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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

April 30, 2020

9:33 a.m.

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<p style="text-align: right;">Page 2</p> <p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 9:33 a.m. on April 30, 3 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 members: 6 Mr. Galen D. Paton, Chairperson (Telephonic) 7 Mr. Mark S. Kimble (Telephonic) 8 Mr. Damien R. Meyer (Telephonic) 9 Steve M. Titla (Telephonic) 10 Ms. Amy B. Chan (Telephonic) 11 12 OTHERS PRESENT: 13 14 Thomas M. Collins, Executive Director 15 Paula Thomas, Executive Officer 16 Gina Roberts, Voter Education Director, 17 (Telephonic) 18 Mike Becker, Policy Director, 19 (Telephonic) 20 Alec Shaffer, Web Content Manager 21 Julian Arndt, Executive Support Specialist, 22 (Telephonic) 23 Kara Karlson, Assistant Attorney General 24 25</p>	<p style="text-align: right;">Page 4</p> <p>09:33:56-09:34:39</p> <p>1 of the Citizens Clean Elections Commission to order. 2 We will now take attendance. 3 Could each Commissioner, please, state your 4 presence for the record? 5 Mr. -- Commissioner Paton, why don't we 6 start with you. 7 CHAIRMAN PATON: I am here. 8 COMMISSIONER CHAN: Commissioner Titla, are 9 you on the line? 10 COMMISSIONER TITLA: Yeah. Good morning. 11 Here. 12 COMMISSIONER CHAN: Excellent. 13 Commissioner Meyer? 14 COMMISSIONER MEYER: Present. 15 COMMISSIONER CHAN: Excellent. 16 Commissioner Kimble? 17 COMMISSIONER KIMBLE: Hi. Here. 18 COMMISSIONER CHAN: Okay. Great. And I am 19 here, as well, Commissioner Chan. 20 MR. COLLINS: Did we get Commissioner 21 Titla? 22 MS. KARLSON: Yes. 23 MR. COLLINS: We did. Okay. 24 COMMISSIONER CHAN: I believe I called on 25 him second.</p>
<p>09:33:05-09:33:51</p> <p style="text-align: right;">Page 3</p> <p>1 P R O C E E D I N G 2 3 MR. COLLINS: So, Chairman Paton, since 4 you're on the line, if you want to go ahead. I 5 guess -- I guess, we'll kick it to you to call us to -- 6 CHAIRMAN PATON: No, that's okay, if 7 somebody else can do that. 8 MR. COLLINS: Okay. 9 CHAIRMAN PATON: I, kind of, hurried and 10 whatever -- 11 MR. COLLINS: Okay. 12 CHAIRMAN PATON: -- and got in the car. 13 MR. COLLINS: Okay. Sounds good. 14 Commissioner -- 15 CHAIRMAN PATON: (Inaudible.) 16 MR. COLLINS: No, no problem. 17 Commissioner Chan, I'm just going to kick 18 it to you to call the meeting to order, please, and to 19 call the roll. 20 COMMISSIONER CHAN: Sure. 21 MR. COLLINS: Or ask the commissioners to 22 identify themselves for the record, rather. 23 COMMISSIONER CHAN: Of course. Okay. 24 So, I'll call the meeting to order. It is 25 9:32 a.m., April 30th, 2020, and I'll call the meeting</p>	<p>09:34:39-09:35:26</p> <p style="text-align: right;">Page 5</p> <p>1 MR. COLLINS: Okay. Sorry. I apologize. 2 COMMISSIONER CHAN: No. Thank you. No. 3 Thank you for helping me because, honestly, it's a 4 little difficult with the phone and not being there in 5 person. Just it's hard. 6 MR. COLLINS: There are -- 7 COMMISSIONER CHAN: And I'm actually 8 writing everybody down right now. 9 All right. So, moving on to the main 10 agenda -- and, Tom, please feel free to stop me if I -- 11 MR. COLLINS: No, no. 12 COMMISSIONER CHAN: -- go out of -- you 13 know, go out of order or do anything wrong. 14 MR. COLLINS: Sure. 15 COMMISSIONER CHAN: So, that takes care of 16 Item I. 17 Moving on to Item II, discussion and 18 possible action on Commission minutes for the 19 February 27, 2020 and March 16, 2020 meeting. 20 Tom, can we take care of these as a slate? 21 MR. COLLINS: Yes, I think. As long as the 22 motion includes both, I think that would be fine. 23 COMMISSIONER CHAN: All right. Is there a 24 motion? 25 COMMISSIONER KIMBLE: This is --</p>

<p>09:35:39-09:36:31 Page 6</p> <p>1 COMMISSIONER TITLA: I motion. 2 MS. KARLSON: That was garbled, for the 3 court reporter. 4 MR. COLLINS: So, if -- Commissioner Chan, 5 if you could just recognize someone from -- someone -- 6 either recognize Commissioner Titla or -- 7 COMMISSIONER CHAN: Sure. Why don't I 8 recognize Commissioner Titla. I think I heard him 9 first. 10 Commissioner Titla, did you have a motion 11 regarding -- 12 COMMISSIONER TITLA: Yeah, I motion to 13 approve the minutes as a slate. 14 COMMISSIONER CHAN: Okay, for February -- 15 COMMISSIONER KIMBLE: Commissioner Kimble. 16 Second. 17 COMMISSIONER CHAN: Thank you. 18 All right. We have a motion and a second 19 to approve the Commission minutes for February 27, 2020 20 and March 16, 2020. 21 So, all those -- we'll go ahead and take a 22 roll call vote. I believe we have to do that, right, 23 Tom? 24 MR. COLLINS: It definitely makes an easier 25 record, especially when you're on the phone.</p>	<p>09:37:30-09:39:23 Page 8</p> <p>1 lot of -- a lot of materials, a lot of -- there are a 2 lot of updates and new reports. So, I'm happy to take 3 questions. 4 There is a local election coming up here 5 in -- next month, on May 19th. They're local, and they 6 are in cities in select counties. We have all that 7 information on the Commission's website. 8 As you can see, that Avery is continuing to 9 do outreach as events have shifted to online -- and I 10 think that's good -- and has kept abreast of A -- of 11 the DHS -- the Arizona Department of Health Services' 12 guidance to election officials thus far. 13 Just so everybody knows, I think this 14 happened just before our last meeting. Governor Ducey 15 had declared -- issued -- I think, he declared a state 16 of emergency on the 11th. He subsequently issued an 17 executive order. He modified that yesterday but -- but 18 continued it in force. And I'm happy to get you the 19 details on that if you -- if you would like details on 20 the modifications. 21 We have been operating the agency with -- 22 with -- consistent with that guidance. So, we've 23 had -- we've expanded the telework but have kept the 24 office open during business hours. And we are, you 25 know, working. We've -- Paula has been able to obtain,</p>
<p>09:36:32-09:37:22 Page 7</p> <p>1 MS. KARLSON: That's correct. 2 COMMISSIONER CHAN: Absolutely. Thank you. 3 All right. In that case, let's go ahead 4 and I'll call on Commissioner Paton first. 5 How do you vote? 6 CHAIRMAN PATON: Aye. 7 COMMISSIONER CHAN: Commissioner Titla, how 8 do you vote? 9 COMMISSIONER TITLA: Aye. 10 COMMISSIONER CHAN: Commissioner Meyer? 11 COMMISSIONER MEYER: Aye. 12 COMMISSIONER CHAN: Commissioner Kimble? 13 COMMISSIONER KIMBLE: Aye. 14 COMMISSIONER CHAN: And I'm Commissioner 15 Chan, and I vote aye. 16 All right. And moving on -- so, that's 17 Item II. 18 Moving on to Item III, I will -- that's 19 discussion and possible action on Executive Director's 20 report and legislative report. 21 Tom, can I turn that over to you now? 22 MR. COLLINS: Yes, please. Yes. 23 COMMISSIONER CHAN: All right. Thank you. 24 MR. COLLINS: Commissioner Chan and 25 Commissioners, I just want to -- we tried to cover a</p>	<p>09:39:29-09:40:48 Page 9</p> <p>1 you know, some of the now, sort of, standard issues, 2 things we'll need to run the office. And Paula has 3 been really key here in keeping us abreast of policy 4 and procedural changes regarding how the State is 5 operating. You know, this is -- the COVID-19 situation 6 is, obviously, widespread. We have a narrow piece of 7 it, but it's, also, something that's important for us 8 to keep on top of. 9 So, that's where we are administratively. 10 I don't know if anyone has any questions about that 11 specifically. 12 COMMISSIONER CHAN: Tom, can I just make a 13 quick comment? And, then, if any other commissioners 14 want to chime in, they can let me know and we can 15 recognize them. This Commissioner Chan. 16 I just want to say thank you to you and the 17 staff for your work while this is going on. Just 18 speaking for myself personally, going through this with 19 COVID-19 has been extremely traumatic. I mean, I think 20 my family has, kind of, adjusted now to a new normal 21 and, you know, we're feeling a little more balanced 22 now, but initially it was a pretty traumatic adjustment 23 to schools at home and the fact that we're social 24 distancing. 25 And I just want to say I admire you and the</p>

<p>09:40:51-09:42:21 Page 10</p> <p>1 staff for what you're doing. I'm so pleased that 2 you've been able to continue to work at the Commission 3 from home, and I'm impressed that you've been able to 4 keep the office open. I'm -- I'm very grateful for 5 that, and I hope that you are being -- keeping very 6 safe and maintaining, you know, social distancing even 7 while the person is coming in to keep the office open. 8 So, I just hope everyone who works there 9 knows that on behalf of myself, and I don't know if any 10 other commissioners want to chime in on that. I mean, 11 the world has really changed since the last time we 12 met. So, thank you very much. 13 COMMISSIONER TITLA: Yeah. This is Steve 14 Titla. Yeah, I'd like to -- I'd like to, you know, 15 join in that statement to commend the staff and the 16 director for doing a good job and continued outreach. 17 We still have an election -- we still have an election 18 coming up, I think, in November. So, we need to keep 19 people, get the word out to the people and the entire 20 state, to the four corners of the state. We need 21 people for that because people are going to get 22 confused due to the pandemic going on right now. 23 People are going to wonder are we still 24 having an election or how are we going to vote, where 25 are we going to vote, and that kind of thing. They're</p>	<p>09:44:16-09:46:00 Page 12</p> <p>1 we've done substantial work as a state to try to keep 2 the level of -- of this down, notwithstanding, you 3 know, obviously, you know, the northeast corner of the 4 state, obviously, the Navajo reservation and the -- and 5 a couple of other specific areas but -- and, then, with 6 respect to restaurants, you know, he said that, you 7 know, if we were to follow some other states and opened 8 with the, sort of, like, 25 percent occupancy cap, 9 you'd, basically, cause restaurants to go out of 10 business faster which, of course, is something that is 11 in his background and he knows. 12 I think -- I think -- I think that the 13 retail is probably the biggest -- the biggest one so 14 far. They -- I think the order -- the order did 15 maintain the travel restrictions with respect to 16 self-quarantining for folks who have come from 17 New York, New Jersey or Connecticut, and then -- I 18 think that's -- those are the highlights. 19 You know, we will -- we'll see what the 20 next steps are. He has been briefing the press about 21 once or twice a week, and those are typically carried 22 on the ADHS YouTube page, which we can, also, get you 23 the link to, but I would think the -- I think the 24 highlight is the reopen retail under the restrictions 25 with respect to spacing and safe -- you know, health</p>
<p>09:42:24-09:44:11 Page 11</p> <p>1 going to be confused. So, they're going to be looking 2 for clarification, and I think that's where the Clean 3 Elections will come in and we can help clarify. 4 Regarding the pandemic, Tom, what are the 5 modifications that were stated by the governor 6 yesterday, you said, but what are those specific 7 modifications? 8 MR. COLLINS: So, Commissioner Chan, 9 Commissioner Titla, they are -- this is as 10 comprehensive as I can do, I think. Beginning next 11 week, there will be an expansion of, essentially, the 12 definition of "essential services" -- goods and 13 services to folks who are selling goods. So, retail 14 establishments will be able to reopen under certain 15 distancing and safety guidelines. 16 The governor, also, said that he will be 17 considering and looking at the issue of restaurants 18 related to -- that will -- and that that plan will be 19 modified but will be forthcoming in the following week. 20 His -- he wants to modify that, he said yesterday at 21 his press conference, but he doesn't want to do it too 22 quickly. 23 He has two -- two statements associated 24 with that, which I think are -- for what it's worth, I 25 think, makes sense. One, that, you know, obviously,</p>	<p>09:46:04-09:47:32 Page 13</p> <p>1 safety regulations. 2 COMMISSIONER TITLA: Okay. Thank you. 3 MR. COLLINS: So, we have a -- I wanted to 4 cover -- and just a quick note. We had an Item VI 5 related to legal matters. We think this is all wrapped 6 up in the report, actually, in the Executive Director's 7 report. We don't anticipate having to do Item VI on 8 your agenda, unless someone wants to. 9 We have -- in the outstanding legal 10 matters, we've combined two categories of legal 11 matters: those which we've had an interest or followed 12 and those that affect elections, in general. Some of 13 you may know, just as a general matter, Kara and others 14 at the AG's office are involved in the candidate 15 challenge period for legislative, statewide, 16 congressional, county and precinct committee offices 17 right now. So, that's happening in Maricopa Superior 18 Court, largely. 19 You know, we have -- we have an oral 20 argument date for the Arizona Advocacy Network v. State 21 case. That's going to be at the end of June. The 22 State in that ABOR case, we've followed. They had 23 arguments, I want to say, last week. So, we'll see a 24 decision on that at some point. 25 The Attorney General's Office filed a</p>

<p>09:47:37-09:48:42 Page 14</p> <p>1 petition for serve in the -- in the U.S. Supreme Court 2 related to a Ninth Circuit opinion that its main effect 3 was to strike down an Arizona law that restricts the 4 collection of mailed ballots. So, that will be -- 5 that's on file now. 6 MS. KARLSON: And -- 7 MR. COLLINS: Sorry. 8 MS. KARLSON: Tom, I'm sorry to interrupt 9 you, but the other big part of that lawsuit strikes 10 down the precinct -- 11 MR. COLLINS: Oh, right. 12 MS. KARLSON: -- requirements that will 13 have impact on or could, potentially, have impact on 14 election officials, but basically, Arizona law for the 15 last -- 16 COMMISSIONER CHAN: Wait. I'm sorry. This 17 is Commissioner Chan. 18 Is that Kara speaking? 19 MR. COLLINS: Yes. Sorry. Yes. 20 MS. KARLSON: Yes. This is Kara Karlson. 21 COMMISSIONER CHAN: That's okay. I just -- 22 thank you. 23 MS. KARLSON: Arizona law, for the last 50 24 years, allowed for -- or required people to vote in 25 their proper precinct, and the Ninth Circuit en banc</p>	<p>09:50:17-09:51:27 Page 16</p> <p>1 MR. COLLINS: Yes, Commissioner -- or 2 Chairman Paton. I think that -- yeah, we -- we -- we 3 can. The one piece of information that I haven't had a 4 chance to clarify yet is whether or not the State 5 sought a stay. My -- my memory was that the State 6 sought a stay in the Ninth Circuit for purposes of the 7 PPE, the Presidential Preference Election. Because 8 this decision came out days before the Presidential 9 Preference Election, I don't know if that stay expires 10 or not. 11 So, yes, once we have that information 12 nailed down, we can -- we can -- we can put that out so 13 people have a clear understanding of what is -- of what 14 is -- the law is on that. Obviously, we want to be 15 absolutely correct because the -- especially on the 16 ballot collection piece because it's a ballot 17 collection -- unauthorized ballot collection is a 18 felony, in theory. So, we don't want to -- we want to 19 be as precise as possible. 20 CHAIRMAN PATON: You would think that -- 21 MS. KARLSON: And -- 22 CHAIRMAN PATON: You would think that -- 23 this is Commissioner Paton. You would think that 24 something of this magnitude would go to the Supreme 25 Court even before that, I mean, the election.</p>
<p>09:48:47-09:50:10 Page 15</p> <p>1 decision, also, struck down that requirement. So, 2 counties that -- I mean, the laws have been amended 3 since then to allow counties to make a decision to move 4 to vote centers. So, there are certain rural counties, 5 specifically, that have moved to vote centers, but the 6 counties that have -- that are currently reliant on 7 voters showing up at the correct polling place and 8 those counties have technology specific to that, you 9 know, that could affect the elections administrators if 10 that -- if the Ninth Circuit en banc holding stands. 11 MR. COLLINS: Okay. So, that's -- yes. 12 That's -- yeah, that's -- so, that will be -- that will 13 be interesting. 14 Another case -- 15 CHAIRMAN PATON: Tom? 16 MR. COLLINS: Yes. 17 CHAIRMAN PATON: Tom, this is -- if I 18 could, this is Commissioner Paton. 19 MR. COLLINS: Yes. 20 CHAIRMAN PATON: I have a question about 21 that. 22 Is that going to change for the November 23 election? And if there are changes, I guess, maybe we 24 should trumpet out those changes any way we can so that 25 most people -- so people will know about those changes.</p>	<p>09:51:31-09:53:11 Page 17</p> <p>1 MR. COLLINS: I'll defer to Kara on that. 2 MS. KARLSON: Commissioner Chan, 3 Commissioner Paton, the real issue, I think, at this 4 point with mounting a voter education campaign is that 5 this case is still in flux so much and we don't know 6 when we will have finality, whether it's from the en 7 banc Ninth Circuit's opinion or if the Supreme Court 8 takes it, you know, or if there's a stay in place. 9 So, due to the fluctuating nature of this, 10 I think that it's fair to be concerned about putting 11 out statements that you then have to, you know, revise 12 repeatedly as this moves, probably rather 13 expeditiously, through the courts. I mean, as long as 14 I've been involved in this case, it's been -- it's 15 moved very rapidly. So, hopefully, we'll have finality 16 soon. Do I know for certain that it will occur before 17 the 2020 general, particularly given the changes in how 18 everyone has been operating under COVID-19? I can't -- 19 I can't make a prediction on that. 20 So, I hope I have answered your question 21 without actually answering your question. 22 CHAIRMAN PATON: Yes. 23 MS. KARLSON: My apologies. 24 CHAIRMAN PATON: No. It's, obviously, in 25 flux, and this is so -- this is Commissioner Paton --</p>

<p>09:53:16-09:54:37 Page 18</p> <p>1 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 4 election so that would give us time to explain what the 5 final, you know, procedures are going to be. 6 MR. COLLINS: I mean, Commissioner Chan, 7 Commissioner Paton, I think that, yeah, having, you 8 know, like, Kara work on some of these cases right at 9 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</p>	<p>09:56:01-09:57:38 Page 20</p> <p>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;</p>
<p>09:54:40-09:55:59 Page 19</p> <p>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 18 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</p>	<p>09:57:42-09:59:13 Page 21</p> <p>1 that is, 7:00 p.m. on election day, they seek, 2 essentially, a court order saying that that deadline 3 should be made a postmark by the -- by the -- by 4 election day and that five further days from the 5 postmark for the ballot to arrive at the election 6 place. 7 And Kara has been working on this case, and 8 I filed -- did I file a thing in this case? 9 MS. KARLSON: Yes, you did. You filed a 10 declaration. 11 MR. COLLINS: I probably did, yeah. 12 MS. KARLSON: And Commissioner Chan and the 13 others commissioners, I'd just like to add a slight 14 wrinkle. Not just five days afterwards but five 15 business days afterwards, which, as we all know, 16 it's -- you know, when you are talking about an 17 election, that's seven days. So, what they effectually 18 want or effectively want is a postmark by election day 19 received seven days after the election, and that's -- 20 that is the lawsuit that they are seeking. 21 MR. COLLINS: And, Commissioners, just to 22 give you a sense of the procedural issue there and to, 23 sort of, anticipate, at least, some of the questions 24 you might have, the PI briefing and the PI hearing on 25 that case is not going to be held until the end of June</p>

<p>09:59:17-10:00:38 Page 22</p> <p>1 and early -- 2 MS. KARLSON: End of May. 3 MR. COLLINS: End of May. I'm sorry. End 4 of May. 5 MS. KARLSON: Excuse me. 6 MR. COLLINS: No, no, no. I knew it was 7 the end of something, and it was only going to be May 8 or June. So, it was a 50/50 chance. In the end of 9 May. 10 And just to put that in perspective, early 11 ballots will be sent out, essentially, one month after 12 that, really, because it was sent out on July 8th. So, 13 again, this is one of the -- this is a case where the 14 lawsuit is right up against the actual casting of 15 ballots in terms of its -- in terms of trying to get 16 relief and, then, presumably, expedited appellate 17 matters. 18 So, it's a -- that one, too, I think, 19 will -- will be -- you know, regardless of the 20 outcome -- and I don't want to anticipate the outcome 21 too much, but that one, too, will be, you know, a 22 last-minute thing that we'll be keeping our eyes on 23 because in the event -- because -- especially, for the 24 August primary. There's, obviously, more time before 25 the -- before the general election.</p>	<p>10:02:11-10:03:16 Page 24</p> <p>1 various procedural restrictions the legislature has 2 placed on top of the constitutional process for 3 circulating and resolving issues around the initiative 4 and referendum petitions are impinging on the First and 5 Fourteenth Amendment rights of the Plaintiffs. 6 They were denied preliminary relief some 7 months ago there on appeal, I believe, from the denial 8 of preliminary relief. I don't think they got a 9 stay -- I don't know if they got a stay from that. 10 MS. KARLSON: And from a motion to dismiss. 11 Many of their claims were actually dismissed. 12 MR. COLLINS: Oh, that's right. That's 13 right. That's right. There was a -- there was a 14 motion to dismiss. So -- so, yeah, I think only one of 15 their -- I think only their Fourteenth Amendment claim 16 survived the motion to dismiss. 17 MS. KARLSON: First Amendment claim. 18 MR. COLLINS: Or the First Amendment. 19 Okay. So -- sorry. So, to rehash that, just real 20 quickly to be more clear, let me recap. The challenge 21 is to the processes the legislature has put on top of 22 the constitutional processes for referendum and 23 initiative. The Plaintiffs had many other claims 24 dismissed. One is alive, but they are appealing the 25 dismissal, in addition to the denial of preliminary</p>
<p>10:00:40-10:02:06 Page 23</p> <p>1 MS. KARLSON: Well, and to be clear, I 2 don't believe they're seeking that relief for the 3 August primary due to the issues -- 4 MR. COLLINS: Okay. 5 MS. KARLSON: -- of timing. They would 6 just be seeking it for the November general election. 7 And, fortunately, because I'm lead counsel on the case, 8 I will definitely keep the Commission apprised of 9 anything that has occurred. We have filed a motion to 10 dismiss. The Plaintiffs have filed a preliminary 11 injunction motion that we are responding to. 12 And just to get everyone an idea of how 13 many early ballots are rejected or, at least, were 14 rejected in 2018 for failure to arrive on time, it was 15 approximately 2,500 out of over 1.7 or 1.8 million. 16 MR. COLLINS: So, that's not a lot 17 percentagewise. 18 MS. KARLSON: Percentagewise, it is almost 19 zero. 20 MR. COLLINS: Okay. And, then, finally, 21 the other -- the last case that we identified is a case 22 called Miracle v. Hobbs, which has to do with the right 23 to petition under the Arizona Constitution and how it 24 interacts with the First and Fourteenth Amendments. 25 Essentially, the Plaintiff's argument there is that the</p>	<p>10:03:20-10:04:29 Page 25</p> <p>1 relief, and we will keep you posted on that. 2 That will, theoretically -- well, that case 3 will become moot, for all intents and purposes, at some 4 point. 5 MS. KARLSON: That case was just argued 6 before -- 7 MR. COLLINS: Right. 8 MS. KARLSON: -- the Ninth Circuit. 9 MR. COLLINS: No, I understand, but I mean, 10 as a practical matter, July 2nd is the deadline for 11 these petition signatures, if they are out there, to 12 get submitted. So, it's -- it might -- you know, it's 13 a -- it is what it is. I don't know. 14 So, those are the main ones we felt like 15 folks needed to -- folks needed to be aware of. I'm 16 going to ask Kara, just real quick, if there's any 17 others you want to mention. I don't think we -- I 18 don't think -- but -- and as Kara mentioned, she's been 19 leading -- she's been leading most of these cases and 20 led what's now Brnovich v. DNC at the -- at the trial 21 court level. So, she's -- so, we are -- we're in a 22 good position to be well-informed on these matters, and 23 I really appreciate her being here today to help me 24 make sure we get you the right information. 25 The legislature -- real quick -- and I know</p>

<p>10:04:35-10:05:45 Page 26</p> <p>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 10 there. There are two bills that we've been watching 11 throughout the legislative session that are still alive 12 in so far as the session continues. So, we'll keep you 13 informed on that. 14 COMMISSIONER CHAN: Tom? 15 MR. COLLINS: Yes. 16 COMMISSIONER CHAN: This is Commissioner 17 Chan. 18 MR. COLLINS: Please. 19 COMMISSIONER CHAN: A quick question 20 regarding the legislature. 21 Do you know the date they're coming back? 22 MR. COLLINS: No, no. They had -- 23 Commissioner Chan -- sorry. They had said -- we had 24 heard -- I think we had heard Monday last and then we 25 heard May 1st, and I haven't heard a date since the</p>	<p>10:07:06-10:08:21 Page 28</p> <p>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 11 Becker. 12 COMMISSIONER CHAN: You use touchscreen, 13 et cetera, during an election. And what, I guess, I'm 14 trying to say is -- and I don't know if it's okay to 15 bring it up and, if not, you can stop me and we can put 16 it on another agenda, but do we, as the Commission, 17 want to take a policy position on this for this year, 18 discuss it, as far as asking the legislature to 19 consider doing this this year? I'm sorry to, kind of, 20 you know, bring this up over the phone without being 21 face to face. 22 MR. COLLINS: No, no. No, Commissioner 23 Chan, let me -- let me answer that question in two 24 ways. The first is that, you know, we do have room to 25 discuss that in the context of the voter education</p>
<p>10:05:49-10:07:03 Page 27</p> <p>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 18 there. 19 I am personally very concerned. We're 20 going to vote in August. I think August 4th is the 21 date or is it August 6th. 22 MR. COLLINS: Yes, it is August 4th. 23 COMMISSIONER CHAN: I can't remember. 24 August 4th maybe. I've been encouraging people, using 25 my social media, to register to become permanent early</p>	<p>10:08:24-10:09:42 Page 29</p> <p>1 agenda item which deals with a lot of our contingency 2 planning around that. You know, with respect to the 3 legislature, generally, the -- and we can discuss that, 4 I think, here and there, but just to -- just to answer 5 the question, is the president of the Senate has 6 said -- 7 THE OPERATOR: Joining the meeting: Mike 8 Becker. 9 MR. COLLINS: -- has said expressly that 10 the -- that a ballot by mail without a request for the 11 state primary and the general election is not something 12 that she would be inclined to put on the floor. 13 COMMISSIONER CHAN: I know that. 14 MR. COLLINS: So, I -- 15 COMMISSIONER CHAN: I -- I'm sorry. Go 16 ahead, Tom. 17 MR. COLLINS: No, I guess, it would be 18 probably easier to put this in the context of our voter 19 education discussion because our discussions with the 20 Secretary's office have included that topic. So, it 21 would be easier to put that in that context for me, 22 anyways, if that's okay. 23 COMMISSIONER CHAN: Okay. I guess, I'm 24 happy to talk about it in the context of voter 25 education. The reason I bring it up in terms of</p>

<p>10:09:43-10:11:06 Page 30</p> <p>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</p>	<p>10:12:10-10:13:34 Page 32</p> <p>1 comments for Tom? 2 CHAIRMAN PATON: I do. This is 3 Commissioner Paton. 4 COMMISSIONER CHAN: Okay. Commissioner 5 Paton, go ahead. 6 CHAIRMAN PATON: So, where do we stand on 7 nominating or appointing new commissioners? Do we 8 know? 9 MR. COLLINS: Commissioner Chan and 10 Commissioner Paton, no. I mean, we -- I'll be honest 11 with you. I have not checked in with the Governors's 12 office on that for some time. We are -- I mean, 13 honestly, I don't think that that's going to be top of 14 mind for either the Governor's office or the Secretary 15 of State's office for -- certainly in the near future. 16 I mean, obviously, we, as staff, appreciate 17 and are happy to have, you know, the three 18 commissioners who have been holding over -- or continue 19 to hold over, and we appreciate the, you know, 20 generosity of the time -- your time in doing so, but 21 Commissioner Paton, I don't anticipate, in view of the 22 election itself and then, on top of that, the COVID 23 situation. I just -- I just can't imagine we're going 24 to hear anything from them, and I can't -- and I have 25 not -- I haven't -- I have not asked since the last</p>
<p>10:11:09-10:12:08 Page 31</p> <p>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</p>	<p>10:13:37-10:14:49 Page 33</p> <p>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</p>

<p>10:14:51-10:15:58 Page 34</p> <p>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, 11 Commissioners. This is Gina. 12 All right. Good morning. 13 COMMISSIONER CHAN: Hi. 14 MS. ROBERTS: Hi. Good morning. And I 15 think what we have on the agenda here is to provide the 16 Commission some updates on how staff has adapted some 17 of our voter education plans in light of COVID-19 and 18 the new norm. 19 So, first up, we do want to share the 20 changes that we've made to our debates. This -- for 21 some background context, with the debate process, 22 historically what we would do is we would hold 23 on-the-ground debates at every legislative district. 24 So, what that meant was staff, candidates, voters and 25 all of our partners, we would be traveling to each</p>	<p>10:17:19-10:18:35 Page 36</p> <p>1 debate. So, we would have staff available to collect 2 those and get those over to the moderator so they can 3 be answered real time. 4 So, we did provide several, kind of, 5 heads-up messages to the candidates letting them know 6 that we were transitioning to this process, and I'm 7 happy to say so far we have not received any type of 8 concerns from candidates about this change. So, we do 9 have our very first debate this evening, and so far, 10 again, it seems as if the candidates and the public are 11 on board. I think right now this is, kind of, the 12 world that we live in. Most people are now very 13 comfortable with these virtual meetings and Zoom. 14 So, we do have plans to address any issues 15 that being a voter will have if, perhaps, they don't 16 have broadband access or connectivity. So, we do have 17 some backup plans on how we can get them information on 18 those debates. We do have plans for our legislative 19 districts that -- maybe the Navajo Nation. We intend 20 on streaming the recording post of the event on KTNN to 21 ensure that those communities enjoy the debate, as 22 well. And we did partner with the Arizona Capitol 23 Times this year again to moderate several of these 24 debates. 25 And as far as the actual format of the</p>
<p>10:16:02-10:17:16 Page 35</p> <p>1 legislative district and we'd secure facilities, like 2 at hotels or libraries, schools, many of which are no 3 longer available right now, and we would have debates 4 in the evening, kind of, that were open to the public. 5 We would record those so they can be 6 available post debate but -- and, again, in light of 7 COVID-19, we saw that that wasn't really feasible 8 anymore just in terms of being able to practice social 9 distancing. And in an effort to reduce exposure to 10 candidates, voters and staff, we transitioned to a 11 virtual debate process. And so, what that looks like 12 is we are utilizing the Zoom platform for our 13 candidates and the moderators, and we will conduct the 14 debate through Zoom but live stream it through our 15 YouTube page. And that's how voters are able to view 16 it in real time. 17 So, voters would access the Clean Elections 18 YouTube page where they could see the debate occurring. 19 We were very cognizant of the need to make sure that 20 voters could interact as much as possible with the 21 debate. So, voters are able to email questions that 22 they may have for the candidates or call the office and 23 submit those questions ahead of the debate and, then, 24 during the debate, the public can actually either 25 email, call in or text their questions throughout the</p>	<p>10:18:40-10:19:42 Page 37</p> <p>1 debate goes, we do have a very -- more relaxed format 2 this year, and the reason behind that is to -- again, 3 with this new platform, we just wanted to encourage and 4 allow more interaction and dialogue between the 5 candidates. 6 So, we are excited and hopeful that that 7 will produce a more substantive discussion, but 8 overall, that's, kind of, a really high-level overview 9 of where we are with the debate change. Again, this is 10 done to ensure that we could practice those CDC 11 guidelines and social distancing and, again, we are so 12 far very excited about this new platform. 13 Historically, the Commission has always looked at new 14 ways to engage with the public and voters, and we feel 15 this falls right in line with that. 16 If there's any questions about the debate 17 process, I'm happy to answer those before I jump into 18 the next item. 19 COMMISSIONER CHAN: Anyone have any 20 questions for Gina? 21 (No response.) 22 COMMISSIONER CHAN: All right. Thank you. 23 Gina, go right on ahead. 24 MS. ROBERTS: Great. Thank you, 25 Commissioner Chan and Commissioners --</p>

<p>10:19:45-10:20:52 Page 38</p> <p>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.</p>	<p>10:22:18-10:23:23 Page 40</p> <p>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</p>
<p>10:20:57-10:22:14 Page 39</p> <p>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.</p>	<p>10:23:26-10:24:43 Page 41</p> <p>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,</p>

<p>10:24:45-10:25:56 Page 42</p> <p>1 Commissioner Meyer -- 2 COMMISSIONER MEYER: I mean -- 3 MS. ROBERTS: I guess -- 4 COMMISSIONER MEYER: No, thank you for 5 that. I mean, I guess -- I guess what I'm hearing is 6 we're going to try to emphasize the options that are 7 currently available on a voting by mail but no real 8 legislative changes are expected on how polling or 9 voting will happen or the locations at this election. 10 Is that fair to say? 11 MS. ROBERTS: Commissioners, Commissioner 12 Meyer, I believe that is fair to say. 13 Tom, I don't know if you'd like to chime in 14 more on the legislative aspect of it, but I believe 15 that's correct. 16 MR. COLLINS: I think that's -- I think 17 that -- I mean -- yeah, I think that as long as the 18 legislature is in session, I think that you will hear 19 folks try to talk about the possibility of changing 20 their minds, but the legislature is divided, really, 21 into three camps, and two of the three camps are not 22 amenable to changes that would be in making more 23 available -- with having a non-request early ballot. 24 So, there's a camp that wants to have 25 non-request early ballots sent to voters. It's not</p>	<p>10:27:23-10:28:32 Page 44</p> <p>1 early voting begins. And so we will, in that guide, 2 call attention to those options of getting your ballot 3 by mail and what you need to do, as well, too. So, in 4 addition to our paid media campaign that we will 5 employ, we do have that direct mailer that is going to 6 every household. And so, that's another opportunity 7 for us to connect with voters and explain the options 8 that are available to them. 9 And, also, if I -- if I may, the other 10 component of this, too, is even, you know, if it's all 11 mail or status quo, we do, also, have the added 12 component of independent voters. So, independent 13 voters that wish to vote by mail, whether or not 14 they're already on PEVL or if they're making a one-time 15 request, independent voters must take an extra step of 16 contacting their county recorders to tell them which 17 party ballot to mail them in the primary. So, we will 18 be sure that we have that educational piece in our 19 outreach, as well, too. 20 COMMISSIONER CHAN: I think that -- 21 COMMISSIONER MEYER: This is Commissioner 22 Meyer. Thank you, Gina and Tom. 23 COMMISSIONER CHAN: Sorry, Commissioner 24 Meyer, to speak over you. 25 COMMISSIONER MEYER: No, no. I was just</p>
<p>10:26:00-10:27:20 Page 43</p> <p>1 clear what universe of voters they mean but -- you 2 know, because there are eligible voters. There are 3 eligible voters who are on the rolls. There are active 4 voters and there are inactive voters, but that's -- 5 anyways. There's the expansion folks, but there are 6 two sets of folks who are opposed to that, folks who 7 would like the status quo and folks who would like to 8 roll back the status quo. 9 So, that's just the reality. I think that 10 you will see efforts -- well, "The Republic" had a 11 column by EJ Montini maybe a couple of weeks ago where 12 the Maricopa County Recorder talked about sending out 13 requests for early ballots to voters. My understanding 14 of the legal basis for that is there's no law against 15 it. I don't know if that will come to pass or not, but 16 that would be something that would really be in their 17 ballpark, not ours, because we don't have that kind of 18 access to the voter -- direct voter files on a regular 19 basis. 20 So, those are the -- that's the, sort of, 21 state of policy right now. 22 MS. ROBERTS: And, Commissioners -- this is 23 Gina -- if I may just tag on to that, we do have our 24 Voter Education Guide, which will be going out to every 25 household with a registered voter before the start of</p>	<p>10:28:34-10:29:53 Page 45</p> <p>1 saying thank you to Tom and Gina for that information. 2 MS. ROBERTS: And, Commissioner Chan, if I 3 may, I can jump into the next piece of that, which 4 would be the pollworker recruitment campaign, if 5 there's no further questions about -- 6 COMMISSIONER CHAN: Yes, please do. Yeah, 7 that's going to be troublesome this year with the 8 coronavirus going around. 9 MS. ROBERTS: Well, Commissioners, and 10 Commissioner Chan, I think, as you mentioned earlier, 11 too, we have seen other states have issues with 12 pollworkers willing to serve. As we know, the 13 demographics for pollworkers are typically going to 14 fall into that high-risk category. We are on the -- 15 most are typically on the elderly side that choose to 16 serve. 17 And so, our plan this year is -- in 18 partnership with the Secretary of State's Office and 19 the counties is to launch a voter education campaign 20 letting voters know about what it means to serve as a 21 pollworker and it is that they are healthy and willing 22 to step up and serve, and we would explain what it 23 means, what those responsibilities are, that it is a 24 paid position and it's an opportunity to facilitate 25 democracy. We have seen other states do similar</p>

<p>10:29:57-10:31:04 Page 46</p> <p>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</p>	<p>10:32:20-10:33:42 Page 48</p> <p>1 and Mike is free to jump in if he -- if he wants to, 2 especially if I say anything completely wrong or -- 3 COMMISSIONER CHAN: Okay. 4 MR. COLLINS: -- or even mostly wrong. 5 The -- so, we just wanted to make the 6 Commission aware of the fact that, you know, the COVID 7 situation and the resulting collapse in the demand and 8 other -- other economic remunerations are going to have 9 an effect on State revenues. We sent along some of the 10 latest information from the Joint Legislative Budget 11 Committee. 12 What it -- what it -- you know, the 13 short-term outlook for the State budget is that this 14 fiscal year, which is already almost over, really -- I 15 mean, we're coming up on May 1st. There's only two 16 months left in the fiscal year. The governor and the 17 legislature, I think they've both determined that they 18 will not deal with any deficit issues in this fiscal 19 year. There's no time to cut budgets left, but they 20 will roll those over into the next fiscal year where, 21 at least as of April 9th, JLBC estimates are that 22 there's a wide range of possible deficit issues. 23 The first thing that that will tap is the 24 State Rainy Fund, which is about a billion dollars. 25 There is some federal assistance that JLBC anticipates</p>
<p>10:31:06-10:32:17 Page 47</p> <p>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 --</p>	<p>10:33:46-10:35:26 Page 49</p> <p>1 lasting until fiscal '22 when there may be a further -- 2 you know, a further shortfall as that money runs out 3 and, then, obviously, how -- what the -- what the 4 recovery and when the recovery begins and what it looks 5 like. 6 Part of the reason we wanted to make you 7 all aware of some of these issues is just, you know, we 8 are -- as a matter of law and of the application of the 9 Voter Protection Act to the Clean Elections Act, we 10 were appropriated by the voters. And so, as such, the 11 Clean Elections Fund is a fund that is appropriated to 12 the purposes outlined in the Clean Elections Act. What 13 that means is that the fund is not something that, 14 quote, rolls over. And we saw this in this session, 15 legislators start to use the term "rollover" to 16 describe the fund balance. That was before the budget 17 started -- problem started. 18 That is an incorrect statement, and we'll 19 be working with folks to ensure that they understand 20 that that is not a correct statement of what the Clean 21 Elections Fund does. The fund is -- the process for 22 the Commission in making a determination that there 23 are -- that there are, quote, excess funds in the Clean 24 Elections Fund is set forth in the Act, something we do 25 a projection on every year. And, currently, under the</p>

<p>10:35:29-10:37:09 Page 50</p> <p>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</p>	<p>10:38:47-10:39:50 Page 52</p> <p>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</p>
<p>10:37:13-10:38:44 Page 51</p> <p>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</p>	<p>10:39:51-10:40:49 Page 53</p> <p>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@azcleaselections.gov. That's, again, 16 ccec@azcleaselections.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</p>

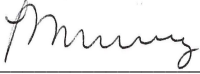
10:40:54-10:41:43 Page 54

1 Item VIII, which is adjournment.
2 May I call on Commissioner Paton, perhaps,
3 to make a motion?
4 CHAIRMAN PATON: Sure. This is
5 Commissioner Paton, and I would make a motion to
6 adjourn our meeting.
7 COMMISSIONER CHAN: Okay. And is there a
8 second out there?
9 COMMISSIONER MEYER: Commissioner Meyer.
10 Second.
11 COMMISSIONER CHAN: All right. We have a
12 motion and a second to adjourn. Let's go ahead and do
13 a roll call.
14 Commissioner Paton, how do you vote?
15 CHAIRMAN PATON: Aye.
16 COMMISSIONER CHAN: Commissioner Titla?
17 COMMISSIONER TITLA: Aye.
18 COMMISSIONER CHAN: Commission Meyer?
19 COMMISSIONER MEYER: Aye.
20 COMMISSIONER CHAN: Commissioner Kimble?
21 COMMISSIONER KIMBLE: Aye.
22 COMMISSIONER CHAN: And I'm Commissioner
23 Chan, and I vote aye.
24 And with that, we'll adjourn this meeting.
25 Thank you all very much and, Tom, I hope this went

10:41:46-10:41:50 Page 55

1 okay.
2 MR. COLLINS: I think it went fine. It
3 worked for us.
4 COMMISSIONER CHAN: All right. Great.
5 Thank you so much, everyone.
6 (Whereupon, the proceedings concluded at
7 10:41 a.m.)
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Page 56

1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)
3 BE IT KNOWN the foregoing proceedings were
4 taken by me; that I was then and there a Certified
5 Reporter of the State of Arizona, and by virtue thereof
6 authorized to administer an oath; that the proceedings
7 were taken down by me in shorthand and thereafter
8 transcribed into typewriting under my direction; that
9 the foregoing pages are a full, true, and accurate
10 transcript of all proceedings and testimony had and
11 adduced upon the taking of said proceedings, all done to
12 the best of my skill and ability.
13 I FURTHER CERTIFY that I am in no way
14 related to nor employed by any of the parties thereto
15 nor am I in any way interested in the outcome hereof.
16 DATED at Phoenix, Arizona, this 2nd day of
17 May, 2020.
18 
19 _____
20 LILIA MONARREZ, RPR, CR #50699
21
22
23
24
25

/	ahead (9) 3:4;6:21;7:3; 29:16;32:5;35:23; 37:23;38:4;54:12	associated (1) 11:23 attendance (1) 4:2 attention (1) 44:2 attitude (1) 51:25 Attorney (1) 13:25 August (7) 22:24;23:3; 27:20,20,21,22,24	blocks (1) 39:5 blurled (1) 30:12 board (1) 36:11 body (1) 18:11 boom (1) 50:4 both (4) 5:22;38:7; 47:6;48:17	cast (2) 20:1;39:22 casting (1) 22:14 categories (1) 13:10 category (1) 45:14 cause (1) 12:9 ccec@azcleanelectionsgov (2) 53:15,16
/// (2) 55:8,9	Alec (1) 47:1 alive (2) 24:24;26:11 all-mail (2) 39:19;40:22 allow (2) 15:3;37:4 allowed (1) 14:24 alluded (1) 41:4 almost (2) 23:18;48:14 along (1) 48:9 alternate (1) 41:3 alternative (1) 39:10 always (5) 18:10; 37:13;39:21;46:6;52:1 amenable (1) 42:22 amended (1) 15:2 Amendment (4) 24:5, 15,17,18 Amendments (1) 23:24 ample (2) 51:6,9 answered (2) 17:20; 36:3 anticipate (4) 13:7; 21:23;22:20;32:21 anticipates (1) 48:25 anymore (1) 35:8 anyways (2) 29:22;43:5 apologies (3) 17:23; 20:19;38:5 apologize (3) 5:1; 38:17,21 appeal (1) 24:7 appealing (1) 24:24 appellate (1) 22:16 application (1) 49:8 appointing (1) 32:7 appreciate (5) 25:23; 32:16,19;47:13,14 apprised (1) 23:8 approaching (1) 18:10 appropriated (2) 49:10, 11 approve (2) 6:13,19 approximately (2) 20:3; 23:15 April (2) 3:25;48:21 arbiter (1) 19:3 areas (1) 12:5 argued (1) 25:5 argument (2) 13:20; 23:25 arguments (1) 13:23 Arizona (12) 8:11; 13:20;14:3,14,23;19:1, 19;20:1;23:23;36:22; 40:13;41:10 around (6) 24:3;26:4; 29:2;33:21;39:25;45:8 arrive (2) 21:5;23:14 aspect (1) 42:14 aspects (1) 47:5 assistance (1) 48:25	authorize (1) 40:14 authorizing (1) 39:19 automatically (2) 40:6, 16 available (7) 34:9;35:3, 6;36:1;42:7,23;44:8 Avery (2) 8:8;47:1 aware (5) 20:17;25:15; 30:12;48:6;49:7 Aye (10) 7:6,9,11,13, 15;54:15,17,19,21,23	Brewer (1) 51:23 briefing (2) 12:20;21:24 bring (4) 28:15,20; 29:25;30:23 Brnovich (1) 25:20 broadband (1) 36:16 budget (5) 47:19;48:10, 13;49:16;52:17 budget-conscious (1) 52:4 budgets (1) 48:19 business (3) 8:24; 12:10;21:15	CDC (1) 37:10 centers (2) 15:4,5 cents (1) 19:11 certain (4) 11:14;15:4; 17:16;51:25 certainly (2) 18:10; 32:15 cetera (2) 28:13;30:16 Chairman (21) 3:3,6,9, 12,15;4:7;7:6;15:15, 17,20;16:2,20,22; 17:22,24;32:2,6;33:4, 24;54:4,15 Chairwoman (1) 38:16 challenge (2) 13:15; 24:20 Chan (99) 3:17,20,23; 4:8,12,15,18,19,24;5:2, 7,12,15,23;6:4,7,14,17; 7:2,7,10,12,14,15,23, 24;9:12,15;11:8;14:16, 17,21;17:2;18:6,16,18, 19;19:12;20:4;21:12; 26:14,16,17,19,23; 27:4,6,23;28:12,23; 29:13,15,23;31:5,12, 24;32:4,9;33:5,6,25; 34:3,10,13;37:19,22, 25;38:3,16;44:20,23; 45:2,6,10;46:17,21,25; 47:12,22,24;48:3;52:7, 11,15,22,24,25;53:2,5, 8,19;54:7,11,16,18,20, 22,23;55:4 chance (3) 16:4;20:18; 22:8 change (10) 15:22; 19:22;27:7;30:9;34:7; 36:8;37:9;47:4,4;52:1 changed (1) 10:11 changes (8) 9:4;15:23, 24,25;17:17;34:20; 42:8,22 changing (1) 42:19 checked (1) 32:11 chime (3) 9:14;10:10; 42:13 choose (1) 45:15 chosen (1) 51:10 Circuit (6) 14:2,25; 15:10;16:6;19:18;25:8 Circuit's (1) 17:7 circulating (1) 24:3 circumstances (1) 46:8 cities (1) 8:6 Citizens (1) 4:1
A		B		
		back (6) 26:4,6,21; 30:15,16;43:8 background (6) 12:11; 18:16;19:14;20:6; 34:21;39:20 backup (1) 36:17 baked (1) 50:23 balance (1) 49:16 balanced (1) 9:21 ballot (21) 16:16,16,17; 19:20;20:25;21:5; 29:10;34:7;39:15,22, 24;40:5,16,24,25;41:9, 9,24;42:23;44:2,17 ballots (9) 14:4;20:1, 22;22:11,15;23:13; 40:20;42:25;43:13 ballpark (1) 43:17 ban (1) 19:21 banc (2) 14:25;15:10 basically (2) 12:9;14:14 basis (2) 43:14,19 Becker (2) 28:11;29:8 become (2) 25:3;27:25 began (1) 51:21 begin (1) 20:15 Beginning (1) 11:10 begins (2) 44:1;49:4 begun (1) 50:25 behalf (1) 10:9 behind (3) 37:2;39:20; 40:19 best (1) 41:14 better (1) 39:11 beyond (1) 51:3 big (2) 14:9;18:1 biggest (2) 12:13,13 billion (1) 48:24 bills (1) 26:10 bit (3) 19:14;20:18; 39:18 blanc (1) 17:7	C	
able (7) 8:25;10:2,3; 11:14;35:8,15,21 ABOR (1) 13:22 abreast (2) 8:10;9:3 Absolutely (2) 7:2; 16:15 access (3) 35:17; 36:16;43:18 Act (5) 49:9,9,12,24; 50:1 acting (1) 52:4 action (4) 5:18;7:19; 34:6;47:19 actions (1) 34:5 active (1) 43:3 actual (3) 22:14;27:10; 36:25 actually (10) 5:7;13:6; 17:21;18:17;20:4; 24:11;31:9;35:24; 38:12;39:7 adapted (1) 34:16 add (1) 21:13 added (1) 44:11 addition (2) 24:25;44:4 additionally (1) 47:6 address (3) 36:14; 41:25;53:17 ADHS (1) 12:22 adjourn (4) 26:7;54:6, 12,24 adjourning (1) 27:2 adjournment (1) 54:1 adjusted (1) 9:20 adjustment (1) 9:22 administrative (1) 47:5 administratively (1) 9:9 administrators (1) 15:9 admire (1) 9:25 ado (1) 31:23 Advocacy (1) 13:20 affect (2) 13:12;15:9 afterwards (2) 21:14,15 again (12) 22:13;30:1; 35:6;36:10,23;37:2,9, 11;46:3,8;51:17;53:15 against (3) 22:14; 30:24;43:14 aged (1) 33:18 agency (1) 8:21 agenda (7) 5:10;13:8; 28:16;29:1;31:6,11; 34:15 ago (4) 19:17;24:7; 33:3;43:11 AG's (1) 13:14			cabal (1) 33:24 cagy (1) 20:12 call (15) 3:5,18,19,24, 25;6:22;7:4;35:22,25; 40:14;44:2;50:2;53:13; 54:2,13 called (4) 4:24;19:16; 20:8;23:22 calls (1) 52:21 came (1) 16:8 camp (1) 42:24 campaign (8) 17:4; 34:8;39:16;44:4;45:4, 19;46:2,13 camps (2) 42:21,21 can (35) 3:7;5:20;7:21; 8:8;9:12,14,14;11:3, 10;12:22;15:24;16:3, 12,12,12;28:15,15; 29:3;31:7;35:5,24; 36:2,17;39:22,23,24; 40:6,10,20;45:3;53:1, 13,14,16,23 candidate (1) 13:14 candidates (10) 31:16; 34:24;35:10,13,22; 36:5,8,10;37:5;51:10 cap (2) 12:8;50:2 Capitol (1) 36:22 car (1) 3:12 care (2) 5:15,20 carried (1) 12:21 case (25) 7:3;13:21,22; 15:14;17:5,14;18:11, 21,22;19:16;20:5,7,7, 10,13,15;21:7,8,25; 22:13;23:7,21,21;25:2, 5 cases (4) 18:8;20:16; 25:19;52:12	

<p>civil (1) 20:10 claim (2) 24:15,17 claims (2) 24:11,23 clarification (1) 11:2 clarify (4) 11:3;16:4; 31:5;39:14 Clean (11) 4:1;11:2; 35:17;49:9,11,12,20, 23;50:9,15;51:11 clear (5) 16:13;23:1; 24:20;26:3;43:1 close (1) 20:25 cognizant (1) 35:19 collapse (1) 48:7 collect (1) 36:1 collection (5) 14:4; 16:16,17,17;19:20 COLLINS (67) 3:3,8,11, 13,16,21;4:20,23;5:1,6, 11,14,21;6:4,24;7:22, 24;11:8;13:3;14:7,11, 19;15:11,16,19;16:1; 17:1;18:6,14;20:14; 21:11,21;22:3,6;23:4, 16,20;24:12,18;25:7,9; 26:15,18,22;27:5,22; 28:22;29:9,14,17;31:4, 14;32:9;38:14;42:16; 46:25;47:22,25;48:4; 52:14,20,23,25;53:4,7, 10;55:2 column (1) 43:11 combine (2) 50:10,12 combined (1) 13:10 comfortable (1) 36:13 coming (6) 8:4;10:7,18; 26:21;27:13;48:15 commend (1) 10:15 comment (8) 9:13; 52:18,19,21;53:6,12, 18,23 comments (2) 32:1; 52:9 Commission (20) 4:1; 5:18;6:19;10:2;23:8; 28:16;31:19;33:10; 34:16;37:13;48:6; 49:22;50:3,5,11;53:13, 13,14,18;54:18 Commissioner (166) 3:14,17,20,23;4:3,5,8, 8,10,12,13,14,15,16,17, 18,19,20,24;5:2,7,12, 15,23,25;6:1,4,6,7,8,10, 12,14,15,15,17;7:2,4,7, 7,9,10,10,11,12,12,13, 14,14,23,24;9:12,15; 10:13;11:8,9;13:2; 14:16,17,21;15:18; 16:1,23;17:2,3,25;18:6, 7,15,18,19;19:12;20:4; 21:12;26:14,16,16,19, 23;27:4,6,23;28:12,22;</p>	<p>29:13,15,23;31:5,12, 24;32:3,4,4,9,10,21; 33:5,5,6,12,14,15,20, 25;34:3,10,13;37:19, 22,25;38:1,2,3,3,5,17, 24;39:13;42:1,2,4,11; 44:20,21,21,23,23,25; 45:2,6,10;46:17,21,25; 47:12,22,24;48:3;52:7, 11,15,22,24,25;53:2,5, 8,19;54:2,5,7,9,9,11,14, 16,16,17,18,19,20,20, 21,22,22;55:4 commissioners (20) 3:21;7:25;9:13;10:10; 19:13;20:19;21:13,21; 31:2;32:7,18;34:11; 37:25;39:21;42:11; 43:22;45:9;46:18; 47:15;52:8 Commission's (1) 8:7 committee (2) 13:16; 48:11 communities (1) 36:21 completely (1) 48:2 component (2) 44:10, 12 comprehensive (1) 11:10 concern (1) 46:6 concerned (4) 17:10; 27:9,19;28:5 concerns (1) 36:8 concluded (1) 55:6 concludes (1) 31:23 conclusion (1) 33:9 conduct (1) 35:13 conducted (2) 18:23; 27:17 conference (1) 11:21 confused (2) 10:22; 11:1 congressional (1) 13:16 connect (1) 44:7 Connecticut (1) 12:17 connectivity (1) 36:16 consider (2) 28:19;50:3 considering (1) 11:17 consistent (1) 8:22 Constitution (1) 23:23 constitutional (2) 24:2, 22 contacted (1) 41:19 contacting (1) 44:16 contemplative (1) 33:8 context (7) 28:25; 29:18,21,24;34:21; 41:7,22 contextual (1) 20:6 contingency (1) 29:1 continue (3) 10:2; 32:18;33:22 continued (2) 8:18;</p>	<p>10:16 continues (3) 26:12; 38:9,9 continuing (1) 8:8 contracted (2) 27:12; 39:7 contributions (1) 50:6 convoluted (1) 20:9 corner (1) 12:3 corners (1) 10:20 coronavirus (4) 27:12, 14;30:18;45:8 costs (1) 51:6 counsel (1) 23:7 counties (10) 8:6;15:2, 3,4,6,8;40:12;41:21; 45:19;46:10 county (3) 13:16;43:12; 44:16 couple (3) 12:5;20:16; 43:11 course (3) 3:23;12:10; 51:13 court (10) 6:3;13:18; 14:1;16:25;17:7;19:2, 2;20:2;21:2;25:21 courts (2) 17:13;19:7 Court's (1) 19:21 cover (2) 7:25;13:4 COVID (2) 32:22;48:6 COVID-19 (6) 9:5,19; 17:18;34:17;35:7;46:8 credits (2) 50:13,13 crisis (1) 51:24 current (2) 51:20,22 currently (4) 15:6;42:7; 47:6;49:25 cut (1) 48:19</p>	<p>15:1,3;16:8;19:21 declaration (1) 21:10 declared (2) 8:15,15 defer (1) 17:1 deficit (2) 48:18,22 definitely (4) 6:24;19:3, 6;23:8 definition (1) 11:12 delivered (1) 20:25 demand (1) 48:7 democracy (1) 45:25 demographics (1) 45:13 denial (2) 24:7,25 denied (1) 24:6 Department (1) 8:11 depending (1) 33:21 describe (1) 49:16 despite (1) 19:21 details (2) 8:19,19 determination (1) 49:22 determined (1) 48:17 DHS (1) 8:11 dialogue (1) 37:4 die (1) 26:6 died (1) 27:12 different (4) 19:15;47:5; 51:22,25 difficult (1) 5:4 direct (2) 43:18;44:5 direction (1) 31:8 director (1) 10:16 Director's (3) 7:19;13:6; 52:13 disappoint (1) 19:7 discuss (3) 28:18,25; 29:3 discussed (2) 39:18; 52:12 discussion (12) 5:17; 7:19;26:4;27:1,1; 29:19;31:9;34:4,5; 37:7;41:2;47:19 discussions (1) 29:19 dismiss (4) 23:10; 24:10,14,16 dismissal (1) 24:25 dismissed (2) 24:11,24 distancing (7) 9:24; 10:6;11:15;35:9;37:11; 39:3,6 distant (1) 28:9 district (2) 34:23;35:1 districts (1) 36:19 divided (1) 42:20 DNC (1) 25:20 dollars (1) 48:24 done (4) 12:1;18:12; 37:10;40:2 down (7) 5:8;12:2;14:3, 10;15:1;16:12;20:3 driver's (1) 30:14 Ducey (1) 8:14</p>	<p>due (4) 10:22;17:9; 23:3;27:8 during (4) 8:24;28:13; 35:24;50:11 dynamic (1) 52:1</p> <p style="text-align: center;">E</p> <p>earlier (2) 39:19;45:10 early (15) 22:1,10; 23:13;27:25;28:5,7; 39:23;40:3,8,17;42:23, 25;43:13;44:1;50:12 easier (3) 6:24;29:18, 21 echo (1) 33:11 economic (2) 48:8; 51:24 educate (1) 30:2 education (16) 17:4; 28:25;29:19,25;31:1; 34:6,17;39:16;41:6,8, 18,22;43:24;45:19; 46:13;51:7 educational (1) 44:18 effect (2) 14:2;48:9 effectively (1) 21:18 effectually (1) 21:17 effort (1) 35:9 efforts (2) 43:10;51:8 eight (1) 51:14 either (8) 6:6;18:23; 19:1;32:14;35:24; 39:23;40:2,2 EJ (1) 43:11 elaborating (1) 38:23 elderly (1) 45:15 election (44) 8:4,12; 10:17,17,24;14:14; 15:23;16:7,9,25;18:1,4, 9,23;19:20,23,23;21:1, 4,5,17,18,19;22:25; 23:6;27:17;28:5,8,13; 29:11;32:22;38:20; 39:20,23;40:4,7,9,11, 22;42:9;46:7,11,11; 51:5 Elections (13) 4:1;11:3; 13:12;15:9;35:17; 38:10;49:9,11,12,21, 24;50:9,15 eligible (4) 40:5,15; 43:2,3 eloquent (1) 38:25 else (1) 3:7 email (3) 35:21,25; 53:14 emergency (1) 8:16 emphasize (1) 42:6 employ (1) 44:5 employing (1) 46:13 en (3) 14:25;15:10; 17:6</p>
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<p>encourage (3) 28:4; 37:3;53:11 encouraging (2) 27:24; 28:3 end (9) 13:21;21:25; 22:2,3,3,7,8;50:7,7 engage (1) 37:14 enjoy (1) 36:21 enough (1) 50:25 enroll (1) 28:4 ensure (3) 36:21; 37:10;49:19 entire (1) 10:19 equipped (1) 31:10 especially (4) 6:25; 16:15;22:23;48:2 essential (1) 11:12 essentially (5) 11:11; 20:24;21:2;22:11; 23:25 establishments (1) 11:14 estimates (1) 48:21 et (2) 28:13;30:16 even (9) 10:6;16:25; 28:3,3,6;30:1,16; 44:10;48:4 evening (2) 35:4;36:9 event (2) 22:23;36:20 events (1) 8:9 everybody (3) 5:8;8:13; 28:6 everyone (5) 10:8; 17:18;23:12;28:4;55:5 Excellent (2) 4:12,15 excess (2) 49:23;50:3 excited (2) 37:6,12 excuse (2) 19:15;22:5 execute (1) 46:11 Executive (4) 7:19; 8:17;13:6;52:13 exists (1) 51:18 expanded (1) 8:23 expansion (2) 11:11; 43:5 expected (1) 42:8 expedited (1) 22:16 expeditiously (1) 17:13 expires (1) 16:9 explain (5) 18:4;20:8; 44:7;45:22;50:18 exposure (1) 35:9 expressly (1) 29:9 extra (1) 44:15 extreme (1) 33:11 extremely (1) 9:19 eye (2) 50:20;51:4 eyes (1) 22:22</p>	<p>Facebook (1) 30:12 facilitate (1) 45:24 facilities (1) 35:1 fact (4) 9:23;19:25; 48:6;50:12 failure (1) 23:14 fair (3) 17:10;42:10,12 fall (1) 45:14 falls (1) 37:15 family (2) 9:20;41:14 far (9) 8:12;12:14; 26:12;28:18;30:23; 36:7,9,25;37:12 faster (1) 12:10 feasible (1) 35:7 February (4) 5:19;6:14, 19;30:11 federal (1) 48:25 feel (6) 5:10;33:6; 37:14;47:15,15,17 feeling (1) 9:21 Feldman (1) 19:14 felony (1) 16:18 felt (1) 25:14 file (2) 14:5;21:8 filed (5) 13:25;21:8,9; 23:9,10 files (1) 43:18 final (2) 18:5;19:3 finality (3) 17:6,15;18:2 finally (1) 23:20 finding (1) 30:18 fine (2) 5:22;55:2 first (13) 6:9;7:4;19:17; 23:24;24:4,17,18; 28:24;33:12;34:19; 36:9,38;15;48:23 fiscal (5) 48:14,16,18, 20;49:1 five (4) 21:4,14,14; 33:23 floor (1) 29:12 fluctuating (1) 17:9 flux (2) 17:5,25 folks (13) 11:13;12:16; 25:15,15;39:6;42:19; 43:5,6,6,7;49:19; 50:18;53:11 follow (1) 12:7 followed (2) 13:11,22 following (1) 11:19 footage (1) 39:4 force (1) 8:18 form (2) 51:1,2 format (4) 34:6;36:25; 37:1;47:3 formula (1) 50:1 forth (2) 49:24;50:1 forthcoming (1) 11:19 fortunately (1) 23:7 forward (1) 40:4 four (2) 10:20;19:16 Fourteenth (3) 23:24;</p>	<p>24:5,15 free (2) 5:10;48:1 Friday (1) 19:19 friend (1) 30:11 front (1) 31:2 fully (2) 38:18,21 Fund (13) 48:24;49:11, 11,13,16,21,21,24; 50:6,9,14;51:7,12 funded (1) 31:17 funding (2) 50:8;51:10 funds (1) 49:23 further (5) 21:4;31:23; 45:5;49:1,2 future (1) 32:15</p>	<p>happening (2) 13:17; 41:3 happens (1) 19:6 happy (9) 8:2,18;29:24; 30:25;32:17;36:7; 37:17;46:15;50:17 hard (2) 5:5;28:9 head (1) 53:21 heads-up (1) 36:5 Health (2) 8:11;12:25 healthy (1) 45:21 hear (2) 32:24;42:18 heard (5) 6:8;26:24,24, 25,25 hearing (2) 21:24;42:5 held (1) 21:25 help (2) 11:3;25:23 helped (2) 47:2,3 helping (1) 5:3 helps (1) 39:14 here's (1) 41:15 Hi (3) 4:17;34:13,14 high-interest (1) 20:15 high-level (1) 37:8 highlight (1) 12:24 highlights (1) 12:18 high-risk (1) 45:14 historically (2) 34:22; 37:13 Hobbs (2) 20:20;23:22 hold (2) 32:19;34:22 holding (3) 15:10;26:9; 32:18 holdover (1) 33:13 home (3) 9:23;10:3; 41:15 honest (1) 32:10 honestly (2) 5:3;32:13 hope (7) 10:5,8;17:20; 18:10;47:13,17;54:25 hopeful (1) 37:6 hopefully (3) 17:15; 30:4;33:20 hotels (1) 35:2 hours (2) 8:24;20:3 household (2) 43:25; 44:6 hurried (1) 3:9</p>	<p>inactive (1) 43:4 Inaudible (2) 3:15; 30:24 inclined (1) 29:12 included (1) 29:20 includes (1) 5:22 including (1) 34:6 incorrect (1) 49:18 independent (3) 44:12, 12,15 indicated (1) 26:8 infected (1) 27:16 inform (4) 38:19;41:8, 12;51:1 informally (1) 31:20 information (9) 8:7; 16:3,11;25:24;27:13; 36:17;45:1;48:10;51:1 informed (1) 26:13 informing (1) 41:23 initially (1) 9:22 initiative (2) 24:3,23 injunction (1) 23:11 In-person (1) 40:22 inquiring (1) 38:19 instead (1) 18:25 intend (1) 36:19 intents (1) 25:3 interact (4) 30:6,10,14; 35:20 interaction (1) 37:4 interacts (1) 23:24 interest (2) 13:11;41:14 interesting (2) 15:13; 20:10 interrupt (1) 14:8 into (7) 37:17;38:10; 39:15;42:21;45:3,14; 48:20 involved (2) 13:14; 17:14 lowa (1) 46:1 irresponsible (1) 30:20 issue (7) 11:17;17:3; 18:20;20:21;21:22; 31:9;51:11 issued (3) 8:15,16; 19:18 issues (8) 9:1;23:3; 24:3;36:14;45:11; 48:18,22;49:7 Item (13) 5:16,17;7:17, 18;13:4,7;29:1;34:1,4; 37:18;47:18;52:11; 54:1 IV (1) 34:4</p>
<p>F</p> <p>fab (1) 33:23 face (2) 28:21,21</p>	<p>garbled (1) 6:2 general (8) 13:12,13; 17:17;22:25;23:6; 29:11;50:6,14 generally (1) 29:3 General's (1) 13:25 generosity (1) 32:20 Gina (14) 34:9,11; 37:20,23;38:8,14; 43:23;44:22;45:1; 46:17,19,23;47:1,7 given (5) 17:17;19:25; 31:7;51:14,15 goes (2) 33:22;37:1 good (9) 3:13;4:10; 8:10;10:16;25:22; 34:12,14;51:17;52:5 goods (2) 11:12,13 Governor (5) 8:14;11:5, 16;48:16;51:23 Governor's (2) 31:19; 32:14 Governors's (1) 32:11 grateful (2) 10:4;33:9 Great (3) 4:18;37:24; 55:4 grown (1) 33:7 guess (12) 3:5,5;15:23; 28:2,13;29:17,23; 30:22;33:19;42:3,5,5 guidance (2) 8:12,22 Guide (2) 43:24;44:1 guidelines (2) 11:15; 37:11 guys (1) 19:13</p>	<p>G</p>	<p>I</p>	<p>J</p>
	<p>half (2) 33:3,8 hand (1) 50:11 handing (1) 30:15 hanging (1) 19:8 happen (1) 42:9 happened (2) 8:14; 20:9</p>	<p>H</p>	<p>idea (1) 23:12 identified (1) 23:21 identify (1) 3:22 II (2) 5:17;7:17 III (1) 7:18 imagine (1) 32:23 immune (3) 50:20,21, 23 impact (2) 14:13,13 impinging (1) 24:4 important (2) 9:7;19:25 impressed (1) 10:3</p>	<p>Jersey (1) 12:17 JLBC (2) 48:21,25 job (1) 10:16 join (2) 10:15;40:8</p>

<p>Joining (2) 29:7;40:3 Joint (1) 48:10 Julian (1) 50:24 July (2) 22:12;25:10 jump (3) 37:17;45:3;48:1 June (3) 13:21;21:25;22:8</p>	<p>leadership (2) 26:5;47:7 leading (2) 25:19,19 leads (1) 39:15 least (5) 19:20;21:23;23:13;31:20;48:21 leave (1) 19:8 Leaving (1) 28:10 led (1) 25:20 left (2) 48:16,19 legal (4) 13:5,9,10;43:14 legislation (1) 39:19 legislative (10) 7:20;13:15;26:11;30:1;34:23;35:1;36:18;42:8,14;48:10 legislators (1) 49:15 legislature (27) 24:1,21;25:25;26:2,2,3,6,20;28:18;29:3;30:8,21;40:14;41:6;42:18,20;48:17;50:8,11,14;51:18,19,20,20,22,23,24 letting (2) 36:5;45:20 level (2) 12:2;25:21 libraries (1) 35:2 license (1) 30:14 light (3) 34:17;35:6;46:8 limit (1) 30:6 line (3) 3:4;4:9;37:15 lined (1) 39:5 link (1) 12:23 list (5) 28:5,7;40:3,8,17 listening (1) 53:22 little (9) 5:4;9:21;19:13;20:18;26:1;27:15;33:7;38:23;39:18 live (2) 35:14;36:12 local (2) 8:4,5 locations (4) 38:13;39:11;40:22;42:9 long (4) 5:21;17:13;42:17;52:3 longer (6) 26:1;27:15;33:16;35:3;38:9;39:2 longest (1) 33:13 look (4) 41:4;50:25;51:19,21 looked (1) 37:13 looking (2) 11:1,17 looks (3) 35:11;49:4;53:25 loss (1) 51:15 lost (1) 40:25 lot (7) 8:1,1,1,2;18:17;23:16;29:1 love (1) 47:16 lucky (1) 47:10</p>	<p style="text-align: center;">M</p> <p>magnitude (1) 16:24 mail (14) 27:8;29:10;34:7;39:15,25;40:10,14;41:9,11;42:7;44:3,11,13,17 mailed (5) 14:4;39:24;40:6,16,25 mailer (1) 44:5 main (4) 5:9;14:2;20:20;25:14 maintain (2) 12:15;30:5 maintaining (1) 10:6 major (1) 50:8 majority (2) 19:25;26:7 makes (2) 6:24;11:25 making (6) 27:7;30:8;42:22;44:14;49:22;51:9 man (1) 27:11 managed (1) 51:12 many (4) 23:13;24:11,23;35:2 March (2) 5:19;6:20 Maricopa (2) 13:17;43:12 materials (1) 8:1 matter (4) 13:13;19:3;25:10;49:8 matters (7) 13:5,10,11;18:17,17;22:17;25:22 May (17) 8:5,13:13;22:2,3,4,7,9;26:25;35:22;39:7;43:23;44:9;45:3;46:9;48:15;49:1;54:2 maybe (6) 15:23;27:24;36:19;40:7,24;43:11 mean (21) 9:19;10:10;15:2;16:25;17:13;18:6,15;19:2;25:9;31:15,22;32:10,12,16;39:3;40:15;42:2,5,17;43:1;48:15 means (3) 45:20,23;49:13 meant (1) 34:24 media (2) 27:25;44:4 meeting (9) 3:18,24,25;5:19;8:14;28:10;29:7;54:6,24 meetings (1) 36:13 members (2) 26:7,8 memory (1) 16:5 mention (2) 25:17;31:1 mentioned (3) 25:18;45:10;46:3 messages (1) 36:5 met (1) 10:12 Meyer (24) 4:13,14;7:10,11;33:15,16;38:1,</p>	<p>2,4,5,17,24;42:1,2,4,12;44:21,22,24,25;54:9,9,18,19 might (2) 21:24;25:12 Mike (6) 28:10;29:7;47:21;48:1;50:25;52:9 million (1) 23:15 mind (2) 32:14;38:23 minds (1) 42:20 minutes (3) 5:18;6:13,19 Miracle (1) 23:22 moderate (1) 36:23 moderator (1) 36:2 moderators (1) 35:13 modifications (3) 8:20;11:5,7 modified (2) 8:17;11:19 modify (1) 11:20 moment (1) 38:25 Monday (1) 26:24 money (2) 49:2;51:7 monies (1) 50:10 month (5) 8:5;22:11;33:2,2,8 months (3) 18:3;24:7;48:16 Montini (1) 43:11 moot (1) 25:3 more (11) 9:21;22:24;24:20;27:16;33:7;37:1,4,7;38:23;42:14,22 morning (3) 4:10;34:12,14 most (6) 15:25;25:19;36:12;38:25;45:15;51:6 mostly (1) 48:4 motion (14) 5:22,24;6:1,10,12,18;23:9,11;24:10,14,16;54:3,5,12 mounting (1) 17:4 move (2) 15:3;52:17 moved (2) 15:5;17:15 moves (1) 17:12 moving (5) 5:9,17;7:16,18;47:18 much (12) 10:12;17:5;22:21;30:5,6;35:20;41:13;47:14;51:2,6;54:25;55:5 must (1) 44:15 mute (2) 38:6;46:22 myself (3) 9:18;10:9;53:20</p>	<p>Navajo (2) 12:4;36:19 near (1) 32:15 need (9) 9:2;10:18,20;35:19;40:23;41:11,15;44:3;46:10 needed (3) 25:15,15;46:22 Network (1) 13:20 Nevertheless (1) 50:19 new (9) 8:2;9:20;12:17,17;32:7;34:18;37:3,12,13 next (8) 8:5;11:10;12:20;33:21;37:18;39:15;45:3;48:20 Ninth (7) 14:2,25;15:10;16:6;17:7;19:18;25:8 nominating (1) 32:7 non-request (2) 42:23,25 norm (1) 34:18 normal (1) 9:20 northeast (1) 12:3 note (4) 13:4;31:16;53:1,2 notice (1) 31:6 noticed (1) 31:11 notwithstanding (1) 12:2 November (3) 10:18;15:22;23:6 number (3) 40:21;47:5,18</p>
<p style="text-align: center;">K</p> <p>Kara (9) 13:13;14:18,20;17:1;18:8;20:19;21:7;25:16,18 KARLSON (25) 4:22;6:2;7:1;14:6,8,12,20,20,23;16:21;17:2,23;18:13;19:12;21:9,12;22:2,5;23:1,5,18;24:10,17;25:5,8 keep (8) 9:8;10:4,7,18;12:1;23:8;25:1;26:12 keeping (5) 9:3;10:5;22:22;50:19;51:4 kept (3) 8:10,23;19:4 key (1) 9:3 kick (2) 3:5,17 Kimble (12) 4:16,17;5:25;6:15,15;7:12,13;33:15,17,18;54:20,21 kind (14) 3:9;9:20;10:25;19:8;27:15;28:9,19;30:17;35:4;36:4,11;37:8;43:17;50:3 knew (1) 22:6 known (2) 19:15,22 knows (3) 8:13;10:9;12:11 KTNN (1) 36:20</p>	<p style="text-align: center;">L</p> <p>largely (1) 13:18 last (11) 8:14;10:11;13:23;14:15,23;23:21;26:24;27:1;32:25;51:13,24 lasting (1) 49:1 last-minute (1) 22:22 lasts (1) 39:1 later (2) 20:25;30:4 latest (1) 48:10 Latino (1) 20:20 launch (2) 41:18;45:19 launched (1) 46:2 law (10) 14:3,14,23;16:14;18:11,23;19:19,23;43:14;49:8 laws (1) 15:2 lawsuit (3) 14:9;21:20;22:14 lawyers (1) 20:8 lead (1) 23:7</p>	<p>March (2) 5:19;6:20 Maricopa (2) 13:17;43:12 materials (1) 8:1 matter (4) 13:13;19:3;25:10;49:8 matters (7) 13:5,10,11;18:17,17;22:17;25:22 May (17) 8:5,13:13;22:2,3,4,7,9;26:25;35:22;39:7;43:23;44:9;45:3;46:9;48:15;49:1;54:2 maybe (6) 15:23;27:24;36:19;40:7,24;43:11 mean (21) 9:19;10:10;15:2;16:25;17:13;18:6,15;19:2;25:9;31:15,22;32:10,12,16;39:3;40:15;42:2,5,17;43:1;48:15 means (3) 45:20,23;49:13 meant (1) 34:24 media (2) 27:25;44:4 meeting (9) 3:18,24,25;5:19;8:14;28:10;29:7;54:6,24 meetings (1) 36:13 members (2) 26:7,8 memory (1) 16:5 mention (2) 25:17;31:1 mentioned (3) 25:18;45:10;46:3 messages (1) 36:5 met (1) 10:12 Meyer (24) 4:13,14;7:10,11;33:15,16;38:1,</p>	<p style="text-align: center;">O</p> <p>obtain (1) 8:25 obviously (10) 9:6;11:25;12:3,4;16:14;17:24;20:17;22:24;32:16;49:3 occupancy (1) 12:8 occur (1) 17:16 occurred (1) 23:9 occurring (1) 35:18 odddity (1) 19:18 off (3) 30:3;46:22;53:21 office (14) 8:24;9:2;10:4,7;13:14,25;29:20;32:12,14,15;35:22;40:13;41:20;45:18 offices (1) 13:16 officials (3) 8:12;14:14;40:12 once (3) 12:21;16:11;30:3 One (13) 11:25;12:13;16:3;22:11,13,18,21;24:14,24;27:11;28:1;53:5,23 ones (1) 25:14</p>	
<p style="text-align: center;">L</p> <p>largely (1) 13:18 last (11) 8:14;10:11;13:23;14:15,23;23:21;26:24;27:1;32:25;51:13,24 lasting (1) 49:1 last-minute (1) 22:22 lasts (1) 39:1 later (2) 20:25;30:4 latest (1) 48:10 Latino (1) 20:20 launch (2) 41:18;45:19 launched (1) 46:2 law (10) 14:3,14,23;16:14;18:11,23;19:19,23;43:14;49:8 laws (1) 15:2 lawsuit (3) 14:9;21:20;22:14 lawyers (1) 20:8 lead (1) 23:7</p>	<p>live (2) 35:14;36:12 local (2) 8:4,5 locations (4) 38:13;39:11;40:22;42:9 long (4) 5:21;17:13;42:17;52:3 longer (6) 26:1;27:15;33:16;35:3;38:9;39:2 longest (1) 33:13 look (4) 41:4;50:25;51:19,21 looked (1) 37:13 looking (2) 11:1,17 looks (3) 35:11;49:4;53:25 loss (1) 51:15 lost (1) 40:25 lot (7) 8:1,1,1,2;18:17;23:16;29:1 love (1) 47:16 lucky (1) 47:10</p>	<p style="text-align: center;">N</p> <p>nailed (1) 16:12 name (1) 19:15 narrow (1) 9:6 Nation (1) 36:19 nature (1) 17:9</p>		

<p>one-time (5) 40:4,7,10, 18:44:14 online (1) 8:9 only (5) 22:7;24:14,15; 28:1;48:15 on-the-ground (1) 34:23 open (4) 8:24;10:4,7; 35:4 opened (1) 12:7 operating (3) 8:21;9:5; 17:18 OPERATOR (2) 28:10; 29:7 opinion (2) 14:2;17:7 opportunity (3) 40:24; 44:6;45:24 opposed (1) 43:6 options (6) 39:22;41:8, 12;42:6;44:2,7 oral (1) 13:19 order (9) 3:18,24;4:1; 5:13;8:17;12:14,14; 19:19;21:2 others (4) 13:13;21:13; 25:17;51:9 otherwise (1) 50:16 ours (1) 43:17 ourselves (1) 30:3 out (23) 5:12,13;10:19; 12:9;15:24;16:8,12; 17:11;22:11,12;23:15; 25:11;27:13;28:2; 30:18;33:18,18;40:20; 43:12,24;49:2;52:2; 54:8 outcome (2) 22:20,20 outlined (1) 49:12 outlook (4) 47:19; 48:13;52:5,17 outreach (6) 8:9;10:16; 44:19;46:1,14;51:8 outstanding (2) 13:9; 47:8 over (14) 7:21;23:15; 27:2;28:20;32:18,19; 33:8;36:2;39:25;44:24; 48:14,20;49:14;51:13 overall (1) 37:8 overview (1) 37:8 own (1) 50:24</p>	<p>particularly (2) 17:17; 19:24 partner (2) 36:22;41:20 partners (1) 34:25 partnership (1) 45:18 party (1) 44:17 pass (1) 43:15 passionate (1) 27:7 past (2) 30:3;33:8 Paton (37) 3:3,6,9,12, 15;4:5,7;7:4,6;15:15, 17,18,20;16:2,20,22, 23;17:3,22,24,25;18:7; 32:2,3,5,6,10,21;33:4, 5,21,24;54:2,4,5,14,15 pattern (1) 26:9 Paula (4) 8:25;9:2; 47:2,2 Paula's (1) 47:7 pay (1) 51:7 people (22) 10:19,19, 21,21,23;14:24;15:25, 25;16:13;27:16,24; 28:3;30:6,9,10,10; 36:12;38:19;39:4,10; 40:21;53:1 per (1) 40:7 percent (3) 12:8;41:10, 12 percentagewise (2) 23:17,18 perhaps (3) 26:5; 36:15;54:2 period (1) 13:15 permanent (6) 27:25; 28:4,7;40:3,8,17 person (6) 5:5;10:7; 28:1;30:13;39:23; 40:21 personally (2) 9:18; 27:19 perspective (1) 22:10 petition (3) 14:1;23:23; 25:11 petitions (1) 24:4 PEVL (2) 30:2;44:14 Phoenix (1) 27:13 phone (3) 5:4;6:25; 28:20 PI (2) 21:24,24 piece (5) 9:6;16:3,16; 44:18;45:3 pipe (1) 18:19 place (9) 15:7;17:8; 18:24,24;19:10;21:6; 27:9;38:11;39:11 placed (1) 24:2 places (1) 27:9 Plaintiffs (4) 20:23; 23:10;24:5,23 Plaintiff's (1) 23:25 plan (6) 11:18;41:3,8, 18,19;45:17</p>	<p>planning (2) 29:2;38:11 plans (6) 34:17;36:14, 17,18;38:11;39:9 platform (3) 35:12;37:3, 12 play (1) 52:2 please (8) 3:18;4:3; 5:10;7:22;19:15;26:18; 45:6;53:13 pleased (1) 10:1 pm (1) 21:1 point (4) 13:24;17:4; 25:4;28:2 policy (3) 9:3;28:17; 43:21 polling (4) 15:7;27:9; 38:12;42:8 polls (3) 20:25;38:13; 39:5 pollworker (5) 34:7; 39:16;45:4,21;46:6 pollworkers (5) 28:6; 45:12,13;46:4,12 position (6) 25:22; 28:17;31:7;45:24;47:9; 51:17 possibility (2) 41:5; 42:19 possible (9) 5:18;7:19; 16:19;30:5,7;34:5; 35:20;47:19;48:22 post (2) 35:6;36:20 posted (1) 25:1 postmark (3) 21:3,5,18 potential (2) 46:5;50:24 potentially (1) 14:13 PPE (3) 16:7;27:9; 30:11 practical (1) 25:10 practice (2) 35:8;37:10 precinct (3) 13:16; 14:10,25 precise (1) 16:19 predict (1) 20:12 prediction (1) 17:19 Preference (4) 16:7,9; 26:8;27:17 preliminary (4) 23:10; 24:6,8,25 presence (1) 4:4 Present (2) 4:14;53:6 president (1) 29:5 Presidential (4) 16:7,8; 18:1;27:17 press (3) 11:21;12:20; 26:4 pressures (1) 50:21 presumably (1) 22:16 pretty (3) 9:22;51:6,13 primary (4) 22:24;23:3; 29:11;44:17 principle (1) 19:22 prior (2) 50:5,11</p>	<p>probably (8) 12:13; 17:12;21:11;26:1; 29:18;33:2;38:7;53:21 problem (2) 3:16;49:17 procedural (5) 9:4; 19:14,17;21:22;24:1 procedurally (1) 20:7 procedure (1) 20:10 procedures (1) 18:5 proceedings (1) 55:6 process (8) 24:2;34:21; 35:11;36:6;37:17; 40:19;46:9;49:21 processes (2) 24:21,22 produce (1) 37:7 programs (1) 46:1 projection (1) 49:25 proper (1) 14:25 Protection (1) 49:9 provide (2) 34:15;36:4 public (12) 30:10;35:4, 24;36:10;37:14;41:23; 52:17,19;53:6,11,18,23 Purcell (1) 19:22 purposes (3) 16:6;25:3; 49:12 put (8) 16:12;22:10; 24:21;28:8,15;29:12, 18,21 putting (2) 17:10;30:9</p>	<p>recessed (1) 26:3 recession (2) 50:5,7 recognize (4) 6:5,6,8; 9:15 recommending (1) 34:5 record (5) 3:22;4:4; 6:25;35:5;53:3 Recorder (1) 43:12 recorders (1) 44:16 recording (1) 36:20 recovery (2) 49:4,4 recruitment (4) 34:8; 39:17;45:4;46:6 reduce (2) 35:9;40:21 referendum (2) 24:4,22 referring (1) 19:16 refuse (1) 46:4 regarding (4) 6:11;9:4; 11:4;26:20 regardless (2) 22:19; 46:7 regards (1) 19:20 register (1) 27:25 registered (1) 43:25 regular (1) 43:18 regulations (1) 13:1 Regulatory (1) 31:19 rehash (1) 24:19 rejected (2) 23:13,14 related (3) 11:18;13:5; 14:2 relaxed (1) 37:1 reliant (1) 15:6 relief (6) 20:23;22:16; 23:2;24:6,8;25:1 remember (5) 18:20,20, 21;19:1;27:23 removed (2) 50:8,14 remunerations (1) 48:8 reopen (2) 11:14;12:24 repeatedly (1) 17:12 replacement (1) 40:24 report (7) 7:20,20;13:6, 7;31:23;47:20;52:13 reporter (1) 6:3 reports (1) 8:2 Republic (1) 43:10 request (9) 29:10;40:2, 2,4,7,10,18;41:23; 44:15 requesting (1) 41:9 requests (1) 43:13 required (3) 14:24; 40:23;51:8 requirement (2) 15:1; 39:6 requirements (1) 14:12 requiring (1) 30:9 reservation (1) 12:4 resolution (1) 27:3 resolving (1) 24:3 respect (6) 12:6,15,25; 29:2;31:4,6</p>					
P						Q			
<p>page (3) 12:22;35:15, 18 paid (2) 44:4;45:24 pandemic (6) 10:22; 11:4;27:8,15;38:9;39:1 part (6) 14:9;20:11; 49:6;50:12,17,17 participating (1) 31:16 particular (1) 40:9</p>						R			
						<p>rabble-rouser (1) 30:22 Rainy (1) 48:24 range (1) 48:22 rapidly (1) 17:15 rather (5) 3:22;17:12; 18:2;20:24;30:4 reach (2) 41:11;53:16 real (8) 17:3;19:8; 24:19;25:16,25;35:16; 36:3;42:7 reality (3) 43:9;50:4,10 really (19) 9:3;10:11; 22:12;25:23;31:10,15; 35:7;37:8;39:14;42:20; 43:16;47:8,10,13,13, 17;48:14;51:1,2 reason (4) 20:12; 29:25;37:2;49:6 reasonable (1) 51:13 recap (1) 24:20 received (3) 21:19; 36:7;52:20</p>			

<p>responding (1) 23:11 response (4) 34:2; 37:21;46:20;52:10 responsibilities (1) 45:23 restaurants (3) 11:17; 12:6,9 restrictions (3) 12:15, 24;24:1 restricts (1) 14:3 resulting (1) 48:7 retail (3) 11:13;12:13, 24 return (1) 20:22 returning (1) 27:2 revenue (4) 50:3,22,24; 51:15 revenues (2) 48:9; 50:15 Review (1) 31:19 revise (1) 17:11 right (36) 5:8,9,23;6:18, 22;7:3,16,23;10:22; 13:17;14:11;18:8,9; 19:23;22:14;23:22; 24:12,13,13;25:7,24; 33:25;34:12,35:3; 36:11;37:15,22,23; 41:5,10,21;43:21;53:7, 21;54:11;55:4 rights (1) 24:5 risk (1) 46:5 Roberts (11) 34:9,10, 14;37:24;38:16;39:13; 42:3,11;43:22;45:2,9 roll (5) 3:19;6:22;43:8; 48:20;54:13 rollover (1) 49:15 rolls (2) 43:3;49:14 room (1) 28:24 run (2) 9:2;51:11 runs (2) 38:10;49:2 rural (1) 15:4</p>	<p>seeing (1) 46:4 seek (1) 21:1 seeking (4) 20:23; 21:20;23:2,6 seem (1) 41:5 seems (1) 36:10 select (1) 8:6 self-quarantining (1) 12:16 selling (1) 11:13 Senate (1) 29:5 sending (1) 43:12 sense (2) 11:25;21:22 sent (4) 22:11,12; 42:25;48:9 serve (5) 14:1;45:12, 16,20,22 services (2) 11:12,13 Services' (1) 8:11 session (6) 26:7,11,12; 42:18;47:16;49:14 set (3) 49:24;50:1;51:6 sets (1) 43:6 seven (3) 21:17,19; 51:14 several (5) 18:3;36:4, 23;39:22;40:12 shape (1) 30:17 share (1) 34:19 shifted (1) 8:9 short (1) 52:3 shortfall (1) 49:2 shortfalls (1) 50:22 short-term (3) 48:13; 52:5,5 showing (1) 15:7 side (1) 45:15 signatures (1) 25:11 significant (2) 50:6,15 significantly (2) 47:3; 50:1 similar (3) 33:10;45:25; 46:2 simple (1) 40:10 simply (2) 26:6;27:1 sincere (1) 47:17 sine (1) 26:6 single (2) 30:13,13 situation (3) 9:5;32:23; 48:7 slate (2) 5:20;6:13 slight (1) 21:13 smoothly (1) 31:18 social (7) 9:23;10:6; 27:25;35:8;37:11;39:2, 6 socially (1) 28:9 somebody (1) 3:7 someone (3) 6:5,5;13:8 sometimes (1) 19:7 soon (1) 17:16 sooner (1) 30:4 Sorry (15) 5:1;14:7,8,</p>	<p>16,19;22:3;24:19; 26:23;28:19;29:15; 30:21;38:1,3,12;44:23 sort (6) 9:1;12:8;21:23; 26:9;31:20;43:20 sought (2) 16:5,6 Sounds (1) 3:13 sources (2) 50:9;51:15 spacing (1) 12:25 speak (1) 44:24 speaking (2) 9:18; 14:18 specific (3) 11:6;12:5; 15:8 specifically (2) 9:11; 15:5 specifics (1) 27:10 speculation (2) 51:2,3 spoiled (1) 41:1 staff (12) 9:17;10:1,15; 32:16;34:4,16,24; 35:10;36:1;41:7,17; 46:10 stance (1) 41:22 stand (1) 32:6 standard (1) 9:1 standpoint (1) 20:11 stands (1) 15:10 start (3) 4:6;43:25; 49:15 started (3) 19:17;49:17, 17 state (18) 4:3;8:15;9:4; 10:20,20;12:1,4;13:20, 22;16:4,5;18:22;29:11; 43:21;46:2;48:9,13,24 stated (1) 11:5 statement (3) 10:15; 49:18,20 statements (2) 11:23; 17:11 states (5) 12:7;20:2; 45:11,25;46:3 State's (4) 32:15;40:13; 41:20;45:18 statewide (1) 13:15 status (3) 43:7,8;44:11 stay (7) 16:5,6,9;17:8; 19:10;24:9,9 step (2) 44:15;45:22 steps (2) 12:20;41:15 Steve (1) 10:13 stick (1) 33:21 still (11) 10:17,17,23; 17:5;26:11;28:7;30:17, 18;39:2;40:23,23 stop (2) 5:10;28:15 story (3) 27:11;50:17; 52:3 stream (1) 35:14 streaming (1) 36:20 stretch (1) 38:25 strike (2) 14:3;20:3</p>	<p>strikes (1) 14:9 striking (1) 19:19 struck (1) 15:1 stuff (3) 30:1,15,21 submit (2) 35:23;53:23 submitted (1) 25:12 subsequently (1) 8:16 substantial (1) 12:1 substantive (1) 37:7 sufficient (1) 46:12 suggesting (1) 26:5 Superior (1) 13:17 Supreme (9) 14:1; 16:24;17:7;18:25;19:1, 2,21;20:2,2 Sure (14) 3:20;5:14; 6:7;18:21;25:24;35:19; 38:16,18,21;44:18; 46:9;47:14;52:24;54:4 surrounding (1) 46:7 survived (1) 24:16 suspect (1) 31:8 system (1) 39:10</p>	<p>15:15,17;19:10;26:14; 29:16;31:13;32:1; 33:11;34:1;38:8;41:4; 42:13;44:22;45:1; 46:24;47:11,12,21; 52:7,9,16;53:19;54:25 took (2) 20:1;26:1 top (7) 9:8;24:2,21; 32:13,22;46:6;53:21 topic (1) 29:20 touch (1) 30:13 touching (1) 30:14 touchscreen (2) 28:12; 30:16 toward (1) 50:7 transitioned (1) 35:10 transitioning (1) 36:6 traumatic (2) 9:19,22 travel (1) 12:15 traveling (1) 34:25 trial (1) 25:20 tried (1) 7:25 troublesome (1) 45:7 trumpet (1) 15:24 try (4) 12:1;20:8;42:6, 19 trying (4) 20:12;22:15; 28:2,14 turn (1) 7:21 turned (1) 33:3 twice (1) 12:21 two (11) 11:23,23; 13:10;19:11;26:10; 28:23;42:21;43:6; 48:15;50:8;51:15 type (1) 36:7 typically (3) 12:21; 45:13,15</p>
S			T	
<p>safe (2) 10:6;12:25 safety (3) 11:15;13:1; 30:5 same (1) 47:15 saw (3) 35:7;39:3; 49:14 saying (2) 21:2;45:1 schools (2) 9:23;35:2 season (2) 18:9;51:5 second (6) 4:25;6:16, 18;54:8,10,12 Secretary (6) 18:22; 32:14;40:12;41:19; 45:18;46:1 Secretary's (1) 29:20 section (1) 39:15 secure (1) 35:1</p>	<p>signatures (1) 25:11 significant (2) 50:6,15 significantly (2) 47:3; 50:1 similar (3) 33:10;45:25; 46:2 simple (1) 40:10 simply (2) 26:6;27:1 sincere (1) 47:17 sine (1) 26:6 single (2) 30:13,13 situation (3) 9:5;32:23; 48:7 slate (2) 5:20;6:13 slight (1) 21:13 smoothly (1) 31:18 social (7) 9:23;10:6; 27:25;35:8;37:11;39:2, 6 socially (1) 28:9 somebody (1) 3:7 someone (3) 6:5,5;13:8 sometimes (1) 19:7 soon (1) 17:16 sooner (1) 30:4 Sorry (15) 5:1;14:7,8,</p>	<p>stance (1) 41:22 stand (1) 32:6 standard (1) 9:1 standpoint (1) 20:11 stands (1) 15:10 start (3) 4:6;43:25; 49:15 started (3) 19:17;49:17, 17 state (18) 4:3;8:15;9:4; 10:20,20;12:1,4;13:20, 22;16:4,5;18:22;29:11; 43:21;46:2;48:9,13,24 stated (1) 11:5 statement (3) 10:15; 49:18,20 statements (2) 11:23; 17:11 states (5) 12:7;20:2; 45:11,25;46:3 State's (4) 32:15;40:13; 41:20;45:18 statewide (1) 13:15 status (3) 43:7,8;44:11 stay (7) 16:5,6,9;17:8; 19:10;24:9,9 step (2) 44:15;45:22 steps (2) 12:20;41:15 Steve (1) 10:13 stick (1) 33:21 still (11) 10:17,17,23; 17:5;26:11;28:7;30:17, 18;39:2;40:23,23 stop (2) 5:10;28:15 story (3) 27:11;50:17; 52:3 stream (1) 35:14 streaming (1) 36:20 stretch (1) 38:25 strike (2) 14:3;20:3</p>	<p>tag (1) 43:23 talk (4) 20:18;29:24; 30:25;42:19 talked (2) 43:12;52:16 talking (1) 21:16 tap (1) 48:23 tax (2) 50:13,13 technology (1) 15:8 telework (1) 8:23 tend (1) 30:22 term (1) 49:15 terms (9) 22:15,15; 29:25;31:19,20;35:8; 39:19;41:6,22 thanks (1) 33:11 theoretically (1) 25:2 theory (1) 16:18 THOMAS (1) 47:11 thought (4) 19:24; 30:23;39:9;40:19 three (4) 32:17;33:19; 42:21,21 throughout (2) 26:11; 35:25 thus (1) 8:12 timed (1) 33:18 Times (2) 36:23;50:4 timing (1) 23:5 Titla (18) 4:8,10,21;6:1, 6,8,10,12;7:7,9;10:13, 14;11:9;13:2;33:12,14; 54:16,17 today (4) 25:23;47:21; 52:19;53:6 together (2) 28:8;47:16 Tom (30) 5:10,20;6:23; 7:21;9:12;11:4;14:8;</p>	U
				<p>unable (1) 53:12 unanimous (1) 19:21 unauthorized (1) 16:17 uncomfortable (1) 30:19 under (6) 11:14;12:24; 17:18;23:23;49:25; 50:2 understood (1) 38:21 United (1) 20:2 universe (1) 43:1 unless (2) 13:8;19:9 unrolling (1) 30:17 up (16) 8:4;10:18;13:6; 15:7;18:19;22:14; 27:17;28:15,20;29:25; 30:23;34:19;39:5; 45:22;48:15;53:25 update (1) 52:12 updates (2) 8:2;34:16 use (2) 28:12;49:15 using (1) 27:24</p>

utilizing (1) 35:12	39:4	2018 (1) 23:14		
V	wish (1) 44:13 without (7) 17:21;27:2; 28:20;29:10;31:22,22; 47:10	2020 (7) 3:25;5:19,19; 6:19,20;17:17;51:19		
various (1) 24:1 vast (1) 19:25 vendors (1) 47:4 VI (3) 13:4,7;52:11 view (2) 32:21;35:15 VIII (1) 54:1 virtual (2) 35:11;36:13 virus (2) 39:7,12 voluntary (1) 50:13 vote (22) 6:22;7:5,8,15; 10:24,25;14:24;15:4,5; 27:20;31:10;38:20; 39:11,21,23;40:5,9; 41:11,14;44:13;54:14, 23 voted (2) 27:11;30:11 voter (25) 17:4;28:5,7, 25;29:18,24;31:1;34:6, 17;36:15;39:16;40:1, 15;41:6,7,18,22;43:18, 18,24,25;45:19;46:13; 49:9;51:7 voters (30) 15:7;28:1; 30:2,19;34:24;35:10, 15,17,20,21;37:14; 39:21;40:6,20,23;41:8, 11;42:25;43:1,2,3,4,4, 13;44:7,12,13,15; 45:20;49:10 votes (1) 28:4 voting (12) 27:8;38:13; 39:8,25;40:3,8,17,21; 42:7,9;44:1;46:9 Voto (1) 20:19	witness (1) 20:4 wonder (1) 10:23 word (1) 10:19 work (7) 9:17;10:2; 12:1;18:8;46:4;47:2,7 worked (3) 18:16; 51:23;55:3 workers (1) 28:6 working (6) 8:25;21:7; 41:7,17,18;49:19 works (1) 10:8 world (2) 10:11;36:12 worse (1) 39:3 worth (2) 11:24;20:17 wrapped (1) 13:5 wrinkle (1) 21:14 writing (1) 5:8 wrong (3) 5:13;48:2,4	2021 (1) 51:21 22 (2) 20:3;49:1 25 (1) 12:8 27 (2) 5:19;6:19 2nd (1) 25:10		
	Y	3		
	year (16) 27:8;28:17, 19;30:2;33:21;36:23; 37:2;41:13;45:7,17; 46:7;48:14,16,19,20; 49:25 years (3) 14:24;19:17; 51:14 yesterday (3) 8:17; 11:6,20 York (1) 12:17 YouTube (3) 12:22; 35:15,18	30th (1) 3:25 364-3477 (1) 53:14 38 (1) 31:16	4	
W	Z	4th (3) 27:20,22,24	5	
Wait (1) 14:16 waiting (1) 46:21 wants (4) 11:20;13:8; 42:24;48:1 watching (2) 26:10; 53:11 way (8) 15:24;18:12; 19:7;31:11;47:15;51:2, 12;52:4 ways (4) 28:24;37:14; 53:17,24 website (2) 8:7;53:17 week (4) 11:11,19; 12:21;13:23 weeks (1) 43:11 well-informed (1) 25:22 what's (1) 25:20 Whereupon (1) 55:6 wide (1) 48:22 widespread (1) 9:6 willing (2) 45:12,21 Wisconsin (2) 27:14;	zero (1) 23:19 Zoom (3) 35:12,14; 36:13 1 1.7 (1) 23:15 1.8 (1) 23:15 10:41 (1) 55:7 11 (1) 31:17 11th (1) 8:16 16 (2) 5:19;6:20 19th (1) 8:5 1st (2) 26:25;48:15 2 2,500 (1) 23:15 20 (1) 41:12 2000s (1) 50:12 2008 (1) 50:5 2012 (1) 50:8	50 (1) 14:23 50/50 (1) 22:8	6	
		602 (1) 53:14 6th (1) 27:21	7	
		7:00 (1) 21:1	8	
		80 (1) 41:10 8th (1) 22:12	9	
		9:32 (1) 3:25 9th (1) 48:21		