THE STATE OF ARIZONA

CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF VIRTUAL PUBLIC MEETING

Phoenix, Arizona

June 17, 2021

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The State of Arizona Citizens Clean Elections Commission

Public Meeting

Transcript of Proceedings

June 17, 2021

Page 3

09:33:21-09:34:30

1. PROCEEDING

CHAIRWOMAN CHAN: All right. This is today's meeting of the Citizens Clean Elections Commission. It is Thursday, June 17th, at 9:32 a.m.

2. The first item on the agenda is the call to order, so I'll go ahead and call the meeting to order.

3. I'd like to ask the members of the audience to keep their microphones on mute, please, just so that whoever's speaking can be heard adequately, especially for the court reporter who's taking a record of the meeting.

4. And if we could have the Commissioners identify themselves for the record.

5. Go ahead and start, Commissioner Kimble.

6. COMMISSIONER KIMBLE: Commissioner Mark Kimble.

7. CHAIRWOMAN CHAN: And Commissioner Paton?

8. COMMISSIONER PATON: Commissioner Galen Paton.

9. CHAIRWOMAN CHAN: And I'm Commissioner Amy Chan.

10. And I don't believe there are any other commissioners with us this morning. It's just going to be the three of us, which is our quorum for today.

11. So, moving on to Item Number II, Discussion and Possible Action on Commission Minutes for May 28th, 2021.

Page 4

09:34:35-09:35:27


2. Is there any discussion of those minutes?

3. And, if not, I would accept a motion to approve the minutes.

5. COMMISSIONER KIMBLE: Madam Chair?


7. COMMISSIONER KIMBLE: I move we approve the minutes for the Commission meeting of May 28th, 2021.

9. CHAIRWOMAN CHAN: Thank you.

10. I need a second. And, Commissioner Paton, you're up.

12. COMMISSIONER PATON: This is Commissioner Paton. I will second it.

14. CHAIRWOMAN CHAN: Thank you.

15. All right. The motion has been made and seconded, so I will call the role to approve the minutes from the May meeting.

18. Commissioner Kimble, how do you vote?


20. CHAIRWOMAN CHAN: Commissioner Paton, how do you vote?


22. CHAIRWOMAN CHAN: And I vote aye, as well.

24. And by a vote of three to zero, we have approved the minutes of the May meeting.
1 And I really think it's great that Gina, as
everyone knows, I think, that Gina was a -- participated in
the Flinn-Brown Civics Leadership Collaborative a
couple of years ago, and that's been great to see that
connection develop.
2 Avery has continued his engagement with a
variety of different groups around the state, and
including the Secretary of State's Office, which, again,
you know, we're obviously always grateful to have the
opportunity to meet with folks who are, you know,
committed to working to continue to promote participation under the Act. So, that's -- that is
where that is.
3 You know, I wanted to say real quick, you
know, Julian has been working on the -- on the
legislative updates that come in the Executive Director's Report throughout the session, and so I
really -- I just want to say I appreciate that. I'm not
sure -- I'm hopeful that this may be the last legislative report for the year.
4 So, I just want to take the opportunity to
thank Julian for continuing to keep that document up-to-date and so we can get our hands on the
information as things develop. And they have developed quickly over time during the session.

1 A couple legal matters I really wanted to just
highlight, in part because they will be coming out between now and the next time we meet.
4 The Supreme Court took the case, and the argument was held in March, about Section 2 of the Voting Rights Act as it applies to a -- two Arizona laws; one which prohibits the collection of ballots by certain third parties and one which has to do with out-of-precinct voting for -- for Arizonans.
5 You know, I'm not in a position to prognosticate about how that case will come out. It has
12 -- The way the briefing was done, you know, the State, different parties have, you know, have taken different positions on the breadth of relief they're seeking. And then, of course, the defense is a -- of the Voting Rights Act itself is a different matter.
17 So -- but definitely something to be aware of, especially in view of the ongoing discussions of federal election legislation that pertains to some of these issues, or at least could.
21 Finally, on that point, I wanted to also highlight, on the point of the Supreme Court, I wanted to highlight there is a pending free speech disclosure case there. It has to do with the -- a California law that allowed -- allows the -- requires the charities to file records of their donors with the California Attorney General's Office.
3 There again, the State of Arizona has supported Americans for Prosperity, and is opposed to that law. We know in Arizona that under the way that the legislature has -- various legi- legislation that has been passed here has essentially made those kinds of requests very difficult, if not impossible, for anybody who has a federal tax status. But there is, again, concern, that should the court go very far one way or the other, you know, there's some potential for permutations that trickle down.
13 One thing I'm not anticipating, and so I don't think anyone should be terribly alarmed, is our trigger reports being problematic, in part because the trigger reports, while they apply broadly to every entity that makes an independent expenditure, they don't require information on donors.
19 So, at the end of the day, the bargain, if you will, that's struck by those reports, is, we get more timely information for voters about -- about the fact there's money being spent in an election they care about, and who the end spender is, but we don't get the donor information.
25 So, but -- but still, you know, if you're interested in, as I think many commissioners are, and the Act certainly speaks to disclosure issues, that's a case that I think folks are going to want to be aware of.
5 And then, finally, just real quickly, we did submit the rule that we approved at the last meeting to the Governor's Regulatory Review Council and we hope to have an opportunity to meet with them in the near future.
10 So, Madam Chair, Commissioners, that completes my report. I hope everybody heard me okay. I'm trying to project a little better. But in any event, if anyone has any questions, I'm obviously available.
14 CHAIRWOMAN CHAN: Thank you, Tom.
15 Are there any questions from Commissioners?

16 (No response.)
17 CHAIRWOMAN CHAN: Nope? Okay.
18 That was -- this is going to be a fast meeting, although now I probably jynxed it.
20 All right. We will move on, then, to Agenda Item IV, which is Discussion and Possible Action on MUR 20-03, Arizona Education Association.
21 And I refreshed my memory by just reviewing our meeting where we discussed this and voted on it last time. But -- and that was in January, so, that's why I
CHAIRWOMAN CHAN: Of course.

MR. COLLINS: Well, I can give you the factual

CHAIRWOMAN CHAN: So -- oh, and, actually,

Tom, maybe you did let me know in advance that perhaps

there wasn't going to be. So, I'll let Tom speak, and

then we'll take questions.

MR. COLLINS: Madam Chair, Commissioners, and

then just -- just in case -- in case a legal question

comes up, Monique Coady is here and can answer those

questions on independent legal advice.

So, the conciliation proposal that's in front

of you is my recommendation. Yeah, I have been in

communication with -- with Roy and the other attorneys

for the AEA.

What I am requesting as a direction or a vote

from the Commissioners is authorization to enter into

this agreement with the Arizona Education Association

with a deadline of Monday morning at 9:00 o'clock for

the AEA to sign on.

I -- I -- I -- I -- you know, we've been in

conversations with them. I don't think I -- I do think

that, you know, we can bear -- we had a little bit of

scheduling here this morning that was -- but -- but I

think we're in a position where I feel comfortable

making that recommendation.

I do think that a deadline is appropriate. I

think that -- I think -- but I think that should resolve

the matter.

So, I'm -- I'm simply requesting authorization

to enter into this agreement with the AEA and a deadline

of 9:00 o'clock Monday morning for the AEA to join.

CHAIRWOMAN CHAN: Thank you, Tom.

Do we have any questions? Well, I do have one

question.

So -- and I don't know if this is best

directed at Tom, or maybe for Monique, if Monique is

here to advise us on this, but it was just a scheduling

conflict? Did Mr. Herrera wish to be heard about this

before we go forward?

MR. COLLINS: Well, I can give you the factual

answer to that --

CHAIRWOMAN CHAN: Of course.

MR. COLLINS: -- which is that the -- they

have notice. They did express to me they have a

scheduling conflict this morning. They -- I have given

them direction as to -- we've been transparent with them

about what I was going to request. And I have received

nothing to contradict any of that.

CHAIRWOMAN CHAN: Okay.

MS. COADY: Madam Chairwoman, members of the

Commission, I can also respond on a legal response.

There is nothing in the statute or your rules

that require them to be present, or even require the

executive director to give them an opportunity to be

present. So it's at your discretion how you want to

move forward legally.

CHAIRWOMAN CHAN: Okay. Thank you so much,

Ms. Coady. I really appreciate that. I think that

addresses my question.

Okay. Commissioner Kimble or Commissioner

Paton, do you have any questions for Tom?

COMMISSIONER KIMBLE: Commissioner, this is Commissioner Kimble.

CHAIRWOMAN CHAN: Go ahead, Commissioner

Kimble.

COMMISSIONER KIMBLE: Tom, could you talk a

little bit about what the potential penalty could have

been under the statutes? In the agreement it says up to

$320 per day, up to twice the value of the unreported

amount.

So, what -- what could the potential fine have

been, and how was the final amount of $6,000 agreed

upon?

MR. COLLINS: Madam Chair, Commissioner

Kimble, just so I don't forget, to answer your second

question first, the amount isn't agreed upon. The

amount will not be agreed upon until after this meeting

with them if I get the authorization to present this to

AEA, just to clarify that.

With respect to your first question, the --

the total at this point, I would -- I would -- I would

venture to guess, is -- well, when we calculate the

amount, we look at the amounts we've -- we've charged in

the past for similar spending in a similar time frame.

So, we looked at two conciliations we entered

into in the 2018 election. One is a group called One

Arizona that had a very similar fact pattern in our

view, and then another -- there's another one whose name

is going to fall out my head right now, that I -- where

we sought $5200 in the 2018 election.

Those have been our reference points. So, the

goal has been to try to find a fine amount that ref-

respects the -- the process without -- without

like he is.

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1. making for an onerous fine in -- in our best guess as
2. staff.
3. The reason we approach this way -- and we
4. do tend to come out with lower numbers than is
5. potential. I mean, obviously the -- the -- the total
6. amount that could be charged here is something on the
7. nature of, you know, I don't know, $230,000, or
8. something like that.
9. That is, obviously, you know, twice the amount
10. of spending in question. You know, and it's a pretty --
11. it's a pretty stiff penalty.
12. Our goal, when we approach these things, is
13. always to get the information. So, it's -- it's -- so,
14. when we have a respondent who's, you know, who -- you
15. know, who's not terribly obstreperous about things, or
16. what have you, we -- we are able to make those kinds of
17. recommendations.
18. You know, at the end of the day, that's all it
19. is. You know, I -- I could get you a more precise
20. figure on what the absolute amount is, we think, here.
21. I don't know that I have a -- I don't think we have -- I
22. don't think I have that calculation in front of me, but
23. it's certainly not difficult to make.
24. At $320 a day, for example, it would be -- it
25. would be -- you know, after six months it would be about

1. a $60,000 fine. And this is about 10 percent of that.
2. COMMISSIONER KIMBLE: Okay. So, do you feel
3. that this is an amount that is likely to -- to deter
4. future -- future violations of our rules? I understand
5. that it's in line with what we've done in the past, but,
6. as you pointed out, it's far less than they could have
7. been fined.
8. MR. COLLINS: Sure.
9. COMMISSIONER KIMBLE: But is it an amount that
10. you feel is going to make someone else sit up, take
11. notice, and say, "Maybe we shouldn't do this"?
12. MR. COLLINS: That's a good question. You
13. know, the -- the -- Madam Chair, Commissioner Kimble, to
14. be, you know, as direct about it as I guess I think I
15. can be, every issue respecting -- expressing advocacy in
16. this state is fraught. There is a very deep divide
17. between what the binding case law of the state is about
18. determining this analytical question and what most
19. lawyers who defend groups that don't disclose their
20. donors think it should be.
21. As a result, you know, when we go about trying
22. to get into compliance with these laws, we are -- get
23. people into compliance with these laws, we're always
24. conscious of the fact that it is better to get the
25. information than risk a larger legal thing. That's just

1. -- that's the analysis.
2. Now, that having been said, we have had, over
3. the course of several years, you know, maybe one group
4. that's in a 501(c)(3) category that has taken actions
5. that we have determined are -- are advocating for an
6. election.
7. The big deterrent for a 501(c)(3) is that they
8. are not, at least under the IRS guideline, supposed to
9. be engaged in campaigning on behalf of candidates one
10. way or the other. There is a view that, among attorneys
11. -- I don't share -- that there has to be a way for
12. 501(c)(3)s to do what they think is not candidate
13. advocacy during the heart of a political campaign. I
14. just don't think that's true. But raising that to a
15. court in this state at this day, this time, is a very
16. risky proposition.
17. COMMISSIONER KIMBLE: Not to belabor the
18. point, but I guess my concern is -- this -- this was
19. called to our attention by someone who filed a
20. complaint.
21. MR. COLLINS: Sure.
22. COMMISSIONER KIMBLE: And I want to make sure
23. that the fine is not so onerous that we're going to get
24. into a protracted legal battle that's going to cause all
25. kinds of other problems.

1. On the other hand, I want to make sure it's
2. not so insignificant that organizations are going to
3. look at it in the future and say, "Well, we got caught.
4. That's just" -- "That's just the cost of doing
5. business."
6. So, I want to make sure that there is some
7. level of deterrent in this. And that's why I'm asking
8. about the amount.
9. MR. COLLINS: No, I -- I -- Madam Chair,
10. Mr. Kimble, I -- I see your point. I mean, I think that
11. the -- I mean, what I guess I'm -- I guess to be -- to
12. focus in on that, the big deterrent here for a 501(c)(3)
13. is never going to be the -- is never going to be the
15. The big deterrent for a 501(c)(3) is that if
16. an agen- -- and this is part of the reason why there's
17. language in the agreement around the issue of whether or
18. not they're admitting, for purposes of tax law, whether
19. or not this was expressed advocacy.
20. The reason that that piece is there, in my
21. view, is because the consequences for an organization
22. like the AEA are consequences at the federal tax level.
23. That's a much bigger risk than this.
24. And so, given that we've only had, you know,
25. it looks like, you know, maybe one of these per election
<table>
<thead>
<tr>
<th>Page 18</th>
<th>Page 19</th>
<th>Page 20</th>
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<td>1 cycle that we've had a complaint on, we have done an</td>
<td>1 making sure that we reflect our own priorities in that.</td>
<td>2 So, that's an important thing. You know, that's my -- I</td>
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<td>2 enforcement on those. And, interestingly enough, we've</td>
<td>3 mean, I think -- I -- I can only share with you my</td>
<td>4 experience in negotiating these kinds of agreements.</td>
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<td>3 never had the same group twice. In fact, we've never</td>
<td>5 COMMISSIONER PATON: Sure. I mean, $6,000 is</td>
<td>6 -- I mean, I used to be in the AEA for many years. I</td>
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<td>4 even had the same attorneys for those groups twice.</td>
<td>7 mean, it's probably dues for, like, six people in their</td>
<td>8 organization. So, I mean, it's not that much money to</td>
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<td>5 So, my -- my -- so, I think we are hitting the</td>
<td>9 them.</td>
<td>10 the future.</td>
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<td>6 right note because it's not prevalent and we haven't had</td>
<td>11 But I guess the idea that they -- if they</td>
<td>12 -- you know, what happened, then that would be maybe a</td>
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<td>7 repeat players.</td>
<td>13 would let the membership know, you know, what was going</td>
<td>14 better detriment to maybe this not happening again.</td>
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<td>8 COMMISSIONER KIMBLE: Okay. Thank you. That</td>
<td>15 -- you know, what happened, then that would be maybe a</td>
<td>16 But, I mean, I'm satisfied with the $6,000.</td>
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<td>9 -- that's a very good answer, I think.</td>
<td>17 probably well thought out by, you know, the organization</td>
<td>18 If we need to be punitive, I don't think this is</td>
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<td>10 Thank you, Madam Chair.</td>
<td>19 or people within it, or whatever, to go ahead and do</td>
<td>20 for Tom?</td>
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<td>11 CHAIRWOMAN CHAN: Thank you, Commissioner Kimble and Tom.</td>
<td>21 that. So . . .</td>
<td>22 COMMISSIONER PATON: That's all.</td>
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<td>12 Commissioner Paton, do you have any questions</td>
<td>23 MR. COLLINS: I'm definitely going to keep</td>
<td>24 INTERRUPTING.</td>
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<td>14</td>
<td>21 COMMISSIONER PATON: That's all.</td>
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<td>15 COMMISSIONER PATON: Well, I have -- yeah.</td>
<td>22</td>
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<td>16 I --</td>
<td>23</td>
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<td>17 CHAIRWOMAN CHAN: Go ahead.</td>
<td>24</td>
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<td>18 COMMISSIONER PATON: I think that, you know,</td>
<td>25</td>
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<td>19 I'm -- I'm satisfied with the payment.</td>
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<td>20 I was wondering if we could include in that</td>
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<td>21 that they would state to their membership what happened.</td>
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<td>22 You know what I'm saying, that they would -- could we</td>
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<td>23 ask them to publicize the fact that this has been done,</td>
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<td>24 and maybe it would get out -- you know, put the seed in</td>
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<td>25 other people's mind that are part of the organization</td>
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<th>Page 19</th>
<th>Page 20</th>
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<td>1 that they're not supposed to be doing that?</td>
<td>1 I think -- I think I understand why</td>
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<td>2 MR. COLLINS: Madam Chair, Commissioner Paton,</td>
<td>2 Commissioner Paton, you know, was going that direction.</td>
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<td>3 you know, it's an interesting question. I mean, I'll</td>
<td>3 I'm not comfortable trying to tell an association, you</td>
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<td>4 just be honest with you. My own view would be that that</td>
<td>4 know, or dictate what they communicate to their members,</td>
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<td>5 would be -- that would be very hard to convince any</td>
<td>5 even if it's a part of our -- even if it's, you know,</td>
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<td>6 501(c)(3) or (c)(4) organization to do.</td>
<td>6 something that we're part of. I just -- for some reason</td>
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<td>7 In my experience in working with settling some</td>
<td>7 that made me feel a little uncomfortable.</td>
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<td>8 of these matters, when we tried to impose anything that</td>
<td>8 And I think, Tom, you touched on it with the</td>
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<td>9 goes beyond the communication and into the organization</td>
<td>9 -- their freedom of association. I just don't feel</td>
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<td>10 -- I'll give you an example.</td>
<td>10 comfortable meddling in that.</td>
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<td>11 We have tried in the past -- and this is</td>
<td>11 But, I know, you know, it's -- and meddling</td>
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<td>12 probably before any of the current Commissioners were on</td>
<td>12 may not be the right word, but interfering or trying to</td>
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<td>13 the Commission. But we've tried to impose, on</td>
<td>13 dictate that.</td>
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<td>14 settlements of lawsuits and the like, binding on the</td>
<td>14 But I do understand, I think, Commissioner Paton, what you're trying to do. And perhaps it's the</td>
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<td>15 members of a 501(c)(3) or (c)(4) organization. That --</td>
<td>15 same thing Commissioner Kimble is trying to get at,</td>
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<td>16 that has always been a non-starter because of the --</td>
<td>16 which is, you know, deterring this type of behavior in</td>
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<td>17 because it puts us into their associational freedoms.</td>
<td>17 the future.</td>
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<td>18 I'm -- I'm -- I'm not -- Now, that said, this is a</td>
<td>19 But I think Tom kind of hit the nail on the head with regard to at least what we're seeing is this</td>
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<td>19 public record. It's a public conciliation. It's</td>
<td>20 doesn't seem to be happening -- when it happens, we're</td>
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<td>20 required to be a public conciliation in the statute. It</td>
<td>21 seeing it once an election cycle. And we're getting</td>
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<td>21 will get publicity.</td>
<td>22 these complaints and we're addressing them.</td>
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<td>22 But getting it communicated to the membership</td>
<td>23 And it may feel like, you know, it's too many</td>
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<td>23 of AEA through AEA, I -- I -- my -- my own experience</td>
<td>24 times, but we are -- we're achieving something. We're</td>
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<td>24 tells me that that would be a non-starter.</td>
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1 achieving the reporting that should have been done,
2 perhaps, with the trigger reports, or whatever. But,
3 you know, to me that's -- I guess my hope would be
4 compliance is better than -- somebody used the word
5 punitive. So I -- that would be my desire and
6 preference.
7 Anybody want to respond to that or should we
8 move on? If we want to move on, I would entertain a
9 motion regarding the conciliation.
10 COMMISSIONER KIMBLE: Madam Chair?
11 CHAIRWOMAN CHAN: Yes, Commissioner Kimble.
12 COMMISSIONER KIMBLE: I move that we approve
13 MUR 20-03, theconciliation agreement with the Arizona
14 Education Association.
15 CHAIRWOMAN CHAN: Thank you.
16 Do I have a second?
17 COMMISSIONER PATON: This is Commissioner
18 Paton. I would second that motion.
19 CHAIRWOMAN CHAN: Thank you so much.
20 I'll call the role.
21 Commissioner Kimble, how do you vote?
22 COMMISSIONER KIMBLE: Aye.
23 CHAIRWOMAN CHAN: Thank you.
24 Commissioner Paton, how do you vote?
25 COMMISSIONER PATON: Aye.

10:02:50-10:03:48

1 CHAIRWOMAN CHAN: And I vote aye, as well.
2 By a vote of three to zero, we have approved
3 -- or, adopted the conciliation agreement as proposed by
4 Tom.
5 MS. KARLSON: Madam Chair, there's one other
6 issue. Mr. Collins also requested --
7 CHAIRWOMAN CHAN: A deadline. I forgot the
8 deadline.
9 MS. KARLSON: -- a deadline. And I didn't
10 know if you were choosing to do it as a separate order,
11 or what.
12 CHAIRWOMAN CHAN: You know what --
13 MS. KARLSON: I just noticed it.
14 CHAIRMAN: Sorry to speak over each other
15 here.
16 Let me go back and revisit the
17 Commissioners. We should probably do it separately
18 since I wasn't clear.
19 Commissioner Kimble and Commissioner Paton,
20 would you like to propose the 9:00 a.m. --
21 Was it 9:00 a.m. Monday deadline that you were
22 requesting, Tom?
23 MR. COLLINS: That -- that's what I was
24 requesting. Obviously, you know, that's a matter of
25 discretion. I just -- I would like to -- my point is

10:03:52-10:05:09

1 that I would like to have a reasonable, but quick,
2 turn-around. I think we have --
3 CHAIRWOMAN CHAN: Sure.
4 MR. COLLINS: I think my point would be that
5 if it has to -- my -- to be consistent with my
6 representations as to what I'm requesting to the
7 respondents, I would just say it has to be no earlier,
8 certainly, than 9:00 a.m. on Monday.
9 CHAIRWOMAN CHAN: Okay. And they've been
10 aware of this, and I know this has been pending for some
11 time. So, they've seen this draft, I presume.
12 MR. COLLINS: They wrote it.
13 CHAIRWOMAN CHAN: They wrote it. Okay. Well,
14 there we go.
15 So, Commissioner Kimble, Commissioner Paton,
16 perhaps just to clarify the record and to help things
17 along, does one of you want to make a motion? And
18 whether it's a 9:00 a.m. Monday deadline, or maybe a
19 close of business Monday, like 5:00 p.m. Monday, I don't
20 know.
21 COMMISSIONER KIMBLE: Well, Madam Chair, this
22 is Commissioner Kimble, would it suffice to say that we
23 would like this agreement to be reached as quickly as
24 possible, or do we need an actual deadline in there?
25 CHAIRWOMAN CHAN: Sounded like Tom wanted that
MR. COLLINS: I'm sorry. I apologize.

CHAIRWOMAN CHAN: Oh, sorry.

MR. COLLINS: I'm sorry. I apologize.

CHAIRWOMAN CHAN: All right. Just to clarify,

2891 is the piece that substitutes the Attorney General for all election law --

MR. COLLINS: Right.

CHAIRWOMAN CHAN: -- judgment defense policy

kind of things?

MR. COLLINS: Madam Chair, Commissioners,

that's correct. And -- and the contrast between the

Commission's role and what the Secretary of State's role may be is that the -- among others, is that the

Commission has express authority to intervene in cases where the Clean Elections Act is challenged.

And so the language that reserves to the

Attorney General's Office, the direction on those cases, if you apply it to the Clean Elections Act would, at the

minimum, violate the Voter Protection Act.

There's other language in the bill and the

bill itself that raise all -- a bunch of other

constitutional issues related to the procedure of

passing bills in the legislature. There's a provision

to exempt the Attorney General's Office for purposes of

elections from their obligations to clients. You know,

there's -- it's a wide -- it's a very short bit of

2891, Madam Chair and Commissioners, was that the

legislature's attorneys had identified similar issues to

the issues we've identified with respect to 2891.

because I think 2110 is principally where the legal
discussion is. And I know every -- we -- I know that

there was discussion last month about wanting to make

sure that all the Commissioners had an opportunity to

hear from Joe, and that kind of thing.

So, just to deal with the budget real quick --

I should have premised this by saying that. The last

thing we heard about that section is that there was some

concerns about the legality as applies to the Clean

Elections Commission.

I think it's clear, and we've said this as

staff, that we think -- and, certainly, I think, that

the purpose of the language that we're concerned about

is to deal with issues the legislature and others seem

to have with the Secretary of State's Office, you know,

because in the drafting the drafting's broader than

necessary to address that. That's how we got wrapped up

in it.

And we're hopeful, but, you know, we won't

know that -- that -- because, you know, we're not --

we're more the target of convenience than a target of,

you know, purpose, you know, where that might come out.

But we'll see.

And, like I say, I think the purpose of that
CHAIRWOMAN CHAN: Thank you. Okay. So -- it's just -- it's very much in flux.

doors open past June 30th. So, it's really -- it's just you know, a more limited budget to keep the State's budget situation with a shorter budget, a more tene- -- Mike yesterday, is that -- and I think -- I think it -- The state of play, I think I was talking to you know, when the bill passes.

we'll -- we will have to deal with that if it stays in, that's unlikely to come out of the bill. But, again, we'll -- we will have to deal with that if it stays in, you know, when the bill passes.

The state of play, I think I was talking to Mike yesterday, is that -- and I think -- I think it -- did I talk -- there may be a way to get out of this 21 budget situation with a shorter budget, a more tene- -- you know, a more limited budget to keep the State's doors open past June 30th. So, it's really -- it's just -- it's just -- it's very much in flux.

CHAIRWOMAN CHAN: Thank you. Okay. So -- go
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| 10:18:18-19:27 | 35  | 1 executive session? Do we need to wait and hear these questions first? How should we proceed?  
2 MR. ROTH: Thank you, Madam Chair, and Commissioners. It depends on the question, I would say, whether we need to go into executive session.  
3 CHAIRWOMAN CHAN: Okay. Well, then maybe I'll let the Commissioners start, and then we can go from there.  
4 Commissioner Paton, did you have a question?  
5 COMMISSIONER PATON: So, what are -- what is the likelihood of these being passed, Tom?  
6 MR. COLLINS: Yes. Madam Chair, Commissioner Paton, so 2110 was passed and signed by the governor.  
7 It will not be effective until 90 days after the legislative session closes. That means we're looking currently at somewhere between -- I think we're looking at September. What June -- June, July, July to August.  
8 Yeah, we're looking at probably September before the bill would actually be effective.  
9 So -- so, what that means is that, from my perspective, from a practical perspective, not a legal perspective, we're not currently on the clock imperatively to make any decisions about this. I simply want them -- you know, so, I just -- I think it's -- I think, though, that everybody wanted to make sure we had a chance to touch base.  
10 CHAIRWOMAN CHAN: Thank you.  
11 COMMISSIONER PATON: But the likelihood of it passing is --  
12 MR. COLLINS: It's a hundred percent.  
13 COMMISSIONER PATON: A hundred.  
14 MR. COLLINS: It's signed already. I'm sorry.  
15 It been -- it's been passed.  
16 COMMISSIONER PATON: So, I guess if we wanted to talk more about it, we'd go to -- into executive session.  
17 MR. COLLINS: Here's how -- I'm sorry.  
18 Madam Chair, I mean, my -- my view on executive session would be this. If you have questions about what steps we need to take in order to challenge this law, if that's something the Commission ultimately chose to do, those are appropriate questions to go into executive session for. I think that, you know, various other, you know, challenges that go with every kind of discussion around litigation, I think those would also be appropriate things for executive session.  
19 So, my -- my own view would be, if you would like to ask Joe about some of those things that Commissioners -- that someone -- that we go into executive session.  
20 CHAIRWOMAN CHAN: Okay. Thank you.  
21 COMMISSIONER PATON: I would second that motion.  
22 COMMISSIONER KIMBLE: Madam Chair?  
23 CHAIRWOMAN CHAN: Yes, Commissioner Kimble.  
24 COMMISSIONER KIMBLE: I have a number of questions, I think all of which would need to be addressed in executive session. I don't know whether this is the right time or not, since there's only three of us here, but -- but since Joe is here now, I think -- I think it would be a good time to at least start addressing some of these questions.  
25 CHAIRWOMAN CHAN: Okay. Do you want to make a motion?  
26 COMMISSIONER KIMBLE: So I would move we go into executive session.  
27 CHAIRWOMAN CHAN: Okay. All right. Commissioner Kimble, how do you vote?  
28 COMMISSIONER KIMBLE: Aye.  
29 CHAIRWOMAN CHAN: All right. Commissioner Paton, how do you vote?  
30 COMMISSIONER PATON: Aye.  
31 CHAIRWOMAN CHAN: I vote aye, as well.  
32 So, three to zero, we will go into executive session.  
33 MR. COLLINS: Yes, please.  
34 CHAIRWOMAN CHAN: All right. Commissioner Kimble, how do you vote?  
35 COMMISSIONER KIMBLE: Aye.  
36 CHAIRWOMAN CHAN: Sure. Well, okay. So, the three Commissioners, Tom, Joe Roth.  
37 Tom, what other staff should be there?  
38 MR. COLLINS: I think Mike is usually --
MR. COLLINS: I don't know.

MS. THOMAS: And the court reporter, as well.

She's going to do a separate --

CHAIRWOMAN CHAN: Yes, thank you.

MS. THOMAS: -- confidential transcript.

CHAIRWOMAN CHAN: Thank you.

MS. HERRING: Okay. Wonderful.

So I will open a breakout room for that executive session. It is not set to close at any time.

So, when you are done with executive session, you can come back to this main room.

And for those staying in the main Zoom room, just as a reminder, the live stream on YouTube will continue.

So, I will open the private room for executive session now.

CHAIRWOMAN CHAN: Thank you.

(The following section of the meeting is in executive session and bound under separate cover.)

* * * * * *

(End of executive session. Public meeting resumes at 10:47 a.m.)

CHAIRWOMAN CHAN: Okay. Cathy, we are back in the main session. I don't know if Commissioner Paton was able to bring himself back, though, via phone.

CHAIRWOMAN CHAN: Thank you.

COMMISSIONER KIMBLE: Madam Chair?

CHAIRWOMAN CHAN: Commissioner Kimble.

COMMISSIONER KIMBLE: I would make a motion we adjourn.

CHAIRWOMAN CHAN: I heard that you move that we adjourn.

COMMISSIONER PATON: I would second that motion.

CHAIRWOMAN CHAN: All right. We have a motion and a second.

COMMISSIONER KIMBLE: Aye.

CHAIRWOMAN CHAN: Commissioner Paton, your vote?

COMMISSIONER PATON: Aye.

And I vote aye, as well.

And with that, we are adjourned until our next meeting. Everyone go and be well and we'll see you next time. Thank you.

And the meeting adjourned at 10:49 a.m.)
STATE OF ARIZONA
) ss.
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 17th day of June, 2021.

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