



**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, June 17, 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 Thursday, June 17, 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.azcleanelections.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@azcleanelections.gov.

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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 May 28, 2021.
- III. Discussion and Possible Action on Executive Director’s Report, Enforcement and Regulatory Updates and Legislative Update.
- IV. Discussion and Possible Action on MUR 20-03, Arizona Education Association.
- V. Discussion and Possible action on legal issues with election, budget and procedural bills including:
 - A. Discussion and Possible Action on HB2110 (civil penalties; mitigation; restitution).
 - B. Discussion and Possible Action on HB2891 (budget procedures; budget reconciliation; 2021-2022).

The Commission may choose to go into executive session for discussion or consultation with its attorneys to consider its position and instruct its attorneys regarding the public body's position regarding contracts, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. A.R.S. § 38-431.03(A)(4).

- VI. 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.

VII. 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 15th day of June, 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
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF VIRTUAL PUBLIC MEETING

Phoenix, Arizona

May 28, 2021

COASH & COASH, INC.
Court Reporting, Video & Videoconferencing
1802 North 7th Street, Phoenix, AZ 85006
602-258-1440 staff@coashandcoash.com

Prepared by:
DEBORAH L. TUCKER, RPR, CSR
Certificate No. 50464

<p style="text-align: right;">Page 2</p> <p>1 VIRTUAL PUBLIC MEETING BEFORE THE CITIZENS 2 CLEAN ELECTIONS COMMISSION convened at 9:32 am. on 3 May 28, 2021, at the State of Arizona, Clean Elections 4 Commission, 1616 West Adams, Conference Room, Phoenix, 5 Arizona, in the presence of the following Board members:</p> <p>6 Ms. Amy B. Chan, Chairwoman 7 Mr. Mark S. Kimble 8 Mr. Damien Meyer</p> <p>9 OTHERS PRESENT:</p> <p>10 Thomas Collins, Executive Director 11 Paula Thomas, Executive Officer 12 Mike Becker, Policy Director 13 Gina Roberts, Voter Education Director 14 Alec Shaffer, Web Content Manager 15 Avery Xola, Voter Education Specialist 16 Deborah Tucker, Court Reporter w/Coash & Coash 17 Kara Karlson, Asst Attorney General 18 Kyle Cummings, Asst Attorney General 19 Marc Harris, AG's Ofc Independent Advisor 20 Joseph Roth, Esq, Osborn Maledon 21 Cathy Herring, Meeting Planner 22 Rivko Knox, Public</p>	<p style="text-align: right;">Page 4</p> <p>09:33:43-09:34:40</p> <p>1 COMMISSIONER KIMBLE: Madam Chair? 2 CHAIRWOMAN CHAN: Yes, Commissioner Kimble. 3 COMMISSIONER KIMBLE: I move we approve the 4 minutes for the Commission meeting of April 29th, 2021. 5 CHAIRWOMAN CHAN: Thank you. 6 Is there a second? 7 COMMISSIONER MEYER: This is Commissioner 8 Meyer. I will second that motion. 9 CHAIRWOMAN CHAN: All right. The motion has 10 been made and seconded. I'll go ahead and call the 11 roll. 12 Commissioner Meyer, how do you vote? 13 COMMISSIONER MEYER: Aye. 14 CHAIRWOMAN CHAN: Commissioner Kimble? 15 COMMISSIONER KIMBLE: Aye. 16 CHAIRWOMAN CHAN: And I vote aye, as well. 17 So, by a vote of three to zero, we have 18 approved the minutes from April 29th, 2021. 19 Moving on to Item III, rolling right along, 20 Discussion and Possible Action on Executive Director's 21 Report, Enforcement and Regulatory Updates and 22 Legislative Update. 23 Tom, I'll let you take this. 24 MR. COLLINS: Thank you, Madam Chair. 25 Just a real quick note, if there are people</p>
<p>09:32:45-09:33:39</p> <p style="text-align: right;">Page 3</p> <p>1 P R O C E E D I N G 2 3 CHAIRWOMAN CHAN: This is the meeting of the 4 Clean Elections Commission for Friday, May 28th. It is 5 9:32 and I will call the meeting to order. 6 The first order of business -- Oh, well, I'd 7 like to ask the audience members to please keep their 8 microphones on mute. I'm still getting used to starting 9 the meetings with that. 10 And with that, we'll go ahead and take 11 attendance. 12 Commissioners, will you please go ahead and 13 identify yourselves for the record. Go ahead. 14 COMMISSIONER MEYER: This is Damien Meyer. 15 Good morning. 16 COMMISSIONER KIMBLE: Mark Kimble. 17 CHAIRWOMAN CHAN: Thank you. And I'm Amy 18 Chan. 19 And, with that, we can move to Item II, 20 Discussion and Possible Action of Commission Minutes for 21 April of 2021. 22 Is there any discussion of the minutes? 23 (No response.) 24 CHAIRWOMAN CHAN: And, if not, do I have a 25 motion to approve the minutes?</p>	<p style="text-align: right;">Page 5</p> <p>09:34:43-09:37:08</p> <p>1 who are watching on YouTube and, for whatever reason, 2 have not been able to link through the Zoom account, the 3 agenda on our website has the link, and you can click on 4 that link to join if you have not already. 5 I just wanted to update the Commissioners 6 really quickly. You know, we have an election -- we 7 just had an election day in -- for May 18th, the May 8 election. And -- and Alec is already busy researching 9 the -- and contacting localities for the August 10 consolidated election date. 11 As you can see, the Voter Education Team has 12 kept up pace with a number of different engagements. 13 Avery has done number of outreach events and is still 14 able to -- we've still been able to connect with folks 15 through, you know, online meetings. 16 Gina has -- was interviewed on ABC 15, which 17 is the, one of the big Phoenix television stations, 18 regarding the audit. And we -- and she'll be -- and she 19 continues to be coordinating with the Secretary of 20 State's Office on some of -- on voter outreach and 21 security issues. 22 We're going to be off line for next weekend, 23 just FYI, because of some electric, old maintenance in 24 the building. 25 There's no real updates on the outstanding</p>

<p>09:37:12-09:38:54 Page 6</p> <p>1 legal matters. We did add in that there's a public 2 records type of lawsuit pending in Superior Court for 3 Maricopa regarding the audit and funding sources, and 4 things like that. 5 There was a hearing scheduled for yesterday, 6 but I'm actually not -- we haven't had an update from 7 that yet. 8 With -- Really quickly, with regard to some 9 legislative activity, you know, the Legislature did -- 10 the House did vote down a bill called Senate Bill 1713, 11 which, I believe, in separate, individual statements all 12 three commissioners who are here had -- had voiced 13 concern with that bill, would have required a more, a 14 much more extensive affidavit to go with an early ballot 15 that was being returned. That bill failed by two votes 16 in the House. 17 You know, obviously, though, just to really 18 quickly note, the Legislature -- now both the House and 19 the Legislature have adjourned until June 10th, or 20 sometime between now and June 10th. So, of course, 21 while the Legislature's in session, you know, those 22 bills can come back. 23 But, you know, that -- that 1713 was -- was -- 24 I think most election administrators had indicated that 25 that -- their concerns about the additional paperwork</p>	<p>09:40:33-09:42:04 Page 8</p> <p>1 and then I saw Commissioner Meyer had his hand up, as 2 well. Go ahead, Commissioner Kimble. 3 COMMISSIONER KIMBLE: Okay. Tom, just for a 4 point of clarification about one of the bills that's 5 been signed, SB1485, on the early voter eligibility 6 list, changing the name of it, I'm not quite sure I 7 understand. 8 If a voter fails to vote by early ballot in 9 all general -- in all regular primary or regular general 10 elections, you no longer get an early ballot. Is that 11 -- is that right? So, if -- if a voter misses one 12 primary election, that's it? 13 MR. COLLINS: So, I'm -- if -- you know, I 14 believe that it is missing all of those things. 15 However, I think, if I can put either Gina or Kara, 16 whoever is more -- or Mike, whosoever of the three of you 17 is most comfortable being on the spot about 1485 to talk 18 about that question, I know that -- I'm pretty sure all 19 three of you have tried to parse the language. So I'm 20 just not sure where we currently are on stating it 21 correctly. 22 MS. ROBERTS: I can speak to that Commissioner 23 Meyer -- or, I'm sorry, Commissioner Kimble. I'm happy 24 to talk about it. 25 And, Kara, please, if I misstate something,</p>
<p>09:38:57-09:40:29 Page 7</p> <p>1 burden and the cost associated with that. Obviously, 2 there are also many legislatures who -- legislators who 3 are concerned about, you know, what they see as the 4 potential for misuse of mail ballots. 5 I think -- And then I believe there's one 6 other election bill out there that's still of concern to 7 election administrators that Senator Townsend and 8 Representative Kavanagh have been working on. 9 But that -- that is the major- -- I think 10 that's -- I think that's the entirety of the report that 11 I wanted to highlight. 12 Obviously, again, if you have any issues -- if 13 you've had any issues with Zoom this morning, please try 14 the link on our website, on the agenda on our website, 15 and you should be able to log in as a participant if for 16 some reason you are meaning to participate, or want to 17 participate, beyond watching or sending -- sending 18 emails to the Commission, which is also, obviously, a 19 way to make public comment. 20 That's all I have. Thank you. 21 CHAIRWOMAN CHAN: Thank you, Tom. 22 Is there any discussion from the Commission 23 members? 24 COMMISSIONER KIMBLE: Madam Chair. 25 CHAIRWOMAN CHAN: Yes, Commissioner Kimble,</p>	<p>09:42:07-09:43:24 Page 9</p> <p>1 please jump in to correct me. 2 So, my understanding is that the intent of the 3 legislature of the sponsor was that you would have to miss 4 all of them in order for it to trigger a notice from the 5 County Recorder confirming if you still wish to be on 6 the active early voting list. 7 So, of the -- of the four -- now, this is 8 municipal elections, as well, too. So, if you are 9 continuously sent an early ballot for those two 10 statewide primaries, two statewide general elections, 11 and if you don't vote any of them, so you just did not 12 return that early ballot at all, then that triggers the 13 notice. 14 The notice goes out. The voter then has 90 15 days to reply to it confirming their intent to remain on 16 the active early voting list. And if no response is 17 sent, then the county would remove that voter's name 18 from the early voting list; meaning they would no longer 19 automatically send them the ballot. 20 The voter could, at that point, they could 21 still request a one-time early ballot, or they could 22 always re-join that active early voting list. 23 So, I believe that was the intent. I do know 24 that there has been some questioning around what the 25 actual language of the bill says, but I think that's</p>

<p>09:43:27-09:44:40 Page 10</p> <p>1 where we're at right now. 2 And, again, Kara, if you want to jump in there 3 and correct anything I said, that's my understanding of 4 1485. 5 CHAIRWOMAN CHAN: Thank you. 6 MS. KARLSON: I don't have anything to 7 correct, Gina. 8 The legislative history documents, you know, 9 do speak to the fact that that was the intent. 10 Obviously, it has yet to be interpreted so we don't know 11 whether a Court will defer from that. 12 COMMISSIONER KIMBLE: Okay. Thank you. 13 CHAIRWOMAN CHAN: Thank you. Commissioner 14 Meyer? 15 COMMISSIONER MEYER: That you, Madam Chair. 16 I did not see Gina's interview on ABC 15. 17 Could we get, like, just a little summary of that? 18 MR. COLLINS: Sure, I would be -- Gina -- I 19 mean, Madam Chair, Commissioner Meyer, obviously Gina 20 would be better to talk about her interview than me. 21 COMMISSIONER MEYER: That's what I assume. 22 CHAIRWOMAN CHAN: Sure. 23 MS. ROBERTS: Commissioner Meyer, so, ABC 15, 24 Nicole Valdez, she reached out and we had a discussion 25 about --</p>	<p>09:46:05-09:47:14 Page 12</p> <p>1 report, regarding the items, is released, the 2 documentation will be important because it will need to 3 be looked at to see how did they arrive to whatever 4 conclusions that they put in the report. I'm happy to 5 send a link to the State Commission so you can view the 6 interview yourself, too. 7 COMMISSIONER MEYER: That would be great. 8 Thank you, Gina. 9 CHAIRWOMAN CHAN: Thank you. Yeah, I got to 10 see it, and I thought Gina did an excellent job. And I 11 was thrilled that, you know, they reached out to her. 12 That was wonderful. 13 I think -- I don't think I have any questions 14 about that, Tom. And if the other commissioners -- any 15 -- Commissioner Meyer, Commissioner Kimble, any 16 additional questions? 17 (No response.) 18 CHAIRWOMAN CHAN: Okay. With that, we can 19 move on to Item IV, I believe is where we are, unless 20 I've confused myself where my paperwork is. No. 21 Item IV, Discussion and Possible Action on the 22 Following 2020 General Election Candidate Audits. 23 We have Andrea Dalessandro, State Rep. LD2; 24 Justine Wadsack, State Senate, LD10 -- I hope I'm 25 pronouncing everyone's names correctly. Please forgive</p>
<p>09:44:50-09:46:03 Page 11</p> <p>1 (Court reporter clarification.) 2 MS. ROBERTS: Nicole Valdez with ABC 15. 3 And so the discussion was really about general 4 thoughts about the audit. And at that point in time, 5 the audit had taken a break due to the high school 6 graduations. And so the interview was conducted Sunday 7 night, and it aired Monday morning, the day that the 8 audit resumed. 9 So, there were questions basically surrounding 10 the entire audit process. But a lot of it had -- a lot 11 of my remarks had to do with confidence in the system, you 12 know, considering, you know, the voters looking at the 13 audit, the procedures that have constantly changed 14 compared to what was officially done. 15 So, my comments were aimed towards a voter 16 education perspective, or what is required from the 17 counties when they do their the post-election 18 activities, as opposed to what is being done with the 19 Senate audit. 20 There were also questions regarding Maricopa 21 County had sent a notice to the Senate requesting that 22 all documentation be retained. And so the comments, 23 really, about that were just, "Well, that's the same 24 thing that our elections officials do." 25 And so whenever this report, this final</p>	<p>09:47:23-09:48:26 Page 13</p> <p>1 me. I have not watched The Action, so I'm reading 2 everybody's names for the first time. Seth Sifuentes, 3 State Rep. LD 26. 4 And with that, I believe Mike is going to make 5 comments on these items. Thank you. 6 MR. BECKER: Thank you, Madam Chair, 7 Commissioners. 8 As you stated, actually, these are the final 9 three audits for the general election cycle. Again, the 10 audits turned out fairly well. There are some small 11 discrepancies that we're working with the candidates to 12 correct. 13 Representative Dalessandro has submitted some 14 extra information to follow up with her audit. 15 We, meaning myself and our auditors, had this 16 information and have been working with her. As you can 17 see when you read through it, it has to do with a check 18 that she wrote to a person that was handling some 19 aspects of her campaign. That person, unfortunately, 20 passed away and the check was then cashed after he 21 passed away. So, she is looking at it as a fraud issue. 22 She's worked -- she's been working with Bank of America. 23 Doesn't seem to be going anywhere there. 24 We have spoken to her, myself and the 25 auditors, and she is continuing to try and push the</p>

<p>09:48:29-09:49:29 Page 14</p> <p>1 fraud issue and figure out a way to rectify the 2 situation. We're giving her some time to handle that. 3 Once -- once she exhausts all those issues, 4 we'll have her update the banking account to include 5 that information. And so we'll be -- everything will be 6 squared away at that point. 7 But, as I said, these audits turned out fairly 8 well. Nothing major in there. No extreme, anything 9 like that. So, with that, I would ask that you approve 10 these audits. 11 CHAIRWOMAN CHAN: Thank you, Mike. 12 Commissioners, any questions or comments? 13 (No response.) 14 CHAIRWOMAN CHAN: If there's any comment from 15 the public on this item, you can signal the -- signal to 16 speak. 17 (No response.) 18 CHAIRWOMAN CHAN: Okay. And, if not, I would 19 entertain a motion to approve the audits. 20 COMMISSIONER KIMBLE: Madam Chair, this is 21 Commissioner Kimble. 22 CHAIRWOMAN CHAN: Commissioner Kimble. 23 COMMISSIONER KIMBLE: I move we approve the 24 audits of Andrea Dalessandro, Justine Wadsack, and Seth 25 Sifuentes as presented in the agenda today.</p>	<p>09:50:46-09:52:23 Page 16</p> <p>1 can give us the details of this. 2 So, Tom. 3 MR. COLLINS: Yes. Madam Chair, 4 Commissioners. 5 First, I just want to say, again, if anyone 6 wants to participate in this process right now, if you 7 are watching on YouTube and are having any trouble 8 getting into Zoom, please check the link on the agenda 9 on our website and you should be able to enter the Zoom 10 meeting room without any difficulty. 11 So -- but, with respect to this particular 12 item, you know, we -- back in 2016 the Legislature 13 passed a bill changing a number of definitions that are 14 incorporated into the Clean Elections Act. 15 One of those definitions altered the meaning 16 of family member. That definition has -- did double 17 duty and meant different things under the Clean 18 Elections Act than it does under Article 1 of the 19 Campaign Finance Code. 20 Nevertheless, the rule, such as it is, from 21 the case AZAN versus State appears to be something on 22 the nature of anything in a cross-reference can be 23 turned into anything. 24 So, the result is that clean candidates, 25 participating candidates, will be able to take dollars</p>
<p>09:49:36-09:50:42 Page 15</p> <p>1 CHAIRWOMAN CHAN: Thank you. 2 Can I get a second? 3 COMMISSIONER MEYER: This is Commissioner 4 Meyer. I will second that motion. 5 CHAIRWOMAN CHAN: Thank you. All right. The 6 motion has been seconded. And, with that, I will call 7 the roll. 8 Commissioner Meyer, how do you vote? 9 COMMISSIONER MEYER: Aye. 10 CHAIRWOMAN CHAN: Commissioner Kimble? 11 COMMISSIONER KIMBLE: Aye. 12 CHAIRWOMAN CHAN: And I vote aye, as well. 13 So, by a vote of three to zero, we have 14 approved the audits presented on the agenda today. 15 MR. BECKER: Thank you. 16 CHAIRWOMAN CHAN: Great. Moving on to Item V, 17 Discussion and Possible Action on amendments to 18 R2-20-101, Definitions. 19 And so, you may remember back when we first 20 published these, the purpose is to bring out the 21 definitions and rules in line with the outcome of the 22 AZAN, or A-Z-A-N, versus State case, which dealt with 23 the cross-reference definitions in the Clean Elections 24 Act. And so we'll start with this item. And it 25 proposes to amend the definitions of the rules. And Tom</p>	<p>09:52:27-09:54:13 Page 17</p> <p>1 from fewer people, because anyone who is qualified as a 2 family member of a participating candidate would 3 essentially be under a cap that applies to family 4 members. 5 That definition, the definition that's in the 6 Clean Elections rules, is a narrower definition. It is 7 a definition that preceded the 2016 bill. And so by 8 removing the definition altogether from the rules, a 9 person will obviously know to look to the 10 cross-reference in the campaign finance code to 11 determine the limitations that are on the family 12 members who might make contributions. 13 We received one e-mail comment about this 14 supporting it and saying that the definition should be 15 consistent. And that's all the comment we received. I 16 don't know if we'll have any comments today. 17 Obviously, staff recommends this change 18 because we believe that, ultimately, we -- we -- this is 19 an issue that's left over from this litigation, and we 20 would just like to have a consistent approach. 21 So, our request is that the Commission give 22 final approval to this -- to this rule. 23 And if you have any questions, obviously, 24 Madam Chair, Commissioners. 25 CHAIRWOMAN CHAN: Thanks, Tom.</p>

<p>09:54:17-09:55:24 Page 18</p> <p>1 Is there any discussion or questions on this 2 item from the Commissioners? 3 MR. MEYER: Madam Chair? 4 CHAIRWOMAN CHAN: Oh, go ahead, Commissioner 5 Meyer. 6 COMMISSIONER MEYER: I'll make a motion that 7 we approve the amendment to R2-20-101 consistent with 8 staff recommendations. 9 COMMISSIONER KIMBLE: This is Commissioner 10 Kimble. I second that. 11 CHAIRWOMAN CHAN: Well, that was easy. All 12 right. We have a motion and a second. I'll go ahead 13 and call the roll. 14 Commissioner Meyer, how do you vote? 15 COMMISSIONER MEYER: Aye. 16 CHAIRWOMAN CHAN: Commissioner Kimble? 17 COMMISSIONER KIMBLE: Aye. 18 CHAIRWOMAN CHAN: And I vote aye, as well. 19 By a vote of three to zero, we have approved 20 -- given final approval to the amendment to R2-20-101. 21 Thank you. 22 And with that, we can move on to the next 23 item, which is the amendment to R2-20-109, Independent 24 Expenditures. And similar to the previous item, it's to 25 address the same court case. And Tom is going to,</p>	<p>09:57:04-09:58:54 Page 20</p> <p>1 notwithstanding any other law or, in the definition, any 2 rule. 3 The Commission has long had a rule related to 4 and, in fact, statutorily has long had authority related 5 to reports from political committees. We have a 6 definition in rule for how one would be -- one would 7 determine an organization was a political committee. 8 It's a formula, the upshot of which is that you would 9 have to spend more than 50 percent of your dollars on a 10 state election. 11 The amendment simply adds that if you are 12 qualified under the definition as a 501 organization, 13 that formula and those rules related to political 14 committee status don't apply to you because they -- 15 because of the supervening statute. The supervening 16 statute is, just to note, was determined to not be 17 supervening by the Court of Appeals. So, that is the 18 upshot there. 19 So, again, this was an issue that we -- This 20 is an issue that we actively litigated. And, obviously, 21 the Arizona Advocacy Network and the democratic 22 legislators also were actually the lead plaintiffs in 23 this matter. But, you know, we -- the -- anyways, 24 that's the -- that's where we are. 25 So, the upshot would be that the 501 would not</p>
<p>09:55:26-09:57:01 Page 19</p> <p>1 again, speak on the details about it. 2 Tom. 3 MR. COLLINS: Yes, Madam Chair, Commissioners. 4 Again, thank you. And thank you for all the flexibility 5 in moving this meeting so that we could have it after 6 the public comment period closed, but before June, 7 because, obviously, we'd like to get these rules in 8 place, you know, before August. 9 With respect to this rule, again, if you have 10 any issues with this rule and you are watching on 11 YouTube, or otherwise monitoring this, you know, please 12 go to our website and click the link to log into the 13 Zoom account if you'd like to make live comment about 14 this item. 15 With respect to this rule, the 2016 Act 16 contained, in its definitional section, a alteration of 17 the definition of political committee. 18 Now, a political committee is basically an 19 organization created for the purpose of influencing an 20 election. 21 The addition to the definition in 2016 said 22 that if a organization of any kind had tax exempt status 23 under Section 501(a) of the Internal Revenue Code that 24 they could not be a political committee under any 25 circumstances and not -- that would -- and that that was</p>	<p>09:59:00-10:00:31 Page 21</p> <p>1 -- would not qualify as a political committee, which 2 means they would not have to disclose and do not have to 3 disclose to the state, currently, their totality of 4 their expenditures and contributions that would have 5 reported on a full committee political report. 6 It's important that 501s know that the 7 so-called trigger reports, the clean elections reports, 8 that apply to spending, that is the functional 9 equivalent to the Executive Express Advocacy, that 10 statute remains in place, and it does not have anything 11 to do with whether or not the underlying entity is a 12 political committee for state law purposes. It has to 13 do with whether or not the organization is making an 14 expenditure that influences the result of an election. 15 So, that may seem like a lot of background, 16 but -- but I just want to make sure that we have, kind 17 of, as much of the procedural history and the 18 substantive history here. 19 The last thing I'll add, just to -- before we, 20 you know, request -- obviously, I'll take any questions, 21 and you have -- and, obviously, we're looking for 22 approval. We've actually never gotten a complaint under 23 this rule. 24 So -- so, despite the fact the rule's been on 25 -- this rule's been on the books in one form or another</p>

<p>10:00:35-10:01:59 Page 22</p> <p>1 for a very long time, we -- we haven't gotten an 2 enforcement. 3 So, to the extent that there was an issue 4 while this rule was on the books that someone thought 5 that someone was a full political committee, we haven't 6 -- we haven't had a complaint that caused us to pursue 7 that. So, it's hard to say what the -- it's hard to say 8 what the impact would be, given that, you know, the 9 political -- political financial world, you know, is kind 10 of constantly evolving. 11 But I think that summarizes, pretty much, 12 everything I can -- that I think -- I think -- I mean, 13 this is an issue and, just bottom line, that you all as 14 commissioners have been dealing with off and on for the 15 entirety of each of your terms, which is the better part 16 of a decade in some cases. 17 So, this resolves one of those issues. It 18 doesn't necessarily resolve it the way we would have 19 hoped, but it does resolve it. 20 And so I would stand for questions. And, of, 21 course, obviously, we're asking for you to approve this 22 -- this -- this amendment. Thank you. 23 CHAIRWOMAN CHAN: Thank you, Tom. Thanks for 24 that explanation so that, you know, we -- our memories 25 are refreshed, and for the public who is here, as well.</p>	<p>10:03:06-10:04:22 Page 24</p> <p>1 All right. We have a motion and a second. 2 I'll go ahead and call the roll. 3 Commissioner Meyer? 4 COMMISSIONER MEYER: Aye. 5 CHAIRWOMAN CHAN: Commissioner Kimble? 6 COMMISSIONER KIMBLE: Aye. 7 CHAIRWOMAN CHAN: And I vote aye, as well. 8 We have three votes for -- by a vote of three 9 to zero, we have approved the amendment, given final 10 approval to the amendment to R2-20-109. Thank you. 11 MR. COLLINS: Thank you, Commissioners. 12 CHAIRWOMAN CHAN: And I believe the next item 13 we're going to skip. Maybe next month, huh, Tom? 14 MR. COLLINS: Yeah. I'm sure it will be next 15 month. 16 CHAIRWOMAN CHAN: Okay. So, moving on to 17 Item VIII, Discussion and Possible action on legal 18 issues with election, budget and procedural bills 19 including: House Bill 2110 and House Bill 2891, looks 20 like. 21 And we may choose to go into executive 22 session, but I'm not sure whether we will need to. 23 We'll go ahead and -- So, we discussed last month the 24 governor did sign 2110. We did raise objections to the 25 bill with the Legislature based on the Voter Protection</p>
<p>10:02:03-10:03:05 Page 23</p> <p>1 And the same person who submitted the comment 2 in support of the last rule also submitted in support of 3 this rule, as well. 4 MR. COLLINS: That's correct. Thank you. 5 CHAIRWOMAN CHAN: And I didn't see any public 6 comment additional to that for the last rule. I don't 7 know if any public is here or the commissioners have any 8 comments on this before we try to move forward. 9 Commissioner Kimble or Commissioner Meyer? 10 (No response.) 11 CHAIRWOMAN CHAN: Okay. I don't see any 12 public indicating they wish to speak. And, if not, we 13 can go ahead and I would entertain a motion to approve 14 the amendment to the Rule, R2-20-109. 15 COMMISSIONER KIMBLE: Madam Chair? 16 CHAIRWOMAN CHAN: Commissioner Kimble? 17 COMMISSIONER KIMBLE: I move that we approve 18 the amendment R2-20-109, Independent Expenditures, as 19 outlined in our agenda item. 20 CHAIRWOMAN CHAN: Thank you, Commissioner 21 Kimble. 22 COMMISSIONER MEYER: I will second that 23 motion. 24 CHAIRWOMAN CHAN: Thank you, Commissioner 25 Meyer.</p>	<p>10:04:25-10:05:51 Page 25</p> <p>1 Act and other constitutional issues. It's -- Our 2 concern with it is its effect on the legal point of the 3 surcharge voters created and appropriated in the Clean 4 Elections Act. 5 So, Joe Roth is here today. He's a partner 6 with Osborn Maledon. And first we're going to turn to 7 Tom for a little more background, and then we can turn 8 it over to the Commissioners for questions. And then if 9 we do have legal questions, then I would entertain a 10 motion to go into executive session. 11 So, Tom, you want to . . . 12 MR. COLLINS: Yes. Thank you, Madam Chair, 13 Commissioners. So, at the last meeting, as Chairwoman 14 Chan said, you know, we did an informal public 15 discussion about this to try to get a sense of the 16 Commission's views on whether or not we should look 17 further into this. 18 We have started that process. Joe is here to 19 -- to -- and can talk a little bit about the contours of 20 that. 21 There are some timing changes that have 22 changed, literally since we posted the meeting, 23 specifically that has to do with, as I mentioned in the 24 earlier part of the agenda on these items, director's 25 report.</p>

<p>10:05:51-10:07:52 Page 26</p> <p>1 The Legislature has now, you know, taken a 2 break to work on the budget. So that, obviously, pushes 3 the session out, which pushes the effective date of, you 4 know, it -- just as a background matter, to refresh 5 everybody's memory, most legislation is effective 90 6 days after the legislative session closes. So, that 7 time is, you know, we now know, will be pushed out 8 farther than we would have anticipated, probably, on 9 Monday, you know, farther than I would have anticipated. 10 There are other people who, I'm sure, would have 11 anticipated something else. 12 Anyways, so -- so, you know -- so, you know, 13 Joe has been, and Osborn Maledon have been, you know, 14 authorized to help us with the legal advice and 15 understanding this issue. 16 So, I guess, my question is, so -- so -- so, 17 Commissioners -- I mean, the first -- the -- the one 18 question, really, is, like, you know -- I mean, there 19 are three of you here. Were we to go into executive 20 session, obviously we could -- we could have -- we're 21 prepared to discuss some of the aspects of this bill. 22 But, just to be clear, because of the way the 23 Legislature is in flux right now, you know, we're not -- 24 as staff, we don't have a specific action that we're 25 suggesting today. Really, we want to make sure that we</p>	<p>10:09:40-10:11:17 Page 28</p> <p>1 traffic defendant to what is called community 2 restitution at a rate of \$12 per hour to the state. 3 You know, as we said to the governor's 4 attorneys in requesting that the governor consider a 5 veto on this -- and I wish I could take credit for this 6 line, but I can't. Even if you believe there's efficacy 7 and -- in the -- in the -- in the -- in this kind of 8 mitigation effort, it's not -- it's not money. 9 And so what we told the Commission -- and we told the 10 Legislature it's, therefore, either amendatory, 11 superseding, or averting because those are not the same 12 thing. 13 So, that's where we are on this. If -- if you 14 all would like, you know, Joe is here. Joe has made 15 himself available. I really appreciate that. 16 And -- and so if you want to get into some of 17 the -- some of the legal issues, we're welcome -- you're 18 welcome to do that. Now is a good time to do that. But 19 that's -- I know that's quite a bit of background, but I 20 just want to make sure that, you know, that we're all -- 21 have a common set of -- of facts that are, you know, 22 part of the public record. 23 CHAIRWOMAN CHAN: Do we need to discuss the 24 other bill, as well? Would Joe be advising us on that, 25 as well?</p>
<p>10:07:57-10:09:34 Page 27</p> <p>1 continue to provide the background information so that, 2 you know, when we reach a point where there is some 3 decision to make on that, you all, you know, each of the 4 Commissioners, feels like you have a sense of the 5 salient issues. 6 The -- and just to -- and not to extend this 7 background so far, but just to -- just to make sure 8 everybody sort of understands what the gist of the issue 9 is, at least from -- from -- from how we presented it in 10 the Legislature, the upshot is basically the Clean 11 Elections Act set up -- sets up a surcharge on civil and 12 criminal fines and fees of 10 percent. And it sets up 13 that that money should go to the Clean Elections Fund. 14 So, it's appropriated. 15 The bill that passed, there's a -- there's 16 some other stuff, too. It's not exclusively about -- 17 it's -- it's -- first of all, it's not exclusively about 18 Clean Elections, and it's not even exclusively about the 19 surcharge. There's some other aspects of it that have 20 to do with juvenile fines and fees that -- you know. 21 But, the -- the bottom line is that the 22 provision that talks about the surcharges that we are 23 included in notwithstanding the Clean Elections Act. And 24 so, you know, our concern is, you know, what is the -- 25 is that -- and allows a judge to sentence a civil</p>	<p>10:11:18-10:12:51 Page 29</p> <p>1 MR. COLLINS: Madam Chair, Commissioners, Joe 2 is authorized to do that. I will say, however, that 3 that bill, and since it's one agenda item, obviously, 4 you know, that bill, things are even more -- again, 5 since we created the agenda, things have gotten -- I 6 mean, that bill is wrapped up with the budget. It's 7 part of the budget procedures. 8 We know that the Senate Rules attorneys have 9 suggested to the Senate that the aspects of that bill 10 that -- whether or -- regardless of their intent, by 11 their language, implicate the Commission's authority 12 under the Clean Elections Act to defend the Clean 13 Elections Act are, you know, are legitimate 14 constitutional issues that -- that the Rules attorneys 15 are recommending be addressed. 16 Now, that having been said, you know, because 17 the budget is now in a state of flux, you know, it's a 18 little harder to -- we have -- we really -- we 19 basically, in the last 24 hours, since about 2 o'clock 20 yesterday when the Senate decided that they would also 21 go on a break, so to speak, we just really don't know 22 what's going to happen with that. 23 CHAIRWOMAN CHAN: Just a quick question, then. 24 So, just to familiarize the Commissioners in case 25 they're not aware, I'm not sure what -- I don't think</p>

<p>10:12:55-10:14:25 Page 30</p> <p>1 the budget had been out last month, correct, because it 2 just came out this week. Do you want to go over the 3 provisions that impact us in that bill quickly -- 4 MR. COLLINS: Sure. 5 CHAIRWOMAN CHAN: -- or however long it takes. 6 MR. COLLINS: Yeah, no, I will do it quickly. 7 Madam Chair, Commissioners, so on Monday the 8 House, and later the Senate, dropped the budget bills. 9 There's always a, what's called budget procedures, which 10 basically is the law governing the budget. 11 In that bill there were some -- I mean, I 12 would just say substantive procedures that don't have a 13 lot to do with budgeting. And two of them directly 14 implicate the Commission. 15 The first one is Section 15 of what was 16 introduced as House Bill 2891. That takes some language 17 in the Arizona Administrative Procedures Act that allows 18 you -- they -- they -- anyone to petition the Governor's 19 Regulatory Review Council for review of a rule or 20 practice of a state agency. 21 The bill would loosen that so that no longer 22 would there be a petition required. Essentially what it 23 says is that if four GRRC members decide they would like 24 to reach out and grab a rule or alleged rule or policy 25 of an agency or a board or commission, they can do that.</p>	<p>10:16:00-10:17:35 Page 32</p> <p>1 Elections Commission requires a three-quarter vote 2 because of that amendment. 3 Second and, perhaps, in a more -- certainly, 4 more -- more broadly publicly recognized issue, there's 5 a set of session laws proposed in 2891 that state, 6 basically, that the Attorney General's Office is to be 7 the -- essentially, the election lawyer for the State. 8 It's pretty clear, and certainly it's been 9 reported, that the purpose of this bill, because it has 10 some other provisions that pile on top of this, is to 11 effect the Secretary of State's role in several 12 different issues. 13 That having been said, this particular 14 provision is written quite broadly, and so -- and it 15 says that, you know, notwithstanding any law, 16 essentially, the Attorney General gets -- controls the 17 defense of election laws, you know, regardless of 18 whether or not another state officer or anybody else 19 intervenes. 20 There are a couple of different ways in which 21 this kind of expansion of the Attorney General's role 22 would implicate the Voter Protection Act as to the Clean 23 Elections Commission, but the most obvious and salient 24 and easy one is that we have authority to intervene to 25 defend the Clean Elections Act.</p>
<p>10:14:30-10:15:56 Page 31</p> <p>1 Now, it's a general statutory proposal in the 2 sense that it would apply to all agencies that have 3 reporting requirements with the governor's regulatory 4 review council. However, the Commission's operation 5 with respect to GRRC under the -- under the -- what's 6 called Prop 306 from 2018 was passed by voters. 7 So, it has been our view, and it has been the 8 view of some other -- some attorneys, including 9 legislative attorneys, in other -- in similar context 10 that, you know, again, regardless of whether or not you 11 agree on whether or not it furthers the purpose of Prop 12 306 to have GRRC have more authority over Clean 13 Elections, it's a change. It's an amendment. 14 On -- You know, were this to pass on day one, 15 there would be a public petition process that we would 16 be aware of if someone was trying to get GRRC to look at 17 a specific issue. On day two, the GRRC council members 18 could, as I read the bill, simply notify their chair 19 that there is an issue. And then we would get a letter, 20 I guess, from the chair saying, "You're under review for 21 this." That is a change in -- that is a change in law. 22 And so our -- what we have, you know, told the 23 Legislature is, we believe that that would -- and we've 24 told the Governor's office, as well, that we believe 25 that that would, you know -- that appliance at Clean</p>	<p>10:17:36-10:18:52 Page 33</p> <p>1 And so the -- so if the reasoning goes Clean 2 Elections Act is an election law, the Clean Elections 3 Commission currently has the authority to intervene to 4 defend the Clean Elections Act from a challenge, this 5 new law says that the Attorney General decides how to 6 intervene to protect an elections law. Therefore, there 7 is a change. 8 On day one the Clean Elections Commission has 9 the authority to defend the Clean Elections Act. On day 10 two the Attorney General controls that, because voters 11 passed the Clean Elections Act, and subject to the Voter 12 Protection Act, that change is a amendment. 13 There are other things in the drafting of this 14 particular subsection -- it's Section 24 of the bill -- 15 that are -- that are problematic for -- for -- from a -- 16 from other perspectives, in our view. And then there 17 are broader issues with it in the sense that how it's 18 constructed. 19 You know, there are some other legal issues 20 that really belong to the counties and the Secretary of 21 State's office of about how the actual mechanics of 22 election litigation would work. But -- but for our 23 purposes, it's -- it's basically -- it's -- the Voter 24 Protection Act. 25 And then we also are concerned -- there's a --</p>

<p>10:18:55-10:20:25 Page 34</p> <p>1 there's a section of the bill that says that the 2 Attorney General's office advice function and the 3 Attorney General's ability to make decisions apart from 4 that on election stuff would be separate. 5 Now -- And that's a change, too, not a 6 VPA-related change, per se, but because -- because there 7 are Arizona Supreme Court rules that govern that 8 relationship, and this would supersede those, there is a 9 potential for a separation of powers issue. 10 So, those are the issues that we've raised 11 with the Legislature. We've raised, as applied, 12 expanding GRRC's power to the Commission is a change in 13 law that applies to the Commission that -- allowing the 14 Attorney General's office to supersede the Commission's 15 authority to defend the Clean Elections Act is a Voter 16 Protection Act issue. And there are other provisions of 17 the Clean Elections Act that -- that could be 18 countervailed by that. 19 And then, finally, that by altering the nature 20 of the relationship between the Attorney General's 21 Office and some of its client agencies, potentially 22 including us, there's a potential separation of powers 23 issue. 24 So, that -- that -- that -- that's -- that's 25 the status of where we are at this point, Madam Chair.</p>	<p>10:21:53-10:23:08 Page 36</p> <p>1 than that, but I'd hate to do anything that would 2 preempt his position on it. 3 CHAIRWOMAN CHAN: Commissioner Kimble, I 4 really appreciate you bringing that up. I think you're 5 absolutely right. I didn't think of it that way, and I 6 think you're correct. I think that's a great way to 7 approach it. 8 Commissioner Meyer, what are your thoughts on 9 that? 10 COMMISSIONER MEYER: Madam Chair, I have just 11 a quick question on -- regarding 2110. 12 What percentage of our revenues are coming 13 from these civil/criminal fines? 14 MR. COLLINS: Sure. Madam Chair, 15 Commissioner Meyer, I think it's something like 80 to 90 16 percent of our revenue. 17 Now, that having been said, the -- the impact 18 of this bill may, in turn, be limited. That's a -- 19 that's a -- that's another part of the discussion. But 20 -- so it's -- it's basically the bulk of our revenue. 21 The impact may turn out to be less than, you know, the 22 -- let me put it this way. The Joint Legislative Budget 23 Committee reported based on what the administrative 24 offices of the court had said that they thought the 25 impact would be minimal on the -- on the actual revenue</p>
<p>10:20:29-10:21:49 Page 35</p> <p>1 CHAIRWOMAN CHAN: Thank you. So, having heard 2 all of that -- and, you know, I recognize that the 3 budget is kind of a squishy, amorphous thing right now, 4 it's not come to fruition yet, but I just wanted us to 5 be aware of those issues. 6 Do we want to go into -- do we want to 7 entertain -- does anybody want to make a motion to go 8 into executive session to obtain legal advice on 2110 at 9 least? Did I get that number right? 10 MR. COLLINS: Yes. 11 CHAIRWOMAN CHAN: Yeah. 12 Do we want to get legal advice on that? 13 COMMISSIONER KIMBLE: Madam Chair? 14 CHAIRWOMAN CHAN: Um-hum, Commissioner Kimble. 15 COMMISSIONER KIMBLE: I guess I'm somewhat -- 16 Commissioner Paton was very interested in this issue 17 last month when we discussed it. He's not able to be 18 here today. 19 CHAIRWOMAN CHAN: Yes. 20 COMMISSIONER KIMBLE: If there's not anything 21 really pressing with 2110, since who knows when the 22 Legislature's going to adjourn, I wonder if we -- if we 23 ought to wait until next month when I hope he's able to 24 be with us, just out of respect to his thoughts on this. 25 I'm not aware that we should move more quickly</p>	<p>10:23:12-10:24:38 Page 37</p> <p>1 into the fund. That's what we know now, as far as that 2 goes. 3 COMMISSIONER MEYER: Madam Chair? 4 CHAIRWOMAN CHAN: Yeah, go ahead. 5 COMMISSIONER MEYER: As far as my position, I 6 don't know that we need legal advice, but I -- I do want 7 to say, I think we need to be very careful and make sure 8 that we protect the Commission's authority that we have 9 under the VPA. 10 And I don't think it's any secret to anyone 11 here that, you know, democracy and voting rights are 12 literally under attack right now. And we do not want to 13 -- we need to make sure that we do what we need to do to 14 protect those rights. And, you know, one of our 15 missions is, you know, to maintain the integrity of our 16 election system. 17 So, I am of the mind that we need to do what 18 we need to do to protect the VPA. If there's changes 19 being made that don't meet the three-fourths 20 requirement, we need to look at that. 21 And I don't know how the timing works then. I 22 certainly respect my other Commissioner's position. I 23 know Commissioner Kimble said he would like to hear from 24 Commissioner Paton on this. But if time is of the 25 essence, I would like to know that.</p>

<p>10:24:43-10:25:58 Page 38</p> <p>1 CHAIRWOMAN CHAN: It sounded like, from what 2 you were thinking, because of the fact that we're 3 kicking the can down the road, so to speak, because of 4 the general effective date, that affects when -- if we 5 were going to file something at the Commission. 6 MR. COLLINS: Right. Right. So, Madam Chair, 7 Commissioner Meyer, and -- I mean, to make use of Joe's 8 time, I mean, I would say this: I believe that -- that 9 we don't need to make any decisions that -- during this 10 meeting. 11 You know, had the -- had the legislative 12 matters developed in a different way, we might have just 13 -- you know, we might have been able to skip this 14 altogether as an agenda item. It's just not how it 15 worked out. 16 But, you know, subject to some correction, I 17 don't -- I don't think we need to do that today. If we 18 did, we would be -- we would definitely tell you, you 19 know. 20 And so, obviously, Joe has a role in -- in 21 that determination in terms of his analysis timing, but 22 so -- unless he -- so if he -- 23 Joe, if you want to jump in here and say I'm 24 wrong, please do. 25 But, otherwise, I think we're very comfortable</p>	<p>10:27:20-10:29:01 Page 40</p> <p>1 suit? Maybe we're getting into legal advice, but -- 2 maybe that's a question for the next meeting. 3 MR. COLLINS: Well, Madam Chair, Commissioner 4 Meyer, if I may, from a non-le- -- as not your lawyer, 5 you know, my view is that if we needed to file something 6 around the time of the effective date, we would still 7 have time to do that. But I don't think we're at the 8 point where we would be able to tell you precisely what 9 that would even look like, because there are some -- you 10 know, there are some factual issues that I will probably 11 have to -- and staff have to have some more information 12 that we would feed back through the legal process, as 13 far as -- as far as that goes. 14 But the one -- From an administrative 15 perspective, one of the reasons that I'm not -- I'm not 16 concerned -- I'm not as concerned about that is because 17 there's still -- we have 90 days from the end, first of 18 all. 19 And -- and so -- and when we've had to do this 20 before, again, not -- I'm not saying we will and I'm not 21 even saying we should, and I'm not even saying that I 22 have the information to say we -- just have a feeling 23 about whether or not we can. And normally I -- I'm just 24 saying, basically, as a practical matter, we -- we have 25 -- we have 90 days, plus whatever we get in the -- in</p>
<p>10:26:04-10:27:15 Page 39</p> <p>1 with -- with standing -- with not -- with staying where 2 we are today. We've updated you on where we think the 3 developments are around these issues. I -- I don't 4 think there's anything else we need to do today. 5 CHAIRWOMAN CHAN: Joe, do you want to -- do 6 you mind if I put you on the spot? Do you think we're 7 okay if wait until we can get Commissioner Paton over 8 here for the next Commission meeting, timing-wise? 9 MR. ROTH: Madam Chair, Commissioners, I 10 agree. I have nothing to add to what Tom said. I don't 11 think there's any timing pressure beyond the adjournment 12 of the Legislature. There's a one-year statute of 13 limitations to bring an action. 14 CHAIRWOMAN CHAN: Excellent. Well, I feel 15 better about that already. Thank you. 16 All right. So, if there's no further comments 17 or questions from the commissioners or staff, I'll go 18 ahead and take us on to our next agenda -- 19 COMMISSIONER MEYER: Madam Chair, I apologize. 20 CHAIRWOMAN CHAN: Oh. 21 COMMISSIONER MEYER: A quick question. On the 22 one-year statute of limitations, is this something -- is 23 this not something that we would need to enjoin before 24 it happens? I mean, once -- once -- once the law is 25 passed, I mean, isn't it a little late to then file</p>	<p>10:29:03-10:30:39 Page 41</p> <p>1 the legislative session. So, I don't anticipate that. 2 And I don't anticipate the kind of pent up 3 demand for this change that there was, for example in 4 two -- you know, the last time -- not the last time, but 5 one of our bigger legal issues we've had was on the -- 6 was on our -- the -- the campaign finance limits that 7 apply. 8 In that particular case, there was a high 9 level of pressure on the Commission, the courts, from 10 the Legislature and from candidates running for 11 statewide office to -- who wanted to raise more money. 12 This -- this issue is a little bit more disaggregated 13 than that. There's -- there's not a real lobby for 14 this. In fact, all of the criminal justice and civil 15 justice reform advocates that I know are -- were against 16 this bill because it doesn't -- it doesn't do anything 17 as a policy matter. 18 As a policy -- and I can say this from my own 19 experience in criminal defense. Civil restitution for 20 civil -- sentencing people to work for civil fines, 21 well, it doesn't -- that's not something that works in 22 the criminal context, and there's no reason to believe 23 it's going to work in the civil context. It's not -- 24 it's not -- it's not an effective reform policy. 25 So, in that sense, there's not -- there just</p>

<p>10:30:42-10:31:42 Page 42</p> <p>1 isn't the intensity level around this that there would 2 be if this was something that substantively dealt with, 3 say, speech issues or spending issues, or some of those 4 things. 5 I hope I'm getting at an answer to your 6 question, Mr. Meyer. Maybe I'm just talking. 7 COMMISSIONER MEYER: No, you are. And I 8 appreciate -- I appreciate it. Thank you. 9 COMMISSIONER KIMBLE: Madam Chair? 10 CHAIRWOMAN CHAN: Yes, Commissioner Kimble. 11 And I don't know if Joe had anything to add 12 when you're done. 13 COMMISSIONER KIMBLE: Okay. 14 CHAIRWOMAN CHAN: Go ahead, Commissioner 15 Kimble. 16 COMMISSIONER KIMBLE: Looks like Joe is gone. 17 UNIDENTIFIED SPEAKER: No, he's here. 18 COMMISSIONER KIMBLE: A couple points. 19 First of all, I just want to say what 20 Commissioner Meyer said about the -- about 2110, I 21 totally agree with. And I don't mean anyone to think 22 that my suggestion that we wait is any indication that I 23 have some doubts about whether we ought to go after this 24 or not. I think Commissioner Meyer spelled it out very 25 well. I just want to make sure that Commissioner Paton,</p>	<p>10:32:55-10:34:10 Page 44</p> <p>1 concern about the timing, for the reasons Tom discussed, 2 that there would be time to act, whether we needed to 3 act within the 90 days or within the one year. 4 CHAIRWOMAN CHAN: Okay. Great. Thank you. 5 Do you want us to go into executive session, or do you 6 think it can wait until our next Commission meeting? 7 MR. ROTH: I don't recommend it. Happy to, 8 obviously, address any questions, but I don't think it's 9 necessary today. 10 CHAIRWOMAN CHAN: I think we can wait, then. 11 And that way, you know, I think, Commissioner Kimble, I 12 think we all understand what you're saying as far as 13 waiting for our colleague to come back. I think it's 14 always better to have more of us here to make a decision 15 together, and especially when one has expressed interest 16 in an issue. 17 So -- all right. Excellent. Love our team. 18 If there's nothing else from anyone on this 19 issue, I will go ahead and move on to Item, is it VIII? 20 I think it is Item VIII. Public comment -- no, IX. 21 Excuse me. Public comment, whatever number that is. 22 Okay. So, does any member of the public wish 23 to make comments at this time? I see Rivko's hand up. 24 Rivko. 25 MS. KNOX: Madam Chair, I just wanted to say a</p>
<p>10:31:45-10:32:53 Page 43</p> <p>1 who has indicated a lot of interest in this, has a 2 chance to weigh in. 3 Second of all, Tom, do you need any direction 4 from us on 2891, on the budget bill? It sounds like 5 there are two issues that you've outlined that I think, 6 speaking only for myself, I agree with your concerns 7 about these two things. But do we need to do anything 8 since that'll presumably be resolved by the next time we 9 meet? 10 MR. COLLINS: Madam Chair, Commissioner 11 Kimble, exactly, that's exactly our view, that -- and, 12 in fact, and if things go and the Rules attorneys' 13 analysis prevails this issue may go away largely, from 14 our perspective. 15 Now, what -- how this affects the Secretary of 16 State or the counties is a different issue. I don't 17 think that issue will go away, but our issue may go 18 away. 19 CHAIRWOMAN CHAN: And, Joe, did you want to 20 add anything? 21 MR. ROTH: Yes. Thank you, Madam Chair. 22 To address Commissioner Meyer's question, I 23 have thoughts on it that I think would be better left to 24 an executive session. 25 But, practically speaking, I do not have</p>	<p>10:34:12-10:35:43 Page 45</p> <p>1 few things. Please, I want to make it very clear I'm 2 speaking for myself as an Arizona citizen, and a voter, 3 resident, whatever, for many, many years, since 1966. 4 I'm not speaking on behalf of any group. 5 I really should have said this, I think, last 6 month, but I didn't speak. I wanted to thank the 7 Commission staff for inviting me to participate in that 8 Civic Education Conference, which was absolutely 9 outstanding. 10 I don't know if my comments were outstanding, 11 but I enjoyed and learned a lot by -- by listening to 12 the entire thing. So I wanted to thank the Commission 13 staff for that opportunity, and to speak. 14 I also wanted to say that I have really been 15 very pleased to see the Commissioners more proactive, if 16 I could put it that way. I think it's a shame that very 17 few people are really aware of Clean Elections, the 18 Commission, and the wonderful mandates you have with the 19 law and the work that you all do. And so this is a 20 little, again, belated, but I know that several months 21 ago two of the Commissioners wrote a column. 22 And then I have not had an opportunity to see 23 Ms. Roberts' interview, but I plan to. 24 And I've also heard you, Chairman Chan, being 25 interviewed on NPR Take House host yesterday, and very</p>

<p>10:35:48-10:37:18 Page 46</p> <p>1 articulate and very informative. And I hope that people 2 listen and people learn more about the Commission. 3 My role now is just to say, as a citizen -- 4 and I have tried writing some letters to the editor, but 5 getting them published is not necessarily that easy. 6 But, I -- I am -- of course, unfortunately the way the 7 Legislature has been acting, the way the Legislature 8 procedures actions have been recently, it is very, very 9 difficult -- we have RTS, request to speak, no longer 10 applies once it goes to the committee of the whole. The 11 budget bill's come and go. So, it is very difficult to 12 kind of develop support or opposition to specific 13 things. But that's where the legislature is now, abut 14 -- Again, I do plan to continue. 15 By the way, I have been writing reports. The 16 last -- since I no longer represent the League, I still 17 have written up a brief summary of each meeting and send 18 it to several people who are League members who have 19 always been very interested in the Citizens Clean 20 Election Commission, and including one of the two 21 members who was very instrumental in getting them 22 passed. And this whole thing keeps them alert to 23 things. 24 And that's it. And thank you very much for 25 the opportunity to speak, and I am muting myself.</p>	<p>10:38:49-10:39:55 Page 48</p> <p>1 mission. So, kudos to them. 2 Anyone else -- oh, sorry. Tom, go ahead. 3 MR. COLLINS: I just wanted to say real 4 quickly -- I apologize. I should have said this 5 earlier. 6 If there's anybody who's watching on YouTube 7 who would like to make public comment, you can go onto 8 our website and click the link on the agenda there, and 9 you should be able to -- I suppose we can pause for a 10 moment to see if anybody clicks in. 11 CHAIRWOMAN CHAN: Sure. 12 MR. COLLINS: But that was all. I'm sorry for 13 the interruption. 14 CHAIRWOMAN CHAN: That's okay. 15 COMMISSIONER MEYER: Madam Chair? 16 CHAIRWOMAN CHAN: Sure. 17 COMMISSIONER MEYER: Can I just follow up on 18 your comment. And thank you, Ms. Knox, for your 19 comments. 20 And, you know, I just wanted to say, I wanted 21 to thank our staff, Gina, getting out, doing the 22 interview, thank Commissioner Kimble, Commissioner Chan, 23 for their appearances. 24 And I just want to say I want to support and 25 commend and thank Maricopa County Supervisor Bill Gates</p>
<p>10:37:23-10:38:46 Page 47</p> <p>1 CHAIRWOMAN CHAN: Thank you so much, Rivko. 2 We love having you here. 3 And, yes, Commissioner Kimble and Commissioner 4 Meyer wrote a wonderful op-ed that I saw in -- I can't 5 remember which paper it was now, but I think it was in 6 maybe even more than one. I saw it on the internet, so 7 I can't remember because I read several different 8 newspapers, although -- anyway. But it was a wonderful 9 op-ed about some of the issues that we're seeing at the 10 Legislature. 11 And just my own personal commentary here, I 12 think one of the saddest things, to me as an election -- 13 I'd like to think of myself as an election professional 14 -- as an election professional is that promoting voting 15 participation seems to have become political. And that 16 -- that is very sad to me. 17 So -- but I think the one thing that I really 18 admire about my fellow commissioners is that I think we 19 all really feel passionate about our mission here as far 20 as promoting participation in government and voter 21 participation. And so I do think that we're not shying 22 away from that, even though it seems to have become a 23 little bit of a hot potato in recent years. 24 So, I want to give props to my fellow 25 commissioners for not shying away from that part of our</p>	<p>10:40:00-10:41:23 Page 49</p> <p>1 and Maricopa County Recorder Steven Richer on their 2 statements, Republicans on their statements that they 3 have made regarding the audit that is currently ongoing 4 by our Senate, and I truly support the courage and what 5 they've done, and I thank them. 6 CHAIRWOMAN CHAN: Thank you. 7 I echo those sentiments. And I'd like to add, 8 you know, there have been a lot of people who have 9 spoken out against the audit. And I know I've seen some 10 people say, you know, Republicans shouldn't get special 11 kudos for coming out against the audit, but I think what 12 we've seen, again, is that unfortunately it's become, 13 again, a little bit of a political football. And I 14 think it's probably hard to buck your own party when it 15 does seem to become a little bit partisan like that. 16 So, I stand with Maricopa County, for sure, on this one 17 and I applaud them, as well, and all the Maricopa County 18 supervisors. 19 COMMISSIONER KIMBLE: Madam Chair, let me just 20 say I agree with you and agree with what Commissioner 21 Meyer said. Very well said. Thank you. 22 CHAIRWOMAN CHAN: Thank you. 23 Let me add -- because I think I left it out -- 24 regarding public comment, for anyone who would like to 25 send comments, they can do that to the Commission by</p>

10:41:27-10:42:42 Page 50

1 mail or by e-mail at CCEC@AZCleanElections.gov.
2 And, you know, Commissioner Meyer, you also
3 gave a shout out to our staff. And I think I didn't do
4 that this meeting, and I feel like -- I don't mean to
5 take them for granted.
6 You guys do such an amazing job, and the fact
7 that you guys have been really -- You know, Commissioner
8 Kimble, you mentioned do we need to give direction to
9 staff. And I've seen the work that they've been doing
10 on their budget this week, just because I've been in
11 communication with Tom on it a little bit, and -- and so
12 I know we don't need to give them direction in that
13 regard.
14 And it's been an incredible experience,
15 actually, this year being chairman, just seeing what you
16 do on a more regular basis. So, I'm having -- You know,
17 it's been a wonderful experience being on the Commission
18 and seeing what you guys do, but being chairman has been
19 a different experience, as well, just seeing a little
20 more. So -- and I got to attend a staff meeting, which
21 was wonderful.
22 So, anyway, I just -- I really appreciate our
23 staff. You guys are amazing and appreciate getting, you
24 know, all the different perspectives from you and, you
25 know, kind of keeping me grounded. So, anyway, thank

10:42:47-10:43:53 Page 51

1 you all very much. So --
2 COMMISSIONER MEYER: Madam Chair?
3 CHAIRWOMAN CHAN: Yes.
4 COMMISSIONER MEYER: One last thing. I wanted
5 to encourage everyone out there to please look at the
6 piece that Maricopa County Recorder Stephen Richer wrote
7 on NationalReview.com. I'm going to put a link to that
8 in the chat, if that's okay. Tom?
9 CHAIRWOMAN CHAN: I think that's fine.
10 MR. COLLINS: Yeah, I think that the audit
11 issue is in the executive director's report and,
12 therefore, anybody who wanted to hear about the audit
13 issue could have listened to this meeting.
14 COMMISSIONER MEYER: Great. And I just posted
15 that link and I encourage everyone to look at it and
16 read it. Thank you.
17 CHAIRWOMAN CHAN: Thank you so much.
18 All right. And is there anyone else who
19 wishes to make public comment?
20 (No response.)
21 CHAIRWOMAN CHAN: I don't see any other hands
22 or notices. So, with that we can move on to the last
23 item on the agenda, Item X, Adjournment.
24 Is there a motion?
25 COMMISSIONER KIMBLE: Madam Chair, I move we

10:43:55-10:44:17 Page 52

1 adjourn.
2 CHAIRWOMAN CHAN: All right. Thank you.
3 Is there a second?
4 COMMISSIONER MEYER: Second.
5 CHAIRWOMAN CHAN: Okay. Excellent.
6 All right. Let me call the roll.
7 Commissioner Meyer, how do you vote?
8 COMMISSIONER MEYER: Aye.
9 CHAIRWOMAN CHAN: Commissioner Kimble?
10 COMMISSIONER KIMBLE: Aye.
11 CHAIRWOMAN CHAN: I vote aye, as well.
12 And so by a vote of three ayes, zero nays, we
13 have voted to adjourn the meeting. And, with that, we
14 are adjourned. I will see you all next month. Have a
15 good month.
16 (Meeting adjourned at 10:44 a.m.)
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Page 53

1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA) ss.
3
4 BE IT KNOWN that the foregoing proceedings
5 were taken before me, Deborah L. Tucker, Certified
6 Reporter No. 50464 and Notary Public in and for the
7 County of Maricopa, State of Arizona; that the
8 proceedings were taken down by me in shorthand and
9 thereafter reduced to typewriting under my direction;
10 that the foregoing pages are a true and correct
11 transcript of all proceedings had upon the taking of
12 said proceedings, all done to the best of my skill and
13 ability.
14 I FURTHER CERTIFY that I am in no way
15 related to any of the parties hereto nor am I in any way
16 interested in the outcome hereof.
17 DATED at Phoenix, Arizona, this 28th day of
18 May, 2021.
19
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24
25

Deborah L. Tucker
Deborah L. Tucker, RPR
Certified Reporter #50464
and Notary Public
My Commission expires:
January 20, 2025

	affidavit (1) 6:14	appearances (1) 48:23	14:6;43:13,17,18; 47:22,25	26:2;29:6,7,17,30:1,8, 9,10;35:3;36:22;43:4; 46:11;50:10
§	again (15) 7:12;10:2; 13:9;16:5;19:1,4,9; 20:19;29:4;31:10; 40:20;45:20;46:14; 49:12,13	appears (1) 16:21	Aye (12) 4:13,15,16; 15:9,11,12;18:15,17, 18;24:4,6,7	budgeting (1) 30:13
\$12 (1) 28:2		applaud (1) 49:17	AZAN (2) 15:22;16:21	building (1) 5:24
A	against (3) 41:15;49:9, 11	appliance (1) 31:25	A-Z-A-N (1) 15:22	bulk (1) 36:20
ABC (4) 5:16;10:16,23; 11:2	agencies (2) 31:2; 34:21	applied (1) 34:11	B	burden (1) 7:1
ability (1) 34:3	agency (2) 30:20,25	applies (3) 17:3;34:13; 46:10		business (1) 3:6
able (11) 5:2,14,14; 7:15;16:9,25;35:17,23; 38:13;40:8,48;9	agenda (13) 5:3;7:14; 14:25;15:14;16:8; 23:19;25:24;29:3,5; 38:14;39:18;48:8; 51:23	apply (4) 20:14;21:8; 31:2;41:7	back (5) 6:22;15:19; 16:12;40:12;44:13	busy (1) 5:8
absolutely (2) 36:5; 45:8	ago (1) 45:21	appreciate (6) 28:15; 36:4;42:8,8;50:22,23	background (6) 21:15; 25:7;26:4;27:1,7;28:19	C
abut (1) 46:13	agree (6) 31:11;39:10; 42:21;43:6;49:20,20	approach (2) 17:20; 36:7	ballot (7) 6:14;8:8,10; 9:9,12,19,21	call (5) 3:5;4:10;15:6; 18:13;24:2
account (3) 5:2;14:4; 19:13	ahead (15) 3:10,12,13; 4:10;8:2;18:4,12; 23:13;24:2,23;37:4; 39:18;42:14;44:19; 48:2	appropriated (2) 25:3; 27:14	ballots (1) 7:4	called (4) 6:10;28:1; 30:9;31:6
Act (24) 15:24;16:14, 18;19:15;25:1,4;27:11, 23;29:12,13;30:17; 32:22,25;33:2,4,9,11, 12,24;34:15,16,17; 44:2,3	aimed (1) 11:15	approval (4) 17:22; 18:20;21:22;24:10	Bank (1) 13:22	came (1) 30:2
acting (1) 46:7	aired (1) 11:7	approve (9) 3:25;4:3; 14:9,19,23;18:7;22:21; 23:13,17	banking (1) 14:4	campaign (4) 13:19; 16:19;17:10;41:6
Action (8) 3:20;4:20; 12:21;13:1;15:17; 24:17;26:24;39:13	Alec (1) 5:8	approved (4) 4:18; 15:14;18:19;24:9	based (2) 24:25;36:23	can (30) 3:19;5:3,11; 6:22;8:15,22;12:5,18; 13:16;14:15;15:2;16:1, 22;18:22;22:12;23:13; 25:7,19;30:25;38:3; 39:7;40:23;41:18;44:6, 10;48:7,9,17;49:25; 51:22
actions (1) 46:8	alert (1) 46:22	April (3) 3:21;4:4,18	basically (9) 11:9; 19:18;27:10;29:19; 30:10;32:6;33:23; 36:20;40:24	careful (1) 37:7
active (3) 9:6,16,22	alleged (1) 30:24	Arizona (4) 20:21; 30:17;34:7;45:2	basis (1) 50:16	case (5) 15:22;16:21; 18:25;29:24;41:8
actively (1) 20:20	allowing (1) 34:13	around (4) 9:24;39:3; 40:6;42:1	BECKER (2) 13:6; 15:15	cases (1) 22:16
activities (1) 11:18	allows (2) 27:25;30:17	arrive (1) 12:3	become (4) 47:15,22; 49:12,15	cash (1) 13:20
activity (1) 6:9	along (1) 4:19	Article (1) 16:18	behalf (1) 45:4	caused (1) 22:6
actual (3) 9:25;33:21; 36:25	alteration (1) 19:16	articulate (1) 46:1	belated (1) 45:20	CCEC@AZCleanElections.gov (1) 50:1
actually (5) 6:6;13:8; 20:22;21:22;50:15	altered (1) 16:15	aspects (4) 13:19; 26:21;27:19;29:9	belong (1) 33:20	certainly (3) 32:3,8; 37:22
add (7) 6:1;21:19; 39:10;42:11;43:20; 49:7,23	altering (1) 34:19	associated (1) 7:1	better (5) 10:20;22:15; 39:15;43:23;44:14	Chair (34) 4:1,24;7:24; 10:15,19;13:6;14:20; 16:3;17:24;18:3;19:3; 23:15;25:12;29:1;30:7; 31:18,20;34:25;35:13; 36:10,14;37:3;38:6; 39:9,19;40:3;42:9; 43:10,21;44:25;48:15; 49:19;51:2,25
addition (1) 19:21	although (1) 47:8	assume (1) 10:21	beyond (2) 7:17;39:11	Chairwoman (3) 45:24; 50:15,18
additional (3) 6:25; 12:16;23:6	altogether (2) 17:8; 38:14	attack (1) 37:12	big (1) 5:17	CHAIRWOMAN (68) 3:3,17,24;4:2,5,9,14, 16;7:21,25;10:5,13,22; 12:9,18;14:11,14,18, 22;15:1,5,10,12,16; 17:25;18:4,11,16,18; 22:23;23:5,11,16,20, 24;24:5,7,12,16;25:13; 28:23;29:23;30:5;35:1, 11,14,19;36:3;37:4;
address (3) 18:25; 43:22;44:8	always (4) 9:22;30:9; 44:14;46:19	attend (1) 50:20	bigger (1) 41:5	
addressed (1) 29:15	amazing (2) 50:6,23	attendance (1) 3:11	Bill (30) 6:10,10,13,15; 7:6;9:25;16:13;17:7; 24:19,19,25;26:21; 27:15;28:24;29:3,4,6, 9;30:3,11,16,21;31:18; 32:9;33:14;34:1;36:18; 41:16;43:4;48:25	
adds (1) 20:11	amend (1) 15:25	Attorney (9) 32:6,16,21; 33:5,10;34:2,3,14,20	bill's (1) 46:11	
adjourn (1) 35:22	amendatory (1) 28:10	attorneys (5) 28:4;29:8, 14;31:8,9	bit (7) 25:19;28:19; 41:12;47:23;49:13,15; 50:11	
adjourned (1) 6:19	amendment (12) 18:7, 20,23;20:11;22:22; 23:14,18;24:9,10; 31:13;32:2;33:12	attorneys' (1) 43:12	board (1) 30:25	
adjournment (2) 39:11; 51:23	amendments (1) 15:17	audience (1) 3:7	books (2) 21:25;22:4	
Administrative (3) 30:17;36:23;40:14	America (1) 13:22	audit (14) 5:18;6:3; 11:4,5,8,10,13,19; 13:14;49:3,9,11;51:10, 12	both (1) 6:18	
administrators (2) 6:24; 7:7	Amy (1) 3:17	Audits (8) 12:22;13:9, 10;14:7,10,19,24;15:14	bottom (2) 22:13;27:21	
admire (1) 47:18	analysis (2) 38:21; 43:13	August (2) 5:9;19:8	break (3) 11:5;26:2; 29:21	
advice (6) 26:14;34:2; 35:8,12;37:6;40:1	Andrea (2) 12:23;14:24	authority (8) 20:4; 29:11;31:12;32:24; 33:3,9;34:15;37:8	brief (1) 46:17	
advising (1) 28:24	anticipate (2) 41:1,2	authorized (2) 26:14; 29:2	bring (2) 15:20;39:13	
Advocacy (2) 20:21; 21:9	anticipated (3) 26:8,9, 11	automatically (1) 9:19	bringing (1) 36:4	
advocates (1) 41:15	anyways (2) 20:23; 26:12	available (1) 28:15	broader (1) 33:17	
affects (2) 38:4;43:15	apart (1) 34:3	averting (1) 28:11	broadly (2) 32:4,14	
	apologize (2) 39:19; 48:4	Avery (1) 5:13	buck (1) 49:14	
	Appeals (1) 20:17	aware (5) 29:25;31:16; 35:5,25;45:17	budget (14) 24:18;	
		away (8) 13:20,21;		

<p>38:1;39:5,14,20;42:10,14;43:19;44:4,10;47:1;48:11,14,16;49:6,22;51:3,9,17,21 challenge (1) 33:4 CHAN (71) 3:3,17,18,24;4:2,5,9,14,16;7:21,25;10:5,13,22;12:9,18;14:11,14,18,22;15:1,5,10,12,16;17:25;18:4,11,16,18;22:23;23:5,11,16,20,24;24:5,7,12,16;25:14;28:23;29:23;30:5;35:1,11,14,19;36:3;37:4;38:1;39:5,14,20;42:10,14;43:19;44:4,10;45:24;47:1;48:11,14,16,22;49:6,22;51:3,9,17,21 chance (1) 43:2 change (10) 17:17;31:13,21,21;33:7,12;34:5,6,12;41:3 changed (2) 11:13;25:22 changes (2) 25:21;37:18 changing (2) 8:6;16:13 chat (1) 51:8 check (3) 13:17,20;16:8 choose (1) 24:21 circumstances (1) 19:25 citizen (2) 45:2;46:3 Citizens (1) 46:19 Civic (1) 45:8 civil (7) 27:11,25;41:14,19,20,20,23 civil/criminal (1) 36:13 clarification (2) 8:4;11:1 Clean (28) 3:4,15;23;16:14,17,24;17:6;21:7;25:3;27:10,13,18,23;29:12,12;31:12,25;32:22,25;33:1,2,4,8,9,11;34:15,17;45:17;46:19 clear (3) 26:22;32:8;45:1 click (3) 5:3;19:12;48:8 clicks (1) 48:10 client (1) 34:21 closed (1) 19:6 closes (1) 26:6 Code (3) 16:19;17:10;19:23 colleague (1) 44:13 COLLINS (20) 4:24;8:13;10:18;16:3;19:3;23:4;24:11,14;25:12;29:1;30:4,6;35:10;36:14;38:6;40:3;43:10;</p>	<p>48:3,12;51:10 column (1) 45:21 comfortable (2) 8:17;38:25 coming (2) 36:12;49:11 commend (1) 48:25 comment (14) 7:19;14:14;17:13,15;19:6,13;23:1,6;44:20,21;48:7,18;49:24;51:19 commentary (1) 47:11 comments (11) 11:15,22;13:5;14:12;17:16;23:8;39:16;44:23;45:10;48:19;49:25 Commission (28) 3:4,20;4:4;7:18,22;12:5;17:21;20:3;28:9;30:14,25;32:1,23;33:3,8;34:12,13;38:5;39:8;41:9;44:6;45:7,12,18;46:2,20;49:25;50:17 COMMISSIONER (102) 3:14,16;4:1,2,3,7,7,12,13,14,15;7:24,25;8:1,2,3,22,23;10:12,13,15,19,21,23;12:7,15,15;14:20,21,22,23;15:3,3,8,9,10,11;18:4,6,9,9,14,15,16,17;23:9,9,15,16,17,20,22,24;24:3,4,5,6;35:13,14,15,16,20;36:3,8,10,15;37:3,5,23,24;38:7;39:7,19,21;40:3;42:7,9,10,13,14,16,18,20,24,25;43:10,22;44:11;47:3,3;48:15,17,22,22;49:19,20;50:2,7;51:2,4,14,25 Commissioners (26) 3:12;5:5;6:12;12:14;13:7;14:12;16:4;17:24;18:2;19:3;22:14;23:7;24:11;25:8,13;26:17;27:4;29:1,24;30:7;39:9,17;45:15,21;47:18,25 Commissioner's (1) 37:22 Commission's (5) 25:16;29:11;31:4;34:14;37:8 committee (11) 19:17,18,24;20:7,14;21:1,5,12;22:5;36:23;46:10 committees (1) 20:5 common (1) 28:21 communication (1) 50:11 community (1) 28:1 compared (1) 11:14 complaint (2) 21:22;22:6</p>	<p>concern (5) 6:13;7:6;25:2;27:24;44:1 concerned (4) 7:3;33:25;40:16,16 concerns (2) 6:25;43:6 conclusions (1) 12:4 conducted (1) 11:6 Conference (1) 45:8 confidence (1) 11:11 confirming (2) 9:5,15 confused (1) 12:20 connect (1) 5:14 consider (1) 28:4 considering (1) 11:12 consistent (3) 17:15,20;18:7 consolidated (1) 5:10 constantly (2) 11:13;22:10 constitutional (2) 25:1;29:14 constructed (1) 33:18 contacting (1) 5:9 contained (1) 19:16 context (3) 31:9;41:22,23 continue (2) 27:1;46:14 continues (1) 5:19 continuing (1) 13:25 continuously (1) 9:9 contours (1) 25:19 contributions (2) 17:12;21:4 controls (2) 32:16;33:10 coordinating (1) 5:19 correction (1) 38:16 correctly (2) 8:21;12:25 cost (1) 7:1 Council (3) 30:19;31:4,17 countervened (1) 34:18 counties (3) 11:17;33:20;43:16 County (8) 9:5,17;11:21;48:25;49:1,16,17;51:6 couple (2) 32:20;42:18 courage (1) 49:4 course (3) 6:20;22:21;46:6 Court (7) 6:2;10:11;11:1;18:25;20:17;34:7;36:24 courts (1) 41:9 created (3) 19:19;25:3;29:5 credit (1) 28:5 criminal (4) 27:12;41:14,19,22 cross-reference (3) 15:23;16:22;17:10 currently (4) 8:20;21:3;</p>	<p>33:3;49:3 cycle (1) 13:9 <p style="text-align: center;">D</p> Dalessandro (3) 12:23;13:13;14:24 Damien (1) 3:14 date (4) 5:10;26:3;38:4;40:6 day (6) 5:7;11:7;31:14,17;33:8,9 days (5) 9:15;26:6;40:17,25;44:3 dealing (1) 22:14 dealt (2) 15:22;42:2 decade (1) 22:16 decide (1) 30:23 decided (1) 29:20 decides (1) 33:5 decision (2) 27:3;44:14 decisions (2) 34:3;38:9 defend (5) 29:12;32:25;33:4,9;34:15 defendant (1) 28:1 defense (2) 32:17;41:19 defer (1) 10:11 definitely (1) 38:18 definition (12) 16:16;17:5,5,6,7,8,14;19:17,21;20:1,6,12 definitional (1) 19:16 Definitions (6) 15:18,21,23,25;16:13,15 demand (1) 41:3 democracy (1) 37:11 democratic (1) 20:21 despite (1) 21:24 details (2) 16:1;19:1 determination (1) 38:21 determine (2) 17:11;20:7 determined (1) 20:16 develop (1) 46:12 developed (1) 38:12 developments (1) 39:3 different (9) 5:12;16:17;32:12,20;38:12;43:16;47:7;50:19,24 difficult (2) 46:9,11 difficulty (1) 16:10 direction (3) 43:3;50:8,12 directly (1) 30:13 Director's (3) 4:20;25:24;51:11 disaggregated (1) 41:12 disclose (2) 21:2,3 discrepancies (1) 13:11 discuss (2) 26:21;28:23 discussed (3) 24:23;</p>	<p>35:17;44:1 Discussion (12) 3:20,22;4:20;7:22;10:24;11:3;12:21;15:17;18:1;24:17;25:15;36:19 documentation (2) 11:22;12:2 documents (1) 10:8 dollars (2) 16:25;20:9 done (5) 5:13;11:14,18;42:12;49:5 double (1) 16:16 doubts (1) 42:23 down (2) 6:10;38:3 drafting (1) 33:13 dropped (1) 30:8 due (1) 11:5 during (1) 38:9 duty (1) 16:17</p> <p style="text-align: center;">E</p> earlier (2) 25:24;48:5 early (11) 6:14;8:5,8,10;9:6,9,12,16,18,21,22 easy (3) 18:11;32:24;46:5 echo (1) 49:7 editor (1) 46:4 Education (3) 5:11;11:16;45:8 effect (2) 25:2;32:11 effective (5) 26:3,5;38:4;40:6;41:24 efficacy (1) 28:6 effort (1) 28:8 either (2) 8:15;28:10 election (24) 5:6,7,8,10;6:24;7:6,7,8;12;12:22;13:9;19:20;20:10;21:14;24:18;32:7,17;33:2,22;34:4;37:16;46:20;47:12,13,14 Elections (31) 3:4;8:10;9:8,10;11:24;15:23;16:14,18;17:6;21:7;25:4;27:11,13,18,23;29:12,13;31:13;32:1,23,25;33:2,4,6,8,9,11;34:15,17;45:17 electric (1) 5:23 eligibility (1) 8:5 else (6) 26:11;32:18;39:4;44:18;48:2;51:18 e-mail (2) 17:13;50:1 emails (1) 7:18 encourage (2) 51:5,15 end (1) 40:17 Enforcement (2) 4:21;22:2 engagements (1) 5:12 enjoin (1) 39:23
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<p>enjoyed (1) 45:11 enter (1) 16:9 entertain (4) 14:19; 23:13;25:9;35:7 entire (2) 11:10;45:12 entirety (2) 7:10;22:15 entity (1) 21:11 equivalent (1) 21:9 especially (1) 44:15 essence (1) 37:25 essentially (4) 17:3; 30:22;32:7,16 even (8) 27:18;28:6; 29:4;40:9,21,21;47:6, 22 events (1) 5:13 everybody (1) 27:8 everybody's (2) 13:2; 26:5 everyone (2) 51:5,15 everyone's (1) 12:25 evolving (1) 22:10 exactly (2) 43:11,11 example (1) 41:3 excellent (3) 12:10; 39:14;44:17 exclusively (3) 27:16, 17,18 Excuse (1) 44:21 Executive (9) 4:20; 21:9;24:21;25:10; 26:19;35:8;43:24;44:5; 51:11 exempt (1) 19:22 exhausts (1) 14:3 expanding (1) 34:12 expansion (1) 32:21 expenditure (1) 21:14 Expenditures (3) 18:24; 21:4;23:18 experience (4) 41:19; 50:14,17,19 explanation (1) 22:24 Express (1) 21:9 expressed (1) 44:15 extend (1) 27:6 extensive (1) 6:14 extent (1) 22:3 extra (1) 13:14 extreme (1) 14:8</p>	<p>11 far (7) 27:7;37:1,5; 40:13,13;44:12;47:19 farther (2) 26:8,9 feed (1) 40:12 feel (3) 39:14;47:19; 50:4 feeling (1) 40:22 feels (1) 27:4 fees (2) 27:12,20 fellow (2) 47:18,24 few (2) 45:1,17 fewer (1) 17:1 figure (1) 14:1 file (3) 38:5;39:25;40:5 final (5) 11:25;13:8; 17:22;18:20;24:9 finally (1) 34:19 Finance (3) 16:19; 17:10;41:6 financial (1) 22:9 fine (1) 51:9 fines (4) 27:12,20; 36:13;41:20 first (10) 3:6;13:2; 15:19;16:5;25:6;26:17; 27:17;30:15;40:17; 42:19 flexibility (1) 19:4 flux (2) 26:23;29:17 folks (1) 5:14 follow (2) 13:14;48:17 Following (1) 12:22 football (1) 49:13 forgive (1) 12:25 form (1) 21:25 formula (2) 20:8,13 forward (1) 23:8 four (2) 9:7;30:23 fraud (2) 13:21;14:1 Friday (1) 3:4 fruition (1) 35:4 full (2) 21:5;22:5 function (1) 34:2 functional (1) 21:8 Fund (2) 27:13;37:1 funding (1) 6:3 further (2) 25:17;39:16 furthers (1) 31:11 FYI (1) 5:23</p>	<p>10:7,18,19;12:8,10; 48:21 Gina's (1) 10:16 gist (1) 27:8 given (3) 18:20;22:8; 24:9 giving (1) 14:2 goes (5) 9:14;33:1; 37:2;40:13;46:10 Good (2) 3:15;28:18 govern (1) 34:7 governing (1) 30:10 government (1) 47:20 governor (2) 24:24; 28:4 governor's (4) 28:3; 30:18;31:3,24 grab (1) 30:24 graduations (1) 11:6 granted (1) 50:5 great (5) 12:7;15:16; 36:6;44:4;51:14 grounded (1) 50:25 group (1) 45:4 GRRC (5) 30:23;31:5, 12,16,17 GRRC's (1) 34:12 guess (3) 26:16;31:20; 35:15 guys (4) 50:6,7,18,23</p>	<p>huh (1) 24:13 I identify (1) 3:13 II (1) 3:19 III (1) 4:19 impact (5) 22:8;30:3; 36:17,21,25 implicate (3) 29:11; 30:14;32:22 important (2) 12:2;21:6 include (1) 14:4 included (1) 27:23 including (4) 24:19; 31:8;34:22;46:20 incorporated (1) 16:14 incredible (1) 50:14 Independent (2) 18:23; 23:18 indicated (2) 6:24;43:1 indicating (1) 23:12 indication (1) 42:22 individual (1) 6:11 influences (1) 21:14 influencing (1) 19:19 informal (1) 25:14 information (6) 13:14, 16;14:5;27:1;40:11,22 informative (1) 46:1 instrumental (1) 46:21 integrity (1) 37:15 intensity (1) 42:1 intent (5) 9:2,15,23; 10:9;29:10 interest (2) 43:1;44:15 interested (2) 35:16; 46:19 Internal (1) 19:23 internet (1) 47:6 interpreted (1) 10:10 interruption (1) 48:13 intervene (3) 32:24; 33:3,6 intervenes (1) 32:19 interview (6) 10:16,20; 11:6;12:6;45:23;48:22 interviewed (2) 5:16; 45:25 into (14) 16:8,14,23; 19:12;24:21;25:10,17; 26:19;28:16;35:6,8; 37:1;40:1;44:5 introduced (1) 30:16 inviting (1) 45:7 issue (25) 13:21;14:1; 17:19;20:19,20;22:3, 13;26:15;27:8;31:17, 19;32:4;34:9,16,23; 35:16;41:12;43:13,16, 17,17;44:16,19;51:11, 13 issues (23) 5:21;7:12,</p>	<p>13;14:3;19:10;22:17; 24:18;25:1;27:5;28:17; 29:14;32:12;33:17,19; 34:10;35:5;39:3;40:10; 41:5;42:3,3;43:5;47:9 Item (21) 3:19;4:19; 12:19,21;14:15;15:16, 24;16:12;18:2,23,24; 19:14;23:19;24:12,17; 29:3;38:14;44:19,20; 51:23,23 items (3) 12:1;13:5; 25:24 IV (2) 12:19,21 IX (1) 44:20</p>
<p>F</p> <p>fact (7) 10:9;20:4; 21:24;38:2;41:14; 43:12;50:6 facts (1) 28:21 factual (1) 40:10 failed (1) 6:15 fails (1) 8:8 fairly (2) 13:10;14:7 familiarize (1) 29:24 family (4) 16:16;17:2,3,</p>	<p>G</p> <p>Gates (1) 48:25 gave (1) 50:3 general (11) 8:9,9; 9:10;11:3;12:22;13:9; 31:1;32:16;33:5,10; 38:4 General's (6) 32:6,21; 34:2,3,14,20 gets (1) 32:16 Gina (8) 5:16;8:15;</p>	<p>H</p> <p>hand (2) 8:1;44:23 handle (1) 14:2 handling (1) 13:18 hands (1) 51:21 happen (1) 29:22 happens (1) 39:24 happy (3) 8:23;12:4; 44:7 hard (3) 22:7,7;49:14 harder (1) 29:18 hate (1) 36:1 hear (2) 37:23;51:12 heard (2) 35:1;45:24 hearing (1) 6:5 help (1) 26:14 high (2) 11:5;41:8 highlight (1) 7:11 himself (1) 28:15 history (3) 10:8;21:17, 18 hope (4) 12:24;35:23; 42:5;46:1 hoped (1) 22:19 host (1) 45:25 hot (1) 47:23 hour (1) 28:2 hours (1) 29:19 House (8) 6:10,16,18; 24:19,19;30:8,16; 45:25</p>	<p>J</p> <p>job (2) 12:10;50:6 Joe (13) 25:5,18;26:13; 28:14,14,24;29:1; 38:20,23;39:5;42:11, 16;43:19 Joe's (1) 38:7 join (1) 5:4 Joint (1) 36:22 judge (1) 27:25 jump (3) 9:1;10:2; 38:23 June (3) 6:19,20;19:6 justice (2) 41:14,15 Justine (2) 12:24;14:24 juvenile (1) 27:20</p>	
<p>F</p>	<p>G</p>	<p>H</p>	<p>I</p>	<p>J</p>
<p>F</p>	<p>G</p>	<p>H</p>	<p>I</p>	<p>J</p>

	<p>listened (1) 51:13 listening (1) 45:11 literally (2) 25:22;37:12 litigated (1) 20:20 litigation (2) 17:19; 33:22 little (12) 10:17;25:7, 19;29:18;39:25;41:12; 45:20;47:23;49:13,15; 50:11,19 live (1) 19:13 lobby (1) 41:13 localities (1) 5:9 log (2) 7:15;19:12 long (4) 20:3,4;22:1; 30:5 longer (5) 8:10;9:18; 30:21;46:9,16 look (7) 17:9;25:16; 31:16;37:20;40:9;51:5, 15 looked (1) 12:3 looking (3) 11:12; 13:21;21:21 looks (2) 24:19;42:16 loosen (1) 30:21 lot (7) 11:10,10;21:15; 30:13;43:1;45:11;49:8 Love (2) 44:17;47:2</p>	<p>22:12;26:17,18;29:6; 30:11;38:7,8;39:24,25; 42:21;50:4 meaning (4) 7:16;9:18; 13:15;16:15 means (1) 21:2 meant (1) 16:17 mechanics (1) 33:21 meet (2) 37:19;43:9 meeting (15) 3:3,5;4:4; 16:10;19:5;25:13,22; 38:10;39:8;40:2;44:6; 46:17;50:4,20;51:13 meetings (2) 3:9;5:15 member (3) 16:16; 17:2;44:22 members (8) 3:7;7:23; 17:4,12;30:23;31:17; 46:18,21 memories (1) 22:24 memory (1) 26:5 mentioned (2) 25:23; 50:8 Meyer (50) 3:14,14;4:7, 8,12,13;8:1,23;10:14, 15,19,21,23;12:7,15; 15:3,4,8,9;18:3,5,6,14, 15;23:9,22,25;24:3,4; 36:8,10,15;37:3,5; 38:7;39:19,21;40:4; 42:6,7,20,24;47:4; 48:15,17;49:21;50:2; 51:2,4,14 Meyer's (1) 43:22 microphones (1) 3:8 might (3) 17:12;38:12, 13 Mike (3) 8:16;13:4; 14:11 mind (2) 37:17;39:6 minimal (1) 36:25 Minutes (5) 3:20,22,25; 4:4,18 miss (1) 9:3 misses (1) 8:11 missing (1) 8:14 mission (2) 47:19;48:1 missions (1) 37:15 misstate (1) 8:25 misuse (1) 7:4 mitigation (1) 28:8 moment (1) 48:10 Monday (3) 11:7;26:9; 30:7 money (3) 27:13;28:8; 41:11 monitoring (1) 19:11 month (7) 24:13,15,23; 30:1;35:17,23;45:6 months (1) 45:20 more (20) 6:13,14; 8:16;20:9;25:7;29:4; 31:12;32:3,4,4;35:25;</p>	<p>40:11;41:11,12;44:14; 45:15;46:2;47:6;50:16, 20 morning (3) 3:15;7:13; 11:7 most (4) 6:24;8:17; 26:5;32:23 motion (14) 3:25;4:8,9; 14:19;15:4,6;18:6,12; 23:13,23;24:1;25:10; 35:7;51:24 move (11) 3:19;4:3; 12:19;14:23;18:22; 23:8,17;35:25;44:19; 51:22,25 Moving (4) 4:19;15:16; 19:5;24:16 much (7) 6:14;21:17; 22:11;46:24;47:1;51:1, 17 municipal (1) 9:8 mute (1) 3:8 muting (1) 46:25 myself (7) 12:20;13:15, 24;43:6;45:2;46:25; 47:13</p>	<p>NPR (1) 45:25 number (5) 5:12,13; 16:13;35:9;44:21</p>
<p>L</p>				<p>O</p>
<p>language (4) 8:19; 9:25;29:11;30:16 largely (1) 43:13 last (14) 21:19;23:2,6; 24:23;25:13;29:19; 30:1,35;17:41,4,4; 45:5;46:16;51:4,22 late (1) 39:25 later (1) 30:8 law (11) 20:1;21:12; 30:10;31:21;32:15; 33:2,5,6;34:13;39:24; 45:19 laws (2) 32:5,17 lawsuit (1) 6:2 lawyer (2) 32:7;40:4 LD (1) 13:3 LD10 (1) 12:24 LD2 (1) 12:23 lead (1) 20:22 League (2) 46:16,18 learn (1) 46:2 learned (1) 45:11 least (2) 27:9;35:9 left (3) 17:19;43:23; 49:23 legal (13) 6:1;24:17; 25:2,9;26:14;28:17; 33:19;35:8,12;37:6; 40:1,12;41:5 legislation (1) 26:5 Legislative (8) 4:22; 6:9;10:8;26:6;31:9; 36:22;38:11;41:1 legislators (2) 7:2; 20:22 Legislature (18) 6:9,18, 19;9:3;16:12;24:25; 26:1,23;27:10;28:10; 31:23;34:11;39:12; 41:10;46:7,7,13;47:10 legislatures (1) 7:2 Legislature's (2) 6:21; 35:22 legitimate (1) 29:13 less (1) 36:21 letter (1) 31:19 letters (1) 46:4 level (2) 41:9;42:1 limitations (3) 17:11; 39:13,22 limited (1) 36:18 limits (1) 41:6 line (5) 5:22;15:21; 22:13;27:21;28:6 link (10) 5:2,3,4,7;14; 12:5;16:8;19:12;48:8; 51:7,15 list (5) 8:6;9:6,16,18,22 listen (1) 46:2</p>	<p>listened (1) 51:13 listening (1) 45:11 literally (2) 25:22;37:12 litigated (1) 20:20 litigation (2) 17:19; 33:22 little (12) 10:17;25:7, 19;29:18;39:25;41:12; 45:20;47:23;49:13,15; 50:11,19 live (1) 19:13 lobby (1) 41:13 localities (1) 5:9 log (2) 7:15;19:12 long (4) 20:3,4;22:1; 30:5 longer (5) 8:10;9:18; 30:21;46:9,16 look (7) 17:9;25:16; 31:16;37:20;40:9;51:5, 15 looked (1) 12:3 looking (3) 11:12; 13:21;21:21 looks (2) 24:19;42:16 loosen (1) 30:21 lot (7) 11:10,10;21:15; 30:13;43:1;45:11;49:8 Love (2) 44:17;47:2</p>	<p>22:12;26:17,18;29:6; 30:11;38:7,8;39:24,25; 42:21;50:4 meaning (4) 7:16;9:18; 13:15;16:15 means (1) 21:2 meant (1) 16:17 mechanics (1) 33:21 meet (2) 37:19;43:9 meeting (15) 3:3,5;4:4; 16:10;19:5;25:13,22; 38:10;39:8;40:2;44:6; 46:17;50:4,20;51:13 meetings (2) 3:9;5:15 member (3) 16:16; 17:2;44:22 members (8) 3:7;7:23; 17:4,12;30:23;31:17; 46:18,21 memories (1) 22:24 memory (1) 26:5 mentioned (2) 25:23; 50:8 Meyer (50) 3:14,14;4:7, 8,12,13;8:1,23;10:14, 15,19,21,23;12:7,15; 15:3,4,8,9;18:3,5,6,14, 15;23:9,22,25;24:3,4; 36:8,10,15;37:3,5; 38:7;39:19,21;40:4; 42:6,7,20,24;47:4; 48:15,17;49:21;50:2; 51:2,4,14 Meyer's (1) 43:22 microphones (1) 3:8 might (3) 17:12;38:12, 13 Mike (3) 8:16;13:4; 14:11 mind (2) 37:17;39:6 minimal (1) 36:25 Minutes (5) 3:20,22,25; 4:4,18 miss (1) 9:3 misses (1) 8:11 missing (1) 8:14 mission (2) 47:19;48:1 missions (1) 37:15 misstate (1) 8:25 misuse (1) 7:4 mitigation (1) 28:8 moment (1) 48:10 Monday (3) 11:7;26:9; 30:7 money (3) 27:13;28:8; 41:11 monitoring (1) 19:11 month (7) 24:13,15,23; 30:1;35:17,23;45:6 months (1) 45:20 more (20) 6:13,14; 8:16;20:9;25:7;29:4; 31:12;32:3,4,4;35:25;</p>	<p>40:11;41:11,12;44:14; 45:15;46:2;47:6;50:16, 20 morning (3) 3:15;7:13; 11:7 most (4) 6:24;8:17; 26:5;32:23 motion (14) 3:25;4:8,9; 14:19;15:4,6;18:6,12; 23:13,23;24:1;25:10; 35:7;51:24 move (11) 3:19;4:3; 12:19;14:23;18:22; 23:8,17;35:25;44:19; 51:22,25 Moving (4) 4:19;15:16; 19:5;24:16 much (7) 6:14;21:17; 22:11;46:24;47:1;51:1, 17 municipal (1) 9:8 mute (1) 3:8 muting (1) 46:25 myself (7) 12:20;13:15, 24;43:6;45:2;46:25; 47:13</p>	<p>objections (1) 24:24 obtain (1) 35:8 obvious (1) 32:23 obviously (19) 6:17;7:1, 12,18;10:10,19;17:9, 17,23;19:7;20:20; 21:20,21;22:21;26:2, 20;29:3;38:20;44:8 o'clock (1) 29:19 off (2) 5:22;22:14 Office (8) 5:20;31:24; 32:6;33:21;34:2,14,21; 41:11 officer (1) 32:18 offices (1) 36:24 officially (1) 11:14 officials (1) 11:24 old (1) 5:23 once (6) 14:3,3;39:24, 24,24;46:10 one (28) 5:17;7:5;8:4, 11;16:15;17:13;20:6,6; 21:25;22:17;26:17; 29:3;30:15;31:14; 32:24;33:8;37:14; 40:14,15;41:5;44:3,15; 46:20;47:6,12,17; 49:16;51:4 one-time (1) 9:21 one-year (2) 39:12,22 ongoing (1) 49:3 online (1) 5:15 only (1) 43:6 onto (1) 48:7 op-ed (2) 47:4,9 operation (1) 31:4 opportunity (3) 45:13, 22;46:25 opposed (1) 11:18 opposition (1) 46:12 order (3) 3:5,6;9:4 organization (5) 19:19, 22;20:7,12;21:13 Osborn (2) 25:6;26:13 otherwise (2) 19:11; 38:25 ought (2) 35:23;42:23 out (23) 7:6;9:14; 10:24;12:11;13:10; 14:1,7;15:20;26:3,7; 30:1,2,24;35:24;36:21; 38:15;42:24;48:21; 49:9,11,23;50:3;51:5 outcome (1) 15:21 outlined (2) 23:19;43:5 outreach (2) 5:13,20 outstanding (1) 5:25;</p>
	<p>M</p>		<p>N</p>	
	<p>Madam (32) 4:1,24; 7:24;10:15,19;13:6; 14:20;16:3;17:24;18:3; 19:3;23:15;25:12;29:1; 30:7;34:25;35:13; 36:10,14;37:3;38:6; 39:9,19;40:3;42:9; 43:10,21;44:25;48:15; 49:19;51:2,25 mail (2) 7:4;50:1 maintain (1) 37:15 maintenance (1) 5:23 major (1) 14:8 major- (1) 7:9 making (1) 21:13 Maledon (2) 25:6;26:13 mandates (1) 45:18 many (3) 7:2;45:3,3 Maricopa (7) 6:3;11:20; 48:25;49:1,16,17;51:6 Mark (1) 3:16 matter (4) 20:23;26:4; 40:24;41:17 matters (2) 6:1;38:12 May (11) 3:4,5;7:7; 15:19;21:15;24:21; 36:18,21;40:4;43:13, 17 Maybe (5) 24:13;40:1, 2;42:6;47:6 mean (12) 10:19;</p>	<p>40:11;41:11,12;44:14; 45:15;46:2;47:6;50:16, 20 name (2) 8:6;9:17 names (2) 12:25;13:2 narrower (1) 17:6 NationalReviewcom (1) 51:7 nature (2) 16:22;34:19 necessarily (2) 22:18; 46:5 necessary (1) 44:9 need (18) 12:2;24:22; 28:23;37:6,7,13,13,17, 18,20;38:9,17;39:4,23; 43:3,7;50:8,12 needed (2) 40:5;44:2 Network (1) 20:21 Nevertheless (1) 16:20 new (1) 33:5 newspapers (1) 47:8 next (11) 5:22;18:22; 24:12,13,14;35:23; 39:8,18;40:2;43:8;44:6 Nicole (2) 10:24;11:2 night (1) 11:7 non-le- (1) 40:4 normally (1) 40:23 note (3) 4:25;6:18; 20:16 notice (4) 9:4,13,14; 11:21 notices (1) 51:22 notify (1) 31:18 notwithstanding (2) 20:1;32:15 notwithstands (1) 27:23</p>		

<p>45:9,10 over (5) 17:19;25:8; 30:2;31:12;39:7 own (3) 41:18;47:11; 49:14</p>	<p>7:13;8:25;9:1;12:25; 16:8;19:11;38:24;45:1; 51:5 pleased (1) 45:15 plus (1) 40:25 point (8) 8:4;9:20;11:4; 14:6;25:2;27:2;34:25; 40:8 points (1) 42:18 policy (4) 30:24;41:17, 18,24 political (14) 19:17,18, 24;20:5,7,13;21:1,5,12; 22:5,9,9;47:15;49:13 position (3) 36:2;37:5, 22 Possible (5) 3:20;4:20; 12:21;15:17;24:17 posted (2) 25:22;51:14 post-election (1) 11:17 potato (1) 47:23 potential (3) 7:4;34:9, 22 potentially (1) 34:21 power (1) 34:12 powers (2) 34:9,22 practical (1) 40:24 practically (1) 43:25 practice (1) 30:20 preceded (1) 17:7 precisely (1) 40:8 preempt (1) 36:2 prepared (1) 26:21 presented (3) 14:25; 15:14;27:9 pressing (1) 35:21 pressure (2) 39:11;41:9 presumably (1) 43:8 pretty (3) 8:18;22:11; 32:8 prevails (1) 43:13 previous (1) 18:24 primaries (1) 9:10 primary (2) 8:9,12 proactive (1) 45:15 probably (3) 26:8; 40:10;49:14 problematic (1) 33:15 procedural (2) 21:17; 24:18 procedures (6) 11:13; 29:7;30:9,12,17;46:8 process (5) 11:10;16:6; 25:18;31:15;40:12 professional (2) 47:13, 14 promoting (2) 47:14,20 pronouncing (1) 12:25 Prop (2) 31:6,11 proposal (1) 31:1 proposed (1) 32:5 proposes (1) 15:25 props (1) 47:24</p>	<p>protect (4) 33:6;37:8, 14,18 Protection (5) 24:25; 32:22;33:12,24;34:16 provide (1) 27:1 provision (2) 27:22; 32:14 provisions (3) 30:3; 32:10;34:16 public (17) 6:1;7:19; 14:15;19:6;22:25;23:5, 7,12;25:14;28:22; 31:15;44:20,21,22; 48:7;49:24;51:19 publicly (1) 32:4 published (2) 15:20; 46:5 purpose (4) 15:20; 19:19;31:11;32:9 purposes (2) 21:12; 33:23 pursue (1) 22:6 push (1) 13:25 pushed (1) 26:7 pushes (2) 26:2,3 put (6) 8:15;12:4; 36:22;39:6;45:16;51:7</p>	<p>reasoning (1) 33:1 reasons (2) 40:15;44:1 received (2) 17:13,15 recent (1) 47:23 recently (1) 46:8 recognize (1) 35:2 recognized (1) 32:4 recommend (1) 44:7 recommendations (1) 18:8 recommending (1) 29:15 recommends (1) 17:17 record (2) 3:13;28:22 Recorder (3) 9:5;49:1; 51:6 records (1) 6:2 rectify (1) 14:1 reform (2) 41:15,24 refresh (1) 26:4 refreshed (1) 22:25 regard (2) 6:8;50:13 regarding (7) 5:18;6:3; 11:20;12:1;36:11;49:3, 24 regardless (3) 29:10; 31:10;32:17 regular (3) 8:9,9;50:16 Regulatory (3) 4:21; 30:19;31:3 re-join (1) 9:22 related (3) 20:3,4,13 relationship (2) 34:8,20 released (1) 12:1 remain (1) 9:15 remains (1) 21:10 remarks (1) 11:11 remember (3) 15:19; 47:5,7 remove (1) 9:17 removing (1) 17:8 Rep (2) 12:23;13:3 reply (1) 9:15 Report (8) 4:21;7:10; 11:25;12:1,4;21:5; 25:25;51:11 reported (3) 21:5;32:9; 36:23 reporter (1) 11:1 reporting (1) 31:3 reports (4) 20:5;21:7,7; 46:15 represent (1) 46:16 Representative (2) 7:8; 13:13 Republicans (2) 49:2, 10 request (4) 9:21;17:21; 21:20;46:9 requesting (2) 11:21; 28:4 required (3) 6:13; 11:16;30:22</p>	<p>requirement (1) 37:20 requirements (1) 31:3 requires (1) 32:1 researching (1) 5:8 resident (1) 45:3 resolve (2) 22:18,19 resolved (1) 43:8 resolves (1) 22:17 respect (6) 16:11;19:9, 15;31:5;35:24;37:22 response (7) 3:23;9:16; 12:17;14:13,17;23:10; 51:20 restitution (2) 28:2; 41:19 result (2) 16:24;21:14 resumed (1) 11:8 retained (1) 11:22 return (1) 9:12 returned (1) 6:15 Revenue (4) 19:23; 36:16,20,25 revenues (1) 36:12 review (4) 30:19,19; 31:4,20 Richer (2) 49:1;51:6 right (18) 4:9,19;8:11; 10:1;15:5;16:6;18:12; 24:1;26:23;35:3,9; 36:5;37:12;38:6,6; 39:16;44:17;51:18 rights (2) 37:11,14 Rivko (2) 44:24;47:1 Rivko's (1) 44:23 road (1) 38:3 ROBERTS (3) 8:22; 10:23;11:2 Roberts' (1) 45:23 role (4) 32:11,21; 38:20;46:3 roll (4) 4:11;15:7; 18:13;24:2 rolling (1) 4:19 room (1) 16:10 Roth (4) 25:5;39:9; 43:21;44:7 RTS (1) 46:9 rule (17) 16:20;17:22; 19:9,10,15;20:2,3,6; 21:23;22:4;23:2,3,6, 14;30:19,24,24 rules (10) 15:21,25; 17:6,8;19:7;20:13; 29:8,14;34:7;43:12 rule's (2) 21:24,25 running (1) 41:10</p>
P				
<p>pace (1) 5:12 paper (1) 47:5 paperwork (2) 6:25; 12:20 parse (1) 8:19 part (6) 22:15;25:24; 28:22;29:7;36:19; 47:25 participant (1) 7:15 participate (4) 7:16,17; 16:6;45:7 participating (2) 16:25; 17:2 participation (3) 47:15, 20,21 particular (4) 16:11; 32:13;33:14;41:8 partisan (1) 49:15 partner (1) 25:5 party (1) 49:14 pass (1) 31:14 passed (8) 13:20,21; 16:13;27:15;31:6; 33:11;39:25;46:22 passionate (1) 47:19 Paton (4) 35:16;37:24; 39:7;42:25 pause (1) 48:9 pending (1) 6:2 pent (1) 41:2 people (10) 4:25;17:1; 26:10;41:20;45:17; 46:1,2,18;49:8,10 per (2) 28:2;34:6 percent (3) 20:9;27:12; 36:16 percentage (1) 36:12 perhaps (1) 32:3 period (1) 19:6 person (4) 13:18,19; 17:9;23:1 personal (1) 47:11 perspective (3) 11:16; 40:15;43:14 perspectives (2) 33:16; 50:24 petition (3) 30:18,22; 31:15 Phoenix (1) 5:17 piece (1) 51:6 pile (1) 32:10 place (2) 19:8;21:10 plaintiffs (1) 20:22 plan (2) 45:23;46:14 please (11) 3:7,12;</p>	<p style="text-align: center;">Q</p> <p>qualified (2) 17:1;20:12 qualify (1) 21:1 quick (4) 4:25;29:23; 36:11;39:21 quickly (7) 5:6;6:8,18; 30:3,6;35:25;48:4 quite (3) 8:6;28:19; 32:14</p>	<p style="text-align: center;">R</p> <p>R2-20-101 (3) 15:18; 18:7,20 R2-20-109 (4) 18:23; 23:14,18;24:10 raise (2) 24:24;41:11 raised (2) 34:10,11 rate (1) 28:2 reach (2) 27:2;30:24 reached (2) 10:24; 12:11 read (4) 13:17;31:18; 47:7;51:16 reading (1) 13:1 real (4) 4:25;5:25; 41:13;48:3 really (20) 5:6;6:8,17; 11:3,23;26:18,25; 28:15;29:18,21;33:20; 35:21;36:4;45:5,14,17; 47:17,19;50:7,22 reason (3) 5:1;7:16; 41:22</p>	<p style="text-align: center;">S</p> <p>sad (1) 47:16 saddest (1) 47:12 salient (2) 27:5;32:23 same (4) 11:23;18:25;</p>	

<p>23:1;28:11 saw (3) 8:1;47:4,6 saying (7) 17:14;31:20; 40:20,21,21,24;44:12 SB1485 (1) 8:5 scheduled (1) 6:5 school (1) 11:5 se (1) 34:6 second (10) 4:6,8;15:2, 4;18:10,12;23:22;24:1; 32:3;43:3 seconded (2) 4:10;15:6 secret (1) 37:10 Secretary (4) 5:19; 32:11;33:20;43:15 section (5) 19:16,23; 30:15;33:14;34:1 security (1) 5:21 seeing (4) 47:9;50:15, 18,19 seem (3) 13:23;21:15; 49:15 seems (2) 47:15,22 Senate (9) 6:10;11:19, 21;12:24;29:8,9,20; 30:8;49:4 Senator (1) 7:7 send (4) 9:19;12:5; 46:17;49:25 sending (2) 7:17,17 sense (5) 25:15;27:4; 31:2;33:17;41:25 sent (3) 9:9,17;11:21 sentence (1) 27:25 sentencing (1) 41:20 sentiments (1) 49:7 separate (2) 6:11;34:4 separation (2) 34:9,22 session (11) 6:21; 24:22;25:10;26:3,6,20; 32:5;35:8;41:1;43:24; 44:5 set (3) 27:11;28:21; 32:5 Seth (2) 13:2;14:24 sets (2) 27:11,12 several (4) 32:11; 45:20;46:18;47:7 shame (1) 45:16 shout (1) 50:3 shying (2) 47:21,25 Sifuentes (2) 13:2; 14:25 sign (1) 24:24 signal (2) 14:15,15 signed (1) 8:5 similar (2) 18:24;31:9 simply (2) 20:11;31:18 situation (1) 14:2 skip (2) 24:13;38:13 small (1) 13:10 so-called (1) 21:7 someone (3) 22:4,5;</p>	<p>31:16 sometime (1) 6:20 somewhat (1) 35:15 sorry (3) 8:23;48:2,12 sort (1) 27:8 sounded (1) 38:1 sounds (1) 43:4 sources (1) 6:3 speak (11) 8:22;10:9; 14:16;19:1;23:12; 29:21;38:3;45:6,13; 46:9,25 SPEAKER (1) 42:17 speaking (4) 43:6,25; 45:2,4 special (1) 49:10 specific (3) 26:24; 31:17;46:12 specifically (1) 25:23 speech (1) 42:3 spelled (1) 42:24 spend (1) 20:9 spending (2) 21:8;42:3 spoken (2) 13:24;49:9 sponsor (1) 9:3 spot (2) 8:17;39:6 squared (1) 14:6 squishy (1) 35:3 staff (12) 17:17;18:8; 26:24;39:17;40:11; 45:7,13;48:21;50:3,9, 20,23 stand (2) 22:20;49:16 standing (1) 39:1 start (1) 15:24 started (1) 25:18 starting (1) 3:8 State (16) 12:5,23,24; 13:3;15:22;16:21; 20:10;21:3,12;28:2; 29:17;30:20;32:5,7,18; 43:16 stated (1) 13:8 statements (3) 6:11; 49:2,2 State's (3) 5:20;32:11; 33:21 statewide (3) 9:10,10; 41:11 stating (1) 8:20 stations (1) 5:17 status (3) 19:22;20:14; 34:25 statute (5) 20:15,16; 21:10;39:12,22 statutorily (1) 20:4 statutory (1) 31:1 staying (1) 39:1 Stephen (1) 51:6 Steven (1) 49:1 still (9) 3:8;5:13,14;7:6; 9:5,21;40:6,17;46:16 stuff (2) 27:16;34:4</p>	<p>subject (2) 33:11;38:16 submitted (3) 13:13; 23:1,2 subsection (1) 33:14 substantive (2) 21:18; 30:12 substantively (1) 42:2 suggested (1) 29:9 suggesting (1) 26:25 suggestion (1) 42:22 suit (1) 40:1 summarizes (1) 22:11 summary (2) 10:17; 46:17 Sunday (1) 11:6 Superior (1) 6:2 supersede (2) 34:8,14 superseding (1) 28:11 supervening (3) 20:15, 15,17 Supervisor (1) 48:25 supervisors (1) 49:18 support (5) 23:2,2; 46:12;48:24;49:4 supporting (1) 17:14 suppose (1) 48:9 Supreme (1) 34:7 surcharge (3) 25:3; 27:11,19 surcharges (1) 27:22 sure (21) 8:6,18,20; 10:18,22;21:16;24:14, 22;26:10,25;27:7; 28:20;29:25;30:4; 36:14;37:7,13;42:25; 48:11,16;49:16 surrounding (1) 11:9 system (2) 11:11;37:16</p>	<p>three-quarter (1) 32:1 thrilled (1) 12:11 timing (5) 25:21;37:21; 38:21;39:11;44:1 timing-wise (1) 39:8 today (10) 14:25;15:14; 17:16;25:5;26:25; 35:18;38:17;39:2,4; 44:9 together (1) 44:15 told (4) 28:9,9;31:22,24 Tom (19) 4:23;7:21; 8:3;12:14;15:25;16:2; 17:25;18:25;19:2; 22:23;24:13;25:7,11; 39:10;43:3;44:1;48:2; 50:11;51:8 top (1) 32:10 totality (1) 21:3 totally (1) 42:21 towards (1) 11:15 Townsend (1) 7:7 traffic (1) 28:1 tried (2) 8:19;46:4 trigger (2) 9:4;21:7 triggers (1) 9:12 trouble (1) 16:7 truly (1) 49:4 try (4) 7:13;13:25;23:8; 25:15 trying (1) 31:16 turn (4) 25:6,7;36:18,21 turned (3) 13:10;14:7; 16:23 two (11) 6:15;9:9,10; 30:13;31:17;33:10; 41:4;43:5,7;45:21; 46:20 type (1) 6:2</p>	<p>upshot (4) 20:8,18,25; 27:10 use (1) 38:7 used (1) 3:8</p>
V				
<p>Valdez (2) 10:24;11:2 versus (2) 15:22;16:21 veto (1) 28:5 view (6) 12:5;31:7,8; 33:16;40:5;43:11 views (1) 25:16 VIII (3) 24:17;44:19,20 voiced (1) 6:12 vote (15) 4:12,16,17; 6:10;8:8,9;11;15:8,12, 13;18:14,18,19;24:7,8; 32:1 Voter (15) 5:11,20;8:5, 8,11;9:14,20;11:15; 24:25;32:22;33:11,23; 34:15;45:2;47:20 voters (4) 11:12;25:3; 31:6;33:10 voter's (1) 9:17 votes (2) 6:15;24:8 voting (6) 9:6,16,18,22; 37:11;47:14 VPA (2) 37:9,18 VPA-related (1) 34:6</p>				
W				
<p>Wadsack (2) 12:24; 14:24 wait (5) 35:23;39:7; 42:22;44:6,10 waiting (1) 44:13 wants (1) 16:6 watched (1) 13:1 watching (5) 5:1,7;17; 16:7;19:10;48:6 way (13) 7:19;14:1; 22:18;26:22;36:5,6,22; 38:12;44:11;45:16; 46:6,7,15 ways (1) 32:20 website (6) 5:3;7:14, 14;16:9;19:12;48:8 week (2) 30:2;50:10 weekend (1) 5:22 weigh (1) 43:2 welcome (2) 28:17,18 what's (3) 29:22;30:9; 31:5 whenever (1) 11:25 whole (2) 46:10,22 who's (1) 48:6 whosoever (1) 8:16 wish (4) 9:5;23:12; 28:5;44:22 wishes (1) 51:19</p>				
T				
<p>talk (4) 8:17,24;10:20; 25:19 talking (1) 42:6 talks (1) 27:22 tax (1) 19:22 Team (2) 5:11;44:17 television (1) 5:17 terms (2) 22:15;38:21 Thanks (2) 17:25;22:23 that'll (1) 43:8 therefore (3) 28:10; 33:6;51:12 thinking (1) 38:2 though (2) 6:17;47:22 thought (3) 12:10;22:4; 36:24 thoughts (4) 11:4; 35:24;36:8;43:23 three (10) 4:17;6:12; 8:16,19;13:9;15:13; 18:19;24:8,8;26:19 three-fourths (1) 37:19</p>				
U				
<p>ultimately (1) 17:18 Um-hum (1) 35:14 under (13) 16:17,18; 17:3;19:23,24;20:12; 21:22;29:12;31:5,5,20; 37:9,12 underlying (1) 21:11 understands (1) 27:8 unfortunately (3) 13:19; 46:6;49:12 UNIDENTIFIED (1) 42:17 unless (2) 12:19;38:22 up (12) 5:12;8:1;13:14; 27:11,11,12;29:6;36:4; 41:2;44:23;46:17; 48:17 Update (4) 4:22;5:5; 6:6;14:4 updated (1) 39:2 Updates (2) 4:21;5:25</p>				

<p>within (2) 44:3,3 without (1) 16:10 wonder (1) 35:22 wonderful (6) 12:12; 45:18;47:4,8;50:17,21 work (6) 26:2;33:22; 41:20,23;45:19;50:9 worked (2) 13:22;38:15 working (4) 7:8;13:11, 16,22 works (2) 37:21;41:21 world (1) 22:9 wrapped (1) 29:6 writing (2) 46:4,15 written (2) 32:14;46:17 wrong (1) 38:24 wrote (4) 13:18;45:21; 47:4;51:6</p>	<p>3</p> <p>306 (2) 31:6,12</p> <p>5</p> <p>50 (1) 20:9 501 (2) 20:12,25 501a (1) 19:23 501s (1) 21:6</p> <p>8</p> <p>80 (1) 36:15</p> <p>9</p>			
<p>Y</p> <p>year (2) 44:3;50:15 years (2) 45:3;47:23 yesterday (3) 6:5; 29:20;45:25 YouTube (4) 5:1;16:7; 19:11;48:6</p>	<p>9:32 (1) 3:5 90 (6) 9:14;26:5;36:15; 40:17,25;44:3</p>			
<p>Z</p>				
<p>zero (4) 4:17;15:13; 18:19;24:9 Zoom (5) 5:2;7:13; 16:8,9;19:13</p>				
<p>1</p>				
<p>1 (1) 16:18 10 (1) 27:12 10th (2) 6:19,20 1485 (2) 8:17;10:4 15 (5) 5:16;10:16,23; 11:2;30:15 1713 (2) 6:10,23 18th (1) 5:7 1966 (1) 45:3</p>				
<p>2</p>				
<p>2 (1) 29:19 2016 (4) 16:12;17:7; 19:15,21 2018 (1) 31:6 2020 (1) 12:22 2021 (3) 3:21;4:4,18 2110 (6) 24:19,24;35:8, 21;36:11;42:20 24 (2) 29:19;33:14 26 (1) 13:3 2891 (4) 24:19;30:16; 32:5;43:4 28th (1) 3:4 29th (2) 4:4,18</p>				

**CITIZENS CLEAN ELECTIONS COMMISSION
EXECUTIVE DIRECTOR REPORT
June 17, 2021**

Announcements:

The next consolidated election day is August 3, 2021. The cities of Tucson and Prescott and the Town of Dewey-Humboldt are having elections. Voters can learn more at azcleaselections.gov.

Voter Registration Deadline: July 5, 2021

Early Voting Begins: July 7, 2021

Voter Education:

- Gina presented at the Arizona Center for Civic Leadership 2021 Flinn Scholars Summer Public Policy Institute, providing a comprehensive overview on the electoral system and how young adults can get involved.
- Gina participated in a Facebook webinar regarding voter alert tools offered by the platform.
- Alec, Avery and Gina met with the Maricopa County Elections communications team regarding voter education.
- Avery met with Inter-Tribal Councils' (ITCA) assistant coordinator, Alexander Castillo-Nunez, to discuss engagement strategies for Native American youth (June 2, 2021)
- Avery participates in weekly summer meetings with Mesa Community College's Civic Engagement Team (June 2021)
- Avery attended Arizona State University's American Indian Student Support Services Post Election Webinar planning meeting (June 3, 2021)
- Avery attended the Tech + Social Studies LIVE! Virtual event to see demos of innovative social studies and civics teaching resources (June 5, 2021)
- Avery attended the monthly Arizona African American Legislative Committee (AAALC) meeting (June 8, 2021)
- Avery attended the monthly Secretary of State's Voter Outreach Advisory Council meeting (June 8, 2021)
- Avery attended the Secretary of States' Youth committee meeting (June 17, 2021)

Miscellaneous

- **Outstanding legal matters**
 - Legacy Foundation Action Fund
 - Awaiting decision
 - Election cases involving Arizona including:
 - Decision pending at U.S. Supreme Court *Brnovich v. DNC*— Argument was held March 2, a decision is not expected until May or June. 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. Decision will be out this month.

ITEM III

- Arizona Democratic Party v. Fann – Settled, audit continuing.
 - American Oversight v. Fann et al- Superior Court for Maricopa County. – Lawsuit by nonpartisan oversight group staffed by Obama administration alumni seek to have records related to the audit declared public records and disclosed. Case documents: <https://www.clerkofcourt.maricopa.gov/records/election-2020/cv2021-008265>
 - Free Speech/Disclosure
 - Americans for Prosperity Foundation v. Bonta – The US Supreme Court heard oral arguments in this case this week in a case challenging a California statute that nonprofits share donor information with that state’s Attorney General. Attorney General Brnovich filed an amicus on the side of the petitioners Americans for Prosperity at both the cert. stage and on the merits. Scotusblog’s reporting and the briefing is available here: <https://www.scotusblog.com/case-files/cases/americans-for-prosperity-foundation-v-becerra/>. Decision will be out this month.
- **Appointments**
 - No additional information at this time.
- **Enforcement**
 - MUR 20-03, Ariz. Educ Ass’n, pending
 - MUR 20-04, Sloan, pending

Regulatory Agenda

Amendments to R2-20-101 and 109 have been submitted to the Governor’s Regulatory Review Council.

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
HB2014:GRRC; petition to request review S/E public works contracts; prohibited requirements	Rep. Biasiucci(R)	House: Government & Elections, Rules. Senate: Government and 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. The list of prohibited provisions in a public works contract is expanded to include requiring a contractor to provide a wage or salary amount that is different than what the agency or political subdivision requires for other contracts or industries operating in the jurisdiction, requiring a contractor to demonstrate the existence of a labor management agreement, employee grievance policy or similar management practice, and requiring a contractor to demonstrate labor organization status.	Would allow anyone to request that GRRC review Clean Elections adopted rules, policy statements, or final rules. None.	Passed Government & Elections 7-6. Passed House Rules 5-3. Passed House Floor 31-28. Transmitted to Senate on 2/5. Passed Senate Government 5-3. Passed Senate Rules. Passed Senate Floor 16-13.	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. Senate: Government and 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. Passed House Rules 8-0. Passed House Floor 31-29. Transmitted to Senate on 3/5. Held in Senate.	
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 annually.	None.	Passed Government & Elections 8-5. Passed House Rules. Passed House 59-1. Referred to Senate on 2/18. Passed Senate Government 8-0. Passed Senate Rules. Passed Senate Floor 30-0. Signed by Governor on 3/18.	
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. Passed Senate Judiciary 8-0. Passed Senate Rules. Passed Senate Floor 29-1-3. Transmitted to Governor on 3/18. Signed by Governor on 3/24.	
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. Passed Senate Transportation 5-3-1. Passed Senate Rules. Passed Senate Floor 17-13 (did not get 3/4). Transmitted to House on 4/14. Passed House Floor 32-27-1. Transmitted to Governor on 4/22. Signed by the Governor on 4/28.	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. Senate: Government and 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. Amended to allow the early ballot tallying to begin once affidavit is processed and delivered to early election board.	Change in candidate training information.	Passed Government and Elections 13-0. Passed House Rules 8-0. Passed House 57-0. Transmitted to Senate on 2/25. Passed Government 7-0-1. Passed Rules. Passed Senate Floor 29-0-1. Transmitted to House on 4/22. Passed House 60-0. Signed by the Governor on 5/5.	
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 (GRRRC). GRRRC is required to place the notice on the agenda for the next scheduled meeting for consideration. If a quorum of GRRRC approves the notice, GRRRC 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. Passed Government 7-0-1. Passed Senate Rules. Passed Senate Floor 28-0-2. Signed by the Governor on 4/6.	

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
HB2302: election lawsuits; settlements; approvals	Rep. Blackman (R)	House: Government & Elections, Rules. Senate: Government, 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 recorder. 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. Passed Rules 8-0, Passed Floor 31-29. Transmitted to Senate 3/5. Held in Senate.	
HB2307: voting equipment; overvote notice	Rep. Kavanaugh (R)	House: Government & Elections, Rules. Senate: Government, 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. Passed Rules 8-0. Passed House 52-0-8. Transmitted to Senate on 3/1. Passed Senate Government 7-0-1. Passed Rules. Passed Senate Floor 28-1-1. Transmitted to Governor on 4/26. Signed by the Governor on 4/30.	
HB2308: recall petitions and elections; revisions	Rep. Kavanaugh (R)	House: Government & Elections, Rules. Senate: Government, Rules.	Numerous changes to statute relating to recall petitions and signature gathering.	None.	Passed Government and Elections 7-5-0-1. Passed Rules 8-0. Passed House 31-28. Transmitted to Senate 3/4. Passed Senate Government 4-3. Passed Rules. Retained on COW 4/1. Passed Senate Floor 16-14. Signed by the Governor on 5/5.	
HB2314: presidential electors; ballots	Rep. Kavanaugh (R)	House: Government & Elections, Rules. Senate: Government and Rules.	Names of presidential electors may (not required now) to be printed on the ballot.	None.	Passed Government and Elections 13-0. Passed Rules 8-0. Passed House 52-6-2. Transmitted to Senate 2/25. Passed Senate Government 6-1-1.	
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. Passed Rules 8-0. Retained House COW on 2/24.	
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.	Held in Committees.	
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.	Held in Committees.	
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.	Held in Committees.	
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 Committees.	
HB2359: election equipment; access; locks	Rep. Kavanaugh (R)	House: Government & Elections, Rules. Senate: Government, Rules.	Any port, plug, door or other method of physical or electronic access to a voting machine or to any electronic pollbook is required to be secured in a manner to prevent unauthorized access. The county or other officer in charge of elections is required to document and verify security procedures regarding access before a voting machine or electronic pollbook is placed into service for an election.	None.	Passed Government and Elections 13-0. Passed House Rules 8-0. Pass House Floor 52-0-8. Transmitted to Senate on 3/1. Passed Senate Government 7-0-1. Passed Senate Rules. Passed Senate Floor 30-0. Transmitted to House 4/13. Passed House 60-0. Transmitted to Governor 4/22. Signed by the Governor on 4/26.	

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
HB2360: driver license voter registrations; committee	Rep. Kavanaugh (R)	House: Government & Elections, Rules. Senate: Government, 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. Passed House Rules 8-0. Pass House Floor 52-0-8. Transmitted to Senate on 3/1. Passed Senate Government 7-0-1. Passed Senate Rules. Passed Senate Floor 30-0. Vetoed by Governor on 4/11.	
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 Committees.	
HB2362: elections; ballot privacy folders	Rep.Kavanaugh (R)	House: Government & Elections, Rules. Senate: Government, Rules.	A voter is to be given a privacy envelope along with their ballot when voting.	None.	Passed Government and Elections 13-0. Passed House Rules 8-0. Passed House 47-11-2. Transmitted to Senate on 2/25. Passed Senate Government 4-3-1.	Amended in committee.
HB2363: municipal election officers; certification training	Rep. Kavanaugh (R)	House: Government & Elections, Rules. Senate Government, 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. Passed House Rules 8-0. Passed House Floor 58-0-2. Transmitted to Senate 2/25. Passed Senate Government 6-1-1.	
HB2364: election pamphlet submittals; identification required	Rep.Kavanaugh (R)	House: Government & Elections, Rules. Senate Government, 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. Passed House Rules 8-0. Passed House Floor 54-4-2. Transmitted to Senate on 2/25. Passed Senate Government 6-0-2. Passed Rules. Passed Senate Floor 16-11-1. Transmitted to House on 3/30. Transmitted to Governor 3/31. Signed by the Governor on 4/6.	
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.	Held in Committees.	
HB2370: permanent early voting list; repeal	Rep. Payne (R)		Repeals the PEVL.	Update to voter education regarding early voting.	Held in Rules.	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.	Held in Committees.	
HB2373: voter registration groups; forms; identifiers NOW: expenditure limitation; community colleges	Rep. Dunn (R)	House: Government & Elections, Rules. Senate: Government, 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. Limits community college districts (districts) that exceed expenditure limitations from receiving state aid in FY 2022 as outlined	We would likely need to add the Clean Elections symbol to voter registration forms (stamp, printed).	Passed Government and Elections 7-6. Passed House Rules 8-0. Passed 31-28. Transmitted to Senate 3/4. Passed Appropriations 8-2. Due Pass Senate COW.	
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 Committees.	"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 voted on by the Legislature. If a tie vote occurs, the remaing electors would be split among the respective candidates.	Update to voter education, specifically how the Electoral College would function in Arizona.	Held in Committees.	
HB2430:publicity pamphlet; submittal dates	Rep. Bolick (R)	House: Government & Elections, Rules. Senate: Government, 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. Passed Rules 8-0. Passed House Floor 57-1-2. Trasmitted to Senate on 2/25. Held in Senate.	
HB2444: judges; election; technical correction	Rep. Nutt (R)		Technical change. Apparent striker.	None	Held in Rules.	
HB2468:elections; special districts; technical correction	Rep. Barton (R)		Technical change. Apparent striker.	None.	Held in Rules.	
HB2469: mail ballot elections; technical correction	Rep. Barton (R)		PDF links to HB2468, not HB2469. However, it is likely another striker bill.	None.	Held in Rules.	

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HB2529: early ballots; address; return S/E; address; return; early ballots	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. S/E The officer charged by law with the duty of preparing ballots at any election is required to ensure that early ballots are sent in envelopes that state substantially the following" If the addressee does not reside at this address, mark the unopened envelope "return to sender" and deposit it in the U.S. mail.	None.	Passed Government and Elections 13-0. Passed Rules 8-0. Passed House Floor 57-2-1. Transmitted to Senate 3/4. Held in Senate.	
HB2554: party representative; resident; violation	Rep. Weninger (R)	House: Government & Elections, Rules	A challenger or party representative that is authorized to be at a polling place by appointment from the county chairman of each political party is required to be an Arizona resident and be registered to vote in Arizona. A person who knowingly impersonates any election official is guilty of a class 6 (lowest) felony.		Passed Government & Elections 7-6. Passed House Rules 5-3. Passed House Floor 31-28. Transmitted to Senate 3/3. Passed Senate Government 4-3. Passed Senate Rules. Passed Senate Floor 18-14. Transmitted to Governor on 5/28. Vetoes by Governor on 5/28.	
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.	Held in Committees.	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. Senate: Government, 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. Passed House Rules 8-0. Passed House Floor 31-29. Transmitted on 3/5. Passed Government 5-3. Passed Senate Government 5-3. Passed Rules. Passed Senate Floor 15-14. Transmitted to Governor on 4/8. Signed by Governor on 4/9.	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.	Held in Committees.	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.	Held in Committees.	Copy of SB1444.
HB2686: candidate signs; prohibition; primary	0	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 85 days before the Primary.	None.	Held in Committees.	
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.	Held in Committees.	
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.	Held in Committees.	
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.	Held in Rules.	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. Stikes provision for vote centers. Requires board of supervisors to approve any and all emergency voting locations.	None.	Held in Committees.	

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
HB2723: campaign finance; reports; contribution amount	Rep. Kavanaugh (R)	House: Government & Elections, Rules. Senate: Government, Rules.	Changes reporting for aggregate contributions from \$50 to \$200. Amended to an increase to \$100 from \$200.	Candidates would no longer be required to report details such as name, address, occupation, employer for donations less than \$100.	Passed Government and Elections 7-6. Passed House Rules 8-0. Passed House Floor 32-27-1. Transmitted to Senate on 3/4. Held in Senate.	SB1104 amended to increase aggregate contribution threshold to \$100 from \$50.
HB2736: presidential preference election; independent voters	Rep. Pawlik (D)	House: Government & Elections, Rules	Would allow Independents to participate in the PPE.	Voter education efforts.	Held in Committees.	
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.	Held in Committees.	
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 include; 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.	Held in Committees.	
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.	Held in Committees.	
HB2792: early ballots; request required	Rep. Hoffman (R)	House: Government & Elections, Rules. Senate: Government, Rules.	Except for a voter who is on the permanent early voting list, a voter who requests a one-time early ballot, or for an all mail-ballot election, a county recorder, municipal clerk or other election officer is prohibited from delivering or mailing an early ballot to a person who has not requested an early ballot for that election. An election officer who knowingly violates this prohibition is guilty of a class 5 (second lowest) felony.	None.	Passed Government and Elections 7-5. Passed House Rules 8-0. Passed House Floor 31-28. Transmitted to Senate 3/4. Passed Senate Judiciary 5-3. Passed Rules. Passed Senate Floor 16-14. Transmitted to Governor on 5/27. Vetoed by Governor on 5/28.	
HB2793: voter registration; request required	Rep. Hoffman (R)	House: Government & Elections, Rules. Senate: Government, 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. Passed House Rules 8-0. Passed House Floor 31-28. Transmitted to Senate on 3/4. Held in Senate.	
HB2794: election deadlines; modifications prohibited	Rep. Hoffman (R)	House: Government & Elections, Rules. Senate: Government, Rules.	It is a Class 6 felony for any state official, agent, political subdivision, or governmental entity to change any date, deadline, filing date, or other election date related to Elections other than what is provided for in statute or in an instance prescribed by the a Court.	None.	Passed Government and Elections 7-6. Passed House Rules 8-0. Passed House Floor 31-29. Transmitted to Senate on 3/5. Passed Senate Appropriations 6-4. Showed Senate Floor 16-13. Transmitted to the Governor on 5/18. Signed by the Governor on 5/24.	
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-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. 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.	Held in Committees.	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 voters 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.	Held in Committees.	

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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.	Held in Committees.	
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.	Held in Committees.	
HB2804: public meetings; executive session	Rep. Pingerelli (R)	House: Government & Elections, Rules. Senate: Government, 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. Passed House Rules 7-1. Passed House Floor 31-29. Transmitted to Senate on 3/5. Held in Senate.	Concerns on predicting what may require legal advice in advance of a public meeting.
HB2811: same day registration; prohibition	Rep. Hoffman (R)	House: Government & Elections, Rules. Senate: Government, 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. Passed House Rules 7-1. Passed House Floor 31-28. Transmitted to Senate on 3/5. Held in Senate.	
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.	Held in Committees.	
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.	Held in Committees.	
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.	Held in Committees.	
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.	Held in Committees.	
HB2881: election hand counts; verification committee	Rep. Blackman (R)	House: Government & Elections, Rules. Senate: Government, 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.	Held in Committees.	

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HCR2016: initiatives; supermajority vote requirement	Rep. Dunn (R)	House: Government & Elections, Rules. Senate: Government, 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. Passed House Rules 8-0. Passed House Floor 31-29. Transmitted to Senate on 3/5. Passed Senate Government 4-3-1.	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 & Elections, Rules. Senate: Government, 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 7-5-1. Passed House Rules 8-0. Passed House Floor 45-14-1. Transmitted to Senate on 3/5. Held in Senate.	
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. Passed House Rules 8-0.	
HCR2023: elections; state authority; infringement; opposition	Rep. Hoffman (R)	House: Government & Elections, Rules. Senate: Government, 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. Passed House Rules 8-0. Passed House Floor 31-29. Transmitted to Senate on 3/4. Passed Senate Government 5-3. Passed Rules. Passed Senate Floor 16-14. Transmitted to 4/7. Transmitted to Secretary of State on 4/12.	
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.	Held in Committees.	
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.	Held in Rules.	
SB1002: early voting envelopes; party affiliation	Sen. Ugenti-Rita (R)	Senate: Government, Rules. House: Government & Elections, 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. Passed House Government & Elections 8-5. Passed House Rules 7-0-1. Passed House 41-18. Signed by the Governor on 3/18.	
SB1003: early voting; signature required; notice	Sen. Ugenti-Rita (R)	Senate: Government, Rules. House: Government & Elections, 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. Passed Senate Floor 16-14. Transmitted to House 3/4. Passed House Government & Elections 7-6. Passed House Rules 8-0. Passed House 31-29. Signed by the Governor on 5/7.	

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
SB1010: recount requests; amount; bond; procedure. S/E NOW: recounts; requests; procedures; audits	Sen. Mesnard (R)	Senate: Government, Rules, House: Government & Elections, Rules.	The number of precincts in each county that must be randomly selected for a hand count after each election is changed to five percent of the precincts in the county or the number of precincts as determined by the vote count verification committee that is required to achieve a statistical significance of a 99 percent confidence level with a margin of error of 1 percent based on the total number of ballots cast in that county on election day, whichever is greater, from two percent or two precincts. Voting centers are deemed to be a precinct for the purposes of the hand counts. For a county with a population of 900,000 persons or more (Maricopa and Pima), the chairmen of the political parties entitled to continued representation on the ballot or the chairmen's designees are required to randomly select for a manual audit either 10,000 early ballots or the number of early ballots required to achieve a statistical significance of a 99 percent confidence level with a margin of error of 2 percent based on the total number of early ballots cast in that county, whichever is greater. For other counties, the chairmen or the designee's are required to randomly select for a manual audit the number of early ballots required to achieve a statistical significance of a 99 percent confidence level with a margin of error of 2 percent based on the total number of early ballots cast in that county. Within 5 days after completion of the canvass, for any election that does not require an automatic recount, the Attorney General, the Secretary of State, or the Legislative Council is authorized to request a recount of the total number of votes cast in the election or at any precinct, voting center, jurisdiction, or any combination of those portions of an election. The expenses of the requested recount will be a state charge. Within 5 days after completion of the canvass, for any election that does not require an automatic recount, any person is authorized to file an action for a recount in any election that is not subject to an automatic recount if the person files a bond with the superior court in an amount determined by the court to be sufficient to fully reimburse the costs of conducting the recount. Recount request or filing provisions do not apply to elections for precinct committeemen, school boards, fire district boards or other special district boards	None	Passed Senate Government 5-3. Passed Rules. Passed Senate 16-14. Transmitted to House on 3/4. Passed Government & Elections 7-6. Passed Rules 8-0.	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. Retained on House COW.	
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, House: Government & Elections, 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. Passed Senate 16-14. Transmitted to House on 2/24.	
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; QRRC Now: elections manual; legislative council	Sen. Ugenti-Rita (R)	Senate: Government, Rules, House: Government & Elections, 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. Reinstates the requirement that the Secretary of State's elections procedures manual be approved by the Attorney General before issuance, rather than the Governor's Regulatory Review Council.	None	Passed Senate Government 5-3. Passed Rules. Passed Senate 16-14. Transmitted to House on 3/4. Passed Government & Elections 7-6. Held in House Rules on 3/31.	
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.	

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
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. House: Government & Elections, 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 Senate Government 5-3. Passed Rules. Passed Senate 16-14. Transmitted to House on 3/4. Passed House Government & Elections 7-6. Passed House Rules 8-0.	
SB1103: lieutenant governor; duties; ballot	Sen. Mesnard (R)	Senate: Government, Appropriations, 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	Passed Appropriations 10-0.	
SB1104: campaign finance; contributions; disclosures; itemization	Sen. Mesnard (R)	Senate: Government, Rules. House: Government & Elections, 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. Aggregate contributions are increased from a \$50 threshold to \$100.	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. Passed House Government & Elections 7-6. Passed House Rules 7-0-1. Amended on House Floor. Passed House Floor 31-29. Transmitted to Senate on 3/18. Passed Senate Floor 16/14. Signed by Governor on 3/30.	
SB1106: voting residency; intent to remain	Sen. Mesnard (R)	Senate: Government, Rules. House: Government & Elections, 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 Senate Government 5-3. Passed Rules. Passed Senate 16-14. Transmitted to House on 3/4. Passed Government & Elections 7-6. Passed Rules 5-3.	
SB1107: redistricting; petition signatures; 2022 candidates	Sen. Mesnard (R)	Senate: Government, Rules. House: Government & Elections, 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.	None.	Passed Senate Government 7-0-1. Passed Rules. Passed Senate 29-0-1. Transmitted to House on 2/22. Passed House Government & Elections 13-0. Passed House Rules 8-0. Amended on House Floor. Passed House Floor 60-0. Transmitted to Senate on 3/18. Passed Senate Floor 30-0 with Emergency Clause. Signed by Governor on 3/30.	
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. Passed Senate Floor 16-14. Transmitted to House 3/4.	
SB1241: voting equipment; ballots; receipt	Sen. Townsend (R)	Senate: Government, Rules. House: Government & Elections, 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. Passed Senate Floor 16-14. Transmitted to House 3/4. Passed Government & Elections 7-6. Passed Rules 8-0.	
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.	
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		

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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.	
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. House: Government & Elections, 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. Passed Government & Elections 8-5. Passed Rules 8-0. Failed House Floor 30-30. Reconsideration: Passed House 31-29. Transmitted to Governor on 4/20. Signed by the Governor on 4/26.	
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.	None.		Copy of HB2616.
SB1485: elections; voting center; tabulation S/E: early voting list, eligibility	Sen. Ugenti-Rita (R)	Senate: Government, Appropriations, Rules. House: Government & Elections, Rules.	Vote centers to tabulate on site. S/E: Renames the permanent early voting list (PEVL) as the active early voting list (AEVL). Removes a voter from the AEVL if the voter fails to vote by early ballot in all regular, primary or regular general elections and all city or town candidate primary or first elections or city or town candidate second, general or runoff elections for two consecutive election cycles. Requires counties to notify a voter prior to removing that voter from the AEVL.	Voter Education changes regarding PEVL.	Passed Appropriations 6-4. Passed Rules. Passed Senate 18-14. Transmitted to House on 3/3. Passed House Government & Elections 7-6. Passed House Rules 8-0. Retained on House COW 4/1. Passed House Floor 31-29. Transmitted to Senate on 4/20. Failed Senate Floor 14-16. Motion to reconsider. Passed Senate Floor 16-14. Signed by the Governor on 5/11.	
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. House: Government & Elections, 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 website regarding testing equipment and canvass.	Passed Government 8-0. Passed Rules. Passed Senate 29-0-1. Transmitted to House on 3/1. Passed House Government & Elections 13-0. Passed House Rules 7-0. Passed House Floor 58-0-2. Transmitted to Governor 4/8. Signed by the Governor on 4/14.	

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
SB1497: ballot measures; proposition 105; disclosure	Sen. Ugenti-Rita (R)	Senate: Government, Rules. House: Government & Elections, 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. Passed Rules. Passed Senate 16-14. Transmitted to House on 3/4. Passed House Government & Elections 7-6. Passed Rules 5-3. Passed House Floor 31-27-2. Signed by the Governor on 4/14.	
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. S/E NOW: early ballots; instructions; undeliverable	Sen. Mesnard (R)	Senate: Government, Rules. House: Government & Elections, Rules.	The ballot envelope must state that if the voter does not reside at this address to mark it and return to sender. To include, "If the addressee does not reside at this address, mark the unopened envelope 'return to sender' and deposit it in the U.S. mail."	None.	Passed Government 8-0. Passed Senate Rules. Passed Senate Floor 29-1. Transmitted to House on 3/4. Passed Government & Elections 8-5. Passed Rules 8-0. Passed House 47-13. Signed by the Governor on 5/5.	
SB1531: petition signatures; description; invalidity	Sen. Mesnard (R)	Senate: Government, Rules. House: Government & Elections, 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. Passed Senate 16-14. Transmitted to House on 3/8. Passed Government & Elections 7-6. Passed Rules 8-0.	
SB1593: early voting; time limits; envelope	Sen. Gowan (R)	Senate: Government, Appropriations, 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.	Passed Senate Appropriations 5-4-1. Passed Senate Rules. Retained in Senate COW.	
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.	None.		
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.	None.		
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.	Candidate process change.		
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.	None.		
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.	None.	Passed Government 4-3-1. Passed Rules. Passed Senate Floor 16-14. Transmitted to House on 3/4.	
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.	None.		

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
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.	None.		
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.	None.		
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.		
SB1652: appropriations; attorney general; investigation; litigation	Sen. Livingston (R)	Senate: Judiciary, Appropriations; Rules. House: Government & Elections, Appropriations, Rules.	Appropriates \$1 million from the general fund in each of FY2021-22 and FY2022-23 to the Attorney General for investigation and litigation related to antitrust and voting integrity issues.	None.	Passed Judiciary 5-3. Passed Rules. Passed Senate Floor 16-14. Transmitted to House on 3/8. Passed Appropriations 8-5.	
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.		

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
SB1713: early ballots; identification; mailing NOW: mailing; early ballots; identification	Sen. Mesnard (R)	Senate: Government, Rules	Amended: Voter registration cards to mailed out every two years to voters. Allows an exemption for special districts. Affidavit on envelope will also need to include either Drivers License number or the voters registration number and a secondary ID or the last four of the social security number to be sent in with the early ballot.	Update to voter information.	Passed Government 4-3-1. Passed Rules. Passed Senate Floor 16-14. Transmitted to House on 3/8. Passed Government and Elections 7-6. Passed Rules 5-3. Failed House Floor 29-31.	
SB1714: campaign expenditures; out-of-state; disclosure	Sen. Mesnard (R)	Senate: Government, Rules, House: Government & Elections, 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.	Dependent on enforcement procedures.	Passed Government 4-3-1. Passed Rules. Passed Senate Floor 16-14. Transmitted to House on 3/4. Passed Government & Elections 7-6. Passed Rules 8-0. Passed House Floor 32-28. Transmitted to Senate. Passed Senate Floor 16-13. Transmitted to Governor on 5/17. Signed by Governor on 5/21.	
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.		
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, House: Government & 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.	None.	Passed Government 5-3. Passed Rules. Passed Senate Floor 16-14. Transmitted to House on 3/4. Passed House Government & Elections 8-5. Passed House Rules 7-0-1.	
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.		

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
SCR1005: legislature; ninety house districts	Sen. Mesnard (R)	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. House: Government & Elections, 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 supersede, amend, or divert funds from the Act.	Passed Government 5-3. Passed Rules. Passed Senate Floor 16-14. Transmitted to House on 3/10. Passed Government & Elections 7-6.	
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.			
Signed into law.						
Bills Vetoed.						

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STATE OF ARIZONA

CITIZENS CLEAN ELECTIONS COMMISSION

In the Matter of:

MUR No. 20-03

Arizona Education Association,

CONCILIATION AGREEMENT

Respondent

Pursuant to A.R.S. § 16-957(A), the Citizens Clean Elections Commission (the “Commission”) and Arizona Education Association (“Respondent”) enter into this Conciliation Agreement (the “Agreement”) in the manner described below:

A. Respondent did not file reports required by the Commission related to spending on advertising that identified certain candidates for legislative office. The Commission found that these failures demonstrate there is reason to believe Respondent may have committed a violation of the Citizens Clean Elections Act and Commission rules (collectively, the “Act”).

B. A.R.S. § 16-941(D) states that “any person who makes independent expenditures related to a particular office” in excess of certain amounts must report such expenditures to the Secretary of State. A.R.S. § 16-956(A)(7) provides that the Commission has authority to enforce the Act and Rules, to include the assessment of penalties that apply for failure to file reports.

1 C. The Commission received a Complaint alleging that Respondent failed
2 to file a report required by A.R.S. § 16-941, -958.

3 D. In response to the Reason to Believe determination, Respondent
4 complied with requests for information, while reserving its right to appeal whether
5 the expenditures involved constituted “express advocacy” requiring reports under the
6 Act and Rules. *See* A.R.S. § 16-901.01.

7 E. This Conciliation Agreement, if accepted by the Commission and
8 Respondent, shall conclude the Commission's enforcement proceeding respecting the
9 Complaint based on the conditions below and constitutes a waiver of the Respondent's
10 right to appeal.

11 WHEREFORE, the Commission enters the following orders in lieu of any other
12 action regarding this matter:

13 1. The Commission has jurisdiction over persons subject to A.R.S. §§ 16-
14 941(D) and 16-958, including political committees. Respondent disputes that its
15 spending was “express advocacy” and thus Respondent maintains that it was not
16 required to file.

17 2. Pursuant to A.R.S. §§ 16-941(D) and -958, any person who makes an
18 independent expenditure above a threshold set forth in the Act must file certain
19 reports. Under A.R.S. § 16-942(B), the statutory penalty for any reporting violation
20 on behalf of a candidate is up to \$320 per day up to twice the value of the unreported
21 amount. Respondent disputes that its expenditures were subject to the requirements
22 set forth in A.R.S. §§ 16-941(D) and -958.

23 3. Respondent agrees to settle this matter for six thousand dollars
24 (\$6,000.00) in addition to the other provisions herein. This amount represents a
25 mitigated fine based, in part, on the facts stated in paragraphs A - E.

26 4. To satisfy the debt amount acknowledged above, Respondent shall pay
27 six thousand dollars (\$6,000) to the Commission twenty-one (21) days after execution
28 of this document.

1 5. Respondent shall file Independent Expenditure Reports with the
2 Commission twenty-one (21) days after execution of this document. These reports
3 shall indicate spending per candidate if possible, but if not possible shall identify all
4 candidates included in a particular purchase. The Executive Director shall have
5 seven business days from the filings to object to the sufficiency of the filing and
6 request amendments to the filings. If the spending cannot indicate the amount per
7 candidate, Respondent shall so certify under oath on the Form. Additionally,
8 Respondent may include a statement of its objection to reporting requirement's
9 application on the Forms.

10 6. All payments shall be made by check or money order payable to the
11 Citizens Clean Elections Fund and delivered to the Citizens Clean Elections
12 Commission, 1616 West Adams, Suite 110, Phoenix, Arizona, 85007.

13 7. The Commission shall not commence any legal action against
14 Respondent to collect the claims so long as they are not in default.

15 8. Respondent shall be in default of this Agreement upon the occurrence of
16 any of the following:

17 a. Respondent fails to make any payment required hereunder
18 within five (5) working days following the date due;

19 b. Respondent files a petition under the bankruptcy laws or any
20 creditor of the Respondent files any petition under said laws against the
21 Respondent;

22 c. Any creditor of Respondent commences a foreclosure action to
23 foreclose (by suit or trustee sale) on real property of the Respondent or commences
24 garnishment, attachment, levy or execution against the Respondent's property;

25 d. Respondent provides false information to the Commission; or

26 e. Respondent fails to abide by any provision of this agreement.

27 9. In the event of default hereunder, at the option of the Commission, all
28 unpaid amounts hereunder shall be immediately due and payable and the

1 Commission may pursue any additional penalties mitigated by this agreement. In
2 addition, interest shall accrue on the unpaid balance from the date that the payments
3 become due and payable. Interest shall accrue at the statutory rate of ten percent
4 (10%) pursuant to A.R.S. § 44-1201(A).

5 10. Nothing contained in this Agreement shall be construed to prevent any
6 state agency which issues licenses for any profession from requiring that the debt in
7 issue be paid in full before said agency will issue Respondent a new license.

8 11. The Commission may waive any condition of default without waiving
9 any other condition of default and without waiving its rights to full, timely future
10 performance of the conditions waived.

11 12. In the event legal action is necessary to enforce collection hereunder,
12 Respondent shall additionally pay all costs and expenses of collection, including
13 without limitation, reasonable attorneys' fees in an amount equal to thirty-five
14 percent (35%) of monies recovered.

15 13. Respondent acknowledges that all obligations payable pursuant to this
16 Agreement constitute a fine, penalty, or forfeiture payable to and for the benefit of a
17 governmental unit, and not compensation for actual pecuniary loss; and that
18 pursuant to 11 USC § 523 such obligations are not subject to discharge in bankruptcy.

19 14. This Agreement shall be construed under the laws of the State of
20 Arizona.

21 15. In the event that any paragraph or provision hereof shall be ruled
22 unenforceable, all other provisions hereof shall be unaffected thereby.

23 16. This Agreement shall constitute the entire agreement between the
24 parties regarding the subject matter. This Agreement shall not be modified or
25 amended except in a writing signed by all parties hereto.

26 17. This Agreement shall not be subject to assignment.

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**STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION**

MUR 20-03

Arizona Education Association

STATEMENT OF REASONS OF THE EXECUTIVE DIRECTOR

On behalf of the Citizens Clean Elections Commission (“Commission”), the Executive Director hereby provides the following Statement of Reasons why there may be reason to believe that a violation of the Citizens Clean Elections Act and Commission rules (collectively, the “Act”) may have occurred.

I. Procedural Background

On or about September 30, 2020, Charles Joiner (Complainant) filed a Complaint against the Arizona Education Association, an Arizona Non-Profit Corporation (Respondent) alleging the Respondent violated the Clean Elections Act, namely A.R.S. §§ 16-941(D) and 16-958. Exhibit 1. The Complaint alleges that Respondent expressly advocated against the election or reelection of four Republican candidates for the Arizona State Legislature: former Sen. Kate Brophy-McGee, Rep. Jeff Weninger, Sen. J.D. Mesnard, Rep. Kevin Payne, former Rep. Anthony Kern, Rep. Shawna Bolick, Rep. Walter Blackman, and Sen. Paul Boyer, but failed to file reports required by the Arizona Citizens Clean Elections Act.¹ On November 9, 2020, through its attorney, Daniel A. Arellano of Ballard Spahr, Respondent submitted a response to the Complaint. Exhibit 2.

¹ All but Sen. Brophy-McGee and Rep. Kern retained their legislative seats.

II. Alleged Violations

The Complaint alleges that the Respondent expressly advocated for the defeat of the above-mentioned legislative candidates in two ways:

Respondent issued mail pieces on or around August 24 that targeted Sen. Brophy-McGee and Rep. Weninger, respectively, in a communication to their district residents. Complaint at 1. NOTE: Respondent observes that the mailers and digital ads “ran exclusively in August 2020. Response at 3.

Second, the Complaint alleges that Respondent targeted at least Sen. Brophy-McGee, Rep. Weninger, Sen. Mesnard, Rep. Payne, Rep. Kern, Rep. Bolick, Rep. Blackman, and Sen. Boyer. *Id.* at 1-2. Complainant alleges that each of these advertisements required reports under A.R.S. §§ 16-941 and -958.

The mailers in the Complaint both feature a charge against Sen. Brophy-McGee and Rep. Weninger on the front side. On the reverse, the Sen. Brophy-McGee mailer states that recipients should call on her to call a special session “to fund public schools and keep students and educators safe.” The Rep. Weninger mailer states “Contact Rep. Jeff Weninger and ask him to call for a special session.”

The Facebook advertisements contain variation on four kinds of taglines, according to the Complaint. *See* Exhibit C of the Complaint (*Ex.1*).

Politicians like _____ refuse to fund public schools. Now, as Arizona is considering reopening schools, that decision puts us all at risk. Contact

_____ and tell ____ to call for a special session to fund our public schools and keep students and educators safe.

Politicians like _____ refuse to fund public schools. Now as Arizona considers reopening schools, that decision puts us all at risk, Contact _____ and tell ____ to call for a special session [to] fund public schools. (Number).

Contact __ (Lawmaker) __ (Number) to call for a special session to fund public schools to keep our students and educators safe.

Contact (Lawmaker) (number). And tell him it's time to fund public schools and keep our students and educators safe.

Id.

III. Analysis

A. Relevant Evidentiary Standard

At this preliminary stage in Commission proceedings, the Commission need only determine that there may be reason to believe that the Respondent has committed a violation of the Act or Rules. Ariz. Admin. Code R2-20-208(A).

B. Relevant Legal Standard

The Clean Elections Act defines expressly advocates, in relevant part as an advertisement

[1.] Making a general public communication, such as in a broadcast medium, newspaper, magazine, billboard or direct mailer

[2.] referring to one or more clearly identified candidates and
[3.] targeted to the electorate of that candidate(s)
[4.] that in context can have no reasonable meaning other than to advocate the election or defeat of the candidate(s), as evidenced by factors such as the presentation of the candidate(s) in a favorable or unfavorable light, the targeting, placement or timing of the communication or the inclusion of statements of the candidate(s) or opponents. A.R.S. § 16-901.01(A)(2).

Such a communication “shall not be considered as one that expressly advocates merely because it presents information about the voting record or position on a campaign issue of three or more candidates, so long as it is not made in coordination with a candidate, political party, agent of the candidate or party or a person who is coordinating with a candidate or candidate's agent.” *Id.* § 16-901.01(B).

The controlling case for reporting under this standard in Arizona is *Committee for Justice in Fairness v. Arizona Secretary of State’s Office (CJF)*, 235 Ariz. 347 (App. 2014). There, the Court held that an advertisement, targeted at the general electorate of a candidate who, while not identified as a candidate for the office sought, was nevertheless unambiguously a candidate for the office sought, run immediately before the election, but criticizing prior actions, did expressly advocate defeat. *Id.* at 354-55.

The U.S. Supreme Court case *Federal Election Commission v. Wisconsin Right to Life (WRTL)*, 551 U.S. 449 (2007) is persuasive authority here. That case dealt with when an absolute ban on express advocacy could be imposed, in the context of the greater scrutiny that absolute bans require. *Id.* at 464-65.2 That case held that, in order to impose a ban on express advocacy under the then-existing federal standard, the advertisement in question must, objectively be the functional equivalent of express advocacy “only if the ad is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.” *Id.* at 470.

C. Application

Respondent recognizes that the mailers and advertisements in question were directed at the constituencies of lawmakers running for office, Response at 4. Nevertheless, Respondent proposes several distinctions from the prevailing cases.

First, Respondent notes that the advertisements concluded in August, more than 60 days from the day of the General Election. Respondent notes that the advertisements in CJF ran “immediately” before the election, while Federal law defining “electioneering communication” applies for communications that run 60 days before the election. Response at 4. In Arizona, the legislature repealed the state’s corollary definition in 2012, which was triggered at 16 weeks prior to the

2 Because WRTL dealt with an absolute ban, the burden imposed under Federal law at that time is significantly greater than the burden imposed by the Clean Elections Act.

election. Laws 2012, Ch. 257, § 1 (2d reg. sess. 2012). Consequently, mere distance from the election is not determinant of whether a communication is reportable under the Clean Elections Act. Unlike *WRTL*, where the FEC attempted to double count the timing of an expenditure already within the statutory window, here the Act, as revised, does not create such a problem. Rather, the Act lays out a schedule beginning prior to the primary and running through the entire remaining election period. A.R.S. § 16-958(B):

B. Any person who must file an original report pursuant to section 16-941, subsection D or who must file a supplemental report for previously unreported amounts pursuant to subsection A of this section shall file as follows:

1. Before the beginning of the primary election period, the person shall file a report on the first of each month, unless the person has not reached the dollar amount for filing an original or supplemental report on that date.
2. Thereafter, except as stated in paragraph 3 of this subsection, the person shall file a report on any Tuesday by which the person has reached the dollar amount for filing an original or supplemental report.
3. During the last two weeks before the primary election and the last two weeks before the general election, the person shall file a report

within one business day of reaching the dollar amount for filing an original or supplemental report.

Respondent argues that the advertisements are, in WRTL's terms, a "genuine issue ad" because it focuses on a legislative issue, communicates that issue to the "public" and urge the "public" to contact elected officials. Response at 4. The advertisement in *CJF*, Respondent argues, "merely" urged voters to contact an elected official running for a different office urging viewers to tell that person to protect children not those who might harm them. However, under analysis, the gravamen of the political advertisements is not different. In *CJF*, the Court of Appeals explained that an Administrative Law Judge's determination was sufficient to meet the express advocacy definition where:

The advertisement referred by name to Tom Horne, who was by that time clearly identified as the Republican candidate for Attorney General. It was aired on Channel 12, which broadcasts in the greater Phoenix metropolitan area and beyond, and thus may be presumed to have targeted the electorate for such a statewide office. Although the advertisement only referred to Tom Horne in his then[-] position of Superintendent of Public Instruction and called upon viewers to contact him at his office in the Department of Education, the only reasonable purpose for running an advertisement, during an election campaign, which cost approximately \$1.5 million to produce and broadcast, to

critique Tom Horne's past actions as a former member of the legislature and as an occupant of a post he would soon vacate, was to advocate his defeat as candidate for Attorney General.

CJF, 235 Ariz. at 352 ¶¶ 26-27. Likewise, here, the mailers and electronic advertisements criticize the incumbents of an office and ask voters to call them in the midst of the election and urge them to call for a special session.

Similarly, Respondent's effort to distinguish IRS non-profit guidance is unavailing. Response at 4. Like the example Respondent purports to distinguish, here to: the advertisement does not identify any specific legislation . . . is not timed to coincide with a legislative voter or other major legislative action on that issue. Internal Revenue Service, Internal Revenue Bulletin No. 2004-4 at 331 (January 26, 2004) Exhibit 3. Nor, despite Respondent's contention, is this an advertisement "substantially similar" to other efforts. At best the record suggests that AEA made a one-off communication in July and whatever the value of the letter drive it observes, Response at 2, the drive is specifically referenced in the mailers and is "not part of an ongoing series of substantially similar advocacy communications by [Respondent] on the same issue." IRB at 331. After the legislative session adjourns in an election year, unless the Governor calls the Legislature back into special session to address specific topics or a supermajority of the legislature acts formally, legislators will not propose or vote on any further

legislation unless they are re-elected to serve another term. Thus, it falls within the example in the IRS guidance, rather than in contrast.

Other material within the context of the pieces confirms this analysis. The mail piece that was directed at State Senator Brophy-McGee clearly states “State Senator Brophy-McGee voted to cut public school funding” on the front, while the mailer regarding Rep. Weninger states “Rep. Jeff Weninger failed to keep us safe.” Additionally, as noted above, the mail pieces and the social media posts were delivered and posted in August, long after the State Legislature had adjourned sine die. Similarly, the Facebook ads are premised on the prior records of the lawmakers clearly identified in a negative light.

Based on the definition of express advocacy and the facts stated above, I recommend the Commission determine reason to believe that violations may have occurred.

Recommendation

If the Commission determines reason to believe that a violation of a statute or rule over which the Commission has jurisdiction may have occurred, the Commission shall then conduct an investigation. Ariz. Admin. Code R2-20-209(A). The Commission may authorize the Executive Director to subpoena all of the Respondent’s records documenting disbursements, debts, or obligations to the present, and may authorize an audit.

Upon expiration of the fourteen (14) days, if the Commission finds that the alleged violator remains out of compliance, the Commission shall make a public finding to that effect and issue an order assessing a civil penalty in accordance with A.R.S. § 16-942, unless the Commission publishes findings of fact and conclusions of law expressing good cause for reducing or excusing the penalty. A.R.S. § 16-957(B).

After fourteen (14) days and upon completion of the investigation, the Executive Director will recommend whether the Commission should find probable cause to believe that a violation of a statute or rule over which the Commission has jurisdiction has occurred. Ariz. Admin. Code R2-20-214(A). Upon a finding of probable cause that the alleged violator remains out of compliance, by an affirmative vote of at least three (3) of its members, the Commission may issue an order and assess civil penalties pursuant to A.R.S. § 16-957(B). Ariz. Admin. Code R2-20-217.

Dated this 25th day of January, 2021.

S/Thomas M. Collins
Thomas M. Collins, Executive Director