



**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, March 23, 2023

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 March 23, 2023. This meeting will be held at 9:30 a.m. **This meeting will be held in person and 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 in person, by telephone, video, or internet conferencing.

Join Zoom Meeting

<https://us02web.zoom.us/j/84721906231>

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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 Meeting Minutes for February 23, 2023.
- III. Discussion and Possible Action on Executive Director’s Report, Enforcement and Regulatory Updates and Legislative Update.
- IV. Discussion and Possible Action on the following 2022 Primary and General Election Candidate Audits:
 - A. Kim Owens, Primary, Corporation Commission
 - B. Sanda Clark, House, LD 19
 - C. Oscar De Los Santos, House, LD 11
 - D. Kyle Nitschke, Senate, LD 7
 - E. Tatiana Pena, House, LD 11
 - F. Athena Salman, House, LD 26
 - G. Mariana Sandoval, House, LD 23
 - H. Kevin Thompson, Corporation Commission
 - I. Sandra Kennedy, Corporation Commission
 - J. Lauren Kuby, Corporation Commission
 - K. Nick Myers, Corporation Commission
 - L. Kathy Hoffman, Superintendent of Public Instruction

- V. Discussion and Possible Action on Debates Work Group.
- VI. Discussion and Possible Action on Proposition 211, Voters' Right to Know Act, including litigation and staff research.
- VII. Discussion and Possible Action on 2023 Chairperson.
- VIII. 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
- IX. 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 21st day of March, 2023
Citizens Clean Elections Commission
Thomas M. Collins, Executive Director

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

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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF VIRTUAL PUBLIC MEETING

Phoenix, Arizona
February 23, 2023
9:30 a.m.

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



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1 VIRTUAL PUBLIC MEETING BEFORE THE CITIZENS
2 CLEAN ELECTIONS COMMISSION convened at 9:30 a.m. on
3 February 23, 2023, at the State of Arizona, Clean
4 Elections Commission, 1110 West Washington, Conference
5 Room, Phoenix, Arizona, in the presence of the
6 following Board Members:
7 Mr. Damien Meyer, Chairman
8 Ms. Mark Kimble
9 Mr. Steve Titla
10
11 OTHERS PRESENT:
12 Thomas M. Collins, Executive Director
13 Paula Thomas, Executive Officer
14 Mike Becker, Policy Director
15 Gina Roberts, Voter Education Director
16 Avery Xola, Voter Education Manager
17 Kara Karlson, Assistant Attorney General
18 Mary O'Grady, Osborn Maledon
19 Cathy Herring, Staff
20 Gianna George, Riester
21 Christina Stone, Riester
22 Scott Day Freeman, Attorney
23 Rivko Knox, Member of the Public
24
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1 meeting minutes for January 19th of 2023. Any
2 discussion on the minutes?
3 COMMISSIONER TITLA: Chairman, I make a
4 motion to approve the minutes.
5 CHAIRMAN MEYER: All right. We have a motion
6 to approve the minutes. Is there a second?
7 COMMISSIONER KIMBLE: I second that.
8 Commissioner Kimble.
9 CHAIRMAN MEYER: All right. We have a motion
10 to approve the minutes. We'll go ahead and vote on
11 that motion. All in favor of approving the January 19,
12 2023 minutes -- we'll do this by roll call.
13 Commissioner Kimble.
14 COMMISSIONER KIMBLE: Aye.
15 CHAIRMAN MEYER: Commissioner Titla.
16 COMMISSIONER TITLA: Aye.
17 CHAIRMAN MEYER: And I vote aye as well.
18 Moving along to Agenda Item No. III, which is
19 discussion and possible action on Executive Director's
20 Report. So, Tom, I'll turn this over to you and also
21 note Gina Roberts did attend the National Association
22 of Election Directors conference last week, and I know
23 she wanted to give us a little update on what she
24 learned and observed there. So I'll just leave it to
25 the two of you to share that with us. So Tom.

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1 CHAIRMAN MEYER: Good morning. Agenda Item
2 No. I is the call to order. It's 9:30 a.m. on
3 February 23rd of 2023. My name is Damien Meyer, and I
4 call this meeting of the Citizens Clean Elections
5 Commission to order.
6 I'd like to ask audience members to please
7 keep their microphones on mute.
8 And with that, we'll take attendance.
9 Commissioners, please identify yourselves for the
10 record. Commissioner Chan may join us later.
11 Commissioner Paton is ill. But let's go ahead and, I
12 guess, identify yourselves for the record, starting
13 with Commissioner Kimble.
14 COMMISSIONER KIMBLE: Mark Kimble.
15 CHAIRMAN MEYER: Good morning, Commissioner
16 Kimble.
17 And then Commissioner Titla, are you there on
18 the phone?
19 COMMISSIONER TITLA: Yeah, Steve Titla here.
20 Good morning, everybody.
21 CHAIRMAN MEYER: All right. Good Morning,
22 Commissioner Titla.
23 So we do have three Commissioners present,
24 which is a quorum, so we'll proceed on to Agenda Item
25 No. II, which is the discussion and possible action on

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1 MR. COLLINS: Thank you, Mr. Chairman,
2 Commissioners. Thank you for being here. You know, I
3 think -- you know, as you may know, and we've done
4 some -- at least some social media promotion of this,
5 there is actually a runoff election in two city council
6 races in Phoenix that's -- and early voting has begun
7 there.
8 As you can see, we'll be discussing voter
9 education at length later in the Agenda.
10 Throughout January, you know, we kept up a
11 good clip and a continued good clip of outreach
12 activities, and I think that that's important.
13 And, you know, I guess after I wrap this up,
14 then, Gina I'll turn it over to you, unless you want to
15 talk about it in the context of outreach.
16 I wanted to really quickly note, we're
17 working on the remaining improvements to the new
18 office, so we're still -- we're planning, based on last
19 month, to be in person next month. There will be --
20 and Paula, correct me if I'm wrong, but a person can
21 attend both virtually -- well, can't attend both
22 virtually and in person, but a person can choose
23 between being in person and attending virtually, but we
24 should be ready for that.
25 I think that's kind of -- I don't guess

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1 there's anything else that I really wanted to make sure
2 that we mentioned. The Court of Appeals did reject
3 Kari Lake's appeal from her election challenge of the
4 2022 election, you know, and I think that -- I mean, I
5 think that that kind of -- I mean, I think that sort of
6 wraps up the highlights from my perspective. So unless
7 you have questions for me, Gina, I think -- or,
8 Commissioner Meyer, I'll hand it back to you to hand to
9 Gina.

10 CHAIRMAN MEYER: Gina, go ahead.

11 MS. ROBERTS: Thank you, Chairman Meyer,
12 Commissioners. Good morning.

13 Yes, I had the opportunity to attend the
14 winter conference for the National Association of State
15 Election Directors last week. This is a conference
16 that pulls together our state election directors and
17 their staff across the nation together, and essentially
18 the conference had two primary focuses.

19 One is election security both, you know,
20 through a cyber security perspective and physical
21 security, physical being equipment, but also personnel.
22 And so we had the opportunity to hear from our partners
23 that election officials have established and created
24 partnerships with, agencies through the federal
25 government. So we're talking about the Department of

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1 So we had the great opportunity to hear some
2 folks on what their voter education and outreach and
3 communication tactics are so we can learn from other
4 states, their best practices. There was a panel
5 discussion on actually how national media covers
6 elections and election results, which was helpful as
7 well so we can learn to better communicate with the
8 media, understand their perspective. And there was
9 just additional opportunities to learn more about, you
10 know, if you're developing a new program, again, it
11 always boils down to that voter education component.

12 So that was the -- the main two points and
13 takeaways from the winter conference. And again, you
14 know, I think as we continue to go through these types
15 of meetings, we always see voter education and
16 communications and outreach emerge as one of the most
17 critical tactics that elected officials -- election
18 officials need to employ to really run successful
19 elections.

20 So with that, I'm happy to answer any
21 questions about the conference.

22 CHAIRMAN MEYER: Do any of the Commissioners
23 have any questions? Commissioner Titla.

24 COMMISSIONER TITLA: Yeah. In the
25 conference, you know, Arizona, how do you think we

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1 Homeland Security, their cyber security division, their
2 cyber security and infrastructure security agency,
3 which is SISA, they have a section specifically for
4 election security there. We've heard from the
5 Department of Justice and the FBI.

6 And basically conversations, again, focused
7 on, you know, how we can continue to keep election
8 officials safe through -- throughout their duties, what
9 kind of threats exist, and what kind of new
10 developments have been made, and resources and tools
11 that are available for election officials through these
12 security agencies for the federal government, and
13 learning more just about working groups that exist
14 throughout the nation, again, with the primary focus of
15 election security, both, again, that physical, but also
16 cyber security initiatives.

17 And the second portion of the conference
18 really focused on communications and voter education,
19 which -- you know, again, from my experience in working
20 in elections, any time there's a discussion about, you
21 know, whether there's an issue or, you know, whether
22 we're talking about election administration, it all
23 ultimately comes back to how do we communicate this to
24 the public, what is the voter education component that
25 is occurring here.

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1 rank, versus the rest of the nation, as far as our
2 election administration is?

3 MS. ROBERTS: As far as the administration of
4 election goes, Chairman Meyer, Commissioner Titla,
5 Arizona has actually long been lauded as a leader in
6 election administration both from Arizona having the
7 history of launching online voter registration to our
8 long history with successful vote by mail and the
9 security measures that we have.

10 As we know, Maricopa County has long been in
11 the national spotlight since the 2020 election. And
12 what we hear at these conferences is that, you know, as
13 many times as the County has been tested or
14 scrutinized, you know, there's always a saying, oh, we
15 wish, you know, we weren't Maricopa County so we
16 wouldn't have to go through that. But the discussion
17 always ends up on, their practices withstood that
18 scrutiny, that everything -- you know, that their
19 documented practices, everything that came out of that
20 election proved that the policies and procedures and
21 the laws that we have in place are effective.

22 So when we talk about Arizona as a whole
23 nationally compared to other states in our election
24 administration, you know, we tend to be a leader there.
25 We have -- we have, again, a very successful history

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1 when it comes to vote by mail and our auditing
2 procedures. And so when I think when we are compared
3 nationally, Arizona definitely does rank up there.
4 CHAIRMAN MEYER: Gina, you talked a little
5 bit about -- there was a discussion about communicating
6 or reporting to the national media. I know, with all
7 the attention Maricopa County has received, a lot of
8 our officials have been talking with the media. Can
9 you tell us sort of any recommendations or share with
10 us kind of how that conversation went or what --
11 MS. ROBERTS: Sure.
12 CHAIRMAN MEYER: -- the program materials
13 were on that.
14 MS. ROBERTS: Sure, Chairman. Chairman
15 Meyer, Commissioners, really this panel discussion was
16 an opportunity for election officials to hear the
17 process of the national media and what they go through
18 to ensure that they are reporting accurate election
19 results to the public. And so ultimately what it came
20 down to is establishing communication and partnership
21 between the -- between the elections offices and with
22 the media so they understand when will results be
23 coming out, you know, what is the time frame. So if
24 we're not going to be done on election night, what
25 happens afterwards. And this is the same type of

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1 was -- you know, could have happened a long time ago.
2 Was there a discussion of how do we get through to this
3 group of people who just refuse to believe what's --
4 you know, the results of the election.
5 MS. ROBERTS: Mr. Chairman, Commissioners, in
6 this particular panel discussion it did not evolve into
7 that particular point. It was more about ensuring that
8 the national media does not call a race incorrectly,
9 which we have actually experienced here in Arizona
10 before. You know, we've had a news agency where they
11 had to -- I believe, actually, it was the AP -- where
12 they had to retract because they had called a race
13 incorrectly, and so it was more focused about that. In
14 terms of establishing confidence that these are the
15 final and accurate results, no, the panel did not focus
16 on that.
17 CHAIRMAN MEYER: Well, I mean, the fact they
18 have this team and they do all this work, I mean,
19 doesn't that sort of speak to that issue or just --
20 MS. ROBERTS: Mr. Chairman, my apologies.
21 Yes, it does -- I understand your point there, because
22 they have this opportunity where they're communicating
23 to their viewers, and they have quite a wide reach. So
24 coming down to trying to establish that trust that,
25 yes, these are the final official results, I think

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1 communication and voter education that we do with the
2 public.
3 And so we were able to hear from the media
4 about their teams in place. You know, it's not just,
5 you know, one or two folks. They actually have full
6 teams, bodies, you know, I think upwards of 15 people,
7 who are working on this to make sure that they are
8 pulling the data from the websites correctly so that
9 they could get that information out to their viewers.
10 So it really boiled down to making sure that
11 the election officials who are going to be reporting
12 the results and the national media who are covering
13 that jurisdiction have an understanding about really
14 what the results mean, you know, when they're coming
15 out, you know, what does this mean. Are these early
16 ballots only? What does it mean that a hundred
17 precincts have, you know, reported, things like that.
18 So it really was just a communication back and forth so
19 we could learn each other's processes.
20 CHAIRMAN MEYER: Was there any discussion
21 about just this, you know, this section of folks out
22 there who just refuse to believe the results and all
23 the reporting? I mean, you spend five minutes on
24 social media -- of course, we had the big story here
25 yesterday with the release of the AG findings that

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1 there is an opportunity there. I think there is an
2 opportunity for them, you know, potentially to give
3 that context of these results that they were learning
4 from the election officials directly and what this
5 means, you know, like these -- or, we're expecting more
6 ballots to come in or, you know, we still have three
7 more days for the signature verification process or for
8 curing of signatures. So I think there are
9 opportunities there that will help build trust with
10 their viewership about why these results are accurate
11 and official and that there are potentially more
12 ballots coming into the final tallies, but we just --
13 we did not have the opportunity to have those
14 discussions there. But I do agree that that
15 opportunity should -- should be forthcoming.
16 CHAIRMAN MEYER: Thank you, Gina.
17 Anyone else have any questions?
18 (No response.)
19 CHAIRMAN MEYER: All right. So, Tom, on
20 the -- back to the Executive Director's Report.
21 There's a lot of legislation, you know, there's 30-some
22 pages of bills we're tracking. Any -- anything stand
23 out as particularly concerning, and maybe Mike will
24 answer this, or anything we need to keep a close eye on
25 there?

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1 MR. BECKER: Mr. Chairman, Commissioners, at
2 this point, there isn't anything really earthshattering
3 or concerning for the Commission. There are quite a
4 few election bills, as you've seen, but none of them
5 directly affect the Commission. And for the most part,
6 I would imagine that the Governor is not going to sign
7 them. So it will be very interesting to see how far
8 they go, if they -- how far they go, when they make it
9 to her desk, what she does, but I'm assuming she will
10 veto most of them. But like I say, most of the bills
11 don't affect the Commission itself, so I think we're --
12 we're doing fairly well this year.

13 CHAIRMAN MEYER: Okay. Thank you.

14 All right. Anything further on the Executive
15 Director's Report and this Agenda item, or can we move
16 on to Item No. IV?

17 COMMISSIONER TITLA: Chairman, this is
18 Steve Titla. I got knocked off the Zoom, so I just
19 called in. I'm back online now. I make a motion to
20 approve the Executive Report.

21 CHAIRMAN MEYER: Sure. I think, Commissioner
22 Titla, we don't need to approve the report. We can
23 just -- we can just finish our discussion on it and
24 move on.

25 COMMISSIONER TITLA: Oh, okay. All right.

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1 amendments, now is the time to do that. I don't see
2 any participants here, but if anyone would like to
3 comment, please raise your hand. Is anyone there?
4 (No response.)

5 CHAIRMAN MEYER: Okay. Is there any
6 discussion among the Commissioners or any questions for
7 staff regarding these amendments? They're in your
8 packet. So if there's no questions, then we can have a
9 motion to approve, but I do want to give everyone a
10 chance to ask any questions.

11 (No response.)

12 CHAIRMAN MEYER: Okay. No questions.

13 Can I get a motion to approve? Commissioner
14 Kimble.

15 COMMISSIONER KIMBLE: Mr. Chairman, I move we
16 approve the proposed amendments referenced in Item IV
17 of today's Agenda.

18 CHAIRMAN MEYER: Is there a second?

19 COMMISSIONER TITLA: Chairman, I second the
20 motion.

21 CHAIRMAN MEYER: All right. We have a motion
22 to approve the amendments in Item IV of our Agenda
23 today, which is R2-20-305 and 306. We'll go ahead and
24 call the roll. Commissioner Kimble, how do you vote?
25 COMMISSIONER KIMBLE: Aye.

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1 Yeah, excuse me. Thank you.

2 CHAIRMAN MEYER: No, no problem.

3 All right. So let's go on to Agenda Item
4 No. IV, which is discussion and possible action on
5 final approval of proposed amendments to Arizona Admin
6 Code Title 2, Chapter 20, Article 3, standard of
7 conduct for Commissioners and employees, Sections
8 R2-20-305, reporting suspected violations, and
9 R2-20-306, disciplinary and other remedial actions.
10 That was a mouthful.

11 Okay. So this item is for final approval of
12 two rule amendments to clarify the process by which a
13 person could lodge a complaint with the Commission
14 regarding a particular Commissioner's actions should
15 something like a conflict of interest arise. The main
16 purpose of these amendments is to close a gap in our
17 rules. And the rules only provide for a procedure to
18 handle complaints against employees, but not regarding
19 Commissioners.

20 We have not -- as the Commissioners will
21 recall, I think, Tom, we approved these in the form
22 they are now, set them out for the 60-day period for
23 public comment. We have not received any written
24 comments. If anyone is appearing today or attending
25 today in the public that would like to comment on these

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1 CHAIRMAN MEYER: Commissioner Titla.

2 COMMISSIONER TITLA: Aye.

3 CHAIRMAN MEYER: This is Commissioner Meyer.

4 I vote aye. So the amendments are approved unanimously
5 by a vote of 3 to 0.

6 Moving on to Agenda Item No. V. Each year
7 the Commission has adopted a Voter Education Plan
8 designed to promote -- excuse me -- to promote
9 participation and increase confidence of voters by
10 providing information on elections and candidates.
11 While there is not a general election this year, there
12 is election activity, including local elections and,
13 more importantly, planning for 2024. Gina Roberts, our
14 voter education director, will be presenting an
15 overview of what we've accomplished in 2022 and to
16 outline the projects the staff is planning for 2023.

17 Gina, the floor is yours.

18 MS. ROBERTS: Thank you, Mr. Chairman,
19 Commissioners. I am going to pull up a presentation
20 here, so I'm going to share my screen. All right.
21 Unless I hear otherwise, I'm going to assume that you
22 can see it, so let's get started here. Start slide
23 show. Okay.

24 So I wanted to start off by going through
25 what our current electorate looks like, our

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1 demographic. As we know, Arizona, we have 15 counties,
2 and our Voter Education Plan is geared towards meeting
3 those 15 counties.

4 Currently, with our voter registration
5 statistics, we are seeing about a little over 4 million
6 registered voters across the state. And I have a
7 comparison here just between our 2022 general election
8 and where we stand in the last reported numbers of
9 January 2023. Just a few months' difference there, so
10 we're not seeing, obviously, a big shift in those
11 numbers, but what stands out, and this is -- this is
12 normal, this is standard for the state of Arizona. You
13 can see here that our three largest voting blocs are
14 going to be the Republican party, our Democratic party,
15 and then, of course, we have a large voting bloc of
16 voters who are not affiliated, so these would be our
17 Independent voters, the OTH category there. So, again,
18 we're about a third, a third, a third.

19 Turnout, we see in the general election we
20 were at 62 and a half percent turnout. And that's --
21 that's on par for a midterm election and it is a good
22 number in terms of comparison for our other years. So
23 when we look at previous midterms, you can look at 2018
24 there and 2014, you can see, you know, it's a little
25 bit less than 2018, but it is still much higher than

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1 statewide elections which were on the ballot. As you
2 know, we had a Gubernatorial election which received a
3 lot of attention, and then of course our other
4 executive offices, such as Secretary of State and
5 Attorney General. We also had, since it was a general
6 election, our ballot measures, so we had our
7 propositions that were on the ballot, and then we also
8 had the judicial retention elections. And of course,
9 if there were any local elections, so at the county
10 level, the city -- city and town, or special districts.

11 So it was quite a full ballot for voters to
12 consider. Especially when we take into account the
13 judicial retention elections, you're definitely looking
14 at a double-sided ballot, a lot of choices for voters
15 to consider, which means that voters really had to do
16 their homework to learn about the candidates and the
17 issues that were on the ballot.

18 So what did Clean Elections communicate to
19 voters in the 2022 election cycle? We always focus on
20 logistics when it comes to voting, so that would be,
21 you know, registering to vote or how do I get
22 my ballot. If I want to vote early or if I want to
23 vote in person or on election day, what do I need to
24 bring with me to the polls? When do I return
25 my ballot? You know, what's the deadline for this key

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1 when we were all the way back to 2014 and previous
2 years. So, you know, we're definitely on par with what
3 turnout typically is for a midterm election.

4 And then, of course, in our primary election
5 the numbers are typically lower there, we see, and that
6 is just because it is a primary. We know we typically
7 have lower turnout there. And we're looking at the
8 almost 35 percent turnout.

9 So where does that put us nationwide? For
10 the general election for midterms we ranked 16th. So
11 the states that we typically see that come in, you
12 know, first, second, and third, we're talking about the
13 states that typically have all mail, where they're
14 mailing out a ballot to everybody. And categories such
15 as, you know, perhaps same day voter registration can
16 make an impact too. But in terms of Arizona, we ranked
17 16th. So this is still good. These numbers are good.
18 They're growing. We're going in the right direction.
19 And again, we're in a midterm election, so we would not
20 see those numbers as high as we would in a presidential
21 election.

22 So what did voters consider in 2022? We had
23 a U.S. Senate seat that was on the ballot that drew a
24 lot of attention nationwide, of course we had our nine
25 congressional districts, and then we had all of these

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1 event? How do I know that my ballot was counted or,
2 you know, that the election was secure? So we really
3 covered the logistics of voting, but also election
4 administration. And, again, that ranges -- everything
5 that a voter would need to know from A to Z to be able
6 to cast their ballot, we cover in our messaging.

7 We also help them not just in the logistics,
8 but also learning about the candidates and the issues
9 on their ballot. So we have voter education in regards
10 to the candidates that are running and seeking office
11 and also the issues so that they can make an informed
12 vote.

13 We -- to do this, we communicate with the
14 tools and resources that the Commission has available.
15 So obviously we have our Voter Education Guide and our
16 debates. And, again, that goes back to educating
17 voters about what the candidates are, who the
18 candidates are, where they stand on the issues, and of
19 course the logistics of voting as well.

20 And we even had voter education this year --
21 and, I should say, public education on how to run for
22 office. We had the opportunity to develop some
23 candidate training videos that cover the Clean
24 Elections process if you wanted to be a Clean Elections
25 candidate and receive -- and opt into the clean funding

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1 program.

2 So we had a lot to communicate to voters this
3 cycle. And as I mentioned, it was a full ballot, a lot
4 of choices for voters to make, and so it really takes
5 time to be an informed and educated voter, and we made
6 sure that we had all of the information that a voter
7 would need so that they could cast their ballot in the
8 correct process, so that they know that it was counted,
9 but also that they could make that informed vote with
10 the choices that they were making on their ballot.

11 These are just some examples of what this
12 voter education looks like to capture voters'
13 attention. These are some of our paid media
14 opportunities that we had here. So you'll see social
15 media posts, you'll see print -- print options that we
16 ran in the newspapers. You know, again, here we have
17 messaging related to independent voters. Here we have
18 voter education about election administration and
19 process that's done in American Sign Language. We talk
20 about how to get a ballot by mail and that, you know,
21 you've got to make sure you sign that affidavit
22 envelope. Our youth voting, you know, to capture our
23 youth voters, to get them to participate, these are
24 just some examples of Instagram reels and ads that we
25 had. Again, this was all part of our youth campaign.

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1 The great thing about our Voter Education
2 Guide is it typically ranks high when we talk to voters
3 about a trusted resource for voting information. And
4 again, this is going directly to the mailboxes of voter
5 households, so they don't have to search far for
6 accurate official election information.

7 And of course, we like to make this as
8 accessible as possible, so we provide multiple versions
9 of the Guide. We automatically mail it out in English
10 and Spanish. We have a large-print version for voters.
11 We try to create it in as many different languages as
12 we can. For the moment, that includes working with our
13 tribal partners where he had a Navajo version, an
14 Apache version. Again, with our partners over at the
15 Arizona Commission for the Deaf and Hard of Hearing
16 where we created an American Sign Language version. We
17 make sure that the versions that we have on our website
18 are accessible with screen readers.

19 And of course, we have a very long-standing
20 partnership with Sun Sounds of Arizona, very grateful
21 to them for their partnership, because essentially they
22 take the Guide and they read it, they create an audio
23 recording. So anybody who is -- has difficulty with
24 their vision can call this toll-free number and have
25 the Guide read to them, and so that's a really great

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1 We had the opportunity to partner with Pinal
2 County to create a palm card. So every voter that went
3 and voted in person in Pinal County was given one of
4 these palm cards that talked about how can they
5 confirm, after they leave, that their ballot was
6 counted, and, you know, if they have any issues, where
7 to go for that official information.

8 Again, more print ads, you know, trying to
9 get voters to get to accurate official election
10 information. Again, independents and the primary, our
11 Voter Education Guide. So you can see, we had a lot of
12 messaging out there for voters throughout the election
13 cycle.

14 So speaking of the Voter Education Guide, as
15 we know, that is one of our primary goals during a
16 primary and general election cycle. And in this -- in
17 2022 for the primary we mailed out about 2.3 million
18 pieces and in the general about 2.2, so definitely a
19 lot of communication going directly to voters'
20 mailboxes.

21 And in the primary we had 35 statewide
22 candidates and 197 legislative candidates total. In
23 the general that drops down, right, we now have the
24 nominees, so we had 15 statewide candidates and 137
25 legislative candidates.

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1 service. And we appreciate our partners there, because
2 this is probably one of the longest partnerships that
3 we've had in terms of the Voter Education Guide. And
4 again, it's just another avenue for us to make sure
5 that the Voter Guide is as accessible as possible. And
6 we'll continue to look at opportunities to provide even
7 more versions available based off of the feedback we
8 get from voters.

9 We also had our debates. Again, given that
10 we had all of the executive offices on the ballot, all
11 of our statewide offices and our 30 legislative
12 districts, and we did have U.S. Senate debate, it was a
13 very busy debate season. This is a screenshot of one
14 of our legislative district debates. We streamed those
15 live on YouTube. Our statewide ones were broadcast on
16 TV, and we had -- in the primary we had 35 candidates
17 total at the statewide level. And so we were grateful
18 to have our debates with all of those candidates, with
19 the exception of one where it ended up being a Q and A.
20 And then for the statewide general, again, we had 15
21 candidates total, we had one -- one Q and A as well,
22 and then we had our legislative debates as well. So,
23 you know, we are continuing to work on ensuring that we
24 can get as much candidate participation as possible in
25 these debates. That way, obviously, the more

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1 candidates that participate, the better it is for the
2 voters to hear directly from them.
3 And we do have a recap of our debate process
4 here. We did share this on social media, so maybe
5 you've seen it, but we thought this was a good
6 behind-the-scenes clip to give you a sense of what it
7 is when we go through debate process, the planning that
8 we undertake, and what it looks like on the ground. So
9 I'll go ahead and play this for you. It's a short
10 video.
11 (Video plays.)
12 MS. ROBERTS: So the reason why I wanted to
13 show that video is because I think it's important to
14 get those photos, that behind-the-scenes feel, where
15 you can see the amount of people that were there at our
16 statewide debates, you can see the media coverage, you
17 can see the candidates and them engaging with the
18 media, and all of that gets communicated back to
19 voters. So there was a lot of moving pieces to build
20 out our debate process and, again, that's -- the images
21 that you saw there behind the scenes, that was just at
22 the statewide level. That doesn't begin to cover what
23 is encompassed in our legislative debates as well.
24 So really, you know, we are the state of
25 Arizona's debate authority, and I think it's really

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1 County about what happens to your ballot now, is that
2 something you envision expanding into other counties in
3 the future?
4 MS. ROBERTS: Thank you, Mr. Chairman,
5 Commissioner Kimble. That's a great question. And so
6 I'll talk a little bit about why we did this with Pinal
7 County. If -- perhaps if you'll recall, in the primary
8 election there were some issues with Pinal County in
9 the way the election was ran, and so they made some
10 changes. The County Board of Supervisors made some
11 changes when it came to the Election Director. The
12 County Recorder resigned her position and then took
13 over the elections department to run the election in
14 the general election. And so because there were
15 concerns about how the election was ran with
16 the ballots that went out, there was some --
17 essentially what happened was some voters received
18 races on their ballot that they shouldn't have.
19 And so really, when it came down to the
20 changes that they were making, we had a great
21 relationship with our partners, our election partners
22 over at Pinal County. And they wanted to continue to
23 work on building trust with their voters on the
24 election, and so they reached out to us. And we came
25 up with this palm card idea, that way we knew when the

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1 important to acknowledge the work that goes into
2 creating those debates and executing them for voters,
3 because it is -- again, it continuously ranks high as a
4 trusted source of voter information when we talk
5 directly to voters about where they get their election
6 education and where they get their information on the
7 candidates. So it continues to meet the mission and
8 the goals of the Clean Elections Act in promoting
9 participation in the political process, but also
10 ensuring that the campaigns are focused on the issues.
11 And that's what our debates do, they connect the voters
12 with the candidates about the issues that the voters
13 care about the most.
14 So let's see. We'll go ahead and -- Chairman
15 Meyer, Commissioners, I'm going to jump into the plan
16 for this year, for 2023, unless you'd like me to pause
17 and take questions on any of the efforts we've done in
18 '22 at this point, or I'm happy to keep going if we
19 want to do that at the end.
20 COMMISSIONER KIMBLE: Mr. Chairman, this is
21 Commissioner Kimble.
22 CHAIRMAN MEYER: Go ahead, Commissioner
23 Kimble.
24 COMMISSIONER KIMBLE: Gina, I had one brief
25 question. The palm cards that you handed out in Pinal

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1 voters left after voting that they knew who the
2 official source was to contact if they had any
3 questions. And so that's how this occurred.
4 I do like the idea of potentially expanding
5 that and reaching out to our other counties to see if
6 that was helpful. We'll have to do some follow-up with
7 Pinal County. But the feedback that I've heard so far
8 was that the poll workers loved it, because it was a
9 tool for the poll workers where if the voters had any
10 questions they could say, here, take this palm card.
11 This has everything that you need, the contact
12 information that you need, so that you can follow up
13 after the fact and have that confidence.
14 So we know it was successful for the County
15 and for the poll workers, so I'd like to follow up with
16 Pinal County and get more information, if possible, to
17 see how they felt the voters reacted to those palm
18 cards. And it does sound like it's the opportunity to
19 expand on that further, because at this point it does
20 seem that it was a successful opportunity.
21 COMMISSIONER KIMBLE: Well, I think it's a
22 great idea, and obviously there's -- the concerns about
23 what happens to my ballot are not limited to one
24 county. And people, whether they vote provisional,
25 whether they vote a regular ballot, are constantly

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1 concerned about how do I know it's actually going to be
2 counted. And I think this is -- this is something that
3 would be a real good tool to expand to as many counties
4 that are willing to work with us on it.

5 MS. ROBERTS: Chairman Meyer, Commissioner
6 Kimble, thank you. Thank you for that feedback. We
7 will absolutely look into expanding that.

8 COMMISSIONER KIMBLE: Thank you.

9 MS. ROBERTS: All right. Shall I jump into
10 2023 then?

11 CHAIRMAN MEYER: Real quick, Gina. I just
12 want to commend you, Tom, staff on all the work that
13 goes into the debates. I know how hard you work. We
14 know how hard you work. They're really a tremendous
15 resource for voters. I attended I know at least one of
16 those and saw them in action. It's really great. So
17 thank you so much for all your work on that. It was
18 really, really appreciated and you really did a service
19 for the voters of the state, so thank you so much.

20 MS. ROBERTS: Thank you, Mr. Chairman. And I
21 would be remiss if I didn't acknowledge all of the hard
22 work that Paula put into this process. There's a lot
23 that goes into -- in terms of procurement and making
24 sure we have the resources we need, and Paula is our
25 rock when it comes to debates. So thank you for that.

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1 mentioned, this year we have local elections that are
2 occurring throughout 2023, and some of the potential
3 paid media tactics that we will utilize to reach voters
4 include our standard tactics, which would be videos,
5 radio reads, we would have print ads, out of home, that
6 would mean billboards -- so right now we have
7 billboards that are in Phoenix Districts 6 and 8 to
8 promote the City of Phoenix runoff election -- and, of
9 course, our digital ads and paid search.

10 Paid search continues to be a very important
11 resource for the Commission. Because when we have
12 voters who are going to their phones and pulling up
13 Google, which is just a search engine, we want to make
14 sure that Clean Elections appears at the top of those
15 searches, that way we know that we are getting voters'
16 first clicks to get them directly to that official
17 accurate election information.

18 As far as messaging goes this year, again,
19 the standard logistics, what we covered that we did in
20 2022, we'll continue going forward with. And again,
21 what's on my ballot, the candidates and the issues, are
22 tools to help them in that area, but also civics.
23 Civic education is a big component when it comes to
24 full circle of promoting that participation in the
25 political process.

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1 And jumping into 2023, I always like to take
2 a step back and look at our preamble. This helps to
3 ensure that we are on the right path and meeting our
4 goals that the voters had when they designed the Clean
5 Elections Act. And so the preamble, "The people of
6 Arizona declare our intent to create a Clean Elections
7 system that will improve the integrity of Arizona state
8 government by diminishing the influence of special
9 interest money and will encourage citizen participation
10 in the political process and will promote freedom of
11 speech under the U.S. and Arizona Constitutions.
12 Campaigns will become more issue oriented and less
13 negative because there will be no need to challenge the
14 sources of campaign money."

15 So what I highlighted in red there, those are
16 the sections that I think really stand out for the
17 voter education program, and hopefully you will see
18 this in the plan for 2023.

19 Back in December Mike presented the budget to
20 the Commission, and part of that budget included
21 approving our cap for paid media public education
22 spending, and so that gives us a budget of about \$2.3
23 million. We typically, you know, will operate under
24 that to make sure we don't exceed the cap.

25 And as we mentioned, as the Chairman

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1 Especially since we are in a year that we
2 don't have a statewide primary and general election,
3 right, we're in an odd year, we have these local
4 elections, unfortunately, we see low turnout in local
5 elections. And those can arguably be just as
6 important, or if not more important, than some of our,
7 you know, more -- elections that get more featured
8 prominently in the news. And it's important that
9 voters understand what these local elections do and how
10 they impact them. So why is it important to vote for
11 your city council member? Because they make decisions
12 on police and fire, on your trash services, on your
13 library hours. And so all of those things impact a
14 voter's daily life. And so we want to connect the
15 voter with their local government so they understand
16 what these elected officials are responsible for and
17 hopefully make that connection to the ballot as well.
18 So we will continue to focus on the logistics of voting
19 in our messaging, the candidates and the issues, but
20 also help establish that connection to these local
21 elections and why they're important.

22 So to kick off this year, we typically do
23 this in every odd year, so this is a standard practice
24 of ours, we will engage in research. Research is
25 critical to our Voter Education Plan because it helps

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1 us connect directly with the voters to understand what
2 their needs are, so we can hear from voters and
3 understand what is it exactly that you think that you
4 need more information on, more education on. Is it,
5 you know, the voter registration process or, you know,
6 do you understand that independents can vote in the
7 election -- in the primary election? Do you understand
8 what that process is? You know, do you need more voter
9 education on, you know, the ballot-by-mail process?
10 So it's understanding what voters need in
11 terms of logistics, but also it gets down to
12 understanding their awareness of the tools and
13 resources provided by Clean Elections, because, as
14 we've discussed before when we talk about voter
15 education, in this day and age of misinformation it's
16 very important that voters understand where the
17 messaging is coming from, where the information is
18 coming from so they know it's coming from a trusted
19 source. And as the state's nonpartisan voter education
20 agency, it's important that they understand the
21 services that Clean Elections provides so they know
22 they're getting the right information.
23 So we'll do an online survey and then we will
24 host focus groups, and so our plan is to kick this off
25 in March and April. And the survey will help us

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1 the questions we received from the voters directly.
2 But it's important for us to continue to keep a pulse
3 on the issues that Arizona voters say are important to
4 them, that way we can ensure that we are connecting the
5 voters and the candidates on those particular issues.
6 We will continue to expand our public affairs
7 efforts. This includes, as part of that research
8 component, hosting in-depth interviews with
9 community-based organizations, our partners across the
10 community, whether it's the counties or whether it's,
11 you know, a nonprofit entity or other entities or
12 organizations that are focused on voter outreach, and
13 so it will help us connect with them to understand what
14 their needs are. Because the more partnerships and
15 relationship building that we can do with the
16 community, it helps us directly connect with the voters
17 on the ground as well.
18 So we are taking some time this year to
19 include that as part of our research, and this also
20 includes us doing exercises to make sure that we are
21 continuing to better understand what our brand is and
22 how voters, again, acknowledge Clean Elections,
23 because, again, it comes back down to making sure that
24 they know that we are a trusted source of election
25 information. And we'll continue to strengthen and

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1 give -- will help give us that data that we need to
2 identify those voter education needs and understand
3 more about also debates and how voters utilize the
4 debates, and as well as our Voter Education Guide and
5 the information they need to be civically engaged.
6 And the focus groups, which are my personal
7 favorite, is where we get to actually talk to the
8 voters directly. We bring them in, we communicate with
9 them, and we just get to hear that qualitative feedback
10 from them. And we take that information, and that will
11 help shape our plans for this year, but also for 2024.
12 It will help guide our efforts for the 2024 elections.
13 And this is -- again, it's an opportunity for us to
14 pause, hear directly from the voters on what they say
15 their needs are, and make sure that we are keeping our
16 Voter Education Plan and our messaging in alignment
17 with what the voters needs are directly.
18 We'll also have another online survey to keep
19 a pulse on the awareness and public sentiment regarding
20 public policy issues. And the reason why this is
21 important is because it goes down to connecting the
22 candidates and the voters on the issues that matter to
23 them. So we had the opportunity in 2022 to host -- to
24 produce some surveys about the issues, and that drove
25 the questions that we asked at the debates, along with

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1 develop our partnerships with the communities across
2 the state.
3 This also leads into our grassroots outreach.
4 This is where we really see Avery shine. He does a lot
5 of these efforts for our Voter Education Plan. We'll
6 develop an application on our website where voters or
7 educators or any organization can request a speaker
8 from Clean Elections to go out to their -- to their
9 meetings on the ground directly, and we'll continue to
10 attend those community events that are happening. We
11 will potentially look at hosting another voters
12 conference later this year, similar to what we did in
13 2020 for our We the Voters.
14 We'll continue to work with our counties.
15 This can be an opportunity where we can talk about
16 expanding that palm card program. We will continue to
17 meet with our tribal partners across the state because,
18 as we know, when we work with our tribal partners, we
19 then get insights into some of the barriers that our
20 Native American voters experience with voting. And
21 that helps tailor our voter education so we can make
22 sure that we are providing them with the information
23 that they need. And again, we'll continue with all of
24 the events that happen throughout the year, such as
25 constitution week or national civics learning week,

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1 where we will make sure that Clean Elections is out
2 there in the community so we can connect with our
3 Arizona electorate.

4 Then we jump into Alec's domain, which is the
5 website. And in 2018, after very long and hard work
6 and blood, sweat, and tears, we launched a redesign of
7 our previous website, and that occurred in 2018. And
8 that is the website that we have now currently.

9 However, given that we continue to grow in the amount
10 of information that we provide to voters, because this
11 is what voters need, we have a lot of content on our
12 website. And that's fantastic, but we need to make
13 sure that we are presenting that information, that
14 content in a way that voters can easily access it and
15 understand it.

16 And so we have very different audiences
17 sometimes. We have voters, who are purely looking to
18 vote. We have media, who are looking to cover
19 elections and understand, you know, results. We have
20 candidates who are looking to run. We have folks who
21 are trying to learn more about election administration
22 and election security. And so given all the different
23 audiences that we have and the different types of
24 content that we have on our website, after doing some
25 user experience testing late last year and early this

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1 But the goal is for Clean Elections to
2 continue to be a leader when it comes to our voter
3 education website, which is really our crown jewel. We
4 often get feedback about how wonderful our website is.
5 We see -- we get a -- any time we are quoted, we have a
6 lot of backlinks to the Clean Elections website. We've
7 seen our website used across the nation as a resource,
8 and so it really is a premier website and we want to
9 keep it that way. So we are looking forward to -- to
10 the redesign efforts.

11 And then we'll jump into our youth efforts.
12 We will continue to encourage our next generation of
13 voters to participate. This -- again, we will work
14 closely with Avery on this. We have ideas for actually
15 creating a voting and civics comic book project that we
16 can build into our existing civics curriculum. We'll
17 look at expanding that curriculum further. And we've
18 -- going back to the curriculum, I'll say that we've
19 received wonderful feedback from the educator community
20 and the civics community about this resource, and so we
21 will continue to look at ways to promote it to ensure
22 that our teachers have access to this tool.

23 You know, talking with Avery, we have ideas
24 for creating a junior candidate club for our colleges
25 and our universities, even high schools, but

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1 year, we feel that it's time to do a redesign of our
2 website.

3 And so that includes restructuring our site
4 and how we organize that information, looking at how --
5 the words that we are using, so making sure that the
6 copy we have is plain language and easy to understand,
7 we're not just citing statute for voters to try to
8 understand, you know, refreshing our imagery, our
9 design.

10 But this also includes back end updates as
11 well, looking at the functionality that we provide on
12 the back end, so that we can make sure that, you know,
13 the services and the tools that we offer continue to
14 promote that user confidence. So, for example,
15 something as simple as when a candidate logs into our
16 site to submit their statement for the Voter Guide,
17 issuing them a receipt that shows exactly what they
18 submitted. So things like that that we can continue to
19 build out on our website to make a better experience
20 for all of our audiences, all of our users.

21 And just to give you an example, this is a
22 screenshot of the design that we are looking at. We're
23 looking at something very clean and refreshing and
24 simple. This is just an example, so this is not final
25 by any means.

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1 essentially creating a program where -- you know, we
2 often talk about we are looking at educating our next
3 generation of voters, but what about our next
4 generation of candidates? We want to make sure that we
5 have tools and resources for our youth who are
6 interested in becoming elected officials so they
7 understand how the process works.

8 We'll continue to look at our events for the
9 remainder of the year that connect us with our youth,
10 such as when it's time to graduate in May, you know,
11 we'll push out registering to vote opportunities, and
12 then doing train the trainer sessions with our
13 teachers. We have -- with national civics week coming
14 up, we have an opportunity to connect with our
15 educators and train them on the electoral process and
16 the voting process so that they can take that
17 information back to their students and educate their
18 students directly.

19 And then looking at creating tool kits for
20 our youth. So we often, you know, have the opportunity
21 to engage with high school students and college
22 students who are interested in creating voter outreach
23 campaigns, and so we can work with them and develop
24 tools for them that they can use that are interactive
25 so that they can engage with their peers, you know,

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1 whether that's creating -- you know, we have a Jeopardy
2 program that we could look at refreshing. You know, we
3 talked about gamification a lot and creating trivia
4 documents. So this will be a really great, fun, and
5 refreshing opportunity to connect, again, with our next
6 generation of voters and our next generation of
7 candidates.

8 And then we are in 2023, but we do have a
9 section here regarding debates. So what we would like
10 to propose in our Voter Education Plan for 2023 is
11 establishing a debates work group. And this work group
12 would be, again, assembled through Clean Elections. As
13 we've established, we are the state of Arizona's
14 authority on official debates. And the goal would be
15 to bring together our stakeholders, voters, right, and
16 candidates, campaign consultants, the media, our
17 organizations, anybody who has a stake in our debate
18 process, bring them together to create this working
19 group.

20 And I'll talk about the goals that we have
21 for them on the next slide, but really the work group
22 is tasked with -- the fact that we've been doing
23 debates very successfully for the past 20 years, but we
24 know that things are growing, just like we talked with
25 the website design, and there's been a lot of coverage

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1 that. What are the rules for the debate?

2 And then how do we continue to educate the
3 public about these -- about our debates as a resource?
4 And really how do we create an event, a debate, that
5 draws the substantive information from the candidates
6 so we're really getting into the depths of how they are
7 running -- the issues that those candidates are running
8 on, their platforms, so that voters can know what their
9 main policy priorities are, so they can understand the
10 differences between the candidates in areas that matter
11 to them, whether it's immigration or healthcare, what
12 those top issues are. And this is particularly
13 important in a primary election, when we're hosting
14 debates from candidates of the same political party,
15 right, who have the same ideology, but how do we really
16 get into the differences of them?

17 And then how do we identify voters who are
18 possibly underserved with voter information and how can
19 we use our debates to connect them to the candidates
20 and identify, through these best practices, what are
21 any rule changes that we could possibly need to
22 implement?

23 And so the deliverables would be a final
24 report that the group would create of recommendations
25 that would be presented to the Commission for possible

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1 and talk about the future of debates, whether it's at
2 the presidential level or here at the state level, how
3 do we ensure that we are on the right track with new
4 ideas and rules and processes for our debates to
5 continue to make them successful both for the voters
6 and for the candidates, and all ensuring that we are
7 meeting the goals of the Clean Elections Act.

8 So we would bring this working group together
9 and we would ask them to identify best practices, to,
10 again, you know, in the spirit of promoting that
11 participation in the political process, make
12 recommendations on how we could possibly expand our
13 debates to other levels of office.

14 So, for example, we know right now the City
15 of Phoenix, they are having a runoff election in
16 Districts 6 and 8, and last night there was a debate
17 hosted by the Arizona Republic. So these other local
18 elections, as we talked about, are just as important,
19 if not more important. So do we have an opportunity
20 here to expand to other levels of office?

21 Looking at who's eligible to participate in a
22 Clean Elections debate, looking at our format. And I
23 think this is a very important goal as well. What are
24 the rules of engagement for the candidates? Do we have
25 time limits, do we cut off mics, you know, things like

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1 consideration or adoption and, again, if a rule change
2 is needed, to move forward to improve the debate
3 process.

4 Our time frame for this would be from March
5 through May of this year. And the reason for that time
6 frame is, you know, we are considering meeting twice a
7 month. We don't want to ask for too much time of the
8 people who would be willing to serve in this working
9 group, but we also know, as we just saw with all the
10 work that goes into preparing for debates and whether
11 it's procurement or rule changes, we would need to wrap
12 things up with the working group by May, come back to
13 the Commission, you know, in June or July with those
14 recommendations, and then at that point we're really
15 looking into 2024 in kicking off our process to prepare
16 for those debates.

17 And so, again, as we talked about who those
18 members would be, you know, candidates, our campaign
19 consultants, you know, representatives from League of
20 Women Voters, who have a long history with debates and
21 Clean Elections, our tribal members, our media
22 partners, members from the disability community, our
23 colleges, really getting together those stakeholders in
24 this working group.

25 So with that, that leaves us to looking ahead

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1 to 2024. So we often spend a lot of time in 2023
2 making our preparations and planning for the 2024
3 elections, which will be a big year. We have our
4 presidential preference election in March, unless it
5 gets moved, and then of course our statewide primary,
6 and then we're looking at a presidential general
7 election. So voters will have very important races to
8 consider next year. We will have a U.S. Senate seat,
9 that would be Senator Sinema's seat, which is already
10 getting a lot of attention right now as she has changed
11 political -- her political affiliation. And, of
12 course, we have our nine congressional seats. And then
13 at the statewide level we just have Corporation
14 Commissioner, but then we have our legislative
15 districts and of course those local offices.

16 So with that, I'm happy to answer any
17 questions or I would appreciate any feedback. Thank
18 you.

19 COMMISSIONER KIMBLE: Mr. Chairman.
20 CHAIRMAN MEYER: Go ahead, Commissioner
21 Kimble.
22 COMMISSIONER KIMBLE: Gina, you were talking
23 about this year is only local elections. How much
24 information can we provide or do you plan to provide
25 for voters for local elections? Other than the names

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1 And then as far as, you know, taking it
2 further and engaging with those candidates, as I
3 mentioned, the Arizona Republic hosted that debate for
4 these District 6 and District 8 candidates last night.
5 That's where we have built into that debates working
6 group, is this something that Clean Elections has the
7 opportunity to expand on to continue to provide voter
8 education to voters in these local elections when it
9 comes to candidates?

10 So ideally, for these local elections,
11 whether it's candidates or issues, we want to provide
12 as much information as possible so that that voter
13 logistically can vote, but also feel confident in the
14 choices that they're making on their ballot.

15 COMMISSIONER KIMBLE: And that would include
16 City of Tucson too, where we're electing a Mayor and
17 three council members?

18 MS. ROBERTS: Mr. Chairman, Commissioner
19 Kimble, absolutely. So our process is Alec reaches out
20 to all of the counties and then to City of Phoenix and
21 City of Tucson directly, because they are the only two
22 jurisdictions that will sometimes conduct an election
23 by themselves, not contracting with the counties, and
24 the counties will let us know which jurisdictions,
25 whether it's a city or it's a special district, that

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1 of the candidates, do you plan to get into issues and
2 things like that?

3 MS. ROBERTS: Mr. Chairman, Commissioner
4 Kimble, thank you. That's a great question. On one of
5 those slides, and I don't think I mentioned this, for
6 those local elections, when we talked about messaging,
7 one of the notes on there was potentially doing a
8 digital Voter Education Guide for these local elections
9 as well, because we want to connect them with all the
10 information they need to vote. And again, that
11 includes the logistics. So that's kind of a standard.
12 Logistics are a standard, key dates and deadlines, you
13 know, is it a vote center election, is it all mail,
14 because for our local elections we can -- we can do
15 that. So letting voters know the logistics of how to
16 vote, but absolutely connecting them with information
17 on the candidates and the issues.

18 So for the City of Phoenix election for
19 Districts 6 and 8, Alec has developed those candidate
20 profiles for those candidates, so we have them in our
21 dashboard. So if a voter goes to the Clean Elections
22 website, they enter in their address, they're in
23 District 6, they're going to see the candidates, their
24 photos, their social media links, all of that
25 information so we can connect them with them.

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1 are conducting an election, and then Alec will build
2 out the website for it.

3 So if it's a special fire district election
4 and we've got their publicity pamphlet, we will
5 absolutely have that. So we often connect with some of
6 those local clerks directly too, where they have
7 information that they ask us to build out and build
8 sites for them -- or, build pages on our website for
9 them. So, yes, any election that is occurring in the
10 state of Arizona this year, we will have information on
11 our website for it.

12 COMMISSIONER KIMBLE: Okay. Thank you.
13 MR. COLLINS: If I may, Mr. Chairman.
14 CHAIRMAN MEYER: Sure, go ahead.
15 MR. COLLINS: I wanted to add into there, one
16 of the things that we will be doing, you know, subject
17 to this plan's approval, is we have -- there's a back
18 end -- you know, after this is approved, we have to go
19 through and sort of evaluate -- you know, some of the
20 stuff Gina mentioned, I think, is -- it's internally
21 generated and doesn't require an outlay of additional
22 resources, but one of the things that we'll be doing
23 post this plan is looking at a variety of tactics and
24 where they fit within our overall strategies.
25 Because when it comes to the cap that we're

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1 under, which I think is -- you know, continues to be
2 a -- because the cap is not really geared towards
3 inflation in any serious kind of way, and it's more
4 important and more of a hindrance in these off years
5 for various reasons. So we do have to make some
6 decisions and will be making some decisions in the
7 process of implementing this plan about, you know, what
8 to prioritize from a financial perspective. And
9 there's -- there are always going to be some tradeoffs
10 there that we're going to have to make, you know. And
11 then obviously, we don't want to -- I don't -- we don't
12 want to burn Alec out completely.

13 But I just -- you know, so we -- I think --
14 so that scope is exactly what we're aiming for, but
15 obviously within this entire framework we're going to
16 be sort of toggling back and forth between, well, what
17 fits under this strategic heading and what fits under
18 that for our resource management.

19 MS. ROBERTS: Mr. Chairman, Commissioner
20 Kimble, and Tom, just to add on a point too, you know,
21 as Alec does his outreach with the election officials
22 across the state, I have to commend him, because it's
23 one thing to send an e-mail and ask them to give you
24 information and then expect that information timely.
25 We know that sometimes that just doesn't happen in any

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1 voter education and communications and outreach plan
2 are. So absolutely, that is definitely on there.

3 One of the notes that I had on a previous
4 slide, which, I apologize, I didn't expand too much on,
5 we had a note on there about county meetings. And so
6 we have the intention of -- we haven't hosted a
7 roundtable for election officials in quite a while, and
8 so we're looking at either doing something to that
9 extent, which obviously the Secretary's Office would be
10 included in that, or we're looking at potentially our
11 staff, our team going directly to the counties and
12 visiting them directly, which has a lot of benefits to
13 doing that as well.

14 But, yes, we will make sure that we continue
15 to work with our election officials, and this includes
16 our local election officials, our clerks, our city and
17 town clerks too, in connecting with them, and of course
18 the Secretary's Office, so that they understand what
19 we're doing, the resources that we provide, but we also
20 know what they're doing and looking for potential
21 partnerships.

22 CHAIRMAN MEYER: Thank you.

23 Any other questions from any of the
24 Commissioners on the Voter Education Plan?
25 (No response.)

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1 business. But he really has developed a very wonderful
2 partnership and relationship with these counties so
3 that they -- they expect his e-mails when they're
4 coming, they know they're coming. And they're very
5 wonderful in responding to him timely, because they
6 know that this information is getting out to their
7 voters as well. So it's really a great partnership
8 that he's established with them. But, yes, we
9 absolutely do not want to burn him out.

10 CHAIRMAN MEYER: Gina, thank you. That's
11 very comprehensive. One question I had is, you know,
12 we do have a new Secretary of State now. Have we
13 engaged with that office at all on voter education
14 efforts?

15 MS. ROBERTS: Mr. Chairman, Commissioner
16 Kimble, not yet, and that is on my to-do list, to
17 connect with their communications plan. I did have the
18 opportunity to have lunch with their election director,
19 which was nice, and I know they are still building out
20 their team. And so that is one of -- one of our goals
21 is to connect with them and understand what their goals
22 are for voter education. This is something that we
23 have done with the previous administration as well.
24 Again, we're all election officials, and so I do hope
25 to connect with their team and understand what their

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1 CHAIRMAN MEYER: All right. If not, do I
2 have a motion to approve the Voter Education Plan that
3 Gina outlined for us today?

4 COMMISSIONER KIMBLE: Mr. Chairman, I move we
5 approve the Voter Education Plan.

6 CHAIRMAN MEYER: Thank you, Commissioner
7 Kimble.

8 Is there a second?

9 COMMISSIONER TITLA: I second that motion,
10 Chairman.

11 CHAIRMAN MEYER: Thank you, Commissioner
12 Titla.

13 We have a motion to approve the Voter
14 Education Plan presented today. We'll go ahead and
15 vote by roll call. Commissioner Kimble.

16 COMMISSIONER KIMBLE: Aye.

17 CHAIRMAN MEYER: Commissioner Titla.

18 COMMISSIONER TITLA: Aye.

19 CHAIRMAN MEYER: And I vote aye as well, so
20 the motion passes 3 to 0.

21 Thank you again, Gina. And we'll -- next
22 steps on that, we'll just discuss that next month,
23 where we are, or...

24 MS. ROBERTS: Mr. Chairman, Commissioners, we
25 will continue to keep the Commission updated through

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1 the Executive Director's Report and then, yes, we -- if
2 we need to have items on the Agenda, especially as it
3 relates to the debates working group and our research,
4 yes, we will have information that we can bring back to
5 the Commission for updates.

6 CHAIRMAN MEYER: Great. Thank you.

7 All right. So now we will move on to Agenda
8 Item No. VI, which is discussion and possible action on
9 Proposition 211, Voters Right To Know Act, including
10 litigation and staff research.

11 The purpose of this item is to update the
12 Commission on where things stand with the litigation
13 and what staff has learned thus far in researching
14 implementation issues. We all had copies of pleadings,
15 the motion to dismiss, and the response to plaintiff's
16 motion of preliminary injunction that were filed.

17 Additionally, plaintiffs have agreed to dismiss the
18 Commissioners and the Executive Director in their
19 individual capacity -- I'm sorry -- in their official
20 capacity.

21 So, Tom, really two issues here: One, the
22 litigation, and then two, the research on
23 implementation issues. I'm going to leave it to you
24 how you want to tackle those, but go ahead.

25 MR. COLLINS: Sure. And we thought we might

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1 hopefully start to have a conversation with the
2 Secretary of State's Office about that at the beginning
3 of next month.

4 There are a couple of different nuances to
5 the filing system that we will have -- that
6 collectively we'll have to work through. For example,
7 the Act, you know, talks about what happens to
8 political action committees and, you know, the
9 requirement that their filings, at a minimum, have to
10 include essentially the same information that would be
11 required of an entity that would be reporting under
12 Prop 211, so -- and then there's the issue of city and
13 town, folks who -- you know, there is already -- in
14 statute there was already, and has been for like a
15 decade, a law on the books that would have the
16 Secretary's Office essentially be able to ladder up so
17 that all the cities and town folks who -- can file at
18 the Secretary's Office. The statute here certainly
19 suggests as much as well. It says that, you know,
20 reports shall be filed with the Secretary's Office and
21 any other office, I think the phrase is something like
22 determined by law or designated by law or something
23 like that. So, you know, again, the principal filing
24 officer for these reports is supposed to be the
25 Secretary's Office. So, you know, those are some

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1 as well -- Mr. Chairman, thank you. And we thought we
2 might as well make this an Agenda item just for
3 clarity's sake, rather than the ED's Report. You know,
4 as you noted, we're in the midst of the -- completing
5 the briefing around the PI and the -- and then we will
6 have a response. I'm not sure -- I don't remember the
7 schedule off the top of my head of the response from --
8 on the motion to dismiss. My understanding is that
9 right now tentatively -- and there might be a hearing
10 in May on that. That's based on -- mostly on I read
11 that in a newspaper story. I haven't double-checked
12 the docket myself, so I don't know how formalized that
13 is yet, but -- not that I haven't been fully informed
14 by our attorneys; I have been, I just don't remember.

15 So that's -- I think that's under way and I think
16 that's sort of self-explanatory, unless -- unless
17 anyone has any specific questions about it.

18 The other thing we've done, you know, as we
19 said at the last Commission meeting, we, you know, sort
20 of outlined, and we said this to the court as well,
21 that we would be in the process of starting to develop
22 some rulemaking activity and then relatedly, you know,
23 discussing the filing system issues that are involved
24 here, so -- I sort of did that in the wrong order, so
25 it would start with the filing system issues. We will

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1 things that, you know, we have to work through the
2 logistics of and start to get an understanding of.

3 In my declaration in the -- in the PI, you
4 know, I explained that in my experience, you know, this
5 is time consuming. Obviously our hope is that -- I
6 mean, my hope, and so -- is that we'll have this by the
7 -- you know, by January of 2024. I think if we're --
8 if we end up behind that, that would be a problem.

9 But, you know, the -- realistically, you know, like I
10 said, this has been -- we have a new Secretary of
11 State, new people, and actually -- and that's not --
12 and that's not actually probably an impediment to being
13 more successful in this.

14 Also, you know, it's kind of funny, and this
15 is just an aside, but an important one, you know, in
16 addition to Commissioner Chan's service as general
17 counsel, Colleen Connor, who is the new election
18 director, was the Executive Director of the Clean
19 Elections Commission 25 years ago when it -- when it
20 started, so -- and when we had to ramp up the original
21 filing system that was implemented under the Clean
22 Elections Act itself.

23 So what I'm saying is that we've got a lot of
24 folks, you know, now in this discussion that really
25 have some real experience and that dates back to some

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1 of the more successful launches that have been
2 undertaken over the years. So that's part one of what
3 we're -- you know, what we're talking about. And
4 certainly -- you know, certainly I can say that I
5 believe that the Secretary's Office is, you know,
6 getting questions on, you know, when and how this will
7 all come to pass. We've gotten a few, but I think
8 we'll start to get some better understanding of that
9 going forward.

10 The other thing we've set out to do is to,
11 you know, keep the -- at least the -- starting with the
12 attorneys that represent the regulated community in
13 this area informed about what we're trying to do, try
14 to get some feedback on, you know, areas of the law
15 that they may find are particularly in need of a kind
16 of -- some process, some rulemaking, or some other
17 process along those lines.

18 And what that may mean is that, you know, we
19 may find that some of those areas may be more important
20 than other -- more -- I shouldn't say more -- more time
21 sensitive than others. And one example of that is that
22 while, you know, we've made clear in all the
23 communications we've had and my comments to you over
24 the course of the last several months and to the court
25 that by and large this is a, you know, a yearlong

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1 that on that issue if there's -- if there's -- if
2 there's real clarity that is necessary.

3 What we want to -- you know, because what we
4 want to sort of anticipate, and, you know, we can
5 handle it one way or another, but, you know, we get a
6 series of questions from folks saying, you know, is
7 this okay, is this okay, is this okay, you know, on
8 their language. You know, we might want to -- there
9 may be some need -- there may be some need to fill in
10 that gap.

11 Now, my experience and Commissioner Meyer and
12 Commissioner Titla and probably Commissioner Kimble,
13 just from all of your years of experience tangential to
14 being a lawyer, you know, you can imagine that some of
15 those questions are going to be -- all of those
16 questions are going to be in good faith, but some of
17 those questions might be in order to sort of try to
18 backstop your own judgment, if you will. It's always
19 maybe nicer to have somebody from a government agency
20 say, yeah, we think that's fine, you know.

21 And an area in which that happens all the
22 time currently with no problem and with no lack of
23 clarity or problem is in the area of the forms for the
24 Clean Elections candidates that we receive. If you
25 want to tailor your \$5 form, we handle those --

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1 process to get up and running, you know, and that's --
2 and therefore, on the spending side, there's very
3 little -- there's very little anyone who is in the
4 regulated community really needs to worry about from
5 Clean Elections.

6 You know, on the other hand, you know, they
7 are -- there are folks in the -- who represent the
8 regulated community who want a little bit -- want to
9 understand a little bit better some of the issues
10 around the money that they're raising now. The statute
11 is pretty clear, in my view, on, for example, the
12 advisement -- I mean, I shouldn't say pretty clear. I
13 should say the statute is emphatically clear and
14 unequivocal about what information the -- first, the
15 donor is required to receive from the spender, you
16 know, as part of the opt-in/opt-out process.

17 Now, that said, there's a provision of that
18 section that talks a little bit about how the
19 Commission might make -- add some clarity there, it
20 calls that out. And that might be something that
21 rather than -- I told you last month we would not --
22 you know, we wouldn't expect to have a rule of any --
23 you know, really until, you know, May, June, and then
24 sort of build in a few -- 60-day comment period. We
25 may be in a position to within -- maybe sooner than

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1 language that you people add to those forms on a
2 routine basis without any real serious issues ever.

3 So, again, it's a matter of -- so part of it is sort of
4 the education component, part of it is getting feedback
5 on that, so those kind of things. So I think that
6 those are things that we --

7 And then I would like to also mention, you
8 know, Kara has been, you know, working with me on that
9 specifically, and then obviously, you know, we have the
10 Attorney General's Office and Osborn Maledon. You see
11 Mary is here too. The Attorney General's Office and
12 Osborn Maledon are working with us together as our law
13 firms to help implement the process, so I think that's
14 been positive. And, you know, our goal is just to make
15 sure we keep doing that and -- but we may have a couple
16 that come in sooner.

17 Outside of that, I think that really -- that
18 was the main -- those were the main things I wanted
19 to -- wanted to mention. I don't think that's --
20 that's about it. Again, there's no action we're asking
21 for here. Really we just wanted to make sure that
22 we're keeping you apprised of the progress and, you
23 know, and giving you a heads up if things -- you know,
24 if we get things -- if we move on some issue a little
25 faster than another.

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1 CHAIRMAN MEYER: Tom, on the timing of this,
2 is there expected to have a decision on the motion to
3 dismiss before any type of hearing on the preliminary
4 injunction, or are you uncertain of that?
5 MR. COLLINS: I am -- Mary, if you're
6 listening, I don't know if you would be in a position
7 to jump on and -- I don't know. I think they'd be
8 consolidated, but I don't honestly know the answer to
9 that question.
10 There's Mary. Sorry, Mary.
11 MS. O'GRADY: No, that's fine. So it was
12 about the hearing?
13 CHAIRMAN MEYER: I was just curious as to the
14 timing. Are we going to get a decision on the motion
15 to dismiss and then determine whether or not we need to
16 move forward with the motion on preliminary injunction?
17 And I think Mary froze. Mary, are you there?
18 That's the way it goes sometimes. Okay. Well --
19 MR. COLLINS: She's back.
20 Oh, there she is. Mary, are you back?
21 MS. O'GRADY: Am I back? Okay. Sorry about
22 that.
23 We know we have a hearing May 12th that's on
24 all the pending -- that I understand will be on all the
25 pending motions, and then how the judge manages it from

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1 was -- you know, was to give a broad overview. I think
2 that -- and I just, you know, want to note that, you
3 know, we -- and I know you all know this, but I just
4 want to note that we are not in a -- in a -- in a -- we
5 did not intend, and nor did we, frankly, if you read
6 the transcript, bring in the CLC as if their word on
7 what they participated in drafting had any weight. It
8 doesn't. I mean, they're participating in litigation,
9 but that's a different thing.
10 So I think that would be a good idea. I
11 think that -- I think that what we would -- what we
12 will learn from the -- I mean, I can read the statute
13 and, you know, as can Kara and Mary, and all of us can
14 really. I mean, it's really not that -- I mean, it's a
15 very clear statute. You know, it's complicated, but
16 it's clear. But I do think that one of the hopes would
17 be, after we have a little more feedback from, you
18 know, the practitioner community and some of the folks
19 who may be directly regulated, you know, I think we
20 will get a better sense of that, and that would be the
21 time to do that.
22 So certainly as we ramp up towards doing, you
23 know, rulemaking around that, we would want you all to
24 have a sufficient understanding of as much of the
25 nuance as we can and certainly the operational changes

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1 there is obviously up to -- up to the court.
2 CHAIRMAN MEYER: Thank you.
3 Any other Commissioners have any questions on
4 Agenda Item No. VI regarding Prop 211?
5 COMMISSIONER KIMBLE: Mr. Chairman, this is
6 Commissioner Kimble.
7 CHAIRMAN MEYER: Go ahead.
8 COMMISSIONER KIMBLE: Tom, obviously this
9 proposition is going to be -- is going to make
10 significant changes in how Clean Elections operates,
11 and you certainly understand this very well and I'm
12 very confident in your ability to handle it moving
13 forward. But do you think that there's a need or a
14 benefit to the Commission having some time set aside to
15 get into a discussion about the mechanics of this and
16 how it's going to affect Clean Elections going forward,
17 setting aside the possibility, which I think is remote,
18 that it will be thrown out? But should we set aside
19 some time to really have an in-depth discussion about
20 this is what's going to change, this is what the
21 Commission is going to be faced with?
22 MR. COLLINS: Mr. Chairman, Commissioner
23 Kimble, I think that -- yeah, I think there's -- I
24 think that -- I think that's a good idea. So what we
25 did, by having this Campaign Legal Center come in,

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1 that are involved in order to make that rulemaking
2 record, you know, solid and make sure everybody is
3 understanding where we're -- what we're -- what we're
4 headed into. So, yes, I agree with that.
5 COMMISSIONER KIMBLE: Okay. Thank you,
6 Mr. Chairman.
7 CHAIRMAN MEYER: You're welcome.
8 Any further questions on Item No. VI of the
9 Agenda?
10 (No response.)
11 CHAIRMAN MEYER: If not, we'll move on to
12 Item No. VII on the Agenda, which is discussion and
13 possible action on 2023 Chairperson. Every year we
14 elect a new Chairperson. I was the Chair in 2022, and
15 I'm still holding that position. Frankly, with only
16 three of us here, I think we should probably just
17 continue this until next month, unless, Mark or Steve,
18 you feel strongly about addressing this today.
19 (No response.)
20 CHAIRMAN MEYER: For the record, Commissioner
21 Kimble is shaking his head, so that's a no. No, as in
22 he's fine with kicking it to next month, I assume. Now
23 he's nodding his head, for the record.
24 COMMISSIONER KIMBLE: That's correct, I'm
25 fine with waiting until next month.

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1 CHAIRMAN MEYER: All right. Commissioner
2 Titla, any issue with waiting until next month when we
3 hopefully have all five of us here?
4 COMMISSIONER TITLA: Yeah, no problem. Let's
5 do it next month.
6 CHAIRMAN MEYER: Okay. Next is another
7 housekeeping matter, discussion -- Item VIII,
8 discussion and possible action on proposed meeting
9 dates for March through August. Paula had sent
10 around -- excuse me -- dates for all of us to review.
11 Of course, I responded to that at about 9:20 this
12 morning, so apologies for that, Paula. But do we have
13 specific dates in the packet? I apologize.
14 COMMISSIONER KIMBLE: Mr. Chairman, they are
15 in there.
16 CHAIRMAN MEYER: Okay. Let me pull those up
17 just so we're all looking at them. Okay. So we have
18 proposed meeting dates for these next six months. Any
19 discussion? And if not, we can just -- I'll entertain
20 a motion to set the meetings for those dates.
21 COMMISSIONER KIMBLE: Mr. Chairman.
22 CHAIRMAN MEYER: Yes, Commissioner Kimble.
23 COMMISSIONER KIMBLE: I move that we approve
24 meetings on March 23rd, April 27th, May 18th,
25 June 22nd, July 27th, and August 24th.

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1 does wish to make comments, please raise your hand via
2 Zoom or unmute and let us know.
3 (No response.)
4 CHAIRMAN MEYER: Okay. No public comment
5 today.
6 Agenda Item No. X is adjournment. I would
7 entertain a motion to adjourn.
8 COMMISSIONER KIMBLE: Mr. Chairman.
9 CHAIRMAN MEYER: Yes.
10 COMMISSIONER KIMBLE: This is Commissioner
11 Kimble. I move we adjourn.
12 CHAIRMAN MEYER: Is there a second?
13 COMMISSIONER TITLA: Second.
14 CHAIRMAN MEYER: All right. We have a motion
15 to adjourn. We'll vote. I'll call the roll.
16 Commissioner Kimble.
17 COMMISSIONER KIMBLE: Aye.
18 CHAIRMAN MEYER: Commissioner Titla.
19 COMMISSIONER TITLA: Aye.
20 CHAIRMAN MEYER: This is Commissioner Meyer.
21 I vote aye. We are adjourned.
22 Thank you, everyone. Appreciate it. We'll
23 see you on March 23rd.
24 (The meeting concluded at 10:59 a.m.)
25

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1 CHAIRMAN MEYER: Is there a second?
2 COMMISSIONER TITLA: Chairman, I second the
3 motion.
4 CHAIRMAN MEYER: Okay. We have a motion to
5 approve the meeting dates as set forth in the materials
6 for the Agenda today. We'll go ahead and vote. I'll
7 call the roll. Commissioner Kimble.
8 COMMISSIONER KIMBLE: Aye.
9 CHAIRMAN MEYER: Commissioner Titla.
10 COMMISSIONER TITLA: Aye.
11 CHAIRMAN MEYER: And I vote aye as well, so
12 that motion passes unanimously. We have our meeting
13 dates for the six months.
14 Moving on to Agenda Item No. IX, public
15 comment. This is the time for consideration of
16 comments and suggestions from the public. Action taken
17 as a result of the public comment will be limited to
18 directing staff to study the matter or rescheduling the
19 matter for further consideration and decision at a
20 later date or responding to any criticism. Please
21 limit your comment to no more than two minutes.
22 Does any member of the public wish to make
23 comments at this time? You may also send comments to
24 the Commission by mail or e-mail at
25 ccec@azcleanelections.gov. So if anyone in the public

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1 STATE OF ARIZONA)
) ss.
2 COUNTY OF MARICOPA)
3
4 BE IT KNOWN that the foregoing proceedings
5 were taken by me; that I was then and there a Certified
6 Reporter of the State of Arizona; that the proceedings
7 were taken down by me in shorthand and thereafter
8 transcribed into typewriting under my direction; that
9 the foregoing pages are a full, true, and accurate
10 transcript of all proceedings had and adduced upon the
11 taking of said proceedings, all to the best of my skill
12 and ability.
13
14 I FURTHER CERTIFY that I am in no way related
15 to nor employed by any of the parties hereto nor am I
16 in any way interested in the outcome hereof.
17
18 DATED at Tempe, Arizona, this 27th day of
19 February, 2023.
20
21
22
23
24
25


Kathryn A. Blackwelder, RPR
Certified Reporter #50666

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**CITIZENS CLEAN ELECTIONS COMMISSION
EXECUTIVE DIRECTOR REPORT
March 23, 2023**

Announcements:

- The City of Phoenix held a runoff election for districts 6 and 8 on March 14, 2023. The canvass is scheduled for Wednesday, March 22nd.
- The next consolidated election date is May 16, 2023.

Voter Education Outreach:

- Gina and Avery held a virtual presentation for the public on how our government works and civil discourse for National Civics Learning Week. It can be viewed here: <https://www.youtube.com/watch?v=2WmjtHMA24w>. We hope to distribute parts of the of the larger program to the public as a package.
- Avery delivered a virtual presentation on Civil Discourse at MCC's Civic Action Hour and staffed at table at MCC fro National Civics Learning week.
- Avery participates in Arizona Commission of African American Affairs committee meetings, Arizona African American Legislative Council and the Mesa Community College Civic Action Council
- Avery and Gina continue to collaborate with the Arizona Civics Coalition.
- Avery held several meetings with leaders from community and civic non-profit groups.
- Gina attended the Elections Group Communications Workshop: Logo and Branding.
- Tom was the featured speaker at the Democrat's of Greater Tucson's weekly forum.

Administration

- New Office Remaining Tenant Improvements
Mike and Paula continue to work with the GSD Project Manager & contracted reps to wrap up completion of the new office, minimal tenant improvement projects are remaining.
- Mike is working with the Secretary of State's office to on finalizing the biennial adjustments to Clean Elections candidate spending limits.
- Staff from different parts of Clean Elections will participate with other election officials in the Election Procedures Manual Drafting process.
- The Arizona Secretary of State announced that the No Labels Party has filed sufficient signatures to qualify for the ballot. Another effort, the Forward Party, told the Arizona Republic this weekend that it plans to gather signatures this year.
- Governor Hobbs announced the members of her Bipartisan Elections Task Force. Members are listed on the next page. A schedule for meetings has not been announced. Staff will monitor as more information becomes available.

Adrian Fontes, Arizona Secretary of State	Laura Terech, State Representative District 4	Michelle Burchill, Yavapai County Recorder
Ken Bennett, State Senator District 1 and former Arizona Secretary of State	Gabriella Cázares-Kelly, Pima County Recorder	Helen Purcell, Former Maricopa County Recorder
Scott Jarrett, Maricopa County Elections Director (Election Day and Emergency Voting)	Alma Schultz, Santa Cruz County Elections Director	Ben Lane, City of Scottsdale City Clerk
Michael Moore, Maricopa Recorder's Office, Information Security Officer	Ken Matta, Election Security Expert	Patty Ferguson-Bohnee, Attorney and Director of the Sandra Day O'Connor College of Law Indian Legal Clinic
Alex Gulotta, All Voting is Local, Arizona State Director	Don Henninger, The Carter Center, Representative	Renaldo Fowler, Arizona Center for Disability Law, Senior Staff Advocate
Christina Estes-Werther, Former Arizona Elections Director and Attorney	Brad Nelson, Former Pima County Elections Director	

Legal

- Legacy Foundation Action Fund v. Clean Elections
 - An opinion was published earlier this month. Our attorneys filed a motion for reconsideration last week.
- Center for Arizona Policy v. Fontes
 - Suit challenging Prop. 211, the Voters Right to Know Act, on state constitutional grounds. Superior Court for Maricopa County.
- Americans for Prosperity v. Meyer.
 - Suit challenging Prop. 211 on First Amendment grounds.
- The Power of Fives, LLC v. Clean Elections, CV2021-015826, Superior Court for Maricopa County & Clean Elections v. The Power of Fives, LLC et al. CV2022-053917, Superior Court For Arizona. Various motions pending or soon to be pending.
- Lake v. Hobbs, CV23-0046-PR. Kari Lake's attorneys filed a petition for review in the State Supreme Court after the Court of Appeals rejected her appeal from an election contest. It was expected to be conferenced by the court on Tuesday, according to reports from Arizona's Law, a nonprofit journalism organization covering legal issues.

- Kentch v. Mayes, Superior Court for Mohave County, a Rule 60 motion is pending.
- Arizona Republican Party v. Fontes, CV23-0018-PR. The GOP et al. have filed a petition for review from the January memorandum decision in which the Court of Appeals rejected their challenge to vote by mail.
- Litigation challenging SB1485, HB2492 and HB2243, as well as SB1260 is ongoing.
- There are additional post-hearing and sanctions related litigation arising from other election law cases and contests in Superior Court and District Court.

Appointments

- No additional information at this time

Enforcement

- MUR 21-01, TPOF, pending.

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:
 - R2-20-211, R2-20-220, R2-20-223- clarify roles of executive director and other representatives of the commission in enforcement proceedings.
October 28, 2022
 - R2-20-305 & R2-20-306- enhance and clarify process for resolving ethics claims for clarify roles of executive director and other representatives of the commission in enforcement proceedings.
January 20, 2023.

- Notice of Proposed Rulemaking:
 - R2-20-211, R2-20-220, R2-20-223- clarify roles of executive director and other representatives of the commission in enforcement proceedings.
October 28, 2022

 - R2-20-305 & R2-20-306- enhance and clarify process for resolving ethics claims for clarify roles of executive director and other representatives of the commission in enforcement proceedings.
January 20, 2023

- Federal funds for proposed rulemaking: **None**
- Review of existing rules: **None pending**
- Notice of Final Rulemaking: **TBD** R2-20-211, R2-20-220, and R2-20-223 have been submitted to GRRC.
- Rulemakings terminated: **None**
- Privatization option or nontraditional regulatory approach considered: **None Applicable**

Tracking List: 2023 Bills

HB2017 - Public officers; residency requirements

Sponsor

Rep. Timothy M. Dunn (R)

Summary

The deputy or assistant of an elected officer of Arizona is not required to be an Arizona resident, but is required to be a U.S. citizen.

Action Taken

Passed House Government 9-0

Failed in the House 15-45

HB2072 - Voter registration; same day

Sponsor

Rep. Laura Terech (D)

Summary

A person who is otherwise qualified to register to vote may register during the 28 days immediately preceding an election and is eligible to vote in that election if the person has been a resident of the county and the precinct in which the person resides for at least 29 days immediately preceding the election. A person who is otherwise qualified to register to vote may register on election day by appearing at the polling place, completing a registration form, and providing proof of residence. Registration under these circumstances does not qualify a person to vote in a partisan primary election.

HB2073 - Automatic voter registration

Sponsor

Rep. Laura Terech (D)

Summary

Every person who is applying for a driver license or renewal, including a nonoperating identification license or renewal, or who is making changes to drive license information and who is otherwise qualified to register to vote must be registered to vote automatically on completion of the license application unless the applicant declines to register. A person who is not qualified to register to vote and who unknowingly registers under this provision is not guilty of false registration or false swearing. Effective January 1, 2024.

HB2078 - Counties; elections; state audits

Sponsor

Rep. Lupe Diaz (R)

Summary

An "eligible person" (defined as a candidate in the election, a county political party chairperson, or the chairperson of a political committee that supports or opposes a ballot measure that was on the ballot in the election) is authorized to make a written request to the county recorder or other officer in charge of elections for an explanation and supporting documentation regarding an action taken by an election officer that appears to violate statute, irregularities in precinct or voting center results, and/or inadequacy of or irregularity in documentation required to be maintained by statute. The county recorder or other officer in charge of elections is required to provide the requested explanation and supporting documentation within 20 days after the request. If the eligible person is not satisfied, the person is authorized to request an additional explanation and supporting documentation, which the county recorder or other officer in charge of elections must provide within 10 days. If the eligible person is not satisfied with the additional explanation, the person is authorized to submit a written request to the Secretary of State regarding the requests. The Secretary of State is required to review the matters in question and may request additional information from the county recorder or other officer in charge of elections, which must be responded to within 30 days. If not satisfied with the response, the Secretary of State is authorized to conduct an audit of the claimed actions, irregularities, or inadequacies of the county recorder or other officer in charge of elections. The county recorder or other officer in charge of elections is required to remedy matters specified in the Secretary of State's findings within 30 days. The Secretary of State is authorized to assess a civil penalty of no more than \$500 for each unresolved finding against the county recorder or other officer in charge of elections.

Action Taken

Passed House Municipal Oversight & Elections 6-4

Passed the House 31-28 and was sent to the Senate

HB2096 - Early ballots; Friday deadline

Sponsor

Rep. Selina Bliss (R)

Summary

Early ballots are no longer allowed to be deposited at any polling place on election day, and instead are required to be delivered in person to the office of the county recorder or to a polling place or other voting location by 5:00 PM on the Friday before election day. Repeals statutes governing on-site tabulation of early ballots.

HB2116 - Election laws; revisions; appropriation

Sponsor

Rep. Athena Salman (D)

Summary

Numerous changes to statutes relating to election law. A conviction for a felony no longer suspends the person's right to vote. For an early ballot issued at an early voting location, if the voter presents proper identification, the county recorder is allowed to tabulate the voter's ballot without conducting signature verification on the ballot affidavit. The hours for on-site early voting are extended through 5:00PM on the Monday preceding the election, instead of 5:00PM on the Friday preceding the election, and emergency voting during that time period is eliminated. If a county recorder determines that a provisional ballot voter is not properly registered to vote, the county recorder is required to use the information from the provisional ballot to register the person to vote for subsequent elections. An electronic pollbook used in Arizona is required to comply with the requirements in the election instructions and procedures manual adopted by the Secretary of State. Appropriates \$100,000 from the general fund in each of FY2023-24 and FY2024-25 to the Secretary of State to provide risk-limiting audit grants to officers in charge of elections to conduct risk-limiting audits for the 2024 general election instead of a hand count audit. The Secretary of State is required to report any findings and recommendations related to the use of risk-limiting audits to the Legislature by March 31, 2025.

HB2124 - Ballot measure amendments

Sponsor

Rep. Athena Salman (D)

Summary

Various changes to statutes relating to initiative and referendum measures. Repeals statute requiring constitutional and statutory requirements for statewide initiative measures to be strictly construed and requiring persons using the initiative process to strictly comply with those constitutional and statutory requirements. At any time before a person or organization submits an application for initiative petition or referendum petition, a political committee that intends to file that application is allowed to submit the proposed description of the principal provisions of the measure to the Attorney General for a determination of whether the description is lawful and sufficient. The Attorney General is required to approve or reject the description within ten days after submittal. If rejected, the Attorney General must state the reasons for the rejection. If approved, any challenge to the description must be filed in the superior court within ten days after the Attorney General's approval. Repeals statute allowing a political committee that intends to support or oppose an initiative or referendum measure to submit a copy of the text of the proposed law, referral or constitutional amendment to the director of the Legislative Council to prepare recommendations to improve the text of the proposed measure. Contains a legislative intent clause.

HB2133 - Candidates; missed filings; termination

Sponsor

Rep. Athena Salman (D)

Summary

If a candidate committee fails to file a timely and complete campaign finance report within five days after the filing deadline, the candidate's candidacy is terminated by operation of law, is prohibited from making any further expenditures, and the candidate is no longer eligible to be a candidate for the office for which the candidate committee is established.

Effect on CCEC

Could lead the Commission to require funding to be returned, require new rules to determine how much must be returned, timeframe of the return, etc. Could lead to confusion with the pamphlet and debates regarding who is attending, why the candidate is not in the pamphlet, etc.

HB2134 - Campaign finance; caregiving expenditures

Sponsor

Rep. Athena Salman (D)

Summary

Declares that a candidate committee's payment for direct care, protection and supervision of a child or other individual for whom the candidate has direct caregiving responsibilities is a lawful expenditure of candidate committee monies. A legislative intent section states that this change is clarifying and not substantive.

Effect on CCEC

Would require updating eligible uses of the CCEC funding.

HB2143 - Rulemaking review; time frame

Sponsor

Rep. Timothy M. Dunn (R)

Summary

When the Legislature has granted a one-time rulemaking exemption to an agency, the agency is required to review any rule adopted under the exemption within six months after the rule was adopted, reduced from one year, to determine whether it should be amended or repealed.

Action taken

Passed House Government 9-0

Passed the House 60-0 and was sent to the Senate

HB2144 - Open meetings; capacity; posting; violation

Sponsor

Rep. Timothy M. Dunn (R)

Summary

All public bodies are required to provide for an amount of seating sufficient to accommodate the reasonably anticipated attendance of all persons desiring to attend the deliberations and proceedings, when feasible. The agenda for a public meeting is required to include notice of the time that the public will have physical access to the meeting place. A head of a public body that violates this requirement is liable for a civil penalty as provided in statute for open meeting law violations.

Effect on CCEC

Already provide numerous seats for the public both in person and virtually.

Action Taken

Passed House Government 6-3

Passed the House 60-0 and was sent to the Senate

HB2155 - Middle school students; civics; instruction.

Sponsor

Rep. David Livingston (R)

Summary

Establishes the Arizona Civics Education and Leadership Development Program within the Arizona Department of Education (ADE) to provide civics education and leadership development training to middle school students who are enrolled in a school district, charter school, or private school in Arizona. ADE is required to develop procedures for eligible nonprofit organizations to apply to be instructional service providers for the Program, and eligibility requirements are listed. By November 1 of each year, each service provider is required to report specified information on the Program to ADE, and ADE is required to compile the reports and submit them to the Governor and the Legislature. Appropriates \$300,000 from the general fund in FY2023-24 to the newly established Arizona Civics Education and Leadership Development Fund for the Program.

Effect on CCEC

Would be an opportunity to use CCEC civics program that has already been developed.

HB2229 - Legislative intent; secrecy; mail voting

Sponsor

Rep. Liz Harris (R)

Summary

Voting by mail is banned in Arizona. Persons who are unable to go to the polls will be provided alternate means of voting that ensure secrecy in voting to the greatest extent possible. Does not apply to persons covered by the Uniformed and Overseas Citizens Absentee Voting Act and Arizona citizens who are temporarily residing out of state. The Legislature is required to put in place additional measures to ensure as much secrecy as possible for these voters, including confirming that the

person is an Arizona resident and registered voter, ensuring that the mailed ballot is sent to the correct address, and having a certified witness attest that the voter voted in the absence of others and that the voter did not show any other person the voted ballot before placing it in the envelope. Contains a legislative intent section.

HB2305 - Ballots; signature verification; observers

Sponsor

Rep. Cory McGarr (R)

Summary

The county recorder and county officer in charge of elections are required to allow representatives of the two largest political parties entitled to continued representation on the ballot to observe each stage of the signature verification process for early, provisional and conditional provisional ballots.

Action Take

Passed House Municipal Oversight & Elections 6-4

Passed the House 31-29 and was sent to the Senate

HB2306 - Ballot custody; verification; observers

Sponsor

Rep. Cory McGarr (R)

Summary

The county recorder and the county officer in charge of elections are required to maintain an accurate log of the chain of custody for unvoted and voted ballots. The chain of custody log must begin when unvoted ballots are received by the county recorder and county officer in charge of elections from the ballot printer and continue until completion of the canvass. Representatives of the two largest political parties entitled to continued representation on the ballot are required to observe and verify each transfer of custody.

HB2308 - Secretary of state; election; recusal

Sponsor

Rep. Rachel Jones (R)

Summary

The Secretary of State is prohibited from taking any action with respect to the portion of an election in which the Secretary of State is a candidate, and is required to announce publicly the person in the Secretary of State's office who will perform those duties.

Action Taken

Passed House Municipal Oversight & Elections 7-3

Passed the House 31-29 and was sent to the Senate

Passed Senate Elections 5-3

HB2319 - Elections; rule of construction

Sponsor

Rep. Alexander Kolodin (R)

Summary

The Legislature declares that the purpose of statutes regulating the conduct of elections is to provide the people of Arizona with a transparent system for conducting elections. If there are two competing interpretations of statutes regulating the conduct of elections, the provisions are required to be aggressively construed in favor of the reading that provides greater transparency. The Legislature declares that existing court opinions relating to statutes regulating the conduct of elections do not have precedential force or effect if the opinions conflict with the rule of construction prescribed in this legislation.

Action Taken

Passed House Municipal Oversight & Elections 6-4

Passed the House 31-26 and was sent to the Senate

HB2322 - Early ballots; signatures; guidelines; challenges

Sponsor

Rep. Alexander Kolodin (R)

Summary

The Secretary of State's July 2020 signature verification guide constitutes the minimum requirements for comparison of signatures. Challengers to the verification of questioned ballots must be allowed to be present and to make challenges during the verification of signatures without regard to whether a challenge is made at a polling place, voting center, or early election board or other counting facility. A legislative intent section states that these are clarifying changes to confirm existing law.

Action Taken

Passed House Municipal Oversight & Elections 6-4

Passed the House 47-13 and was sent to the Senate

Passed Senate Elections 5-3

HB2334 - Permanent early voting list

Sponsor

Rep. Seth Blattman (D)

Summary

The active early voting list is renamed the permanent early voting list. The county recorder is no longer required to remove a voter from the list if the voter fails to vote using an early ballot in all elections for two consecutive election cycles.

HB2364 - Lobbyists; gift ban exemption

Sponsor

Rep. Leezah Elsa Sun (D)

Summary

The maximum value of a gift that a lobbyist may give to a member of the Legislature is increased to \$20, from \$10.

HB2377 - Public officers; lobbying; prohibition

Sponsor

Rep. Leo Biasiucci (R)

Summary

A public officer is prohibited from representing another person for compensation before any public agency.

Action Taken

Passed House Regulatory Affairs 7-0

Passed the House 44-16 and was sent to the Senate

Passed Senate Government 5-3

HB2378 - Officials; political action committee prohibition

Sponsor

Rep. Leo Biasiucci (R)

Summary

An individual who is an election officer or employee or who oversees any significant aspect of election operations is prohibited from being a chairperson, treasurer or other member of a political action committee. Does not apply to an individual's membership in a candidate committee for that individual's own candidacy.

Action Taken

Passed House Municipal Oversight & Elections 10-0

Passed the House 49-11 and was sent to the Senate

Passed Senate Elections 5-3

HB2415 - Active early voting lists; removal

Sponsor

Rep. Leo Biasiucci (R)

Summary

The county recorder is required to remove a voter from the active early voting list if the voter fails to vote an early ballot in all elections for one election cycle, instead of two consecutive election cycles.

Action Taken

Passed House Municipal Oversight & Elections 6-4

Passed the House 31-29 and was sent to the Senate

HB2477 - Electoral college; support

Sponsor

Rep. Steve Montenegro (R)

Summary

The Legislature affirms the importance of the electoral college for presidential elections in this country for a list of specified reasons.

Action Taken

Passed House Municipal Oversight & Elections 6-4

Passed the House 31-29 and was sent to the Senate

Passed Senate Elections 5-3

HB2552 - Voting; elections; tally; prohibition

Sponsor

Rep. Austin Smith (R)

Summary

For every election held in Arizona, the person who receives the highest number of legal votes is required to be declared elected. The state, counties, municipalities, or political subdivisions are prohibited from using a voting method in an election or nomination process for any state, city, town, county, or federal office that allows voters to select or rank, designate or otherwise indicate approval of or preference for more candidates than are eligible to be declared elected for any office; that allows ballots cast to be tabulated in any manner that involves the elimination of candidates through multiple rounds of tabulation or the transfer or redistribution of votes between or among candidates; or that requires the ranking of every candidate for an office as a condition of a voter's vote being counted in the final tally.

Action Taken

Passed House Municipal Oversight & Elections 6-4

HCR2004 - Legislators; minimum age of eighteen

Sponsor

Rep. Matt Gress (R)

Summary

The 2024 general election ballot is to carry the question of whether to amend the state Constitution to lower the minimum age to qualify to be a member of the Legislature to 18, from 25, and to require the person to be a resident of Arizona for at least three consecutive years at the time of election and of the district from which s/he is elected for at least one consecutive year at the time of election. Previously the person was required to be a resident of Arizona for at least three years and a resident of the county from which s/he is elected for at least one year.

Effect on CCEC

Increases the value of the Commission's current involvement with schools

SB1011 - Municipalities; partisan elections

Sponsor

Sen. John Kavanagh (R)

Summary

Municipal elections may be held with the candidate's political party registration indicated on the ballot. Applies to municipal elections held on or after January 1, 2024.

Action Taken

Passed Senate Government 6-1

Passed the Senate 18-12 and was sent to the House

Passed House Municipal Oversight & Elections 6-4

SB1020 - Open meetings; capacity; posting

Sponsor

Sen. John Kavanagh (R)

Summary

All public bodies are required to provide for an amount of seating sufficient to accommodate the reasonably anticipated attendance of all persons desiring to attend the deliberations and proceedings, when feasible. The agenda for a public meeting is required to include notice of the time that the public will have physical access to the meeting place.

Effect on CCEC

Already provide numerous seats for the public both in person and virtually

SB1048 - Campaign finance; reporting threshold; lobbyists

Sponsor

Sen. John Kavanagh (R)

Summary

The list of receipts that must be itemized in campaign finance reports is modified to require itemization of contributions from in-state individuals whose contributions exceed \$200 for that election cycle, increased from \$100, and to require itemization of contributions from individuals who are registered lobbyists.

Effect on CCEC

Current individual contribution limit for CCEC candidates is \$180. No reporting would be required at that level. (The individual contribution limit for CCEC candidates will increase for 2024 based on inflation.)

Action Taken

Passed Senate Government 5-3

Passed the Senate 16-14 and was sent to the House

SB1054 - Middle school students; civics; instruction

Sponsor

Sen. David Gowan (R)

Summary

Establishes the Arizona Civics Education and Leadership Development Program within the Arizona Department of Education (ADE) to provide civics education and leadership development training to middle school students who are enrolled in a school district, charter school, or private school in Arizona. ADE is required to develop procedures for eligible nonprofit organizations to apply to be instructional service providers for the Program, and eligibility requirements are listed. By November 1 of each year, each service provider is required to report specified information on the Program to ADE, and ADE is required to compile the reports and submit them to the Governor and the Legislature. Appropriates \$300,000 from the general fund in FY2023-24 to the newly established Arizona Civics Education and Leadership Development Fund for the Program.

Effect on CCEC

Would be an opportunity to use CCEC civics program that has already been developed.

Action Taken

Passed Senate Education 5-2

Passed Senate Appropriations 8-2

SB1105 - Early ballots; election day tabulation

Sponsor

Sen. Frank Carroll (R)

Summary

County recorders or other officers in charge of elections are required, instead of allowed, to provide for a qualified voter who appears at their designated polling place or at a voting center on elected day with their voted early ballot to have their ballot tabulated.

Action Taken

Passed Senate Elections 5-3

Failed in the Senate 14-16

Passed the Senate 16-14 on reconsideration and was sent to the House

SB1170 - Ballot drop boxes; prohibition

Sponsor

Sen. Jake Hoffman (R)

Summary

A strike everything was passed that changed the bill. The bill now allows for drop boxes provided that the county can have live video monitored by an election official from 5pm to 8pm, one representative from the two largest political parties are able to monitor the box from 8am to 5pm, the video has motion detection, night vision, and is able to be viewed by the public. A \$1 million-dollar appropriation was also included in the bill.

Action Taken

Passed Senate Elections 5-3

Passed the Senate 16-14 and was sent to the House

SB1213 - Legislative council; procedures manual

Sponsor

Sen. Anthony Kern (R)

Summary

The Legislative Council replaces the Secretary of State for the purposes of issuing an official elections instructions and procedures manual.

Action Taken

Passed Senate Elections 5-3

Passed the Senate 16-14 and was sent to the House

Passed House Municipal Oversight & Elections 6-3

SB1217 - Election procedures manual; submittals

Sponsor

Sen. Thomas "T.J." Shope (R)

Summary

The Secretary of State is required to post the draft Election Instructions and Procedures Manual (Manual) on the Secretary of State's website, provide an opportunity for submitting public comment on the draft manual and post those comments on the Secretary of State's website. If the Governor and/or the Attorney General fail to approve the draft Manual by December 31 of the year before the general election or the Secretary of State does not submit a draft Manual for approval, the most recently approved Manual remains in effect. Beginning in January of the even-numbered year, if a new Manual is not issued and approved, the Secretary of State is required to provide an annotated version of the previous official Manual that reflects any new or revised laws and applicable court decisions. The Secretary of State shall continue to provide an annotated version of the previous official Manual each year until a new Manual is approved.

SCR1002 - Constitutional amendments; sixty percent approval

Sponsor

Sen. Anthony Kern (R)

Summary

The 2024 general election ballot is to carry the question of whether to amend the state Constitution to require approval by 60 percent of the votes cast on the measure for an initiative or referendum measure that amends the state Constitution to become law, instead of a majority of the votes cast.

Action Taken

Passed Senate Elections 5-3

Passed the Senate 16-13 and was sent to the House

SB 1330 - Voting; absence from employment

Sponsor

Sen. Ken Bennett (R)

Summary

Allows for registered voters to be absent from their place of employment for up to 5 hours either at the beginning or end of their designated work shift in order to vote without a loss of pay or use of personal time. The employee must notify their employer prior to election day.

SB1265 - Voting; elections; tally; prohibition.

Sponsor

Sen. Anthony Kern (R)

Summary

For every election held in Arizona, the person who receives the highest number of legal votes is required to be declared elected. The state, counties, municipalities, or political subdivisions are prohibited from using a voting method in an election or nomination process for any state, city, town, county, or federal office that allows voters to select or rank, designate or otherwise indicate approval of or preference for more candidates than are eligible to be declared elected for any office; that allows ballots cast to be tabulated in any manner that involves the elimination of candidates through multiple rounds of tabulation or the transfer or redistribution of votes between or among candidates; or that requires the ranking of every candidate for an office as a condition of a voter's vote being counted in the final tally.

Action Taken

Passed Senate Elections 5-3

Passed the Senate 16-13 and was sent to the House

SB1270 - Open meetings; capacity

Sponsor

Sen. John Kavanaugh (R)

Summary

Schools, school boards, executive boards, and municipalities are required to provide for an amount of seating sufficient to accommodate the reasonably anticipated attendance of all persons desiring to attend the deliberations and proceedings, when feasible. The agenda for a public meeting is required to include notice of the time that the public will have physical access to the meeting place.

Effect on CCEC

Already provide numerous seats for the public both in person and virtually

Action Taken

Passed Senate Government 5-2

SB1287 - Election returns; canvass; review

Sponsor

Sen. Steve Kaiser (R)

Summary

If returns from any polling place in the election district where polls were opened and an election held are found to be "in question," the canvass of the election is required to be postponed from day to day until the governing body holding the election has to its satisfaction examined all the returns and ascertained the facts which the returns disclose or until six postponements have been had.

SB1296 - Voter registration; same day.

Sponsor

Sen. Christine Marsh (D)

Summary

A person who is otherwise qualified to register to vote may register during the 28 days immediately preceding an election and is eligible to vote in that election if the person has been a resident of the county and the precinct in which the person resides for at least 29 days immediately preceding the election. A person who is otherwise qualified to register to vote may register on election day by appearing at the polling place, completing a registration form, and providing proof of residence. Registration under these circumstances does not qualify a person to vote in a partisan primary election.

SB1299 - Governor; inauguration expenses; reporting

Sponsor

Sen. Wendy Rogers (R)

Summary

For any ceremonial event to commemorate the inauguration of a Governor, the Office of the Governor is required to publicly post on the Office of the Governor's website a list of specified information about persons or entities that organized or funded the event. The Office is required to publicly post the information within 15 days after the date of the event.

Action Taken

Passed Senate Government 8-0

Passed the Senate 29-0 and was sent to the House

SB1303 - Campaign finance; contributions; reporting

Sponsor

Sen. J.D. Mesnard (R)

Summary

If an in-state individual has made prior campaign contributions that total less than \$100 during an election cycle, only those contributions that when added to the prior contributions total more than \$100 and all subsequent contributions are required to be reported on a campaign finance report.

Effect on CCEC

Keeps the threshold for reporting contributions lower than the current \$180 limit CCEC candidates may raise thus all contributions will need to be reported.

Action Taken

Passed Senate Elections 5-3

SB1324 - Images; voter lists; records; contest

Sponsor

Sen. Ken Bennett (R)

Summary

No later than ten days before each election, the county recorder or other officer in charge of elections is required to publish and post online a list of all voters who are registered to vote in the election, including persons who are on the inactive voter list. After the primary and general election and no later than 48 hours after the delivery of the official county canvass, the county recorder or other officer in charge of elections is required to submit to the Secretary of State, who shall immediately post online in a convenient downloadable format, a list of all persons who voted in the election, all ballot images used in the tabulation of the election, and the "cast vote record" (defined) in a sortable format. It is a class 1 (highest) misdemeanor to alter the contents of an image or a cast vote record from the database. The county recorder or other officer in charge of elections is required to ensure that paper ballots are stored in a manner that allows for convenient retrieval.

Action Taken

Passed Senate Elections 5-3

SB1066 - Election mailings; third-party disclosures

Sponsor

Sen. John Kavanagh (R)

Summary

Any nongovernmental person or entity that mails an official election-related document or a document that resembles an official election-related document from the county recorder, county officer in charge of elections, or the Secretary of State, including a voter registration application or an early ballot request, is required to include the words "not from a government agency" in boldfaced, clearly legible print on the outside of the envelope.

Action Taken

Passed Senate Elections 5-3

Passed the Senate 16-14 and was sent to the House

Passed House Municipal Oversight & Elections 10-0

SB1095 - Early ballot envelope; notice

Sponsor

Sen. Frank Carroll (R)

Summary

The envelope accompanying an early ballot is required to state: "Failure to mail an early ballot or deposit an early ballot in a ballot drop box by the Friday before the election will result in delayed election results."

Action Taken

Passed Senate Elections 5-3

Passed the Senate 16-14 and was sent to the House

SB1135 - Spoiled early ballots; election day**Sponsor**

Sen. John Kavanagh (R)

Summary

If a voter brings the voter's early ballot to a polling place or other voting location on election day, the county recorder is required to remove the voter from the active early voting list and an early ballot will no longer be sent to the voter automatically. If a voter brings an early ballot to a polling place or voting center on election day, the early ballot is considered spoiled and the voter must exchange the early ballot for a regular ballot. County recorders or other officers in charge of elections are required, instead of allowed, to provide for a qualified voter who appears at their designated polling place or at a voting center on elected day with their voted early ballot to have their ballot tabulated. Also deletes authorization for county boards of supervisors to establish emergency voting centers.

Action Taken

Passed Senate Elections 5-3

SB1141 - Early ballot drop off; identification**Sponsor**

Sen. Jake Hoffman (R)

Summary

For any voter or voter's agent who delivers one or more voted early ballots in affidavit envelopes at any polling place or voting center, the election board must require the person to present identification for his/her own early ballot, and to attest in writing that he/she is the voter's family member, household member or caregiver for another person's early ballot. Knowing violations are a class 5 (second-lowest) felony.

Action Taken

Passed Senate Elections 5-3

Passed the Senate 16-14 and was sent to the House

Passed House Municipal Oversight & Elections 6-4

SB1178 - Early voting; identification; signature

Sponsor

Sen. Ken Bennett (R)

Summary

If a voter is issued an early ballot at any voting location during the period of early voting after presenting and confirming the required identification, the voter's early ballot is deemed ready for tabulating, and additional signature verification of the completed affidavit envelope is not required.

Action Taken

Passed Senate Elections 8-0

Passed the Senate 30-0 and was sent to the House

HB2613 - Voting equipment; requirements; origin

Sponsor

Rep. Steve Montenegro (R)

Summary

Beginning January 1, 2028, the Secretary of State is prohibited from certifying a vote recording and vote tabulating machine or device used for elections for federal, state or county offices unless 100 percent of all the machine's or device's parts and components are sourced from the United States, and 100 percent of all the machine's or device's manufacturing and assembly is performed in the United States. Does not apply to vote recording and vote tabulating machines and devices that are acquired before January 1, 2028.

Action Taken

Passed House Municipal Oversight & Elections 6-4

Passed the House 31-29 and was sent to the Senate

SB1140 - Elections; voting centers prohibited

Sponsor

Sen. Jake Hoffman (R)

Summary

A strike everything amendment was adopted that changed the bill. The bill now allows for the use of voting centers but does not allow for them to take the place of polling places. Requires to schools to open their doors as voting locations, as well as requiring schools to close on primary and general election days. Requires in-service or developmental days for teachers on primary and election days. Prohibits teachers from taking those days off.

Action Taken

Passed Senate Elections 5-3

Passed the Senate 16-13 and was sent to the House

SB1258 - Public officers; announcements; report

Sponsor

Sen. J.D. Mesnard (R)

Summary

For any publication, resource or public service announcement that is issued by a public officer, that contains the public officer's name or likeness, and that is distributed free of charge or through the use of taxpayer resources, the public officer is required to publish a quarterly report describing the amount of money that was spent on the publication, resource, or public service announcement.

Action Taken

Passed Senate Elections 5-3

HB2604 - Licenses; not proof of citizenship.

Sponsor

Rep. Lydia Hernandez (D)

Summary

The Arizona Department of Transportation is no longer prohibited from issuing a driver license, instruction permit, or nonoperating identification license for a person who does not submit satisfactory proof that the applicant's presence in the U.S. is authorized under federal law. Possession of a driver license, instruction permit, or nonoperating identification license is not proof of citizenship.

HB2591 - Elections; early ballot drop boxes

Sponsor

Rep. Gail Griffin (R)

Summary

All ballot drop boxes used in Arizona to receive voted early ballots must be located inside a county building, except that a drop box may be located outside of a building if the ballot drop box is secured to a building or footing. Ballot drop boxes must be usable only on Monday through Friday from 8:00AM to 5:00PM and must include a functioning camera or video recorder that photographs or video records and stores the images of each person who deposits one or more early ballots. The camera or video recorder may be motion activated. Establishes a fine of \$1,000 for each ballot for a person who knowingly marks a voted or unvoted ballot or ballot envelope with the intent to fix an election and for possessing a voted or unvoted ballot with the intent to sell the voted or unvoted ballot of another person.

Action Taken

Passed House Municipal Oversight & Elections 6-4

HB2682 - Lobbyists; campaign contributions; prohibition

Sponsor

Rep. Oscar De Los Santos (D)

Summary

Lobbyists are prohibited from making or promising to make campaign contributions to or soliciting or promising to solicit campaign contributions for a member of the Legislature or the Governor at any time, instead of only during the regular session of the Legislature.

HB2701 - Secure ballot containers; pilot program

Sponsor

Rep. Quang H. Nguyen (R)

Summary

A county with a population of more than 230,000 persons and less than 400,000 persons (Yavapai County) is authorized to establish and implement a pilot program for the use of secure ballot deposit containers to receive voted early ballots. Each secure ballot deposit container is required to unlock for purposes of depositing ballots by use of a card or other similar means that is issued to the voter by the county recorder for that purpose and must provide for secure retention of the voted ballots until accessed by a person who is authorized by the county recorder to collect the ballots for verification and tabulation. Appropriates \$1.5 million from the general fund in FY2023-24 to the Secretary of State for disbursement to a county recorder for the pilot program.

HB2722 - Elections; option; full hand count

Sponsor

Rep. Gail Griffin (R)

Summary

The officer in charge of elections, the county recorder, or any person who is designated by the county board of supervisors is allowed to count by hand all or any portion of the ballots in an election. If the hand count is for less than one hundred percent of the ballots, the specific ballots to be counted must be randomly selected.

Action Taken

Passed House Municipal Oversight & Elections 6-4

Passed the House 31-28 and was sent to the Senate

HB2728 - Election worker harassment task force

Sponsor

Rep. Seth Blattman (D)

Summary

Establishes a 10-member Election Worker Harassment Task Force in the Secretary of State's Office to coordinate, investigate, prosecute, or refer for prosecution violations of Chapter 16 (Elections and Electors). The Task Force is required to submit a report of its activities to the Governor and the Legislature by January 1, 2025 and each year after.

SB1332 - Cast vote record; public records

Sponsor

Sen. Janae Shamp (R)

Summary

For every election held in Arizona and after completion of the official canvass, the cast vote record for that election is a public record.

Action Taken

Passed Senate Elections 5-3

Passed the Senate 16-12 and was sent to the House

SB1341 - Voters; false communication; enterprises; enforcement

Sponsor

Sen. Juan Mendez (D)

Summary

It is a class 5 (second lowest) felony for an enterprise to knowingly communicate to a registered voter by any means false information that is intended to impede the voter in exercising the voter's right to vote. A registered voter to whom false information is communicated is authorized to file a civil action for relief, including an application for a permanent or temporary injunction, restraining order or other order against the person communicating the false information.

SB1342 - Civics education; professional development; appropriation

Sponsor

Sen. Juan Mendez (D)

Summary

The State Board of Education (SBE) is required to prescribe academic standards that require all school districts and charter schools to provide instruction on American civics education that promotes civic service, prepares students for the duties of citizenship, and includes instruction on a list of

specified topics. Establishes the American Civics Education Instruction Grant Program in the Arizona Department of Education (ADE). Grants issued under the Program must be used to pay teachers' costs of attending a professional development course in civics education and media literacy. Establishes grant eligibility requirements. Appropriates \$100,000 from the general fund in FY2023-24 to the American Civics Education Instruction Fund for the Program.

Effect on CCEC

Would be an opportunity to use CCEC civics program that has already been developed.

SB1389 - Ballots; pollbooks; instructions; tabulating; storage

Sponsor

Sen. Ken Bennett (R)

Summary

Various changes to statutes relating to elections. Early ballots that are returned at voting locations on election day may be removed by two authorized election workers who must be members of different political parties and who deliver the ballots to a designated receiving site. After the canvass is completed, the county recorder is required to deposit all rejected provisional and early ballots in a secure facility that is managed by the county treasurer.

Action Taken

Passed Senate Elections 8-0

SB1422 - Voting; elections; tally; prohibition..

Sponsor

Sen. Justine Wadsack (R)

Summary

For every election held in Arizona, the person who receives the highest number of legal votes is required to be declared elected. The state, counties, municipalities, or political subdivisions are prohibited from using a voting method in an election or nomination process for any state, city, town, county, or federal office that allows voters to select or rank, designate or otherwise indicate approval or preference for more candidates than are eligible to be declared elected for any office; that allows ballots cast to be tabulated in any manner that involves the elimination of candidates through multiple rounds of tabulation or the transfer or redistribution of votes between or among candidates; or that requires the ranking of every candidate for an office as a condition of a voter's vote being counted in the final tally.

SB1436 - Permanent early voting list.

Sponsor

Sen. Priya Sundareshan (D)

Summary

The active early voting list is renamed the permanent early voting list. The county recorder is no longer required to remove a voter from the list if the voter fails to vote using an early ballot in all elections for two consecutive election cycles.

SB1437 - Ballot delivery; collection

Sponsor

Sen. Priya Sundareshan (D)

Summary

A voter is authorized to give the voter's voted early ballot to another person to deliver to a polling place, a ballot drop box, an election official, the U.S. Postal Service, or any other entity allowed by law to transmit post. It is no longer a class 6 (lowest) felony for a person to collect voted early ballots from another person.

SB1451 - Early voting; preceding weekend

Sponsor

Sen. Thomas "T.J." Shope (R)

Summary

If the county recorder or other officer in charge of elections is able to revise precinct registers and other elections materials in a timely manner for use on election day to indicate which voters have requested an early ballot, which voters have already voted, and which voters are on the inactive voter list, the county recorder or other office in charge of elections is allowed to operate the on-site early voting locations during the Saturday, Sunday and Monday immediately preceding election day.

SB1452 - Primary election date; May

Sponsor

Sen. Thomas "T.J." Shope (R)

Summary

Beginning in 2024, the primary election is moved to the last Tuesday before the last Monday in May in any year in which a general election or special election is held, instead of the first Tuesday in August in those years.

Effect on CCEC

It would reduce the amount of time candidates have to collect \$5 qualifying contributions. Currently, candidates may begin collecting \$5 qualifying contributions August 1 of the year prior to the election, which is approximately one year before the primary election. This change would reduce collection time by 3 months (May to August).

SB1471 - Ballot tabulation; hand count comparison

Sponsor

Sen. John Kavanagh (R)

Summary

By September 1, 2023, the officer in charge of elections in a county with a population of more than two million persons (Maricopa County) is required to randomly select four election precincts in the county from the ballot test decks used for logic and accuracy testing for the 2022 general election and is required to recount all races using 100 of those ballots from each precinct. The recounting is required to include the use of duplication boards, adjudications boards and other functions generally used or required in ballot tabulations. The hand count boards are required to consist of volunteers who are members of the three largest political parties in the state and must include on each team a member of at least two different political parties. The actual ballots must be counted through a county ballot tabulator, and photocopies of the actual ballots must be hand counted. The officer in charge of elections is required to compare the totals, and if there is a difference great than 0.1 percent, the ballots and photocopies must be retabulated and recounted. During the hand counting, the officer in charge of elections is required to calculate how many ballots per hour each hand counting team is able to process, and estimate how many persons working 16 hours each day would be required to hand count the entire number of ballots cast in the November 2022 election. The officer in charge of elections is required to report on the results of the tabulations and calculations to the Governor and the Legislature. Self-repeals March 1, 2024.

Action Taken

Passed Senate Elections 5-3

Passed the Senate 16-12 and was sent to the House

SB1485 - National popular vote; interstate agreement

Sponsor

Sen. Juan Mendez (D)

Summary

Establishes an agreement among the states to elect the U.S. President by national popular vote.

SB1486 - Voting; ranking; ballot format

Sponsor

Sen. Juan Mendez (D)

Summary

Establishes requirements for any election in which ranked choice voting is used. Provides for elimination rounds, the transfer for votes, and the sequence of tabulation. Single-seat ranked choice voting may be used in any county or municipal election contest in which a voter has three or more voting options for a particular office or issue, and multiseat ranked choice voting may be used in any county or municipal election contest in which a voter has three or more voting options for that group of offices. Establishes requirements for ballot format and voter instructions for ranked choice voting.

Effect on CCEC

Would dramatically change how the Commission handles debates as well as the candidate statement pamphlet. May require the Commission to provide multiple candidate statement pamphlets as well as multiple debates. May require a constant update of the Commission's website to ensure that the correct information is available to the public.

SB1487 - Voted ballots; custody; in-state

Sponsor

Sen. Juan Mendez (D)

Summary

The county recorder or other officer in charge of elections, the county board of supervisors, any state elected official and any employee, contractor or vendor of those persons are prohibited from removing from the state any one or more of the ballots cast for an election.

SB1510 - Campaign finance; public service corporations

Sponsor

Sen. Juan Mendez (D)

Summary

A public service corporation, an affiliate of a public service corporation, and a "principal" (defined) of a public service corporation or its affiliate are prohibited from contributing directly or indirectly to an Arizona Corporation Commission (ACC) candidate or candidate committee. An ACC candidate is prohibited from accepting or soliciting contributions directly or indirectly from these persons and entities. A campaign expenditure by these persons or entities is not an independent expenditure if the expenditure is a coordinated public service corporation expenditure, and is considered an in-kind contribution to the ACC candidate. Establishes a list of expenditures that constitute a coordinated public service corporation expenditure.

SB1515 - Polling places; drop boxes; campuses

Sponsor

Sen. Juan Mendez (D)

Summary

The board of supervisors of each county is required to designate at least one polling place or voting center on the main campus of each state university in that county and is required to provide for at least one early ballot dropbox at each state university satellite location and each community college campus and community college satellite location in that county.

SB1518 - Ballots; election day; identification

Sponsor

Sen. Ken Bennett (R)

Summary

During the period of early voting or on election day, if a voter is issued an early ballot at any voting location or presents at any voting location the voter's mailed early ballot and the voter presents and confirms the required voter identification, the voter's early ballot is deemed ready for tabulating, and additional signature verification of the completed affidavit envelope is not required. After the period of early voting, a voter who delivers the voter's own voted early ballot to the county recorder or other officer in charge of elections or to a polling location is required to present and confirm the required voter identification before depositing the voted early ballot in a secure ballot box that is separate from ballot tabulators. Only the voter may deliver the voter's own voted early ballot.

Action Taken

Passed Senate Elections 5-3

SB1555 - Early voting locations

Sponsor

Sen. Juan Mendez (D)

Summary

A county recorder or other officer in charge of elections is permitted to make changes to the approved early voting locations and must notify the public and the board of supervisors regarding the changes as soon as is practicable. A county recorder or other officer in charge of elections who establishes early voting locations may continue to operate those early voting locations during the three-day period immediately preceding election day, except that on-site early voting is required to end as needed to ensure that precinct registers and other election materials are revised for use on election day to indicate which voters have requested an early ballot, which voters have already voted and which voters are on the inactive voter list.

SB1556 - Automatic voter registration; same day

Sponsor

Sen. Juan Mendez (D)

Summary

A person who is otherwise qualified to register to vote may register during the 28 days immediately preceding an election and is eligible to vote in that election if the person has been a resident of the county and the precinct in which the person resides for at least 29 days immediately preceding the election. A person who is otherwise qualified to register to vote may register on Election Day at the polling place for the precinct in which that person maintains residence. A person who registers to vote under these provisions may vote only with a provisional ballot and does not qualify a person to vote in a partisan primary election. Every person who is applying for a driver license or renewal, including a nonoperating identification license or renewal, or who is making changes to drive license information and who is otherwise qualified to register to vote must be registered to vote automatically on completion of the license application unless the applicant clearly expresses a decision not to register. A person who is not qualified to register to vote and who unknowingly registers under this provision is not guilty of false registration or false swearing. Effective January 1, 2024.

SB1565 - Ballot processing; electronic adjudication; limitation

Sponsor

Sen. Frank Carroll (R)

Summary

Machines, devices, firmware, or software used in Arizona elections are prohibited from including any artificial intelligence or learning hardware, firmware, or software. Artificial intelligence or learning software or firmware is prohibited from being used in the processing of early ballots or by the election board in verifying the voter's affidavit.

Action Taken

Passed Senate Elections 5-3

Passed the Senate 16-11 and was sent to the House

SB1566 - Voter registration; reregistration; ten years

Sponsor

Sen. Frank Carroll (R)

Summary

The county recorder is required to cancel all voter registrations on the effective date of this legislation, and on April 2 in every year thereafter that ends in 1. Before doing so, the county recorder is required to notify each person who was on the voter registration rolls on that date that the person's voter registration is canceled and that the person must reregister to vote. The county recorder is required to provide information and instructions on how to reregister to vote and is required to archive the voter registration rolls for each date on which all voter registrations are canceled.

Action Taken

Passed Senate Elections 5-3

SB1589 - Voter registration databases; designation

Sponsor

Sen. Ken Bennett (R)

Summary

The Secretary of State is required to designate a list of voter registration databases and voter registration database services to be used monthly by each county recorder to determine possible registrations in multiple jurisdictions and possible changes of address.

SB1595 - Early ballots; identification; tabulation

Sponsor

Sen. J.D. Mesnard (R)

Summary

Beginning after 7:00PM on the Friday preceding election day, if a voter deposits an early ballot at a polling place, the voter is required to present the required voter identification and sign the signature roster or electronic pollbook before depositing the ballot. If a "voter's agent" (defined elsewhere in statute) delivers a voter's ballot to any polling place, the ballot will be counted and valid only if the voter presents the required voter identification to the county recorder or other officer in charge of elections no later than the 5th business day after election day for a primary, general, or special election that includes a federal office, and no later than the 3rd business day after election day for any other election.

Action Taken

Passed Senate Elections 5-3

Passed the Senate 16-14 and was sent to the House

SB1596 - Polling places; public office spaces

Sponsor

Sen. J.D. Mesnard (R)

Summary

A state, county, municipal, or school district office is required to provide sufficient space for use as a polling place for any state, county, or municipal election when requested by the officer in charge of elections. Appropriates a total of \$10 million to be dispersed to counties to offset election related costs that come from this bill.

Action Taken

Passed Senate Elections 5-3

Passed the Senate 16-13 and was sent to the House

SB1597 - Early ballot on-site tabulation; requirement

Sponsor

Sen. J.D. Mesnard (R)

Summary

No later than the 2024 general election, every county recorder or other officer in charge of elections is required, instead of allowed, to provide for a qualified voter who appears at the voter's designated polling location or at a voting center on election day with their voted early ballot to have the ballot tabulated on-site.

Action Taken

Passed Senate Elections 5-3

Passed the Senate 16-14 and was sent to the House

SB1598 - Elections; observers; federal candidates

Sponsor

Sen. J.D. Mesnard (R)

Summary

Each political party and each candidate for federal office is allowed to have one poll observer in each polling place or early voting location at any one time during the election. A poll observer is prohibited from approaching an election official's table or equipment or the voting booths any closer than is reasonably necessary to properly perform the poll observer's functions. Each poll observer must be allowed to observe the setup of the voting location before the polls open and the closeout procedures at the voting location after the polls close. Poll observers are prohibited from interacting with a voter. Poll observers must be a registered voter in Arizona, and cannot be a candidate who appears on the ballot. One representative at any one time of each candidate for federal office, who has been appointed by the candidate, is added to the list of persons allowed to remain inside the 75-foot limit while the polls are open and the list of persons who may be designated as early ballot challengers.

Action Taken

Passed Senate Elections 5-3

Passed the Senate 16-13 and was sent to the House

Passed House Municipal Oversight & Elections 6-4

SB1666 - Early ballot list; daily returns

Sponsor

Sen. Juan Mendez (D)

Summary

On request from a county chairman or state chairman, the Secretary of State is required to provide at no cost a daily listing of persons who have returned their early ballots, Monday through Friday, beginning with the first Monday following the start of early voting and ending on the Monday before the election.

HB2746 - Appropriation; secretary of state; elections

Sponsor

Rep. Laura Terech (D)

Summary

Appropriates \$1.67 million from the general fund in FY2023-24 to the Secretary of State for election administration expenses, including enhancing the security and technological reliability of the voter registration database.

HB2757 - Court of appeals; retention election

Sponsor

Rep. Ben Toma (R)

Summary

Each judge of the court of appeals must be elected for retention on a statewide basis at the general election preceding the expiration of the judge's term in office. All otherwise eligible registered voters in Arizona are eligible to vote in these statewide races.

Action Taken

Passed House Judiciary 5-3

Passed the House 31-28 and was sent to the Senate

HB2768 - Political parties; precinct committeemen; organization

Sponsor

Rep. Mariana Sandoval (D)

Summary

On completion of the primary election canvass, the county recorder is required to provide to the current county chairperson of each political party that is entitled to continued representation written notice of the number of elected precinct committeemen in the county for that political party for the purposes of making the calculations required for the state committee meeting. On receipt of the county recorder's notice, the current county chairperson is required to provide that notice to the chairperson of the legislative district committee of that political party.

HB2785 - Early voting; absentee; military

Sponsor

Rep. Liz Harris (R)

Summary

Eliminates early voting by mail in Arizona, all mail ballot elections, and the active early voting list. County boards of supervisors are required to authorize an on-site early voting location at the main

office of the county recorder. The county recorder is prohibited from opening more than a single location for early voting, and only those voters who have signed an application, under penalty of perjury, that states that they expect to be absent from their precincts on election day are allowed to vote at an on-site early voting location. Only a voter who expects to be outside the state of Arizona on election day and the 15 days immediately preceding is eligible to receive a mail ballot. The county recorder is prohibited from mailing a ballot to an address in Arizona. All early votes are required to be counted on election day before 7PM. The voter's signature on an early ballot affidavit must be notarized and must contain the notary's statement that the voter voted the ballot without assistance and outside the view of any other person. Voters who are ill or have a disability and cannot go to the polls are required to vote with a special election board. A county political party, early election board, and party observers are authorized to challenge early ballots on the grounds of inconsistent signatures or unmatching last four digits of social security numbers or dates of birth. The county recorder or other officer in charge of elections is required to provide to the county political party a copy of all early ballot envelopes along with all reference signatures and information for all accepted ballots before removing those ballots from their privacy envelopes in sufficient time for the county political party to challenge any unmatched signatures or information.

Action Taken

Passed House Municipal Oversight & Elections 6-4

HB2796 - Licensure; citizenship status; documentation

Sponsor

Rep. Flavio Bravo (D)

Summary

Agencies and political subdivisions are prohibited from requiring an individual who is applying for a "license" (defined) to provide documentation of citizenship or alien status. If an agency or political subdivision requires an individual's social security number for the purposes of applying for a license, the agency is required to accept an individual's federal tax identification number in lieu of a social security number.

SB1593 - Recall; requirements; petitions

Sponsor

Sen. Ken Bennett (R)

Summary

A special recall election must be held on the next following consolidated election date that is 120 days or more, increased from 90 days or more, after the order calling the election. A candidate for office in a special recall election is required to file a nomination petition between 90 and 120 days before the date of the recall election, instead of between 60 and 90 days before.

Action Taken

Passed Senate Elections 6-2

Passed the Senate 28-2 and was sent to the House

HB2560 - Images; voter lists; records; contest.

Sponsor

Rep. Ben Toma (R)

Summary

No later than ten days before each election, the county recorder or other officer in charge of elections is required to publish and post online a list of all voters who are registered to vote in the election, including persons who are on the inactive voter list. After the primary and general election and no later than 48 hours after the delivery of the official county canvass, the county recorder or other officer in charge of elections is required to submit to the Secretary of State, who shall immediately post online in a convenient downloadable format, a list of all persons who voted in the election, all ballot images used in the tabulation of the election, and the "cast vote record" (defined) in a sortable format. It is a class 1 (highest) misdemeanor to alter the contents of an image or a cast vote record from the database. The county recorder or other officer in charge of elections is required to ensure that paper ballots are stored in a manner that allows for convenient retrieval.

Action Taken

Passed House Municipal Oversight & Elections 6-4

HB2231 - Early absentee voting; limitations; conflicts

Sponsor

Rep. Liz Harris (R)

Summary

Early voting is renamed early absentee voting. Qualified electors are only allowed to vote by early absentee ballot if the elector is physically unable to go to the polls due to illness, hospitalization, incarceration, or other confinement, or the elector expects to be absent from the elector's precinct at the time of the election, including electors covered by the federal Uniformed and Overseas Citizens Absentee Voting Act, or the elector is blind or has a visual impairment. Severability clause. Directs legislative council staff to prepare conforming legislation.

Action Taken

Passed House Municipal Oversight & Elections 6-4

HB2254 - Rulemaking; regulatory costs; legislative ratification

Sponsor

Rep. Justin Wilmeth (R)

Summary

If a proposed rule is estimated to increase regulatory costs in Arizona in excess of \$500,000 within two years after implementation or to have an adverse impact on economic growth, the proposed rule cannot become effective until the Legislature enacts legislation ratifying the proposed rule. The agency is prohibited from filing a final rule with the Secretary of State before obtaining legislative approval of the rule through legislation.

Action Taken

Passed House Government 5-4

Passed the House 31-27 and was sent to the Senate

SB1695 - Election violations; disenfranchisement; new election**Sponsor**

Sen. Jake Hoffman (R)

Summary

For the primary and general election in a county with a population of more than one million persons (Maricopa and Pima), the county board of supervisors, county recorder and county officer in charge of elections are prohibited from canvassing the results of an election in which election laws were violated and the violations resulted in the disenfranchisement of at least one percent of the eligible voters in the county. The county board of supervisors, county recorder and county officer in charge of elections are required to hold a new primary or general election. Any member of the board of supervisors who violates these requirements must forfeit that office.

Action Taken

Passed Senate Government 5-3

SCR1027 - Cities; towns; elections**Sponsor**

Sen. Justine Wadsack (R)

Summary

The 2024 general election ballot is to carry the question of whether to amend the state Constitution to state that for any municipality that provides for election of municipal council members by district, ward, precinct or other geographic designation, only those voters who are qualified electors of the district, ward, precinct or other geographic designation, as applicable, are eligible to vote for that council member candidate in the municipality's primary, general, runoff or other election.

Action Taken

Passed Senate Government 5-3

Passed the Senate 16-13 and was sent to the House

HB2325 - Voting; procedures; electors in detention (Mail ballot elections; technical correction)**Sponsor**

Rep. Alexander Kolodin (R)

Summary

Minor change in Title 16 (Elections and Electors) related to mail ballot elections. Apparent striker bus.

A striker amendment was proposed and passed House Municipal Oversight & Elections. The striker allows for those in pretrial detention to request a ballot to vote and describes the procedures to be followed to allow for this to happen.

Action Taken

Passed House Municipal Oversight & Elections 8-2

Passed the House 31-28 and was sent to the Senate

SB1264 - Officials; political action committee prohibition.

Sponsor

Sen. J.D. Mesnard (R)

Summary

An individual who is an election officer or employee or who oversees any significant aspect of election operations is prohibited from being a chairperson, treasurer or other member of a political action committee. Does not apply to an individual's membership in a candidate committee for that individual's own candidacy.

Action Taken

Passed Senate Elections 5-3

Passed the Senate 16-14 and was sent to the Senate

HCR2006 - Bonds; elections; technical correction

Sponsor

Rep. Justin Heap (R)

Summary

Would ask the voters to approve a repeal session. The session would be held very two years and no business would allowed other than repealing existing laws.

Action Taken

Passed Municipal Oversight & Elections 6-4

HB2767 - Legislators; personally identifiable information; confidentiality

Sponsor

Rep. Mariana Sandoval (D)

Summary

A "public official" (defined as a person who is duly elected or appointed to Congress, the Legislature, a statewide office, or a county, municipal, or political subdivision office) is added to the list of persons who may request that the general public be prohibited from accessing public records containing that person's identifying information that are maintained by the county or the Department of Transportation. A person or entity in Arizona is prohibited from accessing a public official's actual

residence address or license plate number but is allowed to access the public official's city or town of residence.

HB2736 - Accessible early voting

Sponsor

Rep. Seth Blattman (D)

Summary

Absentee voting for uniformed services voters and overseas voters is expanded to include voters with visual impairments.

HB2691 - Elections; ballot chain of custody

Sponsor

Rep. Justin Heap (R)

Summary

Ballot boxes must be locked with a tamper evident seal. The county recorder or other officer in charge of elections is required to prepare a chain of custody record for the transportation and delivery of all voted ballots. The record must include the time and signature for each point of contact, including the signature of the voting location supervisor when the election board members leave with the voted ballots, the signature of each election board member delivering the voted ballots, and the signature of the supervisor at the receiving site who receives the voted ballots. The chain of custody records are required to include the date, time, location and name of any election official who handles or processes a ballot. The county recorder or other officer in charge of elections is required to maintain a record of all voting irregularities that occur during early voting, emergency voting and election day voting, and information that must be included in the record is specified.

Action Taken

Passed House Municipal Oversight & Elections 6-3

Passed the House 31-28 and was sent to the Senate

SB1074 - Tabulating equipment; standards; source codes (Election; contest; technical correction)

Sponsor

Sen. Sonny Borrelli (R)

Summary

A strike everything amendment was adopted. The bill now allows the use of electronic equipment to tabulate vote only if all of the following occur: the equipment meets or exceed the standards set by the US Department of Defense, all parts of the electronic equipment are manufactured in the USA, and all source codes for the equipment are submitted and maintained by the Auditor General. In addition, for any action taken in the Superior Court regarding vote tabulation issues, the Court may appoint a

Special Master to review the issue. The Special Master will submit their report to the Secretary of State for review.

Action Taken

Passed Senate Elections 5-3

Passed the Senate 16-13 and was sent to the House

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Kim Owens
Participating Candidate for
Corporation Commissioner
Primary Election 2022**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Kim Owens's (the Candidate)'s Campaign finance reports between the 2022 Quarter 1 report, starting January 1, 2022, through the 2022 Post-Primary Election (Q3) report, which ended September 30, 2022 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and associated findings are presented on the subsequent pages.

We were engaged by the Commission to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Kim Owens. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Commission and the Candidate and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

February 6, 2023

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Contractor will obtain a copy of the candidate's campaign finance report for the reporting period.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2022 Quarter 1 report, starting January 1, 2022, through the 2022 Post-Primary Election (Q3) report, which ended September 30, 2022.

- b). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Contractor will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements one month prior to the election date (beginning on the first of the month), the month including the election day, and one month after the election day (ending on the last of the month) in the reporting period and perform the following:

- Select five (5) samples of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five deposits and five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports.

- Perform a proof of receipts and disbursements for the reporting period, which is defined as reporting the ending balances of the September 2022 bank statement and the Post-Primary Election (Q3) campaign finance report.

Finding

The Candidate's Post-Primary Election (Q3) campaign finance report listed a balance of \$325.61 at September 30, 2022. The Candidate's campaign bank account statement listed a balance of \$340.12 at September 30, 2022.

- d) Using the dates and limits defined in the Arizona Citizens Clean Elections Guide, review the receipts reported in the candidate's campaign finance reports to determine the following:

- (i) The candidate accepted contributions only from individuals.

Finding

The contributions received during the reporting period appeared to be only from individuals.

- (ii) None of the contributions received from individuals exceed the early contribution limit.

Finding

Contributions received from individuals during the reporting period did not exceed the \$180 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contributions received during the reporting period did not exceed the \$27,675 limit for a Corporation Commission candidate.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$1,580 limit for a Corporation Commission candidate.

- e) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) contributions reported in the candidate's campaign finance report (not including the \$5 qualifying contributions) and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$100, which reflects the contributor's address, occupation and employer.

Finding

We reviewed the supporting documentation for five early contributions reported in the Candidate's Campaign finance report and determined the name of the contributors for the contributions was included on the support. For individuals who contributed over \$50, we determined that the contributor's address, occupation, and employer were also included on the support.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- f) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- g) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,580.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, for both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) candidate's petty cash fund expenditures and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$180 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- h) Determine if the candidate/campaign incurred any debt. If so, report all debt.

Finding

The Candidate did not report any debt on the Campaign Finance Reports.

- i) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We reported our findings to the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Sanda Clark
Participating Candidate for
State Representative - District 19
General Election 2022**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Sanda Clark's (the Candidate)'s Campaign finance reports between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and associated findings are presented on the subsequent pages.

We were engaged by the Commission to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Sanda Clark. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Commission and the Candidate and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

February 27, 2023

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Contractor will obtain a copy of the candidate's campaign finance report for the reporting period.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022.

- b). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Contractor will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements one month prior to the election date (beginning on the first of the month), the month including the election day, and one month after the election day (ending on the last of the month) in the reporting period and perform the following:
- Select five (5) samples of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports. There were no deposits in the reporting period to test.

- Perform a proof of receipts and disbursements for the reporting period, which is defined as reporting the ending balances of the December 2022 bank statement and the Post-General Election (Q4) campaign finance report.

Finding

The Candidate's Post-General Election (Q4) campaign finance report listed a balance of \$0.00 at December 31, 2022. The Candidate's campaign bank account statement listed a balance of \$0.00 at December 31, 2022.

- d) Using the dates and limits defined in the Arizona Citizens Clean Elections Guide, review the receipts reported in the candidate's campaign finance reports to determine the following:
- (i) The candidate accepted contributions only from individuals.

Finding

The contributions received during the reporting period appeared to be only from individuals.

- (ii) None of the contributions received from individuals exceed the early contribution limit.

Finding

Contributions received from individuals during the reporting period did not exceed the \$180 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contributions received during the reporting period did not exceed the \$4,323 limit for a legislature candidate.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$800 limit for a legislature candidate.

- e) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) contributions reported in the candidate's campaign finance report (not including the \$5 qualifying contributions) and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$100, which reflects the contributor's address, occupation and employer.

Finding

There were no contributions reported during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- f) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- g) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,580.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, for both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) candidate's petty cash fund expenditures and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$180 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- h) Determine if the candidate/campaign incurred any debt. If so, report all debt.

Finding

The Candidate did not report any debt on the Campaign Finance Reports.

- i) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We reported our findings to the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Oscar De Los Santos
Participating Candidate for
State Representative - District 11
General Election 2022**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Oscar De Los Santos's (the Candidate)'s Campaign finance reports between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and associated findings are presented on the subsequent pages.

We were engaged by the Commission to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Oscar De Los Santos. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Commission and the Candidate and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

February 24, 2023

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Contractor will obtain a copy of the candidate's campaign finance report for the reporting period.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022.

- b). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Contractor will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements one month prior to the election date (beginning on the first of the month), the month including the election day, and one month after the election day (ending on the last of the month) in the reporting period and perform the following:
- Select five (5) samples of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five withdrawals and one deposit (total population) from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports.

- Perform a proof of receipts and disbursements for the reporting period, which is defined as reporting the ending balances of the December 2022 bank statement and the Post-General Election (Q4) campaign finance report.

Finding

The Candidate's Post-General Election (Q4) Campaign finance report listed a balance of \$39.38 at December 31, 2022. The Candidate's Campaign bank account statement listed a balance of \$289.91 at December 31, 2022. The net difference is \$250.53.

- d) Using the dates and limits defined in the Arizona Citizens Clean Elections Guide, review the receipts reported in the candidate's campaign finance reports to determine the following:
- (i) The candidate accepted contributions only from individuals.

Finding

The contributions received during the reporting period appeared to be only from individuals.

- (ii) None of the contributions received from individuals exceed the early contribution limit.

Finding

Contributions received from individuals during the reporting period did not exceed the \$180 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contributions received during the reporting period did not exceed the \$4,323 limit for a legislature candidate.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$800 limit for a legislature candidate.

- e) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) contributions reported in the candidate's campaign finance report (not including the \$5 qualifying contributions) and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$100, which reflects the contributor's address, occupation and employer.

Finding

There was one contribution reported during the reporting period which was properly refunded a week later.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- f) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- g) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,580.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, for both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) candidate's petty cash fund expenditures and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$180 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- h) Determine if the candidate/campaign incurred any debt. If so, report all debt.

Finding

The Candidate did not report any debt on the Campaign Finance Reports.

- i) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We reported our findings to the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Kyle Nitschke
Participating Candidate for
State Senator - District 7
General Election 2022**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Kyle Nitschke's (the Candidate)'s Campaign finance reports between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and associated findings are presented on the subsequent pages.

We were engaged by the Commission to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Kyle Nitschke. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Commission and the Candidate and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

February 16, 2023

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Contractor will obtain a copy of the candidate's campaign finance report for the reporting period.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022.

- b). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Contractor will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements one month prior to the election date (beginning on the first of the month), the month including the election day, and one month after the election day (ending on the last of the month) in the reporting period and perform the following:
- Select five (5) samples of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports. There were no deposits in the reporting period to test.

- Perform a proof of receipts and disbursements for the reporting period, which is defined as reporting the ending balances of the December 2022 bank statement and the Post-General Election (Q4) campaign finance report.

Finding

The Candidate's Post-General Election (Q4) Campaign finance report listed a balance of \$0.00 at December 31, 2022. The Candidate's Campaign bank account statement listed a balance of \$0.00 at December 31, 2022.

- d) Using the dates and limits defined in the Arizona Citizens Clean Elections Guide, review the receipts reported in the candidate's campaign finance reports to determine the following:
- (i) The candidate accepted contributions only from individuals.

Finding

The contributions received during the reporting period appeared to be only from individuals.

- (ii) None of the contributions received from individuals exceed the early contribution limit.

Finding

Contributions received from individuals during the reporting period did not exceed the \$180 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contributions received during the reporting period did not exceed the \$4,323 limit for a legislature candidate.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$800 limit for a legislature candidate.

- e) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) contributions reported in the candidate's campaign finance report (not including the \$5 qualifying contributions) and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$100, which reflects the contributor's address, occupation and employer.

Finding

There were no contributions reported during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- f) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- g) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,580.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, for both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) candidate's petty cash fund expenditures and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$180 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- h) Determine if the candidate/campaign incurred any debt. If so, report all debt.

Finding

The Candidate did not report any debt on the Campaign Finance Reports.

- i) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We reported our findings to the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Tatiana Pena
Participating Candidate for
State Representative - District 11
General Election 2022**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Tatiana Pena's (the Candidate)'s Campaign finance reports between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and associated findings are presented on the subsequent pages.

We were engaged by the Commission to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Tatiana Pena. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Commission and the Candidate and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

February 16, 2023

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Contractor will obtain a copy of the candidate's campaign finance report for the reporting period.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022.

- b). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Contractor will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements one month prior to the election date (beginning on the first of the month), the month including the election day, and one month after the election day (ending on the last of the month) in the reporting period and perform the following:
- Select five (5) samples of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports. There were no deposits in the reporting period to test.

- Perform a proof of receipts and disbursements for the reporting period, which is defined as reporting the ending balances of the December 2022 bank statement and the Post-General Election (Q4) campaign finance report.

Finding

The Candidate's Post-General Election (Q4) campaign finance report listed a balance of \$29.04 at December 31, 2022. The Candidate's campaign bank account statement listed a balance of \$29.04 at December 31, 2022.

- d) Using the dates and limits defined in the Arizona Citizens Clean Elections Guide, review the receipts reported in the candidate's campaign finance reports to determine the following:
- (i) The candidate accepted contributions only from individuals.

Finding

The contributions received during the reporting period appeared to be only from individuals.

- (ii) None of the contributions received from individuals exceed the early contribution limit.

Finding

Contributions received from individuals during the reporting period did not exceed the \$180 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contributions received during the reporting period did not exceed the \$4,323 limit for a legislature candidate.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$800 limit for a legislature candidate.

- e) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) contributions reported in the candidate's campaign finance report (not including the \$5 qualifying contributions) and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$100, which reflects the contributor's address, occupation and employer.

Finding

There were no contributions reported during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- f) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- g) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,580.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, for both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) candidate's petty cash fund expenditures and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$180 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- h) Determine if the candidate/campaign incurred any debt. If so, report all debt.

Finding

The Candidate did not report any debt on the Campaign Finance Reports.

- i) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We reported our findings to the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Athena Salman
Participating Candidate for
State Representative - District 26
General Election 2022**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Athena Salman's (the Candidate)'s Campaign finance reports between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and associated findings are presented on the subsequent pages.

We were engaged by the Commission to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Athena Salman. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Commission and the Candidate and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

February 27, 2023

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Contractor will obtain a copy of the candidate's campaign finance report for the reporting period.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022.

- b). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Contractor will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements one month prior to the election date (beginning on the first of the month), the month including the election day, and one month after the election day (ending on the last of the month) in the reporting period and perform the following:
- Select five (5) samples of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports. There were no deposits in the reporting period to test.

- Perform a proof of receipts and disbursements for the reporting period, which is defined as reporting the ending balances of the December 2022 bank statement and the Post-General Election (Q4) campaign finance report.

Finding

The Candidate's Post-General Election (Q4) Campaign finance report listed a balance of \$0.00 at December 31, 2022. The Candidate's Campaign bank account statement listed a balance of \$0.00 at December 31, 2022.

- d) Using the dates and limits defined in the Arizona Citizens Clean Elections Guide, review the receipts reported in the candidate's campaign finance reports to determine the following:
- (i) The candidate accepted contributions only from individuals.

Finding

The contributions received during the reporting period appeared to be only from individuals.

- (ii) None of the contributions received from individuals exceed the early contribution limit.

Finding

Contributions received from individuals during the reporting period did not exceed the \$180 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contributions received during the reporting period did not exceed the \$4,323 limit for a legislature candidate.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$800 limit for a legislature candidate.

- e) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) contributions reported in the candidate's campaign finance report (not including the \$5 qualifying contributions) and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$100, which reflects the contributor's address, occupation and employer.

Finding

There were no contributions reported during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- f) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

Two of the five expenditures tested were joint expenditures and the amounts listed in the Candidate's Campaign finance report represented the Candidate's proportionate share of the total cost.

- g) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,580.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, for both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) candidate's petty cash fund expenditures and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$180 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- h) Determine if the candidate/campaign incurred any debt. If so, report all debt.

Finding

The Candidate did not report any debt on the Campaign Finance Reports.

- i) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We reported our findings to the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Mariana Sandoval
Participating Candidate for
State Representative - District 23
General Election 2022**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Mariana Sandoval's (the Candidate)'s Campaign finance reports between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and associated findings are presented on the subsequent pages.

We were engaged by the Commission to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Mariana Sandoval. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Commission and the Candidate and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

February 16, 2023

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Contractor will obtain a copy of the candidate's campaign finance report for the reporting period.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022.

- b). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Contractor will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements one month prior to the election date (beginning on the first of the month), the month including the election day, and one month after the election day (ending on the last of the month) in the reporting period and perform the following:
- Select five (5) samples of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports. There were no deposits in the reporting period to test.

- Perform a proof of receipts and disbursements for the reporting period, which is defined as reporting the ending balances of the December 2022 bank statement and the Post-General Election (Q4) campaign finance report.

Finding

The Candidate's Post-General Election (Q4) Campaign finance report listed a balance of \$0.00 at December 31, 2022. The Candidate's Campaign bank account statement listed a balance of \$0.00 at December 31, 2022.

- d) Using the dates and limits defined in the Arizona Citizens Clean Elections Guide, review the receipts reported in the candidate's campaign finance reports to determine the following:
- (i) The candidate accepted contributions only from individuals.

Finding

The contributions received during the reporting period appeared to be only from individuals.

- (ii) None of the contributions received from individuals exceed the early contribution limit.

Finding

Contributions received from individuals during the reporting period did not exceed the \$180 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contributions received during the reporting period did not exceed the \$4,323 limit for a legislature candidate.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$800 limit for a legislature candidate.

- e) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) contributions reported in the candidate's campaign finance report (not including the \$5 qualifying contributions) and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$100, which reflects the contributor's address, occupation and employer.

Finding

There were no contributions reported during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- f) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

Two of the five expenditures tested were joint expenditures and the amounts listed in the Candidate's Campaign finance report represented the Candidate's proportionate share of the total cost.

- g) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,580.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, for both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) candidate's petty cash fund expenditures and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$180 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- h) Determine if the candidate/campaign incurred any debt. If so, report all debt.

Finding

The Candidate reported \$100.00 in outstanding loans as of December 31, 2022 in the Candidate's Campaign finance reports.

- i) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We reported our findings to the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Kevin Thompson
Participating Candidate for
Corporation Commissioner
General Election 2022**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Kevin Thompson's (the Candidate)'s Campaign finance reports between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and associated findings are presented on the subsequent pages.

We were engaged by the Commission to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Kevin Thompson. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Commission and the Candidate and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

March 14, 2023

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Contractor will obtain a copy of the candidate's campaign finance report for the reporting period.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022.

- b). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Contractor will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements one month prior to the election date (beginning on the first of the month), the month including the election day, and one month after the election day (ending on the last of the month) in the reporting period and perform the following:
- Select five (5) samples of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports. There were no deposits in the reporting period to test.

- Perform a proof of receipts and disbursements for the reporting period, which is defined as reporting the ending balances of the December 2022 bank statement and the Post-General Election (Q4) campaign finance report.

Finding

The Candidate's Post-General Election (Q4) Campaign finance report listed a balance of \$0.00 at December 31, 2022. The Candidate's Campaign bank account statement listed a balance of \$1,045.61 at December 31, 2022. The net difference is \$1,045.61.

- d) Using the dates and limits defined in the Arizona Citizens Clean Elections Guide, review the receipts reported in the candidate's campaign finance reports to determine the following:
- (i) The candidate accepted contributions only from individuals.

Finding

The contributions received during the reporting period appeared to be only from individuals.

- (ii) None of the contributions received from individuals exceed the early contribution limit.

Finding

Contributions received from individuals during the reporting period did not exceed the \$180 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contributions received during the reporting period did not exceed the \$27,675 limit for a Corporation Commission candidate.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$1,580 limit for a Corporation Commission candidate.

- e) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) contributions reported in the candidate's campaign finance report (not including the \$5 qualifying contributions) and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$100, which reflects the contributor's address, occupation and employer.

Finding

There were no contributions reported during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- f) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

Two of the five expenditures tested were joint expenditures and the amounts listed in the Candidate's Campaign finance report represented the Candidate's proportionate share of the total cost.

- g) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,580.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, for both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) candidate's petty cash fund expenditures and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$180 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- h) Determine if the candidate/campaign incurred any debt. If so, report all debt.

Finding

The Candidate did not report any debt on the Campaign Finance Reports.

- i) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We reported our findings to the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Sandra Kennedy
Participating Candidate for
Corporation Commissioner
General Election 2022**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Sandra Kennedy's (the Candidate)'s Campaign finance reports between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and associated findings are presented on the subsequent pages.

We were engaged by the Commission to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Sandra Kennedy. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Commission and the Candidate and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

February 16, 2023

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Contractor will obtain a copy of the candidate's campaign finance report for the reporting period.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022.

- b). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Contractor will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements one month prior to the election date (beginning on the first of the month), the month including the election day, and one month after the election day (ending on the last of the month) in the reporting period and perform the following:
- Select five (5) samples of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports. There were no deposits in the reporting period to test.

- Perform a proof of receipts and disbursements for the reporting period, which is defined as reporting the ending balances of the December 2022 bank statement and the Post-General Election (Q4) campaign finance report.

Finding

The Candidate's Post-General Election (Q4) Campaign finance report listed a balance of \$0.00 at December 31, 2022. The Candidate's Campaign bank account statement listed a balance of \$0.00 at December 31, 2022.

- d) Using the dates and limits defined in the Arizona Citizens Clean Elections Guide, review the receipts reported in the candidate's campaign finance reports to determine the following:
- (i) The candidate accepted contributions only from individuals.

Finding

The contributions received during the reporting period appeared to be only from individuals.

- (ii) None of the contributions received from individuals exceed the early contribution limit.

Finding

Contributions received from individuals during the reporting period did not exceed the \$180 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contributions received during the reporting period did not exceed the \$27,675 limit for a Corporation Commission candidate.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$1,580 limit for a Corporation Commission candidate.

- e) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) contributions reported in the candidate's campaign finance report (not including the \$5 qualifying contributions) and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$100, which reflects the contributor's address, occupation and employer.

Finding

There were no contributions reported during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- f) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- g) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,580.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, for both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) candidate's petty cash fund expenditures and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$180 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- h) Determine if the candidate/campaign incurred any debt. If so, report all debt.

Finding

The Candidate did not report any debt on the Campaign Finance Reports.

- i) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We reported our findings to the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Lauren Kuby
Participating Candidate for
Corporation Commissioner
General Election 2022**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Lauren Kuby's (the Candidate)'s Campaign finance reports between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and associated findings are presented on the subsequent pages.

We were engaged by the Commission to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Lauren Kuby. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Commission and the Candidate and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

February 16, 2023

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Contractor will obtain a copy of the candidate's campaign finance report for the reporting period.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022.

- b). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Contractor will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements one month prior to the election date (beginning on the first of the month), the month including the election day, and one month after the election day (ending on the last of the month) in the reporting period and perform the following:
- Select five (5) samples of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports. There were no deposits in the reporting period to test.

- Perform a proof of receipts and disbursements for the reporting period, which is defined as reporting the ending balances of the December 2022 bank statement and the Post-General Election (Q4) campaign finance report.

Finding

The Candidate's Post-General Election (Q4) Campaign finance report listed a balance of \$0.00 at December 31, 2022. The Candidate's Campaign bank account statement listed a balance of \$0.00 at December 31, 2022.

- d) Using the dates and limits defined in the Arizona Citizens Clean Elections Guide, review the receipts reported in the candidate's campaign finance reports to determine the following:
- (i) The candidate accepted contributions only from individuals.

Finding

The contributions received during the reporting period appeared to be only from individuals.

- (ii) None of the contributions received from individuals exceed the early contribution limit.

Finding

Contributions received from individuals during the reporting period did not exceed the \$180 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contributions received during the reporting period exceeded the \$27,675 limit for a Corporation Commission candidate, as the Candidate's 2022 Qualifying Period Recap Report lists the amount of individual contributions as \$27,855. NOTE: This was previously reported in the Primary Election engagement, and the Candidate is working with the Commission to remedy this situation, at the time of this report.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$1,580 limit for a Corporation Commission candidate.

- e) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) contributions reported in the candidate's campaign finance report (not including the \$5 qualifying contributions) and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$100, which reflects the contributor's address, occupation and employer.

Finding

There were no contributions reported during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- f) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- g) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,580.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, for both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) candidate's petty cash fund expenditures and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$180 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- h) Determine if the candidate/campaign incurred any debt. If so, report all debt.

Finding

The Candidate did not report any debt on the Campaign Finance Reports.

- i) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We reported our findings to the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Nick Myers
Participating Candidate for
Corporation Commissioner
General Election 2022**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Nick Myers's (the Candidate)'s Campaign finance reports between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and associated findings are presented on the subsequent pages.

We were engaged by the Commission to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Nick Myers. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Commission and the Candidate and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

February 16, 2023

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Contractor will obtain a copy of the candidate's campaign finance report for the reporting period.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022.

- b). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Contractor will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements one month prior to the election date (beginning on the first of the month), the month including the election day, and one month after the election day (ending on the last of the month) in the reporting period and perform the following:
- Select five (5) samples of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five withdrawals and two deposits (total population) from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports.

- Perform a proof of receipts and disbursements for the reporting period, which is defined as reporting the ending balances of the December 2022 bank statement and the Post-General Election (Q4) campaign finance report.

Finding

The Candidate's Post-General Election (Q4) Campaign finance report listed a balance of \$0.00 at December 31, 2022. The Candidate's Campaign bank account statement listed a balance of \$0.00 at December 31, 2022.

- d) Using the dates and limits defined in the Arizona Citizens Clean Elections Guide, review the receipts reported in the candidate's campaign finance reports to determine the following:
- (i) The candidate accepted contributions only from individuals.

Finding

The contributions received during the reporting period appeared to be only from individuals.

- (ii) None of the contributions received from individuals exceed the early contribution limit.

Finding

Contributions received from individuals during the reporting period did not exceed the \$180 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contributions received during the reporting period did not exceed the \$27,675 limit for a Corporation Commission candidate.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$1,580 limit for a Corporation Commission candidate.

- e) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) contributions reported in the candidate's campaign finance report (not including the \$5 qualifying contributions) and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$100, which reflects the contributor's address, occupation and employer.

Finding

There were no contributions reported during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- f) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

Two of the five expenditures tested were joint expenditures and the amounts listed in the Candidate's Campaign finance report represented the Candidate's proportionate share of the total cost.

- g) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,580.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, for both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) candidate's petty cash fund expenditures and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$180 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- h) Determine if the candidate/campaign incurred any debt. If so, report all debt.

Finding

The Candidate did not report any debt on the Campaign Finance Reports.

- i) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We reported our findings to the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Kathy Hoffman
Participating Candidate for
Superintendent of Public Instruction
General Election 2022**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Kathy Hoffman's (the Candidate)'s Campaign finance reports between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures and associated findings are presented on the subsequent pages.

We were engaged by the Commission to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Kathy Hoffman. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Commission and the Candidate and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

February 16, 2023

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Contractor will obtain a copy of the candidate's campaign finance report for the reporting period.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2022 Pre-General Election report, starting October 1, 2022, through the 2022 Post-General Election (Q4) report, which ended December 31, 2022.

- b). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Contractor will contact the candidate to request the records for an agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements one month prior to the election date (beginning on the first of the month), the month including the election day, and one month after the election day (ending on the last of the month) in the reporting period and perform the following:
- Select five (5) samples of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports. There were no deposits in the reporting period to test.

- Perform a proof of receipts and disbursements for the reporting period, which is defined as reporting the ending balances of the December 2022 bank statement and the Post-General Election (Q4) campaign finance report.

Finding

The Candidate's Post-General Election (Q4) Campaign finance report listed a balance of \$0.00 at December 31, 2022. The Candidate's Campaign bank account statement listed a balance of \$0.00 at December 31, 2022.

- d) Using the dates and limits defined in the Arizona Citizens Clean Elections Guide, review the receipts reported in the candidate's campaign finance reports to determine the following:
- (i) The candidate accepted contributions only from individuals.

Finding

The contributions received during the reporting period appeared to be only from individuals.

- (ii) None of the contributions received from individuals exceed the early contribution limit.

Finding

Contributions received from individuals during the reporting period did not exceed the \$180 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contributions received during the reporting period did not exceed the \$27,675 limit for a Superintendent of Public Instruction candidate.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$1,580 limit for a Superintendent of Public Instruction candidate.

- e) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) contributions reported in the candidate's campaign finance report (not including the \$5 qualifying contributions) and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$100, which reflects the contributor's address, occupation and employer.

Finding

There were no contributions reported during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- f) For both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- g) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,580.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, for both the primary election and the general election, contractor will judgmentally select a 10% sample size with a minimum of five (5) candidate's petty cash fund expenditures and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$180 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- h) Determine if the candidate/campaign incurred any debt. If so, report all debt.

Finding

The Candidate did not report any debt on the Campaign Finance Reports.

- i) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We reported our findings to the Candidate and the Candidate did not provide responses to our findings.

Examples from Stop Dark Money Campaign

The initial identification of the top three donors focuses on Moms for America (\$300,000), Draylock (\$200,000), and Dads for America (\$170,000). But then tracing is required back to the original sources.

Because Susan Martinez is the original source of 70% of the funds that Moms for America has donated — i.e., \$210,000 — she will be named as a top three donor in Americans for Security’s campaign ads instead of Moms for America. But the reports filed by Americans for Security will disclose that Moms for America acted as an intermediary for Martinez.

Although Dads for America donated \$170,000, it was not the original source of any of those funds, so it will not appear in Americans for Security’s disclaimers. Joan Verdini’s \$30,000 contribution, an original source passed on by Dads for America to Americans for Security, is treated as coming from her, but that amount is not enough to qualify her as a top three donor.

Acme donated its own business income, so its \$130,000 contribution is an original source.

For Draylock, the tracing goes back two steps: Because Crainlock gave Draylock 90% of its funds, Crainlock’s indirect contribution is \$180,000 (90% of \$200,000). But then, because William Blalock gave Crainlock 80% of its funds, Blalock’s share of the

\$200,000 donation is \$144,000 (80% of \$180,000). Thus, Blalock will appear as a top three donor in Americans for Security's campaign ads. (Note that because Blalock used his personal funds when he contributed to Crainlock, no further tracing back is required.) All of the transfers will be disclosed by Draylock to Americans for Security, who will report them in its own filings with the government.

Thus, Americans for Security will include the following disclaimer in its election ads: "Susan Martinez, William Blalock, and Acme are the top three donors who helped pay for this message."



Citizens Clean Elections Commission

Proposition 211 – The Voters Right To Know Act

Part 1

Ballot language

- A “YES” vote shall have the effect of
- [R]equiring additional disclosures and reporting by entities and persons whose campaign media spending and/or in-kind contributions for campaign media spending exceeds \$50,000 in statewide campaigns or \$25,000 in other campaigns,
 - [I]dentifying original donors of contributions of more than \$5,000 in aggregate;
 - [C]reating penalties for violations of the law;
 - [A]llowing the Citizens Clean Elections Commission to adopt rules and enforce the provisions of the law.

Campaign Media Spending - Candidates

Spending monies or accepting in-kind contributions for:

- A public communication that expressly advocates for or against a candidate.
- A public communication that promotes, supports, attacks or opposes a candidate within six months preceding an election involving that candidate.
- A public communication that refers to a clearly identified candidate within ninety days before a primary election until the time of the general election and that is disseminated in the jurisdiction where the candidate's election is taking place.

Campaign Media Spending - Ballot Measure, Recall

- A public communication that promotes, supports, attacks or opposes any state or local initiative or referendum.
- A public communication that promotes, supports, attacks or opposes the recall of a public officer.

Campaign Media Spending - Partisan Election Activity, Production Costs

- An activity or public communication that supports the election or defeat of candidates of an identified political party or the electoral prospects of an identified political party, including partisan voter registration, partisan get-out-the-vote activity or other partisan campaign activity.
- Research, design, production, polling, data analytics, mailing or social media list acquisition or any other activity conducted in preparation for or in conjunction with any of the activities described in items (i) through (vi) of this subdivision.

Campaign Media Spending - Exceptions

- Independent news media.
- Nonpartisan voter registration and turnout activity.
- Traditional book publishing and documentaries.
- Debates between candidates or about initiatives and referendums

Public Communications

- A paid communication to the public:
 - Broadcast, cable, satellite, internet or another digital method.
 - Newspaper, magazine, outdoor advertising facility, mass mailing or another mass distribution,
 - Telephone bank or any other form of general public political advertising or marketing, regardless of medium.
- Does not include communications between an organization and its employees, stockholders or bona fide members.

Filers

- Thresholds: \$50,000 for statewide campaigns, \$25,000 for all other.
 - (Expenditure and contributed thresholds -may- be adjusted for inflation)
- Filer– Covered Person
 - Any person* whose total campaign media spending (and in kind acceptance) is over the thresholds, accounting for all entities established, financed, maintained or controlled by that person.
 - Excludes: Individuals personal money, orgs that spend business income, candidate committees, small PACs.

Reports

- Trigger: Within five days of hitting threshold
- Report – Filer information :
 - Identity of the person who owns/controls “traceable” monies— Monies given (and in kind contribution) to a covered person for which donors have not opted out*
 - Identity of the donor’s entities that must maintain VRKA record and the relationship to the filer
 - Custodian of Records.
 - Identity of at least one person decides how to spend relevant funds.
 - Amount of relevant dollars controlled by filer on state of report.

Reports

- Report – Donor information :
 - Identity of the each donor who contributed/in kinds more than \$5,000, along with date, amount, and source of money (including intermediaries).
 - Identity of any intermediaries who transferred more than \$5,000 to the filer and the state, amount and source.
 - Identity of any person whose constitution were more than half of the filer’s campaign money at the beginning of the cycle.
- Report - Spending
 - Identity of each person who was paid \$10,000 or more during the cycle, date and purpose of the spend including name of candidate or ballot measure.

Reports

- Report – Donor information :
 - Identity of the each donor who contributed/in kinds more than \$5,000, along with date, amount, and source of money (including intermediaries).
 - Identity of any intermediaries who transferred more than \$5,000 to the filer and the state, amount and source.
 - Identity of any person whose constitution were more than half of the filer’s campaign money at the beginning of the cycle.
- Report - Spending
 - Identity of each person who was paid \$10,000 or more during the cycle, date and purpose of the spend including name of candidate or ballot measure.

Donors

- Donors right to be informed
 - Filers must inform donors in writing of their right to opt out **before** using money for campaign media spending.
 - Inform donors that money may be used for campaign spending and their identities may be disclosed.
 - Can be obtained at any time, but at least 21 days notice or written consent depending which is earlier.
- Donors who have given money obtained elsewhere must provide identities of persons who gave more than \$2,500 and the amount upon request of the filer.
- Similar rule for in kind.
- Five year records retention period.
- Commission rules on notice to donors.

Example

Americans for Security, a section 501(c)(4) organization, receives \$1 million in traceable monies, and \$50,000 in non-traceable monies. When it solicits this money, it notifies potential donors that their donations may be used for campaign media spending unless they opt out. The monies come from the following sources:

The source for this and the following slides providing examples is the Stop Dark Money website.

Direct donors to Americans for Security	Donation amount	Type of donor	Source of donors' funds
Moms for America	\$300,000	501(c)(4) corporation	Susan Martinez contributed 70% of Moms for America's monies. Crainlock, an LLC, contributed 90% of Draylock's monies. William Blalock, an individual, gave Crainlock 80% of its monies. (Blalock used personal monies.)
Draylock	\$200,000	LLC	All of its donors, except one, each gave less than \$2,500. One of its donors, Joan Verdini, gave \$30,000.
Dads for America	\$170,000	501(c)(4) corporation	Contribution came from Acme's business profits
Acme, Inc.	\$130,000	For-profit corporation	Monies of donors who each gave less than \$5,000 each
Our Best Days Ahead	\$100,000	Numerous individuals	Personal monies
Maeve Murphy	\$25,000	Foreign national (Ireland)	He opted out of his donation being used for campaign spending.
Louis Garland	\$25,000	American citizen	(excludes donations from foreign national and opt-out individual)
Total contributions designated for campaign spending	\$1,000,000		

Business Income and Personal Donations

- Acme is donating its own business income, so it does not need to maintain transfer records or file any reports with the government. It merely has to tell Americans for Security that the source of its donation is its own business income.
- Similarly, the individual donors (whose collective giving totaled \$100,000) each gave less than \$5,000, so they don't need to provide Americans for Security with any information about the source of their donations.

Tracing Donors

- The money from Moms for America, Draylock, Dads for America, and Our Best Days Ahead all came from other original sources, and these entities are all major donors, i.e., have given over \$5,000 each. These entities don't need to file any reports with the government, but they all need to tell Americans for Security the original sources of their contributions, and any intermediaries who transferred the money before it got to them.

Opting out

- The contribution from Maeve Murphy cannot be designated as traceable monies because she is a foreign national and is therefore prohibited donor.
- The contribution from Louis Garland cannot be designated as traceable monies because he opted out of having his money used for campaign media spending.

As a result, Louis Garland's donation will not be used for campaign media spending in Arizona, and he accordingly will not be identified in Americans for Security's reports required by The Voters' Right to Know Act.

48 HOUR Election Funding Disclosure Report (Dark Money)

Phoenix City Code (PCC), Chapter 12, Article VII, Division 3

Any person, association of persons or entity, other than a registered candidate committee or political action committee, regardless of legal form, that makes an expenditure for the purpose of influencing the result of a local City of Phoenix election totaling \$10,000 or more within 16 days prior to an election must file this form with the City Clerk within 48 hours of making the expenditure (excluding Saturdays/Sundays/legal holidays). This form can be submitted by email, fax or in person to the contact information listed at the bottom of this page. (If an expenditure does not meet this criteria but is still required to be reported pursuant to PCC Ch. 12, Article VII, Division 3, it must be reported on a regular 'Election Funding Disclosure' form instead). Both the 'Campaign Finance Reporting Schedule' (for a list of due dates) and the 'Election Cycle' (for current election cycle dates) can be found online at www.phoenix.gov/elections.

Person, Association of Persons, or Entity Reporting

Name: Worker Power	<input checked="" type="checkbox"/> New Report OR <input type="checkbox"/> Amendment
Address: 1021 S 7th St Ave., Phoenix, AZ 85007	

Expenditure Information

Name (Vendor/Payee): UNITE HERE Local 11	Expenditure Amount: 4402.81
Address (Vendor/Payee): 777 S Figueroa St, Ste 4050, Los Angeles, CA 90017	
Name of Candidate/Ballot Measure: Office Sought (Candidate Only): Carlos Garcia City Council	<input checked="" type="checkbox"/> Support or <input type="checkbox"/> Oppose
Communication Medium: Canvassing	Date of Expenditure: 3/13/2023
Description of Purchase: Field Canvassing Expenses (Estimates)	

Original Source #1 Information

Additional original sources on additional pages attached

Name: AFSCME	Date Received: 02/13/2023
Address: 1625 L Street NW Washington, DC 20036	
Employer: N/A	
Amount: \$25000.00	
<input type="checkbox"/> Unknown - Noting that at least one (1) written request was sent to contributor as required, to obtain the information.	

Intermediary Transfer Information Related to Original Source #1 (if any)

Additional intermediary sources on page 2

Name:	Date of Transfer:
Address:	
Employer:	
Amount:	
A written transfer record was provided by intermediary as required to be able to make the expenditure. <input type="checkbox"/> Yes <input type="checkbox"/> No	

I CERTIFY, UNDER PENALTY OF PERJURY, THAT I HAVE EXAMINED THE CONTENTS OF THIS REPORT AND TO THE BEST OF

Anti-Structuring

A person:

- May not structure or assist in structuring,
- Attempt or assist in an attempt to structure
- Any solicitation, contribution, donation, expenditure, disbursement or other transaction
- To evade the reporting requirements of this chapter or any rule adopted pursuant to this chapter.

Questions?





Voters' Right to Know Act
Presentation by CLC Action
December 15, 2022

- I. Overview of Voters' Right to Know Act
 - A. The Act restores campaign finance disclosure to its original intent and purpose, as understood by the U.S. Supreme Court.
 1. Provides voters information so they can evaluate the messages they hear and the sources of money supporting candidates.
 2. Helps prevent corruption by shining light on large contributions.
 3. Enhances enforcement of campaign finance laws.
 - B. The Act does not limit any expenditures or contributions.
 - C. The Act focuses on large contributions that pass through intermediaries.
 - D. The Act is narrowly tailored to prevent circumvention of disclosure requirements.
- II. Basic structure
 - A. "Covered persons" who spend more than \$50,000 on statewide campaigns or \$25,000 on other campaigns in one election cycle must report the true source of "original monies" used for "campaign media spending."
 - B. "Campaign media spending" includes public communications that expressly advocate for candidates, "promote" or "attack" candidates within six months of election, "refer to a clearly identified candidate" beginning ninety days before a primary election, promote or attack a ballot measure, or support candidates of a particular political party — as well as research or production costs for any of these activities.
 - C. Persons who spend only their own money on campaign ads have no additional obligations under the Act.
 - D. Persons who contribute only their own money to covered persons have no obligations under the Act (other than informing covered persons of this fact).
 - E. The first \$5,000 received annually by an organization or union in membership or union dues are considered "business income" and attributed to the organization or union.
- III. Donor notice and opt out
 - A. Donors receive notice from covered persons that their donations may be used for campaign media spending in Arizona, and they can opt out of having their funds so spent.

- 
- B. Covered persons can provide this notice before or after the donations are received.
 - C. Donors who contribute more than \$5,000 to a covered person, and who do not opt out, must inform that person of the sources of more than \$2,500 in original monies being transferred to the covered person, as well as any intermediaries who previously transferred the funds.
 - D. Donors do not have to provide the original sources of all original monies in their possession, but instead need only inform the covered person of the original sources of the specific funds being contributed.
- IV. Clean Elections Commission
- A. The Act is specific about some of the Commission’s powers and responsibilities and general about many others.
 - B. The Commission’s authority includes the power to: adopt and enforce rules; issue and enforce civil subpoenas; initiate enforcement actions; conduct fact-finding hearings and investigations; impose civil penalties for noncompliance; seek legal and equitable relief in court; establish recordkeeping requirements.
 - C. The Act also includes specific powers for the Commission:
 1. The Commission must establish top three original source donor disclaimer requirements for public communications by covered persons. The “top three donors” are those who directly or indirectly made the three largest contributions of “original monies” during an election cycle to the covered person.
 2. The Commission has standing to defend the Act on behalf of the state in the case of legal action and the exclusive right to select counsel to represent the Commission.
 3. The Commission may adjust the contribution and expenditure thresholds to reflect inflation.
 4. The Commission may provide an exemption from disclosure for original source donors who can demonstrate that they or their family members face a serious risk of physical harm from disclosing their identity.
 - D. A public complaint process allows any qualified Arizona voter to file a verified complaint with the Commission alleging that a person has failed to comply with the Act. If the Commission dismisses a complaint or takes no substantive enforcement action, the complainant may bring a civil action against the Commission in court.
- 

THE VOTERS' RIGHT TO KNOW ACT - FREQUENTLY ASKED QUESTIONS

WHY DO WE NEED THE VOTERS' RIGHT TO KNOW ACT?

- To ensure that our democracy lives up to the promise of self-government, voters must have the information they need to evaluate candidates for public office and to keep them accountable once they're elected. In fact, the Founders gave us the First Amendment to ensure that "we the people" have the information we need to engage in robust debate when choosing who will represent us, and in holding their feet to the fire once they're in office.
- But when wealthy special interests outspend everyone else to elect the candidates of their choice and hide what they're doing behind shell corporations and innocent-sounding organizations, the promise of the First Amendment is gone. Unfortunately, ever since the Supreme Court opened the door in *Citizens United* to unlimited corporate campaign spending, the use of secret spending or "dark money" to pay for campaign ads has increased dramatically — with less and less critical information flowing to ordinary voters.
- Under existing law, when people or corporations honestly buy campaign ads, they must put their own name on their ads. But when wealthy special interests play games and transfer their money to other entities that in turn buy the ads, they can usually avoid disclosing what they're up to.

- This initiative would put an end to this kind of deception, restore balance to the system, and give the people the information they need to make informed choices. This is a disclosure law. It creates transparency; it doesn't pick winners and losers or limit what people can spend.

WHAT DOES THE VOTERS' RIGHT TO KNOW ACT DO?

- The law would reveal the true source of the big money behind election ads, for both candidate elections and ballot measures. It does this by requiring anyone who spends more than \$50,000 in statewide campaigns (or \$25,000 on other campaigns) on media advertising and related spending to keep track of the large donations it receives and disclose where this money came from — including information about persons who act as conduits between the original source of the money and the spender.
- The focus of The Voters' Right to Know Act is on big money that is trying to hide where it's coming from. If people or businesses just want to spend their own money on election ads, this initiative would neither limit their spending nor make them file any reports.
- But, if big money is passed on from one organization to another before it is spent, the law will trace these transfers back to their original source.
- The law doesn't limit anyone's spending, but it would protect donors who don't want their money spent on election ads from having it spent against their wishes.

WHAT EXTRA INFORMATION WOULD THE LAW PROVIDE THE PUBLIC?

- Major election spenders will be required to share more detailed information about how big money has been transferred to the spender and where that money originally

came from. This information will be reported to the government for disclosure to the public, showing every link in the chain from the original source of the money to the spender who buys the ad.

- When an ad is run by a major election spender, often an outside group or a “super PAC,” it will state the three largest contributors of original money to the spender.

WHAT IS THE BASIC STRUCTURE OF THE VOTERS’ RIGHT TO KNOW ACT?

- Any person or group who spends more than \$50,000 in an election cycle on “campaign media spending” (CMS) in statewide campaigns, or \$25,000 or more for non-statewide campaigns, is a “covered person” subject to certain recordkeeping and reporting requirements. (When covered persons accept in-kind contributions for CMS, the contributions are treated as if the covered persons spent the money themselves.)
- A covered person must create and maintain “transfer records” to keep track of the original source of the money received and how it was transferred to the covered person. A separate bank account is *not* required, but the transfer records must keep track of how big donations are passed along to the spender.
- The goal is to trace election spending back to its original source. So, there’s an important exception to the general rule: Individuals who spend only their own personal monies, and organizations that spend only their own business income, do not need to maintain any transfer records because they’re not acting as a conduit for other spenders.
- Campaign media spending encompasses a broad range of independent spending designed to influence Arizona voters at the ballot box. It includes ads and communications to the public that: expressly advocate for or against the nomination or election of a candidate; promote or oppose a candidate within the six months preceding an election involving that candidate; promote or oppose the qualification or approval of an initiative or referendum; and promote or oppose the election or defeat of candidates of a particular political party,

as well as partisan voter registration or “get out the vote” activity.

- Once a covered person has received contributions from others and spends \$50,000 on CMS in statewide campaigns, or \$25,000 in other races, it must file a report for disclosure to the public and must file similar reports each time it spends another \$25,000 in statewide campaigns, or \$15,000 in non-statewide campaigns. The reports must reveal, among other things, donors who gave more than \$5,000 for election purposes, and people who receive more than \$10,000 from the covered person.
- Monies to be spent on campaign media spending are known as “traceable monies.” Donations can be so designated if they were received in response to a solicitation that provided certain notice to potential donors — i.e., notice that their money might be spent on election ads in Arizona. Covered persons can also notify donors after the donation was received but must either receive a response allowing the donation to be used for CMS or wait twenty-one days after the notice is sent, whichever is sooner, before the donation may be used for CMS. Donors can opt out of having their donations spent on CMS.
- The focus of the initiative is on bringing transparency to money that is transferred from one group or person to another before it is spent on election ads. So, whenever someone donates \$5,000 or more to a covered person, that major donor must disclose to the recipient the sources of original monies for each person who gave more than \$2,500 of the money being donated. And if that money was passed on through intermediaries, the major donor must identify those persons too.

WHAT KIND OF NOTICE DOES A SPENDER NEED TO GIVE ITS DONORS IF IT WANTS TO USE THE MONEY IT RECEIVES FOR CAMPAIGN ADS?

- When a spender raises money to be spent on campaign media spending, it needs to notify its potential donors of three

things:

- that the donations it receives may be used for campaign media spending in Arizona;
- that information about donors may have to be reported to the Secretary of State for disclosure to the public; and
- that donors have the right to opt out of having their money used for campaign media spending in Arizona.

WHAT IF A SPENDER RAISES MONEY WITHOUT HAVING INCLUDED THE REQUIRED NOTICE TO ITS DONORS, BUT THEN LATER DECIDES IT WANTS TO RUN ELECTION ADS WITH THAT MONEY?



- If the notice described above (see question 5) was not provided when the spender initially raised the money, the spender can still use that money for campaign media spending by doing the following:
 - Provide the relevant donors the notice they had not previously received in writing, and also inform the donors that they can opt out of having their used for campaign media spending.
 - The donors then have twenty-one days to inform the spender in writing that they do not want their donations used for campaign spending. If the donors do not opt out, then the spender is free to designate the donations it had previously received as traceable monies and use them for campaign media spending. Donors can provide permission in writing at any time, regardless of the twenty-one day timeline.

WHAT DOES A BUSINESS HAVE TO DO IF IT WANTS TO USE ITS PROFITS TO GIVE TO A GROUP THAT MAKES SOME CAMPAIGN EXPENDITURES?

- If a business wants to donate its own profits to a covered person (often a super PAC or an organization, such as a corporation organized under section 501(c)(4) of the Internal Revenue Code) to help pay for election ads, it does not need to create or maintain transfer records, or to file any reports with the government. The covered person's reports to the government, however, may include information about the business's contribution, and such spenders may also include the business as a top three donor on their disclaimers, depending upon the size of the contribution it has made.

IF AN INDIVIDUAL WANTS TO GIVE \$100,000 OF HIS OR HER OWN MONEY TO A COVERED PERSON, WILL THAT INDIVIDUAL HAVE TO CREATE TRANSFER RECORDS AND FILE REPORTS?

- If an individual uses his or her own personal monies (e.g., income from salary or investments) when making the contribution, then that person will be treated the same way as a corporation that uses only its own business income to make contributions. (See previous Q & A.) In other words, that person need not file any reports or create transfer records.

HOW DO THE VOTERS' RIGHT TO KNOW ACT'S TRACING REQUIREMENTS ACTUALLY WORK?

- Here's an example: Americans for Security, a section 501(c)(4) organization, receives \$1 million in traceable monies, and \$50,000 in non-traceable monies. When it solicits this money, it notifies potential donors that their donations may be used for campaign media spending unless they opt out. The monies come from the following sources:

Direct donors to Americans for Security	Donation amount	Type of donor	Source of donors' funds
Moms for America	\$300,000	501(c)(4) corporation	Susan Martinez contributed 70% of Moms for America's monies.
Draylock	\$200,000	LLC	Crainlock, an LLC, contributed 90% of Draylock's monies. William Blalock, an individual, gave Crainlock 80% of its monies. (Blalock used personal monies.)
Dads for America	\$170,000	501(c)(4) corporation	All of its donors, except one, each gave less than \$2,500. One of its donors, Joan Verdini, gave \$30,000.
Acme, Inc.	\$130,000	For-profit corporation	Contribution came from Acme's business profits
Our Best Days Ahead	\$100,000	Numerous individuals	Monies of donors who each gave less than \$5,000 each
Maeve Murphy	\$25,000	Foreign national (Ireland)	Personal monies
Louis Garland	\$25,000	American citizen	He opted out of his donation being used for campaign spending.
Total contributions designated for campaign spending	\$1,000,000		(excludes donations from foreign national and opt-out individual)

- Acme is donating its own business income, so it does not need to maintain transfer records or file any reports with the government. It merely has to tell Americans for Security that the source of its donation is its own business income.

- Similarly, the individual donors (whose collective giving totaled \$100,000) each gave less than \$5,000, so they don't need to provide Americans for Security with any information about the source of their donations.
- The money from Moms for America, Draylock, Dads for America, and Our Best Days Ahead all came from other original sources, and these entities are all major donors, i.e., have given over \$5,000 each. These entities don't need to file any reports with the government, but they all need to tell Americans for Security the original sources of their contributions, and any intermediaries who transferred the money before it got to them.
- The contribution from Maeve Murphy cannot be designated as traceable monies because she is a foreign national and is therefore prohibited under federal law from making a donation in connection with a federal, state, or local election.
- The contribution from Louis Garland cannot be designated as traceable monies because he opted out of having his money used for campaign media spending. As a result, Louis Garland's donation will not be used for campaign media spending in Arizona, and he accordingly will not be identified in Americans for Security's reports required by The Voters' Right to Know Act.

BESIDES THE TRACING REQUIREMENTS, WHAT KIND OF GENERAL REPORTING IS REQUIRED?

- After Americans for Security first spends \$50,000 on campaign media spending about a statewide campaign (or \$25,000 about another campaign) in Arizona during this election cycle, it must file a disclosure report within five days that states the following:
 - General information about who controls Americans for Security's traceable monies and transfer records, and the total amount of its traceable monies.
 - The total amount of traceable monies owned or controlled by Americans for Security on the date the report is made.

- Each donor of original monies who contributed, directly or indirectly, more than \$5,000 in traceable monies, along with the date and amount of their contributions during the election cycle.
- The identity of each person who acted as an intermediary by passing on original monies of more than \$5,000 and the dates and amounts transferred.
- Each person who received \$10,000 or more from Americans for Security during the election cycle and the purpose of the disbursement, including each candidate or ballot proposition that was supported, opposed, or referenced.
- The identity of any person whose total contribution of traceable monies made up more than half of the traceable monies possessed by Americans for Security at the start of the election cycle.
- Once Americans for Security has filed its initial report, it must file subsequent reports with similar information within three days after each time it disburses another \$25,000 or more on campaign media spending in statewide campaigns, or \$15,000 or more in non-statewide campaigns.

HOW ARE PACS AND POLITICAL PARTIES TREATED UNDER THE VOTERS' RIGHT TO KNOW ACT?

- If a PAC or political party does not receive more than \$20,000 from any one person during an election cycle, then it is not considered a “covered person” and will have no additional reporting requirements under The Voters’ Right to Know Act. If these entities do not abide by this limit, then they will be covered persons who must create transfer records and report the original sources of their large contributions.
- However, because PACs and political parties are already subject to regular reporting requirements under Arizona law, The Voters’ Right to Know Act allows them to include the additional disclosure information in the regular reports they already routinely file. But if a PAC or political party spends monies or accepts in-kind contributions within 20 days of an

election that would otherwise require a report under The Voters' Right to Know Act, it must file that report within three days.

WHAT IF PEOPLE TRY TO FIND WAYS AROUND THESE NEW DISCLOSURE RULES?

- The Voters' Right to Know Act includes a catch-all provision prohibiting “structured transactions” — similar to what currently exists in some of our banking laws. The initiative will make it unlawful to try to evade the initiative’s reporting requirements by structuring, or attempting to structure, any solicitation, contribution, expenditure, disbursement, or other transaction to avoid the initiative’s requirements.

CAN A BIG DONOR HIDE ITS ROLE BY SPREADING ITS MONEY AROUND THROUGH NUMEROUS INTERMEDIARIES?

- No. Any deliberate attempt to structure transactions to avoid the disclosure rules would itself be a violation under the catch-all provision described above.
- In any event, the disclosure rules are designed to prevent that kind of evasion. Here is an example:
 - Suppose that Sprite Industries creates ten limited liability corporations and gives them each \$100,000 from its corporate profits. In turn, these LLCs pass on the money to three different 501(c)(4) organizations, who then pass on the money to Freedom Bounty, another 501(c)(4) organization. Freedom Bounty then buys election ads with the \$1,000,000 that came indirectly from Sprite Industries. Under the disclosure rules, the three intermediary 501(c)(4) organizations will be major donors to Freedom Bounty, and they will therefore have to reveal that the monies they

are passing on came from Sprite Industries via the ten LLCs. In turn, Freedom Bounty will have to report Sprite Industries as the original source of the \$1,000,000 as well as the intermediaries who passed along the monies. Assuming that \$1,000,000 makes Sprite Industries one of Freedom Bounty's top three donors, it will be included on Freedom Bounty's disclaimers when it runs election ads.

WHERE DID THE “PROMOTES, SUPPORTS, ATTACKS, OR OPPOSES” STANDARD COME FROM? IS IT CONSTITUTIONALLY DEFENSIBLE?

- Congress included this standard in the Bipartisan Campaign Reform Act of 2002 (BCRA, also known as the “McCain-Feingold” amendments to the Federal Election Campaign Act) as one type of “Federal election activity” subject to the ban on “soft money” applicable to the electioneering activities of political parties at all levels of government. The Supreme Court upheld this standard as having a plain meaning that can be reasonably applied and understood, and similar standards in state laws have been upheld by federal courts across the country, including the 9th Circuit in *Yamada v. Snipes* in 2015. [1] The adoption of this standard will ensure that political spenders cannot avoid disclosure simply by refraining from using particular “magic words” or their equivalent in their political advertisements.

WHY ARE MEMBERSHIP AND UNION DUES CAPPED AT \$5,000 ANNUALLY IN ORDER TO BE TREATED AS A TYPE OF BUSINESS INCOME RATHER THAN EITHER (A)

EXCLUDED ENTIRELY FROM THAT DEFINITION OR (B) INCLUDED WITHIN IT REGARDLESS OF THEIR SIZE?

- The tracing back of monies to businesses or individuals who paid legitimate membership dues does not provide voters the most useful information in identifying the source of the message being funded. In those instances, identifying the membership organization or union as the true source of the monies will provide the most useful information to voters. But allowing organizations to count very high amounts of money received as membership dues without any cap invites evasion of the trace-back disclosure system: Without a cap, dark money groups or membership organizations catering to wealthy special interests could try to relabel the large contributions they receive from wealthy special interests as “membership dues” and continue their political operations without disclosing the true source of their funding. The \$5,000 cap is therefore necessary to prevent evasion of disclosure requirements.

WHY DOES THE VOTERS’ RIGHT TO KNOW ACT SPECIFICALLY COVER IN-KIND CONTRIBUTIONS THAT ENABLE CAMPAIGN MEDIA SPENDING?

- The goal of this initiative is to ensure the original sources of big money spent to influence elections are disclosed, regardless of the schemes used to try to evade disclosure. Requiring the disclosure of the original sources of monies used to provide in-kind contributions that enable campaign media spending addresses one potential evasion tactic.
 - Let’s say an environmentalist billionaire pays \$1 million to a consulting firm to support environment-friendly laws and candidates. While some of that money will be paid to the consulting firm as fees for its services, the remainder will be used by the consulting firm to support the billionaire’s

goals. So if the consulting firm spends \$100,000 of that money on a clean air ballot measure of interest to the billionaire, that original source should be disclosed. But the firm might try to evade the transparency requirement by contributing the money to the political committee supporting the measure rather than independently purchasing ads supporting the ballot measure. As part of this scheme, the consulting firm would coordinate with the political committee to create the ads in favor of the ballot measure and would then directly pay the bills for \$100,000 of the production and broadcasting costs incurred by the political committee for the ads.

- In this scenario, the political committee running the ads is the “covered person” that will need to file reports identifying the original sources and intermediaries of monies received. But because the consulting firm did not transfer any *money* to the political committee, the political committee may contend that the in-kind contributions from the consulting firm are not “monies” given to the political committee and, therefore, not “traceable monies” for which the original sources must be identified. By specifying that “in-kind contributions that enable campaign media spending” are “traceable monies” and that the monies used to pay for such in-kind contributions are subject to the same original source reporting requirements as money transferred to a covered person, the initiative ensures the political committee in this example will be required to report the billionaire as the original source of the \$100,000 spent on the ballot measure. To enable this reporting, the consulting firm will be required to inform the political committee that the billionaire is the donor of the original monies.
- Note that, for the purposes of the notice and opt-out provisions, the initiative treats these in-kind contributions somewhat differently from monetary contributions. Because anyone who makes an in-kind contribution to enable campaign media spending knows exactly how the money will be used, the covered person who accepts the in-kind contribution does not have to put the donor on notice of how the money will be spent, and the donor can’t opt out of having the contribution traced back and reported. Also, the donor making the in-kind contribution must inform the covered person of the original sources of monies used to make the contribution at the time the in-kind contribution is made.

HOW DOES THE VOTERS' RIGHT TO KNOW ACT INTERACT WITH THE CITIZENS CLEAN ELECTIONS COMMISSION AND LOCAL GOVERNMENTS?

- While campaign media spending reports are submitted to the Arizona Secretary of State, the non-partisan Citizens Clean Elections Commission will be responsible for implementing and enforcing The Voters' Right to Know Act. This includes the authority to adopt administrative rules, conduct fact-finding hearings and investigations, initiate enforcement actions, and impose civil penalties or seek relief in court, among other powers.
- **The Voters' Right to Know Act** also directs the Commission to develop and adopt rules for on-ad disclaimers for political ads run by covered persons. These disclaimers must identify the top three sources of original monies in the covered person's traceable monies, so that Arizona voters can understand who is funding efforts to influence their ballots.
- **The Voters' Right to Know Act** creates a complaint process where any Arizona voter can file a verified complaint with the Commission against a person who fails to comply with the Voters' Right to Know Act or related regulations. If the Commission fails to take substantive enforcement action within ninety days or dismisses the complaint, the complaining voter has the ability to bring a civil action against the Commission in Arizona courts.

