



NOTICE OF PUBLIC MEETING AND POSSIBLE EXECUTIVE SESSION OF THE STATE OF ARIZONA CITIZENS CLEAN ELECTIONS COMMISSION

Location: Citizens Clean Elections Commission

1616 West Adams, Suite 110

Phoenix, Arizona 85007

Date: Thursday, February 24, 2022

Time: 9:30 a. m.

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Commissioners of the Citizens Clean Elections Commission and the general public that the Citizens Clean Elections Commission will hold a regular meeting, which is open to the public on February 24, 2022. This meeting will be held at 9:30 a.m., at the Citizens Clean Elections Commission, 1616 West Adams, Suite 110, Phoenix, Arizona 85007. The meeting may be available for live streaming online at <https://www.youtube.com/c/AZCCEC/live>. You can also visit <https://www.azcleanelections.gov/clean-elections-commission-meetings>. Members of the Citizens Clean Elections Commission will attend either in person or by telephone, video, or internet conferencing. **This meeting will be held virtually.** Instructions on how the public may participate in this meeting are below. For additional information, please call (602) 364-3477 or contact Commission staff at ccec@azcleanelections.gov.

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Please note that members of the public that choose to use the Zoom video link must keep their microphone muted for the duration of the meeting. If a member of the public wishes to speak, they may use the Zoom raise hand feature and once called on, unmute themselves on Zoom once the meeting is open for public comment. Members of the public may participate via Zoom by computer, tablet or telephone (dial in only option is available but you will not be able to use the Zoom raise hand feature, meeting administrator will assist phone attendees). Please keep yourself muted unless you are prompted to speak. The Commission allows time for public comment on any item on the agenda. Council members may

not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing Council staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.

The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice on any item listed on the agenda, pursuant to A.R.S. § 38-431.03 (A)(3). The Commission reserves the right at its discretion to address the agenda matters in an order different than outlined below.

The agenda for the meeting is as follows:

- I. Call to Order.
- II. Discussion and Possible Action on Commission Minutes for January 27, 2022.
- III. Discussion and Possible Action on Executive Director's Report, Enforcement and Regulatory Updates and Legislative Update.
- IV. Discussion and Possible Action on the 2021 Annual Report.
- V. Discussion and possible action on legislative bills on the topics of elections, voting, administration, campaign finance.
- VI. Discussion and Possible Action on E-Qual electronic system for candidate petitions, candidate qualifications for the ballot and qualifying contributions for participating candidates.
- VII. Public Comment
This is the time for consideration of comments and suggestions from the public. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date or responding to criticism
- VIII. Adjournment.
This agenda is subject to change up to 24 hours prior to the meeting. A copy of the agenda background material provided to the Commission (with the exception of material relating to possible executive sessions) is available for public inspection at the Commission's office, 1616 West Adams, Suite 110, Phoenix, Arizona 85007.

Dated this 22nd day of February, 2022

Citizens Clean Elections Commission

Thomas M. Collins, Executive Director

Any person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission at (602) 364-3477. Requests should be made as early as possible to allow time to arrange accommodations.

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4 THE STATE OF ARIZONA
5 CITIZENS CLEAN ELECTIONS COMMISSION
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10 REPORTER'S TRANSCRIPT OF VIRTUAL PUBLIC MEETING
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14 Phoenix, Arizona

15 January 27, 2022

16 9:31 a.m.
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21 COASH & COASH, INC.
22 Court Reporting, Video & Videoconferencing
23 1802 N. 7th Street, Phoenix, AZ 85006
602-258-1440 Staff@coashandcoash.com

24 By: Kathryn A. Blackwelder, RPR
25 Certified Reporter
Certificate No. 50666

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1 VIRTUAL PUBLIC MEETING BEFORE THE CITIZENS
2 CLEAN ELECTIONS COMMISSION convened at 9:31 a.m. on
3 January 27, 2022, at the State of Arizona, Clean
4 Elections Commission, 1616 West Adams, Conference Room,
5 Phoenix, Arizona, in the presence of the following
6 Board Members:
7 Mr. Damien Meyer, Chairperson
8 Mr. Mark Kimble
9 Ms. Amy Chan
10 Mr. Galen Paton
11 OTHERS PRESENT:
12 Thomas M. Collins, Executive Director
13 Paula Thomas, Executive Officer
14 Mike Becker, Policy Director
15 Gina Roberts, Voter Education Director
16 Avery Xola, Voter Education Specialist
17 Julian Arndt, Executive Support Specialist
18 Kara Karlson, Assistant Attorney General
19 Kyle Cummings, Assistant Attorney General
20 Mary O'Grady, Osborn Maledon
21 Christina Stone, Rlester
22 Christina Borrego, Rlester
23 Cathy Herring, Staff
24 Rivko Knox, Member of the Public
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1 P R O C E E D I N G
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3 CHAIRMAN MEYER: Good morning. This is
4 Damien Meyer, Chairperson for 2022, first meeting.
5 We're going to go ahead and call this meeting to order.
6 It is 9:31, January 27th, 2022.
7 I'd like to ask any audience members to
8 please keep your screens -- your microphones on mute,
9 please, as we're doing this by Zoom still.
10 And with that, we'll take attendance.
11 Commissioners, please go ahead and identify yourselves
12 for the record. Go ahead, Commissioner Chan.
13 COMMISSIONER CHAN: Oh, all right. Hi.
14 Amy Chan here for the meeting. Good morning.
15 COMMISSIONER KIMBLE: Mark Kimble is also
16 here.
17 CHAIRMAN MEYER: Commissioner Paton. You're
18 on mute, Commissioner Paton.
19 COMMISSIONER PATON: I'm here. Galen Paton.
20 CHAIRMAN MEYER: Thank you.
21 I do not see Commissioner Titla on my screen.
22 Is he in attendance? I see Tom Collins saying no.
23 Okay. So we have four Commissioners. Good to see
24 everybody.
25 We'll move on to Agenda Item No. II, which is

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1 discussion and possible action on minutes for the
2 December 16, 2021 meeting. Any discussion on those
3 meetings -- minutes? Excuse me.
4 COMMISSIONER CHAN: Mr. Chairman, I move that
5 we approve the minutes as written.
6 CHAIRMAN MEYER: I have a motion to approve
7 the minutes. Is there a second?
8 COMMISSIONER KIMBLE: This is
9 Commissioner Kimble. I second.
10 CHAIRMAN MEYER: Okay. We have a motion to
11 approve the minutes, it's been moved and seconded. I'm
12 going to take a roll call vote now, and we'll start
13 with Commissioner Chan. How do you vote?
14 COMMISSIONER CHAN: I vote aye.
15 CHAIRMAN MEYER: Commissioner Kimble.
16 COMMISSIONER KIMBLE: Aye.
17 CHAIRMAN MEYER: Commissioner Paton.
18 COMMISSIONER PATON: Aye.
19 CHAIRMAN MEYER: All right. And I vote aye
20 as well, so that motion carries four to zero.
21 Moving right along to Item No. III on the
22 agenda, discussion and possible action on Executive
23 Director's report, enforcement and regulatory updates,
24 and legislative update. I'll turn it over to you, Tom,
25 to share all the good news.

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1 MR. COLLINS: Okay. Thank you, Chairman,
2 Commissioners. Happy new year.
3 MS. HERRING: Tom.
4 CHAIRMAN MEYER: Tom, if you could turn your
5 volume up a little bit. We can't really hear you.
6 MR. COLLINS: Let me try this. Can you hear
7 me now?
8 CHAIRMAN MEYER: We can.
9 MR. COLLINS: Okay. All right.
10 CHAIRMAN MEYER: Now you might need to turn
11 it down a little. It's like Goldilocks.
12 MR. COLLINS: All right. Different, same?
13 CHAIRMAN MEYER: Maybe it's me. I'll turn
14 mine down.
15 MR. COLLINS: All right. So as you can see
16 from the report that we have on the voter education
17 front, folks, Avery and Gina and -- as well as Julian
18 and Alec really and -- have -- have kept up a full
19 slate of various meetings with organizations around the
20 state. I think it was good to see that the, you
21 know -- you know, that our -- our staff and Avery were
22 able to meet with the redistricting commission chair.
23 I think that was a helpful thing. And I think that,
24 you know, continuing also to work and reach out to the
25 Maricopa County Recorder's Office I think is -- I think

<p style="text-align: right;">Page 6</p> <p>1 is a very, very good and helpful sign. I don't want to 2 belabor too much of voter education, because Gina's 3 presentation will get into that this -- today. 4 You all received, after our December meeting, 5 I believe, a letter from the Auditor General's Office 6 approving our audit under 16-949, so we're pleased with 7 that. And, you know, not that they're here, but I will 8 say that working with the Auditor General's Office was 9 great. I think that they had a -- you know, it was 10 very efficient, good questions. And Mike and Paula 11 were, you know, really helpful in making sure that they 12 got the information that they needed. 13 Couple of quick notes. One of the legal 14 matters that's been on the legal matters list for a 15 long time, we got at least an opinion from the Court of 16 Appeals. That's later in the Agenda. 17 And then we have one rule that we passed -- 18 you all passed on -- on December 16th that's pending at 19 the Governor's Regulatory Review Council. We had their 20 study session on Tuesday and it went well, so we're 21 hopeful that that will -- that will be positive next 22 week, Tuesday, when they meet. 23 You can -- you can see Julian has put 24 together a comprehensive report on a number of 25 election-related bills that have been introduced.</p>	<p style="text-align: right;">Page 8</p> <p>1 focus our conversation about later in the agenda. 2 You know, there are bills to eliminate drop 3 boxes for ballots. There are bills -- there's one bill 4 that was introduced yesterday, although it hasn't yet 5 been assigned, that does, well, a whole heck of a lot 6 of stuff, including, you know, having hand counts over 7 machine counts and eliminating, for all intents and 8 purposes, early voting and eliminating the County -- 9 County Recorders from the election process, et cetera. 10 So there's another bill that does -- gets rid 11 of mail voting, voting by mail, ballot by mail at the 12 city level. So there's just -- there really -- if 13 there's a touch point in the election process, there's 14 a bill about it right now, is the way I put it. 15 We haven't seen as many bills on the campaign 16 finance front yet. But in this legislature if there's 17 one thing that they've done, we've seen repeatedly over 18 the course of the last, you know, five or six years, is 19 that campaign finance bills get introduced late, either 20 on the last day to introduce bills or the last day to 21 hear strikers in the house of origin. So there's -- we 22 usually don't know about what's coming there until 23 quite late in the process. 24 CHAIRMAN MEYER: Any Commissioners have any 25 questions on the report?</p>
<p style="text-align: right;">Page 7</p> <p>1 We'll talk more about that, I think, in the legislative 2 section. Again, I want to kind of get to the -- we 3 have kind of a lot of business ahead of us. But we -- 4 Julian does compile this on an ongoing basis, and -- 5 and what we'll probably do here is start sending it 6 out, I think, on a -- on a weekly basis is what we did 7 last session. So anyway, so that's there. If you have 8 questions about that, obviously here we can talk about 9 them, but we also have a specific item noticed on 10 legislative stuff. 11 So with that, Mr. Chairman, Commissioners, if 12 you have -- you don't have any questions, that 13 concludes my -- my report. 14 CHAIRMAN MEYER: Thank you. As far as the 15 chart of all the bills in progress, thank you for 16 preparing that, are there any that you feel kind of 17 need to highlight for us or make us aware of or are we 18 there yet on that? 19 MR. COLLINS: Mr. Chair, Commissioners, I 20 think that the -- from a -- from an election 21 perspective, I think that the bills related to, you 22 know, reworking the election process, there's a -- 23 there's a -- there's a variety of bills on a variety of 24 different scales. And so, you know, I think that -- I 25 think that those bills are what I think we want to</p>	<p style="text-align: right;">Page 9</p> <p>1 COMMISSIONER CHAN: Mr. Chairman. 2 CHAIRMAN MEYER: Yes, Commissioner Chan. 3 COMMISSIONER CHAN: I just wanted to say, as 4 a general kind of statement, that I'm very concerned 5 with the things that we're seeing at the legislature 6 right now being introduced and even heard in -- in 7 committee. And, you know, I saw that, I think it was 8 yesterday or the day before, there were literal -- 9 there was a literal Nazi on the Capitol grounds, who 10 Speaker Bowers subsequently barred from the House 11 building. 12 But I feel like this is just more -- I'm very 13 concerned that we are continuing to move in the wrong 14 direction as far as voter rights and -- and seeing a 15 lot of voter suppression ideas that the majority of the 16 legislature seem to support. And they have these folks 17 who are -- seeing that guy literally doing the Nazi 18 salute, I guess, was just kind of emblematic of the 19 whole problem to me. I mean, when you have those kinds 20 of people supporting these voter suppression tactics, 21 it's -- that kind of tells me everything I need to know 22 about, okay, if you're on the side of voter suppression, 23 maybe you need to look at yourself. 24 So I -- I just think that every year it just 25 seems more and more important to keep on top of all</p>

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1 this stuff. And even if we don't have a huge voice at
2 the legislature, hopefully we can speak up against
3 bills as they are assigned to and heard in committee
4 and -- and make our support or not support known.
5 So that's it. Just kind of a general
6 statement, I guess, but I just wanted to highlight that
7 because I find it all very, very disturbing.
8 CHAIRMAN MEYER: Thank you, Commissioner
9 Chan. And we are going to discuss that issue a little
10 later in the Agenda, but I appreciate you bringing that
11 up now.
12 Any other Commissioners -- Commissioner
13 Kimble or Commissioner Paton, do you have any questions
14 or thoughts?
15 COMMISSIONER KIMBLE: Mr. Chairman.
16 CHAIRMAN MEYER: Commissioner Kimble.
17 COMMISSIONER KIMBLE: Tom, I see here under
18 enforcement, The Power of Fives is pending. Any idea
19 when that will come back to us?
20 MR. COLLINS: Commissioner Kimble -- Chairman
21 Meyer, Commissioner Kimble, I -- I don't know the
22 answer to that question. There is a -- I can -- I can
23 say, with respect to the lawsuit, we had a standard,
24 you know, preliminary meeting among the lawyers in
25 December. The -- there will come a time here, probably

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1 in the next probably 30 to 60 days, where we will be
2 more engaged in the lawsuit aspect of this. I think
3 that that will be -- and then -- and then we will work
4 with, you know, with the AG's office and our
5 representation there, Kara and Kyle, to -- to make sure
6 that issue is handled. With respect to the enforcement
7 action, without TPOF here, I really don't have anything
8 I'm in a position to -- to offer.
9 COMMISSIONER KIMBLE: Okay. My only concern
10 was, whichever way this goes, it seems like, with the
11 elections coming up, I don't want to put either side in
12 the position of not knowing where they stand. So I --
13 I hope it's something that we can resolve, one way or
14 the other, before the elections really get -- get
15 going.
16 MR. COLLINS: With -- Chairman Meyer,
17 Commissioner Kimble, with respect to the -- with
18 respect to the lawsuit, I think that we're in a
19 position where I think our position is -- is clear, and
20 I think that we're communicating that consistently to
21 all people involved, but --
22 COMMISSIONER KIMBLE: Yeah, I was -- I was
23 talking mostly about the enforcement action.
24 MR. COLLINS: I am -- Chairman Meyer,
25 Commissioner Kimble, yes, and I am trying assiduously

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1 to avoid talking about the enforcement in this context.
2 COMMISSIONER KIMBLE: Thank you, Tom.
3 CHAIRMAN MEYER: Commissioner Paton.
4 COMMISSIONER PATON: No, nothing.
5 CHAIRMAN MEYER: Okay. Thank you.
6 Are there any comments from the audience at
7 this time on the Executive Director's report? If so,
8 can you please signal the Zoom moderator.
9 (No response.)
10 CHAIRMAN MEYER: I'm not seeing any, so we'll
11 go ahead and move forward with Agenda Item No. IV,
12 which is discussion -- excuse me -- discussion and
13 possible action on proposed meeting dates for February
14 through July of 2022.
15 Commissioners, everyone should have had a
16 chance to read the dates that Paula Thomas has
17 proposed. Unless there's any discussion, I'll
18 entertain a motion. But do we -- do we have final
19 dates? Because I know on some of those there were
20 options. Do we -- was there a final -- final date in
21 the materials that I perhaps missed?
22 MS. THOMAS: Chairman Meyer, Commissioners,
23 the dates that are proposed are the final ones based on
24 a quorum I could secure of what was provided to me
25 directly.

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1 CHAIRMAN MEYER: Okay.
2 COMMISSIONER KIMBLE: Well, Mr. Chairman,
3 they're -- they're all listed in the -- in the e-mail,
4 not as an attachment, but --
5 CHAIRMAN MEYER: Okay. All right. Can I
6 have a motion on the dates for the meetings?
7 COMMISSIONER KIMBLE: Mr. Chairman, I -- I
8 move that we approve the following meeting dates:
9 February 24th, March 24th, April 28th, May 19th,
10 June 30th, and July 28th, 2022.
11 CHAIRMAN MEYER: Is there a second on that?
12 COMMISSIONER CHAN: Mr. Chairman, I'll second
13 that motion.
14 CHAIRMAN MEYER: Okay. We have a first and a
15 second. We'll go ahead and call the roll in the vote,
16 starting with Commissioner Chan. How do you vote?
17 COMMISSIONER CHAN: I vote aye.
18 CHAIRMAN MEYER: Commissioner Kimble.
19 COMMISSIONER KIMBLE: Aye.
20 CHAIRMAN MEYER: Commissioner Paton.
21 COMMISSIONER PATON: Aye.
22 CHAIRMAN MEYER: And I'll vote aye as well.
23 So the motion passes unanimously, and we have our
24 meeting dates set for the first half of the year.
25 Okay. Agenda Item No. V, discussion and

<p style="text-align: right;">Page 14</p> <p>1 possible action on the 2022 Voter Education Plan. Each 2 year the Commission has adopted a Voter Education Plan 3 designed to promote participation and increase 4 confidence of voters by providing them information on 5 elections and candidates. As we know, that's becoming 6 more and more challenging in these times. So 2022 is 7 an important election year in which almost all of our 8 statewide offices are on the ballot, including 9 Governor, Attorney General, and Secretary of State. 10 With that, Gina Roberts is going to present 11 our education plan for the day. Gina, you have the 12 floor. 13 MS. ROBERTS: Thank you, Chairman Meyer. 14 Good morning, Commissioners. As the Chairman 15 mentioned, 2022 will be a big election year for the 16 state of Arizona because we do have all of our 17 statewides on the ballot, so -- 18 With me today I also have Christina Borrego 19 and Christina Stone, who are with Riester. Riester is 20 our partner that we've been partners with for several 21 years now to execute our Voter Education Plan. So if 22 necessary, I may call on -- on one of them to -- to 23 speak. And also, of course, we have Avery too, who's 24 part of the voter education team. So I may need to 25 defer to one of them throughout the presentation, so I</p>	<p style="text-align: right;">Page 16</p> <p>1 registration stats, which were in October of 2021. I 2 went ahead and I included the stats from the 2020 3 general election as well just so we can kind of see 4 what the growth looks like overall -- or, actually, 5 maybe not growth in some of the areas -- the 6 differences, I should say. 7 But you can see there's not too many -- not 8 much of a big difference. We do continue to see that 9 our other voters, that OTH category, which is what we 10 consider independents, anybody who is not affiliated -- 11 affiliated with a recognized party, that continues to 12 be one of our highest voting blocks in the state, so 13 those numbers do keep growing. So again, overall, 14 across the state of Arizona we've got about 4.3 million 15 registered voters. 16 Just as a reminder for how turnout looked in 17 the state for the 2020 general election, it was pretty 18 great. We -- we broke records. We had one of the 19 highest turnouts that we've had in decades, where we 20 almost hit that 80 percent mark statewide, and I -- for 21 the general election. And I think that's very 22 impressive because, as we know, voters had a lot of 23 challenges that they had to overcome in 2020, including 24 being -- COVID. And so it's great to see that the 25 numbers keep rising in terms of turnout. So I wanted</p>
<p style="text-align: right;">Page 15</p> <p>1 just wanted to make those introductions. 2 And I have a presentation here, so I will go 3 ahead and share my screen. And I can pull up my 4 PowerPoint. Let's see here. Share. Okay. Unless 5 somebody tells me otherwise, I will assume you can see 6 it. 7 Okay. So I wanted to start by giving a 8 little -- 9 You can see it? 10 CHAIRMAN MEYER: Yes. 11 MS. ROBERTS: Thank you. 12 I wanted to start by giving sort of a lay of 13 the land of what the Arizona electorate looks like. As 14 we know, we have 15 counties here in our state, and 15 each county runs the election directly there. So 16 depending on the county you're in, you may have a 17 slightly different voting experience. Perhaps you're 18 in a county that uses vote centers, as opposed to a 19 county that uses precinct-based polling places. And 20 then, of course, there are the considerations between a 21 rural voter and an urban voter. 22 So looking at the current voter registration 23 statistics, I wanted to showcase where we are today. 24 We've got about 4.3 million registered voters in the 25 state, and this is according to the latest voter</p>	<p style="text-align: right;">Page 17</p> <p>1 to share that, because we want to continue to see that 2 trend. We want those numbers to keep climbing. 3 I do think it's important to talk about how 4 voters are voting. So in the 2020 general election, of 5 the votes that were -- of the ballots that were cast, 6 89 percent were cast early. So really we're seeing 7 11 percent of our voters across the state are actually 8 showing up on election day. And this is important 9 because it tells us when we need to be out there with 10 our voter education, how people are voting, you know. 11 It's not just an election day; it really is an election 12 season. Early voting starts 27 days before the 13 election. Obviously, if -- if there are changes that 14 come from the legislature that impact this, of course 15 we would make sure that we continue to educate voters 16 on what the applicable law is for them at that specific 17 election. But I do think it's important to share how 18 voters voted in the 2020 general election because it 19 tells us a lot about when they're thinking about 20 voting. 21 I have this information that I wanted to 22 share too. We don't have a lot of data on Native 23 American voting turnout. That's not something that's 24 necessarily collected by the County. But this 25 information was available from the ASU Indian Legal</p>

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1 Clinic, and I thought this was great as well because,
2 again, it shows that the numbers are rising.
3 So with the tribes that they list here, and
4 when we look at the difference in turnout compared from
5 2020 to the previous Presidential election year of
6 2016, we can see that we're, again, going in the right
7 direction. We're seeing that increase across the
8 tribes. You know, one of them already -- let's see.
9 The Pascua Yaqui Tribe had a 19 percent increase -- or,
10 I'm sorry. I read the wrong one. The Kaibab Paiute
11 Tribe had a 19 percent increase.
12 And so I -- I thought this was important
13 because Native American outreach is a part of our Voter
14 Education Plan every year, and, you know, those
15 particular communities have certain challenges that,
16 you know, perhaps somebody in metro Phoenix wouldn't
17 have, such as the issue of nonstandard addresses, you
18 know, being able to collect their mail when, you know,
19 it comes to early voting, traveling, transportation,
20 WiFi even, the ability to access election information
21 if they can't get a good signal. So all of those
22 things are considerations as we develop our Voter
23 Education Plan, but I thought it was important to share
24 these statistics with you because, again, it shows that
25 we're going in the right direction in terms of turnout.

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1 The other thing that I wanted to show that
2 we --
3 CHAIRMAN MEYER: I'm sorry, Gina. Sorry to
4 interrupt you. Can we go back one slide where it had
5 the voter -- yes, this one. So I had a quick question,
6 as it looks like over 80 percent is early voter,
7 probably more closer to 85 or 90 percent is early
8 voters.
9 MS. ROBERTS: 89 percent of the ballots cast
10 were cast early. So that includes emergency early
11 voting, early voting in person, and ballot by mail.
12 CHAIRMAN MEYER: So my question was, if you
13 know, and if we don't know, I'd be interested to know,
14 how does that compare to 2016, when there wasn't a
15 pandemic? Is it similar or is it -- is it more early
16 voting because -- probably because of the pandemic?
17 MS. ROBERTS: I would say that there was
18 definitely an increase and -- but I wouldn't say it's
19 very significant. As a whole, the amount of voters who
20 are on the active early voting list, who automatically
21 get their ballot by mail for every election, were
22 almost at 80 percent, about 79 percent in -- in the
23 state of Arizona. As far as the ballots that were
24 actually cast in the 2016 general election, if I recall
25 off the top of my head, I want to say it was, again,

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1 around that 80 percent, 82 percent marker.
2 So it's definitely an increase. We're
3 definitely increasing in the amount of people who
4 choose to cast their ballot early, as opposed to
5 visiting the polls on election day. You know, and
6 again, could that be -- could that rise for the 2020
7 general election be attributed to the pandemic? I
8 think that's a logical assumption to make. But Arizona
9 has had ballot by mail for three decades now. It's
10 what voters are using. There's always a higher amount
11 of people who are voting early than they are coming out
12 on election day.
13 You know, when we look into talking to voters
14 about why they choose that method, it ends up being a
15 matter of convenience. That's what we hear in our
16 focus groups. You know, they have the time. They have
17 the -- and it's not just the time where, oh, you know,
18 I have to go on election day and I don't want to stand
19 in line, but the -- taking the time to consider the
20 candidates and the issues on their ballot as well. You
21 know, sometimes they like to vote with their family
22 members. They'll sit at the kitchen table because they
23 like to get the opinions of their family members. So
24 we hear a lot of different reasons, but it really comes
25 down to it's a matter of convenience for that voter to

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1 be able to have their ballot at home, and when they
2 have the time, sit down with it and, you know, whatever
3 their process is, they get to do it.
4 CHAIRMAN MEYER: And I just -- I just want to
5 put a pin in this because -- and I think we're going to
6 talk about this later, and I -- this is, I think,
7 obvious to the Commissioners, but, you know, one of
8 these bills would -- would not allow early voting, so
9 we're talking about processing, you know, three and a
10 half million votes in one day, and logistically is that
11 possible with voting machines tabulating this and much
12 less a hand count. So I just wanted to raise that as
13 some logistical issues we might need to discuss when we
14 talk about the current legislation later.
15 Thank you, Gina.
16 MS. ROBERTS: Thank you, Chairman Meyer. And
17 yes, in terms of -- there's definitely several
18 components there when we talk about the administration
19 of elections, but with consideration of those bills,
20 there definitely would be an impact when it comes to
21 voter education.
22 Okay. On this slide here I also wanted to
23 showcase -- we do youth voter education and outreach,
24 and we also have some civic education that you'll see
25 in our plan as well too. And so what this slide shows

<p style="text-align: right;">Page 22</p> <p>1 here -- and this is data that I pulled from the Census, 2 the U.S. Census Bureau. It's in their current 3 population survey. And so this is self-reported data, 4 but it showcases the comparison of educational 5 attainment for a voter, how high they go, how far they 6 advance with their education, and the comparison to the 7 percent voted.</p> <p>8 So as you can see, the higher this particular 9 demographic is, so an advanced degree or bachelor's 10 degree, the higher percentage that we'll see within 11 that particular demographic of them actually turning 12 out to vote. And so I think this is important too as 13 we consider our youth voter outreach, as we go into 14 classrooms, our civics curriculums. You know, we know 15 that if we can get kids excited about voting, you know, 16 we have a greater chance of developing that lifelong 17 voter.</p> <p>18 Going on into that same vein, when we look at 19 the demographics for 18 to 24-year-olds, they continue 20 to be the lowest turnout for their age group. So when 21 we look at, if we're -- if we're doing apples to 22 apples, so the 2016 presidential election to 2020, we 23 can see that they are still the lowest percentage 24 turnout. 2018 would be a midterm, so we naturally see 25 lower turnout in our midterm elections. But again, 18</p>	<p style="text-align: right;">Page 24</p> <p>1 refrained from participating mainly for the lack of 2 information and resources, and that results in them not 3 feeling knowledgeable or confident in the process. So 4 this is something that we've -- we've known for a 5 while, right. Voters need to have the information that 6 they need so that they can cast their ballot, but cast 7 it confidently. Confidence is a key issue there. An 8 informed voter is an empowered voter, and that's, you 9 know, kind of our motto that we've been going with. We 10 need to make sure that voters -- one, that the 11 information is available, but they know where to get 12 it, they know where to get trusted election 13 information, especially in this day and age of 14 misinformation.</p> <p>15 Additionally, some of the insights that we 16 found were how voters interact when they're researching 17 their election information. And we know that Google, 18 it really dominates how people are getting their 19 election information. And I think it's important to 20 remember that Google is a search engine, it is not 21 technically a resource, and, you know, you can pay to 22 be the top link that shows up on your Google search 23 results.</p> <p>24 And so I think with this comes the need for 25 media literacy too, especially when we're talking about</p>
<p style="text-align: right;">Page 23</p> <p>1 to 24-year-olds, they do have that lowest turnout for 2 their particular age group. And so, again, this is, 3 you know, all the more reason why -- why we felt we 4 need to continue with our youth voter education 5 program.</p> <p>6 So that kind of gives us the lay of the land 7 of the numbers of Arizona's electorate. When we 8 develop our Voter Education Plans, typically what the 9 Commission has invested in, in odd-number years, is we 10 do research. We want to make sure that we have a good 11 understanding of where voters -- where their minds are 12 at, what they tell us that they need so that they can 13 participate in the political process.</p> <p>14 So working with Riester, we -- we did a 15 post-general election survey where we went out and we 16 put a survey out to voters, and we also held focus 17 groups. And we wanted to talk to them again to get a 18 better understanding of how their election experience 19 was, how confident they feel about voting and the 20 voting process. We have a lot of data that is the 21 basis for our Voter Education Plan that I'll -- I'll 22 share with you shortly, but there are a couple of 23 highlights that I wanted to share.</p> <p>24 In particular, only a third felt extremely 25 knowledgeable about voting. And with that, nonvoters</p>	<p style="text-align: right;">Page 25</p> <p>1 educating our youth voters, but that also goes for -- 2 for adult voters as well, youth voters, you know, 3 future voters. But this also showcases the need to 4 have media literacy so you understand the source of 5 your election information. And again, I bring this up 6 because of misinformation.</p> <p>7 So it's important that voters know that they 8 can go to Clean Elections, that they know who our 9 agency is, our brand, that we are the state's 10 nonpartisan voter education agency, so that they can 11 trust the information that they're getting. They need 12 to know that they can go to our -- their 15 county 13 recorder's and election offices.</p> <p>14 Additionally, one of the highlights here is 15 that young people -- young people have told us that 16 they don't feel that they are receiving adequate 17 education about the election process, including kind of 18 what to expect at the polls. We were talking with 19 voters and, you know, this young person indicated, you 20 know, we hear a lot about, oh, you need to get 21 registered, you need to do this, but they don't ever 22 actually walk you through how, you know, and sometimes 23 that can be intimidating, or what to expect when you go 24 to the polls. So we -- we know that we need to kind of 25 fill the void here and make sure that we offer this</p>

<p style="text-align: right;">Page 26</p> <p>1 type of education.</p> <p>2 So in addition to the post-general election</p> <p>3 research, we also recently partnered with OH Insights</p> <p>4 to conduct a survey across the state, and we did that</p> <p>5 this past December. Now, the purpose of the research</p> <p>6 that we did with Riemer was, again, to get a better</p> <p>7 understanding of voters and how they felt about voter</p> <p>8 education and being informed and what do they need to</p> <p>9 learn about.</p> <p>10 This particular survey is geared more towards</p> <p>11 connecting voters and the candidates and the issues.</p> <p>12 So we did an online survey, and what we wanted to do</p> <p>13 was ask voters across the state, okay, what are the</p> <p>14 issues that are important to you that you want to hear</p> <p>15 candidates talk about. And the purpose for this was to</p> <p>16 drive the discussion behind our debates. So we wanted</p> <p>17 to utilize the data from this research to drive the</p> <p>18 discussion and -- and give our moderators an idea of</p> <p>19 what the voters are looking for, but also use it to</p> <p>20 pick interests with both the voters in their district</p> <p>21 and the candidates that are running to showcase, hey,</p> <p>22 these are what the voters in this area are saying are</p> <p>23 important to them. So, candidates and voters, you</p> <p>24 know, come to the Clean Elections debate so that you</p> <p>25 can address these issues directly.</p>	<p style="text-align: right;">Page 28</p> <p>1 standards that we would expect, right, jobs, economy,</p> <p>2 healthcare, education. And the difference between</p> <p>3 wanting to know and needing to know, you know, we</p> <p>4 really wanted to drill down what was truly important to</p> <p>5 you. So people would talk about, okay, yes, you know,</p> <p>6 I want -- this is an important issue. I want to know</p> <p>7 about, you know, healthcare issues, but what I really</p> <p>8 need to know about within that particular issue is, you</p> <p>9 know, what is the State doing about COVID, that kind of</p> <p>10 thing. Same with education. So, you know, when I say</p> <p>11 education is important to me, am I talking about, you</p> <p>12 know, dollars being allocated to schools or, you know,</p> <p>13 am I talking about, you know, critical race theory,</p> <p>14 that type of thing. So we drill down deeper into what</p> <p>15 those particular issues are.</p> <p>16 And we have all of that data available; I'm</p> <p>17 not going to go through it here. But I think it's --</p> <p>18 what I wanted to really clarify here is that we drill</p> <p>19 it down by political affiliation, by topic, the issues</p> <p>20 within the topic, and then we also do a regional</p> <p>21 analysis. And I think that's really important for our</p> <p>22 debates. Because we know that what's important to a</p> <p>23 voter, let's say, who lives in Apache County is maybe</p> <p>24 not going to be, you know, on the same level of what</p> <p>25 our voters in the city of Phoenix are -- are saying</p>
<p style="text-align: right;">Page 27</p> <p>1 So some of the key takeaways from this survey</p> <p>2 was, in regards to the issues, we know that day-to-day</p> <p>3 items, issues dominate the topics voters want to hear</p> <p>4 about. And while those issues can go across the</p> <p>5 political ideologies here, we drill down deeper to see</p> <p>6 specifically what those issues within those topics are</p> <p>7 as they go across the political affiliation.</p> <p>8 So, for example here, when we talk about</p> <p>9 issues -- so Democratic primary voters wanted to hear</p> <p>10 positions on minimum wage, whereas our GOP voters want</p> <p>11 to hear about taxes, all under that main issue of the</p> <p>12 economy, of jobs and economy, so we drill down into</p> <p>13 those different nuances. And that's important for our</p> <p>14 primary election debates, again, so we have a better</p> <p>15 understanding of what the voters want to discuss.</p> <p>16 Another key takeaway from this survey was</p> <p>17 that voters get their information from TV. So we know</p> <p>18 a lot of voters -- we know that that's one of the</p> <p>19 primary sources. And so it's important that Clean</p> <p>20 Elections also has a presence on TV as well, on</p> <p>21 broadcast, so we can make sure we're meeting voters</p> <p>22 where they are.</p> <p>23 This is an idea -- this gives you an idea,</p> <p>24 this survey too, with some of the issues that we</p> <p>25 discussed. So you'll see, you know, some of the</p>	<p style="text-align: right;">Page 29</p> <p>1 that are important to them. So we have a regional</p> <p>2 analysis as well too that will, again, drive the</p> <p>3 discussion on our debate -- not just our debates, but</p> <p>4 also our Candidate Compass Tool as well, and possibly</p> <p>5 the Voter Guide. So we feel that that was important</p> <p>6 research to, again, connect the voter to -- and the</p> <p>7 candidates about the issues that are important to them.</p> <p>8 So as we mentioned -- we already talked a</p> <p>9 little bit about what will be on the ballot. It's our</p> <p>10 midterms, so all of the statewide will be there.</p> <p>11 We'll have our judicial retention elections, of course,</p> <p>12 in November, ballot propositions, local elections as</p> <p>13 well, and then, of course, our federal elections. We</p> <p>14 have our one U.S. Senate seat that will be open, and</p> <p>15 then we have our nine congressional districts that will</p> <p>16 be open as well. And again, that's nine. We did not</p> <p>17 get the tenth seat from redistricting. So we will have</p> <p>18 those federal elections on the ballot too.</p> <p>19 So a few more things that I wanted to share</p> <p>20 for considerations before we jump into the specifics of</p> <p>21 the plan. We talked about this a little bit already,</p> <p>22 misinformation and disinformation. This was a big</p> <p>23 issue in the 2020 election cycle. I actually wanted to</p> <p>24 just kind of go back to the basics here, because I feel</p> <p>25 like these words are used a lot and maybe out of</p>

<p style="text-align: right;">Page 30</p> <p>1 context a lot. Misinformation would be information 2 that is spread regardless of whether there's an intent 3 to mislead. So maybe somebody is just uninformed, you 4 know, or they don't quite understand the process. And 5 of course disinformation, that's where we do have that 6 intent to mislead, so it is specifically trying to put 7 incorrect information out there.</p> <p>8 And again, this is where we attribute the 9 need for media literacy. So Avery does a lot of this 10 in his grassroots outreach, the presentations that he 11 gives, you know, when we talk about where to go and 12 find official election information. We want to make 13 sure that we are empowering voters with the tools so 14 that they know where they can get that trusted 15 information from, such as looking for a dot gov and 16 making sure that the websites that you go to are from 17 an official source.</p> <p>18 Because of misinformation and disinformation, 19 perceptions have changed, and so, you know, this is why 20 we feel that voter education is more important now than 21 ever. Again, going back to an informed voter is an 22 empowered voter. So really not much changed during the 23 election administration of 2020. Obviously, our 24 election officials had to make some adjustments based 25 off of the pandemic, off of COVID, but no laws or</p>	<p style="text-align: right;">Page 32</p> <p>1 was a doubled amount of what we saw in 2018. 2 So why is that important? This -- this pie 3 chart here shows you what we spend in terms of our 4 media dollars compared to what was spent in 2020 over 5 all the political dollars, and you'll see it's a drop 6 in the bucket. So we were at .9 percent in comparison 7 of all of the other media dollars that were spent 8 there. This is important because we know that, you 9 know, you have to pay to be heard when it comes to paid 10 media. There's -- you know, there's lot of competition 11 out there. We've gotten bumped before in some of our 12 TV ads and we've had to move those dollars into other 13 media buckets. So we have to make sure that we are 14 prepared for things like that and that we know that our 15 Voter Education Plan needs to be comprehensive, that it 16 doesn't just rely on paid media to get the word out. 17 So that's why you'll see a lot of those 18 grassroots efforts. Again, the work that Avery and 19 Alec do is so important because it's connecting voters 20 to the information outside of paid media ads. But of 21 course, we still need to do paid media, that's 22 definitely an important resource for us, but our budget 23 has not changed over the years. We continue to operate 24 off of the same paid media budget. And that is set by 25 statute, of course. But while our budget hasn't</p>
<p style="text-align: right;">Page 31</p> <p>1 procedures were -- were really changed. And so, again, 2 it comes back down to the perception of elections. 3 And, you know, we've -- since the 2016 election, our 4 election officials have dealt with challenges, such as, 5 you know, foreign influence. Again, we're seeing, you 6 know, things going viral on social media as it pertains 7 to misinformation. And so all of these things can chip 8 away at the public trust of the electoral process. And 9 so not only do we want to provide voter education on 10 the logistics of voting, but we also want to empower 11 the voter as well so we can build back that trust in 12 the system.</p> <p>13 Okay. So one of the other things that I 14 wanted to talk about, Riester provided this information 15 for us, is that we -- some of the considerations that 16 we have to take into account when we're developing the 17 Voter Education Plan is our budget. So Arizona has 18 been a target for lots of political dollars being spent 19 when it comes to media, especially in the 2016 and the 20 2018, the 2020 election. We're seeing more and more 21 dollars being spent -- media dollars being spent when 22 it comes to political advertising.</p> <p>23 So in 2020, there was actually an 24 unprecedented \$260 million were spent on political 25 advertising in our state. And that -- actually, that</p>	<p style="text-align: right;">Page 33</p> <p>1 changed, the overall media budgets are. 2 So when you see on this slide here, we're 3 looking at the different platforms and how -- what the 4 anticipated changes are in advertising budgets for the 5 next year, they're increasing. And so that's something 6 that we're not necessarily able to keep up with.</p> <p>7 When we, you know, look at what the 8 expectation is for this year, we're going to see, 9 again, that increase. We have the U.S. Senate race, 10 which is expected to garner a lot of attention for the 11 state. We'll see a lot of, again, those high media 12 dollars being spent here. So those are considerations 13 that we need to take when we develop our voter 14 education campaign. And one of the takeaways I 15 mentioned from the research we did with OH Insights was 16 that voters are going to TV, and we see TV costs, 17 broadcast costs are increasing as well too.</p> <p>18 So again, we have to be as smart and as 19 creative as we can with our media dollars. And I'm 20 grateful to Riester because I think they've done an 21 amazing job for us in developing a smart media plan for 22 us that gets us the most for our dollars. But again, I 23 wanted to share that with you because it is a 24 consideration, but also it showcases the need for us to 25 develop additional partnerships. And I'll talk about</p>

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1 how we can address some of these issues with the
2 partnerships we have been working on building for this
3 year. So --
4 CHAIRMAN MEYER: Gina, I'm sorry to
5 interrupt. I had another question.
6 MS. ROBERTS: Yes.
7 CHAIRMAN MEYER: When you went -- that
8 slide that showed the Clean Elections spending was
9 .9 percent --
10 MS. ROBERTS: Yes.
11 CHAIRMAN MEYER: -- does that include federal
12 election spending? And if so, do you know what
13 percentage we are of state elections, which is who
14 we're targeting primarily, right?
15 MS. ROBERTS: So this -- this particular
16 pie -- pie chart is all of the media dollars, the media
17 expenditures, the media buys that occurred for
18 political advertising, whether it is for a federal
19 candidate or a state candidate. So it's coming from
20 candidate campaigns, it's coming from nonprofits, it's,
21 you know, coming from political action committees, that
22 type of thing. So it's all of those dollars. So --
23 And thank you for that question, Chairman
24 Meyer, because I should clarify. What does this chart
25 really mean? It means that the voter is getting

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1 inundated with all of these messages. So the voter is
2 getting messages left and right nonstop, you can't
3 escape it, right, from all of these media ads targeting
4 them with election information. So in this big pool
5 here, again, we're a drop in the bucket. So how do we
6 make sure that voters pay attention to our message,
7 that they look at the nonpartisan Clean Elections
8 Commission, you know, information, where we just want
9 them to cast the ballot, we just want them to
10 participate? So how do they filter through all of
11 that? So I think that's maybe kind of the takeaway
12 that I was hoping to share here too. So thank you for
13 that question, Chairman, and hopefully I addressed your
14 question.
15 CHAIRMAN MEYER: You did. Thank you.
16 MS. ROBERTS: Okay. So now we'll jump into
17 what our specific plan is for 2022. The Commission,
18 you -- Mike presented the budget in December, and the
19 Commission approved our budget. So, again, we have our
20 budget of 1.9 million for our paid media cap. We have
21 an additional 1.5 million for the debates and the Voter
22 Education Guide.
23 And so the media tactics that we'll be
24 utilizing -- again, we developed a very comprehensive
25 campaign, so we'll -- we'll pretty much be using all

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1 the tactics that are available that we can get out
2 there. So, again, we will be on TV. We'll have our
3 radio reads, our print ads, outdoor.
4 What I mean by "outdoor," we're actually
5 going to be -- this is -- this is very exciting. And
6 again, this is where I want to acknowledge Riester for
7 their creativities. And if you've ever gone to the gas
8 station and you've pumped your gas and you have -- they
9 have those digital displays and you hear, you know, the
10 advertisement come up, we're actually going to be able
11 to run ads on there, which is fantastic, because that
12 particular platform, they don't allow political
13 advertising.
14 And so that's one of the other challenges
15 that we have with our media buys is we need to showcase
16 that, well, we aren't a political entity. We're -- you
17 know, we're -- we're an education entity, if you will.
18 We're doing more like a public service announcement.
19 And so in showing, you know, the types of messages that
20 we're offering, we were able to be allowed to use this
21 platform here, which is fantastic, because there won't
22 be any other type of political ads on there.
23 Of course, we'll have digital. We'll have a
24 very big presence that includes our banner ads, you
25 know, paid ads, our paid -- and then we'll have paid

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1 search too, which works very well for us too. So going
2 back to when someone goes to Google, we'll make sure
3 that we're on that top of the search results.
4 Some of the highlights that we wanted to
5 share for our youth outreach, again, this goes back to
6 meeting voters where they are, so we'll be on Snapchat,
7 Twitch, which is a game streaming platform, and TikTok,
8 which is exciting and scary too for us. So the
9 message --
10 COMMISSIONER CHAN: Mr. Chairman, Gina, what
11 are we going to do on Twitch? Are we going to have
12 like a -- I remember Tom did post-debate, you know,
13 shows on Facebook years ago. And what's the Twitch
14 stream going to be like? I'm so curious about that.
15 MS. ROBERTS: Mr. Chairman, Commissioner
16 Chan, Commissioners, so we actually were on Twitch
17 before too. And so it's really just running our
18 youth -- our youth commercials, our youth ads that we
19 develop. So we -- for Snapchat and Twitch it won't
20 really be kind of that type of content where you see
21 maybe us as staff members. You will see that in
22 TikTok, which is why I thought it was a little scary.
23 So Snapchat and Twitch, it will be more of our creative
24 assets that we develop, such as the -- the commercials
25 that we've developed for our youth outreach, for our

<p style="text-align: right;">Page 38</p> <p>1 youth campaign. TikTok is where you'll kind of see 2 more of that personal -- that personal touch there. 3 And then as far as what we're communicating. 4 So we've talked about, you know, the logistics of 5 voting. That will cover everything from A to Z that 6 the voter needs to know to cast their ballot, from 7 registering to vote, how to get their ballot, how to 8 return it, you know, where drop boxes are located at, 9 how to verify their ballot was counted, what those key 10 dates and deadlines are. We'll talk about election 11 security, again, building back that confidence, knowing 12 that your vote is protecting and counted, and how you 13 the voter can verify that. We'll talk about 14 independent voters, youth voters, official election 15 information, where to get it. 16 Then we'll talk about too -- so that's kind 17 of the logistics. And then we have, what's on my 18 ballot, so connecting voters with the candidates and 19 the issues. Therein you'll see our debates, our Voter 20 Education Guide, things like that, our Candidate 21 Compass Tool. And, of course, we'll be encouraging 22 voters to use the tools that we developed to get them 23 this information. So these are the catalysts for -- 24 for transferring that information over. We have our 25 Voter Education Guide, our debates.</p>	<p style="text-align: right;">Page 40</p> <p>1 continuing to update our website and our assets that we 2 have to help educate the public. 3 Of course, we'll have our debates. So we're 4 really happy to share that we're going to continue our 5 partnership with AZ PBS for our debates this year. 6 We've had a long-standing partnership with them. And 7 it's really great because we work with Arizona Horizon, 8 and the host is Ted Simons. He moderates our debates 9 for us. He's built trust with the candidates and the 10 elected officials, so we know that he does a great job 11 as a fair moderator. 12 In addition to our statewide debates with AZ 13 PBS, we will also sponsor the U.S. Senate debate again 14 this year. At the Commission's direction we -- we 15 sponsored the debate last year as well too -- or, I'm 16 sorry, 2020. And that actually ended up being -- I 17 think it received the third highest ratings that PBS 18 has ever experienced before, and that's fantastic. And 19 then the moderators for that debate, they -- they ended 20 up winning a Rocky Mountain Emmy Award for it too. So 21 we know voters tuned into that, we know it was 22 important, and we want to continue providing that 23 service. 24 In addition, AZ PBS has shared, you know, 25 they appreciate their partnership with us as well too,</p>
<p style="text-align: right;">Page 39</p> <p>1 Our website is a wealth of information, and I 2 think -- you know, this is where I truly give so much 3 credit to Alec, because our website is continually 4 utilized as a resource for voters, but also our 5 partners, our election officials and our -- our other 6 agency partners that we work with, nonprofits. We are 7 constantly getting feedback that our website has 8 basically everything that you need and it's written in 9 a way too so that it's easy to understand. We're not 10 just regurgitating statutes. 11 So we want to drive folks to our website. We 12 want them to use our Voter Dashboard Tool, which, 13 again, is that one-stop shop. You just enter in your 14 address, and you get everything that you need to know. 15 You get your districts, who's running, who's currently 16 in office, where the nearest vote centers are for you, 17 you know, verifying your voter registration, what your 18 specific district numbers are, things like that. 19 So we want to continue to promote the tools 20 that we have, and then we also have messaging on how to 21 run for office. Mike and Julian recently created some 22 really great video content for candidates that are 23 running with Riestler, such as, you know, how the \$5 24 qualifying contribution process works, you know, how to 25 qualify for the ballot, things like that. So we're</p>	<p style="text-align: right;">Page 41</p> <p>1 so they're going to list us as a sponsor for the 2 congressional debates that they host as well too. So 3 that's going to be another tool that we can provide to 4 voters. 5 In addition to our partnership with AZ PBS, 6 we've also been having conversations with the Arizona 7 Broadcasters Association and the Arizona Newspaper 8 Association. And that's really important going back to 9 when we talk about those paid media dollars and we know 10 that we need to be on broadcast. Partnering with these 11 associations to run our content, so to run these -- to 12 multi-stream these -- multi-cast the debates, it's 13 great because it increases our reach. So instead of 14 just the reach that we would get with AZ PBS, which 15 they have about 80 percent across the state, we'll be 16 able to strengthen and broaden our reach across the 17 state through these other broadcast channels, which is 18 fantastic. And also with the newspaper association as 19 well too, that will help us get more coverage -- media 20 coverage on our debates too. 21 And then, of course, we're very happy to 22 partner with Arizona Capitol Times again to not only 23 bring awareness about our debates, but also to serve as 24 moderators for our legislative debates. 25 And again, this goes back to the partnerships</p>

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1 where AZ PBS, they want to also stream our legislative
2 debates on all of their channels too, on their social
3 channels.
4 So, again, it's, you know, being creative in
5 how we can continue to expand our growth and our reach.
6 And again, using that information from the OH survey,
7 that will drive the discussion in our debates, and
8 we'll use that to generate interest for those
9 particular regions, for those districts.
10 Then, of course, we jump into our Voter
11 Education Guide. That will go to every household with
12 a registered voter for both the primary and the
13 general, and we do send it by legislative district. We
14 do have a new vendor this year that we're working with,
15 and it's -- Paula has been great in helping to set that
16 up. Our previous vendor, they were bought out, so
17 we've had to transition. And it's going great because
18 thankfully a lot of their staff, they actually have
19 previous experience with our jobs with the old vendor.
20 So we're very excited about working with them and so
21 far everything has been -- we don't -- we don't expect
22 there to be any hitches between that transition.
23 We will continue to push the Voter Education
24 Guide out to the local libraries, schools, and
25 colleges. One thing that we did for the first time in

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1 2020, which we thought was very successful, was we sent
2 Voter Education Guides to the post offices that service
3 tribal communities too. Because, again, we know that
4 mail can sometimes be an issue in those areas with
5 nonstandard addresses. And so just kind of thinking
6 out of the box there, that was another tactic that we
7 were able to utilize to help reach those particular
8 voters. We'll continue to do that.
9 And the versions of the Voter Guide that
10 we'll provide -- we automatically mail out English and
11 Spanish. We'll continue with our large print. We have
12 translated the Voter Guide into Navajo in the past. We
13 also now are going to include Apache. In 2020, for the
14 first time ever, we developed an American Sign Language
15 version of our Voter Guide. That was done through a
16 partnership with the Arizona Commission for the Deaf
17 and Hard of Hearing. And it was -- it was really great
18 to -- to do that. I have to tell you, it was very
19 heartwarming, actually, to be able to provide this
20 content that has never before been done, as far as
21 ACDHH could tell us, even maybe at the national level,
22 to take a project of this magnitude, with the amount of
23 election information, and translate it into ASL for
24 that community. So we -- we want to continue doing
25 that. We'll, of course, have an audio version with our

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1 partnership with Sun Sounds Of Arizona, and of course
2 have plain text, which is available for screen readers.
3 So the goal -- the point of this here is
4 that, you know, we provide the information, but it's
5 never just one format. Our goal is to always make sure
6 that the voter education that we provide is accessible
7 and attainable to all voters across the state so we can
8 meet their needs.
9 So in addition to the logistics, you know,
10 the candidates, and the issues, the Voter Guide, and
11 the debates, we go a little bit back to promoting
12 participation in the political process as a whole,
13 right. It's not just voting. It's also learning about
14 how your government works for you, how elections are
15 conducted, civics, you know, our civics curriculum that
16 we've developed, again, that media literacy and
17 promoting that civic engagement. It's really all part
18 of the -- the circle, if you think about it, full
19 circle experience for the voter.
20 And again, we want to continue our
21 partnerships and our grassroots outreach. Again, as
22 you see in all of the Executive Director reports, Avery
23 is continuously out there in the community. Alec has
24 developed great relationships with the counties. And
25 that's really important because that gets us timely,

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1 accurate election information so we can have it
2 available on our website for voters. We're developing
3 a voter education program with AARP so we can put that
4 on their channels this year. Avery and I will continue
5 to work with the Civics Education Committee, which has
6 been phenomenal partners for us in pushing out our
7 civic curriculum. We're part of a Native American
8 communications group. So you can just see how this is
9 just -- this is by no means a full list, but it just
10 shows that, as part of that comprehensive Voter
11 Education Plan that we've developed, we will continue
12 being out there in the community.
13 And of course, we'll promote being more than
14 a voter. 16 years and older, hey, serve as a poll
15 worker. Get out there, understand how that process
16 works. We -- we want more poll workers. You know,
17 attend a logic and accuracy testing so you yourself, if
18 you have an concerns about how the machines are
19 tallying the votes, you can see directly how they're
20 working, that they're being certified. You can, you
21 know, work with your party, serve as a political
22 observer, participate in the hand count. And again,
23 you know, ultimately, we want to have voters find that
24 connection between them and their government and voting
25 so that they're more likely to cast a ballot.

<p style="text-align: right;">Page 46</p> <p>1 And then I do have our campaign videos here. 2 They're very quick, 30 seconds. So I'd love to 3 showcase those, if I could. 4 So this is our first one. This is Direct to 5 Vote, what we call it. And again, it's kind of cutting 6 through all that misinformation, you know, trying to 7 search and find that official election information. 8 We -- we want to get you directly to the official 9 voting information. So I'll go ahead and play that 10 now. 11 (Video plays.) 12 MS. ROBERTS: The next video that we have is 13 for our debates. And the purpose of this one is to, 14 again -- we know voters are being inundated with 15 campaign materials and, again, we want to cut through 16 that and show that direct bridge that Clean Elections 17 is providing with voters and candidates through our 18 debates. 19 (Video plays.) 20 MS. ROBERTS: And this one is for our Voter 21 Education Guide. The goal here is to show that you 22 don't have to search far and wide, that you are getting 23 official election information delivered directly to 24 your mailbox by Clean Elections. And it's not very 25 linear, so I would just -- here we go.</p>	<p style="text-align: right;">Page 48</p> <p>1 year, which so far we've been very happy with the 2 reception from it from the community. It was designed 3 with teachers in mind. But essentially, as a reminder, 4 what we did here was we saw a need that there needed to 5 be education about the voting process in the classroom, 6 but that we wouldn't be taking away from special 7 classroom time -- precious classroom time. And so we 8 knew it had to be compliant with State education 9 standards. 10 So we partnered with a curriculum expert and 11 we drafted this curriculum for Grades 4 through 6, 7 12 through 8, and 9 through 12. And it covers everything 13 from how do I register to vote to understanding the 14 different levels of government, the different branches, 15 your executive, legislative, and judicial branches, 16 understanding the roles and responsibilities of each 17 office, again, giving our students, our next generation 18 of voters, the education they need on voting and civics 19 so that they can be prepared when they are eligible to 20 vote and cast that ballot. 21 We also developed a voter education video 22 series, which -- again, as we talked about, in our 23 research, you know, we heard people say, well, I don't 24 know what to expect at the polls or how does this work. 25 These assets are -- are meant to address that, where we</p>
<p style="text-align: right;">Page 47</p> <p>1 (Video plays.) 2 MS. ROBERTS: And then finally, what I'll 3 show is our campaign video for our youth voters. We 4 took more of a gaming experience here. I will say it 5 did pass muster with my children, so... 6 (Video plays.) 7 MS. ROBERTS: We've also developed a specific 8 landing page for that on our website too. 9 And then a few other things that I wanted to 10 show. I am wrapping up soon here. We also developed 11 some key dates videos. I will thank Commissioner Chan 12 for serving as a voiceover for these. But basically, 13 these are the key dates that are relevant to the 14 primary and general election. And we developed them in 15 English, Spanish, American Sign Language, and Diné, in 16 the Navajo language. So I'll show you what the ASL and 17 Diné ones look like. 18 (Video plays.) 19 MS. ROBERTS: And again, I think it's 20 important to showcase that we're providing these 21 different formats, again, to reach the communities. 22 Again, we want to make sure our information is 23 accessible as possible. 24 So this is a -- a reminder of the civics 25 classroom curriculum we developed and launched last</p>	<p style="text-align: right;">Page 49</p> <p>1 cover everything from how ballot by mail works, how 2 election security works, what to expect on election day 3 when you go into the polls. And to give you an idea, 4 I'll show you how our voter registration video looks. 5 Oh, sorry. That's the one on the -- with the five 6 there, and then you'll see different branches of 7 government and then, again, the election security and 8 the ballot by mail. 9 So with that, I end on this slide which 10 showcases our website. Our website is really our crown 11 jewel. And I touched on this briefly, but we'll be 12 continuing to update the content on our website, 13 redesigning our pages. Alec has worked on actually 14 restructuring our site to make it more user friendly. 15 We're developing new pages. We've just refreshed our 16 How Government Works content. We've developed an 17 election glossary of key terms. So, again, we will 18 continue to make sure that everything a voter needs is 19 listed on our website. 20 And this -- you know, these images here that 21 I share with you, this is information of the 22 performance of our website in the 2020 general 23 election. And we saw a 733 percent increase in website 24 traffic leading up to the general election. And then 25 we saw organizations, such as Cosmopolitan and Rolling</p>

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1 Stone, linking to our website because they found it
2 useful and recognized it as a trusted source.
3 And then finally, right here, which I'm very
4 proud of this, this is the pie chart that showcases the
5 age demographic of who is engaging with our website.
6 And you can see, that's a pretty evenly cut pie. And I
7 think that's important because it shows that, again,
8 we're making sure the information we put out there is
9 accessible to all demographics. We're meeting the
10 needs of all the voters across the state.
11 So with that, I'm happy to answer any
12 questions. And I will stop sharing my screen. And I
13 apologize if that took too long, but it's a lot, so --
14 CHAIRMAN MEYER: No. Thank you, Gina. Great
15 job to -- to you and everyone who helped you out with
16 that.
17 I know I asked a couple questions during the
18 middle of that presentation. Open it up to any other
19 Commissioners with questions.
20 COMMISSIONER KIMBLE: Mr. Chairman, this is
21 Commissioner Kimble.
22 CHAIRMAN MEYER: Go ahead.
23 COMMISSIONER KIMBLE: Gina, that was
24 unbelievable. A couple questions. First of all, could
25 you e-mail that PowerPoint? I don't know if everyone

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1 wants it, but I would certainly like it.
2 CHAIRMAN MEYER: I would like it too, yeah.
3 COMMISSIONER KIMBLE: Also, is there
4 anything -- that was great that Commissioner Titla
5 narrated that Native American spot. Is there anything
6 that Commissioners could or should be doing to help in
7 this effort?
8 MS. ROBERTS: Mr. Chairman, Commissioner
9 Kimble, Commissioners, absolutely, yes. And actually,
10 that was not Commissioner Titla. But he, of course, is
11 always a driving force for our Native American
12 outreach. Commissioner Chan actually did serve as a
13 voiceover for the key dates videos, which was
14 fantastic.
15 And so I do think -- absolutely. When --
16 when there are opportunities that arise with the
17 Commissioners, you know, we are happy to reach out.
18 Or, of course, if the Commissioners themselves have
19 ideas, please reach out.
20 So, for example, Commissioner Kimble, I could
21 see where we could definitely utilize your help in our
22 outreach to independent voters. We've called on you
23 before for that assistance. And again, we see those
24 numbers are growing, and so we know we need to make
25 sure that we push out information about how our primary

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1 system works, that independents can participate in a
2 primary election. So continuing to put that message
3 out there, you know, we'd be happy to work with you on
4 that, especially when it come comes to doing some
5 public relations on that. Commissioner Paton, he was
6 the driving voice behind us sponsoring the U.S. Senate
7 debate in 2020.
8 So I think, absolutely, the more feedback
9 that we can receive from the Commissioners on --
10 especially when it comes to your particular region too.
11 So I know, when we talk about Tucson, what's important
12 to Tucson voters, and we'll get them engaged, Green
13 Valley, things like that. So absolutely when we see an
14 opportunity we are happy to reach out to the
15 Commissioners to ask for specific help. I would say,
16 as much as you can, using your voice when it comes to
17 public relations would be very helpful for us. And, of
18 course, you know, again, with your particular ideas
19 that you have, we're happy to hear the feedback.
20 COMMISSIONER KIMBLE: Okay. Thanks, Gina.
21 COMMISSIONER PATON: This is Commissioner
22 Paton.
23 CHAIRMAN MEYER: Go ahead, Commissioner
24 Paton.
25 COMMISSIONER PATON: Gina, I think you should

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1 run for office. That was great. We need people like
2 you in office.
3 Secondly, I do think that since I -- I think
4 our Voter Education Guide is so good, and then I
5 suspect a lot of people think that it's just a lot of
6 -- you know, it's more campaign trash to throw out.
7 Maybe we could do something before we send those out
8 saying, this is coming. This isn't -- this isn't
9 campaign trash. This is something that you could
10 really use, look for it, that kind of thing.
11 MS. ROBERTS: Mr. Chairman, Commissioner
12 Paton, absolutely. And -- and I think that's where we
13 can also work with the media too in letting them know
14 and maybe we can do some interviews there and engage
15 the media to help us reach those voters and let them
16 know, yes, you have this official election information
17 coming to your mailbox. So absolutely. And we do have
18 some -- we'll definitely make sure that we're out on
19 social media, that we have the presence out there.
20 We'll have some banner ads trying to showcase to people
21 too to keep an eye out for it because this is official
22 election information. So, yes, I appreciate that --
23 that direction and absolutely we will -- we will look
24 forward to doing that.
25 COMMISSIONER PATON: Thank you.

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1 CHAIRMAN MEYER: I was just saying how even
2 small things like I -- you know, I follow the
3 Commission on Twitter and I try to retweet all of their
4 information to get that out to follows. I know -- I
5 know Commissioner Chan is on there. So I follow a lot
6 of you and try to retweet the Commission information.
7 So that's just a small thing we can do.
8 Any other questions or comments?
9 I agree with Commissioner Paton. You should
10 run for office, Gina. That would be great. Although,
11 we'd miss you too much.
12 So any other questions or comments from other
13 Commissioners or -- or Tom?
14 COMMISSIONER CHAN: Mr. Chairman, I -- I
15 don't really have any questions. I just really
16 appreciate all the information that was contained in
17 that report and presentation and I'm just -- I don't
18 know. I mean, I probably sound like a broken record,
19 but I'm just so proud of all the work that you all put
20 into this and I'm -- I'm really happy with the
21 direction you've taken it and the growth that we've
22 seen of this program. And I think it's just doing
23 wonderful things for the people of Arizona and I
24 just -- I just can't say enough good things about it
25 and I -- I really just appreciate you all and respect

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1 you all so much. Thank you to the whole team.
2 CHAIRMAN MEYER: Well said.
3 So with that, do I have a motion for approval
4 of the Voter Education Plan.
5 COMMISSIONER CHAN: Mr. Chairman, I move that
6 we adopt the Voter Education Plan as presented.
7 CHAIRMAN MEYER: Is there a second?
8 COMMISSIONER KIMBLE: Commissioner Kimble.
9 Second.
10 CHAIRMAN MEYER: Okay. We have a motion
11 and a second. I'm going to go ahead and call the
12 roll on this motion whether to approve the Voter
13 Education Plan. I'm going to start with Commissioner
14 Chan.
15 COMMISSIONER CHAN: I vote aye.
16 CHAIRMAN MEYER: And Commissioner Kimble.
17 COMMISSIONER KIMBLE: Aye.
18 CHAIRMAN MEYER: Commissioner Paton.
19 COMMISSIONER PATON: Aye.
20 CHAIRMAN MEYER: And I vote aye as well.
21 Motion carries four to zero.
22 And just I'm -- just I'm calling the
23 Commissioners to vote in the order that you are on my
24 screen, so there's no -- nothing to the order there,
25 just so you all know.

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1 So now let's move on to Agenda Item No. VI.
2 And actually, let me check with the court
3 reporter. Do you need a break at all or are you doing
4 okay, Kaitlyn -- Kathryn?
5 THE COURT REPORTER: I'm doing okay. Thank
6 you for checking.
7 CHAIRMAN MEYER: Okay. Item No. VI,
8 discussion and possible action on E-Qual electronic
9 system for candidate petitions and qualifying
10 contributions and process for collection and review of
11 qualifying contributions.
12 Commissioners, you may recall that there have
13 been some recent reports with respect to the online
14 system for collecting petition signatures and
15 qualifying contributions, as well as how qualifying
16 contributions are to be reviewed by the County
17 Recorders. A lot of this relates, I believe, to the
18 redistricting. So Tom is going to give us some
19 background on this, remind us about E-Qual and the
20 latest guidance from our friends at the Secretary of
21 State Office.
22 Tom.
23 Can't hear you, sir.
24 MR. COLLINS: Headphone jack, that's what
25 I've concluded is the issue.

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1 Can you hear me now?
2 CHAIRMAN MEYER: Yes, we can.
3 MR. COLLINS: Okay. All right. I tried a
4 different pair of headphones in an effort to get a mic
5 that worked.
6 Anyways, thank you. And thank you, Gina, for
7 that presentation. I -- I think that a lot of the
8 messaging in there we'll come back to as part of our
9 legislative discussion here shortly, because I think
10 there's a -- a real connection there.
11 I want to -- I want to talk quickly about the
12 E-Qual matter. I think -- I do think it's important
13 for the Commission to kind of be brought up to speed on
14 this. I will say I think that, in terms of the review
15 of qualifying contributions, we're in a place that's --
16 that's good with respect to that, which is, you know, a
17 different question from technology.
18 But I am now going to share -- hopefully I am
19 going to share screen. There we go. And -- all right.
20 Can you all see that? I'm hoping.
21 Okay. So real quickly, just to give you a
22 history of the E-Qual system, to the extent that some
23 of you may -- some of you may be more familiar than
24 others, this actually was developed while Commissioner
25 Chan was election director for the State, and it's been

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1 in place now for -- for -- essentially for -- since
2 2012. It was originally created as a pilot program for
3 allowing voters to both provide a signature to
4 statewide legislative candidates and provide a \$5
5 qualifying contribution form electronically. It was
6 originally capped at 50 percent in 2014. It was
7 codified as a permanent program. And then in 2016 it
8 was expanded to allow candidates to collect all of
9 their signatures, qualifying contributions, and to
10 expand the kinds of candidates who can use the
11 system.
12 How it fits together with redistricting,
13 redistricting, as I know you all know, occurs every 10
14 years. We have an independent redistricting commission
15 that draws up those ballot -- those districts. And
16 they were certified by that commission to the
17 Secretary of State last week, which brings us to where
18 we are now, where counties will begin implementing
19 those maps.
20 So where we are with E-Qual. So basically,
21 when you go on E-Qual or if you follow the link from
22 candidate, you know, it takes you to a landing page
23 where you fill in your information, your name,
24 birthday, driver's license number, typically, and it
25 pings that essentially off the voter -- the statewide

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1 voter registration database. So it's confirming, in
2 effect, who you are, and then it offers you candidates
3 whom you are eligible to select to sign their petition,
4 or, in the case of a Clean Elections candidate who's
5 using the system, also to do a contribution -- a
6 qualifying contribution.
7 So where we are now is, because we're -- the
8 redistricting commission has adopted those maps, the
9 way the system is set up, E-Qual is linked to people's
10 2020 districts, or the districts they've had for the
11 last 10 years. That -- and that is still operating.
12 The counties will start to upload the new maps, and
13 technologically my understanding is that the system can
14 only take one set of maps at a time. So on March 5th,
15 or around March 5th is when the Secretary's Office
16 predicts it, the candidate -- the E-Qual system is
17 going to go offline.
18 So -- so basically, you know, if a candidate
19 -- and this is really principally focused on
20 legislative candidates. There's no statewide effect,
21 and then congressional is really not in our
22 bailiwick.
23 For participating candidates, E-Qual will go
24 offline starting around March 5th, and there will be no
25 way for state representatives and state senators to --

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1 candidates to collect qualifying contributions
2 electronically through E-Qual. If a candidate were to
3 go into the system and flip over from 2022 to 2020,
4 they will lose access to E-Qual. And then once the
5 counties have finished, the E-Qual will be available
6 for the 2022 district, not for the 2020 district.
7 So, again, what's happening here is -- is
8 we've got an overlap -- overlap time, if you will,
9 where, you know, the districts are -- are in some --
10 are in a kind of a flux, and so -- but once those are
11 finally implemented, then that will be where you can
12 collect qualifying contributions from.
13 And then when qualifying -- and then post
14 March 5th, or around March 5th, candidates are going to
15 get notified -- or, voters, rather, will get notified,
16 you know, that -- that if they're -- if they can't do a
17 qualifying contribution online, they can contact the
18 candidate and do one on paper. And that's important to
19 bear in mind through this entire particular issue. You
20 know, E-Qual, although it allows up to a hundred
21 percent usage, you know, paper still works in -- in
22 this process both for petition signature gathering and
23 for qualifying contribution gathering, and it's -- and
24 it only affects legislative candidates and not
25 statewide candidates. So those are two -- two things.

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1 When we get to the process of reviewing
2 qualifying contributions, whether they come in on paper
3 or they come in through E-Qual, candidates file their
4 qualifying contribution slips and their petitions with
5 the Secretary of State's Office, and the Secretary of
6 State then sends a random sample of the qualifying
7 contribution signature to the County Recorders. From
8 that, they do a calculation, basically multiplying the
9 amount of signatures by five to see if that gets you to
10 110 percent of the amount you would have to have. If
11 it comes back at 110 percent or greater, under statute
12 and rules, then the candidate is authorized to be
13 funded. If not, they go to a full review and -- and
14 determine whether or not they've got all the qualifying
15 contributions necessary.
16 The review piece -- and this was -- we had a
17 little -- you know, you see some of the reporting on
18 this. There's been a little bit of muddle at one
19 point, but I feel like we're in a different -- we're in
20 a comfortable place now. You know, I -- I -- I can't
21 speak to necessarily the nuance of this. I can tell
22 you the Secretary's position, prior to issuing this
23 document, was that essentially candidates who collected
24 qualifying contributions from the 2020 districts would
25 face a difficulty in using those for the 2022

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1 districts.

2 I can tell you that what I've been -- what

3 I've been told by our attorney for this, who's not the

4 AG's office, is that this seems to be consistent with

5 the state law for petition signatures, which is that

6 the legislature passed the law for purposes of this

7 redistricting year that allows a person to use

8 qualifying contributions -- or, allows petition

9 signatures from either the 2020 districts or the 2022

10 districts. So we're hopeful that that won't be an

11 issue, and that's kind of where we are.

12 So, you know, you could -- so, I mean, that's

13 sort of the -- the quick background, and I don't want

14 to -- don't mean to move so quickly through it, except

15 that I want to -- I want to stop here. But I do want

16 to -- I did want to kind of -- kind of give you the

17 details. That's all kind of capsulating the e-mails

18 from the Secretary's Office that were in your packet.

19 So -- so -- so, you know, the reason to bring

20 this to you all as an agenda item is twofold.

21 Number one, it's -- you know, it's -- we've not had a

22 lot of attention on stuff related to this in the past,

23 and I feel like it's important. And then, two, you

24 know the candidates who -- and voters involved in this,

25 I think, need to know that, you know, the Commission is

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1 paying attention to this.

2 Our -- our plan going forward right now is

3 simply to try to communicate consistently with

4 candidates when we have the opportunity to. We have

5 made clear to candidates several times that it's really

6 their responsibility to coordinate with the Secretary's

7 Office and the County Recorders.

8 The Commission's role here, there are -- we

9 have some rules related to how the -- how the -- how

10 this is supposed to be done. But for the most part,

11 statutorily, and there's an AG opinion that backs this

12 up, this -- the Secretary's Office runs this process in

13 conjunction with the County Recorders. That's part of

14 the reason the communication issue here has been so

15 problematic, because people sometimes look to the Clean

16 Elections Commission for information that we don't

17 have. And we have not received information in a timely

18 fashion from the Secretary's Office throughout this

19 process. So, you know, now that we think we know where

20 we are, we're hopeful that the guidance will stay

21 consistent, and we will simply try to amplify that

22 guidance. But we've always said to candidates, look,

23 you can't come to us on this stuff. At the end of the

24 day, you've got to talk to the Secretary's Office.

25 So that's kind of where we are. We don't

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1 have a recommendation for action here. I can tell you

2 that, if you don't know, and I find no reason why you

3 would need to know, but, you know, the Attorney

4 General's office fired off a letter to the -- to the

5 Secretary's Office last week saying that if the

6 Secretary proceeds to turn off the E-Qual system during

7 March, that that would constitute a violation of its

8 duties.

9 You know, if it's a technological issue, I

10 don't know the answer to -- I mean, let me put it this

11 way. I'm not sure that that helps solve the problem

12 for candidates and voters if it's a technological

13 issue. I'm not sure that that approach is particularly

14 conducive to resolving this in a way that benefits

15 candidates and voters who are really ultimate

16 beneficiaries of this program.

17 It's -- so -- but it also kind of -- but it

18 also kind of, I think, helps to refocus, you know, what

19 our role here is, is to just make sure that folks

20 understand what the best available guidance is and

21 that, at the end of the day, they really need to just

22 make sure they're talking to the Recorder's Office or

23 the -- or the Secretary's Office, as applicable, to

24 make sure they're following instructions.

25 So that kind of concludes my presentation on

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1 this, Mr. Chairman. And if you all -- obviously, if

2 you have any questions, I'm happy to try to answer

3 them.

4 CHAIRMAN MEYER: Thank you, Tom. Difficult

5 situation.

6 Any -- any Commissioners have any questions

7 or comments on this?

8 COMMISSIONER KIMBLE: Mr. Chairman, this is

9 Commissioner Kimble.

10 CHAIRMAN MEYER: Sure. Go ahead,

11 Commissioner Kimble.

12 COMMISSIONER KIMBLE: So, Tom, just to

13 summarize, the E-Qual system is going to be offline for

14 a period. The Attorney General says that's illegal,

15 but it sounds unavoidable.

16 MR. COLLINS: Mr. Chairman, Commissioner

17 Kimble, I think that's probably a fair -- the last --

18 that -- that is correct, and I think that last part is

19 -- is consistent with what the Secretary's Office

20 position is about the nature of the programming at

21 issue. In other words --

22 Now, there's a statutory piece here that,

23 I'll be honest, I don't understand, which is the

24 statute that the legislature passed says that the 2020

25 districts are supposed to be able to be usable for

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1 2022. Why the Secretary decided to have the counties
2 upload this in March, instead of waiting until after
3 the qualifying period for signature gathers or the
4 qualifying period for Clean Elections, which is a
5 different timeline, I don't know the answer to that. I
6 don't -- I don't know the -- there's a statutory
7 decision there, a legal decision there perhaps
8 underneath, that I'm not privy to.

9 But as a practical matter, once you're at
10 that place, the program doesn't allow two maps, is what
11 the Secretary has said, and you're right, so therefore
12 it's simply -- it's simply -- in their view I think
13 it's -- I mean, my understanding of their position is
14 that it's not possible.

15 COMMISSIONER KIMBLE: So if the Attorney
16 General says this is illegal, what's he going to do
17 to -- he's just going to say it's illegal and then --
18 but it's going to happen?

19 CHAIRMAN MEYER: I'll object to that question
20 as it calls for speculation. But go ahead, Tom.

21 MR. COLLINS: Well, yeah, so -- Mr. Chairman,
22 Commissioner Kimble, I mean, I -- I mean, what the
23 letter to the Secretary's Office said was that the
24 Secretary -- that the Attorney General might seek
25 criminal charges against the Secretary of State's

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1 Office. I mean, I have never been a prosecutor, I've
2 only been a public defender, but, you know, I'm not --
3 I'm not super sure that that's a -- that that's a real
4 good way to go about trying to -- trying to fix a --
5 what the Secretary's Office says, whether they're right
6 or wrong, what they say is a technological issue.

7 COMMISSIONER KIMBLE: Okay.

8 MR. COLLINS: I mean, in other words -- in
9 other words, look, I mean, it -- we talk about this a
10 lot in the context of campaign finance, where we do
11 civil stuff. And there's not a lot -- there's some.
12 There's not a lot of criminal reporting. But there's
13 always been a concern in this area about
14 overcriminalization. I don't think that's any
15 different in the context of state government.

16 In other words, I will -- I can tell you,
17 having been an Assistant Attorney General, if you want
18 to, you can find a criminal law that every State
19 employee is violating every minute of every day.
20 That's the way our code is written. It's overbroad.
21 It's got antiquated language from the -- you know, from
22 statehood. And there are cases going back to statehood
23 where, I mean, you know, where the Auditor General at
24 that time, you know, went after Governor Hunt's estate
25 because he took some books with him when he left being

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1 Governor. You know, so there is -- there is a -- those
2 kinds of things are out there and can be utilized.
3 Generally speaking, though, you know, we haven't seen
4 these kinds of things evolve into criminal
5 prosecutions.

6 COMMISSIONER KIMBLE: Well, I guess all we
7 can do is what you're doing, and that's advise the
8 people running as Clean Elections candidates to get
9 their stuff done early or get them done on paper.

10 MR. COLLINS: Mr. Chairman, Commissioner
11 Kimble, yeah, I think that's exactly right, and
12 that's -- and that's what we've -- we've been talking
13 about.

14 Now, you know, and I've said this to folks
15 who have asked about this, especially the press, you
16 know, I don't want to exaggerate the number of folks
17 affected by this. Right now we have not that many
18 candidates who have indicated that they're going to run
19 clean as legislative candidates. The caveat there is,
20 they don't have to tell the Secretary's Office up front
21 that they're doing that. So there's a -- so there's a
22 known number of folks that's maybe, what, I think --
23 and Mike or Julian, correct me if I'm wrong --
24 somewhere in the 10 to 12, maybe 15 range. There's an
25 unknown group that's maybe a little bigger than that,

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1 adds a few more people, we don't know.

2 You know, so it's not -- you know, it's not
3 like the -- you know, the way that this year has
4 developed, partially because of redistricting,
5 partially because of pandemic, and really partially
6 because the positions of the parties, especially the
7 Democratic party, are to discourage legislative
8 candidates from running clean -- so, so as long as the
9 Democratic party, which had been a prior -- you know,
10 prior bigger user of the system, believes that it's not
11 a good system for their candidates to use, you know,
12 we're always going to have fewer candidates than we had
13 before.

14 COMMISSIONER KIMBLE: Okay. Thank you.

15 CHAIRMAN MEYER: Any other Commissioners have
16 any questions or comments on this issue?

17 COMMISSIONER PATON: This is Commissioner
18 Paton. I would just say that we know the shortcomings
19 of the Secretary of State's Office as far as
20 technology. And so when they're saying they can't do
21 it, I believe them.

22 COMMISSIONER CHAN: Mr. Chairman and Tom,
23 I -- I want to thank you for the update, Tom. And, you
24 know, I was surprised to see the AG's letter
25 threatening possible criminal, you know, charges,

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1 because I feel like E-Qual is a wonderful modern
2 convenience, but the reality is everybody can still
3 circulate on paper. I just -- when you have a
4 situation like this where you have redistricting, and
5 the Secretary has made the determination that it's
6 desirable to upload the new districts, which in a way
7 makes sense, because that's where people are going to
8 be voting in the coming year, theoretically, as long as
9 everything stays the same, to me it just seems like
10 such an overreaction on the part of the AG to be so up
11 in arms about it.

12 And I understand candidates have really come
13 to embrace this modern convenience, and I think it's
14 wonderful, but, you know, this is a bump in the road
15 that redistricting causes every 10 years with a lot of
16 things, you know, circulating petitions, and of course
17 our qualifying contributions as well that we have to
18 have special accommodations for in session law.

19 So I just want to thank you for, you know,
20 updating us on it and just make that general comment.

21 CHAIRMAN MEYER: Thank you, Commissioner
22 Paton and Commissioner Chan, for your comments.

23 Tom, are you recommending any action from the
24 Commission on this at this point in time? I don't
25 believe you are. I just want to confirm that.

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1 MR. COLLINS: Mr. Chairman, no. No, we're
2 not. I mean, we really just want to make sure that you
3 all are fully backgrounded on the issue in the event
4 that, look, I mean, something could come up. And I
5 think the one caveat to any action going forward would
6 be, there's a remote chance this ends in some kind of
7 litigation, and there's therefore a remote chance that
8 we might get -- either need to or more likely get drawn
9 into such a thing. But even if we were there, just,
10 again, it would be most likely in the capacity of a
11 staff member providing, you know, appropriate evidence,
12 as opposed to necessarily the Commission having to take
13 some legal position.

14 CHAIRMAN MEYER: Okay. So I think we're
15 ready to move on to Agenda Item No. VII, Tom.

16 COMMISSIONER PATON: I have a question.

17 CHAIRMAN MEYER: Oh, go ahead, Commissioner
18 Paton.

19 COMMISSIONER PATON: Could we have a short
20 break?

21 CHAIRMAN MEYER: Sure. Let's take five. I
22 do need to try to wrap this up by 11:45 or so, so if we
23 can try to make it quick and then hop back on. Should
24 we leave the Zoom open, then, and I'll just --

25 COMMISSIONER PATON: Like five minutes.

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1 MR. COLLINS: Yeah, I think Cathy will --
2 will take the conn here and --

3 CHAIRMAN MEYER: Okay.

4 MS. HERRING: Yes, we'll leave the Zoom open,
5 I will put up a recess screen, and we will come back at
6 11:05.

7 CHAIRMAN MEYER: Okay. Thank you. All
8 right. See you in five.

9 (A recess was taken from 11:00 a.m. to
10 11:06 a.m.)

11 CHAIRMAN MEYER: Let's, I guess, go back on
12 the record here, as we say in my business.

13 The next item on the agenda is Item No. VII,
14 which is discussion and possible action on Legacy
15 Action Fund versus Clean Elections Commission. This
16 item concerns the recent Court of Appeals decision with
17 the 2-1 decision in favor of the Commission. I just
18 want to congratulate and commend our counsel. Mary
19 O'Grady and Joe Roth did a great job.

20 As you know, Commissioner Titla is the only
21 Commissioner who was on the Commission, which was hard
22 to believe, since we've all been here so long, when
23 this started. So we're going to get a brief background
24 and then --

25 Tom, I'll just hand it off to you.

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1 MR. COLLINS: Yeah. And Commissioner Meyer,
2 in the interest of time, you know, I'll try to keep
3 this brief, because we don't -- we don't have anything
4 to do, per se. So just to -- just to sort of -- and I
5 have a brief PowerPoint, and I won't do it, but I'll
6 just send it to you, that sort of outlines some of the
7 statutory issues here in the background.

8 But the bottom line is, this case began in
9 2014. The Commission did an enforcement action, a
10 final -- and entered a final -- some of you may have
11 been here when we entered our final order. And then
12 under the statute, under the Clean Elections statute,
13 there's a specific statute of limitations on filing an
14 appeal from the final agency action. The Legacy
15 Foundation Action Fund didn't meet it. That case went
16 all the way up to the Arizona Supreme Court, where they
17 lost on that issue.

18 And then sometime the year after that,
19 probably within the year after that, we each -- we
20 filed simultaneous lawsuits. We filed a lawsuit to --
21 to convert the administrative ruling into a judgment
22 that we can naturalize in Iowa, where Legacy Foundation
23 Action Fund is based. Legacy Foundation Action Fund
24 filed a special action saying that there was a
25 jurisdictional issue that should supersede the

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1 statutory -- statute of limitations issue.
2 The Court of Appeals, in a 2-1 decision, the
3 majority held that -- that there was not -- that
4 that -- that that was not the rule, that they -- that
5 the Legacy Action -- Legacy Foundation was not entitled
6 to collaterally attack the Commission's jurisdiction,
7 having missed the statute of limitations, which is a
8 pretty basic finality principle. And they also said
9 that there was no clear abuse of authority in any
10 event.
11 There was a dissent from Judge Cynthia
12 Bailey, who -- the dissent is little bit -- well,
13 basically said they should have had an opportunity to
14 have the jurisdictional question reached. The dissent
15 really doesn't tell us what Judge Bailey might have
16 done had they done that, but there was a dissent. And
17 then the -- and the dissent really was on this finality
18 issue, as opposed to the merits. Because the majority,
19 again, said, you know, once you miss the statute, you
20 can't come back in the side door.
21 Finally, you know, the -- the Legacy
22 Foundation has a -- has until next month, toward the
23 end of the month, to file a petition -- or, seek a
24 petition for review in the Supreme Court, so we'll --
25 we will see.

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1 So that's really where we are. Like I said,
2 I think -- I have some materials on -- on just the --
3 what the underlying statutes are that go to the merits,
4 but I think it's probably better, in terms of time, to
5 save that for either another time or for your
6 information, so...
7 CHAIRMAN MEYER: And you'll let us know if
8 they -- if they do file a petition for review, I'm
9 sure. So thank you, Tom.
10 MR. COLLINS: Sure.
11 CHAIRMAN MEYER: We will -- I guess any --
12 any questions from the Commissioners on that topic
13 before we move on?
14 (No response.)
15 CHAIRMAN MEYER: Okay. Seeing none, we'll
16 move forward to Agenda Item VIII, and that is
17 discussion and possible action on legislative bills on
18 the topics of election, voting, administration, and
19 campaign finance. And we talked a little bit about
20 some of these issues before, that they'd be on the
21 agenda. The legislature started earlier this month,
22 and already, as we see in the report attached -- the
23 legislative report attached to our Executive Director
24 report, there are a number of bills related to
25 elections that have been introduced. Staff has put

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1 together, you know, that approach suggesting -- the
2 report suggesting how we approach those bills.
3 And, you know, Tom, if there's any discussion
4 on specific bills, let me know.
5 MR. COLLINS: Sure.
6 CHAIRMAN MEYER: But go ahead, Tom, let us
7 know your thoughts.
8 MR. COLLINS: Sure. So Commissioner Meyer
9 and Members, you know, we -- we have tried, over the
10 course of the last few months, to start to pick up
11 where we kind of were interrupted from by the pandemic
12 in terms of our relations with the legislature. So we
13 have -- so working with -- with Mike Becker, who's
14 our -- you know, been our long-time policy director,
15 Julian Arndt and Avery Xola have been doing a lot more
16 meetings with lawmakers of both parties, lawmakers who
17 are fans of Clean Elections, lawmakers who aren't fans
18 of Clean Elections, and probably most importantly right
19 now, lawmakers who are new.
20 Because you'll recall that over the course of
21 the last year, if there was great resignation for
22 employees, there was certainly a greater resignation
23 among legislators. We have almost, what, I think a
24 dozen new legislators since last session or something
25 like that.

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1 So -- so we're working on that outreach.
2 And, you know, in the past we've done a legislative
3 report like this, and the first part of the legislative
4 report is really focused on campaign finance stuff and
5 commission of the stuff, which I think is kind of a
6 given and expectation.
7 One of the things we've talked about in the
8 past, from a supporting perspective, is, look, we ought
9 the support those efforts that try to enhance
10 participation and confidence in the system. But this
11 year it's pretty clear that the -- that the issue is
12 not nearly as much about improving things, in terms of
13 confidence and participation, but, you know,
14 potentially not improving them and making them
15 considerably worse.
16 And I think that, you know, in that context,
17 one of the other things that's happening is that within
18 the polarization of the legislature and the body of
19 politics at large there is a -- there is -- the
20 discourse around this is not getting to issues that
21 affect voters directly. And I think that -- and what
22 we tried to articulate in the report is, you know,
23 while, you know, sort of blanketly saying all bills are
24 bad might not be the position we want to be in as a --
25 as a Commission, we do, I think, have a voice that we

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1 are both statutorily expected to use and can use here
2 for all voters.

3 Because we know, at least the data shows and
4 the report mentions this, that voter confidence is
5 declining, especially among Republican voters. And
6 within a polarized legislature, there's no one to speak
7 for all voters, right. That's really kind of what --
8 you have a County -- the County Association speaks for
9 the County Recorders, they have their own vantage point
10 on things. And then there is a big block of
11 Democrat/progressive nonprofit lobbyists who -- who
12 have a -- who have their own role and their own agenda.
13 None of those things start necessarily from the place
14 of where -- where voters are, which is something that,
15 as Gina's presentation, you know, made very clear, we
16 know.

17 And so what we propose to do this session, in
18 an ongoing basis -- and these hearings have already
19 started, and we're not -- we haven't been there for
20 them so far, but we think we will want to, in our
21 talking to lawmakers, and in terms of getting out there
22 and talking from the podium at the legislature on
23 occasion, we do think that we have information that is
24 relevant to the analysis here and can help to amplify
25 and support County Recorders from both parties who

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1 understand that some of these changes are going to
2 result in problems of information, problems of access,
3 problems of confusion and disenfranchisement regardless
4 of intent.

5 And the big -- you know, one of the examples
6 that I think is really, really obvious and a good one
7 is that we have -- there are multiple bills going
8 through -- that are in the legislative process now,
9 some have been assigned, some have been heard, some
10 haven't, that talk about just the mere issue of drop
11 boxes, right. So we know, you know -- you know,
12 County -- County Recorders have used drop boxes for
13 early ballots for years. And the place that that
14 started and was -- and has been most successful is in
15 Yavapai County, which is the most Republican county in
16 the state. And Leslie Hoffman, who's been the Recorder
17 there for many years, has been very clear that, look,
18 this is -- we have the highest turnout in the state,
19 we're the most Republican county in the state, and this
20 is our tool. You know, and yet we -- there's a lot of
21 effort at the legislature to -- to try -- you know, to
22 try to get rid of that.

23 I don't think, quite frankly, that -- that
24 the -- that the -- that this is a partisan issue in the
25 sense that we know, because of people like Recorder

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1 Hoffman, because of people like Recorder Richer, and
2 because of some members of the legislature, that there
3 is a real divide in terms of the Republican party
4 elected officials' approach to this and election
5 officials' approach to this.

6 And so I think that -- so I think that -- to
7 that extent, I think that, you know, because we have
8 the information on what voters are thinking, what
9 issues are relevant to voters, and the -- and the costs
10 of this that go beyond just the administrative costs,
11 but really get to the confusion issue, right -- I mean,
12 the Monmouth poll that's cited in the memo basically
13 says that the more this issue gets talked about, the
14 less confidence voters have, and especially Republican
15 voters. So this is not an evenly distributed,
16 necessarily, consequence.

17 And -- and I think that you can see that also
18 in the -- in the numbers that Gina showed on voter
19 turnout. Voter turnout in 2020 was -- you know, as a
20 percentage basis was higher than ever. And as Gina
21 pointed out, we vote by mail. We've always voted by
22 mail. So this was not -- there was no radical
23 departure from -- in our processes due to the pandemic.
24 There was definitely changes, and election officials
25 had to work very, very hard to deal with the cost and

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1 the security and the -- and health issues related, now,
2 don't get me wrong, to pull it off with something, but
3 it was within a framework that works for voters. And
4 turnout ended up being even higher.

5 So -- so I think that's where we have room
6 to -- to work a little bit. And I also think that if
7 we're going to be in a position to show our relevance
8 to voters for purposes of voter education, it's
9 important, quite frankly, to -- at that point for
10 lawmakers to sort of understand what comes with that.

11 The -- the fact is that we have -- whether
12 you like it or not, and I think we don't have to be
13 immune to the reality that, you know, two -- two out of
14 the top three state elected -- state election -- state
15 elected officials are running for other offices.

16 They're running for other offices, that's a reality.
17 That changes the dynamic of the conversation. It makes
18 it more polarizing, it makes it more partisan, and it
19 takes it away from some of the core issues that matter
20 to voters that we are the most informed agency on.

21 So that's kind of my pitch on what I think we
22 ought to be doing. And so what we're looking for, not
23 necessarily a vote. Obviously, if you don't want us to
24 do anything, we -- we want to know that for sure. But
25 what we really want to be able to do is be in a

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1 position to -- to weigh in on some of these bills when
2 they are particularly problematic. And we don't, quite
3 frankly, want to have other people decide for the
4 Commission what the Commission's role is.
5 You are the most experienced election
6 officials in the state of Arizona right now, whether
7 you like it or not, and so there's absolutely no reason
8 for the Commission to sort of look to, you know,
9 outside voices who might say, well, we don't really
10 think that you have a voice here. We have the
11 information. We have the expertise. And it's not
12 really a matter of opposition or support so much as
13 making sure that the record is clear about what the
14 voter impact of the discussion itself is, as well as
15 the potential outcomes of some of these bills.
16 COMMISSIONER KIMBLE: Mr. Chairman.
17 CHAIRMAN MEYER: Go ahead, Commissioner
18 Kimble.
19 COMMISSIONER KIMBLE: Tom, I guess as an
20 over -- overreaching principle, it seems to me that
21 unless there is a serious security issue, not a
22 suspected one, a serious one that can be shown, that in
23 all cases we ought to say we're -- we're on the side of
24 the voter. We're on the side of making it easier for
25 you, the voter, to register to vote, to cast your vote,

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1 to make sure that your vote is accurately counted.
2 Eight of 10 Arizonans have shown that they
3 want to vote early by signing up for what used to be
4 known as the permanent early voting list. Last
5 election, nine of 10 voters chose that option, chose
6 the option to vote early in some way. So I think, as
7 an example, we ought to be advocating that there be no
8 more barriers to early voting, unless there's some
9 proven security issue. There ought to be no more
10 barriers for making it more difficult to register,
11 unless there's some proven security issue. There ought
12 to be no more barriers to drop boxes, unless there's a
13 security issue that can be proven. I -- I guess if we
14 just say we're going to the legislature to be an
15 advocate for voters, I think that pretty much covers my
16 concerns.
17 MR. COLLINS: Mr. Chair, I think -- I mean, I
18 think that -- Commissioner Kimble, I think that makes
19 sense. I mean, I think that -- I think that's
20 consistent with the principles we've tried to have in
21 the past. I mean, we've always said in the past -- and
22 the memo that you have is, you know -- is basically,
23 you know, an updated version of prior memos. And we've
24 always said we should be out there supporting things
25 that are positive. And I think we probably -- you

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1 know, like I said, we want to kind of find spots to --
2 to be.
3 So I don't know. I don't know if you had a
4 question there or if you wanted me to comment at all.
5 COMMISSIONER KIMBLE: No, I didn't really
6 have a question. I just think that that's the
7 principle that we ought to -- we ought to use to decide
8 what stance we're taking on bills.
9 I also think, and you're -- you and Mike are
10 far more knowledgeable about this than I am, that it's
11 so early that a lot of these things are just going to
12 fall by the wayside. So I don't know if, you know, if
13 we want to get out there and start opposing all the
14 crazy stuff that's already out there or -- or whether
15 it makes more sense to wait and see what shakes out for
16 a while.
17 COMMISSIONER CHAN: Mr. Chairman.
18 CHAIRMAN MEYER: Tom, go ahead. Or, I'm
19 sorry. Commissioner Chan, go ahead.
20 COMMISSIONER CHAN: I just wanted to say, I
21 wholeheartedly agree with what Commissioner Kimble just
22 said. You know, I know there are a lot of new
23 legislators. And frankly, even the legislators who
24 have been there for a few terms may not have been there
25 when voters approved, you know, our voter ID law, our

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1 proof of citizenship law. You know, and I -- just
2 having worked in elections and been in and around the
3 policy area of elections since 2001, I -- seeing all of
4 the consternation on the part of the legislators, who I
5 frankly am cynical enough to think they use it as a
6 reelection technique or, you know, stool to sit on or
7 stand on, but it does damage to the voting population.
8 And I -- I just -- my desire would be for us
9 to wholeheartedly support anything and -- and be
10 against anything that that damages voter confidence. I
11 really think that if people really understood our
12 system, they would have confidence, the full confidence
13 that I do, in it. Nothing is perfect. Humans are
14 imperfect. There's always room for mistakes or people
15 who try to commit fraud. But I think that our system
16 is amazing and a wonderful model for -- for any state
17 in the union, and so I -- I just want to add that. And
18 I know we're short on time, so I --
19 CHAIRMAN MEYER: Commissioner Chan, thank
20 you. And I -- you know, I appreciate you and
21 Commissioner Kimble's comments.
22 And I know, as far as Tom's proposal, I
23 support, you know, what's being set forth here. And I
24 know that -- that thought has been put into this and
25 this is intended to be, you know, a nuanced approach.

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1 You know, this is not just a blanket opposition to
2 everything. But I know that Tom and Mike are talking
3 about, you know, picking your spots here and really
4 looking at things that will really have an impact on --
5 on voters and their ability to vote, but also some
6 logistical issues like, you know, how are we going to
7 count -- you know, how is -- how is -- how are our
8 polls -- polling places going to handle 3.5 million
9 voters all coming in on one day, you know, things like
10 that that may be -- may be unintended consequences
11 or -- or I hope they're unintended consequences --
12 things like that where I think you're going to kind of
13 hopefully speak -- you know, I think the intent is to
14 speak to reason, appeal to reason, and just sort of,
15 you know, make sure that everyone understands the broad
16 impact that some of these bills that are being
17 discussed could have.

18 So that's what I understand is the objective
19 here, it's a nuanced objective, with of course keeping
20 those principles that Commissioner Chan, Commissioner
21 Kimble were just speaking of involved. But, I mean,
22 I -- I'm on board with this, I support it, and I --
23 and, you know, go out there and -- and do what you guys
24 do so well.

25 And I don't know, Commissioner Paton, do you

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1 have any thoughts on this?

2 COMMISSIONER PATON: Yeah, I do. I think
3 going to all these legislators and telling -- maybe
4 having a piece of paper or something that shows all of
5 our -- you know, our basic laws about elections, like
6 our voter ID law and our -- the early balloting, how it
7 exactly works, kind of like a synopsis of these things,
8 so -- because a lot of these people, they hear all
9 these -- these wild accusations. And like you said,
10 they don't -- they don't know what to believe. And I
11 think maybe if we can just get a synopsis of these
12 things and go to these legislators, you know, one by
13 one and say, this is -- this is the law on this. Why
14 do you need to change this? Or this -- you know, do
15 you really have a problem with -- with how we do this,
16 or is this you're just coming up with this out of, you
17 know, out of the ether or something.

18 But I think if we just do a blanket thing, I
19 think we'll look as being political. But I think if we
20 go one by one -- particularly these new people, I mean,
21 they don't know that much about it. And they hear all
22 this stuff on the Internet or on TV or something
23 where -- I mean, just the idea that you would count
24 things like they did in the 1800s, one ballot at a
25 time --

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1 I mean, one thing that I have an issue with
2 is how long it takes, once the polls close, before we
3 get an accurate count, because I believe that, the lag,
4 a week or two weeks, that's what gives people the idea
5 that you can't -- that something sinister is happening
6 behind closed doors. I mean, if you go back to the Al
7 Gore/George Bush thing, you know, it seemed sinister,
8 the whole thing, and because we didn't know for four
9 weeks who was the president. I think that's the bad
10 thing, if -- if it goes on and on and on. It just
11 gives these conspiracy things a chance to grow. So
12 that's my input.

13 CHAIRMAN MEYER: Thank you, Commissioner
14 Paton.

15 Tom, have you -- have any thoughts on what
16 you've heard from the Commissioners? I think that's
17 consistent with what your approach is.

18 MR. COLLINS: Yeah. Yeah. Mr. Chairman,
19 Commissioners, yes, I think -- I think that's right.
20 And I -- and I do think -- I think Commissioner Paton
21 is exactly right, and he's mentioned this many times
22 before. I do think that like, you know, the counting
23 issue, I mean, that's -- that's one of the big -- I
24 mean, that's probably one of the biggest and strangest
25 myths that's developed out of this experience over the

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1 last several years.

2 If you have -- we have an issue with what
3 they call late earlies or people who drop their --
4 their mail ballots off at the polling place that --
5 that could get -- would otherwise be eligible to be
6 ready to go on election day, and then they -- they hold
7 things up. If you go to some kind of hand count, not
8 only are you -- you're -- and to do it in a -- so this
9 very strange bill right now, and I don't know what will
10 happen to it, but it literally says you've got to do a
11 hand count and you've got to do it in a day. And
12 there's 7 million people in the state, or something
13 like that, and 3 or 4 million voters, and how many vote
14 -- it's not -- it's -- it will create precisely what
15 Commissioner Paton said. I mean, it would be a
16 disaster for -- for confidence, so...

17 CHAIRMAN MEYER: Okay. Well, Tom, do you
18 feel comfortable that you -- you have any direction you
19 need from the Commission? I don't think you're asking
20 for a vote on anything. We're just --

21 MR. COLLINS: Yeah. Yeah. No, I think -- I
22 mean, Mr. Chairman, Commissioners, yeah. No, I think
23 we're -- I think we're all kind of -- I think we're on
24 the same page. And I do -- and I'm cognizant -- I
25 think we're all cognizant of, I think, what

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1 Commissioner Paton said with respect to political.
2 We -- we want to be -- we want to be in a position to
3 depoliticize with facts some of these things that have
4 become more polarized by rhetoric.
5 CHAIRMAN MEYER: And, I mean, I think
6 getting -- I agree with Commissioner Paton, getting
7 that message to the -- to the legislators. But, I
8 mean, we always have to deal with the reality that
9 these people are being elected because of some of
10 these, you know, positions they're taking. So I think
11 we also need to push this out to the public as much as
12 we can too, which is where you're talking about
13 testifying at open hearings and things of that nature,
14 so --
15 Okay. So I am going to -- unless any other
16 Commissioner would like to offer any comment, I'm going
17 to wrap up Section VIII here. Anyone else have
18 anything to say on that?
19 (No response.)
20 CHAIRMAN MEYER: Okay. Seeing nothing.
21 Now, I'm going to go to Section IX, which is
22 always fun. This is the recognition and appreciation
23 to Commissioner and past Chair Amy B. Chan for her
24 service to the Commission and the state of Arizona.
25 I would just like to say, you know, I really

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1 appreciate the work you did as Chair, Amy. And the
2 expertise that you brought to this that I frankly don't
3 have is always much appreciated. And I thought you did
4 a wonderful job. I thought you elevated our profile.
5 I thought you were engaged. And I know staff
6 appreciated it. I certainly appreciated it.
7 And with that, I'll leave it to the other
8 Commissioners to offer any comments they have. So
9 let's just start with Commissioner Kimble, I guess.
10 COMMISSIONER KIMBLE: Mr. Chair, I echo
11 everything you said. I think Amy did an extraordinary
12 job during a difficult year of online meetings and
13 she's been very, very visible and very out there with
14 her expertise. And I appreciated her service to the
15 Commission and to the state for quite a few years.
16 Thanks, Amy.
17 CHAIRMAN MEYER: Thank you.
18 Commissioner Paton.
19 COMMISSIONER PATON: I would just like to say
20 thank you. And we all have been in that position and
21 it's not easy, especially, you know, on this Zoom
22 stuff. I mean, it's enough to, you know, show up and
23 have all the materials there, and so thank you for
24 doing that in an exemplary fashion.
25 CHAIRMAN MEYER: Thank you.

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1 Tom and anyone else from staff have any
2 comments or --
3 COMMISSIONER CHAN: No pressure, everybody.
4 MR. COLLINS: I don't know. I'm sure
5 everyone on staff can say, and I don't -- I think the
6 clock would probably be the only thing that would be
7 preventing us. Obviously, we've all benefited from the
8 experience that Amy has -- Commissioner Chan has as
9 a -- as an attorney and as election -- and as a former
10 election director and in this position and we all have
11 had the opportunity to work with her and it's -- it's
12 been good. And we are all -- you know, notwithstanding
13 the idiosyncrasies of you all serving a life sentence,
14 we all -- we do enjoy having the opportunity to work
15 more closely with each one of you as chairperson. It's
16 always -- it always creates a fun and interesting
17 experience for us every year.
18 COMMISSIONER CHAN: Well, I -- I really
19 appreciate all the kind words. It means a lot. And
20 I -- it is funny. My term -- my official term is up at
21 the end of the month, and so I know, you know, I'm the
22 newest member still, and I will be forever, I guess.
23 Like Tom said, it's a life sentence now. But I just
24 want to say thank you.
25 And Damien, it was a relief this morning. I

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1 was a little freaked out when you were a little bit
2 late, later than I expected, to get on the Zoom. I was
3 like, wait a minute. I was not expecting to have to
4 chair this one. Is Damien coming today? So --
5 CHAIRMAN MEYER: Listen, I was not late. I
6 just wasn't early.
7 COMMISSIONER CHAN: Correct, you just weren't
8 -- you know, Paula wants us to be on about 15 minutes
9 early, Dude. I don't know.
10 Anyway, so thank you all and just thanks to
11 the staff, because they are the ones that help make it
12 a success. So thank you, everybody. And good luck to
13 you, Commissioner -- Chairman Meyer, this year.
14 CHAIRMAN MEYER: Thank you.
15 COMMISSIONER CHAN: I know it -- it isn't
16 easy. It's --
17 CHAIRMAN MEYER: It's deja vu all over again.
18 COMMISSIONER CHAN: Yep.
19 CHAIRMAN MEYER: Well, thank you, Amy.
20 And then now we'll go on to Section X, which
21 is public comment. This is our time for consideration
22 of comments and suggestions from the public. I know
23 there's a few people online. Action taken as a result
24 of public comment will be limited to directing staff to
25 study the matter or rescheduling the matter for further

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1 consideration and a decision at a later date or
2 responding to criticism.
3 Does any member of the public wish to make
4 any comment at this time? Please notify the moderator.
5 And of course, we always welcome comments that you can
6 send to the Commission by mail or e-mail at
7 ccec@azcleelections.gov.
8 So if there's any member of the public that
9 would like to comment, please let us know. Oh, I think
10 I see Ms. Knox.
11 MS. KNOX: Yes. Thank you very much,
12 Chairman Meyer and Commissioners.
13 Thank you, Amy -- or, thank you, Commissioner
14 Chan, for having chaired the Commission.
15 I -- I want to thank all of you for
16 continuing to serve. I'm just blown away by your
17 dedication. As you know, I have been watching,
18 participating, sitting in on meetings for, I don't
19 know, eight or 10 years now. I'm doing it now as just
20 an individual, as a voter, a citizen of the state of
21 Arizona. I'm very interested in election issues.
22 And I am really very happy and supportive of
23 this idea of the Commission, whether it's staff or the
24 Commissioners, speaking up to legislators. I'm not
25 even sure how many new legislators know there is a

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1 Clean Elections Commission and what the Commission is
2 statutorily responsible for doing.
3 And I love the line about you speak for
4 voters. I think that is a very important educational
5 function that you can serve to literally not only
6 educate the legislators, like I say, some of whom I
7 don't think know what you do or what you're supposed to
8 do, but hopefully the word will get out to the public
9 by appearing and speaking at hearings. And I know it's
10 no fun now with small rooms, no COVID -- I mean, no
11 COVID protection, et cetera, et cetera, but I urge you
12 to do that.
13 And I urge you also -- and I know,
14 Commissioner Chan, you have done this in the past -- to
15 try to see if more opinion pieces can be published,
16 whether it's in the Republic, other media sources,
17 Capitol Times, to stress this idea that -- the common
18 sense view of what -- what really encourages people to
19 vote, why it's so important, why it is so secure. And
20 I think your voices as a nonpartisan or a bipartisan
21 commission are very important. And so thank you for
22 your service, as the saying goes, and I'll be back next
23 month. Thank you.
24 CHAIRMAN MEYER: Thank you, Ms. Knox. We
25 always appreciate hearing from you.

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1 Anyone else in the public? I don't see
2 anyone else on the participant list. If there is,
3 please let the moderator know.
4 (No response.)
5 CHAIRMAN MEYER: Okay. I don't see anyone
6 else.
7 So that will come to Item No. XI, which is
8 adjournment. Can I get a motion to adjourn from one of
9 my Commissioners?
10 COMMISSIONER CHAN: Mr. Chairman, I move that
11 we adjourn the meeting.
12 CHAIRMAN MEYER: All right. Is there a
13 second?
14 COMMISSIONER KIMBLE: Commissioner Kimble.
15 Second.
16 CHAIRMAN MEYER: All right. Let's call the
17 roll on the motion to adjourn. Commissioner Chan.
18 COMMISSIONER CHAN: I vote aye.
19 CHAIRMAN MEYER: Commissioner Kimble.
20 COMMISSIONER KIMBLE: Aye.
21 CHAIRMAN MEYER: And Commissioner Paton.
22 COMMISSIONER PATON: Aye.
23 CHAIRMAN MEYER: I vote aye as well. Four,
24 zero, we've all agreed to end this.
25 Thank you so much to staff. I know, Gina,

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1 that was a lot of work, and we really appreciate it.
2 Tom, you as well. So thanks so much. We'll see you
3 guys next month. And don't be a stranger, reach out if
4 you need anything. Bye.
5 (The proceeding concluded at 11:39 a.m.)
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1 STATE OF ARIZONA }
2 COUNTY OF MARICOPA } ss.
3

4 BE IT KNOWN that the foregoing deposition was
5 taken by me pursuant to stipulation of counsel; that I
6 was then and there a Certified Reporter of the State of
7 Arizona, and by virtue thereof authorized to administer
8 an oath; that the witness before testifying was duly
9 sworn by me to testify to the whole truth; that the
10 transcript was submitted for review and signature; that
11 the questions propounded by counsel and the answers of
12 the witness thereto were taken down by me in shorthand
13 and thereafter transcribed into typewriting under my
14 direction; that the foregoing pages are a full, true,
15 and accurate transcript of all proceedings and
16 testimony had and adduced upon the taking of said
17 deposition, all to the best of my skill and ability.

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

21 DATED at Tempe, Arizona, this 31st day of
22 January, 2022.


Kathryn A. Blackwelder, RPR
Certified Reporter #50666

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CITIZENS CLEAN ELECTIONS COMMISSION
EXECUTIVE DIRECTOR REPORT
February 24, 2022

Announcements:

Voting is ongoing in March local elections. Election Day is March 8. Elections are happening in Cochise County (City of Douglas), Maricopa County (City of Tempe), Navajo County (Timberland Acres Special Road District), and Yavapai County (Town of Dewey-Humboldt). Each of these elections is a ballot by mail election. For more information: www.azcleelections.gov.

Voter Education:

- Gina and Avery represented Clean Elections at the virtual 2022 African American Conference on Disabilities
- Avery continues to participate in the Arizona African American Legislative Counsel
- Avery helped curate a Black History Month campaign for Clean Elections social media
- Avery participates in the weekly Mesa Community College Civic Action Counsel meetings
- Avery attended the Secretary of State's Voter Outreach Advisory Council
- Avery participated in the Maryvale Youth Provider Network monthly meeting
- Gina and Avery met with the Arizona Native Vote Communication Group to discuss strategies for Native outreach
- Avery assisted in the planning and production of the 20th Annual African American Legislative Conference Virtual Youth Day
- Gina and Avery continue to partner with the CE2 Committee and assist in planning for the 9th Annual Civic Learning Conference
- Avery met with AARP Advocacy Director Brendon Blake to discuss potential collaboration on voter education
- Avery met with Maricopa County Recorder's Office Voter Outreach Manager, Betty Galanter to discuss outreach strategies
- Gina and Avery met attended a strategy session with ITCA
- Avery had a meeting with Mohave Voter Registration Supervisor, Natalie Collings, to discuss outreach strategies and share contacts
- Gina and Avery continue to collaborate with ACDHH to create voter education videos in ASL
- Alec has continued to work with counties to ensure or election information pages are up to date and recently deployed a revamped newsroom with press releases and similar information for the public.
- Gina filmed voter education video segments with AARP
- Gina met with the Navajo Voters Coalition about voter education events
- Gina, Alec and Avery met with Yuma County to partner on a voter education flier
- Gina attended the Secretary of State's monthly communications meeting

- Gina was interviewed by Cronkite News regarding voter education and election legislation

Administration and Enforcement

- **Legal**
 - Legacy Foundation Action Fund v. Clean Elections
 - Petition for Review filed 2.18.2022
 - The Power of Fives, LLC v. Clean Elections, CV2021-015826, Superior Court for Maricopa County
 - Pending, no action to report.
 - Election cases involving Arizona
 - Senate ballot review questions remain active.
 - Public records case set for oral argument in May. CV-22-0018-PR KAREN FANN et al v HON. KEMP/AMERICAN OVERSIGHT.
 - Court of Appeals ruling 2-1 a plaintiff can plead a complaint for an open meetings law violation against the legislature.
<https://www.azcourts.gov/Portals/0/OpinionFiles/Div1/2022/CV%2020-0710%20Puente%20v.%20ASL%20OP%20Amended.pdf>
 - The Arizona Supreme Court has convened a task force to address ethical issues in governmental representation.
<https://www.azcourts.gov/Portals/201/021622RulesGoverningTaskForce.pdf>

Appointments

- No additional information at this time

Enforcement

- MUR 21-01, TPOF, pending.

Regulatory

- The Governor's Regulatory Review Council approved the amendment to R2-20-101 with an immediate effective date upon filing with the Secretary of State's office.

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
H2023: Electronic Ballot Images; Public Record	Rep. Finchem (R)		After the polls are closed, the officer in charge of elections is required to make available to the public an online copy of any digital images of ballots in a manner that allows the images to be searchable by precinct but that precludes any alteration of the images. States that the digital images of the ballots are public records.	Possible education to not put any identifying material on ballots.	
H2041: ballot fraud countermeasures; paper; ink	Rep. Biasiucci (R)	House: Government, Rules	Any vendor that provides fraud countermeasures that are contained in and on the paper used for ballots is required to be ISO 27001 certified, ISO 17025 certified, or ISO 9001:2015 certified. Ballot fraud countermeasures are required to include all of a list of 19 specified features, including watermarking, secure holographic foil, security inks, invisible ultraviolet microtext, a serialized black QR code, and a paper receipt for the voter. The Legislature is required to appropriate sufficient monies to the State Treasurer to provide counties with the ballot paper prescribed by this legislation. Applies to the regular general election in 2022 and all elections held in 2024 and later. Appropriates an unspecified amount (blank in original) from the general fund in FY2022-23 to the State Treasurer for the purchase of antifraud ballot paper meeting these requirements.	None. Unique barcode tracking to vote brings up questions regarding State Constitution, Article 7, Section 1.	Government: Held
H2059: early voting; boxes; observers; electioneering	Rep. Blackman (R)	House: Government, Rules	County recorders or other officers in charge of elections are prohibited from using an unmonitored drop box for receiving voted early ballots. For any drop boxes that are used to receive voted early ballots, the county board of supervisors is required to furnish three notices that electioneering is prohibited within 75 feet of the drop box. Voters who have delivered their ballots are required to promptly move outside the 75-foot limit. Increases the criminal classification of a list of unlawful acts by voters, including electioneering within the 75-foot limit, hindering the voting of others, and voting in a county in which the voter no longer resides, to a class 6 (lowest) felony, from a class 2 (mid-level) misdemeanor.	None.	
H2071: early ballots; postmark date; receipt	Rep. Cook (R)	House: Government, Rules	An early ballot and affidavit that is postmarked by U.S. mail on or before the sixth day before election day is valid and eligible to be counted if received no later than five days after election day. Effective January 1, 2023.	Voter Education.	
H2077: candidates; school; local; electronic signatures	Rep. Pawlik (D)		The list of candidates that may gather petition signatures through a secure internet portal system provided by the Secretary of State is expanded to include candidates for school board office and any office for which a county administers the election.	None.	
H2078: initiative; referendum; signatures; electronic submittal	Rep. Pawlik (D)		The Secretary of State is required to provide a system for qualified electors to sign initiative and referendum petitions by way of a secure internet portal. The system is required to verify the qualified elector's identity and allow only qualified electors who are eligible to sign the initiative or referendum petition to do so. The person or organization that files the application for initiative or referendum petition may choose to collect up to one-half of the number of signatures required by use of the online signature collection system.	None.	
H2080: hand count; electronic tabulation verification	Rep. Finchem (R)		For the regular primary and general elections, all ballots are required to be counted by hand, and machines or devices for electronic tabulation of ballots can be used only for quality control checks or to otherwise verify the hand count of ballots. When the court orders a recount of votes that were tabulated by hand, the recount must be a hand count and the court is allowed to order the use of tabulating equipment to verify the results of the hand recount. Effective January 1, 2023.	Depending on administration, may require voter education efforts pertaining to the length of time it will take to tabulate vote totals.	

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
H2092: ballot measure amendments	Rep. Salman (D)		Various changes to statutes relating to initiative and referendum measures. Repeals statute requiring constitutional and statutory requirements for statewide initiative measures to be strictly construed and requiring persons using the initiative process to strictly comply with those constitutional and statutory requirements. At any time before a person or organization submits an application for initiative petition or referendum petition, a political committee that intends to file that application is allowed to submit the proposed description of the principal provisions of the measure to the Attorney General for a determination of whether the description is lawful and sufficient. The Attorney General is required to approve or reject the description within ten days after submittal. If rejected, the Attorney General must state the reasons for the rejection. If approved, any challenge to the description must be filed in the superior court within ten days after the Attorney General's approval. Repeals statute allowing a political committee that intends to support or oppose an initiative or referendum measure to submit a copy of the text of the proposed law, referral or constitutional amendment to the director of the Legislative Council to prepare recommendations to improve the text of the proposed measure. Contains a legislative intent clause.	None.	
H2094: early ballot collection; limitations; repeal	Rep. Salman (D)		It is no longer a class 6 (lowest) felony to knowingly collect voted or unvoted early ballots from another person.	None.	
H2109: election celebration day	Rep. Biasiucci (R)	House: Government, Rules	The day of the general election, every other year, is designated Election Celebration Day, which is not a legal holiday.	None.	
H2170: election mailings; third-party disclosures	Rep. Kavanagh (R)	House: Government, Rules	Requires the words not from a government agency to be included on official election-related documents from the county recorder or Secretary of State that are delivered by a third-party.	None.	Government DP 7-6, Rules DP 8-0,
H2194: national popular vote; interstate agreement	Rep. Powers Hannley (D)		Establishes an agreement among the states to elect the U.S. President by national popular vote.	Requires other states to agree to forgo the electoral process. None impact at the moment.	
H2236: voter registration; request required	Rep. Hoffman (R)	House: Government, Rules	Individual must request to register to vote, prohibition on automatic registration.	Codifying Opt-In system.	Government DP 7-6, Rules DP 8-0,
H2237: same day voter registration; prohibition	Rep. Hoffman (R)	House: Government, Rules	No election day registration in order to vote in that election. Any person who violates this would be guilty of a class 6 misdemeanor.	None. Redundant as language already prohibits voter registration 29 days prior to election.	Government DP 7-6, Rules DP 8-0,
H2238: ballot drop boxes; prohibition	Rep. Hoffman (R)	House: Government, Rules	County Recorder or other election official may not use unmonitored ballot drop boxes.	None.	Government DP 7-6, Rules DP 5-3,
H2239: electronic ballot adjudication; prohibition	Rep. Hoffman (R)	House: Government, Rules	The county board of supervisors and officer in charge of elections are prohibited from using an electronic vote adjudication. A duplicate copy of a damaged or defective ballot must be made by hand.	None.	Government DP 7-6, Rules DP 7-0,
H2240: elections; voting center prohibited	Rep. Hoffman (R)	House: Government, Rules	County boards of supervisors and any officer in charge of elections are prohibited from authorizing, establishing or using a voting center at which a voter who is a registered voter and resident anywhere in that county is allowed to receive the appropriate ballot for that specific voter.	Education on proper location to vote.	
H2241: early ballot drop off; identification	Rep. Hoffman (R)	House: Government, Rules	For any voter or voter's agent who delivers one or more voted early ballots in affidavit envelopes at any polling place or voting center, the election board must require the person to present identification for his/her own early ballot, and to attest in writing that he/she is the voter's family member, household member or caregiver for another person's early ballot. Knowing violations are a class 6 (lowest) felony.	Voter Education about ballot drop off procedures.	Government DP 7-6, Rules DP 8-0,
H2242: voter registrations; validation requirement	Rep. Hoffman (R)	House: Government, Rules	After receiving a voter registration form, the county recorder is required to verify that the name, address, date of birth and driver license number of the registrant are valid and accurate. After receiving voter registration information for the statewide database, the Secretary of State is required to verify that the name, address, date of birth and driver license number of the registrant are valid and accurate. A person who willfully fails to comply with these requirements is guilty of a class 6 (lowest) felony.	None.	

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
H2243: voter registration; state residency; cancellation	Rep. Hoffman (R)	House: Government, Rules	The voter registration form is required to contain a statement that if the registrant permanently moves to another state after registering to vote in Arizona, the registrant's voter registration will be canceled.	None.	Government DP 7-6, Rules DP 8-0,
H2244: auditor general; election systems; audits	Rep. Hoffman (R)	House: Government, Appropriations, Rules	The Auditor General is required to conduct systems and procedures audits of offices conducting the general election. Appropriates \$800,000 from the general fund in FY2022-23 to the Auditor General for these audits.	None.	
H2245: in-person early voting; time period	Rep. Finchem (R)	House: Government, Rules	On-site early voting locations, voting centers, and emergency voting centers may be used for in-person early voting only during the period beginning on the Saturday before election day for a primary or general election and continuing through the Monday before election day for a primary or general election and cannot be used for in-person early voting for any other election or time period.	Limits early voting to the 3 days prior to an Election.	
H2259: voting rights; felonies; automatic restoration	Rep. Espinoza (D)		A person's right to vote is automatically restored on the person's discharge of probation or absolute discharge from imprisonment.	Update Voter Education.	
H2270: officials; political action committee prohibition	Rep. Bolick (R)		An individual who is an election officer or employee or who oversees any significant aspect of election operations is prohibited from being a chairperson, treasurer or other member of a political action committee. Does not apply to an individual's membership in a candidate committee for that individual's own candidacy.	None.	
H2282: prohibition; photo radar	Rep. Fillmore (R)	House: Transportation, Rules	State agencies and local authorities are prohibited from using a photo enforcement system to identify violators of traffic control devices and speed regulations. Statutes authorizing and regulating photo enforcement are repealed.	Slight impact to funding, most photo enforcement systems have already diminished in use quite heavily.	
H2283: polling places; schools; district boards	Rep. Fillmore (R)	House: Government, Rules	The officer in charge of elections is required to prioritize public schools and fire stations as polling places. School district governing boards and the governing board or body that supervises the fire stations are required to assist the county board of supervisors and the officer in charge of elections in selecting and coordinating schools and fire stations to be used as polling places. School principals are no longer authorized to deny a request to provide space for use as a polling place in specified circumstances.	None.	
H2287: precincts; combination; prohibition	Rep. Fillmore (R)	House: Government, Rules	For the purpose of establishing polling places, adjacent precincts are prohibited from being combined.	None.	
H2288: emergency voting; registration update; prohibition	Rep. Fillmore (R)	House: Government, Rules	County boards of supervisors are no longer allowed to authorize the use of emergency voting centers. County recorders and other officers in charge of elections are no longer authorized to provide for emergency balloting for person who experience an emergency immediately preceding an election.	Voter Education updates.	
H2289: challengers; polling places; tabulation observation	Rep. Fillmore (R)	House: Government, Rules	The county chairman of each political party is required, instead of allowed, to designate a party agent or representative who may act as challengers for the party. One challenger for each political party is required to be present at each voting place, and the party representative is required to remain in the polling place until completion of the tabulation of votes and transmittal or delivery of the results to the county recorder or other officer in charge of elections.	None.	Government DP 7-6, Rules DP 7-0,
H2295: election day; celebration	Rep. Fillmore (R)	House: Government, Rules	The first Tuesday after the first Monday in November in every even-numbered year must be observed as Election Celebration Day, which is not a legal holiday.	None.	
H2296: government-issued voter identification; requirement	Rep. Fillmore (R)	House: Government, Rules	Strikes list 2 from acceptable form of ID in order to vote.	Voter education required to inform people of the limited options they will have to procure ID at the polls. Should require a 3/4 vote.	
H2357: election board clerks; party affiliation	Rep. Biasiucci (R)	House: Government, Rules	The inspector, marshal, and judges AND CLERKS shall not have changed their political party affiliation or their no party preference affiliation since the last preceding general election	None.	

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
H2376: election procedures; review; commission	Rep. Bolick (R)	House: Government, Rules	Establishes a 13-member Election Integrity Commission and requires the Commission to biennially conduct a review of election laws and procedures to ensure statewide election integrity, beginning in 2023. The Commission is required to submit a report of its findings and recommendations to the Governor, the Secretary of State, and the Legislature by December 1 of each odd-numbered year. The Commission terminates on July 1, 2032.	None.	
H2377: voting; seventy-five foot limit; photographs	Rep. Bolick (R)	House: Government, Rules	While within the 75-foot limit of the polls, a person is allowed to take photographs or videos of him/herself, his/her own ballot, and any election worker.	None. Procedural change, privacy issues.	Government Failed 6-7
H2378: election lawsuits; settlements; approvals	Rep. Bolick (R)	House: Government, Rules	A county recorder or other officer in charge of elections is authorized to join in any election-related civil action that materially affects the county recorder or officer.	Do not believe the Commission falls into this category.	Government DP 7-6, Rules DP 7-0,
H2379: election procedures manual; statutory conflict	Rep. Bolick (R)	House: Government, Rules	The election instructions and procedures manual is required to provide for transparency and election security to the maximum extent allowed by law. If any provision of the manual conflicts with any statute, the provision of the instructions and procedures manual is unenforceable and the statute prevails.	None. State law > EPM.	Government DP 7-6, Rules DP 8-0,
H2380: early ballots; delivery; penalties	Rep. Bolick (R)	House: Government, Rules	The criminal classification for knowingly collecting voted or unvoted early ballots from another person is increased to a class 4 (lower mid-level) felony, from a class 6 (lowest) felony. Any person is allowed to submit a complaint to the Election Integrity Unit of the Office of the Attorney General regarding a possible violation of the prohibition on collected early ballots. The Attorney General is authorized to investigate the complaint and make findings, including a determination on whether to file charges. The Attorney General is required to report on these activities to the Governor and the Legislature by February 1 each year.	None.	
H2385: auditor general; voter registration database	Rep. Kaiser (R)	House: Government, Rules	The Auditor General is required to review the processes and statutory requirements for maintaining the statewide voter registration database, county early voting lists and county voter registration databases. The Secretary of State and county recorders are required to provide specified information to the Auditor General. The Auditor General is required to report its findings to the Legislature by June 30 of each even-numbered year. Appropriates \$500,000 from the general fund in FY2022-23 to the Auditor General for this purpose.	None.	
H2402: automatic voter registration; same day.	Rep. Solorio (D)		A person who is otherwise qualified to register to vote may register during the 28 days immediately preceding an election and is eligible to vote in that election if the person has been a resident of the county and the precinct in which the person resides for at least 29 days immediately preceding the election. A person who is otherwise qualified to register to vote may register on Election Day at the polling place for the precinct in which that person maintains residence. A person who registers to vote under these provisions may vote only with a provisional ballot and does not qualify a person to vote in a partisan primary election. Every person who is applying for a driver license or renewal, including a nonoperating identification license or renewal, or who is making changes to drive license information and who is otherwise qualified to register to vote must be registered to vote automatically on completion of the license application unless the applicant clearly expresses a decision not to register. A person who is not qualified to register to vote and who unknowingly registers under this provision is not guilty of false registration or false swearing. Effective January 1, 2023.	Procedure change. Voter Education efforts.	
H2430: secretary of state; nonpartisan office	Rep. Shah (D)	House: Government, Rules	The election for the office of Secretary of State is moved to the nonpartisan section of the ballot, and signature requirements are modified to reflect the change. Effective January 1, 2023.	None.	
H2435: county recorder; nonpartisan office	Rep. Shah (D)	House: Government, Rules	The election for the office of county recorder is moved to the nonpartisan section of the ballot, and signature requirements are modified to reflect the change.	None.	

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
H2443: campaign finance; contributions limits	Rep. Powers Hannley (D)		Various changes to campaign contribution limits. Decreases campaign contribution limits to \$390 to a candidate committee for municipal, county or district office, to \$488 to a candidate committee for legislative office, and to \$1,010 to a candidate committee for statewide office, all from \$6,250, from an individual or political action committee without mega PAC status. Campaign contribution limits apply as an aggregate total for the combined primary and general election, instead of per "election cycle" (defined). Individuals are prohibited from contributing more than an aggregate total of \$5,610 in a calendar year to state and local candidate committees and political action committees that contribute to candidate committees. Partnerships are prohibited from contributing monies in the name of the partnership. Candidate committees are prohibited from accepting contributions from all political action committees other than a political party as an aggregate total for the combined primary and general election of more than \$10,020 to a candidate committee for municipal, county or district office, \$16,150 to a candidate committee for legislative office, and \$100,110 to a candidate for statewide office. A candidate committee for a candidate that is a political party nominee is prohibited from accepting contributions as an aggregate total for the combined primary and general election from a political party of more than \$10,020 to a candidate committee for an office other than a statewide office, and \$100,110 to a candidate committee for a statewide office.	None.	
H2444: clean elections; county candidates	Rep. Powers Hannley (D)	House: Government, Rules	Applies clean elections laws to candidates for county board of supervisors, county assessor, county attorney, county recorder, county school superintendent, county sheriff and county treasurer. Establishes primary election spending limits for candidates for county offices based on county population. Due to voter protection, this bill requires a 3/4 vote of each house of the Legislature for enactment.	Add county offices to public financing program.	
H2469: early ballots; polling place; tabulation	Rep. Carroll (R)	House: Government, Rules	A voter who has the envelope containing the completed early ballot and completed affidavit, who appears at that voter's designated polling location on election day and whose identification is verified and confirmed is allowed to remove the completed ballot from the envelope and deposit the ballot in the ballot tabulation equipment in that polling place and to discard the envelope and completed affidavit.	Voter Education amendments.	Government DP 9-2-1, Rules DP 8-0
H2476: presidential electors; congressional districts; at-large	Rep. Carroll (R)		Each political party that is qualified for representation on an official party ballot at the primary election and accorded a column on the general election ballot is required to designate one presidential elector for each congressional district and two presidential electors as at-large presidential electors. A presidential elector who is designated for a congressional district is not required to be a resident of that congressional district. Presidential electors who are designated for a congressional district are required to cast their electoral college votes for the candidates for president and vice president who jointly received the highest number of votes in that congressional district as prescribed in the statewide canvass. The two at-large presidential electors are required to cast their electoral college votes for the candidates for president and vice-president who jointly received the highest number of votes from an aggregate vote of all the members of the State Legislature voting as a single body.	Adds 2 votes to the electoral college based on voting via the State Legislator for the office of President and Vice-President.	
H2491: elections; signature matching requirements	Rep. Hoffman (R)	House: Government, Rules	The county recorder or other officer in charge of elections is required to apply an unspecified factor (blank in original) signature verification process as prescribed in the Secretary of State's election procedures manual. A person who violates this requirement is guilty of a class 5 (second-lowest) felony.	Add a process for blank affidavit envelopes. None.	

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
H2492: voter registration; verification; citizenship	Rep. Hoffman (R)	House: Government, Rules	Except for a form produced by the U.S. Election Assistance Commission, any application for voter registration is required to be accompanied by satisfactory evidence of citizenship, and the county recorder or other officer in charge of elections is required to reject any application for registration that is not accompanied by satisfactory evidence of citizenship. A county recorder or other officer in charge of elections who fails to reject an application for registration in these circumstances is guilty of a class 6 (lowest) felony. The county recorder or other officer in charge of elections is required to use all available resources to verify the citizenship status of an applicant for voter registration. A person who registers to vote is required to provide an identifying document that establishes proof of location of residence. A person who has registered to vote and who has not provided satisfactory evidence of citizenship is not eligible to vote in presidential elections. A person who has not provided satisfactory evidence of citizenship and who is eligible to vote only for federal offices is not eligible to receive an early ballot by mail.	Voter Education for changes to voter registration requirements and mail ballot eligibility.	Government DP 7-6, Rules DP 5-2,
H2493: election integrity fund	Rep. Hoffman (R)	House: Government, Appropriations, Rules	Appropriates \$12 million from the general fund in FY2022-23 to the newly established Election Integrity Fund, to be used to pay county recorders for election security, cybersecurity measures and improvements, and reimbursements for postelection hand tabulations.	None.	Government DP 8-4,
H2494: voter registration events; posting	Rep. Hoffman (R)	House: Government, Rules	The Secretary of State and each county recorder is required to post on their public websites a list of each event that the Office of the Secretary of State or the county recorder attends and provides voter registration services.	None.	Government DP 7-5, Rules DP 7-0,
H2567: nominating petitions; multiple petition signatures	Rep. Carter (R)	House: Government, Rules	Signers of nomination petitions are allowed to sign an unlimited number of candidate petitions, instead of being limited to signing only one petition for the same office.	None.	
H2571: early voting; limitations; hand count	Rep. Blackman (R)	House: Government, Rules	Qualified electors are only allowed to vote by early ballot if the elector expects to be absent from the precinct at the time of the election, the elector cannot attend the polls on election day because of the tenets of his/her religion, or the elector is an absent uniformed services voter or overseas voter or the spouse or household member of the absent uniformed services voter or overseas voter. County recorders are no longer authorized to establish on-site early voting locations. All ballots are required to be counted by hand, and electronic tabulating machines or equipment are prohibited. Effective January 1, 2023.	Voter Education changes.	
H2577: voter identification; ballots; delivery; process	Rep. Blackman (R)	House: Government, Rules	A county recorder or other officer in charge of elections is prohibited from using an unmonitored drop box for receiving voted early ballots. A qualified elector is required to request any early or absentee ballot and a county recorder or other officer in charge of elections is prohibited from providing an early or absentee ballot without a specific request from the voter for a single specific election. A qualified elector is required to vote in a polling place or voting center, except that an elector with an early or absentee ballot may return the ballot by mail or deliver the ballot in person to a polling place or voting center. Modifies the list of accepted forms of identification for voting. Due to voter protection, the voter identification changes require the affirmative vote of at least 3/4 of the members of each house of the Legislature for passage.	Voter Education changes.	
H2581: state candidates; nomination; fee	Rep. Cook (R)	House: Government, Rules	For any person who holds a statewide or legislative office and who submits a nomination paper for reelection to that same office, the person may pay a \$250 fee to the office of the Secretary of State for deposit in the general fund and the person is not required to submit a nomination petition or signatures.	For incumbents, they would pay a \$250 fee instead of having to gather nomination signatures or submit a nomination petition.	

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
H2596: elections; revisions; mail-in; identification; tabulation	Rep. Fillmore (R)	House: health and human services, educ, mil-pub safety, com, gov-elect, jud, trans, land-agri-rural affairs, ways-means, nat res-energy-water, appro.	For all primary and general elections, a voter is prohibited from receiving or voting a ballot unless the voter has presented valid state-issued identification. All voting is required to occur on election day only, except for absentee ballots. Voters are allowed to vote by absentee ballot only for one of a list of specified reasons. All ballots are required to be cast in person by the voter at the voter's election precinct polling place. All ballots are required to be paper ballots that include a hologram, an identifiable sequence marking or another similar system for preventing fraud, and must allow a voter to receive a uniquely marked or numbered ballot. All ballots must be counted by hand and canvassed and the returns made within 24 hours after the polls are closed. Repeals the active early voting list and all statutes relating to voting by mail. Deletes all references to electronic tabulation and prohibits the use of electronic voting systems other than for accessible voting technology. County boards of supervisors are prohibited from changing a polling place unless the voters in that precinct are notified by mail at least two years in advance. County boards of supervisors are prohibited from requiring a voter or any other person to wear a facial mask at a polling place or be vaccinated against or tested for a virus as a condition of entering a polling place. The Legislature is required to call itself into session to review the ballot tabulating process for the regular primary and general elections and to accept or reject the election results. If the Legislature rejects the election results, any qualified voter is authorized to file an action in the superior court to request that a new election be held. The Legislature is authorized to conduct an audit of election results for any regular primary or general election.	Aside from the complete overhaul to the logistics relating to elections, the most troubling portion of this bill suggests that the Legislature would be allowed to reject the election results and request a v election be held via Superior Court. Would require updates to Voter Education.	
H2602: polling places; emergency voting centers	Rep. Bolick (R)	House: Government, Rules	County boards of supervisors are allowed to authorize the use of emergency voting centers only on occurrence of a genuine emergency that makes it likely that large numbers of voters will be substantially impaired in their ability to vote on election day as compared to other elections.	None.	Government DP 7-6, Rules DP 7-0,
H2617: voter registration; cancellations; causes	Rep. Chaplik (R)	House: Government, Rules	When a county recorder receives information that a registered voter is not a U.S. citizen, has been issued a driver license from another state, or is otherwise not qualified to vote, the county recorder is required to cancel the person's voter registration. The county recorder is required to notify the person that the registration has been canceled and send the information to the county attorney and Attorney General for possible investigation. Each month the Secretary of State and the county recorder are required to compare the voter registration database to other government databases, including the driver license database and Social Security Administration database.	Could have a negative impact on voter turnout, specifically out-of-state college residents.	DP House Gov. 7-6.
H2621: consent decree; prohibited	Rep. Parker (R)	House: Judicial, Rules	In any state court proceeding in which the constitutionality, legality or application of any provision of Title 16 (Elections) is challenged and a government entity is named as the defendant, the court is prohibited from approving or signing a consent decree. In any federal court proceeding in which the constitutionality, legality or application of any provision of Title 16 (Elections) is challenged, the state and any party representing the state are prohibited from entering into or signing a consent decree.	Prevents any Title 16 agency (CCEC) from agreeing to settlement or consent decree.	Judicial DP 6-4, Rules 5-2,
H2640: candidate nomination signature requirements	Rep. Carter (R)	House: Government, Rules	Cuts in half the number of signatures required on nomination petitions for candidates for U.S. Senate, state offices, U.S. Congress, state legislature, county office, superior court judge, justice of the peace, constable, mayor or other citywide office, and various other specified offices.	None.	
H2641: candidate nomination petitions; signatures; county	Rep. Carter (R)	House: Government, Rules	A candidate for a statewide or legislative office is not required to state on the nomination petition the county of residence of the qualified electors who sign the candidate's petition or separate the nomination petitions by county when submitting petitions to the Secretary of State and may submit signatures from qualified electors from more than one county on the same nomination petition without penalty.	None.	

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
H2680: voter registration; same day	Rep. Hernandez (D)	House: Government, Rules	A person who is otherwise qualified to register to vote may register during the 28 days immediately preceding an election and is eligible to vote in that election if the person has been a resident of the county and the precinct in which the person resides for at least 29 days immediately preceding the election. A person who is otherwise qualified to register to vote may register on Election Day at the polling place for the precinct in which that person maintains residence. A person who registers to vote under these provisions may vote only with a provisional ballot and does not qualify a person to vote in a partisan primary election.		
H2703: auditor general; audits; county elections S/E: Secretary of State; secure online signature collection; candidates	Rep. Bolick (R)	House: Government, Rules	The Auditor General is required to establish an audit team to perform election integrity audits of county recorder offices and county elections departments. Each election cycle, the Auditor General is required to choose through random selection two counties that have a population of less than one million persons and perform an election integrity audit on those counties. The Auditor General is required to perform an election integrity audit of each county with a population of one million or more persons (Maricopa and Pima) each election cycle. For the purpose of election integrity audits, the Auditor General is required to have access to any personnel and data from the county recorder's office and any county elections department, the Department of Transportation, and the Secretary of State that the Auditor General deems necessary to perform the audit, including voter registration data, and is required to have access to polling places, voting centers and control counting centers. The Auditor General is required to report election integrity audit findings and recommendations to the Governor, the Legislature, and the Secretary of State. These requirements self-repeal January 1, 2030. Appropriates an unspecified amount (blank in original) from the general fund in FY2022-23 to the Auditor General for election integrity audits. All provisions other than the appropriation become effective January 1, 2023. Emergency measure; Secretary of State shall continue operating and shall maintain full functionality and availability of the secure internet portal for online signature collection and submittal of qualifying contributions.		Government DP 7-6, Rules DP 7-0,
H2710: registrations; counting procedures; observers; verification	Rep. Kavanagh (R)	House: Government, Rules	Various changes relating to election observers. The county chairperson of each political party may designate a party representative for a polling place, a voting center, a location at which electronic processing of ballots occurs, and a location used by any third-party vendor for physical or electronic processing of ballot materials, including ballot envelopes. If the county party chairperson fails to appoint a party representative for a location, the state party chairperson may make those appointments, and if the state party chairperson fails to appoint a party representative, the legislative district chairperson in the area in which the polling place, voting center or other location is located may make those appointments for a location. If the county party chairperson fails to designate a sufficient number of board workers to assist with a hand count, the state party chairperson is required to designate qualified electors to be board workers. If the state party chairperson fails to designate a sufficient number of board workers, the legislative district chairperson of the district in which the hand count is to occur is required to designate qualified electors to be board workers. If there are fewer than two persons for each audited precinct available to participate on behalf of each recognized political party after the county officer in charge of elections substitutes additional electors from any political party, the county officer in charge of elections is required to provide a sufficient number of permanent or temporary county employees to serve as board members for purposes of the hand count. Election observers are authorized to observe hand count locations and the electronic vote adjudication board's activities.	None.	Government DP 7-6, Rules DP 8-0,

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
H2743: elections; identification; revisions; mail-in; tabulation	Rep. Fillmore (R)	House: Government, Rules	For all primary and general elections, a voter is prohibited from receiving or voting a ballot unless the voter has presented valid state-issued identification. All voting is required to occur on election day only, except for absentee ballots. Voters are allowed to vote by absentee ballot only for one of a list of specified reasons. All ballots are required to be cast in person by the voter at the voter's election precinct polling place. All ballots are required to be paper ballots that include a hologram, an identifiable sequence marking or another similar system for preventing fraud, and must allow a voter to receive a uniquely marked or numbered ballot. All ballots must be counted by hand and canvassed and the returns made within 24 hours after the polls are closed. Repeals the active early voting list and all statutes relating to voting by mail. Deletes all references to electronic tabulation and prohibits the use of electronic voting systems other than for accessible voting technology. County boards of supervisors are prohibited from changing a polling place unless the voters in that precinct are notified by mail at least two years in advance. County boards of supervisors are prohibited from requiring a voter or any other person to wear a facial mask at a polling place or be vaccinated against or tested for a virus as a condition of entering a polling place. More.	Voter Education.	
H2744: early ballot pick-up; mail return	Rep. Fillmore (R)	House: Government, Rules	Various changes relating to elections. The county recorder may only establish one on-site early voting location at the recorder's main office. Repeals the active early voting list. A voter wishing to vote by mail is required to appear personally at the on-site early voting location to pick up a mail-in ballot. Except for an absent uniformed services voter or overseas voter, a voter is only allowed to return a voted early ballot by mail, and the county recorder's office is prohibited from accepting a voted early ballot that is returned by in-person delivery. County boards of supervisors are prohibited from establishing voting centers, which allow any voter in that county to receive the appropriate ballot for that voter on election day.	Voter Education.	
H2754: permanent early voting list	Rep. Bolding (D)	House: Government, Rules	The active early voting list is renamed the permanent early voting list. The county recorder is no longer required to remove a voter from the list if the voter fails to vote using an early ballot in all regular primary and general elections for two consecutive election cycles.	Voter Education.	
H2768: early voting; weekend hours	Rep. Salman (D)		On-site early voting locations, including the locations at the county recorder's office, are required to be open until 7:00PM on the Saturday, Sunday and Monday immediately preceding election day.	Voter Education.	
H2770: voting centers; board of supervisors	Rep. Salman (D)		Only on a specific resolution of the county board of supervisors, the board is permitted to authorize the use of additional types of voting locations by using voting centers and early voting drop-off centers. A voting center is deemed to be a polling place on election day, and may be used as an early voting location. When an election is ordered and voting centers are used, the county board of supervisors is required to appoint a voting center election board for each voting center consisting of at least one inspector, one marshal and as many judges or clerks as needed. Requires there to be an equal number of inspectors in the various voting centers in the county who are members of the two largest political parties. The board of supervisors is authorized to appoint a minor who is at least 16 years of age to serve as a clerk of elections if a list of specified circumstances apply. School districts and charter schools cannot be required to reduce average daily membership for any student who is absent as a result of service on a voting center election board, and cannot count the absence against any mandatory attendance requirements for the student. County recorders are authorized to make changes to the approved early voting locations and are required to notify the public as soon as practicable.	Voter Education.	

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
H2771: election procedures; registrations; campaign finance	Rep. Salman (D)		Numerous changes to statutes relating to elections. For every person who provides proof of U.S. citizenship when applying for, renewing or replacing a driver license or nonoperating identification license, or updating the person's existing residence address or name on file with the Arizona Department of Transportation (ADOT), ADOT is required to electronically collect and transmit voter registration information to the Secretary of State for the purpose of registering the person to vote or updating an existing voter registration record. The Secretary of State and ADOT Director, after consulting with all county recorders, are required to adopt rules to implement a secure automatic electronic voter registration system that collects and transmits voter registration information. The Secretary of State is required to evaluate implementation of a secure automatic electronic voter registration system at other agencies, including the Arizona Health Care Cost Containment System (AHCCCS). By December 31, 2022, any agency that allows a person to affirmatively register to vote or to update the person's registration through the internet must allow the person to complete the registration without a driver license or nonoperating identification license and with any proof of citizenship that is valid under Arizona law. Eliminates the requirement for a voter to live in the boundaries of an election district for 29 days prior to an election to be eligible to vote in that election. By the 2022 primary election and for each election thereafter, each county recorder is required to designate at least one election official at each polling place, voting center or early voting location in the county to serve as a registration clerk to facilitate and enable eligible persons to register to vote on site on election day or during early voting. A registration clerk must be present for all hours during which a polling place, voting center or early voting location is open. Every qualified voter in Arizona has the right, after registering to vote, to vote a secret ballot in all elections for which that voter is eligible to vote. By December 31, 2024, the Secretary of State, county recorders and other officers in charge of elections are required to evaluate incorporating "risk-limiting audit" (defined) protocols into ballot hand count procedures. Reduces individual and political action committee contributions limits to \$1,000 for candidates for legislative, county, municipal or district office, from \$6,250, and to \$2,500 for candidates for statewide office, from \$6,250. Much more. Due to voter protection, several sections of this legislation require the affirmative vote of at least 3/4 of the members of each house of the Legislature for passage		
H2772: ballot measures; foreign contributions; prohibition	Rep. Butler (D)	House: Government, Rules	A political action committee that is formed for the purpose of supporting or opposing a ballot measure or that makes a ballot measure expenditure is prohibited from soliciting or accepting a contribution from a "foreign national" (defined). A foreign national is prohibited from contributing to a political action committee that is formed for the purpose of supporting or opposing a ballot measure or that makes a ballot measure expenditure.	None.	
H2777: elections; auditor general; attorney general	Rep. Finchem (R)	House: Government, Appropriations, Rules	On request of the House of Representatives or the Senate, the Auditor General is required to conduct one or more audits of county elections for state and federal offices. The audits may include reviews of voter rolls, election systems and processes, voting equipment, and certification of ballot tabulation equipment and recordkeeping equipment. Appropriates \$800,000 from the general fund in FY2022-23 to the Auditor General for these purposes. Appropriates an unspecified amount (blank in original) from the general fund in FY2022-23 to the Office of the Attorney General for funding four additional attorneys for the election integrity unit.	None.	
H2778: electronic registration information center; prohibition	Rep. Finchem (R)	House: Government, Rules	The Secretary of State and the county recorder are prohibited from using an electronic voter registration information center.	None.	

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
H2780: voter lists; images; voting records	Rep. Kavanagh (R)	House: Government, Rules	Ten days before the primary and general election, the county recorder is required to publish a list of all voters who are eligible to vote in the election, including persons who are on the inactive voter list, and post this information on the county recorder's website with personally identifying information redacted. Five days before the county canvass, the county recorder or other officer in charge of elections is required to publish and post in digital format on the county's website a list of all persons who voted and their method of voting, all ballot images with the unique identifying number from the ballot, and the cast vote record in a sortable format. Early and provisional ballot tabulators are required to imprint a unique identification number on each early ballot tabulated so as to allow the ballot image to be linked to the physical ballot. Ballots are required to be separated, tabulated, and stored by precinct.	None.	Government DP 7-6, Rules 5-3,
H2783: election law violations; procedures manual	Rep. Bolick (R)	House: Government, Rules	Increases the criminal classification for violations of any rule adopted by the Secretary of State as part of the election instructions and procedures manual, to a class 1 (highest) misdemeanor, from a class 2 (mid-level) misdemeanor. A person who violates statute in Title 16 (Elections) is guilty of a class 6 (lowest) felony, unless the statute defining the offense provides for a different classification.	Voter Education.	Government DP 7-6, Rules 7-0,
H2785: attorney general; election complaints	Rep. Biasiucci (R)	House: Government, Rules	The Attorney General is authorized to enforce Title 16 (Elections) for any election for members of Congress, U.S. Senator, or presidential elector. Establishes a list of powers the Attorney General is authorized to exercise in order to carry out the duties of election law enforcement for any elected office, including issuing subpoenas and examining any computer, document, or record.	None.	
H2786: voter registrations; ballot requests; source	Rep. Hoffman (R)	House: Government, Rules	Only a political party, county recorder, or election official is authorized to distribute early ballot request forms to voters. For any signed preprinted request to amend a voter's registration information or request for an early ballot, the county recorder is prohibited from using that signature of the voter as the most recent exemplar for subsequent comparison if the submittal is on a printed document, card or other form that is not an official form printed by the county recorder or other officer in charge of elections.	None.	Government DP 7-6, Rules 7-0,
H2787: Maricopa county; division; new counties	Rep. Hoffman (R)	House: Government, Rules	Divides Maricopa County into four counties by modifying the Maricopa County boundaries and adding three new counties: Hohokam County, Mogollon County, and O'odham County. Maricopa County continues full jurisdictional operation for all four counties until a special election held within 120 days after the effective date of this legislation to elect new county boards of supervisors. Currently elected Maricopa County Supervisors continue in their capacity for the remainder of their term in whichever county their supervisory district is located. The elected boards of supervisors in the three new counties will determine an application process for municipalities to apply to be the county seat, which will be determined at a special election to be held within 120 days from the election of the boards of supervisors. The four counties are authorized to enter into a ten-year shared use agreement for the use of existing shared capital assets. Effective January 1, 2023.	Voter Education.	Government DP 7-6, Rules 8-0,
H2798: voter registration; social security list	Rep. John (R)	House: Government, Rules	Beginning 90 days before each primary election day and each general election day and continuing once each week until election day, the Secretary of State is required to obtain the full file of death information from the social security administration for the sole purpose of canceling the names of deceased persons from the statewide voter registration database. The name of each deceased person is required to promptly be canceled from the statewide voter registration database. The Secretary of State is required to notify the appropriate county recorder and the recorder is required to cancel the name of the person from the register.		
H2801: write-in candidates; filing date	Rep. Diaz (R)	House: Government, Rules	The deadline for filing a nomination paper to be a write-in candidate is moved to 5PM on the 76th day before the election, from 5PM on the 40th day before the election.		

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
HB2389: rulemaking review; time frame	Rep. Dunn (R)	House: Government, Rules, Senate: Government, Rules	When the Legislature has granted a one-time rulemaking exemption to an agency, the agency is required to review any rule adopted under the exemption within six months after the rule was adopted, reduced from one year, to determine whether it should be amended or repealed.	None.	Government DP 11-0, Rules DP 7-0, House 49-9-2, Transmitted to Senate 2/18/22.
HCR2035: constitutional right to vote	Rep. Salman (D)		The 2022 general election ballot is to carry the question of whether to amend the state Constitution to declare that the right to vote is a fundamental right. Any law or regulation that burdens a citizen's fundamental right to vote is required to be narrowly tailored to further a compelling governmental interest. Deletes the prohibition on a person convicted of a felony being qualified to vote at any election.	None.	
HCR2014: initiative; referendum; signatures; legislative districts	Rep. Dunn (R)	House: Government, Rules	The 2022 general election ballot is to carry the question of whether to amend the state Constitution to require statewide initiative measures to obtain signatures from 10 percent of the voters from each legislative district in order to propose a statewide measure and to obtain signatures from 15 percent of the voters from each legislative district in order to propose an amendment to the state Constitution. Also requires signatures from 5 percent of the voters from each legislative district in order to order a referendum of any measure enacted by the Legislature.	None.	Government DP 7-6, Rules DP 7-0,
HCR2015: initiatives; supermajority vote; requirements	Rep. Dunn (R)	House: Government, Rules	The 2022 general election ballot is to carry the question of whether to amend the state Constitution to require approval by 60 percent of the votes cast on the measure for an initiative or referendum measure to become law, instead of a majority of the votes cast.	None.	Government DP 7-6, Rules DP 7-0,
HCR2025: government-issued voter identification	Rep. Fillmore (R)	Senate: Government, Rules	The 2022 general election ballot is to carry the question of whether to amend state statute to delete the option for a voter to present, in order to receive a ballot and in lieu of government-issued photo identification, two different items that contain the name and address of the voter that reasonably appear to be the same as the name and address in the precinct register, including a utility bill, a bank or credit union statement, a valid Arizona vehicle registration, an Arizona vehicle insurance card, an Indian census card, tribal enrollment card or other form of tribal identification, a property tax statement, a recorder's certificate, a voter registration card, a valid government-issued identification, or any mailing that is labeled as "official election material."	Update to Voter Education.	Government DP 7-6, Rules 5-2,
HCR2033: decertifying Arizona's 2020 electors	Rep. Finchem (R)		The members of the Legislature notify the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and the members of Congress from Arizona that it is the justifiable position of the Arizona State Legislature to set aside the results of the Maricopa, Pima and Yuma County elections as irredeemably compromised and reclaim the 2020 presidential electors due to the irredeemably flawed nature of these elections that prevent the declaration of a clear winner of said presidential electors.	None.	
HCR2037: campaign finance; source disclosure	Rep. Ligouri (D)		The 2022 general election ballot is to carry the question of whether to amend the state Constitution to require any person that makes campaign expenditures of more than \$10,000, or \$20,000 for statewide campaigns, in a two-year election cycle to promptly disclose the identity of all "original sources" of "major contributions" (both defined) used to fund that expenditure, and to grant the Citizens Clean Elections Commission the authority to establish penalties to enforce this requirement. Severability clause. If approved by the voters, the amendment applies to all elections occurring after January 1, 2024.	Would require the Commission to set regulations and penalties for campaign expenditures in excess of \$20,000 for Statewide elections that are not properly disclosed, and \$10,000 for each other election.	
S/E S1476; ballots; identification	Sen. Townsend (R)	Senate: Government; Rules	Requires each ballot in an election to be consecutively numbered with a unique number. Requires ballots to be accounted for in a chain of custody document or log.	None.	Government DP 4-2-1, Rules PFC,

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
S1008: elections; recount margin	Sen. Ugenti-Rita (R)	Senate: Government, Rules	Modifies the criteria that triggers an automatic election recount to require a recount when the margin between the two candidates receiving the greatest number of votes for a particular office, or between the number of votes cast for and against a measure or proposition, is less than or equal to 0.5 percent of the number of votes cast for both candidates or on the measure or proposition. Previously, the difference in votes that triggered an automatic recount was the lesser of 0.1 percent or either a specified number of votes based on the office to be filled or 200 votes for a measure or proposition.	None.	Government DP 4-3, Rules PFC, Senate 17-12-1, Transmitted to House 2-9-22.
S1010: school districts; protesting; partisan elections	Sen. Ugenti-Rita (R)	Senate: Government, Rules	All elections for school district governing board members in Arizona are required to be conducted using a partisan primary election followed by a general election on or after January 1, 2023. Also, a school district is prohibited from ejecting from school property or from the vicinity of any location where a school meeting is taking place, and from taking any other adverse action against a person or a group of people engaging in "peaceful protesting" (defined) after school hours and prohibits a school district from requiring people to apply for a permit or secure authorization for protesting.	Update to Voter Education.	Government Failed 4-4.
S1012: registration database; federal voters; report	Sen. Townsend (R)	Senate: Government, Rules	Requires the Secretary of State to provide access to the statewide voter registration database to a person or entity that is designated by the Legislature and to the Election Integrity Unit of the Attorney General's Office for the purpose of determining whether voter registration list maintenance procedures comply with federal law with respect to federal-only voters. The person or entity designated by the Legislature is required to be qualified in more than one state to analyze a state's voter registration rolls for compliance with federal law, and is required to report its findings to the Legislature, the Attorney General, and the Secretary of State. Each county recorder is required to submit an annual report to the Legislature regarding federal-only voters, and information that must be included in the report is specified. The Attorney General and the County Attorney shall investigate and prosecute, as appropriate, any person who is ineligible to register to vote and who knowingly registers to vote.	None.	Government DP 4-2, Rules PFC, Senate 16-13-1, Transmit to House 2-9-22.
S1013: secretary of state; federal form	Sen. Townsend (R)	Senate: Government, Rules	By December 31, 2022, the Secretary of State is required to submit to the U.S. Election Assistance Commission a request that the Commission include on the federal voter registration form Arizona's state-specific instructions to provide proof of citizenship.	None.	Government DP 4-2, Rules PFC, Senate 16-13-1, Transmit to House 2-9-22.
S1017: state finance review; task force	Sen. Bowie (D)	Senate: Finance, Appropriations, Rules	Establishes a 22-member Citizens Finance Review Task Force to analyze the source of general fund and nongeneral fund revenues and expenditures as compared to other states, and make recommendations regarding the responsible retirement of existing state debt. The Task Force is required to submit a report to the Governor and the Legislature by September 30, 2023, and to present the report to a joint meeting of the legislative appropriations committees by January 31, 2024. Self-repeals October 1, 2024.	Possible task force the Commission may need to report to.	Finance DP 9-0,
S1027: election bureau; complaint; investigation	Sen. Rogers (R)	Senate: Government, Appropriations, Rules	Establishes the Bureau of Elections in the Office of the Governor to investigate allegations of fraud in any state, county, or local government election. Any qualified elector is permitted to submit a complaint to the Bureau. Establishes powers and duties of the Bureau, including impounding records, issuing subpoenas, and conducting hearings. The Bureau is required to publicly report its findings and conclusions and make any appropriate referrals to a prosecutorial agency. Appropriates \$5 million from the general fund in FY2022-23 to establish the Bureau.	Unknown.	
S1028: ballot paper; security measures	Sen. Rogers (R)	Senate: Government, Rules	Any vendor that provides fraud countermeasures that are contained in and on the paper used for ballots is required to be ISO 27001 certified, ISO 17025 certified, or ISO 9001:2015 certified. Ballot fraud countermeasures are required to include at least three of a list of ten specified features, including watermarking, security inks and unique barcodes.	None. Unique barcode tracking to vote brings up questions regarding State Constitution, Article 7, Section 1.	Government Held,

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
S1043: election day; state holiday	Sen. Rogers (R)		Adds the primary election day and the general election day to the list of official state holidays. A person entitled to vote at a primary election or general election held in Arizona is authorized to be absent from employment and is prohibited from being liable for any penalty or from having deductions made from their usual salary or wages. A person who refuses an employee these rights is guilty of a class 2 (mid-level) misdemeanor.	Update to Voter Education.	
S1054: election equipment; security; legislative review	Sen. Townsend (R)	Senate: Government, Rules	Beginning in 2022 and every two years thereafter, the committee appointed by the Secretary of State to investigate and test the various types of vote recording or tabulating machines or devices is required to provide for a detailed review of election equipment security for counties with a population of more than 500,000 persons that focuses on the actual equipment, software and other systems used in the most recent general election. An additional person who is an expert in election equipment security must conduct or assist with the review. On completion, the review must be presented to the standing committees of the Legislature with jurisdiction over election issues at a public meeting that is held by August 1 following the general election.	None.	Government DP 4-2, Rules PFC
S1055: election process; contractors and contracts	Sen. Townsend (R)	Senate: Government, Rules	A contractor that enters into a contract with Arizona or any county to provide election-related equipment or services and that fails to perform its obligations under the terms of the contract is liable for liquidated damages in an amount equivalent to the amount paid under the contract, and is guilty of a class 2 (mid-level) misdemeanor.	None.	Government DP 4-3, Rules PFC
S1056: misplaced ballots; invalidity; misdemeanor; damages	Sen. Townsend (R)	Senate: Government, Rules	Any ballots that are misplaced and not included in the initial tally at a polling place or counting center are invalid ballots and are prohibited from being counted. A person who misplaces a ballot is guilty of a class 2 (mid-level) misdemeanor. If a provisional or early ballot that identifies the voter on the face of the affidavit or envelope is misplaced and cannot be counted, the voter of that misplaced ballot is authorized to file an action for damages against the governmental body administering the election for the loss of the right to vote.	None.	Government DP 4-3, Rules PFC
S1058: drive-up voting; prohibition	Sen. Rogers (R)	Senate: Government, Rules	The county recorder or officer in charge of elections is prohibited from allowing a voter to receive a ballot and vote from a vehicle or other conveyance, and from using a ballot drop box except inside a polling place or voting center or the county recorder's or election department's offices. Appropriately trained election workers are required to monitor ballot drop boxes.	Update to Voter Education.	Government DP 4-3, Rules PFC
S1094: petition signatures; description; invalidity	Sen. Mesnard (R)	Senate: Government, Rules	A circulator of an initiative or referendum petition is required to either read the initiative or referendum description aloud to each person signing before that person signs or to allow the person sufficient time to read the description before the person signs. The circulator must inform the person that reading the description is required so that the person can understand the petition. Each person signing must affirm that the person has heard and understood or read and understood the description before signing the petition. For any person who signs without either hearing or reading the description, the circulator is required to draw a line through the person's signature and the signature is void and cannot be counted.	Will likely make the process for not only gathering signatures for voter initiatives and referendums more difficult, but also raises issues in regards to challenges of signature.	DP Senate Gov. 4-3, Passed Rules, Senate 16-12-2, Transmit to House 2/17/22.
S1119: electronic ballot images; public record	Sen. Borrelli (R)	Senate: Government, Rules	After the polls are closed, the officer in charge of elections is required to make available to the public an online copy of any digital images of ballots in a manner that allows the images to be searchable by precinct but that precludes any alteration of the images. States that the digital images of the ballots are public records.	None.	Government DP 4-3, Rules PFC

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
S1120: ballot fraud countermeasures; paper; ink.	Sen. Borrelli (R)	Senate: Government, Appropriations, Rules	Any vendor that provides fraud countermeasures that are contained in and on the paper used for ballots is required to be ISO 27001 certified, ISO 17025 certified, or ISO 9001:2015 certified. Ballot fraud countermeasures are required to include all of a list of 19 specified features, including watermarking, secure holographic foil, security inks, invisible ultraviolet microtext, a serialized black QR code, and a paper receipt for the voter. The Legislature is required to appropriate sufficient monies to the State Treasurer to provide counties with the ballot paper prescribed by this legislation. Applies to the regular general election in 2022 and all elections held in 2024 and later. Appropriates an unspecified amount (blank in original) from the general fund in FY2022-23 to the State Treasurer for the purchase of antifraud ballot paper meeting these requirements.	None. County questions whether or not any of this would be possible with current tabulators in place.	Government DP 4-3, Appropriations 6-4, Rules PFC
S1133: schools; cities; all mail prohibited	Sen. Rogers (R)	Senate: Education, Government, Rules	Municipalities and school districts are prohibited from conducting a mail ballot election. Effective January 1, 2023.	Voter Education.	Government DP 4-3,
S1149: countywide elections; vote by mail	Sen. Bowie (D)	Senate: Government, Rules	On approval of the county board of supervisors and if 60 percent or more of the county's registered voters are on the permanent early voting list, a county is authorized to conduct a mail ballot election for all elections administered by that county, including elections for federal and state offices and measures, and elections for county, municipal, school district and special districts. Counties that conduct mail ballot elections are required to report specified information about the election to the Legislature by January 1 of each year following a mail ballot election.	None.	
S1169: email; prohibition; political campaigns	Rep. Gowan (R)	Senate: Government, Rules	Campaign committees are prohibited from sending a campaign email to an email address that ends in .edu or .gov. In an action for damages, a person who violates this prohibition is liable to the email recipient for \$100 per email.	Committees wouldn't be able to send emails to the commission? Candidates would be require to use personal email possibly. Define "campaign email".	Government Held
S1228: driver licenses; authorized presence repeal	Sen. Quezada (D)	Senate: Judicial, Rules	The Department of Transportation is no longer prohibited from issuing or renewing a driver license for a person who does not submit proof that the applicant's presence in the U.S. is authorized under federal law.	Concern whether DL would now be a sufficient form of identification to vote or registering for a full ballot.	
S1259: recounts; requests; procedures; audits	Sen. Mesnard (R)	Senate: Government, Rules	Increase hand count audit from 2% to 5%. Attorney General, Secretary of State, or Leg. Council may request a recount of the election up to 5 days after completion of the canvass.	None.	Government DP 4-3
S1260: registrations; early voting; move notice	Sen. Mesnard (R)	Senate: Government, Rules	Codifies best practices of removing voter if notified they have been registered in another County. Violations for knowingly forwarding a ballot to a voter who is registered in another state.	None.	Government DP 4-3, Rules PFC
S1285: elections manual; legislative council	Sen. Ugenti-Rita (R)	Senate: Government, Rules	The official election instructions and procedures manual prepared by the Secretary of State is required to be approved by the Attorney General and the Legislative Council, instead of the Governor and the Attorney General.	None.	Government DP 4-3, Rules PFC
S1335: election day voting; early voting	Sen. Rogers (R)	Senate: Government, Rules	Qualified electors are only allowed to vote by early ballot if the elector is physically unable to go to the polls due to illness, hospitalization, or other confinement, or the elector is an absent uniformed services voter or overseas voter or the spouse or household member of the absent uniformed services voter or overseas voter. County boards of supervisors and any officer in charge of elections are prohibited from authorizing, establishing or using a voting center at which a voter who is a registered voter and resident anywhere in that county is allowed to receive the appropriate ballot for that specific voter. County recorders are no longer authorized to establish on-site early voting locations.	Voter education in relation to administration of Election.	

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
S1338: paper ballots; hand count; precincts	Sen. Rogers (R)	Senate: Government, Rules	County boards of supervisors and any officer in charge of elections are prohibited from authorizing, establishing or using a voting center at which a voter who is a registered voter and resident anywhere in that county is allowed to receive the appropriate ballot for that specific voter. County boards of supervisors and any officer in charge of elections are prohibited from allowing the use of electronic or other tabulating equipment and all counting is required to be done by hand. Ballots must be organized and remain segregated by precinct, both before and after counting. Electronic voting and electronic or other tabulating devices may only be used to comply with statute requiring voting systems for persons who are blind or visually impaired. For all other uses, for state, county, and municipal elections, only paper ballots may be used.	Voter Education.	Government DP 4-3, Rules PFC
S1343: early ballots; provisionals; precinct tallies	Sen. Rogers (R)	Senate: Government, Rules	All early ballots, provisional ballots and conditional provisional ballots are required to be separated by precinct and category of ballot, tabulated by precinct and category of ballot and included as separate line items by category of ballot in the vote totals for the voter's precinct, without regard to whether the ballot was voted or received at an early voting center, election day voting center, emergency voting center, polling place or office of the county recorder. After tabulation, early ballots, provisional ballots and conditional provisional ballots must remain separated by category of ballot and precinct.	Voter education in relation to administration of Election.	Government DP 4-3, Rules PFC
S1348: elections; hand count; tabulators prohibited	Sen. Rogers (R)	Senate: Government, Rules	For all state, county, and municipal elections, all ballots are required to be tabulated by hand. County boards of supervisors or other officers in charge of elections are prohibited from allowing the use of electronic or other tabulating equipment. Ballots must be organized and remain segregated by precinct, both before and after counting. Effective January 1, 2023.	Voter education in relation to administration of Election.	
S1351: early voting list; renewal	Sen. Rogers (R)	Senate: Government, Rules	An early voter is eligible to receive an early ballot for a two-year period, after which the voter is required to renew the voter's request to receive an early ballot or the voter will be removed from the early voting list.	Voter education regarding mail-in ballots.	
S1355: campaign finance report; due date	Sen. Livingston (R)	Senate: Government, Rules	The due date for campaign finance reports covering a calendar quarter without an election is moved to the 3rd Monday in the month after the calendar quarter, instead of the 15th day after the calendar quarter.	Campaign finance due date change.	Government 7-0, Rules PFC, Senate 29-0-1, Transmit to House 2/17/22.
S1357: election equipment; certification; results	Sen. Townsend (R)	Senate: Government, Rules	Any machine or device used at any election for federal, state, or county offices that is certified by a laboratory that was not accredited at the time of the certification is deemed unapproved for use in Arizona and not officially certified. Any election conducted with that machine or device while it is not officially certified is nullified, and the vote tallies from that machine must be removed from the official canvass of the election. Amendment prevents preloading ballots (problematic for L&A). DPS shall provide independent compliance officers to any election equipment.	None.	Government DP 4-3, Rules PFC
S1358: hand counts; precincts; procedures manual	Sen. Townsend (R)	Senate: Government, Rules	For a county that uses voting centers, the ballots from each voting center are required to be separated by precinct before the random selection of precincts for a hand count occurs and every ballot from a precinct must be grouped with the other ballots from that precinct.	None.	Government DP 4-3, Rules PFC
S1359: election workers; unique passwords	Sen. Townsend (R)	Senate: Government, Rules	For any election system or activity that requires an employee, contractor or volunteer to log in to the system, each employee, contractor or volunteer is required to have a unique password that cannot be disclosed to any other person. Each employee, contractor or volunteer is required to establish a new unique password every two weeks. Violations are a class 2 (mid-level) misdemeanor.	None.	Government DP 4-3, Rules PFC

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
S1360: election observers; access	Sen. Townsend (R)	Senate: Government, Rules	Election observers are required to be allowed uniform access to all stages of the election process, beginning with ballot design through tabulation of the final vote. Election observers must be allowed to document observations and ask questions of election officers and must receive timely responses. Election observers must be allowed to be in proximity to the process closely enough to observe whether the process is being conducted correctly. Election observers may only be ejected for significant concerns on the approval of the inspector and the marshal.	None.	Government DP 4-3, Rules PFC
S1362:early ballot on-site tabulation	Sen. Mesnard (R)	Senate: Appropriations, Government, Rules	A qualified voter who appears at a voting center or designated polling place with his/her voted early ballot is required to present identification as required by law. If the voter does not present identification, the voter is required to either deposit the voted early ballot in an official drop box or surrender the early ballot to the election board and vote a provisional ballot. If the voter presents sufficient identification and the affidavit is complete, the voter may sign the signature roster and proceed to the tabulating equipment to insert the ballot into a tabulating machine. Appropriates an unspecified amount (blank in original) from the general fund in each of FY2022-23 and FY2023-24 to the newly established Early Ballot On-Site Tabulation Fund for the costs of on-site tabulation as required by this legislation.	Voter Education.	DP Senate Gov. 4-3, DP Senate Approp. 7-2-1, Rules PFC,
S1380: voter registration rolls; maintenance	Sen. Rogers (R)	Senate: Government, Rules	The county recorder is required to use change of address information supplied by the postal service to identify registered voters whose address may have changed on a monthly basis instead of at least once every election cycle. If a notice of change in registration status sent by the recorder is not returned, the registrant must be required to provide confirmation of the registrant's address in order to vote.	None.	Government DP 4-3, Rules PFC
S1404:eligibility; early voting; list	Sen. Gowan (R)	Senate: Government, Rules	Repeals the active early voting list. Qualified electors are only allowed to vote by early ballot if the elector expects to be absent from the precinct at the time of the election, the elector is physically unable to go to the polls, the elector is 65 years of age or older, the elector's residence is more than 15 miles from the polling place, the elector is unable to attend the polls on election day because of the tenets of his/her religion, the elector has a visual impairment, or the elector is an absent uniformed services voter or overseas voter or the spouse or household member of the absent uniformed services voter or overseas voter. County recorders are no longer authorized to establish on-site early voting locations.	Voter Education.	Government DP 4-3, Rules PFC
S1411: early ballots; tracking system	Sen. Mesnard (R)	Senate: Government, Appropriations, Rules	Effective January 1, 2024, in counties with a population of more than 100,000 persons that use early ballots, the county recorder or other officer in charge of elections is required to provide on the county's website an early ballot tracking system that indicates whether the voter's early ballot has been received and whether the early ballot has been verified and tabulated. Appropriates \$700,000 from the general fund in FY2022-23 to the Secretary of State for establishing a grant program for counties to establish the tracking systems.	None.	DP Senate Gov. 5-2, DP Sen. Approp. 10-0, Rules PFC,
S1432: voted ballots; custody; in-state	Sen. Mendez (D)	Senate: Government, Rules	The county recorder or other officer in charge of elections, the county board of supervisors, any state elected official and any employee, contractor or vendor of those persons are prohibited from removing from the state any one or more of the ballots cast for an election.	None.	
S1433: voters; false communication; enterprises; enforcement	Sen. Mendez (D)	Senate: Government, Rules	It is a class 5 (second lowest) felony for an enterprise to knowingly communicate to a registered voter by any means false information that is intended to impede the voter in exercising the voter's right to vote. A registered voter to whom false information is communicated is authorized to file a civil action for relief, including an application for a permanent or temporary injunction, restraining order or other order against the person communicating the false information.	None.	

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
S1453: automatic voter registration; same day	Sen. Quezada (D)	Senate: Government, Rules	A person who is otherwise qualified to register to vote may register during the 28 days immediately preceding an election and is eligible to vote in that election if the person has been a resident of the county and the precinct in which the person resides for at least 29 days immediately preceding the election. A person who is otherwise qualified to register to vote may register on Election Day at the polling place for the precinct in which that person maintains residence. A person who registers to vote under these provisions may vote only with a provisional ballot and does not qualify a person to vote in a partisan primary election. Every person who is applying for a driver license or renewal, including a nonoperating identification license or renewal, or who is making changes to drive license information and who is otherwise qualified to register to vote must be registered to vote automatically on completion of the license application unless the applicant clearly expresses a decision not to register. A person who is not qualified to register to vote and who unknowingly registers under this provision is not guilty of false registration or false swearing. Effective January 1, 2023.	Voter Education.	
S1454: polling places; drop boxes; campuses	Sen. Quezada (D)	Senate: Government, Rules	The board of supervisors of each county is required to designate at least one polling place or voting center on the main campus of each state university in that county and is required to provide for at least one early ballot dropbox at each state university satellite location and each community college campus and community college satellite location in that county.	None.	
S1455: early voting locations	Sen. Quezada (D)	Senate: Government, Rules	A county recorder or other officer in charge of elections is permitted to make changes to the approved early voting locations and must notify the public and the board of supervisors regarding the changes as soon as is practicable. A county recorder or other officer in charge of elections who establishes early voting locations may continue to operate those early voting locations during the three-day period immediately preceding election day, except that on-site early voting is required to end as needed to ensure that precinct registers and other election materials are revised for use on election day to indicate which voters have requested an early ballot, which voters have already voted and which voters are on the inactive voter list.	None.	
S1456: presidential preference caucuses; independent voters	Sen. Quezada (D)	Senate: Government, Rules	Presidential preference elections are repealed and replaced with presidential preference caucuses, which must be held on the Tuesday immediately following March 15 of each year in which the President of the United States is elected to give qualified voters the opportunity to express their preference for the presidential candidate of the political party of their choosing. Presidential preference caucuses are required to allow participation by persons who are registered independent or no party preference. The operation of the caucuses and the selection of delegates to the political party national conventions shall be as provided in the bylaws of each state party.	Voter Education in relation to Independents being allowed to participate in the now Presidential Preference Caucus.	
S1457: voting machines; hardware; software; access	Sen. Borrelli (R)	Senate: Government, Rules	The Secretary of State is required to ensure that vote recording and vote tabulating machines and devices approved for use in Arizona meet a list of specified requirements, including having all operating systems and software configured to the appropriate level of security, not having hardware installed that supports internet connectivity, supporting tracking of users based on unique credentials, and logging any deletions of ballot images, windows event logs and results files. Amendment, tamper-proof lock on usb port of tabulation equipment, non-stop video at count center,	None.	Government DP 4-3, Rules PFC

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
S1460: election law amendments	Sen. Shope (R)	Senate: Government, Rules	Various changes relating to election law. Establishes options for candidate nomination petitions for candidates for election to an office immediately following redistricting, which do not apply to candidates for a federal, statewide or legislative office. Establishes regulations for adjustment of precinct boundaries based on redistricting. If a voter surrenders an early ballot to the precinct inspector and presents the required identification, the voter must be issued a standard ballot. Modifies various deadlines. Allows the notice of election to be posted online and at other locations where a government body regularly posts public notices, if there is not a newspaper of general circulation in the election district.		Government DP 7-0, Rules PFC
S1465: voting equipment; requirements; records; origin	Sen. Rogers (R)	Senate: Government, Rules	No later than the August 2024 primary election, the Secretary of State is required to revoke the certification for vote recording, vote aggregation and vote tabulating machines and devices used for elections for federal, state or county offices unless the machines and devices comply with a list of specified requirements, including being manufactured in the United States, meeting certain security standards, not having hardware installed that supports internet connectivity, supporting the usage and tracking of user accounts attributable to a specific individual, and providing a printed record of a voter's choices in a human-discernible format.	None.	Government DP 4-3, Rules PFC
S1474: voting; election day only; holiday	Sen. Townsend (R)	Senate: Government, Rules	The primary election day and the general election day are legal holidays. Voters are authorized to be absent from employment on election day and cannot be held liable for any penalty or have salary or wages deducted due to the absence. Statute authorizing early voting is repealed.	Voter Education.	Government DP 4-3, Rules PFC
S1475: voter registration; citizenship; falsification; penalties S/E: election complaints; attorney general	Sen. Townsend (R)	Senate: Government, Rules	It is a class 2 (second-highest) felony to knowingly and falsely claim U.S. citizenship while registering to vote. It is a class 2 (second-highest) felony to register another person to vote and to knowingly and falsely claim that the potential registrant may register as a voter who is eligible to vote only for federal offices when the potential registrant is not a U.S. citizen. S/E: Outlines powers and duties of the Attorney General (AG) related to the enforcement of election laws. Allows the AG to enforce election laws in elections for Members of Congress, U.S. Senators and presidential electors	None.	Government DP 4-3, Rules PFC
S1477:voter registration; felonies; clerk; database	Sen. Townsend (R)	Senate: Government, Rules	Each month the clerk of the superior court is required to transmit to the Secretary of State without charge a record of every felony conviction in that county within the preceding month. The Secretary of State is required to use the record for the sole purpose of canceling the names of convicted felons from the statewide voter registration database and must notify the appropriate county recorder. The county recorder is required to cancel the voter registration of the convicted felon.	None.	Government DP 4-1-2, Rules PFC
S1478:elections; county supervisors; ballot; markers	Sen. Townsend (R)	Senate: Government, Rules	For elections for which the county board of supervisors is responsible, the board of supervisors is prohibited from requiring that a specific marking pen be used on paper ballots and from providing for use on ballots any pen that creates marks that are visible on the reverse side of the paper ballot or that otherwise may damage or cause a ballot to be spoiled.	None.	Government DP 4-3, Rules PFC
S1479: precinct size; voters; vote centers	Sen. Townsend (R)	Senate: Government, Rules	County boards of supervisors are prohibited from establishing an election precinct that contains more than 1,250 registered voters of any political party that is entitled to continued representation on the ballot, or more than a total of 2,000 registered voters on the date the boundaries are established. County boards of supervisors and any officer in charge of elections are prohibited from authorizing, establishing, or using a voting center at which a registered voter and resident anywhere in that county is allowed to receive the appropriate ballot for that specific voter. County boards of supervisors and any officer in charge of elections are only authorized to use polling places located in election districts.	Voter Education.	

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
S1503: registration; voting; jails; confinement	Sen. Quezada (D)	Senate: Government, Rules	Every person who is otherwise eligible to register to vote and who is in the custody of the State Department of Corrections (DOC) or a county jail must be provided the opportunity to register to vote on release from confinement. DOC and county jails are required to provide a state mail in voter registration form to persons who are eligible to register and to transmit completed forms to the appropriate county recorder within five days after receipt. In a county with a population of more than 300,000 persons, the county recorder is required to provide for a voting center at the county jail for persons who are temporarily in custody and awaiting trial, which must provide for any person who is otherwise eligible to vote in that county to receive the appropriate ballot for that person's residence. A county recorder is required to provide a request for an early ballot to each qualified elector who is in the custody of the county jail or DOC in that county and who is otherwise eligible to vote. After the county recorder receives a completed request for an early ballot, the county recorder is required to provide an early ballot to the qualified elector.	None.	
S1504: voting rights; felonies; automatic restoration.	Sen. Quezada (D)	Senate: Government, Rules	A person's right to vote is automatically restored on the person's discharge of probation or absolute discharge from imprisonment.	Voter Education.	
S1543: election and ethics; commission; duties	Sen. Quezada (D)	Senate: Government, Rules	Establishes the Arizona Election and Ethics Commission consisting of six members who are appointed by the Governor and other specified elected officials and who meet specified requirements. Beginning in 2023, the Commission succeeds to the duties of the Secretary of State with respect to acting as the investigatory, compliance and enforcement officer for political committees supporting or opposing candidates for state offices and members of the Legislature and statewide initiative or referendum measures appearing on a state general election ballot. Powers and duties of the Commission are established, including receiving any ethics complaint filed against candidates or elected officials of state government. The Commission terminates on July 1, 2032.		
S1570: election equipment; security; results; tabulation	Sen. Townsend (R)	Senate: Government, Rules	Any voting equipment used in a polling place or voting center and any tabulation equipment used in a central counting center or other tabulation center are prohibited from having internet access and must prohibit access by any means to any data or results until used by authorized election personnel only. Any accessible ports must be locked with a tamper-proof seal and logged in the chain of custody document when broken or accessed. Violations are a class 2 (mid-level) misdemeanor.	None.	Government DP 4-3, Rules PFC
S1571: ballot drop boxes; surveillance; appropriation	Sen. Townsend (R)	Senate: Government, Appropriations, Rules	Establishes requirements for any ballot drop box used in Arizona to receive voted early ballots, including logging the receipt of each ballot, generating a paper receipt, and including a functioning camera or video recorder that photographs or video records each person who deposits one or more early ballots. Voted early ballots are prohibited from being mailed to the county recorder and may only be returned by hand delivery. Makes a supplemental appropriation of an unspecified amount (blank in original) from the general fund in FY2021-22 to the Secretary of State to procure, install, operate, and maintain 24-hour per day photo and video surveillance for each ballot drop box in Arizona.	Voter Education in relation to returning ballots.	Government DP 4-3,

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
S1572: voting list; images; cast votes	Sen. Townsend (R)	Senate: Government, Rules	Ten days before the primary and general election, the county recorder is required to publish a list of all voters who are eligible to vote in the election, including persons who are on the inactive voter list, and post this information on the county recorder's website with personally identifying information redacted. Five days before the county canvass, the county recorder or other officer in charge of elections is required to publish and post in digital format on the county's website all ballot images, and the cast vote record in a sortable format. Early and provisional ballot tabulators are required to imprint a unique identification number on each early ballot tabulated so as to allow the ballot image to be linked to the physical ballot. Ballots are required to be separated, tabulated, and stored by precinct.	None.	Government DP 4-3, Rules PFC
S1573: hand count; political parties; employees	Sen. Townsend (R)	Senate: Government, Rules	The number of precincts in each county that must be randomly selected for a hand count after each election is changed to 5 percent of the precincts in the county or five precincts, whichever is greater, from two percent or two precincts. If one or more of the political parties do not provide members to select the precincts for a hand count, the county recorder is required to select a county employee who is a member of the designated political party to participate in selecting the precincts. Prohibits the canvass of the election from being completed unless the hand count is conducted and the results are conspicuously posted on the county recorder's website.	None.	Government DP 4-3, Rules PFC
S1574: voting irregularities; report; legislative review	Sen. Townsend (R)	Senate: Government, Rules	The county recorder or other officer in charge of elections is required to maintain a record of all voting irregularities that occur during early voting, emergency voting and election day voting. Information that must be described in the record is listed. Within 30 days after election day, the county recorder or other officer in charge of elections is required to provide the record to the Legislature. Records on the chain of custody for all election equipment and ballots during early voting through the completion of provisional voting tabulation are public records and are subject to legislative subpoena. Violating any of these requirements is a class 2 (mid-level) misdemeanor.	None.	Government DP 4-3, Rules PFC
S1575: legislative subpoenas; disobedience	Sen. Townsend (R)	Senate: Judiciary, Rules	A witness who neglects or refuses to obey a legislative subpoena, or who, on appearing, neglects or refuses to testify us guilty of a class 2 (mid-level) misdemeanor.	Would require individuals to be subject to a legislative subpoena.	Judicial 5-2-1,
S1576: tabulating equipment; fractional votes; manual	Sen. Townsend (R)	Senate: Government, Rules	Ballot tabulating equipment that is capable of registering fractional votes or that is susceptible to manipulation by an algorithm that would allow the equipment to register fractional votes is prohibited from being used for an election in Arizona. County recorders or other officers in charge of elections are required to post conspicuously on the county's website the operating manual for any tabulating equipment used by the county. If the posted manual does not accurately describe all of the capabilities of the equipment, the county is prohibited from entering into a contract with the tabulating equipment provider, or if a contract has already been executed, the contract with the tabulating equipment provider is canceled.	None.	Government DP 4-3, Rules PFC
S1577: elections; adjudicated ballots; categories	Sen. Townsend (R)	Senate: Government, Rules	For any ballots that are required to be duplicated and adjudicated, whether electronically or manually, the county recorder or other officer in charge of elections is required to separate the ballots by type of defect or damage and type of ballot, maintain that separation and post on the county's website the number, type and category of defective or damaged ballots processed by the county. Violations are a class 2 (mid-level) misdemeanor.	None.	Government DP 4-3, Rules PFC
S1603: elections; auditor general	Sen. Townsend (R)	Senate: Government, Rules	On request of the House of Representatives or the Senate or at the Auditor General's discretion, the Auditor General is required to conduct one or more audits of county elections for state and federal offices. The audits may include reviews of voter rolls, election systems, voting equipment and ballot tabulation equipment and may review compliance with state law and the instructions and procedures manual.	None.	

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
S1608:precinct tabulation; verification; elections	Sen. Townsend (R)	Senate: Government, Rules	For a county with a population of more than 500,000 persons (Maricopa and Pima), all ballots are required to be tabulated at the polling place and verified by two persons who are not members of the same political party. At the central counting center, the ballots from that polling place must be tabulated again and verified by two different persons who are not members of the same political party. If the tallies do not match, the ballots must be counted again by hand to obtain a final total. The hand count is required to be verified by two different persons who are not members of the same political party.	None.	
S1609:election contests; invalidated election; sanctions	Sen. Townsend (R)	Senate: Government, Rules	If the court determines that the initial person declared elected or declared the nominee at a primary election or that the contested measure, constitutional amendment or other question or proposal that was declared carried did not in fact receive the highest number of votes or a sufficient number of votes to prevail, the court is required to order that portion of the election to be repeated. The new election is required to be conducted within 90 days after the court's order and to conform as nearly as practicable to the laws that otherwise would apply to an election. Any person determined by the court to be responsible for misconduct, fraud or illegal votes is liable for the costs of the court-ordered second election and is guilty of a class 2 (mid-level) misdemeanor.	None.	Government DP 4-3, Rules PFC
S1612: election equipment; prohibited providers	Sen. Rogers (R)	Senate: Government, Rules	For any election in Arizona, election equipment, software, or systems are prohibited from being from Dominion Voting Systems, Election Systems & Software and Hart Intercivic. For any election in Arizona, election equipment, software, or systems are prohibited from containing any hardware component that is manufactured or assembled outside of the U.S., containing any line of code for any software that is written by a person who is not a U.S. citizen, and containing any line of code that has ever been reviewed by any person or entity from a foreign country.	None.	
S1613:state elections; contest; technical correction	Sen. Rogers (R)	Senate: Rules	Minor change in Title 16 (Elections) related to the conduct of elections. Apparent striker bus.	None.	
S1629: registration; verification; images; audits; boxes	Sen. Borrelli (R)	Senate: Government, Rules	Makes numerous changes related to elections and voting. The Secretary of State is required to establish and administer training for signature verification on early ballots. Establishes a list of requirements for ballot drop boxes, including continuous monitoring and chain of custody documentation. For any election for which there is a federal race on the ballot, the officer in charge of elections is required, within 48 hours after delivery of the official canvass, to make available to the public a central database with an online digital copy of the ballot images, which must be searchable by precinct and meet other specified requirements. The Auditor General is required to establish an audit team to perform election integrity audits of county recorders' offices and county elections departments. Audit requirements are specified. Appropriates an unspecified amount (blank in original) from the general fund in FY2022-23 to the Secretary of State to create and maintain a ballot image portal.	Voter Education in administration of elections.	Government DP 4-3,
S1638: early ballots; visually impaired voters	Sen. Pace (R)	Senate: Government, Rules	Early voting is required to include voting by the use of a remote accessible vote by mail system for persons with a visual impairment.	Voter Education in regards to voting.	Government 5-2, Rules PFC,
S1642: election management systems; security	Sen. Fann (R)	Senate: Government, Rules	By the 2022 primary election, county recorders or other officers in charge of elections are required to have a dedicated special purpose election management system gateway computer (EMS gateway computer) that may be used only when necessary to download data from an internet-connected system onto a removable electronic storage device for uploading to the EMS gateway computer or to download data from the EMS gateway computer to a removable electronic storage device for uploading to an internet-connected system. No other computer may be used for these purposes and the EMS gateway computer is prohibited from being used for any other purpose. Establishes a list of security protocols that apply to the EMS gateway computer.	None.	Government DP 4-3, Rules PFC

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
S1681: restoration; voting rights; website notification	Sen. Gonzales (D)	Senate: Judiciary, Rules	For a person who has been convicted of two or more felonies, the person's right to vote is automatically restored on completion of probation or absolute discharge from imprisonment. The Secretary of State is required to establish and maintain on the Secretary of State's website a hyperlink to a website with information regarding voting rights for a person who has a criminal history and the automatic restoration of the right to vote on completion of probation or absolute discharge from imprisonment. In each county with a chief adult probation officer, that officer is required to establish and maintain on the probation department's website a hyperlink to the Secretary of State's website regarding voting rights for a person who has a criminal history, and to conspicuously post in each probation office where probationers are seen a sign that contains the probation department's website address.	Voter Education.	
SCR1005: federal ballot voters; identification	Sen. Townsend (R)	Senate: Government, Rules	The 2022 general election ballot is to carry the question of whether to amend state statute to require federal-only voters to provide proof of citizenship by presenting one of a list of specified forms of identification in order to receive a ballot.	Update to Voter Registration education.	Government DP 4-2-1,
SCR1012: Voter Identification	Sen. Mesnard (R)	Senate: Government, Rules	Subject to voter approval, statutorily requires an early voter to provide the voter's date of birth and a copy of prescribed early voter identification when returning an early ballot. Removes the authorization for a person to provide two different forms of identification without a photograph in order to receive a ballot at a polling place. Prohibits the Arizona Department of Transportation (ADOT) from charging a fee when issuing a nonoperating identification license to a person who attests that the license was applied for in order to comply with voter registration or voting requirements.	Voter Education.	Government DP 4-3,
SCR1025: initiative; referendum; legislative districts; signatures	Sen. Leach (R)	Senate: Government, Rules	The 2022 general election ballot is to carry the question of whether to amend the state Constitution to require statewide initiative measures to obtain signatures from 10 percent of the voters from each legislative district in order to propose a statewide measure and to obtain signatures from 15 percent of the voters from each legislative district in order to propose an amendment to the state Constitution.	None.	DP Senate Gov. 5-2, Rules PFC
SCR1027: corporation commissioners; appointment; election; terms	Sen. Mesnard (R)	Senate: Natural Water And Resources, Rules	The 2022 general election ballot is to carry the question of whether to amend the state Constitution to to eliminate elections for four of the five members of the Corporation Commission and require those four Commissioners to be appointed by the Governor to eight year terms, with the consent of the Senate. Also provides for implementation and the expiration of the terms of the current Commissioners.	None.	
SCR1032: plenary legislative authority; elections	Sen. Townsend (R)	Senate: Government, Rules	The members of the Legislature reaffirm the Legislature's plenary power with respect to elections and oppose any attempt by the federal government to usurp or otherwise interfere with the state legislative sovereign authority over the management, control and administration of elections.		Government DP 3-2-2, Rules PFC
SCR1037: conduct of elections; voters' rights	Sen. Quezada (D)	Senate: Government, Rules	The 2022 general election ballot is to carry the question of whether to amend state statute to enact a voters' bill of rights, declaring that Arizona voters have a right to register to vote without facing unnecessary barriers, participate in fair elections in which elected officials are not choosing their own voters, vote by mail or in person and know that their votes will count, have equal access to the ballot no matter where in Arizona they live, what language they speak or what physical abilities they possess, propose and enact laws when elected officials fail to act, and know that when they elect someone, the elected official will work for the voters, not donors or lobbyists.		

Bill (House, Senate)	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status
SCR1046: voter identification; Arizona card	Sen. Borrelli (R)	Senate: Government, Rules	The 2022 general election ballot is to carry the question of whether to amend state statute to delete the option for a voter to present, in order to receive a ballot and in lieu of government-issued photo identification, two different items that contain the name and address of the voter that reasonably appear to be the same as the name and address in the precinct register, including a utility bill, a bank or credit union statement, a valid Arizona vehicle registration, an Arizona vehicle insurance card, an Indian census card, tribal enrollment card or other form of tribal identification, a property tax statement, a recorder's certificate, a voter registration card, a valid government-issued identification, or any mailing that is labeled as "official election material." Expands the list of acceptable voter identification to include a U.S. passport, U.S. military identification card, employee identification card for a government employee, student or employee identification card for a postsecondary school, and an Arizona voter photo identification card. The Secretary of State is required to issue an Arizona voter identification card to registered voters who meet specified requirements. An Arizona voter identification card is valid only as identification for voting purposes.		
SCR1048: article V convention; term limits	Sen. Mesnard (R)	Senate: Government, Rules	Pursuant to Article V of the U.S. Constitution, the Arizona State Legislature formally applies to the U.S. Congress to call a convention for the purpose of proposing an amendment to the U.S. Constitution to limit the number of terms that a person may be elected as a member of the U.S. House of Representatives and as a member of the U.S. Senate. The Secretary of State is directed to transmit copies of this resolution to the President and Secretary of the U.S. Senate, the Speaker, Clerk and Judiciary Committee Chairman of the U.S. House, each member of Congress from Arizona, and the presiding officers of each house of the several state legislatures, requesting their cooperation.		Government DP 4-3, Rules PFC

2021 ANNUAL REPORT



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Presented By The Citizens Clean Elections Commission

The Annual Report will be submitted to the Governor, the President of the Arizona State Senate and the Speaker of the Arizona State House of Representatives. This report will be made available online at www.azcleanelections.gov.

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Douglas A. Ducey
Governor

Thomas M. Collins
Executive Director



Amy B. Chan
Chair

Damien R. Meyer
Mark Kimble
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Commissioners

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February 24, 2022

The Honorable Doug Ducey
Governor of the State of Arizona
1700 West Washington
Phoenix, AZ 85007

Dear Governor Ducey:

The Citizens Clean Elections Commission is pleased to submit for your information the 2021 Annual Report, pursuant to Arizona Revised Statutes §16-956(A)(5). The Annual Report describes the activities performed by the Commission in the last calendar year.

In 1998, the voters of Arizona passed the Citizens Clean Elections Act. 23 years later, the Commission continues its commitment of upholding the letter and spirit of the Act. The Commission accomplished its goals set forth and looks forward to the same success in 2022.

Respectfully,

Amy B. Chan, Chairman
Citizens Clean Elections Commission

Voter & Public Education

As the state's nonpartisan voter education agency, the Commission provided vital information to the public regarding the four elections held in 2021, along with information on how to participate in the political process and civic engagement. This was accomplished through education campaigns in paid media, grassroots efforts, partnerships with community based organizations and social media outreach.

The Commission's education and outreach efforts for 2021 included:

- Election Information Web Pages
- Education on Election Administration and Election Security
- Candidate Training
- Deployment of Civics Curriculum
- District specific information through the Voter Dashboard
- Redistricting 101
- Grassroots Outreach

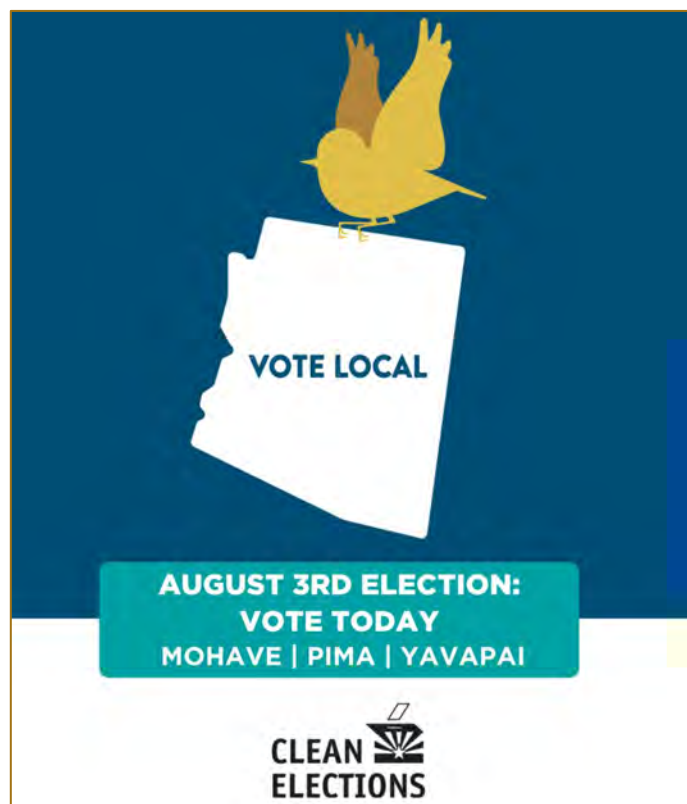
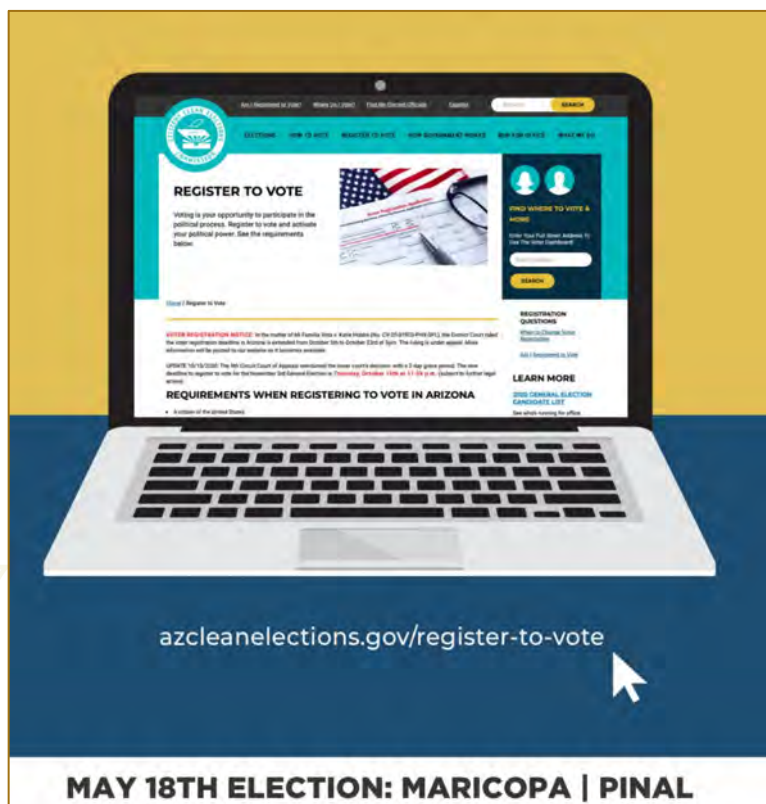
Voter Education Budget

The Commission spends 10% of the expenditure cap on voter education in accordance with its statutory requirements. See page 10 of this report for more financial information.

Election Information Web Pages

Prior to each election, the Commission reaches out to all 15 counties within Arizona to identify what jurisdictions are having an election. The Commission updates its website with information on each election, highlighting key deadlines, how to get your ballot and more. This creates a one stop shop for voters to obtain all of their necessary voting information. The Commission informs voters on how to access this information through a comprehensive outreach campaign.

Local elections are particularly important as they have the most direct connection to voters. The November 2, 2021 election date was particularly eventful with over 1.5 million voters eligible to participate. The Commission ensured voters had access to accurate, official, nonpartisan information through its website and social media channels so voters could cast their ballots confidently in their local elections.



Education on Election Administration and Election Security

During and after the 2020 elections, voters expressed a need for nonpartisan information on how their ballot is counted, how elections are kept safe and secured, and more information about the administration of elections. The Commission provided voters with comprehensive information through its election security and administration content on its website, which addressed voters' timely questions. This section of the website was recognized by national groups of election professionals and used as a resource to provide voters with accurate information on how elections are conducted.

EMPOWER YOURSELF WITH THE KNOWLEDGE TO UNDERSTAND THE VOTING AND BALLOT TABULATION PROCESS, THE SAFEGUARDS TO ENSURE ELECTION SECURITY, AND HOW TO GET INVOLVED.



HOW ELECTION SECURITY WORKS

- [How Elections Work - The Basics](#)
- [Who counts the ballots and how can you be sure yours is counted?](#)
- [Elections and Cybersecurity](#)
- [How you can get involved in the election process as more than a voter?](#)



HOW TO AVOID MISINFORMATION

- [Official Information Regarding Sharpies](#)
- [How can I avoid misinformation about elections?](#)
- [What are the official sources for information on elections?](#)
- [How has the issue of election security changed over time?](#)

Deployment of Civics Curriculum

In 2021 the Citizens Clean Elections Commission, in partnership with expert curriculum writers, put forth the Civics Classroom Curriculum as part of Clean Elections youth voter education and outreach initiative. The effort aims to educate the next generation of voters about every aspect of the political process and to inspire participation in voting. The curriculum is one prong of the youth voter initiative, which encourages young people to activate their political power.

BENEFITS OF THE CIVIC CLASSROOM CURRICULUM



Adheres to Arizona's classroom teaching standards



Unique lesson plans for different grades, from 4th-12th



Applicable within more than one subject



Designed with teachers in mind



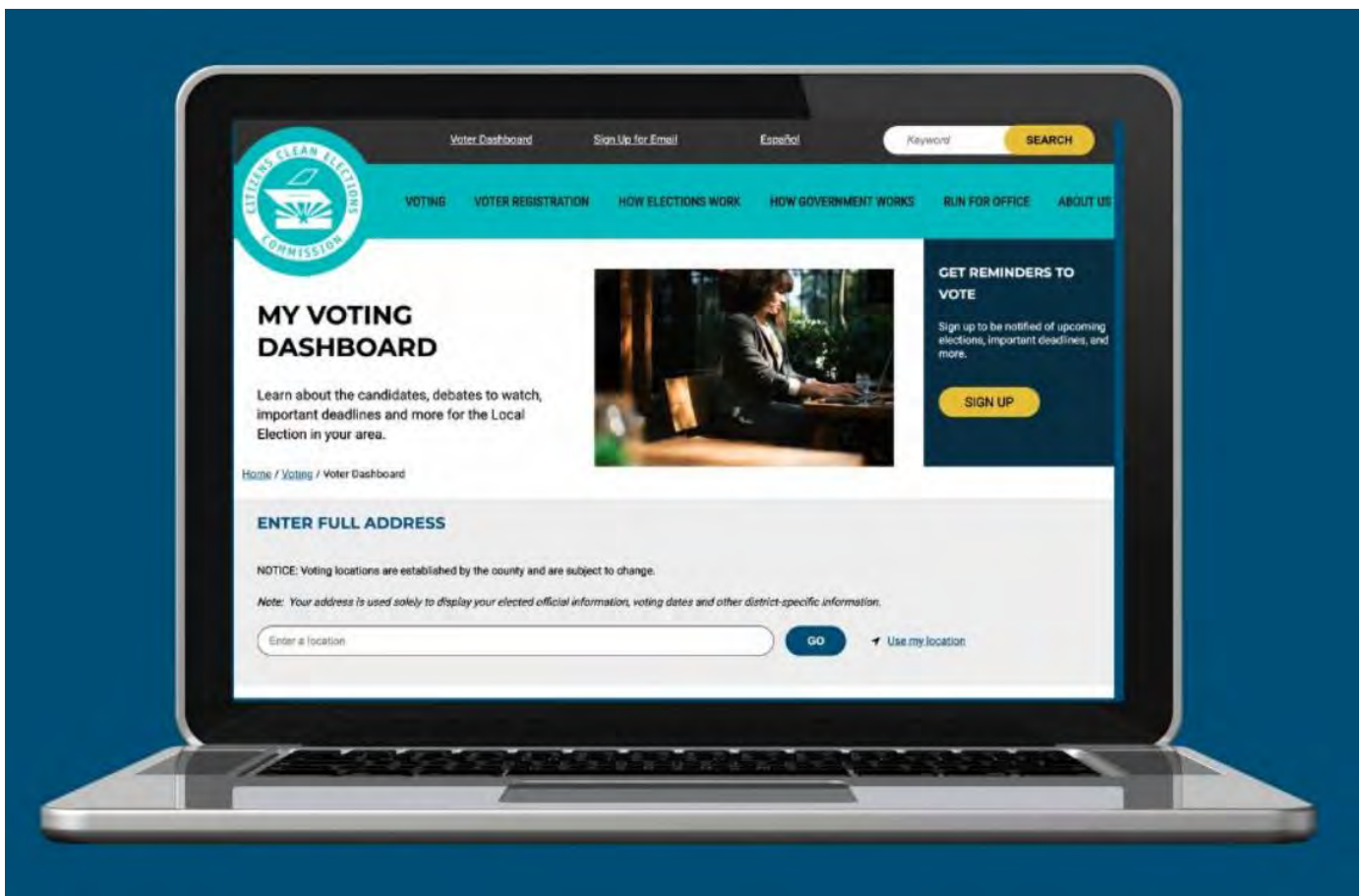
Designed to fit within a typical classroom period



Engaging for students

Voter Dashboard

The Clean Elections Commissions Voter Dashboard provides an intuitive and seamless process for voters to obtain their district specific information on all election related materials. Voters can use the dashboard to discover their elected officials, election dates, polling location and more simply by entering their address.



Redistricting 101

In 2020, the country underwent the decennial census, triggering the Arizona Independent Redistricting Commission to gather in 2021 and begin the process of redrawing Arizona's congressional and legislative lines.

Clean Elections, in our mission to educate voters and promote participation in the political process, created content that explains the redistricting process and how it impacts voting. Clean Elections met several times with IRC staff in regards to public outreach and education efforts, and Clean Elections launched new web content and social media assets to educate voters. Clean Elections staff also provided several presentations and speaking engagements to voters and community organizations across the state.

REDISTRICTING

Now that the 2020 census is concluded, Arizona will redraw congressional and legislative district lines. This process is known as redistricting.



Grassroots Outreach

In an ongoing effort to increase outreach to Arizona Voters, the Commission participated in many events over the course of 2021. Some outings included National Voter Registration Day and Registration Drives across the county where the Commission helped register voters and inform them on how to vote and stay up to date on local, state and federal elections.

Snapshot of Outreach Events

- Avery represented Clean Elections and attended the virtual *African American Conference on Disabilities* Opening Session. February 1, 2021
- Avery participated in a panel workshop discussing civic education with valley youth at the *19th Annual AZ African American Legislative Council Virtual Youth Day* on February 12, 2021
- Gina and Avery were special guest presenters at *Future for Kids* and held a mock election with grade school students (April 1, 2021)
- Avery attended *Arizona State University's American Indian Student Support Services Post Election Webinar* planning meeting (June 3, 2021)
- Avery attended the *African American Reconstruction Teen Conference* (July,12,2021)
- Avery and Gina recorded a series of interviews for *Spot 127* (Summer 2021)
- Avery participated in an Arizona Military Veteran Interview by the *Arizona Department of Administration* to promote veterans to apply for state employment. (July 21, 2021)
- Gina and Avery met with *The Arizona Center for Disability Law (ACDL)* to discuss outreach for voters without a permanent address on August 27th.
- Gina and Avery continued collaboration with the *Arizona Commission for the Deaf and Hard of Hearing* (September 15, 2021)
- Avery participated as a vendor at Mesa Community College for *National Voter Registration Day*. (September 28, 2021)

Clean Elections

Training & Guides

Education is a core component of the Commission. In 2021, the Commission continued to provide information to interested groups and potential candidates through speaking engagements, training workshops, as well as through publications on our enhanced agency website. Each election cycle the Commission develops a guide to assist participating candidates as they navigate the political campaign process and to inform non-participating candidates, and other groups involved in elections, about the Clean Elections Act and rules. The guide covers important topics such as requirements of the Clean Elections Act and Rules, filing and reporting deadlines, how to become a Clean Elections participating candidate, and how to qualify for funding.






Participating candidates are required to attend one Clean Elections Candidate Training Workshop during the election cycle. The workshops are open to the public and designed to provide information to prospective candidates, or those who are assisting participating candidates, about the requirements of the Clean Elections Act.

Website & Social Media

The Commission had an increase in its engagement with voters online. Utilizing social media channels has allowed the Commission to instantly connect with voters on timely and important election related issues. Voters and candidates alike can follow the Commission on social media for more information about elections and running for office.

Social media sites such as Twitter, YouTube and Facebook were utilized and the chart below displays the amount of followers/likes throughout the previous years. Even years represent statewide election years.

Social Media Traffic:

	2018	2019	2020	2021
	35,098 Likes	34,492 Likes	34,084 Likes	33,481 Likes
	1,699 Followers	1,860 Followers	2,098 Followers	2,197 Followers
	990,541+ Views	3,307 Views	1,712,089 Views	532,334 Views

**These totals reflect the number of views within that calendar year exclusively.

Website Traffic:

Year	Sessions	Users	% of New Users	Page Views
2021	360,595	301,443	99.9%	533,898
2020	1,514,415	1,196,474	98.65%	2,881,496
2019	194,338	165,171	90.4%	356,231
2018	1,012,202	676,846	81.9%	1,909,600

Financial Information

Revenue Sources

Citizens Clean Elections Commission revenue comes from the following sources:

- 10% surcharge on all civil penalties and criminal fines
- Civil penalties paid by candidates.
- \$5 qualifying contributions collected from participating candidates.

CY 2021** Revenues

Court Assessments	\$6,442,703
Commission Assessments	\$1,558
\$5 Tax Check-off (late tax filings)*	\$0
Miscellaneous	\$36,547
\$5 Qualifying Contributions	\$0

Controls on Spending

The Commission's total expenditures cannot exceed seven times the number of Arizona resident personal income tax returns filed during the previous calendar year. Up to 10% of the total expenditure cap for administration and enforcement purposes may be used. The Commission may make public education paid media expenditures up to 10% of the total expenditure cap as well. (A.R.S. §16-949) The 2021 expenditure caps were as follows:

- Total Expenditure Cap: \$22,974,427
- Administration & Enforcement Cap: \$2,297,443
- Public Education Expenditure Cap: \$2,297,443

Clean Elections is funded by voluntary contributions and surcharges on criminal penalties and violations, such as traffic tickets.

Not a single dollar of Clean Elections funding comes from the State's General Fund.

Rather than taking money from taxpayers, Clean Elections has donated \$74 million to the State's General Fund since its inception through 2016.

The removal of the \$5 check-off box on Arizona state income tax return forms and dollar-for-dollar tax credits caused a decrease in revenue to the Clean Elections Fund, and as a result the Commission was unable to transfer excess monies to the General Fund in 2021.

*Previously, Arizona citizens could contribute voluntarily through a \$5 check-off box on Arizona state income tax return forms and through dollar for dollar tax credits. This portion of the Act was removed in 2012; however, late tax filers may still contribute.

**The Clean Elections Commission operates on a calendar year budget rather than the State's fiscal year budget.

Enforcement, Audits & Litigation

The Commission enforces the Citizens Clean Elections Act and Commission rules which are a part of the Arizona Administrative Code. The Act and Commission rules contain specific campaign finance provisions and limitations.

Commission staff monitor campaign finance reports to ensure campaign spending occurs as specified by the Act and Rules. The Commission has the authority to subpoena witnesses, take evidence, and require, by subpoena, the production of any books, papers, records or other material relevant to an enforcement matter.

Potential penalties for violations of the Act range from monetary penalties, the disqualification of a candidate or forfeiture of office. Most enforcement matters are settled amicably.

The Commission also conducts audits to ensure compliance with the Act and Commission rules. The audits are completed by an independent auditing agency. Candidate audits are conducted during election years after the Commission has disbursed funds to qualified candidates.

In 2021, the Commission did not conduct any audits. All participating candidates will be audited during the 2022 election cycle.

Enforcement

The Commission acts on both external and internally filed complaints.

During 2021, the Commission resolved 1 complaint arising from the 2020 election cycle.

Rulemaking & Legislation

Commission Rulemaking

Authority

In accordance with A.R.S. §16-956(C), the Commission may adopt rules to carry out the purposes of the Citizens Clean Elections Act. In 2019, the Commission began implementing Proposition 306.

The Commission proposes and adopts rules in public meetings, with at least sixty days allowed for interested parties to comment after the rules are proposed. After consideration of the comments received in the sixty day comment period, the Commission may adopt the rule in an open meeting.

The Commission diligently makes changes to its rules and procedures to address concerns and improve the functions of the program. Rules adopted by the Commission are not effective until January 1 in the year following the adoption of the rule. However, rules adopted by unanimous vote may be immediately effective and are enforceable. In 2021, the Commission amended the following

rules:

A.A.C. R2-20-101

A.A.C. R2-20-109

Vision Statement

Through the successful implementation of the Arizona Citizens Clean Elections Act, the Commission seeks to improve the integrity of Arizona state government and promote public confidence in the Arizona political process.

2021 Legislation



The Commission adopted the following legislative principles and priorities in an effort to improve the Act and Commission procedures:

Oppose efforts to defund, eliminate or limit the Citizens Clean Elections Act.

Over several sessions, members of the legislature have proposed measures that seek to defund, eliminate or limit the authority of the Act or the Commission itself. The Commission has historically opposed these efforts on the grounds that they are typically poorly constructed, misleading or otherwise ill-considered. Staff recommends the Commission oppose legislation that seeks to defund, eliminate, or limit the CCEA and/or Commission.

- **Amending, superseding the Clean Elections Act and/or diverting funds from the Clean Elections fund without furthering the purpose of the act or the required supermajority vote.**
- **Attempts to limit the power the Commission has to enforce the Act**

Address proposed legislation on elections, voting, and campaign finance.

The Legislature continues to expand, contract, and tweak election- related laws. Staff will continue to monitor and consider positions on each proposal as it is introduced.

The Commission has supported efforts to enhance voter education and participation through legislation that advances the election confidence and public participation values that undergird the Act. The Commission should continue to support such legislation.

2021 Legislation

The last few sessions have seen an uptick in proposals that could limit participation or give rise to new information challenges for voters. These proposals appear to have the effect of diminishing confidence in the election system, particularly among Republican voters. According to the website FiveThirtyEight:

Polling from Monmouth University before and after Arizona's [review of Maricopa County ballots] found that the [audit did more to reinforce concerns around election fraud than to alleviate them. And as laws have been passed under the banner of improving voter trust, Republican voter trust in elections remains low. Just 35 percent of Republicans said they had at least some trust in the U.S. electoral system in a poll conducted by Morning Consult on Dec. 30, 2021. That's down from 43 percent in January of last year, and 69 percent prior to election day 2020, according to prior polling from Morning Consult.[1]

While blanket opposition to such proposals does not serve the Commission's interest in promoting participation and restoring confidence in elections, it is important that the Commission be in a position to observe critical issues that may be overlooked or unconsidered, including the need for additional voter education.

Support improvements to voter education and access. The Commission continues to support efforts to enhance voter education and participation through legislation that advances the anti-corruption and public participation values that undergird the Act.

Looking Forward to 2022

Here is a preview of what the Commission is looking forward to in 2022:

2022 Education Plan

The Commission will continue its voter education efforts in 2022 by offering voters a comprehensive education plan that focuses on how to participate in the electoral process and voting informed. The Commission will offer voters the following education tools in 2022:

- Voter Education Guide
- Candidate Debates
- Candidate Compass
- ID at the Polls Tool
- Voter Dashboard
- Website Content
- Mobile App



2022 Education Plan Preview

2022 will be a presidential election year and therefore Arizona will conduct its Presidential Preference Election in addition to its regular primary and general. The Commission will develop and host detailed information pertaining to all of these elections to better assist the electorate!

2022 Election Cycle ~ Candidate Information

Candidates may begin collecting \$5 qualifying contributions on August 1, 2021, the start of the qualifying period. Candidates must collect a minimum number of qualifying contributions, as referenced below;

Governor	Secretary of State	Attorney General	Treasurer	Supt. of Public Instruction	Corporation Commission	Mine Inspector	Legislature
4,000	2,500	2,500	1,500	1,500	1,500	500	200

Commissioners & Staff

Commissioners*

Chairwoman Amy B. Chan (R)
Maricopa County, AZ
Appointed 2017

Damien R. Meyer (D)
Maricopa County, AZ
Appointed 2015

Steve M. Titla (D)
Gila County, AZ
Appointed 2013

Galen D. Paton (R)
Pima County, AZ
Appointed 2016

Mark Kimble (I)
Pima County, AZ
Appointed 2015

Commission Staff

Thomas M. Collins, Executive Director
Paula Thomas, Executive Officer
Mike Becker, Policy Director
Gina Roberts, Voter Education Director
Alec Shaffer, Web Content Manager
Avery Oliver, Voter Education Specialist
Julian Arndt, Executive Support Specialist

Commission Structure & Mission

The Citizens Clean Elections Commission was established by the enactment of the Citizens Clean Elections Act, A.R.S., Title 16, Chapter 6, Article 2. In addition to administering the provisions of Article 2, the Commission promulgates rules and enforces A.R.S. §§ 16-940 through 16-961.

The Commission's mission is to fairly, faithfully and fully implement and administer the Citizens Clean Elections Act.

The Citizens Clean Elections Commission consists of five members. All members must be registered to vote in the State of Arizona. No more than two members of the commission may be members of the same political party. No more than two members of the commission may be residents of the same county.

*Commissioners listed are for the 2021 calendar year.

Commissioner Biographies

Mark Kimble – Independent – Pima County

Senate Democratic Leader Katie Hobbs appointed Mark Kimble, an Independent, to the Citizens Clean Elections Commission in July 2015. Mark was a longtime journalist in Southern Arizona. After graduating from the University of Arizona with a bachelor's degree in journalism, Mark worked for the Associated Press and then for the Tucson Citizen newspaper. During a 35-year career at the Citizen, he was a reporter, city editor, assistant managing editor and associate editor-columnist in charge of the editorial page. When the Citizen closed in 2009, Mark went to work as senior press advisor and later as communications director for Congresswoman Gabrielle Giffords. When she resigned in 2012, Mark became communications director for her successor, Congressman Ron Barber. Mark and his wife, Jennifer Boice, live in Tucson.

Damien R. Meyer – Democrat – Maricopa County

Former Governor Jan Brewer appointed Damien R. Meyer to the Citizens Clean Elections Commission to serve a term ending January 31, 2019. Damien R. Meyer is an experienced commercial litigation attorney. Damien has extensive experience in representing both individuals and businesses including banks, contractors, landlords, real estate developers, aviation companies, entrepreneurs, and health care companies in all areas of their business including contractual analysis and disputes, collection and payment disputes, commercial tort liability, provisional remedies and negotiation of pre-litigation disputes to avoid formal litigation. He also has extensive experience in representing clients in formal litigation in Arizona State and Federal courts, the Arizona Court of Appeals, in private arbitrations and before several state administrative agencies. Mr. Meyer, his wife and two children currently reside in Phoenix.

Commissioner Biographies

Steve M. Titla – Democrat - Gila County

Former Senate Democratic Leader Leah Landrum Taylor appointed Steve M. Titla in July 2013 to the Citizens Clean Elections Commission. Mr. Titla is a partner in the Titla & Parsi law firm and is admitted to practice law both in Arizona and on the San Carlos Apache Reservation. The firm represents the San Carlos Apache Tribe as special counsel and has also served as legal counsel for the election boards of the San Carlos Apache and San Juan Southern Paiute Tribes. Previously, Mr. Titla was an attorney with the Navajo Nation Department of Justice and has served as president of the National Native American Bar Association. In addition to a B.S. and J.D. from Arizona State University, Mr. Titla earned an M.B.A. from the University of Phoenix. From 1974-76 Mr. Titla served in the U.S. Marine Corps, leaving with an honorable discharge. He also served in the Arizona National Guard until his honorable discharge in 1980. Mr. Titla's term on the Citizens Clean Elections Commission expires in January of 2018.

Galen D. Paton – Republican – Pima County

Governor Doug Ducey appointed Galen D. Paton, a Republican, to the Citizens Clean Elections Commission for a 5-year term expiring January 31, 2021. Commissioner Paton obtained his Master of Arts in Physical Education from the Southern Methodist University in Dallas, Texas. He has had a long and rewarding career coaching high school and college softball, volleyball and basketball teams in the southwest. In 2005, he led Sabino High School to the Arizona 4A State Championship and a No. 4 ranking in the country. The Arizona Coaches Association along with the National Fastpitch Coaches Association crowned Mr. Paton 2005 coach of the year. Mr. Paton retired from coaching in 2010 and is a current member of the Realty Executives Tucson Elite group. He resides in Tucson with his wife.

Commissioner Biographies

Amy B. Chan – Republican – Maricopa County

Senate Democratic Leader Katie Hobbs appointed Amy B. Chan, a Republican, to the Citizens Clean Elections Commission for a 5-year term expiring January 31, 2022.

Amy B. Chan was admitted to the State Bar in 1999. Initially she worked as an immigration attorney, helping people obtain immigration benefits through the administrative and immigration court process. In 2001 she began work as a legislative research analyst for the House Judiciary Committee. She was an Administrative Law Judge for the Corporation Commission from 2005-2006 and then returned to the legislature as Policy Advisor and Counsel to the Majority for the State Senate. In 2009 Secretary of State Ken Bennett appointed her State Election Director. She served in that capacity until 2013, when she left to spend more time with her growing family. She and her husband Keith have two sons and live in Phoenix.



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2 **ATTORNEY GENERAL**

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12 *Arizona Attorney General and State of Arizona*

13 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

14 **IN AND FOR THE COUNTY OF MARICOPA**

15
16 KATIE HOBBS, in her official capacity as
17 Secretary of State of Arizona,

18 Plaintiff,

19 and

20 MARK BRNOVICH, in his official capacity
21 as Arizona Attorney General; STATE OF
22 ARIZONA, a body politic,

23 Defendants
24
25
26

Case No: CV2022-001546

**STATE’S RESPONSE OPPOSING
PLAINTIFF’S MOTION FOR A
PRELIMINARY INJUNCTION**

**Oral Argument: February 23, 2022 at
11:00am**

(Assigned to the Hon. Joan Sinclair)

INTRODUCTION

After supporting legislation (“S.B. 1107”) *a year ago* that allows 2022 legislative and congressional candidates to obtain signatures from eligible voters based on the 2020 and 2022 maps, Secretary of State Katie Hobbs (“Secretary”) recently realized that the statewide voter registration system (“AVID”) cannot simultaneously handle two maps, and this system is necessary for operation of the online signature-gathering system (“E-Qual”). Instead, AVID can only replace the 2020 information with the 2022 information. According to the Secretary, this lack of functionality will create a time crunch for county recorders to upload 2022 data into AVID, and when they do, it will replace the 2020 data.

In her Motion for Preliminary Injunction (“PI Motion”), the Secretary seeks to leverage the inability of AVID to handle two maps to ask *this Court* to bless her shutting down the system entirely for the last *three to four weeks* of the signature-gathering period. In other words, whatever necessary maintenance must be performed due to the inability to handle two maps, what the Secretary is asking for here is to be able to accelerate that maintenance up to the signature-gathering period and to be able to shut down the signature gathering period for an extended period of time while this happens.

The Court should reject the Secretary’s PI Motion for a number of reasons. To begin, Arizona law bars the issuance of an injunction “[t]o prevent enforcement of a public statute by officers of the law for the public benefit” or “[t]o prevent the exercise of a public or private office in a lawful manner by the person in possession.” A.R.S. § 12-1802(4), (6). But that is exactly what the Secretary would have the Court do here. She also lacks standing to seek a preliminary injunction based on hardships she claims will be imposed on county recorders, who are not party to this action. She does not have standing to assert their claims.

The Secretary’s sole legal argument—that the Court cannot interpret Arizona law as preventing her from taking down E-Qual for the last *three to four weeks* of the signing period—

1 fails badly.¹ The Secretary repeatedly admits that she has a statutory duty under A.R.S. § 16-
2 316 and -318 to provide legislative and congressional candidates an online platform to collect
3 signatures for their nominating petitions, which is a vital tool for candidates to access the ballot.
4 For the 2022 election cycle, candidates have until April 4, 2022 to collect the requisite number
5 of signatures to appear on the primary election ballot in August of 2022. But the Secretary plans
6 to take E-Qual “offline” in “early March” and her *2022 Candidate Redistricting Guide –*
7 *Updated January 11, 2022* sets the date as March 5. The Secretary bogs down the PI Motion
8 with technical details, but the reality is she is seeking advance judicial blessing to deprive
9 candidates of a functioning E-Qual system during the final *four weeks* of signature gathering.

10 As to the remaining factors for an injunction, the Secretary cannot establish that she, as
11 Secretary, will suffer irreparable harm if the State and AG are not enjoined from requiring her to
12 do what she is already doing. Nor can the Secretary show any harm from waiting until after
13 April 4 to perform maintenance, which allegedly will affect two elections in two counties, will
14 outweigh the harm to the State and candidates from shutting down the E-Qual system statewide
15 for the final weeks of the signature-gathering period. Finally, the Secretary cannot show that
16 preemptively enjoining the State and AG from enforcing Arizona law will further the public
17 interest in the slightest (to the contrary, it would cause significant public harm). The Secretary
18 is also barred by estoppel and the *Purcell* doctrine from obtaining equitable relief.

19 **FACTUAL BACKGROUND**

20 **I. E-Qual Started As A Pilot Program In 2011 And Became Mandatory In 2014.**

21 Over a decade ago, the Legislature authorized the Secretary of State to administer a pilot
22 program to allow candidates to collect nominating petition signatures online by adding the
23 following provision to A.R.S. § 16-314: “[T]he secretary of state *may* establish a method for
24 registered voters to sign a nomination petition and a citizens clean elections five dollar donation
25 qualification form for a candidate by way of a secure internet portal for petitions for statewide
26

¹ The Secretary should not be permitted to make new arguments or submit new evidence with her reply brief.

1 and legislative offices.” 2010 Ariz. Legis. Serv. Ch. 284 (S.B. 1422) (emphasis added).

2 After a successful pilot program, the Legislature enacted A.R.S. § 16-316 in 2014, which
3 provides as follows:

4 A. Notwithstanding any other statute in this title, the secretary of state *shall* provide a
5 system for qualified electors to sign a nomination petition and to sign and submit a
6 citizens clean elections five dollar contribution qualification form for a candidate by way
of a secure internet portal. . . .

7 B. This section applies only to candidates for statewide and legislative offices.

8 2014 Ariz. Legis. Serv. Ch. 45 (H.B. 2107) (emphasis added).

9 The statute was amended in 2016 to expand E-Qual to apply to “candidates for the office
10 of the United States senator or representative in congress.” See A.R.S. § 16-318. As of May
11 2020, E-Qual became fully functional for candidates collecting signatures for federal, statewide,
12 legislative, municipal, county, and precinct committee offices.²

13 **II. Statutory Provisions Outline the Candidate Nominating Process with a Statutory**
14 **Deadline of April 4, 2022 to Submit Nominating Papers and Petitions.**

15 Before a candidate may begin collecting signatures on nominating petitions, a candidate
16 must file a statement of interest. A.R.S. §§ 16-311(H), - 341(I). Once the candidate files a
17 statement of interest with the Secretary of State for federal, statewide, or legislative offices,
18 candidates may begin collecting petition signatures on E-Qual.³ Between 150 days and 120
19 days before an election, “traditional” candidates for the primary ballot must file nominating
20 papers and nominating petitions with the filing officer. A.R.S. §§ 16-311(A), -314(A). In 2022,
21 the earliest a “traditional” candidate may file is March 5, 2022 and the latest is 5:00 p.m. on
22 April 4, 2022.⁴ For “participating” candidates, they may begin filing as early as January 1, 2022.

23
24 ² See <https://azsos.gov/about-office/media-center/press-releases/1175>. This court may take
25 judicial notice of records that are publicly available on government websites. See Ariz. R. Evid.
26 201; *Pederson v. Bennett*, 230 Ariz. 556, 559, ¶ 15 (2012).

³ *Running for Public Office – A Candidate Guide*, Secretary of State’s Office, February 21,
2020, at 10, available at [https://azsos.gov/sites/default/files/2.21.2020_Running_for_Office
%20Handbook.pdf](https://azsos.gov/sites/default/files/2.21.2020_Running_for_Office%20Handbook.pdf).

⁴ <https://azsos.gov/elections/elections-calendar-upcoming-events>.

1 *Id.*⁵ To appear on the ballot, a candidate must obtain a minimum number of signatures for the
2 office they are seeking, which can range from a few hundred to tens of thousands.⁶ *See* A.R.S. §
3 16-322(A).

4 For “participating” candidates who forgo private contributions and opt instead to use
5 funding from the Citizens Clean Elections Fund, in addition to the petition requirements, the
6 candidate must also obtain a minimum number of qualifying contributions. A.R.S. § 16-950(D).
7 Candidates may also use E-Qual to collect qualifying contributions. A.R.S. § 16-316(A).

8 Once nominating papers and petitions are submitted to the filing officer, the filing officer
9 confirms the candidate completed all of the necessary forms, submitted at least the bare
10 minimum number of signatures, met the statutory deadline for filing, is not seeking more than
11 one office at the same time, and is not currently financially liable for campaign finance
12 violations.⁷

13 Unless nominating papers or petitions are facially inadequate, the filing officer must
14 accept the materials as submitted. *See Sims Printing Co. v. Frohmiller*, 47 Ariz. 561, 568
15 (1936). Any elector, however, may file a court action challenging the nomination of a
16 candidate, specifying the “petition number, line number and basis for the challenge for each
17 signature being challenged.” A.R.S. § 16-351(A). Once a challenge is made, the county
18 recorder or other officer in charge of elections (“Recorder”) is obligated to perform petition
19 signature verifications, but is only required to look at challenged signatures. A.R.S. § 16-
20 351(E); *see also McKenna v. Soto*, 250 Ariz. 469 (2021) (“The Recorder... is not obligated to
21

22 ⁵ A “traditional” candidate is one who is not participating in the Clean Funding program and
23 raise private funds. A “participating” candidate is a candidate who is participating in the Clean
24 Funding program to receive funding from the Citizens Clean Election Fund, and forgo private
25 donations. *See* <https://www.azcleelections.gov/run-for-office> (last accessed February 9,
26 2022).

⁶ <https://azsos.gov/elections/running-office> (last accessed Feb. 15, 2022).

⁷ *Cf.* Arizona Secretary of State, *2019 Elections Procedures Manual*, Dec. 19, 2019, at 109, 119,
available at [https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES
MANUAL_APPROVED.pdf](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf). There is no Election Procedures Manual currently in effect in
Arizona for the 2022 elections.

1 search for defects other than those asserted by the challenger.” (cleaned up)).

2 Because redistricting occurred in the middle of the petition gathering process for
3 candidates running for office in 2022, the Legislature passed a safe-harbor bill allowing
4 candidates to collect signatures in the candidate’s district as used in the 2020 election, in a
5 redistricting plan adopted by the 2021 independent redistricting commission, or in a redistricting
6 plan ordered for use in the 2022 election by a court of competent jurisdiction. 2021 Ariz. Legis.
7 Serv. Ch. 155 (S.B. 1107). Accordingly, in any challenge alleging a specific elector does not
8 reside in the candidate’s district, Recorders will necessarily have to review both the old and new
9 district boundaries to confirm the elector’s eligibility to sign a particular petition, and that is true
10 regardless of whether the Secretary takes E-Qual down to update the boundaries.

11 Challengers have ten business days after nominating paperwork is due to file an action
12 challenging nominating petition signatures, and the court has ten days from the date of filing to
13 hold a hearing and render a decision. A.R.S. § 16-351(A). Based on the statutory deadlines, the
14 challenge and trial court decision period in 2022 will end on or around April 28.

15 **III. The Secretary Failed to Anticipate the Impact of Redistricting on E-Qual, But the**
16 **March and May Local Elections Are No Reason To Shutter E-Qual Before April 4.**

17 **A. The Evidence Strongly Supports That The Secretary Failed To Prepare For**
18 **E-Qual Needing To Accommodate Two Maps Simultaneously.**

19 Redistricting is not new, nor is the issue of legislative and congressional candidates
20 needing to collect signatures in the first cycle following the adoption of new maps. In 2012, the
21 Legislature passed a safe-harbor bill allowing candidates to collect signatures from the old
22 (2010) or new (2012) districts for the 2012 cycle. 2011 Ariz. Leg. Serv. Ch. 332 §30 (H.B.
23 2304). In early 2021, the Legislature again adopted a safe-harbor bill (S.B. 1107), allowing
24 candidates to collect signatures from the old (2020) or new (2022) districts for the 2022 cycle,
25 which the Secretary of State expressly supported. Exh. F attached to Decl. of Jennifer Wright
26 (“Wright Decl.”) (attached hereto as Exh. 1). The Secretary did not raise any technological
impossibility arguments at the Legislature regarding E-Qual accommodating two maps

1 simultaneously. Wright Decl. ¶12.

2 Ten months then elapsed. In Late December, the Secretary published the *2022 Candidate*
3 *Redistricting Guide* (“December Guide”). Secretary of State, *2022 Candidate Redistricting*
4 *Guide*, Dec. 29, 2021 (Wright Decl. Exh. B). Nothing in the December Guide suggested that
5 candidates must select their old LD to participate in E-Qual; in fact, it stated “[i]f a candidate
6 running for Congressional or State Legislative office is redistricted, the candidate should update
7 their district in Candidate Portal to the 2022 district as soon as possible[,]” suggesting the
8 system was in fact designed to accommodate the new LD boundaries. *Id.* at 9. The December
9 Guide also unequivocally stated, “E-Qual will allow voters to sign for candidates **throughout**
10 **the filing process.**” *Id.* at 4 (emphasis added). Nothing in the 18-page December Guide hinted
11 or suggested that E-Qual would need to go offline—let alone for **three to four weeks**—during
12 the final critical weeks of signature gathering. *Id.*

13 Following AIRC’s certification to the Secretary of new legislative and congressional
14 maps in December 2021, *see* Ariz. Const. art. IV, pt. 2, § 1(17), candidates began submitting
15 statements of interest to run in the newly formed districts. *See* Jeremy Duda, Ariz. Mirror,
16 *Secretary of State’s online signature-gathering system breaks after redistricting*, Jan. 5, 2022
17 6:30a.m., (“Mirror Article”, Wright Decl. Exh. A). Representative Jake Hoffman, currently
18 representing LD 12, reportedly filed to run in the newly formed LD 15 on December 28. *Id.*
19 After being contacted by the *Arizona Mirror*, Rep. Hoffman discovered that between December
20 28 and January 5, he only obtained one signature on E-Qual from a voter living 50 miles outside
21 of the new LD 15, but squarely within the old LD 15. *Id.* When questioned about Hoffman’s E-
22 Qual petitions accepting signatures from voters in the old LD, the Secretary’s Office indicated
23 that E-Qual was not designed to accept signatures from voters living in the new district and
24 “would require essentially a brand new system to be created.” *Id.*

25 Just six days after the Mirror Article, which the Secretary characterizes as
26 “misinformation about E-Qual” (PI Motion at 9), the Secretary did an about face and published
the *2022 Candidate Redistricting Guide – Updated January 11, 2022* (“January Guide”),

1 warning for the first time that candidates should “plan on E-Qual no longer being available for
2 Congressional and Legislative candidates beginning on [March 5], and likely through the
3 remainder of the filing period.” Wright Decl., Exh. C at 4. These major changes to the
4 Secretary’s December guide suggests the decision to take E-Qual offline was made only after
5 the E-Qual issues came to light.

6 In a January 11, 2022 email to candidates, the Secretary encouraged them to “select your
7 district based on the 2020 maps” and “[i]f you have already designated your 2022 district, you
8 may use the ‘Change District’ function to update to your 2020 district.” PI Motion Exh. 1 at 1.
9 Thus, rather than allowing candidates to collect signatures in either the 2020 or 2022 districts, E-
10 Qual can be used to collect signatures in a candidate’s 2020 district, which while sub-optimal, at
11 least allows candidates to continue collecting signatures through the signature gathering period.
12 But then on top of this, the Secretary now asks to take E-Qual down completely.

13 **B. Special Elections Do Not Require Taking Down E-Qual Before April 4.**

14 The Secretary’s purported justification for taking down E-Qual during the critical final
15 weeks of candidate signature-gathering—accommodating the March and May consolidated
16 election dates—falls apart under even the slightest scrutiny. The Arizona Legislature enacted
17 A.R.S. §16-204 to require all elections to be held on consolidated election dates in March, May,
18 August, or November. There is a gap between April 4 (when nominating petitions are due for
19 the August primary elections) and April 20 (when early ballots are mailed for the May election).
20 The Secretary never explains why the maintenance cannot be performed during this period, or
21 any other period following April 4—as is her burden as the party seeking the preliminary
22 injunction.

23 **1. March 8, 2022 Jurisdictional Elections Are Underway**

24 The March election period is currently underway, with four jurisdictions holding all-mail
25 ballot elections in four different counties: City of Douglas (Cochise County), City of Tempe
26 (Maricopa County), Timberland Acres Special Road District (Navajo County), and Town of
Dewey-Humboldt (Yavapai County). As these are all jurisdictional elections, counties *may*

1 administer the election through an intergovernmental agreement, but are not required to do so.
2 A.R.S. §16-205(C). All four of these elections are all-mail ballot elections so voting is not
3 precinct-based; rather, the jurisdiction must establish a centralized ballot-replacement center.
4 A.R.S. §16-558.02. For Maricopa County, there is one ballot replacement center for the Tempe
5 election. Ballots of military and overseas voters (known as “UOCAVA” voters) were mailed or
6 delivered electronically on January 22, early voting began/ballots were mailed February 9, and
7 the last day to vote is March 8. *See* A.R.S. §§16-543(A), -542(D), -544(F), -204(F)(1).⁸

8 **2. May 17, 2022 Jurisdictional Elections**

9 Based on a review of all county elections websites, there are two jurisdictions holding
10 elections in two different counties in May 2022. The City of Litchfield Park⁹ is holding a
11 special election administered by Maricopa County.¹⁰ If necessary, Maricopa County will
12 administer an all-mail ballot run-off election for Tempe. Coconino County Community College
13 District is holding a special election under A.R.S. §42-17056 administered by Coconino County
14 through an intergovernmental agreement.¹¹ Ballots for UOCAVA voters will need to be mailed
15 or delivered electronically on April 2, early ballots will be mailed starting April 20, and the last
16 day to vote is May 17.¹² *See* A.R.S. §§16-543(A), -542(A),(C), -544(F), -204(F)(2).¹³

17 According to County Recorder Patty Hansen, “precincts determine the number of ballot
18 styles, candidate names’ rotation, election results reporting, voter registration statistics, and
19 number of precinct committee members.” PI Motion, Exh. B at ¶ 7. In reality, there are no
20

21 ⁸ *See also* <https://www.azcleanelections.gov/voting>.

22 ⁹ Currently, the entire City of Litchfield Park is contained within the voting precinct of Wigwam
23 in Maricopa County and has only one voting location. Compare with
24 https://recorder.maricopa.gov/Maps2/Voting_Precincts/Current/P0730.pdf
<https://www.litchfield-park.org/ImageRepository/Document?documentID=8111>.

25 ¹⁰ *See* <https://recorder.maricopa.gov/elections/electioncalendar.aspx>.

26 ¹¹ *See* <https://www.coconino.az.gov/195/Elections>.

¹² According to reports for the 2020 November General Election, Coconino County mailed only
102 ballots to UOCAVA voters. *See EAVS Datasets Version 1.1 (Released October 8, 2021)*
available at <https://www.eac.gov/research-and-data/datasets-codebooks-and-surveys>.

¹³ *See also* <https://recorder.maricopa.gov/elections/electioncalendar.aspx>.

1 district or precinct related issues on Coconino County’s May 2022 ballot; instead all county
2 voters will consider just one ballot proposition.¹⁴ Similarly, all ballots for the City of Litchfield
3 Park will pose the same issues to all voters¹⁵ and if the City of Tempe requires a run-off
4 election, the candidates run citywide, not by geographic district.¹⁶

5 Although a handful of UOCAVA ballots must be mailed by April 2 (the majority of
6 which will be delivered electronically), the first day to mail ballots to all other electors is April
7 20. And, as identified in §II, nominating petitions are due April 4. Accordingly, there is a gap
8 between April 4 and April 20 when nominating petitions are due and early ballots must be
9 mailed. The Secretary never explains why the maintenance cannot be performed then.

10 **3. August 2, 2022 Statewide Primary Election**

11 After completion of the jurisdictional elections in May, 2022, the next election is the
12 Statewide Primary scheduled for August 2, 2022. *See* A.R.S. § 16-201. Prior to the Statewide
13 Primary, all counties must incorporate the map approved by the 2021 Arizona Independent
14 Redistricting Commission (“AIRC”) as voters will be nominating political party candidates in
15 the legislative or congressional districts adopted by the AIRC – and every aspect of voting –
16 from where to vote to who a voter is eligible to vote for – will depend on the new district
17 boundaries. Ballots for UOCAVA voters will need to be mailed or delivered electronically on
18 June 18, early voting will begin/ballots will be mailed on July 6, and the last day to vote is
19 August 2. *See* A.R.S. §§ 16-543(A), -542(A),(C), -544(F), -201.

20 **IV. The AG Advises the Secretary that Taking Down E-Qual During The Signature- 21 Gathering Period (i.e., Before April 4) Will Violate Arizona Law.**

22 After candidates started trying to collect signatures using E-Qual with the new district
23 numbers, the Attorney General’s Office (“AGO”) began receiving concerns from elected
24

25 ¹⁴ *See* [https://www.coconino.edu/resources/files/pdfs/presidents-office/12082021-dgb-regular-](https://www.coconino.edu/resources/files/pdfs/presidents-office/12082021-dgb-regular-minutes.pdf)
26 [minutes.pdf](https://www.coconino.edu/resources/files/pdfs/presidents-office/12082021-dgb-regular-minutes.pdf) at 3 (last accessed Feb. 11, 2022).

¹⁵ *See* <http://www.litchfield-park.org/ArchiveCenter/ViewFile/Item/4720>.

¹⁶ *See* [https://www.tempe.gov/government/city-clerk-s-office/meet-your-city-council-](https://www.tempe.gov/government/city-clerk-s-office/meet-your-city-council-candidates)
[candidates](https://www.tempe.gov/government/city-clerk-s-office/meet-your-city-council-candidates).

1 officials and candidates that E-Qual was not working as expected. *See* Wright Decl. at ¶ 5. A
2 few days later, elected officials and candidates notified AGO that the Secretary’s Office had
3 notified candidates that E-Qual would be taken offline on or around March 5 through the end of
4 the statutory filing period, April 4. Wright Decl. at ¶ 6. AGO thereafter notified the Secretary
5 that taking E-Qual offline would be “contrary to the law” and that she should “take all steps
6 necessary to continue the E-Qual system *during the remainder of the candidate filing period*[.]”
7 *See* Wright Decl., Exh. D (emphasis added). The Secretary filed this action as a result.

8 **ARGUMENT**

9 **I. The Court Lacks Jurisdiction To Issue The Requested Preliminary Injunction.**

10 The Court lacks jurisdiction to issue a preliminary injunction preventing the State,
11 through the AG, from investigating and enforcing violations of Arizona election law. Under
12 Arizona law, courts may not issue an injunction “[t]o prevent enforcement of a public statute by
13 officers of the law for the public benefit” or “[t]o prevent the exercise of a public or private
14 office in a lawful manner by the person in possession.” A.R.S. § 12-1802(4),(6). The “obvious
15 purpose” of those provisions is “to prevent interference by the judicial branch of the government
16 with the enforcement of laws by the executive branch through the use of the power of
17 injunction.” *Hislop v. Rodgers*, 54 Ariz. 101, 113 (1939).

18 The Secretary does not dispute that the Legislature has provided the AG, in the exercise
19 of his public office, with statutory authority to enforce provisions of Arizona election law
20 contained in Title 16 of the Arizona Revised Statutes. *See* A.R.S. § 16-1021 (“In any election
21 for state office, members of the legislature, justices of the supreme court, judges of the court of
22 appeals or statewide initiative or referendum the attorney general may enforce the provisions of
23 this title through civil and criminal actions.”). The Secretary repeatedly admits, including
24 through her own declarant, that Title 16, specifically §§ 16-316 and -318, “requires the
25 Secretary of State to provide a system for qualified electors to sign nomination petitions for
26 federal, statewide, legislative, county, city/town, and precinct committeeman candidates through
a secure internet portal.” PI Motion Exh. A ¶ 2. The Secretary does not dispute that statutory

provisions granting ballot access through electronic signature collection are public statutes for the public benefit. Thus, enjoining the AG as requested would violate § 12-1802.

None of the judicially-created exceptions to §§ 12-1802(4) or (6) apply here. As to § 12-1802(4), the Secretary does not argue that §§ 16-316 or -318 are unconstitutional or that the AG is exceeding his power to enforce those statutes under § 16-1021. Thus, the Secretary's requested injunction is barred under § 12-1802(4). *See Boruch v. State ex rel. Halikowski*, 242 Ariz. 611, 617 ¶ 18 (2017) (§ 12-1802(4) is only inapplicable when "the requesting party is seeking to enjoin conduct that goes beyond the officer's statutory power"). As to § 12-1802(6), the Secretary also has not alleged that the AG has acted arbitrarily or unreasonably. In fact, the AG has not acted at all, other than to send the Secretary a letter informing her that taking down E-Qual for the last four weeks of the candidate signature period would violate state law. The State's Chief Legal Officer does not act arbitrarily or capriciously when he informs other state officials that threatened future conduct would violate state law and may have legal consequences. To the contrary, such action is entirely appropriate to prevent a violation of the law from occurring. Preemptively enjoining the State, through the AG, from taking any further action—regardless of what hardships the Secretary believes would otherwise result—would violate § 12-1802 and the separation of powers principles inherent therein. *See State ex rel. Berger v. Myers*, 108 Ariz. 248, 249 (1972) ("It is not sufficient to clothe the court with jurisdiction to say simply that, unless the court extends its restraining hand, hardships will follow, or irreparable damage will ensue, because the officer delegated to execute such law may act unwisely or injuriously to the party seeking relief.").

II. The Secretary Fails To Satisfy The Factors For Granting A Preliminary Injunction.

To obtain a preliminary injunction, the Secretary must show: "(1) a strong likelihood of success at trial on the merits, (2) the possibility of irreparable injury not remediable by damages, (3) a balance of hardships in its favor, and (4) public policy favoring the injunction." *Apache Produce Imports, LLC v. Malena Produce, Inc.*, 247 Ariz. 160, 164 (App. 2019). The Secretary fails to satisfy any of these factors for granting a preliminary injunction.

1 **A. The Secretary Has Not Established A Likelihood Of Success.**

2 **1. The Secretary Lacks Standing To Request Injunctive Relief.**

3 The Secretary has not established standing here. To establish standing, “plaintiff must
4 have suffered from an injury in fact ... [that is] distinct and palpable such that the plaintiff has a
5 personal stake in the outcome of the controversy.” *Aegis of Arizona, L.L.C. v. Town of Marana*,
6 206 Ariz. 557, 562 ¶18 (App. 2003) (cleaned up). As a general rule, a party cannot establish
7 standing by asserting the rights of another. *See Town of Wickenburg v. State*, 115 Ariz. 465, 469
8 (App. 1977).

9 The Secretary does not allege that she will suffer a distinct or palpable injury if
10 required—as she claims to have done for the last three years—to maintain E-Qual through the
11 end of the signature gathering period (April 4) and perform the maintenance after that date.
12 Rather, she claims that certain non-parties—namely, the Coconino and Maricopa County
13 recorders—will be inconvenienced in updating AVID around their other duties unless permitted
14 to do so between early March and early April, regardless of whatever harm might befall those
15 seeking public office.

16 Whatever administrative inconvenience certain non-party county recorders might
17 experience from having to wait past the candidate signature deadline (April 4) does not confer
18 standing on the Secretary to challenge the statutory requirement that she maintain E-Qual. And
19 that administrative inconvenience is largely due to the Secretary maintaining a system that is
20 apparently unable to accommodate more than one set of maps at a time, which is going to be an
21 issue in 2022 regardless of when the system is taken down.

22 Moreover, if certain recorders are claiming that they fear enforcement by the Attorney
23 General, it would be up to them to assert their own rights. And the Secretary cannot claim to
24 have been injured by the AG’s letter simply informing her that she is statutorily required to
25 continue to maintain E-Qual at least through the end of the candidate signature period. *See*
26 *Thomas v. Anchorage Equal Rights Comm’n*, 220 F.3d 1134 (9th Cir. 1999) (“[N]either the

1 mere existence of a proscriptive statute nor a generalized threat of prosecution” establishes
2 Article 3 standing.).

3 **2. There Is No Legal Impossibility Preventing The Secretary From**
4 **Maintaining E-Qual Until After April 4.**

5 The Secretary admits to having a *mandatory duty* to “provide a system for qualified
6 electors to sign a nomination petition” for legislative and congressional candidates “by way of a
7 secure internet portal.” She argues, however, that the statutes imposing that duty should have a
8 different meaning for the four weeks between early March and early April 2022 because
9 interpreting the statute to require her to maintain E-Qual during the last four weeks of the
10 candidate signing period would result in an impossibility or absurdity. But the only absurdity at
11 issue here is the Secretary’s litigation position and timing. Indeed, the Secretary’s Own
12 December Guide stated, “E-Qual will allow voters to sign for candidates *throughout the filing*
13 *process.*” Wright Decl., Exh. B at 4 (emphasis added).

14 The Secretary provides no support for the proposition that a court’s legal interpretation of
15 statutory text can vary over time based on whether such interpretation will result in hardship to
16 non-parties. And no support exists for the proposition that statutory mandates ebb and flow
17 based on an elected official’s administrative abilities. Regardless, there is nothing impossible or
18 absurd about interpreting Arizona law to require the Secretary to continue to do what she claims
19 to have done since entering office three years ago—maintain E-Qual. In fact, not only is the
20 Secretary’s impossibility argument belied by the fact that she has maintained E-Qual for three
21 years now, it is directly contradictory to the statutory language. After all, the Legislature did not
22 just require the Secretary to maintain a secure internet portal, it required her to do so
23 “[n]otwithstanding any other statute in this title.” A.R.S. § 16-316 (emphasis added). The
24 Legislature was aware of the other statutory responsibilities county recorders have in general
25 election years, and yet it chose to use language making clear that the Secretary’s statutory
26 mandate applies nonetheless.

1 The Secretary misinterprets AGO’s letter to suggest “the Secretary can never temporarily
2 take E-Qual offline.” PI Motion at 10. In reality, AGO only objected to the Secretary taking E-
3 Qual offline “during the remainder of the candidate filing period” as it would “deprive
4 candidates of their statutory right to obtain online nomination signatures.” Wright Decl., Exh. D.

5 While the Court need not get bogged down with the facts underlying the Secretary’s
6 legally flawed argument, it bears noting that those facts do not support the Secretary’s premise.

7 **Signature Verification.** The Secretary claims that county recorders will be unable to
8 update their election systems after the candidate signature deadline because they will then have
9 to review candidate signatures. But updating the E-Qual system will not reduce the county’s
10 workload. Candidates are currently able to obtain signatures from 2020 districts using E-Qual
11 and 2020 and 2022 districts through paper signature. Even if county recorders are able to use E-
12 Qual to verify signatures submitted through E-Qual prior to revising the system to reflect 2022
13 districts (and the Secretary does not say this will be possible), county recorders will still be
14 required to manually verify any challenged paper signatures, which might derive from electors
15 in the old or new districts. As explained, county recorders will only be required to verify those
16 signatures actually challenged, and the Secretary submits no evidence as to the expected volume
17 of such challenges based on residence. But, in any event, county recorders can quickly verify
18 signatures challenged based on the residence of an elector manually by using the interactive
19 maps available on the AIRC website, which takes only a few seconds per address to review. *See*
20 Wright Decl. at ¶ 10. The Secretary’s argument that county recorders will be unable to confirm
21 signatures post-deadline without taking down E-Qual pre-deadline is a red herring.

22 **Jurisdictional Elections.** The Secretary also claims that county recorders will be unable
23 to make changes to AVID after the signature period because they will be administering
24 jurisdictional elections occurring in May. But, as explained, there are only two such elections,
25 one for Litchfield Park in Maricopa County and one for Coconino County Community Colleges
26 occurring in May; both elections are ballot measures common to all voters irrespective of

precinct or district boundaries. Even if AVID needed to be updated for these elections, early ballots are not required to be mailed out until April 20. Again, a red herring.

Voter Registration Reports. Under A.R.S. § 16-168, county recorders must create certain voter registration reports. Although county recorders must provide a count of “registered voters by political party by precinct, legislative district and congressional district” as of April 1, this moment-in-time report simply provides general voter registration statistics; there is nothing in the law requiring the statistics to reflect the 2022 boundaries. A.R.S. § 16-168(G)(1)(b). Further, the report is not due on April 1; county recorders must submit it “as soon as is practicable following [April 1]” to the Secretary. According to the Secretary’s *Draft 2021 Elections Procedures Manual*, April 1 marks the date to “[b]egin compiling county-provided April 1, 2022 Voter Registration Report.”¹⁷ Accordingly, there is nothing in the law that prevents the reports from being created after April 1, so long as it reflects voters registered on or before April 1, 2022. Ironically, the Secretary would create new work for county recorders as a means to establish that they are just too busy after the candidate signature period.

It is far from clear, therefore, that, factually speaking, county recorders cannot update AVID after the candidate signing period has ended, let alone that doing so is *impossible*.

B. The Secretary Will Not Suffer Irreparable Harm.

The Secretary asks the Court to enjoin the State, through the AG, from even contemplating enforcement of a duly-enacted, facially-valid, constitutionally-sound election law. As explained, however, she does not genuinely attempt to establish that being required to maintain E-Qual during the remaining candidate signature period will cause her harm, let alone irreparable harm. Instead, she claims that, unless E-Qual comes down in early March, certain county recorders may not be able to comply with all of their statutory requirements.

¹⁷ Arizona Secretary of State, *2021 Elections Procedures Manual – October 1, 2021 Submission* (“*Draft 2021 EPM*”), October 1, 2021, at A15, available at https://azsos.gov/sites/default/files/2021_EPM_October_1_Submission.pdf; see also Wright Decl., Exh. E.

1 The Secretary also claims that the AG’s letter informing her that taking E-Qual down
2 would violate Arizona law caused her irreparable harm, but in each case the Secretary relies
3 upon for that argument, the constitutionality of the underlying laws were challenged. In *City of*
4 *Glendale v. Betty*, the court noted that when a “plaintiff ... [is] threatened with being criminally
5 prosecuted ... under an ordinance null and void as in conflict with the Constitution of the state”
6 the court may issue an injunction; but the court ultimately found the ordinance was
7 constitutional and refused to enjoin enforcement. 45 Ariz. 327, 331-32 (1935). In *Cueviello v.*
8 *City of Vallejo*, an injunction was granted after the court determined the ordinance challenged
9 violated the first amendment and criminal sanctions would chill free speech rights. 944 F.3D
10 816, 833 (2019). The Secretary, therefore, cannot be irreparably harmed when advised that her
11 proposed course of action will violate a constitutionally-valid law. Furthermore, the Secretary
12 can avoid any harm by simply complying with the law and maintaining E-Qual through April 4.

13 **C. The Balance of the Equities And Public Interest Strongly Weigh Against**
14 **Taking Down E-Qual Statewide Before April 4.**

15 The Secretary requests the Court to enjoin the State from enforcing an important
16 provision of its election law ensuring ballot access to candidates for public office. It is well-
17 established that “a state suffers irreparable injury whenever an enactment of its people or their
18 representatives is enjoined.” *Coalition for Economic Equity v. Wilson*, 122 F.3d 718, 719 (9th
19 Cir. 1997). Undoubtedly, the State will suffer irreparable harm if it is unable, through the AG,
20 to enforce a duly-enacted election law. *See Abbott v. Perez*, 138 S. Ct. 2305, 2324 (2018) (an
21 “injunction[] barring the State from conducting this year’s elections pursuant to a statute enacted
22 by the Legislature . . . would seriously and irreparably harm the State”).

23 Not only will the Secretary’s requested injunction harm the State, it will harm prospective
24 candidates attempting to appear on the ballot in the primary and general elections. The
25 requested injunction would be imposed during the worst possible time for candidates, in the last
26 four weeks when they are making the final push to obtain as many signatures as possible.
Moreover, restricting E-Qual in the final three to four weeks of signature collection hurts

1 announced candidates, including the Secretary, the least, and it would likely preclude late
2 entrants. While the Secretary seems to suggest that only legislative and congressional
3 candidates may be impacted, 26 times in the PI Motion the Secretary mentions taking E-Qual
4 “offline” and not once does she say it will be a partial shutdown.

5 The requested injunction will also harm every citizen of Arizona who would prefer the
6 ease of signing candidate petitions online, rather than having to track down circulators or
7 candidates to provide a paper signature. The Secretary is no doubt cognizant of this harm given
8 that she has previously taken the position that, due to COVID, extending E-Qual beyond
9 candidate signatures to initiative signatures would serve the public interest. *See Second Chances*
10 *v. Hobbs*, 249 Ariz. 396, 428 ¶129 (2020) (Bolick, J., dissenting from the grant of jurisdiction).
11 Taking E-Qual down during the signing period could subject the State to legal challenge from
12 candidates or voters.

13 Finally, the Secretary is also barred by estoppel and the *Purcell* doctrine from obtaining
14 equitable relief. The Secretary’s own manual as late as December 29, 2021 said that the E-Qual
15 system would be available through the candidate filing period. Wright Decl., Exh. B at 4 (“E-
16 Qual will allow voters to sign for candidates *throughout the filing process.*”) (emphasis added).
17 Candidates and the public are able to rely on this official, written statement of an official with
18 authority. *See Valencia Energy Co. v. ADOR*, 191 Ariz. 565, 576 ¶35 (1998) (identifying
19 elements of estoppel). Moreover, the Secretary’s attempt to change the State’s election system
20 at this late date is barred under the *Purcell* doctrine, which prohibits courts from entering
21 injunctive relief changing a state’s election system close to the election. *See, e.g., Merrill v.*
22 *Milligan*, No. 21-1086, 2022 WL 354467, at *3 (U.S. Feb. 7, 2022) (Kavanaugh, J., concurring)
23 (“[T]he *Purcell* principle requires that we stay the District Court's injunction with respect to the
24 2022 elections.”).

25 CONCLUSION

26 The Secretary has failed to demonstrate that she is entitled to injunctive relief. The Court
should, therefore, deny the Secretary’s PI Motion.

1
2 RESPECTFULLY SUBMITTED this 17th day of February, 2022.

3
4 MARK BRNOVICH,
5 ATTORNEY GENERAL

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