THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF VIRTUAL PUBLIC MEETING

Phoenix, Arizona
May 28, 2021

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VIRTUAL PUBLIC MEETING BEFORE THE CITIZENS CLEAN ELECTIONS COMMISSION convened at 9:32 am. on May 28, 2021, at the State of Arizona, Clean Elections Commission, 1616 West Adams, Conference Room, Phoenix, Arizona, in the presence of the following Board members:

Ms. Amy B. Chan, Chairwoman
Mr. Mark S. Kimble
Mr. Damien Meyer

OTHERS PRESENT:
Thomas Collins, Executive Director
Paula Thomas, Executive Officer
Mike Becker, Policy Director
Gina Roberts, Voter Education Director
Avery Xola, Voter Education Specialist
Deborah Tucker, Court Reporter w/Coash & Coash
Kara Karlson, Asst Attorney General
Kyle Cummings, Asst Attorney General
Marc Harris, AG's Ofc Independent Advisor
Joseph Roth, Esq, Osborn Maledon
Cathy Herring, Meeting Planner
Rivko Knox, Public

09:32:45-09:33:39

PROCEEDING

CHAIRWOMAN CHAN: This is the meeting of the Clean Elections Commission for Friday, May 28th. It is 9:32 and I will call the meeting to order.

The first order of business -- Oh, well, I'd like to ask the audience members to please keep their microphones on mute. I'm still getting used to starting the meetings with that.

And with that, we'll go ahead and take attendance.

Commissioners, will you please go ahead and identify yourselves for the record. Go ahead.

COMMISSIONER MEYER: This is Damien Meyer.

Good morning.

COMMISSIONER KIMBLE: Mark Kimble.

CHAIRWOMAN CHAN: Thank you. And I'm Amy Chan.

And, with that, we can move to Item II, Discussion and Possible Action of Commission Minutes for April of 2021.

Is there any discussion of the minutes?

(No response.)

CHAIRWOMAN CHAN: And, if not, do I have a motion to approve the minutes?
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CHAIRWOMAN CHAN: Yes, Commissioner Kimble, members?

CHAIRWOMAN CHAN: Thank you, Tom.

That's all I have. Thank you.

Representative Kavanagh have been working on.

But that -- that is the major -- I think that's -- I think that's the entirety of the report that

I think most election administrators had indicated that

that that -- their concerns about the additional paperwork

burden and the cost associated with that. Obviously,

there are also many legislatures who -- legislators who are concerned about, you know, what they see as the potential for misuse of mail ballots.

I think -- And then I believe there's one other election bill out there that's still of concern to election administrators that Senator Townsend and Representative Kavanagh have been working on.

But that -- that is the major -- I think that's -- I think that's the entirety of the report that

I wanted to highlight.

Obviously, again, if you have any issues -- if you've had any issues with Zoom this morning, please try the link on our website, on the agenda on our website, and you should be able to log in as a participant if for some reason you are meaning to participate, or want to participate, beyond watching or sending -- sending emails to the Commission, which is also, obviously, a way to make public comment.

That's all I have. Thank you.

CHAIRWOMAN CHAN: Thank you, Tom.

Is there any discussion from the Commission members?

COMMISSIONER KIMBLE: Madam Chair.

CHAIRWOMAN CHAN: Yes, Commissioner Kimble.

And, Kara, please, if I misstate something, please jump in to correct me.

So, my understanding is that the intent of the legislature of the sponsor was that you would have to miss all of them in order for it to trigger a notice from the County Recorder confirming if you still wish to be on the active early voting list.

So, of the -- of the four -- now, this is municipal elections, as well, too. So, if you are continuously sent an early ballot for those two statewide primaries, two statewide general elections, and if you don't vote any of them, so you just did not return that early ballot at all, then that triggers the notice.

The notice goes out. The voter then has 90 days to reply to it confirming their intent to remain on the active early voting list. And if no response is sent, then the county would remove that voter's name from the early voting list; meaning they would no longer be continuously sent an early ballot for those two.

MR. COLLINS: So, I'm -- if -- you know, I believe that it is missing all of those things.

However, I think, if I can put either Gina or Kara, whoever is more -- or Mike, whoever of the three of you is most comfortable being on the spot about 1485 to talk about that question, I know that -- I'm pretty sure all three of you have tried to parse the language. So I'm just not sure where we currently are on stating it correctly.

MS. ROBERTS: I can speak to that Commissioner Meyer -- or, I'm sorry, Commissioner Kimble. I'm happy to talk about it.

And, Kara, please, if I misstate something,
where we're at right now.
2  And, again, Kara, if you want to jump in there
3  and correct anything I said, that's my understanding of
4  1485.
5  CHAIRWOMAN CHAN: Thank you.
6  MS. KARLSON: I don't have anything to
7  correct, Gina.
8  The legislative history documents, you know,
9  do speak to the fact that that was the intent.
10 Obviously, it has yet to be interpreted so we don't know
11 whether a Court will defer from that.
12 COMMISSIONER KIMBLE: Okay. Thank you.
13 CHAIRWOMAN CHAN: Thank you. Commissioner
14 Meyer?
15 COMMISSIONER MEYER: That you, Madam Chair.
16 I did not see Gina's interview on ABC 15.
17 Could we get, like, just a little summary of that?
18 MR. COLLINS: Sure, I would be -- Gina -- I
19 mean, Madam Chair, Commissioner Meyer, obviously Gina
20 would be better to talk about her interview than me.
21 COMMISSIONER MEYER: That's what I assume.
22 CHAIRWOMAN CHAN: Sure.
23 MS. ROBERTS: Commissioner Meyer, so, ABC 15,
24 Nicole Valdez, she reached out and we had a discussion
25 about --

(Court reporter clarification.)

MS. ROBERTS: Nicole Valdez with ABC 15.
And so the discussion was really about general
thoughts about the audit. And at that point in time,
the audit had taken a break due to the high school
graduations. And so the interview was conducted Sunday
night, and it aired Monday morning, the day that the
audit resumed.
So, there were questions basically surrounding
the entire audit process. But a lot of it had -- a lot
of my remarks had to do with confidence in the system, you
know, considering, you know, the voters looking at the
audit, the procedures that have constantly changed
compared to what was officially done.
So, my comments were aimed towards a voter
education perspective, or what is required from the
counties when they do their the post-election
activities, as opposed to what is being done with the
Senate audit.
There were also questions regarding Maricopa
County had sent a notice to the Senate requesting that
all documentation be retained. And so the comments,
really, about that were just, "Well, that's the same
thing that our elections officials do."
And so whenever this report, this final
proposes to amend the definitions of the rules. And Tom

Chairwoman Chan: Thank you, Mike.

Commissioners, any questions or comments?

Chairwoman Chan: If there's any comment from

the public on this item, you can signal the -- signal to

speak.

Chairwoman Chan: Thank you.

Chairwoman Chan: Okay. And, if not, I would

entertain a motion to approve the audits.

Commissioner Kimble: Madam Chair, this is

Commissioner Kimble.

Chairwoman Chan: Commissioner Kimble.

Chairwoman Chan: Madam Chair, this is

Chairwoman Chan: Commissioner Kimble.

Chairwoman Chan: Commissioner Kimble.

Chairwoman Chan: Sifuentes as presented in the agenda today.

Chairwoman Chan: Thank you.

Can I get a second?

Chairwoman Chan: Okay. And, if not, I would

entertain a motion to approve the audits.

Commissioner Kimble: Madam Chair, this is

Commissioner Kimble.

Chairwoman Chan: Commissioner Kimble.

Chairwoman Chan: Commissioner Kimble.

Chairwoman Chan: I move we approve the

audits of Andrea Dalessandro, Justine Wadsack, and Seth

Sifuentes as presented in the agenda today.

Chairwoman Chan: Thank you, Mike.

Can I get a second?

Chairwoman Chan: Thank you.

Chairwoman Chan: Thank you. All right. The

motion has been seconded. And, with that, I will call

the roll.

Commissioner Meyer, how do you vote?

Commissioner Mayer: Aye.

Chairwoman Chan: Commissioner Kimble?

Chairwoman Chan: Commissioner Kimble?

Chairwoman Chan: And I vote aye, as well.

So, by a vote of three to zero, we have

approved the audits presented on the agenda today.

MR. BECKER: Thank you.

Chairwoman Chan: Thank you.

Chairwoman Chan: Great. Moving on to Item V,

Discussion and Possible Action on amendments to

R2-20-101, Definitions.

And so, you may remember back when we first

published these, the purpose is to bring out the

definitions and rules in line with the outcome of the

AZAN, or A-Z-A-N, versus State case, which dealt with

the cross-reference definitions in the Clean Elections

Act. And so we'll start with this item. And it

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

And the same person who submitted the comment
in support of the last rule also submitted in support of
this rule, as well.
MR. COLLINS: That's correct. Thank you.
CHAIRWOMAN CHAN: And I didn't see any public
comment additional to that for the last rule. I don't
know if any public is here or the commissioners have any
comments on this before we try to move forward.
Commissioner Kimble or Commissioner Meyer?
(No response.)
CHAIRWOMAN CHAN: Okay. I don't see any
public indicating they wish to speak. And, if not, we
can go ahead and I would entertain a motion to approve
the amendment to the Rule, R2-20-109.
COMMISSIONER KIMBLE: Madam Chair?
CHAIRWOMAN CHAN: Commissioner Kimble?
COMMISSIONER KIMBLE: I move that we approve
the amendment R2-20-109, Independent Expenditures, as
outlined in our agenda item.
CHAIRWOMAN CHAN: Thank you, Commissioner
Kimble.
COMMISSIONER MEYER: I will second that
motion.
CHAIRWOMAN CHAN: Thank you, Commissioner
Meyer.
The Legislature has now, you know, taken a break to work on the budget. So that, obviously, pushes the session out, which pushes the effective date of, you know, it -- just as a background matter, to refresh everybody's memory, most legislation is effective 90 days after the legislative session closes. So, that time is, you know, now we know, will be pushed out farther than we would have anticipated, probably, on Monday, you know, farther than I would have anticipated.

There are other people who, I'm sure, would have anticipated something else.

Anyways, so -- so, you know -- so, you know, Joe has been, and Osborn Maledon have been, you know, authorized to help us with the legal advice and understanding this issue.

So, I guess, my question is, so -- so -- so, Commissioners -- I mean, the first -- the -- the one question, really, is, like, you know -- I mean, there are three of you here. Were we to go into executive session, obviously we could -- we could have -- we're prepared to discuss some of the aspects of this bill.

But, just to be clear, because of the way the Legislature is in flux right now, you know, we're not -- as staff, we don't have a specific action that we're suggesting today. Really, we want to make sure that we continue to provide the background information so that, you know, when we reach a point where there is some decision to make on that, you all, you know, each of the Commissioners, feels like you have a sense of the salient issues.

The -- and just to -- and not to extend this background so far, but just to -- just to make sure everybody sort of understands what the gist of the issue is, at least from -- from -- from how we presented it in the Legislature, the upshot is basically the Clean Elections Act set up -- sets up a surcharge on civil and criminal fines and fees of 10 percent. And it sets up that that money should go to the Clean Elections Fund.

So, it's appropriated. The bill that passed, there's a -- there's some other stuff, too. It's not exclusively about -- it's -- it's -- first of all, it's not exclusively about Clean Elections, and it's not even exclusively about the surcharge. There's some other aspects of it that have to do with juvenile fines and fees that -- you know, but, the -- the bottom line is the provision that talks about the surcharges that we are included in notwithstanding the Clean Elections Act. And so, you know, our concern is, you know, what is the -- is that -- and allows a judge to sentence a civil traffic defendant to what is called community restitution at a rate of $12 per hour to the state.

You know, as we said to the governor's attorneys in requesting that the governor consider a veto on this -- and I wish I could take credit for this line, but I can't. Even if you believe there's efficacy and -- in the -- in the -- in this kind of mitigation effort, it's not -- it's not money. And so what we told the Commission -- and we told the Legislature it's, therefore, either amendatory, superseding, or averting because those are not the same thing.

So, that's where we are on this. If -- if you all would like, you know, Joe is here. Joe has made himself available. I really appreciate that.

And -- and so if you want to get into some of the -- some of the legal issues, we're welcome -- you're welcome to do that. Now is a good time to do that. But that's -- I know that's quite a bit of background, but I just want to make sure that, you know, that we're all -- have a common set of -- of facts that are, you know, part of the public record.

CHAIRWOMAN CHAN: Do we need to discuss the other bill, as well? Would Joe be advising us on that, as well?
the budget had been out last month, correct, because it just came out this week. Do you want to go over the provisions that impact us in that bill quickly --

MR. COLLINS: Sure.
CHAIRWOMAN CHAN: -- or however long it takes.

MR. COLLINS: Yeah, no, I will do it quickly.

Madam Chair, Commissioners, so on Monday the House, and later the Senate, dropped the budget bills. There's always a, what's called budget procedures, which basically is the law governing the budget. In that bill there were some -- I mean, I would just say substantive procedures that don't have a lot to do with budgeting. And two of them directly implicate the Commission.

The first one is Section 15 of what was introduced as House Bill 2891. That takes some language in the Arizona Administrative Procedures Act that allows you -- they -- they -- anyone to petition the Governor's Regulatory Review Council for review of a rule or practice of a state agency. The bill would loosen that so that no longer would there be a petition required. Essentially what it says is that if four GRRC members decide they would like to reach out and grab a rule or alleged rule or policy of an agency or a board or commission, they can do that.

Now, it's a general statutory proposal in the sense that it would apply to all agencies that have reporting requirements with the governor's regulatory review council. However, the Commission's operation with respect to GRRC under the -- under the -- what's called Prop 306 from 2018 was passed by voters.

So, it has been our view, and it has been the view of some other -- some attorneys, including legislative attorneys, in other -- in similar context that, you know, again, regardless of whether or not you agree on whether or not it furthers the purpose of Prop 306 to have GRRC have more authority over Clean Elections, it's a change. It's an amendment. On -- You know, were this to pass on day one, there would be a public petition process that we would be aware of if someone was trying to get GRRC to look at a specific issue. On day two, the GRRC council members could, as I read the bill, simply notify their chair that there is an issue. And then we would get a letter, I guess, from the chair saying, "You're under review for this." That is a change in -- that is a change in law.

And so our -- what we have, you know, told the Legislature is, we believe that that would -- and we've told the Governor's office, as well, that we believe that that would, you know -- that appliance at Clean Elections, it's a change. It's an amendment.

Second and, perhaps, in a more -- certainly, more -- more broadly publicly recognized issue, there's a set of session laws proposed in 2891 that state, essentially, that the Attorney General's Office is to be the -- essentially, the election lawyer for the State. It's pretty clear, and certainly it's been reported, that the purpose of this bill, because it has some other provisions that pile on top of this, is to effect the Secretary of State's role in several different issues.

That having been said, this particular provision is written quite broadly, and so -- and it says that, you know, notwithstanding any law, essentially, the Attorney General gets -- controls the defense of election laws, you know, regardless of whether or not another state officer or anybody else intervenes.

There are a couple of different ways in which this kind of expansion of the Attorney General's role would implicate the Voter Protection Act as to the Clean Elections Commission, but the most obvious and salient and easy one is that we have authority to intervene to defend the Clean Elections Act.

And so the -- so if the reasoning goes Clean Elections Act is an election law, the Clean Elections Commission currently has the authority to intervene to defend the Clean Elections Act from a challenge, this new law says that the Attorney General decides how to intervene to protect an elections law. Therefore, there is a change.

On day one the Clean Elections Commission has the authority to defend the Clean Elections Act. On day two the Attorney General controls that, because voters passed the Clean Elections Act, and subject to the Voter Protection Act, that change is a amendment.

There are other things in the drafting of this particular subsection -- it's Section 24 of the bill -- that are -- that are problematic for -- for -- from a -- from other perspectives, in our view. And then there are broader issues with it in the sense that how it's constructed.

You know, there are some other legal issues that really belong to the counties and the Secretary of State's office of about how the actual mechanics of election litigation would work. But -- but for our purposes, it's -- it's basically -- it's -- the Voter Protection Act.

And then we also are concerned -- there's a --
I'm not aware that we should move more quickly
be with us, just out of respect to his thoughts on this.
ought to wait until next month when I hope he's able to
think you're correct. I think that's a great way to
approach it.
Commissioner Meyer, what are your thoughts on
that?
COMMISSIONER MEYER: Madam Chair, I have just
a quick question on -- regarding 2110.
What percentage of our revenues are coming
from these civil/criminal fines?
MR. COLLINS: Sure. Madam Chair,
Commissioner Meyer, I think it's something like 80 to 90
percent of our revenue.
Now, that having been said, the -- the impact
of this bill may, in turn, be limited. That's a --
that's another part of the discussion. But
-- so it's -- it's basically the bulk of our revenue.
The impact may turn out to be less than, you know, the
-- let me put it this way. The Joint Legislative Budget
Committee reported based on what the administrative
offices of the court had said that they thought the
impact would be minimal on the -- on the actual revenue
into the fund. That's what we know now, as far as that
goes.
COMMISSIONER MEYER: Madam Chair?
CHAIRWOMAN CHAN: Yeah, go ahead.
COMMISSIONER MEYER: As far as my position, I
don't know that we need legal advice, but I -- I do want
to say, I think we need to be very careful and make sure
that we protect the Commission's authority that we have
under the VPA.
And I don't think it's any secret to anyone
here that, you know, democracy and voting rights are
literally under attack right now. And we do not want to
-- we need to make sure that we do what we need to do to
protect those rights. And, you know, one of our
missions is, you know, to maintain the integrity of our
election system.
So, I am of the mind that we need to do what
we need to do to protect the VPA. If there's changes
being made that don't meet the three-fourths
requirement, we need to look at that.
And I don't know how the timing works then. I
certainly respect my other Commissioner's position. I
know Commissioner Kimble said he would like to hear from
Commissioner Paton on this. But if time is of the
essence, I would like to know that.
CHAIRWOMAN CHAN: It sounded like, from what you were thinking, because of the fact that we're kicking the can down the road, so to speak, because of the general effective date, that affects when -- if we were going to file something at the Commission.

MR. COLLINS: Right. Right. So, Madam Chair, Commissioner Meyer, and -- I mean, to make use of Joe's time, I mean, I would say this: I believe that -- that we don't need to make any decisions that -- during this meeting.

You know, the -- had the legislative matters developed in a different way, we might have just -- you know, we might have been able to skip this altogether as an agenda item. It's just not how it worked out.

But, you know, subject to some correction, I don't -- I don't think we need to do that today. If we did, we would be -- we would definitely tell you, you know.

And so, obviously, Joe has a role in -- in that determination in terms of his analysis timing, but so -- unless he -- so if he -- Joe, if you want to jump in here and say I'm wrong, please do.

But, otherwise, I think we're very comfortable with -- with standing -- with not -- with staying where we are today. We've updated you on where we think the developments are around these issues. I -- I don't think there's anything else we need to do today.

CHAIRWOMAN CHAN: Joe, do you want to -- do you mind if I put you on the spot? Do you think we're okay if wait until we can get Commissioner Paton over here for the next Commission meeting, timing-wise?

MR. ROTH: Madam Chair, Commissioners, I agree. I have nothing to add to what Tom said. I don't think there's any timing pressure beyond the adjournment of the Legislature. There's a one-year statute of limitations to bring an action.

CHAIRWOMAN CHAN: Excellent. Well, I feel better about that already. Thank you.

All right. So, if there's no further comments or questions from the commissioners or staff, I'll go ahead and take us on to our next agenda --

COMMISSIONER MEYER: Madam Chair, I apologize.

CHAIRWOMAN CHAN: Oh.

COMMISSIONER MEYER: A quick question. On the one-year statute of limitations, is this something -- is this not something that we would need to enjoin before it happens? I mean, once -- once -- once the law is passed, I mean, isn't it a little late to then file

suit? Maybe we're getting into legal advice, but -- maybe that's a question for the next meeting.

MR. COLLINS: Well, Madam Chair, Commissioner Meyer, if I may, from a non-le- -- as not your lawyer, you know, my view is that if we needed to file something around the time of the effective date, we would still have time to do that. But I don't think we're at the point where we would able to tell you precisely what that would even look like, because there are some -- you know, there are some factual issues that I will probably have to -- and staff have to have some more information that we would feed back through the legal process, as far as -- as far as that goes.

But the one -- From an administrative perspective, one of the reasons that I'm not -- I'm not concerned -- I'm not as concerned about that is because there's still -- we have 90 days from the end, first of all.

And -- and so -- and when we've had to do this before, again, not -- I'm not saying we will and I'm not even saying that I have the information to say we -- just have a feeling about whether or not we can. And normally I -- I'm just saying, basically, as a practical matter, we -- we have -- we have 90 days, plus whatever we get in the -- in the legislative session. So, I don't anticipate that. And I don't anticipate the kind of pent up demand for this change that there was, for example in two -- you know, the last time -- not the last time, but one of our bigger legal issues we've had was on the -- was on our -- the -- the campaign finance limits that apply.

In that particular case, there was a high level of pressure on the Commission, the courts, from the Legislature and from candidates running for statewide office to -- who wanted to raise more money. This -- this issue is a little bit more disaggregated than that. There's -- there's not a real lobby for this. In fact, all of the criminal justice and civil justice reform advocates that I know are -- were against this bill because it doesn't -- it doesn't do anything that would even look like, because there are some -- you know, there are some factual issues that I will probably have to -- and staff have to have some more information that we would feed back through the legal process, as far as -- as far as that goes.

As a policy -- and I can say this from my own experience in criminal defense. Civil restitution for civil fines, well, it doesn't -- that's not something that works in the criminal context, and there's no reason to believe it's going to work in the civil context. It's not -- it's not -- it's not an effective reform policy.

So, in that sense, there's not -- there just
1. Isn't the intensity level around this that there would be if this was something that substantively dealt with, say, speech issues or spending issues, or some of those things.
2. I hope I'm getting an answer to your question, Mr. Meyer. Maybe I'm just talking.
3. COMMISSIONER MEYER: No, you are. And I appreciate -- I appreciate it. Thank you.
4. COMMISSIONER KIMBLE: Madam Chair?
5. CHAIRWOMAN CHAN: And, Joe, did you want to add anything?
6. COMMISSIONER KIMBLE: Okay.
7. CHAIRWOMAN CHAN: Go ahead, Commissioner Kimble.
8. UNIDENTIFIED SPEAKER: No, he's here.
9. CHAIRWOMAN CHAN: A couple points.
10. First of all, I just want to say what Commissioner Meyer said about the -- about 2110, I totally agree with. And I don't mean anyone to think that my suggestion that we wait is any indication that I have some doubts about whether we ought to go after this or not. I think Commissioner Meyer spelled it out very well. I just want to make sure that Commissioner Paton,
11. Commissioner Meyer said about the -- about 2110, I agree with.
12. And I don't know if Joe had anything to add when you're done.
13. COMMISSIONER KIMBLE: Okay.
14. CHAIRWOMAN CHAN: I just wanted to say a few things. Please, I want to make it very clear I'm speaking for myself as an Arizona citizen, and a voter, resident, whatever, for many, many years, since 1966. I'm not speaking on behalf of any group.
15. Second of all, Tom, do you need any direction from us on 2891, on the budget bill? It sounds like there are two issues that you've outlined that I think, speaking only for myself, I agree with your concerns about these two things. But do we need to do anything since that'll presumably be resolved by the next time we meet?
16. MR. COLLINS: Madam Chair, Commissioner Kimble, exactly, that's exactly our view, that -- and, in fact, if things go and the Rules attorneys' analysis prevails this issue may go away largely, from our perspective.
17. Now, what -- how this affects the Secretary of State or the counties is a different issue. I don't think that issue will go away, but our issue may go away.
18. CHAIRWOMAN CHAN: And, Joe, did you want to add anything?
19. MR. ROTH: Yes. Thank you, Madam Chair.
20. To address Commissioner Meyer's question, I have thoughts on it that I think would be better left to an executive session.
21. But, practically speaking, I do not have
22. COMMISSIONER MEYER: Thank you. Madam Chair.
23. COMMISSIONER KIMBLE: Madam Chair?
24. CHAIRWOMAN CHAN: I think we can wait until our next Commission meeting?
25. MR. ROTH: I don't recommend it. Happy to, obviously, address any questions, but I don't think it's necessary today.
26. CHAIRWOMAN CHAN: I think we can wait, then.
27. And that way, you know, I think, Commissioner Kimble, I think we all understand what you're saying as far as waiting for our colleague to come back. I think it's always better to have more of us here to make a decision together, and especially when one has expressed interest in an issue.
28. So -- all right. Excellent. Love our team.
29. If there's nothing else from anyone on this issue, I will go ahead and move on to Item, is it VIII?
30. I think it is Item VIII. Public comment -- no, IX.
31. Excuse me. Public comment, whatever number that is.
32. Okay. So, does any member of the public wish to make comments at this time? I see Rivko's hand up.
33. Rivko.
34. MS. KNOX: Madam Chair, I just wanted to say a
So, I want to give props to my fellow commissioners. My role now is just to say, as a citizen -- and I have tried writing some letters to the editor, but getting them published is not necessarily that easy. But, I -- I am -- of course, unfortunately the way the Legislature has been acting, the way the Legislature procedures actions have been recently, it is very, very difficult -- we have RTS, request to speak, no longer applies once it goes to the committee of the whole. The budget bill's come and go. So, it is very difficult to kind of develop support or opposition to specific things. But that's where the legislature is now, about -- Again, I do plan to continue.

By the way, I have been writing reports. The last -- since I no longer represent the League, I still have written up a brief summary of each meeting and send it to several people who are League members who have always been very interested in the Citizens Clean Election Commission, and including one of the two members who was very instrumental in getting them passed. And this whole thing keeps them alert to things.

And that's it. And thank you very much for the opportunity to speak, and I am muting myself.

CHAIRWOMAN CHAN: Thank you so much, Rivko. We love having you here. And, yes, Commissioner Kimble and Commissioner Meyer wrote a wonderful op-ed that I saw in -- I can't remember which paper it was now, but I think it was in maybe even more than one. I saw it on the internet, so I can't remember because I read several different newspapers, although -- anyway. But it was a wonderful op-ed about some of the issues that we're seeing at the Legislature.

And just my own personal commentary here, I think one of the saddest things, to me as an election professional -- as an election professional is that promoting voting participation seems to have become political. And that -- that is very sad to me.

So -- but I think the one thing that I really admire about my fellow commissioners is that I think we all really feel passionate about our mission here as far as promoting participation in government and voter participation. And so I do think that we're not shying away from that, even though it seems to have become a little bit of a hot potato in recent years. So, I want to give props to my fellow commissioners for not shying away from that part of our mission. So, kudos to them.

Anyone else -- oh, sorry. Tom, go ahead.

MR. COLLINS: I just wanted to say real quickly -- I apologize. I should have said this earlier.

If there's anybody who's watching on YouTube who would like to make public comment, you can go onto our website and click the link on the agenda there, and you should be able to -- I suppose we can pause for a moment to see if anybody clicks in.

CHAIRWOMAN CHAN: Sure.

MR. COLLINS: But that was all. I'm sorry for the interruption.

CHAIRWOMAN CHAN: That's okay.

COMMISSIONER MEYER: Madam Chair?

COMMISSIONER MEYER: Sure.

COMMISSIONER MEYER: Can I just follow up on your comment. And thank you, Ms. Knox, for your comments.

And, you know, I just wanted to say, I wanted to thank our staff, Gina, getting out, doing the interview, thank Commissioner Kimble, Commissioner Chan, for their appearances.

And I just want to say I want to support and commend and thank Maricopa County Supervisor Bill Gates and Maricopa County Recorder Steven Richer on their statements, Republicans on their statements that they have made regarding the audit that is currently ongoing by our Senate, and I truly support the courage and what they've done, and I thank them.

CHAIRWOMAN CHAN: Thank you.

I echo those sentiments. And I'd like to add, you know, there have been a lot of people who have spoken out against the audit. And I know I've seen some people say, you know, Republicans shouldn't get special kudos for coming out against the audit, but I think what we've seen, again, is that unfortunately it's become, again, a little bit of a political football. And I think it's probably hard to buck your own party when it does seem to become a little bit partisan like that.

So, I stand with Maricopa County, for sure, on this one and I applaud them, as well, and all the Maricopa County supervisors.

COMMISSIONER KIMBLE: Madam Chair, let me just say I agree with you and agree with what Commissioner Meyer said. Very well said. Thank you.

CHAIRWOMAN CHAN: Thank you.

Let me add -- because I think I left it out -- regarding public comment, for anyone who would like to send comments, they can do that to the Commission by going onto our website and clicking the link on the agenda there, and for anyone who would like to make public comment, you can do that to the Commission by going onto our website and clicking the link on the agenda there.
mail or by e-mail at CCEC@AZCleanElections.gov.

And, you know, Commissioner Meyer, you also
gave a shout out to our staff. And I think I didn't do
that this meeting, and I feel like -- I don't mean to
take them for granted.

You guys do such an amazing job, and the fact
that you guys have been really -- You know, Commissioner
Kimble, you mentioned do we need to give direction to
staff. And I've seen the work that they've been doing
on their budget this week, just because I've been in
communication with Tom on it a little bit, and -- and so
I know we don't need to give them direction in that
regard.

And it's been an incredible experience,
actually, this year being chairman, just seeing what you
do on a more regular basis. So, I'm having -- You know,
it's been a wonderful experience being on the Commission
and seeing what you guys do, but being chairman has been
a different experience, as well, just seeing a little
more. So -- and I got to attend a staff meeting, which
was wonderful.

So, anyway. I just -- I really appreciate our
staff. You guys are amazing and appreciate getting, you
know, all the different perspectives from you and, you
know, kind of keeping me grounded. So, anyway, thank

CHIEF DEPUTY: Madam Chair?

CHAIRWOMAN CHAN: Yes.

CHIEF DEPUTY: Commissioner Meyer?

CHAIRWOMAN CHAN: All right. Thank you.

Is there a second?

COMMISSIONER MEYER: Second.

CHAIRWOMAN CHAN: Okay. Excellent.

Is all right. Let me call the roll.

Commissioner Meyer, how do you vote?

COMMISSIONER MEYER: Aye.

CHAIRWOMAN CHAN: Commissioner Kimble?

COMMISSIONER KIMBLE: Aye.

CHAIRWOMAN CHAN: I vote aye, as well.

And so by a vote of three ayes, zero nays, we
have voted to adjourn the meeting. And, with that, we
are adjourned. I will see you all next month. Have a
good month.

(Meeting adjourned at 10:44 a.m.)

* * *

STATE OF ARIZONA )
COUNTY OF MARICOPA )

BE IT KNOWN that the foregoing proceedings
were taken before me, Deborah L. Tucker, Certified
Reporter No. 50464 and Notary Public in and for the
County of Maricopa, State of Arizona; that the
proceedings were taken down by me in shorthand and
thereafter reduced to typewriting under my direction;
that the foregoing pages are a true and correct
transcript of all proceedings had upon the taking of
said proceedings, all done to the best of my skill and
ability.

I FURTHER CERTIFY that I am in no way
related to any of the parties hereto nor am I in any way
interested in the outcome hereof.

DATED at Phoenix, Arizona, this 28th day of
May, 2021.

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

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### The State of Arizona Citizens Clean Elections Commission

**Public Meeting**

**May 28, 2021**

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