THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC VIRTUAL MEETING

Phoenix, Arizona
January 28, 2021
9:31 a.m.

COASH & COASH, INC.
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The State of Arizona
Citizens Clean Elections Commission

PUBLIC VIRTUAL MEETING BEFORE THE CITIZENS
CLEAN ELECTIONS COMMISSION convened at 9:31 a.m. on
January 28, 2021, at the State of Arizona, Clean
Elections Commission, 1616 West Adams, Conference Room,
Phoenix, Arizona, in the presence of the following Board
members:

Ms. Amy B. Chan, Chairperson
Mr. Galen D. Paton
Mr. Damien R. Meyer
Mr. Mark S. Kimble

OTHERS PRESENT:
Thomas M. Collins, Executive Director
Paula Thomas, Executive Officer
Gina Roberts, Voter Education Director
Mike Becker, Policy Director
Aleo Shaffer, Web Content Manager
Avery Oliver, Voter Education Specialist
Julian Arndt, Executive Support Specialist
Rivko Knox, AZ League of Women Voters
Kara Karlson, Assistant Attorney General
Jeanne Galvin, Assistant Attorney General
Kyle Cummings, Assistant Attorney General
Daniel Arellano, Ballard Spahr, LLP
Christina Borrego, Riester
Bailey Mills
Tim Sifert
Chad Campbell
Cathy Herring, Tech Backup

Mr. Mark S. Kimble
Mr. Damien R. Meyer
Mr. Galen D. Paton
Ms. Amy B. Chan, Chairperson

09:31:06-09:32:21 Page 3

CHAIRWOMAN CHAN: Good morning. It looks
like we have a quorum. We have our live stream up on
YouTube and our members of the public have been let
into the virtual meeting. So I will go ahead and call
the meeting to order.

I am Amy Chan. I am the new chairwoman of
the Clean Elections Commission, and Item I is to call
to order. It is 9:31 a.m., January 28, 2021. And, if
I didn't say it correctly before, I hereby call this
meeting to order of the Clean Elections Commission.
So we will now take attendance. I want to
welcome everybody. So to take attendance -- and
forgive me if I'm a little rough. I have had four
years to observe all these other wonderful chairpeople
take -- take this role, and I'm a little nervous today,
and I'm sorry, especially
because we have all these other attendeers who have to
bear with me on this day.
So call to order and attendance. So I will
now take attendance.
Could each Commissioner, please, state your
presence for the record? And maybe we can go by
seniority, starting with Commissioner -- is that

09:33:23-09:33:19 Page 4

1 Commissioner Kimble who would be senior or Commissioner
2 Meyer now? I can't remember.
3 COMMISSIONER MEYER: I think it's me.
4 Commissioner Meyer is here.
5 COMMISSIONER KIMBLE: Commissioner Kimble
is here.
6 COMMISSIONER PATON: Commissioner Paton is
here.
7 CHAIRWOMAN CHAN: Thank you.
8 And, of course, for the record, I'm
9 commissioner Chan, and I'm here, as well.
10 And so, with that, we can move on to Agenda
11 Item II: Discussion and possible action on Commission
12 minutes for December 17th, 2020.
13 Is there any discussion on the minutes for
14 December, the December meeting, or do I have a motion
to entertain?
15 COMMISSIONER KIMBLE: Madam Chairman, this
16 is Commissioner Kimble.
17 CHAIRWOMAN CHAN: Yes, Commissioner Kimble.
18 COMMISSIONER KIMBLE: I move that we
19 approve the minutes for the Commission meeting of
20 December 17th, 2020.
21 CHAIRWOMAN CHAN: Thank you.
22 Do I have a second?

09:33:25-09:34:15 Page 5

1 COMMISSIONER PATON: This is Commissioner
2 Paton. I'll second that.
3 CHAIRWOMAN CHAN: Thank you.
4 All right. I have a motion and a second.
5 I will now call the roll.
6 Commissioner Meyer, how do you vote?
7 We couldn't hear that.
8 COMMISSIONER MEYER: Aye.
9 CHAIRWOMAN CHAN: Thank you.
10 Commissioner Kimble, how do you vote?
11 COMMISSIONER KIMBLE: Aye.
12 CHAIRWOMAN CHAN: Commissioner Paton, how
13 do you vote?
14 COMMISSIONER PATON: Aye.
15 CHAIRWOMAN CHAN: And I vote aye, as well.
16 And we have four aye and zero nay, and the motion has
17 passed.
18 All right. And, Tom, if I'm doing anything
19 wrong, will you stop me and correct me, please?
20 MR. COLLINS: You are not well, I'll try
21 my best. You're not doing anything wrong.
22 CHAIRWOMAN CHAN: Thank you, but just --
23 you know, I know you would stop me if I were. Okay.
24 Like I said, I'm a little nervous.
25 All right. Moving on to Agenda Item III:
### Page 6

1. Discussion and possible action on Executive Director's report and legislative update, including election and administrative bills, such as House Bill 2014 and House Bill 2110.
2. Tom, I'll let you take it away from here.
3. MR. COLLINS: Okay. Thank you, Madam Chair, and welcome. Thank you, Commissioners, for being here. And I will try to keep this part of the meeting brief. I know we've got other folks here who have other things to do soon so -- including you all.
4. I do, obviously, want to note the legislature is in session, and I'll circle back to that in a second.
5. As you can see, Avery and Gina and Alec have been working on a variety of new opportunities and efforts to continue to work with community groups, especially, that are interested in civic engagement, civic education, and it's -- which is -- I mean, which is great. And it's great to have that consistent presence now over the course of the last two years, three years, I mean -- six years, you know.
6. We are -- we wanted -- we wanted to -- we will have -- we have one of the enforcement or complaints that we have on this agenda for one -- one aspect of that. We have some other folks -- some other issues pending next steps.
7. And, then, I guess, rather than -- well, you know, the other election case issue, I think, is probably worth noting is that, as you all know, the legislature had subpoenaed records and equipment related to Maricopa County's handling of the county ballots. The County Board of Supervisors voted unanimously, on the 26th, to go ahead and start that process.
8. So -- you know, so that was one matter that was in court that it seems like that is moving forward at this point. So -- and I think that that will tie in, also, when we get lower in the agenda, to some of our voter education issues.
9. On a legislative front, we wanted to call out two specific bills because, you know, they're familiar bills at this point. House Bill 2014 is a bill which would, essentially, change how the Clean Elections Commission specifically is treated under -- under the Governor's Regulatory Review Council and expand, to some extent, the number of issues that the Governor's Regulatory Review Council could get called into by a petition from -- from any person. The sponsor of the bill sees this as an extension of Prop 306.

### Page 7

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### Page 8

1. The House Rules Committee -- well, it went through house government and -- and elections ago, and this week it went through the Rules Committee. It's worth noting that the Rules Committee attorney agreed with our position with respect to -- that we've had with respect to whether or not this was an amendment under the Voter Protection Act. They said it did. Nevertheless, as with last year, the majority is unlikely to accept such a clause.
2. The Rules attorney, also, I should note, said that he, in his view, based on Prop 306, if this had a three-quarter vote, it would further the purpose of Prop 306, which, you know, raises some pretty interesting legal questions about how far the legislature thinks it can go in furthering the purpose of Prop 306, as opposed to -- and I don't think it was intended to be opposed to -- the Commission's overall status as a state Commission.
3. And the other -- the other bill is 2110, which was up last year, and so this is the third year for 2014, second year for 2110. And 2110 says -- it's portrayed by its sponsor as a bill to give folks who can't afford to pay traffic fines a break, which is fine. That's not a policy issue that I personally -- you know, on behalf of the Commission we have a particular position on.
4. What we do have a position on is the fact that this bill notwithstanding any other law and then -- and then frees up judges to set up whatever need-based decisions they want to make. The Clean Elections Act funding source is a surcharge on those fees and fines. It is not a fiat fine. It has always been treated differently than those kinds of fees and fines because the surcharges, for example, when monetary obligations were part of coming off of absolute discharge for voting purposes, surcharge debt was never included in there.
5. So there's example after example of how a surcharge is not the same, nevertheless, the bill lumps all these things together. It notwithstanding any of the law, meaning it notwithstanding the Clean Elections Act. And so, for those reasons, we believe that it does trigger the VPA on up to -- at least up to all three prongs of the VPA. It supersedes an appropriation. It -- or I'm sorry. It reappropriates the surcharge to other purposes. It supersedes the surcharge entirely by virtue of the notwithstanding clause, and then, obviously, because of those two things, it amends the Clean Elections Act.
6. This one, we, also, believe doesn't further
1 the purpose because defunding the Act does not further the purpose of the Act. Nevertheless, in this one, the Rules attorney does not see any implication of the VPA on this in the Rules attorney's view.

5 The -- because -- and I'm going to say this wrong because it's still a little inscrutable to me, but the upshot of the analysis is because the terms in the Clean Elections Act talked about fines and fees collected, somehow, if those aren't collected, it's just not implicated, but that's not what the bill does. The bill notwithstanding them. The bill says they don't exist.

13 It doesn't say -- it doesn't say -- it doesn't say we're going to preempt the collection. It says we are literally going to ignore the existing law, and that's -- that's why I've had a hard time following the Rules attorney analysis in how this is not a direct violation of the Voter Protection Act. Nevertheless, those two bills are clear to be voted on by the full House and could be voted on as soon as today, depending upon how many calendars they decide to put out today for the committee of the whole and/or third reading.

23 Now, that's a lot of background just to say the reality is that the second bill -- well, the first -- the first bill is what it is. We've made first steps.

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23 Now, that's a lot of background just to say the reality is that the second bill -- well, the first -- the first bill is what it is. We've made first steps.

10 With respect to the funding issue, again, similar problem. In terms of, you know, that bill, also, got -- you know, has bipartisan support. So I appeared in the House committees on the House bills in the House origin. I'm not sure that's necessary again. I, also, don't know that there's anything we might be able to do to change the vote count on an issue like this; it being sort of a tertiary issue to, at best, everybody else, but a primary issue to us.

21 So the bottom line is here to sort of try to frame expectations around this. You know, we will do our best to make legal cases we always have made. We, also, you know, don't want to push that the point of effectiveness. And then, obviously, I think
The State of Arizona Citizens Clean Elections Commission

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09:47:07-09:48:46

1. whether it's intended or not, I'm not going to
2. speculate -- of making it more difficult to vote or of
3. suppressing turnout, which would seem to be a major
4. concern to us, seeing as how voter education is a
5. central part of our mission.
6. And I think a main part of voter education
7. is getting people to vote, but there are bills like the
8. notarized signatures on early ballots. There's a
9. number of bills relating to the PEVL, either doing away
10. with it or knocking people off if they don't vote in
11. one election. There's things on the cure time for --
12. for unsigned ballots, unsigned early ballots, the bill
13. that purports to address the Sharpie-gate -- whatever
14. that was.
15. The County Recorder may conduct voter
16. registration drives over -- only in a government
17. building. That seems to really make it more difficult
18. for people to register, and it seems like bills that
19. make it more difficult to vote, more difficult to
20. register, more difficult to vote early, if that is your
21. choice, as it is for more than 80 percent of Arizonans,
22. are something that we need to be heard on.
23. CHAIRWOMAN CHAN: Tom?
24. MR. COLLINS: Madam Chair, Commissioner
25. Kimble, I think that, I mean, at the end of the day,

09:48:49-09:50:28

1. there's a couple of different ways to approach that.
2. One, obviously, you all -- and to the extent you
3. wanted, although I think most of you haven't, probably,
4. you know, you're all, obviously, free to weigh in on
5. these bills yourselves.
6. One of the reasons why we as staff have not
7. taken the initiative on those issues and one of the
8. reasons that we -- but we, you know, obviously, are
9. open to direction -- is because, A -- and let me caveat
10. this by saying, look, I'm -- the tensions that have
11. been put on the electoral system are very difficult to
12. negotiate if you truly want to take a, quote/unquote,
13. non-partisan approach. There are only two parties in
14. the legislature, and they are diametrically opposed on
15. most of these issues.
16. If we -- if the staff were to go down and
17. say, look, you know, we -- as opposed to another
18. person, as -- I mean, the Secretary of State's Office
19. has -- I don't know if they've actually testified, but
20. they certainly have been on the internets talking about
21. these things. It just creates a -- it creates a
22. tension where the -- it inherently does.
23. So if you -- so let me put it this way. If
24. one party moves, the way an issue is treated within
25. their coalition, farther to -- in one direction or the

09:50:33-09:51:56

1. other, it puts a strain on someone -- on an entity
2. that's trying to be, by virtue of its mandate,
3. bipartisan, right? I mean, that's just -- so the
4. farther this way or that way you go, the more that
5. weighs on us.
6. And there is a -- so why that big, long
7. preface is because one of the ways we've tried to carve
8. out the way the voter education functions within the --
9. within the Act is to focus on the law as it is. We
10. spend -- we go to and participate with folks who have
11. lots of issues with the way the laws are, maybe, and
12. how they will be, but you know, our focus has been on
13. trying to get people over the hump to have that
14. information.
15. Ironically, obviously, the funding bill
16. damages our ability to do that, potentially, more than
17. any of these other things, as far as our role. So the
18. cost benefit analysis is we get, you know, blowback
19. from the legislature, but on other hand, we get that
20. inherently. Two, we haven't been invited by -- and let
21. me put it this way. And this, again, goes to Clean
22. Elections' unique status as a state agency, and I say
23. "unique" winkingly.
24. We have not been invited by anyone to
25. participate in this discussion and the absence of an
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<td>1</td>
<td>voters' ability to vote as they wish, to make it easier</td>
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<td>to register people so they are allowed to vote, and we</td>
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<td>should -- it's my personal opinion we ought to be</td>
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<td>opposed to things that make it more difficult for</td>
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<td>people to vote. And if that comes across as being</td>
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<td>against one party or another, that's not my intent. My</td>
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<td>intent is to be a voter advocate. And if people see</td>
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<td>that as another way, I think that's -- that's their</td>
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<td>concern because these aren't bills that we introduced.</td>
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<td>These are bills that other people introduced that we</td>
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<td>are being forced to react to.</td>
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<td>CHAIRWOMAN CHAN: Commissioner Kimble,</td>
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<td>thank you. And I think I see Commissioner Meyer.</td>
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<td>Is your hand raised again, Commissioner Meyer?</td>
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<td>COMMISSIONER MEYER: Yes.</td>
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<td>CHAIRWOMAN CHAN: Go ahead.</td>
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<td>COMMISSIONER MEYER: Yes, it is. I think</td>
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<td>what Commissioner Kimble is saying -- and I agree with</td>
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<td>that -- is shouldn't making it easier to vote be a</td>
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<td>non-partisan issue in and of itself? That's kind of</td>
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<td>how I see it and how we -- you know, what we do</td>
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<td>regarding these bills, of course, is -- you know, I'm</td>
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<td>going to take the lead from Tom and the other</td>
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<td>commissioners before I make a decision, but I think</td>
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<td>making it easier to vote in and of itself should be a</td>
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<td>non-partisan issue.</td>
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<td>CHAIRWOMAN CHAN: Thanks, Commissioner Meyer.</td>
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<td>If I may make a comment -- and,</td>
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<td>Commissioner Paton, I don't know if you want to jump in</td>
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<td>here. I don't want to, you know, prevent you from</td>
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<td>speaking, but you know, I really agree with what</td>
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<td>Commissioner Kimble has stated and Commissioner Meyer,</td>
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<td>as well. I have, you know, a lot of philosophical</td>
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<td>issues with making it more difficult and raising</td>
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<td>barriers to registration and voting, but I, also, hear</td>
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<td>what Tom is saying.</td>
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<td>And one thing that weighs heavily on my</td>
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<td>mind is what he mentioned about the bill that, you</td>
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<td>know, if that passes, it's going to make it more</td>
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<td>difficult for us to even do our voter education</td>
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<td>mandate. So what I am hearing, I think, is that if</td>
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<td>we're spending our political capital, so to speak, on</td>
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<td>weighing in on bills that we, you know, firmly believe</td>
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<td>are important to weigh in against because they make it</td>
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<td>harder for people to vote and register to vote, which I</td>
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<td>think -- I support us being against those bill because</td>
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<td>I do believe -- I agree with you both, Commissioners</td>
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<td>Meyer and Kimble, but I, also, think maybe sometimes we</td>
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<td>have to think about the big picture and whether we have</td>
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<td>to think about that foundational bill of -- the bill</td>
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<td>that's about funding and whether that makes it</td>
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<td>impossible to do our mission, in the first place, of</td>
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<td>voter education.</td>
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<td>And I don't know if I'm misunderstanding</td>
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<td>the big picture here and I don't know if Tom wants to</td>
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<td>step in and correct me. One of the questions I had</td>
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<td>about that, what I'm thinking of as a foundational bill</td>
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<td>of our funding mechanism, is whether we have any</td>
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<td>alternate options or plans about that bill to propose,</td>
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<td>you know. Is there anything we can do about that going</td>
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<td>forward before even thinking about addressing the</td>
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<td>issues?</td>
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<td>And I agree. I mean, it shouldn't be</td>
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<td>political and yet here we are. It is, and it has been</td>
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<td>for years. I mean, look at, you know, the voter I.D.,</td>
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<td>et cetera, et cetera. So, I mean, having said all</td>
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<td>that, can I -- can I ask Tom and kind of go back to</td>
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<td>that question about the funding bill, if I can call it</td>
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<td>that?</td>
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<td>Do we have any proposal to make to change</td>
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<td>it up a little bit that would make it something more</td>
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<td>palatable for us and would make it something that would</td>
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<td>work for our agency? Tom, or -- I don't know -- Mike,</td>
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<td>maybe?</td>
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<td>MR. COLLINS: Yes. I mean, I think that --</td>
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<td>3</td>
<td>with respect to the funding bill, I think that the -- I</td>
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<td>think that the key is that, you know, we don't know the</td>
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<td>5</td>
<td>immediate -- I mean, in other words, we don't know how</td>
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<td>many -- how many people this will affect. We don't</td>
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<td>know what the metric is going to be. I can certainly</td>
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<td>8</td>
<td>tell you that at -- in one of the hearings that I</td>
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<td>9</td>
<td>appeared at, the bill sponsor said that he understood</td>
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<td>from the courts that they believe this would be -- have</td>
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<td>11</td>
<td>a minimal financial effect. I have tried to get that</td>
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<td>confirmed, and I have not been able to successfully do</td>
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<td>that yet.</td>
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<td>So we don't know the impact. What we know</td>
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<td>is that the principle of notwithstanding the entire</td>
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<td>16</td>
<td>funding mechanism is a tiger you don't want to unleash,</td>
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<td>17</td>
<td>if that makes sense, because once you do that, anything</td>
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<td>18</td>
<td>you can find to notwithstanding in any other voter-passed</td>
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<td>19</td>
<td>bill, it's really a VPA issue more than it is a Clean</td>
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<td>Elections issue, really, what you think of legally,</td>
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<td>right, because you can -- if you can notwithstanding that,</td>
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<td>you can notwithstanding -- like, you could say</td>
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<td>23</td>
<td>notwithstanding 36 -- whatever -- cigarettes are no</td>
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<tr>
<td>24</td>
<td>longer considered tobacco products and, you know, those</td>
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| 25 | kinds of -- you know what I mean?
There's a lot of mischief to be made with
notwithstanding clauses in the VPA. I mean, that's --
that's what that legal issue is. As far as pushing
back, I mean, obviously, you know, if this bill were to
pass, you know, we get -- we will be asked, as we -- as
we are and we will be -- as we have been, we'll be
asked to get -- I'm sure we'll be asked to get involved
in some kind of litigation. I'm not sure, but I'm --
CHAIRWOMAN CHAN: Well, I prefer it not to
to get to litigation. I'm just wondering if there's -- I
prefer to have some way of carving us out or -- if
that's possible. I don't know if it's possible.

MR. COLLINS: Well, in prior reform -- this
is criminal justice reform, I guess, they called
this -- they have. They, in fact, have cut -- made an
exception -- a specific exception for the Clean
Elections Act. The courts have recognized that in
their own guidance on certain issues, as well.

You know, where the courts are in terms of
how they're administering surcharges and stuff is --
again, I'm still at a point where I don't quite have
the information I need to assess that, but you know, I
guess, what I'm trying to say is that, yes, we would
like to pursue that. I will say that based on just
being down at the legislature about these issues and
whatever political capital we have to keep this
other people are -- you know, this -- all this
gives them more ammunition to not support us because the
but we need every vote we can get. And if we -- if we
can. And if we go on these other -- I'm going to call
thing is something that could seriously damage us, and
years ago. I think if we -- I think this financial
is that Mr. Biasiucci has more -- he's the House whip.
He has more power than we have. We don't have
political capital. We could generate -- now -- and
here's the alternative.

If we chose to go in this direction -- and
this might -- I don't -- I'm not sure how to resolve
this without another discussion, but you know, were we
to change direction on that, could we generate some
political capital? Maybe, because, you know,
obviously, by not speaking out, you know, we are not
adding -- we're not adding anything to the discussion
and we're not using your -- you know, none of the --
the Commission is not using its, if you will, legal
and, arguably, moral authority to -- you know, to --
CHAIRWOMAN CHAN: Well, and that takes me
back to, I guess --

MR. COLLINS: -- to deal with the thing.

CHAIRWOMAN CHAN: -- what Commissioner

Kimble and Commissioner Meyer were then talking about.
Do we -- do the other commissioners -- do we want to
then spend some of our political capital on what we
believe is our core mission, which is voter education
and advocating for voters. I mean, I really believe
that is part of our mission, a very important part, and
the voters really need us right now, I think. They're
kind of -- you know, there's a battle right now, I
think, going on.

COMMISSIONER PATON: If I may -- this is
Commissioner Paton.

CHAIRWOMAN CHAN: Sure, Commissioner Paton,
please.

COMMISSIONER PATON: Could I jump in there?
I guess I'm back to where I was before a couple of
years ago. I think if we -- I think this financial
thing is something that could seriously damage us, and
I think we need to head that off at the pass as best we
can. And if we go on these other -- I'm going to call
it tangents, I understand everybody's feeling on that,
but we need every vote we can get. And if we -- if we
give them more ammunition to not support us because the
other people are -- you know, this -- all this
behind-the-scenes stuff, I think that we need to use
whatever political capital we have to keep this
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Citizens Clean Elections Commission

Public Meeting
Transcript of Proceedings
January 28, 2021

10:04:22-10:05:44

1 financial thing --
2 CHAIRWOMAN CHAN: Or not.
3 COMMISSIONER PATON: -- at bay, you know,
4 if we do anything else. A lot of this stuff is going
5 to die in committee and whatever and maybe we say
6 something later on down the road, but I don't want to
7 poison the well. And, you know, I don't want to be the
8 stick in the mud, but I'm afraid that if we are seen as
9 to being -- people are going to view this as really
10 partisan and -- and whether we're not or -- I mean, I
11 know I'm not, obviously, but I think we -- if we have
12 something to say about that, I think maybe we should
13 say that down the road once something erupts into a
14 real possible situation, I guess, if you understand
15 what I'm saying.
16 CHAIRWOMAN CHAN: Thanks, Commissioner
17 Paton.
18 I think -- and, Commissioner Kimble, if I
19 can just say one thing and then I'll get to you.
20 I do agree with Commissioner Paton on one
21 thing. I value what Commissioner Paton has said. I
22 agree with him that the funding thing could be a huge
23 issue for us, and I don't necessarily trust the courts
24 saying they think it's not going to be an issue. And I
25 think maybe we can wait and see what shakes out because

10:05:47-10:07:11

1 I agree with Commissioner Paton that some of these
2 bills may not go anywhere.
3 Commissioner Kimble, please, go ahead.
4 COMMISSIONER KIMBLE: Well, you made some
5 points I was going to.
6 CHAIRWOMAN CHAN: Okay.
7 COMMISSIONER KIMBLE: I'm not advocating
8 that we immediately go down and storm the capitol and
9 make a big scene with these bills. I would take
10 exception to Commissioner Paton saying that these are
11 tangents. I don't think these are tangents. I think
12 these are our core mission. I think we need to keep an
13 eye on these bills and be prepared to react, but I
14 don't think that we can just stand by and not say
15 anything if it looks like there's an attempt, for
16 instance, to do away with the PEVL or to throw people
17 off the PEVL if they don't vote in one election or to
18 make it more difficult to register.
19 And if this is the way that it looks like
20 they're heading, I think we need to come back at some
21 future meeting. And if we need a special one, so be
22 it, but I don't think we can allow these things to
23 become law. And whether that's something that we
24 should weigh in on or if they just die of their own --
25 die on their own, that would be great, but I think

10:07:16-10:08:34

1 these are key parts of why the voters created the
2 Commission is to be their advocate.
3 I don't want to belabor this because I know
4 we have people here on other things, but I just wanted
5 to make that point.
6 CHAIRWOMAN CHAN: Thank you.
7 This has been a wonderful discussion, and
8 if there's nothing more, I think we can revisit this at
9 our next meeting. I think there's time for that still
10 in the legislative session.
11 So, unless there's anything else on this
12 agenda item, I will move us along to our Voter
13 Education Plan. I'm just looking at the time here.
14 Gina, I believe that is you. Am I right
15 about that? Yes. Of course, I am.
16 MS. ROBERTS: Thank you, Madam Chair. Good
17 morning, Commissioners.
18 Today I have a presentation for you to
19 discuss -- well, a brief recap of the General Election.
20 We did a brief recap in November more on the current
21 issues related to the General Election, and today I
22 have a brief recap for you in regards to our Voter
23 Education Campaign, and then I have the 2021 Voter
24 Education Plan for your review and approval.
25 So I will go ahead and share my screen, and

10:08:46-10:09:56

1 I am going to assume you all can see my screen unless I
2 hear otherwise.
3 So, just as a reminder, as we've gone
4 through this already, we did see an exceptionally high
5 turnout in the 2020 General Election, which was
6 phenomenal to see that level of participation from
7 voters.
8 The messaging that we included in our Voter
9 Education Campaign was, of course, how to vote in the
10 election, all of the logistics raging from voter
11 registration, how to get your ballot, what's on your
12 ballot, the candidates that are running, information
13 about our debates, the Voter Guide, so the typical
14 messaging that we do surrounding every election so the
15 voters have all of the information they need to
16 participate.
17 We did carve out, specifically, more
18 messaging regarding the early voting process and the
19 situation that was occurring at the United States
20 Postal Service. We did focus, additionally, on the
21 security of the ballot-by-mail process, the safety and
22 the precautions taken during COVID-19 so voters could
23 vote in person. And we, also, saw the need to provide
24 more voter education about the actual administration of
25 elections, the process that it entailed, what happens
to your ballot, how do you know, how can you confirm as
2 a voter if your ballot was counted. So those are the
3 overarching messaging themes that occurred during the
4 General Election.
5 And the paid media tactics that we utilized
6 to connect and reach with voters, we had ads that were
7 on television and YouTube. We enlisted radio reads.
8 We had print ads and, of course, we were in the digital
9 world and videos and banners and social media and
10 search. So if you go to Google and you type in "voter
11 registration," an ad would pop up leading you to the
12 Clean Elections voter registration page. And we had
13 billboards.
14 So, the media that we used here, the ads
15 that we ran were all highly focused on, again, the
16 logistics of voting. We partnered with Riester. They
17 have been a partner that we've been -- a proud partner
18 who's worked with us for the past several years, and so
19 we worked with them closely to ensure that the dollars
20 that we put behind reaching these voters, that we get
21 our max reach through there. And so we found across
22 the board that the metrics for our success were
23 performing well above industry standards. So we were
24 very happy with our reach and our tactics here on the
25 paid media side.

This is just some examples of the ads that
2 we ran. You can see they're very straightforward, when
3 the General Election debate -- or General Election day
4 is, Voter Education Guide, voting early. You can see
5 the signed, sealed, counted, relaying key dates and
6 messages, the schedule for the debates, you know,
7 letting folks know that they can vote from home and, of
8 course, voter registration. So, again, all of our
9 messaging was very straightforward for the voter in
10 terms of the logistics of voting.
11 In addition, being at a statewide election
12 year, the Commission, of course, we had our debates.
13 So we did have our legislative debates this year, as we
14 did in the Primary. Of course, we have them in the
15 General Election, as well. Out of 30 legislative
16 districts, we had 24 debates that we hosted and, as
17 you'll recall, of course, due to COVID, we had to pivot
18 earlier in this year and transform our debate model
19 into a virtual model. And we saw great success with
20 that.
21 And of the debates that we held for the
22 General Election, specifically, we had over 9,000 views
23 of those videos. Now, when you compare that to
24 previous years, it's tripled. So we were really happy
25 to see the level of engagement with the voters in this
26 segment or on demand. Voters were able to submit
27 questions in real time through phone, text and email,
28 or they could submit questions in advance of the
29 debate.
30 And we did partner with the "Arizona
31 Capitol Times" to provide moderator services, and we
32 felt that was a success, as well, because it's really
33 important, during our debates, that we have a strong
34 moderator who knows how to really get those questions
35 and answers flowing.
36 In addition to our partnership with the
37 "Arizona Capitol Times" -- I may have mentioned this
38 during the Primary Election, but I wanted to refresh
39 your memory. We, also, partnered with "Cap Times" for
40 their Meet the Candidates event, and we found this was,
41 also, very successful. And it allowed the Commission
42 to keep these videos up on our website as content
43 throughout the General Election cycle so voters could
44 continue to learn, as much as possible, the candidates
45 that were choosing to represent them.
46 And this quote here, this is just some
47 feedback from "The Cap Times" directly. And they
48 found that it was one of their most successful and
49 amazing events. And, again, it lends to that virtual
50 component where we're finding voters really are more in
51 tune with that option. Again, they can watch it from
52 their phone. They can watch it from the comfort of
53 their couch and the TV. So it's really -- it's more
54 convenient for the voter to engage in the political
55 process in this virtual format.
56 We, also, had our statewide debates, and
57 this year the only statewide race on the ballot was the
58 corporation commissioner. And we do partner with
59 Arizona PBS to broadcast our debates. We've had that
60 partnership for several years, and with our corporation
61 commissioner debate, again, we found solid success in
62 the viewships in the households. The debate was ran
63 on September 30th, and AZ PBS, they ran it both at 5:00
64 p.m. and at 10:00 p.m. in their broadcast.
65 And the household -- so, in addition to the
66 household viewings, which, actually, as we see higher
67 views at the 10:00 p.m. showing as opposed to the 5:00
68 p.m. -- and I imagine that has to do with work, evening
69 time, things like that -- we -- the debate is, also,
70 hosted on AZ PBS, on the Arizona Horizon, their
71 website, as well. So we were able to reach, roughly,
72 around 10,000 views with the corporation commissioner
73 debate.
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1. In addition to the legislative and corporation commissioner debate, we, also, sponsored the U.S. Senate debate this year, and this was phenomenal success. We were able to partner with several prominent news sources, media sources, Arizona PBS, Arizona Public Media, KJZZ and "The Arizona Republic" for this debate.

2. And this is the feedback that the -- the information that I have here is directly from Arizona Horizon, and the U.S. Senate debate received the third highest ratings of any PBS show on any PBS station in the country in the past two years. And that's phenomenal, the level of interest from voters to want to engage with that debate.

3. This is just an example of some of the creative that we ran to let voters know, hey, this debate is occurring, how you can tune in. And here's a still of the actual set with Ted Simons, as he served as one of the moderators. So it was quite a successful sponsorship for the U.S. Senate debate.

4. In addition to the debates, we, of course, had our Voter Education Guide. This guide contains the profiles for all the candidates that are running for statewide and legislative office. For the General Election, specifically, we sent out about 2.2 million voter guides, and we make every effort to provide the Voter Guide in an accessible format. So we have -- we automatically send it out in both English and Spanish, but we, also, have different versions available for voters, such as large print.

5. This is an example of our Navajo version of the cover. We, also, provide it in plain text on our website, so it's accessible for screen readers, and we partnered with Sun Sounds of Arizona to provide an audio version of the guide. And we've had that partnership for several years, and we value it immensely because not only do voters engage with the audio version through Sun Sounds' toll free number, but they, also, submit questions, too. And so it's available -- we partner with Sun Sounds, and we work with them to be able to connect with the voters through their services and respond to their voter education questions.

6. For the first time ever this year, we, also, produced the Voter Education Guide -- oops. Excuse me -- in American Sign Language. This was a partnership that we did for both the Primary and General Election voter guides, and we worked with the Arizona Commission for the Deaf and the Hard of Hearing. And this was a very immense undertaking just considering the amount of content that needed to be translated into sign language, the physical task of doing the signing and the interpreters, and so it was quite a production.

7. We were very proud of it. We received positive feedback from the candidates and from members of the legislature who were running about having this accessible version available for voters. We partnered with -- again, through the Arizona Commission for the Deaf and Hard of Hearing. We were able to bring on Linda Bove. She's the -- an acclaimed Sesame Street actress -- a deaf actress. And so she really lead the team here in making sure that all of the signers and the interpreters were consistent in the translation of these political terms, election terms.

8. And we were happy to host this content on our website for voters. So, again, it's opening up voter education and making it as accessible as possible to all voters across the state. And just the amount of outreach in our state, I believe it's over a million voters who are deaf or hard of hearing. It was quite the necessity. So we're very happy with this project.

9. This screen here is meant to reflect our outreach efforts for the year. In working with Alec and Avery and trying to figure out how do I capture the amount of outreach that the staff has undertaken, it was difficult to figure out how to present that to you. And so I decided on a word cloud because I felt it really -- this isn't even a fraction of the amount of outreach that Avery has conducted through the year and, of course, during the pandemic, as well.

10. So most of this was -- you know, all of it was virtual. And being able to still keep that level of commitment and outreach to it, I think, is a testament to Avery's skills and abilities in fostering those partnerships and relationships with these community-based organizations, but when you just look at the word cloud, you can see it's a well-range of communities that we're reaching out to. We see colleges here, students, cities, Tempe, Mesa, you know, the words civics, engagement, education, health, voting, you know, informing.

11. There's -- veterans. There's just a whole level here that we're reaching across the state. And so I think this is, again, a great representation of the efforts that have been undertaken by Alec and Avery.

12. And, briefly, I'll go over our website.

13. So, everything that we do, we guide voters to our website. Our website is really the crux of the...
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1 information that we provide to voters. It has
2 everything the voter needs ranging from, you know, how
3 to get their ballot, how to register to vote, to seeing
4 the candidates in their district or learning about
5 their upcoming debate.
6 And so during the time period of the
7 General Election, it was great to see that the number
8 of page views that we had was about 1.7 million of page
9 views, which is phenomenal because all of the content
10 that we're providing, voters are consuming. And this
11 is just a screenshot of some of the pages -- the top
12 pages that voters were interested in, and you can see a
13 lot of that had to do with early voting and election
14 security.
15 So, you know, if there's no questions in
16 regards to the efforts that we did in the 2020 General
17 Election, I'm happy to jump into our plans for this
18 year.
19 Even though it is not a statewide election
20 year, there are elections every year. So we have our
21 local elections that will be occurring March, May,
22 August and November. These local elections, we've
23 continuously tried to promote the message that local
24 elections are just as important, if not more, because
25 the decisions made at the local level can impact voters


1 and their daily lives. So we'll be working with the
2 counties and our local jurisdictions to call all of
3 that election information and host that on our website.
4 We'll, of course, be running our outreach
5 and our media and our creative to connect with voters
6 to inform them of these elections and how they can
7 participate. And, of course, we do have the start of
8 the qualifying period towards the end of this year. So
9 those are some key dates for us. As you can see, the
10 March election is already well underway. Our duo cover
11 ballots have already gone out, and the voter
12 registration deadline is up and coming. So we are
13 definitely engaging in letting voters know how they can
14 participate in these local elections this year.
15 And as we do, typically, in odd years, the
16 Commission invests in research. So that is our goal
17 for this year, as well. We'd like to jump into
18 research with voters both from a qualitative and
19 quantitative aspect, and the goal here is to really --
20 really take a pulse of where voters are right now
21 coming off of this General Election -- well, the whole
22 election year, you know, all of 2020, but specifically
23 the General Election.
24 We would like to learn more about what
25 voters are feeling, how they view elections, what their


1 perceptions are about voting and the political process,
2 and our goal here is to make decisions based off of our
3 learnings directly from voters. We want their
4 feedback, and that feedback will guide the creative and
5 outreach efforts for the remainder of the year. So
6 the timeline for that is through February and April.
7 Some of the themes that -- and the messages
8 that we know that -- or we expect that we'll be
9 covering for this year -- again, this will be driven by
10 the research, but of course, participation in the
11 political process. That's in our preamble. It's the
12 heart of the Clean Elections Act. And so that
13 includes, you know, voting but, also, civics and
14 candidate information, running for office or supporting
15 those who do, but some of the themes that really stood
16 out to us that are going to be important are rebuilding
17 that trust and confidence in the electoral system.
18 We know that there are a lot of voters
19 right now who, perhaps, have lost trust in the system,
20 and so we need to look at how can we educate people
21 further on the realities of the electoral system and
22 how your ballot is processed, the safeguards and the
23 securities that are in place and, really, trying to
24 focus on, you know, there is a difference between
25 policy and politics and election administration. Yes,
1 youth channel and, of course, we'll be targeting key events throughout the year, such as graduation, to connect with voters.

4 We do have a civics curriculum that Commission staff has worked on and developed with our partners, and this curriculum was built in an effort to provide tools teachers and assets that they can use in the classroom that would still count towards the curriculum standards, but while they can continue to teach students about civics and voting and the importance of voting informed.

12 And so we have this in a format where it could be launched either in person or virtual, depending on whether or not schools are in person, and so we'll be looking at rolling that out towards the end of this year. And, of course, we plan on creating additional assets for teachers and students, such as expanding our toolkits for students who, perhaps, want to have a voter registration drive.

20 We will continue to foster our partnerships that we've developed, and we hope to meet with all of hour 15 county recorders and election officials. We recently met with the Maricopa County Recorder, and our goal is to have direct communications with our local election partners to make sure we understand what their needs are in terms of voter education, you know, the importance of voting informed.

13 And just looking at how much the website has grown and levels of content that we provide to voters, we want to make sure that it's user friendly still and that it's meeting the needs of voters and of the information that we intend to put out there. The website, you know, I'd like to look at it in two different ways. It's a resource for voters when it comes to the logistics of voting, but it's, also, perhaps, subject matter expert content, if you will.

20 It explains what a presidential preference election is. It explains the security of tabulation machines. It explains, you know, how your ballot is processed. And so there's a lot of great information out there that we see the community is engaging with.

25 When we pull our reports and we look at referrals and
CHAIRWOMAN CHAN: Thank you, Gina. So maybe we can talk offline about that, Gina. So maybe we can talk offline about exciting. I would like to learn a little bit more middle school and elementary kids, that's really civics curriculum for the -- for the high school, and I, also, just want to comment on the he is doing. It's wonderful and very much appreciated. And I, also, just want to comment on the civics curriculum for the -- for the high school, middle school and elementary kids, that's really exciting. I would like to learn a little bit more about that, Gina. So maybe we can talk offline about

COMMISSIONER PATON: Gina, that was just so impressive and, you know, I'm proud that I'm a part of it. And the staff has just done an outstanding job, looking forward to the statewide election cycle next year.

CHAIRWOMAN CHAN: Commissioner Meyer, go ahead.

COMMISSIONER PATON: This is Galen Paton.

CHAIRWOMAN CHAN: Commissioner Paton, go ahead.

COMMISSIONER PATON: Gina, that was just so impressive and, you know, I'm proud that I'm a part of it. And the staff has just done an outstanding job, looking forward to the statewide election cycle next year.

COMMISSIONER MEYER: This is Commissioner Meyer. I move we adopt the Voter Education Plan as presented by Ms. Roberts.

CHAIRWOMAN CHAN: And I don't see anything. (No response.)

CHAIRWOMAN CHAN: Thank you so much, Gina. Are there any questions from any of the commissioners or comments?

(No response.)

CHAIRWOMAN CHAN: Okay. Gina, thank you so much -- oh, I'm sorry.

COMMISSIONER PATON: This is Galen Paton.

CHAIRWOMAN CHAN: Commissioner Paton, go ahead.

COMMISSIONER PATON: Gina, that was just so impressive and, you know, I'm proud that I'm a part of it. And the staff has just done an outstanding job, looking forward to the statewide election cycle next year.

COMMISSIONER MEYER: This is Commissioner Meyer. I move we adopt the Voter Education Plan as presented by Ms. Roberts.

CHAIRWOMAN CHAN: Commissioner Meyer?

COMMISSIONER MEYER: This is Commissioner Meyer. I move we adopt the Voter Education Plan presented by Ms. Roberts.

CHAIRWOMAN CHAN: Thank you, Gina. And I can't say enough. Thank you.

MS. ROBERTS: Thank you, Madam Chair.

Commissioners Paton and Kimble, thank you. And I'd be remiss if I didn't call out Alec specifically. He is our webmaster, and so the website is his baby. So thank you so much for acknowledging that, the efforts on our website.

CHAIRWOMAN CHAN: Commissioner Meyer?

COMMISSIONER MEYER: Yeah, I just want to echo what Commissioners Paton and Kimble said. And, also, thank you so much to Avery for all the outreach he is doing. It's wonderful and very much appreciated. And I, also, just want to comment on the civics curriculum for the -- for the high school, middle school and elementary kids, that's really exciting. I would like to learn a little bit more about that, Gina. So maybe we can talk offline about

CHAIRWOMAN CHAN: Thank you.

CHAIRWOMAN CHAN: Gina, it looks like we have a question from Rivko Knox on one of the last two slides, the terms SEO and SEM.

CHAIRWOMAN CHAN: Could you explain what those terms mean?

MS. ROBERTS: Yes. Madam Chair, Commissioners -- Rivko, hello. Yes, that's terms in regards to search engine optimization and search engine marketing.

CHAIRWOMAN CHAN: So think about Google, if you will. So, if you go to Google and you type in "voter registration," so one of two things will occur. If the Commission is employing a paid ad, then you would see ad at the top of your Google search, and it would have a link to the Commission's voter registration pages or, you know, if it's not an ad, then it's the optimization that we've built within our website, making sure that behind the scenes, the technical components of our website, we've primed it so that we are optimized in the tier that we appear on Google search.

CHAIRWOMAN CHAN: So we do see that search is one of our -- actually, one of our strongest areas. We've seen millions of oppressions of voters when it comes to voting, and updating and refreshing the content on our website. So that's -- we look at how can we improve our website behind the scenes; can we tag terms, if you will, and so that they appear better when Google is indexing our website.

CHAIRWOMAN CHAN: Thank you, Gina. And I see Rivko wrote thank you from someone from the 20th Century.

CHAIRWOMAN CHAN: And if I can just echo what Commissioner Paton said so well, you know, Gina, you've built such a wonderful team with Avery and Alec, and the three of you together are just indomitable. So thank you so much.

And I don't know if any other members of the public have any comments or questions they have for you.

(No response.)

CHAIRWOMAN CHAN: And I don't see anything. (No response.)

CHAIRWOMAN CHAN: And I don't see anything. (No response.)
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| COMMISSIONER KIMBLE: Commissioner Kimble, second. |
| CHAIRWOMAN CHAN: Thank you, Commissioner Kimble. |
| All right. It's been moved and seconded. |
| With that, I will call the roll. |
| Commissioner Meyer? |
| Aye. |
| CHAIRWOMAN CHAN: Okay. Commissioner Kimble? |
| Aye. |
| CHAIRWOMAN CHAN: Commissioner Paton? |
| Aye. |
| CHAIRWOMAN CHAN: And I vote aye, as well. |
| That is four ayes and zero nays, and so we have adopted the Voter Education Plan as presented by Gina Roberts. |
| Thank you so much. |
| Before we move on to Item V, I just wanted to check in with the court reporter, if she needs a break. It is -- it's been about an hour, and I just wanted to do that before we jump into the next item on the agenda. |
| MR. COLLINS: If I may, just to dovetail that question, to the court reporter, we do have -- after the next item -- well, the next item after that is Item VI. |

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| is a -- will have more interaction, potentially, among the commissioners and the audience. |
| CHAIRWOMAN CHAN: Okay. |
| MR. COLLINS: Because it's an enforcement-related thing. |
| CHAIRWOMAN CHAN: Okay. |
| MR. COLLINS: So, I guess, my -- what I'm trying to say is, like, yes, that's important and we should find that out. |
| CHAIRWOMAN CHAN: Okay. So our court reporter -- |
| MR. COLLINS: Because we may have worse -- and let me put it this way -- CHAIRWOMAN CHAN: So Item V will probably be a little shorter? Item VI could be longer is what you're saying, Tom? |
| MR. COLLINS: Yeah. |
| CHAIRWOMAN CHAN: Okay. |
| MR. COLLINS: Although, Item VI, if we wanted to, I mean, it's -- yeah. Or if you -- yeah. I mean, whatever works for you and for the court reporter. |
| And then, obviously, Mr. Arellano is here. So I just want to make sure that we, also, get him out of here. So whatever works among the three of the -- |

10:36:07-10:36:54 Page 52

| among the court reporter and Mr. Arellano, I guess, is really what -- CHAIRWOMAN CHAN: Okay. And the court reporter is fine for now. |
| MR. COLLINS: Okay. |
| CHAIRWOMAN CHAN: So -- and Mr. Arellano is here for the -- Item VI? |
| MR. COLLINS: Yeah, I think. |
| CHAIRWOMAN CHAN: So you want to do Item VI first? |
| MR. COLLINS: That might -- that might -- that would probably make some sense, actually, if there's no -- I mean, if nobody cares -- if nobody has any opinions otherwise. |
| CHAIRWOMAN CHAN: All right. Why don't we then go out of order. We'll do Item VI first: Discussion and possible action on MUR 20-03, Arizona Education Association. |
| And I believe -- Tom, are you going to present that or is this Mike? Because -- I apologize. |
| MR. COLLINS: No, no, I screwed up the order here. I apologize, Madam Chair. |
| CHAIRWOMAN CHAN: That's okay. Okay. That is Tom. |
| MR. COLLINS: Yeah. |

10:36:54-10:37:41 Page 53

| CHAIRWOMAN CHAN: So I will ask Tom to go ahead and give an overview recommendation and -- MR. COLLINS: And do we know -- I just want to make sure. I'm sorry. |
| Cathy, do we know if Mr. Arellano is on the line? |
| MR. ARELLANO: He is, yes. |
| CHAIRWOMAN CHAN: I thought I saw him, but he is on the line? |
| MR. COLLINS: I can't -- |
| MR. ARELLANO: He is, yes. |
| MR. COLLINS: Okay. All right. |
| CHAIRWOMAN CHAN: Oh, there he is. |
| MR. COLLINS: Okay. Perfect. |
| CHAIRWOMAN CHAN: Sorry. |
| MR. ARELLANO: Yeah. |
| CHAIRWOMAN CHAN: You just -- your picture has your name now. |
| MR. COLLINS: I mean, is it okay with you, Daniel, if we could -- if we do your thing now? |
| MR. ARELLANO: That would be -- I would prefer that. That would be wonderful. Thank you. |
| MR. COLLINS: Okay. Okay. Thank you. |
| Thank you, Madam Chair. |
| So, you know, the premise of this MUR is that there was, to our knowledge, two mailings and some
1 internet advertisements featuring some folks who happened to have been running for the legislature in 2020. We got the complaint in September, although with the mail and everything, it's not -- it was dated September. We got it a little later than that, and we got our response from the Education Association timely. I've laid out in the -- in the memo about as much as I think I have to say on the matter.

9 This is -- to frame this in the context of the law, just, first, you know, this is an issue that we've dealt with on a regular basis. Two, it has to do with how you apply 16-901.01, which is the statute that defines express advocacy for the purposes of Title 16, Chapter 6, and was part the Clean Elections Act. And there is -- you know, there are a couple of key cases. I think some of you are probably familiar with them by now. There's the Wisconsin Right to Life case from the U.S. Supreme Court and then -- and then, in Arizona, we have a Court of Appeals published case, I believe -- unless it got depublished sometime -- called the Committee for Justice and Fairness versus Arizona Secretary of State. Those cases turn on what is the functional equivalent of express advocacy. Express advocacy is a term of art that says is the communication designed to urge you to vote for or against the candidate. In this particular case, I've outlined, based on what statute and cases -- at least when I read them, when I think about that.

5 And unless you have questions for me on that at this point, obviously, my -- I would just -- I would defer to -- well, unless you have questions for me, I just -- I would -- that's my presentation. And I'd like to, obviously, give the commissioners a chance to talk with and for Mr. Arellano to talk with the commissioners. So -- but long story short, at least for the purposes of whether there may be reason to believe, I believe that we've met that standard at this point, but obviously, I'm open to any questions. And I hope -- and that's kind of -- that's all I have to say about that.

18 CHAIRWOMAN CHAN: Thank you, Tom. And I apologize. I had to step out for a moment to remind my kids to go to class. We're doing virtual school. I apologize about that.

22 First of all, I know probably Mr. Arellano wants to speak, but I wondered if the commissioners had any questions first about what Tom had said before we -- okay.

10:40:51-10:42:17
1 And with that, Mr. Arellano.

2 MR. ARELLANO: Thank you, Madam Chair and members of the Commission. I'm Daniel Arellano of the Law Firm of Ballard Spahr, and I'm here this morning on behalf of the Arizona Education Association. We submitted a written response to this complaint to the Commission, and I would, also, direct the Commission's attention to that response, as well, in addition to any questions you may have for me this morning.

10 There's really relatively little, I think, factual dispute as to the communications at issue. You know, we don't dispute that these were -- there were two mailers and a series of social media advertisements that urge constituents of particular legislators to, in turn, urge those legislators to call for a special session. And these all went out in August of 2020, and they were, I think, importantly, made in the context of a broader discussion going on over that -- the course of that summer over the prospect of a special session for the legislature.

21 The -- the context here, I think, is important because the legislature had abruptly adjourned in March of 2020 due to the COVID-19 crisis. They formerly adjourned sine die later in May. And almost as soon as the legislature adjourned, there began to be fairly public calls for the legislature to go into special session to address any numbers of things, but as most pertinent here, there was, also, an ongoing discussion for the legislature to address and buttress school funding.

26 And Arizona Education Association, which is a nonprofit public advocacy organization, had begun its advocacy for a special session as early as that June. On June 24th, the AEA published a report called The Future of Arizona Schools where it very specifically advocated for a new session to address school funding and school safety, including, for example, additional personal protective equipment for school staff and students.

15 And the AEA then made a separate call again on August 12th, and we cite this in the letter. There was -- they had set up a portal whereby people would go on and join their names to letters to advocate their legislators to call a special session. So the advertisements at issue in this complaint were part of that series, and so that's kind of the background and kind of factual context here.

23 Legally, I think it's important to keep in mind the standard that's applied here and, under the statute, it's whether the communication, quote, in
context can have no reasonable meaning other than to advocate the election or defeat of the candidate. And so the inquiry is not whether candidate advocacy is one reasonable meaning of the communications, nor is it even whether the -- whether candidate advocacy is the most reasonable meaning of the -- of the communications. Rather, we look to whether there's a reasonable -- whether there's some reasonable meaning other than candidate advocacy, and we certainly have that here.

I think, you know, as Mr. Collins correctly noted, I think there are generally three kind of legal cases, precedence, regulations, I think, that are at issue that kind of guide the inquiry. The first is the Arizona Court of Appeals case, which is an Arizona Court of Appeals case that dealt with advertisements that went out immediately before the election and called on people to then -- to then call a -- who was then a candidate for statewide office to tell them to protect the children, a very kind of vague, you know, not specific to any particular legislative or policy issue question. In here, the thing, I think, is this -- these communications are distinguishable from those in Committee for Justice and Fairness case, which is an Arizona Court of Appeals case that dealt with advertisements that went out immediately before the election and called on people to then contact public officials with respect to the other factor at issue in that case is the urge the ad exhorted the public to adopt that position. And the advertisement at issue here. We have one on June 24th and another one on August 12th. Finally, I think that the third piece of respects. The first is the timing. Again, the communications in that case went out immediately before the election, and here we were more than two months out. Again, these were in August of 2020. By then the Primary had already finished and the General Election was more than two months away. The other is that the issue here is a much more concrete policy issue that was, actually, you know, actionable at the time it was being discussed. The communication at issue in the Court of Appeals case was simply to tell then Superintendent Tom Horne to protect children, not people who harm them. That, obviously, is a very, you know, vague, general sentiment and probably an aspersion at that; whereas, here there was a -- the question was to call a special session. Granted it wasn't a particular bill. It wasn't a particular piece of legislation, per se, because the legislature had formally adjourned by that point, but it was something within the power of legislators to do if enough legislators or the governor determined that there is -- that there's a need for a special session. They have the power to call that special session at any time of year regardless of whether the legislature is formally in session or not.
1 for election. So we don't have the -- kind of the
2 typical indicia of candidate advocacy one would expect
3 to find.
4 And I'd venture to say that, you know, if
5 this was meant to be candidate advocacy, it was a very
6 poor way of doing it. Again, this was, you know,
7 months before the election and without -- without any
8 indication of when the election would happen, what
9 party it was, who to vote for instead of this
10 candidate. Those factors simply aren't present.

11 And so because of that, looking at the
12 totality of the circumstances and the context in which
13 these ads were made, we -- you know, we would contend
14 that there is a reasonable explanation or a reasonable
15 meaning other than candidate advocacy and that is a --
16 what's here was a genuine issue ad.
17 And with that, I'm happy to answer any
18 questions the Commission may have.
19 CHAIRWOMAN CHAN: Thank you.
20 Do any of the other commissioners have
21 questions for Mr. Arellano?
22 (No response.)
23 CHAIRWOMAN CHAN: Okay. Mr. Arellano,
24 thank you very much. I really appreciate your
25 presentation, and I -- you know, these First Amendment

26 issues are always painful because it is -- it is
27 something that I take very seriously. I mean -- I
28 mean, you want to be able to speak freely in elections
29 and advocate for or against candidates or make this
30 speech without running afoul of election requirements.
31 And, you know, the thing that you mentioned
32 that's kind of tripping me up a little bit is, you
33 know, months before an election and yet it's in that
34 sweet spot right between the Primary and General. And,
35 you know, your clients -- when you say it's months
36 before the election, your clients are kind of
37 benefitting from the fact that our Primary was moved
38 back this year.
39 And so I just bring that up because I
40 think -- not -- I don't think you are being
41 disingenuous, but I bring that up because I think
42 that's the only reason that, you know, you're outside
43 of that -- that kind of window, which I think is
44 something that I'm kind of considering as far as what
45 I'm thinking about.
46 And the other thing I want to, I guess,
47 bring up -- and I don't know if you have a comment on
48 it -- is, you know, I'm looking at -- I think they're
49 all the same but -- the fliers. I'm just looking at
50 the one about Representative Jeff Weninger -- I think
51 is how you pronounce his name. And, you know, it does
52 say contact him, ask him to call for a special session;
53 "Arizona can't afford to keep failing our students and
54 educators;" "Arizona deserves safe classrooms," among
55 other things.
56 And so, you know, it does have that one
57 specific piece to ask him to call a special session,
58 but without that piece, you know, it's almost like
59 without that one specific piece, you know, how do
60 you -- I guess, is it just that one piece that makes
61 it -- puts it outside of that, I guess, is what I'm
62 asking. Is that -- is that what you're saying,
63 aside -- and the flier kind of puts it outside of the
64 cases that we're talking about or the law?
65 MR. ARELLANO: Madam Chair, thank you for
66 the question, and I want to respond to that in two
67 parts because I think you are talking about something
68 that's very important, which is the First Amendment
69 issue -- issues, I mean, anytime we're dealing with
70 these types of advertisements.
71 You know, we regularly advise clients with
72 respect to -- you know, we try to discern where the
73 line is, you know, what they need to report and what
74 they don't and what's genuine issue advocacy and when
75 does it become candidate advocacy, and it's a very
76 challenging thing to do. And I think it goes to, you
77 know, the kind of inherent vagueness, I think, at issue
78 in these types of -- in these types of cases.
79 And with respect to the timing issue -- I
80 don't want to overrepresent the importance of timing.
81 I think there is -- it is possible, I think, to have
82 candidate advocacy, you know, more than 60 days before
83 an election or more than 90 days before an election. I
84 mean, if in January you run an ad saying, you know,
85 vote for Candidate X in November, I mean, it would be
86 pretty hard for this not to be candidate advocacy, but
87 I think it is an important factor, I think, to
88 consider.
89 And so I don't think the presence or
90 absence of any one factor here is determinative, and I
91 think that's true of the -- of the fact that these call
92 for the special session. I mean, I think we would --
93 we could fairly characterize the advertisements as the
94 primary, kind of, message of the communication was
95 calling for the -- was calling for the special session.
96 Were it not for that piece, would these be -- they
97 would certainly be closer to the line of candidate
98 advocacy, you know, because then all you would have is
99 kind of a criticism of the legislator without any
100 particular action piece tied to it.
The State of Arizona
Citizens Clean Elections Commission
Public Meeting
Transcript of Proceedings
January 28, 2021

1 That being said, you know, I've
certainly -- you know, we've certainly nixed ads
before for other clients where they -- you know, it's a
piece that's very clearly, you know, a hit piece on a
candidate right before the election, as they say, but
call them to tell them what you think. And they're,
like, no, that's -- that's not really enough by itself
to fix these, but here I don't -- I don't think we have
that type of advertisement here where there's just kind
of a -- you know, the ancillary kind of phone number at
the end that's, you know, ancillary to the rest of the
ad. I think really the message to contact them, I
think, is really the thrust of it.

14 So I would say that the presence of that, I
think, does certainly, you know, pushes towards the --
you know, substantially closer, I think, to the
issue -- or to the side of issue advocacy, and that
18 together with the absence of other indicia of candidate
advocacy, I think, are what make this issue advocacy,
20 again, because we don't reference the election or the
21 candidates' candidacy.

22 CHAIRWOMAN CHAN: Okay. Thank you.
23 Do any of the other commissioners have --
24 oh, Commissioner Kimble.
25 COMMISSIONER KIMBLE: I wanted to comment

10:56:15-10:57:44

10:53:47-10:54:47

1 The AEA talked about we should have a
special session as early as June. It doesn't seem to
me out of place that they then send out a mailer a
couple of months later saying -- urging people to call
for a special session. You know, if this was a regular
year where the legislature met until they finished
their work and there was no discussion about we need --
we need a special session, then, I guess, I might be
persuaded, but this is -- this is in the context of a
discussion about a special session.

11 And that's pretty much all that I see in
12 the ads is, yes, let's have a special session; call
13 them up and tell them you want a special session. So,
14 I guess, I'm not really persuaded at this point. I
15 don't know that I'm opposed to taking this the next
16 step and doing some more -- some more investigation by
17 Tom, but -- but I guess, at this point, I would need to
18 be persuaded more than I am now.

19 CHAIRWOMAN CHAN: Well, I think if we -- if
20 we vote that there is reason to believe that a
21 violation occurred, I don't think it's giving Tom room
22 for more investigation. I think there's going to be,
23 you know, sanctions of sort involved.
24 Am I right about that, Tom?

25 MR. COLLINS: Well, Madam Chair,
1 believe that standard hasn't been met, I think -- I
2 think, you -- you would want to terminate this MUR.
3 COMMISSIONER PATON: This is Commissioner
4 Paton. Could I jump in here?
5 CHAIRWOMAN CHAN: Oh, yes, I'm sorry.
6 Please go ahead, Commissioner Paton.
7 COMMISSIONER PATON: Yes. Well, I'm a
8 former educator myself, and I find that this in here,
9 politicians like Kate McGee refuse to fund public ed --
10 public schools, I mean, obviously, they don't say who
11 she's -- who she's running against, but they're
12 advocating against her. And I think that this should
13 be looked into further.
14 CHAIRWOMAN CHAN: That's -- that's how I
15 was viewing it from my own point of view and consistent
16 with our previous decisions.
17 Commissioner Kimble, I understand what
18 you're saying. This has been a different year. I
19 think in my mind of thinking it over in my mind, I was
20 having -- I was considering it the way you articulated
21 it, as far as this is a different year. Everything is
22 different this year and, at the same time, I thought
23 then why -- why this timing? Why between the Primary
24 and General? Why not earlier before school started?
25 And so -- and, perhaps, Mr. Arellano wants

1 to weigh in on that, but that was part of my
2 consideration, as well. You know, it is advocating, in
3 my mind, against a candidate. Even though they have
4 the words there of contact and ask him to call a
5 special session, it's saying "Arizona can't afford to
6 keep failing our students and educators," "Arizona
7 deserves safe classrooms." It's, like, they're blaming
8 him, you know, kind of advocating against a candidate.
9 And the timing between the General and --
10 you know, all of it taken together, to me -- and I'm
11 sorry, Tom, if you want to jump in here --
12 MR. COLLINS: No, I'm just waiting for
13 whenever I have -- I just wanted to indicate I had --
14 CHAIRWOMAN CHAN: Okay.
15 COMMISSIONER PATON: Well, also, this
16 one -- I'm sorry. It's hard to talk --
17 CHAIRWOMAN CHAN: That's all right. Sure.
18 COMMISSIONER PATON: -- with these windows,
19 or whatever, and I'm going to my phone and on this at
20 the same time.
21 The one what really kind of bothers me is
22 "Representative Jeff Weninger failed to keep us safe"
23 and an F -- you know, an F circled, you know. That's
24 clearly, you know, the opposite of advocating for this.
25 It's, obviously, something that they're pointing at him

1 that he's failed to do something and they're
2 advocating, obviously, for them to vote against him.
3 CHAIRWOMAN CHAN: Thank you.
4 And, Commissioner Meyer, did I see you had
5 your -- you wished to speak?
6 COMMISSIONER MEYER: I did, and
7 Commissioner Paton made the point, just his last
8 comment, that I was going to ask about. And this is on
9 page 21 of our materials.
10 And, I guess, I'd ask Mr. Arellano, you
11 know, on page 21, which is the page that says
12 "Representative Jeff Weninger failed to keep us safe,"
13 with an F on it, I mean, how is that not advocacy
14 against the re-election of this candidate?
15 MR. ARELLANO: I would address that, I
16 think -- I think it goes further to the context in
17 which the advocacy was made, and I think it goes to
18 legislator accountability, which is certainly something
19 that, you know, constituents can advocate for or
20 against. That is, you know, divorced from, you know,
21 the electoral aspects of that person's candidacy. You
22 know, I think it is fair to point out the way in which
23 a given legislator has either succeeded or failed at
24 advancing the issues that AEA cares about, that AEA
25 thinks that particular constituent may think about.
just -- you know, I just want to stress that, like,

COMMISSIONER MEYER: Yes, please, Tom.  
MR. COLLINS: I think -- I think -- again,
25 just -- you know, I just want to stress that, like,
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11:10:40-11:12:21 Page 78

1 the record of an organization that he had once run that
2 had nothing to do with his tenure there, et cetera,
3 et cetera. Okay. So that's how we analyzed
4 reasonableness here.
5 In my effort to -- and in the memo, I tried
6 to -- I made what I thought was the right -- my
7 assessment of the special session call itself, but
8 again, you know, look, the question isn't whether or
9 not -- the question really is, you know, no alternative
10 reasonable -- no alder reasonable meaning.
11 And so, basically, another way to put that
12 is we would -- we are saying, at least preliminarily,
13 if you were to vote to find reason to believe, that the
14 Education Association was unreasonable in thinking that
15 the call to action in their mailer or online was -- was
16 a -- was a reasonable -- was reasonable, that their
17 putting that in there was not -- would not reasonably
18 change the meaning of the -- of the document into one
19 that is not merely or exclusively for express advocacy.
20 So, you know, I think that I would agree
21 with everyone that this analysis is more difficult, I
22 believe, than most people think because of the -- and
23 that's why we spend a lot of time on it when it comes
24 up, but you know, I would just -- you know, but if you
25 don't -- but, again, the real question is, is it


1 reasonable or not, and that's really the crux of the
2 decision.
3 So, I guess, my point is if -- as you're
4 parsing through this, if you wanted to, say X and
5 Y and Z and treat them differently, I don't think
6 there's anything that would preclude you from doing
7 that, although, again, I would defer to Mr. Arellano
8 and any things he wants to raise about that; but that's
9 a long way of saying, you know -- you know, keeping our
10 eye on what the lodestar is, you know, I think there
11 are facts there that if you might interpret different
12 ways -- I guess I don't want to go beyond that without
13 giving Mr. Arellano a chance to talk about this.
14 CHAIRWOMAN CHAN: Mr. Arellano, would you
15 like to comment or respond?
16 MR. ARELLANO: Yes. Thank you.
17 So, Commissioner Meyer, in looking to that
18 particular Weninger piece, I do think it's helpful,
19 yes, if you were to look at just the one -- and this, I
20 think, went to, you know, Chairwoman Chan's point
21 earlier. If you were to just look at the side of the
22 mailer that says "Representative Jeff Weninger failed
23 to keep us safe" and that was the only mailer that went
24 out, then I think this would present a much closer
25 question.
1 at first, but I did -- based on what Tom had presented
to us, I, frankly, was inclined to -- I was inclined to
believe or agree with Tom's recommendation from the
start. And I am happy to go ahead with a vote if the
other commissioners are comfortable going ahead, you
know, if there are no more questions -- oh,
Commissioner Meyer, please.

COMMISSIONER MEYER: I just want to share
with the other commissioners how I see this, and that
is I -- respectfully to Mr. Arellano, I disagree on the
Representative Weninger ad. I think that is candidate
advocacy. I think the Senator Brophy-McGee one is more
issue. And, then, on the Facebook ads that are on, I
think, page 2, I kind of have the same issue, and that
is I think the first -- where are they?
I think the first two where it says
politicians like so-and-so, I think those fall in the
same line as the Representative Weninger one in that
they are targeted at the candidate, but I think the
last two that say, hey, call your congressman and tell
them to call for a public session -- or a special
session, those are -- I don't think those are candidate
advocacy. So that's how I see it.
So I'm going to vote to follow Tom's
recommendation, but I wanted them to know how I see
these issues when they look at the investigation.

CHAIRWOMAN CHAN: Thank you, Commissioner
Meyer.

Mr. Collins, I just -- for efficiency's
sake, what I would recommend the Commission do
regardless of what you want -- you know, how it breaks
out is we've broken down the memo into Senator McGee --
Brophy-McGee, Representative Weninger and then the
categories of Facebook ads that Commissioner Meyer
identified.

I will tell you that, based on what
Mr. Arellano said, I do agree that it is going to be
more difficult to pursue all of those with the
knowledge that some of those may not, than to simply
make the determination legally now of what you believe
is in and what you believe is out and narrow that
playing field because, otherwise, you are telling the
Respondent that we don't think these are all in the
category, but we want to look at them anyway.
So I would -- if you want -- if I -- if
there's no problem with going piece by piece, given
that we have a pretty clear categorization --
Brophy-McGee, Weninger, Facebook and then the two types
of Facebook ads -- I would -- I would encourage,
1 would be helpful to isolate which ones do and which
2 ones don't.
3 COMMISSIONER PATON: This is Commissioner
4 Paton.
5 CHAIRWOMAN CHAN: Yes, Commissioner Paton.
6 COMMISSIONER PATON: I would just say I
7 completely agree with Commissioner Meyer, exactly what
8 he said, and I would advocate that we do just what he
9 said.
10 CHAIRWOMAN CHAN: All right. So,
11 Commissioner Meyer, what I think I heard -- I know Tom
12 wants to go individually, but I think what I heard was
13 just backing out the Brophy-McGee mailer -- no.
14 COMMISSIONER MEYER: Madam Chair, can I
15 make a suggestion?
16 CHAIRWOMAN CHAN: Yes.
17 COMMISSIONER MEYER: We have four
18 categories here. We have Representative Weninger and
19 Senator Brophy-McGee. We have the first two Facebook
20 ads that say politicians like "blank," and then the
21 fourth category is that ones that say contacto whomever,
22 okay? I suggest we do four separate votes on those
23 four separate issues and then --
24 CHAIRWOMAN CHAN: Okay.
25 COMMISSIONER MEYER: -- and then the


1 Commission can look at whichever ones we find reason to
2 believe a violation may have occurred on. I think
3 that's the easiest and quickest way to do it.
4 CHAIRWOMAN CHAN: Okay.
5 COMMISSIONER MEYER: I don't know if anyone
6 disagrees with that, but I would make a motion we
7 proceed in that fashion, if I can even make that.
8 CHAIRWOMAN CHAN: Do we -- I don't even
9 know if we need a motion to proceed in that fashion.
10 MR. COLLINS: Well, obviously, unless --
11 you know, we -- no. I mean, you are free to make
12 whatever motions you want to make, however you want to
13 make them.
14 CHAIRWOMAN CHAN: Do we need a motion to
15 proceed in that fashion, then? Tom? Can I just --
16 MR. COLLINS: Oh, no. No, no, no. No, you
17 could just call -- you could just ask for the motions
18 as --
19 CHAIRWOMAN CHAN: Ask for the motion.
20 Okay. So we're going to -- I will do that.
21 I will break it out by Weninger, Brophy-McGee, Facebook
22 ads and contact your representative, but -- I'm sorry.
23 And I feel terrible because I am a little worried about
24 the court reporter. Just -- after this, we will
25 definitely take a break. I want to make sure -- I was

11:23:12-11:24:01

1 looking through my handout to make sure I knew --
2 MS. KARLSON: Madam Chair?
3 CHAIRWOMAN CHAN: Yes. I'm sorry.
4 MS. KARLSON: If you're having to go back
5 through and look through your documents --
6 CHAIRWOMAN CHAN: Yes.
7 MS. KARLSON: -- maybe right now would be a
8 good time for the court reporter to take a break.
9 CHAIRWOMAN CHAN: Thank you.
10 Is that all right with Mr. Arellano, as
11 well? I apologize, because I know you mentioned your
12 time was --
13 MR. ARELLANO: That's okay, if it would
14 help the Commission to go through and review.
15 CHAIRWOMAN CHAN: Okay. Because I wanted
16 to make sure I had -- I printed everything out and yet,
17 for some reason, I'm having trouble finding --
18 MR. ARELLANO: And I should note I don't --
19 and I've looked at my copy, as well, of the complaint.
20 I think the copies of the mailers were attached to the
21 complaint, but the Facebook ads were just listed, I
22 think, in a spreadsheet.
23 CHAIRWOMAN CHAN: Is that the spreadsheet?
24 Okay. Thank you.
25 MR. ARELLANO: But we -- yeah, but we have

11:24:02-11:24:35

1 no --
2 CHAIRWOMAN CHAN: And I can --
3 MR. ARELLANO: -- dispute with how it's
4 characterized in the memo by Mr. Collins -- oh, excuse
5 me.
6 CHAIRWOMAN CHAN: Oh, I'm sorry. And I
7 spoke over you. I apologize.
8 MR. ARELLANO: No, I was -- go ahead,
9 please.
10 CHAIRWOMAN CHAN: You go ahead. I
11 apologize.
12 MR. ARELLANO: I was just going to say the
13 Facebook ads themselves, I don't think, were included
14 as exhibits with the complaint, but we don't dispute
15 with how they're characterized by Mr. Collins in that
16 memo.
17 CHAIRWOMAN CHAN: All right. Well, thank
18 you. That's very helpful. Thank you.
19 All right. Can I check in with the court
20 reporter and see -- is it all right to take a
21 five-minute -- would five minutes work or do we need
22 ten minutes?
23 Is that all right? I'm going to wait and
24 hear back from the court reporter, if I can. Five is
25 fine.
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<td>1. Okay. Let's take a five-minute break and then we will come back. We will -- I will ask for the motion. So I'll just kind of break it all out and we'll get that done when we come back and finish up the meeting, and thank you for everybody's patience on this. Thank you so much.</td>
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<td>2. We will break five minutes. Come back at 11:30.</td>
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<td>(Whereupon, a recess was taken in the proceedings,)</td>
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<td>11. CHAIRWOMAN CHAN: Okay. We are back, hopefully. It looks like we are on YouTube, and it looks like the members of the public are back and everyone can hear me.</td>
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<td>12. Welcome back after our break. It was a little longer than planned. Thank you for your patience.</td>
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<td>13. And I was able to look at all the motions, but frankly, I thought the four categories were one thing. And now, after looking at the memo again, I'm thinking, perhaps, they are another thing. So I was thinking the four categories we were going to be making motions on were the Brophy-McGee, the Weninger, the Facebook and the contact your legislator, but maybe I can have Tom weigh in.</td>
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<tr>
<td>1. And, Tom, can you help clarify for me if these are the correct ones? And -- I just want to make sure we're all on the same page and if the Commissioners have any thoughts, too.</td>
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<td>2. Please go ahead, Tom.</td>
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<td>3. MR. COLLINS: Okay. Thank you, Madam Chair, Commissioners. And, you know, I think -- and I think I'm summarizing what we've -- what we've said, and I, also, think this is consistent with what Mr. Arellano has said.</td>
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<td>4. So, obviously, Madam Chair, if there are objections or problems with this, please, obviously, we want to make sure we ask him, but I believe they are this. There's the Senator Brophy-McGee mailer. There is the Jeff Weninger mailer. There is category 1 of Facebook ads, which is those Facebook ads that begin with the phrase politicians like so-and-so. And then there is category 2 of Facebook ads, which is those ads that simply say call your legislator and tell them to do X. So it's --</td>
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<td>21. CHAIRWOMAN CHAN: Okay,</td>
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<td>22. MR. COLLINS: So those are the categories, as I understand them, we've come to. Again, that's what -- based on the conversation, I think, the record -- I just want to make sure. I believe that's what the record reflects.</td>
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<td>1. Mr. Arellano, please let us know.</td>
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<td>2. MR. ARELLANO: I do agree with Mr. Collins's categorization of the communications, yes.</td>
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<td>5. CHAIRWOMAN CHAN: Thank you.</td>
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<td>6. MR. ARELLANO: Yes. Thank you.</td>
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<td>7. CHAIRWOMAN CHAN: All right. So -- and am I correct in my thinking that the commissioners --</td>
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<td>11. Is there a motion on -- okay. So let me see.</td>
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<td>13. COMMISSIONER MEYER: I can make a motion, Chairman.</td>
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<td>14. COMMISSIONER MEYER: Madam Chairman.</td>
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<td>17. CHAIRWOMAN CHAN: Okay. So, yes, go ahead</td>
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<td>18. Mr. -- Commissioner Meyer.</td>
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<td>19. COMMISSIONER MEYER: I move that as to the Senator Brophy-McGee mailer, there is no reason to believe that a violation may have occurred and that the MUR be released as to that specific mailer.</td>
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<td>21. CHAIRWOMAN CHAN: Okay. Is there a second?</td>
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<td>24. COMMISSIONER MEYER: Tom, will that work?</td>
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<td>25. MR. COLLINS: Well, again, without being sure we're all on the same page and if the motions on were the Brophy-McGee, the Weninger, the Facebook and the contact your legislator, but maybe I can have Tom weigh in.</td>
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<td>1. what the record reflects.</td>
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<td>2. COMMISSIONER MEYER: Madam Chairman, that's -- I agree that that's what the record reflects.</td>
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<td>3. CHAIRWOMAN CHAN: Maybe I was the only one confused, and thank you for clearing that up for me, Tom. I really appreciate.</td>
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<td>7. I think, then, unless anybody else has any comments, then I can move forward and ask for a motion.</td>
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<td>9. And I believe -- does anybody have any comments or questions before I ask for a motion? And I'll tell you what the motion is that I think we're going forward with.</td>
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<td>14. CHAIRWOMAN CHAN: Okay. So I think what we're going to be doing is -- what I think we're going to do is, do we have a motion -- here's my understanding.</td>
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<td>15. MS. KARLSON: Excuse me, Madam Chair.</td>
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<td>21. MS. KARLSON: I think it would be helpful if we got Mr. Arellano on the record saying whether or not he agrees that those are the four categories that have been discussed.</td>
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<td>22. CHAIRWOMAN CHAN: Thank you.</td>
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| 25. CHAIRWOMAN CHAN: Thank you.
| 1 | Your lawyer, I will -- I'll say yes, but -- |
| 2 | COMMISSIONER MEYER: Kara, is that clear enough? |
| 3 | MS. KARLSON: That's a beautiful motion. I should, also, add for these purposes, I'm not going to be your lawyer because of due process concerns, but I think that, to cover our basis, if Mr. Arellano has an objection, he should make it now. |
| 4 | MR. ARELLANO: I have no objection to the motion as phrased. |
| 5 | CHAIRWOMAN CHAN: Is there a second? |
| 6 | COMMISSIONER KIMBLE: Madam Chair, I will second that. |
| 7 | CHAIRWOMAN CHAN: All right. We have a motion and a second. |
| 8 | Commissioner Meyer, how do you vote? |
| 9 | COMMISSIONER MEYER: Aye. |
| 10 | CHAIRWOMAN CHAN: Commissioner Kimble? |
| 11 | COMMISSIONER KIMBLE: Thank you. |
| 12 | CHAIRWOMAN CHAN: Commissioner Paton? |
| 13 | COMMISSIONER PATON: Aye. |
| 14 | CHAIRWOMAN CHAN: Okay. And I vote aye. |

| 1 | take a motion on would be the Weninger mailer, and -- |
| 2 | COMMISSIONER MEYER: Madam Chairman, I can make a motion. |
| 3 | CHAIRWOMAN CHAN: All right. Please do. |
| 4 | COMMISSIONER MEYER: I move that as to the Representative Weninger mailer, that there is reason to believe that a violation of the Act may have occurred and that the staff move forward with their investigation. |
| 5 | CHAIRWOMAN CHAN: All right. Thank you. |
| 6 | Is there a second? |
| 7 | COMMISSIONER PATON: This is Commissioner Kimble. I would second that. |
| 8 | CHAIRWOMAN CHAN: Thank you. All right. Let's go ahead and take our vote. |
| 9 | Commissioner Meyer? |
| 10 | COMMISSIONER MEYER: Aye. |
| 11 | CHAIRWOMAN CHAN: Thank you. All right. Let's go ahead and take our vote. |
| 12 | COMMISSIONER MEYER: Aye. |
| 13 | CHAIRWOMAN CHAN: All right. Thank you. |
| 14 | Is there a second? |
| 15 | COMMISSIONER PATON: This is Commissioner Kimble. I would second that. |
| 16 | CHAIRWOMAN CHAN: Thank you. All right. Let's go ahead and take our vote. |
| 17 | Commissioner Meyer? |
| 18 | COMMISSIONER MEYER: Aye. |
| 19 | CHAIRWOMAN CHAN: Thank you. All right. Let's go ahead and take our vote. |
| 20 | COMMISSIONER MEYER: Aye. |
| 21 | CHAIRWOMAN CHAN: All right. Thank you. |
| 22 | CHAIRWOMAN CHAN: Thank you. All right. Let's go ahead and take our vote. |
| 23 | Commissioner Meyer? |
| 24 | COMMISSIONER MEYER: Aye. |
| 25 | CHAIRWOMAN CHAN: Thank you. All right. Let's go ahead and take our vote. |
Working so well with us. This was the first year we want to thank our candidates and their campaigns for job, especially dealing with the COVID issue. I, also, thank our auditing firm, Fester & Chapman. They did a great job, especially dealing with the COVID issue. I, also, want to thank our candidates and their campaigns for working so well with us. This was the first year we had all the candidates and their campaigns getting the information to our auditors quickly and allowing us to go through it and find minor things and get those corrected. So, for that, I want to say thank you to everybody.

It was a great -- a great team effort, and these audits turned out well. Nothing major popped up, a few minor things that were correctly assessed.

And I'd ask the Commission to just approve these.

CHAIRWOMAN CHAN: That was very fast.

Thank you. Excellent. We appreciate that.

COMMISSIONER MEYER: Madam Chairperson, I have a motion.

CHAIRWOMAN CHAN: Excellent. I love it.

Thank you. Please.

COMMISSIONER MEYER: I move that we approve all five of the audits, as recommended by Mr. Becker.

CHAIRWOMAN CHAN: Excellent.

Do I have a second?

COMMISSIONER KIMBLE: This is Commissioner Kimble. I second.

CHAIRWOMAN CHAN: This is Commissioner Kimble. I second.

CHAIRWOMAN CHAN: Wonderful. All right.

Commissioner Meyer, how do you vote?

COMMISSIONER MEYER: Aye.

CHAIRWOMAN CHAN: Chairman Kimble.

CHAIRWOMAN CHAN: Commissioner Kimble?

CHAIRWOMAN CHAN: Commissioner Kimble?

CHAIRWOMAN CHAN: Commissioner Kimble?

CHAIRWOMAN CHAN: Commissioner Kimble?

CHAIRWOMAN CHAN: Commissioner Kimble?

CHAIRWOMAN CHAN: Commissioner Kimble?

CHAIRWOMAN CHAN: Commissioner Kimble?
CHAIRWOMAN CHAN: No.  And, again, I'm supposed to say anything about this at all.

It's simply that I feel like we had an able, able steward.

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It's simply that I feel like we had an able, able steward.
you say that I agree with everything Commissioner Meyer just said, that was one of the highlights of my times on the Commission. Thank you for that.

COMMISSIONER PATON: I didn't know I was so hard to get along with.

COMMISSIONER MEYER: No, no. I'm joking.

COMMISSIONER PATON: I know.

CHAIRWOMAN CHAN: All right. Well, with that, I guess we can move on to Item Number IX. Is there any member of the public that would like to make comments at this time? Is there any member of the public -- oh, yeah, I see Rivko is still here. I'm not sure if anybody else is here.

Anybody? (No response.)

CHAIRWOMAN CHAN: No comments? (No response.)

CHAIRWOMAN CHAN: All right. You can also, send comments to the Commission by mail or email at ccec@azcleanelections.gov.

And if there are no public comments at this time, we move on to our motion to adjourn. And at this time, I would entertain a motion.

COMMISSIONER KIMBLE: Madam Chair?

CHAIRWOMAN CHAN: Yes.

COMMISSIONER KIMBLE: This is Commissioner Kimble. I move we adjourn.

CHAIRWOMAN CHAN: All right. Is there a second?

COMMISSIONER PATON: This is Commissioner Paton. I would second.

CHAIRWOMAN CHAN: All right. Thank you. Commissioner Meyer, how do you vote?

COMMISSIONER MEYER: Aye.

CHAIRWOMAN CHAN: Commissioner Kimble?

COMMISSIONER KIMBLE: Aye.

CHAIRWOMAN CHAN: Commissioner Paton?

COMMISSIONER PATON: Aye.

CHAIRWOMAN CHAN: And I vote aye. And with a vote of 4 to 0, we are adjourned. See you next month. Thank you.

(Whereupon, the proceedings concluded at 11:57 a.m.)
The State of Arizona Citizens Clean Elections Commission

Public Meeting

Transcript of Proceedings 
January 28, 2021

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