PUBLIC MEETING BEFORE THE CITIZENS CLEAN ELECTIONS COMMISSION convened at 9:33 a.m. on April 30, 2020, at the State of Arizona, Clean Elections Commission, 1616 West Adams, Conference Room, Phoenix, Arizona, in the presence of the following Board members:

Mr. Galen D. Paton, Chairperson (Telephonic)
Mr. Mark S. Kimble (Telephonic)
Mr. Damien R. Meyer (Telephonic)
Steve M. Titla (Telephonic)
Ms. Amy B. Chan (Telephonic)

OTHERS PRESENT:

Thomas M. Collins, Executive Director
Paula Thomas, Executive Officer
Gina Roberts, Voter Education Director,
(Telephonic)
Mike Becker, Policy Director,
(Telephonic)
Alec Shaffer, Web Content Manager
Julian Arndt, Executive Support Specialist,
(Telephonic)
Kara Karlson, Assistant Attorney General

09:33:05-09:33:51

MR. COLLINS: So, Chairman Paton, since you're on the line, if you want to go ahead. I guess -- I guess, we'll kick it to you to call us to --

CHAIRMAN PATON: No, that's okay, if somebody else can do that.

MR. COLLINS: Okay.

CHAIRMAN PATON: I, kind of, hurried and whatever --

MR. COLLINS: Okay.

CHAIRMAN PATON: -- and got in the car.

MR. COLLINS: Okay. Sounds good.

Commissioner --

CHAIRMAN PATON: (Inaudible.)

MR. COLLINS: No, no problem.

Commissioner Chan, I'm just going to kick it to you to call us to --

it to you to call the meeting to order, please, and to call the roll.

COMMISSIONER CHAN: Sure.

MR. COLLINS: Or ask the commissioners to identify themselves for the record, rather.

COMMISSIONER CHAN: Of course. Okay.

So, I'll call the meeting to order. It is 9:32 a.m., April 30th, 2020, and I'll call the meeting of the Citizens Clean Elections Commission to order. We will now take attendance.

1 of the Citizens Clean Elections Commission

2 We will now take attendance.

3 Could each Commissioner, please, state your presence for the record?

4 Mr. -- Commissioner Paton, why don't we start with you.

5 CHAIRMAN PATON: I am here.

6 COMMISSIONER CHAN: Commissioner Titla, are you on the line?

7 COMMISSIONER TITLA: Yeah. Good morning.

8 Here.

9 COMMISSIONER CHAN: Excellent.

10 Commissioner Meyer?

11 COMMISSIONER MEYER: Present.

12 COMMISSIONER CHAN: Excellent.

13 Commissioner Kimble?

14 COMMISSIONER KIMBLE: Hi. Here.

15 COMMISSIONER CHAN: Okay. Great. And I am here, as well, Commissioner Chan.

16 MR. COLLINS: Did we get Commissioner Titla?

17 MS. KARLSON: Yes.

18 MR. COLLINS: We did. Okay.

19 COMMISSIONER CHAN: I believe I called on him second.

20 COMMISSIONER CHAN: Did we get Commissioner Titla?

21 MS. KARLSON: Yes.

22 MR. COLLINS: We did. Okay.

23 COMMISSIONER CHAN: I believe I called on him second.

24 COMMISSIONER KIMBLE: This is --
COMMISSIONER TITLA: I motion.

MS. KARLSON: That's correct.

COMMISSIONER TITLA: Absolutely. Thank you.

COMMISSIONER TITLA: You know, I motion to approve the minutes as a slate.

COMMISSIONER TITLA: Okay, for February --

COMMISSIONER KIMBLE: Commissioner Kimble.

Second.

COMMISSIONER CHAN: Thank you.

All right. We have a motion and a second to approve the Commission minutes for February 27, 2020 and March 16, 2020.

So, all those -- we'll go ahead and take a roll call vote. I believe we have to do that, right, Tom?

MR. COLLINS: It definitely makes an easier record, especially when you're on the phone.

COMMISSIONER TITLA: Aye.

COMMISSIONER MEYER: Aye.

COMMISSIONER KIMBLE: Commissioner Kimble?

COMMISSIONER KIMBLE: Commissioner Kimble.

COMMISSIONER CHAN: Commissioner Titla, how do you vote?

COMMISSIONER CHAN: Aye.

COMMISSIONER MEYER: Commissioner Meyer?

COMMISSIONER TITLA: Aye.

COMMISSIONER CHAN: Commissioner Titla, how do you vote?


COMMISSIONER MEYER: Commissioner Meyer?

COMMISSIONER KIMBLE: Commissioner Kimble?

COMMISSIONER KIMBLE: Commissioner Kimble.

COMMISSIONER TITLA: And I'm Commissioner Chan, and I vote aye.

All right. And moving on -- so, that's Item II.

Moving on to Item III, I will -- that's discussion and possible action on Executive Director's report and legislative report.

Tom, can I turn that over to you now?

MR. COLLINS: Yes, please. Yes.

COMMISSIONER CHAN: All right. Thank you.

MR. COLLINS: Commissioner Chan and Commissioners, I just want to -- we tried to cover a lot of -- a lot of materials, a lot of -- there are a lot of updates and new reports. So, I'm happy to take questions.

There is a local election coming up here in -- next month, on May 19th. They're local, and they are in cities in select counties. We have all that information on the Commission's website.

As you can see, that Avery is continuing to do outreach as events have shifted to online -- and I think that's good -- and has kept abreast of A -- of the DHS -- the Arizona Department of Health Services' guidance to election officials thus far.

Just so everybody knows, I think this happened just before our last meeting. Governor Ducey had declared -- issued -- I think, he declared a state of emergency on the 11th. He subsequently issued an executive order. He modified that yesterday but -- but continued it in force. And I'm happy to get you the details on that if you -- if you would like details on the modifications.

We have been operating the agency with -- with -- consistent with that guidance. So, we've had -- we've expanded the telework but have kept the office open during business hours. And we are, you know, working. We've -- Paula has been able to obtain, you know, some of the now, sort of, standard issues, things we'll need to run the office. And Paula has been really key here in keeping us abreast of policy and procedural changes regarding how the State is operating. You know, this is -- the COVID-19 situation is, obviously, widespread. We have a narrow piece of it, but it's, also, something that's important for us to keep on top of.

So, that's where we are administratively.

I don't know if anyone has any questions about that specifically.

COMMISSIONER CHAN: Tom, can I just make a quick comment? And, then, if any other commissioners want to chime in, they can let me know and we can recognize them. This Commissioner Chan.

I just want to say thank you to you and the staff for your work while this is going on. Just speaking for myself personally, going through this with COVID-19 has been extremely traumatic. I mean, I think my family has, kind of, adjusted now to a new normal and, you know, we're feeling a little more balanced now, but initially it was a pretty traumatic adjustment to schools at home and the fact that we're social distancing.

And I just want to say I admire you and the
I think, makes sense. One, that, you know, obviously, with that, which I think are -- for what it's worth, I
His -- he wants to modify that, he said yesterday at modified but will be forthcoming in the following week.
so, retail is probably the biggest -- the biggest one so far. They -- I think the order -- the order did maintain the travel restrictions with respect to
New York, New Jersey or Connecticut, and then -- I think that's -- those are the highlights.
You know, we will -- we'll see what the next steps are. He has been briefing the press about once or twice a week, and those are typically carried on the ADHS YouTube page, which we can, also, get you the link to, but I would think the -- I think the highlight is the reopen retail under the restrictions with respect to spacing and safe -- you know, health
so, have a -- I wanted to COMMISSIONER TITLA: Okay. Thank you.

The Attorney General's Office filed a decision on that at some point.
You know, we have -- we have an oral argument date for the Arizona Advocacy Network v. State Court, largely.
Right now. So, that's happening in Maricopa Superior Court, largely.
We will -- we'll see what the next steps are. He has been briefing the press about once or twice a week, and those are typically carried on the ADHS YouTube page, which we can, also, get you the link to, but I would think the -- I think the highlight is the reopen retail under the restrictions with respect to spacing and safe -- you know, health

Going to be confused. So, they're going to be looking for clarification, and I think that's where the Clean Elections will come in and we can help clarify.
Regarding the pandemic, Tom, what are the modifications that were stated by the governor yesterday, you said, but what are those specific modifications?

MR. COLLINS: So, Commissioner Chan, Commissioner Titla, they are -- this is as comprehensive as I can do, I think. Beginning next week, there will be an expansion of, essentially, the definition of "essential services" -- goods and services to folks who are selling goods. So, retail establishments will be able to reopen under certain distancing and safety guidelines.
The governor, also, said that he will be considering and looking at the issue of restaurants related to -- that will -- and that that plan will be modified but will be forthcoming in the following week. His -- he wants to modify that, he said yesterday at his press conference, but he doesn't want to do it too quickly.
He has two -- two statements associated with that, which I think are -- for what it's worth, I think, makes sense. One, that, you know, obviously, we've done substantial work as a state to try to keep the level of -- of this down, notwithstanding, you know, obviously, you know, the northeast corner of the state, obviously, the Navajo reservation and the -- and a couple of other specific areas but -- and, then, with respect to restaurants, you know, he said that, you know, if we were to follow some other states and opened with the, sort of, like, 25 percent occupancy cap, you'd, basically, cause restaurants to go out of business faster which, of course, is something that is in his background and he knows.
I think -- I think -- I think that the retail is probably the biggest -- the biggest one so far. They -- I think the order -- the order did maintain the travel restrictions with respect to self-quarantining for folks who have come from New York, New Jersey or Connecticut, and then -- I think that's -- those are the highlights.
You know, we will -- we'll see what the next steps are. He has been briefing the press about once or twice a week, and those are typically carried on the ADHS YouTube page, which we can, also, get you the link to, but I would think the -- I think the highlight is the reopen retail under the restrictions with respect to spacing and safe -- you know, health
petition for serve in the -- in the U.S. Supreme Court
related to a Ninth Circuit opinion that its main effect
was to strike down an Arizona law that restricts the
collection of mailed ballots. So, that will be --
that's on file now.
MR. COLLINS: Oh, right.
MS. KARLSON: And --
MR. COLLINS: Sorry.
MS. KARLSON: Tom, I'm sorry to interrupt
you, but the other big part of that lawsuit strikes
down the precinct --
MR. COLLINS: Yes.
MS. KARLSON: -- requirements that will
have impact on or could, potentially, have impact on
election officials, but basically, Arizona law for the
last --
COMMISSIONER CHAN: Wait. I'm sorry. This
is Commissioner Chan.
Is that Kara speaking?
MR. COLLINS: Yes. Sorry. Yes.
MS. KARLSON: This is Kara Karlson.
COMMISSIONER CHAN: That's okay. I just --
thank you.
MS. KARLSON: Arizona law, for the last 50
years, allowed for -- or required people to vote in
their proper precinct, and the Ninth Circuit en banc
decision, also, struck down that requirement. So,
counties that -- I mean, the laws have been amended
since then to allow counties to make a decision to move
to vote centers. So, there are certain rural counties,
specifically, that have moved to vote centers, but the
counties that have -- that are currently reliant on
voters showing up at the correct polling place and
those counties have technology specific to that, you
know, that could affect the elections administrators if
that -- if the Ninth Circuit en banc holding stands.
MR. COLLINS: Okay. So, that's -- yes.
That's -- yeah, that's -- so, that will be -- that will
be interesting.
Another case --
CHAIRMAN PATON: Tom?
MR. COLLINS: Yes.
CHAIRMAN PATON: Tom, this is -- if I
could, this is Commissioner Paton.
MR. COLLINS: Yes.
CHAIRMAN PATON: I have a question about
that.
Is that going to change for the November
election? And if there are changes, I guess, maybe we
should trumpet out those changes any way we can so that
most people -- so people will know about those changes.
MR. COLLINS: I'll defer to Kara on that.
MS. KARLSON: Commissioner Chan,
Commissioner Paton, the real issue, I think, at this
time with mounting a voter education campaign is that
point with mounting a voter education campaign is that
this case is still in flux so much and we don't know
when we will have finality, whether it's from the en
blanc Ninth Circuit's opinion or if the Supreme Court
takes it, you know, or if there's a stay in place.
So, due to the fluctuating nature of this,
I think that it's fair to be concerned about putting
out statements that you then have to, you know, revise
repeatedly as this moves, probably rather
expeditiously, through the courts. I mean, as long as
I've been involved in this case, it's been -- it's
moved very rapidly. So, hopefully, we'll have finality
soon. Do I know for certain that it will occur before
the 2020 general, particularly given the changes in how
everyone has been operating under COVID-19? I can't--
I can't make a prediction on that.
So, I hope I have answered your question
without actually answering your question.
it is so -- you know, a big presidential election. You
2 would think that we would have finality rather -- you
3 know, several months, you would think, before the
election so that would give us time to explain what the
final, you know, procedures are going to be.
6 MR. COLLINS: I mean, Commissioner Chan,
7 Commissioner Paton, I think that, yeah, having, you
know, like, Kara work on some of these cases right at
the -- at the -- right as election season is
10 approaching, that's certainly always a hope. There is
11 a body of case law that says that that should be the
12 way things are done.
13 MS. KARLSON: And yet.
14 MR. COLLINS: But -- yeah, but -- so,
15 we'll -- but we'll see. I think, I mean, Commissioner
16 Chan, also, has a background -- has worked on some of
17 those matters -- a lot of those matters, actually.
18 COMMISSIONER CHAN: Yeah. This is --
19 Commissioner Chan. I was just going to pipe up and say
20 I remember -- I can't remember what the issue was, but
21 I remember a case where we were sure, when I was at the
22 Secretary of State, they had to decide this case in
23 time for the election to be conducted with a law either
24 in place or not in place. Like, we had to know. And
25 instead -- and I think it was the Supreme -- I don't

1 remember, but it was, like, either the Arizona Supreme
2 Court or the U.S. Supreme Court. I mean, it was
3 definitely, like, the final arbiter of the matter. And
4 they just kept it. Like, they just didn't decide it,
5 you know. And so, we were, like, what, you know.
6 And so, that definitely happens. The
7 courts sometimes disappoint us in that way. You know,
8 they, kind of, leave us hanging with no real answer
9 unless there's -- the answer would be whether there's a
10 stay in place, as Tom is going to let us know.
11 But, anyway, that's my two cents.
12 MS. KARLSON: And, Commissioner Chan and
13 all the commissioners, just to give you guys a little
14 bit of a procedural background on Feldman and what --
15 it's known by a different name now. So, please, excuse
16 me for referring to the case that it was called four
17 years ago when it first started, but the procedural
oddity of this, they -- the Ninth Circuit issued an
19 order striking Arizona law the Friday before the
20 election, at least in regards to the ballot collection
21 ban, despite the unanimous Supreme Court's decision
22 known as the Purcell principle that you cannot change
23 election law right before the election.
24 And we thought that was particularly
25 important, given the fact that the vast majority of

1 Arizona ballots had already been cast. It took the
2 Supreme -- the United States Supreme Court
3 approximately 22 hours to strike that down, but I say
4 that -- and Commissioner Chan was actually a witness on
5 that case.
6 I just give that contextual background to
7 say that this case procedurally is a case that I've
8 gotten called from other lawyers to try to explain what
9 happened because it is just very convoluted. It's a
10 very interesting case from a civil procedure
11 standpoint, but I don't know -- yeah, that's part of
12 the reason that I'm so cagy on trying to predict
13 anything about that case.
14 MR. COLLINS: Okay. So, yeah, it's a very
15 high-interest case to begin with.
16 A couple of other cases that, I think, are
17 worth being aware of and, you know -- and, obviously,
18 we've had a chance to talk a little bit about these
19 with Kara -- oh, my apologies, Commissioners. The Voto
20 Latino v. Hobbs has to do with -- I think the main
21 issue there, if I'm correct, is the -- is the deadline
22 for the return of ballots.
23 The relief that the Plaintiffs are seeking
24 there is, essentially, that rather than have your
25 ballot delivered no later than the close of the polls;
The legislature -- real quick -- and I know you're seeking that relief for the August primary due to the issues --

MR. COLLINS: Okay.

MS. KARLSON: -- of timing. They would just be seeking it for the November general election.

And, fortunately, because I'm lead counsel on the case, I will definitely keep the Commission apprised of anything that has occurred. We have filed a motion to dismiss. The Plaintiffs have filed a preliminary injunction motion that we are responding to.

And just to get everyone an idea of how many early ballots are rejected or, at least, were rejected in 2018 for failure to arrive on time, it was approximately 2,500 out of over 1.7 or 1.8 million.

MR. COLLINS: So, that's not a lot percentagewise.

MS. KARLSON: Percentagewise, it is almost zero.

MR. COLLINS: Okay. And, then, finally, the other -- the last case that we identified is a case called Miracle v. Hobbs, which has to do with the right to petition under the Arizona Constitution and how it was placed on top of the constitutional process for circulating and resolving issues around the initiative and referendum petitions are impinging on the First and Fourteenth Amendment rights of the Plaintiffs.

They were denied preliminary relief some months ago there on appeal, I believe, from the denial of preliminary relief. I don't think they got a stay -- I don't know if they got a stay from that.

So, that's not a lot percentage.

MR. COLLINS: No, no, no. I knew it was or June. So, it was a 50/50 chance. In the end of May.

And just to put that in perspective, early ballots will be sent out, essentially, one month after that, really, because it was sent out on July 8th. So, again, this is one of the -- this is a case where the lawsuit is right up against the actual casting of ballots in terms of trying to get relief and, then, presumably, expedited appellate matters.

So, it's a -- that one, too, I think, will -- will be -- you know, regardless of the outcome -- and I don't want to anticipate the outcome too much, but that one, too, will be, you know, a last-minute thing that we'll be keeping our eyes on because in the event -- because -- especially, for the August primary. There's, obviously, more time before the -- before the general election.
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| 1. we're -- I took a little longer than I probably should
2. have, but the legislature -- the legislature is
3. recessed. It's not clear when the legislature will
4. come back. There was a discussion in the press around
5. the leadership suggesting that, perhaps, the
6. legislature simply come back and sine die, you know,
7. and adjourn for the session. The members -- a majority
8. of the members indicated that was not their preference.
9. So, we're, sort of, in a holding pattern there. There are two bills that we've been watching
10. in so far as the session continues. So, we'll keep you
11. informed on that.
12. COMMISSIONER CHAN: Tom?
13. MR. COLLINS: Yes.
14. COMMISSIONER CHAN: This is Commissioner Chan.
15. MR. COLLINS: Please.
16. COMMISSIONER CHAN: A quick question regarding the legislature.
17. Do you know the date they're coming back?
18. MR. COLLINS: No, no. They had --
19. Commissioner Chan -- sorry. They had said -- we had
20. heard -- I think we had heard Monday last and then we
21. heard May 1st, and I haven't heard a date since the

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| 1. last discussion, since the discussion about simply
2. returning and adjourning went over without any
3. resolution. So --
4. COMMISSIONER CHAN: Okay.
5. MR. COLLINS: So, we don't know.
6. COMMISSIONER CHAN: I ask because I have
7. been very passionate about making a change for this
8. year to all mail voting due to the pandemic. I was
9. concerned about the PPE taking place in polling places,
10. and I don't know what the actual specifics are. You
11. know, there was one story about a man who voted and
12. contracted the coronavirus who died, I believe, here in
13. Phoenix. I've seen some of the information coming out
14. of Wisconsin, you know, because the coronavirus
15. pandemic has, kind of, been going on a little longer.
16. I think more people were infected at the time they
17. conducted their Presidential Preference Election up there.
18. I am personally very concerned. We're
19. going to vote in August. I think August 4th is the
20. date or is it August 6th.
21. MR. COLLINS: Yes, it is August 4th.
22. COMMISSIONER CHAN: I can't remember.
23. August 4th maybe. I've been encouraging people, using
24. my social media, to register to become permanent early

1. voters for the time being, but I'm only one person.
2. And, I guess, what I'm trying to point out here is that
3. even if I've been encouraging people or even if we all
4. encourage everyone who votes to enroll on the permanent
5. early voter list, I'm very concerned about our election
6. workers and pollworkers who -- even if everybody is on
7. the permanent early voter list, they're still going to
8. have to put on an election together. And I think it's
9. kind of hard to be socially distant --
10. THE OPERATOR: Leaving the meeting: Mike Becker.
11. COMMISSIONER CHAN: You use touchscreen, et cetera, during an election. And what, I guess, I'm
12. trying to say is -- and I don't know if it's okay to
13. bring it up and, if not, you can stop me and we can put
14. it on another agenda, but do we, as the Commission, want to take a policy position on this for this year,
15. discuss it, as far as asking the legislature to consider doing this this year? I'm sorry to, kind of,
16. you know, bring this up over the phone without being face to face.
17. MR. COLLINS: No, no. No, Commissioner Chan, let me -- let me answer that question in two ways. The first is that, you know, we do have room to discuss that in the context of the voter education
18. agenda item which deals with a lot of our contingency
19. planning around that. You know, with respect to the legislature, generally, the -- and we can discuss that,
20. I think, here and there, but just to -- just to answer the question, is the president of the Senate has
21. said --
22. THE OPERATOR: Joining the meeting: Mike Becker.
23. MR. COLLINS: -- has said expressly that the -- that a ballot by mail without a request for the state primary and the general election is not something that she would be inclined to put on the floor.
24. COMMISSIONER CHAN: I know that.
25. MR. COLLINS: So, I --
26. COMMISSIONER CHAN: I -- I'm sorry. Go ahead, Tom.
27. MR. COLLINS: No, I guess, it would be probably easier to put this in the context of our voter education discussion because our discussions with the Secretary's office have included that topic. So, it would be easier to put that in that context for me, anyways, if that's okay.
28. COMMISSIONER CHAN: Okay. I guess, I'm happy to talk about it in the context of voter education. The reason I bring it up in terms of
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<td>1 legislative stuff is because, again, you know, even if 2 we educate all the voters on going to PEVL for the year 3 and then taking ourselves off once we get past this 4 thing, hopefully sooner rather than later, just to 5 maintain their safety as much as possible so they don't 6 have to interact with other people or limit it as much 7 as possible. 8 So, with the legislature not making this 9 change is putting people in danger. It's requiring 10 people to go in public and interact with people. And I 11 have a friend who voted in the PPE in February and 12 blurted on her Facebook how aware she was of every 13 single thing she had to touch, every single person she 14 had to interact with, touching her driver's license, 15 handing it back to her, all of that stuff and the 16 touchscreen, et cetera. So, even back then when this 17 was just, kind of, unrolling and still taking shape 18 with the coronavirus, I am still finding out that 19 voters were uncomfortable. 20 And I think it's irresponsible of the 21 legislature not to take on this stuff and I'm sorry 22 because I know I tend to be a rabble-rouser, I guess. 23 I just thought I'd bring it up as far as whether we 24 wanted to do it since -- (inaudible) -- against us, if 25 that's what we want, anyway. But, I'm happy to talk</td>
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| 1 about it in voter education. I just wanted to mention 2 it in front of the other commissioners, as well. 3 Thank you. 4 MR. COLLINS: With respect to -- yeah. No, 5 thank you. And just to clarify, Commissioner Chan, 6 with respect to the notice on the -- on the agenda, 7 we're in a position where, you know, we can be given 8 direction to do something, but I suspect that on that 9 issue, we would want to have a discussion and actually 10 have a -- have a vote. And we aren't really equipped 11 for that with the way this agenda is noticed. 12 COMMISSIONER CHAN: Okay. And thank you, 13 Tom. And I understand that. Okay. 14 MR. COLLINS: And, then -- that's it. So, 15 I mean, that's -- that's really all I have. I do want 16 to note we have 38 participating candidates. We've 17 funded 11. 18 Things are going smoothly with the 19 Governor's Regulatory Review Commission in terms of the 20 terms we've sort of, come to, at least informally. 21 And that's all -- that's all I have. 22 So, I mean, without any -- without any 23 further ado, that concludes my report. 24 COMMISSIONER CHAN: Thank you. 25 Does anyone have any other questions or | 1 time I asked, which was, I think, in -- which was in -- 2 which was about -- about a month -- probably a month 3 and a half ago, before this all turned to what it is. 4 CHAIRMAN PATON: Okay. Thank you. 5 COMMISSIONER CHAN: Commissioner Paton, 6 this is Commissioner Chan. And you know how I feel 7 about it, but I will say that I've grown a little more 8 contemplative over this past month and a half, and I 9 have come to the conclusion that I should be grateful 10 for the Commission we have. And I think similar to 11 what Tom just said. I'll just echo my extreme thanks 12 to Commissioner Titla, first of all, for his being a 13 holdover because he's been here the longest. So, thank 14 you, Commissioner Titla. 15 Commissioner Kimble and Meyer -- well, let 16 me think. Meyer, I think you've been here longer than 17 Kimble. 18 Kimble, you just aged out or timed out, I 19 guess. So, thank you to all three. 20 And, you know, hopefully, Commissioner 21 Paton, you'll stick around, too, next year, depending 22 on how this goes. And we'll just continue to have the 23 fab five here for a while. 24 CHAIRMAN PATON: The cabal. 25 COMMISSIONER CHAN: All right. So, are
25. And as far as the actual format of the

24. debates.
23. Times this year again to moderate several of these
22. debates.
21. on-the-ground debates at every legislative district.
20. So, what that meant was staff, candidates, voters and
19. all of our partners, we would be traveling to each
18. the new norm.
17. of our voter education plans in light of COVID-19 and
16. Commission some updates on how staff has adapted some
15. think what we have on the agenda here is to provide the
14. Hi. Good morning. And I
13. COMMISSIONER CHAN: Hi.
12. All right. Good morning.
11. Commissioners. This is Gina.
10. MS. ROBERTS: Yes, Commissioner Chan,
9. So, is Gina Roberts available?
8.  We were very cognizant of the need to make sure that
7. during the debate, the public can actually either
6. they may have for the candidates or call the office and
5. submit those questions ahead of the debate and, then,
4. once we transition to this process, and I'm
3. that we were transitioning to this process, and I'm
2. So, we did provide several, kind of,
1. heads-up messages to the candidates letting them know

1. there any other questions for Tom on this item?
2. (No response.)
3. COMMISSIONER CHAN: If not, I'll take us on
4. to Item IV for discussion, and I don't think staff is
5. recommending any actions. It's discussion and possible
6. action on voter education, including, A, debate format
7. change and, B, ballot by mail and pollworker
8. recruitment campaign.
9. So, is Gina Roberts available?
10. MS. ROBERTS: Yes, Commissioner Chan,
The State of Arizona
Citizens Clean Elections Commission

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10:19:45-10:20:52

1 COMMISSIONER MEYER: Sorry. This is
2 Commissioner Meyer.
3 COMMISSIONER CHAN: Sorry, Commissioner
4 Meyer. Go ahead.
5 COMMISSIONER MEYER: No, no. My apologies.
6 I was on mute.
7 I had a question probably for -- for both
8 Tom and Gina; and that is, you know, if this
9 continues -- this pandemic continues, you know, longer
10 than any of us want to and runs into the elections, are
11 there plans in place? Is anyone planning on how to
12 actually do the polling on day of and -- I'm sorry --
13 voting at the polls on the day of the locations?
14 MR. COLLINS: So -- Gina, do you want to go
15 first?
16 MS. ROBERTS: Sure. So, Chairwoman Chan
17 and Commissioner Meyer, I apologize. I want to make
18 sure that I fully understand your question. So, were
19 you -- were you inquiring about how to inform people
20 about how to vote on the day of the election? And I
21 apologize. I just want to make sure I fully understood
22 your question.
23 Do you mind elaborating a little more?
24 COMMISSIONER MEYER: Not at all. It was
25 not my most eloquent moment by any stretch.


1 To do that, the voter would have to make a
2 request, and that either -- that request is either done
3 by joining the permanent early voting list. So, it's a
4 one-time request and, then, going forward, any election
5 that they're eligible to vote in, the ballot is
6 automatically mailed to them, or voters can do a
7 one-time request per election. So, maybe they don't
8 want to join the permanent early voting list but they
9 decide this particular election they want to vote by
10 mail, they can make that simple one-time request.
11 So, what we've seen from our election
12 officials from several counties and from the Secretary
13 of State's office here in Arizona, there has been a
14 call for the legislature to authorize all mail, and
15 what that would mean is that every eligible voter would
16 automatically be mailed a ballot, not just if you're on
17 the permanent early voting list or if you made that
18 one-time request.
19 And so, the thought process behind that was
20 if we can get those ballots out to all of those voters,
21 that will reduce the number of people voting in person.
22 In-person locations with an all-mail election would
23 still be required because voters would still need the
24 opportunity to get a replacement ballot. Maybe, you
25 know, they lost their ballot that was mailed to them or

10:23:26-10:24:43

10:20:57-10:22:14

1 My question is, if this pandemic lasts
2 longer than we want to and we still have the social
3 distancing or, you know, worse. I mean, we all saw the
4 footage in Wisconsin where people were going to the
5 polls and, you know, lined up for blocks because of the
6 social distancing requirement. I think some folks
7 actually may have contracted the virus when they were
8 voting.
9 Are there any plans or is there any thought
10 of an alternative system or how people are going to
11 vote at locations if we don't get to a better place
12 with this virus?
13 MS. ROBERTS: Okay. Commissioner, thank
14 you. That helps clarify. And I think that really
15 leads into our next section about the ballot by mail
16 and voter education campaign and the pollworker
17 recruitment.
18 With what was discussed a little bit
19 earlier in terms of legislation authorizing an all-mail
20 election, the background behind that is that,
21 Commissioners, so to vote -- voters have always had
22 several options in how they can cast their ballot.
23 They can either vote in person early or on election day
24 or they can get a ballot mailed to them, and that's --
25 voting by mail has been around for well over a decade.

10:23:26-10:24:43

1 they spoiled it.
2 So, that would have been the discussion
3 that's been happening about what that alternate plan
4 would look like, but I think, as Tom alluded to, it
5 doesn't seem like that's a possibility right now with
6 the legislature. So, in terms of the voter education
7 context, what staff has been working on is a Voter
8 Education Plan to inform voters about those options for
9 requesting your ballot by -- ballot by mail.
10 Right now, in Arizona, about 80 percent of
11 voters already vote by mail. So, we need to reach that
12 other 20 percent and inform them about their options in
13 so much as if you decide this year that, you know, it's
14 in the best interest for you and your family to vote at
15 home, here's the steps that you need to take on how to
16 do it.
17 And so, we've been working -- staff has
18 been working on this plan to launch a Voter Education
19 Plan, and we did -- we were contacted by the Secretary
20 of State's office. They would like to partner with us
21 on that, as well, and the counties, as well. So, right
22 now the stance in terms of voter education context is
23 informing the public about how to make that request for
24 that ballot.
25 Does that address your question,
Ms. Roberts: And, Commissioners -- this is the, sort of, state of policy right now. So, those are the -- that's the, sort of, basis.

Mr. Collins: I think that's -- I think that's correct.

MS. ROBERTS: Commissioner Chan, I think, as you mentioned earlier, that's going to be troublesome this year with the coronavirus going around.

COMMISSIONER CHAN: I think that --

COMMISSIONER MEYER: This is Commissioner Meyer. Thank you, Gina and Tom.

COMMISSIONER CHAN: Sorry, Commissioner Meyer, to speak over you.

COMMISSIONER MEYER: No, no. I was just saying thank you to Tom and Gina for that information.

MS. ROBERTS: Well, Commissioners, and Commissioner Chan, I think, as you mentioned earlier, too, we have seen other states have issues with pollworkers willing to serve. As we know, the demographics for pollworkers are typically going to fall into that high-risk category. We are on the -- most are typically on the elderly side that choose to serve.

And so, our plan this year is -- in partnership with the Secretary of State's Office and the Maricopa County Recorder. Talking about sending out requests for early ballots to voters. My understanding of the legal basis for that is there's no law against it. I don't know if that will come to pass or not, but that would be something that would really be in their ballpark, not ours, because we don't have that kind of access to the voter -- direct voter files on a regular basis.

So, those are the -- that's the, sort of, state of policy right now.

MS. ROBERTS: And, Commissioners -- this is Gina -- if I may just tag on to that, we do have our Voter Education Guide, which will be going out to every household with a registered voter before the start of early voting begins. And so we will, in that guide, call attention to those options of getting your ballot by mail and what you need to do, as well, too. So, in addition to our paid media campaign that we will employ, we do have that direct mailer that is going to every household. And so, that's another opportunity for us to connect with voters and explain the options that are available to them.

And, also, if I -- if I may, the other component of this, too, is even, you know, if it's all mail or status quo, we do, also, have the added component of independent voters. So, independent voters that wish to vote by mail, whether or not they're already on PEVL or if they're making a one-time request, independent voters must take an extra step of contacting their county recorders to tell them which party ballot to mail them in the primary. So, we will be sure that we have that educational piece in our outreach, as well, too.

COMMISSIONER CHAN: I think that --

COMMISSIONER MEYER: Thank you, Gina and Tom.

COMMISSIONER CHAN: Sorry, Commissioner Meyer, to speak over you.

COMMISSIONER MEYER: This is Commissioner Meyer. Thank you, Gina and Tom.

COMMISSIONER CHAN: I think that --

COMMISSIONER MEYER: Thank you, Gina and Tom.
1 outreach programs. I believe the Iowa Secretary of
2 State just launched a similar campaign.
3 Again, as I mentioned, in other states we
4 are seeing pollworkers who refuse to work just because
5 of their -- you know, of the potential risk to them.
6 And so, pollworker recruitment is always a top concern
7 regardless of the election year or surrounding
8 circumstances, but again, in light of COVID-19, we do
9 want to make sure that whatever the voting process may
10 be, that the counties have the staff that they need to
11 execute the election on election day and that they have
12 sufficient pollworkers. And so, that will be another
13 voter education campaign that we will be employing for
14 that outreach.
15 And with that, I'm happy to answer any
16 questions.
17 COMMISSIONER CHAN: Thank you, Gina.
18 Commissioners, do you have any questions
19 for Gina?
20 (No response.)
21 COMMISSIONER CHAN: Okay. I was waiting to
22 see if anyone needed to take themselves off mute.
23 Thank you for that, Gina.
24 Tom?
25 MR. COLLINS: Commissioner Chan, I just

1 want to say I wanted to thank Gina and Alec and Avery
2 and Paula for their work on this. Paula has helped
3 us -- helped significantly with the debate format
4 change. We had a change of vendors, and we've had a
5 number of different administrative aspects that were
6 going on both currently and, then, additionally this.
7 So, I think that Gina and Paula's work and leadership
8 on this has been really outstanding, and I -- and I --
9 we could not -- we would not be in this position
10 without them. So, I think we're really lucky.
11 MS. THOMAS: Thank you, Tom.
12 COMMISSIONER CHAN: Thank you, Tom. We
13 really appreciate that, and I really hope you all know
14 how much I appreciate you. And I'm sure all the
15 commissioners feel the same way. I just -- I feel like
16 it's a love session every time we get together, but
17 it's really sincere. So, I hope you all feel that.
18 Okay. Moving on to Item Number V,
19 discussion and possible action on the budget outlook
20 report.
21 And, Tom, is it you or Mike today?
22 MR. COLLINS: Commissioner Chan, I'm going
23 to -- I'm going to take this, and then --
24 COMMISSIONER CHAN: Okay.
25 MR. COLLINS: -- and, then, I think that --
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1 formula set forth in the Act, we are significantly
2 under the cap, if we want to call it that, at which the
3 Commission would consider that kind of excess revenue.
4 So, the reality is that in the boom times
5 prior to the 2008 recession, the Commission made
6 significant contributions to the general fund. At the
7 end of that -- toward the end of that recession in
8 2012, the legislature removed two of the major funding
9 sources for the Clean Elections Fund. And so, the
10 reality is that when you combine the monies that the
11 prior Commission did hand to the legislature during the
12 early part of the 2000s and you combine -- and the fact
13 that the tax credits -- voluntary tax credits were
14 removed, the legislature -- the general fund is already
15 getting significant revenues from Clean Elections that,
16 otherwise, it would be getting. And that's another
17 part of the -- part of the story that we'll be happy to
18 explain to folks.
19 Nevertheless, you know, we'll be keeping an
20 eye on this because we can't -- we aren't immune
21 from -- we aren't immune from pressures that will come
22 because of these -- the revenue shortfalls that are
23 already baked in and we're, also, not immune from our
24 own potential revenue. That's something that Julian
25 and Mike have begun to look at. We don't have enough

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1 think. So that will change the dynamic and always
2 will. We don't know how that will play out, but we --
3 you know, but -- long story short, you know, we'll be
4 acting in a way that, I think, is budget-conscious, but
5 our short-term -- our short-term outlook is good. And
6 that's where we are.
7 COMMISSIONER CHAN: Thank you, Tom.
8 COMMISSIONERS, do you -- do any of you have
9 any comments or questions for Tom or Mike?
10 (No response.)
11 COMMISSIONER CHAN: Okay. I think Item VI,
12 we already discussed the update on cases in the
13 Executive Director's report.
14 MR. COLLINS: Yeah.
15 COMMISSIONER CHAN: And so, I'm going to
16 if there's no other questions on what Tom just talked
17 about in the budget outlook, I will move on to public
18 comment.
19 Do we have any public comment today?
20 MR. COLLINS: We haven't received any
21 calls. I don't believe we have any -- any comment.
22 COMMISSIONER CHAN: Okay. Thank you.
23 MR. COLLINS: Yeah.
24 COMMISSIONER CHAN: I wasn't sure.
25 MR. COLLINS: Commissioner Chan, if you

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1 information yet to really form any -- inform -- to
2 really form much in the way of speculation on that,
3 but -- beyond speculation about that, but it is
4 something that we are keeping an eye on.
5 So, for this election season, you know,
6 most of our costs are pretty much set. We have ample
7 money in the fund to pay for the voter education
8 outreach efforts that we are required to make and the
9 others that we are making, and we have the ample
10 funding for the candidates who are -- who have chosen
11 to run clean. That's not an issue.
12 We've managed the fund, I think, in a way
13 that's pretty reasonable over the course of the last --
14 I don't know -- seven or eight years, given the --
15 given the loss of those two revenue sources. And --
16 and so, I think that we're in a -- I think that we're
17 in a good position, but again, you know, you take
18 the -- the legislature that exists now -- and I don't
19 know what the 2020 legislature will look like, but the
20 current legislature -- the legislature that, you know,
21 began in 2021 will look like.
22 The current legislature is different than
23 the legislature that worked with Governor Brewer in the
24 last economic crisis. This legislature is -- has --
25 just has a different attitude about certain things, I

10:39:51-10:40:49 Page 53

1 could note that people can --
2 COMMISSIONER CHAN: I will note for the
3 record that --
4 MR. COLLINS: Yeah.
5 COMMISSIONER CHAN: -- there's no one
6 present for public comment today.
7 MR. COLLINS: Right.
8 COMMISSIONER CHAN: Is that what you wanted
9 me to do?
10 MR. COLLINS: Well, we also want to
11 encourage folks who are watching, if you have a public
12 comment that you have been unable to get to the
13 Commission, please, that you can call the Commission at
14 (602) 364-3477 or you can email the Commission at
15 ccec@azcleanelections.gov. That's, again,
16 ccec@azcleanelections.gov, or you can reach us through
17 that address through our website. And those are ways
18 to -- to get the public comment to the Commission.
19 COMMISSIONER CHAN: Thank you, Tom. I
20 could not -- I could not have said that, at all, myself
21 probably right off the top of my head. So, thank you.
22 And so, for anybody listening, yes, if you
23 have public comment, you can submit it one of those
24 ways.
25 And with that, it looks like we're up to
Item VIII, which is adjournment.

May I call on Commissioner Paton, perhaps, to make a motion?

CHAIRMAN PATON: Sure. This is Commissioner Paton, and I would make a motion to adjourn our meeting.

COMMISSIONER CHAN: Okay. And is there a second out there?

COMMISSIONER MEYER: Commissioner Meyer.

Second.

COMMISSIONER CHAN: All right. We have a motion and a second to adjourn. Let's go ahead and do a roll call.

Commissioner Paton, how do you vote?

CHAIRMAN PATON: Aye.

COMMISSIONER CHAN: Commissioner Titla?

COMMISSIONER TITLA: Aye.

COMMISSIONER CHAN: Commission Meyer?

COMMISSIONER MEYER: Aye.

COMMISSIONER CHAN: Commissioner Kimble?

COMMISSIONER KIMBLE: Aye.

COMMISSIONER CHAN: And I'm Commissioner Chan, and I vote aye.

And with that, we'll adjourn this meeting.

Thank you all very much and, Tom, I hope this went okay.

MR. COLLINS: I think it went fine. It worked for us.

COMMISSIONER CHAN: All right. Great.

Thank you so much, everyone.

(Whereupon, the proceedings concluded at 10:41 a.m.)

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 2nd day of May, 2020.

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

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