



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

Location: Citizens Clean Elections Commission

1110 W. Washington, Suite 250

Phoenix, Arizona 85007

Date: Thursday, September 29, 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 September 29, 2022. This meeting will be held at 9:30 a.m. **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.

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 by telephone, video, or internet conferencing.

Join Zoom Meeting

<https://us02web.zoom.us/j/89152812240>

Meeting ID: 891 5281 2240

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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 Executive Director's Report, Enforcement and Regulatory Updates and Legislative Update.
- III. Discussion and Possible Action on Meeting Minutes for August 25, 2022 and September 8, 2022.
- IV. Discussion and Possible Action on Presentation by Thom Reilly, Director, Center for an Independent and Sustainable Democracy regarding the Center, Election Administration, and Independent Voters.
- V. Discussion and Possible Action on Rule Amendments to AAC R2-20-211, R2-20-220, R2-20-223 relating to Compliance and Enforcement Procedures.
- VI. 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
- VII. 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, 1110 W Washington St, #250, Phoenix, AZ 85007.

Dated this 27th day of September, 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.

**CITIZENS CLEAN ELECTIONS COMMISSION
EXECUTIVE DIRECTOR REPORT
September 29, 2022**

“DRAFT”

Announcements:

General Election Key Dates:

- Voter Registration Deadline: Tuesday, October 11th
- Early Voting Begins: Wednesday, October 12th
- Election Day: Tuesday, November 8th

The Voter Education Guide has begun arriving in mailboxes and is available online. 2,276,856 guides were mailed to voters, including UOCAVA. There are 15 statewide candidates and 137 legislative candidates.

Gina was listed on the Arizona Capitol Times 2022 Women Achievers as an Unsung Hero. The 2022 Women Achievers of Arizona celebrates the accomplishments of top women in numerous fields. Amidst a challenging year, these leaders persevered and excelled. Their collective work helps Arizonans today and prepares the state for a flourishing future. The Achievers will also be profiled in a special edition of the Arizona Capitol Times on November 4th.

Voter Education:

- Voters can find the debate schedule and submit questions at: <https://www.azcleelections.gov/arizona-elections/debate-information>. The Attorney General Debate is scheduled for Wednesday, August 28, Treasurer is October 3, and Governor is Oct. 12. The Corporation Commission, Superintendent of Public Instruction and Secretary of State debates have been completed and those videos are available at the link above, along with the legislative debates.
- Last week's Secretary of State debate was covered broadly by local media and national media including ABC News, CNN, Swiss Public Radio, and media from Germany. Gina gave a lengthy interview on the Clean Elections debate process with ABC News and Hulu, as a part of their [documentary series](#).
- The U.S. Senate debate is scheduled for Thursday, October 6th at 6pm.
 - The debate will air live from the Arizona PBS studios in Phoenix and will be broadcast live across dozens of local TV and radio stations across all corners of Arizona as well as on newspaper websites from around the state. Check your local listings to find a media partner near you.
 - The debate will be simulcast in Spanish with live audio translations. The debate will also include live American Sign Language interpreters for the

deaf and the hard of hearing community in addition to closed captioning services in both English and Spanish.

- For the first time, the Commission will host a virtual Meet the Candidates event on October 13th for Central Arizona Water Conservation District candidates. The event is free for the public and registration details are on the debates page. This event, held in partnership with the Arizona Center for Civic Leadership, provides an opportunity for voters to learn about the candidates running for seats on the board that manages the Central Arizona Project, the 336-mile long canal that brings water from the Colorado River to Central and Southern Arizona

The November 8, 2022 General Election ballot will have 5 seats open in Maricopa County for voters to consider.

The Central Arizona Water Conservation District is a multi-county conservation district that is managed by a 15-member board who are elected from the three-county service area made up of Maricopa, Pima, and Pinal counties. This government entity was created for the purposes of establishing the delivery of Central Arizona Project (CAP) water, repayment of CAP costs, and operation and maintenance of the CAP aqueduct. The board members serve alternating six years terms.

- Other voter education activities included: Alec updated the website with voting information for the November 8, General Election. Each county has their own detail page with information on early voting, election day voting, county contact information, what's on the ballot and more. Voters can also use the Clean Elections dashboard to find their customized voting information. Avery and Gina managed the ASL Voter Education guide project for the General Election. Gina appeared on Arizona Horizon to discuss the format for the gubernatorial Q&A scheduled for October 12th and the Commission's decision regarding the debate format.

Outreach:

- Avery, Alec and Gina led a community college campus "take-over" at Scottsdale Community College, Phoenix Community College and Mesa Community College to celebrate National Voter Registration Day.
- Avery will be a panelist in AARP's "Our Voices Decide" Virtual Town Hall
- Avery will be attending the 51st Congressional Black Caucus in Washington, D.C. to learn more about the legislative process
- Avery and Gina partnered with the Arizona Civic Coalition to celebrate Civics Week by filming story telling and auto biographies from civic leaders and participating in a Civic Speed Dating Session to inform Arizona educators about the resources available from Clean Elections.
- Avery was interviewed by Native Talk on KRDP to discuss civic engagement by Native Americans. Tom will be participating in AZTV's Before You Vote with Mike

Broomhead series, providing information about initiatives and referendums. The show airs on Sundays, let us know if you would details on this episode.

- Gina will host the final day of the Flinn-Brown Civic Leadership Academy as the theme is Civic Participation. Gina will present on Arizona voter data and lead a panel discussion on civic engagement through the lens of technology.
- Gina will be hosting a delegation of three women members of parliament from the Democratic Republic of the Congo as part of the [U.S. Department of State's Summit for Democracy](#) program, through Global Ties Arizona. The State Department expressed interest in the group meeting with representatives of organizations that support civic engagement and the discussion will focus on women in office and running for office.
- Tom and Gina participated in the Secretary of State's monthly communications meeting. Gina and Avery meet bi-monthly with The Inter-Tribal Council of Arizona (ITCA) for Native Vote Communications.
- Avery met with Susan Levy to discuss collaborating on civic projects with Native Health.
- Avery continues his participation with Mesa Community College's Civic Action Council, African American Legislative Council, and the Secretary of State's Voter Outreach Advisory Council, as well as attending Arizona Commission of African American Affairs meetings.
- Avery had a meeting with Xenia Orona, founder of Fuerte.org to discuss Clean Elections resources
- Gina and Avery continue to collaborate with the CE2 Committee/AZ Civic Coalition
- Avery had a conference call with Jen Sydow at Scottsdale Community College to discuss future collaborations
- Avery spoke with Chair of Civic Engagement Coalition, Anusha Natarajan, about partnering for an event in the Fall for ASU students
- Avery attended the Maryvale Youth Leadership Program Planning meeting to develop civic projects
- Avery presented to Maricopa County Community Colleges to kickoff Constitution Week

Administration and Enforcement

- **New Office Remaining Tenant Improvements**
Mike and Paula continue to work with the GSD Project Manager, various contractors and state contracted vendors to wrap up completion of the new office and boardroom. Tentative completion dates for tenant improvement for remaining office areas is December possibly longer depending on backordered equipment.
- **Candidates**
Total Number of Clean Elections General Candidates: 21
Legislative Clean Elections General Candidates: 16
Statewide Clean Elections General Candidates: 5

Audits

Audits have begun for the legislative Clean Elections candidates that did not move on to the general election as well as all statewide Clean Elections candidates.

Legal

- Legacy Foundation Action Fund v. Clean Elections
 - The Arizona Supreme Court will hold an oral argument on this case Nov. 15.
- The Power of Fives, LLC v. Clean Elections, CV2021-015826, Superior Court for Maricopa County
 - Pending.
- Election related lawsuits involving Arizona. There are multiple lawsuits now challenging HB2492 and HB2243, as well as SB1260.

Appointments

- No additional information at this time

Other Election Administration

- The 2022 Publicity Pamphlet with information on ballot measures and judicial performance was mailed to voters. The English version is available here: https://azsos.gov/sites/default/files/azsos_2022_publicity_pamphlet_standard_english_web_version.pdf.
- The Secretary of State's office will host "Town Hall" meetings on Zoom to educate the public about the General Election ballot propositions. The meetings are free. Three live virtual events in Maricopa, Pinal, and Pima county are scheduled during the first week of October. More information is available at this link: <https://azsos.gov/elections/ballot-measures/2022-ballot-measure-information>.
- Signatures were submitted Friday by an organization seeking to refer HB2853 to the ballot. The bill expands eligibility for Arizona's Empowerment Scholarship Accounts. The Secretary of State's office's review of the signatures is ongoing. However, referendum backers said Tuesday they did not expect the effort to survive the review. More here: <https://www.azmirror.com/blog/campaign-to-stop-az-universal-school-vouchers-expected-to-fall-short-on-signatures/>.
- A new report in Votebeat says that despite a spate of efforts aimed at curtailing or ending allowing voters to use drop boxes to return their early ballots, "data provided by multiple counties shows ballot drop boxes remain a popular voting option for all Arizonans, including in Republican-dominated areas." According to the report, in Yavapai County, "[a]bout 50% of voters used a ballot drop box to vote in this year's primary, up from 33% in the 2020 primary. In Yuma County, more than 20% of voters who cast a primary ballot did so at a drop box, and most of them were returning Republican ballots. In the 2020 primary, that number was

just under 16%.” The full report is here:

<https://arizona.votebeat.org/2022/9/22/23367781/ballot-drop-box-usage-2022-primary-yavapai-yuma>.

Enforcement

- MUR 21-01, TPOF, pending.
- MUR 22-01, Freedom’s Future Fund, pending.
- MUR 22-02, Orth, closed, no violation
- MUR 22-03, Young, closed, no violation
- MUR 22-04, Van Steenwyk, closed, no violation
- MUR 22-05, Sun, closed, no violation
- MUR 22-06, Andrade, closed, no violation

Regulatory Agenda

The Commission may conduct a rulemaking even if the rulemaking is not included on the annual regulatory agenda.

The following information is provided as required by A.R.S. § 41-1021.02:

- Notice of Docket Opening: **TBD**
- Notice of Proposed Rulemaking: **TBD**
- Federal funds for proposed rulemaking: **None**
- Review of existing rules: **None pending**
- Notice of Final Rulemaking: **TBD**
- Rulemakings terminated in 2021: **None**
- Privatization option or nontraditional regulatory approach considered: **None**

Future rulemakings

R2-20-305 and R2-20-306 – ensure process for commission to review issues related to commissioner conflicts and related matters.

R2-20-211. R2-20-220, R2-20-223- clarify roles of executive director and other representatives of the commission in enforcement proceedings.

THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

August 25, 2022

9:30 a.m.

***Miller Certified Reporting, LLC
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Reported By:
Angela Furniss Miller, RPR
Certified Reporter (AZ 50127)

Miller Certified Reporting, LLC

<p style="text-align: right;">2</p> <p>1 PUBLIC MEETING, BEFORE THE CITIZENS CLEAN ELECTIONS 2 COMMISSION, convened at 9:30 a.m. on August 25, 2022, at 3 1400 West Washington Street, Conference Rooms 1-1102A and B, 4 in the presence of the following Board members: 5 Mr. Damien Meyer, Chairman (virtual) 6 Mr. Mark S. Kimble 7 Mr. Steve Titla (virtual) 8 Ms. Amy Chan 9 10 OTHERS PRESENT: 11 Thomas M. Collins, Executive Director 12 Paula Thomas, Executive Officer 13 Mike Becker, Policy Director 14 Gina Roberts, Voter Education Director 15 Avery Xola, Voter Education Specialist (virtual) 16 Alec Shaffer, Web Content Manager (virtual) 17 Kara Karlson, Assistant Attorney General (virtual) 18 Natalya Ter-Grigoryan, Richards and Moskowitz 19 (virtual) 20 Bill Richards, Richards and Moskowitz (virtual) 21 Charles Spies, Dickinson-Wright (virtual) 22 Jessica Brouckaert Bartlett, Dickinson-Wright 23 (virtual) 24 Cathy Herring, KCA 25 Rivko Knox, Member of the Public</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">3</p> <p>1 P R O C E E D I N G 2 3 CHAIRMAN MEYER: Good morning. I'm Damien Meyer, 4 Chair of the Citizens Clean Elections Commission for this 5 year. 6 Agenda Item Number I is call to order. It is 7 9:30 a.m. on August 25th, 2022, and I call this meeting of 8 the Citizens Clean Elections Commission to order. 9 I'd like the -- I'd like to ask the audience 10 members to please keep their microphones on mute. 11 And with that, we will take attendance. 12 Commissioners, please identify yourselves for the record. 13 COMMISSIONER KIMBLE: Commissioner Mark Kimble; I'm 14 present. 15 COMMISSIONER CHAN: Commissioner Amy Chan; here. 16 CHAIRMAN MEYER: And then Commissioner -- 17 Commissioners Paton and Titla are not -- not attending 18 today, correct, Tom? 19 MR. COLLINS: That -- 20 COMMISSIONER TITLA: I'm on the line. 21 MR. COLLINS: Oh. 22 COMMISSIONER CHAN: Oh. 23 CHAIRMAN MEYER: Sorry. 24 COMMISSIONER TITLA: This is Steve Titla. I'm on 25 the line.</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">4</p> <p>1 CHAIRMAN MEYER: Excellent. Okay. Commissioner 2 Titla is here. 3 Is Commissioner Paton on the phone? 4 MS. THOMAS: No. 5 CHAIRMAN MEYER: Okay. So just to clean up that 6 record, we have four of us are present: Commissioners Chan, 7 Kimble, Titla, and then me, Damien Meyer. 8 Second item on the agenda is discussion and 9 possible action on minutes for the July 28, 2022, meeting. 10 Does anyone have any comments or correction to the 11 minutes? 12 COMMISSIONER CHAN: Mr. Chairman? 13 CHAIRMAN MEYER: Yes, Commissioner Chan. 14 COMMISSIONER CHAN: I move that we approve the 15 minutes as written. 16 CHAIRMAN MEYER: We have a motion to approve. Is 17 there a second? 18 COMMISSIONER KIMBLE: This is a Commissioner 19 Kimble, I second. 20 CHAIRMAN MEYER: We have a motion to approve the 21 minutes. I'm going to -- we'll vote on that. I'm going to 22 call the roll. 23 I'll start with Commissioner Titla, how do you 24 vote? 25 COMMISSIONER TITLA: Aye.</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">5</p> <p>1 CHAIRMAN MEYER: Commissioner Chan. 2 COMMISSIONER CHAN: Aye. 3 CHAIRMAN MEYER: Commissioner Kimble. 4 COMMISSIONER KIMBLE: Aye. 5 CHAIRMAN MEYER: And Commissioner Meyer, and I vote 6 aye as well. 7 So the minutes have been approved unanimously. 8 Next we'll move right along to Item Number III on 9 the agenda, discussion and possible action on Executive 10 Director's report, enforcement and regulatory updates, and 11 legislative updates. 12 Tom, please -- the floor is yours, please let us 13 know what's happening. 14 MR. COLLINS: Okay. Thank you. 15 Mr. Chairman, Commissioners, thanks for being here, 16 all of you. We have obviously Commissioner Chan and 17 Commissioner Kimble here in our -- in this hearing room, 18 which is great. First time we've all been here for this 19 since I think 2020, February, something like that. So 20 that's pretty cool. 21 The -- so just to go through the Executive 22 Director's report then. We have -- the primary election was 23 canvassed on the 22nd; the turnout was 34.92 percent, which 24 is pretty high for a primary I think. Right? 25 Yeah.</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">6</p> <p>1 Is that record high? That is a record high for a</p> <p>2 midterm primary, so that was exciting.</p> <p>3 And we'll be coming in in the next, you know, few</p> <p>4 weeks on the voter registration deadline on early voting for</p> <p>5 the general election.</p> <p>6 Our legislative debates kick off this week and our</p> <p>7 statewide debates will begin in September. We have a</p> <p>8 schedule posted online.</p> <p>9 You know, a couple of things we're working on</p> <p>10 there. Friday we have a deadline for some candidates to</p> <p>11 RSVP to us for the debate. So we will be hoping to hear</p> <p>12 from them. That will give us some sense of where we are on</p> <p>13 the statewide debates.</p> <p>14 One issue we do want to -- we do want to kind of</p> <p>15 note briefly is, you know, we're working on -- been looking</p> <p>16 at the issue of scheduling, and in working through the</p> <p>17 schedule we did end up, our gubernatorial debate is</p> <p>18 currently scheduled to be on Yom Kippur. Now, we have had a</p> <p>19 discussion internally with our -- the folks we've been</p> <p>20 working with at PBS, the broadcast association, newspapers</p> <p>21 association. We -- the debate itself is going to begin</p> <p>22 right around sundown and then there's a lot more</p> <p>23 rebroadcasting and streaming opportunities and online</p> <p>24 opportunities than there have been in the past. So as -- as</p> <p>25 of this point we have not -- we're not going to -- we're</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">7</p> <p>1 not -- at this point we're not moving -- we have not moved</p> <p>2 the date.</p> <p>3 However, you know, obviously there's some</p> <p>4 considerations there and I want to make sure that you all</p> <p>5 are aware of where we are on that today.</p> <p>6 And we can return to that as well if anybody wants</p> <p>7 to talk about it, you know, as part of this report.</p> <p>8 You know, we have -- as you can see, Avery and Gina</p> <p>9 have been continuing to do a lot of outreach activities, you</p> <p>10 know, and I think that -- you know, I just want to say that,</p> <p>11 you know, with -- with the debates, the voter education</p> <p>12 guide, I should have noted was -- we are finalizing, you</p> <p>13 know, Avery and Gina and Alec, and -- and Mike and Paula</p> <p>14 have all been really -- been very busy and -- and -- but</p> <p>15 continuing to be accessible to people around the state when</p> <p>16 they have questions and when they are -- need information on</p> <p>17 voting and the like.</p> <p>18 So, you know, but it -- this is -- you know,</p> <p>19 basically June and August are kind of crunch time for -- for</p> <p>20 our work, which is a little bit different than maybe the</p> <p>21 rest of the election community, but certainly it's a busy</p> <p>22 time of year.</p> <p>23 We are -- Mike Hollar (phonetic) is continuing to</p> <p>24 work on our -- getting us installed in our new offices which</p> <p>25 are down the street from here. If anybody ever wants to</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">8</p> <p>1 visit, they're the -- in what we used to think of as the</p> <p>2 DEQ, I think they now call the Natural Resources Building.</p> <p>3 It's 1110 West Washington.</p> <p>4 And I've been in there pretty much, I don't know,</p> <p>5 three -- three days a week for the last few weeks and it's</p> <p>6 been -- it's been great. It's a -- it's a nice facility; it</p> <p>7 really is.</p> <p>8 You can see the candidates -- Clean candidates who</p> <p>9 have moved on to the general election there and as well as</p> <p>10 the participating candidate numbers, and we've begun the</p> <p>11 auditing.</p> <p>12 Couple of quick other notes, so -- and -- and I</p> <p>13 don't mean to go on so long, but we are still waiting as of</p> <p>14 this -- so as noted there, this Legacy Foundation Action</p> <p>15 Fund case which is an enforcement matter that has been</p> <p>16 around since 2014, is now at the State Supreme Court. They</p> <p>17 had a conference on the 23rd, the results of that conference</p> <p>18 have not entirely been published as of an hour ago, and I</p> <p>19 haven't gotten a chance to go back.</p> <p>20 So we don't know if -- that -- that is Legacy</p> <p>21 Foundation's petition for review and we filed a response</p> <p>22 back in May; and so, you know, this week happens to be the</p> <p>23 State Supreme Court's very long agenda, they come back from</p> <p>24 the summer break, they do rules, they do a ton of motions;</p> <p>25 the petitions calendar is very long, so taking a couple days</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">9</p> <p>1 to get that out is not that -- it's not extremely</p> <p>2 extraordinary. But if we find out in the course of this</p> <p>3 meeting, I -- we'll -- we'll let you know.</p> <p>4 We did have a story in the Republic recently I</p> <p>5 think many of you ended up quoted on -- I think all of you</p> <p>6 ended up quoted on regarding the appointment process for the</p> <p>7 Commission.</p> <p>8 We are -- the ballot initiatives we know now -- now</p> <p>9 know that it appears that the Voters Rights of No Initiative</p> <p>10 will be on the ballot; the Predatory Debt Collection</p> <p>11 Protection Act I believe will be on the ballot; I think</p> <p>12 there's still not clear -- there's still court action</p> <p>13 remaining on the Arizonans For Free and Fair Elections.</p> <p>14 Then I think that's kind of it.</p> <p>15 And the regulatory agenda -305 and -306 are on this</p> <p>16 agenda for public -- for potentially initiate public</p> <p>17 comment.</p> <p>18 So I think that kind of covers it.</p> <p>19 Gina, Mike, Paula, is there anything else we want</p> <p>20 to make sure we...</p> <p>21 MS. THOMAS: I think we're good.</p> <p>22 MR. COLLINS: Kara, anything else we need to...</p> <p>23 MS. KARLSON: Not for me, Tom.</p> <p>24 MR. COLLINS: Okay.</p> <p>25 Well, Commissioner Chairman, I would -- if you all</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">10</p> <p>1 have any questions, that sort of completes our report.</p> <p>2 CHAIRMAN MEYER: Thank you.</p> <p>3 Tom, I had a question on the primary turnout. I</p> <p>4 know that was a record high, it's still sort of</p> <p>5 disappointing to see only, you know, essentially a third of</p> <p>6 registered voters vote in that primary.</p> <p>7 Do we know, do Clean candidates tend to do well in</p> <p>8 their elections? Have we ever looked at that, like, what</p> <p>9 their percent -- record percentage is?</p> <p>10 MR. COLLINS: Sure. Mr. Chairman, Commissioners,</p> <p>11 you know, in this particular election we had Clean</p> <p>12 candidates for, you know, one of the -- I mean, one of the</p> <p>13 first times I think in recent past beat either incumbents or</p> <p>14 sort of what you might call -- or officeholders moving from</p> <p>15 the House to the Senate and the Senate to the House in a</p> <p>16 primary. That is something that I think relates to in part</p> <p>17 the tactical decisions that those candidates are making.</p> <p>18 Really -- really that's the main driver of this, right?</p> <p>19 So the candidates who are running successful</p> <p>20 campaigns in the public financing program in a primary,</p> <p>21 they're tending to use tactics that are focused I think -- I</p> <p>22 say this anecdotally -- that are more focused on grassroots</p> <p>23 canvassing perhaps than, you know, sort of the mailer-driven</p> <p>24 campaigns that might be more -- more popular with some</p> <p>25 incumbents or -- essentially incumbent legislators.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">11</p> <p>1 So we don't -- I don't think we have a precise</p> <p>2 number. I could do -- we could do a -- I think we could do</p> <p>3 a run through on -- on that; but I will say that it is -- it</p> <p>4 is -- the -- the conventional wisdom about the public</p> <p>5 financing program is that it does not provide sufficient</p> <p>6 funding to allow a person who is an outsider essentially to</p> <p>7 take on an incumbent who has that fundraising advantage and</p> <p>8 that -- and in so doing, you know, diminishes the --</p> <p>9 obviously the anticorruption impact of the -- of the</p> <p>10 program.</p> <p>11 This session -- this election, this primary season,</p> <p>12 especially on the Democratic side, that proved to be not a</p> <p>13 rule and I -- and so I think that that may allow for some</p> <p>14 review there.</p> <p>15 So we have a little bit of data I guess -- so to</p> <p>16 directly answer your question, we have a little bit of data</p> <p>17 from this election. That data looks different than what</p> <p>18 we've seen in the past, but we could do I think a -- you</p> <p>19 know, a more -- a broader look at that over time.</p> <p>20 CHAIRMAN MEYER: 'Cause I think that can be useful</p> <p>21 data as a way to -- I mean, as an education piece for</p> <p>22 candidates; and maybe, you know, people who may want to run</p> <p>23 for office that think I can't, you know, raise the money to</p> <p>24 do it and I can't win if I run Clean. If they see, you</p> <p>25 know, that Clean candidates are doing well and fair well,</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">12</p> <p>1 that that may promote more people to run. So I think that</p> <p>2 could be useful information.</p> <p>3 Then the other question I had on the primary</p> <p>4 turnout was, we do a ton of education, voter education work,</p> <p>5 and one of the things that we did this year that I observed</p> <p>6 and tried to Retweet and promote was, you know, letting</p> <p>7 those Independent voters know that they can vote in a</p> <p>8 primary if they request the ballot.</p> <p>9 Do we know of the, you know, approximately 1.5</p> <p>10 million voters, do we know how many of them were</p> <p>11 Independents and what our percentage of Independent</p> <p>12 registered voters were?</p> <p>13 And this might be more available on the Recorder's</p> <p>14 Office, I was just curious to see if that's something we've</p> <p>15 looked at to see how effective our education piece on that</p> <p>16 is.</p> <p>17 MR. COLLINS: Sure. Mr. Chairman, I think I would</p> <p>18 kind of refer to Gina, if...</p> <p>19 MS. THOMAS: One moment.</p> <p>20 MS. ROBERTS: Where?</p> <p>21 MS. THOMAS: To the right of Commissioner Chan.</p> <p>22 MS. ROBERTS: Oh, okay.</p> <p>23 CHAIRMAN MEYER: If we don't have this, I mean it's</p> <p>24 fine to sort of put this on next month's meeting agenda. I</p> <p>25 just think it's interesting for us to know internally some</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">13</p> <p>1 of this stuff.</p> <p>2 MS. ROBERTS: Sure. Mr. Chairman, Commissioners, I</p> <p>3 don't know the numbers for the full state, but I can tell</p> <p>4 you for Maricopa County Independent voter turnout was about</p> <p>5 14 percent, which is about average. So that --</p> <p>6 CHAIRMAN MEYER: It is average. Okay.</p> <p>7 MS. ROBERTS: Yes. It is on -- on par.</p> <p>8 And, again, Independent voters, you know, they are</p> <p>9 right up there as part of one of our main voting blocs in</p> <p>10 terms of numbers of registered voters. But, again, I don't</p> <p>11 have that total statewide, we do have to take a look at each</p> <p>12 county and look at the number of partisan ballots that were</p> <p>13 requested by Independents; but for Maricopa County, it was</p> <p>14 about 14 percent.</p> <p>15 CHAIRMAN MEYER: Thank you.</p> <p>16 Any of the other Commissioners have questions?</p> <p>17 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>18 CHAIRMAN MEYER: Commissioner Kimble.</p> <p>19 COMMISSIONER KIMBLE: To that last point, I -- I</p> <p>20 was going to bring that up, too.</p> <p>21 I worked as a poll worker in the election, and from</p> <p>22 my experience there and from numerous letters to the editor</p> <p>23 I've read in -- in various publications, there's still so</p> <p>24 much confusion about Independents.</p> <p>25 At the poll I was working I had, I don't know, more</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">14</p> <p>1 than a dozen Independents who came in, said you have to 2 choose a Democrat, Republican, Libertarian ballot -- no, not 3 a Libertarian, Democrat or Republican; they said "I don't 4 want to do that, I want an Independent ballot." And it's -- 5 I don't know, I found it surprising that this is still so 6 widely misunderstood. 7 And I think there's a still perception that if I am 8 an Independent I cannot vote or if I do I go in and ask for 9 a Republican or Democratic ballot, then my registration is 10 changed. And it's just a continuing source of confusion. I 11 don't have any suggestion, but it's -- as an Independent, I 12 find it frustrating. 13 Second point, on a different matter. The 14 gubernatorial debate, I'm somewhat concerned that we're at 15 this point scheduling it on Yom Kippur. It seems like if -- 16 if there's any possible way of changing it, seems like we 17 should. Because it seems likely to -- to lead to some 18 negative publicity or some controversy that I think the 19 debate would -- would detract from the substance of the -- 20 of the debate. 21 And I don't know anything about the complexities of 22 changing it to another date or the possibilities or the 23 logistics but, if at all possible, I think it would be a 24 good idea. 25 CHAIRMAN MEYER: Commissioner Chan, you had... Miller Certified Reporting, LLC</p>	<p style="text-align: right;">15</p> <p>1 COMMISSIONER CHAN: Oh. Yes. 2 CHAIRMAN MEYER: I think you were -- 3 COMMISSIONER CHAN: Thank you, Mr. Chairman. I was 4 waiting to see if you were going to say something -- 5 CHAIRMAN MEYER: Okay. 6 COMMISSIONER CHAN: -- and I didn't realize I was 7 up. 8 CHAIRMAN MEYER: I -- I appreciate 9 Commissioner Kimble's comments. I think it makes sense, of 10 course. 11 COMMISSIONER CHAN: Thank you, Mr. Chairman. 12 I -- I agree. I think probably if possible it 13 would be wise to try to reschedule that if at all possible. 14 And as Commissioner Kimble alluded to, I'm not certain what 15 the complexities might be, but maybe Tom can work on that 16 with -- I know he's got a lot with all of the debates. 17 MR. COLLINS: No, I... 18 COMMISSIONER CHAN: Okay. I -- I wanted to just 19 make a couple of comments -- well, maybe just one. 20 The Republic article featuring quotes from all of 21 us. I just wanted to clarify because my quote was -- it 22 was -- I -- what I stated in the article which was reflected 23 was -- that this was a burden. And I -- I just wanted to 24 make clear to the Commissioners and the staff and the public 25 that there was context to that and there's some nuance to Miller Certified Reporting, LLC</p>
<p style="text-align: right;">16</p> <p>1 that. Because the context, of course, was the point of the 2 article which is that we're all serving expired terms, and I 3 think all of us would not be here if -- if we didn't believe 4 in the service that we are, you know, participating in and 5 believe in the mission of this Commission. 6 And I -- I just wanted to make sure that you all 7 know, because I care what you think, I don't want anybody 8 here to think that I simply view this as a burden. 9 I think we all recognize that, you know, having a 10 meeting once a month isn't a huge burden, but -- it is. I 11 mean, it's -- it's a time commitment. And, frankly, in that 12 context, I -- I appreciate seeing you all here today, but I 13 think in the future I would -- with all due respect to 14 Commissioner Kimble, I really appreciate being able to 15 participate virtually. I think it helps, particularly 16 considering the fact that we all have expired terms and -- 17 and have lives to conduct outside of this office. 18 So I just wanted to make it clear that the Clean 19 Elections Commission's work and mission is still of upmost 20 importance to me on a personal and a professional level, and 21 I just didn't want any confusion about what my quote might 22 have meant for anyone here. And if anybody has questions 23 about that, please feel free to ask me. 24 So, thank you. 25 CHAIRMAN MEYER: Thank you, Commissioner Chan. Miller Certified Reporting, LLC</p>	<p style="text-align: right;">17</p> <p>1 Appreciate that. 2 Commissioner Titla, do you have any comments or 3 questions on the Executive Director's report or any other 4 comments we've had or made? 5 COMMISSIONER TITLA: No. Thank you, everyone. 6 Yeah, thank you; no. 7 CHAIRMAN MEYER: And then before we move on, I just 8 want to -- Commissioner Chan, I -- I understand why you 9 wanted to make those comments. I know -- I certainly don't 10 doubt your commitment to this Commission. So -- so I 11 appreciate you saying that -- 12 COMMISSIONER CHAN: Thank you, Mr. Chairman. 13 CHAIRMAN MEYER: -- and thank you. 14 Okay. Tom, do you have any follow-up information 15 after any of the questions or comments from the 16 Commissioners or are you ready to move on to the next agenda 17 item? 18 MR. COLLINS: Mr. Chairman, thanks. I mean I 19 suppose I should just say, we -- you know, we don't have the 20 debate set up as an action item, but I -- we can take -- you 21 know, we take the comments of the Commissioners, you know, 22 with seriousness and we'll -- you know, we'll be looking at 23 that. We will -- as I mentioned, we'll have the RSVP for 24 some of these on Friday, so that will give a little better 25 sense of where we are and we'll try -- we'll try to mitigate Miller Certified Reporting, LLC</p>

<p style="text-align: right;">18</p> <p>1 that the best we can.</p> <p>2 CHAIRMAN MEYER: Great.</p> <p>3 Okay. So we'll move on to Agenda Item Number IV,</p> <p>4 which is discussion and possible action on MUR 2022-01,</p> <p>5 Freedom's Future Fund.</p> <p>6 COMMISSIONER CHAN: Mr. Chair?</p> <p>7 CHAIRMAN MEYER: Yes, Commissioner Chan.</p> <p>8 COMMISSIONER CHAN: If I could just ask a quick</p> <p>9 question about this item.</p> <p>10 My understanding is that this involves the</p> <p>11 Governor's race, and in my other job for items that involve</p> <p>12 the Governor's race because of the fact that the person that</p> <p>13 I ultimately work for is running for Governor, our office</p> <p>14 over there has not been -- has been referring these matters</p> <p>15 out. And so I just wanted to bring that up because I</p> <p>16 think -- even though I know I could be impartial, I just</p> <p>17 would like to, out of abundance of caution, avoid any</p> <p>18 appearance of impropriety or potential conflict of interest.</p> <p>19 And so I wanted to throw that out there, I was</p> <p>20 thinking I should recuse myself from considering this</p> <p>21 matter.</p> <p>22 CHAIRMAN MEYER: Sure. Thank you, Commissioner</p> <p>23 Chan. And I -- and I think that was already my</p> <p>24 understanding going in, 'cause we have talked about those</p> <p>25 issues and I certainly understand why you're taking that</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">19</p> <p>1 position.</p> <p>2 So thank you for those comments, but -- so moving</p> <p>3 forward with that, Tom, we have a reason to believe</p> <p>4 recommendation from you in your capacity as our Executive</p> <p>5 Director on this matter; Commissioner Chan is not going to</p> <p>6 be participating, but we do have three other Commission</p> <p>7 members here so we still have a quorum; and I'd like, Tom,</p> <p>8 for you to introduce the item, give us an overview, and</p> <p>9 then, you know, of course if we have questions, we'll let</p> <p>10 you know.</p> <p>11 And then I also see Mr. Spirs -- or, I'm sorry, is</p> <p>12 it Spies -- Spees (phonetic)?</p> <p>13 MR. SPIES: Spees (phonetic), but close enough.</p> <p>14 CHAIRMAN MEYER: Thank you. I apologize,</p> <p>15 Mr. Spies. And Ms. -- Ms. -- is Ms. Bartlett on the line?</p> <p>16 MR. SPIES: She is in the office with me, but I'll</p> <p>17 be speaking.</p> <p>18 CHAIRMAN MEYER: Okay, and they are the attorneys</p> <p>19 for the Freedom's Future Fund; some of Mr. Spies'</p> <p>20 correspondence is in our packet.</p> <p>21 So that was sort of kind of the order we take these</p> <p>22 items in.</p> <p>23 So we're going to start with Tom. So, Tom, the</p> <p>24 floor is yours. Please go ahead.</p> <p>25 MR. COLLINS: Thank you, Mr. Chair.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">20</p> <p>1 And, you know, by -- by way of introduction I want</p> <p>2 to -- you know, this concerns some advertisements that were</p> <p>3 run in the -- throughout the spring -- well, the winter,</p> <p>4 spring, and summer.</p> <p>5 I want to first make a quick record of, as you can</p> <p>6 see in the recommendation there are two parts, there is a</p> <p>7 part one which deals with the expressed advocacy question</p> <p>8 and a part two that deals with reporting. Part two deals</p> <p>9 with two different kinds of reports, it deals with reports</p> <p>10 under 16-941(B) and 16-958, and reports under 16-926.</p> <p>11 For purposes of, you know, today based on, you</p> <p>12 know, representations that Ms. Bartlett has made to me about</p> <p>13 other expenditures -- or I shouldn't say "expenditures,"</p> <p>14 other spending that Freedom's Future Fund has made, I'm not</p> <p>15 going to ask at this time -- or to move forward on reason to</p> <p>16 believe on the -926 primary purpose part of this</p> <p>17 recommendation.</p> <p>18 So I just wanted to say that up front because it's</p> <p>19 something that I think is important and I wanted to make</p> <p>20 sure you all know that, you know, if -- if that, you know,</p> <p>21 changes or what have you, we'll come back to it. But at</p> <p>22 this point, you know, we have some representations from --</p> <p>23 from Freedom's Future Fund regarding their purpose and their</p> <p>24 spending that make me -- that I want to make clear I am not</p> <p>25 asking for -- for there to be any determination on reason to</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">21</p> <p>1 believe about the primary purpose of Freedom's Future Fund</p> <p>2 today.</p> <p>3 CHAIRMAN MEYER: And, Tom, just so make sure we're</p> <p>4 on the same page. When you say "primary purpose," you're</p> <p>5 talking about the organization, Freedom's Future Fund, in</p> <p>6 and of itself, and we are not talking about the primary</p> <p>7 purpose of the ad.</p> <p>8 MR. COLLINS: Correct.</p> <p>9 CHAIRMAN MEYER: We're talking about the</p> <p>10 organization, correct?</p> <p>11 MR. COLLINS: Mr. Chairman, that is correct.</p> <p>12 CHAIRMAN MEYER: Okay. Thank you.</p> <p>13 MR. COLLINS: So this would be -- so on this would</p> <p>14 be part two of part two of the memo essentially, 16-926 and</p> <p>15 the primary purpose analysis, we're not asking to make a</p> <p>16 determination on reason to believe today.</p> <p>17 CHAIRMAN MEYER: 'Kay.</p> <p>18 MR. COLLINS: And Mr. Spies may have further record</p> <p>19 he wants to make on that, I'm not purporting to foreclose</p> <p>20 that. It's just -- it's just my agreement with -- with</p> <p>21 them, I think.</p> <p>22 So, if you all have had the opportunity to review</p> <p>23 the memo, you know, our -- the issue here is, you know,</p> <p>24 principally focused on advertisements that identify Kari</p> <p>25 Lake -- although not per se as a candidate for Governor,</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">22</p> <p>1 although we think that it's established, you know, by the</p> <p>2 case law and -- and as it works out, that Kari Lake was a</p> <p>3 clearly identified candidate for Governor in the</p> <p>4 advertisements; that the advertisements are express advocacy</p> <p>5 because when objectively evaluated as a whole, the</p> <p>6 advertisements we -- the advertisement we reviewed, which is</p> <p>7 in the materials at the YouTube link, and the evidence of</p> <p>8 other advertisements that we were able to glean from the FCC</p> <p>9 filings, together creates -- allows us to determine that</p> <p>10 there is reason to believe a violation may have occurred</p> <p>11 here.</p> <p>12 The violation is that if you have an express</p> <p>13 advocacy piece of literature/advertising, and you -- under</p> <p>14 16-941(B) and 16-958, once that spending reaches a threshold</p> <p>15 with regard to a particular candidate, a filing is due, and</p> <p>16 those filings have not been made.</p> <p>17 You know, we've looked, reviewed the case law here.</p> <p>18 Primarily the Committee for Fairness and Justice, which is a</p> <p>19 2014 Arizona Court of Appeals case concerning similar facts;</p> <p>20 and then a case called <i>Furgatch v. Federal Election</i></p> <p>21 <i>Commission</i>, which is a 1987 -- or '86 -- Ninth Circuit Court</p> <p>22 of Appeals case that concerned the constitutional</p> <p>23 application of a -- of the federal election campaign --</p> <p>24 campaign act.</p> <p>25 And the language, the test that <i>Furgatch</i></p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">23</p> <p>1 articulates, at least in our -- our view, is -- is the test</p> <p>2 that's in Arizona statute and the test that's applied in</p> <p>3 Committee for Fairness and Justice. And essentially that</p> <p>4 means you have a -- does that advertisement have meaning</p> <p>5 such that no reasonable person could differ that its -- that</p> <p>6 its purpose was to advocate for or against -- for the defeat</p> <p>7 of or in favor of the election of a candidate, a clearly</p> <p>8 identified candidate.</p> <p>9 That's sort of the summary of -- of our position.</p> <p>10 Obviously, you know, because Mr. Spies is here,</p> <p>11 we -- you know, I -- and then we -- you know, I -- I think</p> <p>12 that would -- that's all I have at this point unless the</p> <p>13 Commission has questions of me.</p> <p>14 CHAIRMAN MEYER: Any Commissioners have any</p> <p>15 questions at this point?</p> <p>16 'Kay. Let's go ahead and I'll turn this over to</p> <p>17 Mr. Spies.</p> <p>18 MR. SPIES: Thank you, Mr. Chairman, and thank you</p> <p>19 to the Commission for the opportunity to speak today.</p> <p>20 As noted, I'm Charlie Spies. My colleague Jessica</p> <p>21 Bartlett is here in the office with me; and I also</p> <p>22 appreciate the assistance of my colleagues from our Phoenix</p> <p>23 office on the Arizona statutory interpretation points.</p> <p>24 We represent Freedom's Future Fund and vigorously</p> <p>25 disagree with the reason to believe recommendation that's</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">24</p> <p>1 before you today.</p> <p>2 Before I go into why we disagree with that, I want</p> <p>3 to let you know how much -- how professional your staff has</p> <p>4 been to deal with. So they've done a good job and have been</p> <p>5 professional and responsive throughout this; and if you make</p> <p>6 a decision that I will disagree with and find reason to</p> <p>7 believe, we nonetheless will continue to work with them in a</p> <p>8 conciliation process. So please don't take the strenuous</p> <p>9 nature of the argument I'm about to make as anything</p> <p>10 disrespectful to the Commission or your staff because they</p> <p>11 have been, you know, very good to deal with.</p> <p>12 That said, we strongly disagree with the</p> <p>13 recommendation regarding express advocacy.</p> <p>14 A little bit of background here is that Freedom's</p> <p>15 Future Fund is a non-stock, non-for-profit corporation,</p> <p>16 domestic in Delaware. Our focus is on -- the group's focus</p> <p>17 is on public policy advocacy on a variety of conservative</p> <p>18 policies focused on the West. It has primarily focused on</p> <p>19 border security and on Second Amendment rights. And I would</p> <p>20 note that this calendar year alone, they've spent over</p> <p>21 \$600,000 on policy -- pure policy advocacy that did not</p> <p>22 mention candidates at all. So could not -- you know, it</p> <p>23 isn't even open for contention for express advocacy; it's</p> <p>24 just pure policy work and no candidates mentioned.</p> <p>25 So we believe it clearly has a primary purpose of</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">25</p> <p>1 social welfare, and that the advertisements run in Arizona</p> <p>2 and being contested here are consistent with that purpose of</p> <p>3 educating people in the West especially, about the</p> <p>4 importance of border security policies.</p> <p>5 I would note that the ads in question here</p> <p>6 highlighted Kari Lake's position on a variety of issues</p> <p>7 including amnesty, border security, and gun control. Each</p> <p>8 one of the advertisements run by the organization had a call</p> <p>9 to action in it, which directed the viewer to contact Kari</p> <p>10 Lake directly regarding her position on these issues; and</p> <p>11 the purpose was to persuade her to take a stronger position,</p> <p>12 especially on border security issues where she in the past</p> <p>13 was very supportive of -- of then-President Obama and Vice</p> <p>14 President Biden's policies on amnesty and what</p> <p>15 President Trump described as open borders. And we have been</p> <p>16 trying to push Candidate Lake and broad -- and Public Figure</p> <p>17 Lake to adopt stronger positions towards the border.</p> <p>18 Some of these ads may have won her support among</p> <p>19 the supporters. You know when we educate the public on her</p> <p>20 positions on border security, that may help her in terms of</p> <p>21 some moderate voters who like the Biden-Obama policies, and</p> <p>22 when they learn that she was supportive of them, that might</p> <p>23 actually help her; and it might hurt her with some of the</p> <p>24 more harder line Trump supporters when they realized that</p> <p>25 she was not aligned with their policies.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">26</p> <p>1 Either way, our goal -- what the group's goal was</p> <p>2 to push her to adopt harder line policies on the border.</p> <p>3 This is important when we get to the legal analysis</p> <p>4 in front of you. And if you -- there's a couple things we</p> <p>5 have to look at, the first is the Arizona statute, the</p> <p>6 second is Arizona case law, and the third is constitutional</p> <p>7 precedent, which is in the Ninth -- is most relevant here</p> <p>8 with the Ninth Circuit and the <i>Furgatch</i> decision.</p> <p>9 Before I briefly walk through this, I want to</p> <p>10 remind you ahead of time what my conclusion is going to be,</p> <p>11 and that's going to be the language in <i>Furgatch</i>, the Ninth</p> <p>12 Circuit opinion from 1987 that has guided the statutory</p> <p>13 construct in Arizona and controls what you can and can't do;</p> <p>14 and <i>Furgatch</i> concludes that if there -- if any reasonable</p> <p>15 alternative can be sugges- -- if any reasonable alternative</p> <p>16 can be suggested, then the communications cannot be treated</p> <p>17 as express advocacy.</p> <p>18 I remind you that doesn't mean it has to be the</p> <p>19 best interpretation, it's just any reasonable</p> <p>20 interpretation.</p> <p>21 So starting with Arizona's Clean Election Act,</p> <p>22 which I know you clearly are very familiar with, and it</p> <p>23 has -- both outlines the magic words, so to speak, that come</p> <p>24 from <i>Buckley v. Valeo</i> and their footnote 52 which outlines</p> <p>25 what -- what is considered to be express advocacy, and those</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">27</p> <p>1 phrases about voting for, electing, re-electing, supporting,</p> <p>2 there's no argument that we have never included any of those</p> <p>3 in any of our communications. So that's not in question</p> <p>4 here.</p> <p>5 The question is the second part of the Arizona</p> <p>6 test, which says that in context the advertisement can have</p> <p>7 no reasonable meaning other than to advocate the election or</p> <p>8 defeat of the candidate. And that's where we vigorously</p> <p>9 disagree on the idea that there can be no reasonable</p> <p>10 interpretation of policy adverti- -- advocacy from our</p> <p>11 advertisements.</p> <p>12 And I walked through before the facts in terms of</p> <p>13 the content of the ads and the purpose of them, and I just,</p> <p>14 I don't -- I think that is a very reasonable and happens to</p> <p>15 be accurate explanation of what the purpose of it is.</p> <p>16 The staff -- your staff in their reason to believe</p> <p>17 recommendation rely heavily on the language of Committee for</p> <p>18 Justice and Fairness, CJ- -- the C (technical disruption)</p> <p>19 decision, and they use that to try to push you towards a</p> <p>20 more holistic view that wants you to sort of push in favor</p> <p>21 of regulation. And I would urge you to dis- -- first of</p> <p>22 all, I don't agree with their conclusion there because I</p> <p>23 believe it still constrained by the "any reasonable</p> <p>24 alternative" language found in <i>Furgatch</i>; but aside from</p> <p>25 that, CJF is not a good example here because it can be</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">28</p> <p>1 distinguished in terms of the content of the ads.</p> <p>2 In CJF what you had was a call to action that said:</p> <p>3 "Tell Superintendent Horne to protect children, not people</p> <p>4 who harm them." And the ad claimed that when Horne was in</p> <p>5 the state legislature, he voted against tougher penalties</p> <p>6 for statutory rape; and when he was on the Board of</p> <p>7 Education, he voted to allow back into the classroom a</p> <p>8 teacher who was caught by students looking at child</p> <p>9 pornography on a school computer.</p> <p>10 That case was a clear mudslinging attack on a</p> <p>11 candidate, which illuminated the uncontroversial issue,</p> <p>12 which I hope and believe that the general public all agrees,</p> <p>13 protecting children from sexual predators is important.</p> <p>14 There weren't two sides to the issue and it wasn't really a</p> <p>15 policy issue, it was just a character attack on the</p> <p>16 candidate.</p> <p>17 Unlike that ad in CJF, our client's ad educates the</p> <p>18 public on the hot-button issues of gun control and border</p> <p>19 security and whose public policy solutions are better, and</p> <p>20 urges people to urge Kari Lake to support a more strict</p> <p>21 position on border security.</p> <p>22 Some people may agree, some people may disagree,</p> <p>23 but that was the focus and it's very different than the CJF</p> <p>24 example.</p> <p>25 Then CJF in the Arizona cases are -- are both</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">29</p> <p>1 educated by and constrained by the Ninth second -- Ninth</p> <p>2 Circuit's <i>Furgatch</i> opinion. And as a reminder, under the</p> <p>3 <i>Furgatch</i> -- the <i>Furgatch</i> standard "speech, quote, when read</p> <p>4 as a whole and with limited references to external events</p> <p>5 must be susceptible of no other reasonable interpretation</p> <p>6 but an as exhortation to vote for or against a specific</p> <p>7 candidate."</p> <p>8 That's what <i>Furgatch</i> says and that's at page 864.</p> <p>9 And the Court writes the component to that standard</p> <p>10 into three different parts. It talks about, first of all,</p> <p>11 even if it is not presented in the clearest, most explicit</p> <p>12 language, speech is expressed for present purposes if its</p> <p>13 message is unmistakable and unambiguous, suggestive of only</p> <p>14 one plausible reading.</p> <p>15 Second they say: "Speech must only be termed</p> <p>16 advocacy if it presents a clear plea for action, and thus</p> <p>17 speech that is merely informative is not covered."</p> <p>18 And the third factor is "it must be clear what</p> <p>19 action is advocated. Speech cannot be express advocacy of</p> <p>20 the election or defeat of a clearly identified candidate</p> <p>21 when reasonable minds could differ as to whether it</p> <p>22 encourages a vote for or against a candidate or encourages</p> <p>23 the voter to take some other kind of action."</p> <p>24 And that -- I'm reading that language from 864 of</p> <p>25 the opinion.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">30</p> <p>1 So we do -- our ads do not with those factors of</p> <p>2 unambiguously suggestive of only one plausible reading --</p> <p>3 read -- meaning and having a clear plea to action to vote,</p> <p>4 we do not meet those standards and, therefore, our ad does</p> <p>5 not meet the constitutional standard in the Ninth Circuit.</p> <p>6 I'm (verbatim) start out by saying I've been</p> <p>7 respectful of the staff's recommendation here, and to be</p> <p>8 blunt, you may think that their interpretation is the best</p> <p>9 interpretation. So you may read through the reason to</p> <p>10 believe finding and be compelled that the best</p> <p>11 interpretation of Freedom's Future Fund's ads is they're</p> <p>12 intended or that they do advocate against Kari Lake; you</p> <p>13 could think that's the best interpretation. But, remember,</p> <p>14 that's not the legal standard here.</p> <p>15 The legal standard is, is there a plausible</p> <p>16 argument? Is there any reasonable argument that the ads are</p> <p>17 about border security and about policy issues; and if there</p> <p>18 are -- if there are those plausible arguments, then under</p> <p>19 the standards that you're constrained by, this cannot be</p> <p>20 considered to be express advocacy.</p> <p>21 I appreciate your giving me the time to address</p> <p>22 you.</p> <p>23 CHAIRMAN MEYER: Thank you, Mr. Spies.</p> <p>24 And I just want to say your comments at the</p> <p>25 beginning are in these times a breath of fresh air and very</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">31</p> <p>1 much appreciated, your compliments to our staff, your, you</p> <p>2 know, ability to see that reasonable minds can disagree on</p> <p>3 something, I appreciate that.</p> <p>4 I do have a couple of questions for you and then</p> <p>5 I'll turn it over to my fellow Commissioners as well.</p> <p>6 And can I ask, Mr. Spies, are you lead counsel on</p> <p>7 this matter for the -- for the Freedom's Future Fund?</p> <p>8 You're the principal?</p> <p>9 MR. SPIES: Yes, sir.</p> <p>10 CHAIRMAN MEYER: Okay. And then is there any</p> <p>11 counsel in Arizona that's helping you with this at the</p> <p>12 Dickinson-Wright office?</p> <p>13 MR. SPIES: Yes.</p> <p>14 CHAIRMAN MEYER: Okay. So where -- where do you</p> <p>15 live, sir?</p> <p>16 MR. SPIES: Washington, D.C.</p> <p>17 CHAIRMAN MEYER: And -- and do you think the fact</p> <p>18 you live in Washington, D.C., does that impact your ability</p> <p>19 to determine whether or not an ad like this in Arizona may</p> <p>20 or may not be, you know, express advocacy?</p> <p>21 MR. SPIES: I would respectfully say no because</p> <p>22 this is dealing with cons- -- U.S. constitutional</p> <p>23 principles; and, you know, in my time working at the Federal</p> <p>24 Election Commission, we were dealing with these nationally</p> <p>25 and you've got <i>Buckley v. Valeo</i> federal standards and the</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">32</p> <p>1 Ninth Circuit, all of which extends beyond Arizona. So I</p> <p>2 would respectfully say no.</p> <p>3 CHAIRMAN MEYER: Well, would you agree with me that</p> <p>4 someone who lives in Arizona and watches -- for example,</p> <p>5 watches this YouTube ad -- that I would like to play if we</p> <p>6 could at the Commission meeting. I -- I can play it on my</p> <p>7 screen if -- I don't know if we can play it there.</p> <p>8 But would you agree with me that someone who lives</p> <p>9 in Arizona may view this ad and have a different</p> <p>10 interpretation of it than you who lives in Washington, D.C.?</p> <p>11 It may impact them much differently as a resident</p> <p>12 of Arizona than it does someone who lives in D.C.?</p> <p>13 MR. SPIES: Mr. Chairman, I -- absolutely; but I</p> <p>14 would also respectfully say that that proves my point, which</p> <p>15 is that different viewers -- when you're talking about</p> <p>16 policy advocacy ads, they may be good to some people, bad to</p> <p>17 other people and they may see them through different lenses,</p> <p>18 and that can't be the constitutional standard for express</p> <p>19 advocacy.</p> <p>20 CHAIRMAN MEYER: Okay. And I guess, you know, I --</p> <p>21 I read in one of your letters -- and maybe this is on the --</p> <p>22 a different issue of public figure/public official. And are</p> <p>23 we going to get into that later or we going to get into</p> <p>24 that -- is that on the table presently?</p> <p>25 MR. SPIES: On the table presently.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">33</p> <p>1 CHAIRMAN MEYER: Okay. So I think in one of the</p> <p>2 letters it states that you're viewing Ms. Lake as a TV</p> <p>3 journalist and -- and not as a -- as a candidate. I guess</p> <p>4 to me that strains credibility. She hasn't been on the news</p> <p>5 for several years, two or three years to my knowledge, and</p> <p>6 she has been running for Governor here in the state of</p> <p>7 Arizona -- and every native Arizonan knows that -- for at</p> <p>8 least two years.</p> <p>9 So I guess what is -- I guess, what is the basis to</p> <p>10 argue that this ad is to try to influence a TV journalist</p> <p>11 and not a candidate?</p> <p>12 MR. SPIES: Mr. Chairman, I think your comment is</p> <p>13 fair. That's probably right that people now view her as a</p> <p>14 candidate, but in terms of the legal analyst -- and this is</p> <p>15 why I didn't focus on that argument -- it's not really</p> <p>16 relevant. The point is that she's an influential public</p> <p>17 figure who at least in the past has been wrong on border</p> <p>18 security issues, and my client would like to push her to</p> <p>19 take a stronger position.</p> <p>20 CHAIRMAN MEYER: Well, when you say she's been</p> <p>21 wrong on border security issues, I think you mean she's</p> <p>22 taken a position that your organization, Freedom's Future</p> <p>23 Fund, disagrees with.</p> <p>24 MR. SPIES: Absolutely.</p> <p>25 CHAIRMAN MEYER: Okay.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">34</p> <p>1 MR. SPIES: Sorry for not being more precise.</p> <p>2 CHAIRMAN MEYER: No, that's okay.</p> <p>3 Does Freedom's Future Fund have an office in</p> <p>4 Arizona?</p> <p>5 Do they have any employees in Arizona?</p> <p>6 MR. SPIES: No.</p> <p>7 CHAIRMAN MEYER: Okay.</p> <p>8 Okay. I don't have any other questions right now</p> <p>9 but, do we know, do we have the ability to play that</p> <p>10 YouTube lab -- or YouTube ad during this meeting?</p> <p>11 MS. THOMAS: Yes.</p> <p>12 MS. HERRING: Yes. We can pull that up.</p> <p>13 MR. COLLINS: Do you --</p> <p>14 CHAIRMAN MEYER: I would like to play that so we</p> <p>15 can all just see what we're talking about.</p> <p>16 MR. COLLINS: Mr. Chairman, if I -- if I may just</p> <p>17 real quick -- wait.</p> <p>18 MS. HERRING: Would you like to play it now?</p> <p>19 MR. COLLINS: Okay.</p> <p>20 (Whereupon the ad was played.)</p> <p>21</p> <p>22 CHAIRMAN MEYER: Okay. Thank you for showing that.</p> <p>23 My fellow Commissioners, you have any questions for</p> <p>24 Mr. Spies?</p> <p>25 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">35</p> <p>1 CHAIRMAN MEYER: Mr. Kimble.</p> <p>2 COMMISSIONER KIMBLE: Mr. Spies, Chairman Meyers</p> <p>3 (verbatim) hit on a point that -- that I was -- that I was</p> <p>4 going to make. It seems like your main point that you're</p> <p>5 making is that she's not a candidate -- or she is a</p> <p>6 candidate, but that's not what you're -- you're involved</p> <p>7 with, you're -- you're delivering this information because</p> <p>8 she's a widely known public figure who has the ability to</p> <p>9 influence policy outcomes and who just happens to be a</p> <p>10 candidate.</p> <p>11 And I'm wondering if you can tell me, first of all,</p> <p>12 am I accurate in my understanding of your position; and,</p> <p>13 second of all, how many other campaigns -- television</p> <p>14 campaigns have you undertaken nationwide against former</p> <p>15 television journalists who have not been on the air as</p> <p>16 television journalists for several years, just to say these</p> <p>17 people are giving you bad information as television</p> <p>18 journalists several years ago?</p> <p>19 MR. SPIES: So thank you for the question because I</p> <p>20 think it's important to clarify that one component of the</p> <p>21 arguments we made in our rather lengthy responses was that</p> <p>22 we are trying to influence her positions on issues and even</p> <p>23 before she ran for office she was an influential public</p> <p>24 figure, and so that's where that fits into the argument.</p> <p>25 However, in terms of the legal decision the</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">36</p> <p>1 Commission has in front of you today and determining whether</p> <p>2 the advertisement is express advocacy, that does not depend</p> <p>3 on the status of the person that is mentioned in the</p> <p>4 advertisement, it depends on the communication in the</p> <p>5 advertisement. And, again, the question you have in front</p> <p>6 of you is respectfully to determine: Is there any</p> <p>7 reasonable alternative reason that Freedom's Future Fund</p> <p>8 might have been running advertisements than to promote or</p> <p>9 oppose a candidate?</p> <p>10 And even if you watch the ad and you want to -- you</p> <p>11 have a different takeaway from it, I would urge you to look</p> <p>12 at the -- in your packet is the exact script and language of</p> <p>13 the advertisement that just ran and the closing line of the</p> <p>14 advertisement, which is "Contact Kari Lake and tell her its</p> <p>15 time to secure our border"; and that is with contact</p> <p>16 information on the screen.</p> <p>17 So if that is a plausible or reasonable</p> <p>18 interpretation, than this cannot be considered to be express</p> <p>19 advocacy under the constitutional construction --</p> <p>20 restrictions thrown out in <i>Furgatch</i>.</p> <p>21 COMMISSIONER KIMBLE: I -- I understand that and I</p> <p>22 don't know that I -- I'm straining to see if there's another</p> <p>23 plausible explanation other than the fact she's running for</p> <p>24 Governor or another reasonable explanation other than the</p> <p>25 fact she's running for Governor, and -- and at this point</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">37</p> <p>1 I'm not sure I see one.</p> <p>2 It -- it seems -- despite the fact that you don't</p> <p>3 say "vote against Kari Lake," it seems clear from the</p> <p>4 context of the entire ad, not just the tag line about</p> <p>5 contact her at this website, that -- that the intent is --</p> <p>6 is directed at as you once -- as you called her during your</p> <p>7 presentation "Candidate Lake," not "Former Television</p> <p>8 Journalist Lake."</p> <p>9 MR. SPIES: May I respectfully just note that the</p> <p>10 question before the Commission is not what the intent of the</p> <p>11 advertisement was, because that would force you to then look</p> <p>12 into the minds of different people engaging in free speech</p> <p>13 in the state. So intent is not the issue. The issue is:</p> <p>14 Can the content of the advertisement be reasonably</p> <p>15 interpreted to have any plausible reas- -- meaning other</p> <p>16 than to vote for or vote against her?</p> <p>17 And, you know, that if plausibly this could be</p> <p>18 considered to try to persuade her to take a harder line on</p> <p>19 border issues -- which, in fact, is what it's doing -- then</p> <p>20 even if you think there's a better explanation, it's still</p> <p>21 not express advocacy.</p> <p>22 COMMISSIONER KIMBLE: Okay. Thank you, Mr. Spies.</p> <p>23 CHAIRMAN MEYER: Commissioner Chan and then also I</p> <p>24 don't want to forget about Commissioner Titla who is on --</p> <p>25 on the line.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">38</p> <p>1 But, Commissioner Chan, do you have any questions</p> <p>2 for Mr. Spies?</p> <p>3 COMMISSIONER CHAN: Mr. Chairman, I'm not</p> <p>4 participating.</p> <p>5 CHAIRMAN MEYER: Oh. I'm sorry. Forgive me.</p> <p>6 COMMISSIONER CHAN: That's all right.</p> <p>7 CHAIRMAN MEYER: Commissioner Titla --</p> <p>8 COMMISSIONER CHAN: Thank you for your</p> <p>9 consideration.</p> <p>10 CHAIRMAN MEYER: Yes.</p> <p>11 Commissioner Titla, do you have any questions for</p> <p>12 Mr. Spies?</p> <p>13 COMMISSIONER TITLA: Yeah. I -- I just got on -- I</p> <p>14 was on the phone and I just got on the Zoom now, and is it</p> <p>15 possible to replay this -- this ad so I can see it?</p> <p>16 CHAIRMAN MEYER: I think we can manage that.</p> <p>17 COMMISSIONER TITLA: Okay. Thank you.</p> <p>18 CHAIRMAN MEYER: Can we please replay the ad?</p> <p>19 MS. THOMAS: Yes. One moment.</p> <p>20 (Whereupon the ad was played.)</p> <p>21</p> <p>22 CHAIRMAN MEYER: Commissioner Titla?</p> <p>23 COMMISSIONER TITLA: Yeah, thank you. Yeah, I saw</p> <p>24 the ad.</p> <p>25 So Freedom's Future is saying that this is not</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">39</p> <p>1 expressed advocacy for Kari Lake?</p> <p>2 CHAIRMAN MEYER: That's correct -- or, actually, I</p> <p>3 think it would be expressed advocacy against Kari Lake I</p> <p>4 think is -- is...</p> <p>5 But go ahead.</p> <p>6 COMMISSIONER TITLA: What they're saying?</p> <p>7 CHAIRMAN MEYER: I'll let Mr. Spies state their</p> <p>8 position.</p> <p>9 My understanding is that Mr. Spies is arguing,</p> <p>10 quite well in my opinion, that this ad does not constitute</p> <p>11 express advocacy regarding Ms. Lake.</p> <p>12 But Mr. Spies, I'll let you answer</p> <p>13 Commissioner Titla's question.</p> <p>14 MR. SPIES: Yes. Commissioner, thank you for</p> <p>15 taking the time to view it mult- -- you know, and look at</p> <p>16 it, but to be clear, yes, Freedom's Future Fund believed</p> <p>17 that this is an advertisement our position is to push Kari</p> <p>18 Lake to take a stronger position on border security issues.</p> <p>19 And I should also note, I don't think I've</p> <p>20 mentioned, that Freedom's Future Fund has spent six figures</p> <p>21 on advertisements on border security that do not mention any</p> <p>22 candidates at all. So -- that was in July of this year. So</p> <p>23 this is consistent with the policy advocacy purpose of the</p> <p>24 organization to encourage strong border security policies.</p> <p>25 CHAIRMAN MEYER: But Mr. Spies, doesn't that --</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">40</p> <p>1 doesn't that fact almost work against you here? Because,</p> <p>2 you know, it sounds to me -- is \$6 million the majority of</p> <p>3 the spending on border issues?</p> <p>4 You know, you just say you spent \$6 million on</p> <p>5 ads --</p> <p>6 MR. SPIES: I -- I --</p> <p>7 CHAIRMAN MEYER: -- that don't mention candidates,</p> <p>8 which obviously would not be expressed advocacy against a</p> <p>9 candidate or pro or -- pro or against a candidate because</p> <p>10 there's no candidates mentioned, but the ad we're looking at</p> <p>11 is obviously distinguished because it's -- it does mention a</p> <p>12 candidate. And not only does it mention that candidate,</p> <p>13 it -- it provides facts that are -- have nothing to do with</p> <p>14 border security.</p> <p>15 For example, how does pointing out that Ms. Lake</p> <p>16 donated money to Obama and did not donate to former</p> <p>17 President Trump, how does that fact attempt to influence</p> <p>18 someone on border measures?</p> <p>19 To me I look at that and that's just a play --</p> <p>20 that's just an advertisement to try to portray her in a</p> <p>21 negative light and -- for the Republican party and to impact</p> <p>22 her candidacy, and I don't see another way -- another</p> <p>23 reasonable way to view that. But that's how I see it right</p> <p>24 now.</p> <p>25 MR. SPIES: A couple points, Mr. Chairman. First</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">41</p> <p>1 of all, if I said 6 million then I apologize, I meant to say</p> <p>2 six figures, so.</p> <p>3 CHAIRMAN MEYER: Oh. You did say six figures. I</p> <p>4 think I -- that's my fault.</p> <p>5 MR. SPIES: Sadly we don't, the group doesn't have</p> <p>6 6 million to spend, but...</p> <p>7 CHAIRMAN MEYER: Nor do I, Mr. Spies, so. So go</p> <p>8 ahead.</p> <p>9 MR. SPIES: But to -- to ask your -- to answer your</p> <p>10 question about why that's relevant or does that cut against</p> <p>11 us, I think it goes to the policy advocacy purpose of the</p> <p>12 organization.</p> <p>13 And, remember, the standard you as Commissioners</p> <p>14 are voting on today is, is it rea- -- is there a reasonable</p> <p>15 interpretation of the advertisement that it is meant to</p> <p>16 advocate for stronger border security policies and to push</p> <p>17 Kari Lake to take stronger border security policies.</p> <p>18 So, again, that doesn't have to be the best</p> <p>19 interpretation, you may not even agree with that</p> <p>20 interpretation, your only question is: Is that a reasonable</p> <p>21 interpretation? And if it is, then under <i>Furgatch</i> this</p> <p>22 cannot be considered to be express advocacy.</p> <p>23 CHAIRMAN MEYER: Okay. Do any other Commissioners</p> <p>24 have any further questions for Mr. Spies?</p> <p>25 Okay. Hearing none, Tom, do you have any</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">42</p> <p>1 additional comments or -- for the -- for the Commissioners?</p> <p>2 MR. COLLINS: Mr. Chairman, just briefly -- and I</p> <p>3 will be brief. I first I want to just rehighlight that</p> <p>4 we're not asking for -- and I think, you know, because of,</p> <p>5 you know, Mr. Spies just mentioned that other spending, you</p> <p>6 know, I think that's part of the reason, you know, we are</p> <p>7 asking for anything on the primary purpose at all. That's</p> <p>8 an important fact that Mr. Spies pointed out for the primary</p> <p>9 purpose issue and I just want to highlight that so that --</p> <p>10 CHAIRMAN MEYER: And, again, that's the primary</p> <p>11 purpose of the organization.</p> <p>12 MR. COLLINS: Correct, yeah. I just want to make</p> <p>13 sure that the record is crystal clear about that.</p> <p>14 With respect to the advertisements at issue, you</p> <p>15 know, Committee for Justice and Fairness is good law in</p> <p>16 Arizona. In fact, as an administrative agency, I think it's</p> <p>17 the controlling case for us. The advertisement in that case</p> <p>18 said -- ran, you know, when the candidate was still</p> <p>19 superintendent of public instruction and it -- you know, it</p> <p>20 claimed that when the -- the personnel running for Attorney</p> <p>21 General -- or was running for Attorney General, as a state</p> <p>22 legislator he voted against tougher penalties for statutory</p> <p>23 rape; and then he when he was on the Board of Ed, he voted</p> <p>24 to allow a classroom teacher who had been caught looking at</p> <p>25 child pornography back in; and then the advertisement urged</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">43</p> <p>1 people to tell the superintendent to protect children, not</p> <p>2 people who harmed them, displayed photographs of the</p> <p>3 candidate, and then provided his office number, telephone</p> <p>4 number as superintendent of public instruction.</p> <p>5 I think that that advertisement here is -- is --</p> <p>6 is -- the advertisement that we've looked at here today</p> <p>7 is -- is all but identical. I think -- and I do think that,</p> <p>8 you know, and that there is therefore under the case law</p> <p>9 and -- and our analysis, there's no reasonable alternative</p> <p>10 meaning.</p> <p>11 It's not -- you know, occasionally we've heard go</p> <p>12 back and forth between "plausible" and "reasonable." The</p> <p>13 test is really "reasonable." And so you take the language,</p> <p>14 the images together, I think that specific language that I</p> <p>15 think that are -- that I think that is indicative and, in</p> <p>16 fact, confirms that this is not subject to any reasonable</p> <p>17 alternative is the languages -- is the language "How can we</p> <p>18 trust Kari Lake?"</p> <p>19 The context here is instructive and limited. But</p> <p>20 trust Kari Lake to do what? And the answer has to be to be</p> <p>21 a nominee for Governor. It tips -- the entire language</p> <p>22 does, but I think that's an example of something that just</p> <p>23 confirms that that's the correct analysis.</p> <p>24 Additionally the timing. This had to be done in</p> <p>25 the primary because this kind of advertisement would simply</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">44</p> <p>1 not be effective in the general. I think that the timing</p> <p>2 matters in that respect here and, again, confirms that, you</p> <p>3 know, taken together with the statute, the case law, the</p> <p>4 advertising language, this analysis that, you know, that --</p> <p>5 you know, reasonable had to include the circumstances, it is</p> <p>6 limited, and it's looking at outside events.</p> <p>7 I would note and, you know, Mr. Spies brought up,</p> <p>8 that this -- rather than directing you to contact Kari Lake</p> <p>9 directly as the -- as the CJF did with then-Superintendent</p> <p>10 Horne, this one actually urges you to go to</p> <p>11 KariLakefacts.com, which is not affiliated with Kari Lake</p> <p>12 but is, in fact, another website, a website that belongs to</p> <p>13 Freedom's Future Fund, where you receive information that</p> <p>14 reiterates essentially the message of the advertisement.</p> <p>15 So the call to action rather than in the case of</p> <p>16 CJF where it was "call Mr. Horne" who was then in office</p> <p>17 where there was a plausible argument, at least plausible --</p> <p>18 there was a plausible argument which is not up to the court,</p> <p>19 but a plausible argument that that urged him to take action</p> <p>20 he presently might take, this calls action in contract,</p> <p>21 specifically calls on you to go to a website belonging to</p> <p>22 Freedom's Futures -- Freedom's Future Fund for the purpose</p> <p>23 of receiving more information about Kari Lake.</p> <p>24 So I think taken together, the test is one of</p> <p>25 reasonableness. I -- I don't think that -- I think</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">45</p> <p>1 therefore that when, you know, credulity is a strained to</p> <p>2 the point of unreasonableness, that we know that this is</p> <p>3 express advocacy. I think case law, CJF and <i>Furgatch</i>, both</p> <p>4 confirm that.</p> <p>5 For those reasons we would ask with respect to the</p> <p>6 16-941(B) and 16-958, that the Commission find that there's</p> <p>7 reason to believe a violation may have occurred for failure</p> <p>8 to file those independent expenditure reports.</p> <p>9 That's all I have unless Commissioners have</p> <p>10 questions.</p> <p>11 CHAIRMAN MEYER: Thank you, Tom.</p> <p>12 I guess I just have a comment to let kind of folks</p> <p>13 know where I'm at, and that is, you know, I look at this ad,</p> <p>14 and Mr. Spies has done an excellent job of setting forth the</p> <p>15 case law and argument, but I -- I look at this ad and I see</p> <p>16 this as an ad that is -- is express advocacy; and then this</p> <p>17 last comment, you know, in the last three seconds of the ad</p> <p>18 is sort of an effort -- you know, "contact Kari Lake." I</p> <p>19 think that's an effort to try to end run around this express</p> <p>20 advocacy, you know, requirement that we have, threshold that</p> <p>21 we have; and that -- it just -- that's -- that's an effort</p> <p>22 to end run that statute and it just -- it doesn't work.</p> <p>23 This is -- my initial impressions and we'll look at more of</p> <p>24 this 'cause this is just a reason to believe, that this is</p> <p>25 an express advocacy ad.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">46</p> <p>1 So that's -- that's where I sit and I'll be voting</p> <p>2 to -- voting to find there's a reason to believe when this</p> <p>3 comes to a vote.</p> <p>4 So if any other Commissioner wants to comment on</p> <p>5 this, I welcome them.</p> <p>6 And Commissioner Titla, you are -- your camera is</p> <p>7 now working. Looks like your -- yeah, all right. All</p> <p>8 right.</p> <p>9 COMMISSIONER TITLA: Yeah, this is -- this is</p> <p>10 Commissioner Titla. Thank you.</p> <p>11 You know, what I'm going to say is not for either</p> <p>12 party, it doesn't support either party in the election.</p> <p>13 It -- I don't support Kari Lake.</p> <p>14 But with regard to what the attorney said and</p> <p>15 watching the -- watching the ad here, I think it's</p> <p>16 reasonable to interrupt that it is not express advocacy</p> <p>17 right now. That's my initial impression right now. And,</p> <p>18 but once we go to a vote and I hear your opinions, then --</p> <p>19 then of course I could be persuaded otherwise.</p> <p>20 But my initial impression is that, you know, is --</p> <p>21 is what I said. That there's reasonable -- reasonable</p> <p>22 explanation that it is not.</p> <p>23 So that's my inclination right now. Thank you.</p> <p>24 COMMISSIONER KIMBLE: I think Chairman Meyer is on</p> <p>25 mute.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">47</p> <p>1 CHAIRMAN MEYER: I'm sorry, I was on mute.</p> <p>2 Commissioner Kimble, do you have any comments or...</p> <p>3 COMMISSIONER KIMBLE: Mr. Chairman, your comments</p> <p>4 reflect my views exactly. I do not think there's a -- a</p> <p>5 reasonable alternative explanation for -- for this</p> <p>6 advertising. I think it -- it -- you would really have to</p> <p>7 strain to find something to support that this is anything</p> <p>8 but an ad to urge voters to vote against Kari Lake.</p> <p>9 CHAIRMAN MEYER: Okay. So Tom, you need a motion</p> <p>10 for us, correct, to -- to find a reason to believe?</p> <p>11 MR. COLLINS: Mr. Chairman, the procedures which</p> <p>12 are outlined in the memo, you know, are that, you know, if</p> <p>13 the Commission were to find -- if there were three votes of</p> <p>14 the Commission to find reason to believe, then there would</p> <p>15 be a reason to believe determination. If there -- if there</p> <p>16 were not, then we would not have that determination, so.</p> <p>17 But we would, yes, need a motion to proceed.</p> <p>18 CHAIRMAN MEYER: Okay. So we have a quorum of</p> <p>19 three members. Do we need a majority of the quorum or do we</p> <p>20 need a majority of the Commission?</p> <p>21 MR. COLLINS: The rule is three votes for reason to</p> <p>22 believe.</p> <p>23 CHAIRMAN MEYER: 'Kay.</p> <p>24 Okay. Well, does anyone have -- does anyone want</p> <p>25 to make a motion on this issue of whether there is or is not</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">48</p> <p>1 a reason to believe a violation may have occurred?</p> <p>2 COMMISSIONER KIMBLE: Mr. Chairman, I'll try. I</p> <p>3 don't know if I have the wording right.</p> <p>4 But I would move that the Commission determine</p> <p>5 there is a reason to believe a violation of 16-941(B) and</p> <p>6 16-948 has occurred, and that we authorize our Executive</p> <p>7 Director to conduct an investigation.</p> <p>8 CHAIRMAN MEYER: 'Kay.</p> <p>9 And Tom, before we take a vote, did -- did -- I</p> <p>10 just want to make sure Commissioner Kimble correctly</p> <p>11 identified the authorities that you're -- you're asking us</p> <p>12 to -- to move under here.</p> <p>13 MR. COLLINS: Yeah, it's 16-941 and 16-958.</p> <p>14 COMMISSIONER KIMBLE: I'm sorry, I misspoke. I</p> <p>15 said 16-948.</p> <p>16 MR. COLLINS: Yeah.</p> <p>17 COMMISSIONER KIMBLE: So it's 16-941 and 16-958 I</p> <p>18 believe. I would move the Commission determines that a</p> <p>19 reason to believe that a violation of those two statutes</p> <p>20 over which the Commission has jurisdiction may have</p> <p>21 occurred, and that we direct the Executive Director to</p> <p>22 conduct an investigation.</p> <p>23 CHAIRMAN MEYER: 'Kay. All right. We have a</p> <p>24 motion pending from Commissioner Kimble.</p> <p>25 Is there a second to that motion?</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">49</p> <p>1 COMMISSIONER TITLA: Chairman, this is Steve Titla,</p> <p>2 Commissioner Titla, and I second that motion because I think</p> <p>3 that this should be looked into further.</p> <p>4 My inclination is -- is not to agree with the</p> <p>5 underlying principle, but I think that we should look into</p> <p>6 this further and this investigation will do that I think.</p> <p>7 So I second the motion.</p> <p>8 CHAIRMAN MEYER: Okay. So we have a -- we have a</p> <p>9 motion, it's been seconded. So now we will vote.</p> <p>10 I will call the roll.</p> <p>11 Commissioner Kimble, how do you vote?</p> <p>12 COMMISSIONER KIMBLE: I vote aye.</p> <p>13 CHAIRMAN MEYER: Commissioner Titla.</p> <p>14 COMMISSIONER TITLA: Aye.</p> <p>15 CHAIRMAN MEYER: 'Kay, Commissioner Chan is</p> <p>16 abstaining.</p> <p>17 Commissioner Meyer, and I vote aye as well.</p> <p>18 Commissioner Paton is not present.</p> <p>19 So the motion carries 3 to 0.</p> <p>20 And I just want to for the record state that, you</p> <p>21 know, my comments today are based upon where we are at in</p> <p>22 the -- in the investigation. There's just a reason to</p> <p>23 believe finding right now, there's no final decisions; and</p> <p>24 pending further investigation, I -- you know, I will</p> <p>25 continue to review this and -- and be open minded on what</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">50</p> <p>1 our investigation finds.</p> <p>2 So given that, I want to thank Mr. Spies for</p> <p>3 appearing. But Mr. -- or Tom, is there anything further we</p> <p>4 need to do on Agenda Item IV?</p> <p>5 MR. COLLINS: Mr. Chairman, not from our</p> <p>6 perspective. I don't know if Mr. Spies needs -- has any</p> <p>7 other record he wants to make. Obviously we -- I don't have</p> <p>8 any.</p> <p>9 CHAIRMAN MEYER: I'll certainly give Mr. Spies that</p> <p>10 opportunity, if there's anything further you want to put on</p> <p>11 the record, Mr. Spies.</p> <p>12 MR. SPIES: No, sir. Thank you for your</p> <p>13 consideration.</p> <p>14 CHAIRMAN MEYER: Okay. Thank you, Mr. Spies.</p> <p>15 Okay. So we will move on to Agenda Item Number V,</p> <p>16 which is the discussion and possible action on proposed</p> <p>17 amendments to the Arizona Administrative Code Title 2,</p> <p>18 Chapter 20, Article 3, standard of conduct for Commissioners</p> <p>19 and employees; Sections R2-20-305, reporting suspected</p> <p>20 violations and R2-20-306, disciplinary and other remedial</p> <p>21 actions.</p> <p>22 Last month we had lengthy discussions on how to</p> <p>23 improve our ethics rules to ensure transparency in the event</p> <p>24 of any conflicts would arise at the Commission. We directed</p> <p>25 the Executive Director to develop a rule amendment to</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">51</p> <p>1 capture that discussion, so today we are reviewing</p> <p>2 amendments to the rules to ensure more transparency. Staff</p> <p>3 is asking for a vote to forward these amendments for public</p> <p>4 comments.</p> <p>5 Tom, you have a summary of the proposed amendments?</p> <p>6 MR. COLLINS: Yes.</p> <p>7 CHAIRMAN MEYER: It's within our packet.</p> <p>8 MR. COLLINS: Yes, Mr. Chairman. And Natalya</p> <p>9 Ter-Grigoryan with Richards and Moskowitz is here, she has</p> <p>10 been working with me on developing this -- along with Bill,</p> <p>11 on developing this -- yeah, this amendment if you have any</p> <p>12 questions for her.</p> <p>13 We -- essentially what we did is we took the issues</p> <p>14 we talked about last month and kind of put some -- put them</p> <p>15 into a, you know, a rule format. What essentially these</p> <p>16 amendments will do is say, you know, if there's particular</p> <p>17 information about a Commission ethical issue of some kind or</p> <p>18 conflict issue principally, you know, it would allow our --</p> <p>19 the Chairman and the Executive Director to process that, and</p> <p>20 then allow the Commission to come together to discuss it</p> <p>21 and -- and have a, you know, a kind of -- a collective</p> <p>22 decision that would be enforceable under our rules to the</p> <p>23 extent that, you know, we have -- to the extent that you --</p> <p>24 you can.</p> <p>25 In other words, obviously there are certain</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">52</p> <p>1 limitations as to what a Commission can do to a Commissioner</p> <p>2 that are statutory, but we tried to, you know, come up with</p> <p>3 something that would have -- would create a public process,</p> <p>4 be transparent, and allow the Commission to weigh in.</p> <p>5 The -- the issue that we identified through this</p> <p>6 process was that really our rules did not really deal -- it</p> <p>7 had a process laid out for how to deal with an employee</p> <p>8 issue, but really didn't have a kind of a regulatory place</p> <p>9 for -- for the Commission to talk amongst itself about</p> <p>10 Commissioners, so we wanted to create that.</p> <p>11 And so we're asking for approval of this to</p> <p>12 circulate it for public comment and then we will return it</p> <p>13 with whatever comments we get and within the next couple --</p> <p>14 several months, probably next two or three months.</p> <p>15 I don't know if -- and -- and obviously,</p> <p>16 Mr. Chairman, with your permission I just want to make sure,</p> <p>17 I don't know if Natalya has anything she wants to make sure</p> <p>18 we tell ya.</p> <p>19 MS. TER-GRIGORYAN: Natalya Ter-Grigoryan and I</p> <p>20 have Bill Richard here with me as well, and we believe that</p> <p>21 Mr. Collins summarized the proposed amendments pretty</p> <p>22 thoroughly. So essentially changes the current rules from</p> <p>23 being exclusively to employees to being more generalized and</p> <p>24 provides a process for addressing complaints.</p> <p>25 CHAIRMAN MEYER: Thank you.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">53</p> <p>1 I -- I had two comments on R2-20-305, and that</p> <p>2 is -- I guess the first one is a question and the second one</p> <p>3 is a comment.</p> <p>4 The first question is that Subsection (B) of this</p> <p>5 rule gives the Chair of the Commission authority to decline</p> <p>6 to require a response and then -- and statewide, this is</p> <p>7 meritless; there should not be an issue. And I just -- and</p> <p>8 I just want to confirm, does the Chair -- that's more</p> <p>9 author- -- you're kind of giving the Chair unilateral</p> <p>10 authority to make a decision there.</p> <p>11 Is that -- is there a source that -- I just want to</p> <p>12 make sure that that's something that's allowed under the --</p> <p>13 the statutory scheme/administrative code that we have. So</p> <p>14 that was my first question.</p> <p>15 MR. COLLINS: I mean, I'm happy to take a stab at</p> <p>16 that or Natalya or Bill you want to go, you know, whichever.</p> <p>17 However you want to -- I don't have a preference really.</p> <p>18 MR. RICHARDS: Well, Tom, I'd be happy to address</p> <p>19 it just briefly and then obviously you can add your comments</p> <p>20 and elaborate on that.</p> <p>21 I believe that the structure here is intended to</p> <p>22 allow the Chairman to exercise what is essentially kind of a</p> <p>23 not jurisdictional function to ensure that where you have a</p> <p>24 clearly unmerited allegation. I mean, for example, someone</p> <p>25 came in and said that: I saw, you know, Commissioner X in</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">54</p> <p>1 the grocery store and they looked at me funny and, 2 therefore, I believe that, you know, they are -- they have a 3 conflict of interest here. That you could simply say: 4 Well, we're not going to hear that; we're not going to put 5 that on the agenda. 6 It's almost really an agenda-setting exercise. It 7 isn't intended to allow you to kind of make these final up 8 or down nuance decisions where there's a, you know, at least 9 a facially arguably allegation of a conflict. It may be 10 that, you know, more precise language is needed to make that 11 absolutely clear, but that is the intention behind them I 12 believe. 13 COMMISSIONER CHAN: Mr. Chairman, I have a question 14 about that, too. Could I ask real quick? 15 CHAIRMAN MEYER: Sure. Go ahead. 16 COMMISSIONER CHAN: The Chair or Executive 17 Director. If it's the Chair, who has -- who is the subject 18 of the claim, do we need to have an alternative listed in 19 there, like the next most senior member of the Commission? 20 We don't have a vice chair. 21 I just -- I don't know I'm seeing an issue where 22 there is none, I just wondered if we needed an alternative 23 in case the Chairman is the person who's the subject of the 24 complaint. 25 MR. COLLINS: Mr. Chair, I guess -- Miller Certified Reporting, LLC</p>	<p style="text-align: right;">55</p> <p>1 CHAIRMAN MEYER: Can I respond to that quickly? 2 I think, you know, we can write rules 'til we're 3 all old and gray if we try to anticipate every thing that's 4 going to come up. 5 I think in that instance, you know, it's going to 6 be on the Executive Director's shoulders, and I would not 7 try to write that into the rule. That's just how I would 8 see it. And I don't -- I welcome our counsel and Tom's 9 thoughts on that, but that's just my initial reaction I 10 wanted to share. 11 MR. COLLINS: I mean, Mr. Chairman, I mean, I think 12 that -- I mean I think that the idea is that, you know, 13 that, yeah, if -- that it would sort of devolve to the 14 Executive Director from the Chair. There's a little bit 15 of -- I think both -- both the questions Commissioner Chan 16 and Chairman, your earlier question, I mean they get at an 17 issue that is a real concern. And I think that the issue is 18 just that we live -- I mean, just to harken back to some of 19 your comments earlier today, Mr. Chairman. 20 I mean, not to put too fine a point on it, but the 21 reality is is that we are all living in a universe in which 22 any authorization is -- it can be assumed to be taken to its 23 maximum place beyond what the intent of anyone was when they 24 imposed it. That is the world that we live in today; we've 25 seen that again and again and again, especially in Miller Certified Reporting, LLC</p>
<p style="text-align: right;">56</p> <p>1 elections. 2 And -- and so -- but as the Chairman noted, that is 3 hard to account for because when we're -- because we now 4 live in the real world, right, where political decisions, 5 government decisions were -- where the policy is clear, are 6 now subject to a political influence that is just beyond I 7 think what any of us really believed was true sometime ago. 8 And so, you know, we want to be conscious of that, 9 but -- but also, you know, this body has had a -- you know, 10 all of you in your long service -- your endless service -- 11 to the Commission, you know, have recognized the values that 12 we have and -- and have created a culture that we hope will 13 ensure that those folks who come after us all will -- will 14 follow these as they're -- in the spirit they're intended. 15 So, you know, those are hard, nuanced decisions. 16 Bill, I think, identified correctly, I think clearly we 17 tried to say -- we tried to take we want this to not -- not 18 be the marginal case but the extraordinary case where it is 19 something that's just off the wall. 20 And -- and, you know, I mean I think that we can 21 see if folks will make -- I mean, I'm comfor- -- I guess 22 what I'm trying to say, if you ask me, obviously we're 23 comfortable for these draft -- this draft for purposes of 24 public comment. 25 As we go along if we get comments that say, look, Miller Certified Reporting, LLC</p>	<p style="text-align: right;">57</p> <p>1 you need to tighten this up or it's going to potentially 2 ratchet up things with the -- you know, with the Chair or 3 the Executive Director, you know, that's a -- that's a -- 4 that's certainly a consideration. 5 But I do think that both of your comments and 6 questions are -- are important things to be aware of in the 7 context we are all now working in. 8 COMMISSIONER CHAN: May I ask -- 9 CHAIRMAN MEYER: And -- oh. Go ahead, Commissioner 10 Chan. 11 COMMISSIONER CHAN: The only other item that I 12 noticed was the response shall be due five days. And on one 13 hand five days is -- is not a tiny amount of time, but I 14 just wondered if -- if we should consider making it ten 15 days. I don't know where we came up with the five days, if 16 there was -- I just was curious about that. 17 Again, I'm not sure that it's an insufficient 18 amount of time, it just seems like depending on how 19 voluminous something might be. I tend to think of things 20 and think the worst-case scenario, so I just wanted to throw 21 that out there regarding the five days. 22 MR. COLLINS: Mr. Chairman, I do have an answer for 23 that, why the five days. 24 CHAIRMAN MEYER: Sure. 25 MR. COLLINS: It's not a good -- it's not a -- it's Miller Certified Reporting, LLC</p>

<p style="text-align: right;">58</p> <p>1 not a particularly thoughtful answer, it's just that's what 2 we require for response to complaints when they come in 3 against candidates and -- and IEs and stuff. 4 COMMISSIONER CHAN: Well then that seems fair. 5 Thank you. 6 CHAIRMAN MEYER: I was going to make the same 7 comment that I thought five days seemed tight and suggest we 8 make it ten days. Just, I mean, that's my suggestion. 9 This is a -- you know, many of us have full-time 10 other jobs we're working and it can be not a good situation 11 to have to do that in five days; could be challenging. If 12 there's -- if there's a reason, a compelling reason to have 13 it be five days, and I'm not sure I heard one there with the 14 candidates having to respond in five days 'cause it's just a 15 different issue, but I would suggest we make that ten days. 16 COMMISSIONER KIMBLE: Mr. Chairman? 17 CHAIRMAN MEYER: Yes, Commissioner Kimble. 18 COMMISSIONER KIMBLE: Speaking as someone who is 19 already old and gray, I'll not try to take offense at your 20 comment on that. 21 CHAIRMAN MEYER: Well, I won't even have that 22 opportunity to go gray, so just relish that. 23 COMMISSIONER KIMBLE: I -- I think your initial 24 point was should the Chair be involved in this process at 25 all. And it just -- I just don't understand why the Chair. Miller Certified Reporting, LLC</p>	<p style="text-align: right;">59</p> <p>1 It seems like it ought to be just the Executive Director, 2 and I don't understand "the Chair or Executive Director," 3 how we would decide who's going to do it. Why not just make 4 it the Executive Director? 5 CHAIRMAN MEYER: 'Kay. I don't feel strongly one 6 way or the other, frankly. 7 Tom, was there a reason why the Chair was included? 8 The way -- this -- the way I see this playing out, 9 if it's just the Executive Director is you get one of these 10 complaints, you're going to probably call the Chair and say, 11 "Hey, this came in, let's talk about this," and then you'd 12 make a decision. 13 But I don't feel strongly about it, so I'm open to 14 be convinced why I should or should not. 15 MR. COLLINS: Mr. Chairman, Commissioner Kimble, I 16 mean -- I mean, I don't -- it doesn't -- I think the -- the 17 only thing -- I mean I think that Chairman Meyer's right, at 18 least how we -- and all of you have been Chair, when we do 19 things that how we would do it is call you and say, "Hey, 20 you know, what do you want to do about this?" 21 Beyond that, I don't -- I don't think there's a 22 lot. I don't have any -- I'm not married to this language 23 in any serious way. 24 Bill, Natalya, I don't think we have any strong... 25 COMMISSIONER KIMBLE: Well, I'm not opposed to Miller Certified Reporting, LLC</p>
<p style="text-align: right;">60</p> <p>1 putting this language that we have out for public comment 2 and then we could -- 3 MR. COLLINS: Sure -- 4 CHAIRMAN MEYER: And -- and I think -- I'm sorry to 5 interrupt. But I think this is almost, you know, when we 6 start looking at the next rule, you know, and the Chair and 7 Executive Director are kind of running with the 8 investigation as I read this, you know, that's -- that same 9 issue gets brought in to Rule -306 as well. 10 So I -- I'm saying we should have this discussion 11 as to both rules and not have it twice regarding this issue 12 of the Chair and the Executive Director, so. 13 But go ahead. 14 MR. RICHARDS: Mr. Chairman, if I could add one 15 point, and that that is also to Commissioner Chan's point 16 earlier, I think that the language here anticipates that the 17 Chair, if the Chair was the subject of the allegation, the 18 Chair would probably recuse themselves from making any 19 decision at that point in time just as a matter of form, but 20 also 'cause that's what the rest of the rule suggests that 21 they should do probably. And so this just makes its clear 22 that, you know, in that sort of circumstances, the Executive 23 Director can also make that sort of decision and gives that 24 flexibility. 25 COMMISSIONER CHAN: Thank you. Miller Certified Reporting, LLC</p>	<p style="text-align: right;">61</p> <p>1 CHAIRMAN MEYER: Okay. Does anyone have any 2 further comments on the rule -- rules suggestions here to 3 put out to comment? 4 I'll note on -306 paragraph (D) there's a typo. 5 The second sentence, the first word needs to be capitalized 6 after; but that's simple. 7 But any other comments on these rules? 8 And then if not, I -- I assume you need a vote from 9 us, Tom, to put these out for public comment? 10 MR. COLLINS: Mr. Chairman, yes. So what I would 11 recommend by way of the record here would be, you know, 12 motion to approve the draft rules or the -- I'm sorry, the 13 amendment for public comment; and then I think to make the 14 record clear, to the extent that you want to, you know, if 15 there's any specific changes that you want to make, you 16 know, it might be helpful to try to articulate them, you 17 know, in -- in that motion if that's something people want 18 to do. 19 The advantage of doing that now is that -- is 20 just -- you know, at some -- you got to get into the 21 language at some point, and -- and if we think that's going 22 to be a thing, you know, I think that -- I -- again, I don't 23 want to press -- whatever we do is fine, I just think that, 24 you know, it's easier to -- it's easier to -- from a pure 25 paperwork perspective in terms of the Arizona administrative Miller Certified Reporting, LLC</p>

<p style="text-align: right;">62</p> <p>1 record, it's just easier to if you want it to be a certain</p> <p>2 way, make it that way the first time, than it is to go back</p> <p>3 in and change it once we get the ball rolling. 'Cause then</p> <p>4 we got to get into analysis and if it's substantive and all</p> <p>5 this other stuff that -- that -- you know, that we don't</p> <p>6 have to do if anybody wants it to be, for example, where it</p> <p>7 says "Chairman or Executive Director," have it just say</p> <p>8 "Executive Director" for example.</p> <p>9 That would be the kind of change where if you're</p> <p>10 comfortable with with changing that now, go ahead and do</p> <p>11 that.</p> <p>12 CHAIRMAN MEYER: And I -- I forgot I had one</p> <p>13 another question on -306 --</p> <p>14 MR. COLLINS: Yeah.</p> <p>15 CHAIRMAN MEYER: -- (E)(1). What do we mean by</p> <p>16 "voluntary remedial action"? Does that mean recusal? Do we</p> <p>17 need to -- does that mean resigning from the Commission?</p> <p>18 What is that -- I mean, what does that mean?</p> <p>19 MR. RICHARDS: I think actually, Mr. Chair, I think</p> <p>20 that that could take all of those forms.</p> <p>21 CHAIRMAN MEYER: 'Kay.</p> <p>22 MR. RICHARDS: What we're talking about there is</p> <p>23 just an expression of opinion to inform the Commissioner</p> <p>24 about whom the complaint has been made what the majority of</p> <p>25 Commissioners think they should do, would be most</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">63</p> <p>1 appropriate thing for them to do; and I think that most</p> <p>2 likely would take the form of, you know, "we believe you</p> <p>3 should recuse yourself from X, Y, or Z decisions."</p> <p>4 But I suppose in a case where if the conflict</p> <p>5 created a problem for issues across the board, then the rest</p> <p>6 of the Commission could legitimately reasonably say "we</p> <p>7 think you should resign from one position or the other to</p> <p>8 end the conflict."</p> <p>9 CHAIRMAN MEYER: And what would weight would that</p> <p>10 decision have by the majority of the Commission?</p> <p>11 'Cause, I mean, like Tom said, taking this</p> <p>12 authority to the ultimate extreme, you know, we got five</p> <p>13 Commissioners, we got three Commissioners that don't like</p> <p>14 someone, they could find something and then vote that guy</p> <p>15 out or -- or woman out, you know. So that's just sort of</p> <p>16 the stuff we need to be thinking about.</p> <p>17 MR. RICHARDS: Mr. Chairman, the way I would read</p> <p>18 this particular provision is, is that option number one is</p> <p>19 simply in the public expression of opinion by the majority</p> <p>20 of Commissioners that this particular charge or allegation</p> <p>21 of conflict, you know, appears to be legitimate and that we</p> <p>22 believe that Commissioner X should take the following</p> <p>23 actions.</p> <p>24 That actually does not require or mandate usually</p> <p>25 that that Commissioner take those actions. However, if, you</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">64</p> <p>1 know, later on or a party to a proceeding were to sue and</p> <p>2 ask that the Court enforce the conflict rules, it would be</p> <p>3 strong evidence certainly in favor of that -- that sort of</p> <p>4 legal complaint.</p> <p>5 The second option is a disqualification vote, which</p> <p>6 is going to be case by case. It's going to be proceeding by</p> <p>7 proceeding, and I guess suppose ultimately the result of the</p> <p>8 Commission on saying I want every single action before the</p> <p>9 Commission that you're disqualified to be a Commissioner,</p> <p>10 but it is not a wholesale vote to, you know, remove them</p> <p>11 from office.</p> <p>12 Which I -- which I think would be a problem for the</p> <p>13 Commission. I'm not sure that the Commission's authority</p> <p>14 would extend to that. I certainly do believe it would</p> <p>15 extend to disqualifying a Commissioner from individual</p> <p>16 votes.</p> <p>17 CHAIRMAN MEYER: Okay. Well, thank you for your</p> <p>18 explanations. That answers my questions.</p> <p>19 Does any other Commissioner have any other</p> <p>20 questions? If not, I am -- does anyone want to make a</p> <p>21 motion?</p> <p>22 COMMISSIONER CHAN: Mr. Chairman?</p> <p>23 CHAIRMAN MEYER: Yes, Commissioner Chan.</p> <p>24 COMMISSIONER CHAN: Just a final comment before we</p> <p>25 make a motion. I think if I understood our conversation,</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">65</p> <p>1 that that the main thing that we might be changing before we</p> <p>2 put this out for public comment is just in -305(B) changing</p> <p>3 the five days to ten days. I don't know that I heard a</p> <p>4 consensus about removing the Chair from the process of</p> <p>5 declining in either one of the sections.</p> <p>6 I just want to clarify.</p> <p>7 CHAIRMAN MEYER: I heard -- I heard Commissioner</p> <p>8 Kimble say that he's putting it out for public comment in</p> <p>9 the --</p> <p>10 COMMISSIONER KIMBLE: As is, yes.</p> <p>11 CHAIRMAN MEYER: -- the way it is.</p> <p>12 Okay.</p> <p>13 COMMISSIONER KIMBLE: Yes.</p> <p>14 COMMISSIONER CHAN: Oh. Did you?</p> <p>15 CHAIRMAN MEYER: Commissioner Titla, did you have</p> <p>16 any comments on this before we hopefully get a motion to</p> <p>17 vote on this?</p> <p>18 COMMISSIONER TITLA: (No audible response.)</p> <p>19 CHAIRMAN MEYER: Okay. Anyone want to make a</p> <p>20 motion?</p> <p>21 COMMISSIONER CHAN: Mr. Chairman, I would move that</p> <p>22 we approve the amendments for public comment as written.</p> <p>23 Do I need to move them in separately?</p> <p>24 COMMISSIONER KIMBLE: The ten days.</p> <p>25 CHAIRMAN MEYER: Do you want to --</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">66</p> <p>1 COMMISSIONER CHAN: Oh. I'm sorry. I</p> <p>2 misunderstood. I thought we were -- forgive me. Let me</p> <p>3 remove -- like withdraw my motion and make a new one.</p> <p>4 Tom, do I need to do these separately?</p> <p>5 MR. COLLINS: I --</p> <p>6 COMMISSIONER CHAN: Kara?</p> <p>7 MR. COLLINS: Sure.</p> <p>8 COMMISSIONER CHAN: Okay. So Mr. Chairman -- thank</p> <p>9 you and I'm sorry to put you on the spot.</p> <p>10 MR. COLLINS: No, no. I should know the answer to</p> <p>11 that.</p> <p>12 COMMISSIONER CHAN: No, no. That's okay.</p> <p>13 MR. COLLINS: I think the answer is yes.</p> <p>14 COMMISSIONER CHAN: It's probably best to be clear.</p> <p>15 MR. COLLINS: The answer is "or."</p> <p>16 COMMISSIONER CHAN: Okay. So Mr. Chairman, I'd</p> <p>17 like to make a motion that we approve -- or approve the</p> <p>18 amendment to section R2-20-305 with the only change to</p> <p>19 Subsection (B) making that ten days rather than five days.</p> <p>20 CHAIRMAN MEYER: And that it be issued for public</p> <p>21 comment, correct?</p> <p>22 COMMISSIONER CHAN: And that it be issued for</p> <p>23 public comment. Thank you, Mr. Chairman.</p> <p>24 CHAIRMAN MEYER: Okay. You're very welcome.</p> <p>25 Is there a second to that motion?</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">67</p> <p>1 COMMISSIONER KIMBLE: I will second that.</p> <p>2 CHAIRMAN MEYER: All right. We have a motion and a</p> <p>3 second.</p> <p>4 All right. We're going to call the roll on the</p> <p>5 motion.</p> <p>6 I'm going to start with Commissioner Chan.</p> <p>7 COMMISSIONER CHAN: I vote aye.</p> <p>8 CHAIRMAN MEYER: Commissioner Kimble.</p> <p>9 COMMISSIONER KIMBLE: Aye.</p> <p>10 CHAIRMAN MEYER: Commissioner Titla.</p> <p>11 COMMISSIONER TITLA: Aye.</p> <p>12 CHAIRMAN MEYER: And Commissioner Meyer, I vote aye</p> <p>13 as well.</p> <p>14 So that motion carries unanimously as to -305.</p> <p>15 Is there a motion for R2-20-306?</p> <p>16 COMMISSIONER CHAN: Mr. Chairman, this is</p> <p>17 Commissioner Chan, I move that we approve the amendment to</p> <p>18 R2-20-306 for public comment as written.</p> <p>19 COMMISSIONER KIMBLE: I will second that.</p> <p>20 CHAIRMAN MEYER: 'Kay. I have a motion and a</p> <p>21 second.</p> <p>22 Again, we will call the roll on the vote here.</p> <p>23 Commissioner Chan.</p> <p>24 COMMISSIONER CHAN: I vote aye.</p> <p>25 CHAIRMAN MEYER: Commissioner Kimble.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">68</p> <p>1 COMMISSIONER KIMBLE: Aye.</p> <p>2 CHAIRMAN MEYER: Commissioner Titla.</p> <p>3 COMMISSIONER TITLA: Aye.</p> <p>4 CHAIRMAN MEYER: And Commissioner Meyer, I vote aye</p> <p>5 as well.</p> <p>6 So that motion carries 4-0.</p> <p>7 And I'm assuming it won't be a problem to correct</p> <p>8 that typo. Is that -- we don't need to have a motion on</p> <p>9 that, correct?</p> <p>10 MR. COLLINS: Yes, that's good.</p> <p>11 CHAIRMAN MEYER: Okay. So that wraps up Agenda</p> <p>12 Item V.</p> <p>13 Thank you, Mr. Richards and Ms. -- I don't want to</p> <p>14 butcher your last name, but thank you -- what was your name</p> <p>15 for the record? I want to get it right.</p> <p>16 MS. TER-GRIGORYAN: Ter-Grigoryan.</p> <p>17 CHAIRMAN MEYER: I'm sorry. What was it?</p> <p>18 MS. TER-GRIGORYAN: Ter Gri-gor-ee-an (phonetic).</p> <p>19 CHAIRMAN MEYER: All right. Thank you very much.</p> <p>20 I appreciate it.</p> <p>21 All right. So now we'll move on to Agenda Item</p> <p>22 Number VI, which is discussion and possible action of</p> <p>23 proposed meetings dates for September through December of</p> <p>24 2022.</p> <p>25 I know Paula had circulated dates. Anyone have any</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">69</p> <p>1 questions or comments -- comments on those dates?</p> <p>2 And I know I had put one comment in -- okay. That</p> <p>3 was taken out -- okay.</p> <p>4 Does anyone have any comments or can we have a</p> <p>5 motion to approve these meeting dates?</p> <p>6 COMMISSIONER CHAN: Mr. Chairman, I move that we</p> <p>7 approve the meeting dates.</p> <p>8 CHAIRMAN MEYER: Is there a second?</p> <p>9 COMMISSIONER KIMBLE: I second.</p> <p>10 CHAIRMAN MEYER: All right. Motion to approve</p> <p>11 meeting dates. We're going to vote.</p> <p>12 Call the roll.</p> <p>13 Commissioner Chan.</p> <p>14 COMMISSIONER CHAN: I vote aye.</p> <p>15 CHAIRMAN MEYER: Commissioner Kimble.</p> <p>16 COMMISSIONER KIMBLE: Aye.</p> <p>17 CHAIRMAN MEYER: Commissioner Titla.</p> <p>18 COMMISSIONER TITLA: Aye.</p> <p>19 CHAIRMAN MEYER: And Commissioner Meyer, I vote aye</p> <p>20 as well.</p> <p>21 We are safe and secure for our future meeting</p> <p>22 dates.</p> <p>23 On to Item Number VII, which is public comment.</p> <p>24 This is the time for consideration of comments and</p> <p>25 suggestions from the public.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">70</p> <p>1 Action taken as a result of public comment will be</p> <p>2 limited to directing staff to study the matter or</p> <p>3 rescheduling the matter for further consideration and</p> <p>4 decision at a later date or responding to criticism.</p> <p>5 Does any member of the public wish to make comments</p> <p>6 at this time?</p> <p>7 MR. COLLINS: We do have a --</p> <p>8 CHAIRMAN MEYER: Is any --</p> <p>9 MR. COLLINS: We do have one -- we have one member</p> <p>10 of public but I don't think she needs -- she wants to</p> <p>11 comment. I don't know.</p> <p>12 That's fine. So I think we're good.</p> <p>13 CHAIRMAN MEYER: No comment.</p> <p>14 And then anyone...</p> <p>15 MR. COLLINS: You're like -- you know, it's like a</p> <p>16 standing offer.</p> <p>17 COMMISSIONER CHAN: Mr. Chairman, just to make --</p> <p>18 MS. KNOX: My name -- my name is Rivko Knox. Where</p> <p>19 do I have to go?</p> <p>20 COMMISSIONER CHAN: Oh. I'm sorry.</p> <p>21 CHAIRMAN MEYER: I had a sneaking suspicion that</p> <p>22 that was Ms. Knox.</p> <p>23 MS. KNOX: Where do I go?</p> <p>24 MS. THOMAS: To the right of Commissioner Kimble.</p> <p>25 CHAIRMAN MEYER: Good morning, Ms. Knox.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">71</p> <p>1 MS. KNOX: I am Rivko Knox. I'm a long-time</p> <p>2 resident of the state of Arizona, a long-time voter, and</p> <p>3 I've been following the actions of the Citizens Clean</p> <p>4 Elections Commission for, I don't know, about 10 or</p> <p>5 12 years.</p> <p>6 And I just appreciate very much the commitment of</p> <p>7 all the Commissioners and of the staff. I was very -- this</p> <p>8 is the first obviously public meeting I've attended in quite</p> <p>9 a while, so it's -- I had a hard time finding the building</p> <p>10 which is why I came in late. That's beside the point,</p> <p>11 that's not a policy issue.</p> <p>12 I just did want to say, like I say, I think the</p> <p>13 professionalism of staff are just overwhelming. I continue</p> <p>14 to be massively impressed. I continue to mention Clean</p> <p>15 Elections as a source of infor- -- invaluable source of</p> <p>16 objective information that you have wherever I possibly can.</p> <p>17 And finally I was very pleased actually to see the</p> <p>18 Mary Jo Pitzl article. I actually sent her an e-mail and</p> <p>19 thanked her for highlighting the issue of the ongoing terms</p> <p>20 of all of the Commissioners, and I thank you all for</p> <p>21 unbelievable commitment and service to an organization -- or</p> <p>22 a state agency, which technically you are, that is really</p> <p>23 a -- it's such a critical component of our democratic</p> <p>24 system.</p> <p>25 And I appreciate the opportunity to speak and to</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">72</p> <p>1 continue to participate in meetings, whether it's through</p> <p>2 Zoom or in person.</p> <p>3 So thank you very much.</p> <p>4 CHAIRMAN MEYER: Thank you, Ms. Knox.</p> <p>5 Is there any -- any -- there's no other comment in</p> <p>6 -- in the room there, correct?</p> <p>7 COMMISSIONER KIMBLE: Correct.</p> <p>8 CHAIRMAN MEYER: And then anyone online? I'm not</p> <p>9 sure if there's anyone there.</p> <p>10 You may also send comments to the Commission by</p> <p>11 mail or e-mail to CCEC@azcanelections.gov.</p> <p>12 That brings us to Agenda IX -- excuse me, Agenda</p> <p>13 Item Number VIII, which is adjournment.</p> <p>14 Do we have a motion to adjourn?</p> <p>15 COMMISSIONER CHAN: Mr. Chairman, before I make the</p> <p>16 motion to adjourn, I just want to acknowledge that I think</p> <p>17 Commissioner Titla, if this was an employee position or an</p> <p>18 elected official position, I think he almost would have</p> <p>19 vested in the state retirement system by now he's been</p> <p>20 serving so long. So I just thought -- I wanted to recognize</p> <p>21 him for that that is -- you know, of all of us, he's</p> <p>22 definitely had the most perseverance.</p> <p>23 So I just wanted to thank him for still being with</p> <p>24 us, 'cause as time marches on I'm sure -- I'm sure we all</p> <p>25 feel that a little bit.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">73</p> <p>1 And with that, I -- I would move that we adjourn</p> <p>2 this meeting.</p> <p>3 COMMISSIONER KIMBLE: I would second that.</p> <p>4 CHAIRMAN MEYER: Okay. And I -- you know, I want</p> <p>5 to say Commissioner Chan I agree. Thank you, Commissioner</p> <p>6 Titla. It's always great to -- it's great to have you. And</p> <p>7 you have me by one year, yeah, on the Commission, so.</p> <p>8 Okay. So we have the motion to adjourn. I'll call</p> <p>9 the roll.</p> <p>10 Commissioner Chan.</p> <p>11 COMMISSIONER CHAN: I vote aye.</p> <p>12 CHAIRMAN MEYER: Commissioner Kimble.</p> <p>13 COMMISSIONER KIMBLE: Aye.</p> <p>14 CHAIRMAN MEYER: Commissioner Titla.</p> <p>15 COMMISSIONER TITLA: Aye. And thank you for your</p> <p>16 comments, appreciate it.</p> <p>17 CHAIRMAN MEYER: You're welcome.</p> <p>18 And Commissioner Meyer, I vote aye.</p> <p>19 We are adjourned. Our next meeting is</p> <p>20 September 29th.</p> <p>21 Thank you.</p> <p>22 (Whereupon the meeting concludes at 11:11 a.m.).</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

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<p style="text-align: center;">2</p> <p>1 PUBLIC MEETING, BEFORE THE CITIZENS CLEAN ELECTIONS 2 COMMISSION, convened at 11:45 a.m. on September 8, 2022, via 3 video conference, in the presence of the following Board 4 members: 5 Mr. Damien Meyer, Chairman 6 Mr. Galen Paton 7 Mr. Mark S. Kimble 8 Mr. Steve Titla 9 10 OTHERS PRESENT: 11 Thomas M. Collins, Executive Director 12 Paula Thomas, Executive Officer 13 Mike Becker, Policy Director 14 Gina Roberts, Voter Education Director 15 Avery Xola, Voter Education Manager 16 Alec Shaffer, Web Content Manager 17 Natalya Ter-Grigoryan, Richards and Moskowitz 18 Bill Richards, Richards and Moskowitz 19 Jessica Painter, KCA 20 Timothy LaSota, Esq., Kari Lake Campaign 21 Nicole DeMont, Katie Hobbs Campaign 22 23 PUBLIC COMMENT SPEAKER(S): 24 Debra Bernoff 25 Steve Krafft 26 Rae'Lee Klein 27 Elisha Ferraro 28 Nicole Garcia 29 Jennifer Leslie 30 Wendee Saunders 31 Lori Gray 32 Dr. Dawn Penich-Thacker 33 Anthony Dewitt 34 William Pounds 35 Tyler Brogman (phonetic) 36 Maggie Smith 37 Alex Calabrese 38 Lynn Ann Cottle 39 Kyle Conklin (phonetic) 40 Taylor Tasler 41 42 ALSO PRESENT: 43 44 Members of the public 45 Miller Certified Reporting, LLC</p>	<p style="text-align: center;">3</p> <p>1 P R O C E E D I N G 2 3 CHAIRMAN MEYER: Good morning. My name is Damian 4 Meyer. I am the Chairman of the Citizens Clean Elections 5 Commission this year. It is 11:45 a.m. on September 8th, 6 2022, and I call this meeting of the Citizens Clean 7 Elections Commission to order. 8 I'd like to ask that audience members please keep 9 their microphone on mute, please, as we're doing this by 10 Zoom. 11 And with that, we will take attendance. 12 Commissioners, please identify yourself for the record. 13 Commissioner Paten. 14 UNIDENTIFIED SPEAKER: I don't know why we're not 15 hearing it. 16 COMMISSIONER PATON: Hello, Galen Paton. 17 UNIDENTIFIED SPEAKER: We're streaming on live, 18 too. 19 CHAIRMAN MEYER: Commissioner Kimble. 20 COMMISSIONER KIMBLE: Mark Kimble is here. 21 CHAIRMAN MEYER: And then is Commissioner Titla on 22 the line? 23 COMMISSIONER TITLA: Yeah, I just signed in now. 24 Here. 25 CHAIRMAN MEYER: And then is Commissioner Chan on Miller Certified Reporting, LLC</p>
<p style="text-align: center;">4</p> <p>1 the line or no? 2 (No response.) 3 CHAIRMAN MEYER: Okay. She is not. 4 MR. COLLINS: She has a lot of other things to do 5 today. 6 CHAIRMAN MEYER: Okay. All right, so let's go to 7 Agenda Item Number II, which is discussion and possible 8 action on Executive Director's report, enforcement and 9 regulatory update, and legislative update. 10 Tom, anything on that today? Go ahead. 11 MR. COLLINS: I think -- I think we're good to go 12 ahead I appreciate (technical disruption). 13 CHAIRMAN MEYER: Okay. On to Agenda Item 14 Number III, which is discussion and possible action on the 15 2022 general election Governor's debate, candidate proposal 16 format, and attendance. 17 For this agenda item, we will be discussing our 18 general election Governor's debate. 19 First I want to note, as we just learned, our 20 colleague Commissioner Chan is not on the line today. She's 21 not attending the meeting because she has recused herself. 22 She's recused herself from any issues relating to the 23 Governor's election because she is currently an employee of 24 the Secretary of State's office, so she is not participating 25 in the meeting. Miller Certified Reporting, LLC</p>	<p style="text-align: center;">5</p> <p>1 Additionally, Bill Richards and his colleague 2 Natalya, Natalya Ter-Grigoryan, are also available to 3 provide the Commission legal advice if -- if we find the 4 position where we need some. 5 And Tom, since we're doing this virtually, I'd like 6 you to go ahead and introduce this item. Please give an 7 overview of the issue and then we'll hear from the 8 Commissioners; and, additionally, I will give an opportunity 9 for any representative of the Hobbs Campaign and the Lake 10 Campaign to speak to the Commission; and then we will have 11 public comments on this issue. 12 So I'm going to take it to you, Mr. Collins, to 13 provide the overview. 14 MR. COLLINS: Thank you, Chairman Meyer, 15 Commissioners; thank you everybody who is here today. 16 I wanted to take a moment to kind of create some 17 context about what the Citizens Clean Elections Commission 18 is because there are a number of folks here who may not be 19 particularly familiar with the agency. 20 One thing, for example, is how to think about a 21 meeting like this, right, as a public meeting. And the way 22 that I think about it is an employee of the board is -- 23 sometimes questions come in that require me to ask my boss, 24 and the board is my boss; and it just so happens that in 25 order to talk to my boss, it has to be a noticed public Miller Certified Reporting, LLC</p>

<p style="text-align: right;">6</p> <p>1 meeting, right. So it's kind of important context here to</p> <p>2 understand that, you know, questions come up in every</p> <p>3 election cycle that requires to have some kind of special</p> <p>4 meeting like this.</p> <p>5 I also wanted to briefly -- you know, and for those</p> <p>6 of who come to our meetings frequently, this will be</p> <p>7 rehearsal, but I think it's important to sort of set the</p> <p>8 context here -- the Citizens Clean Elections Commission is a</p> <p>9 five-member multiparty board that oversees the Clean</p> <p>10 Elections program, Clean Elections Act; was passed by voters</p> <p>11 in 1998, and it includes voter education and campaign</p> <p>12 finance reports.</p> <p>13 And so for the past 20 years under that statute</p> <p>14 which calls for this debate series, the Commission has</p> <p>15 sponsored debates statewide and legislative candidates. Our</p> <p>16 legislative debates take place now on Zoom. They used to be</p> <p>17 all the around the state. Through COVID and -- and the</p> <p>18 efficiency of that, we learned that doing them on Zoom was</p> <p>19 more effective; so those are happening right now.</p> <p>20 And then our statewide debates kick off on Monday</p> <p>21 at -- on Arizona PBS; and you should tune in.</p> <p>22 You know, all of the Clean Elections debates</p> <p>23 whether they're legislative or statewide are expressly</p> <p>24 designed to encourage the free exchange of ideas, and the</p> <p>25 format we have typically allows some kind of direct</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">7</p> <p>1 candidate interaction and respects the content and viewpoint</p> <p>2 neutrality that the First Amendment requires because, you</p> <p>3 know, we're a government agency.</p> <p>4 We work with moderators who are journalists around</p> <p>5 the state on the legislative debates; and then for our</p> <p>6 statewide debates, we work with Arizona PBS and crews at</p> <p>7 Horizon and Ted Simons who has been the long-time host of</p> <p>8 Horizon, is an Emmy-winning award -- well, Emmy-award</p> <p>9 winning debate moderator and has long served the Valley as a</p> <p>10 journalist on television and radio.</p> <p>11 Clean Elections -- and this is really, I think,</p> <p>12 important. Clean Elections commitment to voter education</p> <p>13 and ensuring that voters can actually hear from the</p> <p>14 candidates is well established as voters, candidates, and</p> <p>15 even election professionals know.</p> <p>16 So our debates have been well attended by</p> <p>17 candidates including Governor Ducey, Governor Brewer, and</p> <p>18 Governor Napolitano, as well as countless statewide and</p> <p>19 legislative candidates; and this year we anticipate, we're</p> <p>20 lucky to have and we're happy to have candidates in</p> <p>21 Secretary of State race, Attorney General, Superintendent,</p> <p>22 Treasurer, and Corporation Commission.</p> <p>23 So I say all that to say that, you know, because of</p> <p>24 this board's leadership and -- and our staff's work,</p> <p>25 specifically Gina Roberts who is our Voter Education</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">8</p> <p>1 Director, you know, we have established a reputation for</p> <p>2 handling our voter education program and the debate series</p> <p>3 in a way that is transparent.</p> <p>4 I also just want to note while everyone is here,</p> <p>5 you know, in addition, the Clean Elections Commission has</p> <p>6 worked to ensure voter education guide, which also allows</p> <p>7 people to hear from candidates, is widely available, and we</p> <p>8 have ensured it is translated in languages from Navajo to</p> <p>9 ASL. In our voter education work, we have traveled from</p> <p>10 distributing voter registration forms in White River,</p> <p>11 teaching campaign finance classes in Nogales, and</p> <p>12 Commissioner Titla and I have even done live radio in</p> <p>13 San Carlos.</p> <p>14 So, you know, the Clean Elections Act says that we</p> <p>15 are to promote participation and free speech; and with your</p> <p>16 leadership over the last, you know, 22 years, and certainly</p> <p>17 over my experience here in the last ten, I think we've done</p> <p>18 that.</p> <p>19 So that's the overview of Clean Elections for</p> <p>20 everybody who may be new to this environment.</p> <p>21 We're here today, though, out of respect for the</p> <p>22 people who put themselves forward as candidates for the</p> <p>23 Governor's office, which is the most important office in the</p> <p>24 state. And, you know, quite frankly, we're here today out</p> <p>25 of respect for -- for Katie -- Kari Lake and for</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">9</p> <p>1 Secretary Hobbs who has been the chief election officer in</p> <p>2 the state for the past four years.</p> <p>3 So, you know, we all know that this is in part</p> <p>4 because of the Secretary Hobbs' proposal, you know, but it's</p> <p>5 not the role of a bureaucrat like myself to simply dismiss</p> <p>6 such a proposal out of hand.</p> <p>7 I want to also, though -- you know, I have to as</p> <p>8 a -- as attorney and as administrator make a quick record on</p> <p>9 where we are and how we got here, so everybody understands,</p> <p>10 like, why have a Commission meeting, you know.</p> <p>11 You know, the -- the course of time here has been</p> <p>12 that we sent out our initial "save the date" in July. We</p> <p>13 then followed up with a detailed invitation on August 10th</p> <p>14 that included the format. We asked for an RSVP by</p> <p>15 August 26th because we were asking, among other partners,</p> <p>16 the Arizona Broadcasters Association to reserve time for us</p> <p>17 as a public service to broadcast this event as a -- to</p> <p>18 voters around the state, to reach as many voters as possible</p> <p>19 in the format that they would like to be reached.</p> <p>20 So we first heard from the Hobbs Campaign on -- on</p> <p>21 August 22nd, and they, at that time, asked us if we had</p> <p>22 changes we were going to propose to the format we had sent</p> <p>23 out. You know, given that no one had proposed any changes</p> <p>24 at that time, you know, we simply responded that we did not.</p> <p>25 And -- and then on August 26th, we received another e-mail</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">10</p> <p>1 that requested a meeting to discuss the matter. We worked</p> <p>2 with the Hobbs Campaign to get that meeting together the</p> <p>3 next week but, you know, that -- that -- that first e-mail</p> <p>4 requesting meeting came on the day we were hoping to get an</p> <p>5 RSVP. So we extended that deadline for a week, but we're,</p> <p>6 you know, really faced the deadline that we had for making</p> <p>7 sure we had the broadcast time.</p> <p>8 We did in fact have that meeting, at that time</p> <p>9 Commission staff offered time limits in a format that's</p> <p>10 identical in essence to the 2020 U.S. Senate debate which we</p> <p>11 cosponsored, which was -- which had won an Emmy, Rocky</p> <p>12 Mountain Emmy.</p> <p>13 We didn't receive a proposal from the -- from the</p> <p>14 Hobbs Campaign at that time and -- or at any time prior to</p> <p>15 the R- -- the new deadline day of September 2nd.</p> <p>16 Now, obviously that's, you know, in the past, but</p> <p>17 it's important obviously to understand here that, you know,</p> <p>18 we as staff, and certainly our voter education staff and</p> <p>19 Gina and her colleagues, you know, we're not part of the</p> <p>20 political process, right. This is -- you know, our role</p> <p>21 here is to try to bring folks together, to bring</p> <p>22 information, bring candidates to voters, and connect voters</p> <p>23 to candidates in an effort to promote participation under</p> <p>24 the Clean Elections Act. That's how we've transacted things</p> <p>25 thus far, but as I said at the outset, you know, out of</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">11</p> <p>1 respect to the candidates who put themselves forward with --</p> <p>2 to run for Governor, we felt the need that, you know,</p> <p>3 elevate the question to the board.</p> <p>4 So that's what's in front of you today.</p> <p>5 I know it's a lot of background and I apologize</p> <p>6 about going on too long, but I did want to sort of set the</p> <p>7 stage for this.</p> <p>8 Obviously we have a perspective on certain aspects</p> <p>9 of this that we're happy to, you know, answer -- take</p> <p>10 questions about if you have specific questions, and that</p> <p>11 kind of introduces the issue from our perspective.</p> <p>12 CHAIRMAN MEYER: Tom, one question: In the</p> <p>13 communications, you know, back in July, the invite on</p> <p>14 August 10, was there an explanation to the -- to the</p> <p>15 campaigns as to what the format of the debate would be; and,</p> <p>16 if so, can you elaborate on that a little bit?</p> <p>17 MR. COLLINS: Yes, there was a -- there was a</p> <p>18 communication. I will have it up for you now.</p> <p>19 So the August 10th invitation explained that this</p> <p>20 will be a "first of its kind" event in terms of the</p> <p>21 broadcast reach that the Broadcasters Association was</p> <p>22 offering; it -- debate that was planned at that time would</p> <p>23 have aired across dozens of TV and radio stations in</p> <p>24 Arizona. The debate itself was set to be at Arizona PBS</p> <p>25 studios at Downtown Phoenix. It would rely on moderator Ted</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">12</p> <p>1 Simons to help lead the conversation.</p> <p>2 It stated that our goal was to provide candidates</p> <p>3 professional, respectful, and meaningful environment so they</p> <p>4 can communicate directly to the voters of Arizona about the</p> <p>5 issues important to their campaign.</p> <p>6 We -- so, you know, we -- we then provided an</p> <p>7 additional document spelling out the details. That document</p> <p>8 stated the arrival time. It stated, you know, what the</p> <p>9 airtime would be. It described and provided an illustration</p> <p>10 of the stage. You know, our primary debates featured a sort</p> <p>11 of sit-down thing; we've kind of gone back and forth.</p> <p>12 That's one aspect we've always kind of -- you know, between</p> <p>13 sitting and standing, we felt in this case that the standing</p> <p>14 worked effectively in the 2020 Senate debate, which they</p> <p>15 said award winning, which is important to us, and we -- so</p> <p>16 we featured that illustration.</p> <p>17 The format described how Ted Simons would moderate,</p> <p>18 that Ted would have editorial control of the questions, and</p> <p>19 we -- you know, we don't provide specific debate questions</p> <p>20 ahead of time. Each candidate would have a one-minute</p> <p>21 opening statement that would be in the order that would be</p> <p>22 randomly selected. The format was set as follows: That Ted</p> <p>23 would follow -- in the first half Ted would follow a formal</p> <p>24 format in directing questions to specific candidates and</p> <p>25 maintaining control over time and interruptions. While</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">13</p> <p>1 there's no set time limit on the initial communications or</p> <p>2 responses, Ted will ensure that discussion progresses; and</p> <p>3 then for the second half of the debate, we proposed that</p> <p>4 each candidate would be allowed to respond to questions with</p> <p>5 more interaction between the candidates, and that Ted would</p> <p>6 moderate to ensure that no one candidate dominated the</p> <p>7 debate.</p> <p>8 We described some of the issues around -- technical</p> <p>9 issues around, you know, where candidates would be situated</p> <p>10 before the debate, who would be permitted in the studio, and</p> <p>11 then -- and then the reach, and some further planning</p> <p>12 purposes, you know, how media -- how other media members</p> <p>13 would -- you know, how they would be situated at the</p> <p>14 physical location.</p> <p>15 CHAIRMAN MEYER: And then that was August 10 I</p> <p>16 believe you said; and then on August 22nd you heard from the</p> <p>17 Hobbs Campaign about format changes. Can you elaborate on</p> <p>18 what specific format changes they suggested, if any.</p> <p>19 MR. COLLINS: Yes, Mr. Chairman. At that time</p> <p>20 the -- the communication from the Hobbs Campaign was to --</p> <p>21 we had -- we had sent two subsequent communications, one</p> <p>22 about COVID and one about protocols at ASU, and one about</p> <p>23 another -- telling them that we had added additional</p> <p>24 partners to our live stream. And they wrote in on the 22nd</p> <p>25 and said: Do you have an -- will you -- will you be having</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">14</p> <p>1 any additional changes to the -- or to the format?</p> <p>2 And at that time, as I said, we -- we didn't -- our</p> <p>3 response was we didn't because we hadn't been -- none had</p> <p>4 been suggested to us. In other words, we did not have, if</p> <p>5 you will, sua sponte changes to the debate format that we</p> <p>6 were -- that we suggested at that time, so.</p> <p>7 But we -- and we did not receive a proposal or --</p> <p>8 or details as to what changes the Hobbs Campaign was</p> <p>9 (technical disruption).</p> <p>10 CHAIRMAN MEYER: And if I understand the history</p> <p>11 correctly, Tom, the -- the Hobbs Campaign has not come</p> <p>12 forward with specific format changes such as two minutes per</p> <p>13 question, you know, equal time, you know, things that you</p> <p>14 might expect to see in a negotiation of debate format. Has</p> <p>15 that ever come forward specifically?</p> <p>16 MR. COLLINS: Well, I mean, we had -- we had -- we</p> <p>17 received the letter on September 2nd, that was the first</p> <p>18 proposal we received that had details. There was one</p> <p>19 inter- -- intervening conversation between the Hobbs</p> <p>20 Campaign and the Clean Elections and PBS staff, but that</p> <p>21 conversation again, you know, was one that in effect was</p> <p>22 "What changes are you, being Clean Elections and PBS,</p> <p>23 proposing?" But it wasn't -- we didn't -- we didn't receive</p> <p>24 a proposal from the Hobbs Campaign until the 2nd of</p> <p>25 September.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">15</p> <p>1 CHAIRMAN MEYER: Okay.</p> <p>2 Do any other Commissioners have any conversations</p> <p>3 for Tom on sort of the chronology and timeline of events</p> <p>4 there?</p> <p>5 COMMISSIONER KIMBLE: Mr. Chairman, this is</p> <p>6 Commissioner Kimble.</p> <p>7 CHAIRMAN MEYER: Go ahead, Commissioner Kimble.</p> <p>8 COMMISSIONER KIMBLE: So Tom, what -- what exactly</p> <p>9 was the proposal that you received from the Hobbs Campaign</p> <p>10 on September 2nd?</p> <p>11 MR. COLLINS: Sure. That proposal -- this is in</p> <p>12 your materials at -- well, it was -- I think this is the</p> <p>13 first item you received with the agenda on -- on -- on --</p> <p>14 on whatever day you received the agenda, I apologize, my</p> <p>15 memory -- so that -- that -- that proposal, at the second</p> <p>16 page of that proposal, details that in place of the current</p> <p>17 debate structure, the Hobbs Campaign said "we would like to</p> <p>18 provide voters with a venue that allows Arizonans a chance</p> <p>19 to compare the ideas, policies, and solutions of their</p> <p>20 candidate, and we proposal each candidate conducts a</p> <p>21 separate 30-minute town-hall style interview with Ted Simons</p> <p>22 which would -- could appear back-to-back in the same hour.</p> <p>23 Each candidate would have one minute to make opening and</p> <p>24 closing statements, as in the original proposal, and</p> <p>25 Mr. Simons would then have full license to conduct his</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">16</p> <p>1 interview and ask the questions of his choosing.</p> <p>2 COMMISSIONER KIMBLE: Okay. So Tom, I just want to</p> <p>3 make sure that the original deadline to -- to accept the</p> <p>4 invitation was September 26th, and it wasn't until a week</p> <p>5 after that deadline that you got this proposal that</p> <p>6 essentially changes it from a debate to two town halls; is</p> <p>7 that correct?</p> <p>8 MR. COLLINS: Mr. Chairman, Commissioner Kimble,</p> <p>9 yeah, the original date was August 26th, and then on</p> <p>10 September 2nd we received -- received the -- the change.</p> <p>11 The -- and I would say that the proposal says "town</p> <p>12 hall," I mean we haven't -- I don't -- I'm not sure exactly</p> <p>13 what that term means but, yeah, that -- that was the --</p> <p>14 that's the chronology.</p> <p>15 COMMISSIONER KIMBLE: Thank you.</p> <p>16 CHAIRMAN MEYER: Commissioner Paton or Commissioner</p> <p>17 Titla, do you have any questions for Tom on this?</p> <p>18 Okay. And then --</p> <p>19 COMMISSIONER TITLA: Yeah, and this is</p> <p>20 Commissioner Titla.</p> <p>21 CHAIRMAN MEYER: Go ahead, Commissioner Titla.</p> <p>22 COMMISSIONER TITLA: Yeah Tom, did you receive a</p> <p>23 response from the other candidate --</p> <p>24 MR. COLLINS: Yes.</p> <p>25 COMMISSIONER TITLA: -- on this issue?</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">17</p> <p>1 And what did that response say?</p> <p>2 MR. COLLINS: Yes. Mr. Chairman, Commissioner</p> <p>3 Titla, yes, we did. We received one last night which the --</p> <p>4 which we were able to distribute to you-all late last night.</p> <p>5 That -- with respect to the specific response</p> <p>6 format-wise I think you're asking, Commissioner Titla; am I</p> <p>7 correct there?</p> <p>8 COMMISSIONER TITLA: Yeah, can you read -- can you</p> <p>9 read what the response said?</p> <p>10 MR. COLLINS: So Mr. Chairman, Commissioner Titla,</p> <p>11 I'm going to read specifically from the aspect -- and I can</p> <p>12 read the whole thing if you want me to, but I'll start with</p> <p>13 the aspect of the --</p> <p>14 COMMISSIONER TITLA: Can you read -- can you read</p> <p>15 the entire thing?</p> <p>16 MR. COLLINS: Sure. Mr. Chairman,</p> <p>17 Commissioner Titla, I'm happy to.</p> <p>18 CHAIRMAN MEYER: It's a couple pages long,</p> <p>19 Commissioner, but...</p> <p>20 MR. COLLINS: Well, I'm happy to. I'm -- I'm happy</p> <p>21 to.</p> <p>22 So this was dated September 7th.</p> <p>23 (Reading.)</p> <p>24 To Whom It May Concern, we are sorely</p> <p>25 disappointed but not surprised with Katie Hobbs</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">18</p> <p>1 sabotaging the Clean Elections Commission's efforts</p> <p>2 to put together a gubernatorial debate as it has</p> <p>3 successfully done for years up until now.</p> <p>4 As a former award-winning journalist, Kari</p> <p>5 Lake passionately believes that the voters of</p> <p>6 Arizona deserve at least one opportunity to see</p> <p>7 their two candidates side by side debating the</p> <p>8 issues of the day. That's why she made it clear</p> <p>9 she would accept the Commission's invitation to</p> <p>10 debate with any format with the reasonable</p> <p>11 expectation that Katie Hobbs would be on stage with</p> <p>12 her.</p> <p>13 The town hall format that Katie Hobbs</p> <p>14 proposed last week is not a debate but a safe space</p> <p>15 for any serious criticism or scrutiny of her</p> <p>16 record.</p> <p>17 Perhaps Katie Hobbs is worried that Kari Lake</p> <p>18 will bring up -- bring up her record of -- and,</p> <p>19 obviously -- well, record of convictions for racial</p> <p>20 and sexual discrimination on live television. She</p> <p>21 should be, but facing criticism and taking</p> <p>22 responsibility for your record in front of the</p> <p>23 voters is one of the most basic qualifications for</p> <p>24 leadership. Hobbs is failing at it spectacularly.</p> <p>25 Kari Lake will not take part in the town hall</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">19</p> <p>1 format that Katie Hobbs has proposed, and we call</p> <p>2 on the Commission to reject it as well.</p> <p>3 On September 7th Lake and Hobbs are taking</p> <p>4 part in the style of forum put on by the Chamber of</p> <p>5 Commerce with that Hobbs-demanded setup. Once</p> <p>6 again, this is has highlighted how afraid and</p> <p>7 unsure Katie Hobbs is of her own positions and</p> <p>8 policies. Clean Elections Commission is the only</p> <p>9 organization in the state that has the opportunity</p> <p>10 to put together a genuine debate with the</p> <p>11 candidates for people of Arizona. Kari Lake will</p> <p>12 not go along with Katie Hobbs' attempts to sabotage</p> <p>13 it and neither should the Commission.</p> <p>14 We're calling on the Commission to schedule</p> <p>15 the debate as planned with two podiums on stage.</p> <p>16 Kari Lake will be there to answer any and all</p> <p>17 questions from the moderator. If at some point,</p> <p>18 Katie Hobbs decides to show up, Kari Lake will be</p> <p>19 more than happy to share the stage with her. If</p> <p>20 she does not show up, that is a revealing fact that</p> <p>21 the voters of Arizona deserve to know as well.</p> <p>22 Hobbs' strategy may be to avoid facing any real</p> <p>23 scrutiny from voters or the press for this entire</p> <p>24 campaign, but the Clean Elections Commission cannot</p> <p>25 allow itself to become a pawn in her game and set a</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">20</p> <p>1 dangerous new precedent that allows candidates to</p> <p>2 hide from the voters without any repercussions.</p> <p>3 In addition, we are calling on Commissioner</p> <p>4 Chan to recuse from herself from the Commission's</p> <p>5 deliberations and vote on this matter given that</p> <p>6 Chan currently works as general counsel in the</p> <p>7 Katie Hobbs' Secretary of State's Office. Her</p> <p>8 involvement invokes a clear conflict of interest</p> <p>9 that would taint the Commission's decision.</p> <p>10 We look forward to scheduling the debate with</p> <p>11 you, and we sincerely hope that Hobbs ultimately</p> <p>12 decides to attend.</p> <p>13 Thank you, Kari Lake for Governor.</p> <p>14 (Reading concludes.)</p> <p>15 COMMISSIONER TITLA: Thank you, Tom.</p> <p>16 CHAIRMAN MEYER: Okay. Any other questions from</p> <p>17 the Commissioners?</p> <p>18 Okay. So now -- I mean, Tom, I have some thoughts</p> <p>19 on this. I don't know if you want me to share those now or</p> <p>20 if you want me to -- if we want to hear from the Hobbs and</p> <p>21 the Lake campaigns first?</p> <p>22 MR. COLLINS: You know --</p> <p>23 CHAIRMAN MEYER: I think --</p> <p>24 MR. COLLINS: -- it doesn't -- sorry.</p> <p>25 CHAIRMAN MEYER: I think it might make more sense</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">21</p> <p>1 for me to maybe share those now to give them an opportunity</p> <p>2 to address sort of how I'm seeing things, and maybe we'll</p> <p>3 have our Commissioners sort of share their thoughts so that</p> <p>4 way, we get a more focused discussion from any</p> <p>5 representative of the Hobbs or Lake Campaign that wants to</p> <p>6 speak.</p> <p>7 Does that work for you?</p> <p>8 MR. COLLINS: And Mr. Chairman, I mean, it's</p> <p>9 your -- I think on that, it's certainly your discretion</p> <p>10 to -- to -- unless Bill says otherwise, to -- to do it in</p> <p>11 that way, and I think that that might be an orderly way to</p> <p>12 kind of narrow the issues to the extent that you monitor as</p> <p>13 you go through.</p> <p>14 CHAIRMAN MEYER: I guess I should ask, do we have</p> <p>15 representatives from the Hobbs and the Lake Campaign here to</p> <p>16 speak or no?</p> <p>17 MR. COLLINS: I think -- okay.</p> <p>18 MR. LaSOTA: I'm here on behalf of Kari Lake for</p> <p>19 Arizona, Mr. Chairman. Timothy LaSota.</p> <p>20 MS. DeMONT: And I'm here on behalf of the Katie</p> <p>21 Hobbs Campaign.</p> <p>22 CHAIRMAN MEYER: And I'm sorry, what was your</p> <p>23 name -- okay, Nicole.</p> <p>24 MS. DeMONT: Nicole DeMont.</p> <p>25 CHAIRMAN MEYER: Okay.</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">22</p> <p>1 All right, well I kind of want to share my thoughts</p> <p>2 here, and then we'll open up the floor to other</p> <p>3 Commissioners and then we'll hear from Mr. DeSoto (verbatim)</p> <p>4 and Ms. DeMont.</p> <p>5 But, you know, I have spent -- I have some notes</p> <p>6 here. I've spent a lot of time thinking about this issue</p> <p>7 since, you know, last Friday when we received Ms. DeMont's</p> <p>8 letter, and I've tried to approach this from two</p> <p>9 perspectives. That is, one, what is the purpose of the</p> <p>10 Clean Elections Commission; and, two, you know, what is best</p> <p>11 for Arizona voters.</p> <p>12 And on the first issue of what the purpose of the</p> <p>13 Clean Elections Commission is, I mean Tom shared a lot of</p> <p>14 that, spoke on that in his comments. So I'll just say, you</p> <p>15 know, from my perspective, you know, voter education is at</p> <p>16 the top of the list of what we do. We provide voters of</p> <p>17 information on candidates via the Clean Elections voter</p> <p>18 guide and, you know, of course we provided voter education</p> <p>19 and opportunities for voters to evaluate candidates in the</p> <p>20 debates that we have aired with PBS. And we've done that</p> <p>21 for 20-something years.</p> <p>22 As Tom said, Ted Simons has moderated the debates</p> <p>23 and he does a -- in my opinion -- does a great job and</p> <p>24 others as well as he's an Emmy award winner.</p> <p>25 On the second issue of how I've approached this,</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">23</p> <p>1 and that is what is best for Arizona voters, in my opinion</p> <p>2 it would be most beneficial for Arizona voters to have an</p> <p>3 opportunity to see a live debate between our two candidates</p> <p>4 for Governor. So from my perspective, where I'm sitting</p> <p>5 right now, is I don't believe that the Commission should</p> <p>6 accept Secretary Hobbs' proposal of these back-to-back</p> <p>7 30-minute town hall interviews.</p> <p>8 I do, however, I want to acknowledge the concerns</p> <p>9 of the Hobbs Campaign that any debate needs to be a fair and</p> <p>10 reasoned debate, okay.</p> <p>11 Now I want to be clear, I'm not -- I'm not agreeing</p> <p>12 or disagreeing with the statements that Ms. DeMont made in</p> <p>13 her letter on September 2nd regarding Republican primary</p> <p>14 debate. That -- that's not my role; that's not my job. My</p> <p>15 point is that it is in the best interest of Arizona voters</p> <p>16 for these two candidates to have a fair and reasoned debate</p> <p>17 where candidates get equal time to answer questions that are</p> <p>18 uninterrupted by the other candidate and other, you know,</p> <p>19 reasonable standard debate rules and formats which -- which</p> <p>20 we have -- which we can provide.</p> <p>21 So -- so this debate I believe is scheduled for</p> <p>22 October 6th. Today is September 8th. We have time. I</p> <p>23 don't see any reason why these two campaigns cannot work</p> <p>24 with Clean Elections staff and come up with a debate format</p> <p>25 so these two candidates can hold a fair and reasonable</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">24</p> <p>1 debate.</p> <p>2 Now I do want to say that Clean Elections staff</p> <p>3 cannot do this on their own, they need engagement from the</p> <p>4 campaigns of each of the candidates.</p> <p>5 So -- so what I -- where I'm sitting right now and</p> <p>6 what I want to see happen is I want the Clean Elections</p> <p>7 staff to work with both the Hobbs and the Lake campaigns to</p> <p>8 come to an agreement on a fair and reasoned debate format</p> <p>9 that will give Arizona opportunities -- or Arizona voters</p> <p>10 the opportunity to evaluate these candidates. Okay?</p> <p>11 So those are -- are my thoughts. Excuse me, so I</p> <p>12 think what we should do is I would like to see staff go work</p> <p>13 with the campaigns for two weeks, come back, see what you</p> <p>14 can accomplish on getting a -- a debate format in place. I</p> <p>15 don't support the town-hall style. That's -- that's not</p> <p>16 what the Commission has done; I don't think it's beneficial</p> <p>17 to -- to the Arizona voters.</p> <p>18 So there's my thoughts and then I want -- I'd like</p> <p>19 to hear from the other Commissioners on where they stand,</p> <p>20 and then we'll turn it over to the respective campaigns</p> <p>21 to -- to speak to the Commission.</p> <p>22 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p>23 CHAIRMAN MEYER: Go ahead, Commissioner Kimble.</p> <p>24 COMMISSIONER KIMBLE: Let me say first of all I</p> <p>25 agree with you, but only up to a point.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">25</p> <p>1 Setting aside all the posturing, campaigning in --</p> <p>2 in statements from both campaigns, it seems to me that we</p> <p>3 have a format that we have used for a number of years that</p> <p>4 has been successful, that has given the voters of Arizona</p> <p>5 the opportunity to compare and contrast the candidates</p> <p>6 face-to-face; and I think there's a problem with timing in</p> <p>7 this.</p> <p>8 We -- we send out the proposed format in -- in</p> <p>9 first half of August, and then not until September do we get</p> <p>10 a response from the Hobbs Campaign proposing not minor</p> <p>11 tinkering around the edges, but a complete revamp of the</p> <p>12 whole thing. And while I would -- while I would like to</p> <p>13 hope that some agreement could be reached between the two</p> <p>14 sides, I think that's unrealistic.</p> <p>15 I think that it's -- it's incumbent on us to say:</p> <p>16 Enough, this is the format that we have set up it. I think</p> <p>17 it would be unfair to either campaign if at the last</p> <p>18 minute -- and this is almost the last minute in terms of</p> <p>19 setting up a debate of this magnitude -- late in the</p> <p>20 process, we change the process. And I -- I don't -- I would</p> <p>21 not support that.</p> <p>22 And I would like to to like to think that these two</p> <p>23 sides could have a kumbaya moment and come together and say</p> <p>24 "let's do this," but as you said, Mr. Chairman, I do not</p> <p>25 support a town hall agreement -- I mean a town hall setup.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">26</p> <p>1 I -- I think the debate setup that we -- that we have and</p> <p>2 the moderator that we have has proven in the past to be</p> <p>3 effective and a service to the voters, and I would support</p> <p>4 just moving ahead with that right now.</p> <p>5 Thank you, Mr. Chairman.</p> <p>6 CHAIRMAN MEYER: Thank you, Commissioner Kimble.</p> <p>7 Commissioner Paton or Commissioner Titla?</p> <p>8 COMMISSIONER PATON: Yes, this is Commissioner</p> <p>9 Paton. I'm sorry, I've been ill for a while, but I do have</p> <p>10 thoughts on this matter.</p> <p>11 For six years I've been on the Commission I've</p> <p>12 really pushed for debates, as many as we could get, as</p> <p>13 informative as we could get, to put them in schools, to</p> <p>14 put -- to go -- to educate the electorate. The electorate</p> <p>15 often is busy and whatever, and our job as I see it is -- is</p> <p>16 to get these candidates together and the electorate can see</p> <p>17 them face-to-face challenged by each other and defending</p> <p>18 their platforms and their records in similar.</p> <p>19 And so I agree with the other two, I think we --</p> <p>20 we -- our mission is to have debates, not town halls. They</p> <p>21 want to do town halls, they can do that somewhere else with</p> <p>22 somebody else sponsoring it. I think our -- our mission is</p> <p>23 to do debates; and -- and I challenge them to find anybody</p> <p>24 more fair than Gina Roberts and -- and -- and Tom to put</p> <p>25 these together to -- to be fair to all, to educate</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">27</p> <p>1 everybody.</p> <p>2 This is our top elected official. You want to</p> <p>3 represent almost 8 million Arizonans; we need to see a</p> <p>4 debate between these two.</p> <p>5 And that's my -- my response.</p> <p>6 CHAIRMAN MEYER: Thank you, Commissioner Paton.</p> <p>7 Commissioner Titla, do you have any thoughts you</p> <p>8 want to share with the Commission?</p> <p>9 COMMISSIONER TITLA: Yes. Thank you, Chairman.</p> <p>10 I agree with Chairman's statements here. I think</p> <p>11 that regarding the fair and reasoned debate that he was</p> <p>12 talking about, and I agree that we need to -- our job in the</p> <p>13 statutes of Clean Elections is to reach out to all the</p> <p>14 people in the four corners of the state of Arizona is what I</p> <p>15 say, including all -- all peoples that are in Arizona. So I</p> <p>16 agree with that.</p> <p>17 And as far as a fair and reasoned -- reasonable</p> <p>18 debate is concerned, I think that, like the Chairman said,</p> <p>19 there is time for the two campaigns to get together with our</p> <p>20 staff and see if they can come up with some sort of a</p> <p>21 solution that will be fair to all. And there will be some</p> <p>22 sort of negotiation, not everybody is going to be happy</p> <p>23 with -- with what they want in the respective talks they're</p> <p>24 going to have, so.</p> <p>25 But I think that we have time here like the</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">28</p> <p>1 Chairman said and I agree with that, maybe give them a</p> <p>2 couple weeks and see what they can come up with.</p> <p>3 With regard to the debate or talk between the</p> <p>4 campaigns itself, I kind of agree with Hobbs regarding her</p> <p>5 proposal because I think that in any debate or any talks</p> <p>6 coming up, there has to be fair and reason, like the</p> <p>7 Chairman said; and there should be, you know, reasonable</p> <p>8 people talking, not speaking over each other, not insulting</p> <p>9 one another in front of people. That -- that that --</p> <p>10 that's -- I mean that's just not reasonable and just not</p> <p>11 fair to each other.</p> <p>12 So if you're going to have really unreasonable</p> <p>13 debate where all you're doing is rehashing the 2020 election</p> <p>14 and you're insulting the other person and not bringing your</p> <p>15 own ideas for the state of Arizona forward, then that is no</p> <p>16 debate and that's not fair, that's not reasonable; and</p> <p>17 that's not good for the state of Arizona, the citizens.</p> <p>18 Now, I'm an Apache from San Carlos Apache</p> <p>19 Reservation. In the Apache way leaders are given, you know,</p> <p>20 time to speak but they need to respect each other. They</p> <p>21 don't insult one another; they don't speak over one another.</p> <p>22 And they give fair time to each other, and that's what the</p> <p>23 people -- the citizens, the Apache people, that's what they</p> <p>24 like. In this case I think that we should have the same</p> <p>25 thing; we should have fair, reasoned debate without insults,</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">29</p> <p>1 without talking to one another. And if you're going to have</p> <p>2 that kind of thing, that's no debate at all. And like Hobbs</p> <p>3 says, you know I think that -- I just don't agree with that.</p> <p>4 So I kind of lean toward Hobbs here in what she's</p> <p>5 saying, but then I agree with Chairman here also that we</p> <p>6 give them a couple weeks, see what they can work out and</p> <p>7 let's come back in a couple of weeks, and see what we can do</p> <p>8 here to be fair to everybody concerned.</p> <p>9 Thank you, Chairman.</p> <p>10 CHAIRMAN MEYER: Okay. Thank you,</p> <p>11 Commissioner Titla.</p> <p>12 At this point in time, I would like to hear from</p> <p>13 Ms. DeMont at -- from the Hobbs Campaign. Ms. DeMont.</p> <p>14 MS. DEMONT: Yes, thank you for having us and for</p> <p>15 this discussion.</p> <p>16 I think I might just start by clarifying a</p> <p>17 logistical thing, which is that on August 29th Clean</p> <p>18 Elections sent us a revised date for the debate; it had</p> <p>19 originally been scheduled for October 5th and then it came</p> <p>20 to the -- your-all attention that that was a Jewish holiday,</p> <p>21 and it was rescheduled for October 12th. And Clean</p> <p>22 Elections gave the campaigns until September 2nd to respond,</p> <p>23 and so we did respond by the deadline. So I just wanted to</p> <p>24 be clear about that.</p> <p>25 And then since you read the Lake Campaign's entire</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">30</p> <p>1 letter and didn't do the same for us, I think I might just 2 drop that in the chat so that everybody has access to that 3 because I think it's an important part of this conversation 4 and so -- I'm echoing.</p> <p>5 Okay. Well, just to reiterate some of what is in 6 that letter and to be clear about our intention here, 7 Secretary Hobbs firmly believes that every Arizonan deserves 8 the opportunity to evaluate their candidates for public 9 office and she is willing and enthusiastic to participate in 10 a substantive conversation that would allow Arizonans the 11 chance to compare the ideas, policies, and solutions of 12 their candidates.</p> <p>13 However, we don't believe that is what Kari Lake's 14 intention is here, and I think it's pretty clear that she 15 only wants to create another spectacle like we saw in the 16 GOP primary debate.</p> <p>17 One thing I would point out, too, as more evidence 18 she's only intending to create a spectacle and something 19 that wasn't mentioned here. If one candidate does not agree 20 to the debate, the way Clean Elections proceeds is by 21 hosting a town hall style forum with just one candidate; and 22 so that has happened in the past, and Clean Elections did 23 confirm to me that Kari Lake previously said she would 24 participate in that town hall style forum if our campaign 25 did not come to an agreement; and then yesterday she went</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">31</p> <p>1 back on her commitment and now has declined that invitation, 2 and so I think that's how you can very much see this is just 3 her next PR stunt, and she's not actually interested in 4 debating real solutions.</p> <p>5 But on top of that, I would just add, you can't 6 debate a conspiracy theorist; and at the last debate, she 7 brought the conversation back to the 2020 election no less 8 than a dozen times. So when she decides to come back to 9 reality and accept the results of our free and fair 10 elections, then we can start to have a real policy debate.</p> <p>11 And I think another piece of evidence of this is 12 she has repeatedly responded to the debate request with 13 thinly veiled threats that are reminders of the violence 14 that election officials like Secretary Hobbs are dealing 15 with on a daily basis because of the big lie conspiracy 16 theorists like Kari Lake.</p> <p>17 And so all of these things, you know, don't give us 18 a lot of hope that she would come to this debate hoping for 19 a real substantive policy discussion.</p> <p>20 And I just would add that we are very eager to 21 contrast our positions with the dangerous positions that 22 Kari Lake has been spewing on this campaign trail. You 23 know, everything from healthcare where her position is to 24 outlaw abortion with no exceptions for rape, incest, or the 25 life of the woman; on education, her answer is to put</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">32</p> <p>1 cameras in classrooms to spy on children; and she wants to 2 let anyone own rocket launchers without any restrictions 3 whatsoever.</p> <p>4 So we would be eager --</p> <p>5 CHAIRMAN MEYER: Ms. DeMont. Ms. DeMont, I just 6 want to --</p> <p>7 MS. DeMONT: -- to have this conversation.</p> <p>8 CHAIRMAN MEYER: Ms. DeMont, I apologize but 9 let's -- I want to try to constrain the -- the comments to, 10 you know, the debate format. I don't want this to create a, 11 you know -- I don't want this to be a forum for -- for, you 12 know, advocate -- issue advocacy on either side. So let's 13 try to just focus on -- on the central issue here, which is 14 the issue of a debate.</p> <p>15 MS. DeMONT: Right.</p> <p>16 CHAIRMAN MEYER: So sorry to interrupt you, please 17 continue.</p> <p>18 MS. DeMONT: Right. So the last thing I was going 19 to say is that given that she has shown no ability and no 20 interest in participating in anything that would resemble a 21 public debate about substantive -- substantive policy 22 proposals, we on September 2nd as I just dropped in the 23 chat, proposed very sensible modifications that are based on 24 the Clean Elections' format that would give the voters an 25 honest look at the candidates' policy plans, but also avoid</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">33</p> <p>1 the pitfalls of the GOP primary debate that turned Arizona 2 into the subject of national ridicule.</p> <p>3 And so we do look forward to continue -- continuing 4 to engage with you all and finding a mutually agreed-upon 5 date for this conversation.</p> <p>6 CHAIRMAN MEYER: Well, let me ask DeMont, is there 7 any scenario in which Secretary Hobbs will share the stage 8 with Ms. Lake in a traditional -- you know, what I think we 9 all can view as a traditional debate format?</p> <p>10 MS. DeMONT: I'm not going to answer a hypothetical 11 question right here; but if you want to lay out what that 12 would look like in writing, we're happy to review it.</p> <p>13 CHAIRMAN MEYER: I don't think it's a hypothetical 14 question.</p> <p>15 You've been -- is there any scenario where -- where 16 Ms. Hobbs will share the stage with Ms. Lake in a debate?</p> <p>17 MS. DeMONT: We would need to see what the details 18 of that proposal and --</p> <p>19 UNIDENTIFIED SPEAKER: I want to share the stage.</p> <p>20 CHAIRMAN MEYER: I'm sorry, I'm not sure who that 21 was.</p> <p>22 But do any other Commissioners have any questions 23 for Ms. DeMont?</p> <p>24 (No response.)</p> <p>25 CHAIRMAN MEYER: Okay. Thank you, Ms. DeMont. And</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">34</p> <p>1 then I'd like to hear from Mr. DeSoto.</p> <p>2 MR. LaSOTA: Thank you, Mr. Chairman and Members of</p> <p>3 the Commission; and it's actually Timothy LaSota.</p> <p>4 And I do want to stick to the topic of this, what</p> <p>5 this Commission is here to decide; but I think before we do</p> <p>6 that, since Ms. DeMont got into some details, I'd certainly</p> <p>7 like to say that we look forward to contrasting Kari Lakes'</p> <p>8 agenda with Katie Hobbs' radical left-wing record. And --</p> <p>9 CHAIRMAN MEYER: Mr. LaSota, I'm going to --</p> <p>10 MR. LaSOTA: Well, Mr. Chairman, you let her</p> <p>11 (simultaneous crosstalk) -- you let her attack Kari Lake.</p> <p>12 CHAIRMAN MEYER: Mr. LaSota. Move on. Move on,</p> <p>13 please.</p> <p>14 MR. LaSOTA: Okay.</p> <p>15 So this is an unprecedented request by a</p> <p>16 gubernatorial candidate to alter the rules of the debate.</p> <p>17 Now I'd like to share, we've been having these debates for</p> <p>18 20 years ever since we've had the Clean Elections</p> <p>19 Commission. We've never had one instance where a</p> <p>20 gubernatorial candidate said, "Oh, no, I can't debate, you</p> <p>21 know, it would be unfair."</p> <p>22 Well, let's -- let's look at what this Commission</p> <p>23 has done in the past. It's had Ted Simons, which is very</p> <p>24 well respected; the Commission won an Emmy award for its</p> <p>25 last debate, that was a contentious Senate -- Senate</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">35</p> <p>1 election and there was no issue there.</p> <p>2 This is not only an insult to the voters of</p> <p>3 Arizona, that they can't look at these candidates and make a</p> <p>4 judgment for themselves, it's an insult to this Commission,</p> <p>5 and it's an insult to Mr. Simons. And it's a cop out.</p> <p>6 It's -- it's typical the way -- and the fact that Katie</p> <p>7 Hobbs tries to blame someone else because she's simply</p> <p>8 unwilling to show up on the same stage and debate her</p> <p>9 record, debate the issues, that is nobody's fault but Katie</p> <p>10 Hobbs. And it -- it's reminiscent of when she was found to</p> <p>11 have racially and sexually discriminated against Talonya</p> <p>12 Adams that she blames (simultaneous crosstalk) --</p> <p>13 CHAIRMAN MEYER: Mr. LaSota, we're not -- we're not</p> <p>14 going down -- this is not a political stage for you. So</p> <p>15 please conform this -- this to the debate issue.</p> <p>16 MR. LaSOTA: So in terms of the -- I'd like to</p> <p>17 share a graphic with this --</p> <p>18 COMMISSIONER TITLA: Chairman?</p> <p>19 MR. LaSOTA: -- Commission.</p> <p>20 CHAIRMAN MEYER: Has this been provided to staff</p> <p>21 before this, Mr. LaSota?</p> <p>22 MR. LaSOTA: Yes. It's right here.</p> <p>23 CHAIRMAN MEYER: No. Do not share your screen,</p> <p>24 please. I -- I...</p> <p>25 Okay. So I'm going to ask, Tom, can you sort of</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">36</p> <p>1 step in here? Has this --</p> <p>2 MR. COLLINS: Sure.</p> <p>3 CHAIRMAN MEYER: Has this graphic been cleared with</p> <p>4 staff? I haven't seen it; it wasn't part of our agenda</p> <p>5 materials.</p> <p>6 MR. COLLINS: Sure. No, I apologize and that's</p> <p>7 on -- that's my -- that's -- that's on me.</p> <p>8 Yes, it's a -- it's a -- it's a screenshot of</p> <p>9 the -- our website, and I believe it's the attendance. We</p> <p>10 have -- we keep a running --</p> <p>11 CHAIRMAN MEYER: If it's from our website, go</p> <p>12 ahead, share it.</p> <p>13 Thank you, Mr. LaSota. I hope you understand why I</p> <p>14 just wanted to clear that.</p> <p>15 MR. LaSOTA: Okay. So you can see, this is</p> <p>16 straight from the Commission website. You see every single</p> <p>17 state-wide race. In fact, this now needs to be updated to</p> <p>18 include Blake Masters and Mark Kelly who have agreed to be</p> <p>19 participate.</p> <p>20 Well, so you go down and you see checkmarks in</p> <p>21 front of every single candidate. Except you get to the</p> <p>22 bottom and there, what do you see? No checkmark in front of</p> <p>23 Katie Hobbs. She's the only statewide candidate who has an</p> <p>24 issue with actually debating.</p> <p>25 So this should tell the Commission every single</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">37</p> <p>1 thing it needs to know.</p> <p>2 You know, this business about, well, let's go back</p> <p>3 for another two weeks and -- and see if we can come up with</p> <p>4 a solution, there's two things wrong with that. First of</p> <p>5 all, this Commission, as Commissioner Kimble pointed out,</p> <p>6 this Commission actually -- they have a standard format,</p> <p>7 they have a very well regarded moderator; this Commission is</p> <p>8 a pro at doing this. There's no need to actually talk about</p> <p>9 additional details. The candidates know what's coming.</p> <p>10 The other thing is is Katie Hobbs has already told</p> <p>11 you no, she's not coming to any debate that's anything but a</p> <p>12 Katie Hobbs' informercial where she doesn't have to face</p> <p>13 tough questions about her record.</p> <p>14 So we already know the question (verbatim) to that,</p> <p>15 you heard Ms. DeMont dissemble when -- when that question</p> <p>16 was put to her directly, so we already know the answer is</p> <p>17 no.</p> <p>18 The other thing I -- I would point out, look, if</p> <p>19 the Commission capitulates here, I mean, these debates are</p> <p>20 going to become a thing of the past because every single</p> <p>21 candidate who is afraid of their own record is going to say,</p> <p>22 you know what, I'm not doing a debate and -- and I'm -- you</p> <p>23 know, we got to have this and we got to have that. It's not</p> <p>24 fair if we just debate with Mr. Simons, that's unfair. It</p> <p>25 will be a spectacle.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">38</p> <p>1 So you can -- this Commission has done the public a 2 very good service over the years. Tom Collins did a nice 3 job going over it, and that will become a thing of the past 4 if this Commission capitulates here because it's going to 5 have to say yes to every single candidate that demands 6 changes. It should nip this thing right in the bud and 7 not -- not allow candidates to dictate how this forum goes 8 about.</p> <p>9 The other thing I would say is, you know, your 10 statutory mandate is clear, it says: "The Commission shall 11 sponsor debates among candidates." This 30-minute Katie 12 Hobbs' infomercial is not a debate. So that's not a debate; 13 it's not in your statutory mandate. It's not -- the 14 administrative code talks about that also, it says 15 "candidate debates." And nobody would call, you know, 16 somebody standing in talking-head fashion on the stage and 17 just talking, that is not a debate, and it should not be 18 entertained by this Commission.</p> <p>19 Now, the other thing -- in terms of, you know, 20 this -- this is just a -- it's -- it's a defining moment 21 for the Commission and it has to stick to its guns. The 22 Commission has done a fine job in the past of having good, 23 robust debates. Mr. Simons is completely capable, I've been 24 watching him for years, he's been doing these for years. 25 Gubernatorial campaigns have been having these debates for Miller Certified Reporting, LLC</p>	<p style="text-align: right;">39</p> <p>1 years. Every other statewide candidate says yes. 2 It's ridiculous at this last hour to be making 3 changes because a candidate simply is afraid to debate. 4 So I'd ask you to turn down this proposal. We will 5 be at the debate on October 12th. 6 Thank you. 7 CHAIRMAN MEYER: Thank you, Mr. LaSota. 8 Does anyone have any questions for Mr. LaSota, any 9 Commissioners? 10 'Kay. Tom, do you have any comments or questions 11 after we've heard from the campaigns? 12 MR. COLLINS: No, Mr. Chairman. Obviously I and -- 13 CHAIRMAN MEYER: Okay. 14 MR. COLLINS: -- the remainder of the staff are 15 happy to answer any questions that any Commission member 16 has. 17 CHAIRMAN MEYER: Okay. We will now be taking 18 public comment on this issue. 19 And just so we set forth some ground rules here 20 on -- on public comment, each member of the public who 21 wishes to speak will be given two -- will be given up to 2 22 minutes. Our meeting coordinator will try to give you a 23 10-second warning before your time is up. 24 I will be maintaining order and decorum, and I ask 25 that anyone who speaks refrain from profanity, yelling, Miller Certified Reporting, LLC</p>
<p style="text-align: right;">40</p> <p>1 abusive behavior, or advocating a political agenda of either 2 candidate. 3 On an agenda item like this, some of the 4 Commissioners may have questions for a member of the public 5 giving comment. 6 If you are interested in making public comments, we 7 ask that you click the reaction button -- which I see many 8 of you have -- and then click the raised hand button. If 9 you have raised your hand, we will get to you. When you are 10 recognized, please slowly and clearly state your name for 11 the record as our meetings are being transcribed, recorded, 12 and live streamed, okay. 13 So with that, I will turn this over to our meeting 14 coordinator to take public comment on this issue. 15 And I would also ask that if you are making public 16 comment, you please turn your comment on so we can see you. 17 Go ahead. 18 I'm sorry, I was muted there. We have several 19 hands raised, I'll turn this over to the meeting coordinator 20 to sort of do this in order, take these folks in order. 21 MS. PAINTER: Go ahead Debra Bernoff. 22 SPEAKER BERNOFF: Thank you. 23 Hello, everybody, my name is Debra Bernoff. I've 24 lived in Arizona since 1980; I'm a mom, my number one job; I 25 also open a small business here with my husband and Miller Certified Reporting, LLC</p>	<p style="text-align: right;">41</p> <p>1 absolutely love Arizona. You know, we are part of our 2 community and we're active in the school, and as I said we 3 own our business, and Arizona has always returned the favor 4 for our efforts. 5 And I look back at this, you know, hearing all 6 these words here today and, you know, I'm sure over the past 7 few months my head's been spinning, our friends, our fellow 8 small business owners, parents, our heads are spinning, and 9 it just reminded me today -- 10 UNIDENTIFIED SPEAKER: Oh, shit. 11 SPEAKER BERNOFF: -- back in 1980s, I was on the 12 speech and debate team at Marcos de Niza High School in 13 Tempe, and being on the debate team allows you to have an 14 opportunity to say what you want to say, but to show 15 everybody how you show up in the face of pressure; and I 16 don't know any job in the state of Arizona that's more 17 pressurized than being the Governor. 18 So I personally would love to see both of the 19 candidates on stage and have a conversation. Have a 20 conversation that we can see. And, you know, I saw the 21 Chamber of Commerce video; both candidates were eloquent in 22 so many ways. Let's get them together. 23 As a small business owner, this morning my alarm 24 went off at 4 o'clock, I worked and worked and worked -- 25 many of us do; we can't find employees, we have interviews Miller Certified Reporting, LLC</p>

<p style="text-align: right;">42</p> <p>1 and people don't show up even though they've said they're 2 going to show up. We cannot interview people if they are 3 not there. I feel this is similar. I worked, I worked, I 4 took my daughter to school today. It was emotional -- 5 excuse me. There was a gun threat the day -- yesterday -- 6 MS. PAINTER: 10 seconds. 7 SPEAKER BERNOFF: Thank you. 8 -- across the street. Parents are concerned. 9 There are real issues out there that we as Arizona small 10 business owner parents want to hear from our Governors. 11 And I'll leave you for this, my daughter is running 12 for student body president, I talked to her about this 13 campaign debate, she said, "Mom, 'fear' stands for: 'Face 14 everything and rise.'" And I look forward to our candidates 15 doing the same. 16 And forgive my emotions, talk about my kids. 17 Thank you. 18 CHAIRMAN MEYER: Thank you very much, Ms. Bernoff. 19 SPEAKER BERNOFF: Thank you. 20 CHAIRMAN MEYER: Much appreciated. 21 MS. PAINTER: Steve Krafft. 22 SPEAKER KRAFFT: Hi, everybody. I'm Steve Krafft 23 and I hope to take a whole lot less than two minutes. 24 For me this is not a partisan thing, and where the 25 problem on the Democratic side with a Democratic candidate</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">43</p> <p>1 would be just as much of a problem; but that's not a 2 situation. 3 A debate is supposed to be a clash of ideas, what 4 candidates would do if they were elected Governor so voters 5 can take the measure of the candidates. It's just that 6 simple. 7 This unfortunately would not be a debate. It would 8 be an insult fest; and for proof, you need look no further 9 than the Republican primary debate for Governor, that was an 10 insult fest. It was national joke. 11 Kari Lake unfortunately has made it a foundational 12 campaign strategy to ridicule not just questions but 13 questionnaires to mock -- 14 MS. PAINTER: 10 seconds. 15 SPEAKER KRAFFT: -- the political process itself, 16 doing a disservice to voters. Clean Elections should send a 17 message, not allow this to happen. If you want voters to 18 have the information they need to make a decision on 19 election day, it would be much better to have a town hall 20 format. 21 MS. PAINTER: All right. Rae'Lee Klein. 22 SPEAKER KLEIN: Thank you, Commissioners. I 23 appreciate the opportunity for you opening up this up to the 24 general public, I think it shows your dedication to the 25 voters of Arizona in allowing us to share our thoughts with</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">44</p> <p>1 you today. 2 I just wanted to respectfully disagree with Steve 3 on this. I am a young voter here in the state of Arizona, 4 22 years old, and I represent a demographic of voters who 5 are just getting into to politics, this world. I'm a 6 graduate of Arizona State University. 7 And the debate is something that -- that our 8 generation very much looks forward to. I think this is an 9 opportunity for both candidates to express their positions 10 on very critical issues to our nation right now; and it 11 allows the opportunity for we, the people, to decide who is 12 the best person to represent us. We have 7.2 million 13 Arizonans out there who are going to be led by this person 14 and it's our job to hire them, and the debate is our chance, 15 it's to see them in an interview setting. It's to see how 16 they respond to pressure, how they respond to challenges. A 17 debate is not supposed to necessarily be the most friendly 18 setting; it's supposed to provide pressure and to instigate 19 those challenging questions that a Governor and any elected 20 position are going to have to face at one point or another 21 during their -- during their term. 22 So I think it's very important that we recognize 23 this as a staple of our democracy in allowing us to see both 24 candidates on a stage together. 25 And I appreciate Commissioner Meyer's comments on,</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">45</p> <p>1 you know, the voter education is your number one focus right 2 now, and this is our chance. This is a great opportunity to 3 educate voters on -- on the stances of both candidates. And 4 it's not the job of one campaign or the other to dictate 5 what we, the people, are able to hear or not hear from both 6 candidates. 7 So I appreciate you guys opening up this floor, 8 allowing us to share our thoughts, and I strongly encourage 9 the Corporation and the Commissions to -- to move forward 10 with this debate on behalf of Arizonans. 11 CHAIRMAN MEYER: Thank you for your comments. 12 MS. PAINTER: Elisha Ferraro. 13 SPEAKER FERRARO: Hi, I'm Elisha Ferraro, and I've 14 lived in Arizona since 2005. I live in the East Valley; I'm 15 a mom of two. My husband owns some small businesses. You 16 know, I'm just a typical mom that really doesn't know a lot 17 about the political world, and for me, I make a lot of my 18 decisions when I see candidates debate. And I know that 19 there's a large majority of Arizona who really look forward 20 to these opportunities to hear both candidates in whatever 21 race that they're running to really get that information 22 that they're looking for, so that they feel comfortable 23 moving forward with their vote. 24 I -- I feel personally that a debate really does 25 show a lot about a person's character and how they can</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">46</p> <p>1 respond under pressure and to tough questions. A lot of 2 times voters know when someone is hiding from an answer just 3 in the way that a candidate responds. And for me 4 personally, I look forward to these debates and I respect 5 what the Clean Elections does. And I think if any changes 6 were made for the gubernatorial debate, it would just really 7 change a lot for the future. And I personally respect what 8 you guys are doing and providing clean elections for 9 everybody. And I think it's really important that a debate 10 does move forward as it typically has in the past. 11 And just for me personally as a mom who -- who is 12 just trying to understand this political world and wanting 13 to make the best decision for my children, I really do 14 respect the debate forum, and I really do look forward to 15 hearing what the candidates have to say on both sides 16 because I need to be educated as a mom so that I'm putting 17 the vote into the person that will do the right thing for my 18 children's future. 19 Thank you for the opportunity to share my comment. 20 CHAIRMAN MEYER: Thank you, Ms. Ferraro. 21 MS. PAINTER: All right. Nicole with Fox; and can 22 you please state your last name for the record. 23 SPEAKER GARCIA: Good afternoon, Nicole Garcia with 24 Fox10 News. 25 Actually just had a couple logistic questions about Miller Certified Reporting, LLC</p>	<p style="text-align: right;">47</p> <p>1 the decision. I know there were -- there are five 2 Commissioners but one has recused herself. So is this going 3 to go into a vote at some point? Are you guys going to go 4 into executive session and make the decision and then 5 announce it afterward in this virtual format? How are -- 6 how does -- how is this going to proceed? 7 CHAIRMAN MEYER: Nicole, well of course any 8 Commissioner is entitled to make a motion on how they want 9 the Commission to proceed. So if -- if a Commissioner makes 10 a motion, we will take a vote; and, of course, if it 11 carries, we'll move forward in that way, and if it -- if it 12 fails, I -- I believe the status quo will remain. 13 But as far as which way we're going at this time, I 14 can't answer that. But, yes, I anticipate that we will 15 reach a decision today as to how we want to proceed on this. 16 SPEAKER GARCIA: And would it just be four 17 Commissioners in this vote since Ms. Chan recused herself? 18 CHAIRMAN MEYER: Yes. 19 SPEAKER GARCIA: Or is she voting as well? 20 CHAIRMAN MEYER: There are -- there are five 21 Commissioners, but Ms. Chan, because of her relationship 22 with the Secretary of State's office, I believe she's an 23 employee of that office, she has recused herself. So there 24 will be four of the five Commissioners that are present and 25 only those four, only the Commissioners have a vote. Miller Certified Reporting, LLC</p>
<p style="text-align: right;">48</p> <p>1 SPEAKER GARCIA: And last question, what happens if 2 there's a tie when you vote? 3 CHAIRMAN MEYER: Well, in that situation we have 4 our legal counsel here and I -- I don't want to venture to 5 say what might happen there. We might need to go into 6 executive session to -- to get advice on what happens if 7 there's a tie, so. 8 SPEAKER GARCIA: Okay. Thank you so much. 9 CHAIRMAN MEYER: Yes, you're welcome. 10 And Tom, do you have anything to add to that? 11 MR. COLLINS: Absolutely not. 12 CHAIRMAN MEYER: Okay. All right. 13 MS. PAINTER: All right. Jennifer Leslie. 14 SPEAKER LESLIE: Hi, my name is Jennifer Leslie and 15 I'm a mom of two; I've lived here since 2007. 16 And I believe the debates are beneficial to the 17 public, the general public here, to really grasp and 18 understand how the candidates will support everyone here, 19 whether it's one direction or another direction. And I 20 truly appreciate this and I would really love to see a 21 debate happen soon. 22 Thank you so much for giving me the opportunity to 23 voice my concerns. 24 Thank you. 25 MS. PAINTER: All right, thank you. Miller Certified Reporting, LLC</p>	<p style="text-align: right;">49</p> <p>1 Wendee Saunders. 2 SPEAKER SAUNDERS: Hi, everyone. My name is Wendee 3 Saunders; and I have lived in Arizona for 39 years, and I'm 4 a mom of two. 5 And first and foremost, thank you to the Commission 6 for what you guys do for our state. We appreciate it. 7 And I was actually very concerned when they said 8 there wasn't going to be a debate because obviously, you 9 know, our democracy is that we debate. And I -- I guess I 10 was concerned because, you know, without a debate, how do we 11 know who stands where and who -- what -- what people's 12 beliefs are. 13 And, you know, I agree with Commissioner Titla -- 14 hopefully I'm pronouncing your name correctly -- in that 15 there needs to be boundaries, but the same time, you know, 16 the Governor is a position that if you can't handle yourself 17 under pressure, under shots fired so to speak, how will you 18 handle yourself with regards to the issues of our state and 19 standing up for us as Arizonans? 20 And, you know, people will say that Katie Hobbs is 21 a coward, and I -- I don't believe she's a coward because a 22 coward wouldn't actually run for Governor. However, when 23 someone doesn't want to debate and stand up for what they 24 believe in, that just leads me to believe that maybe they're 25 worried about the things that they believe in and sharing Miller Certified Reporting, LLC</p>

<p style="text-align: right;">50</p> <p>1 those candidly with people.</p> <p>2 So I believe as Arizonans, we want to see who</p> <p>3 really has our best interest at heart and see how they, you</p> <p>4 know, perform in the ring so to speak so that we can make</p> <p>5 our decision.</p> <p>6 So thank you guys so much for what you do, and I</p> <p>7 appreciate being able to speak today.</p> <p>8 CHAIRMAN MEYER: Thank you, Ms. Saunders.</p> <p>9 MS. PAINTER: Lori, can you state your name for</p> <p>10 the -- your last name for the record?</p> <p>11 SPEAKER GRAY: Lori Gray.</p> <p>12 MS. PAINTER: Thank you. You can go ahead with</p> <p>13 your comments.</p> <p>14 SPEAKER GRAY: Hi, I just wanted to say thank you</p> <p>15 so much for allowing me to speak and hearing my voice.</p> <p>16 Our -- our family moved here in 2015 and we chose</p> <p>17 Arizona on purpose because of the wonderful state that it</p> <p>18 is, and learned -- I've learned over the last five or</p> <p>19 six years that all politics in my opinion are local, so I've</p> <p>20 been hyper focused on what happens locally; and the</p> <p>21 governorship is, you know, the highest in the state, and I</p> <p>22 think that that affects us more, even maybe more so than the</p> <p>23 presidency.</p> <p>24 So I have no way -- you know, myself, my family and</p> <p>25 friends, we have no way of knowing exactly who we're dealing</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">51</p> <p>1 with as far as who to vote for if we don't see a debate.</p> <p>2 I mean, people know Kari Lake, she was -- she's</p> <p>3 been in people's living rooms for 20-something years I</p> <p>4 guess. And you know, Ms. Hobbs, I don't really know her.</p> <p>5 So I think it's important to have a debate. And I mean if</p> <p>6 there's going to be some craziness or whatever the concern</p> <p>7 is from one of the campaigns, then so be it and let -- let</p> <p>8 us make that decision. That seems to make sense to me</p> <p>9 anyway.</p> <p>10 But I thank you so much. This has been a very</p> <p>11 educational process for me. And I enjoy the Clean Election</p> <p>12 debates, they've helped me a lot in my decision-making</p> <p>13 this -- over the few last few cycles; and they're always</p> <p>14 done well. So I -- I hope they have a debate so that we</p> <p>15 can -- so that we, the voters, can make a decision because</p> <p>16 I -- we don't know these people.</p> <p>17 MS. PAINTER: 10 seconds.</p> <p>18 SPEAKER GRAY: Thank -- thank you so much.</p> <p>19 CHAIRMAN MEYER: Ms. Gray, thank you for your</p> <p>20 comments.</p> <p>21 MS. PAINTER: Dr. Dawn Penich-Thacker.</p> <p>22 SPEAKER PENICH-THACKER: Hello. Thank you all for</p> <p>23 doing this and for opening it up in this way.</p> <p>24 Since everyone is sharing their bio, I'm a mother,</p> <p>25 an educator, and have been a no party-designated voter for</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">52</p> <p>1 pretty much my entire adult life.</p> <p>2 One thing I wanted to share is that the objective</p> <p>3 of this body I understand it and of these, you know,</p> <p>4 televised appearances is for voters to learn about the</p> <p>5 candidates. The goal is the learning. The goal is not how</p> <p>6 we learn.</p> <p>7 So as I mentioned, I'm an educator. I know that I</p> <p>8 want to reach my objective, and if I have to get there</p> <p>9 different ways for different students, then that's my job.</p> <p>10 Things change, personalities are different. In the three</p> <p>11 years into COVID -- almost -- we know that we can change and</p> <p>12 adjust to get to the goal.</p> <p>13 And so to me, you know, "we've always done it this</p> <p>14 way" is not a valid reason when we know that we adjust all</p> <p>15 kinds of different things to do a better job for the</p> <p>16 objective of learning about the candidates.</p> <p>17 Another point I wanted to make and I don't think</p> <p>18 anyone has made it yet, is that following the so-called</p> <p>19 debates, kind of the, you know, the shouting matches and the</p> <p>20 constant interruptions makes it absolutely impossible for</p> <p>21 voters who are not Native English speakers or who have</p> <p>22 hearing impairment to learn anything, because ASL cannot</p> <p>23 keep up with the constant interruptions and yelling; and</p> <p>24 closed captioning and translators cannot keep up with</p> <p>25 constant interruptions and yelling.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">53</p> <p>1 So I watch these appearances with my parents who</p> <p>2 are not Native English speakers, but are dedicated voters --</p> <p>3 MS. PAINTER: 10 seconds.</p> <p>4 SPEAKER PENICH-THACKER: -- and they learn nothing</p> <p>5 because of the ways that these debates have become.</p> <p>6 So I would rather that every voter gets to learn</p> <p>7 through a town hall than stick to a format just because it's</p> <p>8 the way it has been done for a couple decades -- but not</p> <p>9 even that long, really.</p> <p>10 So --</p> <p>11 MS. PAINTER: Please wrap it up.</p> <p>12 SPEAKER PENICH-THACKER: Thank you.</p> <p>13 MS. PAINTER: Thank you.</p> <p>14 Anthony Dewitt.</p> <p>15 SPEAKER DEWITT: Hi, Chairman and Commissioners. I</p> <p>16 appreciate the opportunity.</p> <p>17 My name is Anthony; I'm 20 years old. I've been</p> <p>18 born and raised here in Arizona. I have to say I appreciate</p> <p>19 you guys opening this up, I think it's really important that</p> <p>20 you guys are listening to opinions and it means a lot; and,</p> <p>21 you know, I know staying neutral is, like, not something we</p> <p>22 see very much, so I appreciate that.</p> <p>23 You know, I do want to say, you know, I'm very</p> <p>24 disappointed in the fact that, you know, somebody who wants</p> <p>25 to run our state as a representative and CEO, the highest</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">54</p> <p>1 office, and, you know, would be too afraid to debate, you</p> <p>2 know, that people have been doing for 20 years, to debate</p> <p>3 her opponent.</p> <p>4 I think that, you know, not only, you know, not</p> <p>5 setting a good precedent, but I think it also is indicative</p> <p>6 of, you know, leadership that we would see. I think that as</p> <p>7 a CEO and representative of Arizona, it would -- we need</p> <p>8 somebody who is not afraid to stand and not afraid to take</p> <p>9 heat.</p> <p>10 And -- anyway, I digress. But, you know, I</p> <p>11 definitely support having a debate style. I -- I fear if we</p> <p>12 go down the route of, you know, changing format and, you</p> <p>13 know, changing completely the way that things have been</p> <p>14 done, in future elections people who don't want to</p> <p>15 participate or people who don't, you know, want to have</p> <p>16 their record challenged are going to want to change and, you</p> <p>17 know, make -- you know, make things better for themselves</p> <p>18 and, you know, maybe kind of influence the way that voters</p> <p>19 are able to learn about record and how they are able to</p> <p>20 stand on their feet.</p> <p>21 And I --</p> <p>22 MS. PAINTER: 10 seconds.</p> <p>23 SPEAKER DEWITT: And I think that debates have a</p> <p>24 very important role and we don't -- this is probably going</p> <p>25 to be the only one that we see.</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">55</p> <p>1 So I do ask really quick maybe, you know, instead</p> <p>2 of two weeks, I think that's too much time, I think, you</p> <p>3 know, maybe just one more deadline of something like</p> <p>4 tomorrow and hand it to both campaigns if you -- if they</p> <p>5 want to commit then, you know, maybe by tomorrow --</p> <p>6 MS. PAINTER: Please wrap.</p> <p>7 SPEAKER DEWITT: -- with their answer.</p> <p>8 Thank you.</p> <p>9 CHAIRMAN MEYER: Thank you, Anthony.</p> <p>10 MS. PAINTER: Lamone Vellia-Flores (phonetic).</p> <p>11 SPEAKER POUNDS: I had no idea that my phone had</p> <p>12 still said that. Well -- so I'm using my mother's Zoom that</p> <p>13 she uses on this phone. So my actual name is William</p> <p>14 Pounds. I am a candidate for Arizona Governor, and I'm not</p> <p>15 going to promote my campaign with this time allotted to me</p> <p>16 to speak before the Commission. I'm only here to ask a</p> <p>17 question: Will you let me debate given the vacancy that you</p> <p>18 may have on the stage should you choose to pursue a</p> <p>19 traditional election?</p> <p>20 I am hoping that the Commission considers inviting</p> <p>21 both me, the Independent Green Party candidate, and my</p> <p>22 Libertarian opponent, Barry Hess, to this debate to engage</p> <p>23 Kari Lake in a civilized exchange of ideas.</p> <p>24 Debates are meant to change the minds of your</p> <p>25 opponents; and that is how they should always be and that's</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">56</p> <p>1 how I think it will be with just the three of us on stage.</p> <p>2 Thank you for allowing me to bring my words to your</p> <p>3 attention, members of the Commission.</p> <p>4 CHAIRMAN MEYER: Okay. Thank you, Mr. Collins</p> <p>5 (verbatim).</p> <p>6 MS. PAINTER: All right. And we did have one</p> <p>7 person that had to leave, Ashley Trussell. I would like to</p> <p>8 read her comment as it was put in the chat.</p> <p>9 She said (Reading): Must leave, but for public</p> <p>10 comment the entire meeting has been about a debate.</p> <p>11 If Hobbs does not want to debate, then she is</p> <p>12 declining the invitation. What's best for Arizona</p> <p>13 is to have both women debate.</p> <p>14 So then with that, we will go to the next person,</p> <p>15 Tyler. And can you please include your last name for the</p> <p>16 record and then proceed with your comments.</p> <p>17 SPEAKER BROGMAN: Yes. My name is Tyler Brogman</p> <p>18 (phonetic) and, I'm sorry, I missed the beginning of this</p> <p>19 meeting. I had another meeting to go to.</p> <p>20 But I appreciate all of your help with, you know,</p> <p>21 leading this -- this meeting. I'm born and raised in</p> <p>22 Arizona; I'm 28 years old now, and I was never into</p> <p>23 politics, but at this point in my life I -- I understand</p> <p>24 that politics is important. And I don't know too much about</p> <p>25 it yet. You know, trying to follow it, but you can see</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">57</p> <p>1 these attack ads and this and that on TV, and, you know,</p> <p>2 from multiple campaigns and you don't know who to believe</p> <p>3 and what's true and, you know, where people really stand on</p> <p>4 issues.</p> <p>5 And I really feel like, you know, as a -- as a</p> <p>6 former athlete, you know, the best way to set the record</p> <p>7 straight is for both candidates to come to the table and --</p> <p>8 and explain their stance on -- on various issues. And I</p> <p>9 know people have referred to this potential debate as, you</p> <p>10 know, bullets flying, and I don't see this as being a war</p> <p>11 zone and it shouldn't be. It's -- it's a job interview to</p> <p>12 be the CEO of our state, and that would be a bipartisan</p> <p>13 issue. You know, people should have to answer the tough</p> <p>14 questions on both sides of the aisle and really give the</p> <p>15 Arizona voters a realistic and practical view and image of</p> <p>16 who they really are.</p> <p>17 And I think going to some town hall that somebody</p> <p>18 mentioned, you know, those can be tailored to, you know,</p> <p>19 really highlight a certain candidate and cover, you know,</p> <p>20 any dirt.</p> <p>21 And what I want as a voter is to see both</p> <p>22 candidates there together on a neutral playing field so to</p> <p>23 speak. And, you know, I want both candidates out to answer</p> <p>24 tough questions and speak to their stance on -- on issues</p> <p>25 that affect us on a daily life and -- and, you know, so on</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">58</p> <p>1 and so forth.</p> <p>2 So, you know, I think politics are important. I</p> <p>3 don't think this is going to be some super hostile</p> <p>4 environment --</p> <p>5 MS. PAINTER: 10 seconds.</p> <p>6 SPEAKER BROGMAN: If you walk into a job interview,</p> <p>7 you're going to be asked tough questions. And that's</p> <p>8 exactly what this is and both candidates should have to</p> <p>9 answer to that.</p> <p>10 Thank you.</p> <p>11 MS. PAINTER: All right, Maggie Smith.</p> <p>12 SPEAKER SMITH: Hi, everyone. My name is Maggie.</p> <p>13 I was born in Illinois, but I moved here when I was five, so</p> <p>14 I've been here for most of my life. I'm 22 years old.</p> <p>15 And so the reason why I wanted to just come on here</p> <p>16 and -- first off, thank you so much for opening to everyone.</p> <p>17 But the reason why I wanted to comment is because I've been</p> <p>18 seeing a lot on social media that no matter what side of the</p> <p>19 political aisle people are on, there's been a lot of people</p> <p>20 that have been saying, like, "Katie, like, you need to</p> <p>21 debate. Like, what's going on?" And I agree with that. I</p> <p>22 think that it should be a formal debate and traditional. I</p> <p>23 believe that both candidates should be on stage.</p> <p>24 And for all my life I've been really out of the --</p> <p>25 out of the way, I haven't really been involved with politics</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">59</p> <p>1 too much. But now that this is -- could be a big change, I</p> <p>2 just feel like that if they made drastic changes on behalf</p> <p>3 of the -- of the committee -- or, I'm sorry, of the</p> <p>4 Commission, I think that it would cause a lot of issues and</p> <p>5 a lot of stress; and even a big impact -- negative impact, I</p> <p>6 would say, in the future for future Arizona elections.</p> <p>7 And as a voter, I am ready. I am ready to hear it;</p> <p>8 I'm ready to hear the questions. I'm ready to hear both</p> <p>9 candidates answer the questions on stage. I don't think</p> <p>10 it's going to be a screaming match; I don't think it's going</p> <p>11 to be hostile at all. I think it's going to be something</p> <p>12 that all voters of Arizona should be looking forward to from</p> <p>13 all sides of the spectrum.</p> <p>14 Thank you for putting this on, I appreciate it.</p> <p>15 MS. PAINTER: Thank you. Alex Calabrese.</p> <p>16 SPEAKER CALABRESE: Hi. Thank you.</p> <p>17 Thanks to the Commission for opening this up as</p> <p>18 well. I appreciate being able to have our voices heard.</p> <p>19 I just -- I am an educator like Dr. Penich-Thacker</p> <p>20 as well and have lived here since 2000 in Arizona.</p> <p>21 And I really wasn't planning on speaking, to be</p> <p>22 honest, but I've enjoyed listening to this, but I did feel</p> <p>23 compelled to because I think what's most important is that</p> <p>24 voters know the stances on the issues, right? And that they</p> <p>25 are informed; and everyone wants that.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">60</p> <p>1 What is best to make sure that happens?</p> <p>2 I think we should really, you know, consider --</p> <p>3 consider that.</p> <p>4 And if that's a different way of doing it, maybe,</p> <p>5 you know, that -- that really should be considered.</p> <p>6 And if it's not, then how do we make sure that</p> <p>7 happens so that the voters are best informed? That's what</p> <p>8 matters most to everyone I believe.</p> <p>9 So thanks for letting me share my thoughts.</p> <p>10 MS. PAINTER: Thank you.</p> <p>11 Cottle, could you please state your full name for</p> <p>12 the record and then proceed with your comments.</p> <p>13 SPEAKER CONKLIN: Yeah, Hi.</p> <p>14 SPEAKER COTTLE: I am --</p> <p>15 SPEAKER CONKLIN: Oh. Hi, can you hear me?</p> <p>16 SPEAKER COTTLE: Did you say Cottle?</p> <p>17 MR. COLLINS: Yes.</p> <p>18 MS. PAINTER: Yes. Cottle.</p> <p>19 And Kyle, I can get to you next.</p> <p>20 SPEAKER COTTLE: Okay. Yes, my name is Lynn Ann</p> <p>21 Cottle and I am a resident of Mesa, Arizona; I'm married and</p> <p>22 I've got four children.</p> <p>23 And thank you so much for the people that have put</p> <p>24 this together, it's so much appreciated.</p> <p>25 And as a voter, as a resident of Arizona for</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">61</p> <p>1 18 years, I'm more and more concerned about my future and my</p> <p>2 children's future. And I love Arizona; I love it dearly.</p> <p>3 And I believe that -- I'm actually really surprised that</p> <p>4 this is even a question of having a debate for the people</p> <p>5 that are running to be -- to be able to have the position to</p> <p>6 say whether our businesses are going to be closed or not</p> <p>7 because of the mandate or -- or some health risk or whatever</p> <p>8 it might be.</p> <p>9 I really feel that in that position, as a voter, I</p> <p>10 want to see live; I want to see gestures and -- and facial</p> <p>11 expressions and the word -- choice of words that they use to</p> <p>12 see who is going to be the very best person that is going to</p> <p>13 keep my business open, keep us healthy, keep education</p> <p>14 strong, all the things that are important to all of us. And</p> <p>15 the way to do it I feel is to really see face-to-face -- you</p> <p>16 know, whether it's on the screen or I'm there in person, it</p> <p>17 doesn't matter -- I really feel that it needs to happen.</p> <p>18 And I'm surprised also that only one debate is a</p> <p>19 topic. I think there should be more than one if possible.</p> <p>20 Thank you so much.</p> <p>21 And also just a shout out to the 20-somethings that</p> <p>22 are on the call, you guys are great.</p> <p>23 Thank you so much.</p> <p>24 CHAIRMAN MEYER: Thank you.</p> <p>25 Do we have -- do we have one more for public</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">62</p> <p>1 comment? Or...</p> <p>2 I know we have Kyle I believe.</p> <p>3 SPEAKER CONKLIN: Yeah, right here. If I can just</p> <p>4 make a quick statement.</p> <p>5 Thank you for your time and thank you for</p> <p>6 everything that you do. I've been up in Show Low; Arizona</p> <p>7 resident for the past 15 years and --</p> <p>8 MR. COLLINS: Can we get your name for the record,</p> <p>9 please?</p> <p>10 SPEAKER CONKLIN: Yeah, Kyle Conklin (phonetic).</p> <p>11 Thank you.</p> <p>12 And what I did back home was I was a hockey coach,</p> <p>13 and every training camp it seemed like we had one spot at</p> <p>14 the end of the camp and we had two bodies for that; and we</p> <p>15 always wanted to have like this face-to-face pose down to</p> <p>16 see what everybody could do when -- when the pressure was</p> <p>17 on, and that's what I feel that your debates are. If they</p> <p>18 just want to speak for 20 minutes or a half hour, they can</p> <p>19 do at any one of their current campaign spots.</p> <p>20 You doing the debate changes the dynamic of that,</p> <p>21 so everybody in the state can see what it's like when the</p> <p>22 pressure is on, when they're face-to-face. And this is a</p> <p>23 tough job. It's not in an incubator; they need to make</p> <p>24 tough decisions at difficult times.</p> <p>25 That's why I think the debate in the current format</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">63</p> <p>1 is exactly what we need.</p> <p>2 Thank you.</p> <p>3 CHAIRMAN MEYER: Thank you.</p> <p>4 Is there anyone else for public comment?</p> <p>5 MS. PAINTER: We did have one person include their</p> <p>6 comment in the chat as they are unable to speak due to their</p> <p>7 location, so this is from Rachel Vaillancourt.</p> <p>8 She says (Reading): I moved to Arizona to start a</p> <p>9 family and I deserve to know my options for</p> <p>10 Governor. By refusing to debate Kari Lake, Katie</p> <p>11 Hobbs is paving the way for any future</p> <p>12 gubernatorial candidate who may be afraid or</p> <p>13 unwilling to debate.</p> <p>14 This decision affects not just the next four years,</p> <p>15 but the future of Arizona and breaks a tradition</p> <p>16 from the last 20 years of gubernatorial races. I</p> <p>17 can watch media interviews, town halls and press</p> <p>18 conferences from either candidate, but the</p> <p>19 gubernatorial debate is a specific format that</p> <p>20 Arizonans deserve and have to -- and have portray</p> <p>21 both candidates' intentions for the office of</p> <p>22 Governor of Arizona.</p> <p>23 And that is the end of her statement.</p> <p>24 CHAIRMAN MEYER: Thank you.</p> <p>25 So just to confirm, no one else for public comment?</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">64</p> <p>1 (No response.)</p> <p>2 CHAIRMAN MEYER: Okay.</p> <p>3 UNIDENTIFIED SPEAKER: Heather McClain (phonetic),</p> <p>4 mobile.</p> <p>5 CHAIRMAN MEYER: I'm not sure what that was, but I</p> <p>6 don't think it was public comment.</p> <p>7 Okay. So now I kind of -- I want to open it back</p> <p>8 up to the Commissioners. And I'll just make a note, I was</p> <p>9 sort of trying to keep track of a tally of -- of the public</p> <p>10 comment, and I -- and I do want to thank the public and all</p> <p>11 of you who spoke and shared your opinions. That is very</p> <p>12 valuable to me; I really appreciate that.</p> <p>13 And I sort of kept a straw tally, and of the 16</p> <p>14 public comments -- or maybe 17 -- we have -- I had 13 who</p> <p>15 want to see a debate, 3 that are willing to sort of either</p> <p>16 no debate or town hall. And so 13 to 3 in favor of the</p> <p>17 debate, I just wanted to make that known.</p> <p>18 And I guess I want to open it up, is there any</p> <p>19 comment from the other Commissioners after -- after public</p> <p>20 comment?</p> <p>21 COMMISSIONER TITLA: Chairman -- yeah, Chairman?</p> <p>22 CHAIRMAN MEYER: Go ahead, Commissioner Titla.</p> <p>23 COMMISSIONER TITLA: Steve Titla.</p> <p>24 I would like to make a motion that we go along with</p> <p>25 what you said earlier, that we give the two campaigns two</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">65</p> <p>1 weeks to see whether we can come up with some resolution of</p> <p>2 the -- of the talks that are to come up, you know, keeping</p> <p>3 in mind what the public said here.</p> <p>4 And I think that one thing that was very important</p> <p>5 to me was that our job is to reach the voters, voter</p> <p>6 education, and one of the people that spoke said that it was</p> <p>7 very hard for people that did not speak the language or that</p> <p>8 were learning and people that were hard of hearing to</p> <p>9 understand when there were -- when there were shouting and</p> <p>10 when they were speaking over each other and interruptions.</p> <p>11 So we need to come up with some boundaries as far as that is</p> <p>12 concerned so that everybody can -- we can reach everybody in</p> <p>13 the state.</p> <p>14 So I'd like to make that motion.</p> <p>15 CHAIRMAN MEYER: All right. So I guess,</p> <p>16 Commissioner Titla, I would -- I would like to table that</p> <p>17 motion and see if we have other comment from the other</p> <p>18 Commissioners before we vote on that.</p> <p>19 I believe I'm allowed to do that.</p> <p>20 COMMISSIONER TITLA: Okay.</p> <p>21 CHAIRMAN MEYER: Tom?</p> <p>22 You're muted, Tom.</p> <p>23 MR. COLLINS: You're testing my Robert's Rules</p> <p>24 here.</p> <p>25 Mr. Chairman, just to make the record clear, it --</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">66</p> <p>1 it -- it might be helpful if just to make the record clear,</p> <p>2 if -- if you were able to ask Commissioner Titla if he was</p> <p>3 willing to --</p> <p>4 CHAIRMAN MEYER: Sure.</p> <p>5 MR. COLLINS: -- withdraw the motion momentarily</p> <p>6 with the understanding that we will -- that there will be</p> <p>7 more discussion before that, and that way at least the</p> <p>8 record is clear if possible.</p> <p>9 CHAIRMAN MEYER: Sure. Thank you.</p> <p>10 Commissioner Titla, I -- I respectfully, I</p> <p>11 appreciate your motion, I would ask, can we get more</p> <p>12 discussion or at least the opportunity for discussion among</p> <p>13 the Commissioners before we vote on that motion?</p> <p>14 COMMISSIONER TITLA: Yeah, I think -- I think that</p> <p>15 would be good, yeah.</p> <p>16 CHAIRMAN MEYER: Okay.</p> <p>17 COMMISSIONER TITLA: That's good.</p> <p>18 CHAIRMAN MEYER: So just for the record here, are</p> <p>19 you -- I'm allowing you to -- you know, I'm asking that you</p> <p>20 withdraw your motion but giving you the right to reassert it</p> <p>21 here after we have a discussion. Does that work for you,</p> <p>22 Commissioner?</p> <p>23 COMMISSIONER TITLA: Yes.</p> <p>24 CHAIRMAN MEYER: Okay.</p> <p>25 COMMISSIONER TITLA: Yeah, okay. I withdraw the</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">67</p> <p>1 motion until we have more.</p> <p>2 CHAIRMAN MEYER: Sure. I guess just a couple --</p> <p>3 couple comments I'll make. And that is, you know, I think</p> <p>4 the public comment is consistent with what several of us are</p> <p>5 saying, is that we want to see a debate happen. I want to</p> <p>6 see a debate happen; I'm not going to speak for the other</p> <p>7 Commissioners -- and I -- I am personally not interested in</p> <p>8 town hall.</p> <p>9 I do want to note, I think -- I think these</p> <p>10 candidates can have the opportunity to do a town-hall type</p> <p>11 interview or process in other forums, other -- other media</p> <p>12 outlets I think would provide that opportunity.</p> <p>13 And one other thing I want to say is as I -- you</p> <p>14 know, I do appreciate concerns about altering the format of</p> <p>15 the debates and altering it in a significant way, and -- and</p> <p>16 when I had suggested earlier that we give our staff and the</p> <p>17 campaigns a chance to discuss format, I am not advocating</p> <p>18 for a significant change, just that there's a firm</p> <p>19 understanding of who gets what time; interruptions won't be</p> <p>20 tolerated; just, you know, maybe, you know, tightening</p> <p>21 things up a little bit so every candidate understands --</p> <p>22 both candidates understand what those rules would be.</p> <p>23 And one of the reasons I think we should consider</p> <p>24 doing that -- and whether it's a week, two weeks, I'm not</p> <p>25 sure is significant -- is I -- I think it's fair to say, I'm</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">68</p> <p>1 45 years old, and we are living in a political environment</p> <p>2 that we have not seen before in the divisiveness that is</p> <p>3 going on in our country today.</p> <p>4 And I think that due to the reality of what we're</p> <p>5 currently living in, I think that there is merit to trying</p> <p>6 to maybe give a little more structure and some minor</p> <p>7 modifications to this debate process, just so we have a</p> <p>8 complete -- both candidates have a complete understanding of</p> <p>9 what the rules will be, what the consequences will be if</p> <p>10 those rules are broken, whether that's turning someone's mic</p> <p>11 off, whether that's -- you know, whatever that might be.</p> <p>12 But I do want to make clear: In no way are we</p> <p>13 talking about regulating content of what either candidate</p> <p>14 can or cannot say. That is -- if someone wants to make a</p> <p>15 claim, then they're going to have to live with that claim,</p> <p>16 but I don't think it's this Commission's or anyone else's</p> <p>17 role to tell people what they can and can't say.</p> <p>18 So I -- I think I am still of the opinion that I</p> <p>19 want to see a debate happen. I would like to give -- if</p> <p>20 nothing else, I'd like to give both campaigns the</p> <p>21 opportunity to accept this invitation to debate -- to agree</p> <p>22 to a debate on October 12th, and not just decide today</p> <p>23 either yes or no going forward with it.</p> <p>24 So that is sort of where I am at. I still think it</p> <p>25 makes sense to send -- ask the staff and the campaigns to</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">69</p> <p>1 work together to tighten up the procedure and the format and</p> <p>2 have that debate on October 12th.</p> <p>3 So that's -- that's where I am at and I want to</p> <p>4 sort of open it up to other Commissioners and their</p> <p>5 thoughts.</p> <p>6 I see Commissioner Paton on my screen. Do you have</p> <p>7 anything to add, Commissioner Paton?</p> <p>8 COMMISSIONER PATON: Yes. Well, maybe Tom can talk</p> <p>9 about the reasons for whatever deadlines. I mean, I don't</p> <p>10 know -- I don't understand their logistic problems and so on</p> <p>11 so maybe he could address that before we just throw out a</p> <p>12 date.</p> <p>13 MR. COLLINS: Sure. Yes. Mr. Chairman, if I may?</p> <p>14 CHAIRMAN MEYER: Yes, please.</p> <p>15 MR. COLLINS: Mr. Chairman, Commissioner Paton, so,</p> <p>16 you know, the -- couple things. I mean, we have -- and Gina</p> <p>17 is here and she can correct me if I'm speaking completely</p> <p>18 wrongly, but the October 12th date we have the PBS time</p> <p>19 still, one way or the other, because we were going to use it</p> <p>20 one way or the other under the terms that we had.</p> <p>21 Now, the thing we won't have, for sure we won't</p> <p>22 have, is the broadcast reach and all that other -- there's</p> <p>23 no way to ask the Broadcast Association and the Newspaper</p> <p>24 Association to just, you know, hold that -- that time that</p> <p>25 long. So, you know, that's what we lose.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">70</p> <p>1 Literally speaking, you know, I think that, you</p> <p>2 know, the reasons for -- so -- so the reasons we had set the</p> <p>3 deadline on the 2nd was to, you know -- because after that</p> <p>4 we really can't guarantee things.</p> <p>5 I do still have the October 12th date. What we</p> <p>6 were to do if we were to get -- you know, given some time</p> <p>7 here we would, first of all, obviously contact PBS to, you</p> <p>8 know, make sure we have that date and all that set in place</p> <p>9 and that -- and that still works for them, which I believe</p> <p>10 it will.</p> <p>11 And then, you know, but the -- the main reason --</p> <p>12 the additional reason to, you know, have a deadline here is</p> <p>13 twofold. Number one, we need a deadline in order to ensure</p> <p>14 that, you know, we can actually properly tell people this</p> <p>15 debate exists, right? This is part of a broader voter</p> <p>16 education plan that the Commission approved in, I want to</p> <p>17 say, January or February; and so, you know, there are</p> <p>18 important dates in that that we -- you know, as I said the</p> <p>19 statewide debates start next week. So we want to be in the</p> <p>20 best position to let voters know that in fact, you know,</p> <p>21 this event is going to occur; and then obviously we want to</p> <p>22 make sure that Ted Simons and his staff at PBS have the</p> <p>23 amount of time they need to prepare for whatever is there</p> <p>24 and to work through any technical requirements that would be</p> <p>25 necessary in order to ensure that any rules that we might be</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">71</p> <p>1 able to come to an agreement with the candidates on were</p> <p>2 done.</p> <p>3 So that's I think -- I think -- I hope that answers</p> <p>4 your question, Commissioner Paton. Gina obviously --</p> <p>5 COMMISSIONER PATON: I guess what's the drop dead</p> <p>6 date then?</p> <p>7 MR. COLLINS: The drop dead date is a very</p> <p>8 difficult question. Because if we were to say that the</p> <p>9 drop -- like, if we -- I mean, essentially, if we were to</p> <p>10 say to PBS, well the drop dead date, let's say it's</p> <p>11 5 o'clock on October 12th when the lights go on, right?</p> <p>12 That's not reasonable to -- to PBS for prep time; it's not</p> <p>13 reasonable to actually get the public aware of what's</p> <p>14 happening.</p> <p>15 So I think that -- and it's also not reasonable</p> <p>16 because it -- it -- we just haven't had the engagement we</p> <p>17 need from the candidates and we haven't had the sort of</p> <p>18 infomatter of the Commission to -- to undertake what we</p> <p>19 would undertake under Mr. Chairman's and Commissioner</p> <p>20 Titla's point.</p> <p>21 So I would say the two weeks would be about as</p> <p>22 long -- and Gina, correct me, you know, jump in here and</p> <p>23 tell me, but I would say the two weeks at the outside would</p> <p>24 be, you know...</p> <p>25 MS. ROBERTS: Mr. Chairman, Commissioners, if I</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">72</p> <p>1 may?</p> <p>2 Yes, Tom, I'm very hesitant even with two weeks</p> <p>3 just from an administrative standpoint. Purely from</p> <p>4 administrative standpoint, I would be hesitant to look at</p> <p>5 two weeks.</p> <p>6 A week is -- you know, at this point, you know, we</p> <p>7 are well past our -- our deadline that we have asked; and,</p> <p>8 again, for many of the reasons that Tom noted, but public</p> <p>9 communication is a big one of them. We do outreach to</p> <p>10 voters across the state soliciting questions; we have</p> <p>11 questions coming in now. And so I think clarity for voters</p> <p>12 on how the format will proceed, which candidates are</p> <p>13 participating are important to solicit their input to shape</p> <p>14 the conversation of the debate, which is what we want. We</p> <p>15 put a priority on voter questions as they come in.</p> <p>16 Also I think it's important that, you know, the</p> <p>17 candidates have enough time as well to prepare for whatever</p> <p>18 that agreed-upon format is.</p> <p>19 Also there is, as Tom had mentioned, our</p> <p>20 partnerships with the Arizona Broadcasters Association and</p> <p>21 the Arizona Newspapers Association. These folks are -- are</p> <p>22 giving up revenues and time for this public service to</p> <p>23 stream these. Sometimes in some cases they have to get</p> <p>24 permission from their corporate offices; and so being able</p> <p>25 to secure those partnerships, which is very important to</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">73</p> <p>1 making sure that voters across the state, not just Maricopa</p> <p>2 County, but our rural areas, all four corners of the state,</p> <p>3 have access to the debate is very important.</p> <p>4 So, you know, I think having confirmation on how we</p> <p>5 will proceed as soon as possible is in the best interest of</p> <p>6 the voters for having clarity, for knowing how to submit</p> <p>7 their questions and what to expect, but also for the</p> <p>8 candidates in how to prepare; and then also from an</p> <p>9 administrative standpoint for us to be able to solicit those</p> <p>10 questions, to answer questions with our partnerships,</p> <p>11 whether it's the Broadcasters Association or Arizona PBS, to</p> <p>12 ensure we have the logistics in place. Just from an</p> <p>13 administrative standpoint, you know, we're at the point, in</p> <p>14 my opinion now, where clarity would be much appreciated at</p> <p>15 this point.</p> <p>16 But in terms of how much time do we have to extend</p> <p>17 it, I -- I would see that we do not go past a week is --</p> <p>18 would be my preference just, again, purely administrative.</p> <p>19 CHAIRMAN MEYER: Gina, thank you for explaining</p> <p>20 sort of the -- how complex this is and how much these</p> <p>21 behind-the-scenes things need to happen to make this work.</p> <p>22 And that's why these dates were put out there in the first</p> <p>23 place. So I -- I do appreciate that.</p> <p>24 You know, the other comment I want to make about</p> <p>25 any sort of minor changes to -- to format or sort of -- just</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">74</p> <p>1 sort of tightening up the format is, you know, I know our 2 staff had already, you know, engaged and met with the Hobbs 3 Campaign, you know, for that purpose. So I don't feel like 4 that is an unusual thing that we do in debates for this 5 level of office.</p> <p>6 It's typical to meet with both campaigns and sort 7 of iron out the minor details; is it not? Tom or Gina?</p> <p>8 MR. COLLINS: Oh. Mr. Chairman, my -- our view has 9 been that, you know, we -- you know, we get feedback from 10 candidates regularly. And, I mean, most of the time 11 candidates/representatives are quick to pick up the phone 12 and get a hold of Gina. It's pretty much been that standard 13 of practice, and we regularly deal with capitulated concerns 14 about -- and that is to say directly articulated to the 15 Clean Elections Commission staff concerns about -- about 16 debates, and we do try to work through that.</p> <p>17 Now, as far as the format stuff, obviously this 18 is -- this is different -- you know, different in kind -- 19 different sort of in kind in terms of that particular 20 suggestion we started with today.</p> <p>21 But, yeah, I mean that's sort of -- that's sort of 22 been our -- I don't know, Gina, you can probably answer this 23 better than I can. But I mean, that's sort of how 24 everything has always gone. We always felt like our doors 25 are open, our phones are on, our e-mail is available; we</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">75</p> <p>1 reply promptly, we believe in transparency with the 2 candidates and the representatives.</p> <p>3 We're a government agency. We're not a political 4 agency; we're not part of any other -- we're not a private 5 foundation. We are a government agency, and this is how we 6 think we ought to do business.</p> <p>7 CHAIRMAN MEYER: Okay. Commissioner Paton, do you 8 have anything --</p> <p>9 COMMISSIONER PATON: Yes.</p> <p>10 CHAIRMAN MEYER: -- to add?</p> <p>11 I'm sorry, do you anything more to add, 12 Commissioner Paton?</p> <p>13 COMMISSIONER PATON: I mean, I would -- I would not 14 be opposed if Gina is okay and Tom is okay to go the extra 15 mile to say: All right, so you got a week and either get 16 this done or we don't.</p> <p>17 As far as going to another format, I'm totally -- 18 as far as like town halls or whatever, do that on your own; 19 I have no interest in that. I think it's trying to subvert 20 what we've been doing, and it will cause problems in the 21 future.</p> <p>22 And so I would be willing to say let's give them -- 23 give them a week, and if -- if that's not satisfactory, we 24 can't get it done, then I guess we don't have the debate.</p> <p>25 COMMISSIONER KIMBLE: Mr. Chairman?</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">76</p> <p>1 CHAIRMAN MEYER: Yes, Commissioner Kimble.</p> <p>2 COMMISSIONER KIMBLE: I initially was opposed to 3 any delay, and I listened to all the comments and I thought 4 many of them were very thoughtful and I think I'm still 5 opposed to a delay.</p> <p>6 I -- I don't understand what we're going to do 7 during this week period or whatever it is. Are we saying 8 that it is going to be a debate and we'll tinker with some 9 of the format, but we're going to put some guidelines on it 10 saying it's going to be a debate?</p> <p>11 Well, I think Secretary Hobbs has already made 12 clear that that is not acceptable to her, and she -- she 13 doesn't want anything resembling a debate for the reasons 14 she's outlined.</p> <p>15 I -- I'm not sure what we're hoping to accomplish 16 if we delay this for a week. If we just say: Go out and 17 try to get together on some things and come back in a week, 18 I -- I think at the very least, if we do that, we've got to 19 say, okay, it's going to be a debate, both sides are going 20 to talk. I mean, what -- what are we going to negotiate on 21 in the next week that we can't decide on now?</p> <p>22 It seems to me both sides have made their positions 23 very clear. Mostly what we heard during the public comment 24 was fears about what might happen if this proceeds as a 25 debate; and I have a lot of trust in Ted Simons to control</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">77</p> <p>1 this thing. One of the speakers, Lori, talked about if some 2 craziness does break out, let us make the decision. That's 3 part of what the debate is for; and I thought "I totally 4 agree with that."</p> <p>5 I -- I don't really understand what kind of benefit 6 we're looking for if we delay this for any amount of time.</p> <p>7 CHAIRMAN MEYER: 'Kay. Well I guess, Commissioner 8 Kimble, I mean, the question I pose then is what -- what is 9 the alternative that we're suggesting? That we say, I mean, 10 that -- I mean, let me back that up, okay.</p> <p>11 So from my chair one reason why we would entertain 12 a seven-week -- or seven-day process here is, you know, 13 Secretary Hobbs made that proposal to us that -- that she 14 would prefer a town hall. I think it's -- I think it's 15 clear from what three out of the four of us have said is 16 that there's not an interest in the Commission doing that.</p> <p>17 So -- so now Secretary Hobbs' campaign knows that that's not 18 something the Commission is interested in doing, and then we 19 can, you know, close the book on that idea and go back to, 20 okay, how do we address, you know, the concerns that are set 21 forth in their letter?</p> <p>22 And if we can do that in seven days, you know, 23 why -- my thought is -- I mean, again, thinking of voters, 24 why would we not give the candidates the opportunity to -- 25 to get in front of the voters and why do we not give, you</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>

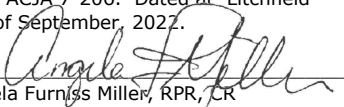

<p style="text-align: right;">78</p> <p>1 know, seven more day to the voters, let the candidates work 2 this out.</p> <p>3 As far as parameters, I leave it to staff to -- to 4 iron that out, but I think it's -- it's very clear to me 5 that what we're saying is, yes, we want a debate, we want 6 Ted Simons to moderate it, and we want both candidates on 7 stage, and we want the campaigns and staff to agree upon, 8 you know, the particulars that -- that happen in, you know, 9 most debates of this level as I understand it.</p> <p>10 So that -- that's what I'm suggesting. And I'm not 11 saying it's a perfect solution, but that's sort of how I see 12 it.</p> <p>13 That -- that's the best result. It provides 14 opportunity for the candidates and the voters to make this 15 debate happen. Or the alternative is, what did we do today 16 just say: We're not having the debate because Hobbs said 17 no? I don't like that alternative.</p> <p>18 COMMISSIONER KIMBLE: Mr. Chairman, no, I would 19 suggest the alternative would be we're sticking with the 20 format and the date that we -- that we mentioned in our 21 correspondence with both candidates about a month ago.</p> <p>22 If -- if there are -- were going to be serious 23 discussions about how the debate or how the program should 24 be -- should unfold, it seemed like there was adequate time 25 to bring this up between August 10th when the letter first</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">79</p> <p>1 went out and the end of August/the beginning of September 2 when the deadline was; and it seems at some point, we need 3 to make a decision and not just say, okay, let's wait a 4 while longer and see if we can make everyone happy.</p> <p>5 'Cause I don't think that's going to happen.</p> <p>6 CHAIRMAN MEYER: Commissioner Titla or Commissioner 7 Paton, do you have anything more to add?</p> <p>8 COMMISSIONER TITLA: Yeah. Thank you, Chairman. 9 Steve Titla again.</p> <p>10 I think that, you know, one of the things that 11 probably was not anticipated was for the minorities or for 12 the second language people or for the hard of hearing 13 people, I don't think that we anticipated that. And so in 14 order to tighten up those, how do we reach those people and 15 how do we tighten up the rules of the debate; and now based 16 upon all the discussions that have been had by the public 17 and by you-all, probably a debate is the best -- what I'm 18 thinking now also.</p> <p>19 Although taking the points of Hobbs in order where 20 you have one of the young ladies in the comment that, you 21 know, really the shouting or the interruptions or talking 22 over each other, you know, the people hard of hearing, 23 people second languages, a lot of them are minorities in the 24 state of Arizona, we need to really tighten up those rules 25 of what happens if, you know, something like that happens in</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">80</p> <p>1 this debate. We need to tighten up the rules and some 2 parameters, some boundaries would be helpful, and I think in 3 a week's time that could be done.</p> <p>4 Instead of two weeks, I think a week's time based 5 on the comments made is what I would like to do.</p> <p>6 Thank you.</p> <p>7 CHAIRMAN MEYER: So I guess playing this out, Tom, 8 Gina, if we -- if we give staff and the campaigns a week to 9 try to come -- you know, to tighten this up, I guess as I've 10 been saying and -- and you are unable to do that, what is 11 a -- what then, I guess? Do we just say in a week that 12 there will be no debate?</p> <p>13 I mean, how do we handle that?</p> <p>14 MR. COLLINS: Mr. Chairman, so I think -- I mean, 15 you know, as we kind of think through, you know, we don't -- 16 we haven't drafted like a specific proposed motion for this 17 because we wanted you all to have a real -- I mean, it 18 brought me back a second. I mean, I think that it's 19 demonstrable the seriousness with which the Clean Elections 20 Commission has taken Secretary Hobbs' proposal by spending 21 this discussion, having a rich, full discussion of all 22 aspects of the proposal; and every one of you has recognized 23 every aspect of the proposal and considered it fully on the 24 record here today, and we have received extensive public 25 comment.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">81</p> <p>1 I think that for purposes of the staff direction 2 here, you know, in thinking forward for the next few minutes 3 in terms of what a motion that one or the other of you might 4 want to make, I think we're looking at something along the 5 lines of the -- you know, the Commission authorizes the 6 staff to, you know, work with the candidates to establish 7 rules for the gubernatorial candidate debate; that, you 8 know, as best as possible, accommodate concerns about 9 interruptions and -- and similar disruptions of -- of the 10 flow of the debate, and do so within one week.</p> <p>11 That would -- you know, something along those 12 lines.</p> <p>13 So, and then I think that should that time expire, 14 right, and that week has happened, it should be the 15 understanding -- it certainly will be our understanding as 16 staff -- that we proceed under the -- the proposal that we 17 initially sent out with respect to format; and that 18 therefore, you know, unless we were to alternatively receive 19 like an RSVP to that event, right, the actual event we 20 already proposed by a week from now, we proceed with the -- 21 with the way we stated in our August 10th letter.</p> <p>22 CHAIRMAN MEYER: Okay. But I guess maybe I'm 23 asking a different question. If I understood what Gina was 24 saying, right, about, you know, all the things that need to 25 happen behind the scene, don't we need a yes or a no within</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">82</p> <p>1 one week from today?</p> <p>2 I guess I don't see if -- if one campaign says yes</p> <p>3 and the other campaign says no --</p> <p>4 MR. COLLINS: Yeah.</p> <p>5 CHAIRMAN MEYER: If we don't have two yeses within</p> <p>6 a week from today, how do we just proceed and say we're</p> <p>7 going to have a debate like we set forth in August? Or do</p> <p>8 we just say: We don't -- there is no debate?</p> <p>9 MR. COLLINS: Okay. I'm sorry, Mr. Chairman, I</p> <p>10 believe I -- I thought I answered that question in there,</p> <p>11 but the answer to that question is if we were to not</p> <p>12 receive -- I mean, so there's a question -- I guess what</p> <p>13 I -- there is a question in front of you about whether or</p> <p>14 not this needs to be captured in a motion that I don't want</p> <p>15 to lose site of, okay.</p> <p>16 But relate -- but directly to answer your question,</p> <p>17 yes, if we have not heard in one week based on -- I think --</p> <p>18 I don't -- I don't see how we would -- I think we would need</p> <p>19 to hear a "yes" from both -- from -- well, actually, we</p> <p>20 would need a "yes" from Secretary Hobbs campaign by -- by</p> <p>21 one week.</p> <p>22 MS. ROBERTS: Mr. Chairman, Commissioners, if I</p> <p>23 could clarify too.</p> <p>24 So under our current procedure, if a candidate</p> <p>25 declines to attend, the format turns into a 30-minute Q&A</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">83</p> <p>1 session. We have already received confirmation from</p> <p>2 Ms. Lake that if she is the only candidate, she will proceed</p> <p>3 with the 30-minute Q&A.</p> <p>4 So in terms of a production standpoint, what we</p> <p>5 need to know a week from now is: Are we proceeding with a</p> <p>6 30-minute segment or a 60-minute segment?</p> <p>7 And then if I could also, because accessibility is</p> <p>8 important to us, to the Commission, Chairman and</p> <p>9 Commissioners, just to clarify, we -- throughout the entire</p> <p>10 process, we have been looking at how do we make sure that</p> <p>11 this debate is accessible for all voters. So we will have</p> <p>12 live Spanish translating, we are looking at adding a camera</p> <p>13 for live ASL. Arizona PBS, because they are public</p> <p>14 broadcasting, they are under certain requirements where they</p> <p>15 must have closed captioning. So we do make sure that we</p> <p>16 take into consideration as much as possible how can we make</p> <p>17 sure that all voters have access to -- to the debate.</p> <p>18 So I just wanted to share those. That is</p> <p>19 definitely upon consideration for staff as we proceed with</p> <p>20 production.</p> <p>21 CHAIRMAN MEYER: Okay. I see Mr. -- Mr. LaSota has</p> <p>22 his hand raised.</p> <p>23 Go ahead, Mr. LaSota.</p> <p>24 MR. LaSOTA: Thank you, Mr. Chairman.</p> <p>25 I just wanted to say I think that if the Commission</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">84</p> <p>1 is going to go in this direction, I think it does have to</p> <p>2 set parameters. I think what Mr. -- what you mentioned</p> <p>3 earlier, Chairman Meyer, was a good start. But I think it</p> <p>4 should be clear and -- and I think it has been from the</p> <p>5 discussion, but I think this should be in the motion that</p> <p>6 the Commission is not interested in anything but a real</p> <p>7 debate, and I think that has to be set out.</p> <p>8 You know, I think the other interesting thing is</p> <p>9 that, you know, the Hobbs' team hasn't even said whether</p> <p>10 they will engage at all in this process. I can speak for</p> <p>11 Kari Lake, and we do view it as -- as probably unnecessary</p> <p>12 and it looks like Katie Hobbs is sort of trying to run out</p> <p>13 the clock, but we would engage in that process.</p> <p>14 I also do believe that this body should come</p> <p>15 together in a week's time and -- and the decision can be</p> <p>16 formalized at a public hearing. I think it was very wise,</p> <p>17 very appropriate, of Mr. Collins to bring this matter before</p> <p>18 the full Commission, and I think the same thing should</p> <p>19 happen in a week's time. Unless, of course, there is --</p> <p>20 there is actual agreement.</p> <p>21 But I think -- regardless, I think this is a</p> <p>22 decision for the Body.</p> <p>23 Thank you, Mr. Chairman.</p> <p>24 CHAIRMAN MEYER: You're welcome, Mr. LaSota.</p> <p>25 Any other comments from the Commissioners?</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">85</p> <p>1 Well, I guess I would like to make -- I think this</p> <p>2 is going to be a two-motion process, just so you understand</p> <p>3 what's coming from me.</p> <p>4 The first -- the first motion would be a motion --</p> <p>5 I'm going to move that we I guess reject Secretary Hobbs'</p> <p>6 proposal to do a town hall. And then we'll move --</p> <p>7 depending on where we are there, I may have another motion</p> <p>8 to make.</p> <p>9 But I guess I -- I first move that the Commission</p> <p>10 reject the town hall proposal set forth by Secretary Hobbs</p> <p>11 campaign in the letter to the Commission dated</p> <p>12 September 2nd, 2022.</p> <p>13 That is my motion. Is there a second to that</p> <p>14 motion?</p> <p>15 COMMISSIONER PATON: This is Galen Paton. I'll</p> <p>16 second that motion.</p> <p>17 CHAIRMAN MEYER: 'Kay, we have a first and a</p> <p>18 second.</p> <p>19 I'm going to call the roll on the vote. I will</p> <p>20 start with Commissioner Paton, how do you vote?</p> <p>21 COMMISSIONER PATON: Aye.</p> <p>22 CHAIRMAN MEYER: Commissioner Kimble.</p> <p>23 COMMISSIONER KIMBLE: Aye.</p> <p>24 CHAIRMAN MEYER: Commissioner Titla.</p> <p>25 COMMISSIONER TITLA: Nay.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">86</p> <p>1 CHAIRMAN MEYER: Okay. And I'm Commissioner Meyer, 2 and I vote -- I vote aye. 3 So the motion -- that motion carries 3 to 1. 4 And then I have a second motion I'd like to make, 5 and that is -- I'm going to try to do this as artfully as I 6 can: I move that the Commission authorizes Clean Elections 7 Commission staff, over the next seven days, to attempt to 8 engage and work with both campaigns to agree -- to agree to 9 a debate format that will lead to the two candidates 10 participating in a debate for the purpose of aiding Arizona 11 voters in evaluating these two candidates. 12 And for the record, by "debate" I mean with both 13 candidates on stage at the same time to be moderated by 14 Mr. Simons. 15 That is my motion. Is there a second to that 16 motion? 17 COMMISSIONER PATON: This is Galen Paton. I'll 18 second that motion. 19 CHAIRMAN MEYER: 'Kay. And I guess I should back 20 up. Tom, that motion, is that sufficiently detailed, do you 21 believe? 22 MR. COLLINS: Well -- 23 CHAIRMAN MEYER: I guess -- 24 MR. COLLINS: Well maybe -- yeah. Yeah, we can 25 make it work.</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">87</p> <p>1 CHAIRMAN MEYER: Okay. Okay. So we have a first 2 and a second. So now let's call the roll on that. 3 Commissioner Paton -- 4 COMMISSIONER TITLA: Chairman? 5 CHAIRMAN MEYER: Oh. Go ahead. 6 COMMISSIONER TITLA: Chairman, I have a question on 7 that. In your motion, to clarify, are we going to ensure 8 that second language people, hard of hearing people are -- 9 are -- that we can reach them, that the debate will be able 10 to, you know, have parameters so that they can be accessible 11 to those people, minorities? 12 CHAIRMAN MEYER: Sure. And, well, I guess my 13 response to that is, of course we want those -- the -- that 14 to happen, we want minorities, non-English language speakers 15 or ASL, but I believe Gina Roberts told us that that is 16 already going to happen and that that is something that's 17 already been taken care of, so I don't know that that needs 18 to be included in the motion. 19 So, Gina -- 20 COMMISSIONER TITLA: Yeah. 21 CHAIRMAN MEYER: -- is that something that you can 22 confirm? 23 MS. ROBERTS: Mr. Chairman, Commissioner Titla, 24 Commissioners, we can continue to look on how we can improve 25 that and make that a priority. So, yes, we have already</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">88</p> <p>1 undertaken actions, and we will continue to work on that to 2 make sure we have the best format as possible in terms of a 3 production so the debate is accessible to those who are hard 4 of hearing or -- or any other concerns, and we will make 5 sure we can provide a production value that is equitable. 6 CHAIRMAN MEYER: And -- and Commissioner Titla, I 7 would urge you to make another motion after we vote on this 8 one if you like. Would that work, sir? 9 COMMISSIONER TITLA: Yeah, yeah. That's okay. 10 Because your motion was my motion, remember that? 11 CHAIRMAN MEYER: It was very similar, yes. Yes, it 12 was. 13 Okay. Well that's a little precursor of how this 14 might go. But, okay. 15 So let's call the roll then. Commissioner Paton, 16 how do you vote on my motion? 17 COMMISSIONER PATON: Aye. 18 CHAIRMAN MEYER: I'm sorry? 19 COMMISSIONER PATON: Aye. 20 CHAIRMAN MEYER: Aye. 21 Commissioner Kimble, how do you vote? 22 COMMISSIONER KIMBLE: I agree with all of your 23 motion except the delay, so I'm going to vote no. 24 CHAIRMAN MEYER: 'Kay. Commissioner Titla, how do 25 you vote?</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">89</p> <p>1 COMMISSIONER TITLA: Aye. 2 CHAIRMAN MEYER: 'Kay. And -- 3 COMMISSIONER TITLA: Aye. 4 CHAIRMAN MEYER: -- I vote aye as well. 5 So the motion carries 3 to 1. 6 And Tom, just so we have clarity on the record, we 7 just passed a motion 3 to 1 that authorizes staff, over the 8 next seven days, to attempt to engage both the 9 Secretary Hobbs campaign and the Lake Campaign to attempt to 10 agree to a debate format with both candidates on stage in 11 what will be a traditional debate to try to come to a 12 process in the next seven days, okay. 13 And if -- it's my understanding based upon the 14 prior comment that if we cannot get an agreement on that, 15 then it would revert to two 30-minute town halls; is that 16 correct? Or, no? 17 MR. COLLINS: No. Mr. Chairman, you rejected that. 18 It will be -- it will be the -- 19 CHAIRMAN MEYER: Well, I rejected doing that now, 20 but I think what Gina said is by statute we have to do that. 21 Is that... 22 MR. COLLINS: No. No. No, I'm sorry. 23 CHAIRMAN MEYER: Okay. 24 MR. COLLINS: I'm not trying to argue with you; I 25 just need to correct you about what we have proposed. We</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">90</p> <p>1 have never ever proposed two 30-minute town halls.</p> <p>2 CHAIRMAN MEYER: Okay.</p> <p>3 MR. COLLINS: The -- the --- essentially the way</p> <p>4 that it operates is the debate is set, someone doesn't RSVP,</p> <p>5 the debate still goes on except it turns into a Q&A, and</p> <p>6 that's with one -- with the candidate that agreed to the</p> <p>7 debate.</p> <p>8 CHAIRMAN MEYER: Okay. All right, thank you. I</p> <p>9 think that corrects the record.</p> <p>10 I -- Tom, is there anything else --</p> <p>11 MR. COLLINS: I --</p> <p>12 CHAIRMAN MEYER: -- on the agenda or --</p> <p>13 MR. COLLINS: No, I --</p> <p>14 CHAIRMAN MEYER: -- any other clarity? I mean, do</p> <p>15 we want to set a meeting for next week?</p> <p>16 MR. COLLINS: Well, Mr. Chairman, to answer your</p> <p>17 question, first, I do think we need to make sure we capture</p> <p>18 whatever -- however Commissioner Titla would like to...</p> <p>19 CHAIRMAN MEYER: Oh. Yes.</p> <p>20 MR. COLLINS: We had talked about the second motion</p> <p>21 to -- you know, to get some teeth or encouragement on the</p> <p>22 accessibility and language issue, I want to -- I don't want</p> <p>23 to lose that.</p> <p>24 CHAIRMAN MEYER: Thank you.</p> <p>25 Commissioner Titla, the floor is yours if you'd</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">91</p> <p>1 like to make a motion on that issue.</p> <p>2 (No response.)</p> <p>3 CHAIRMAN MEYER: Commissioner Titla?</p> <p>4 COMMISSIONER TITLA: Yes, I got -- I got knocked</p> <p>5 off.</p> <p>6 CHAIRMAN MEYER: No, I -- I said the floor is yours</p> <p>7 if you would like to make a motion regarding the issue of</p> <p>8 accessibility that you had raised?</p> <p>9 COMMISSIONER TITLA: Yes. I'd like to make a</p> <p>10 motion that the staff work on accessibility of minorities</p> <p>11 and second language people and people hard of hearing to</p> <p>12 ensure that they are able to get all the information they</p> <p>13 can from this debate that we are planning, and that the</p> <p>14 boundaries be established so that the interruptions or</p> <p>15 talking over each other or shouting, you know, not -- not be</p> <p>16 tolerated so that all voters can have access to everything</p> <p>17 that is being said.</p> <p>18 That's my motion.</p> <p>19 CHAIRMAN MEYER: Can we get that read back?</p> <p>20 THE STENOGRAPHER: I just want to make sure you can</p> <p>21 hear me, Chairman.</p> <p>22 CHAIRMAN MEYER: I can.</p> <p>23 (Record read by the stenographer.)</p> <p>24 CHAIRMAN MEYER: All right. Is there a second to</p> <p>25 that motion?</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">92</p> <p>1 COMMISSIONER KIMBLE: Mr. Chairman, Commissioner</p> <p>2 Kimble. I second that.</p> <p>3 CHAIRMAN MEYER: 'Kay. All right, we'll call the</p> <p>4 roll.</p> <p>5 Commissioner Paton.</p> <p>6 COMMISSIONER PATON: Aye.</p> <p>7 CHAIRMAN MEYER: Commissioner Kimble.</p> <p>8 COMMISSIONER KIMBLE: Aye.</p> <p>9 CHAIRMAN MEYER: Commissioner Titla.</p> <p>10 COMMISSIONER TITLA: Aye.</p> <p>11 CHAIRMAN MEYER: And is Commissioner Meyer, I vote</p> <p>12 aye.</p> <p>13 So that motion carries 4 to 0.</p> <p>14 And I think -- just I think the intent of that</p> <p>15 motion is that the Commission do what they can on those</p> <p>16 issues.</p> <p>17 So other than that, there is -- Tom, is there</p> <p>18 anything else that we need to cover today? I see your hand</p> <p>19 raised.</p> <p>20 MR. COLLINS: Oh. No. I mean, I -- I --</p> <p>21 Mr. Chairman, I don't -- I mean I don't think so.</p> <p>22 I mean you had mentioned briefly if you want to</p> <p>23 meet next week. I mean, I -- I -- my personal view is that</p> <p>24 you've decided we have the timeline; we have a clock on it.</p> <p>25 So I will not need additional direction I don't think, I</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">93</p> <p>1 would not need an additional meeting because I feel like the</p> <p>2 decisions here are -- have been made.</p> <p>3 CHAIRMAN MEYER: I guess essentially it's</p> <p>4 self-executing here; we don't need to get together again to</p> <p>5 discuss it?</p> <p>6 MR. COLLINS: I mean -- I mean, look, I mean, I</p> <p>7 always -- let me put it this way, as I said at the outset,</p> <p>8 you-all are my bosses. So, therefore, when I am in a place</p> <p>9 where I don't have a very good sense of what to do, I do try</p> <p>10 to exercise my judgment and not unreasonably have this whole</p> <p>11 thing -- you know, meeting, but. And so in this particular</p> <p>12 case, you know, I -- I would never say we would never ask</p> <p>13 for a meeting if we need to; but as it stands now, my</p> <p>14 expectation is and just so everybody knows, there's not</p> <p>15 going to be a meeting necessary to complete this act.</p> <p>16 CHAIRMAN MEYER: Okay. Okay.</p> <p>17 Then we had the time to call a meeting if we need</p> <p>18 one, and we don't need to make that decision today.</p> <p>19 Okay. So that moves us on to Agenda Item</p> <p>20 Number IV, which is public comment.</p> <p>21 This is the time for consideration of comments and</p> <p>22 suggestions from the public. Unlike comment on specific</p> <p>23 Agenda Item Number III, action taken as a result of public</p> <p>24 comment will be limited to directing staff to study the</p> <p>25 matter or rescheduling the matter for further consideration</p> <p style="text-align: center;">Miller Certified Reporting, LLC</p>

<p style="text-align: right;">94</p> <p>1 and decision at a later date or responding to criticism.</p> <p>2 Does any member of the public wish to make comments</p> <p>3 at this time?</p> <p>4 You may send comments to the Commission by mail or</p> <p>5 e-mail at CCEC@AZCleanElections.gov.</p> <p>6 Do we have any comment from the public?</p> <p>7 I see one hand raised.</p> <p>8 All right. I will turn it over to our meeting</p> <p>9 coordinator here. As far as time, I'm going to give</p> <p>10 everyone here 60 seconds on this.</p> <p>11 But go -- I'm going to turn it over to our meeting</p> <p>12 coordinator. Go ahead, please.</p> <p>13 (No response.)</p> <p>14 CHAIRMAN MEYER: Is our meeting coordinator there</p> <p>15 still?</p> <p>16 MS. THOMAS: Jessica, can you hear us?</p> <p>17 MS. PAINTER: Hi, yes.</p> <p>18 Anthony Dewitt, if you want to go ahead.</p> <p>19 SPEAKER DEWITT: Hi. Thanks again for the</p> <p>20 opportunity. I appreciate you guys diligently working</p> <p>21 through this and thank you guys for, you know, continuing</p> <p>22 forward with the debate format. I appreciate you guys</p> <p>23 working to do everything you can.</p> <p>24 I would just definitely implore you, you know, I</p> <p>25 am -- I am kind of concerned that after you guys meet, I</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">95</p> <p>1 don't know if you guys are going to do another open forum</p> <p>2 like this, but I do implore you, please don't cancel this</p> <p>3 debate depending on what the outcome is. If one campaign or</p> <p>4 another decides not to show, the one's who have already said</p> <p>5 they don't want a debate format, if they continue with</p> <p>6 that -- with that not -- with not wanting to, you know,</p> <p>7 participate, I would still implore you guys to continue with</p> <p>8 the debate.</p> <p>9 I think it will be -- I think it will be very</p> <p>10 powerful for voters to see, you know, who take that step;</p> <p>11 and, you know, I think it would be a travesty and I think it</p> <p>12 would set a bad precedent if you guys were to cancel after a</p> <p>13 week because one person doesn't want to show up.</p> <p>14 So that's just my concern. You know, whether this</p> <p>15 debate happens, if someone decides not to show up, I think</p> <p>16 we still continue with the debate as you guys have proposed</p> <p>17 and, you know, we'll let the voters decide what to think on</p> <p>18 that.</p> <p>19 Thank so much. I appreciate it.</p> <p>20 CHAIRMAN MEYER: Thank you.</p> <p>21 MS. PAINTER: All right, thank you. And Wendee</p> <p>22 Saunders.</p> <p>23 SPEAKER SAUNDERS: Thank you so much. Really</p> <p>24 appreciate being a part of this today and thank you for the</p> <p>25 clarification on the e-mail.</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>
<p style="text-align: right;">96</p> <p>1 I just want to say I am deeply concerned that it</p> <p>2 would be an option that either candidate could say no to</p> <p>3 this debate. That scares me to death as a resident of the</p> <p>4 state that the person running our state would decline and</p> <p>5 have -- have the permission to decline when it comes to</p> <p>6 representing us.</p> <p>7 So I don't know if that's like a rule, I'm not that</p> <p>8 smart to know that, but I will tell you that is so</p> <p>9 concerning to me that it would even be an option to say no.</p> <p>10 Thank you.</p> <p>11 CHAIRMAN MEYER: Thank you.</p> <p>12 MS. PAINTER: All right, thank you.</p> <p>13 And Cottle, if you could state your full name for</p> <p>14 the record and then go ahead.</p> <p>15 SPEAKER COTTLE: Yes, hi. My name is Lynn Ann</p> <p>16 Cottle and I'm in full agreement with what Ms. Sanders --</p> <p>17 Saunders just said.</p> <p>18 And I was wondering if in the future if -- I don't</p> <p>19 know if it's the role of the clean collec- -- I'm sorry,</p> <p>20 Clean Elections Commission to make it a -- it is a must,</p> <p>21 a -- it's something that if you are a gubernatorial</p> <p>22 candidate and, of course, you can select whichever</p> <p>23 candidate, you know, go down the line; but that it is</p> <p>24 imperative, it is a must that they do debate. I think</p> <p>25 that's something that should happen this election and in</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>	<p style="text-align: right;">97</p> <p>1 future elections, especially the role of Governor.</p> <p>2 Thank you so much.</p> <p>3 CHAIRMAN MEYER: Thank you.</p> <p>4 MS. PAINTER: All right, thank you.</p> <p>5 And Taylor Tasler.</p> <p>6 SPEAKER TASLER: Hi, yes, Taylor Tasler with KTAR</p> <p>7 News.</p> <p>8 I just had a quick clarification question. So if</p> <p>9 you don't hear back from one of the candidates or they</p> <p>10 decline, so will it default to a 30-minute Q&A; is that the</p> <p>11 default option here?</p> <p>12 CHAIRMAN MEYER: Tom, correct me if I'm wrong, but</p> <p>13 what I heard you say is if one candidate --</p> <p>14 MR. COLLINS: Yes.</p> <p>15 CHAIRMAN MEYER: -- agrees to participate and the</p> <p>16 other does not, then it defaults to a Q&A with the candidate</p> <p>17 that agreed to participate. Is that -- do I have that</p> <p>18 correct?</p> <p>19 MR. COLLINS: Yes. I would like to put a lot more</p> <p>20 legal stuff in there but, yes.</p> <p>21 SPEAKER TASLER: Perfect. Thank you.</p> <p>22 CHAIRMAN MEYER: Thank you.</p> <p>23 Okay. Is there any more public comment?</p> <p>24 (No response.)</p> <p>25 CHAIRMAN MEYER: Okay. I would entertain a motion</p> <p style="text-align: right;">Miller Certified Reporting, LLC</p>

<p>98</p> <p>1 to adjourn from -- oh. Wait. Before I do that, I just want</p> <p>2 to say to the Clean Elections Commission staff. I know how</p> <p>3 hard you've been working on this; I appreciate everything</p> <p>4 you've done.</p> <p>5 Commissioner Paton gets my vote for best comment of</p> <p>6 the day when he said you're not going to find more fair</p> <p>7 people than Gina Roberts and Tom Collins. I know you've</p> <p>8 been working hard on this; I know we've asked you to work</p> <p>9 hard for another seven days -- or hopefully you have the</p> <p>10 opportunity to do that -- and I want you to know that</p> <p>11 it's -- I sincerely appreciate that. And I know we're</p> <p>12 asking a lot of you, but I really do appreciate this and</p> <p>13 I -- I'm -- I'm asking you to do this for the Arizona voters</p> <p>14 and I really, really appreciate what you do.</p> <p>15 So if any other Commissioners want to comment, I</p> <p>16 will -- I will allow comment or a motion to adjourn. So,</p> <p>17 whichever is next.</p> <p>18 COMMISSIONER TITLA: Motion to adjourn.</p> <p>19 CHAIRMAN MEYER: Motion to adjourn. All right, is</p> <p>20 there a second to that motion?</p> <p>21 COMMISSIONER KIMBLE: Commissioner Kimble, I</p> <p>22 second.</p> <p>23 CHAIRMAN MEYER: All right. We have a first and a</p> <p>24 second.</p> <p>25 Call the roll. Commissioner Paton.</p> <p>Miller Certified Reporting, LLC</p>	<p>99</p> <p>1 COMMISSIONER PATON: Aye.</p> <p>2 CHAIRMAN MEYER: Commissioner Kimble.</p> <p>3 COMMISSIONER KIMBLE: Aye.</p> <p>4 CHAIRMAN MEYER: Commissioner Titla.</p> <p>5 COMMISSIONER TITLA: Aye.</p> <p>6 CHAIRMAN MEYER: Commissioner Meyer, aye.</p> <p>7 We are adjourned. Thank you, everyone.</p> <p>8 (Whereupon the meeting concludes at 2:00 p.m.).</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Miller Certified Reporting, LLC</p>
<p>100</p> <p>1 C E R T I F I C A T E</p> <p>2</p> <p>3 STATE OF ARIZONA)</p> <p>4) ss.</p> <p>5 COUNTY OF MARICOPA)</p> <p>6</p> <p>7 BE IT KNOWN that the foregoing proceedings were</p> <p>8 taken before me, Angela Furniss Miller, Certified Reporter</p> <p>9 No. 50127, all done to the best of my skill and ability;</p> <p>that the proceedings were taken down by me in shorthand and</p> <p>thereafter reduced to print under my direction.</p> <p>10 I CERTIFY that I am in no way related to any of the</p> <p>11 parties hereto nor am I in any way interested in the outcome</p> <p>thereof.</p> <p>12 I FURTHER CERTIFY that I have complied with the</p> <p>13 requirements set forth in ACJA 7-206. Dated at Litchfield</p> <p>14 Park, Arizona, this 12th of September, 2022.</p> <p>15  Angela Furniss Miller, RPR, CR CERTIFIED REPORTER (AZ50127)</p> <p>16 * * *</p> <p>17 I CERTIFY that Miller Certified Reporting, LLC, has</p> <p>18 complied with the requirements set forth in ACJA 7-201 and</p> <p>19 7-206. Dated at LITCHFIELD PARK, Arizona, this 12th of</p> <p>20 September, 2022.</p> <p>21  Miller Certified Reporting, LLC Arizona RRF No. R1058</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Miller Certified Reporting, LLC</p>	

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About The Center for an Independent and Sustainable Democracy

American voters are increasingly frustrated with our government. In a recent study by the [Partnership for Public Service](#), 56% of those surveyed said they do not trust the federal government; 65% think the government does not listen to the public. The idea of a nonpartisan government that nourishes and sustains democracy and the people it serves has withered. In 1787, when the Framers of the Constitutional Convention gathered in Philadelphia to design a new democratic republic, they entirely and purposely omitted political parties from the new nation's founding document. This was no accident. The founders viewed parties as having no legitimate place in the republic. In 1956, the great scholar WEB Du Bois believed that the two-party system had led to the disappearance of democracy. Today, countless Americans echo his words. And a key indicator of this public and private frustration is the millions of voters who are fleeing the Republican and Democratic parties to identify themselves as independents.

According to [Gallup](#), 42% of voters identify as independents. In late January 2021, that number was as high as 50%. While the numbers may fluctuate from month to month, this trend is undeniable. And growing numbers of voters suspect the parties themselves are largely to blame for extreme polarization and government dysfunction, a situation uncannily predicted by America's first president. Now, in the 21st Century, is there a viable pathway to nonpartisan governance, to significant structural reform, to re-making the terms of self-governance? And what role can independent voters – who are as diverse as the country itself – play in such a shift?

At the Center for an Independent and Sustainable Democracy, we strive to:

- Further study this important, emerging community of voters, conducting new, innovative research;
- Create a space for diverse, concerned citizens – academics, policymakers, students, activists, civic groups – to dialogue on how best to address the challenges our democracy faces;
- Serve as a resource on the state of our democracy and examine ways to make a shift to nonpartisan alternatives and governance.

If you'd like to learn more, please sign up here to join our mailing list. Or you can contact our directors at thom.reilly@asu.edu and jsalit@asu.edu.

Sign up for mailing list

ELECTION ADMINISTRATION IN AMERICA – PARTISAN BY DESIGN

**Jeremy Gruber
John Opdycke
Thom Reilly
Jacqueline Salit**

Introduction:

The United States is one of the few countries in the western world in which partisans run the election administration system.

There is virtually no firewall between electoral competitors and electoral administrators, leaving the voting public at the mercy of shifting partisan currents. The escalating controversies over election outcomes – over who won and who lost and whether the system is rigged – would not be possible but for the fact that the system is ALREADY profoundly partisan. As Edward Foley, director of the election law program at Ohio State University's Moritz College of Law describes it:

We allow partisans to run the system both in the front end of the process and at the back end, and this is particularly problematic at the back end when you have a close election.¹

The 2020 Presidential election brought the issue of how America's elections are run into sharp focus. Everyday Americans' concerns over ensuring fair administration of the right to vote were amplified and manipulated. Partisanship at every level-local, state and federal -- has shaken Americans' trust in the entire system. How can voters trust our electoral system if they think the people in charge are playing for one team or the other?²

The vulnerability of partisan administration of elections has been apparent since at least 2000, when the Supreme Court's *Bush v. Gore* decision ended an embroiled Florida recount that decided the Presidential election. A close election in Ohio in the 2004 Presidential race almost led to a similar recount that would have involved state election boards and judges evaluating the same "hanging chads" that fueled the 2000 Florida recount. America's system of election administration has come under increasing scrutiny over the past two decades, while public trust in that system has deteriorated.

Since the 2020 Presidential election, Republican legislators in numerous "red states" have taken steps to tighten their grip on voting and election procedures. At the same time, Democratic legislators, in the states they control, have worked to jigger the system to their advantage. As Russell Berman notes in *The Atlantic*:

¹ Jeremy Hobson, [What Can Florida Do To Improve Its Voting System Before 2020?](#) WBUR, November 19, 2018.

² For a discussion of how nonpartisan election administration works independently from party politics in Canada for example, see: *Nonpartisanship Works*, Election Reformers Network 2021, <https://electionreformers.org/nonpartisanship-works/>

“Although Democrats like to call out Republicans for trying to suppress voting, the states they control in the Northeast make casting a ballot more difficult than anywhere else.”

3

Both sides have had initiatives rejected by the courts on the grounds that they are too partisan and insufficiently neutral. Thus, a question is raised: How shall democracy-minded Americans who are frustrated with partisanship and who value a healthy and dynamical approach to managing our economic, social, cultural and international policies respond to the “line in the sand” strategies of the governing parties? Has the time come to assert a new set of rules and paradigms that reject party control of the electoral process and rest on a different set of process needs?

Rules for how the two major parties-Democratic and Republican-control the participation and administration of our country’s elections are ingrained at every level of each state’s electoral code. Secretaries of State serve parties, not the public. In many states poll worker positions are limited to party members and are oftentimes appointed by sitting members of the legislature. In even more states, if you are not a registered Republican or Democrat, you are prohibited from serving on the state or local boards of elections as an election judge.

The role of election administrators is significant. They oversee all aspects of conducting elections and implementing election policies and procedures at the state and local level. On the local level, election administrators determine who can vote, where they can vote, and how they can vote. Their responsibilities include maintaining voter registration lists, drawing precincts, selecting polling place sites, procuring equipment, recruiting, and training poll workers, canvassing the vote, and evaluating and implementing improvements to the electoral process itself. At the state level, election administration covers a spectrum of election-related logistics, including the maintenance of the state-wide voter registration file and the implementation of federal and state laws and policies concerning elections. This can include ballot design, polling place hours, and provisional ballot use.

A recent report⁴ by the Carter Center highlights the threat to our democracy partisan control of election administration poses, finding that it:

³ Russell Berman, The Blue States that Make it Hardest to Vote, Retrieved from: <https://www.theatlantic.com/politics/archive/2021/04/democrats-voting-rights-contradiction/618599/>. April 15, 2021.

⁴ Johnson, Kevin, [New Models for Keeping Partisans out of Election Administration](#), The Carter Center, Feb, 1, 2022.

Essentially communicates that it is only the two leading political parties whose interests should be considered in state elections administration, not election officials, not voters, and not independent or third-party candidates.

Many of those now waving flags over the partisan character of election administration would have you believe this is a new phenomenon.⁵ It is not new, and it was not established overnight. It's the organic outgrowth of a system with no firewalls, based on a flawed concept of parity and the self-serving construct that bipartisanship is equivalent to nonpartisanship.

Parity, not Independence

Political parties are designed to compete with each other to win elections. That is their core purpose. At every juncture, when permitted to do so, the parties design rules to ensure the other party is not advantaged. That is the basis of parity. Party parity has become the foundational principle of America's electoral process. This premise is "baked in" at the very top: the Federal Election Commission. The FEC is the nation's designated protector of election integrity at the federal level. The six members of the Commission are appointed by the President (after approval by each party's leaders) and confirmed by the Senate. Every other federal regulatory commission has an odd number of commissioners, so that the body can function and pass rulings efficiently and decisively. The FEC has six commissioners, three Democrats and three Republicans, as the specifies that no more than three members of the FEC can belong to one party, ergo, the FEC is a bipartisan power-sharing entity. It is designed to ensure that neither party has an advantage. It also ensures that a) enforcement is virtually impossible because crucial votes end in a 3-3 tie, and b) independents, the largest self-identified bloc of voters in the country, have no representation.

At the state and county level, most boards of elections follow the FEC model. Each major party is granted 50% control of the regulatory body, thus ensuring that no party can "game" the rules or the outcome of an election. As long as states were politically diverse, and most Americans were members of the two major parties, this model functioned - albeit imperfectly.⁶⁷

⁵ [A Democracy Crisis in the Making. How State Legislatures are Politicizing, Criminalizing, and Interfering with Election Administration.](#) Protect Democracy, States United Democracy Center and Law Forward. April 2, 2021.

⁶ Joshua Ferrer, Igor Geyn, and Daniel M. Thompson, [How Partisan Is Local Election Administration?](#), 2021.

⁷ Richard Hasen, [Beyond the Margin of Litigation: Reforming U.S. Election Administration to Avoid Electoral Meltdown](#), 62 WASH. & LEE 1. REV. 937 (2005).

The more recent breakdown of this increasingly vulnerable system results from two long term trends in American politics-the rise of the independent voter and the increasing stratification of states into supermajority control by one of the two major parties. The “partisan parity” paradigm now serves to erode public trust and intensify partisan gamesmanship, which in turn further erodes public trust.

Why Partisan Parity Doesn’t Work

Today, we are witnessing a major realignment of political affiliation in the United States. Democratic party membership reached its zenith in 1964 at 51% and has been declining ever since. Republican Party membership grew to a high of 31% in 1990 and has since declined.⁸ Independent voters are now the fastest growing group of registered voters in the country. They are the largest or second largest group of voters in half the states in the country that register voters by party. This growth is across all regions of the United States. At current rates of growth, independent voters will become the largest or second largest group of registered voters in 24 of the 30 states that require registration by party by 2035.⁹ What’s more, the Gallup polling organization has found that between 40% and 50% of Americans self-identify as independents regardless of the registration requirements in a particular state.

An election system based on major party parity, now completely shuts out a quarter to a half of the voting population in each state from playing a role in any aspect of the administration of the franchise -putting election administration into the hands of an increasingly small-and increasingly partisan - set of actors.

Combine that with the fact that many more states and counties are dominated by one-party supermajorities than in the past. That means Republican dominated states are becoming more Republican and Democratic Party dominated states are becoming more Democratic. Very few states with political equilibrium exist anymore. An election administration system based on major party parity itself has become ill-suited to this political reality.

As The Economist recently declared:

*Partisan election administration is a greater worry today than voter suppression.*¹⁰

⁸ Pew Research Center, *Trends in Party Identification*, 2015. <https://www.pewresearch.org/politics/interactives/party-id-trend/>

⁹ [*The Next Great Migration: The Rise of Independent Voters*](#). John Opdycke and Jeremy Gruber. Open Primaries, 2020.

¹⁰ [*The Real Risk to America’s Democracy*](#), The Economist July 2021.

THOSE WHO MAKE THE RULES, RULE

You might imagine that if you were to read through the electoral code of any particular state, you would find a dry recitation of rules for how elections should be conducted to ensure a fair and impartial outcome. You would be wrong. Rather, the electoral code of every state is ripe with rules for how the two major parties-Republican and Democrat-prioritize their power at the exclusion of everyone else. There has been some focus of late on how states choose their top election official, usually the Secretary of State.¹¹ Very little research, though, has focused on how major party interests are “privileged” throughout the entirety of election administration at the state level-an important and broader distinction from some studies that have focused solely on “exclusion” of voters.

We reviewed the electoral codes of all thirty states with partisan voter registration systems where party membership or alignment is built into the registration process. Key findings include:

- 27 of the 30 States Restrict or Privilege Boards of Elections, Canvassers or Related Boards to Major Party Members.
- 27 of the 30 States Restrict or Privilege Poll Workers/Watchers/Inspectors/Registrars to Major Party Membership.
- 11 of 30 States Restrict or Privilege Election Judges to Major Party Membership.
- 16 of 30 States Privilege Access to Voter Data to Major Party Members.
- 12 of 30 States have Campaign Finance Laws that Privileges Major Party Members.
- 19 of 30 States Privilege Major Parties in Voter Registration

[Partisan in State Electoral Codes- Interactive Map Highlights](#)

(For a full accounting of the various partisan makeups of state electoral codes see [State by State Excel file](#))

Conclusion:

Everyone recognizes that in sports, the competing teams should not control the umpires or referees. Through a complicated process over many decades, that is exactly what we have in the United States. The two major political parties--in parity--control every aspect of

¹¹ Ballotpedia, [Secretary of State by state.](#)

electoral rule making and administration, despite the fact that most Americans would prefer a nonpartisan system of election administration.¹²

Nonpartisan election administration is the norm in most western democracies. Electoral agencies are legally and administratively shielded from political party organizations and actors. The officials tasked with establishing polling sites and counting the votes represent the government, not the parties.

We hope this report offers some context for the depth of the problem America is facing. A partisan election system that requires party parity to ensure fairness is vulnerable to manipulation, now more than ever. There is a growing consensus that nonpartisan redistricting commissions and campaign finance enforcement are necessary to ensure democratic outcomes. It is critical that we enlarge this conversation to include nonpartisan administration of our elections to ensure that election officials are not making discriminatory determinations of who gets on the ballot, who gets to vote, how voter rolls are purged and how votes are counted.

No amount of reform will fully address the vulnerability of our election system to partisan manipulation until we address the very partisan structure of election administration itself.

¹² Alvarez, R. M., & Hall, T. (2005). [*Public Attitudes about Election Governance*](#). University of Utah Center for Public Policy and Administration and the Caltech/MIT Voting Technology Project.

Report: Highly partisan US election administration should become nonpartisan to preserve democracy

Study of voting oversight in 30 states shows how 2 major parties prioritize power at exclusion of others, authors say

August 1, 2022

If you were to read through the electoral code of any particular state, you might imagine finding a dry recitation of rules for how elections should be conducted to ensure a fair and impartial outcome.

You would be wrong, writes an ASU professor of public affairs and three other authors in a new report.



Professor Thom Reilly, ASU School of Public Affairs. Photo courtesy ASU

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"Election Administration In America – Partisan by Design, (https://spa.asu.edu/sites/default/files/election_administration_in_america_7_20_2022.pdf)" a recently released report from the Center for an Independent and Sustainable Democracy (<https://spa.asu.edu/content/independent-and-sustainable-democracy>) at Arizona State University and

Open Primaries (<https://www.openprimaries.org/>), a national election reform organization, indicates electoral codes in the United States are rife with rules for how the two major parties – Republican and Democratic – prioritize their power at the exclusion of everyone else.

“There is virtually no firewall between electoral competitors and electoral administrators, leaving the voting public at the mercy of shifting partisan currents,” according to the report, co-written by ASU School of Public Affairs Professor Thom Reilly (<https://newsroom.asu.edu/expert/thom-reilly>) and colleagues. “The escalating controversies over election outcomes — over who won and who lost and whether the system is rigged — would not be possible but for the fact that the system is *already* profoundly partisan.”

The report is based on examining the electoral codes of 30 states with partisan voter registration systems.

Nonpartisan election administration is the norm in most Western democracies, but not in America, say the report’s authors, who found the United States is the only democracy in the world that permits partisan contests for election officials. In other democracies, elections are run by independent commissions or governmental agencies shielded from political influence, the authors say.

In an op-ed appearing July 28 in The Hill (<https://thehill.com/opinion/campaign/3573864-we-must-radically-change-election-administration-to-preserve-american-democracy/>), Reilly and co-author Jeremy Gruber (<https://www.openprimaries.org/meet-our-staff/>), senior vice president of Open Primaries, call for radical change in U.S. election administration to preserve democracy. This would be accomplished by implementing a nonpartisan status for each state’s chief election official (usually the secretary of state) and the individuals who staff election boards at the municipal, county and state levels, they wrote.

The authors say they believe America’s system of election administration puts our democracy at risk, and that there is a need for a conversation about how we fundamentally restructure election administration in America and move to a more nonpartisan system.

The School of Public Affairs is part of ASU’s Watts College of Public Service and Community Solutions (<https://publicservice.asu.edu/>).



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Biography

Research

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Public Work

Long Bio

Dr. Thom Reilly is currently a professor in the School of Public Affairs and Co-Director, Center for an Independent and Sustainable Democracy at Arizona State University (ASU).

He is the former Chancellor of the Nevada System of Higher Education (NSHE) where he served as chief executive officer and oversaw, under the authority of an elected board of regents, a complex system that includes R-1 research universities, four-year undergraduate institutions, a research institute and community colleges. During his tenure, he has accumulated an impressive record on multiple measurable dimensions of success centered on increased accessibility, student success and expanded workforce training and education.

Prior to his appointment, he served as director of the Morrison Institute for Public Policy at Arizona State University.

He previously served as County Manager for Clark County (the Las Vegas Valley), where he provided both regional and municipal-type services. As CEO, he was responsible for the fiscal management of the County’s \$5.8 billion budget and administrative oversight of close to 12,000 employees. During his tenure he was known for innovative governance practices including instituting increased transparency in the budgeting process, creating a host of citizen involvement/engagement activities; establishing a pay-for performance compensation system for employees; and championing regional governance efforts.



ASU Search

Reilly has authored numerous published works on public pay and benefits, governance, and child welfare. He and his work have appeared on NPR's "Here and Now," PBS NewsHour, CNN Money, ABC World News, "This Week with George Stephanopoulos", Fox Business News, and in the Wall Street Journal, The Guardian, Law 360, Governing, The Fulcrim, Businessweek and The Associated Press.

In 2012, his first book, *Rethinking Public Sector Compensation: What Ever Happened To The Public Interest?* was by published by M.E. Sharpe Publishing, Inc. / Taylor & Francis Group. In 2016, Lexington Books: An Imprint of The Rowan Littlefield Group published his second book, *The Failure of Governance in Bell, California: Big Time Corruption in a Small Town. The Independent Voter* (forthcoming 2022) with co-authors Jacqueline Salit and Omar Ali is being published by Routledge Press (Francis & Taylor Group).

Reilly currently is a Fellow of the National Academy of Public Administration, professor emeritus at San Diego State University; is on the Editorial Board for the academic journal *Public Personnel Management*; serves on the Board of Directors for Global Outreach Doctors, an international NGO; and with his partner Jim Moore, has served as host parents for the international high school exchange program, AFS since 2005.

He received his master's and doctorate of public administration from the University of Southern California. He earned his master of social work at ASU and a bachelor in social work from the University of Memphis.

Education

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THE FUTURE OF WHAT'S HAPPENING NOW

Can Independents Be a Bridge Over Our Partisan Divide?

When partisans include independents in their networks, they're less likely to live in alternative media realities and more likely to moderate their views, a new study suggests. There's a role for elected officials and the media in bringing independents into the conversation.

OPINION | July 28, 2022 • **Thom Reilly**

(Shutterstock)



It has long been established that our media consumption and circle of friends can have an outside influence on our individual political opinions and perspectives. Voters today are not so much shaped by news as the news is shaped for them. In a cafeteria-style format, we consume news from a personalized menu that, in addition to informing us, satisfies our appetite for reinforcing our individual beliefs, friendships and politics. As a result, liberal, moderate and conservative voters virtually live in alternative realities.

To better understand that relationship, Eric Hedberg from Abt Associates and I surveyed Democratic, Republican and independent registered voters in Arizona about their political persuasion, personal networks and media consumption habits. [In Arizona](#), roughly one-third of voters are registered Democrats, one-third are registered Republicans, and one-third are independents. We wanted to explore how the interaction of news and social networks affects voters in their gathering and discussion of political related information.

[Our findings](#) show that independents have social networks that are structurally different from those of partisans. Specifically, we found that both Democratic and Republican respondents were more likely to frequently talk about politics with independents than with members of the opposing party. Likewise, a greater percentage of both Democrats and Republicans report having an independent in their social network than they do a member of the opposing party.

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We also collected data on media consumption and found evidence that independents may moderate overall partisan media consumption through social networks by sharing political news in discussion with members of both parties. To measure media use, political news sources were scored on a continuum of left to right based on the use differences between strong Republicans and strong Democrats. The scored sources ranged from *The New York Times* on the liberal end of the spectrum to Fox News on the conservative end. The most interesting results were for Republican respondents: The study showed that while Republicans with mostly Republican friends scored the most conservative on the

media-use scale, Republicans with independent friends scored average, suggesting a moderating role by their independent friends.

Independents were not only frequent discussion partners with both Democrats or Republicans but they were also less likely to end friendships over disagreements with them. Young Democrats were the group most likely to end a friendship over a political dispute. This is particularly interesting because in our study, Democrats as a group were much less likely than Republicans as a group to frequently talk about politics with independent friends. While this is not definitive evidence that cross-cutting conversations with independents increase tolerance for different views, it does offer some support for the idea that partisans who interact with those who belong to different groups may be less invested in protecting the ideological homogeneity of their networks by terminating relationships over such disagreements.

While previous research shows that individuals with highly polarized views are less likely to discuss politics with those who hold opposing views, our research shows that partisans continue to discuss politics with independents. As such, independents may very well be the key to bridging the political divide by moderating the views of committed Democrats and Republicans and, in doing so, expanding the advantages associated with cross-cutting discussions, including increased tolerance for the views of others, ability to accurately assess whether information about politics is true, and decreased likelihood of relying purely on partisanship for voting decisions.

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In short, our findings offer some hope that diverse social networks can moderate media consumption, especially for Republicans. While algorithms and content filters may make it less likely that people are exposed to diverse news sources online, diverse social networks may be able, at least to some degree, to counteract the effects of technological ones.



efforts to encourage partisans to interact more with independents would

build on an emerging political dynamic: As the number of Americans who identify as Democrats or Republicans has diminished over the past two decades, independents and unaffiliated voters have grown in number to encompass [more than 40 percent of the electorate](#).

So what might be done to bring partisans and independents together in conversation? Local media can make a concerted effort to reach out to independents in their news coverage, including assembling focus groups and conducting interviews with independents on important issues; too often, the media covers policymaking and elections only through the lens of the two major parties. Likewise, elected and other local government officials can target outreach to independent voters via both online and face-to-face forums of public participation. Whatever steps are tried, it seems safe to say that most of the electorate would welcome anything we can do to draw Americans out of the alternative political realities so many now live in.

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ARTICLE 2. COMPLIANCE AND ENFORCEMENT PROCEDURES

R2-20-211. Subpoenas and Subpoenas Duces Tecum; Depositions

- A. The Commission may authorize its Executive Director ~~or Assistant Attorney General~~ to issue subpoenas requiring the attendance and testimony of any person by deposition and to issue subpoenas duces tecum for the production of documentary or other tangible evidence in connection with a deposition or otherwise. The Executive Director may delegate the authority to issue subpoenas to any person authorized to provide legal services. The Executive Director's delegee may delegate this authority to any person authorized to provide legal services as the Executive Director's delegee deems necessary.
- B. If the Commission orders oral testimony to be taken by deposition or for documents to be produced, the subpoena shall so state and shall advise the deponent or person subpoenaed that all testimony will be under oath. The Commission may authorize its Executive Director to take a deposition and have the power to administer oaths. The Executive Director may delegate the authority to take depositions to any person authorized to provide legal services. The Executive Director's delegee may delegate this authority to any person authorized to provide legal services as the Executive Director's delegee deems necessary.
- C. The deponent shall have the opportunity to review and sign depositions taken pursuant to this rule.

R2-20-220. Ex Parte Communications

- A. In order to avoid the possibility of prejudice, real or apparent, to the public interest in enforcement actions pending before the Commission pursuant to its compliance

procedures, except to the extent required for the disposition of ex parte matters as required by law (for example, during the normal course of an investigation or a conciliation effort), no interested person outside the agency shall make or cause to be made to any Commissioner or any member of any Commission staff any ex parte communication relative to the factual or legal merits of any enforcement action, nor shall any Commissioner or member of the Commission's staff make or entertain any such ex parte communications.

- B. This rule shall apply from the time a complaint is filed with the Commission or from the time that the Commission determines on the basis of information ascertained in the normal course of its statutory responsibilities that it has reason to believe that a violation of a statute or rule over which the Commission has jurisdiction has occurred or may occur, and remains in force until the Commission has finally concluded all action with respect to the matter in question.
- C. Nothing in this Section shall be construed to prohibit contact between a respondent or respondent's attorney and any staff member or other authorized representative of the Commission or the Commission staff ~~attorney or the Administrative Counsel or the Assistant Attorney General~~ in the course of representing the Commission or the respondent with respect to an enforcement proceeding or civil action. No statement made by a Commission representative ~~attorney~~ or staff member shall bind or estop the Commission.

R2-20-223. Notice of Appealable Agency Action

If the Commission makes a probable cause finding pursuant to R2- 20-215 or decides to initiate an enforcement proceeding pursuant to R2-20-217, the any person authorized to provide legal services on behalf of the Commission ~~Assistant Attorney General (AAG)~~ shall draft and serve notice of an appealable agency action pursuant to A.R.S. § 41-1092.03 and § 41-1092.04 on the respondent. The notice shall identify the following:

1. The statute or rule violated and specific facts constituting the violation;
2. A description of the respondent's right to request a hearing and to request an informal settlement conference; and
3. A description of what the respondent may do if the respondent wishes to remedy the situation without appealing the Commission's decision.