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THE STATE OF ARIZONA  
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF VIRTUAL PUBLIC MEETING

Phoenix, Arizona  
May 28, 2021

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| <p style="text-align: right;">Page 2</p> <p>1 VIRTUAL PUBLIC MEETING BEFORE THE CITIZENS<br/>2 CLEAN ELECTIONS COMMISSION convened at 9:32 am. on<br/>3 May 28, 2021, at the State of Arizona, Clean Elections<br/>4 Commission, 1616 West Adams, Conference Room, Phoenix,<br/>5 Arizona, in the presence of the following Board members:</p> <p>6 Ms. Amy B. Chan, Chairwoman<br/>7 Mr. Mark S. Kimble<br/>8 Mr. Damien Meyer</p> <p>9 OTHERS PRESENT:</p> <p>10 Thomas Collins, Executive Director<br/>11 Paula Thomas, Executive Officer<br/>12 Mike Becker, Policy Director<br/>13 Gina Roberts, Voter Education Director<br/>14 Alec Shaffer, Web Content Manager<br/>15 Avery Xola, Voter Education Specialist<br/>16 Deborah Tucker, Court Reporter w/Coash &amp; Coash<br/>17 Kara Karlson, Asst Attorney General<br/>18 Kyle Cummings, Asst Attorney General<br/>19 Marc Harris, AG's Ofc Independent Advisor<br/>20 Joseph Roth, Esq, Osborn Maledon<br/>21 Cathy Herring, Meeting Planner<br/>22 Rivko Knox, Public</p>  | <p style="text-align: right;">Page 4</p> <p>09:33:43-09:34:40</p> <p>1 COMMISSIONER KIMBLE: Madam Chair?<br/>2 CHAIRWOMAN CHAN: Yes, Commissioner Kimble.<br/>3 COMMISSIONER KIMBLE: I move we approve the<br/>4 minutes for the Commission meeting of April 29th, 2021.<br/>5 CHAIRWOMAN CHAN: Thank you.<br/>6 Is there a second?<br/>7 COMMISSIONER MEYER: This is Commissioner<br/>8 Meyer. I will second that motion.<br/>9 CHAIRWOMAN CHAN: All right. The motion has<br/>10 been made and seconded. I'll go ahead and call the<br/>11 roll.<br/>12 Commissioner Meyer, how do you vote?<br/>13 COMMISSIONER MEYER: Aye.<br/>14 CHAIRWOMAN CHAN: Commissioner Kimble?<br/>15 COMMISSIONER KIMBLE: Aye.<br/>16 CHAIRWOMAN CHAN: And I vote aye, as well.<br/>17 So, by a vote of three to zero, we have<br/>18 approved the minutes from April 29th, 2021.<br/>19 Moving on to Item III, rolling right along,<br/>20 Discussion and Possible Action on Executive Director's<br/>21 Report, Enforcement and Regulatory Updates and<br/>22 Legislative Update.<br/>23 Tom, I'll let you take this.<br/>24 MR. COLLINS: Thank you, Madam Chair.<br/>25 Just a real quick note, if there are people</p>   |
| <p>09:32:45-09:33:39</p> <p style="text-align: right;">Page 3</p> <p>1 P R O C E E D I N G<br/>2<br/>3 CHAIRWOMAN CHAN: This is the meeting of the<br/>4 Clean Elections Commission for Friday, May 28th. It is<br/>5 9:32 and I will call the meeting to order.<br/>6 The first order of business -- Oh, well, I'd<br/>7 like to ask the audience members to please keep their<br/>8 microphones on mute. I'm still getting used to starting<br/>9 the meetings with that.<br/>10 And with that, we'll go ahead and take<br/>11 attendance.<br/>12 Commissioners, will you please go ahead and<br/>13 identify yourselves for the record. Go ahead.<br/>14 COMMISSIONER MEYER: This is Damien Meyer.<br/>15 Good morning.<br/>16 COMMISSIONER KIMBLE: Mark Kimble.<br/>17 CHAIRWOMAN CHAN: Thank you. And I'm Amy<br/>18 Chan.<br/>19 And, with that, we can move to Item II,<br/>20 Discussion and Possible Action of Commission Minutes for<br/>21 April of 2021.<br/>22 Is there any discussion of the minutes?<br/>23 (No response.)<br/>24 CHAIRWOMAN CHAN: And, if not, do I have a<br/>25 motion to approve the minutes?</p> | <p style="text-align: right;">Page 5</p> <p>09:34:43-09:37:08</p> <p>1 who are watching on YouTube and, for whatever reason,<br/>2 have not been able to link through the Zoom account, the<br/>3 agenda on our website has the link, and you can click on<br/>4 that link to join if you have not already.<br/>5 I just wanted to update the Commissioners<br/>6 really quickly. You know, we have an election -- we<br/>7 just had an election day in -- for May 18th, the May<br/>8 election. And -- and Alec is already busy researching<br/>9 the -- and contacting localities for the August<br/>10 consolidated election date.<br/>11 As you can see, the Voter Education Team has<br/>12 kept up pace with a number of different engagements.<br/>13 Avery has done number of outreach events and is still<br/>14 able to -- we've still been able to connect with folks<br/>15 through, you know, online meetings.<br/>16 Gina has -- was interviewed on ABC 15, which<br/>17 is the, one of the big Phoenix television stations,<br/>18 regarding the audit. And we -- and she'll be -- and she<br/>19 continues to be coordinating with the Secretary of<br/>20 State's Office on some of -- on voter outreach and<br/>21 security issues.<br/>22 We're going to be off line for next weekend,<br/>23 just FYI, because of some electric, old maintenance in<br/>24 the building.<br/>25 There's no real updates on the outstanding</p> |

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| <p>09:37:12-09:38:54 Page 6</p> <p>1 legal matters. We did add in that there's a public<br/>2 records type of lawsuit pending in Superior Court for<br/>3 Maricopa regarding the audit and funding sources, and<br/>4 things like that.<br/>5 There was a hearing scheduled for yesterday,<br/>6 but I'm actually not -- we haven't had an update from<br/>7 that yet.<br/>8 With -- Really quickly, with regard to some<br/>9 legislative activity, you know, the Legislature did --<br/>10 the House did vote down a bill called Senate Bill 1713,<br/>11 which, I believe, in separate, individual statements all<br/>12 three commissioners who are here had -- had voiced<br/>13 concern with that bill, would have required a more, a<br/>14 much more extensive affidavit to go with an early ballot<br/>15 that was being returned. That bill failed by two votes<br/>16 in the House.<br/>17 You know, obviously, though, just to really<br/>18 quickly note, the Legislature -- now both the House and<br/>19 the Legislature have adjourned until June 10th, or<br/>20 sometime between now and June 10th. So, of course,<br/>21 while the Legislature's in session, you know, those<br/>22 bills can come back.<br/>23 But, you know, that -- that 1713 was -- was --<br/>24 I think most election administrators had indicated that<br/>25 that -- their concerns about the additional paperwork</p> | <p>09:40:33-09:42:04 Page 8</p> <p>1 and then I saw Commissioner Meyer had his hand up, as<br/>2 well. Go ahead, Commissioner Kimble.<br/>3 COMMISSIONER KIMBLE: Okay. Tom, just for a<br/>4 point of clarification about one of the bills that's<br/>5 been signed, SB1485, on the early voter eligibility<br/>6 list, changing the name of it, I'm not quite sure I<br/>7 understand.<br/>8 If a voter fails to vote by early ballot in<br/>9 all general -- in all regular primary or regular general<br/>10 elections, you no longer get an early ballot. Is that<br/>11 -- is that right? So, if -- if a voter misses one<br/>12 primary election, that's it?<br/>13 MR. COLLINS: So, I'm -- if -- you know, I<br/>14 believe that it is missing all of those things.<br/>15 However, I think, if I can put either Gina or Kara,<br/>16 whoever is more -- or Mike, whosoever of the three of you<br/>17 is most comfortable being on the spot about 1485 to talk<br/>18 about that question, I know that -- I'm pretty sure all<br/>19 three of you have tried to parse the language. So I'm<br/>20 just not sure where we currently are on stating it<br/>21 correctly.<br/>22 MS. ROBERTS: I can speak to that Commissioner<br/>23 Meyer -- or, I'm sorry, Commissioner Kimble. I'm happy<br/>24 to talk about it.<br/>25 And, Kara, please, if I misstate something,</p>   |
| <p>09:38:57-09:40:29 Page 7</p> <p>1 burden and the cost associated with that. Obviously,<br/>2 there are also many legislatures who -- legislators who<br/>3 are concerned about, you know, what they see as the<br/>4 potential for misuse of mail ballots.<br/>5 I think -- And then I believe there's one<br/>6 other election bill out there that's still of concern to<br/>7 election administrators that Senator Townsend and<br/>8 Representative Kavanagh have been working on.<br/>9 But that -- that is the major -- I think<br/>10 that's -- I think that's the entirety of the report that<br/>11 I wanted to highlight.<br/>12 Obviously, again, if you have any issues -- if<br/>13 you've had any issues with Zoom this morning, please try<br/>14 the link on our website, on the agenda on our website,<br/>15 and you should be able to log in as a participant if for<br/>16 some reason you are meaning to participate, or want to<br/>17 participate, beyond watching or sending -- sending<br/>18 emails to the Commission, which is also, obviously, a<br/>19 way to make public comment.<br/>20 That's all I have. Thank you.<br/>21 CHAIRWOMAN CHAN: Thank you, Tom.<br/>22 Is there any discussion from the Commission<br/>23 members?<br/>24 COMMISSIONER KIMBLE: Madam Chair.<br/>25 CHAIRWOMAN CHAN: Yes, Commissioner Kimble,</p>  | <p>09:42:07-09:43:24 Page 9</p> <p>1 please jump in to correct me.<br/>2 So, my understanding is that the intent of the<br/>3 legislature of the sponsor was that you would have to miss<br/>4 all of them in order for it to trigger a notice from the<br/>5 County Recorder confirming if you still wish to be on<br/>6 the active early voting list.<br/>7 So, of the -- of the four -- now, this is<br/>8 municipal elections, as well, too. So, if you are<br/>9 continuously sent an early ballot for those two<br/>10 statewide primaries, two statewide general elections,<br/>11 and if you don't vote any of them, so you just did not<br/>12 return that early ballot at all, then that triggers the<br/>13 notice.<br/>14 The notice goes out. The voter then has 90<br/>15 days to reply to it confirming their intent to remain on<br/>16 the active early voting list. And if no response is<br/>17 sent, then the county would remove that voter's name<br/>18 from the early voting list; meaning they would no longer<br/>19 automatically send them the ballot.<br/>20 The voter could, at that point, they could<br/>21 still request a one-time early ballot, or they could<br/>22 always re-join that active early voting list.<br/>23 So, I believe that was the intent. I do know<br/>24 that there has been some questioning around what the<br/>25 actual language of the bill says, but I think that's</p> |

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| <p>09:43:27-09:44:40 Page 10</p> <p>1 where we're at right now.<br/>2 And, again, Kara, if you want to jump in there<br/>3 and correct anything I said, that's my understanding of<br/>4 1485.<br/>5 CHAIRWOMAN CHAN: Thank you.<br/>6 MS. KARLSON: I don't have anything to<br/>7 correct, Gina.<br/>8 The legislative history documents, you know,<br/>9 do speak to the fact that that was the intent.<br/>10 Obviously, it has yet to be interpreted so we don't know<br/>11 whether a Court will defer from that.<br/>12 COMMISSIONER KIMBLE: Okay. Thank you.<br/>13 CHAIRWOMAN CHAN: Thank you. Commissioner<br/>14 Meyer?<br/>15 COMMISSIONER MEYER: That you, Madam Chair.<br/>16 I did not see Gina's interview on ABC 15.<br/>17 Could we get, like, just a little summary of that?<br/>18 MR. COLLINS: Sure, I would be -- Gina -- I<br/>19 mean, Madam Chair, Commissioner Meyer, obviously Gina<br/>20 would be better to talk about her interview than me.<br/>21 COMMISSIONER MEYER: That's what I assume.<br/>22 CHAIRWOMAN CHAN: Sure.<br/>23 MS. ROBERTS: Commissioner Meyer, so, ABC 15,<br/>24 Nicole Valdez, she reached out and we had a discussion<br/>25 about --</p>   | <p>09:46:05-09:47:14 Page 12</p> <p>1 report, regarding the items, is released, the<br/>2 documentation will be important because it will need to<br/>3 be looked at to see how did they arrive to whatever<br/>4 conclusions that they put in the report. I'm happy to<br/>5 send a link to the State Commission so you can view the<br/>6 interview yourself, too.<br/>7 COMMISSIONER MEYER: That would be great.<br/>8 Thank you, Gina.<br/>9 CHAIRWOMAN CHAN: Thank you. Yeah, I got to<br/>10 see it, and I thought Gina did an excellent job. And I<br/>11 was thrilled that, you know, they reached out to her.<br/>12 That was wonderful.<br/>13 I think -- I don't think I have any questions<br/>14 about that, Tom. And if the other commissioners -- any<br/>15 -- Commissioner Meyer, Commissioner Kimble, any<br/>16 additional questions?<br/>17 (No response.)<br/>18 CHAIRWOMAN CHAN: Okay. With that, we can<br/>19 move on to Item IV, I believe is where we are, unless<br/>20 I've confused myself where my paperwork is. No.<br/>21 Item IV, Discussion and Possible Action on the<br/>22 Following 2020 General Election Candidate Audits.<br/>23 We have Andrea Dalessandro, State Rep. LD2;<br/>24 Justine Wadsack, State Senate, LD10 -- I hope I'm<br/>25 pronouncing everyone's names correctly. Please forgive</p>                             |
| <p>09:44:50-09:46:03 Page 11</p> <p>1 (Court reporter clarification.)<br/>2 MS. ROBERTS: Nicole Valdez with ABC 15.<br/>3 And so the discussion was really about general<br/>4 thoughts about the audit. And at that point in time,<br/>5 the audit had taken a break due to the high school<br/>6 graduations. And so the interview was conducted Sunday<br/>7 night, and it aired Monday morning, the day that the<br/>8 audit resumed.<br/>9 So, there were questions basically surrounding<br/>10 the entire audit process. But a lot of it had -- a lot<br/>11 of my remarks had to do with confidence in the system, you<br/>12 know, considering, you know, the voters looking at the<br/>13 audit, the procedures that have constantly changed<br/>14 compared to what was officially done.<br/>15 So, my comments were aimed towards a voter<br/>16 education perspective, or what is required from the<br/>17 counties when they do their the post-election<br/>18 activities, as opposed to what is being done with the<br/>19 Senate audit.<br/>20 There were also questions regarding Maricopa<br/>21 County had sent a notice to the Senate requesting that<br/>22 all documentation be retained. And so the comments,<br/>23 really, about that were just, "Well, that's the same<br/>24 thing that our elections officials do."<br/>25 And so whenever this report, this final</p> | <p>09:47:23-09:48:26 Page 13</p> <p>1 me. I have not watched The Action, so I'm reading<br/>2 everybody's names for the first time. Seth Sifuentes,<br/>3 State Rep. LD 26.<br/>4 And with that, I believe Mike is going to make<br/>5 comments on these items. Thank you.<br/>6 MR. BECKER: Thank you, Madam Chair,<br/>7 Commissioners.<br/>8 As you stated, actually, these are the final<br/>9 three audits for the general election cycle. Again, the<br/>10 audits turned out fairly well. There are some small<br/>11 discrepancies that we're working with the candidates to<br/>12 correct.<br/>13 Representative Dalessandro has submitted some<br/>14 extra information to follow up with her audit.<br/>15 We, meaning myself and our auditors, had this<br/>16 information and have been working with her. As you can<br/>17 see when you read through it, it has to do with a check<br/>18 that she wrote to a person that was handling some<br/>19 aspects of her campaign. That person, unfortunately,<br/>20 passed away and the check was then cashed after he<br/>21 passed away. So, she is looking at it as a fraud issue.<br/>22 She's worked -- she's been working with Bank of America.<br/>23 Doesn't seem to be going anywhere there.<br/>24 We have spoken to her, myself and the<br/>25 auditors, and she is continuing to try and push the</p> |

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| <p>09:48:29-09:49:29 Page 14</p> <p>1 fraud issue and figure out a way to rectify the<br/>2 situation. We're giving her some time to handle that.<br/>3 Once -- once she exhausts all those issues,<br/>4 we'll have her update the banking account to include<br/>5 that information. And so we'll be -- everything will be<br/>6 squared away at that point.<br/>7 But, as I said, these audits turned out fairly<br/>8 well. Nothing major in there. No extreme, anything<br/>9 like that. So, with that, I would ask that you approve<br/>10 these audits.<br/>11 CHAIRWOMAN CHAN: Thank you, Mike.<br/>12 Commissioners, any questions or comments?<br/>13 (No response.)<br/>14 CHAIRWOMAN CHAN: If there's any comment from<br/>15 the public on this item, you can signal the -- signal to<br/>16 speak.<br/>17 (No response.)<br/>18 CHAIRWOMAN CHAN: Okay. And, if not, I would<br/>19 entertain a motion to approve the audits.<br/>20 COMMISSIONER KIMBLE: Madam Chair, this is<br/>21 Commissioner Kimble.<br/>22 CHAIRWOMAN CHAN: Commissioner Kimble.<br/>23 COMMISSIONER KIMBLE: I move we approve the<br/>24 audits of Andrea Dalessandro, Justine Wadsack, and Seth<br/>25 Sifuentes as presented in the agenda today.</p> | <p>09:50:46-09:52:23 Page 16</p> <p>1 can give us the details of this.<br/>2 So, Tom.<br/>3 MR. COLLINS: Yes. Madam Chair,<br/>4 Commissioners.<br/>5 First, I just want to say, again, if anyone<br/>6 wants to participate in this process right now, if you<br/>7 are watching on YouTube and are having any trouble<br/>8 getting into Zoom, please check the link on the agenda<br/>9 on our website and you should be able to enter the Zoom<br/>10 meeting room without any difficulty.<br/>11 So -- but, with respect to this particular<br/>12 item, you know, we -- back in 2016 the Legislature<br/>13 passed a bill changing a number of definitions that are<br/>14 incorporated into the Clean Elections Act.<br/>15 One of those definitions altered the meaning<br/>16 of family member. That definition has -- did double<br/>17 duty and meant different things under the Clean<br/>18 Elections Act than it does under Article 1 of the<br/>19 Campaign Finance Code.<br/>20 Nevertheless, the rule, such as it is, from<br/>21 the case AZAN versus State appears to be something on<br/>22 the nature of anything in a cross-reference can be<br/>23 turned into anything.<br/>24 So, the result is that clean candidates,<br/>25 participating candidates, will be able to take dollars</p>   |
| <p>09:49:36-09:50:42 Page 15</p> <p>1 CHAIRWOMAN CHAN: Thank you.<br/>2 Can I get a second?<br/>3 COMMISSIONER MEYER: This is Commissioner<br/>4 Meyer. I will second that motion.<br/>5 CHAIRWOMAN CHAN: Thank you. All right. The<br/>6 motion has been seconded. And, with that, I will call<br/>7 the roll.<br/>8 Commissioner Meyer, how do you vote?<br/>9 COMMISSIONER MEYER: Aye.<br/>10 CHAIRWOMAN CHAN: Commissioner Kimble?<br/>11 COMMISSIONER KIMBLE: Aye.<br/>12 CHAIRWOMAN CHAN: And I vote aye, as well.<br/>13 So, by a vote of three to zero, we have<br/>14 approved the audits presented on the agenda today.<br/>15 MR. BECKER: Thank you.<br/>16 CHAIRWOMAN CHAN: Great. Moving on to Item V,<br/>17 Discussion and Possible Action on amendments to<br/>18 R2-20-101, Definitions.<br/>19 And so, you may remember back when we first<br/>20 published these, the purpose is to bring out the<br/>21 definitions and rules in line with the outcome of the<br/>22 AZAN, or A-Z-A-N, versus State case, which dealt with<br/>23 the cross-reference definitions in the Clean Elections<br/>24 Act. And so we'll start with this item. And it<br/>25 proposes to amend the definitions of the rules. And Tom</p>        | <p>09:52:27-09:54:13 Page 17</p> <p>1 from fewer people, because anyone who is qualified as a<br/>2 family member of a participating candidate would<br/>3 essentially be under a cap that applies to family<br/>4 members.<br/>5 That definition, the definition that's in the<br/>6 Clean Elections rules, is a narrower definition. It is<br/>7 a definition that preceded the 2016 bill. And so by<br/>8 removing the definition altogether from the rules, a<br/>9 person will obviously know to look to the<br/>10 cross-reference in the campaign finance code to<br/>11 determine the limitations that are on the family<br/>12 members who might make contributions.<br/>13 We received one e-mail comment about this<br/>14 supporting it and saying that the definition should be<br/>15 consistent. And that's all the comment we received. I<br/>16 don't know if we'll have any comments today.<br/>17 Obviously, staff recommends this change<br/>18 because we believe that, ultimately, we -- we -- this is<br/>19 an issue that's left over from this litigation, and we<br/>20 would just like to have a consistent approach.<br/>21 So, our request is that the Commission give<br/>22 final approval to this -- to this rule.<br/>23 And if you have any questions, obviously,<br/>24 Madam Chair, Commissioners.<br/>25 CHAIRWOMAN CHAN: Thanks, Tom.</p> |

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| <p>09:54:17-09:55:24 Page 18</p> <p>1 Is there any discussion or questions on this<br/>2 item from the Commissioners?<br/>3 MR. MEYER: Madam Chair?<br/>4 CHAIRWOMAN CHAN: Oh, go ahead, Commissioner<br/>5 Meyer.<br/>6 COMMISSIONER MEYER: I'll make a motion that<br/>7 we approve the amendment to R2-20-101 consistent with<br/>8 staff recommendations.<br/>9 COMMISSIONER KIMBLE: This is Commissioner<br/>10 Kimble. I second that.<br/>11 CHAIRWOMAN CHAN: Well, that was easy. All<br/>12 right. We have a motion and a second. I'll go ahead<br/>13 and call the roll.<br/>14 Commissioner Meyer, how do you vote?<br/>15 COMMISSIONER MEYER: Aye.<br/>16 CHAIRWOMAN CHAN: Commissioner Kimble?<br/>17 COMMISSIONER KIMBLE: Aye.<br/>18 CHAIRWOMAN CHAN: And I vote aye, as well.<br/>19 By a vote of three to zero, we have approved<br/>20 -- given final approval to the amendment to R2-20-101.<br/>21 Thank you.<br/>22 And with that, we can move on to the next<br/>23 item, which is the amendment to R2-20-109, Independent<br/>24 Expenditures. And similar to the previous item, it's to<br/>25 address the same court case. And Tom is going to,</p>   | <p>09:57:04-09:58:54 Page 20</p> <p>1 notwithstanding any other law or, in the definition, any<br/>2 rule.<br/>3 The Commission has long had a rule related to<br/>4 and, in fact, statutorily has long had authority related<br/>5 to reports from political committees. We have a<br/>6 definition in rule for how one would be -- one would<br/>7 determine an organization was a political committee.<br/>8 It's a formula, the upshot of which is that you would<br/>9 have to spend more than 50 percent of your dollars on a<br/>10 state election.<br/>11 The amendment simply adds that if you are<br/>12 qualified under the definition as a 501 organization,<br/>13 that formula and those rules related to political<br/>14 committee status don't apply to you because they --<br/>15 because of the supervening statute. The supervening<br/>16 statute is, just to note, was determined to not be<br/>17 supervening by the Court of Appeals. So, that is the<br/>18 upshot there.<br/>19 So, again, this was an issue that we -- This<br/>20 is an issue that we actively litigated. And, obviously,<br/>21 the Arizona Advocacy Network and the democratic<br/>22 legislators also were actually the lead plaintiffs in<br/>23 this matter. But, you know, we -- the -- anyways,<br/>24 that's the -- that's where we are.<br/>25 So, the upshot would be that the 501 would not</p>  |
| <p>09:55:26-09:57:01 Page 19</p> <p>1 again, speak on the details about it.<br/>2 Tom.<br/>3 MR. COLLINS: Yes, Madam Chair, Commissioners.<br/>4 Again, thank you. And thank you for all the flexibility<br/>5 in moving this meeting so that we could have it after<br/>6 the public comment period closed, but before June,<br/>7 because, obviously, we'd like to get these rules in<br/>8 place, you know, before August.<br/>9 With respect to this rule, again, if you have<br/>10 any issues with this rule and you are watching on<br/>11 YouTube, or otherwise monitoring this, you know, please<br/>12 go to our website and click the link to log into the<br/>13 Zoom account if you'd like to make live comment about<br/>14 this item.<br/>15 With respect to this rule, the 2016 Act<br/>16 contained, in its definitional section, a alteration of<br/>17 the definition of political committee.<br/>18 Now, a political committee is basically an<br/>19 organization created for the purpose of influencing an<br/>20 election.<br/>21 The addition to the definition in 2016 said<br/>22 that if a organization of any kind had tax exempt status<br/>23 under Section 501(a) of the Internal Revenue Code that<br/>24 they could not be a political committee under any<br/>25 circumstances and not -- that would -- and that that was</p> | <p>09:59:00-10:00:31 Page 21</p> <p>1 -- would not qualify as a political committee, which<br/>2 means they would not have to disclose and do not have to<br/>3 disclose to the state, currently, their totality of<br/>4 their expenditures and contributions that would have<br/>5 reported on a full committee political report.<br/>6 It's important that 501s know that the<br/>7 so-called trigger reports, the clean elections reports,<br/>8 that apply to spending, that is the functional<br/>9 equivalent to the Executive Express Advocacy, that<br/>10 statute remains in place, and it does not have anything<br/>11 to do with whether or not the underlying entity is a<br/>12 political committee for state law purposes. It has to<br/>13 do with whether or not the organization is making an<br/>14 expenditure that influences the result of an election.<br/>15 So, that may seem like a lot of background,<br/>16 but -- but I just want to make sure that we have, kind<br/>17 of, as much of the procedural history and the<br/>18 substantive history here.<br/>19 The last thing I'll add, just to -- before we,<br/>20 you know, request -- obviously, I'll take any questions,<br/>21 and you have -- and, obviously, we're looking for<br/>22 approval. We've actually never gotten a complaint under<br/>23 this rule.<br/>24 So -- so, despite the fact the rule's been on<br/>25 -- this rule's been on the books in one form or another</p> |

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| <p>10:00:35-10:01:59 Page 22</p> <p>1 for a very long time, we -- we haven't gotten an<br/>2 enforcement.<br/>3 So, to the extent that there was an issue<br/>4 while this rule was on the books that someone thought<br/>5 that someone was a full political committee, we haven't<br/>6 -- we haven't had a complaint that caused us to pursue<br/>7 that. So, it's hard to say what the -- it's hard to say<br/>8 what the impact would be, given that, you know, the<br/>9 political -- political financial world, you know, is kind<br/>10 of constantly evolving.<br/>11 But I think that summarizes, pretty much,<br/>12 everything I can -- that I think -- I think -- I mean,<br/>13 this is an issue and, just bottom line, that you all as<br/>14 commissioners have been dealing with off and on for the<br/>15 entirety of each of your terms, which is the better part<br/>16 of a decade in some cases.<br/>17 So, this resolves one of those issues. It<br/>18 doesn't necessarily resolve it the way we would have<br/>19 hoped, but it does resolve it.<br/>20 And so I would stand for questions. And, of,<br/>21 course, obviously, we're asking for you to approve this<br/>22 -- this -- this amendment. Thank you.<br/>23 CHAIRWOMAN CHAN: Thank you, Tom. Thanks for<br/>24 that explanation so that, you know, we -- our memories<br/>25 are refreshed, and for the public who is here, as well.</p> | <p>10:03:06-10:04:22 Page 24</p> <p>1 All right. We have a motion and a second.<br/>2 I'll go ahead and call the roll.<br/>3 Commissioner Meyer?<br/>4 COMMISSIONER MEYER: Aye.<br/>5 CHAIRWOMAN CHAN: Commissioner Kimble?<br/>6 COMMISSIONER KIMBLE: Aye.<br/>7 CHAIRWOMAN CHAN: And I vote aye, as well.<br/>8 We have three votes for -- by a vote of three<br/>9 to zero, we have approved the amendment, given final<br/>10 approval to the amendment to R2-20-109. Thank you.<br/>11 MR. COLLINS: Thank you, Commissioners.<br/>12 CHAIRWOMAN CHAN: And I believe the next item<br/>13 we're going to skip. Maybe next month, huh, Tom?<br/>14 MR. COLLINS: Yeah. I'm sure it will be next<br/>15 month.<br/>16 CHAIRWOMAN CHAN: Okay. So, moving on to<br/>17 Item VIII, Discussion and Possible action on legal<br/>18 issues with election, budget and procedural bills<br/>19 including: House Bill 2110 and House Bill 2891, looks<br/>20 like.<br/>21 And we may choose to go into executive<br/>22 session, but I'm not sure whether we will need to.<br/>23 We'll go ahead and -- So, we discussed last month the<br/>24 governor did sign 2110. We did raise objections to the<br/>25 bill with the Legislature based on the Voter Protection</p>  |
| <p>10:02:03-10:03:05 Page 23</p> <p>1 And the same person who submitted the comment<br/>2 in support of the last rule also submitted in support of<br/>3 this rule, as well.<br/>4 MR. COLLINS: That's correct. Thank you.<br/>5 CHAIRWOMAN CHAN: And I didn't see any public<br/>6 comment additional to that for the last rule. I don't<br/>7 know if any public is here or the commissioners have any<br/>8 comments on this before we try to move forward.<br/>9 Commissioner Kimble or Commissioner Meyer?<br/>10 (No response.)<br/>11 CHAIRWOMAN CHAN: Okay. I don't see any<br/>12 public indicating they wish to speak. And, if not, we<br/>13 can go ahead and I would entertain a motion to approve<br/>14 the amendment to the Rule, R2-20-109.<br/>15 COMMISSIONER KIMBLE: Madam Chair?<br/>16 CHAIRWOMAN CHAN: Commissioner Kimble?<br/>17 COMMISSIONER KIMBLE: I move that we approve<br/>18 the amendment R2-20-109, Independent Expenditures, as<br/>19 outlined in our agenda item.<br/>20 CHAIRWOMAN CHAN: Thank you, Commissioner<br/>21 Kimble.<br/>22 COMMISSIONER MEYER: I will second that<br/>23 motion.<br/>24 CHAIRWOMAN CHAN: Thank you, Commissioner<br/>25 Meyer.</p>   | <p>10:04:25-10:05:51 Page 25</p> <p>1 Act and other constitutional issues. It's -- Our<br/>2 concern with it is its effect on the legal point of the<br/>3 surcharge voters created and appropriated in the Clean<br/>4 Elections Act.<br/>5 So, Joe Roth is here today. He's a partner<br/>6 with Osborn Maledon. And first we're going to turn to<br/>7 Tom for a little more background, and then we can turn<br/>8 it over to the Commissioners for questions. And then if<br/>9 we do have legal questions, then I would entertain a<br/>10 motion to go into executive session.<br/>11 So, Tom, you want to . . .<br/>12 MR. COLLINS: Yes. Thank you, Madam Chair,<br/>13 Commissioners. So, at the last meeting, as Chairwoman<br/>14 Chan said, you know, we did an informal public<br/>15 discussion about this to try to get a sense of the<br/>16 Commission's views on whether or not we should look<br/>17 further into this.<br/>18 We have started that process. Joe is here to<br/>19 -- to -- and can talk a little bit about the contours of<br/>20 that.<br/>21 There are some timing changes that have<br/>22 changed, literally since we posted the meeting,<br/>23 specifically that has to do with, as I mentioned in the<br/>24 earlier part of the agenda on these items, director's<br/>25 report.</p> |

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| <p>10:05:51-10:07:52 Page 26</p> <p>1 The Legislature has now, you know, taken a<br/>2 break to work on the budget. So that, obviously, pushes<br/>3 the session out, which pushes the effective date of, you<br/>4 know, it -- just as a background matter, to refresh<br/>5 everybody's memory, most legislation is effective 90<br/>6 days after the legislative session closes. So, that<br/>7 time is, you know, we now know, will be pushed out<br/>8 farther than we would have anticipated, probably, on<br/>9 Monday, you know, farther than I would have anticipated.<br/>10 There are other people who, I'm sure, would have<br/>11 anticipated something else.<br/>12 Anyways, so -- so, you know -- so, you know,<br/>13 Joe has been, and Osborn Maledon have been, you know,<br/>14 authorized to help us with the legal advice and<br/>15 understanding this issue.<br/>16 So, I guess, my question is, so -- so -- so,<br/>17 Commissioners -- I mean, the first -- the -- the one<br/>18 question, really, is, like, you know -- I mean, there<br/>19 are three of you here. Were we to go into executive<br/>20 session, obviously we could -- we could have -- we're<br/>21 prepared to discuss some of the aspects of this bill.<br/>22 But, just to be clear, because of the way the<br/>23 Legislature is in flux right now, you know, we're not --<br/>24 as staff, we don't have a specific action that we're<br/>25 suggesting today. Really, we want to make sure that we</p>         | <p>10:09:40-10:11:17 Page 28</p> <p>1 traffic defendant to what is called community<br/>2 restitution at a rate of \$12 per hour to the state.<br/>3 You know, as we said to the governor's<br/>4 attorneys in requesting that the governor consider a<br/>5 veto on this -- and I wish I could take credit for this<br/>6 line, but I can't. Even if you believe there's efficacy<br/>7 and -- in the -- in the -- in the -- in this kind of<br/>8 mitigation effort, it's not -- it's not money.<br/>9 And so what we told the Commission -- and we told the<br/>10 Legislature it's, therefore, either amendatory,<br/>11 superseding, or averting because those are not the same<br/>12 thing.<br/>13 So, that's where we are on this. If -- if you<br/>14 all would like, you know, Joe is here. Joe has made<br/>15 himself available. I really appreciate that.<br/>16 And -- and so if you want to get into some of<br/>17 the -- some of the legal issues, we're welcome -- you're<br/>18 welcome to do that. Now is a good time to do that. But<br/>19 that's -- I know that's quite a bit of background, but I<br/>20 just want to make sure that, you know, that we're all --<br/>21 have a common set of -- of facts that are, you know,<br/>22 part of the public record.<br/>23 CHAIRWOMAN CHAN: Do we need to discuss the<br/>24 other bill, as well? Would Joe be advising us on that,<br/>25 as well?</p>   |
| <p>10:07:57-10:09:34 Page 27</p> <p>1 continue to provide the background information so that,<br/>2 you know, when we reach a point where there is some<br/>3 decision to make on that, you all, you know, each of the<br/>4 Commissioners, feels like you have a sense of the<br/>5 salient issues.<br/>6 The -- and just to -- and not to extend this<br/>7 background so far, but just to -- just to make sure<br/>8 everybody sort of understands what the gist of the issue<br/>9 is, at least from -- from -- from how we presented it in<br/>10 the Legislature, the upshot is basically the Clean<br/>11 Elections Act set up -- sets up a surcharge on civil and<br/>12 criminal fines and fees of 10 percent. And it sets up<br/>13 that that money should go to the Clean Elections Fund.<br/>14 So, it's appropriated.<br/>15 The bill that passed, there's a -- there's<br/>16 some other stuff, too. It's not exclusively about --<br/>17 it's -- it's -- first of all, it's not exclusively about<br/>18 Clean Elections, and it's not even exclusively about the<br/>19 surcharge. There's some other aspects of it that have<br/>20 to do with juvenile fines and fees that -- you know.<br/>21 But, the -- the bottom line is that the<br/>22 provision that talks about the surcharges that we are<br/>23 included in notwithstanding the Clean Elections Act. And<br/>24 so, you know, our concern is, you know, what is the --<br/>25 is that -- and allows a judge to sentence a civil</p> | <p>10:11:18-10:12:51 Page 29</p> <p>1 MR. COLLINS: Madam Chair, Commissioners, Joe<br/>2 is authorized to do that. I will say, however, that<br/>3 that bill, and since it's one agenda item, obviously,<br/>4 you know, that bill, things are even more -- again,<br/>5 since we created the agenda, things have gotten -- I<br/>6 mean, that bill is wrapped up with the budget. It's<br/>7 part of the budget procedures.<br/>8 We know that the Senate Rules attorneys have<br/>9 suggested to the Senate that the aspects of that bill<br/>10 that -- whether or -- regardless of their intent, by<br/>11 their language, implicate the Commission's authority<br/>12 under the Clean Elections Act to defend the Clean<br/>13 Elections Act are, you know, are legitimate<br/>14 constitutional issues that -- that the Rules attorneys<br/>15 are recommending be addressed.<br/>16 Now, that having been said, you know, because<br/>17 the budget is now in a state of flux, you know, it's a<br/>18 little harder to -- we have -- we really -- we<br/>19 basically, in the last 24 hours, since about 2 o'clock<br/>20 yesterday when the Senate decided that they would also<br/>21 go on a break, so to speak, we just really don't know<br/>22 what's going to happen with that.<br/>23 CHAIRWOMAN CHAN: Just a quick question, then.<br/>24 So, just to familiarize the Commissioners in case<br/>25 they're not aware, I'm not sure what -- I don't think</p> |

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| <p>10:12:55-10:14:25 Page 30</p> <p>1 the budget had been out last month, correct, because it<br/>2 just came out this week. Do you want to go over the<br/>3 provisions that impact us in that bill quickly --<br/>4 MR. COLLINS: Sure.<br/>5 CHAIRWOMAN CHAN: -- or however long it takes.<br/>6 MR. COLLINS: Yeah, no, I will do it quickly.<br/>7 Madam Chair, Commissioners, so on Monday the<br/>8 House, and later the Senate, dropped the budget bills.<br/>9 There's always a, what's called budget procedures, which<br/>10 basically is the law governing the budget.<br/>11 In that bill there were some -- I mean, I<br/>12 would just say substantive procedures that don't have a<br/>13 lot to do with budgeting. And two of them directly<br/>14 implicate the Commission.<br/>15 The first one is Section 15 of what was<br/>16 introduced as House Bill 2891. That takes some language<br/>17 in the Arizona Administrative Procedures Act that allows<br/>18 you -- they -- they -- anyone to petition the Governor's<br/>19 Regulatory Review Council for review of a rule or<br/>20 practice of a state agency.<br/>21 The bill would loosen that so that no longer<br/>22 would there be a petition required. Essentially what it<br/>23 says is that if four GRRC members decide they would like<br/>24 to reach out and grab a rule or alleged rule or policy<br/>25 of an agency or a board or commission, they can do that.</p>  | <p>10:16:00-10:17:35 Page 32</p> <p>1 Elections Commission requires a three-quarter vote<br/>2 because of that amendment.<br/>3 Second and, perhaps, in a more -- certainly,<br/>4 more -- more broadly publicly recognized issue, there's<br/>5 a set of session laws proposed in 2891 that state,<br/>6 basically, that the Attorney General's Office is to be<br/>7 the -- essentially, the election lawyer for the State.<br/>8 It's pretty clear, and certainly it's been<br/>9 reported, that the purpose of this bill, because it has<br/>10 some other provisions that pile on top of this, is to<br/>11 effect the Secretary of State's role in several<br/>12 different issues.<br/>13 That having been said, this particular<br/>14 provision is written quite broadly, and so -- and it<br/>15 says that, you know, notwithstanding any law,<br/>16 essentially, the Attorney General gets -- controls the<br/>17 defense of election laws, you know, regardless of<br/>18 whether or not another state officer or anybody else<br/>19 intervenes.<br/>20 There are a couple of different ways in which<br/>21 this kind of expansion of the Attorney General's role<br/>22 would implicate the Voter Protection Act as to the Clean<br/>23 Elections Commission, but the most obvious and salient<br/>24 and easy one is that we have authority to intervene to<br/>25 defend the Clean Elections Act.</p>                        |
| <p>10:14:30-10:15:56 Page 31</p> <p>1 Now, it's a general statutory proposal in the<br/>2 sense that it would apply to all agencies that have<br/>3 reporting requirements with the governor's regulatory<br/>4 review council. However, the Commission's operation<br/>5 with respect to GRRC under the -- under the -- what's<br/>6 called Prop 306 from 2018 was passed by voters.<br/>7 So, it has been our view, and it has been the<br/>8 view of some other -- some attorneys, including<br/>9 legislative attorneys, in other -- in similar context<br/>10 that, you know, again, regardless of whether or not you<br/>11 agree on whether or not it furthers the purpose of Prop<br/>12 306 to have GRRC have more authority over Clean<br/>13 Elections, it's a change. It's an amendment.<br/>14 On -- You know, were this to pass on day one,<br/>15 there would be a public petition process that we would<br/>16 be aware of if someone was trying to get GRRC to look at<br/>17 a specific issue. On day two, the GRRC council members<br/>18 could, as I read the bill, simply notify their chair<br/>19 that there is an issue. And then we would get a letter,<br/>20 I guess, from the chair saying, "You're under review for<br/>21 this." That is a change in -- that is a change in law.<br/>22 And so our -- what we have, you know, told the<br/>23 Legislature is, we believe that that would -- and we've<br/>24 told the Governor's office, as well, that we believe<br/>25 that that would, you know -- that appliance at Clean</p> | <p>10:17:36-10:18:52 Page 33</p> <p>1 And so the -- so if the reasoning goes Clean<br/>2 Elections Act is an election law, the Clean Elections<br/>3 Commission currently has the authority to intervene to<br/>4 defend the Clean Elections Act from a challenge, this<br/>5 new law says that the Attorney General decides how to<br/>6 intervene to protect an elections law. Therefore, there<br/>7 is a change.<br/>8 On day one the Clean Elections Commission has<br/>9 the authority to defend the Clean Elections Act. On day<br/>10 two the Attorney General controls that, because voters<br/>11 passed the Clean Elections Act, and subject to the Voter<br/>12 Protection Act, that change is a amendment.<br/>13 There are other things in the drafting of this<br/>14 particular subsection -- it's Section 24 of the bill --<br/>15 that are -- that are problematic for -- for -- from a --<br/>16 from other perspectives, in our view. And then there<br/>17 are broader issues with it in the sense that how it's<br/>18 constructed.<br/>19 You know, there are some other legal issues<br/>20 that really belong to the counties and the Secretary of<br/>21 State's office of about how the actual mechanics of<br/>22 election litigation would work. But -- but for our<br/>23 purposes, it's -- it's basically -- it's -- the Voter<br/>24 Protection Act.<br/>25 And then we also are concerned -- there's a --</p> |

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| <p>10:18:55-10:20:25 Page 34</p> <p>1 there's a section of the bill that says that the<br/>2 Attorney General's office advice function and the<br/>3 Attorney General's ability to make decisions apart from<br/>4 that on election stuff would be separate.<br/>5 Now -- And that's a change, too, not a<br/>6 VPA-related change, per se, but because -- because there<br/>7 are Arizona Supreme Court rules that govern that<br/>8 relationship, and this would supersede those, there is a<br/>9 potential for a separation of powers issue.<br/>10 So, those are the issues that we've raised<br/>11 with the Legislature. We've raised, as applied,<br/>12 expanding GRRC's power to the Commission is a change in<br/>13 law that applies to the Commission that -- allowing the<br/>14 Attorney General's office to supersede the Commission's<br/>15 authority to defend the Clean Elections Act is a Voter<br/>16 Protection Act issue. And there are other provisions of<br/>17 the Clean Elections Act that -- that could be<br/>18 countervailed by that.<br/>19 And then, finally, that by altering the nature<br/>20 of the relationship between the Attorney General's<br/>21 Office and some of its client agencies, potentially<br/>22 including us, there's a potential separation of powers<br/>23 issue.<br/>24 So, that -- that -- that -- that's -- that's<br/>25 the status of where we are at this point, Madam Chair.</p> | <p>10:21:53-10:23:08 Page 36</p> <p>1 than that, but I'd hate to do anything that would<br/>2 preempt his position on it.<br/>3 CHAIRWOMAN CHAN: Commissioner Kimble, I<br/>4 really appreciate you bringing that up. I think you're<br/>5 absolutely right. I didn't think of it that way, and I<br/>6 think you're correct. I think that's a great way to<br/>7 approach it.<br/>8 Commissioner Meyer, what are your thoughts on<br/>9 that?<br/>10 COMMISSIONER MEYER: Madam Chair, I have just<br/>11 a quick question on -- regarding 2110.<br/>12 What percentage of our revenues are coming<br/>13 from these civil/criminal fines?<br/>14 MR. COLLINS: Sure. Madam Chair,<br/>15 Commissioner Meyer, I think it's something like 80 to 90<br/>16 percent of our revenue.<br/>17 Now, that having been said, the -- the impact<br/>18 of this bill may, in turn, be limited. That's a --<br/>19 that's a -- that's another part of the discussion. But<br/>20 -- so it's -- it's basically the bulk of our revenue.<br/>21 The impact may turn out to be less than, you know, the<br/>22 -- let me put it this way. The Joint Legislative Budget<br/>23 Committee reported based on what the administrative<br/>24 offices of the court had said that they thought the<br/>25 impact would be minimal on the -- on the actual revenue</p>                  |
| <p>10:20:29-10:21:49 Page 35</p> <p>1 CHAIRWOMAN CHAN: Thank you. So, having heard<br/>2 all of that -- and, you know, I recognize that the<br/>3 budget is kind of a squishy, amorphous thing right now,<br/>4 it's not come to fruition yet, but I just wanted us to<br/>5 be aware of those issues.<br/>6 Do we want to go into -- do we want to<br/>7 entertain -- does anybody want to make a motion to go<br/>8 into executive session to obtain legal advice on 2110 at<br/>9 least? Did I get that number right?<br/>10 MR. COLLINS: Yes.<br/>11 CHAIRWOMAN CHAN: Yeah.<br/>12 Do we want to get legal advice on that?<br/>13 COMMISSIONER KIMBLE: Madam Chair?<br/>14 CHAIRWOMAN CHAN: Um-hum, Commissioner Kimble.<br/>15 COMMISSIONER KIMBLE: I guess I'm somewhat --<br/>16 Commissioner Paton was very interested in this issue<br/>17 last month when we discussed it. He's not able to be<br/>18 here today.<br/>19 CHAIRWOMAN CHAN: Yes.<br/>20 COMMISSIONER KIMBLE: If there's not anything<br/>21 really pressing with 2110, since who knows when the<br/>22 Legislature's going to adjourn, I wonder if we -- if we<br/>23 ought to wait until next month when I hope he's able to<br/>24 be with us, just out of respect to his thoughts on this.<br/>25 I'm not aware that we should move more quickly</p>   | <p>10:23:12-10:24:38 Page 37</p> <p>1 into the fund. That's what we know now, as far as that<br/>2 goes.<br/>3 COMMISSIONER MEYER: Madam Chair?<br/>4 CHAIRWOMAN CHAN: Yeah, go ahead.<br/>5 COMMISSIONER MEYER: As far as my position, I<br/>6 don't know that we need legal advice, but I -- I do want<br/>7 to say, I think we need to be very careful and make sure<br/>8 that we protect the Commission's authority that we have<br/>9 under the VPA.<br/>10 And I don't think it's any secret to anyone<br/>11 here that, you know, democracy and voting rights are<br/>12 literally under attack right now. And we do not want to<br/>13 -- we need to make sure that we do what we need to do to<br/>14 protect those rights. And, you know, one of our<br/>15 missions is, you know, to maintain the integrity of our<br/>16 election system.<br/>17 So, I am of the mind that we need to do what<br/>18 we need to do to protect the VPA. If there's changes<br/>19 being made that don't meet the three-fourths<br/>20 requirement, we need to look at that.<br/>21 And I don't know how the timing works then. I<br/>22 certainly respect my other Commissioner's position. I<br/>23 know Commissioner Kimble said he would like to hear from<br/>24 Commissioner Paton on this. But if time is of the<br/>25 essence, I would like to know that.</p> |

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| <p>10:24:43-10:25:58 Page 38</p> <p>1 CHAIRWOMAN CHAN: It sounded like, from what<br/>2 you were thinking, because of the fact that we're<br/>3 kicking the can down the road, so to speak, because of<br/>4 the general effective date, that affects when -- if we<br/>5 were going to file something at the Commission.<br/>6 MR. COLLINS: Right. Right. So, Madam Chair,<br/>7 Commissioner Meyer, and -- I mean, to make use of Joe's<br/>8 time, I mean, I would say this: I believe that -- that<br/>9 we don't need to make any decisions that -- during this<br/>10 meeting.<br/>11 You know, had the -- had the legislative<br/>12 matters developed in a different way, we might have just<br/>13 -- you know, we might have been able to skip this<br/>14 altogether as an agenda item. It's just not how it<br/>15 worked out.<br/>16 But, you know, subject to some correction, I<br/>17 don't -- I don't think we need to do that today. If we<br/>18 did, we would be -- we would definitely tell you, you<br/>19 know.<br/>20 And so, obviously, Joe has a role in -- in<br/>21 that determination in terms of his analysis timing, but<br/>22 so -- unless he -- so if he --<br/>23 Joe, if you want to jump in here and say I'm<br/>24 wrong, please do.<br/>25 But, otherwise, I think we're very comfortable</p>  | <p>10:27:20-10:29:01 Page 40</p> <p>1 suit? Maybe we're getting into legal advice, but --<br/>2 maybe that's a question for the next meeting.<br/>3 MR. COLLINS: Well, Madam Chair, Commissioner<br/>4 Meyer, if I may, from a non-le- -- as not your lawyer,<br/>5 you know, my view is that if we needed to file something<br/>6 around the time of the effective date, we would still<br/>7 have time to do that. But I don't think we're at the<br/>8 point where we would be able to tell you precisely what<br/>9 that would even look like, because there are some -- you<br/>10 know, there are some factual issues that I will probably<br/>11 have to -- and staff have to have some more information<br/>12 that we would feed back through the legal process, as<br/>13 far as -- as far as that goes.<br/>14 But the one -- From an administrative<br/>15 perspective, one of the reasons that I'm not -- I'm not<br/>16 concerned -- I'm not as concerned about that is because<br/>17 there's still -- we have 90 days from the end, first of<br/>18 all.<br/>19 And -- and so -- and when we've had to do this<br/>20 before, again, not -- I'm not saying we will and I'm not<br/>21 even saying we should, and I'm not even saying that I<br/>22 have the information to say we -- just have a feeling<br/>23 about whether or not we can. And normally I -- I'm just<br/>24 saying, basically, as a practical matter, we -- we have<br/>25 -- we have 90 days, plus whatever we get in the -- in</p> |
| <p>10:26:04-10:27:15 Page 39</p> <p>1 with -- with standing -- with not -- with staying where<br/>2 we are today. We've updated you on where we think the<br/>3 developments are around these issues. I -- I don't<br/>4 think there's anything else we need to do today.<br/>5 CHAIRWOMAN CHAN: Joe, do you want to -- do<br/>6 you mind if I put you on the spot? Do you think we're<br/>7 okay if wait until we can get Commissioner Paton over<br/>8 here for the next Commission meeting, timing-wise?<br/>9 MR. ROTH: Madam Chair, Commissioners, I<br/>10 agree. I have nothing to add to what Tom said. I don't<br/>11 think there's any timing pressure beyond the adjournment<br/>12 of the Legislature. There's a one-year statute of<br/>13 limitations to bring an action.<br/>14 CHAIRWOMAN CHAN: Excellent. Well, I feel<br/>15 better about that already. Thank you.<br/>16 All right. So, if there's no further comments<br/>17 or questions from the commissioners or staff, I'll go<br/>18 ahead and take us on to our next agenda --<br/>19 COMMISSIONER MEYER: Madam Chair, I apologize.<br/>20 CHAIRWOMAN CHAN: Oh.<br/>21 COMMISSIONER MEYER: A quick question. On the<br/>22 one-year statute of limitations, is this something -- is<br/>23 this not something that we would need to enjoin before<br/>24 it happens? I mean, once -- once -- once the law is<br/>25 passed, I mean, isn't it a little late to then file</p> | <p>10:29:03-10:30:39 Page 41</p> <p>1 the legislative session. So, I don't anticipate that.<br/>2 And I don't anticipate the kind of pent up<br/>3 demand for this change that there was, for example in<br/>4 two -- you know, the last time -- not the last time, but<br/>5 one of our bigger legal issues we've had was on the --<br/>6 was on our -- the -- the campaign finance limits that<br/>7 apply.<br/>8 In that particular case, there was a high<br/>9 level of pressure on the Commission, the courts, from<br/>10 the Legislature and from candidates running for<br/>11 statewide office to -- who wanted to raise more money.<br/>12 This -- this issue is a little bit more disaggregated<br/>13 than that. There's -- there's not a real lobby for<br/>14 this. In fact, all of the criminal justice and civil<br/>15 justice reform advocates that I know are -- were against<br/>16 this bill because it doesn't -- it doesn't do anything<br/>17 as a policy matter.<br/>18 As a policy -- and I can say this from my own<br/>19 experience in criminal defense. Civil restitution for<br/>20 civil -- sentencing people to work for civil fines,<br/>21 well, it doesn't -- that's not something that works in<br/>22 the criminal context, and there's no reason to believe<br/>23 it's going to work in the civil context. It's not --<br/>24 it's not -- it's not an effective reform policy.<br/>25 So, in that sense, there's not -- there just</p>   |

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| <p>10:30:42-10:31:42 Page 42</p> <p>1 isn't the intensity level around this that there would<br/>2 be if this was something that substantively dealt with,<br/>3 say, speech issues or spending issues, or some of those<br/>4 things.<br/>5 I hope I'm getting at an answer to your<br/>6 question, Mr. Meyer. Maybe I'm just talking.<br/>7 COMMISSIONER MEYER: No, you are. And I<br/>8 appreciate -- I appreciate it. Thank you.<br/>9 COMMISSIONER KIMBLE: Madam Chair?<br/>10 CHAIRWOMAN CHAN: Yes, Commissioner Kimble.<br/>11 And I don't know if Joe had anything to add<br/>12 when you're done.<br/>13 COMMISSIONER KIMBLE: Okay.<br/>14 CHAIRWOMAN CHAN: Go ahead, Commissioner<br/>15 Kimble.<br/>16 COMMISSIONER KIMBLE: Looks like Joe is gone.<br/>17 UNIDENTIFIED SPEAKER: No, he's here.<br/>18 COMMISSIONER KIMBLE: A couple points.<br/>19 First of all, I just want to say what<br/>20 Commissioner Meyer said about the -- about 2110, I<br/>21 totally agree with. And I don't mean anyone to think<br/>22 that my suggestion that we wait is any indication that I<br/>23 have some doubts about whether we ought to go after this<br/>24 or not. I think Commissioner Meyer spelled it out very<br/>25 well. I just want to make sure that Commissioner Paton,</p> | <p>10:32:55-10:34:10 Page 44</p> <p>1 concern about the timing, for the reasons Tom discussed,<br/>2 that there would be time to act, whether we needed to<br/>3 act within the 90 days or within the one year.<br/>4 CHAIRWOMAN CHAN: Okay. Great. Thank you.<br/>5 Do you want us to go into executive session, or do you<br/>6 think it can wait until our next Commission meeting?<br/>7 MR. ROTH: I don't recommend it. Happy to,<br/>8 obviously, address any questions, but I don't think it's<br/>9 necessary today.<br/>10 CHAIRWOMAN CHAN: I think we can wait, then.<br/>11 And that way, you know, I think, Commissioner Kimble, I<br/>12 think we all understand what you're saying as far as<br/>13 waiting for our colleague to come back. I think it's<br/>14 always better to have more of us here to make a decision<br/>15 together, and especially when one has expressed interest<br/>16 in an issue.<br/>17 So -- all right. Excellent. Love our team.<br/>18 If there's nothing else from anyone on this<br/>19 issue, I will go ahead and move on to Item, is it VIII?<br/>20 I think it is Item VIII. Public comment -- no, IX.<br/>21 Excuse me. Public comment, whatever number that is.<br/>22 Okay. So, does any member of the public wish<br/>23 to make comments at this time? I see Rivko's hand up.<br/>24 Rivko.<br/>25 MS. KNOX: Madam Chair, I just wanted to say a</p>  |
| <p>10:31:45-10:32:53 Page 43</p> <p>1 who has indicated a lot of interest in this, has a<br/>2 chance to weigh in.<br/>3 Second of all, Tom, do you need any direction<br/>4 from us on 2891, on the budget bill? It sounds like<br/>5 there are two issues that you've outlined that I think,<br/>6 speaking only for myself, I agree with your concerns<br/>7 about these two things. But do we need to do anything<br/>8 since that'll presumably be resolved by the next time we<br/>9 meet?<br/>10 MR. COLLINS: Madam Chair, Commissioner<br/>11 Kimble, exactly, that's exactly our view, that -- and,<br/>12 in fact, and if things go and the Rules attorneys'<br/>13 analysis prevails this issue may go away largely, from<br/>14 our perspective.<br/>15 Now, what -- how this affects the Secretary of<br/>16 State or the counties is a different issue. I don't<br/>17 think that issue will go away, but our issue may go<br/>18 away.<br/>19 CHAIRWOMAN CHAN: And, Joe, did you want to<br/>20 add anything?<br/>21 MR. ROTH: Yes. Thank you, Madam Chair.<br/>22 To address Commissioner Meyer's question, I<br/>23 have thoughts on it that I think would be better left to<br/>24 an executive session.<br/>25 But, practically speaking, I do not have</p>              | <p>10:34:12-10:35:43 Page 45</p> <p>1 few things. Please, I want to make it very clear I'm<br/>2 speaking for myself as an Arizona citizen, and a voter,<br/>3 resident, whatever, for many, many years, since 1966.<br/>4 I'm not speaking on behalf of any group.<br/>5 I really should have said this, I think, last<br/>6 month, but I didn't speak. I wanted to thank the<br/>7 Commission staff for inviting me to participate in that<br/>8 Civic Education Conference, which was absolutely<br/>9 outstanding.<br/>10 I don't know if my comments were outstanding,<br/>11 but I enjoyed and learned a lot by -- by listening to<br/>12 the entire thing. So I wanted to thank the Commission<br/>13 staff for that opportunity, and to speak.<br/>14 I also wanted to say that I have really been<br/>15 very pleased to see the Commissioners more proactive, if<br/>16 I could put it that way. I think it's a shame that very<br/>17 few people are really aware of Clean Elections, the<br/>18 Commission, and the wonderful mandates you have with the<br/>19 law and the work that you all do. And so this is a<br/>20 little, again, belated, but I know that several months<br/>21 ago two of the Commissioners wrote a column.<br/>22 And then I have not had an opportunity to see<br/>23 Ms. Roberts' interview, but I plan to.<br/>24 And I've also heard you, Chairman Chan, being<br/>25 interviewed on NPR Take House host yesterday, and very</p> |

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| <p>10:35:48-10:37:18 Page 46</p> <p>1 articulate and very informative. And I hope that people<br/>2 listen and people learn more about the Commission.<br/>3 My role now is just to say, as a citizen --<br/>4 and I have tried writing some letters to the editor, but<br/>5 getting them published is not necessarily that easy.<br/>6 But, I -- I am -- of course, unfortunately the way the<br/>7 Legislature has been acting, the way the Legislature<br/>8 procedures actions have been recently, it is very, very<br/>9 difficult -- we have RTS, request to speak, no longer<br/>10 applies once it goes to the committee of the whole. The<br/>11 budget bill's come and go. So, it is very difficult to<br/>12 kind of develop support or opposition to specific<br/>13 things. But that's where the legislature is now, abut<br/>14 -- Again, I do plan to continue.<br/>15 By the way, I have been writing reports. The<br/>16 last -- since I no longer represent the League, I still<br/>17 have written up a brief summary of each meeting and send<br/>18 it to several people who are League members who have<br/>19 always been very interested in the Citizens Clean<br/>20 Election Commission, and including one of the two<br/>21 members who was very instrumental in getting them<br/>22 passed. And this whole thing keeps them alert to<br/>23 things.<br/>24 And that's it. And thank you very much for<br/>25 the opportunity to speak, and I am muting myself.</p> | <p>10:38:49-10:39:55 Page 48</p> <p>1 mission. So, kudos to them.<br/>2 Anyone else -- oh, sorry. Tom, go ahead.<br/>3 MR. COLLINS: I just wanted to say real<br/>4 quickly -- I apologize. I should have said this<br/>5 earlier.<br/>6 If there's anybody who's watching on YouTube<br/>7 who would like to make public comment, you can go onto<br/>8 our website and click the link on the agenda there, and<br/>9 you should be able to -- I suppose we can pause for a<br/>10 moment to see if anybody clicks in.<br/>11 CHAIRWOMAN CHAN: Sure.<br/>12 MR. COLLINS: But that was all. I'm sorry for<br/>13 the interruption.<br/>14 CHAIRWOMAN CHAN: That's okay.<br/>15 COMMISSIONER MEYER: Madam Chair?<br/>16 CHAIRWOMAN CHAN: Sure.<br/>17 COMMISSIONER MEYER: Can I just follow up on<br/>18 your comment. And thank you, Ms. Knox, for your<br/>19 comments.<br/>20 And, you know, I just wanted to say, I wanted<br/>21 to thank our staff, Gina, getting out, doing the<br/>22 interview, thank Commissioner Kimble, Commissioner Chan,<br/>23 for their appearances.<br/>24 And I just want to say I want to support and<br/>25 commend and thank Maricopa County Supervisor Bill Gates</p>  |
| <p>10:37:23-10:38:46 Page 47</p> <p>1 CHAIRWOMAN CHAN: Thank you so much, Rivko.<br/>2 We love having you here.<br/>3 And, yes, Commissioner Kimble and Commissioner<br/>4 Meyer wrote a wonderful op-ed that I saw in -- I can't<br/>5 remember which paper it was now, but I think it was in<br/>6 maybe even more than one. I saw it on the internet, so<br/>7 I can't remember because I read several different<br/>8 newspapers, although -- anyway. But it was a wonderful<br/>9 op-ed about some of the issues that we're seeing at the<br/>10 Legislature.<br/>11 And just my own personal commentary here, I<br/>12 think one of the saddest things, to me as an election --<br/>13 I'd like to think of myself as an election professional<br/>14 -- as an election professional is that promoting voting<br/>15 participation seems to have become political. And that<br/>16 -- that is very sad to me.<br/>17 So -- but I think the one thing that I really<br/>18 admire about my fellow commissioners is that I think we<br/>19 all really feel passionate about our mission here as far<br/>20 as promoting participation in government and voter<br/>21 participation. And so I do think that we're not shying<br/>22 away from that, even though it seems to have become a<br/>23 little bit of a hot potato in recent years.<br/>24 So, I want to give props to my fellow<br/>25 commissioners for not shying away from that part of our</p>                                 | <p>10:40:00-10:41:23 Page 49</p> <p>1 and Maricopa County Recorder Steven Richer on their<br/>2 statements, Republicans on their statements that they<br/>3 have made regarding the audit that is currently ongoing<br/>4 by our Senate, and I truly support the courage and what<br/>5 they've done, and I thank them.<br/>6 CHAIRWOMAN CHAN: Thank you.<br/>7 I echo those sentiments. And I'd like to add,<br/>8 you know, there have been a lot of people who have<br/>9 spoken out against the audit. And I know I've seen some<br/>10 people say, you know, Republicans shouldn't get special<br/>11 kudos for coming out against the audit, but I think what<br/>12 we've seen, again, is that unfortunately it's become,<br/>13 again, a little bit of a political football. And I<br/>14 think it's probably hard to buck your own party when it<br/>15 does seem to become a little bit partisan like that.<br/>16 So, I stand with Maricopa County, for sure, on this one<br/>17 and I applaud them, as well, and all the Maricopa County<br/>18 supervisors.<br/>19 COMMISSIONER KIMBLE: Madam Chair, let me just<br/>20 say I agree with you and agree with what Commissioner<br/>21 Meyer said. Very well said. Thank you.<br/>22 CHAIRWOMAN CHAN: Thank you.<br/>23 Let me add -- because I think I left it out --<br/>24 regarding public comment, for anyone who would like to<br/>25 send comments, they can do that to the Commission by</p> |

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1 mail or by e-mail at CCEC@AZCleanElections.gov.  
2 And, you know, Commissioner Meyer, you also  
3 gave a shout out to our staff. And I think I didn't do  
4 that this meeting, and I feel like -- I don't mean to  
5 take them for granted.  
6 You guys do such an amazing job, and the fact  
7 that you guys have been really -- You know, Commissioner  
8 Kimble, you mentioned do we need to give direction to  
9 staff. And I've seen the work that they've been doing  
10 on their budget this week, just because I've been in  
11 communication with Tom on it a little bit, and -- and so  
12 I know we don't need to give them direction in that  
13 regard.  
14 And it's been an incredible experience,  
15 actually, this year being chairman, just seeing what you  
16 do on a more regular basis. So, I'm having -- You know,  
17 it's been a wonderful experience being on the Commission  
18 and seeing what you guys do, but being chairman has been  
19 a different experience, as well, just seeing a little  
20 more. So -- and I got to attend a staff meeting, which  
21 was wonderful.  
22 So, anyway, I just -- I really appreciate our  
23 staff. You guys are amazing and appreciate getting, you  
24 know, all the different perspectives from you and, you  
25 know, kind of keeping me grounded. So, anyway, thank

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1 you all very much. So --  
2 COMMISSIONER MEYER: Madam Chair?  
3 CHAIRWOMAN CHAN: Yes.  
4 COMMISSIONER MEYER: One last thing. I wanted  
5 to encourage everyone out there to please look at the  
6 piece that Maricopa County Recorder Stephen Richer wrote  
7 on NationalReview.com. I'm going to put a link to that  
8 in the chat, if that's okay. Tom?  
9 CHAIRWOMAN CHAN: I think that's fine.  
10 MR. COLLINS: Yeah, I think that the audit  
11 issue is in the executive director's report and,  
12 therefore, anybody who wanted to hear about the audit  
13 issue could have listened to this meeting.  
14 COMMISSIONER MEYER: Great. And I just posted  
15 that link and I encourage everyone to look at it and  
16 read it. Thank you.  
17 CHAIRWOMAN CHAN: Thank you so much.  
18 All right. And is there anyone else who  
19 wishes to make public comment?  
20 (No response.)  
21 CHAIRWOMAN CHAN: I don't see any other hands  
22 or notices. So, with that we can move on to the last  
23 item on the agenda, Item X, Adjournment.  
24 Is there a motion?  
25 COMMISSIONER KIMBLE: Madam Chair, I move we

10:43:55-10:44:17 Page 52

1 adjourn.  
2 CHAIRWOMAN CHAN: All right. Thank you.  
3 Is there a second?  
4 COMMISSIONER MEYER: Second.  
5 CHAIRWOMAN CHAN: Okay. Excellent.  
6 All right. Let me 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: I vote aye, as well.  
12 And so by a vote of three ayes, zero nays, we  
13 have voted to adjourn the meeting. And, with that, we  
14 are adjourned. I will see you all next month. Have a  
15 good month.  
16 (Meeting adjourned at 10:44 a.m.)  
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1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA ) ss.  
3  
4 BE IT KNOWN that the foregoing proceedings  
5 were taken before me, Deborah L. Tucker, Certified  
6 Reporter No. 50464 and Notary Public in and for the  
7 County of Maricopa, State of Arizona; that the  
8 proceedings were taken down by me in shorthand and  
9 thereafter reduced to typewriting under my direction;  
10 that the foregoing pages are a true and correct  
11 transcript of all proceedings had upon the taking of  
12 said proceedings, all done to the best of my skill and  
13 ability.  
14 I FURTHER CERTIFY that I am in no way  
15 related to any of the parties hereto nor am I in any way  
16 interested in the outcome hereof.  
17 DATED at Phoenix, Arizona, this 28th day of  
18 May, 2021.  
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*Deborah L. Tucker*  
Deborah L. Tucker, RPR  
Certified Reporter #50464  
and Notary Public  
My Commission expires:  
January 20, 2025

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