

THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

January 21, 2016

9:30 a.m.

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1 PUBLIC MEETING, BEFORE THE CITIZENS CLEAN
 2 ELECTIONS COMMISSION, convened at 9:30 a.m. on January 21,
 3 2016, at the State of Arizona, Clean Elections Commission,
 4 1616 W. Adams, Conference Room, Phoenix, Arizona, in the
 5 presence of the following Board members:
 6 Mr. Mitchell C. Laird, Chairperson
 7 Mr. Thomas J. Koester
 8 Mr. Mark S. Kimble

8 OTHERS PRESENT:

9 Thomas M. Collins, Executive Director
 10 Paula Thomas, Executive Officer
 11 Sara Larsen, Financial Affairs Officer
 12 Gina Roberts, Voter Education Manager
 13 Mike Becker, Policy Director
 14 James P. Driscoll-MacEachron, AAG
 15 Lauren Coffman, R&R Partners
 16 Rivko Knox, League of Women Voters
 17 Patricia Koester, Citizen
 18 Barbara Lubin, Arizona Democratic Party
 19 Samantha Pstross, Arizona Advocacy Network
 20 Mary O'Grady, Osborn Maledon

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1 MR. COLLINS: Thank you, Mr. Chairman,
 2 Commissioners. Welcome, Mr. Chairman, to the
 3 chairmanship.
 4 Just real briefly, we have a full slate of -- of
 5 activities, both the recent past and in -- in upcoming.
 6 In the -- in the next -- last week, Alec and I were at
 7 the -- were outside of Flagstaff at the Navajo Nation,
 8 with the Navajo County/Apache County and Navajo Nation
 9 itself, to partner with them to -- they're putting
 10 together an event on rural addressing. And, you know, one
 11 of the -- just to give you a footnote on why we were there
 12 and why we were -- helped them co-sponsor this event, a
 13 real issue on the -- on the Navajo Nation and elsewhere is
 14 the -- the lack of -- of -- of street addresses, and how
 15 you can get -- you know, that's how we deliver the
 16 candidate statement pamphlet to every household in the
 17 state, and -- and -- and that's something that -- so we
 18 think that that's a direct connection to participation.
 19 Certainly, the Recorder's offices believe that, and then
 20 additionally the things like 9-1-1 and other things that
 21 they're working on, that this is all part of a larger
 22 project. So, it was really great to be there.
 23 Gina will be next week out with the City Clerks
 24 talking to them about some of the activities we have going
 25 on and then meeting with the Intertribal Council.

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P R O C E E D I N G

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 3 CHAIRPERSON LAIRD: Okay. Now is the time for
 4 the meeting of the Citizens Clean Elections Commission,
 5 January 21, 2016. I call the meeting to order.
 6 And the Commission may vote at some point to go
 7 into executive session, which will not be open to the
 8 public, for the purpose of obtaining legal advice on any
 9 item listed on the agenda.
 10 The first item I have after call to order is
 11 discussion and possible action on the Commission minutes
 12 for December 17th, 2015. Comments?
 13 COMMISSIONER KIMBLE: Mr. Chairman, I move the
 14 minutes be approved.
 15 CHAIRPERSON LAIRD: Okay.
 16 COMMISSIONER KOESTER: I second. I second.
 17 CHAIRPERSON LAIRD: All in favor say "aye."
 18 (Chorus of ayes.)
 19
 20 CHAIRPERSON LAIRD: There's just three of us
 21 today. So, I became Chairman and -- and they started
 22 dropping out like flies, they didn't want to be here.
 23 The next item on the agenda is the discussion and
 24 possible action on the Executive Director's report.
 25 Director Collins?

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1 I have a meeting next week, I'll be in Flagstaff
 2 talking to -- I'm not sure who. I think it's the League.
 3 I think it's the League, but I could be wrong. I have a
 4 forum I'm doing up there on Clean Elections.
 5 Presidential preference election, just really
 6 quickly, we didn't do this as a separate agenda item, but
 7 just to -- we heard a lot from County Recorders about the
 8 need to do education on the PPE spec- -- a couple
 9 different messaging points, including the fact that so
 10 long as we have a PPE, which many people would like to do
 11 away with, including the Secretary of State, which, you
 12 know, we don't -- that's not something we have a view on.
 13 Independent voters cannot participate in the PPE.
 14 And, so, there's a lot of folks who show up at -- on, you
 15 know, March 22nd, who because they're Independents,
 16 they're used to voting, they think they can vote, they get
 17 provisional ballot, 'cause you -- you -- you are mandated
 18 to give anybody who shows up at the polls a ballot. It
 19 doesn't necessarily mean that it's going to be counted,
 20 but they got to -- but it creates -- then you have to go
 21 back and check and it says, oh, you're not eligible, and
 22 they -- that ballot doesn't get counted. But that's a lot
 23 of extra paperwork for the Recorder's office, so they
 24 wanted an educational effort around the PPE. We have --
 25 you approved the -- that as part of our voter education

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1 program and we've -- we're implementing that now.
2 So, we're pretty excited about it. We've had
3 meetings with -- Gina has a meeting coming up at the end
4 of next week with all the County Recorders. We've talked
5 to Helen Purcell and Karen Osborne at Maricopa County,
6 we've talked to Patty Hansen in Coconino County, we've
7 talked to F. Ann Rodriguez in -- in -- in Pima, and the
8 Cochise County Recorders -- Election Director. So -- so,
9 that's been well received. We're going to -- you know, we
10 have some -- we're going to continue to work on that.
11 That will be rolling out here literally next week and then
12 -- so, we're -- we're excited about that.
13 Again, it's the kind of thing -- just to -- not
14 to spend too long on this, but just to kind of put a
15 button on this, that, you know, the Counties don't have
16 the resources to do affirmative education to mitigate
17 participation issues, both, you know, people not
18 understanding the process and to help mitigate their own
19 workload when it comes to getting these election results
20 done. So, that's the reason why over the course of the
21 last several years, we think it's a benefit to voters to
22 not have to be confused, right? And then at the same
23 time, it demonstrates that our -- I think our commitment
24 to work with the partnerships we're trying to build with
25 the Counties to say, look, you know, the fund is there, we
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1 timely manner.
2 So, with that, I apologize for taking more time
3 than usual on this, but if you have any questions, I'll --
4 I'll -- I'm happy to take them, Mr. Chairman.
5 CHAIRPERSON LAIRD: Questions? Comments?
6 COMMISSIONER KOESTER: No.
7 CHAIRPERSON LAIRD: Thank you, Director Collins.
8 We'll move on to the next item on the
9 agenda, Item No. IV is a discussion and possible action on
10 the Five-Year Review Report submitted to the Governor's
11 Regulatory Review Council in 2015. Director Collins, do
12 you want to lead that discussion?
13 MR. COLLINS: Mr. Chairman, Commissioners, yes,
14 please. Just a real brief introduction and overview. We
15 met -- we had this five-year review -- we never broke out
16 the five-year review as a separate agenda item, because
17 this is a fairly -- this is something -- putting aside for
18 a second, which is something we'll discuss more at length
19 later, whether or not this five-year review process is
20 something we are obligated to participate in or comply
21 with, the Commission has in fact done that.
22 So, what that means is that under Title 41, the
23 Governor's Regulatory Review Council is a body housed in
24 the Arizona Department of Administration, and under that,
25 their -- their statutes, every agency has to review all of
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1 can -- we have the resources that voters set aside, you
2 know. Because, you know, elections are not education,
3 healthcare, prison, public safety, those kinds of things,
4 that's why you have dedicated funding from the Clean
5 Elections Act to pay for this kind of activity. And
6 that's the purpose of it and that's something we --
7 you-all have been committed to, and this is another
8 example of making good on the commitments that we've
9 gone -- staff has gone out and -- and -- and essentially,
10 you know, agreed -- you know, said to the Counties that
11 the Commission is receptive to that. So, we're continuing
12 to do it.
13 I just want to try to articulate that we're very,
14 very excited about, you know, encour- -- you know, making
15 sure that these resources we have are responsive to the
16 needs of both voters and other election officials.
17 Sorry. If I could.
18 You see the participating candidate numbers
19 and enforcements. I have -- I don't really have anything
20 to update, and I don't have anything to report back to you
21 on -- on any of the -- anything else out there. Although,
22 Legacy Foundation, I will note, filed their brief I think
23 the other day and so we have that available to you if
24 you're interested in reading it. There's their brief on
25 the question of their failure to file their appeal in a
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1 its rules every five years, write up a report where the
2 public comment that's been received on those rules is
3 included, how the -- how the Commission dealt with the
4 report -- or, dealt with those issues, and then submit it
5 for approval.
6 This Commission has done that at least in 2005
7 and 2010, without any issues. We did it again in 2015.
8 And I think -- and, so, we provided them a comprehensive
9 re- -- as I mentioned in I think previous Executive
10 Director's reports on our rules -- every rule, the
11 changes, any changes that have been made since 2010.
12 There are -- since it's been a matter of routine
13 and -- and -- and so that went on. Then at the -- toward
14 the -- at the -- we had a study session with them. They
15 do their business such that they usually have a study
16 session on -- on a Tuesday and then the following Tuesday
17 have a -- have that, have whatever was studied as an
18 action item.
19 We had a study session -- just to refresh
20 everybody, we had a study session, they had no substantive
21 comments on -- at the study session at all. It was there
22 was some procedural things, which I think I briefed you
23 about in the last Executive Director's report trying to --
24 we wanted to make sure the record was clear, because there
25 have been some legislative changes to GRRC, that we don't
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1 believe are of effect. And when I say "we," I mean me and
2 I -- and -- and our -- well, and so -- and our legal
3 counsel I guess for lack of a better way of putting it.
4 So, that study session, no substantive comments
5 whatsoever, and no appearance by the Secretary of State.
6 The main meeting comes up, the Secretary of State about
7 five minutes before that meeting begins, delivers to them
8 a 16-page, single-spaced letter, which you all have, which
9 is basically a -- you know, an argument for having GRRC
10 order the repeal or amendment of every rule this
11 Commission has passed that relates to non-participating
12 candidates or independent expenditures since 2013.
13 The Council discussed that, they discussed the
14 entire agenda item, you have a transcript of that. They
15 ultimately tabled it and then we will be back in front of
16 them for a study session I believe on Tuesday. The --
17 that's sort of where things are.
18 I will say that the comments in the transcript we
19 -- we had done on the meeting, demonstrate that this is a
20 process that is not the same process this Commission has
21 gone through with GRRC in 2005 and 2010. The -- there
22 were some questions that are troublesome if you're trying
23 to persuade folks. I think specifically, we have a --
24 there's a question you'll see in there, that the -- for an
25 explanation of the statute, but this desire that we omit
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1 to -- that were not touched this summer.
2 So, this is not about merely the opera- -- you
3 know, the rulemaking we did this summer. This is a --
4 this is a much more sweeping assertion than the Secretary
5 of State's office has ever made in front of this Body.
6 You know, they didn't participate and they didn't
7 file any, you know, amendment -- any amendment motion,
8 which our rules allow them to on any of those other issues
9 had they wanted to tee them up previous. So, you know,
10 that's kind of the lay of the land. I don't want to -- I
11 think most of that stuff you already have from me. So, if
12 there's questions you have on the -- that relate to that
13 or you think we can handle in open session, I'm happy to
14 take them.
15 If, you know, at some point if you want to talk,
16 Mary, obviously, is here and -- and -- and available to
17 advise us on this; the Attorney General correctly
18 determined that this is not a thing that they can advise
19 either GRRC or us upon, so.
20 CHAIRPERSON LAIRD: Okay. Thank you, Director
21 Collins, for that very good summary of the issues raised
22 by this letter from the Secretary of State.
23 I wonder, Tom, if we could -- public comment is
24 at the end, but I'm -- I wonder if anybody is here that
25 wants to make a public comment maybe before we go into
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1 any mention of court cases where the Commission's
2 positions have been validated. Another member said that
3 -- expressly, that his feeling was anything that an
4 elected official thought was good was bad -- that an
5 appointed official -- that an appointed official was bad,
6 the elected official sort of trumps.
7 You know, these are positions that are hard to
8 work through from a legal perspective on the pers- -- on
9 the persuade-ability of folks. And, you know, as we'll --
10 as I've already said in my -- in the -- in the comments
11 that -- that you are aware of and that I've said
12 publically, you know, it's -- we really don't think that
13 GRRC can do this to any affect. That's something
14 that's -- that's -- that's my view.
15 We can talk more about beyond that if -- if
16 you-all are interested in executive session. But that's
17 the lay of the land. That's the reality of the situation.
18 And, you know, we are attempting to, you know, file
19 something with them to try anew at the persuasive aspect,
20 to address the Secretary of State's arguments, which --
21 some of which are new, some of which were not made in the
22 -109 process, because this includes, you know, a new -- a
23 new issue on the non-participating candidates, which were
24 not subject to any rulemaking this summer; some other
25 rules that are -- that we have in there that relate to --
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1 executive session and hear from our legal counsel.
2 MR. COLLINS: That's -- that's a good idea, Mr.
3 Chairman, yes. I know we have at least one person here to
4 comment on this agenda item and perhaps more, but I know
5 Samantha Pstross is the Money and Politics Manager at the
6 Arizona Advocacy Network.
7 MS. PSTROSS: Hello.
8 CHAIRPERSON LAIRD: Hello.
9 MS. PSTROSS: I'm tall, I'll put it up here.
10 My name is Samantha Pstross, I'm the Money
11 and Politics Program Manager at the Arizona Advocacy
12 Network and I'm here today representing the Arizona
13 Advocacy Network.
14 The Arizona Advocacy Network is deeply concerned
15 that the Governor's Regulatory Review Council believes
16 that it has power over the independent Citizens Clean
17 Elections Commission. We wholeheartedly disagree with the
18 overreaching belief by the GRRC.
19 As we all know, the independent Citizens Clean
20 Election Commission was created by the voters to, and I
21 quote: "Improve the integrity of Arizona state govern- --
22 government." That's a quote directly from the Clean
23 Elections Act written into Title 16, Chapter 6, Article 2
24 of the Arizona Revised Statutes.
25 The independent Citizens Clean Election
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1 Commission, unlike the partisan offices of Secretary of
 2 State and Governor, remains independent on behalf of
 3 Arizona voters and maintains the jurisdiction given to it
 4 by the people of Arizona.
 5 The Commission was made to be independent so that
 6 it can be fair and impartial and so that it doesn't change
 7 every election cycle. The Act and Arizona Revised
 8 Statutes even state that the Commissioners themselves, and
 9 I quote again: "Shall be persons who are committed to
 10 enforcing this Article -- "the Clean Elections
 11 Article -- "in an honest, independent, and
 12 impartial fashion, and shall seek to uphold
 13 public confidence in the integrity of the
 14 electoral system."
 15 The Clean Elections Commission -- the
 16 Citizens Clean Election Commission was not created by a
 17 Governor or by the Secretary of State, but by the voters.
 18 The citizens themselves; it's in your name. This is not
 19 the Governor's Clean Elections Commission, but the
 20 citizens' so that the Commission remains fair, impartial,
 21 and independent.
 22 It is for these reasons that the Arizona Advocacy
 23 Network urges the Commissioners to ignore any ruling
 24 issued by the Governor's Regulatory Review Council over
 25 the independent Citizens Clean Elections Commission.

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1 session now to consult with counsel.
 2 (Whereupon the public retires from the meeting
 3 room.)
 4 (Whereupon the Commission is in executive session
 5 from 9:47 a.m. until 10:17 a.m.)
 6
 7 * * * * *
 8
 9 (Whereupon all members of the public are present
 10 and the Commission resumes in general session.)
 11 CHAIRPERSON LAIRD: Okay. We're back in open
 12 session, and we have met with our legal counsel with
 13 respect to the letter submitted on January 5th by the
 14 Secretary of State to the Governor's Regulatory Review
 15 Council. And do I hear any motions with respect to that
 16 matter?
 17 COMMISSIONER KIMBLE: Mr. Chairman, I would move
 18 that we authorize submission of the letter from Mr.
 19 Collins in response to the letter from the Secretary of
 20 State, the January 5th letter from the Secretary of State,
 21 and also to communicate our position to the public.
 22 COMMISSIONER KOESTER: I second that.
 23 CHAIRPERSON LAIRD: We have a motion and a
 24 second. All in favor say "aye."
 25 (Chorus of ayes.)

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1 In our view, any ruling by GRRC has no effect or
 2 legal basis to impact the independent execution of the
 3 Clean Elections Act, including the rulemaking authority
 4 given to you as a body to ensure the public voters,
 5 campaign committees, and dark money groups understand
 6 clearly how the enforcement of the Act is to be conducted
 7 as you have done.
 8 The Arizona Advocacy Network does not support the
 9 claim that the Governor's Regulatory Review Council has
 10 authority over the independent Citizens Clean Election
 11 Commission. Again, we encourage you to remain
 12 independent.
 13 Your independence is a right given to you by the
 14 people, the people who created you: The Citizens Clean
 15 Election Commission. Thank you.
 16 CHAIRPERSON LAIRD: Thank you so much.
 17 Would anyone else care to comment on this
 18 particular issue before we go into executive session?
 19 If not, do I hear a motion that we go into
 20 executive session?
 21 COMMISSIONER KIMBLE: So moved.
 22 COMMISSIONER KOESTER: I second.
 23 CHAIRPERSON LAIRD: All in favor say "aye."
 24 (Chorus of ayes.)
 25 CHAIRPERSON LAIRD: We're going into executive

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1 CHAIRPERSON LAIRD: Opposed, "nay."
 2 Unanimous. Carries.
 3 That sufficient?
 4 MR. COLLINS: I believe that it is sufficient.
 5 Thank you, Mr. Chairman, members of the Commission.
 6 CHAIRPERSON LAIRD: Okay. Let's move on to the
 7 next item on the agenda, Item No. V, which is discussion
 8 and possible action on the January 11th, 2016 letter from
 9 the Secretary of State's office regarding processing of \$5
 10 qualifying contributions submitted to the Secretary of
 11 State by participating candidates. Director Collins?
 12 MR. COLLINS: Mr. Chairman, Commissioners. Just
 13 briefly I'll mention up front, we have -- I know we have
 14 three folks here to make public comment on this issue.
 15 You've seen our correspondence between the
 16 Secretary of State's office and -- and -- and -- and us.
 17 Sort of this was a midstream change to the process for
 18 qual- -- candidates to submit their qualifying
 19 documentation. Problematic because some of it seems
 20 redundant, some of it seems a little awkward; none of it,
 21 frankly, is authorized by any statute that we're aware of.
 22 And I think the response we got from the Secretary of
 23 State's office concedes by omission as much.
 24 Nevertheless, you know, what we're trying to do,
 25 and just so you under- -- just so the Commission

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1 understands where we're at currently, and I think we'll --

2 I don't know what the folks who are here to -- to talk

3 about this may think, but, you know, we are trying to

4 internally to -- to mitigate any lurching as a result of

5 this.

6 Ultimately, nobody disagrees that you ought to

7 have more electronic filing rather than less, less

8 paperwork rather than more. That's not the issue. The

9 issue is the mechanism, the process by which you do that,

10 whether it's done in a timely manner, whether it's

11 announced in a timely manner. As far as I can tell, the

12 only way this was promulgated was in a letter to me, not

13 in any other kind of public way, which is troubling on its

14 own.

15 So -- and then, ultimately, the reservation of

16 the right to reject for policies that have no, you know, I

17 mean, you know, that seem extra legal, you know, is -- is

18 problematic. So, that's the issue.

19 But, you know, our role, I think that the staff's

20 conclusion, all of us so far is, we need to be in a

21 mitigation mode to the extent, for example, that folks

22 need, you know, a place to scan slips. That's something

23 we're looking at, how we can make sure that our scanner,

24 you know, can bear that load; you know, what it would take

25 to -- to -- to make that happen, those kinds of things.

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1 our education materials that are -- Sara by the -- I think

2 we got this on the 11th, that's like a Monday, by the

3 Friday Sara had a training that this was already included

4 in. We had sent a blast e-mail out to all of the

5 participating candidates telling them that about these

6 policies.

7 So, you know, we haven't -- we have not waited at

8 all to try to -- to try to, you know, to do anything other

9 than to get this information out there. Assume it's a

10 *fait accompli*, but it's not a great *fait accompli*, it's

11 something you ought to be aware of. And there's some

12 folks who -- who want to speak on it, but that's sort of

13 where we are. But we're not -- we don't have a

14 recommendation beyond -- beyond: This is not a great

15 thing.

16 CHAIRPERSON LAIRD: But you're doing your best

17 to --

18 MR. COLLINS: We're doing -- that's right.

19 CHAIRPERSON LAIRD: -- implement it as best as

20 you can.

21 MR. COLLINS: That's right. And, honestly, if

22 somebody ends up, I think that the -- well, I'll leave it

23 there, I guess. And...

24 CHAIRPERSON LAIRD: Okay. Is there anyone who

25 would like to comment on this particular issue as opposed

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1 I mean, that was -- I think that's one of the

2 other things that is troublesome, is, you know, we ask

3 specifically: Will there will be a place? The Secretary

4 of State's office has a public terminal for folks to use a

5 computer, but they will not hook a scanner up to it.

6 Which, I mean, I don't know. Look, I don't -- you know,

7 we can do that, it's not the end of the world. But, you

8 know, it's -- it's sort of a funny -- funny -- funny way

9 to go about this.

10 You know, I think we've heard from both -- both

11 sides of the aisle, at least one person from both sides of

12 the aisle saying that this was -- that, really, that's the

13 issue: If I've got good slips, if I've got good

14 qualifiers, and I show up and I get rejected, that's the

15 thing that I think is troubling as in -- to folks. I

16 don't -- you know, that may not be the view of everybody,

17 but that's certainly, I think, what the staff view is.

18 And I don't want to belabor the point because I

19 know there are folks who also want to speak on this point,

20 but we don't have a recommendation at this point for

21 action per se. I mean, this is not a thing where we

22 think that the -- that, you know, 'cause I'm not sure that

23 there's any action to take, other than to try as best we

24 can. We've already -- the other thing I should have

25 mentioned is, we already wrapped this into our voter --

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1 to waiting until the end, I would like to hear your

2 comments now.

3 MS. KNOX: Good morning, Chairman Laird and

4 members of the Commission and Mr. Collins. My name is

5 Rivko Knox and I represent the League of Women Voters of

6 Arizona.

7 Just real quick statement before I make my

8 statement, which is that -- those of you I think are all

9 aware, that the League of Women Voters was instrumental in

10 the creation of the initiative that created the Clean

11 Elections Commission; and then worked very, very hard to

12 ensure that it was passed and has worked closely with the

13 Clean Elections Commission for years. So, we have an

14 extremely long-term commitment to the -- to the Clean

15 Elections Commission.

16 I typed up a statement this morning that was

17 approved and then, of course, left it in the printer. So,

18 I've been trying to recreate it while I was listening to

19 what was going on.

20 The League of Women Voters is concerned about the

21 very recent new rules issued by the Secretary of State

22 regarding electronic filing for Clean Election candidates.

23 The League believes that all candidates, those running

24 clean as well as traditional, should be treated as equally

25 as possible.

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1 Further, the League is concerned about the
 2 process. We believe in providing citizen participation as
 3 much as possible, with citizens having every opportunity
 4 to comment on how rules are imposed and to ensure
 5 transparency as well as due process. So, that's our
 6 primary concern.

7 And if we had known -- I must admit, I was not
 8 aware and I'm not -- I don't think anyone else in the
 9 League was aware of the GRCC [sic] situation. If we had
 10 been, I think we -- I would have been authorized to make a
 11 statement, but I didn't know about it. So, thank you very
 12 much.

13 CHAIRPERSON LAIRD: Thank you so much for those
 14 comments.

15 Yes.

16 MS. LUBIN: Good morning, Commissioners and
 17 staff. My name is Barbara Lubin. I am the Political
 18 Director of the Arizona Democratic Party, but I was also
 19 one of the very first candidates running under the Clean
 20 Elections law in 2000, when I was running for the
 21 Corporation Commission. And while I ultimately lost, I
 22 went on to a position of non-profit that promoted,
 23 protected, and defended the Clean Elections law. In that
 24 capacity, I also conducted a lot of training sessions for
 25 candidates that were running under -- under the law.

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1 their own software to form a committee and file it
 2 properly.

3 I -- when I was running, it was a paper process.
 4 And in my capacity the last few years, I have had some
 5 candidates come and sit in my office and say can you help
 6 me, and then I realized some of the quirks in this system
 7 and it really is tricky. And -- and so if then something
 8 has -- hundreds of documents have to be scanned and then
 9 produced in one single file or -- or disk, it's probably
 10 harder than the people that are coming up with these ideas
 11 have ever done in their own capacity as -- and perhaps in
 12 their jobs they've done it, but I have a feeling they've
 13 delegated it to someone else to take care of.

14 So, I'd also like to speak, in some of the
 15 exchanges back and forth between the Secretary of State's
 16 office, it was suggested that the Commission somehow made
 17 the rule that candidates had to file -- came up with the
 18 submitting the W-9 form before a check could be cut to
 19 them. And I was one of the first, like I say, statewide
 20 candidates to get a check cut to me and I think that needs
 21 to be researched and I have a feeling it was the
 22 Department of Administration who made that requirement, it
 23 was not that -- something that the Clean Elections
 24 Commission came up with on their own.

25 So, once again, I'm very concerned and the -- and

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1 I would like to speak to this change that the
 2 Secretary of State's office is proposing. And like the
 3 other people that have spoken, I am very concerned that
 4 they're changing the rules once we are already in this
 5 electoral process. And, in fact, I believe that there are
 6 at least a few participating Clean Elections candidates
 7 that have already filed their \$5 qualifying contributions
 8 along with their petitions.

9 The purpose of the Clean Elections law was
 10 certainly to open up the process to people that are not
 11 professional politicians, that are not tied to special
 12 interests, and putting more and more burdens on them,
 13 including this electronic process, I think is contrary to
 14 the -- to the purpose of -- of the law.

15 While scanning one or two documents is one thing,
 16 scanning hundreds -- and in the case of statewide
 17 candidates, thousands -- is a whole different matter. And
 18 I really hope that if ultimately the Secretary of State
 19 prevails in this change that if they refuse to provide a
 20 scanning process, that the Commission acts to benefit and
 21 assist candidates.

22 I think it's really nice to go and promulgate
 23 these rules, but sometimes I really wish that those that
 24 were adopting these policies, had to step in the shoes of
 25 a candidate and go on to their own Websites and try to use

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1 the Party is concerned that the rules are changing
 2 midstream. And also that in the technical ability is that
 3 -- that there's some process to assist candidates when
 4 they are having to comply with these requirements that
 5 require both electronic equipment and expertise, I find to
 6 be a burden on candidates, and I hope that it is
 7 mitigated.

8 And, of course, the problems comes down when
 9 people are running the deadline. If people are filing
 10 early and they have several days to go and find scanners,
 11 but as we all know, as oftentimes, people are busy
 12 collecting those \$5 forms to the last minute, and then
 13 it's really crunch time when possibly they could not meet
 14 the filing deadline. Thank you.

15 CHAIRPERSON LAIRD: Thank you for those very good
 16 comments. They're well taken.

17 Anybody else that wants to comment on this issue?
 18 Please.

19 MS. PSTROSS: Good morning again, Chairman,
 20 Commissioners, and staff. I'm Samantha Pstross, still
 21 representing the Arizona Advocacy Network.

22 And I just want to echo what Barb- -- Barbara
 23 Lubin said. We are concerned that these changes are being
 24 made halfway through the -- the qualifying period. I know
 25 at least one candidate has already turned in all of their

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1 forms, and so the Secretary of State hasn't been clear on
 2 what -- you know, what's going to happen, if that
 3 candidate will have to do it over again.
 4 We're concerned about the added time constraints
 5 and monetary constraints. Scanning hundreds of forms will
 6 -- will cost candidates and people who have already chosen
 7 to run as a Clean Elections candidate.
 8 And so we have urged the Secretary of State to
 9 make this process voluntary for now so that -- that
 10 candidates can run the way that they have traditionally
 11 done Clean Elections; or, if they choose to use this
 12 system, it could be kind of a trial period to see how it
 13 works. I had a reply back from Director Spencer this
 14 morning and it sounds like they do not want to make it
 15 voluntary. So, we're very discouraged about that.
 16 So, the Arizona Advocacy Network is concerned
 17 about this. Thank you.
 18 CHAIRPERSON LAIRD: Thank you for those very good
 19 comments. Appreciate them.
 20 Anybody else?
 21 Okay. Those are very good comments, we
 22 appreciate the input. Very helpful.
 23 Okay. At this point, we will move on to the next
 24 issue on the agenda, which is the discussion and possible
 25 action on 2016 legislative updates. Director Collins?
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1 someone -- someone will be testifying in favor of HB 2121,
 2 which would give us the express authority to do some voter
 3 education around the items identified there.
 4 And -- and that's really the only bill that's on
 5 tap right now that's -- that's clearly on our -- our radar
 6 screen on the -- in the next week.
 7 And then the bill filing deadline I think comes
 8 up here the beginning of sometime in February. And once
 9 the bill filing deadline comes, then we'll kind of know
 10 better, you know, what -- what's real and what's not.
 11 So far, Representative Petersen's other measure
 12 is, and then -- and then Representative Ugenti's repealer,
 13 they're out there. In other words, the repealer-type
 14 stuff is out there. Representative Ugenti's repealer I
 15 should say, though, is -- is not a -- is a straight -- is
 16 what you want to call a straight-up repealer. It is not
 17 a -- it is not a re-appropriation or re-titling or any of
 18 the things, other than it's an up-or-down vote as it's
 19 currently drafted. Whether or not it moves is a question.
 20 Whether or not it has the votes is a question. But it is,
 21 you know, just -- just so everyone understands what we're
 22 talking about, we're talking about an -- it will be an
 23 up-or-down vote on whether or not the Act ought to be
 24 continued to be in place.
 25 So, that's all I have.
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1 MR. COLLINS: Yeah. Mr. Chairman, Commissioners,
 2 just real briefly, and, you know, Mike Becker is here and
 3 he's put together this report that you have with you.
 4 We are -- I don't really have much to add beyond
 5 what's there. There was a new House Concurrent Resolution
 6 dropped yesterday by Representative Petersen that would
 7 ask the voters to amend the Clean Elections Act to bar you
 8 from hiring a lobbyist who is not an employee of the
 9 Commission, and bar -- and change the exemptions in the
 10 rulemaking process that are currently there, Rule (C). As
 11 -- as Joe Kanefield said, he wasn't sure whether to be --
 12 be flattered or to be offended.
 13 We are working with that same sponsor on another
 14 bill, HB 2121, which we actually like quite a bit, which
 15 takes the -- the ideas that we've been talking about for
 16 the last several years on -- on judicial retention,
 17 especially which is what he's interested in, and something
 18 we've already started, we've done outreach to the State
 19 Supreme Court and their government relations team. So,
 20 we're hopeful that -- that Representative Petersen will
 21 move forward HB 2121 and not move forward his HCR, which
 22 -- but, we'll see about that.
 23 That's really it. We don't have an action I
 24 think to ask for at this point, other than we'll be in
 25 House elections next week testifying, either me or Joe or
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1 I think there's -- I will note, the Secretary of
 2 State's campaign finance bill, which we've talked a little
 3 bit about, has not yet emerged in any kind of final form,
 4 although we have draft copies of that which we can
 5 circulate, too, if you're interested.
 6 And I think Rivko has a comment along -- about
 7 legislative matters. And that's -- that's all I have,
 8 though.
 9 CHAIRPERSON LAIRD: Thank you, Director Collins.
 10 And following the pattern we've been using, if anybody
 11 wants to comment on this particular agenda item, I would
 12 be happy to hear that.
 13 MS. KNOX: I remain Rivko Knox. And, again,
 14 thank you, Mr. Chairman and members of the Commission and
 15 Mr. Collins.
 16 Brief statement, the League of -- well, part of
 17 it I've already kind of said before. We were instrumental
 18 -- the League of Women Voters of Arizona, instrumental in
 19 the passage of Clean Elections initiative and strongly
 20 support the recent actions of the Citizens Clean Elections
 21 Commission in attempting to ensure more financial
 22 disclosure in Arizona campaigns.
 23 The League of Women Voters of the United States
 24 as well as the League here in Arizona are strong
 25 proponents of campaign finance disclosure; therefore, we
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1 encourage both the Citizens Clean Election Commission and
 2 the Secretary of State to work together to strengthen
 3 Arizona's campaign finance disclosure regulations, rather
 4 than continue the rivalry between the two agencies over
 5 which one has authority to do so.
 6 Arizona voters are eager to have light shed on
 7 the dark money in our elections.
 8 And I will just say personally, not -- I did
 9 attend the meeting a week ago Friday by the Secretary of
 10 State with the proposed -- the early version of changes to
 11 Title 16; and, although, clearly, I don't think the League
 12 would have any position on reorganizing the Title, it
 13 seems very appropriate. But there seemed to be very
 14 significant changes in the, quote, "attempt to
 15 streamline," and that is I think what I'm speaking to.
 16 So, thank you very much.
 17 CHAIRPERSON LAIRD: Thank you so much for those
 18 comments.
 19 Anyone else care to comment on the legislative
 20 issues?
 21 Okay. Then we will move on to the next agenda
 22 item, which is for me a glad and a sad item. Recognition
 23 of former Chairman Thomas Koester.
 24 Commissioner Koester was -- was a Commissioner
 25 when I came on. So, you've -- you've been here every time
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1 (Laughter.)
 2 CHAIRPERSON LAIRD: I tried to get him to Chair
 3 one more meeting just to -- you know, to honor the memory
 4 of his time as Chair and I couldn't talk him into it.
 5 Anyway, I tried.
 6 Thank you so much.
 7 COMMISSIONER KOESTER: Thank you.
 8 CHAIRPERSON LAIRD: We appreciate you.
 9 COMMISSIONER KOESTER: Thank you.
 10 CHAIRPERSON LAIRD: Okay. Moving along. If
 11 there's general public comment on issues that we haven't
 12 already had public comment on or if there was additional
 13 public comment on the issues we have had public comment
 14 on, this would be the time for other public comment.
 15 Anybody have anything to say?
 16 Okay. Well, we appreciate the public comments
 17 today, I thought they were very helpful.
 18 Any other items, fellow Commissioners? Director
 19 Collins?
 20 MR. COLLINS: No. No, Chairman. We're -- we're
 21 good.
 22 CHAIRPERSON LAIRD: All right. Well, then I
 23 hereby declare the meeting adjourned.
 24 (Whereupon the proceeding concludes at 10:38
 25 a.m.)
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1 I've been here, Tom, so I'm really going to miss you when
 2 you go off. And so often, Commissioner Koester, I was
 3 thinking about discussions that were going on and was
 4 going to comment, and you would make the exact comment
 5 that I wanted to make and it was -- and you made it much
 6 more eloquently than I could have; and, therefore, I would
 7 just cheer you on. And so you made it easy to be a fellow
 8 Commissioner with you because you were a very fair, very
 9 analytical and -- and you've been an outstanding
 10 Commissioner and we thank you for your service.
 11 And I think they had this plaque that they have
 12 prepared for you that's quite nice. It says:
 13 "In appreciation of your outstanding service and
 14 dedication to the Citizens Clean Elections
 15 Commission and the State of Arizona,
 16 February 2011 to January 2016; presented to
 17 Thomas J. Koester on behalf of the Citizens Clean
 18 Elections Commission; Mitchel Laird, Steven M.
 19 Titla, Damien Meyer, and Mark S. Kimble."
 20 Congratulations. Thank you for your
 21 service.
 22 COMMISSIONER KOESTER: Thank you very much.
 23 (Applause.)
 24 CHAIRPERSON LAIRD: Care to make any comments?
 25 COMMISSIONER KOESTER: Other than "good luck"?
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C E R T I F I C A T E

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 2
 3 I, Angela Furniss Miller, Certified Reporter, do
 4 hereby certify that the foregoing pages numbered 1 through
 5 32, inclusive, constitute a full and accurate printed
 6 record of my stenographic notes taken at said time and
 7 place, all done to the best of my skill and ability.
 8 DATED, at LITCHFIELD PARK, Arizona, this 25th
 9 day of January, 2016.
 10
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 13 _____
 Angela Furniss Miller, RPR, CR
 Certified Reporter (AZ50127)
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