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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF VIRTUAL PUBLIC MEETING

Phoenix, Arizona

March 25, 2021

9:31 a.m.

COASH & COASH, INC.
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1 VIRTUAL PUBLIC MEETING BEFORE THE CITIZENS
2 CLEAN ELECTIONS COMMISSION convened at 9:31 a.m. on
3 March 25, 2021, at the State of Arizona, Clean Elections
4 Commission, 1616 West Adams, Conference Room, Phoenix,
5 Arizona, in the presence of the following Board members:
6
7 Ms. Amy B. Chan, Chairperson
8 Mr. Damien R. Meyer
9 Mr. Galen D. Paton
10 Mr. Mark S. Kimble
11 Mr. Steve Titla
12
13 OTHERS PRESENT:
14
15 Thomas M. Collins, Executive Director
16 Paula Thomas, Executive Officer
17 Gina Roberts, Voter Education Director
18 Alec Shaffer, Web Content Manager
19 Mike Becker, Policy Director
20 Julian Arndt, Executive Support Specialist
21 Kara Karlson, Assistant Attorney General
22 Kyle Cummings, Assistant Attorney General
23 Heather Mrowiec
24 Cathy Herring, Staff
25

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1 P R O C E E D I N G
2
3 CHAIRWOMAN CHAN: All right. It is 9:30
4 a.m., so we are ready to call the meeting to order. So
5 I will go ahead and do that.
6 This is the open meeting of the Citizens
7 Clean Elections Commission for Thursday, March 25th,
8 2021, and it is 9:30 a.m. I'll go ahead and for,
9 Item I on the agenda, call the meeting to order.
10 If I could ask any audience members -- oh,
11 and I see Commissioner Titla has joined us.
12 Excellent -- ask any audience members to please keep
13 their microphones on mute.
14 And with that, I'll go ahead and take
15 attendance.
16 Commissioners, please identify yourselves
17 for the record. And, perhaps, we could start with
18 Commissioner Titla.
19 COMMISSIONER MEYER: He's muted.
20 CHAIRWOMAN CHAN: Yes. Commissioner Titla,
21 you are muted. There you go.
22 COMMISSIONER TITLA: Oh, yes. Yeah. I
23 here.
24 CHAIRWOMAN CHAN: Thank you.
25 Commissioner Meyer, do you want to identify

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1 yourself?
2 COMMISSIONER MEYER: Good morning. Damien
3 Meyer.
4 CHAIRWOMAN CHAN: Thank you.
5 Commissioner Kimble?
6 COMMISSIONER KIMBLE: Commissioner Kimble.
7 I'm here.
8 CHAIRWOMAN CHAN: Commissioner Paton?
9 COMMISSIONER PATON: Commissioner Paton is
10 here.
11 CHAIRWOMAN CHAN: Okay. And I am
12 Commissioner Amy Chan, and I am, also, here.
13 And with that, we can move on to Item II:
14 Discussion and possible action on Commission minutes
15 for February 25th, 2021.
16 Any discussion?
17 (No response.)
18 CHAIRWOMAN CHAN: I don't see any
19 discussion. And, if not, do I have a motion to approve
20 the minutes?
21 COMMISSIONER KIMBLE: This is Commissioner
22 Kimble.
23 COMMISSIONER TITLA: Move --
24 COMMISSIONER KIMBLE: I move that we
25 approve the minutes.

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1 CHAIRWOMAN CHAN: Thank you.
2 COMMISSIONER MEYER: Commissioner Meyer,
3 second.
4 CHAIRWOMAN CHAN: Okay. We have a motion
5 to approve and a motion to second -- seconding. I'll
6 go ahead and call the roll.
7 Commissioner Titla, how do you vote?
8 COMMISSIONER TITLA: Aye. Aye.
9 CHAIRWOMAN CHAN: Thank you.
10 Commissioner Meyer, how do you vote?
11 COMMISSIONER MEYER: Aye.
12 CHAIRWOMAN CHAN: Commissioner Kimble, how
13 do you vote?
14 COMMISSIONER KIMBLE: Aye.
15 CHAIRWOMAN CHAN: Commissioner Paton?
16 COMMISSIONER PATON: Aye.
17 CHAIRWOMAN CHAN: And I vote aye, as well.
18 All right. We have approved the minutes
19 for the February meeting by a vote of five ayes and
20 zero nays.
21 And with that, we can quickly move on to
22 Item Number III: Discussion and possible action on
23 Executive Director's report, enforcement and regulatory
24 updates and legislative update, including election and
25 administrative bills such as House Bill 2014 and House

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1 Bill 2110.
2 Tom?
3 MR. COLLINS: Yes. Madam Chair,
4 Commissioners, thank you very much. I will try to -- I
5 will try to hit the high points here just as quickly as
6 I can.
7 The -- I think the big -- hang on. I'm
8 having a -- I myself am having a technical difficulty
9 here. I apologize. Let me find my way here.
10 Well, I'll start by saying, obviously, you
11 can see there's a full calendar of -- of voter
12 education activities. In fact, today Gina, Alec and
13 Avery are at a -- are at a conference -- online
14 conference on social media effectiveness, which they've
15 done -- this is the second time, I believe, they've
16 attended that conference. And we've found it pretty --
17 pretty helpful in keeping us -- keeping the
18 Commission's voter education stuff in line with
19 industry -- with the developing -- still developing
20 industry.
21 You know, we are excited Gina and Avery
22 will be -- have been invited to participate in the
23 CE -- CE2 educator conference, which is an opportunity
24 to -- which will invite them -- which involves an
25 opportunity for them to meet with civics educators

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1 around the state.
2 And -- and -- you know, and Avery has,
3 also, met, which I think is very -- with both the
4 Arizona State College Republicans and the Arizona State
5 College Democrats leadership. And Gina is
6 participating -- continuing to participate in the
7 Secretary of State's election security meetings.
8 A couple of things to check out on the
9 website, if you're interested, we have launched a
10 webpage with information on redistricting, specifically
11 to try to make sure that folks, if they're inclined to
12 follow the redistricting process, have an understanding
13 of what it means to voters, specifically, because, you
14 know, obviously, a lot of redistricting stuff can get
15 into the weeds.
16 A couple of quick highlights and then I
17 just -- I don't want to delay -- delay this -- or I
18 don't want to, you know, have this go too long. We're
19 still waiting for a decision in the Legacy -- Legacy
20 Foundation Action Fund case, which has been pending at
21 the Court of Appeals, we think, since December.
22 A couple of other things, we have two rule
23 amendments on the agenda. We've had the opportunity to
24 work with the Governor's office and with some of the
25 members -- or at least one of the members of the

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1 Governor's Regulatory Review Council in how to go
2 forward with this and make sure we're adhering to the
3 Governor's rule guidance. So I specifically wanted to
4 thank Nicole Colyer, who is the Governor general --
5 assistant general counsel or deputy general counsel.
6 I'm not sure if I have the title right -- for helping
7 me get through -- go through those issues.
8 We had noted, on a prior regulatory
9 framework, a regulatory issue that we weren't clear
10 where we were with respect to how our rules and the
11 statutory formula for reducing State and legislative
12 contribution limits worked. We have had a good
13 conversation with the Secretary of State's Office, and
14 we are -- we actually -- we actually are on the same
15 page about that. And I, also, want to thank Kori
16 Lorick, who is the Election Services and Compliant
17 Manager at the Secretary of State for her help with
18 that.
19 Finally, I wanted to make this -- I wanted
20 to mention to you all we've been approached by a
21 staffer for Corporation Commissioner Justin Olson about
22 the Corporation Commission's forthcoming, I gather,
23 ethics rules. One of their ethics rules, as I
24 understand it, has to do with whether or not folks who
25 have business in front of the Corporation Commission --

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1 you know, what that would mean in terms of recusal and
2 those kinds of things.
3 So we got -- the question was if a
4 Corporation Commission candidate wanted to add language
5 to their \$5 form, which you can individualize under our
6 rules, you know, would that be an issue, and we've
7 concluded that would not be. It would be simply -- as
8 a matter of course, if someone adds information that's
9 not needed but is not wrong or misleading, our policy
10 would be to approve it, generally.
11 And if you have supplemental question, Mike
12 can speak to them, but as a general proposition, under
13 our rule, we're looking for making sure that the
14 material that has to be on the form is on the form, you
15 know, so that the form is valid. You know, we,
16 obviously, offer copies of the form. You can print out
17 the form, you know, the stock form for the \$5
18 qualifying contributions, but you know, candidates are
19 allowed to make their own. So that's -- that's where
20 that is.
21 And, then, lastly, I know we have -- or I
22 anticipate we have one -- you should have received
23 today a complaint that I -- you may not have received
24 previously from Heather -- and I'm going to butcher her
25 name -- Mrowiec, I believe, who is a complainant

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1 against a participating candidate, Ryan Starzyk. We
2 did a -- I did a -- what we, under our rules, is an
3 administrative decline on that complaint.
4 Our rules do say that I have to -- I am to
5 provide you all notice, which I do, as you know, and
6 you know some -- many of you know the past that's in
7 the enforcement section, but the reason for giving you
8 all the notice is to provide you an opportunity to, you
9 know, ask about that. Also, it gives an opportunity to
10 a person, who doesn't think that the conclusion that
11 the Staff reached was correct, to speak on that.
12 And, then, the last thing I want to add on
13 this before we get into that, assuming she's here, is,
14 you know, the way this rule is intended to work is not
15 supposed to develop a hearing because the respondent
16 may or may not be here and may or may not -- although
17 they're aware of the circumstances, the goal here is,
18 if you all desire to, to simply direct Staff to
19 reevaluate the closure. I think that's stating that
20 correctly, and I will leave it to -- I think I've said
21 it correctly, but I'll leave it to Kara. I'll put her
22 on the spot to correct me if I've said anything wrong.
23 So with that, that completes my report. It
24 looks like Heather is on the line. So however --
25 Commissioner Chan, however you want to recognize her, I

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1 think --
2 CHAIRWOMAN CHAN: Sure.
3 MR. COLLINS: -- I think that's -- I think
4 that's all we need. I think that's what we need to do.
5 And, Kara, obviously, if you want to jump
6 in at any time if I've done anything -- said anything
7 incorrectly, please do.
8 CHAIRWOMAN CHAN: Thank you, Tom.
9 Kara, did you need to add anything to what
10 Tom said?
11 MS. KARLSON: No. I was just going to say
12 that that is correct, and I appreciate him for raising
13 the hearing part, you know, the fact that this can't go
14 too far into the merits of the complaint for those
15 reasons.
16 CHAIRWOMAN CHAN: Okay. Thank you.
17 Okay. Now, Ms. -- and I don't want to --
18 maybe you can tell me how to pronounce your name.
19 MS. MROWIEC: Actually, Director Collins
20 was pretty close. We say Mrowiec.
21 CHAIRWOMAN CHAN: Mrowiec. Thank you,
22 Ms. Mrowiec.
23 And Tom had sent us your -- the closure
24 email that he had sent you, and I did ask him to send
25 us your complaint because -- and he may have shared it

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1 with us before. I just -- after reading the closure
2 letter, I just wanted to have it available. And
3 because we can't go too into the details, I -- but I
4 wondered, did you want to speak to the Commission today
5 about the closure letter?
6 MS. MROWIEC: I would love to. I
7 appreciate that. And I understand we can't go too into
8 depth, but the essence of the complaint is that
9 Facebook, in 2019, decided upon some political
10 transparency rules. And so they started reporting
11 exactly how much money they received from any political
12 campaign in exchange for advertising.
13 So, in this case, the campaign of Dr. Ryan
14 Starzyk spent, according to Facebook, \$2,500 on
15 advertising on Facebook. That was 50 ads over about an
16 18-month time period, includes before and after
17 funding, and none of that expense appears on
18 Dr. Starzyk's campaign finance reports. There's no
19 payments, apparently, to Facebook.
20 So that discrepancy, either it's somewhere
21 in the report and not readily available, in which it
22 can be cleared up by him providing -- he can easily
23 download a report that shows where all the payments
24 came from. And that would be great, but if he missed
25 logging those expenditures, because his reports balance

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1 he took in contributions and he had expenditures that
2 are the same, if you add \$2,500 of expenditures, you
3 have to, also, add contributions.
4 If they were paid for out of his
5 non-campaign account, they would be considered in-kind
6 contributions. These are ads that say paid for by the
7 Ryan for Arizona campaign, and I have provided all
8 those in the complaint in a big stack printed out.
9 So I would appreciate, if we did have an
10 investigation, to show who paid for those ads, were
11 they accounted for; and, if they weren't accounted for,
12 how much of it came from his personal account or from
13 others. Did he have -- did he exceed contribution
14 limits? And, if so, did that happen before he applied
15 for Clean Elections funding, which would mean he had --
16 and I, as a treasurer, know how serious filing reports
17 are. You know, you're -- it's a perjury to file an
18 incomplete report.
19 So I just think an investigation, him
20 downloading the reports, seeing if it's accounted for
21 somewhere in his report and, if not, what the
22 consequences are. There's -- depending on how those
23 ads were paid for, there's a whole series of different
24 laws that can be broken, like a little chain. So I
25 would appreciate it if the Clean Elections Committee

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1 did do an investigation and we can resolve the issue.
2 CHAIRWOMAN CHAN: Thank you.
3 Commissioner Kimble, do you have a
4 question?
5 COMMISSIONER KIMBLE: Well, I guess, I do
6 to Kara. So I don't understand what our limitations
7 are here and what we should do about that. So if I ask
8 Tom to respond to that, is that going to be a problem?
9 And since we don't have the other party here, I mean,
10 how would you recommend we proceed on this?
11 MS. KARLSON: You can't take action in
12 terms of -- in terms of, you know, finding a reason to
13 believe, or something. You can ask Tom questions. He
14 can respond to you. Ultimately, the decision is really
15 do you direct Tom to go back and continue investigating
16 or are you fine with Tom's conclusion and rationale as
17 has been explained in the email for administratively
18 closing the complaint. So you can ask questions, and
19 it would be fair for Tom to respond to provide his, you
20 know, explanation in his rationale.
21 COMMISSIONER KIMBLE: Okay. Well, given
22 that, Tom, I've read the original complaint, which I
23 think I've read before, and I read your response to it.
24 And I've heard Heather's -- and I apologize for using
25 your first name, but it's safer, I think -- and I

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1 understand Heather's point, which she made, also, in
2 this complaint.
3 So could you address some of what she said
4 this morning?
5 MR. COLLINS: Madam Chair, Commissioner
6 Kimble, I certainly can try. I would say this. I
7 mean -- and I think that I -- just to -- you know,
8 we -- when we looked at the complaint or as I evaluated
9 the complaint, I focused -- and I think -- and I think
10 I've expressed this to Heather, as well, but you know,
11 I focused on the -- on the bottom line of the knowing
12 violation of the limits.
13 That having been said -- and in the limits
14 that sort of -- if you look at the way the complaint is
15 structured, it's -- you know, this part is -- I
16 found -- I mean, I think it is very clear the
17 allegations say, you know, this person may have
18 violated the personal contribution limit. They may
19 have violated the primary spending limit and, then,
20 there's, obviously, a knowing violation of those as
21 some of the consequences that -- that Heather
22 mentioned.
23 That said, that -- that was the targeting
24 or the way that the -- the way that it was put
25 together. You know, I don't -- but as far as -- that's

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1 just how it was put together. I -- you know, I don't
2 have any -- I don't have a position personally on
3 sending this back to me to review -- or not review. I
4 feel -- I mean, I don't know if I'm -- I guess I
5 should -- assuming I can say that. I mean, I don't --
6 just don't.
7 I mean, I think that if that's the
8 Commission's inclination, that's the Commission's
9 inclination, and that's -- the rule is supposed to be
10 set up in order to facilitate this. This happens to be
11 the first time we've had someone actually take
12 advantage of this rule and the way it's supposed to
13 work. So, you know, I -- you know, our explanation
14 was, basically, based on focusing on those limits and
15 how we thought that those limits worked in conjunction
16 with some assumptions based on the facts presented by
17 the complaint, but to the extent that -- you know, but
18 like I say, I don't -- I recognize -- I mean, I'm
19 not -- I'm not -- but we don't -- I don't know how to
20 put this other than we don't have any private
21 officeship associated with it. The goal here is to
22 make sure we get the process right, and so I don't have
23 any position on -- beyond that.
24 COMMISSIONER KIMBLE: Madam Chair, Tom, I
25 just want to make sure I understand this. So do you

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1 and Heather have a difference of opinion on the facts
2 or on the consequences? Because, in your response, a
3 number of times you said if this had been brought to
4 the attention of the Commission earlier, it probably
5 would have been a warning or a request to fix records
6 or other things.
7 So is there a factual disagreement with you
8 or just what should be done about that?
9 MS. KARLSON: I think -- excuse me.
10 MR. COLLINS: Yes.
11 CHAIRWOMAN CHAN: Go ahead, Kara, if you
12 need -- is it to that point or about the way we're
13 going?
14 MS. KARLSON: I think that, you know,
15 asking -- asking Tom to state his position that's been
16 on the record is one thing and then trying to kind of
17 suss out the distinctions between the Complainant's
18 perspective and the Staff's perspective is -- we're
19 getting to that line.
20 And, you know, all due respect,
21 Commissioner Kimble, you know, I'm sorry for cutting
22 you off, but like Tom said, we are trying to get the
23 process correct. So -- so that's really what we're
24 trying to do here. So let's try to avoid that kind of
25 questioning, and you know, to the extent you want that

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1 explanation, we can try -- Staff can try to provide
2 some of that information if the Commission decides to
3 send it back.
4 COMMISSIONER KIMBLE: Okay. That --
5 MS. KARLSON: Does that makes sense?
6 COMMISSIONER KIMBLE: Yes, it does. Thank
7 you, Kara.
8 MR. COLLINS: And just to amplify that, I
9 mean, my view as a Staff member is, yeah, we're -- we
10 are in a position where we are here to -- if there's an
11 issue, the Commission has questions, absolutely, we
12 want to get those answers. So taking -- having it sent
13 back is -- like I said, we have no objection to that.
14 COMMISSIONER PATON: This is Commissioner
15 Paton.
16 CHAIRWOMAN CHAN: Commissioner Paton, go
17 ahead, please.
18 COMMISSIONER PATON: I'm troubled by the
19 fact that the person that the complaint goes against
20 had -- isn't showing how those were paid for, those
21 ads, and some of this is -- it's hard to understand why
22 the complaint wasn't -- why it was closed to me. And
23 so for my -- for my reasoning, I think that I don't
24 really understand why it was closed in that respect.
25 If \$2,500 were paid for by these -- for Facebook ads

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1 and it's not shown in his report how it was paid for,
2 that troubles me.
3 CHAIRWOMAN CHAN: Thank you, Commissioner
4 Paton.
5 I think what I'm hearing -- and I'm sorry,
6 Tom, if you would like to respond. I just --
7 MR. COLLINS: No. No, I have no interest
8 in responding.
9 CHAIRWOMAN CHAN: Okay. I just would like
10 to say that I think that's exactly, Commissioner Paton,
11 why Tom wrote us the email and wrote to Ms. Mrowiec, if
12 I -- I hope I am pronouncing that correctly, and please
13 forgive me if I didn't after you told me how to
14 pronounce it -- and that is precisely why he wrote the
15 email he did to explain why he was closing it and gave
16 us the opportunity to say to him whether we agree with
17 his decision or not.
18 And I -- and I think what I'm hearing --
19 and I know for myself -- I think what I'm hearing from
20 you and Commissioner Kimble may be what I'm feeling,
21 which is I think I would like him to -- I'd probably
22 like to send it back to him to reopen it and give it
23 back to us to consider, if that's the right way to
24 think about it.
25 And, Tom, would that be the right way to

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1 think about it and do we need to vote on that or just
2 tell you or not if that's what we want?
3 MR. COLLINS: My understanding -- or when
4 we put together this particular rule to allow this kind
5 of closure with a -- with a postdoc -- or not a
6 postdoc -- with a -- you know, with the ability to
7 not -- you know, with this process, the goal was to get
8 direction. I have -- I think I have a pretty clear
9 consensus from those commissioners, and so I have -- I
10 don't believe there's a vote to be had. I think it's
11 simply a we will do that.
12 CHAIRWOMAN CHAN: Thank you, and thank you
13 for your work.
14 And thank you, Ms. Mrowiec, for filing --
15 you know, for coming to the Commission with this. And,
16 you know, I think campaign finance is always fraught
17 with, you know, lots of facts and details and, frankly,
18 you know, it makes my eyes go across when I try to
19 think about all the numbers and, you know, the details
20 and things like that. So having it simplified by
21 people who file the complaints and Tom looking at it,
22 and things like that, is always very helpful. Even
23 when he's, you know, making a decision to close it,
24 presenting it to us helps boil it down.
25 So thank you to both of you for presenting

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1 this to us.
2 MS. MROWIEC: And I appreciate the
3 Commission taking the time to listen. Thank you.
4 CHAIRWOMAN CHAN: Of course.
5 Anything else on that?
6 (No response.)
7 CHAIRWOMAN CHAN: Okay. All right -- oh.
8 MR. COLLINS: Okay. So if we're good with
9 that, I just wanted to really quickly hit a couple of
10 legislative things, but I don't --
11 CHAIRWOMAN CHAN: Oh, please.
12 MR. COLLINS: But I --
13 CHAIRWOMAN CHAN: Yes.
14 MR. COLLINS: But I don't know if that's
15 good with everybody.
16 CHAIRWOMAN CHAN: I'm fine with it. I
17 think we're moving on from that and, yes, please, go
18 ahead, Tom.
19 MR. COLLINS: Okay. So on the legislative
20 front, I just want a couple of quick updates.
21 As you did, even through yesterday, the
22 bill from -- the bill that would add additional
23 paperwork to the process of getting a mail ballot, that
24 came out of committee yesterday out of the House
25 Government and -- Committee -- Government and Elections

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1 Committee. We -- our own -- the two bills we've
2 highlighted for Clean Elections purposes, 2014 and
3 2110, are out of committee. 2014 is sort of
4 self-explanatory. 2110 is interesting, a couple of
5 developments there that are worth noting.
6 One, the legislature, in an attempt to
7 somehow make this a more -- I don't know -- palatable
8 bill to someone, changed the work requirement sentence
9 to a sentence of choice. I'm not sure that deals with
10 the legal problem there in terms of when you're
11 substituting work for the surcharge. You know, our big
12 focus in this has been the fact that they're
13 notwithstanding the surcharge here, which is the
14 functional equivalent of the same thing they're doing
15 with respect to suspect, for example, the Prop 208 in
16 terms of just saying, well, this was -- this was this,
17 but we found a way to rewrite the law around this
18 issue. We still think that's wrong.
19 The other thing the legislature has done,
20 which I think will be a significant problem, is that
21 there was a bill in the -- in the House to eliminate
22 juvenile financial sanctions. Now, I don't pretend to
23 have a -- I've never been a -- I've been a public
24 defender. I've never been a juvenile public defender.
25 My -- the problem with -- so this edition sort of is

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1 designed to do two things. One, obviously, I assume it
2 is to eliminate financial penalties for juveniles,
3 which whether or not that's the -- how that's written
4 and how that works under the Clean Elections Act and
5 the VPA is one thing.
6 The essential effects of it, however, is
7 that it makes it -- it makes our legal position look
8 like it's harsh, right? So we will be in front of the
9 Senate saying you're doing this illegally and, yes,
10 that may include juveniles, also. When you're making a
11 legal argument, the best political response is to
12 take -- is to try to extend the legal argument to some
13 place where everybody would say you're incorrect or you
14 must be crazy or why are you letting the law get in the
15 way of a good thing.
16 And so I think by larding this up like a
17 spitball, the -- the folks who -- the powerful folks
18 who want this bill to pass really want it to pass, and
19 the statistics we've been able to gather from JLBC say
20 that this is a completely ineffective criminal or civil
21 justice reform measure. So the goal will be to say --
22 I mean, essentially, what they've set up is a, you
23 know, kids who are guilty or adjudicated responsible
24 for certain financial issues should be -- you know,
25 should be let go and your concerns about the way the

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1 fund is set up and the fact that this actually is an
2 ineffective -- an ineffective justice reform are -- you
3 know, are just -- you're letting the -- and we're
4 letting the perfect get in the way of the good kind of
5 an argument.
6 So that's where things are. You know,
7 we're hopeful to continue to try to make those
8 arguments. We've made them, you know, in writing,
9 typically. We haven't -- we haven't had to appear at
10 the Senate. And so that's where we are.
11 So a number of bills -- you know, 1485 is
12 another bill that we've been -- had an eye on. That
13 bill, also, is moving. That bill is the one that -- it
14 seems to have some ambiguity in it with respect to how
15 many elections one would have to not participate in
16 before one would be a -- have to re-sign up for the
17 PEVL. You know, those bills are all moving at a pace,
18 and so we'll see where -- where we get. I don't mean
19 to circle back to that, you know, sort of awkwardly,
20 but I just wanted to make sure that -- if you had any
21 questions or thoughts on that, that you're aware of
22 where we are on that process.
23 So that's all I had on that, Madam Chair.
24 CHAIRWOMAN CHAN: Okay. Thank you so much,
25 Tom.

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1 Any comments? Commissioner Kimble?
2 COMMISSIONER KIMBLE: Yes. Tom, in
3 relation to 2110, so does it look like it's going to
4 pass?
5 MR. COLLINS: Well, it looks like it's
6 going to pass to the extent -- because there's 16
7 Republicans and 14 Democrats.
8 COMMISSIONER KIMBLE: Yeah.
9 MR. COLLINS: And the vast majority of
10 these election bills have passed on a 16/14. The hard
11 part about Clean Elections is that there's a committed
12 group of Democrats who don't like it. That group is
13 much larger in the House than it is in the Senate, you
14 know. So our -- you know, our main goal, frankly, is
15 to hope and to work to have this not get a
16 three-quarter vote.
17 The House Rules attorney has provided the
18 argument to the legislature as to why this does not
19 violate the Voter Protection Act and does not yield an
20 amendment that requires a three-quarter vote. We spent
21 time with that analysis. We think the analysis is
22 incorrect, and so we do think that keeping the vote
23 under three-quarters is key.
24 You know, I think that, you know -- so
25 whereas some election bills that are clearly sort of

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1 red/blue election bills, those are easy. Those are all
2 going to go -- you know, there's been a -- and there
3 may be a marginal Republican who can tilt those one way
4 or the other in the Senate or House based on the
5 margins, but on a program such as ours where, you know,
6 there are -- there's a particular faction of the
7 Democratic caucus that's deeply committed to
8 undermining Clean Elections, you know, makes this a
9 bigger challenge. They don't -- it's not a red/blue
10 thing. It's an institutional power versus -- versus,
11 you know, the sort of public-minded notions behind the
12 Clean Elections Act.
13 COMMISSIONER KIMBLE: Okay.
14 MR. COLLINS: So we're doing the best we
15 can.
16 COMMISSIONER KIMBLE: Okay.
17 MR. COLLINS: And -- and trying to make it
18 clear what the legal issues are. We have -- I'll say
19 the one difference we have made in this, one different
20 tactic we've taken on this is based on what -- so JLBC
21 received numbers from the courts about what percentage
22 of defendants have been able to take advantage of a
23 similar work diversion program that exists, and their
24 number was 1 to 2 percent of defendants.
25 So if you're going to notwithstanding the

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1 Clean Elections Act altogether, including its funding,
2 in order to assist, at most, 1 to 2 percent of
3 defendants because -- and I can say this as a former
4 public defender and among my former colleagues and
5 current peers, those kinds of work requirements are,
6 essentially, too expensive in terms of time to make up
7 the difference for the fines and fees that we have in
8 Arizona.
9 The Clean Elections Act surcharge is
10 something like 12.5 percent of the total fees, which is
11 something like 6 percent of the total civil fines, but
12 if no one can use it, your -- notwithstanding the Clean
13 Elections Act for no -- for nothing, essentially, for a
14 percentage of people, what would need to happen and
15 what we're not opposed to is a real civil and criminal
16 justice reform measure that did not damage the Clean
17 Elections Commission's funding source or obliterated it
18 as the notwithstanding clause.
19 So I don't meant to get it too far in the
20 weeds, but we have been a little more aggressive than
21 we would otherwise be about the -- about the
22 ineffectiveness of this as a -- as a civil or criminal
23 justice reform measure.
24 COMMISSIONER KIMBLE: Okay.
25 MR. COLLINS: This isn't the real deal.

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1 COMMISSIONER KIMBLE: Okay. Thank you.
2 CHAIRWOMAN CHAN: Thank you, Tom.
3 Anyone else have any comments, questions
4 for Tom?
5 (No response.)
6 CHAIRWOMAN CHAN: Okay. All right. I
7 always feel so defeated after we talk about
8 legislation.
9 Okay. Thank you, though, very much, Tom,
10 for the work you guys are doing for us over there --
11 Mike and Julian, too.
12 So, I think we can move on to Item IV,
13 which is discussion and possible action on the
14 following 2020 General Election candidate audits.
15 And we're going to have Mike make some
16 general comments on this item, right?
17 MR. BECKER: That's correct. Thank you,
18 Madam Chair, and Commissioners.
19 Good morning. Before you are General
20 Election audits. As you're aware, the Commission
21 audits all Clean Elections candidates, either in the
22 Primary or the General. These audits, just as they
23 were in the Primary, are very good audits. Our
24 auditing firm that we work with, Fester & Chapman, and
25 the candidates and their campaigns worked well

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1 together. We are very happy with the results.
2 As you -- as you've looked through them,
3 there are some minor issues here and there, but they
4 have been resolved or are getting resolved. Nothing
5 has -- rises to any major -- major complaint or any
6 major issue. So we're very happy with all of these
7 audits. This is just the beginning. There will be
8 more on the -- on the Commission meeting for April, and
9 that should wrap it up.
10 And so, with that, like I said, they are
11 very good audits. And I'm happy to answer any
12 questions, and I ask that you to approve those audits.
13 CHAIRWOMAN CHAN: Comments or questions for
14 Mike?
15 (No response.)
16 CHAIRWOMAN CHAN: Okay. Hearing none, is
17 there any comments from the audience on this item?
18 And, if so, you can signal the moderator.
19 (No response.)
20 CHAIRWOMAN CHAN: All right.
21 COMMISSIONER PATON: Let me just say --
22 this is Commissioner Paton.
23 CHAIRWOMAN CHAN: Oh, I'm sorry. Go ahead.
24 COMMISSIONER PATON: Let me just say that
25 I'm just glad that we're doing all these audits and

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1 it's because of what has happened in the past. And
2 having very small things, whatever, that makes me feel
3 good that we're trying to keep everybody on the
4 straight and narrow.
5 CHAIRWOMAN CHAN: Thank you, Commissioner
6 Paton.
7 It does feel good to have this done and,
8 you know, have good results, truly. So thank you, Mike
9 and the Staff. I'm glad we decided to do that. I
10 think it was a good decision.
11 So if there's no further discussion, I will
12 entertain a motion to approve the audits that are
13 identified on the agenda.
14 COMMISSIONER MEYER: This is Commissioner
15 Meyer. I move that we approve the audits identified on
16 the agenda for today's meeting.
17 CHAIRWOMAN CHAN: Thank you.
18 Is there a second?
19 COMMISSIONER KIMBLE: Commissioner Kimble,
20 second.
21 CHAIRWOMAN CHAN: All right. We have a
22 motion and a second.
23 Commissioner Titla, how do you vote?
24 (No response.)
25 CHAIRWOMAN CHAN: Commissioner Titla?

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1 COMMISSIONER TITLA: Aye.
2 CHAIRWOMAN CHAN: Thank you.
3 COMMISSIONER TITLA: Aye.
4 CHAIRWOMAN CHAN: Thank you.
5 Commissioner Meyer?
6 COMMISSIONER MEYER: Aye.
7 CHAIRWOMAN CHAN: Commissioner Kimble?
8 COMMISSIONER KIMBLE: Aye.
9 CHAIRWOMAN CHAN: Commissioner Paton?
10 COMMISSIONER PATON: Aye.
11 CHAIRWOMAN CHAN: And I vote aye, as well.
12 And by a vote of five ayes and zero nays, we have
13 approved the audits identified on the agenda.
14 MR. BECKER: Thank you.
15 CHAIRWOMAN CHAN: Thank you all.
16 Item V: Discussion and possible action on
17 amendment to R20 -- R2-20-101, definitions. The
18 Commission may vote to begin the public comment period
19 for a rulemaking related to this item. So we're going
20 to try to bring out definitions and rules in line with
21 the outcome of AZAN versus State, which was dealing
22 with certain cross-referenced definitions in the Clean
23 Elections Act. So we're amending the definitions of
24 the rules, and Tom is going to give us details.
25 So, please, Tom.

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1 MR. COLLINS: Okay. Yes. Thank you, Madam
2 Chair, Commissioners.
3 So, yeah, we have two rules, Item V and
4 Item VI. Item VI is -- so in Senate Bill 1516, the
5 legislature expanded the definition of "family members"
6 to include aunts and uncles and a couple other things.
7 We have had a rule in our books that has a narrower
8 definition. This has caused some confusion over the
9 last couple of years because of 1516 and the
10 outstanding litigation.
11 The effect of the two -- because of the
12 cross-reference, the way the cross-reference is used in
13 the Clean Elections Act, the effect of expanding the
14 definition of "family members" for non-participating
15 candidates has the reverse effect on participating
16 candidates. In other words, whereas that definition
17 now expands people who are not covered by the
18 contribution limits subject to that traditional
19 candidates are subject to, it actually expands the
20 world of who is considered a personal or family
21 contribution under the Clean Elections Act.
22 As a result, a candidate who is clean who
23 gets a contribution from their uncle has to count that
24 towards the limit on personal family contributions
25 where they would not have had to do that previously.

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1 Nevertheless, AZAN v. State, more or less, stands for
2 the proposition that the legislature can do a lot with
3 these footnotes before they cross the line.
4 We feel like after a few years of this and
5 having gone through the litigation -- or I feel that we
6 just need -- we need to have a rule. I mean, this
7 is -- we've had the sort of tension between our rules
8 and the -- and the statute and, you know, it's
9 something we can take public comment on. Obviously,
10 that's the whole purpose of this enterprise is to open
11 public comment.
12 We probably will get some public comment on
13 whether or not that's consistent, in some people's
14 views, with AZAN and the outcome. Other people will
15 take different views, but that's -- but our starting
16 point is what's the cleanest way to make sure that the
17 Clean Elections Commission's rules line up with the
18 statutory definitions. And, in this case, we recommend
19 taking public comment on deleting the -- the more
20 narrow definition of "family members" that is included
21 in R2-20-101-113.
22 So that's -- if you have any questions for
23 me, Madam Chair, Commissioners, that's what we're
24 trying to do there.
25 Obviously, Mike, if there's anything I've

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1 missed there, let me know, but that's -- so we're
2 recommending we open this up for public comment. We
3 may get some, but ultimately, we wanted to start with
4 the cleanest amendment and see where we go from there.
5 CHAIRWOMAN CHAN: Okay. And Mike didn't
6 have anything to add?
7 Okay. Thank you, Tom.
8 Any questions or comments from
9 Commissioners?
10 (No response.)
11 CHAIRWOMAN CHAN: Okay. If there's no
12 further discussion, I will entertain a motion to
13 propose the amendment to R2-20-101 to be published for
14 public comment.
15 COMMISSIONER KIMBLE: Madam Chair --
16 COMMISSIONER TITLA: I make that motion,
17 Madam Chair.
18 CHAIRWOMAN CHAN: All right. Commissioner
19 Titla has made the motion. Thank you.
20 Do I have a second?
21 COMMISSIONER KIMBLE: Commissioner Kimble,
22 second.
23 CHAIRWOMAN CHAN: Thank you.
24 We have a motion and a second. I will call
25 the roll.

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1 Commissioner Titla, how do you vote?
2 COMMISSIONER TITLA: Aye.
3 CHAIRWOMAN CHAN: Thank you.
4 COMMISSIONER TITLA: Aye.
5 CHAIRWOMAN CHAN: Thank you.
6 Commissioner Meyer? I think I saw you
7 speak, but didn't hear you.
8 COMMISSIONER MEYER: Aye.
9 CHAIRWOMAN CHAN: Thank you.
10 Commissioner Kimble, how do you vote?
11 COMMISSIONER KIMBLE: Aye.
12 CHAIRWOMAN CHAN: Okay. Commissioner
13 Paton?
14 COMMISSIONER PATON: Aye.
15 CHAIRWOMAN CHAN: Thank you.
16 And I vote aye, as well. And we have voted
17 five ayes and zero nays and approved that for
18 publication for public comment.
19 And with that, we can move on to Item VI.
20 One moment while I turn the page. And it's like the
21 previous item. This amendment is to address AZAN
22 versus State, and Tom is, again, going to speak about
23 this proposal.
24 MR. COLLINS: Right. Madam Chair,
25 Commissioners, so R2-20-109 is, you know --

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1 CHAIRWOMAN CHAN: We didn't roll this up in
2 the last one, did we?
3 MR. COLLINS: This has been -- R2-20-109
4 has been -- there's been -- it's been a lot of things.
5 It has been a topic of discussion for many years. So,
6 basically, the upshot of the AZAN case -- so when the
7 legislature passed Senate Bill 1516 and 2016, they drew
8 a circle around IRS-recognized organizations,
9 regardless of their nature, and said that they shall be
10 treated unlike any other political spenders in state
11 law and shall not ever be able to be a political
12 committee.
13 We and AZAN and the Democratic minority and
14 some unions all were involved in litigation brought by
15 AZAN on this issue. On the cross-reference, we were
16 not successful. So what this rule does is -- and what
17 this amendment does is to say, look, we have a formula
18 that we've developed with the Center For Competitive
19 Politics and lawyers associated with them. So it's
20 a -- which is to say it's a -- it's a formula developed
21 with a group that is seen as a pro-free speech, a more
22 of a -- you know, not a group.
23 So we think with a formula, it has some
24 bipartisan cross-ideological content, but we want to
25 make -- and we think that's important because

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1 determining the primary purpose of any organization,
2 even if it's accepted by the legislature, still, in
3 Staff's view, requires something other than primary
4 purpose means primary purpose because the primary
5 purpose doesn't tell you when, doesn't tell you what,
6 doesn't tell you time frame, any of those things. We
7 have a formula for that.
8 So we believe and we've started the process
9 of working with some of the GRRC counselors,
10 including -- including -- I had a very wonderful email
11 exchange with Council Member Sundt about making clear
12 that putting aside what anybody thinks about political
13 committees, this will not apply to those groups that
14 are set aside by the legislature for different
15 treatment.
16 So that's why the language of the amendment
17 says -- where you get into the formula, it says, you
18 know, subject to 16-901.43, which is the definition
19 that says notwithstanding any other rule, there's no
20 way you can't -- these IRS-enabled organizations are
21 not subject to these parameters, and it, also,
22 notwithstanding any rule that we have to the contrary.
23 I don't believe there are any other rules
24 to the contrary, but nevertheless, as we did with
25 Prop 306, I think it's important to just say, look,

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1 it's not just subject to, but if there's anything
2 inconsistent with that where somehow we're going to get
3 an IRS-involved person here.
4 Okay. So that's it. So, basically, the
5 bottom line is we would -- under this amendment, we
6 would never apply our formula for political committee
7 to an IRS-recognized group, which is what the
8 legislature wanted us to do when they passed 1516, and
9 that is the result of the AZAN case. One caveat, this
10 does not affect the Clean Elections Act so-called
11 trigger reports which have nothing to do with political
12 committee or IRS status. They apply to spending -- qua
13 spending.
14 So -- so that's it. So we believe that --
15 you know, obviously, again, we may get comments to say
16 go broader that -- you know, we may not, but at the
17 very least, this concisely says if you're in an IRS
18 category identified by the legislature, the rules --
19 the formula will not be applied to you because you are
20 just not subject to the rule.
21 So that's where that is. We think that
22 that -- again, it's better to -- it's better to simply
23 move on. And the fact that it doesn't touch the
24 trigger reports which, frankly, when it comes down to
25 trying to track real spending in real time are really

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1 the only tool left in the State's toolbox for that kind
2 of disclosure, you know, this is -- this just seems
3 like, again, the best, cleanest way to proceed to get
4 public comment.
5 CHAIRWOMAN CHAN: Thank you, Tom.
6 Any discussion or questions?
7 (No response.)
8 CHAIRWOMAN CHAN: Okay.
9 COMMISSIONER KIMBLE: Madam Chair?
10 CHAIRWOMAN CHAN: Oh, yes, Commissioner
11 Kimble.
12 COMMISSIONER KIMBLE: Let me just say
13 despite reading this probably ten times, I remain
14 befuddled. Nonetheless, I would like to make a motion
15 that we open R2-20-109 for public comment.
16 CHAIRWOMAN CHAN: Thank you for that
17 motion. Excellent.
18 Is there a second?
19 COMMISSIONER MEYER: Commissioner Meyer,
20 I'll second the motion.
21 CHAIRWOMAN CHAN: Thank you, Commissioner
22 Meyer.
23 All right. I will take a roll call then.
24 Commissioner Titla, how do you vote?
25 COMMISSIONER TITLA: Aye.

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1 CHAIRWOMAN CHAN: Excellent.
2 COMMISSIONER TITLA: Aye.
3 CHAIRWOMAN CHAN: Thank you.
4 Commissioner Meyer?
5 COMMISSIONER MEYER: Aye.
6 CHAIRWOMAN CHAN: Commissioner Kimble?
7 COMMISSIONER KIMBLE: Aye.
8 CHAIRWOMAN CHAN: And Commissioner Paton?
9 COMMISSIONER PATON: Aye. And I'm equally
10 befuddled.
11 CHAIRWOMAN CHAN: I, also, vote aye.
12 MR. COLLINS: I -- I mean, as far as -- I'm
13 happy to take any time -- any time anyone needs to try
14 to unbefuddle. The bottom line is that we didn't make
15 the problem. We're trying to fix the problem. We went
16 to court -- I mean, other people went to court and we
17 went with them on the problem. It is -- I don't
18 know --
19 CHAIRWOMAN CHAN: Everybody is befuddled,
20 but at least --
21 MR. COLLINS: I don't know how to make it
22 better.
23 CHAIRWOMAN CHAN: At least we are -- we
24 have voted to publish our rule for public comment.
25 MR. COLLINS: Right, right.


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1 CHAIRWOMAN CHAN: So that's the good news.
2 MR. COLLINS: Right, right, right.
3 CHAIRWOMAN CHAN: And everybody will be
4 befuddled with us and we'll probably get lots -- well,
5 maybe we'll get lots of public comments.
6 MR. COLLINS: Well, I think -- I think this
7 is a good example of where we will -- where public
8 comment will help clarify what the issues are going
9 forward, and I think that's important.
10 CHAIRWOMAN CHAN: Yeah. Thank you.
11 All right. And with that, we can move on
12 to Item VII: Public comment.
13 Are there any members of the public here
14 who wish to speak to the Commission today?
15 (No response.)
16 CHAIRWOMAN CHAN: I don't see anybody. You
17 may, also, send comments to the Commission by mail or
18 email at ccec@azcleelections.gov.
19 And if there's no public comments, we can
20 move to adjournment.
21 Is there a motion to adjourn?
22 COMMISSIONER KIMBLE: Madam Chair --
23 COMMISSIONER TITLA: I motion to adjourn.
24 CHAIRWOMAN CHAN: Oh, all right.
25 Commissioner Titla stole your thunder again,

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1 Commissioner Kimble. Maybe you can give us a second.
2 COMMISSIONER KIMBLE: Second.
3 CHAIRWOMAN CHAN: All right. Thank you.
4 COMMISSIONER KIMBLE: I will second.
5 CHAIRWOMAN CHAN: All right. Thank you.
6 I'll call the roll again.
7 Commissioner Titla?
8 COMMISSIONER TITLA: Aye.
9 CHAIRWOMAN CHAN: All right. Commissioner
10 Meyer?
11 COMMISSIONER MEYER: Aye.
12 CHAIRWOMAN CHAN: Commissioner Kimble?
13 COMMISSIONER KIMBLE: Aye.
14 CHAIRWOMAN CHAN: And Commissioner Paton?
15 COMMISSIONER PATON: Aye.
16 CHAIRWOMAN CHAN: And I vote aye.
17 And, with that, we are adjourned. Have a
18 wonderful weekend, everybody. See you next month.
19 (Whereupon, the proceedings concluded at
20 10:23 a.m.)
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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)
3 BE IT KNOWN the foregoing proceedings were
4 taken by me; that I was then and there a Certified
5 Reporter of the State of Arizona, and by virtue thereof
6 authorized to administer an oath; that the proceedings
7 were taken down by me in shorthand and thereafter
8 transcribed into typewriting under my direction; that
9 the foregoing pages are a full, true, and accurate
10 transcript of all proceedings and testimony had and
11 adduced upon the taking of said proceedings, all done to
12 the best of my skill and ability.
13 I FURTHER CERTIFY that I am in no way
14 related to nor employed by any of the parties thereto
15 nor am I in any way interested in the outcome hereof.
16 DATED at Phoenix, Arizona, this 27th day of
17 March, 2021.
18 
19 LILIA MONARREZ, RPR, CR #50699
20
21
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23
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25

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