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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF VIRTUAL PUBLIC MEETING

Phoenix, Arizona

April 29, 2021

9:32 a.m.

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<p style="text-align: right;">Page 2</p> <p>1 VIRTUAL PUBLIC MEETING BEFORE THE CITIZENS 2 CLEAN ELECTIONS COMMISSION convened at 9:32 a.m. on 3 April 29, 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, Chairwoman 8 Mr. Galen D. Paton 9 Mr. Mark S. Kimble 10 Mr. Steve Titla 11 12 OTHERS PRESENT: 13 14 Thomas M. Collins, Executive Director 15 Paula Thomas, Executive Officer 16 Mike Becker, Policy Director 17 Gina Roberts, Voter Education Director 18 Alec Shaffer, Web Content Manager 19 Julian Arndt, Executive Support Specialist 20 Kara Karlson, Assistant Attorney General 21 Kyle Cummings, Assistant Attorney General 22 Marc Harris, AZ Attorney General's Office 23 Cathy Herring, Staff 24 Eric Sloan, Corporation Commission 25 Heather Mrowiec Lee Miller, Esq. Mary Kathleen Honne Rivko Knox Mark Workman, State Senate, LD 2 Tim Sifert</p>	<p style="text-align: right;">Page 4</p> <p>09:33:05-09:34:01</p> <p>1 are in attendance, that I see on the screen, unless -- 2 is Commissioner Titla here? 3 COMMISSIONER TITLA: Yeah. This is Steve 4 Titla. I'm on the phone. 5 CHAIRWOMAN CHAN: Wonderful. Okay. Thank 6 you, Commissioner Titla. 7 COMMISSIONER TITLA: Thank you. Good 8 morning. 9 CHAIRWOMAN CHAN: Good morning. Welcome. 10 Okay. And I'm Commissioner Chan, and with 11 that, we have four members present and a quorum. So we 12 can move on to Agenda Item II: Discussion and possible 13 action on Commission minutes for February 25th, 2021 -- 14 or I'm sorry -- March 25th, 2021. 15 Any discussion? If not, do I have a motion 16 to approve the minutes? 17 COMMISSIONER TITLA: I move to approve. 18 Commissioner Titla. 19 CHAIRWOMAN CHAN: Yes. Commissioner Titla, 20 thank you. 21 Do I have a second? 22 COMMISSIONER KIMBLE: Commissioner Kimble, 23 second. 24 CHAIRWOMAN CHAN: Excellent. I'll call the 25 roll, then.</p>
<p>09:04:46-09:33:04</p> <p style="text-align: right;">Page 3</p> <p>1 P R O C E E D I N G 2 3 CHAIRWOMAN CHAN: All right. The members 4 of the public who were waiting have all been let in. 5 We are livestreaming the meeting now, and it is -- I 6 will -- Agenda Item I is the call to order. 7 It is 9:31 a.m., on April 29th, 2021. I'll 8 go ahead and call our meeting to order, this meeting of 9 the Citizens Clean Elections Commission to order. 10 I'd like to remind the audience members to 11 please keep their microphones on mute just so that we 12 can all hear each other speaking clearly, when it's our 13 turn, so the court reporter can take a clear record. 14 And with that, we'll go ahead and take 15 attendance. 16 Commissioners, go ahead and identify 17 yourselves for the record. 18 COMMISSIONER KIMBLE: Commissioner Kimble 19 is here. 20 CHAIRWOMAN CHAN: Commissioner Paton, could 21 you identify yourself for the record? 22 COMMISSIONER PATON: I am here. This is 23 Galen Paton. 24 CHAIRWOMAN CHAN: Excellent. And I'm not 25 sure I see -- I don't believe any other commissioners</p>	<p>09:34:01-09:35:10</p> <p style="text-align: right;">Page 5</p> <p>1 Commissioner Titla, how do you vote? 2 COMMISSIONER TITLA: Aye. 3 CHAIRWOMAN CHAN: Great. 4 Commissioner Kimble, how do you vote? 5 COMMISSIONER PATON: Aye. 6 CHAIRWOMAN CHAN: Commissioner Paton? 7 COMMISSIONER PATON: Aye. 8 CHAIRWOMAN CHAN: And I vote aye, as well. 9 So we have voted four ayes and zero nays, approving the 10 minutes as written. 11 Moving on to Agenda Item III: Discussion 12 and possible action on Executive Director's report, 13 enforcement and regulatory updates and legislative 14 update, including election and administrative bills, 15 such as 2014 and House Bill 2110. 16 Tom, you're going to go ahead and go over 17 this for us. 18 MR. COLLINS: Yes, Madam Chair, 19 Commissioners. Thank you very much. 20 You know, it's been actually a pretty -- 21 pretty busy month, and I wanted to just hit some of the 22 highlights. 23 We had -- we do have a -- before we -- you 24 know, we do have an election coming up, a consolidated 25 election date between now and the next meeting and, you</p>

<p>09:35:15-09:37:07 Page 6</p> <p>1 know, the -- the voter registration deadline has passed 2 for that and early voting is going on for those 3 elections. 4 On the voter education front, we were -- it 5 was quite a busy month. Avery and Gina put together 6 our panel at the Arizona Department of Education's 7 Civics Education Conference, and it was really good. 8 It was bipartisan. It was diverse. It was -- it 9 had -- it really offered an opportunity for a variety 10 of different people to talk about why they were 11 interested in civics and being engaged with, you know, 12 participation in the -- in our system, in our political 13 system and our system of government. 14 I want to thank every -- all the 15 participants and, particularly, Rivko Knox who, you 16 know, was a panelist and was, I think, very helpful 17 at -- at really describing, you know, some of these 18 issues and how they move through time and her own story 19 of being a very active, as we all know, participant in 20 our civic life in the state. 21 We -- coming up next week, we will be 22 sponsoring a -- Morning Scoop is a forum that the 23 "Arizona Capitol Times" puts on. This will be about 24 some election issues going forward, and Gina will be a 25 panelist, along with the Yavapai County Recorder, the</p>	<p>09:38:51-09:40:21 Page 8</p> <p>1 We're cognizant, as we note in the report, that there 2 are a lot of drawbacks to this style of meeting, 3 particularly for a commission that has, you know -- is, 4 you know, collegial and really discussion-oriented, as 5 ours is, which is not the same -- not necessarily the 6 case everywhere. However, we're really in a position 7 where the guidance and the facts just don't put us in a 8 position to alter this format, at least in the next -- 9 you know, at least in the next couple of months. 10 I -- you know, as these things evolve and 11 change, you know, we know that the Governor's office 12 and DOA and, obviously, Paula are abreast of them, and 13 we will -- we will -- we can bear all that in mind, but 14 we really -- we really don't have the flexibility that 15 we had -- that we might have hoped to have. And what I 16 mean by that is, you know, look, I'm not a COVID 17 expert, but I think that what Paula has laid out 18 here -- and we have more details if anyone would like 19 them. 20 You know, the guidance we're getting and 21 the research Paula has done demonstrates that we're 22 really -- we're really -- we really just need -- we 23 don't have enough -- we don't have better information, 24 and we think it's important to stay consistent with 25 what the State is doing currently.</p>
<p>09:37:12-09:38:48 Page 7</p> <p>1 Cochise County Election Director and Tammy Patrick, who 2 many of you may know, who's the senior advisor to the 3 Democracy Fund and, of course, a former Maricopa County 4 federal compliance officer and longtime election expert 5 and member of the 2012 President's Commission on 6 Election Administration. 7 We did -- you know, with respect to COVID, 8 you know, Paula has been our -- that's our next item -- 9 our next item in the report, administrative aspect. 10 With respect to COVID, Paula has really been our point 11 person in keeping us abreast of the developments as 12 they pertain to the office and the meetings, and she's 13 been on top of understanding and maintaining the CDC 14 recommendations and following and making sure we're 15 in -- you know, we're acting consistently with the 16 department administration and the Governor's office 17 and -- you know. 18 So, basically, what, you know, we tried to 19 do in this report for your review, at this point, is to 20 try to look at what our work environment looks like 21 going forward. We don't anticipate, you know, an 22 immediate change in this format, if we're going to 23 continue to be consistent with the CDC, DOA and the 24 Governor's office's efforts. 25 So, you know, we have been looking at this.</p>	<p>09:40:24-09:42:09 Page 9</p> <p>1 I just want to hit a couple of more quick 2 things. There -- you know, there is a case going on in 3 Superior Court. I'm actually not literally sure where 4 it is right now, but there's this case called Arizona 5 Democratic Party v. Fann. This has to do with the 6 audit activities taking place at the Phoenix Memorial 7 Coliseum. As of the writing of the report, there was a 8 hearing scheduled for Tuesday. There were hearings on 9 Tuesday and Wednesday. 10 There are still issues being litigated, but 11 the bottom line result, at least for purposes of today, 12 is that the Superior Court denied the Democratic party 13 and the Secretary of State's Office and Maricopa County 14 Supervisor Steve Gallardo -- denied their request for a 15 temporary restraining order. So the activities at 16 Memorial Coliseum are continuing. 17 Another case I want to highlight, because 18 it will matter or it may matter -- it may not, but it 19 inevitably will -- is the case that was argued this 20 week of America for Prosperity v. Bonta. That is a 21 case out of the Ninth Circuit that has to do with 22 access to the -- what's called Schedule B of the IRS's 23 990 form which, basically, contains the information 24 about who the donors for a -- for a 501(c)(3) or 25 501(c)(4) or other tax-exempt organization.</p>

<p>09:42:15-09:43:42 Page 10</p> <p>1 The California statute requires charities 2 to provide the Attorney General of California with 3 information on their donors. The State's interest is 4 in policing fraud and those kinds of things in that 5 space. America for Prosperity -- and there's a 6 companion case -- you know, sued on the basis that they 7 don't want to turn over their information and that the 8 privacy rights of their donors are being invaded. 9 You can read the SCOTUS stories, if you 10 haven't. I think the SCOTUS blog stories, I think 11 they're a pretty good summation. You know, there's -- 12 there is an awful lot of skepticism of those 13 disclosures at the Supreme Court. So as we continue 14 to -- you know, with the campaign finance roles that 15 we -- that we have as a matter of statute, you know, 16 that will be an important thing to bear in mind come 17 the end of June. 18 Last -- I think, lastly, and -- you know, I 19 just want to -- I want to mention -- and it looks like 20 we may have someone in the audience who wants to speak 21 to this. We reevaluated, re-reviewed the complaint in 22 the matter we call Starzyk 2, which is -- and in my 23 analysis of the campaign finance reports and the 24 complaint, you know, I reached the conclusions in the 25 attached memo. And I don't really have anything to add</p>	<p>09:45:23-09:46:18 Page 12</p> <p>1 CHAIRWOMAN CHAN: Great. Okay. I wondered 2 if you, one, have had a chance to see the attachment to 3 the agenda with Tom's memo. 4 MS. MROWIEC: I did. I did. 5 CHAIRWOMAN CHAN: Okay. And -- 6 MS. MROWIEC: And -- 7 CHAIRWOMAN CHAN: Yeah, did you want to 8 speak to that? 9 MS. MROWIEC: I did. I recognized the two 10 expenditures on Dr. Starzyk's report, as well, when I 11 first saw -- when the issue first came up, and I did do 12 some research into those two expenditures. The first 13 one that took place in 20- -- November of 2019 and the 14 one -- 15 MR. COLLINS: Madam Chair -- Madam Chair, 16 I'm going to go ahead and object here at this point 17 because -- because this is -- Mr. -- Dr. Starzyk is not 18 here. He has rights here. If this is going to turn 19 into a hearing, I'm very uncomfortable with proceeding 20 in this way. 21 MS. MROWIEC: And I'd be happy to do a 22 hearing with him. I know he did receive the email 23 inviting him to the meeting, but I'd be happy to go 24 further into it. I just -- I've just been disappointed 25 that there's been no actual gathering of facts done</p>
<p>09:43:46-09:45:22 Page 11</p> <p>1 to that at this particular point. 2 Our -- my view is that the complaint is 3 closed. In order for, for some reason, to reopen it, 4 my recommendation would be that -- that the Commission, 5 essentially, direct me to -- to file a complaint, as 6 the executive director. I, however, do not believe, as 7 the memo says, that there is any basis for me to do 8 that, and I just -- without having solicited -- so 9 that's -- I guess I did say more than I said I was, but 10 that -- I'll leave it there. 11 And that completes my report. I want to 12 thank everyone for -- especially -- you know, we've had 13 a -- it's been a really, really hectic month, and I 14 just want to thank Paula and Gina and Mike and Julian 15 and really -- and Avery, everybody on staff for 16 continuing their hard work to keep this on track, but 17 anyways, that's my report. I'm happy to take your 18 questions, and it looks like there is a -- well, it 19 looked like there was somebody on the -- on the ED 20 report matter, but I'm not sure if they're still here. 21 So I'll leave that up to somebody more technically 22 savvy. 23 CHAIRWOMAN CHAN: Yeah, I saw Ms. Mrowiec, 24 if I'm pronouncing -- 25 MS. MROWIEC: I am -- I am here, yes.</p>	<p>09:46:21-09:47:12 Page 13</p> <p>1 around it. 2 CHAIRWOMAN CHAN: Well -- and I'm sorry. 3 Well, and -- 4 MR. COLLINS: I'm just going to object 5 again to this characterization and the record that's 6 being made here. Dr. Starzyk has rights. He's not 7 here. 8 CHAIRWOMAN CHAN: Okay. And I'll -- let me 9 stop both of you, and I apologize. I was thinking that 10 it would be appropriate if Ms. Mrowiec, you know, had 11 any comments to add to -- you know, on this matter, to 12 ask her to speak. And I apologize if, maybe, that 13 wasn't the appropriate comment. 14 MR. COLLINS: Well, in my view, no. The 15 issue is -- 16 CHAIRWOMAN CHAN: Okay. 17 MR. COLLINS: The issue has to do with what 18 we start doing. 19 CHAIRWOMAN CHAN: Okay. 20 MR. COLLINS: Facts that are not in the 21 complaint that we have not reviewed that, in fact, 22 contradict this plain language of the complaint, I 23 think that's an inappropriate topic for us to discuss 24 without a live complaint in front of us. 25 CHAIRWOMAN CHAN: Okay. And I think</p>

<p>09:47:14-09:48:17 Page 14</p> <p>1 that -- I will tell Ms. Mrowiec that after seeing what 2 Tom presented, it was -- I mean, the facts presented by 3 the memo seem very clear. And I -- maybe what I'll do, 4 instead, Ms. Mrowiec, if you don't mind, I'll open it 5 up and ask the other commissioners, perhaps, if they 6 have any -- anything to add now that they've had a 7 chance to review the memo. 8 And, then, Tom, maybe you can direct us to 9 what the next steps may be, which you've already 10 mentioned, but after the commissioners weigh in. 11 MR. COLLINS: I do -- I do want to make 12 sure that the commissioners are aware -- and Chairman 13 Chan, I apologize for not saying this during -- at the 14 beginning. Marc Harris, from the Attorney General's 15 Office, is your independent legal advisor for purposes 16 of this hearing. So to the extent I've just said what 17 I've said, obviously, Marc is the person to advise you 18 on that, not me. I'm advocating. 19 CHAIRWOMAN CHAN: Okay. Thank you, Tom. 20 And thank you, Marc, for being here, Marc 21 Harris -- Mr. Harris. I should just call you that so 22 we don't have any confusion, like we did at the 23 beginning with Commissioner Kimble. 24 So do any commissioners want to speak right 25 now about this matter?</p>	<p>09:49:38-09:50:42 Page 16</p> <p>1 Madam Chair, I'll just kind of defer to 2 you -- 3 CHAIRWOMAN CHAN: Okay. 4 MR. HARRIS: -- on how you would handle 5 that. 6 CHAIRWOMAN CHAN: Sure. So, Commissioners, 7 if you have questions, maybe we should move into 8 executive session to discuss with Mr. Harris. 9 Would you -- would you like to do that, 10 Commissioner Kimble? 11 COMMISSIONER KIMBLE: If that's the best 12 way to do it. I guess, I don't have a legal question. 13 I have more a procedural question of does this -- does 14 this complaint close unless we object? I'm not going 15 to object or not. I just don't know where we go from 16 here. 17 CHAIRWOMAN CHAN: It looks to me like it's 18 closed. That's my understanding. It looks to me like 19 the action taken is that it's closed and then -- for 20 example, if there's some reason we disagreed with the 21 analysis in the memo, then maybe we have to ask 22 Mr. Harris for some advice on that and maybe we could 23 go into executive session. 24 Is that -- does that answer your question, 25 Mr. Kimble -- Commissioner Kimble?</p>
<p>09:48:22-09:49:37 Page 15</p> <p>1 COMMISSIONER KIMBLE: Madam Chair? 2 CHAIRWOMAN CHAN: Yeah, Commissioner 3 Kimble. 4 COMMISSIONER KIMBLE: Tom, just a 5 procedural question. So, at this point, you are 6 recommending that the complaint be closed. So what, at 7 this point, is our role? Do we -- will it be closed 8 pending -- unless we vote not to close it, or where 9 does this go from here? Or should we set a hearing? 10 I'm a little bit unclear on that. 11 CHAIRWOMAN CHAN: I think what I heard Tom 12 say, Commissioner Kimble, is that we would have to 13 direct Tom, almost, to file a new complaint? 14 Did I hear that correctly, Tom, or if we 15 have to ask Marc -- Mr. Harris to -- 16 MR. COLLINS: My view is -- that's my view, 17 and I -- yeah, but I'm not -- and I'm not -- and I 18 don't mean to put Marc -- Mr. Harris on the spot here, 19 but that's my view, but I do think that it's not my 20 place to advise you on that. 21 MR. HARRIS: Yeah. And, Madam Chair, 22 members of the Commission, I don't know if this is 23 something that you would typically want to move into 24 executive session for legal advice on or how you would 25 like to proceed.</p>	<p>09:50:44-09:52:09 Page 17</p> <p>1 COMMISSIONER KIMBLE: Well, it does. 2 Mr. Harris, is that accurate? 3 MR. HARRIS: I believe so, based upon 4 Executive Director Collins' statements. It's my 5 understanding that what's been referred to as Starzyk 2 6 has been closed. It's my understanding that the 7 complainant has, in essence, asked for a review of the 8 initial decision to close what I'll refer to as 9 Starzyk 1, and what you have before you this morning is 10 the Executive Director Collins' re-review of the 11 complaint in the form of the memorandum dated, to the 12 Commission, April 27th. 13 COMMISSIONER KIMBLE: Okay. Thank you. 14 CHAIRWOMAN CHAN: Okay. And, Mr. Harris, 15 can I just ask you, you know, I had -- because 16 Ms. Mrowiec was here and was the complainant and I know 17 Mr. Collins was very concerned, of course, because 18 Mr. Starzyk is not here, and I just -- when one of the 19 concerned parties is here and it has been noticed, I 20 guess, I feel like they should be able to speak. And I 21 hope this is appropriate to then turn to you, but is it 22 acceptable to allow her to speak? She's here. 23 MR. HARRIS: Sure. I'm sorry, Madam Chair? 24 CHAIRWOMAN CHAN: Is it okay to allow 25 Ms. Mrowiec to speak? You know, at this point, how</p>

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1 should I proceed with regard to that?
2 MR. HARRIS: Madam Chair, members of the
3 Commission, I do think that you could allow her to
4 address the Commission, keeping in mind, as Executive
5 Director Collins mentioned, this is not an
6 administrative hearing. This isn't any type of
7 hearing. The only question before you this morning, as
8 I understand it, is whether or not you're in agreement
9 with Executive Director Collins's position, after
10 taking a second look at Starzyk, to keep the matter
11 closed.
12 So certainly you can give the complainant
13 an opportunity to address the board, with the
14 understanding that this isn't an evidentiary proceeding
15 and maybe she could limit her comments on why she
16 disagrees with Executive -- Executive Director
17 Collins's conclusion.
18 CHAIRWOMAN CHAN: Okay. Thank you very
19 much, Mr. Harris.
20 MR. HARRIS: Sure.
21 CHAIRWOMAN CHAN: Ms. Mrowiec, I'm sorry
22 that we kind of cut you short and then went back --
23 MS. MROWIEC: That's okay.
24 CHAIRWOMAN CHAN: -- and our independent
25 advisor.

09:53:19-09:54:32 Page 19

1 Having heard all that, do you want to speak
2 to this and is there anything you wish to say to the
3 Commission, you know --
4 MS. MROWIEC: Thank you. I appreciate the
5 chance to talk, Madam Chair.
6 Yeah, my only request is that there
7 actually be an evidentiary examination or hearing. My
8 concern with the memo that I received from Executive
9 Director Collins was that it was based on speculation
10 instead of the facts, and it seems like this is a case
11 that can be resolved very quickly by looking at the
12 evidence of where the payments came from and the
13 invoices, perhaps, that would support Executive
14 Director Collins' case.
15 You know, I hope there was no crime
16 committed. I hope that no laws were broken, but I'd
17 like to see -- it seems like there's reasonable cause
18 to examine the evidence, and right now we're still in
19 the speculation phase. What I'm asking for is chance
20 to provide -- produce evidence, have the candidate, who
21 was invited to the meeting, produce the evidence, and
22 then we see where that takes us.
23 CHAIRWOMAN CHAN: Okay. Thank you,
24 Ms. Mrowiec.
25 MS. MROWIEC: Thank you very much.

09:54:33-09:55:58 Page 20

1 MR. COLLINS: Madam Chair?
2 CHAIRWOMAN CHAN: Yes.
3 MR. COLLINS: If I may -- I'm trying to get
4 my camera back on here. I apologize. The one thing I
5 want to make -- in my view -- and, again, this is --
6 this is for your judgment. This is not advising you.
7 CHAIRWOMAN CHAN: Yes.
8 MR. COLLINS: Is that this is not an issue
9 between Dr. Starzyk, at this point, and the Commission.
10 This is an issue between the Commission and me.
11 Dr. Starzyk did receive notice of the meeting, but he
12 is not, in my view, under any obligation to be here
13 because this is a re-review of a closed complaint.
14 That's, again, not advice, but that is my view.
15 CHAIRWOMAN CHAN: Okay. Thank you.
16 Thank you. And, you know, our campaign
17 finance system, you know, it's built in a way that we
18 do rely on people to file things and we don't require
19 invoices. And, you know, I understand, I think, what
20 Ms. Mrowiec is saying. She'd like additional evidence,
21 but having read Tom's memo, I -- I felt confident last
22 night that closing it would be the appropriate step.
23 And I don't know -- I kind of would like to hear from
24 my fellow commissioners whether they feel comfortable
25 with that.

09:56:00-09:57:12 Page 21

1 How is everybody feeling about this?
2 COMMISSIONER KIMBLE: Madam Chair?
3 CHAIRWOMAN CHAN: Yes, Commissioner Kimble.
4 COMMISSIONER KIMBLE: I agree it should be
5 closed, and I think we should move on.
6 CHAIRWOMAN CHAN: Thank you.
7 Anyone else? Commissioner Paton?
8 COMMISSIONER PATON: Yes. After reading
9 that, the memo, I believe that it should be closed, as
10 well.
11 CHAIRWOMAN CHAN: Okay. Thank you.
12 All right. Thank you for your time,
13 Ms. Mrowiec, and for coming to our meetings. And we
14 will move on.
15 I wanted to touch on the Arizona Democratic
16 Party versus Fann, the Senate audit, just briefly. I
17 don't know whether the other commissioners are aware,
18 but I did sign on to a letter that the Brennan Center
19 issued just kind of addressing, kind of publicly airing
20 some of the issues that people -- election
21 administrators are seeing nationally with the audit and
22 why we have issues with how it's being conducted.
23 And, of course, I think that was actually
24 maybe a week or so, maybe two weeks ago. And now so
25 much has happened since then, it feels like old news,

<p>09:57:15-09:58:46 Page 22</p> <p>1 but I think I'm glad that Tom included that case on the 2 Executive Director's report because, you know, I think 3 it's an important issue to be aware of and to discuss, 4 from an election integrity standpoint, you know, the 5 security of our ballots and that sort of thing. So I 6 just wanted to bring that up. 7 And going back to the COVID protocols, the 8 Zoom meetings, you know, I just want to give some -- 9 some kudos to the staff because I know this has been 10 tough and, frankly, when I'm prepping for the meetings, 11 it's hard on me, too, especially when we have 12 voluminous packets to either print out -- like, decide 13 to print out at home or not print out and just read on 14 the computer. I don't -- I don't really -- that's not 15 my preference. I really love going to our meetings, 16 having things there to read and look at and hold in my 17 hand and make notes on and see you guys in person. 18 I mean, there's just something about that 19 that's more valuable than doing a Zoom meeting, but I 20 think the reality is, one -- there's a couple of 21 different realities. One, we're not really anywhere 22 near herd immunity and -- yet, that I know of. And I'm 23 not a scientist. I mean, Tom acknowledged that, you 24 know, but -- about himself, and I'll admit that, too. 25 I'm an armchair epidemiologist, which is dangerous;</p>	<p>10:00:18-10:01:22 Page 24</p> <p>1 Tom, do I need to read these all off 2 individually or -- 3 MR. COLLINS: Madam Chair, no. I mean, 4 they're noticed. 5 CHAIRWOMAN CHAN: Oh, perfect. Okay. 6 MR. COLLINS: You can -- yeah. 7 CHAIRWOMAN CHAN: We'll go ahead and -- I 8 believe Mike is going to make the comments about these. 9 So, Mike, go ahead and take it away. 10 MR. BECKER: Good morning, Madam Chair, 11 Commissioners. As we've been doing for the last couple 12 of months, these are the General Election audits. As 13 you know, we -- the Commission audits all Clean 14 Elections candidates both in the Primary and the 15 General. We are getting close to the end. This -- we 16 will -- there's one outstanding left that we hope we'll 17 have on the next agenda next month, but again, I want 18 to thank Fester & Chapman, our auditing firm, and along 19 with our candidates who worked -- who we worked with 20 and got the information from. 21 It's not been easy with the COVID issues 22 and with just different issues popping up here and 23 there, but I really appreciate the time that both our 24 auditing firm has put in, along with our candidates. I 25 know some are on on this meeting with us today, so I</p>
<p>09:58:50-10:00:12 Page 23</p> <p>1 but, two, you know, there are some practical things. 2 I mean, for myself, I've got two kids at 3 home that, frankly, I would have to bring with me if I 4 came downtown, and I'm not willing to do that. So even 5 if everybody else was back at the office right now, I 6 would still be joining on the phone. So -- and that's 7 okay. I mean, if everybody wanted to do that, I'm not 8 saying don't do it. I'm just saying there are some 9 practicalities that may impact not just me but more -- 10 you know, various people. 11 So there are -- I'm hoping we can go back 12 to in-person sooner rather than later, but -- and so it 13 is on, I think, the staff's radar, obviously. And I 14 think that as long as we're paying attention to what, 15 you know, Paula is bringing back to us from her 16 meetings and just moving slowly but surely towards -- 17 back towards our old normal, hopefully, we'll get 18 there, but I wanted to let you guys know that I feel 19 the same pain you do. I mean, it's not the same. 20 So anybody want to make any comments about 21 that? 22 (No response.) 23 CHAIRWOMAN CHAN: Okay. Moving on to 24 Item IV, I believe, discussion and possible action on 25 the following 2020 General Election candidate audits.</p>	<p>10:01:25-10:02:32 Page 25</p> <p>1 want to thank them for working with our auditing firm 2 so well. These audits, again, turned out fairly well, 3 no major issue. Anything that did pop up, we are 4 working and have worked with the candidates to correct. 5 So I'd ask the Commissioners that you 6 approve these audits. 7 CHAIRWOMAN CHAN: Thank you, Mike. 8 Any questions or comments from the 9 commissioners? 10 COMMISSIONER PATON: This is Commissioner 11 Paton. I would just reiterate what I said before. I'm 12 happy that we're doing this to all these candidates. 13 And it may be a pain for them, but it makes me feel 14 better that we're keeping track of each person, not 15 just doing a random thing. And I think that keeps 16 everybody extra honest. 17 CHAIRWOMAN CHAN: Thank you, Commissioner 18 Paton. I think -- I think that is a wonderful 19 sentiment, and I totally agree with that. 20 Any further discussion? 21 (No response.) 22 CHAIRWOMAN CHAN: Okay. Any comments from 23 the audience on this item, you can signal the 24 moderator. 25 (No response.)</p>

<p>10:02:33-10:03:46 Page 26</p> <p>1 CHAIRWOMAN CHAN: And, if none, I'll 2 entertain a motion to approve the audits that are 3 identified -- oh, I do see a hand up there from 4 Ms. Mary Kathleen Honne. I hope I'm pronouncing that 5 correctly. 6 Yes, Ms. Honne? 7 MS. HONNE: Good morning. Mary Kathleen 8 Honne, and I was a candidate this year, this past 9 election cycle. And I would just really like to thank 10 Executive Director Collins, Ms. Roberts and Mr. Becker 11 and the entire Clean Elections staff. I really 12 appreciated working with you all. Your help was 13 definitely necessary to make sure that I was following 14 all of the election finance rules, and it made sure 15 that, when my audit came up, I had all my books in 16 order. 17 So I just want to say thank you so much for 18 all the work that you all do. So thanks so much. 19 CHAIRWOMAN CHAN: Thank you. That is so 20 wonderful to hear. Thank you for saying that at our 21 meeting. That is wonderful. 22 Anyone else have anything to add or wish to 23 be heard? 24 (No response.) 25 CHAIRWOMAN CHAN: All right. And if there</p>	<p>10:04:36-10:06:03 Page 28</p> <p>1 and we have approved the audits identified on the 2 agenda. Excellent. 3 MR. BECKER: Thank you. 4 CHAIRWOMAN CHAN: Thank you. 5 Okay. Moving on to Item V: Discussion and 6 possible action on MUR 20-04, Eric Sloan. This is an 7 enforcement-related item, and the issue before us is 8 the Staff's request by a repayment order. And since 9 this is an enforcement matter, we are joined by 10 Mr. Harris from the Attorney General's Office, who will 11 be serving as our independent legal advisor. 12 And so we're going to proceed by hearing 13 first from Mr. Collins and Ms. Karlson about the 14 request, and then we'll hear -- I believe Mr. Sloan 15 wishes to be heard. 16 Is that correct, Mr. Sloan? Okay. And 17 then we'll hear from Mr. Sloan and, after that, there 18 will be time for questions from the Commissioners. 19 So with that, Mr. Collins, or -- 20 MR. COLLINS: I'm sorry. Madam Chair, yes. 21 I just -- had lost a syllable there. 22 Yes. Madam Chair, I think -- so, as you 23 may recall, back in December, we did a 24 reason-to-believe recommendation on -- on this matter. 25 And in that reason to believe, we outlined, based on</p>
<p>10:03:49-10:04:32 Page 27</p> <p>1 is nothing else, I will go ahead and entertain a motion 2 to approve the audits identified on the agenda. 3 COMMISSIONER KIMBLE: Madam Chair? 4 CHAIRWOMAN CHAN: Yes, Commissioner Kimble. 5 COMMISSIONER KIMBLE: I move we approve the 6 audits listed in our agenda under Item IV, the audits A 7 through K on today's agenda. 8 CHAIRWOMAN CHAN: Thank you. 9 Do I have a second? 10 COMMISSIONER TITLA: I second -- 11 CHAIRWOMAN CHAN: Thank you, Commissioner 12 Titla. 13 COMMISSIONER TITLA: -- Chairwoman. 14 CHAIRWOMAN CHAN: Thank you. All right. 15 We have a motion and a second. 16 I'll call the roll. 17 Commissioner Titla, how do you vote? 18 COMMISSIONER TITLA: Aye. 19 CHAIRWOMAN CHAN: All right. Commissioner 20 Kimble, how do you vote? 21 COMMISSIONER KIMBLE: Aye. 22 CHAIRWOMAN CHAN: Commissioner Paton? 23 COMMISSIONER PATON: Aye. 24 CHAIRWOMAN CHAN: And I vote aye, as well, 25 Commissioner Chan. So we have four ayes and zero nays,</p>	<p>10:06:07-10:08:02 Page 29</p> <p>1 the complaint and response, what the potential 2 violations were and we, also, outlined that we believed 3 there were, based on how -- based on those facts, there 4 was a repayment issue. How we have proceeded thus far 5 is we have bifurcated those to focus on repayment, and 6 we have that request pending. 7 With respect to the facts of the order 8 request, I would defer to Ms. Karlson and Mr. Cummings, 9 who are assistant AGs, who are on this side of the 10 fence, if they wouldn't mind talking a little bit about 11 what we're proposing. Obviously -- and, obviously, 12 we -- you know, so we're prepared to take questions 13 when you deem -- you know, when you're -- whenever. 14 So, I guess, I'll leave it at that. 15 I think -- I think, Kara or Kyle, if you 16 don't mind me handing you the -- handing over -- 17 handing it over to you to talk a little bit about the 18 construction of the order. 19 MS. KARLSON: Yeah. Tom, I'll talk today. 20 MR. COLLINS: Okay. 21 MS. KARLSON: Madam Chair, members of 22 Commission, we are asking for the full primary amount 23 in the repayment order, and let us outline why. As you 24 may be aware, there is a separate -- there was a 25 separate arbitration proceeding going on between the</p>

<p>10:08:07-10:10:04 Page 30</p> <p>1 parties that made some allegations about, you know, 2 Mr. -- Dr. Branch was attempting to recover payments 3 that he alleges he was due. Again, we're not taking a 4 position on that. We think that that's a -- that 5 that's a factually intensive matter. For the matters 6 of the repayment order, we're not taking a position on 7 that. 8 It has been our understanding the 9 Respondents -- that the thrust of Respondents' defense 10 has been that they don't owe any of that money -- 11 that's the \$116,000 and -- \$116,016 because, as they 12 claim, that it was void ab initio because they entered 13 into this agreement for this money prior to receiving 14 the money and you can't exceed cash on hand, which they 15 clearly did at the time that they entered into the 16 contract. The time they entered into the contract was, 17 you know, January 1st, 2020, or sooner, and they didn't 18 qualify for Clean Elections funding until July, 19 mid-July. 20 And so their argument at the beginning has 21 been they don't owe the \$116,000, and so if they don't 22 owe it because it wasn't spent on -- you know, because 23 it was incurred prior to qualifying for Clean Elections 24 funding, then our position is that all that money is 25 owed to Clean Elections.</p>	<p>10:11:54-10:13:12 Page 32</p> <p>1 happy to take them now or you can speak to Mr. Miller 2 or, if Mr. Miller wants to let his client speak to the 3 Commission, obviously, I think that would, also, be 4 appropriate, but I did want to make sure that everyone 5 was aware that Mr. Miller, who is Mr. Sloan's counsel, 6 is here. And due to ethical rules, he should be 7 allowed to either speak or waive his -- you know, or 8 let his client speak on his own behalf, but I'll take 9 questions at this time. 10 CHAIRWOMAN CHAN: Thank you. 11 Does anyone have questions for Ms. Karlson? 12 (No response.) 13 CHAIRWOMAN CHAN: And, if not, then we can 14 go ahead and let -- if Mr. Miller is good -- or, 15 Mr. Sloan, it's your choice. You can go ahead and 16 speak your peace. 17 MR. SLOAN: Thank you, Madam Chairman. 18 I -- can everyone hear me? 19 CHAIRWOMAN CHAN: I can hear you, yes. 20 MR. SLOAN: Okay. Terrific. I'm going to 21 read what I've written. I hope you'll forgive that, 22 but I want to make sure that I get everything correct. 23 Let me first start by saying that once we realized we 24 had an issue, approximately, three and a half weeks 25 before the Primary Election, we contacted Tom and the</p>
<p>10:10:07-10:11:52 Page 31</p> <p>1 Now, what I believe Mr. Miller -- the 2 argument that he will be making in a minute is that 3 they -- and, obviously, Mr. Miller is Mr. Sloan's 4 counsel and he can correct me if I mischaracterize. 5 And if I do mischaracterize, you know, what I believe 6 his argument to be, I apologize in advance, but our 7 understanding of the argument that he raised as of last 8 night was that, well, they've -- there have been valid 9 costs that they did pay totaling, approximately, 10 \$20,000 and that they only have \$93,000, or something, 11 around that amount, left in the Sloan campaign account. 12 The problem is that that amount is not what 13 they contracted for on January 1st of 2020. So, in our 14 view as, again, the prosecutor, not as your legal 15 advisor, but as the, quote/unquote, prosecutor here, 16 the investigator here, is that because they have openly 17 admitted, as you can see in the documents that we 18 attached to the repayment order, the exhibits we 19 attached to the repayment order -- they have been very 20 clear that the entire contract is void ab initio. And, 21 you know, for those who aren't lawyers on the 22 Commission, that means it was void as of, you know, 23 when they entered into it, and when they entered into 24 it, it was for the full amount of \$116,016. 25 If you have additional questions, I'd be</p>	<p>10:13:20-10:14:39 Page 33</p> <p>1 Clean Elections staff and began to work with them, 2 realizing that we had a -- we had a problem. 3 We, also, have worked with Tom and Kara, 4 you know, subsequent to that, and I have the highest 5 regard for them. And I think they've done a very good 6 job with helping us in this ordeal, but some of the 7 facts are this. The contract was entered into -- 8 because I did enter into the contract. I've never not 9 admitted that. I have admitted that from the 10 beginning. It was entered into because Dr. Branch said 11 that he had it vetted by his lawyer, Daniel Arellano, 12 and then approved subsequently by Clean Elections. I 13 believe there was going to be some investigating into 14 whether or not that was actually true. 15 He did share this information with all of 16 his -- all the candidates he was working with and with 17 his staff at several meetings. Adam Stevens, who was 18 working with the candidates, was one of the staff 19 members who was directly told by Branch and, in other 20 subsequent meetings, told the candidates that 21 everything was completely on the up and up with Clean 22 Elections. It turns out this statement made by 23 Dr. Branch was not true and that, as he presented 24 himself as a Clean Elections expert, it was a fraud. 25 And his false statements led me to both sign the</p>

<p>10:14:43-10:16:11 Page 34</p> <p>1 contract and has led us to this point currently. 2 The problem that we had during the campaign 3 was -- is that Dr. Branch's behavior became very 4 erratic and alarming. One of the things he did is he 5 had his attorneys for his -- for his company actually 6 challenge my signatures at one point. He then demanded 7 money for things that did not exist or did not occur, 8 and he was very threatening about the fact that the 9 money was his and not mine. And I believe you have 10 seen emails to such that say that, that the money was 11 not a -- was not money for Sloan 2020; it was his money 12 and that he would spend it as he saw fit and that, as a 13 candidate, I could have an opinion, but that I would 14 have no direction over the money. 15 At that point is when we cancelled the 16 contract and realized that this thing was a ruse. I 17 contacted Clean Elections immediately. I, also, 18 contacted Lee Miller, who is my counsel, because I 19 realized we had an issue. I have, from day one, been 20 completely transparent in this issue and continue to 21 work with staff on this issue. 22 So, as I said, we immediately terminated 23 the contract and sought counsel and contacted the Clean 24 Elections staff and -- and here we are. My concern 25 with the order is this. There's no doubt that that --</p>	<p>10:17:43-10:18:56 Page 36</p> <p>1 I have no issue with the recommendation, 2 other than there were 20- -- there was, approximately, 3 \$23,000 in legitimate expenses. We documented those 4 expenses. We worked with Clean Elections on those 5 expenses. I have -- you know, as you've seen in the -- 6 in the audits, we have been completely transparent with 7 regards to any expenses that we've had. I believe 8 we've been more than forthcoming to -- at this point, 9 the \$23,000, which were legitimate expenses, I believe, 10 should be backed out of the amount and I should be able 11 to write a check for the remaining balance, which is, 12 approximately, \$92,000 and something. I don't know 13 the exact number. 14 Please forgive me, but we're willing to 15 write that check today because my intention in this 16 entire ordeal has been to protect the Clean Elections 17 money from someone who has been trying to defraud Clean 18 Elections. And I believe the best case -- the best way 19 to do that, in accordance with counsel, with my counsel 20 and with working with Clean Elections staff, was to set 21 that money aside and to make sure that it was 22 protected. 23 The \$23,000, which was never in question, 24 with regards to the -- to the expenditure in the 25 Primary which, again, we worked with Clean Elections</p>
<p>10:16:14-10:17:42 Page 35</p> <p>1 that the staff is correct in saying that I made a 2 mistake in entering into the contract, and I take 3 responsibility for that mistake. I trusted someone who 4 presented themselves as an expert. That turned out to 5 be a bad decision on my part. 6 Once we realized that was a bad decision, 7 in an effort to make full transparency and to realize 8 that, at some point, we would end up in a situation 9 that we are in today, to work with staff and to be 10 completely transparent, but when -- in doing such, 11 there was a -- Dr. Branch began to give one invoice 12 after another, each invoice asking for more and more 13 money. 14 The first invoice started off initially 15 asking for \$65,000. The second invoice asked for, 16 approximately, \$93,000 and, then, subsequently, he's 17 involved me in a legal proceeding saying that I am 18 personally liable for \$116,000 and -- \$116,016. We 19 went through arbitration. Unfortunately, the 20 arbitrator, in her arbitration award, said that no 21 Clean Elections laws applied in this situation; that I 22 owed Dr. Branch \$116,016, plus another \$50,000 in 23 lawyer fees. I currently have my own lawyer fees 24 because Dr. Branch has dragged this into the court 25 system.</p>	<p>10:18:59-10:20:21 Page 37</p> <p>1 three weeks previous to the election day -- was to -- 2 was to spend that money to try to -- try to help my 3 campaign, which is what the money was intended to be 4 used for. 5 And I'd be happy to answer any questions, 6 but again, I just want to thank staff for working with 7 me and for -- for getting us to this point. 8 CHAIRWOMAN CHAN: Thank you, Mr. Sloan, 9 very much. I am very sorry because it sounds like a 10 horrible situation that you found yourself in. 11 MR. SLOAN: Yes, it is very trying. 12 CHAIRWOMAN CHAN: And I actually have a 13 question. Maybe I'll let the other commissioners go 14 first, if they have any questions for any of the 15 parties here. 16 COMMISSIONER PATON: Yes. This is 17 Commissioner Paton. 18 For Kara, could you address Mr. Sloan's 19 argument about the money that he spent on legitimate 20 items -- in quotations, I'll say that -- for legitimate 21 items that he spent? And -- yeah. You know I'm not a 22 lawyer, but it sounds like something that it seems like 23 it's a legitimate argument front for him. 24 MS. KARLSON: Absolutely. And, Madam Chair 25 and Commissioners, we have -- we have, I think, two</p>

<p>10:20:26-10:22:23 Page 38</p> <p>1 issues here. 2 First, our repayment order is based on, you 3 know, the facts of the complaint and the additional 4 investigation that we did. We have subpoenaed -- they 5 have provided a lot of documents. I want to say that 6 nothing in the repayment order or in any of our 7 enforcement documents should imply that Mr. Sloan 8 knowingly did anything. We're not -- we're not trying 9 to say that and, yes, I agree. He has had quite a time 10 here. 11 What I can say is that we don't have -- you 12 know, we had a conciliation meeting with Mr. Sloan's 13 counsel. We asked for documentation for these things 14 and, you know, their response and everything that they 15 have argued from the beginning has been the entire 16 contract was void. And we were not presented with any 17 documents that said, like, here are my receipts for X, 18 Y and Z; I think that this amount should be subtracted 19 and this is -- we've always known that the 92,000 is 20 what they had left, but based on all of the arguments 21 and all of the evidence that was presented and the way 22 this argument has been crafted, we don't -- we didn't 23 have a basis, without getting into, you know, making 24 factual determinations, which we think would be more 25 appropriate at -- you know, we thought would be more</p>	<p>10:23:54-10:25:10 Page 40</p> <p>1 know, as an advocate for the investigation -- and, 2 again, this is your determination to make, in 3 consultation, if you need to, with Mr. Harris, but what 4 I would say is because we know that he has this, you 5 know, \$92,000 and change sitting in a bank account, we 6 would not object, just in order to protect the Fund, to 7 him providing, you know, the \$92,000 and the receipts 8 for the expenses that, you know, he's already paid out 9 of pocket because that, at least, gets us to a place 10 where the Fund is protected as much as possible. And 11 then we can move forward in working with him on the 12 remainder. Since this is a repayment order, this is 13 like, you know, the procedure that we're at. 14 CHAIRWOMAN CHAN: Okay. 15 COMMISSIONER PATON: So, Tom, can you speak 16 to this? I'm sorry. 17 CHAIRWOMAN CHAN: Well, and I just -- 18 briefly, I saw Mr. Sloan had his hand raised. I 19 wondered if he wanted to add anything to that point. 20 MR. SLOAN: I just wanted to add that Kara 21 is incredible. She's absolutely correct. We didn't -- 22 I don't believe we did provide those receipts. We did 23 provide it in the -- in the -- in the audit, but -- and 24 I apologize, Kara. We will absolutely get you those 25 receipts, hopefully, today.</p>
<p>10:22:26-10:23:51 Page 39</p> <p>1 appropriate further down the road because we hadn't had 2 those presented to us. 3 You know, we still don't know which 4 specific receipts and which specific expenses, you 5 know. They might have been included in all of the 6 documents we received, but we received -- 7 MR. SLOAN: Yes, a lot. 8 MS. KARLSON: -- 11 megabytes of documents. 9 We received a ton of documents, and so we didn't have, 10 like, okay, X, Y and Z are the legitimate expenses, the 11 costs we've already paid out of pocket. And so we 12 just -- we don't have that factual basis to make that 13 distinction. The facts that we had were that, you 14 know, his attorneys were claiming the entire amount 15 was, as I said, you know, void -- void ab initio, void 16 from the beginning, and that -- that is the information 17 upon which the repayment order is based. 18 Does that make sense? 19 MR. SLOAN: May I make a statement? 20 COMMISSIONER PATON: Yes. So -- so if he 21 could get us those items that he states that he spent 22 on legitimate expenses and group them together for us, 23 would that be something that we could use to subtract 24 from this other amount? 25 MS. KARLSON: Well, what I would say, you</p>	<p>10:25:14-10:26:26 Page 41</p> <p>1 CHAIRWOMAN CHAN: And, Commissioner Paton, 2 you were asking Tom a question? 3 COMMISSIONER PATON: Yes. I was going to 4 say, well, what is Tom thinking about what I was 5 stating. 6 MR. COLLINS: Well -- I'm sorry? 7 MS. KARLSON: You can speak, Tom, since, I 8 guess, I'm representing -- 9 COMMISSIONER PATON: I'm sorry if I'm 10 talking out of terms. 11 MR. COLLINS: No, no, no. I just wanted 12 to -- I just -- well, if I'm understanding the question 13 correctly, I agree with the characterization -- Kara's 14 characterization, and I do -- we have -- in the past, 15 we've had repayment cases. At least the last one we 16 had, we did, in fact, have those kinds of offsets. 17 They, ultimately, were done through OAH, but you know, 18 that's -- that is something that -- and, in fact, 19 that's something the Commission, in our last repayment, 20 encouraged us to do. 21 So we are absolutely -- I agree with Kara's 22 characterization there and appreciate Mr. Sloan's 23 appearance here and discussion of that. I will, also, 24 say that the thing that is the highest priority for 25 me -- and, I think, for Kara -- and that's our -- you</p>

<p>10:26:31-10:27:59 Page 42</p> <p>1 know, this is -- again, this is not -- this is our 2 view, not -- you know, it should be taken in light of 3 whatever -- you know, in light of your own 4 decision-making. 5 We want the Fund to be made whole. We 6 understood, and we know that Mr. Sloan has kept those 7 dollars, as part of compliance with the Commission's 8 statute respecting these kinds of vendor disputes, and 9 we are appreciative that he took that step very early. 10 MR. SLOAN: Thank you, Tom. 11 MR. COLLINS: And so in that -- and so I 12 agree, again, with Kara that that's -- that's our 13 highest priority is to get an order in place that 14 ensures we can get the Fund's -- the Fund's cash back, 15 and that's my view. 16 So, Commissioner Paton, to circle back to 17 your question or to be -- to narrow -- sort of narrow 18 in, in fact, I believe -- and, you know, there's no 19 reason for Mr. Sloan or Mr. Miller to know this, but 20 you know -- you know, Commissioner Paton, when we had 21 the last repayment order, I made a similar point. And 22 that's how we handled it, which would be exactly in the 23 way that we're discussing here. 24 So I'm -- that's -- I guess, that's about 25 all I have to say about that, if that -- if I've</p>	<p>10:29:05-10:30:23 Page 44</p> <p>1 questions for me. 2 CHAIRWOMAN CHAN: Thank you. I know. I 3 feel bad. We're not -- maybe it's good. You know, you 4 get an easy day so far. I hope I didn't jinx you by 5 saying that. 6 Any other commissioners have any questions? 7 (No response.) 8 CHAIRWOMAN CHAN: Let me just throw this 9 out there, and I'm actually not sure if I should -- if 10 I should ask Mr. Harris or Ms. Karlson or Mr. Collins, 11 but you know, if the commissioners want to direct an 12 offset, Tom, like you were saying we did in the last 13 case we did, I can't remember how we did that. Did we 14 do a motion? Do you come back to us with a rewrite? I 15 don't know how that -- I can't remember what we did. 16 MR. COLLINS: Madam Chair, Commissioners -- 17 CHAIRWOMAN CHAN: And that's assuming the 18 commissioners are kind of in agreement on this. 19 MR. COLLINS: What we had last time was 20 slightly different in the sense that the candidate in 21 that particular case was not responsive. So we -- so 22 we attempted to ask that candidate to provide 23 information to us throughout this process. They 24 didn't, and then -- but, then, when they got to OAH, 25 they did. And there was an offset ordered by the</p>
<p>10:28:02-10:29:03 Page 43</p> <p>1 answered your question, Commissioner Paton. 2 MR. SLOAN: And I would still -- 3 MR. COLLINS: So -- 4 MR. SLOAN: Madam Chairman, if I could just 5 add one thing, please. We would be very happy to 6 provide the \$92,000 and change immediately, with a 7 stipulation just that we have receipts in place and 8 that receipts could be deemed legitimate expenses; that 9 we could -- we could literally do that by today, by the 10 end of today. I mean, this is -- I believe we're well 11 organized enough on our end that that would not be a 12 problem at all. 13 CHAIRWOMAN CHAN: Thank you. 14 MR. SLOAN: Thank you. 15 CHAIRMAN PATON: And, Commissioner Paton, 16 it's funny. I threw it to the Commissioners to ask 17 questions, and you asked the question I was going to 18 ask, Commissioner Paton, which was, you know, what do 19 we think of, you know, potentially, offsetting. 20 So, Mr. Harris, did you have something to 21 add or -- go ahead. 22 MR. HARRIS: I just took myself off of 23 mute -- 24 CHAIRWOMAN CHAN: Okay. 25 MR. HARRIS: -- in case you had any</p>	<p>10:30:25-10:31:49 Page 45</p> <p>1 administrative law judge, an offset that we have no -- 2 had no issue with. 3 Now, in this case, obviously, Mr. Sloan is 4 here. Mr. Miller is here, and -- you know, and so that 5 circumstance is different. As far as how we would edit 6 or modify the order, at the risk of dragging this on, 7 but perhaps, I can -- we can say we can give the court 8 reporter a break. I'm going to have to ask for a brief 9 recess to talk to Ms. Karlson and Mr. Cummings. 10 My inclination is to literally be able to 11 line it at this order for the purposes of today, but 12 I'm not in -- you know. And we may be able to, through 13 a brief recess, be able to get that together. That's 14 my -- but I'm literally -- I'm kind of thinking out 15 loud here on the spot on what the most efficient way to 16 do this might be. 17 CHAIRWOMAN CHAN: Okay. 18 MR. COLLINS: And I see Mr. Miller has his 19 hand up. So, I guess, I'll leave it there. 20 CHAIRWOMAN CHAN: Okay. Mr. Miller, did 21 you want to add something? 22 MR. MILLER: Ms. Chan, members of the 23 Commission, I simply wanted to point out that the 24 offset that the Sloan campaign is looking for is 25 exactly the amount of money that Sloan 2020 reported as</p>

<p>10:31:54-10:33:15 Page 46</p> <p>1 spending in the primary period that you all previously 2 audited, and you all previously accepted that audit 3 report. So if you -- if you believe your auditors, my 4 suggestion is simply use the -- use the audited primary 5 period spending report and that's how to calculate the 6 offset. 7 With that, I'm available for any questions. 8 CHAIRWOMAN CHAN: Thank you. 9 Tom, do you want to take that break and 10 consider all of that and give our court reporter a 11 break, if we need to? 12 MR. COLLINS: I mean, this is -- again, I 13 mean, it seems to me that -- and, Kara, you can feel 14 free to stop me if I say anything -- or correct me, I 15 should say. It seems to me that if we were to take a 16 brief recess, allow me to -- Kara and Kyle and I to 17 consult, we may, also -- it may, also, be possible for 18 us to get Mr. Miller and Mr. Sloan on the phone. I 19 don't know. I'm not going to -- 20 MR. SLOAN: I would be -- I'm very happy to 21 get on the phone at any point. I'm very happy to do 22 that. I would really like to get a resolution to this 23 sooner than later only because we do have an 24 arbitrator's ruling and I would -- I want to protect 25 that money for the Fund.</p>	<p>10:34:28-11:03:29 Page 48</p> <p>1 sorry. 2 MS. KARLSON: I was just going to say, I 3 mean, I'd call Lee and maybe we can get all of you on 4 the phone together really quick. 5 MR. COLLINS: Okay. 6 MR. SLOAN: Sure. Lee and I are not in the 7 same place, but I'm happy -- however you want to do it, 8 I'm happy to do it. 9 CHAIRWOMAN CHAN: And, Mr. Harris, do you 10 have anything you feel like you need to add to the 11 conversation or -- 12 MR. HARRIS: Madam Chair, members of the 13 Commission, I do not. I think you're more than able to 14 take a 10-, 15-minute break, whatever the parties think 15 is appropriate as to bring a modified proposal to you 16 for your consideration. 17 CHAIRWOMAN CHAN: Great. So why don't we 18 take a 15-minute break, and we'll come on back here at 19 about 10:50? Okay? And we'll see you back then, 20 everyone. 21 (Whereupon, a recess was taken in the 22 proceedings.) 23 CHAIRWOMAN CHAN: Okay. Well, we had to 24 take a little bit of a longer break, I assume, because, 25 perhaps, the parties were able to do some line-item</p>
<p>10:33:19-10:34:26 Page 47</p> <p>1 MR. COLLINS: So that's -- that's where -- 2 so that's where I am. I mean, my -- I mean, obviously, 3 you may have -- and I don't -- and I won't pretend to 4 be able to speak to, because I don't have the 5 experience that Mr. Harris has in being an independent 6 advisor and working with boards, broadly speaking, 7 because we don't take a lot of recesses here. 8 So, I mean, unless there's a reason why we 9 couldn't do that, and if everybody has the time to bear 10 with us for a few minutes, I think that's right. I may 11 turn out to be wrong, but I don't think the cost of 12 being wrong in a few minutes is terribly great. 13 CHAIRWOMAN CHAN: Okay. Mr. Harris, do you 14 think that's helpful to take a -- Tom, what do you 15 think? Ten minutes? Is that enough? 16 MR. COLLINS: That, I would defer to Kara 17 on. 18 MS. KARLSON: Yeah, let's do 10 or 15. 19 CHAIRWOMAN CHAN: Okay. 20 MR. SLOAN: Okay. And, Tom, will you be 21 calling me? 22 MR. COLLINS: Well, first, I'm going to -- 23 so what I think -- 24 MS. KARLSON: I'd rather call -- 25 MR. COLLINS: Sorry. Kara -- sorry. I'm</p>	<p>11:03:32-11:04:41 Page 49</p> <p>1 editing and work everything out. Should I defer to 2 Tom? Kara? Who wants to -- 3 MR. COLLINS: I think so. 4 CHAIRWOMAN CHAN: Okay. 5 MR. COLLINS: Kara and -- I would defer to 6 Kara and then Lee, I guess. 7 CHAIRWOMAN CHAN: Do I need to call the 8 meeting back to order? I'm not sure if I'm missing 9 any -- 10 MR. HARRIS: Yes. That would be great. 11 Thank you, Madam Chair. 12 CHAIRWOMAN CHAN: Sure. Okay. So I'll 13 call the meeting back to order, and we'll throw it out 14 to the parties here. 15 Kara? 16 MS. KARLSON: Okay. I'm going to try to 17 share my screen, because we were able to make some line 18 item edits. 19 So what I have done is I was able to, you 20 know, get ahold of Mr. Sloan and Mr. Miller, and we 21 came to an agreement on, you know, that the repayment 22 order -- a proposed repayment order would match the 23 amount that was in the audit in terms of remaining cash 24 in the bank account. So I can share my screen and show 25 you guys what the revised order would look like. And,</p>

<p>11:04:46-11:07:09 Page 50</p> <p>1 then, Mr. Harris can advise you on this, but you know, 2 in my opinion, it would go to the Commission whether 3 they want to do the full amount, the 94,000 and some 4 change or -- which is based off of the prior primary 5 period or, you know, take a different action, but let 6 me try this. 7 Okay. Can you guys see it? 8 CHAIRWOMAN CHAN: Yes. 9 MS. KARLSON: Okay. So you'll see the -- 10 I'm sorry. Was someone else speaking? 11 Okay. You will see that the amount -- this 12 amount highlighted was changed from \$116,016 to 13 \$94,590.79, and we've left -- you know, there are a 14 number of mentions in here of \$116,016, but that's 15 because, you know, that was the Primary Election 16 amount. So the key part is that the order here says to 17 repay the \$94,590 amount. 18 There were no changes to the body of the 19 order until you get to the very end, which has, you 20 know, basically, the statement showing where that 21 amount comes from, that the funds remaining in the bank 22 statement after the Primary -- sorry -- in the bank 23 account after the Primary Election audit. You can tell 24 that I was doing this -- trying to do this quickly -- 25 and that this is the amount that will be due, again,</p>	<p>11:08:38-11:09:54 Page 52</p> <p>1 Mr. Harris. I'm assuming that the motion I would 2 entertain would be a motion to adopt the revised 3 proposed order, repayment order? 4 MR. HARRIS: That's correct, Madam Chair. 5 CHAIRWOMAN CHAN: So I will entertain a 6 motion to adopt the revised proposed repayment order, 7 as shown on our screen. 8 COMMISSIONER KIMBLE: Madam Chair? 9 CHAIRWOMAN CHAN: Yes, Commissioner Kimble. 10 COMMISSIONER KIMBLE: I move we adopt the 11 revised repayment order in the amount of \$94,590.79. 12 CHAIRWOMAN CHAN: Thank you. 13 Is there a second? 14 COMMISSIONER PATON: And this is 15 Commissioner Paton. I will second that motion. 16 CHAIRWOMAN CHAN: Okay. All right. Let's 17 go ahead and call the roll, if there's no other 18 comment. And I'm so sorry. I actually should have 19 probably -- I didn't know if Mr. Sloan wished to speak. 20 And maybe now it's a little out of order, but -- no? 21 MR. SLOAN: No. I am completely okay with 22 it, and I just want to thank you, again, and thank the 23 staff and the Commission for figuring how to do this in 24 these trying times on Zoom. And I just want to say I 25 appreciate the work that you all have done on this.</p>
<p>11:07:11-11:08:35 Page 51</p> <p>1 all matching the \$94,590.79, based on the amount in the 2 bank after the Primary Election audit. 3 CHAIRWOMAN CHAN: Thank you. 4 MS. KARLSON: Any questions? 5 CHAIRWOMAN CHAN: I don't believe I have 6 any. 7 Any other commissioners have any questions? 8 COMMISSIONER PATON: This is Commissioner 9 Paton. I just want to say I feel much better about 10 this. We want people to run and try to help them and, 11 obviously, that part of it, he had legitimate expenses, 12 you know, according to our audit. And, you know, this 13 doesn't -- and we have nothing to do with this -- this 14 disagreement with the other two parties, you know, he 15 and the other people, but -- and then, also, maybe we 16 can address this, these other parties that claim to be 17 experts in Clean Elections, and warn people to -- 18 before they get involved, that, you know, there may be 19 issues like this. 20 CHAIRWOMAN CHAN: Thank you, Commissioner 21 Paton. 22 Any other commissioners have any comments 23 or questions about the revisions? 24 (No response.) 25 CHAIRWOMAN CHAN: If not, maybe I'll ask</p>	<p>11:09:56-11:10:41 Page 53</p> <p>1 Thank you. 2 CHAIRWOMAN CHAN: Thank you. 3 All right. With that, I'll go ahead and 4 call the roll for voting. 5 Commissioner Titla, how do you vote? 6 COMMISSIONER TITLA: Aye. 7 CHAIRWOMAN CHAN: Okay. Commissioner 8 Kimble? 9 COMMISSIONER KIMBLE: Aye. 10 CHAIRWOMAN CHAN: Commissioner Paton? 11 COMMISSIONER PATON: Aye. 12 CHAIRWOMAN CHAN: And I vote aye, as well. 13 So by four ayes and zero nays, we have adopted the 14 proposed revised order. 15 Thank you all very much, especially staff 16 for your hard work on this under very difficult 17 circumstances. 18 MR. SLOAN: Madam Chairman, thank you so 19 much. Is there -- will I be needed for anything else 20 in the meeting? 21 CHAIRWOMAN CHAN: I don't believe we have 22 anything else with you on the agenda. 23 MR. SLOAN: Thank you so much. I really 24 just want to say thank you again. I appreciate the 25 work on this, and we will get a check to you ASAP.</p>

<p>11:10:45-11:11:49 Page 54</p> <p>1 CHAIRWOMAN CHAN: All right. Thank you 2 very much for coming and for your cooperation with 3 Staff. 4 MR. SLOAN: Thank you. Bye-bye. 5 CHAIRWOMAN CHAN: Bye. 6 All right. Our next item -- I'm not sure 7 if we've heard back yet. 8 Tom -- okay. So we will -- we're going to 9 actually skip Item VI, correct, Tom? 10 MR. COLLINS: I apologize. Madam Chair, 11 Commissioners, yeah, unless there's a representative of 12 the Arizona Education Association here, which I don't 13 think. No. Going once -- 14 CHAIRWOMAN CHAN: All right. 15 MR. COLLINS: No. I believe we can move 16 on. 17 CHAIRWOMAN CHAN: Okay. Great. And, then, 18 we'll move on to Item VII. That is discussion -- 19 sorry -- and possible action on House Bill 2110. That 20 is our -- the civil penalties mitigation and 21 restitution. And the Commission may choose to go into 22 executive session for discussion or consultation with 23 its attorneys to consider its position and instruct its 24 attorneys regarding the public body's position 25 regarding contracts, in pending or contemplated</p>	<p>11:13:19-11:15:07 Page 56</p> <p>1 necessary, and if there's some reason to go into 2 executive session. 3 As the veto letter, our veto request letter 4 discussed, the -- if you will, the narrowest basis on 5 which there's a legal issue here is the Voter 6 Protection Act. The Voter Protection Act protects 7 those laws passed in the 1998 election moving forward 8 from legislative tampering without a three-quarter 9 vote, and that three-quarter vote is to be in 10 furtherance of the underlying proposition. 11 The issue here is a device that the 12 legislature uses, supposedly sparingly, to not 13 withstand any bill that gets in the way of the policy 14 that they're trying to enact. The problem in this case 15 is that the policy they're trying to enact, as applied 16 to the Clean Elections Act, does enact a change and 17 it's a change that is amendatory in the sense that 18 money paid to the Fund is not work. Whatever one 19 thinks about the idea of being sentenced to work for a 20 civil offense, for minimum wage for the state, it's not 21 money. 22 That's a change. It's, also, superseding, 23 arguably, the Clean Elections Act. Why? Because of 24 the pure plain textual meaning of the word 25 "notwithstanding." If you not withstand a bill, not</p>
<p>11:11:51-11:13:15 Page 55</p> <p>1 litigation or in settlement discussions conducted in 2 order to avoid or resolve litigation pursuant to 3 statute. 4 So, having said all that, the Governor did 5 sign House Bill 2110, as Tom let us know last night. 6 We have raised objections to this bill with the 7 legislature based on the Voter Protection Act and other 8 constitutional issues, and the measure passed on a 9 narrow, almost party-line vote, which does mean that 10 through our efforts to explain, we did improve 11 significantly from where the bill was when this 12 session began. So kudos to the staff for all that 13 hard work. Thank you so much, you guys. 14 And with that, we can begin a discussion of 15 what our next steps are and let Tom give us a little 16 more background. 17 MR. COLLINS: Yes. Madam Chair, 18 Commissioners, yeah, we -- and I think that the way 19 that I would like to approach this issue, especially 20 given the time that we've under -- that we've -- that 21 we've taken that -- you know, I mean, it's a busy day. 22 So I get that. I think I'd like to kind of talk about 23 some of the broad contours of the issue and -- and 24 then, you know, Mary O'Grady has been appointed outside 25 counsel for this purpose. She's available, if</p>	<p>11:15:10-11:16:54 Page 57</p> <p>1 withstand the law or any laws, all laws -- and the 2 Clean Elections Act is one of all laws -- you're, 3 essentially, saying that ignore that piece and do this. 4 In this case, the Clean Elections Act is superceded to 5 the extent that this act treats it subject to this rule 6 that does not have a three-quarter vote and -- you 7 know, so -- so that's the -- those -- that's the sort 8 of narrowest way. 9 You know, we did observe in the veto letter 10 that the legislature had to violate its own express 11 guidance on how notwithstanding clauses are to be 12 drafted in order for this bill to pass, and those rules 13 are not -- are not trifle. They are real rules that 14 are designed to prevent things like obscuring the 15 notice required under the State Constitution, under the 16 single subject clauses of the appropriations sections 17 and the substantive sections of law. 18 You know, there are bans on legislation by 19 reference. All of those things are kind of up in the 20 air because the prophylactic rules that "Leg Council" 21 lays down to avoid them were simply given the back of 22 the hand by the legislature. 23 You know, I think that the other -- the 24 other context that I think is part of our public record 25 at the legislature and I think important for the</p>

<p>11:16:54-11:18:38 Page 58</p> <p>1 Commission to be aware of, JLBC believes, based on 2 research they did with the Arizona Administrative 3 Office of the Courts, that there is little impact on 4 the -- or on participants in this new, you know, 5 work-for-civil-fines policy that will make it a limited 6 impact. 7 There's a similar statute that the Clean 8 Elections Act is actually exempted from that shows that 9 about 1 to 2 percent of people can do this. So while 10 that means that the policy the legislature is enacting 11 is about the least effective way you could address 12 excessive fines and fees because working for them is 13 not solving the problem -- it's just shifting the 14 problem and creating all these other downstream 15 consequences, but on the other hand, it means we don't 16 have evidence to say that the immediate financial -- 17 what the immediate financial impact is going to be. 18 So those are, I think, probably the two 19 most important facts for purposes of evaluating this 20 or, at least, starting to think about it. What my 21 intention had been -- and this was true -- this has 22 been our plan would be to see what thoughts the 23 Commissioners have, some of those thoughts, you know, 24 about this, about how we want to evaluate this, 25 about -- you know, the ultimate question, is this is --</p>	<p>11:20:24-11:22:10 Page 60</p> <p>1 appropriate or necessary. 2 CHAIRWOMAN CHAN: Thank you, Tom. 3 COMMISSIONER KIMBLE: Madam Chair? 4 CHAIRWOMAN CHAN: Yes, Commissioner Kimble. 5 COMMISSIONER KIMBLE: Tom, you -- you 6 covered the two points that I was most concerned about. 7 And to put it in laymen's terms, I guess, I don't like 8 it, but I don't know if it's worth making a stink over 9 at this point. And I don't know if this is a question 10 that you feel comfortable answering or if you'd rather 11 answer in executive session, but if we wait and see 12 whether this is a significant issue or not -- and I 13 don't know how long we wait and see, but if we wait and 14 see some undetermined amount of time, are we 15 surrendering our right to challenge it on any number of 16 areas? 17 MR. COLLINS: Chairwoman Chan and 18 Commissioner Kimble, that -- that is a critical 19 question for evaluation. So there are cases that 20 relate to issues about the timing of different actions, 21 and that's something that they're -- I mean, that's 22 something that there's new case law on, on a 23 semiregular basis, that we -- and, in fact, 24 relatively -- you know, recently. So that's something 25 that we -- that we actually need to evaluate as part of</p>
<p>11:18:43-11:20:22 Page 59</p> <p>1 if there is some legal mechanism to fight this 2 particular purported change. 3 And, you know, that -- but there are a 4 bunch of interstitial questions about, you know, which 5 particular -- you know, like I said, there's a number 6 of constitutional provisions that are out there that we 7 think are implicated, but researching those, tracking 8 them down and evaluating them for the purposes of text 9 steps is in itself an important process and something 10 consistent with the Commission's tendency, when these 11 legal issues arise, to be deliberative about them. 12 So I will say we are not here today to say 13 we want to take action. What we want to do today is 14 get a sense of the Commission's views of these and, if 15 you don't have views formed yet, which is perfectly 16 reasonable, to get a sense of what some of the -- to 17 give you a sense of what some of the issues we 18 anticipate having to research are. So that's kind of 19 the broad overview. I hope that helps frame the issue 20 for the Commissioners and Madam Chairwoman. 21 And so I'm available and here to answer 22 questions about this and, then, obviously, as I say, 23 Mary is available in the event that we would want to 24 discuss something with her and/or if the Commission 25 determines that going into executive session is</p>	<p>11:22:10-11:23:30 Page 61</p> <p>1 that. 2 In other words, I don't have an answer for 3 that today, but it is, in fact, one of the important -- 4 one of the important questions that we actually would 5 need to provide an answer for as part of evaluation of 6 the matter. I mean, I -- I mean, in other words, I 7 agree with you a hundred percent that's a good -- it's 8 an important question. It's absolutely a question, 9 and -- but I think that would be -- that would -- but 10 it would be part of the analysis that we might 11 undertake between now and then. 12 You know, if things don't -- if things were 13 not to change, we would -- you know, we would plan to 14 come in May with a little -- with more analysis around 15 those issues, you know, and then, you know, do that, 16 but that's one of the critical question. I apologize. 17 I'm repeating myself there. 18 COMMISSIONER KIMBLE: Well, no. I guess, 19 my concern is if this is going to be something that's 20 the camel's nose under the tent -- to use a horrible 21 cliché -- then, you know, maybe we ought to get all 22 worked up about it, but if it's not going to go beyond 23 this -- and I think I agree with you that it's going to 24 be a very limited number of people who take care of 25 it -- are we disadvantaging ourselves down the line by</p>

<p>11:23:35-11:25:09 Page 62</p> <p>1 just letting it slide? 2 MR. COLLINS: Let me -- yeah, Chairwoman 3 Chan, Commissioner Kimble, I would -- I guess, I would 4 answer that question by saying the thing that troubles 5 me -- and this is not necessarily everybody's analysis, 6 but this is certainly what we've said to the Governor 7 and to the legislators in this process. 8 The thing that troubles me the most is the 9 idea of using a notwithstanding clause in the context 10 of a voter-protected law because, as my letter 11 indicates, notwithstanding clauses are, as a matter of 12 textual analysis, a rejection -- and, actually, it's a 13 statutory directive to ignore whatever X law says. 14 And, in this case, the directive is to ignore the Clean 15 Elections Act. 16 So it really is -- I mean, so -- I guess, 17 what I'm trying to say is that that balance is crucial, 18 but it's something that, while we can do it in a basis 19 that we have -- you know, within the time frame we 20 have, we don't -- we know we don't have to have 21 something on file immediately. I think that in 22 weighing those two poles in view of the other -- the 23 other -- you know, in terms of -- in terms of the other 24 will involve a bunch of different factors. 25 There's -- I mean, putting aside the legal</p>	<p>11:26:33-11:27:43 Page 64</p> <p>1 legislature is using notwithstanding clauses. I 2 have -- and I'll be honest with you, I have been 3 bringing this up with -- I brought this up with the 4 "Leg Council" staff. I brought this up with the Rules 5 attorneys. I brought this up with the Secretary of 6 State's Office across multiple Secretaries of State, 7 since we have them -- new ones fairly regularly, and 8 so -- you know, dating back to Secretary Bennett's 9 office, honestly. 10 So, I -- you know, so those are -- you 11 know, those are the issues, I guess, is what I'm trying 12 to say, and I -- you know, I guess -- yeah. So, I 13 guess, what I'm trying to say is the purpose of this 14 is -- the purpose of this is to say, look, if we know 15 there's nothing -- we don't want to go forward here 16 with any analysis and we're comfortable with the -- you 17 know, where we are, then fine; but, on the other hand, 18 if we're -- if we're ready to -- if we at least want to 19 get more feedback from the attorneys that have been 20 appointed, you know, we would -- we would like to be 21 set up to do that. 22 So I hope that's responsive. 23 COMMISSIONER KIMBLE: Yeah. I guess, I 24 would -- myself, I would say I would like more 25 information. And I'm not ready to dismiss it now, but</p>
<p>11:25:11-11:26:28 Page 63</p> <p>1 issues, there are -- you know, there's always issues we 2 have to think through around is this the right thing to 3 do for the Commission currently, you know, all that -- 4 you know, all those things. 5 So I wish -- I guess, I'm -- I guess, what 6 I'm saying is I wish I had -- I know the contours of 7 the analysis that has to be done, but you know, the 8 real question for the purpose here is, like -- is, 9 basically, if we were to say -- if the Commission's 10 sense was -- were to say, for whatever -- for whatever 11 reasons you all individually might think, we don't -- 12 this is just not something we want to return to, this 13 would be the time to say that. 14 If the Commission's sense is at the very 15 least we need to get some -- some more -- some further 16 analysis on the legal piece so that we can put the 17 ultimate decision, which is an exercise of your 18 business judgment for the Commission, in a framework 19 that we can work from, then we will -- we will proceed 20 to do that. On the other hand -- and that's my stance 21 from listening to the conversation so far, you know. 22 You know, I would just say that at this 23 moment, from a -- at this moment, I'm not in a position 24 to make a recommendation on that. I feel deeply 25 uncomfortable with the cavalier manner in which the</p>	<p>11:27:51-11:29:11 Page 65</p> <p>1 that's all I have, Madam Chair. 2 CHAIRWOMAN CHAN: Thank you. 3 COMMISSIONER PATON: This is Commissioner 4 Paton. 5 CHAIRWOMAN CHAN: Commissioner Paton? 6 COMMISSIONER PATON: Yes. My inclination 7 is we need to dig our heels in and -- because you let 8 them be cavalier and erode whatever we've got going, 9 then they're going to keep on going. They're going to 10 see how much they can get and -- like you said, that 11 you're cavalier with how they're willing to go 12 against -- whatever, you know, with their procedures. 13 And they've got to -- they've got to follow whatever 14 procedures that are -- that are deemed correct and, you 15 know, we've got to fight back. I mean, I guess, that's 16 the coach in me. 17 And so I think if we're warning them they 18 can't do this through -- because I'm sure that's what 19 Tom and other people have been telling them: You can't 20 do this because of this or the Voter Protection Act and 21 so on. You can't do this, and we just don't do 22 anything, then we're -- we're -- they're just going to 23 keep on doing it more and more with various other 24 things. So I'm not a lawyer, but that's my feeling. 25 CHAIRWOMAN CHAN: Thank you, Commissioner</p>

<p>11:29:12-11:30:18 Page 66</p> <p>1 Paton. 2 Anyone else want to speak? 3 (No response.) 4 CHAIRWOMAN CHAN: You know, I tend to agree 5 with Commissioner Paton on this, for some reason. I -- 6 not for some reason that I never agree with 7 Commissioner Paton, but I think in the past, I felt 8 like we should be cautious because -- because court 9 cases, you know, affect us permanently, but this law is 10 affecting us. So, you know, I think I'd like to 11 explore it a little bit, you know, similar to what 12 Commissioner Kimble also said. I don't want to let it 13 go. I'd like to look into it, along with the other 14 commissioners who have spoken. 15 I don't know if Commissioner Titla would 16 like to speak on this or not. And I'm sorry. My 17 computer died, so I disappeared for a few moments. 18 Thanks for letting me back in. 19 So if I missed anything, I apologize. 20 COMMISSIONER TITLA: Yeah, this is Titla, 21 Steve. 22 CHAIRWOMAN CHAN: Hi. Go ahead. 23 COMMISSIONER TITLA: Madam Chair. Yeah, 24 regarding this matter, I think that we need to remember 25 that the backdrop -- as a backdrop, any decision we</p>	<p>11:32:15-11:33:23 Page 68</p> <p>1 that was passed by the voters that we operate under. 2 So, based upon that backdrop, I am in favor of 3 inquiring in this matter further and not dropping it. 4 Thank you. 5 CHAIRWOMAN CHAN: Thank you, Commissioner 6 Titla. 7 Okay. Well, Tom, I guess we have our 8 answer. 9 MR. COLLINS: Yes. Thank you, Chairwoman 10 Chan and Commissioners. We will -- I don't think we 11 need to call on Mary for the purposes of this meeting, 12 but we will -- we will be back with you with the -- 13 hopefully, more answers to these specific questions. 14 And I think these are very much the right questions to 15 ask, so I appreciate the guidance and the feedback. 16 CHAIRWOMAN CHAN: Thank you. 17 All right. So, I think, with that, we can 18 move on to our public comment, Item VIII. 19 Does any member of the public wish to make 20 a comment at this time? I don't know if I see any 21 hands up or not, actually. Maybe somebody can help me 22 with that. Let's see. Anyone? 23 MS. HERRING: Heather is physically raising 24 her hand. 25 CHAIRWOMAN CHAN: Oh, I'm sorry. Thank</p>
<p>11:30:22-11:32:08 Page 67</p> <p>1 make needs to be made against the backdrop of the Clean 2 Elections legislation that was passed by the voters. 3 And what the voters said in the Clean Elections 4 legislation was that they declare our intent to create 5 a Clean Elections system that will improve the 6 integrity of Arizona State government by diminishing 7 the influence of special interest money, will encourage 8 citizen participation in the political process, and 9 will promote freedom of speech under the U.S. and 10 Arizona Constitution. 11 And in that legislation, the people of 12 Arizona said that we find, among other things, that 13 what's going on was that they were effectively 14 suppressing the voices and influence of the vast 15 majority of Arizona citizens in favor of a small number 16 of wealthy special interests and that they find that 17 the public confidence was being undermined in the 18 integrity of public officials; and then, seven, also, 19 that the cost of elections was being driven up for 20 state office, discouraging otherwise qualified 21 candidates who lack personal wealth or access to 22 special interest funding. 23 So this is the backdrop that we're working 24 on and any decisions we make, I think, should be based 25 upon the backdrop, the background of the legislation</p>	<p>11:33:24-11:34:30 Page 69</p> <p>1 you, Heather. I apologize. 2 MS. MROWIEC: I don't know how to raise my 3 hand on Zoom or my version is old. 4 CHAIRWOMAN CHAN: No, it's not your fault. 5 I'm on my phone now. So I'm having a harder time 6 seeing everybody. 7 Please go ahead. 8 MS. MROWIEC: I just wanted to thank the 9 Commission for this process. This is my first time 10 through it. As a citizen, you know, I'm very much in 11 favor of the Clean Elections system. And I appreciate, 12 Chairwoman Chan, that you said you depend on the -- on 13 the citizens to protect our taxpayer money, and so I 14 really do appreciate the hearing. 15 I truly believed, when I brought this 16 complaint forward, that it would be settled in two 17 weeks; that I would say, hey, here's the information I 18 have; you guys can get the other information from the 19 candidate and then we can see if there was a problem. 20 And I'm still -- and I'm too old to be this 21 disappointed, but, wow, I'm disappointed that at no 22 point was there any attempt to get the facts and 23 information from the candidate. It's -- especially 24 with our election system going through the challenges 25 that it is right now, it's been disappointing.</p>

11:34:34-11:35:49 Page 70

1 And I appreciate all of your time, and, I
2 guess, I'll look for next steps. I don't know the
3 process that well, but I'll keep researching, like I
4 did the first time, before I brought this complaint
5 forward. And, you know, I just -- I really want to
6 safeguard that taxpayer money. In this case, it's
7 \$27,000 of money that's at stake. So my first time
8 through it. Hopefully -- well, hopefully, I never find
9 anybody doing anything I think that's wrong ever again,
10 but thank you, again, all for your time.

11 CHAIRWOMAN CHAN: Thank you so much. You
12 know, and we do appreciate citizens like you who have
13 an interest in the process and, you know, not everybody
14 does have an interest. And I think it is important.
15 So thank you.

16 Anyone else? And if anybody sees any hands
17 raised, please, you can just speak up because, like I
18 said, I'm on my phone now, so I'm not seeing everybody.

19 (No response.)

20 CHAIRWOMAN CHAN: If not, you can, also,
21 send comments to the Commission by email or email at
22 ccec@azcleelections.gov.

23 And with that, I'll move us over to
24 Item IX: Adjournment. We can take our vote to
25 adjourn. I'll call the roll, unless there's anything

11:35:55-11:36:24 Page 71


1 else.
2 Okay. I thought I heard something.
3 Could I get a motion to adjourn?
4 COMMISSIONER TITLA: Motion to adjourn.
5 COMMISSIONER KIMBLE: Second.
6 CHAIRWOMAN CHAN: Okay. Okay. I have a
7 motion and a second.
8 Commissioner Titla, how do you vote?
9 COMMISSIONER TITLA: Aye.
10 CHAIRWOMAN CHAN: Commissioner Kimble?
11 COMMISSIONER KIMBLE: Aye.
12 CHAIRWOMAN CHAN: Commissioner Paton?
13 COMMISSIONER PATON: Aye.
14 CHAIRWOMAN CHAN: And I vote aye, as well.
15 So by a vote of four ayes and zero nays, we are
16 adjourned, and I will see you all next month at our
17 meeting.
18 Thank you.
19 (Whereupon, the proceedings concluded at
20 11:36 a.m.)
21
22
23
24
25

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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 30th day of
17 April, 2021.


LILIA MONARREZ, RPR, CR #50699

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