



NOTICE OF PUBLIC MEETING AND POSSIBLE EXECUTIVE SESSION OF THE STATE OF ARIZONA CITIZENS CLEAN ELECTIONS COMMISSION

Location: Citizens Clean Elections Commission

1616 West Adams, Suite 110

Phoenix, Arizona 85007

Date: Thursday, February 25, 2021

Time: 9:30 a. m.

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Commissioners of the Citizens Clean Elections Commission and the general public that the Citizens Clean Elections Commission will hold a regular meeting, which is open to the public on February 25, 2021. This meeting will be held at 9:30 a.m., at the Citizens Clean Elections Commission, 1616 West Adams, Suite 110, Phoenix, Arizona 85007. The meeting may be available for live streaming online at <https://www.youtube.com/c/AZCCEC/live>. You can also visit <https://www.azcanelections.gov/clean-elections-commission-meetings>. Members of the Citizens Clean Elections Commission will attend either in person or by telephone, video, or internet conferencing. **This meeting will be held virtually.** Instructions on how the public may participate in this meeting are below. For additional information, please call (602) 364-3477 or contact Commission staff at ccec@azcanelections.gov.

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Please note that members of the public that choose to use the Zoom video link must keep their microphone muted for the duration of the meeting. If a member of the public wishes to speak, they may use the Zoom raise hand feature and once called on, unmute themselves on Zoom once the meeting is open for public comment. Members of the public may participate via Zoom by computer, tablet or telephone (dial in only option is available but you will not be able to use the Zoom raise hand feature, meeting administrator will assist phone attendees). Please keep yourself muted unless you are prompted to speak. The Commission allows time for public comment on any item on the agenda. Council members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing Council staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.

The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice on any item listed on the agenda, pursuant to A.R.S. § 38-431.03 (A)(3). The Commission reserves the right at its discretion to address the agenda matters in an order different than outlined below.

The agenda for the meeting is as follows:

- I. Call to Order.
- II. Discussion and Possible Action on Commission Minutes for January 28, 2021.
- III. Discussion and Possible Action on Executive Director's Report, Regulatory Update and Legislative Update, including election and administrative bills such as HB2014 and HB2110.
- IV. Discussion and Possible Action on 2020 Annual Report.
- V. Public Comment
This is the time for consideration of comments and suggestions from the public. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date or responding to criticism
- VI. Adjournment.
This agenda is subject to change up to 24 hours prior to the meeting. A copy of the agenda background material provided to the Commission (with the exception of material relating to possible executive sessions) is available for public inspection at the Commission's office, 1616 West Adams, Suite 110, Phoenix, Arizona 85007.

Dated this 23rd day of February, 2021
Citizens Clean Elections Commission
Thomas M. Collins, Executive Director

Any person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission at (602) 364-3477. Requests should be made as early as possible to allow time to arrange accommodations.

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THE STATE OF ARIZONA

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CITIZENS CLEAN ELECTIONS COMMISSION

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REPORTER'S TRANSCRIPT OF PUBLIC VIRTUAL MEETING

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Phoenix, Arizona

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January 28, 2021

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9:31 a.m.

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COASH & COASH, INC.

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23

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<p style="text-align: right;">Page 2</p> <p>1 PUBLIC VIRTUAL MEETING BEFORE THE CITIZENS 2 CLEAN ELECTIONS COMMISSION convened at 9:31 a.m. on 3 January 28, 2021, at the State of Arizona, Clean 4 Elections Commission, 1616 West Adams, Conference Room, 5 Phoenix, Arizona, in the presence of the following Board 6 members: 7 8 Ms. Amy B. Chan, Chairperson 9 Mr. Galen D. Paton 10 Mr. Damien R. Meyer 11 Mr. Mark S. Kimble 12 13 OTHERS PRESENT: 14 Thomas M. Collins, Executive Director 15 Paula Thomas, Executive Officer 16 Gina Roberts, Voter Education Director 17 Mike Becker, Policy Director 18 Alec Shaffer, Web Content Manager 19 Avery Oliver, Voter Education Specialist 20 Julian Arndt, Executive Support Specialist 21 Rivko Knox, AZ League of Women Voters 22 Kara Karlson, Assistant Attorney General 23 Jeanne Galvin, Assistant Attorney General 24 Kyle Cummings, Assistant Attorney General 25 Daniel Arellano, Ballard Spahr, LLP Christina Borrego, Riester Bailey Mills Tim Sifert Chad Campbell Cathy Herring, Tech Backup</p>	<p style="text-align: right;">Page 4</p> <p>09:32:23-09:33:19</p> <p>1 Commissioner Kimble who would be senior or Commissioner 2 Meyer now? I can't remember. 3 COMMISSIONER MEYER: I think it's me. 4 Commissioner Meyer is here. 5 COMMISSIONER KIMBLE: Commissioner Kimble 6 is here. 7 COMMISSIONER PATON: Commissioner Paton is 8 here. 9 CHAIRWOMAN CHAN: Thank you. 10 And, of course, for the record, I'm 11 Commissioner Chan, and I'm here, as well. 12 And so, with that, we can move on to Agenda 13 Item II: Discussion and possible action on Commission 14 minutes for December 17th, 2020. 15 Is there any discussion on the minutes for 16 December, the December meeting, or do I have a motion 17 to entertain? 18 COMMISSIONER KIMBLE: Madam Chairman, this 19 is Commissioner Kimble. 20 CHAIRWOMAN CHAN: Yes, Commissioner Kimble. 21 COMMISSIONER KIMBLE: I move that we 22 approve the minutes for the Commission meeting of 23 December 17th, 2020. 24 CHAIRWOMAN CHAN: Thank you. 25 Do I have a second?</p>
<p>09:31:06-09:32:21</p> <p style="text-align: right;">Page 3</p> <p>1 PROCEEDING 2 3 CHAIRWOMAN CHAN: Good morning. It looks 4 like we have a quorum. We have our live stream up on 5 YouTube and our members of the public have been let 6 into the virtual meeting. So I will go ahead and call 7 the meeting to order. 8 I am Amy Chan. I am the new chairwoman of 9 the Clean Elections Commission, and Item I is to call 10 to order. It is 9:31 a.m., January 28, 2021. And, if 11 I didn't say it correctly before, I hereby call this 12 meeting to order of the Clean Elections Commission. 13 So we will now take attendance. I want to 14 welcome everybody. So to take attendance -- and 15 forgive me if I'm a little rough. I have had four 16 years to observe all these other wonderful chairpeople 17 take -- take this role, and I'm a little nervous today, 18 to be honest. So forgive me and I'm sorry, especially 19 because we have all these other attendees who have to 20 bear with me on this day. 21 So call to order and attendance. So I will 22 now take attendance. 23 Could each Commissioner, please, state your 24 presence for the record? And maybe we can go by 25 seniority, starting with Commissioner -- is that</p>	<p>09:33:25-09:34:15</p> <p style="text-align: right;">Page 5</p> <p>1 COMMISSIONER PATON: This is Commissioner 2 Paton. I'll second that. 3 CHAIRWOMAN CHAN: Thank you. 4 All right. I have a motion and a second. 5 I will now call the roll. 6 Commissioner Meyer, how do you vote? 7 We couldn't hear that. 8 COMMISSIONER MEYER: Aye. 9 CHAIRWOMAN CHAN: Thank you. 10 Commissioner Kimble, how do you vote? 11 COMMISSIONER KIMBLE: Aye. 12 CHAIRWOMAN CHAN: Commissioner Paton, how 13 do you vote? 14 COMMISSIONER PATON: Aye. 15 CHAIRWOMAN CHAN: And I vote aye, as well. 16 And we have four aye and zero nay, and the motion has 17 passed. 18 All right. And, Tom, if I'm doing anything 19 wrong, will you stop me and correct me, please? 20 MR. COLLINS: You are not -- well, I'll try 21 my best. You're not doing anything wrong. 22 CHAIRWOMAN CHAN: Thank you, but just -- 23 you know, I know you would stop me if I were. Okay. 24 Like I said, I'm a little nervous. 25 All right. Moving on to Agenda Item III:</p>

09:34:18-09:36:12	Page 6	09:38:15-09:39:56	Page 8
<p>1 Discussion and possible action on Executive Director's</p> <p>2 report and legislative update, including election and</p> <p>3 administrative bills, such as House Bill 2014 and House</p> <p>4 Bill 2110.</p> <p>5 Tom, I'll let you take it away from here.</p> <p>6 MR. COLLINS: Okay. Thank you, Madam</p> <p>7 Chair, and welcome. Thank you, Commissioners, for</p> <p>8 being here. And I will try to keep this part of the</p> <p>9 meeting brief. I know we've got other folks here who</p> <p>10 have other things to do soon so -- including you all.</p> <p>11 I do, obviously, want to note the</p> <p>12 legislature is in session, and I'll circle back to that</p> <p>13 in a second.</p> <p>14 As you can see, Avery and Gina and Alec</p> <p>15 have been working on a variety of new opportunities and</p> <p>16 efforts to continue to work with community groups,</p> <p>17 especially, that are interested in civic engagement,</p> <p>18 civic education, and it's -- which is -- I mean, which</p> <p>19 is great. And it's great to have that consistent</p> <p>20 presence now over the course of the last two years,</p> <p>21 three years, I mean -- six years, you know.</p> <p>22 We are -- we wanted -- we wanted to -- we</p> <p>23 will have -- we have one of the enforcement or</p> <p>24 complaints that we have on this agenda for one -- one</p> <p>25 aspect of that. We have some other folks -- some other</p>		<p>1 The House Rules Committee -- well, it went</p> <p>2 through house government and -- and elections ago, and</p> <p>3 this week it went through the Rules Committee. It's</p> <p>4 worth noting that the Rules Committee attorney agreed</p> <p>5 with our position with respect to -- that we've had</p> <p>6 with respect to whether or not this was an amendment</p> <p>7 under the Voter Protection Act. They said it did.</p> <p>8 Nevertheless, as with last year, the majority is</p> <p>9 unlikely to accept such a clause.</p> <p>10 The Rules attorney, also, I should note,</p> <p>11 said that he, in his view, based on Prop 306, if this</p> <p>12 had a three-quarter vote, it would further the purpose</p> <p>13 of Prop 306, which, you know, raises some pretty</p> <p>14 interesting legal questions about how far the</p> <p>15 legislature thinks it can go in furthering the purpose</p> <p>16 of Prop 306, as opposed to -- and I don't think it was</p> <p>17 intended to be opposed to -- the Commission's overall</p> <p>18 status as a state Commission.</p> <p>19 And the other -- the other bill is 2110,</p> <p>20 which was up last year, and so this is the third year</p> <p>21 for 2014, second year for 2110. And 2110 says -- it's</p> <p>22 portrayed by its sponsor as a bill to give folks who</p> <p>23 can't afford to pay traffic fines a break, which is</p> <p>24 fine. That's not a policy issue that I personally --</p> <p>25 you know, on behalf of the Commission we have a</p>	
09:36:16-09:38:11	Page 7	09:39:57-09:41:12	Page 9
<p>1 issues pending next steps.</p> <p>2 And, then, I guess, rather than -- well,</p> <p>3 you know, the other election case issue, I think, is</p> <p>4 probably worth noting is that, as you all know, the</p> <p>5 legislature had subpoenaed records and equipment</p> <p>6 related to Maricopa County's handling of the county</p> <p>7 ballots. The County Board of Supervisors voted</p> <p>8 unanimously, on the 26th, to go ahead and start that</p> <p>9 process.</p> <p>10 So -- you know, so that was one matter that</p> <p>11 was in court that it seems like that is moving forward</p> <p>12 at this point. So -- and I think that that will tie</p> <p>13 in, also, when we get lower in the agenda, to some of</p> <p>14 our voter education issues.</p> <p>15 On a legislative front, we wanted to call</p> <p>16 out two specific bills because, you know, they're</p> <p>17 familiar bills at this point. House Bill 2014 is a</p> <p>18 bill which would, essentially, change how the Clean</p> <p>19 Elections Commission specifically is treated under --</p> <p>20 under the Governor's Regulatory Review Council and</p> <p>21 expand, to some extent, the number of issues that the</p> <p>22 Governor's Regulatory Review Council could get called</p> <p>23 into by a petition from -- from any person. The</p> <p>24 sponsor of the bill sees this as an extension of</p> <p>25 Prop 306.</p>		<p>1 particular position on.</p> <p>2 What we do have a position on is the fact</p> <p>3 that this bill notwithstanding any other law and then --</p> <p>4 and then frees up judges to set up whatever need-based</p> <p>5 decisions they want to make. The Clean Elections Act</p> <p>6 funding source is a surcharge on those fees and fines.</p> <p>7 It is not a fiat fine. It has always been treated</p> <p>8 differently than those kinds of fees and fines because</p> <p>9 the surcharges, for example, when monetary obligations</p> <p>10 were part of coming off of absolute discharge for</p> <p>11 voting purposes, surcharge debt was never included in</p> <p>12 there.</p> <p>13 So there's example after example of how a</p> <p>14 surcharge is not the same, nevertheless, the bill lumps</p> <p>15 all these things together. It notwithstanding any of the</p> <p>16 law, meaning it notwithstanding the Clean Elections Act.</p> <p>17 And so, for those reasons, we believe that it does</p> <p>18 trigger the VPA on up to -- at least up to all three</p> <p>19 prongs of the VPA. It supercedes an appropriation.</p> <p>20 It -- or I'm sorry. It reappropriates the surcharge to</p> <p>21 other purposes. It supercedes the surcharge entirely</p> <p>22 by virtue of the notwithstanding clause, and then,</p> <p>23 obviously, because of those two things, it amends the</p> <p>24 Clean Elections Act.</p> <p>25 This one, we, also, believe doesn't further</p>	

09:41:15-09:42:40	Page 10	09:44:16-09:45:54	Page 12
<p>1 the purpose because defunding the Act does not further</p> <p>2 the purpose of the Act. Nevertheless, in this one, the</p> <p>3 Rules attorney does not see any implication of the VPA</p> <p>4 on this in the Rules attorney's view.</p> <p>5 The -- because -- and I'm going to say this</p> <p>6 wrong because it's still a little inscrutable to me,</p> <p>7 but the upshot of the analysis is because the terms in</p> <p>8 the Clean Elections Act talked about fines and fees</p> <p>9 collected, somehow, if those aren't collected, it's</p> <p>10 just not implicated, but that's not what the bill does.</p> <p>11 The bill notwithstanding them. The bill says they don't</p> <p>12 exist.</p> <p>13 It doesn't say -- it doesn't say -- it</p> <p>14 doesn't say we're going to preempt the collection. It</p> <p>15 says we are literally going to ignore the existing law,</p> <p>16 and that's -- that's why I've had a hard time following</p> <p>17 the Rules attorney analysis in how this is not a direct</p> <p>18 violation of the Voter Protection Act. Nevertheless,</p> <p>19 those two bills are clear to be voted on by the full</p> <p>20 House and could be voted on as soon as today, depending</p> <p>21 upon how many calendars they decide to put out today</p> <p>22 for the committee of the whole and/or third reading.</p> <p>23 Now, that's a lot of background just to say</p> <p>24 the reality is that the second bill -- well, the</p> <p>25 first -- the first bill is what it is. We've made</p>	<p>1 it's within our rights and we plan to -- I plan to go</p> <p>2 ahead and, at some point, assuming this gets -- if this</p> <p>3 were to get moving toward the Governor's office, we</p> <p>4 would ask the Governor's office to consider vetoing the</p> <p>5 bill. We did that last year, although the bills never</p> <p>6 actually got to his desk because of COVID.</p> <p>7 So, there are a number of other voter bills</p> <p>8 in the hopper. Quite a few of them got a lot of</p> <p>9 attention. Julian has put together a list of -- you</p> <p>10 know, tracking all those bills. Obviously, there's a</p> <p>11 lot of bills having to do with, you know, participation</p> <p>12 and how people participate. You know, we have not</p> <p>13 heretofore weighed in on any of those bills, but</p> <p>14 nevertheless, those are there, too.</p> <p>15 But I just wanted to make sure that</p> <p>16 everyone had, you know, sort of -- there will be other</p> <p>17 decisions down the road to make about these bills,</p> <p>18 potentially, but -- but, you know, I don't want to</p> <p>19 sugarcoat the reality that if we don't have the entire</p> <p>20 Democratic caucus, we don't have a chance to get one or</p> <p>21 two Republicans to vote otherwise. So, that's that.</p> <p>22 Without a VPA clause, the legislature will treat that</p> <p>23 as enacted if it's signed by the Governor.</p> <p>24 It's just where we are, and we'll have to</p> <p>25 jump off those bridges as we come to them, if we choose</p>		
09:42:46-09:44:14	Page 11	09:45:57-09:47:02	Page 13
<p>1 our -- we've made our points there. I'm not sure how</p> <p>2 we'll pursue that, making those points in the Senate,</p> <p>3 other than by a letter, potentially. We did appear --</p> <p>4 I appeared in the House committees on the House bills</p> <p>5 in the House origin. I'm not sure that's necessary</p> <p>6 again. I, also, don't know that there's anything we</p> <p>7 might be able to do to change the vote count on an</p> <p>8 issue like this; it being sort of a tertiary issue to,</p> <p>9 at best, everybody else, but a primary issue to us.</p> <p>10 With respect to the funding issue, again,</p> <p>11 similar problem. In terms of, you know, that bill,</p> <p>12 also, got -- you know, has bipartisan support. So</p> <p>13 Republicans and Democrats are willing to look past</p> <p>14 the -- or agree with the Rules attorney that you can,</p> <p>15 essentially, preempt the Clean Elections Act funding</p> <p>16 without violating or even implicating the Voter</p> <p>17 Protection Act. So that's a harder bill. We're a</p> <p>18 bipartisan commission. They're bipartisan -- they've</p> <p>19 got bipartisan sponsors. So it's -- so it's a -- it's</p> <p>20 a -- so that is happening.</p> <p>21 So the bottom line is here to sort of try</p> <p>22 to frame expectations around this. You know, we will</p> <p>23 do our best to make legal cases we always have made.</p> <p>24 We, also, you know, don't want to push that past the</p> <p>25 point of effectiveness. And then, obviously, I think</p>	<p>1 to, but I just wanted to make sure that you had a</p> <p>2 direct and as-frank-as-I-can-be assessment of where we</p> <p>3 are on those bills.</p> <p>4 So, really, that's all I had to -- had to</p> <p>5 say about those things. I'm happy to answer any</p> <p>6 questions and, obviously, the rest of the staff is here</p> <p>7 if you have any other -- if anyone has any questions.</p> <p>8 CHAIRWOMAN CHAN: Are there any</p> <p>9 questions -- oh, I see Commissioner Meyer has his hand</p> <p>10 raised.</p> <p>11 Go ahead, Commissioner Meyer.</p> <p>12 COMMISSIONER MEYER: Tom, thank you for</p> <p>13 that background. So just so I'm understanding you, as</p> <p>14 things currently sit on these two bills, the position</p> <p>15 is being taken that it doesn't require the 75 percent</p> <p>16 supermajority to pass them?</p> <p>17 MR. COLLINS: Madam Chair, Commissioner</p> <p>18 Meyer, that is the view of the legislative majority,</p> <p>19 yes.</p> <p>20 COMMISSIONER MEYER: Thank you.</p> <p>21 CHAIRWOMAN CHAN: Commissioner Kimble?</p> <p>22 COMMISSIONER KIMBLE: Thank you, Madam</p> <p>23 Chair.</p> <p>24 Tom, you alluded to this, but I made note</p> <p>25 of at least eight bills that would have the effect --</p>		

09:47:07-09:48:46	Page 14	09:50:33-09:51:56	Page 16
<p>1 whether it's intended or not, I'm not going to</p> <p>2 speculate -- of making it more difficult to vote or of</p> <p>3 suppressing turnout, which would seem to be a major</p> <p>4 concern to us, seeing as how voter education is a</p> <p>5 central part of our mission.</p> <p>6 And I think a main part of voter education</p> <p>7 is getting people to vote, but there are bills like the</p> <p>8 notarized signatures on early ballots. There's a</p> <p>9 number of bills relating to the PEVL, either doing away</p> <p>10 with it or knocking people off it if they don't vote in</p> <p>11 one election. There's things on the cure time for --</p> <p>12 for unsigned ballots, unsigned early ballots, the bill</p> <p>13 that purports to address the Sharpie-gate -- whatever</p> <p>14 that was.</p> <p>15 The County Recorder may conduct voter</p> <p>16 registration drives over -- only in a government</p> <p>17 building. That seems to really make it more difficult</p> <p>18 for people to register, and it seems like bills that</p> <p>19 make it more difficult to vote, more difficult to</p> <p>20 register, more difficult to vote early, if that is your</p> <p>21 choice, as it is for more than 80 percent of Arizonans,</p> <p>22 are something that we need to be heard on.</p> <p>23 CHAIRWOMAN CHAN: Tom?</p> <p>24 MR. COLLINS: Madam Chair, Commissioner</p> <p>25 Kimble, I think that, I mean, at the end of the day,</p>	<p>1 other, it puts a strain on someone -- on an entity</p> <p>2 that's trying to be, by virtue of its mandate,</p> <p>3 bipartisan, right? I mean, that's just -- so the</p> <p>4 farther this way or that way you go, the more that</p> <p>5 weighs on us.</p> <p>6 And there is a -- so why that big, long</p> <p>7 preface is because one of the ways we've tried to carve</p> <p>8 out the way the voter education functions within the --</p> <p>9 within the Act is to focus on the law as it is. We</p> <p>10 spend -- we go to and participate with folks who have</p> <p>11 lots of issues with the way the laws are, maybe, and</p> <p>12 how they will be, but you know, our focus has been on</p> <p>13 trying to get people over the hump to have that</p> <p>14 information.</p> <p>15 Ironically, obviously, the funding bill</p> <p>16 damages our ability to do that, potentially, more than</p> <p>17 any of these other things, as far as our role. So the</p> <p>18 cost benefit analysis is we get, you know, blowback</p> <p>19 from the legislature, but on other hand, we get that</p> <p>20 inherently. Two, we haven't been invited by -- and let</p> <p>21 me put it this way. And this, again, goes to Clean</p> <p>22 Elections' unique status as a state agency, and I say</p> <p>23 "unique" winkingly.</p> <p>24 We have not been invited by anyone to</p> <p>25 participate in this discussion and the absence of an</p>		
09:48:49-09:50:28	Page 15	09:51:59-09:53:04	Page 17
<p>1 there's a couple of different ways to approach that.</p> <p>2 One, obviously, you all -- and to the extent you</p> <p>3 wanted, although I think most of you haven't, probably,</p> <p>4 you know, you're all, obviously, free to weigh in on</p> <p>5 these bills yourselves.</p> <p>6 One of the reasons why we as staff have not</p> <p>7 taken the initiative on those issues and one of the</p> <p>8 reasons that we -- but we, you know, obviously, are</p> <p>9 open to direction -- is because, A -- and let me caveat</p> <p>10 this by saying, look, I'm -- the tensions that have</p> <p>11 been put on the electoral system are very difficult to</p> <p>12 negotiate if you truly want to take a, quote/unquote,</p> <p>13 non-partisan approach. There are only two parties in</p> <p>14 the legislature, and they are diametrically opposed on</p> <p>15 most of these issues.</p> <p>16 If we -- if the staff were to go down and</p> <p>17 say, look, you know, we -- as opposed to another</p> <p>18 person, as -- I mean, the Secretary of State's Office</p> <p>19 has -- I don't know if they've actually testified, but</p> <p>20 they certainly have been on the internets talking about</p> <p>21 these things. It just creates a -- it creates a</p> <p>22 tension where the -- it inherently does.</p> <p>23 So if you -- so let me put it this way. If</p> <p>24 one party moves, the way an issue is treated within</p> <p>25 their coalition, farther to -- in one direction or the</p>	<p>1 invitation, for a bureaucrat like myself, without</p> <p>2 direction from you all is a -- is all I, in</p> <p>3 bureaucratese, need to know.</p> <p>4 COMMISSIONER KIMBLE: Well, Madam Chair --</p> <p>5 CHAIRWOMAN CHAN: Now, if you want me to do</p> <p>6 something else, that's a different --</p> <p>7 COMMISSIONER KIMBLE: Well, let me just</p> <p>8 push back against one thing you said, Tom.</p> <p>9 MR. COLLINS: Yeah.</p> <p>10 COMMISSIONER KIMBLE: You sent us this</p> <p>11 grid --</p> <p>12 MR. COLLINS: Yeah.</p> <p>13 COMMISSIONER KIMBLE: -- of bills, and I</p> <p>14 went down the center column --</p> <p>15 MR. COLLINS: Yeah.</p> <p>16 COMMISSIONER KIMBLE: -- which explains</p> <p>17 what the bill would do. I didn't go down one of the</p> <p>18 other columns that said who introduced it. And, you</p> <p>19 know, I understand that maybe one party is responsible</p> <p>20 for a majority of the issues I have, but I think it's</p> <p>21 our role as a -- as a bipartisan, non-partisan</p> <p>22 organization and me as an independent to stand up for</p> <p>23 the voters.</p> <p>24 And I think that there are a number of</p> <p>25 bills here that strike out at the voters and the</p>		

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<p>1 voters' ability to vote as they wish, to make it easier</p> <p>2 to register people so they are allowed to vote, and we</p> <p>3 should -- it's my personal opinion we ought to be</p> <p>4 opposed to things that make it more difficult for</p> <p>5 people to vote. And if that comes across as being</p> <p>6 against one party or another, that's not my intent. My</p> <p>7 intent is to be a voter advocate. And if people see</p> <p>8 that as another way, I think that's -- that's their</p> <p>9 concern because these aren't bills that we introduced.</p> <p>10 These are bills that other people introduced that we</p> <p>11 are being forced to react to.</p> <p>12 CHAIRWOMAN CHAN: Commissioner Kimble,</p> <p>13 thank you. And I think I see Commissioner Meyer.</p> <p>14 Is your hand raised again, Commissioner</p> <p>15 Meyer?</p> <p>16 COMMISSIONER MEYER: Yes.</p> <p>17 CHAIRWOMAN CHAN: Go ahead.</p> <p>18 COMMISSIONER MEYER: Yes, it is. I think</p> <p>19 what Commissioner Kimble is saying -- and I agree with</p> <p>20 that -- is shouldn't making it easier to vote be a</p> <p>21 non-partisan issue in and of itself? That's kind of</p> <p>22 how I see it and how we -- you know, what we do</p> <p>23 regarding these bills, of course, is -- you know, I'm</p> <p>24 going to take the lead from Tom and the other</p> <p>25 commissioners before I make a decision, but I think</p>	<p>1 have to think about the big picture and whether we have</p> <p>2 to think about that foundational bill of -- the bill</p> <p>3 that's about funding and whether that makes it</p> <p>4 impossible to do our mission, in the first place, of</p> <p>5 voter education.</p> <p>6 And I don't know if I'm misunderstanding</p> <p>7 the big picture here and I don't know if Tom wants to</p> <p>8 step in and correct me. One of the questions I had</p> <p>9 about that, what I'm thinking of as a foundational bill</p> <p>10 of our funding mechanism, is whether we have any</p> <p>11 alternate options or plans about that bill to propose,</p> <p>12 you know. Is there anything we can do about that going</p> <p>13 forward before even thinking about addressing the</p> <p>14 issues?</p> <p>15 And I agree. I mean, it shouldn't be</p> <p>16 political and yet here we are. It is, and it has been</p> <p>17 for years. I mean, look at, you know, the voter I.D.,</p> <p>18 et cetera, et cetera. So, I mean, having said all</p> <p>19 that, can I -- can I ask Tom and kind of go back to</p> <p>20 that question about the funding bill, if I can call it</p> <p>21 that?</p> <p>22 Do we have any proposal to make to change</p> <p>23 it up a little bit that would make it something more</p> <p>24 palatable for us and would make it something that would</p> <p>25 work for our agency? Tom, or -- I don't know -- Mike,</p>		
09:54:34-09:55:52	Page 19	09:57:04-09:58:29	Page 21
<p>1 making it easier to vote in and of itself should be a</p> <p>2 non-partisan issue.</p> <p>3 CHAIRWOMAN CHAN: Thanks, Commissioner</p> <p>4 Meyer.</p> <p>5 If I may make a comment -- and,</p> <p>6 Commissioner Paton, I don't know if you want to jump in</p> <p>7 here. I don't want to, you know, prevent you from</p> <p>8 speaking, but you know, I really agree with what</p> <p>9 Commissioner Kimble has stated and Commissioner Meyer,</p> <p>10 as well. I have, you know, a lot of philosophical</p> <p>11 issues with making it more difficult and raising</p> <p>12 barriers to registration and voting, but I, also, hear</p> <p>13 what Tom is saying.</p> <p>14 And one thing that weighs heavily on my</p> <p>15 mind is what he mentioned about the bill that, you</p> <p>16 know, if that passes, it's going to make it more</p> <p>17 difficult for us to even do our voter education</p> <p>18 mandate. So what I am hearing, I think, is that if</p> <p>19 we're spending our political capital, so to speak, on</p> <p>20 weighing in on bills that we, you know, firmly believe</p> <p>21 are important to weigh in against because they make it</p> <p>22 harder for people to vote and register to vote, which I</p> <p>23 think -- I support us being against those bill because</p> <p>24 I do believe -- I agree with you both, Commissioners</p> <p>25 Meyer and Kimble, but I, also, think maybe sometimes we</p>	<p>1 maybe?</p> <p>2 MR. COLLINS: Yes. I mean, I think that --</p> <p>3 with respect to the funding bill, I think that the -- I</p> <p>4 think that the key is that, you know, we don't know the</p> <p>5 immediate -- I mean, in other words, we don't know how</p> <p>6 many -- how many people this will affect. We don't</p> <p>7 know what the metric is going to be. I can certainly</p> <p>8 tell you that at -- in one of the hearings that I</p> <p>9 appeared at, the bill sponsor said that he understood</p> <p>10 from the courts that they believe this would be -- have</p> <p>11 a minimal financial effect. I have tried to get that</p> <p>12 confirmed, and I have not been able to successfully do</p> <p>13 that yet.</p> <p>14 So we don't know the impact. What we know</p> <p>15 is that the principle of notwithstanding the entire</p> <p>16 funding mechanism is a tiger you don't want to unleash,</p> <p>17 if that makes sense, because once you do that, anything</p> <p>18 you can find to notwithstand in any other voter-passed</p> <p>19 bill, it's really a VPA issue more than it is a Clean</p> <p>20 Elections issue, really, what you think of legally,</p> <p>21 right, because you can -- if you can notwithstand that,</p> <p>22 you can notwithstand -- like, you could say</p> <p>23 notwithstanding 36 -- whatever -- cigarettes are no</p> <p>24 longer considered tobacco products and, you know, those</p> <p>25 kinds of -- you know what I mean?</p>		

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<p>1 There's a lot of mischief to be made with</p> <p>2 notwithstanding clauses in the VPA. I mean, that's --</p> <p>3 that's what that legal issue is. As far as pushing</p> <p>4 back, I mean, obviously, you know, if this bill were to</p> <p>5 pass, you know, we get -- we will be asked, as we -- as</p> <p>6 we are and we will be -- as we have been, we'll be</p> <p>7 asked to get -- I'm sure we'll be asked to get involved</p> <p>8 in some kind of litigation. I'm not sure, but I'm --</p> <p>9 CHAIRWOMAN CHAN: Well, I prefer it not to</p> <p>10 get to litigation. I'm just wondering if there's -- I</p> <p>11 prefer to have some way of carving us out or -- if</p> <p>12 that's possible. I don't know if it's possible.</p> <p>13 MR. COLLINS: Well, in prior reform -- this</p> <p>14 is criminal justice reform, I guess, they called</p> <p>15 this -- they have. They, in fact, have cut -- made an</p> <p>16 exception -- a specific exception for the Clean</p> <p>17 Elections Act. The courts have recognized that in</p> <p>18 their own guidance on certain issues, as well.</p> <p>19 You know, where the courts are in terms of</p> <p>20 how they're administering surcharges and stuff is --</p> <p>21 again, I'm still at a point where I don't quite have</p> <p>22 the information I need to assess that, but you know, I</p> <p>23 guess, what I'm trying to say is that, yes, we would</p> <p>24 like to pursue that. I will say that based on just</p> <p>25 being down at the legislature about these issues and</p>		<p>1 this bill.</p> <p>2 That's a -- that's a very significant</p> <p>3 difference from last year. Last year, this was -- and</p> <p>4 not to say that this is -- the funding source is</p> <p>5 entirely partisan. I understand that. There are</p> <p>6 Democrats who hate the funding source, Republicans who</p> <p>7 don't care, but the point is that, you know -- the fact</p> <p>8 is that Mr. Biasiucci has more -- he's the House whip.</p> <p>9 He has more power than we have. We don't have</p> <p>10 political capital. We could generate -- now -- and</p> <p>11 here's the alternative.</p> <p>12 If we chose to go in this direction -- and</p> <p>13 this might -- I don't -- I'm not sure how to resolve</p> <p>14 this without another discussion, but you know, were we</p> <p>15 to change direction on that, could we generate some</p> <p>16 political capital? Maybe, because, you know,</p> <p>17 obviously, by not speaking out, you know, we are not</p> <p>18 adding -- we're not adding anything to the discussion</p> <p>19 and we're not using your -- you know, none of the --</p> <p>20 the Commission is not using its, if you will, legal</p> <p>21 and, arguably, moral authority to -- you know, to --</p> <p>22 CHAIRWOMAN CHAN: Well, and that takes me</p> <p>23 back to, I guess --</p> <p>24 MR. COLLINS: -- to deal with the thing.</p> <p>25 CHAIRWOMAN CHAN: -- what Commissioner</p>	
09:59:57-10:01:14	Page 23	10:02:45-10:04:18	Page 25
<p>1 looking at the lay of the land and how they played out</p> <p>2 in the committee, the Democratic caucus members who are</p> <p>3 aligned with the bill sponsor, Mr. Biasiucci, don't</p> <p>4 want to hear about it.</p> <p>5 I mean, we had two members -- and this has</p> <p>6 happened to me. I don't know if this is -- I mean,</p> <p>7 this is just how -- I mean, I don't mean to just tell a</p> <p>8 war story, but last year, this bill, 21- -- 2110 --</p> <p>9 what's now 2110, we had full -- we had -- although</p> <p>10 there were Democratic sponsors then, we had relatively</p> <p>11 full support in committee. It went to the House</p> <p>12 Judiciary Committee. The House Judiciary members, at</p> <p>13 that time, did an excellent -- that agreed with us did</p> <p>14 an excellent job of laying out the constitutional case</p> <p>15 for the exception.</p> <p>16 This year, it was assigned to</p> <p>17 Transportation. There are members of the</p> <p>18 Transportation Committee who are very aligned with</p> <p>19 Mr. Biasiucci. They -- you know, throughout the</p> <p>20 hearing, on -- the hearings, on multiple bills of his,</p> <p>21 you know, he got compliments from folks who we would</p> <p>22 hope would vote on our side on these kinds of things.</p> <p>23 And, then, when it came time for them -- for the vote,</p> <p>24 half the Democrats on that committee left, which means</p> <p>25 they didn't want to be on the record voting against</p>		<p>1 Kimble and Commissioner Meyer were then talking about.</p> <p>2 Do we -- do the other commissioners -- do we want to</p> <p>3 then spend some of our political capital on what we</p> <p>4 believe is our core mission, which is voter education</p> <p>5 and advocating for voters. I mean, I really believe</p> <p>6 that is part of our mission, a very important part, and</p> <p>7 the voters really need us right now, I think. They're</p> <p>8 kind of -- you know, there's a battle right now, I</p> <p>9 think, going on.</p> <p>10 COMMISSIONER PATON: If I may -- this is</p> <p>11 Commissioner Paton.</p> <p>12 CHAIRWOMAN CHAN: Sure, Commissioner Paton,</p> <p>13 please.</p> <p>14 COMMISSIONER PATON: Could I jump in there?</p> <p>15 I guess I'm back to where I was before a couple of</p> <p>16 years ago. I think if we -- I think this financial</p> <p>17 thing is something that could seriously damage us, and</p> <p>18 I think we need to head that off at the pass as best we</p> <p>19 can. And if we go on these other -- I'm going to call</p> <p>20 it tangents, I understand everybody's feeling on that,</p> <p>21 but we need every vote we can get. And if we -- if we</p> <p>22 give them more ammunition to not support us because the</p> <p>23 other people are -- you know, this -- all this</p> <p>24 behind-the-scenes stuff, I think that we need to use</p> <p>25 whatever political capital we have to keep this</p>	

10:04:22-10:05:44	Page 26	10:07:16-10:08:34	Page 28
<p>1 financial thing --</p> <p>2 CHAIRWOMAN CHAN: Or not.</p> <p>3 COMMISSIONER PATON: -- at bay, you know,</p> <p>4 if we do anything else. A lot of this stuff is going</p> <p>5 to die in committee and whatever and maybe we say</p> <p>6 something later on down the road, but I don't want to</p> <p>7 poison the well. And, you know, I don't want to be the</p> <p>8 stick in the mud, but I'm afraid that if we are seen as</p> <p>9 to being -- people are going to view this as really</p> <p>10 partisan and -- and whether we're not or -- I mean, I</p> <p>11 know I'm not, obviously, but I think we -- if we have</p> <p>12 something to say about that, I think maybe we should</p> <p>13 say that down the road once something erupts into a</p> <p>14 real possible situation, I guess, if you understand</p> <p>15 what I'm saying.</p> <p>16 CHAIRWOMAN CHAN: Thanks, Commissioner</p> <p>17 Paton.</p> <p>18 I think -- and, Commissioner Kimble, if I</p> <p>19 can just say one thing and then I'll get to you.</p> <p>20 I do agree with Commissioner Paton on one</p> <p>21 thing. I value what Commissioner Paton has said. I</p> <p>22 agree with him that the funding thing could be a huge</p> <p>23 issue for us, and I don't necessarily trust the courts</p> <p>24 saying they think it's not going to be an issue. And I</p> <p>25 think maybe we can wait and see what shakes out because</p>		<p>1 these are key parts of why the voters created the</p> <p>2 Commission is to be their advocate.</p> <p>3 I don't want to belabor this because I know</p> <p>4 we have people here on other things, but I just wanted</p> <p>5 to make that point.</p> <p>6 CHAIRWOMAN CHAN: Thank you.</p> <p>7 This has been a wonderful discussion, and</p> <p>8 if there's nothing more, I think we can revisit this at</p> <p>9 our next meeting. I think there's time for that still</p> <p>10 in the legislative session.</p> <p>11 So, unless there's anything else on this</p> <p>12 agenda item, I will move us along to our Voter</p> <p>13 Education Plan. I'm just looking at the time here.</p> <p>14 Gina, I believe that is you. Am I right</p> <p>15 about that? Yes. Of course, I am.</p> <p>16 MS. ROBERTS: Thank you, Madam Chair. Good</p> <p>17 morning, Commissioners.</p> <p>18 Today I have a presentation for you to</p> <p>19 discuss -- well, a brief recap of the General Election.</p> <p>20 We did a brief recap in November more on the current</p> <p>21 issues related to the General Election, and today I</p> <p>22 have a brief recap for you in regards to our Voter</p> <p>23 Education Campaign, and then I have the 2021 Voter</p> <p>24 Education Plan for your review and approval.</p> <p>25 So I will go ahead and share my screen, and</p>	
10:05:47-10:07:11	Page 27	10:08:46-10:09:56	Page 29
<p>1 I agree with Commissioner Paton that some of these</p> <p>2 bills may not go anywhere.</p> <p>3 Commissioner Kimble, please, go ahead.</p> <p>4 COMMISSIONER KIMBLE: Well, you made some</p> <p>5 points I was going to.</p> <p>6 CHAIRWOMAN CHAN: Okay.</p> <p>7 COMMISSIONER KIMBLE: I'm not advocating</p> <p>8 that we immediately go down and storm the capitol and</p> <p>9 make a big scene with these bills. I would take</p> <p>10 exception to Commissioner Paton saying that these are</p> <p>11 tangents. I don't think these are tangents. I think</p> <p>12 these are our core mission. I think we need to keep an</p> <p>13 eye on these bills and be prepared to react, but I</p> <p>14 don't think that we can just stand by and not say</p> <p>15 anything if it looks like there's an attempt, for</p> <p>16 instance, to do away with the PEVL or to throw people</p> <p>17 off the PEVL if they don't vote in one election or to</p> <p>18 make it more difficult to register.</p> <p>19 And if this is the way that it looks like</p> <p>20 they're heading, I think we need to come back at some</p> <p>21 future meeting. And if we need a special one, so be</p> <p>22 it, but I don't think we can allow these things to</p> <p>23 become law. And whether that's something that we</p> <p>24 should weigh in on or if they just die of their own --</p> <p>25 die on their own, that would be great, but I think</p>		<p>1 I am going to assume you all can see my screen unless I</p> <p>2 hear otherwise.</p> <p>3 So, just as a reminder, as we've gone</p> <p>4 through this already, we did see an exceptionally high</p> <p>5 turnout in the 2020 General Election, which was</p> <p>6 phenomenal to see that level of participation from</p> <p>7 voters.</p> <p>8 The messaging that we included in our Voter</p> <p>9 Education Campaign was, of course, how to vote in the</p> <p>10 election, all of the logistics ranging from voter</p> <p>11 registration, how to get your ballot, what's on your</p> <p>12 ballot, the candidates that are running, information</p> <p>13 about our debates, the Voter Guide, so the typical</p> <p>14 messaging that we do surrounding every election so the</p> <p>15 voters have all of the information they need to</p> <p>16 participate.</p> <p>17 We did carve out, specifically, more</p> <p>18 messaging regarding the early voting process and the</p> <p>19 situation that was occurring at the United States</p> <p>20 Postal Service. We did focus, additionally, on the</p> <p>21 security of the ballot-by-mail process, the safety and</p> <p>22 the precautions taken during COVID-19 so voters could</p> <p>23 vote in person. And we, also, saw the need to provide</p> <p>24 more voter education about the actual administration of</p> <p>25 elections, the process that it entailed, what happens</p>	

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<p>1 to your ballot, how do you know, how can you confirm as</p> <p>2 a voter if your ballot was counted. So those are the</p> <p>3 overarching messaging themes that occurred during the</p> <p>4 General Election.</p> <p>5 And the paid media tactics that we utilized</p> <p>6 to connect and reach with voters, we had ads that were</p> <p>7 on television and YouTube. We enlisted radio reads.</p> <p>8 We had print ads and, of course, we were in the digital</p> <p>9 world and videos and banners and social media and</p> <p>10 search. So if you go to Google and you type in "voter</p> <p>11 registration," an ad would pop up leading you to the</p> <p>12 Clean Elections voter registration page. And we had</p> <p>13 billboards.</p> <p>14 So, the media that we used here, the ads</p> <p>15 that we ran were all highly focused on, again, the</p> <p>16 logistics of voting. We partnered with Riester. They</p> <p>17 have been a partner that we've been -- a proud partner</p> <p>18 who's worked with us for the past several years, and so</p> <p>19 we worked with them closely to ensure that the dollars</p> <p>20 that we put behind reaching these voters, that we get</p> <p>21 our max reach through there. And so we found across</p> <p>22 the board that the metrics for our success were</p> <p>23 performing well above industry standards. So we were</p> <p>24 very happy with our reach and our tactics here on the</p> <p>25 paid media side.</p>	<p>1 new format. It appeared to be more convenient and</p> <p>2 accessible for voters to tune in either during the live</p> <p>3 segment or on demand. Voters were able to submit</p> <p>4 questions in real time through phone, text and email,</p> <p>5 or they could submit questions in advance of the</p> <p>6 debate.</p> <p>7 And we did partner with the "Arizona</p> <p>8 Capitol Times" to provide moderator services, and we</p> <p>9 felt that was a success, as well, because it's really</p> <p>10 important, during our debates, that we have a strong</p> <p>11 moderator who knows how to really get those questions</p> <p>12 and answers flowing.</p> <p>13 In addition to our partnership with the</p> <p>14 "Arizona Capitol Times" -- I may have mentioned this</p> <p>15 during the Primary Election, but I wanted to refresh</p> <p>16 your memory. We, also, partnered with "Cap Times" for</p> <p>17 their Meet the Candidates event, and we found this was,</p> <p>18 also, very successful. And it allowed the Commission</p> <p>19 to keep these videos up on our website as content</p> <p>20 throughout the General Election cycle so voters could</p> <p>21 continue to learn, as much as possible, the candidates</p> <p>22 that were choosing to represent them.</p> <p>23 And this quote here, this is just some</p> <p>24 feedback from "The Capitol Times" directly. And they</p> <p>25 found that it was one of their most successful and</p>		
10:11:13-10:12:28	Page 31	10:13:37-10:14:56	Page 33
<p>1 This is just some examples of the ads that</p> <p>2 we ran. You can see they're very straightforward, when</p> <p>3 the General Election debate -- or General Election day</p> <p>4 is, Voter Education Guide, voting early. You can see</p> <p>5 the signed, sealed, counted, relaying key dates and</p> <p>6 messages, the schedule for the debates, you know,</p> <p>7 letting folks know that they can vote from home and, of</p> <p>8 course, voter registration. So, again, all of our</p> <p>9 messaging was very straightforward for the voter in</p> <p>10 terms of the logistics of voting.</p> <p>11 In addition, being at a statewide election</p> <p>12 year, the Commission, of course, we had our debates.</p> <p>13 So we did have our legislative debates this year, as we</p> <p>14 did in the Primary. Of course, we have them in the</p> <p>15 General Election, as well. Out of 30 legislative</p> <p>16 districts, we had 24 debates that we hosted and, as</p> <p>17 you'll recall, of course, due to COVID, we had to pivot</p> <p>18 earlier in this year and transform our debate model</p> <p>19 into a virtual model. And we saw great success with</p> <p>20 that.</p> <p>21 And of the debates that we held for the</p> <p>22 General Election, specifically, we had over 9,000 views</p> <p>23 of those videos. Now, when you compare that to</p> <p>24 previous years, it's tripled. So we were really happy</p> <p>25 to see the level of engagement with the voters in this</p>	<p>1 amazing events. And, again, it lends to that virtual</p> <p>2 component where we're finding voters really are more in</p> <p>3 tune with that option. Again, they can watch it from</p> <p>4 their phone. They can watch it from the comfort of</p> <p>5 their couch and the TV. So it's really -- it's more</p> <p>6 convenient for the voter to engage in the political</p> <p>7 process in this virtual format.</p> <p>8 We, also, had our statewide debates, and</p> <p>9 this year the only statewide race on the ballot was the</p> <p>10 corporation commissioner. And we do partner with</p> <p>11 Arizona PBS to broadcast our debates. We've had that</p> <p>12 partnership for several years, and with our corporation</p> <p>13 commissioner debate, again, we found solid success in</p> <p>14 the viewerships in the households. The debate was ran</p> <p>15 on September 30th, and AZ PBS, they ran it both at 5:00</p> <p>16 p.m. and at 10:00 p.m. in their broadcast.</p> <p>17 And the household -- so, in addition to the</p> <p>18 household viewings, which, actually, as we see higher</p> <p>19 views at the 10:00 p.m. showing as opposed to the 5:00</p> <p>20 p.m. -- and I imagine that has to do with work, evening</p> <p>21 time, things like that -- we -- the debate is, also,</p> <p>22 hosted on AZ PBS, on the Arizona Horizon, their</p> <p>23 website, as well. So we were able to reach, roughly,</p> <p>24 around 10,000 views with the corporation commissioner</p> <p>25 debate.</p>		

10:14:56-10:16:13	Page 34	10:17:26-10:18:42	Page 36
<p>1 In addition to the legislative and</p> <p>2 corporation commissioner debate, we, also, sponsored</p> <p>3 the U.S. Senate debate this year, and this was</p> <p>4 phenomenal success. We were able to partner with</p> <p>5 several prominent news sources, media sources, Arizona</p> <p>6 PBS, Arizona Public Media, KJZZ and "The Arizona</p> <p>7 Republic" for this debate.</p> <p>8 And this is the feedback that the -- the</p> <p>9 information that I have here is directly from Arizona</p> <p>10 Horizon, and the U.S. Senate debate received the third</p> <p>11 highest ratings of any PBS show on any PBS station in</p> <p>12 the country in the past two years. And that's</p> <p>13 phenomenal, the level of interest from voters to want</p> <p>14 to engage with that debate.</p> <p>15 This is just an example of some of the</p> <p>16 creative that we ran to let voters know, hey, this</p> <p>17 debate is occurring, how you can tune in. And here's a</p> <p>18 still of the actual set with Ted Simons, as he served</p> <p>19 as one of the moderators. So it was quite a successful</p> <p>20 sponsorship for the U.S. Senate debate.</p> <p>21 In addition to the debates, we, of course,</p> <p>22 had our Voter Education Guide. This guide contains the</p> <p>23 profiles for all the candidates that are running for</p> <p>24 statewide and legislative office. For the General</p> <p>25 Election, specifically, we sent out about 2.2 million</p>	<p>1 considering the amount of content that needed to be</p> <p>2 translated into sign language, the physical task of</p> <p>3 doing the signing and the interpreters, and so it was</p> <p>4 quite a production.</p> <p>5 We were very proud of it. We received</p> <p>6 positive feedback from the candidates and from members</p> <p>7 of the legislature who were running about having this</p> <p>8 accessible version available for voters. We partnered</p> <p>9 with -- again, through the Arizona Commission for the</p> <p>10 Deaf and Hard of Hearing. We were able to bring on</p> <p>11 Linda Bove. She's the -- an acclaimed Sesame Street</p> <p>12 actress -- a deaf actress. And so she really lead the</p> <p>13 team here in making sure that all of the signers and</p> <p>14 the interpreters were consistent in the translation of</p> <p>15 these political terms, election terms.</p> <p>16 And we were happy to host this content on</p> <p>17 our website for voters. So, again, it's opening up</p> <p>18 voter education and making it as accessible as possible</p> <p>19 to all voters across the state. And just the amount of</p> <p>20 voters in our state, I believe it's over a million</p> <p>21 voters who are deaf or hard of hearing. It was quite</p> <p>22 the necessity. So we're very happy with this project.</p> <p>23 This screen here is meant to reflect our</p> <p>24 outreach efforts for the year. In working with Alec</p> <p>25 and Avery and trying to figure out how do I capture the</p>		
10:16:16-10:17:22	Page 35	10:18:46-10:19:58	Page 37
<p>1 voter guides, and we make every effort to provide the</p> <p>2 Voter Guide in an accessible format. So we have -- we</p> <p>3 automatically send it out in both English and Spanish,</p> <p>4 but we, also, have different versions available for</p> <p>5 voters, such as large print.</p> <p>6 This is an example of our Navajo version of</p> <p>7 the cover. We, also, provide it in plain text on our</p> <p>8 website, so it's accessible for screen readers, and we</p> <p>9 partnered with Sun Sounds of Arizona to provide an</p> <p>10 audio version of the guide. And we've had that</p> <p>11 partnership for several years, and we value it</p> <p>12 immensely because not only do voters engage with the</p> <p>13 audio version through Sun Sounds' toll free number, but</p> <p>14 they, also, submit questions, too. And so it's</p> <p>15 available -- we partner with Sun Sounds, and we work</p> <p>16 with them to be able to connect with the voters through</p> <p>17 their services and respond to their voter education</p> <p>18 questions.</p> <p>19 For the first time ever this year, we,</p> <p>20 also, produced the Voter Education Guide -- oops.</p> <p>21 Excuse me -- in American Sign Language. This was a</p> <p>22 partnership that we did for both the Primary and</p> <p>23 General Election voter guides, and we worked with the</p> <p>24 Arizona Commission for the Deaf and the Hard of</p> <p>25 Hearing. And this was a very immense undertaking just</p>	<p>1 amount of outreach that the staff has undertaken, it</p> <p>2 was difficult to figure out how to present that to you.</p> <p>3 And so I decided on a word cloud because I felt it</p> <p>4 really -- this isn't even a fraction of the amount of</p> <p>5 outreach that Avery has conducted through the year and,</p> <p>6 of course, during the pandemic, as well.</p> <p>7 So most of this was -- you know, all of it</p> <p>8 was virtual. And being able to still keep that level</p> <p>9 of commitment and outreach to it, I think, is a</p> <p>10 testament to Avery's skills and abilities in fostering</p> <p>11 those partnerships and relationships with these</p> <p>12 community-based organizations, but when you just look</p> <p>13 at the word cloud, you can see it's a well-range of</p> <p>14 communities that we're reaching out to. We see</p> <p>15 colleges here, students, cities, Tempe, Mesa, you know,</p> <p>16 the words civics, engagement, education, health,</p> <p>17 voting, you know, informing.</p> <p>18 There's -- veterans. There's just a whole</p> <p>19 level here that we're reaching across the state. And</p> <p>20 so I think this is, again, a great representation of</p> <p>21 the efforts that have been undertaken by Alec and</p> <p>22 Avery.</p> <p>23 And, briefly, I'll go over our website.</p> <p>24 So, everything that we do, we guide voters to our</p> <p>25 website. Our website is really the crux of the</p>		

10:20:02-10:21:11	Page 38	10:22:23-10:23:40	Page 40
<p>1 information that we provide to voters. It has</p> <p>2 everything the voter needs ranging from, you know, how</p> <p>3 to get their ballot, how to register to vote, to seeing</p> <p>4 the candidates in their district or learning about</p> <p>5 their upcoming debate.</p> <p>6 And so during the time period of the</p> <p>7 General Election, it was great to see that the number</p> <p>8 of page views that we had was about 1.7 million of page</p> <p>9 views, which is phenomenal because all of the content</p> <p>10 that we're providing, voters are consuming. And this</p> <p>11 is just a screenshot of some of the pages -- the top</p> <p>12 pages that voters were interested in, and you can see a</p> <p>13 lot of that had to do with early voting and election</p> <p>14 security.</p> <p>15 So, you know, if there's no questions in</p> <p>16 regards to the efforts that we did in the 2020 General</p> <p>17 Election, I'm happy to jump into our plans for this</p> <p>18 year.</p> <p>19 Even though it is not a statewide election</p> <p>20 year, there are elections every year. So we have our</p> <p>21 local elections that will be occurring March, May,</p> <p>22 August and November. These local elections, we've</p> <p>23 continuously tried to promote the message that local</p> <p>24 elections are just as important, if not more, because</p> <p>25 the decisions made at the local level can impact voters</p>	<p>1 perceptions are about voting and the political process,</p> <p>2 and our goal here is to make decisions based off of our</p> <p>3 learnings directly from voters. We want their</p> <p>4 feedback, and that feedback will guide the creative and</p> <p>5 our outreach efforts for the remainder of the year. So</p> <p>6 the timeline for that is through February and April.</p> <p>7 Some of the themes that -- and the messages</p> <p>8 that we know that -- or we expect that we'll be</p> <p>9 covering for this year -- again, this will be driven by</p> <p>10 the research, but of course, participation in the</p> <p>11 political process. That's in our preamble. It's the</p> <p>12 heart of the Clean Elections Act. And so that</p> <p>13 includes, you know, voting but, also, civics and</p> <p>14 candidate information, running for office or supporting</p> <p>15 those who do, but some of the themes that really stood</p> <p>16 out to us that are going to be important are rebuilding</p> <p>17 that trust and confidence in the electoral system.</p> <p>18 We know that there are a lot of voters</p> <p>19 right now who, perhaps, have lost trust in the system,</p> <p>20 and so we need to look at how can we educate people</p> <p>21 further on the realities of the electoral system and</p> <p>22 how your ballot is processed, the safeguards and the</p> <p>23 securities that are in place and, really, trying to</p> <p>24 focus on, you know, there is a difference between</p> <p>25 policy and politics and election administration. Yes,</p>		
10:21:13-10:22:20	Page 39	10:23:43-10:24:51	Page 41
<p>1 and their daily lives. So we'll be working with the</p> <p>2 counties and our local jurisdictions to call all of</p> <p>3 that election information and host that on our website.</p> <p>4 We'll, of course, be running our outreach</p> <p>5 and our media and our creative to connect with voters</p> <p>6 to inform them of these elections and how they can</p> <p>7 participate. And, of course, we do have the start of</p> <p>8 the qualifying period towards the end of this year. So</p> <p>9 those are some key dates for us. As you can see, the</p> <p>10 March election is already well underway. Our duo cover</p> <p>11 ballots have already gone out, and the voter</p> <p>12 registration deadline is up and coming. So we are</p> <p>13 definitely engaging in letting voters know how they can</p> <p>14 participate in these local elections this year.</p> <p>15 And as we do, typically, in odd years, the</p> <p>16 Commission invests in research. So that is our goal</p> <p>17 for this year, as well. We'd like to jump into</p> <p>18 research with voters both from a qualitative and</p> <p>19 quantitative aspect, and the goal here is to really --</p> <p>20 really take a pulse of where voters are right now</p> <p>21 coming off of this General Election -- well, the whole</p> <p>22 election year, you know, all of 2020, but specifically</p> <p>23 the General Election.</p> <p>24 We would like to learn more about what</p> <p>25 voters are feeling, how they view elections, what their</p>	<p>1 they do overlap, but you know, when we're talking about</p> <p>2 how that ballot is handled, you know, it's handled by</p> <p>3 your neighbors. It's handled by poll workers. It's</p> <p>4 handled by public servants, you know, government staff,</p> <p>5 government employees, not necessarily by politicians.</p> <p>6 And so we want to dive back deep into the</p> <p>7 weeds of election administration, and we saw that</p> <p>8 voters had the interest in that from what we've seen in</p> <p>9 our search histories and the progress of our website,</p> <p>10 the pages that were hit. We can see that voters want</p> <p>11 to know more about this, and so we want to continue to</p> <p>12 provide that service to them, all while kind of</p> <p>13 thinking about the overarching theme of what is our</p> <p>14 responsibility to you, what is the responsibility of</p> <p>15 the Clean Elections Commission to voters as it</p> <p>16 entails -- or pertains to voter education.</p> <p>17 So, again, these are just some thoughts and</p> <p>18 themes of messagings that we'll be exploring, but</p> <p>19 again, we will really rely heavily on our research to</p> <p>20 shape our plans.</p> <p>21 So, of course, we'll have a Youth Voter</p> <p>22 Outreach Campaign. As you know, we still have our</p> <p>23 wings, and we'll continue to utilize that and that</p> <p>24 imagery to connect with voters. We will be focusing,</p> <p>25 primarily, on our Instagram account as our primary</p>		

10:24:55-10:26:08	Page 42	10:27:24-10:28:35	Page 44
<p>1 youth channel and, of course, we'll be targeting key</p> <p>2 events throughout the year, such as graduation, to</p> <p>3 connect with voters.</p> <p>4 We do have a civics curriculum that</p> <p>5 Commission staff has worked on and developed with our</p> <p>6 partners, and this curriculum was built in an effort to</p> <p>7 provide teachers tools and assets that they can use in</p> <p>8 the classroom that would still count towards the</p> <p>9 curriculum standards, but while they can continue to</p> <p>10 teach students about civics and voting and the</p> <p>11 importance of voting informed.</p> <p>12 And so we have this in a format where it</p> <p>13 could be launched either in person or virtual,</p> <p>14 depending on whether or not schools are in person, and</p> <p>15 so we'll be looking at rolling that out towards the end</p> <p>16 of this year. And, of course, we plan on creating</p> <p>17 additional assets for teachers and students, such as</p> <p>18 expanding our toolkits for students who, perhaps, want</p> <p>19 to have a voter registration drive.</p> <p>20 We will continue to foster our partnerships</p> <p>21 that we've developed, and we hope to meet with all of</p> <p>22 hour 15 county recorders and election officials. We</p> <p>23 recently met with the Maricopa County Recorder, and our</p> <p>24 goal is to have direct communications with our local</p> <p>25 election partners to make sure we understand what their</p>		<p>1 continuing to get word out to the community about</p> <p>2 upcoming elections.</p> <p>3 And we will continue to work on our website</p> <p>4 and our technology that the Commission has. These are</p> <p>5 very important tools and resources for voters that we</p> <p>6 provide. As I mentioned, our website is the crux of</p> <p>7 all of that -- of what we do. And so we recently</p> <p>8 completed an audit of the website. As you'll recall, a</p> <p>9 few years ago we did a redesign, and so this is the</p> <p>10 first presidential election since that redesign.</p> <p>11 And just looking at how much the website</p> <p>12 has grown and levels of content that we provide to</p> <p>13 voters, we want to make sure that it's user friendly</p> <p>14 still and that it's meeting the needs of voters and of</p> <p>15 the information that we intend to put out there. The</p> <p>16 website, you know, I'd like to look at it in two</p> <p>17 different ways. It's a resource for voters when it</p> <p>18 comes to the logistics of voting, but it's, also,</p> <p>19 perhaps, subject matter expert content, if you will.</p> <p>20 It explains what a presidential preference</p> <p>21 election is. It explains the security of tabulation</p> <p>22 machines. It explains, you know, how your ballot is</p> <p>23 processed. And so there's a lot of great information</p> <p>24 out there that we see the community is engaging with.</p> <p>25 When we pull our reports and we look at referrals and</p>	
10:26:10-10:27:20	Page 43	10:28:39-10:29:43	Page 45
<p>1 needs are in terms of voter education, you know, the</p> <p>2 things that they're seeing with their voters and their</p> <p>3 community. We'd like to continue our partnerships with</p> <p>4 the Arizona Commission for the Deaf and Hard of Hearing</p> <p>5 and continue to provide voter education in an</p> <p>6 accessible format for that community.</p> <p>7 We'll be creating a request-a-speaker</p> <p>8 module for our website to make it more convenient for</p> <p>9 the community to request a member of -- a Commissioner</p> <p>10 or the Commission staff to speak at community events</p> <p>11 and provide information, whether it's running for</p> <p>12 office or, you know, how to get registered to vote,</p> <p>13 looking forward to 2022, how to prepare.</p> <p>14 And we'll, also, be creating a video series</p> <p>15 for voter education information, such as either the</p> <p>16 process -- processing of your ballot, how is it</p> <p>17 tabulated, you know, how to register to vote,</p> <p>18 understanding how to follow the money in the elections,</p> <p>19 things like that. So we plan to create this video</p> <p>20 series so they'll serve as resources, whether it's, you</p> <p>21 know, a community-based organization having a local</p> <p>22 chapter meeting and they can have these resources at</p> <p>23 their fingertips to share with their members during</p> <p>24 those events. And, of course, we'll continue to work</p> <p>25 with our media partners and ensure that we're</p>		<p>1 we look at backlinks, it's amazing to see our website.</p> <p>2 Again, I'd like to point out, because I</p> <p>3 just -- again, I'm a personal fan of this, but I love</p> <p>4 the fact the "Rolling Stone" links to our website.</p> <p>5 We've seen "Cosmopolitan" link to it. We've seen</p> <p>6 "FiveThirtyEight" link to it. We've seen sites from a</p> <p>7 national level that are driving users to the Clean</p> <p>8 Elections website. And, of course, the level of</p> <p>9 engagement in state, as well, if they're on news sites,</p> <p>10 they're on a political website. We see a lot of folks</p> <p>11 that are linking to Clean Elections and looking to our</p> <p>12 website as a source for official election information.</p> <p>13 So we'll continue to work on improving our</p> <p>14 applications that we host on the website, such as the</p> <p>15 dashboard and the compass and, of course, our app, and</p> <p>16 all the while making sure that the content we provide</p> <p>17 in a technical format is accessible.</p> <p>18 And in addition to voting and the</p> <p>19 elections, again, that overarching theme of</p> <p>20 participation in the political process, you know, that</p> <p>21 expands further than just voting. So we're looking at</p> <p>22 making sure voters know how to connect with their</p> <p>23 current elected officials, who is representing them in</p> <p>24 office, you know, understanding that the legislature is</p> <p>25 in session right now. We'll provide information on</p>	

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<p>1 redistricting, which will occur this year. The new</p> <p>2 lines will be drawn and how that intersects with</p> <p>3 voting, and updating and refreshing the content on our</p> <p>4 website for running for office.</p> <p>5 So looking forward to next year, we'll have</p> <p>6 a statewide election. All of the statewide offices</p> <p>7 will be on the ballot. Of course, we'll have our local</p> <p>8 elections, as well, too. So we'll do as much</p> <p>9 preparation as we can in 2021 for all of our efforts</p> <p>10 looking forward to the statewide election cycle next</p> <p>11 year.</p> <p>12 So with that, I'm happy to answer any</p> <p>13 questions.</p> <p>14 CHAIRWOMAN CHAN: Thank you so much, Gina.</p> <p>15 Are there any questions from any of the</p> <p>16 commissioners or comments?</p> <p>17 (No response.)</p> <p>18 CHAIRWOMAN CHAN: Okay. Gina, thank you so</p> <p>19 much -- oh, I'm sorry.</p> <p>20 COMMISSIONER PATON: This is Galen Paton.</p> <p>21 CHAIRWOMAN CHAN: Commissioner Paton, go</p> <p>22 ahead.</p> <p>23 COMMISSIONER PATON: Gina, that was just so</p> <p>24 impressive and, you know, I'm proud that I'm a part of</p> <p>25 it. And the staff has just done an outstanding job,</p>		<p>1 that, but that's great. So thank you so much for all</p> <p>2 your work.</p> <p>3 CHAIRWOMAN CHAN: Gina, it looks like we</p> <p>4 have a question from Rivko Knox on one of the last two</p> <p>5 slides, the terms SEO and SEM.</p> <p>6 Could you explain what those terms mean?</p> <p>7 MS. ROBERTS: Yes. Madam Chair,</p> <p>8 Commissioners -- Rivko, hello. Yes, that's terms in</p> <p>9 regards to search engine optimization and search engine</p> <p>10 marketing.</p> <p>11 So think about Google, if you will. So, if</p> <p>12 you go to Google and you type in "voter registration,"</p> <p>13 so one of two things will occur. If the Commission is</p> <p>14 employing a paid ad, then you would see ad at the top</p> <p>15 of your Google search, and it would have a link to the</p> <p>16 Commission's voter registration pages or, you know, if</p> <p>17 it's not an ad, then it's the optimization that we've</p> <p>18 built within our website, making sure that behind the</p> <p>19 scenes, the technical components of our website, we've</p> <p>20 primed it so that we are optimized in the tier that we</p> <p>21 appear on Google search.</p> <p>22 So we do see that search is one of our --</p> <p>23 actually, one of our strongest areas. We've seen</p> <p>24 millions of oppressions of voters when it comes to</p> <p>25 search and looking to research voting terms, election</p>	
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<p>1 and I can't say enough. Thank you.</p> <p>2 MS. ROBERTS: Thank you.</p> <p>3 CHAIRWOMAN CHAN: Commissioner Kimble?</p> <p>4 COMMISSIONER KIMBLE: I agree with</p> <p>5 everything Commissioner Paton said. Our website is</p> <p>6 outstanding, a lot of excellent information there that</p> <p>7 you can find in one place. And I'm a big fan of</p> <p>8 everything, Gina, you've done in voter education.</p> <p>9 Thank you.</p> <p>10 MS. ROBERTS: Thank you, Madam Chair.</p> <p>11 Commissioners Paton and Kimble, thank you. And I'd be</p> <p>12 remiss if I didn't call out Alec specifically. He is</p> <p>13 our webmaster, and so the website is his baby. So</p> <p>14 thank you so much for acknowledging that, the efforts</p> <p>15 on our website.</p> <p>16 CHAIRWOMAN CHAN: Commissioner Meyer?</p> <p>17 COMMISSIONER MEYER: Yeah, I just want to</p> <p>18 echo what Commissioners Paton and Kimble said. And,</p> <p>19 also, thank you so much to Avery for all the outreach</p> <p>20 he is doing. It's wonderful and very much appreciated.</p> <p>21 And I, also, just want to comment on the</p> <p>22 civics curriculum for the -- for the high school,</p> <p>23 middle school and elementary kids, that's really</p> <p>24 exciting. I would like to learn a little bit more</p> <p>25 about that, Gina. So maybe we can talk offline about</p>		<p>1 terms, if you will, and so that's driving a lot of</p> <p>2 users to our website. So that's -- we look at how can</p> <p>3 we improve our website behind the scenes; can we tag</p> <p>4 certain pages certain ways so that they appear better</p> <p>5 when Google is indexing our website.</p> <p>6 CHAIRWOMAN CHAN: Thank you, Gina. And I</p> <p>7 see Rivko wrote thank you from someone from the 20th</p> <p>8 Century.</p> <p>9 And if I can just echo what Commissioner</p> <p>10 Paton said so well, you know, Gina, you've built such a</p> <p>11 wonderful team with Avery and Alec, and the three of</p> <p>12 you together are just indomitable. So thank you so</p> <p>13 much.</p> <p>14 And I don't know if any other members of</p> <p>15 the public have any comments or questions they have for</p> <p>16 you.</p> <p>17 (No response.)</p> <p>18 CHAIRWOMAN CHAN: And I don't see anything.</p> <p>19 And, if there isn't any further discussion,</p> <p>20 I would ask for a motion to adopt the Voter Education</p> <p>21 Plan as presented by Ms. Roberts.</p> <p>22 COMMISSIONER MEYER: This is Commissioner</p> <p>23 Meyer. I move we adopt the Voter Education Plan</p> <p>24 presented by Ms. Roberts.</p> <p>25 CHAIRWOMAN CHAN: Thank you.</p>	

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<p>1 COMMISSIONER KIMBLE: Commissioner Kimble, 2 second. 3 CHAIRWOMAN CHAN: Thank you, Commissioner 4 Kimble. 5 All right. It's been moved and seconded. 6 With that, I will call the roll. 7 Commissioner Meyer? 8 COMMISSIONER MEYER: Aye. 9 CHAIRWOMAN CHAN: Okay. Commissioner 10 Kimble? 11 COMMISSIONER KIMBLE: Aye. 12 CHAIRWOMAN CHAN: Commissioner Paton? 13 COMMISSIONER PATON: Aye. 14 CHAIRWOMAN CHAN: And I vote aye, as well. 15 That is four ayes and zero nays, and so we have adopted 16 the Voter Education Plan as presented by Gina Roberts. 17 Thank you so much. 18 Before we move on to Item V, I just wanted 19 to check in with the court reporter, if she needs a 20 break. It is -- it's been about an hour, and I just 21 wanted to do that before we jump into the next item on 22 the agenda. 23 MR. COLLINS: If I may, just to dovetail 24 that question, to the court reporter, we do have -- 25 after the next item -- well, the next item after that</p>		<p>1 among the court reporter and Mr. Arellano, I guess, is 2 really what -- 3 CHAIRWOMAN CHAN: Okay. And the court 4 reporter is fine for now. 5 MR. COLLINS: Okay. 6 CHAIRWOMAN CHAN: So -- and Mr. Arellano is 7 here for the -- Item VI? 8 MR. COLLINS: Yeah, I think. 9 CHAIRWOMAN CHAN: So you want to do Item VI 10 first? 11 MR. COLLINS: That might -- that might -- 12 that would probably make some sense, actually, if 13 there's no -- I mean, if nobody cares -- if nobody has 14 any opinions otherwise. 15 CHAIRWOMAN CHAN: All right. Why don't we 16 then go out of order. We'll do Item VI first: 17 Discussion and possible action on MUR 20-03, Arizona 18 Education Association. 19 And I believe -- Tom, are you going to 20 present that or is this Mike? Because -- I apologize. 21 MR. COLLINS: No, no, I screwed up the 22 order here. I apologize, Madam Chair. 23 CHAIRWOMAN CHAN: That's okay. Okay. That 24 is Tom. 25 MR. COLLINS: Yeah.</p>	
10:35:17-10:36:02	Page 51	10:36:54-10:37:41	Page 53
<p>1 is a -- will have more interaction, potentially, among 2 the commissioners and the audience. 3 CHAIRWOMAN CHAN: Okay. 4 MR. COLLINS: Because it's an 5 enforcement-related thing. 6 CHAIRWOMAN CHAN: Okay. 7 MR. COLLINS: So, I guess, my -- what I'm 8 trying to say is, like, yes, that's important and we 9 should find that out. 10 CHAIRWOMAN CHAN: Okay. So our court 11 reporter -- 12 MR. COLLINS: Because we may have worse -- 13 and let me put it this way -- 14 CHAIRWOMAN CHAN: So Item V will probably 15 be a little shorter? Item VI could be longer is what 16 you're saying, Tom? 17 MR. COLLINS: Yeah. 18 CHAIRWOMAN CHAN: Okay. 19 MR. COLLINS: Although, Item VI, if we 20 wanted to, I mean, it's -- yeah. Or if you -- yeah. I 21 mean, whatever works for you and for the court 22 reporter. 23 And then, obviously, Mr. Arellano is here. 24 So I just want to make sure that we, also, get him out 25 of here. So whatever works among the three of the --</p>		<p>1 CHAIRWOMAN CHAN: So I will ask Tom to go 2 ahead and give an overview recommendation and -- 3 MR. COLLINS: And do we know -- I just want 4 to make sure. I'm sorry. 5 Cathy, do we know if Mr. Arellano is on the 6 line? 7 CHAIRWOMAN CHAN: I thought I saw him, but 8 did he -- 9 MR. COLLINS: I can't -- 10 MR. ARELLANO: He is, yes. 11 MR. COLLINS: Okay. All right. 12 CHAIRWOMAN CHAN: Oh, there he is. 13 MR. COLLINS: Okay. Perfect. 14 CHAIRWOMAN CHAN: Sorry. 15 MR. ARELLANO: Yeah. 16 CHAIRWOMAN CHAN: You just -- your picture 17 has your name now. 18 MR. COLLINS: I mean, is it okay with you, 19 Daniel, if we could -- if we do your thing now? 20 MR. ARELLANO: That would be -- I would 21 prefer that. That would be wonderful. Thank you. 22 MR. COLLINS: Okay. Okay. Thank you. 23 Thank you, Madam Chair. 24 So, you know, the premise of this MUR is 25 that there was, to our knowledge, two mailings and some</p>	

10:37:46-10:39:28	Page 54	10:40:51-10:42:17	Page 56
<p>1 internet advertisements featuring some folks who</p> <p>2 happened to have been running for the legislature in</p> <p>3 2020. We got the complaint in September, although with</p> <p>4 the mail and everything, it's not -- it was dated</p> <p>5 September. We got it a little later than that, and we</p> <p>6 got our response from the Education Association timely.</p> <p>7 I've laid out in the -- in the memo about as much as I</p> <p>8 think I have to say on the matter.</p> <p>9 This is -- to frame this in the context of</p> <p>10 the law, just, first, you know, this is an issue that</p> <p>11 we've dealt with on a regular basis. Two, it has to do</p> <p>12 with how you apply 16-901.01, which is the statute that</p> <p>13 defines express advocacy for the purposes of Title 16,</p> <p>14 Chapter 6, and was part the Clean Elections Act.</p> <p>15 And there is -- you know, there are a</p> <p>16 couple of key cases. I think some of you are probably</p> <p>17 familiar with them by now. There's the Wisconsin Right</p> <p>18 to Life case from the U.S. Supreme Court and then --</p> <p>19 and then, in Arizona, we have a Court of Appeals</p> <p>20 published case, I believe -- unless it got depublished</p> <p>21 sometime -- called the Committee for Justice and</p> <p>22 Fairness versus Arizona Secretary of State.</p> <p>23 Those cases turn on what is the functional</p> <p>24 equivalent of express advocacy. Express advocacy is a</p> <p>25 term of art that says is the communication designed to</p>	<p>1 And with that, Mr. Arellano.</p> <p>2 MR. ARELLANO: Thank you, Madam Chair and</p> <p>3 members of the Commission. I'm Daniel Arellano of the</p> <p>4 Law Firm of Ballard Spahr, and I'm here this morning on</p> <p>5 behalf of the Arizona Education Association. We</p> <p>6 submitted a written response to this complaint to the</p> <p>7 Commission, and I would, also, direct the Commission's</p> <p>8 attention to that response, as well, in addition to any</p> <p>9 questions you may have for me this morning.</p> <p>10 There's really relatively little, I think,</p> <p>11 factual dispute as to the communications at issue. You</p> <p>12 know, we don't dispute that these were -- there were</p> <p>13 two mailers and a series of social media advertisements</p> <p>14 that urge constituents of particular legislators to, in</p> <p>15 turn, urge those legislators to call for a special</p> <p>16 session. And these all went out in August of 2020, and</p> <p>17 they were, I think, importantly, made in the context of</p> <p>18 a broader discussion going on over that -- the course</p> <p>19 of that summer over the prospect of a special session</p> <p>20 for the legislature.</p> <p>21 The -- the context here, I think, is</p> <p>22 important because the legislature had abruptly</p> <p>23 adjourned in March of 2020 due to the COVID-19 crisis.</p> <p>24 They formerly adjourned sine die later in May. And</p> <p>25 almost as soon as the legislature adjourned, there</p>		
10:39:33-10:40:51	Page 55	10:42:19-10:43:45	Page 57
<p>1 urge you to vote for or against the candidate. In this</p> <p>2 particular case, I've outlined, based on what statute</p> <p>3 and cases -- at least when I read them, when I think</p> <p>4 about that.</p> <p>5 And unless you have questions for me on</p> <p>6 that at this point, obviously, my -- I would just -- I</p> <p>7 would defer to -- well, unless you have questions for</p> <p>8 me, I just -- I would -- that's my presentation. And</p> <p>9 I'd like to, obviously, give the commissioners a chance</p> <p>10 to talk with and for Mr. Arellano to talk with the</p> <p>11 commissioners.</p> <p>12 So -- but long story short, at least for</p> <p>13 the purposes of whether there may be reason to believe,</p> <p>14 I believe that we've met that standard at this point,</p> <p>15 but obviously, I'm open to any questions. And I</p> <p>16 hope -- and that's kind of -- that's all I have to say</p> <p>17 about that.</p> <p>18 CHAIRWOMAN CHAN: Thank you, Tom. And I</p> <p>19 apologize. I had to step out for a moment to remind my</p> <p>20 kids to go to class. We're doing virtual school. I</p> <p>21 apologize about that.</p> <p>22 First of all, I know probably Mr. Arellano</p> <p>23 wants to speak, but I wondered if the commissioners had</p> <p>24 any questions first about what Tom had said before</p> <p>25 we -- okay.</p>	<p>1 began to be fairly public calls for the legislature to</p> <p>2 go into special session to address any numbers of</p> <p>3 things, but as most pertinent here, there was, also, an</p> <p>4 ongoing discussion for the legislature to address and</p> <p>5 to buttress school funding.</p> <p>6 And Arizona Education Association, which is</p> <p>7 a nonprofit public advocacy organization, had begun its</p> <p>8 advocacy for a special session as early as that June.</p> <p>9 On June 24th, the AEA published a report called The</p> <p>10 Future of Arizona Schools where it very specifically</p> <p>11 advocated for a new session to address school funding</p> <p>12 and school safety, including, for example, additional</p> <p>13 personal protective equipment for school staff and</p> <p>14 students.</p> <p>15 And the AEA then made a separate call again</p> <p>16 on August 12th, and we cite this in the letter. There</p> <p>17 was -- they had set up a portal whereby people would go</p> <p>18 on and join their names to letters to advocate their</p> <p>19 legislators to call a special session. So the</p> <p>20 advertisements at issue in this complaint were part of</p> <p>21 that series, and so that's kind of the background and</p> <p>22 kind of factual context here.</p> <p>23 Legally, I think it's important to keep in</p> <p>24 mind the standard that's applied here and, under the</p> <p>25 statute, it's whether the communication, quote, in</p>		

10:43:48-10:45:06	Page 58	10:46:20-10:47:28	Page 60
<p>1 context can have no reasonable meaning other than to</p> <p>2 advocate the election or defeat of the candidate. And</p> <p>3 so the inquiry is not whether candidate advocacy is one</p> <p>4 reasonable meaning of the communications, nor is it</p> <p>5 even whether the -- whether candidate advocacy is the</p> <p>6 most reasonable meaning of the -- of the</p> <p>7 communications. Rather, we look to whether there's a</p> <p>8 reasonable -- whether there's some reasonable meaning</p> <p>9 other than candidate advocacy, and we certainly have</p> <p>10 that here.</p> <p>11 I think, you know, as Mr. Collins correctly</p> <p>12 noted, I think there are generally three kind of legal</p> <p>13 cases, precedence, regulations, I think, that are at</p> <p>14 issue that kind of guide the inquiry. The first is the</p> <p>15 Committee for Justice and Fairness case, which is an</p> <p>16 Arizona Court of Appeals case that dealt with</p> <p>17 advertisements that went out immediately before the</p> <p>18 election and called on people to then -- to then call</p> <p>19 a -- who was then a candidate for statewide office to</p> <p>20 tell them to protect the children, a very kind of</p> <p>21 vague, you know, not specific to any particular</p> <p>22 legislative or policy issue question.</p> <p>23 In here, the thing, I think, is this --</p> <p>24 these communications are distinguishable from those in</p> <p>25 Committee for Justice and Fairness in two critical</p>	<p>1 And so -- so, it was part of a timely conversation, I</p> <p>2 think, in that respect.</p> <p>3 The other kind of factor at issue, too --</p> <p>4 and this is discussed in the letters, as well as</p> <p>5 Mr. Collins's recommendation -- is some of the IRS</p> <p>6 guidance at issue as to what constitutes express</p> <p>7 advocacy for nonprofit organizations, and that looks to</p> <p>8 whether it identifies a legislative issue and, also,</p> <p>9 whether it was part of a pattern or part of a series of</p> <p>10 issue advocacy; in other words, you know, kind of</p> <p>11 looking to, you know, is this really merely a pretext</p> <p>12 for, you know, candidate advocacy that's kind of made</p> <p>13 under the guise of issue advocacy or is it part of, you</p> <p>14 know, a good faith kind of pattern of this -- of these</p> <p>15 kind of exhortations.</p> <p>16 And here, again, we have that pattern. We</p> <p>17 actually have -- you know, we have publicly reported</p> <p>18 and among "The Capitol Times" and "The Republic" that</p> <p>19 immediately after the legislature ended, there were --</p> <p>20 you know, there were discussions of a special session.</p> <p>21 And, then, with respect to AEA specifically, we have at</p> <p>22 least two recorded public communications preceding the</p> <p>23 advertisements at issue here. We have one on June 24th</p> <p>24 and another one on August 12th.</p> <p>25 Finally, I think that the third piece of</p>		
10:45:07-10:46:17	Page 59	10:47:32-10:48:43	Page 61
<p>1 respects. The first is the timing. Again, the</p> <p>2 communications in that case went out immediately before</p> <p>3 the election, and here we were more than two months</p> <p>4 out. Again, these were in August of 2020. By then the</p> <p>5 Primary had already finished and the General Election</p> <p>6 was more than two months away.</p> <p>7 The other is that the issue here is a much</p> <p>8 more concrete policy issue that was, actually, you</p> <p>9 know, actionable at the time it was being discussed.</p> <p>10 The communication at issue in the Court of Appeals case</p> <p>11 was simply to tell then Superintendent Tom Horne to</p> <p>12 protect children, not people who harm them. That,</p> <p>13 obviously, is a very, you know, vague, general</p> <p>14 sentiment and probably an aspersion at that; whereas,</p> <p>15 here there was a -- the question was to call a special</p> <p>16 session.</p> <p>17 Granted it wasn't a particular bill. It</p> <p>18 wasn't a particular piece of legislation, per se,</p> <p>19 because the legislature had formally adjourned by that</p> <p>20 point, but it was something within the power of</p> <p>21 legislators to do if enough legislators or the governor</p> <p>22 determined that there is -- that there's a need for a</p> <p>23 special session. They have the power to call that</p> <p>24 special session at any time of year regardless of</p> <p>25 whether the legislature is formally in session or not.</p>	<p>1 kind of legal doctrine to look to here is the Wisconsin</p> <p>2 Right to Life case, the standard from which is drawn</p> <p>3 almost verbatim in our statute that, no, you know, no</p> <p>4 reasonable meaning other than standard. And the Court</p> <p>5 in that case found that the ads at issue in that case</p> <p>6 to be issue advocacy because they were consistent with</p> <p>7 that of a genuine issue add. They focused on a</p> <p>8 legislative issue. We do so here, as well. Again, the</p> <p>9 legislature going into special session is, broadly</p> <p>10 speaking, a legislative issue. They take a position on</p> <p>11 that issue.</p> <p>12 We did that here. We asked voters to urge</p> <p>13 our legislators to call for a special session. We</p> <p>14 exhorted the public to adopt that position. And the</p> <p>15 other factor at issue in that case is the urge the</p> <p>16 public to contact public officials with respect to the</p> <p>17 matter. The ads do that here, too. They listed the</p> <p>18 official phone numbers for these legislators so that</p> <p>19 voters could contact them and advocate for this</p> <p>20 particular issue.</p> <p>21 And importantly here, the ads don't mention</p> <p>22 an election, the legislators' candidacy, the</p> <p>23 legislators' political party or any other indicia of</p> <p>24 electoral politics, other than the fact that these are</p> <p>25 legislators who, by definition, every two years are up</p>		

10:48:46-10:49:50	Page 62	10:51:16-10:52:30	Page 64
<p>1 for election. So we don't have the -- kind of the</p> <p>2 typical indicia of candidate advocacy one would expect</p> <p>3 to find.</p> <p>4 And I'd venture to say that, you know, if</p> <p>5 this was meant to be candidate advocacy, it was a very</p> <p>6 poor way of doing it. Again, this was, you know,</p> <p>7 months before the election and without -- without any</p> <p>8 indication of when the election would happen, what</p> <p>9 party it was, who to vote for instead of this</p> <p>10 candidate. Those factors simply aren't present.</p> <p>11 And so because of that, looking at the</p> <p>12 totality of the circumstances and the context in which</p> <p>13 these ads were made, we -- you know, we would contend</p> <p>14 that there is a reasonable explanation or a reasonable</p> <p>15 meaning other than candidate advocacy and that is a --</p> <p>16 what's here was a genuine issue ad.</p> <p>17 And with that, I'm happy to answer any</p> <p>18 questions the Commission may have.</p> <p>19 CHAIRWOMAN CHAN: Thank you.</p> <p>20 Do any of the other commissioners have</p> <p>21 questions for Mr. Arellano?</p> <p>22 (No response.)</p> <p>23 CHAIRWOMAN CHAN: Okay. Mr. Arellano,</p> <p>24 thank you very much. I really appreciate your</p> <p>25 presentation, and I -- you know, these First Amendment</p>	<p>1 is how you pronounce his name. And, you know, it does</p> <p>2 say contact him, ask him to call for a special session;</p> <p>3 "Arizona can't afford to keep failing our students and</p> <p>4 educators;" "Arizona deserves safe classrooms," among</p> <p>5 other things.</p> <p>6 And so, you know, it does have that one</p> <p>7 specific piece to ask him to call a special session,</p> <p>8 but without that piece, you know, it's almost like</p> <p>9 without that one specific piece, you know, how do</p> <p>10 you -- I guess, is it just that one piece that makes</p> <p>11 it -- puts it outside of that, I guess, is what I'm</p> <p>12 asking. Is that -- is that what you're saying,</p> <p>13 aside -- and the flier kind of puts it outside of the</p> <p>14 cases that we're talking about or the law?</p> <p>15 MR. ARELLANO: Madam Chair, thank you for</p> <p>16 the question, and I want to respond to that in two</p> <p>17 parts because I think you are talking about something</p> <p>18 that's very important, which is the First Amendment</p> <p>19 issue -- issues, I mean, anytime we're dealing with</p> <p>20 these types of advertisements.</p> <p>21 You know, we regularly advise clients with</p> <p>22 respect to -- you know, we try to discern where the</p> <p>23 line is, you know, what they need to report and what</p> <p>24 they don't and what's genuine issue advocacy and when</p> <p>25 does it become candidate advocacy, and it's a very</p>		
10:49:55-10:51:12	Page 63	10:52:35-10:53:44	Page 65
<p>1 issues are always painful because it is -- it is</p> <p>2 something that I take very seriously. I mean -- I</p> <p>3 mean, you want to be able to speak freely in elections</p> <p>4 and advocate for or against candidates or make this</p> <p>5 speech without running afoul of election requirements.</p> <p>6 And, you know, the thing that you mentioned</p> <p>7 that's kind of tripping me up a little bit is, you</p> <p>8 know, months before an election and yet it's in that</p> <p>9 sweet spot right between the Primary and General. And,</p> <p>10 you know, your clients -- when you say it's months</p> <p>11 before the election, your clients are kind of</p> <p>12 benefitting from the fact that our Primary was moved</p> <p>13 back this year.</p> <p>14 And so I just bring that up because I</p> <p>15 think -- not -- I don't think you are being</p> <p>16 disingenuous, but I bring that up because I think</p> <p>17 that's the only reason that, you know, you're outside</p> <p>18 of that -- that kind of window, which I think is</p> <p>19 something that I'm kind of considering as far as what</p> <p>20 I'm thinking about.</p> <p>21 And the other thing I want to, I guess,</p> <p>22 bring up -- and I don't know if you have a comment on</p> <p>23 it -- is, you know, I'm looking at -- I think they're</p> <p>24 all the same but -- the fliers. I'm just looking at</p> <p>25 the one about Representative Jeff Weninger -- I think</p>	<p>1 challenging thing to do. And I think it goes to, you</p> <p>2 know, the kind of inherent vagueness, I think, at issue</p> <p>3 in these types of -- in these types of cases.</p> <p>4 And with respect to the timing issue -- I</p> <p>5 don't want to overrepresent the importance of timing.</p> <p>6 I think there is -- it is possible, I think, to have</p> <p>7 candidate advocacy, you know, more than 60 days before</p> <p>8 an election or more than 90 days before an election. I</p> <p>9 mean, if in January you run an ad saying, you know,</p> <p>10 vote for Candidate X in November, I mean, it would be</p> <p>11 pretty hard for this not to be candidate advocacy, but</p> <p>12 I think it is an important factor, I think, to</p> <p>13 consider.</p> <p>14 And so I don't think the presence or</p> <p>15 absence of any one factor here is determinative, and I</p> <p>16 think that's true of the -- of the fact that these call</p> <p>17 for the special session. I mean, I think we would --</p> <p>18 we could fairly characterize the advertisements as the</p> <p>19 primary, kind of, message of the communication was</p> <p>20 calling for the -- was calling for the special session.</p> <p>21 Were it not for that piece, would these be -- they</p> <p>22 would certainly be closer to the line of candidate</p> <p>23 advocacy, you know, because then all you would have is</p> <p>24 kind of a criticism of the legislator without any</p> <p>25 particular action piece tied to it.</p>		

10:53:47-10:54:47	Page 66	10:56:15-10:57:44	Page 68
<p>1 That being said, you know, I've</p> <p>2 certainly -- you know, we've certainly nixed ads</p> <p>3 before for other clients where they -- you know, it's a</p> <p>4 piece that's very clearly, you know, a hit piece on a</p> <p>5 candidate right before the election, as they say, but</p> <p>6 call them to tell them what you think. And they're,</p> <p>7 like, no, that's -- that's not really enough by itself</p> <p>8 to fix these, but here I don't -- I don't think we have</p> <p>9 that type of advertisement here where there's just kind</p> <p>10 of a -- you know, the ancillary kind of phone number at</p> <p>11 the end that's, you know, ancillary to the rest of the</p> <p>12 ad. I think really the message to contact them, I</p> <p>13 think, is really the thrust of it.</p> <p>14 So I would say that the presence of that, I</p> <p>15 think, does certainly, you know, pushes towards the --</p> <p>16 you know, substantially closer, I think, to the</p> <p>17 issue -- or to the side of issue advocacy, and that</p> <p>18 together with the absence of other indicia of candidate</p> <p>19 advocacy, I think, are what make this issue advocacy,</p> <p>20 again, because we don't reference the election or the</p> <p>21 candidates' candidacy.</p> <p>22 CHAIRWOMAN CHAN: Okay. Thank you.</p> <p>23 Do any of the other commissioners have --</p> <p>24 oh, Commissioner Kimble.</p> <p>25 COMMISSIONER KIMBLE: I wanted to comment</p>	<p>1 The AEA talked about we should have a</p> <p>2 special session as early as June. It doesn't seem to</p> <p>3 me out of place that they then send out a mailer a</p> <p>4 couple of months later saying -- urging people to call</p> <p>5 for a special session. You know, if this was a regular</p> <p>6 year where the legislature met until they finished</p> <p>7 their work and there was no discussion about we need --</p> <p>8 we need a special session, then, I guess, I might be</p> <p>9 persuaded, but this is -- this is in the context of a</p> <p>10 discussion about a special session.</p> <p>11 And that's pretty much all that I see in</p> <p>12 the ads is, yes, let's have a special session; call</p> <p>13 them up and tell them you want a special session. So,</p> <p>14 I guess, I'm not really persuaded at this point. I</p> <p>15 don't know that I'm opposed to taking this the next</p> <p>16 step and doing some more -- some more investigation by</p> <p>17 Tom, but -- but I guess, at this point, I would need to</p> <p>18 be persuaded more than I am now.</p> <p>19 CHAIRWOMAN CHAN: Well, I think if we -- if</p> <p>20 we vote that there is reason to believe that a</p> <p>21 violation occurred, I don't think it's giving Tom room</p> <p>22 for more investigation. I think there's going to be,</p> <p>23 you know, sanctions of sort involved.</p> <p>24 Am I right about that, Tom?</p> <p>25 MR. COLLINS: Well, Madam Chair,</p>		
10:54:49-10:56:11	Page 67	10:57:48-10:59:21	Page 69
<p>1 on this, but do we have any other members of the public</p> <p>2 who want to address this on either side before I say</p> <p>3 anything more?</p> <p>4 CHAIRWOMAN CHAN: Oh, yes, thank you,</p> <p>5 Commissioner Kimble.</p> <p>6 Are there any other members of the public</p> <p>7 who wish to weigh in on this? I should have asked.</p> <p>8 (No response.)</p> <p>9 CHAIRWOMAN CHAN: I believe the person who</p> <p>10 filed the complaint was not going to be here today, and</p> <p>11 I don't know that -- I don't see anybody else here, I</p> <p>12 don't believe.</p> <p>13 Yeah, I'm not seeing anyone else, I don't</p> <p>14 think. Hopefully, I'm not missing them.</p> <p>15 Commissioner Kimble, did you want to weigh</p> <p>16 in?</p> <p>17 COMMISSIONER KIMBLE: Well, I don't know.</p> <p>18 I read this -- both of these -- both the complaint and</p> <p>19 the response over several times, and I guess my feeling</p> <p>20 is I just don't see that this is -- that the -- I don't</p> <p>21 agree with the complaint. I think you've got to put</p> <p>22 this in the context of this year. It's a very unusual</p> <p>23 year with COVID shutting down the legislature and, as</p> <p>24 soon as the legislature shuts down, they talk about</p> <p>25 maybe there will be a special session.</p>	<p>1 Commissioner Kimble, I would say this. If you believe</p> <p>2 at this point that the mailer and the Facebook ads do</p> <p>3 have a reasonable meaning other than to advocate for or</p> <p>4 against the candidates' election, we should -- the MUR</p> <p>5 should terminate. There's no -- as Mr. -- I agree with</p> <p>6 Mr. Arellano that this is principally a legal issue.</p> <p>7 In an investigatory context, we would be</p> <p>8 looking at, you know, trying to capture what -- within</p> <p>9 the complaint, perhaps without the complaint, and what</p> <p>10 within the complaint specifically may fit within this</p> <p>11 issue. We would be looking at what the spend was. So</p> <p>12 that the burden here, as it were, is for AEA to reveal</p> <p>13 what the spending was, and that would be the facts that</p> <p>14 we don't -- that we don't have.</p> <p>15 And, yes, Madam Chair, we have, typically,</p> <p>16 tried to resolve these matters by some force of -- by</p> <p>17 some conciliation process, but I think, to Commissioner</p> <p>18 Kimble's point and to your point about procedurally --</p> <p>19 and I'm not your lawyer -- although, you know, I mean,</p> <p>20 I am a lawyer, but as you know, I'm not your lawyer. I</p> <p>21 just think it's fair for me to say if you believe that</p> <p>22 there is a reasonable meaning other than to advocate</p> <p>23 for an election -- that's the standard. And so if that</p> <p>24 legal -- that standard may be applied to other</p> <p>25 communications through an investigation, but if you</p>		

10:59:23-11:00:59	Page 70	11:02:15-11:03:29	Page 72
<p>1 believe that standard hasn't been met, I think -- I</p> <p>2 think, you -- you would want to terminate this MUR.</p> <p>3 COMMISSIONER PATON: This is Commissioner</p> <p>4 Paton. Could I jump in here?</p> <p>5 CHAIRWOMAN CHAN: Oh, yes, I'm sorry.</p> <p>6 Please go ahead, Commissioner Paton.</p> <p>7 COMMISSIONER PATON: Yes. Well, I'm a</p> <p>8 former educator myself, and I find that this in here,</p> <p>9 politicians like Kate McGee refuse to fund public ed --</p> <p>10 public schools, I mean, obviously, they don't say who</p> <p>11 she's -- who she's running against, but they're</p> <p>12 advocating against her. And I think that this should</p> <p>13 be looked into further.</p> <p>14 CHAIRWOMAN CHAN: That's -- that's how I</p> <p>15 was viewing it from my own point of view and consistent</p> <p>16 with our previous decisions.</p> <p>17 Commissioner Kimble, I understand what</p> <p>18 you're saying. This has been a different year. I</p> <p>19 think in my kind of thinking it over in my mind, I was</p> <p>20 having -- I was considering it the way you articulated</p> <p>21 it, as far as this is a different year. Everything is</p> <p>22 different this year and, at the same time, I thought</p> <p>23 then why -- why this timing? Why between the Primary</p> <p>24 and General? Why not earlier before school started?</p> <p>25 And so -- and, perhaps, Mr. Arellano wants</p>	<p>1 that he's failed to do something and they're</p> <p>2 advocating, obviously, for them to vote against him.</p> <p>3 CHAIRWOMAN CHAN: Thank you.</p> <p>4 And, Commissioner Meyer, did I see you had</p> <p>5 your -- you wished to speak?</p> <p>6 COMMISSIONER MEYER: I did, and</p> <p>7 Commissioner Paton made the point, just his last</p> <p>8 comment, that I was going to ask about. And this is on</p> <p>9 page 21 of our materials.</p> <p>10 And, I guess, I'd ask Mr. Arellano, you</p> <p>11 know, on page 21, which is the page that says</p> <p>12 "Representative Jeff Weninger failed to keep us safe,"</p> <p>13 with an F on it, I mean, how is that not advocacy</p> <p>14 against the re-election of this candidate?</p> <p>15 MR. ARELLANO: I would address that, I</p> <p>16 think -- I think it goes further to the context in</p> <p>17 which the advocacy was made, and I think it goes to</p> <p>18 legislator accountability, which is certainly something</p> <p>19 that, you know, constituents can advocate for or</p> <p>20 against. That is, you know, divorced from, you know,</p> <p>21 the electoral aspects of that person's candidacy. You</p> <p>22 know, I think it is fair to point out the way in which</p> <p>23 a given legislator has either succeeded or failed at</p> <p>24 advancing the issues that AEA cares about, that AEA</p> <p>25 thinks that particular constituent may think about.</p>		
11:01:02-11:02:11	Page 71	11:03:30-11:04:36	Page 73
<p>1 to weigh in on that, but that was part of my</p> <p>2 consideration, as well. You know, it is advocating, in</p> <p>3 my mind, against a candidate. Even though they have</p> <p>4 the words there of contact and ask him to call a</p> <p>5 special session, it's saying "Arizona can't afford to</p> <p>6 keep failing our students and educators," "Arizona</p> <p>7 deserves safe classrooms." It's, like, they're blaming</p> <p>8 him, you know, kind of advocating against a candidate.</p> <p>9 And the timing between the General and --</p> <p>10 you know, all of it taken together, to me -- and I'm</p> <p>11 sorry, Tom, if you want to jump in here --</p> <p>12 MR. COLLINS: No, I'm just waiting for</p> <p>13 whenever I have -- I just wanted to indicate I had --</p> <p>14 CHAIRWOMAN CHAN: Okay.</p> <p>15 COMMISSIONER PATON: Well, also, this</p> <p>16 one -- I'm sorry. It's hard to talk --</p> <p>17 CHAIRWOMAN CHAN: That's all right. Sure.</p> <p>18 COMMISSIONER PATON: -- with these windows,</p> <p>19 or whatever, and I'm going to my phone and on this at</p> <p>20 the same time.</p> <p>21 The one what really kind of bothers me is</p> <p>22 "Representative Jeff Weninger failed to keep us safe"</p> <p>23 and an F -- you know, an F circled, you know. That's</p> <p>24 clearly, you know, the opposite of advocating for this.</p> <p>25 It's, obviously, something that they're pointing at him</p>	<p>1 And here we're dealing with issues of</p> <p>2 school funding and school safety, and I think the</p> <p>3 school safety issue, I think, in this context is tied</p> <p>4 to the school funding question in the sense that, I</p> <p>5 think, part of the funding they wanted was for</p> <p>6 additional, you know, protections and PPE, and that</p> <p>7 kind of thing, to protect student safety -- you know,</p> <p>8 safety from COVID.</p> <p>9 And so I think pointing out to voters the</p> <p>10 way in which a particular legislator has failed to do</p> <p>11 those things and then pairing that with the call for a</p> <p>12 special session, I think is it is time for that vote or</p> <p>13 the opportunity for that particular legislator to, you</p> <p>14 know, redeem themselves, so to speak, and, you know,</p> <p>15 make up for whatever legislative, you know,</p> <p>16 deficiencies they might have had up until then by then</p> <p>17 calling for that special session. And so that's how I</p> <p>18 think that, you know, that criticism, paired together</p> <p>19 with the call, work in conjunction, I think, to</p> <p>20 advocate for the issue in the end.</p> <p>21 And I do, again, want to circle back to the</p> <p>22 standard that Mr. Collins stated, which I think is</p> <p>23 actually really helpful, which, you know, you simply</p> <p>24 have to decide, I think, at this juncture is the</p> <p>25 explanation that these advertisements were made for --</p>		

11:04:41-11:06:06	Page 74	11:07:31-11:08:58	Page 76
<p>1 you know, specific to an issue, specific to the issue</p> <p>2 of a special session, is that -- is that meaning simply</p> <p>3 unreasonable? And only if that -- if that meaning is</p> <p>4 completely unreasonable, I think, is there cause to</p> <p>5 then advance on the complaint.</p> <p>6 I think as -- you know, again, the</p> <p>7 standard, again, isn't whether candidate advocacy was</p> <p>8 the most likely or most reasonable explanation among</p> <p>9 several. That may well be the case to a given reader.</p> <p>10 The question is simply whether -- is there -- is there</p> <p>11 some reasonable meaning to this other than candidate</p> <p>12 advocacy, and that's what we're dealing with here. And</p> <p>13 I do think that standard is met.</p> <p>14 CHAIRWOMAN CHAN: Thank you, Mr. Arellano.</p> <p>15 Any other comments from any other</p> <p>16 commissioners?</p> <p>17 COMMISSIONER MEYER: I have one other</p> <p>18 comment. I guess it's a question for Tom and, I guess,</p> <p>19 Mr. Arellano, as well. I mean, when I'm looking at</p> <p>20 this, I feel like the Senator Brophy-McGee mailer can</p> <p>21 be interpreted as more issue advocacy, but the one as</p> <p>22 to Representative Weninger is more candidate advocacy.</p> <p>23 Is that -- can they be separated, or how --</p> <p>24 how do we address that concern? And I don't know if</p> <p>25 any of the other commissioners feel the same way.</p>	<p>1 look, the test is whether or not, you know, it's a --</p> <p>2 it's no reasonable meaning. The way that we have</p> <p>3 addressed "no reasonable meaning" in our -- looking at</p> <p>4 this, guided by CJF, is that you have to actually</p> <p>5 analyze what "reasonable" is, and that's what the memo</p> <p>6 tries to lay out from -- from my review.</p> <p>7 That said, you know, if you -- if you</p> <p>8 analyze one piece of mail and say in context it has no</p> <p>9 reasonable meaning and you analyze another piece of</p> <p>10 mail and say in context it has a reasonable meaning</p> <p>11 other than to express advocacy, then there's -- they</p> <p>12 don't need to be treated identically. And that's -- I</p> <p>13 mean, that's fine.</p> <p>14 I mean, I would note -- and just to be</p> <p>15 candid -- and one of the ways we tried to deal with the</p> <p>16 complaint is -- and if we were in the context -- well,</p> <p>17 one of the ways we tried to deal with the complaints is</p> <p>18 we lumped together -- the complaint lumps together --</p> <p>19 so we just went with that framing -- the internet ads</p> <p>20 that are in Appendix C of the complaint.</p> <p>21 Now, there are about four different formats</p> <p>22 there. Two of the formats say politicians like</p> <p>23 so-and-so did this thing; call them and tell them to do</p> <p>24 this. I think one of them says politicians did this</p> <p>25 thing. I don't think it has a call number on it.</p>		
11:06:10-11:07:28	Page 75	11:09:01-11:10:36	Page 77
<p>1 CHAIRWOMAN CHAN: Commissioner Meyer,</p> <p>2 without -- because there's no -- is there no "F" on the</p> <p>3 Brophy-McGee one?</p> <p>4 COMMISSIONER MEYER: Well, on the</p> <p>5 Brophy-McGee one, to me, it just says, you know, hey,</p> <p>6 this is how she voted; we think that's wrong; contact</p> <p>7 her, you know, and asks for a special session. It</p> <p>8 doesn't -- I don't think it's as -- you know, I feel</p> <p>9 like -- I feel like it's more targeted at the issue of</p> <p>10 cutting public funding than at the senator herself;</p> <p>11 whereas, you know, the big grade of F is directed</p> <p>12 directly at Representative Weninger and is more -- I</p> <p>13 feel, more directed at him than at the issue of</p> <p>14 education.</p> <p>15 CHAIRWOMAN CHAN: I think -- maybe just to</p> <p>16 chyme in about that, I think cutting school funding is,</p> <p>17 also, kind of a negative anti-candidate thing to say.</p> <p>18 COMMISSIONER MEYER: Well, it's targeted at</p> <p>19 the issue is what I'm saying, not the person.</p> <p>20 MR. COLLINS: I guess, Madam Chair, and</p> <p>21 Commissioner Meyer, if the question is to me to go</p> <p>22 first, if everyone is okay with that.</p> <p>23 COMMISSIONER MEYER: Yes, please, Tom.</p> <p>24 MR. COLLINS: I think -- I think -- again,</p> <p>25 just -- you know, I just want to stress that, like,</p>	<p>1 Another one just says call so-and-so and tell them, and</p> <p>2 then I think there's one other.</p> <p>3 So, you know, if you -- the way the</p> <p>4 complaint is framed, you know, there are -- there's</p> <p>5 probably -- the way I addressed the complaint was to</p> <p>6 say, look, these are -- these are one effort that seems</p> <p>7 to be the shared view and, in that effort, there is --</p> <p>8 you know, I think that those are for the purpose of</p> <p>9 express advocacy; but, look, I mean, what I'm trying to</p> <p>10 say is that the way the statute is written, you know,</p> <p>11 it's a communication-by-communication assessment, but</p> <p>12 the most important factor in that assessment -- and</p> <p>13 I'll just give you an example from our own cases.</p> <p>14 You know, we have a case that's still</p> <p>15 pending at the Court of Appeals on other bases called</p> <p>16 the Legacy Foundation Action Fund. It's mentioned in</p> <p>17 the complaint. It's not something that we relied on in</p> <p>18 putting together the memo, but in that case, we really</p> <p>19 focused on analyzing why the recommendation was not --</p> <p>20 why the proposed alternative reasoning -- reading was</p> <p>21 not reasonable.</p> <p>22 You know, we looked at -- in that</p> <p>23 particular case, it was an ad about Scott Smith, who</p> <p>24 was running for governor. He had just announced he was</p> <p>25 running. He had -- it said things about his -- about</p>		

11:10:40-11:12:21	Page 78	11:13:39-11:14:46	Page 80
<p>1 the record of an organization that he had once run that</p> <p>2 had nothing to do with his tenure there, et cetera,</p> <p>3 et cetera. Okay. So that's how we analyzed</p> <p>4 reasonableness here.</p> <p>5 In my effort to -- and in the memo, I tried</p> <p>6 to -- I made what I thought was the right -- my</p> <p>7 assessment of the special session call itself, but</p> <p>8 again, you know, look, the question isn't whether or</p> <p>9 not -- the question really is, you know, no alternative</p> <p>10 reasonable -- no alder reasonable meaning.</p> <p>11 And so, basically, another way to put that</p> <p>12 is we would -- we are saying, at least preliminarily,</p> <p>13 if you were to vote to find reason to believe, that the</p> <p>14 Education Association was unreasonable in thinking that</p> <p>15 the call to action in their mailer or online was -- was</p> <p>16 a -- was a reasonable -- was reasonable, that their</p> <p>17 putting that in there was not -- would not reasonably</p> <p>18 change the meaning of the -- of the document into one</p> <p>19 that is not merely or exclusively for express advocacy.</p> <p>20 So, you know, I think that I would agree</p> <p>21 with everyone that this analysis is more difficult, I</p> <p>22 believe, than most people think because of the -- and</p> <p>23 that's why we spend a lot of time on it when it comes</p> <p>24 up, but you know, I would just -- you know, but if you</p> <p>25 don't -- but, again, the real question is, is it</p>		<p>1 I still don't think it would be quite a</p> <p>2 slam dunk candidate advocacy case because you're still</p> <p>3 as far out from the election as we were, but you know,</p> <p>4 it would make this a tougher case, I think, for us.</p> <p>5 But I think it's critical to look at that particular</p> <p>6 part of the message in conjunction with what's on the</p> <p>7 flip side which raises -- so the first piece said he</p> <p>8 failed to keep us safe. The second side of it says</p> <p>9 "Arizona can't afford to keep failing our students and</p> <p>10 educators" and then contact for a special session.</p> <p>11 And so the failure, I think, is -- the</p> <p>12 comment about the failure to keep us safe, you know,</p> <p>13 pairs with and is part of the message of this failure</p> <p>14 cannot continue and there's still an opportunity to</p> <p>15 rectify that failure by calling for the special</p> <p>16 session. And so I think that's why that message is</p> <p>17 read the way it is.</p> <p>18 And legally, I think I'd venture to say</p> <p>19 that if this is a close question for the Commission, I</p> <p>20 think if it's a close question whether something is</p> <p>21 candidate advocacy or not, that, I think, under the</p> <p>22 legal standard is dispositive, you know, against a</p> <p>23 finding of enforcement. In other words, if it's a</p> <p>24 close question, that means that the -- you know, the</p> <p>25 reading that this is not candidate advocacy is not</p>	
11:12:26-11:13:39	Page 79	11:14:50-11:15:58	Page 81
<p>1 reasonable or not, and that's really the crux of the</p> <p>2 decision.</p> <p>3 So, I guess, my point is if -- as you're</p> <p>4 parsing through this, if you wanted to, say, take X and</p> <p>5 Y and Z and treat them differently, I don't think</p> <p>6 there's anything that would preclude you from doing</p> <p>7 that, although, again, I would defer to Mr. Arellano</p> <p>8 and any things he wants to raise about that; but that's</p> <p>9 a long way of saying, you know -- you know, keeping our</p> <p>10 eye on what the lodestar is, you know, I think there</p> <p>11 are facts there that if you might interpret different</p> <p>12 ways -- I guess I don't want to go beyond that without</p> <p>13 giving Mr. Arellano a chance to talk about this.</p> <p>14 CHAIRWOMAN CHAN: Mr. Arellano, would you</p> <p>15 like to comment or respond?</p> <p>16 MR. ARELLANO: Yes. Thank you.</p> <p>17 So, Commissioner Meyer, in looking to that</p> <p>18 particular Weninger piece, I do think it's helpful,</p> <p>19 yes, if you were to look at just the one -- and this, I</p> <p>20 think, went to, you know, Chairwoman Chan's point</p> <p>21 earlier. If you were to just look at the side of the</p> <p>22 mailer that says "Representative Jeff Weninger failed</p> <p>23 to keep us safe" and that was the only mailer that went</p> <p>24 out, then I think this would present a much closer</p> <p>25 question.</p>		<p>1 necessarily unreasonable. And if it's not</p> <p>2 unreasonable, then there's no basis, I think, for</p> <p>3 enforcement.</p> <p>4 More concretely to your question,</p> <p>5 Commissioner Meyer, as to whether the advertisements</p> <p>6 can be separated, I mean, I do think that it's</p> <p>7 important on one level to look at these in the</p> <p>8 collective, I think, to understand the context in which</p> <p>9 they were made over the course of that summer; but that</p> <p>10 being said, if the Commission were to find a particular</p> <p>11 mailer to be -- you know, to be actionable but not</p> <p>12 others, I do think it's important -- I do think it</p> <p>13 would be possible to separate them in that respect.</p> <p>14 And I think -- you know, I don't know if</p> <p>15 the -- you know, if AEA can break out by, you know, a</p> <p>16 particular mailer and how much they spent on each one,</p> <p>17 but I do think it's -- you know, if all but one were --</p> <p>18 you know, were not -- were not actionable, I do think</p> <p>19 it's possible to -- you know, if the Commission wanted</p> <p>20 to separate them out and, you know, find cause for some</p> <p>21 but not others.</p> <p>22 CHAIRWOMAN CHAN: Thank you, Mr. Arellano.</p> <p>23 All right. If there's no further comments</p> <p>24 from the commissioners, what I'm going to propose is</p> <p>25 this. You know, I had some questions for Mr. Arellano</p>	

11:16:02-11:17:23	Page 82	11:18:47-11:19:43	Page 84
<p>1 at first, but I did -- based on what Tom had presented</p> <p>2 to us, I, frankly, was inclined to -- I was inclined to</p> <p>3 believe or agree with Tom's recommendation from the</p> <p>4 start. And I am happy to go ahead with a vote if the</p> <p>5 other commissioners are comfortable going ahead, you</p> <p>6 know, if there are no more questions -- oh,</p> <p>7 Commissioner Meyer, please.</p> <p>8 COMMISSIONER MEYER: I just want to share</p> <p>9 with the other commissioners how I see this, and that</p> <p>10 is I -- respectfully to Mr. Arellano, I disagree on the</p> <p>11 Representative Weninger ad. I think that is candidate</p> <p>12 advocacy. I think the Senator Brophy-McGee one is more</p> <p>13 issue. And, then, on the Facebook ads that are on, I</p> <p>14 think, page 2, I kind of have the same issue, and that</p> <p>15 is I think the first -- where are they?</p> <p>16 I think the first two where it says</p> <p>17 politicians like so-and-so, I think those fall in the</p> <p>18 same line as the Representative Weninger one in that</p> <p>19 they are targeted at the candidate, but I think the</p> <p>20 last two that say, hey, call your congressman and tell</p> <p>21 them to call for a public session -- or a special</p> <p>22 session, those are -- I don't think those are candidate</p> <p>23 advocacy. So that's how I see it.</p> <p>24 So I'm going to vote to follow Tom's</p> <p>25 recommendation, but I wanted them to know how I see</p>		<p>1 unless -- and, obviously, this is -- and I would ask --</p> <p>2 I guess, I would recommend the Commission ask</p> <p>3 Mr. Arellano what he thinks about this, but I would</p> <p>4 encourage you to actually, on the record, go through</p> <p>5 those four types and determine which ones you want the</p> <p>6 staff to pursue because of the -- because it's a legal</p> <p>7 question.</p> <p>8 CHAIRWOMAN CHAN: Well, I didn't</p> <p>9 necessarily agree with Commissioner Meyer.</p> <p>10 COMMISSIONER MEYER: So, Commissioners --</p> <p>11 MR. COLLINS: Fine. I'm just saying</p> <p>12 what -- I'm just saying that as a -- per my -- for my</p> <p>13 purposes, as a matter of -- as a matter of procedure</p> <p>14 and having a clean record, I just -- we have some</p> <p>15 things on the record that say one thing and then, if we</p> <p>16 have a vote that says another thing, that creates a</p> <p>17 cognitive dissonance that -- that does not work within</p> <p>18 our structure of our -- so however you want to -- you</p> <p>19 do whatever you want to do.</p> <p>20 CHAIRWOMAN CHAN: Okay.</p> <p>21 MR. COLLINS: I'm just saying if you decide</p> <p>22 to go piece by piece, from my perspective, it's better</p> <p>23 to go piece by piece. That's all.</p> <p>24 CHAIRWOMAN CHAN: I mean -- okay. You</p> <p>25 know, Commissioner Meyer, did you want to --</p>	
11:17:26-11:18:43	Page 83	11:19:45-11:21:00	Page 85
<p>1 these issues when they look at the investigation.</p> <p>2 CHAIRWOMAN CHAN: Thank you, Commissioner</p> <p>3 Meyer.</p> <p>4 Tom, did you have something to add?</p> <p>5 MR. COLLINS: I just -- for efficiency's</p> <p>6 sake, what I would recommend the Commission do</p> <p>7 regardless of what you want -- you know, how it breaks</p> <p>8 out is we've broken down the memo into Senator McGee --</p> <p>9 Brophy-McGee, Representative Weninger and then the</p> <p>10 categories of Facebook ads that Commissioner Meyer</p> <p>11 identified.</p> <p>12 I will tell you that, based on what</p> <p>13 Mr. Arellano said, I do agree that it is going to be</p> <p>14 more difficult to pursue all of those with the</p> <p>15 knowledge that some of those may not, than to simply</p> <p>16 make the determination legally now of what you believe</p> <p>17 is in and what you believe is out and narrow that</p> <p>18 playing field because, otherwise, you are telling the</p> <p>19 Respondent that we don't think these are all in the</p> <p>20 category, but we want to look at them anyway.</p> <p>21 So I would -- if you want -- if I -- if</p> <p>22 there's no problem with going piece by piece, given</p> <p>23 that we have a pretty clear categorization --</p> <p>24 Brophy-McGee, Weninger, Facebook and then the two types</p> <p>25 of Facebook ads -- I would -- I would encourage,</p>		<p>1 COMMISSIONER MEYER: Yes. I have one just</p> <p>2 procedural question. On the Facebook ads, page 2, I</p> <p>3 agree. I am trying -- it looks like there's five to</p> <p>4 me, not four. What am I -- where is the dividing line</p> <p>5 there? Or is there another place I can see those?</p> <p>6 MR. COLLINS: They're -- yeah. Go ahead.</p> <p>7 MR. ARELLANO: I was going to say, if I</p> <p>8 may, I think the distinction Mr. Collins is drawing, I</p> <p>9 think, in categorizing the Facebook ads into two -- and</p> <p>10 it's one with which I would agree -- is that I think</p> <p>11 the first few are prefaced with politicians like</p> <p>12 "blank" refuse to fund public schools and then call for</p> <p>13 the special session, and then the last -- I believe</p> <p>14 it's three, just say contact "blank" and tell "blank"</p> <p>15 to call for a special session to fund public schools,</p> <p>16 without the preparatory remark about what they have or</p> <p>17 haven't done so far.</p> <p>18 And so to piggyback on that point, I think</p> <p>19 I'd be inclined to agree that it may be helpful for us</p> <p>20 to determine whether, you know, the Commission thinks</p> <p>21 that there are -- that any of these warrant further</p> <p>22 review for enforcement. And if the determination is</p> <p>23 that none of them do, then I think that ends the</p> <p>24 matter, but if there is a determination that at least</p> <p>25 some of them warrant further review, I do think it</p>	

11:21:02-11:22:09	Page 86	11:23:12-11:24:01	Page 88
<p>1 would be helpful to isolate which ones do and which</p> <p>2 ones don't.</p> <p>3 COMMISSIONER PATON: This is Commissioner</p> <p>4 Paton.</p> <p>5 CHAIRWOMAN CHAN: Yes, Commissioner Paton.</p> <p>6 COMMISSIONER PATON: I would just say I</p> <p>7 completely agree with Commissioner Meyer, exactly what</p> <p>8 he said, and I would advocate that we do just what he</p> <p>9 said.</p> <p>10 CHAIRWOMAN CHAN: All right. So,</p> <p>11 Commissioner Meyer, what I think I heard -- I know Tom</p> <p>12 wants to go individually, but I think what I heard was</p> <p>13 just backing out the Brophy-McGee mailer -- no.</p> <p>14 COMMISSIONER MEYER: Madam Chair, can I</p> <p>15 make a suggestion?</p> <p>16 CHAIRWOMAN CHAN: Yes.</p> <p>17 COMMISSIONER MEYER: We have four</p> <p>18 categories here. We have Representative Weninger and</p> <p>19 Senator Brophy-McGee. We have the first two Facebook</p> <p>20 ads that say politicians like "blank," and then the</p> <p>21 fourth category is that ones that say contact whomever,</p> <p>22 okay? I suggest we do four separate votes on those</p> <p>23 four separate issues and then --</p> <p>24 CHAIRWOMAN CHAN: Okay.</p> <p>25 COMMISSIONER MEYER: -- and then the</p>	<p>1 looking through my handout to make sure I knew --</p> <p>2 MS. KARLSON: Madam Chair?</p> <p>3 CHAIRWOMAN CHAN: Yes. I'm sorry.</p> <p>4 MS. KARLSON: If you're having to go back</p> <p>5 through and look through your documents --</p> <p>6 CHAIRWOMAN CHAN: Yes.</p> <p>7 MS. KARLSON: -- maybe right now would be a</p> <p>8 good time for the court reporter to take a break.</p> <p>9 CHAIRWOMAN CHAN: Thank you.</p> <p>10 Is that all right with Mr. Arellano, as</p> <p>11 well? I apologize, because I know you mentioned your</p> <p>12 time was --</p> <p>13 MR. ARELLANO: That's okay, if it would</p> <p>14 help the Commission to go through and review.</p> <p>15 CHAIRWOMAN CHAN: Okay. Because I wanted</p> <p>16 to make sure I had -- I printed everything out and yet,</p> <p>17 for some reason, I'm having trouble finding --</p> <p>18 MR. ARELLANO: And I should note I don't --</p> <p>19 and I've looked at my copy, as well, of the complaint.</p> <p>20 I think the copies of the mailers were attached to the</p> <p>21 complaint, but the Facebook ads were just listed, I</p> <p>22 think, in a spreadsheet.</p> <p>23 CHAIRWOMAN CHAN: Is that the spreadsheet?</p> <p>24 Okay. Thank you.</p> <p>25 MR. ARELLANO: But we -- yeah, but we have</p>		
11:22:09-11:23:07	Page 87	11:24:02-11:24:35	Page 89
<p>1 Commission can look at whichever ones we find reason to</p> <p>2 believe a violation may have occurred on. I think</p> <p>3 that's the easiest and quickest way to do it.</p> <p>4 CHAIRWOMAN CHAN: Okay.</p> <p>5 COMMISSIONER MEYER: I don't know if anyone</p> <p>6 disagrees with that, but I would make a motion we</p> <p>7 proceed in that fashion, if I can even make that.</p> <p>8 CHAIRWOMAN CHAN: Do we -- I don't even</p> <p>9 know if we need a motion to proceed in that fashion.</p> <p>10 MR. COLLINS: Well, obviously, unless --</p> <p>11 you know, we -- no. I mean, you are free to make</p> <p>12 whatever motions you want to make, however you want to</p> <p>13 make them.</p> <p>14 CHAIRWOMAN CHAN: Do we need a motion to</p> <p>15 proceed in that fashion, then, Tom? Can I just --</p> <p>16 MR. COLLINS: Oh, no. No, no, no. No, you</p> <p>17 could just call -- you could just ask for the motions</p> <p>18 as --</p> <p>19 CHAIRWOMAN CHAN: Ask for the motion.</p> <p>20 Okay. So we're going to -- I will do that.</p> <p>21 I will break it out by Weninger, Brophy-McGee, Facebook</p> <p>22 ads and contact your representative, but -- I'm sorry.</p> <p>23 And I feel terrible because I am a little worried about</p> <p>24 the court reporter. Just -- after this, we will</p> <p>25 definitely take a break. I want to make sure -- I was</p>	<p>1 no --</p> <p>2 CHAIRWOMAN CHAN: And I can --</p> <p>3 MR. ARELLANO: -- dispute with how it's</p> <p>4 characterized in the memo by Mr. Collins -- oh, excuse</p> <p>5 me.</p> <p>6 CHAIRWOMAN CHAN: Oh, I'm sorry. And I</p> <p>7 spoke over you. I apologize.</p> <p>8 MR. ARELLANO: No, I was -- go ahead,</p> <p>9 please.</p> <p>10 CHAIRWOMAN CHAN: You go ahead. I</p> <p>11 apologize.</p> <p>12 MR. ARELLANO: I was just going to say the</p> <p>13 Facebook ads themselves, I don't think, were included</p> <p>14 as exhibits with the complaint, but we don't dispute</p> <p>15 with how they're characterized by Mr. Collins in that</p> <p>16 memo.</p> <p>17 CHAIRWOMAN CHAN: All right. Well, thank</p> <p>18 you. That's very helpful. Thank you.</p> <p>19 All right. Can I check in with the court</p> <p>20 reporter and see -- is it all right to take a</p> <p>21 five-minute -- would five minutes work or do we need</p> <p>22 ten minutes?</p> <p>23 Is that all right? I'm going to wait and</p> <p>24 hear back from the court reporter, if I can. Five is</p> <p>25 fine.</p>		

11:24:52-11:38:33	Page 90	11:39:43-11:40:37	Page 92
<p>1 Okay. Let's take a five-minute break and</p> <p>2 then we will come back. We will -- I will ask for the</p> <p>3 motion. So I'll just kind of break it all out and</p> <p>4 we'll get that done when we come back and finish up the</p> <p>5 meeting, and thank you for everybody's patience on</p> <p>6 this. Thank you so much.</p> <p>7 We will break five minutes. Come back at</p> <p>8 11:30.</p> <p>9 (Whereupon, a recess was taken in the</p> <p>10 proceedings.)</p> <p>11 CHAIRWOMAN CHAN: Okay. We are back,</p> <p>12 hopefully. It looks like we are on YouTube, and it</p> <p>13 looks like the members of the public are back and</p> <p>14 everyone can hear me.</p> <p>15 Welcome back after our break. It was a</p> <p>16 little longer than planned. Thank you for your</p> <p>17 patience.</p> <p>18 And I was able to look at all the motions,</p> <p>19 but frankly, I thought the four categories were one</p> <p>20 thing. And now, after looking at the memo again, I'm</p> <p>21 thinking, perhaps, they are another thing. So I was</p> <p>22 thinking the four categories we were going to be making</p> <p>23 motions on were the Brophy-McGee, the Weninger, the</p> <p>24 Facebook and the contact your legislator, but maybe I</p> <p>25 can have Tom weigh in.</p>		<p>1 what the record reflects.</p> <p>2 COMMISSIONER MEYER: Madam Chairman,</p> <p>3 that's -- I agree that that's what the record reflects.</p> <p>4 CHAIRWOMAN CHAN: Maybe I was the only one</p> <p>5 confused, and thank you for clearing that up for me,</p> <p>6 Tom. I really appreciate.</p> <p>7 I think, then, unless anybody else has any</p> <p>8 comments, then I can move forward and ask for a motion.</p> <p>9 And I believe -- does anybody have any</p> <p>10 comments or questions before I ask for a motion? And</p> <p>11 I'll tell you what the motion is that I think we're</p> <p>12 going forward with.</p> <p>13 (No response.)</p> <p>14 CHAIRWOMAN CHAN: Okay. So I think what</p> <p>15 we're going to be doing is -- what I think we're going</p> <p>16 to be doing is, do we have a motion -- here's my</p> <p>17 understanding.</p> <p>18 MS. KARLSON: Excuse me, Madam Chair.</p> <p>19 CHAIRWOMAN CHAN: Oh, yes, Kara. Go ahead.</p> <p>20 Thank you.</p> <p>21 MS. KARLSON: I think it would be helpful</p> <p>22 if we got Mr. Arellano on the record saying whether or</p> <p>23 not he agrees that those are the four categories that</p> <p>24 have been discussed.</p> <p>25 CHAIRWOMAN CHAN: Thank you.</p>	
11:38:35-11:39:40	Page 91	11:40:38-11:41:45	Page 93
<p>1 And, Tom, can you help clarify for me if</p> <p>2 these are the correct ones? And -- I just want to make</p> <p>3 sure we're all on the same page and if the</p> <p>4 Commissioners have any thoughts, too.</p> <p>5 Please go ahead, Tom.</p> <p>6 MR. COLLINS: Okay. Thank you, Madam</p> <p>7 Chair, Commissioners. And, you know, I think -- and I</p> <p>8 think I'm summarizing what we've -- what we've said,</p> <p>9 and I, also, think this is consistent with what</p> <p>10 Mr. Arellano has said.</p> <p>11 So, obviously, Madam Chair, if there are</p> <p>12 objections or problems with this, please, obviously, we</p> <p>13 want to make sure we ask him, but I believe they are</p> <p>14 this. There's the Senator Brophy-McGee mailer. There</p> <p>15 is the Jeff Weninger mailer. There is category 1 of</p> <p>16 Facebook ads, which is those Facebook ads that begin</p> <p>17 with the phrase politicians like so-and-so. And then</p> <p>18 there is category 2 of Facebook ads, which is those ads</p> <p>19 that simply say call your -- call the legislator and</p> <p>20 tell them to do X. So it's --</p> <p>21 CHAIRWOMAN CHAN: Okay.</p> <p>22 MR. COLLINS: So those are the categories,</p> <p>23 as I understand them, we've come to. Again, that's</p> <p>24 what -- based on the conversation, I think, the</p> <p>25 record -- I just want to make sure. I believe that's</p>		<p>1 Mr. Arellano, please let us know.</p> <p>2 MR. ARELLANO: I do agree with</p> <p>3 Mr. Collins's categorization of the communications,</p> <p>4 yes.</p> <p>5 CHAIRWOMAN CHAN: Thank you.</p> <p>6 MR. ARELLANO: Yes. Thank you.</p> <p>7 CHAIRWOMAN CHAN: All right. So -- and am</p> <p>8 I correct in my thinking that the commissioners --</p> <p>9 well, I suppose we still need a motion on the</p> <p>10 Brophy-McGee mailer, perhaps.</p> <p>11 Is there a motion on -- okay. So let me</p> <p>12 see.</p> <p>13 COMMISSIONER MEYER: I can make a motion,</p> <p>14 Chairman.</p> <p>15 CHAIRWOMAN CHAN: Okay.</p> <p>16 COMMISSIONER MEYER: Madam Chairman.</p> <p>17 CHAIRWOMAN CHAN: Okay. So, yes, go ahead</p> <p>18 Mr. -- Commissioner Meyer.</p> <p>19 COMMISSIONER MEYER: I move that as to the</p> <p>20 Senator Brophy-McGee mailer, that there is no reason to</p> <p>21 believe that a violation may have occurred and that the</p> <p>22 MUR be released as to that specific mailer.</p> <p>23 CHAIRWOMAN CHAN: Okay. Is there a second?</p> <p>24 COMMISSIONER MEYER: Tom, will that work?</p> <p>25 MR. COLLINS: Well, again, without being</p>	

11:41:47-11:42:54	Page 94	11:44:03-11:45:09	Page 96
<p>1 your lawyer, I will -- I'll say yes, but --</p> <p>2 COMMISSIONER MEYER: Kara, is that clear</p> <p>3 enough?</p> <p>4 MS. KARLSON: That's a beautiful motion. I</p> <p>5 should, also, add for these purposes, I'm not going to</p> <p>6 be your lawyer because of due process concerns, but I</p> <p>7 think that, to cover our basis, if Mr. Arellano has an</p> <p>8 objection, he should make it now.</p> <p>9 MR. ARELLANO: I have no objection to the</p> <p>10 motion as phrased.</p> <p>11 CHAIRWOMAN CHAN: Is there a second?</p> <p>12 COMMISSIONER KIMBLE: Madam Chair, I will</p> <p>13 second that.</p> <p>14 CHAIRWOMAN CHAN: All right. We have a</p> <p>15 motion and a second.</p> <p>16 Commissioner Meyer, how do you vote?</p> <p>17 COMMISSIONER MEYER: Aye.</p> <p>18 CHAIRWOMAN CHAN: Commissioner Kimble?</p> <p>19 COMMISSIONER KIMBLE: I couldn't hear. Are</p> <p>20 you calling on me? If so, I vote aye.</p> <p>21 CHAIRWOMAN CHAN: Commissioner Paton?</p> <p>22 COMMISSIONER PATON: I would vote aye.</p> <p>23 CHAIRWOMAN CHAN: Okay. I'm going to vote</p> <p>24 no on that motion, but the motion passes 3 to 1.</p> <p>25 And the next mailers we will vote on -- or</p>	<p>1 "Politician," I believe, if I've got it right, Facebook</p> <p>2 Category Number 1?</p> <p>3 COMMISSIONER MEYER: Madam Chairman, I have</p> <p>4 a motion. I move that as to the category of Facebook</p> <p>5 ads that started with the words "Politicians like"</p> <p>6 referenced in the memorandum on page 2 and 3, that</p> <p>7 there is reason to believe that a violation of the Act</p> <p>8 may have occurred and that staff move forward with an</p> <p>9 investigation as to those ads.</p> <p>10 CHAIRWOMAN CHAN: Okay. Thank you.</p> <p>11 Is there a second?</p> <p>12 COMMISSIONER PATON: This is Commissioner</p> <p>13 Paton. I would second that motion.</p> <p>14 CHAIRWOMAN CHAN: Thank you.</p> <p>15 All right. Commissioner Meyer, how do you</p> <p>16 vote?</p> <p>17 COMMISSIONER MEYER: Aye.</p> <p>18 CHAIRWOMAN CHAN: And you voted aye?</p> <p>19 COMMISSIONER MEYER: Aye.</p> <p>20 CHAIRWOMAN CHAN: Thank you.</p> <p>21 Commissioner Kimble?</p> <p>22 COMMISSIONER KIMBLE: No.</p> <p>23 CHAIRWOMAN CHAN: Commissioner Paton?</p> <p>24 COMMISSIONER PATON: Aye.</p> <p>25 CHAIRWOMAN CHAN: Okay. And I vote aye.</p>		
11:43:01-11:43:59	Page 95	11:45:12-11:46:09	Page 97
<p>1 take a motion on would be the Weninger mailer, and --</p> <p>2 COMMISSIONER MEYER: Madam Chairman, I can</p> <p>3 make a motion.</p> <p>4 CHAIRWOMAN CHAN: All right. Please do.</p> <p>5 COMMISSIONER MEYER: I move that as to the</p> <p>6 Representative Weninger mailer, that there is reason to</p> <p>7 believe that a violation of the Act may have occurred</p> <p>8 and that the staff move forward with their</p> <p>9 investigation.</p> <p>10 CHAIRWOMAN CHAN: All right. Thank you.</p> <p>11 Is there a second?</p> <p>12 COMMISSIONER PATON: This is Commissioner</p> <p>13 Paton. I would second that.</p> <p>14 CHAIRWOMAN CHAN: Thank you. All right.</p> <p>15 Let's go ahead and take our vote.</p> <p>16 Commissioner Meyer?</p> <p>17 COMMISSIONER MEYER: Aye.</p> <p>18 CHAIRWOMAN CHAN: Commissioner Kimble?</p> <p>19 COMMISSIONER KIMBLE: No.</p> <p>20 CHAIRWOMAN CHAN: Commissioner Paton?</p> <p>21 COMMISSIONER PATON: Aye.</p> <p>22 CHAIRWOMAN CHAN: And I vote eye. And the</p> <p>23 motion is passed 3 to 1.</p> <p>24 Do I have a motion regarding the Facebook</p> <p>25 Category Number 1, the ads which begin with</p>	<p>1 The vote is 3 to 1.</p> <p>2 And I would entertain a final motion on</p> <p>3 Facebook Category Number 2.</p> <p>4 COMMISSIONER MEYER: Madam Chairman, I can</p> <p>5 make a motion.</p> <p>6 CHAIRWOMAN CHAN: Thank you.</p> <p>7 COMMISSIONER MEYER: I move that as to the</p> <p>8 category of Facebook ads that say -- start with the</p> <p>9 words contact "blank" and tell "blank" to call for a</p> <p>10 special session, that as to those ads, there is not a</p> <p>11 reason to believe that a violation of the Act occurred</p> <p>12 and that the Commission staff do not move forward with</p> <p>13 an investigation as to those issues.</p> <p>14 CHAIRWOMAN CHAN: All right.</p> <p>15 COMMISSIONER MEYER: As to those ads.</p> <p>16 Excuse me.</p> <p>17 CHAIRWOMAN CHAN: Is there a second?</p> <p>18 COMMISSIONER KIMBLE: This is Commissioner</p> <p>19 Kimble. I second.</p> <p>20 CHAIRWOMAN CHAN: Okay. Thank you.</p> <p>21 Commissioner Meyer, how do you vote?</p> <p>22 COMMISSIONER MEYER: Aye.</p> <p>23 CHAIRWOMAN CHAN: Commissioner Kimble?</p> <p>24 COMMISSIONER KIMBLE: Aye.</p> <p>25 CHAIRWOMAN CHAN: Commissioner Paton?</p>		

11:46:10-11:47:22	Page 98	11:48:32-11:49:28	Page 100
<p>1 COMMISSIONER PATON: Aye.</p> <p>2 CHAIRWOMAN CHAN: And I vote aye, as well.</p> <p>3 And we passed that 4 to 0. Thank you.</p> <p>4 And with that, we are blissfully done with</p> <p>5 this item.</p> <p>6 Thank you so much, Mr. Arellano, for your</p> <p>7 time. Thank you, Tom, and thank you, Commissioners,</p> <p>8 and everyone.</p> <p>9 Okay. That Item is complete, unless</p> <p>10 there's any other -- anyone else who wants to speak on</p> <p>11 that.</p> <p>12 COMMISSIONER MEYER: Madam Chairman -- or</p> <p>13 Chairperson, I'm having a little trouble hearing you.</p> <p>14 I don't know if you could turn your mic up. Is anyone</p> <p>15 else having that problem?</p> <p>16 CHAIRWOMAN CHAN: Sure. Let me get closer,</p> <p>17 too, and see if I can turn it up. I apologize. Maybe</p> <p>18 I need my -- I should have done my -- perhaps, I should</p> <p>19 have done my headphones.</p> <p>20 COMMISSIONER KIMBLE: It was fine before we</p> <p>21 took the break.</p> <p>22 CHAIRWOMAN CHAN: I don't know what</p> <p>23 happened. There we go. Is that better, hopefully? I</p> <p>24 hope. Can you hear me better now?</p> <p>25 COMMISSIONER MEYER: Yes.</p>		<p>1 really had all the candidates and their campaigns</p> <p>2 getting the information to our auditors quickly and</p> <p>3 allowing us to go through it and find minor things and</p> <p>4 get those corrected. So, for that, I want to say thank</p> <p>5 you to everybody.</p> <p>6 It was a great -- a great team effort, and</p> <p>7 these audits turned out well. Nothing major popped up,</p> <p>8 a few minor things that were correctly assessed.</p> <p>9 And I'd ask the Commission to just approve these.</p> <p>10 CHAIRWOMAN CHAN: That was very fast.</p> <p>11 Thank you. Excellent. We appreciate that.</p> <p>12 COMMISSIONER MEYER: Madam Chairperson, I</p> <p>13 have a motion.</p> <p>14 CHAIRWOMAN CHAN: Excellent. I love it.</p> <p>15 Thank you. Please.</p> <p>16 COMMISSIONER MEYER: I move that we approve</p> <p>17 all five of the audits, as recommended by Mr. Becker.</p> <p>18 CHAIRWOMAN CHAN: Excellent.</p> <p>19 Do I have a second?</p> <p>20 COMMISSIONER KIMBLE: This is Commissioner</p> <p>21 Kimble. I second.</p> <p>22 CHAIRWOMAN CHAN: Wonderful. All right.</p> <p>23 Commissioner Meyer, how do you vote?</p> <p>24 COMMISSIONER MEYER: Aye.</p> <p>25 CHAIRWOMAN CHAN: Commissioner Kimble?</p>	
11:47:23-11:48:29	Page 99	11:49:29-11:50:29	Page 101
<p>1 CHAIRWOMAN CHAN: Okay. Great. Thank you.</p> <p>2 I apologize about that. My computer actually turned</p> <p>3 off during the break. I had to plug it back in, so</p> <p>4 maybe that was part of the problem. Maybe it reset.</p> <p>5 So thank you for letting me know.</p> <p>6 All right. Let's move back to Item V:</p> <p>7 Discussion and possible action on 2020 Primary Election</p> <p>8 candidate audits. I believe -- is Mike going to take</p> <p>9 this one, I believe.</p> <p>10 MR. BECKER: Yes. I will take that one.</p> <p>11 CHAIRWOMAN CHAN: All right. Thank you,</p> <p>12 Mike. Hi.</p> <p>13 MR. BECKER: Good morning. I will keep</p> <p>14 this brief. These are the final Primary Election</p> <p>15 audits for our candidates.</p> <p>16 COMMISSIONER KIMBLE: Excuse me, Mike. I</p> <p>17 can't hear you. I can hear you very faintly.</p> <p>18 MR. BECKER: Okay. Sorry, Commissioners.</p> <p>19 These are the final audits for our candidates from the</p> <p>20 Primary, the last five. The audits were fine.</p> <p>21 I want to -- I do want to say thank you to</p> <p>22 our auditing firm, Fester & Chapman. They did a great</p> <p>23 job, especially dealing with the COVID issue. I, also,</p> <p>24 want to thank our candidates and their campaigns for</p> <p>25 working so well with us. This was the first year we</p>		<p>1 COMMISSIONER KIMBLE: Aye.</p> <p>2 CHAIRWOMAN CHAN: Commissioner Paton?</p> <p>3 COMMISSIONER PATON: Aye.</p> <p>4 CHAIRWOMAN CHAN: I vote aye, as well. And</p> <p>5 by a vote of 4 to 0, we have approved the audits</p> <p>6 identified in Item V of the agenda.</p> <p>7 Thank you, Mike.</p> <p>8 All right. That was so fast, I don't even</p> <p>9 know what's next. Oh, Item VII: Discussion and</p> <p>10 possible action on proposed meeting dates for February</p> <p>11 through July of 2021.</p> <p>12 All right. Commissioners, hopefully, you</p> <p>13 all had a chance to review the dates that Ms. Thomas</p> <p>14 proposed, and unless there's any discussion, I'll</p> <p>15 entertain a motion and a second on the dates.</p> <p>16 COMMISSIONER KIMBLE: Madam Chair?</p> <p>17 CHAIRWOMAN CHAN: Yes, Commissioner Kimble.</p> <p>18 COMMISSIONER KIMBLE: I move we approve the</p> <p>19 dates in the attachment of Item VII.</p> <p>20 CHAIRWOMAN CHAN: Okay. Wonderful.</p> <p>21 COMMISSIONER MEYER: Second.</p> <p>22 CHAIRWOMAN CHAN: Thank you.</p> <p>23 All right. Let's take our vote.</p> <p>24 Commissioner Meyer?</p> <p>25 COMMISSIONER MEYER: Aye.</p>	

11:50:30-11:51:38	Page 102	11:52:52-11:54:04	Page 104
<p>1 CHAIRWOMAN CHAN: Commissioner Kimble?</p> <p>2 COMMISSIONER KIMBLE: Aye.</p> <p>3 CHAIRWOMAN CHAN: Commissioner Paton?</p> <p>4 COMMISSIONER PATON: Aye.</p> <p>5 CHAIRWOMAN CHAN: And I vote aye, as well.</p> <p>6 By a vote of 4 to 0, we have approved the dates</p> <p>7 proposed. And so we'll be seeing you on all these</p> <p>8 dates, Commissioners, and thank you for that, since I'm</p> <p>9 the only not termed-out Commissioner at this point. I</p> <p>10 really appreciate you all being here, truly.</p> <p>11 All right. Moving on to Item VIII, very</p> <p>12 important business. We have recognition of</p> <p>13 Commissioner Paton for his service on the Commission</p> <p>14 and as the chairman.</p> <p>15 So, we want to thank you very much for all</p> <p>16 you did last year, and I don't know if Tom wants to say</p> <p>17 a few words.</p> <p>18 MR. COLLINS: Well, obviously, I don't -- I</p> <p>19 mean, I think I can speak for all, I'm sure, the staff</p> <p>20 members, but -- also, add in, obviously, your</p> <p>21 colleagues, but I think that when we assess the last</p> <p>22 year, looking at the kinds of issues that there were, I</p> <p>23 think that Chairman Paton's leadership was -- was very</p> <p>24 effective.</p> <p>25 I think that one of the initiatives that he</p>	<p>1 I guess what I would like to say to</p> <p>2 Commissioner Paton is, you know, one thing that I</p> <p>3 really appreciate about you is I feel like we all, you</p> <p>4 know, come at this and sometimes we all agree and we</p> <p>5 don't all agree at other times. And I think you seemed</p> <p>6 to have a unique view, at times, that I really value</p> <p>7 because it's when you come from a different angle that</p> <p>8 it helps me see things differently, and I think that's</p> <p>9 very, very valuable. And so I want to thank you for</p> <p>10 that.</p> <p>11 I'll never forget that rule that we put in</p> <p>12 place that kind of seemed to lead to Prop 306. I will</p> <p>13 never forget that, and I think, you know, your</p> <p>14 foresight was really -- I just will never forget that.</p> <p>15 It was really important. So when you -- when you say</p> <p>16 things, I really listen. And it's not that I don't</p> <p>17 listen to other people either, but I think you have</p> <p>18 some really valuable input that -- that, you know, we</p> <p>19 all kind of operate inside of our boxes, and I think</p> <p>20 it's really valuable that we have people with different</p> <p>21 viewpoints and approaches on the Commission.</p> <p>22 So thank you so much and thank you for your</p> <p>23 leadership over the past year.</p> <p>24 COMMISSIONER PATON: Well, thank you. I</p> <p>25 enjoyed being there. I've enjoyed the staff immensely,</p>		
11:51:40-11:52:51	Page 103	11:54:08-11:55:31	Page 105
<p>1 did under Chair -- as Chair was this Senate debate</p> <p>2 sponsorship, which we had never done before. I think</p> <p>3 Gina has given us not only the fact that we did it and</p> <p>4 it was important, but the fact that it was viewed and</p> <p>5 used by folks. And I think that Commissioner Paton's</p> <p>6 focus on voter education, although we were not able to</p> <p>7 do all of the things that we would have done in that</p> <p>8 year, I think we did a lot. And I credit Commissioner</p> <p>9 Paton with that personally.</p> <p>10 And, obviously, you know, although there</p> <p>11 are two days left on your term, I suspect we'll see you</p> <p>12 again, I hope.</p> <p>13 COMMISSIONER PATON: With everybody else.</p> <p>14 MR. COLLINS: But -- yeah, but I really --</p> <p>15 I think it was -- I think it was a -- I think we made</p> <p>16 serious strides this year under -- under duress. And I</p> <p>17 think that that -- I think that that -- under the</p> <p>18 duress everybody had. I'm not trying to say that our</p> <p>19 duress was more duress than other people's duress.</p> <p>20 It's simply that I feel like we had an able, able</p> <p>21 steward.</p> <p>22 So that's my view, and I don't know that</p> <p>23 I'm supposed to say anything about this at all.</p> <p>24 CHAIRWOMAN CHAN: No. And, again, I'm</p> <p>25 sorry, Tom, to put you on the hot seat.</p>	<p>1 the other people, the other commissioners. And I think</p> <p>2 we all are doing this to benefit the state, benefit the</p> <p>3 voters, and remember that we are in charge of</p> <p>4 disseminating monies. And we have to be responsible,</p> <p>5 and people that have come before us, we have to treat</p> <p>6 them all fairly and not do snap judgments and whatever</p> <p>7 and just try to get a -- you know, see if we can get a</p> <p>8 4-0 vote on a lot of things.</p> <p>9 So, anyway, I enjoyed my time, and I guess</p> <p>10 it's not over.</p> <p>11 CHAIRWOMAN CHAN: No.</p> <p>12 COMMISSIONER KIMBLE: Madam Chair?</p> <p>13 CHAIRWOMAN CHAN: Yes, Commissioner Kimble.</p> <p>14 COMMISSIONER KIMBLE: I just want to echo</p> <p>15 what you and what Tom have said.</p> <p>16 And thank you for everything, Galen, and</p> <p>17 welcome to the ever-expanding club of former members</p> <p>18 whose terms have expired.</p> <p>19 COMMISSIONER PATON: Well, thank you, sir.</p> <p>20 CHAIRWOMAN CHAN: Sorry. What can I say?</p> <p>21 COMMISSIONER MEYER: I just want to thank</p> <p>22 Commissioner Paton, as well. We don't agree on</p> <p>23 everything, but I very much respect your opinion and</p> <p>24 thank you for all your contributions to the Commission.</p> <p>25 I sincerely mean that. And as an aside, today hearing</p>		


11:55:35-11:56:42 Page 106

1 you say that I agree with everything Commissioner Meyer
2 just said, that was one of the highlights of my times
3 on the Commission. Thank you for that.
4 COMMISSIONER PATON: I didn't know I was so
5 hard to get along with.
6 COMMISSIONER MEYER: No, no. I'm joking.
7 COMMISSIONER PATON: I know.
8 CHAIRWOMAN CHAN: All right. Well, with
9 that, I guess we can move on to Item Number IX.
10 Is there any member of the public that
11 would like to make comments at this time? Is there any
12 member of the public -- oh, yeah, I see Rivko is still
13 here. I'm not sure if anybody else is here.
14 Anybody?
15 (No response.)
16 CHAIRWOMAN CHAN: No comments?
17 (No response.)
18 CHAIRWOMAN CHAN: All right. You can,
19 also, send comments to the Commission by mail or email
20 at ccec@azcleelections.gov.
21 And if there are no public comments at this
22 time, we move on to our motion to adjourn. And at this
23 time, I would entertain a motion.
24 COMMISSIONER KIMBLE: Madam Chair?
25 CHAIRWOMAN CHAN: Yes.

11:56:43-11:57:10 Page 107

1 COMMISSIONER KIMBLE: This is Commissioner
2 Kimble. I move we adjourn.
3 CHAIRWOMAN CHAN: All right. Is there a
4 second?
5 COMMISSIONER PATON: This is Commissioner
6 Paton. I would second.
7 CHAIRWOMAN CHAN: All right. Thank you.
8 Commissioner Meyer, how do you vote?
9 COMMISSIONER MEYER: Aye.
10 CHAIRWOMAN CHAN: Commissioner Kimble?
11 COMMISSIONER KIMBLE: Aye.
12 CHAIRWOMAN CHAN: Commissioner Paton?
13 COMMISSIONER PATON: Aye.
14 CHAIRWOMAN CHAN: And I vote aye. And with
15 a vote of 4 to 0, we are adjourned. See you next
16 month. Thank you.
17 (Whereupon, the proceedings concluded at
18 11:57 a.m.)
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Page 108

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 30th day of
17 January, 2021.
18 
19 LILIA MONARREZ, RPR, CR #50699
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21
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23
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**CITIZENS CLEAN ELECTIONS COMMISSION
EXECUTIVE DIRECTOR REPORT
February 25, 2021**

Announcements:

The following jurisdictional elections are occurring on March 9th:

- City of Phoenix – Council Districts 3 & 7
- City of Goodyear – Propositions
- Hackberry Elementary School District (Mohave County) – Recall
- Iron Springs Sanitary District (Yavapai County) – Proposition

Voters can find information on the elections on the Clean Elections website.

Voter Education:

- Avery represented Clean Elections and attended the virtual African American Conference on Disabilities Opening Session. February 1, 2021
- Avery continues to meet with the Arizona Commission of African American Affairs weekly to represent Clean Elections February 2021
- Avery continues to meet with Mesa Community Colleges' Civic Action team to plan projects and provide civic education.
- Avery met with Jennifer Cohan of Resilient Health to discuss Clean Elections resources and opportunities for collaboration. February 4, 2021
- Avery participated in a panel workshop discussing civic education with valley youth at the 19th Annual AZ African American Legislative Council Virtual Youth Day February 12, 2021
- Avery spoke with the former Mayor of Douglas, Robert Uribe, about Civic education and engagement in Arizona. February 19, 2021
- Avery will represent Clean Elections at the virtual African American Conference on Disabilities Closing Session. February 26, 2021
- Gina, Mike and Tom met with the Pima County Recorder on February 11th to discuss voter education and outreach.
- Gina is working with KFNX AM 1100 Radio on a guest appearance to discuss Clean Elections voter education tools.
- Gina attended the National Association of State Elections Directors (NASSED) conference on February 2nd.

Administration:

- In order to reduce exposure to COVID-19, staff continues to practice social distancing, CDC recommendations, wear masks and electronic changes have been implemented to reduce incoming traffic.

Miscellaneous

- **Outstanding legal matters**

- Legacy Foundation Action Fund
 - Awaiting decision
- Election cases involving Arizona including
 - Brnovich v. DNC—Argument will be Mar. 2. At issue is a divided 9th Circuit en banc court of appeals decision determining that Arizona's bar on out of precinct voting and on ballot collection are violation of Sec. 2 of the Voting Rights Act. Scotusblog has a summary here: <https://www.scotusblog.com/2021/02/justices-to-consider-whether-arizonas-voting-rules-discriminate-against-minorities/>
 - McKenna v. Soto- Arizona Supreme Court (in division, i.e. fewer than 7 justices sitting)- Affirmed judgement of superior court that candidate had sufficient qualifying signatures for the ballot. Former state election director Eric Spencer, a partner at Lewis and Roca who runs the Arizona Election law blog, notes that the Court rejected the application of the Election Procedures Manual as part of Plaintiff's effort to remove candidate because that provision was not including among those pieces where the manual is made applicable by statute. <https://azelectionlaw.com/index/?p=718>

- **Appointments**

- No additional information at this time.

- **Enforcement**

- MUR 20-01, Starzyk, closed
- MUR 20-02, Parra, closed
- MUR 20-03, Ariz. Educ Ass'n, pending
- MUR 20-04, Sloan, pending
- MUR 20-05, Starzyk 2

Regulatory Agenda

The Governor's Office recently renewed their moratorium on rules. The Commission remains exempt but is encouraged to seek review by the Governor prior to making new rules. With the order in place, we plan to move forward in the next month with examining our rules in the basis for purposes of clarity, concision and understandability. We know we have three areas in which we need to focus:

- R2-20-101, definitions, for compliance with Arizona Advocacy Network v. State
- R2-20-109, independent expenditures, for compliance with Arizona Advocacy Network v. State.
- R2-20-111, contribution limits, resolving language issue left over from 2016's SB1516.

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
HB2014:GRRC; petition to request review	Rep. Biasiucci(R)	House: Government & Elections, Rules	Allows a person to petition GRRC to review an agency's rule or interpretation of a rule of an agency established under Title 16, Chapter 6.	Would allow anyone to request that GRRC review Clean Elections adopted rules, policy statements, or final rules.	Passed Government & Elections 7-6. Passed House Rules 5-3, Passed House Floor 31-28. Transmitted to Senate on 2/5.	Last year passed Reg. Affairs 4-3, Passed Rules 5-3, Passed the Floor 33-27, and was transmitted to Senate. House Rules attorney did suggest adding a Prop 105 clause.
HB2039:elections; hand counts; five percent	Rep. Griffin (R)	House: Government & Elections, Rules	The number of precincts in each county that must be randomly selected for a hand count after each election is increased to five percent of the precincts in the county or five precincts, whichever is greater, from two percent or two precincts. Voting centers are deemed to be a precinct for the purposes of the hand counts. S/E introduced, adds a provision that it is 5% or a number to produce a statistical significance of 99% in the accuracy of the count.	None	Passed Government & Elections 7-6.	
HB2054: voter registration database; death records	Rep. Kaiser (R)	House: Government & Elections, Rules	Requires rather than suggests the Secretary of State (SOS) to compare the death records with the statewide voter registration database.	None.	Passed Government & Elections 8-5. Passed House Rules. Passed House 58-1. Referred to Senate on 2/18.	
HB2073: records; confidentiality; eligible individuals	Rep. Pratt (R)	House: Judiciary, Rules	For the purpose of statute allowing eligible persons to file an affidavit to request county officers and state agencies prohibit access to that person's information contained in certain public records, the definition of "eligible person" is expanded to include former county attorneys, former municipal prosecutors, former attorneys general, former U.S. Attorneys, commissioners of the municipal court, hearing officers appointed for civil traffic violations, and members of the Commission on Appellate Court Appointments. Persons whose residential address is protected from public disclosure are not required to disclose their address when making campaign contributions and are instead required to provide an alternate mailing address.	None.	Passed Judiciary 10-0. Passed Rules 8-0. Passed House 59-0. Referred to Senate on 2/18.	
HB2088: technical correction; ballot; presidential candidates	Rep. Bolick (R)		Minor change in Title 16 (Elections) related to presentation of presidential candidates on the ballot.			Possible Striker
HB2110: civil penalties; traffic; mitigation; restitution	Rep. Biasiucci(R)	House: Transportation, Rules. Senate: Transportation and Technology, Rules.	If a "monetary obligation" (defined) is imposed on a person at sentencing, the court is authorized to order the person to perform community restitution in lieu of the payment of the monetary obligation. The court is required to credit any community restitution performed at a rate of \$12 per hour.	Waiving civil penalties would directly effect CCEC funding.	House: Passed Transportation 6-2-1 (present)-3(absent). Passed House Rules 5-3. Passed House Floor 43-16 (did not get 3/4). Transmitted to Senate on 2/5. Senate:	Except for fees under 12-116, House Rules attorney did not suggest a Prop 105 clause for this bill based on "formula argument".
HB2180: online content; publishers; liability; fee	Rep. Finchem (R)	House: Judiciary, Rules	A person engaged in the business of allowing online users to upload publicly accessible content on the internet and that exercises a level of "control" (defined) over the uploaded content for politically biased reasons is deemed to be a "publisher" (defined as a person that curates and distributes content on the internet) and to not be a "platform" (defined as a person that enables the content and distribution of information on the internet), and is liable for damages suffered by an online user because of the person's actions. The Attorney General or the online user who claims to have suffered the damages may bring an action to recover the damages. Does not apply to pornographic or libelous content or content that advocates or promotes violence toward a person or group of persons. A publisher is required to pay to the Attorney General an annual fee as determined by the Attorney General for each online user in Arizona that is authorized to upload publicly accessible content to the publisher's interactive computer service. The Attorney General is required to deposit the fees in the Antitrust Enforcement Revolving Fund.	The intent seems to be geared toward social media and we expect it to be implemented as such but it is one to keep an eye on to see how it actually gets implemented.		
HB2181: write-ins; residency; filing deadline	Rep. Kavanaugh (R)	House: Government & Elections, Rules	Would require write-in candidates be a resident of the filing location for 120 days before the date of the Election. Change nomination filing to 76 days before, instead of 14 days.	Change in candidate training information.	Passed Government and Elections 13-0.	
HB2265: rulemaking; expedited process; rule expiration	Rep. Kavanaugh (R)	House: Government & Elections, Rules. Senate: Government, Rules.	A state agency that seeks to expire a rule or rules is authorized to file a notice of intent to expire with the Governor's Regulatory Review Council (GRRC). GRRC is required to place the notice on the agenda for the next scheduled meeting for consideration. If a quorum of GRRC approves the notice, GRRC is required to cause a notice of rule expiration to be prepared and provide the notice of rule expiration to the agency for filing with the Secretary of State.	Would allow for an expedited process of striking a rule.	Passed Government and Elections 13-0. Passed Rules 8-0. Passed House 60-0. Referred to Senate on 2/18.	
HB2302: election lawsuits; settlements; approvals	Rep. Blackman (R)	House: Government & Elections, Rules	If a proposed settlement of an election-related civil action by the Secretary of State materially affects a county recorder, the Secretary of State cannot settle or otherwise compromise that civil action without consulting the county recorders. A county recorder is authorized to object to the settlement based on the difficulty or impracticability of its requirements, and is authorized to demonstrate or otherwise provide evidence regarding that difficulty or impracticability. If the county recorder's evidence is sufficient, the Secretary of State's settlement cannot be approved without the consent of the county recorder. A county recorder is authorized to join in any election-related civil action that materially affects the county recorder.	Geared toward the Secretary of State however one provision of the bill states, "A county recorder is authorized to join in any election-related civil action that materially affects the county recorder".	Passed Government and Elections 7-6.	

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
HB2307: voting equipment; overvote notice	Rep. Kavanaugh (R)	House: Government & Elections, Rules	County Board of Supervisors must provide signage that if a voter is to cast an overvote or any other irregularity, the vote for that office will not count.	This is just not true, if the machine had an error reading the ballot or spit it out, it would be sent to the bi-partisan election board where they would try and identify voter intent. If they could not create a duplicate ballot, in this instance, the vote would not count.	Passed Government and Elections 12-0-0-1.	
HB2308: recall petitions and elections; revisions	Rep. Kavanaugh (R)	House: Government & Elections, Rules	Numerous changes to statute relating to recall petitions and signature gathering.	None.	Passed Government and Elections 7-5-0-1.	
HB2314: presidential electors; ballots	Rep. Kavanaugh (R)	House: Government & Elections, Rules	Names of presidential electors may (not required now) to be printed on the ballot.	None.	Passed Government and Elections 13-0.	
HB2342: recalls; city elections; signatures required	Rep. Salman (D)	House: Government & Elections, Rules	For an officer elected at a nonpartisan election, the "last preceding general election" for the purpose of calculating the number of signatures required on a recall petition is the last preceding election at which the public officer who is the subject of the recall was declared elected.	None.	Passed Government and Elections 12-1.	
HB2343: voting centers; board of supervisors	Rep. Salman (D)	House: Government & Elections, Rules	Only on a specific resolution of the county board of supervisors, the board is permitted to authorize the use of additional types of voting locations by using voting centers and early voting drop-off centers. A voting center is deemed to be a polling place on election day, and may be used as an early voting location. When an election is ordered and voting centers are used, the county board of supervisors is required to appoint a voting center election board for each voting center consisting of at least one inspector, one marshal and as many judges or clerks as needed. Requires there to be an equal number of inspectors in the various voting centers in the county who are members of the two largest political parties. The board may also appoint a minor, at least 16 to serve as Clerk of Elections. Schools cannot penalize a student for missing class due to serving as Clerk of Elections. County recorders are authorized to make changes to the approved early voting locations and are required to notify the public as soon as practicable. Also, change "one central location" for replacement ballots to "one or more locations".	Updates to voter education. Possible outreach to let kids know they can be hired for this position. Sounds like a nice opportunity to get involved.		
HB2344: early voting; weekend hours	Rep. Salman (D)	House: Government & Elections, Rules	On-site early voting locations, including the locations at the county recorder's office, are required to be open until 7:00PM on the Saturday, Sunday and Monday immediately preceding election day.	Voter Ed. changes to reflect change in early emergency voting.		
HB2345: early ballot collection; limitations; repeal	Rep. Salman (D)	House: Government & Elections, Rules	Would no longer be a class (6) felony to knowingly collect voted or unvoted early ballots.	Small update to website.		
HB2358: voter registration update; address change	Rep. Kavanaugh (R)	House: Government & Elections, Rules	By May 1 of each year, the County Recorder shall use the National Change of Address system from USPS to remove voters who have moved out of the County or State. They are also no longer required to provide information to the voter on how to continue to be eligible to vote.	None.	Held in Government and Elections.	
HB2359: election equipment; access; locks	Rep. Kavanaugh (R)	House: Government & Elections, Rules	For a voting machine; any open plug, port, access port will be will be locked with a tamper proof device.	None.	Passed Government and Elections 13-0.	
HB2360: driver license voter registrations; committee	Rep. Kavanaugh (R)	House: Government & Elections, Rules	The Secretary of State is required to operate and maintain the driver license voter registration system in conjunction with a committee of county recorders that is selected by a statewide county recorder membership group.	None.	Passed Government and Elections 13-0.	
HB2361: write-ins; early ballots; processing	Rep. Kavanaugh (R)	House: Government & Elections, Rules	The deadline for filing a nomination paper to be a write-in candidate is moved to 5PM on the 76th day before the election, from 5PM on the 40th day before the election. Tallying of early ballots is permitted to begin immediately after the envelope and completed affidavit are processed and delivered to the early election board, and the prohibition on early ballots being tallied any early than 14 days before election day is deleted.	Slight update to candidate training regarding nomination papers for write-ins.	Held in Government and Elections.	
HB2362: elections; ballot privacy folders	Rep. Kavanaugh (R)	House: Government & Elections, Rules	A voter is to be given a privacy envelope along with their ballot when voting.	None.	Passed Government and Elections 13-0.	Amended in committee.
HB2363: municipal election officers; certification training	Rep. Kavanaugh (R)	House: Government & Elections, Rules	For municipal employees who work on elections, the municipality is authorized to train its own employees if the municipal training program is approved by the Secretary of State.	None.	Passed Government and Elections 13-0.	
HB2364: election pamphlet submittals; identification required	Rep. Kavanaugh (R)	House: Government & Elections, Rules	Arguments in favor of or against a ballot measure, which are printed in the informational pamphlet, must contain a sworn, notarized statement of the person submitting it. If the argument is submitted by an organization, it must contain the sworn statement of two executive officers of the organization. The names of persons and entities submitting written arguments is required to be included in the informational pamphlet. Persons signing the argument must identify themselves by giving their residence address and telephone number, which cannot appear in the pamphlet. Any argument submitted that does not comply with these requirements cannot be included in the pamphlet.	None.	Passed Government and Elections 13-0.	

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
HB2369: early ballots; notarization; identification	Rep. Payne (R)	House: Government & Elections, Rules	Requires a voter's signature on an early ballot return envelope to be notarized. The voter is required to present identification to the election board worker when dropping off an early ballot as required for in-person voting. A family member and a household member are removed from the list of persons authorized to collect an early ballot on behalf of a voter.	Update to voter education regarding early ballots.		
HB2370: permanent early voting list; repeal	Rep. Payne (R)		Repeals the PEVL.	Update to voter education regarding early voting.		Would require that you request an early ballot for each election.
HB2371: hand count; voting centers; total	Rep. Payne (R)	House: Government & Elections, Rules	For a county that uses voting centers, at least two percent of the total number of ballots cast in the county must be randomly selected for a hand count after each election, from a pool consisting of at least two percent of the voting centers or two voting centers, whichever is greater. Voting centers are deemed to be a precinct for the purposes of the hand counts.	None.		
HB2373: voter registration groups; forms; identifiers	Rep. Dunn (R)	House: Government & Elections, Rules	Any person or group that request 10 or more voter registration forms from the County must put their unique identifier on said form collected or distributed by them. S/E ups count from 10 to 25 forms.	We would likely need to add the Clean Elections symbol to voter registration forms (stamp, printed).	Passed Government and Elections 7-6.	
HB2378: ranked choice voting; presidential preference	Rep. Dunn (R)	House: Government & Elections, Rules	Notwithstanding any other statute, the PPE shall be conducted by ranked choice voting when 3 or more candidates qualify for a political party's ballot. Establishes requirements for how to conduct tabulation. The SoS shall conduct a voter education outreach campaign to familiarize electors with ranked choice voting.	Would require an update to voter education and likely a joint campaign with the SoS's office.	Held in Government and Elections.	"Election threshold" means the number of votes that are sufficient for a candidate to be elected in a multi-winner contest which is determined by calculating the total votes to be counted for active candidates in the first round of tabulation, dividing by the sum of one plus the number of offices to be filled, then adding one, disregarding any fractions.
HB2426: presidential electors; congressional districts; at-large	Rep. Carrol (R)	House: Government & Elections, Rules	Would change Arizona from a winner take all state to a state who casts their Electoral College votes by Congressional District. The 2 remaining votes would be voted on by the Legislature. If a tie vote occurs, the remaining electors would be split among the respective candidates.	Update to voter education, specifically how the Electoral College would function in Arizona.		
HB2430: publicity pamphlet; submittal dates	Rep. Bolick (R)	House: Government & Elections, Rules	Emergency clause to change arguments for publicity pamphlet dates. Legislative Council has till 30 days before the primary to submit analysis instead of 60 days, a person filing has till 27 days before the primary instead of 48 days.	None.	Passed Government and Elections 12-0-0-1.	
HB2443: certificate of election; technical correction S/E: service contracts; preexisting conditions	Rep. Nutt (R)		Technical change. Apparent striker. S/E Modifies certain service contract disclosure requirements relating to preexisting conditions.	None.		
HB2444: judges; election; technical correction	Rep. Nutt (R)		Technical change. Apparent striker.	None.		
HB2468: elections; special districts; technical correction	Rep. Barton (R)		Technical change. Apparent striker.	None.		
HB2469: mail ballot elections; technical correction	Rep. Barton (R)		PDF links to HB2468, not HB2469. However, it is likely another striker bill.	None.		
HB2529: early ballots; address; return	Rep. Dunn (R)	House: Government & Elections, Rules	Early ballots shall have a "return to sender" marking for those who receive a ballot by mail for someone who does not reside at that address.	None.	Passed Government and Elections 13-0.	
HB2560: removal; permanent early voting list	Rep. Dunn (R)	House: Government & Elections, Rules	If a voter fails to vote using an early ballot in a General Election, they shall be removed from the PEVL.	Would require an update to voter education.		The way it is written, even if someone chooses to vote in person on Election Day, they would still be removed from PEVL.
HB2569: elections; private funding; prohibition	Rep. Hoffman (R)	House: Government & Elections, Rules	Notwithstanding any other law, the state, city, town, county, school district, or other public body that conducts or administers elections may not receive or expend private monies for preparing for administering or conducting an election, including registering voters.	None.	Passed Government and Elections 7-6.	Would allow for only appropriated money to be spent on administering elections.
HB2613: ballots measure amendments	Rep. Salman (D)	House: Government & Elections, Rules	Would allow for a person or organization to submit the proposed description for an initiative petition or referendum petition to the Attorney General for determination of whether or not the description is lawful and sufficient. AG has 10 days to approve or reject, if rejected must provide reasoning. IF accepted, those wishing to challenge the description have 10 days.	None.		In response to lawsuits filed against Prop 208's description not being sufficient.
HB2616: election data; legislative review authority	Rep. Biasiucci (R)	House: Government & Elections, Rules	After tabulation but before the official canvass, the county recorder and county board of supervisors shall provide to designated representatives of the legislature access to or copies of election data, including results and other election records, equipment, systems and facilities. On written request, the Speaker of the House or the Senate President shall receive access as described above whether in session or not.	None.		Copy of SB1444.
HB2686: candidate signs; prohibition; primary	Rep. Fillmore (R)	House: Government & Elections, Rules	Extends the period in which signs cannot be altered with from 45 days before the Primary to 150 days before the General Election which would work out to approximately 65 days before the Primary.	None.		

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
HB2701: polling places; identification; early voting	Rep. Fillmore (R)	House: Government & Elections, Rules	Will require a 3/4 vote. Makes substantive changes to voting in Arizona. The list of acceptable ID's for registration is expanded to include a ID card issued by the Government. Limits all of the secondary ID's that are allowable when voting in person. A qualified elector may only vote by mail if they are physically unable to vote in person, exceptions for military, nursing homes, and those with physical disabilities. Also, provides limits on the number of vote centers allowed in a county based on population. Changes documents to obtain a driver license; proof of identity via passport or birth certificate, proof of social security number (social or W-2), proof of residency via 2 forms such as a utility bill or bank statement.	Update to voter education/website.		
HB2708: voting rights; felonies; automatic restoration	Rep. Espinoza (D)	House: Government & Elections, Criminal Justice Reform, Rules	Upon absolute discharge from either prison or probation would have their voting rights automatically restored.	Update to website information.		
HB2720: ballots; election contests; certificates	Rep. Bolick (R)		The County Recorder must maintain a count of all ballots produced and post this information 1 day after the election. Keep a digitized image of duplicated ballots as public record. Increases access for observers and states that the live feed must clearly display ballots being counted and the screens used by the electronic adjudication board. If a live feed goes out, a County Recorder and the Board of Supervisors be deemed ineligible for reelection and would be barred from public office for 10 years. Also, with a majority vote the Legislature would have authority over certification of the election and could revoke the decision whether in session or not. Would allow any party to request a jury trial which shall be granted. A court may not grant a motion to dismiss or a motion for summary judgement until after the jury has issued its verdict. Would also allow for the inspection of tabulation equipment pre trial from either party.	None.		Several of these provisions I believe would require majority support as constitutional rights such as; right to a private ballot, and being able to have full authority over the states presidential electors are a large cause for concern.
HB2722: emergency voting; manual; photographs; electioneering	Rep. Bolick (R)	House: Government & Elections, Rules	Statute takes precedent over elections manual if there are conflicting provisions. Involves the Leg in making any changes to the election manual and in picking tabulation personnel. Allows video and photography within the 75 foot limit if it is ones own ballot. Strikes provision for vote centers. Requires board of supervisors to approve any and all emergency voting locations.	None.		
HB2723: campaign finance; reports; contribution amount	Rep. Kavanaugh (R)	House: Government & Elections, Rules	Changes reporting for aggregate contributions from \$50 to \$200.	Candidates would no longer be required to report details such as name, address, occupation, employer for donations as candidates are already limited to \$170 donations.	Passed Government and Elections 7-6.	
HB2736: presidential preference election; independent voters	Rep. Pawlik (D)	House: Government & Elections, Rules	Would allow Independents to participate in the PPE.	Voter education efforts.		
HB2750: automatic voter registration; same day	Rep. Teran (D)	House: Government & Elections, Rules	Automatic registration on and up to Election day plus automatic registration upon driver license or ID renewal/issuing.	Update to website information regarding registering to vote.		
HB2782: clean elections; county candidates	Rep. Powers Hannley (D)	House: Government & Elections, Rules	Clean Elections would now provide funding for races at the County level to included; bounty board of supervisors, county assessor, county attorney, county recorder, county school superintendent, county sheriff, and county treasurer. Lays out funding amounts and requires 200 \$5 dollar contributions to qualify for all county offices.	Yes, we would need to provide funding and training to candidates for County positions.		
HB2783: campaign finance; contribution limits	Rep. Powers Hannley (D)	House: Government & Elections, Rules	Lowers contribution amounts for candidates across the board. Strikes partnership contributions for monies in the name of the partnership and that they now shall be attributed to each contributing party as designated by the partnership.	Would make Clean Elections a more competitive option for candidates.		
HB2792: early ballots; request required	Rep. Hoffman (R)	House: Government & Elections, Rules	Unless a voter is on the PEVL or specifically request an early ballots, a county recorder or other election officer may not mail them a ballot.	None.	Passed Government and Elections 7-5.	
HB2793: voter registration; request required	Rep. Hoffman (R)	House: Government & Elections, Rules	Any agency or byproduct acting on its behalf may not register someone to vote unless they specifically request to do so.	I do not believe this effects any sort of registration drive, rather prevents "automatic voter registration" as the title of the provision would suggest. Would need to see how this bill is interpreted by state agencies.	Passed Government and Elections 7-6.	
HB2794: election deadlines; modifications prohibited	Rep. Hoffman (R)	House: Government & Elections, Rules	Class 6 felony to change any date, deadline, filing date, or other election date related to Elections other than what is provided for in statute.	None.	Passed Government and Elections 7-6.	

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HB2797: election laws; revisions; appropriation	Rep. Salman (D)	House: Government & Elections, Appropriations, Rules	Automatic restoration of voting rights upon final discharge. Various election law changes; Automatic restoration of rights, allow for international observers, updating standards for e-polibook, may skip signature verification if elector gets ballot at early voting location, county recorder shall register to vote someone who votes a provisional and is not registered, provisional ballots to have all the information required to register. The Secretary of State is required to establish a system to issue credentials to a limited number of international observers to observe elections in Arizona. Appropriates \$100,000 from the general fund in each of FY2021-22 and FY2022-23 to the Secretary of State to provide risk-limiting audit grants to officers in charge of elections to conduct risk-limiting audits. By March 31, 2022, the Secretary of State is required to report to the Joint Legislative Budget Committee on its plan for distributing these grants. For the 2022 general election, an officer in charge of elections is authorized to conduct a risk-limiting audit instead of a hand count audit. By March 31, 2023, the Secretary of State is required to report to Legislature on any findings and recommendations related to the use of risk-limiting audits.	Updates to voter information on website.		Identical to Quezada's SB1667 except it adds the part about the SoS.
HB2798: early voting procedures; signature cards	Rep. Barton (R)		90 day notice before an election must be returned signed and with a copy of the electors drivers licence or state ID in order to receive a ballot. If the information that the voter returns does not match the voter's records, the county recorder or officer in charge of elections is required to contact the voter to resolve the discrepancy. If the discrepancy is not resolved, the county recorder or other officer in charge of elections is prohibited from mailing the voter an early ballot and the voter must be removed from the permanent early voting list. The requirement for the county recorder or other officer in charge of elections to contact a voter with an inconsistent signature on an early ballot affidavit and allow the voter to correct the signature is deleted.	Update to voter information on website.		
HB2799: voter registration rolls; electioneering	Rep. Barton (R)	House: Government and Elections, Rules	The Secretary of State is required to use the records of deaths transmitted by the Department of Health Services to establish a nonpublic database for use by county recorders to cancel the names of deceased persons from county voter registration databases. A legislative committee is required to have access to the records to confirm the process of cancellation of deceased voters. For the purpose of electioneering being prohibited within 75 feet of a polling place, the definition of "electioneering" is modified to include wearing, displaying or carrying an item that expresses support for or opposition to a candidate or ballot question that appears on the ballot in that election.	None.		
HB2800: elections; legislative session; procedures manual	Rep. Barton (R)	House: Government and Elections, Rules	Declares that the Legislature has absolute authority over elections. An election special session of the Legislature begins by operation of law on the date of the regular primary election and the regular general election and continues for at least three days following the election. During an election special session, the Legislature is authorized to conduct hearings and receive testimony, documents and other evidence as appropriate relating to any irregularities that occur during and after the election. The Legislature is authorized to vote to reject or confirm the preliminary results of the election. If confirmed, the Legislature is required to forward that confirmation to the county board of supervisors of the county examined by the Legislature. On rejection, the Legislature is required to forward its findings to the office of the Attorney General for possible civil or criminal action. Also, the official election instructions and procedures manual prepared by the Secretary of State is required to be approved by a vote of the Legislature, instead of by the Governor and the Attorney General.	Update to Election processes.		
HB2804: public meetings; executive session	Rep. Pingerelli (R)	House: Government and Elections, Rules	Requires a notice of executive session to also include the statutory reference to which the legal advice pertains, in the case of legal advice.	Would need to add this provision to our public meeting notices.	Passed Government and Elections 7-6.	Concerns on predicting what may require legal advice in advance of a public meeting.
HB2811: same day registration; prohibition	Rep. Hoffman (R)	House: Government and Elections, Rules	Any state agency, department, or division may not register someone to vote on Election Day and deem that individual eligible to vote in that Election.	None.	Passed Government and Elections 7-6.	
HB2826: elections; county canvass; legislative review	Rep. Roberts (R)	House: Government and Elections, Rules	The certified permanent copy of a county's official canvass for all offices and ballot measures is required to be delivered to the Legislature. On receipt of an official county canvass, the Legislature "under its plenary powers regarding elections" is authorized to call itself into session for the purpose of reviewing the official county canvass, certifying its results by majority vote and transmitting those results to the Secretary of State.	None.		

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
HB2869: election procedures; registrations; campaign finance	Rep. Salman (D)	House: Government and Elections, Rules	Numerous changes to statutes relating to Elections. Most notable: Automatic registration/updates of registration when providing proof of citizenship through ADOT to get/renew a license/state ID. Eliminates requirement for voter to live within the district for 29 days prior to registration. Each county must provide a registration clerk at each official polling place, vote center, or early voting site. Reduces PAC and individual contributions. Requires a 3/4 vote.	Various changes to voter information and outreach.		
HB2874: permanent early voting list; independents	Rep. Chavez (D)	House: Government and Elections, Rules	The application to be placed on the permanent early voting list is required to allow a voter who is not registered as a member of a recognized political party to designate which political party's ballot the voter wishes to receive automatically for partisan open primary elections.	Change to voter information.		
HB2875: voter registration; maintenance; early voting	Rep. Carrol (R)	House: Government and Elections, Rules	The election notice and form sent to voters on the permanent early voter list is required to include instructions to complete the form by confirming or updating the voter's voter registration information, providing the voter's voter identification card number, indicating whether the voter wishes to continue to receive an early ballot, signing the form and returning it to the county recorder. If the voter completes and returns the notice and form, the county recorder or other officer in charge of elections is required to examine the information and signature and compare it to the information on the voter registration rolls. If the voter does not complete the form and return the notice, the county recorder or other officer in charge of elections is required to send a second notice requesting the same information. If the second notice and form are not returned within 30 days after the second mailing, the county recorder or other officer in charge of elections is required to remove the voter from the permanent early voting list.	Update to voter information regarding PEVL.		
HB2881: election hand counts; verification committee	Rep. Blackman (R)	House: Government and Elections, Rules	The number of precincts in each county that must be randomly selected for a hand count after each election is increased to the number of precincts required to achieve a statistical significance consisting of a percentage confidence level as determined by the Vote Count Verification Committee with a margin of error as determined by the Committee that is to be based on the total number of ballots cast in that county, instead of two percent or two precincts.	None.		
HCR2016: initiatives; supermajority vote requirement	Rep. Dunn (R)	House: Government and Elections, Rules	The 2022 general election ballot is to carry the question of whether to amend the state Constitution to require approval by 60 percent of the votes cast on the measure for an initiative or referendum measure to become law, instead of a majority of the votes cast.	None.	Passed Government and Elections 7-6.	This bill would make it much harder to pass voter approved initiatives. For example, the Clean Elections Act passed with a 51.2% vote, under this amendment, it would not have passed.
HCR2020: lieutenant governor; joint candidacy	Rep. Nutt (R)	House: Government and Elections, Rules	The 2022 general election ballot is to carry the question of whether to amend the state Constitution to add a Lieutenant Governor to the executive department, which person is next in line to succeed to the office of Governor. No later than 100 days before the general election, unless the Legislature prescribes otherwise by statute, each nominee for the office of Governor is required to name a Lieutenant Governor nominee to run on a ticket as a joint candidate with that nominee for the office of Lieutenant Governor. The Lieutenant Governor's powers and duties are to supervise and direct the Department of Administration or its successor agency. Applies beginning with elections for the term of office that starts in 2027.	None.	Passed Government and Elections 7-5-0-1. Passed Rules 8-0.	
HCR2021: electoral college; supporting	Rep. Burges (R)	House: Government and Elections, Rules	That the Members of the Legislature support the Electoral College and oppose any effort to repeal or nullify it, including the National Popular Vote Interstate Compact. That the Members of the Legislature support the Governor and Attorney General of this state in any efforts to aggressively litigate against the National Popular Vote Interstate Compact should other states attempt to implement it.	None.	Passed Government and Elections 7-6.	
HCR2023: elections; state authority; infringement; opposition	Rep. Hoffman (R)	House: Government and Elections, Rules	The members of the Legislature oppose any attempt by the federal government to usurp, or otherwise interfere with, the state legislative sovereign authority over the management, control and administration of elections. The members of the Legislature oppose H.R. 1 and any subsequent enactment of the terms of this proposal and implore the members of the United States House of Representatives and the United States Senate to oppose the proposal. The Secretary of State is directed to transmit copies of this memorial to the President of the U. S. Senate, the Speaker of the U.S. House, each member of Congress from Arizona, and each Speaker of the House of Representatives and each President of the Senate of the other state legislatures.	None.	Passed Government and Elections 7-6.	

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HCR2027: campaign finance; source disclosure	Rep. Hernandez (D)	House: Government and Elections, Rules	The 2022 general election ballot is to carry the question of whether to amend the state Constitution to require any person that makes campaign expenditures of more than \$10,000, or \$20,000 for statewide campaigns, in a two-year election cycle to promptly disclose the identity of all "original sources" of "major contributions" (both defined) used to fund that expenditure, and to grant the Citizens Clean Elections Commission the authority to establish penalties to enforce this requirement. Severability clause. If approved by the voters, the amendment applies to all elections occurring after January 1, 2024.	Would require that CCEC establish penalties for not reporting major contribution sources.			
HCR2038: legislative session; county canvass	Rep. Roberts (R)		The 2022 general election ballot is to carry the question of whether to amend the state Constitution to require the Legislature to hold an election special session to review the county canvasses for any general election for legislative or statewide office, including the office of presidential elector. The Legislature is authorized to hold hearings on the canvasses, receive evidence, hear witness testimony and approve or reject the county canvasses. On approval by the Legislature, the Legislature is required to certify the county canvasses and send the county canvasses to the Secretary of State. On rejection of one or more county canvasses, the Legislature is authorized to refer the matter to the Attorney General for further action.	Update to website on election processes.			
SB1002: early voting envelopes; party affiliation	Sen. Ugenti-Rita (R)	Senate: Government, Rules	Ensure ballot return envelope does not indicate party affiliation.	None	Passed Government 7-0-1. Passed Rules. Passed Senate 20-9-1. Transmitted to House on 2/11.		
SB1003: early voting; signature required; notice	Sen. Ugenti-Rita (R)	Senate: Government, Rules	Ballots without signatures will not be counted, voter has until 7 p.m. on Election Day to cure their signature. County will make the effort to contact the voter.	None.	Passed Government 5-3. Passed Rules.		
SB1010: recount requests; amount; bond; procedure	Sen. Mesnard (R)	Senate: Government, Rules	Changes post Election audit from 2% to 5%, vote centers are not interchangeable with precincts by definition, anyone may request a recount if they front the cost.	None	Passed Senate Government 5-3. Passed Rules.	We may want to lobby to add some limitations as to avoid lengthy elections.	
SB1020: voting locations; electioneering	Sen. Ugenti-Rita (R)	Senate: Government, Rules	Counties are no longer allowed to restrict electioneering outside of a vote center or polling location based on emergency designation.	None	Passed Government 5-3. Passed Rules.		
SB1023: elections; county supervisors; ballots; markers	Sen. Townsend (R)	Senate: Government, Rules	Counties can not provide a marking pen that can damage, and/or bleed through. No specific pen may be required either.	Could require voter education efforts to inform voters that bringing their own pen will likely require it going straight to the duplication board.		Depending on interpretation, could cause a lot of issues with vote machines not being able to read certain pens.	
SB1025: elections; polls; override notification	Sen. Townsend (R)	Senate: Government, Rules	If a ballot is rejected due to an overvote or irregularity, election board official is required to advise the voter that if the voter chooses to override the overvoted office or measure, the voter's vote for that office or measure will not be tallied.	None.	Passed Senate Government 4-3-1. Passed Rules.		
SB1036: voting systems technology study committee	Sen. Townsend (R)	Senate: Government, Rules	Forms a committee to study Election Integrity, voting system technologies, and form best practices.	None	Passed Government 5-3. Passed Rules.	Worrisome clause: On request of the committee, an agency of this state or a political subdivision of this state shall provide the committee with access to its equipment, documents, personnel and facilities to the extent possible and without cost to the committee.	
SB1068: elections manual; legislative council; GRRRC	Sen. Ugenti-Rita (R)	Senate: Government, Rules	The official election instructions and procedures manual prepared by the Secretary of State is required to be approved by the Legislative Council and the Governor's Regulatory Review Council, instead of the Governor and the Attorney General.	None	Passed Government 5-3. Passed Rules.		
SB1069: permanent early voting list; eligibility	Sen. Ugenti-Rita (R)	Senate: Government, Rules	If a voter fails to vote an early ballot in both the primary election and the general election for two consecutive primary and general elections for which there was a federal, statewide or legislative race on the ballot, the county recorder is required to remove the voter from the permanent early voting list and the voter will no longer be sent an early ballot by mail automatically. By December 1 of each even-numbered year, the county recorder or other officer in charge of elections is required to send a notice to each voter who is removed under this provision informing the voter that if the voter wishes to remain on the permanent early voting list, the voter must confirm that in writing, sign the notice, and return the completed notice within 30 days after the notice is sent.	We would need to make adjustments to voter education and stress the importance of voting/returning the notice to the county.	Passed Government 5-3. Passed Rules. Failed Senate 15-15.		
SB1071: voting irregularities; report; legislative review	Sen. Townsend (R)	Senate: Government, Rules	The county recorder or other officer in charge of elections is required to maintain a record of all voting irregularities that occur during early voting, emergency voting and election day voting. Information that must be described in the record is listed. Within 30 days after election day, the county recorder or other officer in charge of elections is required to provide the record to the Legislature.	None.			
SB1072: election contests; filing deadline	Sen. Townsend (R)	Senate: Government, Rules	The deadline for a voter to contest an election is moved from 5 days after the certification of the canvass to 30 days.	None.			
SB1083: elections; recount margin	Sen. Ugenti-Rita (R)	Senate: Government, Rules	Would change the margin of recount from 1/10 of 1% to half of 1% and strikes the criteria for a recount on specific offices.	None	Passed Government 5-3. Passed Rules.		

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
SB1103: lieutenant governor; duties; ballot	Sen. Mesnard (R)	Senate: Government, Rules	No later than 60 days before the date of the general election, a candidate for Governor is required to submit to the Secretary of State the name of a person who will be the joint candidate for Lieutenant Governor with that gubernatorial candidate and whose name will appear on the general election ballot jointly with that candidate. Applies beginning with elections for the term of office that starts in 2027.	Refer to SCR1004		
SB1104: campaign finance; contributions; disclosures; itemization	Sen. Mesnard (R)	Senate: Government, Rules	The information that must be included in campaign finance reports is expanded to include contributions from out-of-state individuals, including identification of the contributor's occupation and employer. After receiving a combined total of \$5,000 from in-state contributors who each contributed an individual aggregate of \$50 or less to a political committee during an election cycle, the campaign finance report is required to identify every subsequent individual in-state contributor, and the amount and date of each contribution.	Would effect reporting for out of state contributions to Clean Candidates	Passed Government 7-1. Passed Rules. Passed Senate 16-14. Transmitted to House on 2/18.	
SB1106: voting residency; intent to remain	Sen. Mesnard (R)	Senate: Government, Rules	A person who knowingly causes or allows himself to be registered as a voter in Arizona solely for the purpose of voting in an election in Arizona without the intent to remain as prescribed in statute is guilty of a class 6 (lowest) felony.	None.	Passed Government 5-3. Passed Rules.	
SB1107: redistricting; petition signatures; 2022 candidates	Sen. Mesnard (R)	Senate: Government, Rules	If a candidate for the legislature or congressional race's districts are changed per the 2021 redistricting panel, their nomination petition and nomination paper will still be valid.	Should be none.	Passed Government 7-0-1. Passed Rules.	
SB1156: forfeiture of office; technical correction	Sen. Mesnard (R)	Senate: Commerce, Rules	Minor change in Title 41 (State Government) related to forfeiture of office. Apparent striker	None.	Passed Commerce 6-3.	
SB1203: presidential candidates; electors; tax returns	Sen. Mendez (D)	Senate: Government, Rules	A candidate for President of the U.S. is required to submit to the Secretary of State a copy of the candidate's federal and state income tax returns for the immediately preceding five years. A candidate who fails to provide the copies by September 15 immediately preceding the general election is ineligible to appear on the general election ballot and the candidates for presidential elector for that candidate's political party are ineligible to appear on the general election ballot.	None.		
SB1240: hand counts; precincts; procedures manual	Sen. Townsend (R)	Senate: Government, Rules	States if a provision in the instructions of the Election Manual conflict with state statute, the state statute prevails. For a county that uses voting centers, ballots shall be separated by precinct for the random selection. A vote center is not deemed a precinct for the random audit.	None.	Passed Government 5-3. Passed Rules.	
SB1241: voting equipment; ballots; receipt	Sen. Townsend (R)	Senate: Government, Rules	Voter shall receive a receipt upon voting stating whether their ballot was tabulated or rejected. Does not apply to early ballots.	None.	Passed Government 5-2-1. Passed Rules.	
SB1242: election equipment; security; legislative review	Sen. Townsend (R)	Senate: Government, Rules	Beginning in 2021 and every two years thereafter, the committee appointed by the Secretary of State to investigate and test the various types of vote recording or tabulating machines or devices is required to provide for a detailed review of election equipment security for counties with a population of more than 500,000 persons that focuses on the actual equipment, software and other systems used in the most recent general election. An additional person who is an expert in election equipment security must assist with the review. On completion, the review must be presented to the standing committees of the Legislature with jurisdiction over election issues at a public meeting that is held by August 1 following the general election.	None.		
SB1304: state elections; contest; technical correction S/E: relating to engineers; regulation	Sen. Ugenti-Rita (R)	Senate: Commerce, Rules	Technical change. Apparent striker.	None.	Passed Commerce 6-3.	
SB1305: statement of contest; technical correction S/E: relating to sex offender registry	Sen. Ugenti-Rita (R)	Senate: Judiciary, Rules	Technical change. Apparent striker.	None.	Passed Judiciary 5-3.	
SB1313: countywide elections; vote by mail	Sen. Bowie (D)	Senate: Government, Rules	If a county has at least 60% of its registered voters on the PEVL and the Board of Supervisors votes to approve, a county can host an all mail election for elections hosted by the county including state and federal races. Counties would also be required to report to the Legislature January 1 following the election(16-409.C).	None		
SB1358: recorders; voter registrations; public buildings	Sen. Ugenti-Rita (R)	Senate: Government, Rules	A county recorder may only conduct a voter registration drive at a government owned building.	None.	Passed Government 5-3. Passed Rules.	
SB1404: ctcds; district governing boards; elections S/E biliteracy; assesment; diploma	Sen. Boyer (R)	Senate: Education, Rules	Lays out a process for reducing the number of a school districts governing board to 3 from 5.	None.	Passed Education 7-0-1.	
SB1427: voter fraud unit; auditor general	Sen. Townsend (R)	Senate: Government, Rules	The auditor general now shall supervise and support the voter fraud unit.	None.		
SB1432: political signs; removal date	Sen. Ugenti-Rita (R)	Senate: Government, Rules	Changes the number of days allowed to remove a sign from 7 to 15 days post election.	None.	Passed Government 4-2-2. Passed Rules. Passed Senate 17-13. Transmitted to House on 2/18.	

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
SB1437: registration; voting jails; confinement	Sen. Quezada (D)	Senate: Government, Rules	Every person who is eligible to register to vote may who is in custody of the state or county jail shall be provided the opportunity to register upon release from confinement. A county with more than 300,000 persons shall provide a vote center at the county jail. The county recorder must also provide early ballot request form.	Possible coordination with counties to inform voters who are temporarily incarcerated or their voting rights.		
SB1439: voting rights; felonies; automatic restoration	Sen. Quezada (D)	Senate: Government, Rules	Voters rights automatically restored upon person's absolute discharge from imprisonment.	None.		
SB1444: election data; legislative review authority	Sen. Borelli (R)	Senate: Government, Rules	After tabulation but before the official canvass, the county recorder and county board of supervisors shall provide to designated representatives of the legislature access to or copies of election data, including results and other election records, equipment, systems and facilities. On written request, the Speaker of the House or the Senate President shall receive access as described above whether in session or not.			Copy of HB2616.
SB1485: elections; voting center tabulation	Sen. Ugenti-Rita (R)	Senate: Government, Rules	Vote centers to tabulate on site.			
SB1490: election and ethics; commission; duties	Sen. Quezada (D)	Senate: Government, Rules	Establishes the Arizona Election and Ethics Commission consisting of six members who are appointed by the Governor and other specified elected officials and who meet specified requirements. Beginning in 2022, the Commission succeeds to the duties of the Secretary of State with respect to acting as the investigatory, compliance and enforcement officer for political committees supporting or opposing candidates for state offices and members of the Legislature and statewide initiative or referendum measures appearing on a state general election ballot. Powers and duties of the Commission are established, including receiving any ethics complaint filed against candidates or elected officials of state government. The Commission terminates on July 1, 2031.	None.		
SB1492: election law amendments	Sen. Shope (R)	Senate: Government, Rules	Various changes relating to election law. A petition for a new political party to be represented by an official party ballot is required to contain the signatures of qualified electors in at least 1/4 of the election precincts of the county or municipality. The county recorder or the city or town clerk is required to review the petitions, select a random sample of 20 percent of the total signatures, individually verify and certify those signatures, and calculate and project the total number of valid signatures to determine whether the party will be recognized. The requirement for candidates to file a statement of interest with the appropriate filing officer no later than the date of the first petition signature on a nomination petition does not apply to candidates for elected office for school districts, community college districts or career technical education districts. A candidate's name printed on the ballot is prohibited from including a slogan, promotional word or phrase, or any word that does not actually constitute a nickname. The maximum number of days before an election that a county board of supervisors is permitted to cancel the election if only one person files a nominating petition to fill certain offices is increased to 105 days, from 75 days. If there is not a sufficient number of persons available to appoint precinct workers who are qualified voters of that precinct, the inspector, marshal, judges and clerks must be qualified voters of Arizona. The required test of election equipment is no longer required to be observed by at least two election inspectors, and is instead required to be observed by at least one representative of the two largest political parties based on statewide voter registration totals. County boards of supervisors are required to deliver the canvass to the Secretary of State within 14 days after the primary election, increased from 10 days, and the Secretary of State is required to canvass the return by the third Monday following the primary election, instead of the second Monday following. More. Emergency clause.	Updates to dates for candidates and some updates to detail pages on website regarding testing equipment and canvass.	Passed Senate Government 8-0.	
SB1497: ballot measures; proposition 105; disclosure	Sen. Ugenti-Rita (R)	Senate: Government, Rules	For any statutory measure, include the Prop 105 clause and description that it cannot be changed unless there is a 3/4 vote by the Legislature and that it must further the purpose of the measure. To be included on the publicity pamphlet as well.	None.	Passed Government 4-2.	
SB1503: early ballots; mail return prohibited	Sen. Townsend (R)	Senate: Government, Rules	Voters must return a mailed ballot by hand. Early ballots received in the mail are deemed invalid.	Update to voter education.		
SB1530: early ballots; undeliverable; instructions	Sen. Mesnard (R)	Senate: Government, Rules	The ballot envelope must state that if the voter does not reside at this address to mark it and return to sender.	None.	Passed Government 8-0.	

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
SB1531: petition signatures; description; invalidity	Sen. Mesnard (R)	Senate: Government, Rules	A circulator of an initiative or referendum petition is required to either read the initiative or referendum description aloud to each person signing before that person signs or to allow the person sufficient time to read the description before the person signs. The circulator must inform the person that reading the description is required so that the person can understand the petition. Each person signing must affirm that the person has heard and understood or read and understood the description before signing the petition. For any person who signs without either hearing or reading the description, the circulator is required to draw a line through the person's signature and the signature is void and cannot be counted.	None.	Passed Government 4-3-1. Passed Rules.	
SB1593: early voting; time limits; envelope	Sen. Gowan (R)	Senate: Government, Rules	Early ballots go out 22 days before the election and not later than 19 days before the election. Changed from 27 days and 24 days before. The officer charged by law with the duty of preparing ballots is required to provide a second internal envelope that bears the ballot affidavit and that is designed to contain the voted ballot and be placed inside the ballot return envelope. If a voter mails the voted ballot and affidavit to the county recorder or other officer in charge of elections, the ballot is valid only if it is postmarked on or before the Thursday before election day and received no later than 7PM on election day.	Update to voter information.		
SB1594: ballots; delivery receipts; custody	Sen. Gowan (R)	Senate: Government, Rules	Every person delivering the official returns and the voted ballots and every person receiving the official returns and the voted ballots is required to sign the person's name on a receipt and tracking document to substantiate the chain of custody of the returns and ballots. The tracking document with the official returns and the voted ballots must be delivered to and retained at the central counting center.			
SB1595: elections; ballot adjudication; observers	Sen. Gowan (R)	Senate: Government, Rules	If any ballot is damaged or defective so that it cannot be counted by the automatic tabulating equipment, a true duplicate copy of the damaged or defective ballot must be made by hand in the presence of statutorily authorized observers. Observers must be allowed to view and be physically present at the duplication and adjudication of ballots within a distance that allows actual observation of the markings and the determinations of the vote adjudication board. The use of electronic vote adjudication features on automatic tabulating equipment is no longer authorized.			
SB1596: write-in candidates; signatures; filing deadline	Sen. Gowan (R)	Senate: Government, Rules	The deadline for filing a nomination paper to be a write-in candidate is moved to 5PM on the 120th day before the election, from 5PM on the 40th day before the election.			
SB1597: early voting; county recorder authority	Sen. Gowan (R)	Senate: Government, Rules	The county recorder is the county official that has jurisdiction and authority over early voting in the county unless the county recorder declines to retain that jurisdiction and authority. If the county recorder declines, the county officer in charge of elections has jurisdiction and authority over early voting in the county.			
SB1613: election data; results; election equipment	Sen. Townsend (R)	Senate: Government, Rules	All election data and results are required to remain in this country and cannot be transferred, transmitted or stored in any other country. All election equipment, including computers, paper and other supplies, is required to be made in America.		Passed Government 4-3-1. Passed Rules.	
SB1614: elections; adjudicated ballots; categories	Sen. Townsend (R)	Senate: Government, Rules	For any ballots that are required to be duplicated and adjudicated, whether electronically or manually, the county recorder or other officer in charge of elections is required to separate the ballots by type of defect or damage and type of ballot, maintain that separation and post on the county's website the number, type and category of defective or damaged ballots processed by the county.			
SB1615: elections; hand count; legislative auditor	Sen. Townsend (R)	Senate: Government, Rules	For the regular primary and regular general election, at any time after completion of the unofficial returns and before the county canvass, the Legislature is authorized to require that a complete hand count be conducted by an independent auditor selected by the Legislature. The Legislature is authorized to require the hand count for up to three contested races. The county board of supervisors and the county recorder must cooperate with and provide access to the Legislature to ballots and related materials and to county facilities for the use of the auditor.			
SB1616: election equipment; security; results; tabulation	Sen. Townsend (R)	Senate: Government, Rules	Any voting equipment that is used in a polling place or voting center and any tabulation equipment that is used in a central counting center or other tabulation center is prohibited from having internet access or any accessible port, and is required to prohibit access by any means to any data or results, except by authorized election personnel. The delivery, use and return of the equipment is required to be logged on a chain of custody document so that the name and signature of every person who delivers, receives, uses and returns that equipment is recorded and retained as an official election record.			

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
SB1638: voting equipment; requirements; records; origin	Sen. Rogers (R)	Senate: Government, Rules	Vote machines must meet new requirements such as; being made in the US, maintain internal records, printed record of voters choices, and scanning of ballots.	None.		
SB1654: observers; hand counts; recounts; margins	Sen. Rogers (R)	Senate: Government, Rules	Modifies the margin between the two candidates receiving the greatest number of votes for a particular office or for and against a ballot measure that triggers an automatic recount. A recount is required when the margin is less than or equal to 0.5 percent of the number of votes cast for both candidates or on the measure, or 0.75 percent of the number of votes cast for both candidates or on the measure if requested by one of the candidates or an authorized representative of a political committee that supports or opposes the measure within two days after the release of unofficial results, or if a second hand count is conducted and the margin is 0.25 percent or less, with some exceptions. If the recount is requested by a candidate or a representative of a political committee when the margin is more than 0.5 percent and less than or equal to 0.75 percent of the number of votes cast, the expenses of a recount must be charged to the candidate or political committee that requested the recount unless the candidate or requesting political committee prevails in the recount. Hand count is now subject to live video requirements, and the party representatives may bring their own camera to record the hand count and strikes language that allows the officer in charge to prohibit using recording or remove the observer.	None.		
SB1667: election law revisions	Sen. Quezada (D)	Senate: Government, Rules	Various election law changes; Automatic restoration of rights, allow for international observers, updating standards for e-pollbook, may skip signature verification if elector gets ballot at early voting location, county recorder shall register to vote someone who votes a provisional and is not registered, provisional ballots to have all the information required to register.	Updates to voter information on website.		
SB1668: presidential preference caucuses; independent voters	Sen. Quezada (D)	Senate: Government, Rules	Changes the PPE to a Caucus election and includes independent voters.	Change to voter education and information on website.		
SB1669: voter registration; youth pre-registration	Sen. Quezada (D)	Senate: Government, Rules	Allows youth voters to register at 16 to be eligible once they turn 18.	Update to voter information.		
SB1670: automatic voter registration; same day	Sen. Quezada (D)	Senate: Government, Rules	Allows for same day voter registration. Effective Dec. 31, 2021.	Update to voter information and education.		
SB1671: early ballot collection; limitations; repeal.	Sen. Quezada (D)	Senate: Government, Rules	Strikes line restricting people to collect ballots for others.	None.		
SB1672: early voting locations	Sen. Quezada (D)	Senate: Government, Rules	Allows early voting locations to be run during the 3 day period between early voting and election day, however on-site voting would still end to allow for precinct registration and to verify voting accuracy.	None.		
SB1673: polling places; drop boxes; campuses	Sen. Quezada (D)	Senate: Government, Rules	Polling location or vote center to be established on each of the main campus of each state university and provide an early drop box at each campus and community college campuses.	Update to drop box map.		
SB1678: early voting list; renewal	Sen. Rogers (R)	Senate: Government, Rules	Changes PEVL to a 2 year early voting list and would require voters to rerequest mail-in ballots.	Update to voter information and education.		
SB1689: campaign finance; public service corporations	Sen. Mendez (D)	Senate: Government, Rules	Prohibits a public service corporation or any entity of that corporation to contribute any donation or in-kind donation to a candidate for the office of Corporation Commission.	None.		
SB1698: voting; ranking; ballot format	Sen. Mendez (D)	Senate: Government, Rules	Elections to accommodate for ranked choice voting when possible. Lays out guidelines for ranked choice voting.	Update to voter education and information.		
SB1709: elections; polling places; standards	Sen. Mendez (D)	Senate: Government, Rules	SoS and County to meet annually to optimize voting in person to meet standards laid out in this bill.	None.		
SB1713: early ballots; identification; mailing	Sen. Mesnard (R)	Senate: Government, Rules	Voter registration cards to mailed out every two years to voters. Affidavit on envelope with also need to include either Drivers License number or the voters registration number and a secondary ID to be sent in with the early ballot.	Update to voter information.	Passed Government 4-3-1. Passed Rules.	
SB1714: campaign expenditures; out-of-state; disclosure	Sen. Mesnard (R)	Senate: Government, Rules	A political action committee that makes an expenditure for an advertisement is required to include a disclosure stating the aggregate percentage of out-of-state contributors as calculated at the time the advertisement was distributed for publication, display, delivery or broadcast. The disclosure must be displayed in a height that is at least ten percent of the vertical height of the advertisement, sign or billboard, or must be clearly readable if the advertisement is delivered electronically.	Add to enforcement.	Passed Government 4-3-1. Passed Rules.	
SB1741: campaign finance; repeal; reenactment.	Sen. Navarrete (D)	Senate: Government, Rules	Completely repeals and reenacts campaign finance laws. Would have to do a line by line comparison.	Would have to do a line by line comparison to understand every change.		

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
SB1744: restoration; voting rights; website notification	Sen. Navarrete (D)	Senate: Judiciary, Rules	For a person who has been convicted of two or more felonies, the person's right to vote is automatically restored on completion of probation or absolute discharge from imprisonment. The Secretary of State is required to establish and maintain on the Secretary of State's website a hyperlink to a website with information regarding voting rights for a person who has a criminal history and the automatic restoration of the right to vote on completion of probation or absolute discharge from imprisonment. In each county with a chief adult probation officer, that officer is required to establish and maintain on the probation department's website a hyperlink to the Secretary of State's website regarding voting rights for a person who has a criminal history, and to conspicuously post in each probation office where probationers are seen a sign that contains the probation department's website address.	Update to voter information.		
SB1791: elections; JLAC recount, audit authority	Sen. Gowan (R)	Senate: Government, Rules	On a majority vote of its members, the Joint Legislative Audit Committee (JLAC) is authorized to order an audit or a recount of a legislative or statewide election, including for presidential electors and congressional offices. On receipt of a certified copy of the JLAC's order for a recount, the Secretary of State is required to certify to the superior court the facts requiring the recount, and the recount must proceed as otherwise prescribed by statute. On receipt of a certified copy of the JLAC's order for an audit, the custodian of the items requested in the audit is required to make those items available to the JLAC.	None.		
SB1793: voter registration databases; death records	Sen. Gowan (R)	Senate: Government, Rules	The Secretary of State is required to use the records of deaths transmitted by the Department of Health Services to establish a nonpublic database for use by county recorders to cancel the names of deceased persons from county voter registration databases.	None.	Passed Government 5-3. Passed Rules.	
SB1814: elections; auditor general; voter registration	Sen. Townsend (R)	Senate: Government, Rules	Beginning on April 15 each year, the Auditor General is required to audit the processes, equipment and systems used to maintain county voter registration databases and the statewide voter registration database. The Auditor General is required to conduct the audit on the two counties with the largest voter registration databases and is authorized to audit an additional county. By September 30, the Auditor General is required to submit a report on its findings to the Legislature.	None.		
SB1815: write-in candidates; residency requirements; petitions	Sen. Townsend (R)	Senate: Government, Rules	For legislative offices, the filing officer is prohibited from accepting the nomination petition of a candidate if the candidate's residence as shown on the nomination petition is not located in the legislative district for which the candidate seeks election. A write-in candidate for any elective office is required to be a resident of the electoral district for the office the candidate seeks for at least 120 days before the date of the election.	None.		
SB1817: voter registration rolls; irregularity; report	Sen. Townsend (R)	Senate: Government, Rules	On any complaint of an error or irregularity in county or state voter registration records, the county recorder and Secretary of State are required to investigate the complaint and correct any error within two weeks after receipt of the complaint. The county recorder and the Secretary of State are required to report quarterly to the Legislature on the results of their investigations.	None.		
SB1818: candidate's residence address; nondisclosure	Sen. Townsend (R)	Senate: Government, Rules	At the request of a candidate, the filing officer is prohibited from publicly disclosing the candidate's residence address, and the candidate's residence address is not a public record.	None.		
SCR1004: lieutenant governor; joint ticket	Sen. Mesnard (R)	Senate: Government, Rules	Forms the office of Lieutenant Governor for 2027.	Could be another office to fund, however it would be a joint ticket with the Governor.		
SCR1005: legislature; ninety house districts		Senate: Appropriations, Government, Rules	The 2022 general election ballot is to carry the question of whether to amend the state Constitution to require one member of the House of Representatives to be elected from each of 90 House districts, 3 of which must be contained within the boundaries of each of the 30 Senate districts. Applies to legislative terms of office that begin in 2033 and later.	Would require CCEC to provide funding to 30 more legislative districts in 2033.	Passed Government 5-2-1.	
SCR1034: voter protection act; court determinations	Sen. Leach (R)	Senate: Government, Rules	The 2022 general election ballot is to carry the question of whether to amend the state Constitution to exempt a measure that is found to contain illegal or unconstitutional language by the Arizona Supreme Court or the U.S. Supreme Court from the requirements of the Voter Protection Act, where any amendments to voter passed initiative or referendum measures require the affirmative vote of at least 3/4 of the members of each house of the Legislature for passage and must further the purpose of the original measure.	If a provision in the Act were to be found unconstitutional, the Legislature would be able to superse, amend, or divert funds from the Act.	Passed Government 5-3. Passed Rules.	

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes	
SCR1042: conduct of elections; voters' rights	Sen. Quezada (D)	Senate: Government, Rules	The 2022 general election ballot is to carry the question of whether to amend state statute to enact a voters' bill of rights, declaring that Arizona voters have a right to register to vote without facing unnecessary barriers, participate in fair elections in which elected officials are not choosing their own voters, vote by mail or in person and know that their votes will count, have equal access to the ballot no matter where in Arizona they live, what language they speak or what physical abilities they possess, propose and enact laws when elected officials fail to act, and know that when they elect someone, the elected official will work for the voters, not donors or lobbyists.	TBD.			



2020 Annual Report



2020 ANNUAL REPORT

Presented By The Citizens Clean Elections Commission

The Annual Report will be submitted to the Governor, the President of the Arizona State Senate and the Speaker of the Arizona State House of Representatives. This report will be made available online at www.azcleanelections.gov.

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Douglas A. Ducey
Governor

Thomas M. Collins
Executive Director



Galen D. Paton
Chair

Mark S. Kimble
Damien R. Meyer
Steve M. Titla
Amy B. Chan
Commissioners

State of Arizona
Citizens Clean Elections Commission

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February 25, 2021

The Honorable Doug Ducey
Governor of the State of Arizona
1700 West Washington
Phoenix, AZ 85007

Dear Governor Ducey:

The Citizens Clean Elections Commission is pleased to submit for your information the 2020 Annual Report, pursuant to Arizona Revised Statutes §16-956(A)(5). The Annual Report describes the activities performed by the Commission in the last calendar year.

In 1998, the voters of Arizona passed the Citizens Clean Elections Act. 22 years later, the Commission continues its commitment of upholding the letter and spirit of the Act. The Commission accomplished its goals set forth and looks forward to the same success in 2021.

Respectfully,

Galen D. Paton, Chairman
Citizens Clean Elections Commission

Voter & Public Education

The Commission continued to provide information to the public regarding participation in the political process, Clean Elections participation and the functions and purposes of the Clean Elections Act. This was accomplished through education campaigns throughout the two local elections, the statewide Presidential Preference Election and the Primary and General Elections, along with grassroots and social media outreach. The Commission consistently provides election information on how, where and when to vote. Because of the COVID-19 pandemic and quarantine precautions, the Commission adapted its education plans to reach voters virtually. This included quickly adjusting our debate process to transition to a virtual format that allowed candidates and voters to safely interact on the issues that matter to them. The Clean Elections virtual debates increased accessibility and allowed more voters than ever before to engage with the candidates and learn where they stand on the issues.

The Commission's education and outreach efforts for 2020 included:

- Voter Education Campaigns
- Dispelling Misinformation
- Candidate Statement Pamphlets
- Candidate Training
- Grassroots Outreach
- Election Security
- U.S. Senate Debate
- Virtual Debates
- Drop Box Map
- Website and Social Media

Educating the Voters. Educating the Candidates.

In addition to educating the voters, the Commission strives to educate candidates running for office.

The Commission hosts candidate training workshops that include details about campaign finance reporting and debate participation.

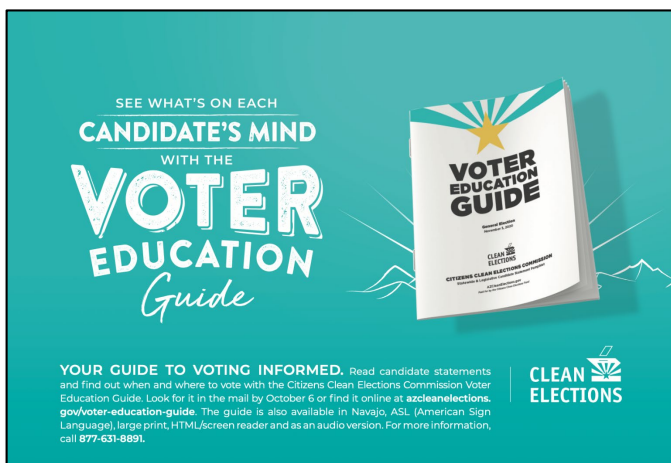
The Commission spends 10% of the expenditure cap on voter education in accordance with its statutory requirements. See page 11 of this report for more financial information.

2020 Election Campaigns

2020 was a unique year and as such the emphasis of the Voter Education Campaign (titled the Balloteer) was multifaceted. Campaign goals included providing information on the following topics: election education/logistics, independent voters, youth voters, voter registration, early voting information (including details regarding USPS), election security, voting during COVID-19, election laws/processes, dispelling disinformation and misinformation, and to assist voters in confirming whether their ballot was counted. We connected with voters through social media, television, radio, out of home, print, digital and online ads.

2020 Elections:

- March 10, 2020 Local Elections
- March 17, 2020 Presidential Preference Election
- May 19, 2020 Local Elections
- August 4, 2020 Primary Election
- November 3, 2020 General Election
 - To view more details regarding these elections, please visit our past elections page (www.azcleaselections.gov/arizona-elections/past-election-list).

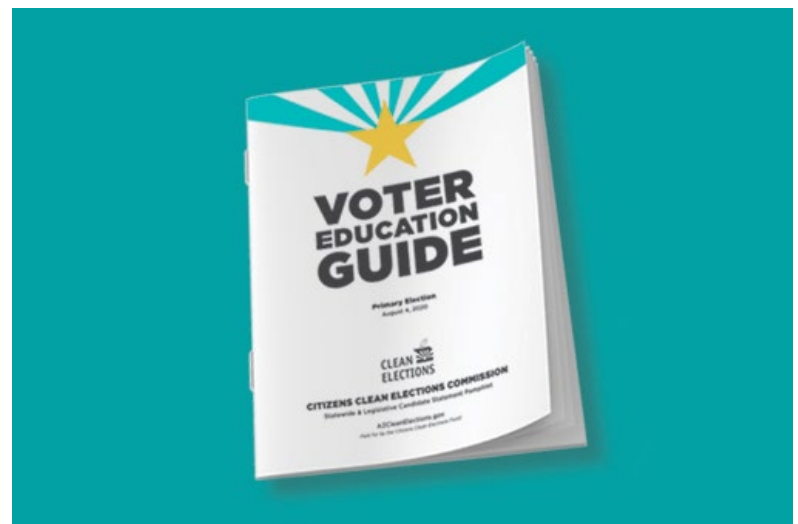


Voter Education Guide

Voter Education Guides were created, printed, and distributed to voters in the primary and general elections. The guides contained a 200-word statement and a picture from each statewide and legislative candidates. The Commission distributed approximately 2.2 million copies of the Primary election guide and another 2.2 million copies of the General election guide, to the households containing a registered Arizona voter. For the Primary election there were a total of 169 statements submitted, out of 173 eligible candidates (97.6%). Whereas the guide for the General election contained 148 submitted statements, out of 151 eligible candidates (98%).

In the Commission's dedication to continue to reach all voters, the first ever American Sign Language version of the guide was developed in partnership with the Arizona Commission for the Deaf and the Hard of Hearing. This resulted in a fully accessible voter guide, servicing voters who are blind, deaf and deaf blind. For more information on this project, please visit: <https://www.azcleelections.gov/media/asl-voter-education-guide>.

The Voter Education Guide was also made available in Spanish, HTML/Plain Text, Navajo, Audio, and Large Print.



Grassroots Outreach

In an ongoing effort to increase outreach to Arizona Voters, the Commission participated in many events over the course of 2020. Some outings included partnering with election officials across the state where the Commission helped register voters and inform them on how to vote and stay up to date on local, state and federal elections. Even though the pandemic precluded in-person events Avery Xola, the Commissions “Voter Education Specialist”, was able to adapt and attend many election related events virtually.

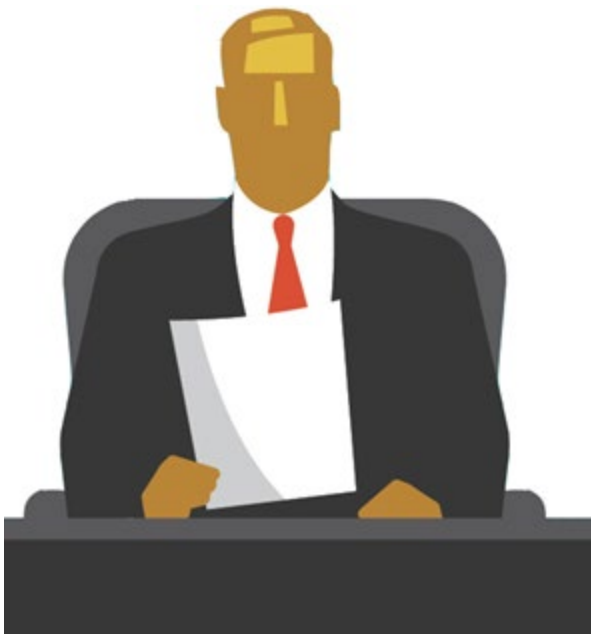
Notable Outreach Events Included:

- Attended Maricopa County’s Native American Roundtable discussion on access to voter information. (January 22)
- Participated as a vendor at The Maricopa County Arizona Veterans Stand Down Alliance to inform and register veterans. (January 24)
- Presented to the students at Central Arizona College in Casa Grande on How to Vote, How to Register, and register students. (January 28)
- Participated in the African American Legislative Council’s Youth Day at the Capitol event and informed the students about civic engagement (February 14)
- Attended the Maricopa County Records’ Office Presidential Preference Election Townhall and educated the attendees on the Presidential Preference Election (February 15)
- Weekly meetings with Mesa Community College Civic Engagement team to continue planning civic engagement projects (2020)
- Represented Clean Elections in monthly virtual Youth Leadership and Development meetings sponsored by Opportunities for Youth. (2020)
- The Voter Ed team produced an American Sign Language Voter Education Guide, for the primary, in a partnership with the Arizona Commission for the Deaf and the Hard of Hearing and Linda Bove from Sesame Street. (June)
- The Voter Ed team met with the Arizona Center for Disability Law to discuss outreach efforts for voters with disabilities. (June)
- Participated in a discussion on Voting in Arizona on the PBS Horizon Town Hall series (July 22, 2020)
- Avery recorded a video about his experience as a UOCAVA voter in the United States Air Force for social media (August 19, 2020)
- Avery was Interviewed by State of Black Arizona about General Election voter information (August 26, 2020)
- 7 • Voter Ed team conducted a series of voter education presentations for Ability 360 (September 22, 29, and October 13, and 27)
- Avery presented a virtual presentation for Maricopa Community College's Civic Action Hour on "How Government works" (October 1, 2020)
- Avery answered questions about the voting process via a Facebook Live event hosted by Becca Bailey of The Arizona Commission for The Deaf and Hard of Hearing. (October 7, 2020)

Clean Elections

Training & Guides

Education is a core component of the Commission. In 2020, the Commission continued to provide information to interested groups and potential candidates through speaking engagements, training workshops, as well as through publications on our enhanced agency website. Each election cycle the Commission develops a guide to assist participating candidates as they navigate the political campaign process and to inform non-participating candidates, and other groups involved in elections, about the Clean Elections Act and rules. The guide covers important topics such as requirements of the Clean Elections Act and Rules, filing and reporting deadlines, how to become a Clean Elections participating candidate, and how to qualify for funding.



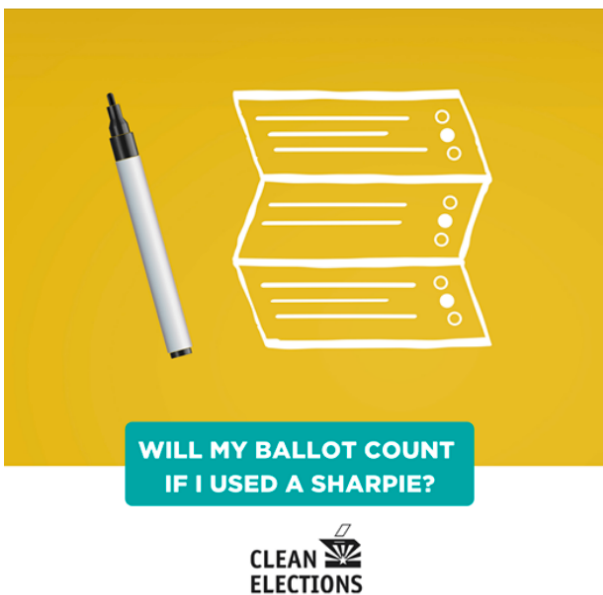
Participating candidates are required to attend one Clean Elections Candidate Training Workshop during the election cycle. The workshops are open to the public and designed to provide information to prospective candidates, or those who are assisting participating candidates, about the requirements of the Clean Elections Act.

Election Security & Dispelling Misinformation

The Commission was able to develop new content for the public regarding **Election Security**. Election security refers to all the ways election officials ensure the maximum degree of correctness, impartiality, uniformity, and efficiency in the voting process. With 2020 being a year of misinformation this content was particularly useful to help inform and reassure the voting public of the safeguards in place regarding elections and the ballot verification & tabulation protocol. This content is available on the [Commission's website](#).

Additionally, election officials have long stated that misinformation is the greatest threat to the 2020 election cycle. The Commission was able to proactively and reactively address concerns voters may have had as a result of misinformation about the electoral process and ultimately provide voters with official, nonpartisan election information.

Voters are continuing to contact our office with concerns about the use of Sharpies at the polls. Please rest assured that ballots completed with a Sharpie will count. We have created this resource <https://www.azcleanelections.gov/sharpies> to address your questions and provide you with information/statements released from Secretary Katie Hobbs, Attorney General Mark Brnovich, Maricopa County, Maricopa County Elections Department, Adrian Fontes, Maricopa County Recorder, and Cybersecurity and Infrastructure Security Agency.



EMPOWER YOURSELF WITH THE KNOWLEDGE TO UNDERSTAND THE VOTING AND BALLOT TABULATION PROCESS, THE SAFEGUARDS TO ENSURE ELECTION SECURITY, AND HOW TO GET INVOLVED.



HOW ELECTION SECURITY WORKS

- [How Elections Work - The Basics](#)
- [Who counts the ballots and how can you be sure yours is counted?](#)
- [Elections and Cybersecurity](#)
- [How you can get involved in the election process as more than a voter?](#)
- [The Security of Voting by Mail](#)



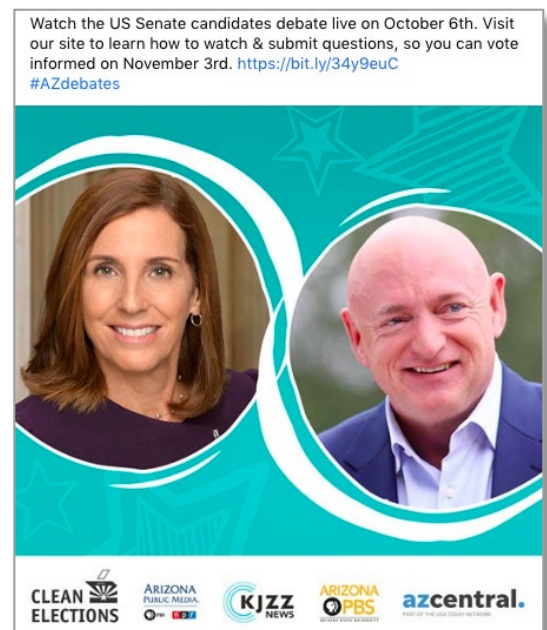
HOW TO AVOID MISINFORMATION

- [Official Information Regarding Sharpies](#)
- [How can I avoid misinformation about elections?](#)
- [What are the official sources for information on elections?](#)
- [How has the issue of election security changed over time?](#)

U.S. Senate Debate

As a part of the Commission's efforts to educate voters about candidates and the issues, the Commission sponsored the U.S. Senate debate between incumbent Martha McSally and challenger Mark Kelly.

- The U.S. Senate debate received the third highest ratings of any PBS show on any PBS station in the country in the past two years. Beating Masterpiece, NewsHour, and Ken Burns. More than 179K viewers watched on 8.1.
- 250K viewers streamed the debate on Arizona PBS platforms YouTube and Facebook and another 330K viewers watched the debate on partner platforms.
- When all is totaled, more than 750k people watched the 90-minute debate, and many stayed online for the 30-minute reporter's roundtable with the moderators.



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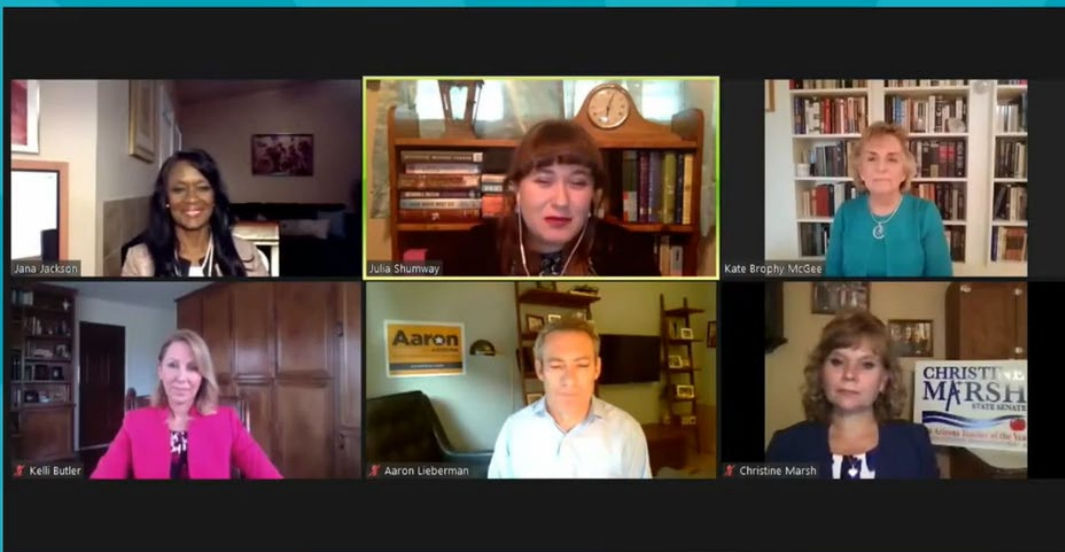
KJZZ
NEWS

Candidate Virtual Debates

Debates in the 2020 Election Cycle were held for both the Primary and General Elections and in a new **virtual** format. A debate was conducted for every contested Statewide and Legislative office that included a participating candidate or upon the request of a traditional candidate.

Voters were able to participate in the debate process in a number of ways. Statewide debates were televised on Arizona Horizon, all legislative debates were open to the public virtually, recorded for on demand viewing and live streamed to the [Commissions YouTube Page](#). Voters were able to submit questions for candidates ahead of the debate or during the debate through email, phone and text. This new virtual format allowed the program to expand and reach more voters than ever before! The Primary Election debates received approximately 7,414 views throughout the state, while the General Election debates were viewed 9,148 times! 15 legislative debates were held in the Primary Election and 24 legislative debates were held in the General Election, along with the Corporation Commission debates.

Legislative District 28 - 08/25/2020



Senate (elect 1)

Kate Brophy McGee (R)
Christine Marsh (D)

House (elect 2)

Jana Jackson (R)
Kelli Butler (D)
Aaron Lieberman (D)

Moderator

Julia Shumway

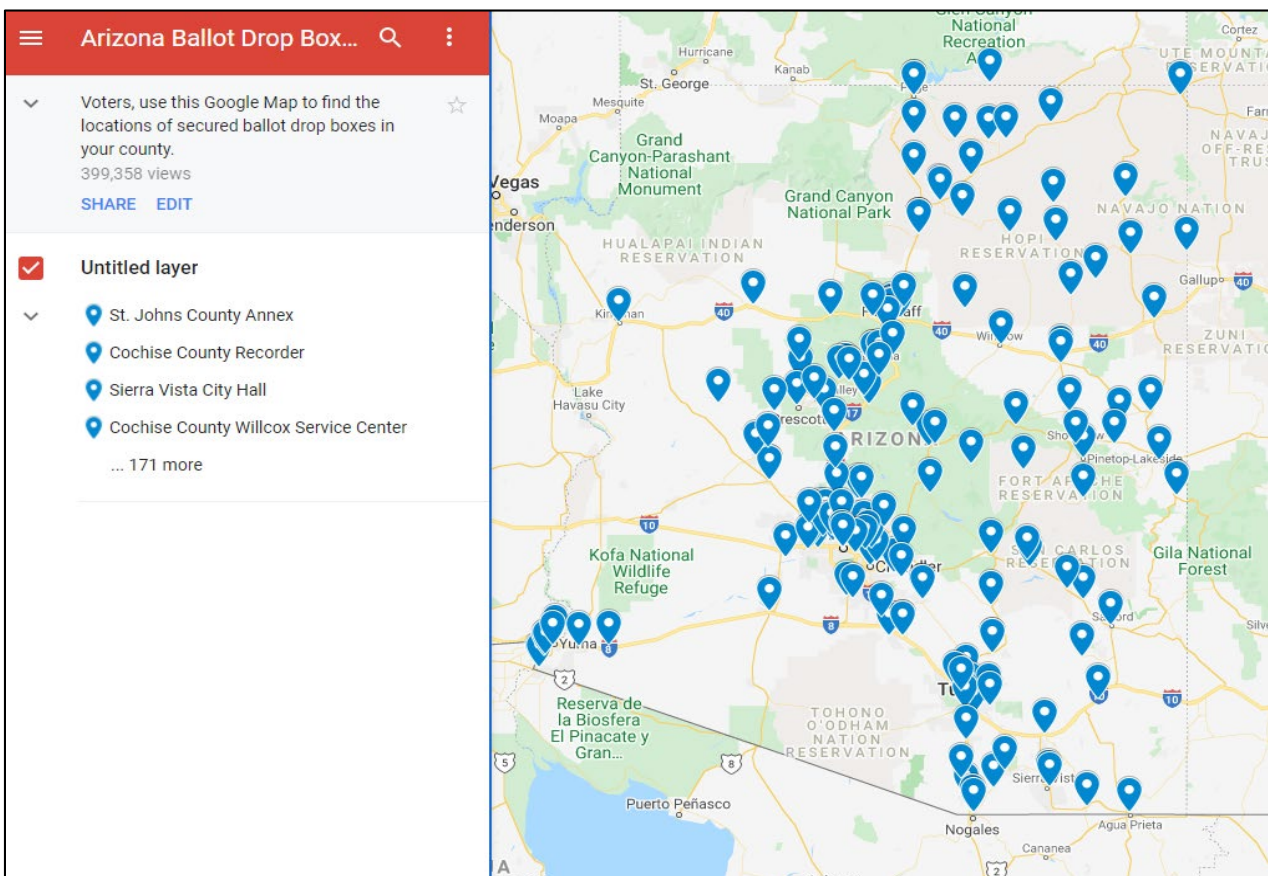


Submit your questions to candidates by
Text: (928) 362-1062 | Email: Debates@kc-a.com
If unable to text or email, please call (480) 937-1297

Drop Box Map

A new feature provided by the Commission was an interactive *Google Map*, in which staff compiled all ballot drop box location information and relevant details (dates/hours of operation). A ballot drop box is a secured bin provided by County Election Officials where voters can return their voted ballot. They are located in a secure location, such as inside or in front of a federal, state, local, or tribal government building.

The Google Map provided voters another access point to find where they could return their voted ballot, in addition to the Voter Dashboard. The map grew in popularity and success as it was utilized in both the Primary and General Elections. The map had over 170 locations included and after the election the received nearly **400 thousand views!**






Website & Social Media

The Commission had a significant increase in its engagement with voters online. The website is the most comprehensive elections website in the state, providing voters with everything they need to cast their ballot and vote informed on the candidates and the issues. Additionally, the website serves to educate voters about election administration, security and transparency, so they can have confidence in the system. Voters, Google and other prominent organizations, both private and public, looked to the Clean Elections website as a reliable online source for election information.

Utilizing social media channels has allowed the Commission to instantly connect with voters on timely and important election related issues. This was especially useful during the pandemic to communicate with voters as well as allow the commission to dispel misinformation. The Commission adapted to changing social media platform policies to ensure voters in Arizona were presented with critical election information, even earning recognition from Facebook for the Commission's efforts in combating misinformation.

**Social media sites such as Twitter, YouTube and Facebook were utilized, and the chart below displays the amount of followers/likes throughout the previous years.

Social Media Traffic:

	2018	2019	2020
	35,098 Likes	34,492 Likes	34,084 Likes
	1,699 Followers	1,860 Followers	2,098 Followers
	990,541 Views	3,307 Views	1,712,089 Views

**These totals reflect the number of views within that calendar year exclusively

Website Traffic:

Year	Sessions	Users	% of New Users	Page Views
2020	1,514,415	1,196,474	98.65%	2,881,496
2019	194,338	165,171	90.4%	356,231
2018	1,012,202	676,846	81.9%	1,909,600
2017	68,687	55,937	90.8%	101,525

Financial Information

Revenue Sources

Citizens Clean Elections Commission revenue comes from the following sources:

- 10% surcharge on all civil penalties and criminal fines
- Civil penalties paid by candidates.
- \$5 qualifying contributions collected from participating candidates.

CY 2020** Revenues

Court Assessments	\$6,247,276
Commission Assessments	\$2,311
Miscellaneous	\$44,491
\$5 Qualifying Contributions	\$74,885

Controls on Spending

The Commission's total expenditures cannot exceed seven times the number of Arizona resident personal income tax returns filed during the previous calendar year. Up to 10% of the total expenditure cap for administration and enforcement purposes may be used. The Commission may make public education paid media expenditures up to 10% of the total expenditure cap as well. (A.R.S. §16-949) The 2020 expenditure caps were as follows:

- Total Expenditure Cap: \$21,704,634
- Administration & Enforcement Cap: \$2,170,463
- Public Education Expenditure Cap: \$2,170,463

Clean Elections is funded by voluntary contributions and surcharges on criminal penalties and violations, such as traffic tickets.

Not a single dollar of Clean Elections funding comes from the State's General Fund.

Rather than taking money from taxpayers, Clean Elections has donated \$74 million to the State's General Fund since its inception through 2016.

*The removal of the \$5 check-off box on Arizona state income tax return forms and dollar-for-dollar tax credits caused a decrease in revenue to the Clean Elections Fund, and as a result the Commission was unable to transfer excess monies to the General Fund in 2020.

*Previously, Arizona citizens could contribute voluntarily through a \$5 check-off box on Arizona state income tax return forms and through dollar for dollar tax credits. This portion of the Act was removed in 2012; however, late tax filers may still contribute.

**The Clean Elections Commission operates on a calendar year budget rather than the State's fiscal year budget.

2020

Candidate

Summary

Arizona's Citizens Clean Elections Act

The public financing system is voluntary; candidates who choose to participate in this system to receive public funding are known as participating candidates. Candidates who choose to raise private campaign funds are known as non-participating/traditional candidates.

To become a Clean Elections participating candidate, a candidate must raise a number of \$5 qualifying contributions during a defined qualifying period. Clean Elections participating candidates agree to forgo contributions from political action committees.

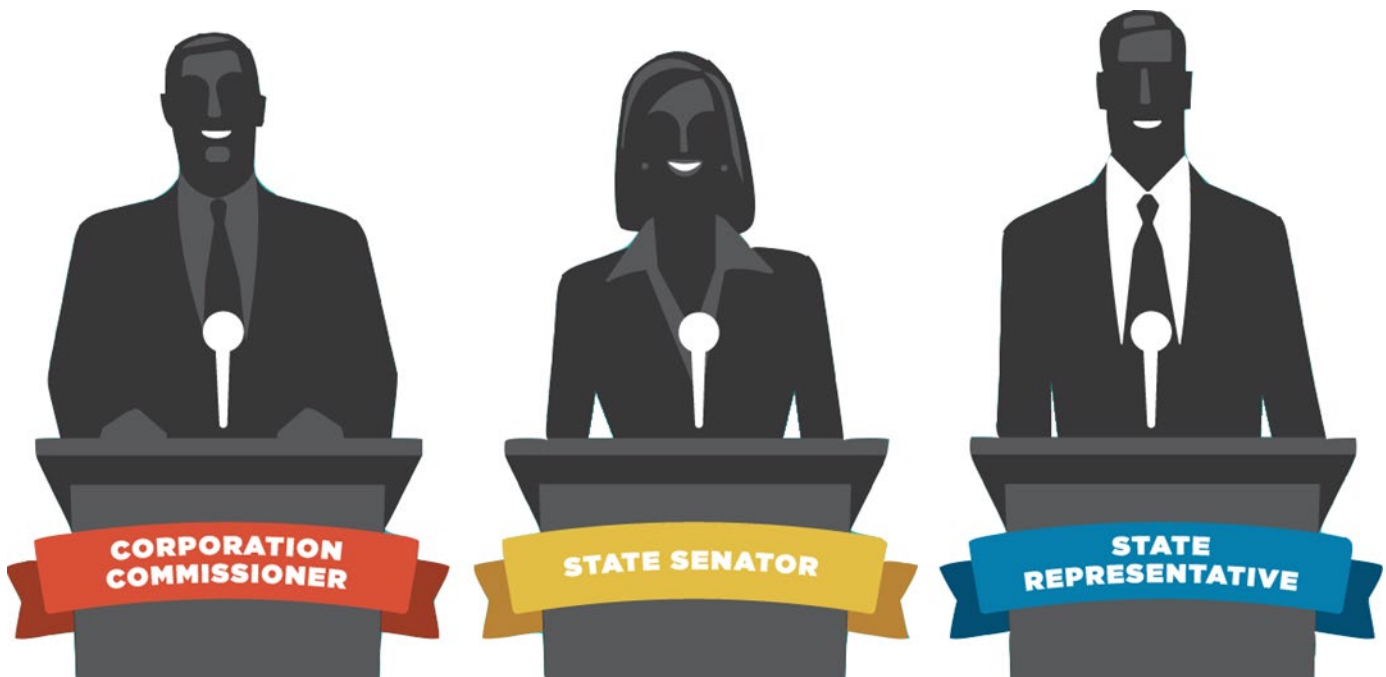
During the Primary election 173 candidates sought statewide and legislative offices, with 37 of those individuals participating in the Clean Elections system. The Clean Elections candidate participation rate was 21% in the Primary election.

During the General election there were 151 candidates seeking statewide and legislative offices, 32 of which were participating candidates. The Clean Elections candidate participation rate was 21% in the General election.

In 2020, more than \$2.8 million was distributed from the Clean Elections Fund to participating candidates.

2020 PRIMARY & GENERAL ELECTION CANDIDATE LISTING

Reallocation Notice: Pursuant to A.R.S. §16-952(D), a one-party-dominant legislative district is a district in which the number of registered voters registered in the party with the highest number of registered voters exceeds the number of registered voters to each of the other parties by an amount at least as high as ten percent of the total number of voters registered in the district. In 2020, qualifying legislative candidates received \$18,121 in funding for the primary. Legislative candidates who were eligible, and chose to reallocate, received \$27,182 for the primary instead of the general election. Candidates who reallocated received the primary funding amount for the general election. Candidates are eligible to reallocate their funding if they are in a one-party dominant district, are in the dominant party, and have a contested primary election.



Enforcement, Audits & Litigation

The Commission enforces the Citizens Clean Elections Act and Commission rules which are a part of the Arizona Administrative Code. The Act and Commission rules contain specific campaign finance provisions and limitations.

Commission staff monitor campaign finance reports to ensure campaign spending occurs as specified by the Act and Rules. The Commission has the authority to subpoena witnesses, take evidence, and require, by subpoena, the production of any books, papers, records or other material relevant to an enforcement matter.

Potential penalties for violations of the Act range from monetary penalties, the disqualification of a candidate or forfeiture of office. Most enforcement matters are settled amicably.

The Commission also conducts audits to ensure compliance with the Act and Commission rules. The audits are completed by an independent auditing agency. Candidate audits are conducted during election years after the Commission has disbursed funds to qualified candidates.

In 2020, the Commission conducted 40 audits. Every participating candidate was audited.

Enforcement

The Commission acts on both external and internally filed complaints.

During 2020, the Commission resolved 2 complaints arising from the 2020 election cycle.

Rulemaking & Legislation

Commission Rulemaking Authority

In accordance with A.R.S. §16-956(C), the Commission may adopt rules to carry out the purposes of the Citizens Clean Elections Act. In 2019, the Commission began implementing Proposition 306.

The Commission proposes and adopts rules in public meetings, with at least sixty days allowed for interested parties to comment after the rules are proposed. After consideration of the comments received in the sixty day comment period, the Commission may adopt the rule in an open meeting.

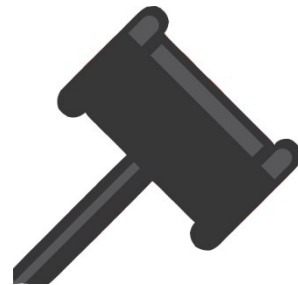
The Commission diligently makes changes to its rules and procedures to address concerns and improve the functions of the program. Rules adopted by the Commission are not effective until January 1 in the year following the adoption of the rule. However, rules adopted by unanimous vote may be immediately effective and are enforceable.

In 2020, the Commission did not make amendments to any rules.

Vision Statement

Through the successful implementation of the Arizona Citizens Clean Elections Act, the Commission seeks to improve the integrity of Arizona state government and promote public confidence in the Arizona political process.

2020 Legislation



The Commission adopted the following legislative principles and priorities in an effort to improve the Act and Commission procedures:

Oppose efforts to defund, eliminate or limit the Citizens Clean Elections Act and/or the Commission. Over several sessions, members of the legislature have proposed measures that seek to defund, limit, or eliminate the authority of the Act or the Commission itself. The Commission has historically opposed these efforts on the grounds that they are typically poorly constructed, misleading, or otherwise ill-considered. The Commission works to maintain the letter and spirit of the law and supports efforts that further the purpose of the Act. Specifically, the Commission opposes the following:

- **Amending, superseding the Clean Elections Act and/or diverting funds from the Clean Elections fund without furthering the purpose of the act or the required supermajority vote.**
- **Attempts to limit the power the Commission has to enforce the Act**

Support election law reforms. Elections issues continue to percolate through both the political and legal process. The Commission continues to support reforms including improving the public financing program; improving the campaign finance code to ensure that voters are receiving information about the identity and contributions of campaign contributors and expenditures, including independent expenditures; ensuring that changes improve the State's anti-corruption, anti-circumvention and informational interests, the Clean Elections Act and the Commission's independence; and improving voter access to information, voter involvement and voting.

Support improvements to voter education and access. The Commission continues to support efforts to enhance voter education and participation through legislation that advances the anti-corruption and public participation values that undergird the Act.

Looking Forward to 2021

Here is a preview of what the Commission is looking forward to in 2021:

2021 Voter Education Plan

The Commission will continue its voter education efforts in 2021 by offering voters a comprehensive education plan that focuses on how to participate in the electoral process, voting informed and the importance of voting in local elections. The following are just a few of the efforts the Commission will undertake in 2021:

- Education on local elections & how to participate
- Youth voter outreach & civics programs
- Website & application improvements
- Education on redistricting and how it impacts voting
- Educational video series for voters regarding voting by mail, how to ensure your vote was counted, etc.
- Surveys & focus groups with voters to better understand their voter education needs.



2022 Education Plan Preview

2022 midterms will have all of the statewide offices on the ballot. The Commission will develop and communicate detailed information pertaining to all of these elections to better assist the electorate!

2022 Election Cycle ~ Candidate Information

Candidates may begin collecting \$5 qualifying contributions on August 1, 2021, the start of the qualifying period. Candidates must collect a minimum number of qualifying contributions, as referenced below;

Governor	Secretary of State	Attorney General	Treasurer	Supt. Of Public Inst.	Corporation Commission	Mine Inspector	Legislature
4,000	2,500	2,500	1,500	1,500	1,500	500	200

Commissioners & Staff

Commissioners*

Chairman Galen D. Paton (R)
Pima County, AZ
Appointed 2016

Steve M. Titla (D)
Gila County, AZ
Appointed 2013

Mark Kimble (I)
Pima County, AZ
Appointed 2015

Damien R. Meyer (D)
Maricopa County, AZ
Appointed 2015

Amy B. Chan (R)
Maricopa County, AZ
Appointed 2017

Commission Staff

Thomas M. Collins, Executive Director
Gina Roberts, Voter Education Director
Mike Becker, Policy Director
Paula Thomas, Executive Officer
Alec Shaffer, Web Content Manager
Avery Xola, Voter Education Specialist
Julian Arndt, Executive Support Specialist

Commission Structure & Mission

The Citizens Clean Elections Commission was established by the enactment of the Citizens Clean Elections Act, A.R.S., Title 16, Chapter 6, Article 2. In addition to administering the provisions of Article 2, the Commission promulgates rules and enforces A.R.S. §§ 16-940 through 16-961.

The Commission's mission is to fairly, faithfully and fully implement and administer the Citizens Clean Elections Act.

The Citizens Clean Elections Commission consists of five members. All members must be registered to vote in the State of Arizona. No more than two members of the commission may be members of the same political party. No more than two members of the commission may be residents of the same county.

*Commissioners listed are for the 2020 calendar year.

Commissioner Biographies

Galen D. Paton – Republican – Pima County

Governor Doug Ducey appointed Galen D. Paton, a Republican, to the Citizens Clean Elections Commission for a 5-year term expiring January 31, 2021. Commissioner Paton obtained his Master of Arts in Physical Education from the Southern Methodist University in Dallas, Texas. He has had a long and rewarding career coaching high school and college softball, volleyball and basketball teams in the southwest. In 2005, he led Sabino High School to the Arizona 4A State Championship and a No. 4 ranking in the country. The Arizona Coaches Association along with the National Fastpitch Coaches Association crowned Mr. Paton 2005 coach of the year. Mr. Paton retired from coaching in 2010 and is a current member of the Realty Executives Tucson Elite group. He resides in Tucson with his wife.

Mark Kimble – Independent – Pima County

Senate Democratic Leader Katie Hobbs appointed Mark Kimble, an Independent, to the Citizens Clean Elections Commission in July 2015. Mark was a longtime journalist in Southern Arizona. After graduating from the University of Arizona with a bachelor's degree in journalism, Mark worked for the Associated Press and then for the Tucson Citizen newspaper. During a 35-year career at the Citizen, he was a reporter, city editor, assistant managing editor and associate editor-columnist in charge of the editorial page. When the Citizen closed in 2009, Mark went to work as senior press advisor and later as communications director for Congresswoman Gabrielle Giffords. When she resigned in 2012, Mark became communications director for her successor, Congressman Ron Barber. Mark and his wife, Jennifer Boice, live in Tucson.

Damien R. Meyer – Democrat – Maricopa County

Former Governor Jan Brewer appointed Damien R. Meyer to the Citizens Clean Elections Commission to serve a term ending January 31, 2019. Damien R. Meyer is an experienced commercial litigation attorney. Damien has extensive experience in representing both individuals and businesses including banks, contractors, landlords, real estate developers, aviation companies, entrepreneurs, and health care companies in all areas of their business including contractual analysis and disputes, collection and payment disputes, commercial tort liability, provisional remedies and negotiation of pre-litigation disputes to avoid formal litigation. He also has extensive experience in representing clients in formal litigation in Arizona State and Federal courts, the Arizona Court of Appeals, in private arbitrations and before several state administrative agencies. Mr. Meyer, his wife and two children currently reside in Phoenix.

Commissioner Biographies

Steve M. Titla – Democrat - Gila County

Former Senate Democratic Leader Leah Landrum Taylor appointed Steve M. Titla in July 2013 to the Citizens Clean Elections Commission. Mr. Titla is a partner in the Titla & Parsi law firm and is admitted to practice law both in Arizona and on the San Carlos Apache Reservation. The firm represents the San Carlos Apache Tribe as special counsel and has also served as legal counsel for the election boards of the San Carlos Apache and San Juan Southern Paiute Tribes. Previously, Mr. Titla was an attorney with the Navajo Nation Department of Justice and has served as president of the National Native American Bar Association. In addition to a B.S. and J.D. from Arizona State University, Mr. Titla earned an M.B.A. from the University of Phoenix. From 1974-76 Mr. Titla served in the U.S. Marine Corps, leaving with an honorable discharge. He also served in the Arizona National Guard until his honorable discharge in 1980. Mr. Titla's term on the Citizens Clean Elections Commission expires in January of 2018.

Amy B. Chan – Republican – Maricopa County

Senate Democratic Leader Katie Hobbs appointed Amy B. Chan, a Republican, to the Citizens Clean Elections Commission for a 5-year term expiring January 31, 2022.

Amy B. Chan was admitted to the State Bar in 1999. Initially she worked as an immigration attorney, helping people obtain immigration benefits through the administrative and immigration court process. In 2001 she began work as a legislative research analyst for the House Judiciary Committee. She was an Administrative Law Judge for the Corporation Commission from 2005-2006 and then returned to the legislature as Policy Advisor and Counsel to the Majority for the State Senate. In 2009 Secretary of State Ken Bennett appointed her State Election Director. She served in that capacity until 2013, when she left to spend more time with her growing family. She and her husband Keith have two sons and live in Phoenix.



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