to be on the ballot; how the 15 media plays a role; how to take part and how to 16 participate. Also, my favorite was probably the data 17 analytics, one, I wish I could have watched the whole 18 thing. But that one was really good, and I hope we do 19 that again next year. 20 And then on to election information. We're 21 continually updating the website with informations on 22 elections, deadlines, how to get the ballot. What's 23 mainly on there right now is discussing the PPE and how 24 citizens and voters can participate in that. And we 25 often supplement these election information web pages</p>
<p>10:26:27-10:27:51 Page 43</p> <p>1 Okay. So -- well, good morning, Chairman, 2 Commissioners. My name is Julian, for those of you who 3 I haven't met and have met. I'm going to be giving the 4 2019 Annual Report. 5 I just chose this picture because this was 6 from our We the Voters conference, and I thought it was 7 just one great picture and that it kind of encapsulates 8 what we're trying to do here with getting everybody 9 involved in the process from all walks of life. 10 And if you move on, this page just says we're 11 submitting our Annual Report that we have to do every 12 year. We have the table of contents here that we'll be 13 going through. And this is just our letter to the 14 Governor saying, here is our Annual Report. 15 So the first page is going to be voter and 16 public education, which, just to give an overview, we 17 have -- did the We the Voters conference this year, 18 which we've talked about quite a bit. But that was 19 really my first event here at the Commission, and I 20 know it's something that everybody on Staff, especially 21 Gina, worked very hard on. And I just wanted to 22 highlight, because it really -- I think the idea behind 23 it was to be an open forum between voters and election 24 officials, and I think it really accomplished that job 25 very well.</p>	<p>10:29:05-10:30:20 Page 45</p> <p>1 with voter education tools, like videos and 2 infographics, bonds and override questions. I know Tom 3 did, and it turned out really great. 4 So on to our Take Flight campaign. You all 5 know a lot about this, I'm sure. But just to 6 highlight, we did see 1,435 users register using this 7 this year. And I did the math; that's about four 8 people every single day that walked by it and actually 9 to take a look at it, pull out their phones, and 10 register to vote using it. So I think that's really 11 great. 12 And we also developed a pop-up, which you can 13 see in the picture there, version of the wings, that we 14 can bring to events. I'm pretty sure it just lives in 15 Avery's car now. 16 And we have -- on to achievements. We were 17 actually nationally recognized for that Take Flight -- 18 Take Flight campaign by PR Week. We won best in public 19 sector for a marketing campaign. We beat out the CDC, 20 Procter & Gamble, Ogilvy, I don't even know how to say 21 that, but they're 70-year-old campaign -- 22 COMMISSIONER CHAN: Ogilvy. 23 MR. ARNDT: Ogilvy. 70-year-old campaign 24 agency -- 25 COMMISSIONER CHAN: Because I'm older than</p>

<p>10:30:23-10:31:26 Page 46</p> <p>1 you. 2 MR. ARNDT: Yes, but -- yeah. They've been 3 doing this for a while, so it's pretty great we could 4 beat them on that. 5 And even one judge, when they were discussing 6 it, said, you know, it brought amazing creativity, a 7 focused message to the target audience, and it really 8 makes an impact. And I think you can see that in the 9 numbers. 10 And grass roots outreach. Once again, you 11 know, we have an ongoing effort to increase outreach to 12 Arizona voters. 13 Picture there, we were at a national voter 14 registration day at ASU. And we do tons of those 15 events -- well, Avery does tons of those events and 16 registration drives across the county. 17 And we also -- in the next picture you can 18 see the Pinal County Recorders, we partnered with them 19 to create the first ever Arizona mobile outreach -- 20 voter outreach van. And this is going to be mainly 21 hoping to reach voters in rural parts of Arizona, just 22 hosting early events and register voters and more. 23 COMMISSIONER CHAN: Can I ask a quick 24 question, Mr. Chairman and Julian? 25 CHAIRMAN PATON: Yes, go ahead.</p>	<p>10:32:16-10:33:09 Page 48</p> <p>1 getting this to work. She worked with the Pinal County 2 Board of Supervisors to ensure that they could get the 3 funding. And she had a lot of stakeholders involved to 4 make this work, from their fleet department -- it was 5 just a lot of -- a lot of puzzle pieces that she put 6 together. 7 And we were very honored that she reached out 8 to Clean Elections to -- to partner with them on this 9 project and to support them in helping to get this out 10 into the community, just because it's a great service 11 to talk about bringing voting to voters. This is -- 12 what better way to do it. But yes, we have heard a lot 13 of input from other counties that this is something 14 that they would like to see happen for them. 15 COMMISSIONER CHAN: Thank you. 16 MR. ARNDT: Thank you. 17 COMMISSIONER CHAN: Sorry to interrupt, 18 Julian. 19 MR. ARNDT: No, thank you. 20 And then on to the -- that's just a snapshot 21 of outreach events, but you guys have been briefed on a 22 list longer than that every single month from stuff 23 that's been going on. 24 And if we go to the next one here, training 25 and guides. I mean, we're just continuing our</p>
<p>10:31:28-10:32:11 Page 47</p> <p>1 COMMISSIONER CHAN: Did any other counties 2 have interest in doing that? I mean, has that worked 3 well for Pinal? 4 MR. ARNDT: Well, Chairman, Commissioner, I 5 don't -- I don't know the answer to that. I'd have 6 to -- 7 COMMISSIONER CHAN: Oh, okay. 8 MR. ARNDT: -- defer to Gina on that one. 9 COMMISSIONER CHAN: I was just curious if -- 10 because it was such a fabulous, creative idea. And now 11 that they've rolled it out, I wondered what their 12 experience has been and if any other counties were 13 interested. 14 MS. ROBERTS: Mr. Chairman, Commissioner 15 Chan, my understanding is, yes, a lot of the counties 16 have been quite interested. When we did the public 17 unveiling, the launch for the van, several counties 18 from across the state did have representatives to come 19 down and see it. The Secretary of State herself came 20 down. And yes, I've heard great things from other 21 counties that that is something that they would like to 22 do. 23 Pinal County -- the Pinal County Recorder, 24 yeah, I would like to commend her, Virginia Ross, she 25 really took a lot of initiative and creativity into</p>	<p>10:33:11-10:34:29 Page 49</p> <p>1 trainings with the candidates in order to keep them up 2 to date on new procedures, rules, and just how to run 3 as a Clean Elections candidate and more. 4 And if you go to website and social media. 5 So if you look at the off years here, 2019 and 2017, 6 since we didn't have elections that year, was a little 7 bit lower. But you can see the comparison. I mean, we 8 had -- on the page views there, we had triple the 9 amount of people coming to our website and looking. 10 So, I mean, I think that's great news. Especially when 11 nothing is going on, you have, you know, over a quarter 12 of a million people coming. 13 And if you go to financial information. I'm 14 not really going to get into the numbers here. It's 15 all laid out for you, if you do want to take a look at 16 it in there. 17 And then enforcement and audits and 18 litigation. In 2019 we did not conduct any audits; 19 however, in 2020 we will be auditing every single 20 participating candidate. 21 And rulemaking and legislation. So in 2019 22 the Commission began implementing Prop 306, which I'm 23 sure you're very aware with by now. We have to go 24 through GRRC on approval of our rules. And some of the 25 rules that got amended in 2019 are listed down below</p>

<p>10:34:32-10:35:55 Page 50</p> <p>1 there.</p> <p>2 And on to 2019 legislation. We just wanted</p> <p>3 to highlight specifically that we oppose efforts to</p> <p>4 defund, eliminate, or limit Clean Elections or amend or</p> <p>5 supersede the Act or divert funds from the Clean</p> <p>6 Elections fund without furthering the purpose of the</p> <p>7 Act or even having the required super majority vote.</p> <p>8 And additionally, we are continuing to</p> <p>9 monitor proposed legislation regarding current campaign</p> <p>10 and election laws and just supporting election law</p> <p>11 reforms. And also support improvements to voter</p> <p>12 education and access, which I think we've been doing</p> <p>13 quite well.</p> <p>14 And if we look forward to 2020, kind of our</p> <p>15 education plan is just to continue doing the voter</p> <p>16 education guide, hosting candidate debates, I know we</p> <p>17 just got those all scheduled, bringing out the</p> <p>18 candidate compass, continuing with the Take Flight</p> <p>19 campaign, ID at the polls tool, voter dashboard,</p> <p>20 updating website content, and keeping the mobile app</p> <p>21 running. I know -- I believe Avery just finished</p> <p>22 testing a new version of the app that we'll be</p> <p>23 releasing soon.</p> <p>24 And then kind of a plan preview. Obviously</p> <p>25 we have the PPE coming up, and that's been a big part</p>	<p>10:37:02-10:37:54 Page 52</p> <p>1 COMMISSIONER MEYER: On the 2019 YouTube</p> <p>2 views, is that accurate? That number is really low</p> <p>3 compared to the prior three years.</p> <p>4 MR. ARNDT: Yes. From what we were looking</p> <p>5 at, that should be accurate. We just didn't put out</p> <p>6 any new videos when this was taken, so it's only</p> <p>7 counting new views.</p> <p>8 COMMISSIONER MEYER: I gotcha. Okay.</p> <p>9 MR. ARNDT: Yeah.</p> <p>10 CHAIRMAN PATON: Any others?</p> <p>11 (No response.)</p> <p>12 CHAIRMAN PATON: Thank you for the report.</p> <p>13 It's very concise.</p> <p>14 COMMISSIONER TITLA: Mr. Chairman.</p> <p>15 CHAIRMAN PATON: Yes.</p> <p>16 COMMISSIONER TITLA: Thank you.</p> <p>17 Thank you for your report. Good job. Very</p> <p>18 comprehensive. And I'd like to thank you and the Staff</p> <p>19 for doing all the good work.</p> <p>20 I haven't been here for a while now, but I've</p> <p>21 been hearing about the Clean Elections Commission and</p> <p>22 all the voter education work you guys are doing. They</p> <p>23 asked me about the -- you know, all the campaigns that</p> <p>24 you guys are doing in the state, so that means that you</p> <p>25 guys are doing a good job by reaching out to the four</p>
<p>10:35:58-10:37:00 Page 51</p> <p>1 of our job so far is just making people aware that if</p> <p>2 they did want to participate, they had to be registered</p> <p>3 as a Democrat, and making sure they know all the dates</p> <p>4 and answering anybody's questions.</p> <p>5 And for the election cycle and candidate</p> <p>6 information, candidates began collecting \$5 donations</p> <p>7 on August 1st of 2019; they have until July 28th of</p> <p>8 2020. And just those are the two races we're hosting</p> <p>9 right now, so anybody running for Corp Commission needs</p> <p>10 the minimum of 1,500, legislature requires 200. And I</p> <p>11 did want to note that we do kind of have a</p> <p>12 higher-than-average participation rate. Right now I</p> <p>13 think we currently have 58 candidates running.</p> <p>14 And the next pages are just Commissioners and</p> <p>15 Staff, we've got the bios of everybody. And you guys</p> <p>16 know each other pretty well, though, I'm sure.</p> <p>17 But that's my Annual Report. Thanks. Any</p> <p>18 questions?</p> <p>19 CHAIRMAN PATON: Any questions from the</p> <p>20 Commissioners?</p> <p>21 COMMISSIONER MEYER: Mr. Chairman.</p> <p>22 CHAIRMAN PATON: Yes, Commissioner Meyer.</p> <p>23 COMMISSIONER MEYER: Good morning. We</p> <p>24 haven't met yet, Julian. Thanks for the report.</p> <p>25 MR. ARNDT: Good morning.</p>	<p>10:37:58-10:39:10 Page 53</p> <p>1 corners of the state, and that's good.</p> <p>2 And I don't know whether you were here</p> <p>3 before, but I used to impress upon the Commission and</p> <p>4 the Staff that we need to reach throughout the state of</p> <p>5 Arizona to all the people, and that includes the Native</p> <p>6 Americans. Native American -- we have 22 tribes in</p> <p>7 Arizona with all reservations, all federal lands in the</p> <p>8 state of Arizona, and I said that we need to continue</p> <p>9 to reach out to them.</p> <p>10 And if you go in the north -- the northeast,</p> <p>11 you have the Navajo Nation out there. In the north you</p> <p>12 have the Hopi out there. And down this way you have</p> <p>13 the Apache Tribes. And then down south you have Tohono</p> <p>14 O'odham, Pascua, Yaqui. On the west side you have the</p> <p>15 Colorado River tribes. And in the northwest you have</p> <p>16 Fort Mohave. So all of them are tribes that we need to</p> <p>17 reach out to, because they vote and everything.</p> <p>18 And I think that if we had pictures in here</p> <p>19 that would signify that, I think that would be good.</p> <p>20 Also, as I mentioned earlier, the poor people, we need</p> <p>21 to put them in here also.</p> <p>22 Because our cover picture, while it is good,</p> <p>23 we have a youth, a young man here, and we have a</p> <p>24 farmer, it looks like, or ranchers on the page, and</p> <p>25 then we have a young Hispanic lady. But if we showed</p>

<p>10:39:16-10:40:18</p> <p>Page 54</p> <p>1 more diversity in those pictures, I think that would 2 help whoever is reading this to show that we are 3 reaching to all -- all those people out there. 4 And so I commend you all for doing a good 5 job, Avery and Gina and the Director and everybody 6 here. Thank you, Chairman. 7 CHAIRMAN PATON: Thank you. 8 Anybody else? 9 COMMISSIONER CHAN: Mr. Chairman, I just want 10 to commend Julian for the work on the Annual Report. I 11 think it's lovely. 12 And I actually agree with Commissioner Titla, 13 I think it is something we've overlooked is including, 14 you know, the tribes in our Annual Report. And I think 15 that would be beautiful to include them, because they 16 have been overlooked. And we do outreach with them, 17 and that probably would be a fabulous thing to remind 18 people that are looking at our Annual Report as well. 19 MR. ARNDT: Chairman, Commissioners, yeah, we 20 can definitely look into getting that in there. 21 I do know, and I'm not super familiar with 22 it, with the ID at the polls tool, I know we're working 23 with the County on making it easier for access for 24 Navajo -- or, just all Native Americans with that. 25 And then with the PPE, I'm not entirely sure,</p>	<p>10:41:19-10:42:46</p> <p>Page 56</p> <p>1 amendments to A.A.C. R2-20-701, 702.01, and 703.01. 2 Mr. Collins, can you make sense out of that? 3 MR. COLLINS: I can, absolutely. Basically, 4 and I'll just cut to the chase, we had our latest 5 meeting in front of the GRRC study session on Tuesday. 6 It was -- it was fine, it was good. We got some good 7 questions on a rule change we were making, and we think 8 that that was progress. 9 We also recently filed our first rules that 10 had been formally approved by GRRC, and so that was 11 also done. 12 All we're asking for on these three rules, 13 702.01, 703.01, and 701 -- 702.01, 703.01, and 701 are 14 that you -- we have two recommended brief -- motions. 15 One is that we approve them. And then two, I would 16 like a -- I'm recommending a separate motion on making 17 them effective immediately. 18 The reason for that is that, in working with 19 the GRRC, it's been helpful to -- for us to say we 20 would like them effective immediately, because then it 21 triggers GRRC making them effective immediately on 22 their calendar. There's some tension between those 23 dates, but right now we have a work around for that 24 that I think is effective, given the election cycle. 25 Just a real brief reminder on these rules.</p>
<p>10:40:21-10:41:16</p> <p>Page 55</p> <p>1 but I do think we had -- was it radio ads that were 2 broadcasted in Navajo as well to try and outreach. So 3 we can definitely highlight some of that stuff in 4 there. 5 CHAIRMAN PATON: Okay. Let's see. So is 6 there a motion to approve the Annual Report? 7 COMMISSIONER CHAN: Mr. Chairman, I would 8 move that we approve the Annual Report. 9 CHAIRMAN PATON: And is there a second? 10 COMMISSIONER TITLA: Second. 11 CHAIRMAN PATON: We have a second. And I 12 will call the roll. 13 Commissioner Chan. 14 COMMISSIONER CHAN: Aye. 15 CHAIRMAN PATON: Commissioner Kimble. 16 COMMISSIONER KIMBLE: Aye. 17 CHAIRMAN PATON: Commissioner Meyer. 18 COMMISSIONER MEYER: Aye. 19 CHAIRMAN PATON: Commissioner Titla. 20 COMMISSIONER TITLA: Aye. 21 CHAIRMAN PATON: And I'm the Chairman and I 22 vote aye as well. 23 Item V: Discussion and possible action on 24 status of rule amendment filings, Governor's Regulatory 25 Review Council actions, and final approval of</p>	<p>10:42:46-10:43:54</p> <p>Page 57</p> <p>1 Rule 701 was drafted by John Sundt, of GRRC, to 2 reiterate what his view of Prop 306 is. And then the 3 amendments to 703.01 and 702.01 were written by me in 4 response to other comments by Council Member Sundt, 5 again, to reiterate his view of Prop 306. So I would 6 simply recommend that the Commission vote to approve 7 them, and then that the Commission also vote to make 8 them effective immediately. 9 COMMISSIONER CHAN: Mr. Chairman. 10 CHAIRMAN PATON: Yes, Ms. Chan. 11 COMMISSIONER CHAN: Can we just approve them 12 as a slate then? 13 MR. COLLINS: Yes. Mr. Chairman, 14 Commissioner Chan, I believe that is appropriate. 15 COMMISSIONER CHAN: Mr. Chairman, I move that 16 we approve -- make final approval of amendments to 17 R2-20-701, 702.01, and 703.01. 18 CHAIRMAN PATON: Do we have a second? 19 COMMISSIONER KIMBLE: Second. 20 CHAIRMAN PATON: Okay. So we will have roll 21 vote. 22 Commissioner Chan. 23 COMMISSIONER CHAN: Aye. 24 CHAIRMAN PATON: Commissioner Kimble. 25 COMMISSIONER KIMBLE: Aye.</p>

<p>10:43:55-10:44:37 Page 58</p> <p>1 CHAIRMAN PATON: Commissioner Meyer. 2 COMMISSIONER MEYER: Aye. 3 CHAIRMAN PATON: Commissioner Titla. 4 COMMISSIONER TITLA: Aye. 5 CHAIRMAN PATON: And I'm the Chairman and I 6 vote aye as well. So that -- that goes. 7 COMMISSIONER CHAN: And then Mr. Chairman. 8 CHAIRMAN PATON: Yes. 9 COMMISSIONER KIMBLE: Before you -- you move, 10 one point of clarification, Mr. Collins. Our agenda 11 says 703.03. That is not correct, is that? 12 MR. COLLINS: Well, yeah, so -- 13 COMMISSIONER KIMBLE: It's 703.01, as stated 14 in the motion, right? 15 MR. COLLINS: You're right. 16 COMMISSIONER KIMBLE: Okay. 17 MR. COLLINS: So I guess -- 18 COMMISSIONER CHAN: Mr. Chairman, I looked -- 19 Tom, I looked at the rule itself just to make sure. 20 Because you said 703.01 when you spoke to us of it -- 21 MR. COLLINS: Yeah. 22 COMMISSIONER CHAN: -- and I noticed it was 23 different on the agenda. That's okay. 24 MR. COLLINS: No, I think -- 25 COMMISSIONER CHAN: I just wanted to make</p>	<p>10:45:12-10:45:44 Page 60</p> <p>1 MR. COLLINS: There was a mistake on the 2 agenda. 3 CHAIRMAN PATON: Okay. 4 COMMISSIONER KIMBLE: Okay. 5 MS. KARLSON: Yes, so -- 6 COMMISSIONER CHAN: Oh, what a bummer. Okay, 7 I see. Because it's not properly agendaed? 8 MS. KARLSON: Correct. 9 MR. COLLINS: Correct. 10 CHAIRMAN PATON: Okay. So we're leaving off 11 703.01. 12 COMMISSIONER CHAN: Oh, what a bummer. Well, 13 we're going to have a special meeting anyway in a 14 couple weeks; I guess we can do it then. 15 CHAIRMAN PATON: All right. Commissioner 16 Chan. 17 COMMISSIONER CHAN: All right. 18 CHAIRMAN PATON: Fire it up. 19 COMMISSIONER CHAN: Mr. Chairman, I move that 20 we make final approval of the amendments to R2-20-701 21 and 702.01. 22 CHAIRMAN PATON: Do I have a second? 23 COMMISSIONER KIMBLE: Second. 24 CHAIRMAN PATON: We have a second. We have a 25 motion and a second.</p>
<p>10:44:39-10:45:10 Page 59</p> <p>1 sure I made the correct motion, so I looked at the 2 rules, and it was 703.01. 3 MR. COLLINS: Well, I think in the abundance 4 of caution I guess I would -- I would -- I would 5 suggest that we revote on -- 6 COMMISSIONER CHAN: No, no. 7 COMMISSIONER KIMBLE: No. 8 MR. COLLINS: I mean, Kara is going to 9 make -- 10 COMMISSIONER KIMBLE: The motion is accurate. 11 MR. COLLINS: Kara is going to make us do 12 this anyways. 13 COMMISSIONER CHAN: The motion -- 14 COMMISSIONER KIMBLE: The motion was 15 accurate. 16 COMMISSIONER CHAN: -- was for 703.01. 17 MR. COLLINS: I understand that. Kara is 18 going to make us do what I'm about to tell you anyways. 19 COMMISSIONER CHAN: Oh. 20 MS. KARLSON: Yes, you should. 21 COMMISSIONER CHAN: Redo it? 22 MR. COLLINS: Redo it with just 701 and 23 702.01. 24 COMMISSIONER CHAN: Why? 25 CHAIRMAN PATON: Tom, you're confusing.</p>	<p>10:45:45-10:46:17 Page 61</p> <p>1 And the roll is: Commissioner Chan. 2 COMMISSIONER CHAN: Aye. 3 CHAIRMAN PATON: Commissioner Kimble. 4 COMMISSIONER KIMBLE: Aye. 5 CHAIRMAN PATON: Commissioner Meyer. 6 COMMISSIONER MEYER: Aye. 7 CHAIRMAN PATON: Commissioner Titla. 8 COMMISSIONER TITLA: Aye. 9 CHAIRMAN PATON: I'm the Chairman and I vote 10 aye as well, so that passes. 11 COMMISSIONER CHAN: And Mr. Chairman, I move 12 that we make those amendments effective immediately. 13 CHAIRMAN PATON: Do I have a second? 14 COMMISSIONER KIMBLE: Second. 15 CHAIRMAN PATON: And we will vote again. 16 Commissioner Chan. 17 COMMISSIONER CHAN: Aye. 18 CHAIRMAN PATON: Commissioner Kimble. 19 COMMISSIONER KIMBLE: Aye. 20 CHAIRMAN PATON: Commissioner Meyer. 21 COMMISSIONER MEYER: Aye. 22 CHAIRMAN PATON: Commissioner Titla. 23 COMMISSIONER TITLA: Aye. 24 CHAIRMAN PATON: And I'm the Chairman and I 25 vote aye as well, so that passes as well.</p>

10:46:22-10:46:53

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1 And Item VI: Public comment.
2 Does any member of the public wish to make a
3 comment at this time?
4 (No response.)
5 CHAIRMAN PATON: I see no visible hands.
6 So do we have a motion to adjourn?
7 COMMISSIONER CHAN: I move -- Mr. Chairman, I
8 move we adjourn our meeting.
9 CHAIRMAN PATON: Do I have a second?
10 COMMISSIONER KIMBLE: Second.
11 CHAIRMAN PATON: And the roll call is:
12 Commissioner Chan.
13 COMMISSIONER CHAN: Aye.
14 CHAIRMAN PATON: Commissioner Kimble.
15 COMMISSIONER KIMBLE: Aye.
16 CHAIRMAN PATON: Commissioner Meyer.
17 COMMISSIONER MEYER: Aye.
18 CHAIRMAN PATON: Commissioner Titla.
19 COMMISSIONER TITLA: Aye.
20 CHAIRMAN PATON: And I'm the Chairman, I vote
21 aye as well.
22 We are adjourned.
23 (The proceedings concluded at 10:47 a.m.)
24
25

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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA) ss.
3
4 BE IT KNOWN that the foregoing deposition was
5 taken by me pursuant to stipulation of counsel; that I
6 was then and there a Certified Reporter of the State of
7 Arizona, and by virtue thereof authorized to administer
8 an oath; that the witness before testifying was duly
9 sworn by me to testify to the whole truth; that notice
10 was given that the transcript was available for review
11 and signature; that the questions propounded by counsel
12 and the answers of the witness thereto were taken down
13 by me in shorthand and thereafter transcribed into
14 typewriting under my direction; that the foregoing
15 pages are a full, true, and accurate transcript of all
16 proceedings and testimony had and adduced upon the
17 taking of said deposition, all to the best of my skill
18 and ability.
19
20 I FURTHER CERTIFY that I am in no way related
21 to nor employed by any of the parties hereto nor am I
22 in any way interested in the outcome hereof.
23
24 DATED at Tempe, Arizona, this 2nd day of
25 March, 2020.


Kathryn A. Blackwelder, RPR
Certified Reporter #50666

	African (1) 37:20	apparent (1) 10:9	Avery (8) 5:19;7:21; 8:1;41:10;44:4;46:15; 50:21;54:5	9:17;31:23;48:2
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\$10 (3) 32:12;34:12,17	again (8) 24:21;31:3; 41:7;42:3;44:19;46:10; 57:5;61:15	appear (1) 7:14	aware (3) 35:5;49:23; 51:1	bonds (1) 45:2
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