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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

October 7, 2020

9:32 a.m.

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1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN
2 ELECTIONS COMMISSION convened at 9:32 a.m. on October 7,
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. Damien R. Meyer (Telephonic)
8 Ms. Amy B. Chan (Telephonic)
9 Mr. Mark S. Kimble (Telephonic)

6 OTHERS PRESENT:

7 Thomas M. Collins, Executive Director
(Telephonic)
8 Paula Thomas, Executive Officer
9 Gina Roberts, Voter Education Director
(Telephonic)
10 Mike Becker, Policy Director (Telephonic)
11 Alec Shaffer, Web Content Manager
12 Kara Karlson, Assistant Attorney General
13 Mary O'Grady, Osborn Maledon (Telephonic)

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1 now.
2 Sorry about that, Chairman.
3 COMMISSIONER MEYER: I'm here.
4 CHAIRMAN PATON: Okay. And Commissioner
5 Meyer?
6 COMMISSIONER MEYER: I'm sorry. I am here.
7 CHAIRMAN PATON: Okay. So, the first item
8 we have here is something from Tom. So, Item II:
9 Discussion and possible action --
10 MR. COLLINS: I'm here on the phone.
11 CHAIRMAN PATON: Okay. Cool. All right.
12 On the Executive Director's report, Tom, you have the
13 floor.
14 MR. COLLINS: Oh, thank you. Very quickly,
15 I apologize for my transportation situation. I'm in --
16 well, it's a long story. I'll tell you all sometime if
17 you want to hear it.
18 The main point I want to hit on the
19 Executive Director's report, obviously, we had the U.S.
20 Senate debate last night that we sponsored and helped
21 facilitate by gathering questions from voters, and I
22 think that was a really great capstone on the debate
23 season and, obviously, something that you, Chairman
24 Paton, has championed. And we're really glad that we
25 have --

09:32:18-09:33:28

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09:34:47-09:36:13

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1 PROCEEDING

2

3 THE OPERATOR: A roll call has been
4 requested. We have Mike Becker, Mark Kimble, Galen
5 Paton, Mary O'Grady, Amy Chan, Damien Meyer and Gina
6 Roberts.
7 It's now my pleasure to turn the conference
8 over to Ms. Paula Thomas. Please go ahead, ma'am.
9 MS. THOMAS: Good morning, Commissioners.
10 Tom is actually stuck in traffic right now. So, he's
11 going to pull over and, also, call in. He can't
12 logistically make it. There's been a delay on the
13 freeway.
14 So, Chair Paton, if you want to start the
15 meeting, Tom should be calling in shortly.
16 CHAIRMAN PATON: Okay. So, anyway, this is
17 Chairman Galen Paton, and I wanted to call the order.
18 It's October 7, 2020. I call this meeting
19 of the Citizens Clean Elections Commission to order.
20 And, I guess, I'm supposed to call --
21 THE OPERATOR: Okay. Paula, we're getting
22 an echo from your line. It's because you're in that
23 room. So, you might want to mute yourself when you're
24 not talking because it's bouncing back from you.
25 MS. THOMAS: Okay. I'll turn it off right

1 THE OPERATOR: Paula, I'm still getting a
2 lot of feedback from your line, and they cannot here it
3 from where we're talking right now. It's just you and
4 I. I can mute you on my end. Just press star 6 if you
5 need to speak, okay?
6 MS. THOMAS: Okay. Sounds good.
7 MR. COLLINS: -- of success as we got more
8 debates.
9 As you can see from the list of activities,
10 our voter education group and, particularly, Avery has
11 been out or virtually out with a variety of different
12 groups from the city of Tempe to AARP to any number of
13 different places. Gina and Alec and Avery have been
14 doing a lot of great work.
15 The last two things, first thing, you'll
16 see there's a brief proposal that Paula put together on
17 Zoom meetings for the purposes of how we move forward
18 and assuming the COVID situation continues. I'd invite
19 you to take a look at that. We're interested in
20 pursuing that. There's a couple of different
21 advantages.
22 The way we have it set up now, we're
23 technically meeting in person. So, a person could, if
24 they wanted to, come to the meeting and testify, or
25 what have you, but it will be difficult -- more

<p>09:36:17-09:37:32</p> <p>Page 6</p> <p>1 difficult for them to call in. And no one has been 2 attending, at least that's -- and maybe they say they 3 are, but no one has been attending. So, there's an 4 advantage there. There's some control issues there, 5 so -- that are good and some production issues. 6 Paula, I don't know if there's anything 7 else I should add on that point. 8 THE OPERATOR: You are no longer muted. 9 MS. THOMAS: Sorry, Mike -- I mean, sorry, 10 Tom, I'm getting a little feedback from my end. So, 11 I've been on mute, but nothing more to add. We can 12 work individually with each Commissioner. We have a 13 seasoned meeting planner that knows all the logistics 14 of how to put together the Zooms, and they've done 15 quite successfully with our current debates. They've 16 done all of our primary and general debates virtually. 17 So, it's a better -- it's better controlled, and they, 18 also, have the experience of working with other boards 19 and commissions. 20 So, it's an option for now until we see 21 what our new norm is going to be in the future. It's 22 kind of a case-by-case basis. 23 MR. COLLINS: And, then -- so, that's -- I 24 think we will proceed with that. 25 And, then, the last thing I wanted to</p>	<p>09:39:16-09:40:39</p> <p>Page 8</p> <p>1 dealing with the public, and Julian and Mike have been 2 doing a great job of that. And, obviously, Paula has 3 been keeping us, you know, up to date with all of the 4 technological changes and other things we need to do in 5 order to stay functional during the -- during the -- 6 you know, fully functional during the COVID. 7 So, that's all I have to say. Again, I 8 apologize for being on the phone, but if you have any 9 questions, I'm open to them, obviously. 10 CHAIRMAN PATON: Any questions from the 11 commissioners? 12 COMMISSIONER KIMBLE: Mr. Chairman, this is 13 Mark Kimble. 14 CHAIRMAN PATON: Yes, Commissioner Kimble. 15 COMMISSIONER KIMBLE: Tom, there are two 16 enforcement issues listed here, Starzyk and Parra. The 17 first one closed; the second one pending. 18 Can you -- can you, briefly, tell me what's 19 involved in these two cases? 20 MR. COLLINS: Yes, absolutely. Starzyk 21 involves a candidate that, in the primary election, he 22 lost in the primary. The complaint alleged that there 23 was coordination -- an illegal coordination between a 24 website and Starzyk's campaign. The website didn't 25 have the appropriate disclaimer on it one way or the</p>
<p>09:37:35-09:39:12</p> <p>Page 7</p> <p>1 mention, you know, we've had -- there are a couple of 2 notes about election cases in the report. So, there 3 are still a number of active election cases that have 4 relevance to voters themselves, specifically, the 5 Federal District Court in Phoenix moved the deadline to 6 register to vote to October 23rd at 5:00 p.m. Our 7 understanding is that the Republican National Committee 8 has filed an appeal on that matter. The Secretary of 9 State is not going to appeal. So, that's the big one. 10 There's, also, been some litigation that 11 still appears to be active on the issues related to how 12 you cure certain types of problems with mail ballots. 13 So, the point is, you know, we are keeping abreast of 14 those. We are working to incorporate those changes 15 into our website and social media as we can so that 16 even if we can't -- because things are still in flux, 17 we're not in a position to redesign or redo messaging 18 around us, but at the very least, we are monitoring 19 that on a day-by-day and, in some cases, hour-by-hour 20 basis to make sure that those who come to our website 21 have accurate and timely information. 22 So, those are my main points. Again, I 23 just wanted to thank Gina and Alec and Avery for their 24 work. And, also, obviously, we have -- we have audits 25 and issues with voter education just in terms of</p>	<p>09:40:43-09:42:25</p> <p>Page 9</p> <p>1 other. We determined that the website -- well, 2 Mr. Starzyk informed us that the website belonged to 3 him. He took it down and the -- and agreed that he 4 would -- if he put it back up, he would put the 5 appropriate disclaimers. 6 There was, also, a timing issue in that -- 7 in that matter, which is -- and, again, that was one 8 where, within the time period of the pendency of the 9 complaint, a signed disclaimer took place out of time. 10 So, under -- our Rule 206 allows us, if someone comes 11 into compliance, to close the complaint, as long as we 12 notify the Commission. And so, that's been on the 13 agenda the last couple of months for purposes of that, 14 of the executive conversation. So, that's that one. 15 Parra is a little more -- well, the Parra 16 complaint has to do with, in effect, whether or not a 17 candidate was coordinating with a federal act. The 18 reason why that complaint is still pending is because 19 there's a complaint with a different candidate but the 20 same fact pattern pending at the Secretary of State's 21 office. 22 So, we are -- we are -- we know that the 23 Secretary of State's office is down a person at 24 campaign finance. So, we are simply -- we probably -- 25 we don't want to be completely out of step with them,</p>


<p>09:42:28-09:43:33 Page 10</p> <p>1 and we would like to see where their complaint ends up 2 before we -- so, how the Secretary may handle the 3 complaint as to the -- not just any candidate that 4 would file with them, may, in fact, resolve the issue 5 with respect to Mr. Parra. 6 COMMISSIONER KIMBLE: And these are both 7 legislative candidates? 8 MR. COLLINS: They are, and both of them 9 lost in the primary, I believe. Mike, obviously, can 10 correct me if I'm wrong, but I know Starzyk did not 11 advance to the general and, I believe, Parra, also, 12 lost in the primary. 13 COMMISSIONER KIMBLE: Okay. 14 MR. BECKER: That is correct. 15 COMMISSIONER KIMBLE: Okay. Thank you. 16 CHAIRMAN PATON: Any other questions? 17 (No response.) 18 CHAIRMAN PATON: If not, then we will go to 19 Item II: Discussion and possible action on Executive 20 Director's -- oh, no. I'm sorry -- Item III: 21 Discussion and possible action on Arizona Advocacy 22 Network versus the State. 23 And, Mr. Collins, if you could help us with 24 this. 25 MR. COLLINS: Sure. I'm pleased and happy</p>	<p>09:45:21-09:46:53 Page 12</p> <p>1 changes were not, quote/unquote, amendments to the 2 Clean Elections Act; however, the Court, also, said 3 that the attempt to change the Commission's own 4 jurisdiction was -- was violative of the Voter 5 Protection Act because it changed the Commission's -- 6 changed the Commission's authority to enforce the law. 7 There's, obviously, some tension between 8 those two concepts; nevertheless, you know, the issue 9 before the Commission and what we were looking for your 10 decision on are two issues: First, whether or not the 11 Commission would want to seek a petition for review in 12 the Court of Appeals -- in the Supreme -- in the 13 Arizona Supreme Court and, then, secondly, there have 14 been some discussions around, you know, the way that 15 this case has been decided, the case on which it was 16 decided, there are -- there's a 30-day time period in 17 which someone can to petition for review in the Supreme 18 Court. 19 And in that particular time period, the 20 case, essentially, states the Court of Appeals was -- 21 the question was whether or not, you know, if the 22 Commission were to forego a petition for review given 23 that the election is ongoing, ought we try, in a manner 24 consistent with, you know, the Commission's, you know, 25 role here to get the case back in Superior Court so</p>
<p>09:43:37-09:45:16 Page 11</p> <p>1 to, Mr. Chairman. Thank you. 2 As you all know, last week the Arizona 3 Court of Appeals issued a ruling in the Arizona 4 "Advocacy Network v. State." The background on that 5 case is that -- the background on that case is that the 6 Arizona Advocacy Network and a group of Democratic 7 lawmakers and at least one union filed a lawsuit 8 against the State, the Secretary of State, the 9 Governor's Regulatory Review Council and the Clean 10 Elections Commission related to a 2016 campaign finance 11 bill. They filed the lawsuit, I want to say, in -- 12 sometime in 2018 because we, actually, had an election, 13 under the 2016 bill, in 2018. 14 You know, we -- in 2018, a -- December of 15 2018, a -- the Superior Court had entered an injunction 16 and an order finding that certain changes in the bill 17 were violative of the Voter Protection Act, 18 specifically, that there are some definitions 19 incorporated by the Clean Elections Act that will 20 change and found that those were VPA violations and, 21 also, that there were attempting to interfere with the 22 Commission's enforcement authority. 23 The Superior -- the Court of Appeals held 24 with a vote that the definitional changes were 25 compliant with the Voter Protection Act because those</p>	<p>09:46:58-09:48:27 Page 13</p> <p>1 that it can be clear that, you know, what the law is is 2 because, in theory, right now, although I can tell you 3 that, definitely, I'm not -- I don't believe we 4 would or could process a complaint, or something, that 5 was based on the old law just because it would be 6 contrary to the Court of Appeals; nevertheless, there 7 is technically an injunction in place. 8 And so, you know, for clarity's sake, you 9 know, if we're not going to petition for review, then 10 there's something said for trying, in some manner, to 11 get the case remanded. So, that ought to be clarified. 12 That's the -- that's where we are. I don't 13 know -- I think we may have someone from Osborn Maledon 14 on the line, to the extent that you have questions -- 15 legal advice questions. And then, obviously, you may 16 or may not want to go into executive session, but I'm 17 happy to take questions on my portion. 18 CHAIRMAN PATON: Any questions? 19 COMMISSIONER KIMBLE: Mr. Chairman, this is 20 Commissioner Kimble. 21 CHAIRMAN PATON: Yes. 22 COMMISSIONER KIMBLE: I have some, I guess, 23 questions and discussions about legal strategy, and I 24 don't know if -- Tom, is that something you feel should 25 be done in executive session?</p>

<p>09:48:31-09:49:28</p> <p>Page 14</p> <p>1 MR. COLLINS: You know, Mr. Chairman, 2 Commissioner Kimble, as a -- as a general practice, we 3 do that in executive session. I'm not sure it matters, 4 quite honestly, sometimes. I'm sure -- if we have -- 5 if we have an attorney on the line, we could -- we 6 could do that. I don't know if we do or do not. 7 MS. O'GRADY: Tom, I'm on the line. This 8 is Mary. 9 MR. COLLINS: Oh, okay. So, Mary, I'd 10 defer to you. I mean, we generally do. I don't have a 11 strong feeling about it, but Mary, you may. And, I 12 think, we probably should, right? 13 MS. O'GRADY: Yeah. I think those 14 questions on pending litigation are generally 15 appropriate for executive session. 16 CHAIRMAN PATON: So, do I have a motion for 17 executive session? 18 COMMISSIONER KIMBLE: Yeah. This is 19 Commissioner Kimble. I move we go into executive 20 session. 21 COMMISSIONER CHAN: I second that, 22 Mr. Chairman. 23 CHAIRMAN PATON: And -- 24 COMMISSIONER CHAN: I'll second that, 25 Mr. Chairman. This is Commissioner Chan.</p>	<p>10:21:58-10:23:24</p> <p>Page 16</p> <p>1 COMMISSIONER CHAN: And my understanding is 2 we may not need to take any additional action if we 3 don't wish to seek review. And so, therefore, I would 4 not make any motion at this time. I think the only 5 motion that would be in order would be if we wished to 6 seek review from the Arizona Supreme Court, and I hope 7 I'm not misunderstanding that. 8 CHAIRMAN PATON: Okay. Is there a motion 9 to -- is there a motion to direct the attorneys to seek 10 an acceleration of the mandate to the Superior Court? 11 COMMISSIONER CHAN: I would -- I would move 12 that we direct Tom to work with our attorneys to seek 13 to accelerate the remand to Superior Court. 14 Tom, is that acceptable? 15 MR. COLLINS: Yeah, Mr. Chairman, 16 Commissioner Chan, yes. We can -- we can -- we can 17 work on that issue to make sure that, you know, the 18 Commission's interests are protected but, also, that 19 all the parties and non-parties affected by this are -- 20 have the guidance that they need. Yes. So, I think 21 that would be acceptable. 22 CHAIRMAN PATON: Okay. 23 MR. COLLINS: I have no objection to your 24 motion. 25 CHAIRMAN PATON: Okay. Then, is there a</p>
<p>09:49:30-10:21:57</p> <p>Page 15</p> <p>1 CHAIRMAN PATON: Okay. So, we have a 2 motion and a second and, I guess, we will vote. 3 So, Commissioner Chan, how do you vote? 4 COMMISSIONER CHAN: Aye. 5 CHAIRMAN PATON: Commissioner Kimble? 6 COMMISSIONER KIMBLE: Aye. 7 CHAIRMAN PATON: Commissioner Meyer? 8 COMMISSIONER MEYER: Aye. 9 CHAIRMAN PATON: And Commissioner Paton, I 10 vote aye, as well. So, we can go into executive 11 session. 12 (The following section of the meeting is in 13 executive session and bound under separate cover.) 14 * * * * * 15 16 (End of executive session. Public meeting 17 resumes at 10:21 a.m.) 18 MS. THOMAS: Chairman, go ahead. We're 19 back in public. 20 CHAIRMAN KIMBLE: Okay. Do we have a 21 motion to direct our attorney not to file a petition 22 for review? 23 COMMISSIONER CHAN: Mr. Chairman, this is 24 Commissioner Chan. 25 CHAIRMAN PATON: Yes.</p>	<p>10:23:27-10:24:31</p> <p>Page 17</p> <p>1 second? 2 COMMISSIONER MEYER: This is Commissioner 3 Meyer. I'll second that motion. 4 CHAIRMAN PATON: Okay. So, we have a 5 motion and a second, and how do we chose to vote on 6 this? 7 Commissioner Chan? 8 COMMISSIONER CHAN: I vote aye. 9 CHAIRMAN PATON: Commissioner Kimble? 10 COMMISSIONER KIMBLE: Aye. 11 CHAIRMAN PATON: Commissioner Meyer? 12 COMMISSIONER MEYER: Aye. 13 CHAIRMAN PATON: And Commissioner Paton, I 14 vote aye, as well. The motion is carried. 15 Okay. So, Tom, are we now into the public 16 comment, or do we need any more discussion? 17 MR. COLLINS: No. Mr. Chairman, I have 18 certainly the guidance I need. I believe we're on 19 public comment. 20 CHAIRMAN KIMBLE: Okay. So, does any 21 person of the public wish to make comment at this time? 22 You may, also, send comments to the Commission by mail 23 or email at ccec@azcleanelections.gov. 24 (No response.) 25 CHAIRMAN PATON: And if there is no public</p>

10:24:33-10:25:12 Page 18

1 comment, then, I would entertain a motion to adjourn
2 the meeting.
3 COMMISSIONER CHAN: Mr. Chairman, this is
4 Commissioner Chan. I move -- I move that we adjourn
5 the meeting.
6 CHAIRMAN PATON: Okay. So, we have a
7 motion.
8 Do we have a second?
9 COMMISSIONER KIMBLE: This is Commissioner
10 Kimble, second.
11 CHAIRMAN PATON: Okay. So, we have a
12 motion and a second to adjourn the meeting.
13 Commissioner Chan, how do you vote?
14 COMMISSIONER CHAN: Aye.
15 CHAIRMAN PATON: Commissioner Kimble?
16 COMMISSIONER KIMBLE: Aye.
17 CHAIRMAN PATON: Commissioner Meyer?
18 COMMISSIONER MEYER: Aye.
19 CHAIRMAN PATON: And this is Commissioner
20 Paton, and I vote aye, as well.
21 And we are adjourned.
22 (Whereupon, the proceedings concluded at
23 10:25 a.m.)
24
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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)
3 BE IT KNOWN the foregoing proceedings were
4 taken by me; that I was then and there a Certified
5 Reporter of the State of Arizona, and by virtue thereof
6 authorized to administer an oath; that the proceedings
7 were taken down by me in shorthand and thereafter
8 transcribed into typewriting under my direction; that
9 the foregoing pages are a full, true, and accurate
10 transcript of all proceedings and testimony had and
11 adduced upon the taking of said proceedings, all done to
12 the best of my skill and ability.
13 I FURTHER CERTIFY that I am in no way
14 related to nor employed by any of the parties thereto
15 nor am I in any way interested in the outcome hereof.
16 DATED at Phoenix, Arizona, this 8th day of
17 October, 2020.
18 
19 LILIA MONARREZ, RPR, CR #50699
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A	B	C	D	F
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