



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, June 22, 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 June 22, 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/87847667502>

Meeting ID: 878 4766 7502

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 April 27, 2023.
- III. Discussion and Possible Action on Executive Director's Report, Enforcement and Regulatory Updates and Legislative Update.
- IV. Discussion and Possible Action on Debates Work Group Recommendations.
- V. Discussion and Possible Action regarding Opening a Public Comment Period on Proposed Rules related to the Voter's Right to Know Act, Proposition 211.
 - A. R2-20-801- Definitions and rules of construction.
 - B. R2-20-802- Time.
 - C. R2-20-803- Opt-out notices under A.R.S. § 16-972.
 - D. R2-20-804- Exemptions from disclosure under A.R.S. § 16-973.
 - E. R2-20-805- Disclaimers on public communications under A.R.S. § 16-974.
 - F. R2-20-806- Communication with Commission, staff and others before the Commission.
 - G. R2-20-807- Recordkeeping required under Proposition 211.
 - H. R2-20-808- Advisory Opinions by the Commission under Proposition 211.

Please note: The Commission may discuss other aspects of the Act, Chapter 6.1 of Arizona Revised Statutes Title 16, including other topics on which rulemaking should be considered. The Commission will not act to open a public comment period on rule language that has not been available for public view and listed on this agenda. All language for proposed rules is available from the Commission at ccec@azcleaselections.gov.

- VI. Discussion and Possible Action on the following 2022 General Election Candidate Audits.
 - A. Selina Bliss, State Representative, LD 1
 - B. Neil Sinclair, State Representative, LD 1
 - C. Leezah Sun, State Representative, LD 19
 - D. Cesar Aguilar, State Representative, LD 26
 - E. Mike Fogel, State Senate, LD 1
 - F. Cathy Ransom, State Senate, LD 1
 - G. Mike Nickerson, State Senate, LD 11
 - H. Juan Mendez, State Senate, LD 26

VII. Public Comment.

This is the time for consideration of comments and suggestions from the public. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date or responding to criticism

VIII. Adjournment.

This agenda is subject to change up to 24 hours prior to the meeting. A copy of the agenda background material provided to the Commission (with the exception of material relating to possible executive sessions) is available for public inspection at the Commission's office, 1110 W Washington St, #250, Phoenix, AZ 85007.

Dated this 20th day of June, 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 PUBLIC MEETING

Phoenix, Arizona
April 27, 2023
9:31 a.m.

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

**CERTIFIED
TRANSCRIPT**

Page 2	Page 3
<p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 9:31 a.m. on April 27, 3 2023, at the State of Arizona, Clean Elections 4 Commission, 1110 West Washington, Conference Room, 5 Phoenix, Arizona, in the presence of the following 6 Board Members: 7 Mr. Damien Meyer, Chairman (Videoconference) 8 Mr. Mark Kimble 9 Ms. Amy Chan (Videoconference) 10 Mr. Galen Paton 11 Mr. Steve Titla (Videoconference) 12 13 OTHERS PRESENT: 14 Thomas M. Collins, Executive Director 15 Paula Thomas, Executive Officer 16 Mike Becker, Policy Director 17 Gina Roberts, Voter Education Director 18 (Videoconference) 19 Alec Shaffer, Web Content Manager 20 Avery Xola, Voter Education Manager 21 (Videoconference) 22 Kara Karlson, Assistant Attorney General 23 (Videoconference) 24 James Smith, Osborn Maledon 25 (Videoconference) Cathy Herring, Staff Jessica Painter, Staff Rivko Knox, Member of the Public (Videoconference)</p>	<p>1 P R O C E E D I N G 2 CHAIRMAN MEYER: Good morning. Agenda Item 3 No. I is call to order. It's 9:30 a.m. on April 27th 4 of 2023. I'm -- my name is Damien Meyer. I'm the 5 Chairperson. I'm calling this meeting of the Citizens 6 Clean Elections Commission to order. 7 I'd like to ask audience members to please 8 keep their microphones on mute if you're appearing by 9 Zoom. 10 And with that, we will take attendance. 11 Commissioners, please identify yourselves for the 12 record, and let's start with those that are there in 13 person. 14 COMMISSIONER PATON: I'm Galen Paton. 15 COMMISSIONER KIMBLE: And I'm Mark Kimble. 16 CHAIRMAN MEYER: And then anyone appearing by 17 Zoom, please identify yourself. 18 COMMISSIONER CHAN: Hi, Chairman Meyer. 19 COMMISSIONER TITLA: Yeah. 20 COMMISSIONER CHAN: Oh, sorry, Mr. Titla. Go 21 ahead. 22 COMMISSIONER TITLA: No, go -- no, go ahead. 23 Go ahead. 24 COMMISSIONER CHAN: Thank you. Amy Chan 25 appearing virtually. And I apologize, I'm not sharing</p>
Page 4	Page 5
<p>1 my camera today because I'm really feeling under the 2 weather, so -- but I'm here. 3 CHAIRMAN MEYER: Well, I'm sorry to hear 4 that. I hope you feel better soon. 5 And I think, Commissioner Titla, you're here 6 as well? 7 COMMISSIONER TITLA: Yes, sir. Steve Titla 8 here. Thank you. 9 CHAIRMAN MEYER: All right. Thank you. All 10 right. So we have all five Commissioners in 11 attendance. 12 And with that, we'll move on to Agenda Item 13 No. II, which is discussion and possible action on 14 meeting minutes from March 23 of 2023. Any discussion? 15 And if not, can I have a motion to approve the minutes? 16 COMMISSIONER KIMBLE: Mr. Chairman. 17 CHAIRMAN MEYER: Commissioner Kimble. 18 COMMISSIONER KIMBLE: I move we approve the 19 minutes for the March 23rd, 2023 meeting. 20 CHAIRMAN MEYER: Is there a second? 21 COMMISSIONER PATON: I'll second it. Galen 22 Paton. 23 CHAIRMAN MEYER: All right. We have a motion 24 and a second to approve the meeting minutes from 25 March 23, 2023. We will go ahead and vote. We'll call</p>	<p>1 the roll. And I'll start with Commissioner Chan, how 2 do you vote? 3 COMMISSIONER CHAN: I vote aye. 4 CHAIRMAN MEYER: Commissioner Titla. 5 COMMISSIONER TITLA: I vote aye. Thank you. 6 CHAIRMAN MEYER: Commissioner Paton. 7 COMMISSIONER PATON: Aye. 8 CHAIRMAN MEYER: And Commissioner Kimble. 9 COMMISSIONER KIMBLE: Aye. 10 CHAIRMAN MEYER: All right. I'm going to 11 abstain, because I wasn't there, but it passes 4 to 0 12 with one abstention. 13 Moving on to Agenda Item No. III, which is to 14 discuss and possible action on Executive Director's 15 Report. Tom, take it away. 16 MR. COLLINS: Thank you, Mr. Chairman, 17 Members. Thank you all for being here with your -- 18 with all of our -- I know everybody has got -- there's 19 a lot of stuff going around, so I'm glad everybody was 20 able to make it. 21 Just wanted to quickly, you know, mention 22 you've received, over the course of the last couple -- 23 you know, over the course of the session, Mike's 24 updates on the legislative activity. I wanted to 25 mention up front, you know, the Legislature, I think,</p>

Page 6	Page 7
<p>1 is going to be on a little bit of a break here now, and</p> <p>2 then they'll come back. Eventually they'll have to get</p> <p>3 together on a budget; that's really the main thing</p> <p>4 left. There's not really very much election</p> <p>5 legislation left out there. So we'll be seeing if they</p> <p>6 resolve the budget here sometime in the next, you know,</p> <p>7 the next month or so.</p> <p>8 The -- we have two -- three -- or, four,</p> <p>9 rather, local elections going on right now, including</p> <p>10 in the city of Tempe and the city of Tucson. These are</p> <p>11 all ballot-by-mail elections. That basically means</p> <p>12 that, you know, there's -- everyone has been -- who is</p> <p>13 eligible to vote has gotten voted -- gotten sent</p> <p>14 a ballot in the mail. And those elections end on</p> <p>15 May 16th.</p> <p>16 I wanted to highlight a couple -- really</p> <p>17 quickly just a couple of things that -- in voter</p> <p>18 education and outreach. Avery did a presentation at</p> <p>19 the -- at the Pastor Center at ASU on how to run for</p> <p>20 public office. I thought that was really good and we</p> <p>21 got some really good feedback and questions from that.</p> <p>22 And also, he had recently met with the city librarian</p> <p>23 in Tempe, and I think that that's a good opportunity to</p> <p>24 flesh out, you know, working with, you know, those</p> <p>25 kinds of public resources.</p>	<p>1 And then I obviously wanted to highlight that</p> <p>2 Gina worked with the -- did a presentation to, you</p> <p>3 know, some 30 visitors from around the world as part of</p> <p>4 the Global Ties Council for International Exchange.</p> <p>5 She was one of several officials with the State and</p> <p>6 County, including a number of high-profile elected</p> <p>7 officials, who met with this delegation, so it's really</p> <p>8 exciting that she was included in that and was able to</p> <p>9 participate in that.</p> <p>10 You know, there's some administrative stuff</p> <p>11 happening. Nothing really -- no big changes since</p> <p>12 then; although, the Governor's Bipartisan Election Task</p> <p>13 Force has started to meet. There's still some ongoing</p> <p>14 legal action, including stuff related to the 2022</p> <p>15 election, that hopefully will get resolved here in the</p> <p>16 next month or so. But, you know, those are really --</p> <p>17 really sort of the principal -- those are really the</p> <p>18 principal -- the principal things that -- that are</p> <p>19 happening right now.</p> <p>20 And we do have -- I just want to note really</p> <p>21 quickly, we will have an oral argument in one of the</p> <p>22 Prop 211 cases on May 12th. So if you're interested in</p> <p>23 attending that or finding out more about that -- this</p> <p>24 is on a case brought by some plaintiffs in State Court</p> <p>25 that principally concerns the State Constitution. So</p>
Page 8	Page 9
<p>1 if you -- you know, if you want to find out more about</p> <p>2 how you might attend or get updated on that, you know,</p> <p>3 please let me know and we'll -- and we'll put that</p> <p>4 together.</p> <p>5 That pretty much completes my report, so</p> <p>6 thank you, Mr. Chairman and Commissioners.</p> <p>7 CHAIRMAN MEYER: Thank you, Tom. Hey, can</p> <p>8 you tell us a little bit more about the Bipartisan</p> <p>9 Election Task Force and, you know, who's that composed</p> <p>10 of and what is its mission, if you will?</p> <p>11 MR. COLLINS: So yes. So the Bipartisan</p> <p>12 Elections Task Force was created by an executive order,</p> <p>13 I want to say, in January. And then sometime in late</p> <p>14 last month, I want to say, maybe -- maybe late</p> <p>15 February, the Governor named the members. The members,</p> <p>16 by virtue of the order, include County Recorders,</p> <p>17 experts in campaign finance, experts in voter outreach,</p> <p>18 members who represents the disability community. And</p> <p>19 so I don't --</p> <p>20 The prior Executive Director's Report has a</p> <p>21 list of the members, but the members range from, you</p> <p>22 know, the Pima County Recorder to a retired Maricopa</p> <p>23 County Recorder, former Maricopa County Recorder Helen</p> <p>24 Purcell, to the Secretary of State Adrian Fontes, a</p> <p>25 rural recorder, Renaldo Fowler, who many of us know is</p>	<p>1 on our debate work group and a long-time partner with</p> <p>2 voter education here, represents the disability</p> <p>3 community on it. There are a couple of Legislators,</p> <p>4 Senator Ken Bennett, who's a former Secretary of State,</p> <p>5 is on it, as well as a woman -- new Representative</p> <p>6 named Laura Terech.</p> <p>7 So it's -- the goal is to have it report in</p> <p>8 November. The executive order is fairly broad to look</p> <p>9 for ways to sort of improve the election system in</p> <p>10 general. The -- you know, we probably won't get a firm</p> <p>11 sense of what their focus is until the next meeting or</p> <p>12 the meeting after that, whenever that is. The first</p> <p>13 meeting was not open to the public, so we'll see if</p> <p>14 they decide to open those up or not. They're not</p> <p>15 required to. The Governor is -- as a single elected</p> <p>16 official is not necessarily obligated to, you know,</p> <p>17 have to follow the open meeting law, in terms of the</p> <p>18 way we do, because it's not a multi-member board. It's</p> <p>19 the Governor's Office.</p> <p>20 So, you know, so -- but they have a broad</p> <p>21 mandate, basically, to find ways to improve elections,</p> <p>22 improve participation in elections, and -- and then</p> <p>23 they're supposed to report in November. You know, so</p> <p>24 we're -- you know, we -- although, obviously, we're not</p> <p>25 direct participants, but we're members of the executive</p>

Page 10	Page 11
<p>1 branch, so, you know, obviously we'll pay attention to</p> <p>2 it. And certainly if anybody from the Task Force ends</p> <p>3 up having questions for us, we're ready to provide, you</p> <p>4 know, answers to them. I'm not sure that they will. I</p> <p>5 really think the upshot is more on focusing on</p> <p>6 improvements to the election process itself.</p> <p>7 So that's pretty much -- I mean, that would</p> <p>8 be my best summary, I think.</p> <p>9 CHAIRMAN MEYER: Thank you, Tom.</p> <p>10 Any other Commissioners have any questions?</p> <p>11 (No response.)</p> <p>12 CHAIRMAN MEYER: Okay. Seeing none or</p> <p>13 hearing none, we'll move on to Agenda Item No. IV,</p> <p>14 which is to discuss and possible action on Debates Work</p> <p>15 Group.</p> <p>16 As you may recall, the Commission authorized</p> <p>17 a Debates Work Group to bring stakeholders together to</p> <p>18 discuss and review our debate program. Commissioner</p> <p>19 Kimble has chaired three meetings of the work group,</p> <p>20 working in conjunction with Gina and other staff. Gina</p> <p>21 is available via Zoom to give us a status report. Any</p> <p>22 questions --</p> <p>23 Or, I guess, Gina, go ahead with your status</p> <p>24 report, and then we'll follow up with any questions.</p> <p>25 MS. ROBERTS: Thank you, Mr. Chairman,</p>	<p>1 Commissioners. Good morning. Yes, I have just a brief</p> <p>2 update for you on the progress that the Debates -- the</p> <p>3 Candidate Debates Work Group has made so far.</p> <p>4 So to date, we have had three public</p> <p>5 meetings. They are open to the public and they are</p> <p>6 streamed on our YouTube channel. Basically, the exact</p> <p>7 same process that we have for our Commission meetings.</p> <p>8 And the Work Group has had some really great</p> <p>9 discussions.</p> <p>10 So far the agenda items have included what</p> <p>11 makes a successful debate from the perspective of a</p> <p>12 candidate and a voter. We've discussed the format and</p> <p>13 structure of our debates, including possibly</p> <p>14 restructuring them so that they are conducted by party</p> <p>15 and by chamber. And then we have had discussions on</p> <p>16 best practices for voter education for our debates.</p> <p>17 We've also discussed the rules during the debate, such</p> <p>18 as the rules of engagement for the candidates.</p> <p>19 We are very excited that our next meeting,</p> <p>20 which is May 3rd, we will have a special guest speaker</p> <p>21 who is actually the Executive Director for the</p> <p>22 Presidential Commission on Debates, Janet H. Brown.</p> <p>23 Ms. Brown, she's an American political executive.</p> <p>24 She's a former government official. She's served as</p> <p>25 the Executive Director since the founding, actually, of</p>
Page 12	Page 13
<p>1 the Commission on Presidential Debates in 1987. And</p> <p>2 she's worked at the White House before, the Office of</p> <p>3 Management and Budget, the Department of State. She's</p> <p>4 worked in the United States Senate.</p> <p>5 And so she has quite the wealth of</p> <p>6 information and knowledge when it comes to dealing with</p> <p>7 candidates and to the debate process, and so we are</p> <p>8 very grateful for her time as she's agreed to present</p> <p>9 to our Work Group to talk about some of the successes</p> <p>10 that they have seen over the years in executing</p> <p>11 presidential debates and also some of the challenges.</p> <p>12 So we think that will be a very insightful discussion</p> <p>13 for our Work Group members as they continue to meet and</p> <p>14 discuss best practices for the Clean Elections debate</p> <p>15 process.</p> <p>16 After May 3rd, we have our final meeting,</p> <p>17 and -- at the end of May, and that will wrap up the</p> <p>18 meetings of the Debate Work Group. And so we hope to</p> <p>19 come before the Commission with any recommendations</p> <p>20 that the Debate Work Group will make in the summertime</p> <p>21 after that.</p> <p>22 CHAIRMAN MEYER: Thank you.</p> <p>23 Commissioner Kimble, anything to add, since</p> <p>24 you've been leading the group?</p> <p>25 COMMISSIONER KIMBLE: Well, when we started</p>	<p>1 with this, I was somewhat leery, because it was -- it's</p> <p>2 a very large group. But I've been very impressed with</p> <p>3 a number of the participants who have had some</p> <p>4 excellent suggestions on how to -- how to update the</p> <p>5 debate process, which has essentially been unchanged</p> <p>6 for several decades.</p> <p>7 We have a very interesting group. We've got</p> <p>8 some journalists on there. We've got some political</p> <p>9 people, political advisors. We have some former</p> <p>10 elected officials. So there's a -- various members of</p> <p>11 civic groups. So there's a really good mix of people,</p> <p>12 and I think we'll come up with some -- some very good</p> <p>13 suggestions.</p> <p>14 And I can't stress enough how much Gina and</p> <p>15 Avery have made this work, and they've -- they've</p> <p>16 really done a lot of work in explaining the way our</p> <p>17 current debate system works and then leading</p> <p>18 discussions on where we should -- where we might want</p> <p>19 to consider some changes. So I'm very pleased with how</p> <p>20 it's going so far, Mr. Chairman.</p> <p>21 CHAIRMAN MEYER: Thank you.</p> <p>22 Any other questions from the other</p> <p>23 Commissioners?</p> <p>24 COMMISSIONER PATON: I had a question for</p> <p>25 Gina. This is Commissioner Paton.</p>

Page 14	Page 15
<p>1 So you said something about debates by party</p> <p>2 and by chamber. Can you explain what that really</p> <p>3 means?</p> <p>4 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>5 Paton, Commissioners, yes. So part of the agenda item</p> <p>6 for the Work Group included discussion of the overall</p> <p>7 format and structure of our debates.</p> <p>8 So currently, we host one debate per evening.</p> <p>9 So, for example, on a Wednesday evening at 6:00 p.m.,</p> <p>10 we would hold a debate for Legislative District 1. And</p> <p>11 what that would include is every candidate that's</p> <p>12 eligible to debate, so every candidate whose name is on</p> <p>13 the ballot and who is in a contested election, would</p> <p>14 appear in that one segment, that one debate. So that</p> <p>15 means we would have Senate candidates, we would have</p> <p>16 House candidates, we would have Republicans, we would</p> <p>17 have Democrats. They would all be together and they</p> <p>18 would all be part of that one single debate.</p> <p>19 And so there was discussion on, having that</p> <p>20 particular format, is that truly a debate between the</p> <p>21 true opponents. So does that truly mean that the</p> <p>22 Republican Senate candidate truly gets to debate only</p> <p>23 their Republican Senate opponent in a primary election,</p> <p>24 for an example. So the discussion was how can we</p> <p>25 format or restructure the event to ensure that we truly</p>	<p>1 have that debate between the true candidates.</p> <p>2 And so what the Debate Work Group has -- has</p> <p>3 approved to include in its official recommendation that</p> <p>4 will be coming before the Commission to consider is</p> <p>5 continuing with one event per evening, so, again, it</p> <p>6 would be Wednesday, 6:00 p.m., LD1, but the run of</p> <p>7 show, the format, and how we progress would be, let's</p> <p>8 say, the first 30 minutes of just that -- of just those</p> <p>9 two Republican Senate candidates talking. Then we</p> <p>10 would transition into the next group of opponents and</p> <p>11 then transition into the next group of opponents.</p> <p>12 And with that comes the acknowledgment of we</p> <p>13 would really need to make sure that we have that</p> <p>14 programming and that timing public, publicly available</p> <p>15 so voters understood, again, that run of show, and that</p> <p>16 way they knew when to tune in if they wanted to see two</p> <p>17 particular candidates. But it ultimately came down</p> <p>18 that they felt it would be a better experience for the</p> <p>19 candidates so that they could focus directly on their</p> <p>20 opponent, but also a better experience for the voters</p> <p>21 so that they could truly see the differences between</p> <p>22 the opponents and between the true selections that they</p> <p>23 get to make on their -- on their ballot.</p> <p>24 So ultimately it just comes down to ensuring</p> <p>25 that during our single event, we are structuring it in</p>
Page 16	Page 17
<p>1 a way so that the opponents get to debate one another</p> <p>2 directly, as opposed to having all candidates within</p> <p>3 that particular district talk back and forth.</p> <p>4 COMMISSIONER PATON: So does that mean for a</p> <p>5 shorter period of time the two debate, and then when</p> <p>6 they are done then you go on to the other group or the</p> <p>7 other chamber or whatever?</p> <p>8 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>9 Paton, Commissioners, we would have to -- so the</p> <p>10 ultimate goal, and this includes something that the</p> <p>11 Debate Work Group has also confirmed, is that it would</p> <p>12 always be our goal to ensure that candidates have</p> <p>13 equity when it comes to speaking time and that there's</p> <p>14 near equal speaking time and opportunities for speaking</p> <p>15 time for all candidates.</p> <p>16 So we would have to really focus on the</p> <p>17 programming. So each district would obviously be</p> <p>18 different, depending on who qualifies for the ballot</p> <p>19 and who's eligible to participate in that debate,</p> <p>20 whether or not they have a contested election. So once</p> <p>21 we go through and we know and we confirm who has made</p> <p>22 the ballot and who's eligible to participate in our</p> <p>23 debate, we would have to, as staff, work closely with</p> <p>24 our moderators to make that program, to identify, okay,</p> <p>25 we have X number of candidates who are eligible to</p>	<p>1 participate, and then this is how we're going to split</p> <p>2 up the time to ensure that it's near equal speaking</p> <p>3 time.</p> <p>4 Now, how does that compare to speaking time</p> <p>5 to our current process? I believe it would be near</p> <p>6 equal, because we would still have these same number of</p> <p>7 candidates. And so that itself wouldn't change, it's</p> <p>8 just how we -- how the moderator calls on each</p> <p>9 candidate to interact with each other. So I don't</p> <p>10 think we would see a significant issue where we would</p> <p>11 be shortening speaking time for candidates. It's</p> <p>12 really just going to come down to programming and</p> <p>13 managing that time once we know which candidates are</p> <p>14 eligible to participate.</p> <p>15 COMMISSIONER PATON: Okay. Thank you. That</p> <p>16 kind of clarified things in my mind.</p> <p>17 And I've been to the debates where, you know,</p> <p>18 there's Representatives and then there's a Senator, and</p> <p>19 it seems like it's like a three-ring circus at times.</p> <p>20 So I understand now. Thank you.</p> <p>21 CHAIRMAN MEYER: Thank you, Commissioner</p> <p>22 Paton.</p> <p>23 Any other questions?</p> <p>24 (No response.)</p> <p>25 CHAIRMAN MEYER: Okay. Thank you for that</p>

<p style="text-align: right;">Page 18</p> <p>1 report.</p> <p>2 We'll move on to Agenda Item No. V, which is</p> <p>3 discussion and possible action on Proposition 211, the</p> <p>4 Voters' Right to Know Act, including litigation and</p> <p>5 staff research.</p> <p>6 At the last meeting staff began a series of</p> <p>7 presentations taking a more in-depth look at</p> <p>8 Proposition 211 with an eye toward implementing the</p> <p>9 regulatory agenda that this new Act requires. Today</p> <p>10 we're going to drill down on the mechanics of reporting</p> <p>11 and exemptions from reporting, as well as disclaimers</p> <p>12 on advertising and the new prop -- that the new</p> <p>13 proposition requires.</p> <p>14 Tom, go ahead and take it from here, please.</p> <p>15 MR. COLLINS: Thank you, Mr. Chairman and</p> <p>16 Commissioners.</p> <p>17 So you have in your packet, and then we're</p> <p>18 going to have, I think, it on the screen for those</p> <p>19 watching, a PowerPoint. This is the second sort of</p> <p>20 edition of this same PowerPoint. And as Chairman Meyer</p> <p>21 said, we're going to -- we're going to focus on a</p> <p>22 little bit different -- and we're going to do a recap</p> <p>23 of what we talked about.</p> <p>24 So I guess if we could go to the next slide,</p> <p>25 Page 2. So I thought --</p>	<p style="text-align: right;">Page 19</p> <p>1 CHAIRMAN MEYER: And this is Agenda Item V --</p> <p>2 the attachment for Agenda Item V in the packet?</p> <p>3 MR. COLLINS: Yes, this is. That's correct.</p> <p>4 So I wanted to start again with the ballot</p> <p>5 language, because as we -- as we think through this,</p> <p>6 you know, the ballot language, the yes vote, really is</p> <p>7 sort of a good guide to what we're -- what we're</p> <p>8 talking about, right. You've got this additional</p> <p>9 disclosures over -- for campaign media spending at</p> <p>10 certain levels, you've got to identify these original</p> <p>11 contributions of more than \$5,000, there are civil</p> <p>12 penalties, and then there's this rulemaking process.</p> <p>13 So today we're really going to be on, in</p> <p>14 part -- or, for the most part, although we'll talk</p> <p>15 about a couple other things, that identifying original</p> <p>16 donors of contributions of more than \$5,000 in</p> <p>17 aggregate part. But I wanted to recap, if we could go</p> <p>18 to Slide 3, some of the key provisions we talked about</p> <p>19 last time.</p> <p>20 So -- and this is important to just kind of</p> <p>21 bear in mind. So the -- you know, one of -- the first</p> <p>22 key provision of the new Act is it defines campaign</p> <p>23 media spending. And what campaign media spending</p> <p>24 encompasses is expenditures for candidate elections,</p> <p>25 referendums and initiatives, recalls, partisan campaign</p>
<p style="text-align: right;">Page 20</p> <p>1 activities, and then some related exceptions. And then</p> <p>2 there are --</p> <p>3 COMMISSIONER PATON: Expenses.</p> <p>4 MR. COLLINS: Expenses, right.</p> <p>5 And then there are exceptions for nonpartisan</p> <p>6 voter registration activities, you know, and news</p> <p>7 gathering and books and those kinds of things. So, you</p> <p>8 know, those are -- you know, for traditional campaign</p> <p>9 finance disclosures, you know, those are the kinds of</p> <p>10 things that are -- that are covered. You know, in</p> <p>11 Arizona, prior to 2016, that was pretty much how it</p> <p>12 worked, and then there was an Act that passed that kind</p> <p>13 of narrowed what was going to be required, and then</p> <p>14 this sort of brings this back out in terms of the</p> <p>15 universe of things that we're going to be looking at as</p> <p>16 far as where people are spending money.</p> <p>17 It also defines what a public communication</p> <p>18 is, right. So that means it's setting a definition of</p> <p>19 when you're speaking with the public as opposed to, for</p> <p>20 example, if you're sending a newsletter to your members</p> <p>21 or something like that, so those internal</p> <p>22 communications. And again, that's very consistent</p> <p>23 with, you know, traditional campaign finance rules.</p> <p>24 It sets two different thresholds for filers,</p> <p>25 one at the statewide level, one at every other level.</p>	<p style="text-align: right;">Page 21</p> <p>1 So \$50,000 to the statewide is a trigger for the first</p> <p>2 report for a statewide election under any of those</p> <p>3 categories where you do that much campaign media</p> <p>4 spending, 25,000 if it's a City, basically, or a County</p> <p>5 or something like that. And then the Commission has</p> <p>6 the authority to adjust those for inflation.</p> <p>7 Real quick note, and we'll see this term</p> <p>8 reused throughout this presentation. Persons required</p> <p>9 to file are called covered persons. So as awkward as</p> <p>10 that is to say, that's the parlance you're going to --</p> <p>11 you're going to see. And what that basically means is</p> <p>12 a covered person is a person who's covered by the -- by</p> <p>13 the Act.</p> <p>14 The reports that they file are first required</p> <p>15 within five days of meeting that 50,000 or \$25,000</p> <p>16 threshold, and they include the spending and identity</p> <p>17 of each donor who contributed more than \$5,000, as well</p> <p>18 as intermediaries. Donors have to be informed of their</p> <p>19 right to opt out of their money being used for campaign</p> <p>20 media spending, and the Commission has explicit</p> <p>21 authority to make the rules on what that disclosure --</p> <p>22 what that opt-out language looks like.</p> <p>23 And then -- and I mention this because it</p> <p>24 will be an issue we'll have to deal with in the</p> <p>25 rulemaking -- there's a provision that talks about</p>

Page 22	Page 23
<p>1 preventing structuring transactions to avoid reporting.</p> <p>2 That -- you know, that provision eventually -- we</p> <p>3 talked about that last time and we'll talk about that</p> <p>4 more in the future as part of the rulemaking.</p> <p>5 So that's -- that's really what we covered in</p> <p>6 March. I don't know if -- I guess I may as well pause</p> <p>7 here just in case there's anybody who wants to follow</p> <p>8 up on any of those things specifically before we kind</p> <p>9 of move into the meat of this presentation.</p> <p>10 COMMISSIONER PATON: So this starts -- excuse</p> <p>11 me, Mr. Chairman.</p> <p>12 MR. COLLINS: Yeah.</p> <p>13 CHAIRMAN MEYER: Go ahead.</p> <p>14 COMMISSIONER PATON: I have a question. So</p> <p>15 this starts at what election?</p> <p>16 MR. COLLINS: So Mr. Chairman, Commissioner</p> <p>17 Paton, so the law is in effect now. So especially for</p> <p>18 opt-out purposes, if folks are raising money right now</p> <p>19 and they want to use that money for campaign media</p> <p>20 spending, you know, they ought to be providing that</p> <p>21 opt-out. And the language of the statute provides the</p> <p>22 guidance for what the opt-out is; it also says the</p> <p>23 Commission can make additional rules. But there is a</p> <p>24 basic outline of what that information is that is --</p> <p>25 that is clear and people have -- and we know for a fact</p>	<p>1 that people have, in fact, provided that to voters --</p> <p>2 or, to donors.</p> <p>3 As far as reporting goes, the reality is that</p> <p>4 we have two different components that will -- so the</p> <p>5 Act is in place, but, you know, the enforcement aspect</p> <p>6 of it really hinges upon the reports themselves, right,</p> <p>7 so -- and there's two components to that.</p> <p>8 The first component, and probably the driver,</p> <p>9 in some ways, of this, is going to be the technological</p> <p>10 aspect of it. So this Act, like the prior campaign</p> <p>11 finance acts in this state, requires the filing to be</p> <p>12 with the Secretary of State's Office and requires that</p> <p>13 the Secretary of State's Office essentially develop the</p> <p>14 software to provide for the filing. That's something</p> <p>15 we've been in some discussions with the Secretary of</p> <p>16 State's Office on, and we're hopeful that we'll -- that</p> <p>17 we will get there before January, is what we have told</p> <p>18 the courts and what we've told the stakeholders.</p> <p>19 COMMISSIONER PATON: So do they have the</p> <p>20 technology to do that, Tom?</p> <p>21 MR. COLLINS: Mr. Chairman, Commissioner</p> <p>22 Paton, you know, the issue is -- I mean, there's a</p> <p>23 couple of different issues. One, the technology itself</p> <p>24 is not sort of revolutionary. The real issue is just</p> <p>25 the -- is the grunt work of coding in the -- coding in</p>
Page 24	Page 25
<p>1 the information and then, you know, running that</p> <p>2 through -- through the tests. I think that, you</p> <p>3 know -- I think that one decision that, you know, the</p> <p>4 Secretary's Office will probably have to make is what</p> <p>5 kind of vendor they want to work on this, and then</p> <p>6 there's a separate decision about, you know, how they</p> <p>7 want this to integrate with the current filing system.</p> <p>8 In other words, you know, I think that every</p> <p>9 Secretary for the last decade has said, we would like</p> <p>10 to make improvements to the underlying filing system</p> <p>11 that has been in place since -- basically since the</p> <p>12 Clean Elections Act was originally passed, and every</p> <p>13 Secretary has made incremental improvements to that at</p> <p>14 varying -- varying increments.</p> <p>15 So I think there's -- so I think there's a</p> <p>16 couple of decision points that they'll -- that they'll</p> <p>17 face in, you know, one, identifying who they want to do</p> <p>18 the work, and then two, how they want to scope it in</p> <p>19 terms of ensuring that the -- that the folks who are,</p> <p>20 you know -- for example, and we'll get into where the</p> <p>21 traditional filers and the filing requirements of this</p> <p>22 Act overlap in this presentation, but, you know, there</p> <p>23 is a -- there is a conceivable way where you could</p> <p>24 build a system that just does Prop 211, right. You</p> <p>25 could just say, if you're a Prop 211 -- if you have</p>	<p>1 Prop 211 filings to make, you make them here and this</p> <p>2 is how you do them. That's what --</p> <p>3 For example, the City of Phoenix has an</p> <p>4 ordinance that's very similar to Prop 211, and we'll</p> <p>5 see later in this a little bit what their form looks</p> <p>6 like that you fill out online. That's what they have.</p> <p>7 So if you go to the City of Phoenix's campaign finance</p> <p>8 website, if you want to see candidate filings you go to</p> <p>9 the thing that says candidate filings. And if you want</p> <p>10 to see, they call it their dark money ordinance or</p> <p>11 something like that, and it says dark money ordinance</p> <p>12 filings and you go there.</p> <p>13 So there's different models they could use.</p> <p>14 You know, I'm agnostic, personally, on how they do</p> <p>15 that, obviously, because I'm not a -- I'm not a tech</p> <p>16 person. But, you know, our main goal is to hope -- and</p> <p>17 what we've told the stakeholders and the courts is that</p> <p>18 we hope this would be online for the -- by January to</p> <p>19 allow for reports through the 2024 election, because we</p> <p>20 think that the 2024 election, from an initiative</p> <p>21 standpoint, referendum standpoint, and legislative</p> <p>22 standpoint, at a minimum, is one where, you know, we</p> <p>23 think this information -- the voters want it and it</p> <p>24 will be valuable on those fronts.</p> <p>25 COMMISSIONER PATON: Another question. How</p>

Page 26	Page 27
<p>1 does the court -- I mean, these lawsuits, how do</p> <p>2 these enter in? And obviously, they can be a monkey</p> <p>3 wrench --</p> <p>4 MR. COLLINS: Right.</p> <p>5 COMMISSIONER PATON: -- into the whole</p> <p>6 apparatus. I mean, how soon is that going to be -- I</p> <p>7 mean, I know you don't have a crystal ball, but...</p> <p>8 MR. COLLINS: Well, sure. No. No.</p> <p>9 Mr. Chairman, if I -- if I may. I mean, we have one of</p> <p>10 our attorneys -- couple of our attorneys who are</p> <p>11 working on those cases available. But I would say</p> <p>12 this, that we have this oral argument, as I mentioned</p> <p>13 earlier, on May 12th in the State case, so there's two</p> <p>14 -- and then we have -- we're not at that place where we</p> <p>15 have any of those argument dates set in the Federal</p> <p>16 case.</p> <p>17 The one difference between the State and</p> <p>18 Federal case, as they stand now, is the State</p> <p>19 plaintiffs are seeking a preliminary injunction, which</p> <p>20 is designed to, you know, stop the implementation of</p> <p>21 the law --</p> <p>22 COMMISSIONER PATON: Right.</p> <p>23 MR. COLLINS: -- until some date in the</p> <p>24 future when the -- as the case is litigated. That's</p> <p>25 what the May 12th hearing will be about.</p>	<p>1 The Federal case, they have not filed such an</p> <p>2 injunction. The Federal case is, instead of being</p> <p>3 about State constitutional law, is much more focused on</p> <p>4 claims under the First Amendment. There's no</p> <p>5 preliminary injunction there.</p> <p>6 So my -- my point of view is that, you know,</p> <p>7 we will -- we will -- we have no reason not to go</p> <p>8 forward with things as if there is no court action, or,</p> <p>9 in other words, we need to just go forward because</p> <p>10 there's --</p> <p>11 COMMISSIONER PATON: Just to be safe.</p> <p>12 MR. COLLINS: Yeah, there's no -- there's</p> <p>13 no -- there's no injunction in place, there's no --</p> <p>14 there's no impediment to us acting. Obviously, we act,</p> <p>15 you know, advisedly on this stuff, but, you know,</p> <p>16 there's really not a -- you know, there's really not a</p> <p>17 position -- we're really not -- I mean, we wouldn't --</p> <p>18 we haven't -- there's nothing that has occurred in</p> <p>19 any -- in any of these proceedings that has changed --</p> <p>20 altered my sort of viewpoint on the timeline of what --</p> <p>21 of what we're trying to accomplish.</p> <p>22 So, you know, like I said, you know, as we go</p> <p>23 forward, we're hoping to spend some time over the</p> <p>24 course -- I mean, hopefully starting next month on</p> <p>25 starting to flesh out some of the regulatory issues,</p>
Page 28	Page 29
<p>1 you know, have those discussions. We'll have -- we</p> <p>2 would have enough time over the course of that period</p> <p>3 of time to, you know, have several -- you know, two or</p> <p>4 even three, if we could, 60-day comment periods, you</p> <p>5 know, to make sure we get everybody a chance to weigh</p> <p>6 in on these things, you know, those kinds of things.</p> <p>7 So that's the agenda that we have in front of us.</p> <p>8 COMMISSIONER PATON: But the May 12th, that's</p> <p>9 just like, hi, here we are at court and we're going to</p> <p>10 get to this in two months or --</p> <p>11 MR. COLLINS: Well, I mean, literally --</p> <p>12 Mr. Chairman, Commissioner Paton, literally, I</p> <p>13 believe -- and, James, correct me if I'm wrong -- but</p> <p>14 literally after that argument I believe that the court</p> <p>15 has 60 days to rule on a -- on a -- on the preliminary</p> <p>16 injunction, but typically courts tend to rule fairly</p> <p>17 quickly on preliminary injunction -- preliminary</p> <p>18 injunctions because the nature of the -- of the</p> <p>19 injunction is to --</p> <p>20 COMMISSIONER PATON: Stop things.</p> <p>21 MR. COLLINS: -- is your claim that you have</p> <p>22 some injury that's irreparably being -- you know, some</p> <p>23 irreparable harm. Right. Exactly what you said. So I</p> <p>24 -- and then -- and then -- and then there's an</p> <p>25 appellate process that can be taken from a -- from a</p>	<p>1 preliminary -- from an injunction either -- whether you</p> <p>2 win or lose an injunction, there's a -- there's a --</p> <p>3 the procedural rules and statutes allow for an appeal</p> <p>4 from that. So, I mean, without getting into just</p> <p>5 purely speculating, that's -- that's kind of the best</p> <p>6 answer I can give, you know, and if --</p> <p>7 I don't know, James, if you have anything you</p> <p>8 want to add or correct me on there.</p> <p>9 MR. SMITH: Good morning, everybody. Good</p> <p>10 morning, Commission -- Chairman Meyer and Commission</p> <p>11 Members.</p> <p>12 No, what Mr. Collins just laid out is</p> <p>13 correct. After the May 12th hearing in the State Court</p> <p>14 case, the matter will be deemed under advisement, which</p> <p>15 means the court then has 60 days, under the Arizona</p> <p>16 Constitution and Arizona law, to decide the application</p> <p>17 for preliminary injunction. Also, all the defendants</p> <p>18 in that State Court case filed motions to dismiss as</p> <p>19 well, so those motions to dismiss also will be part of</p> <p>20 what the court in the State Court action needs to</p> <p>21 decide.</p> <p>22 COMMISSIONER PATON: There's going to be</p> <p>23 appeals, and all that could drag on past the election,</p> <p>24 right?</p> <p>25 MR. COLLINS: I mean -- excuse me.</p>

Page 30	Page 31
<p>1 Mr. Chairman, Commissioner Paton, litigation -- I mean,</p> <p>2 we have had cases that have gone on for decades, so I</p> <p>3 don't know that there's any -- there's no answer --</p> <p>4 there's no -- there's no -- there's no other answer</p> <p>5 than yeah. I mean, we -- and that's part of the reason</p> <p>6 why, in my view, you know, we'll continue to do our job</p> <p>7 until and unless somebody says, you should stop.</p> <p>8 COMMISSIONER PATON: Okay.</p> <p>9 COMMISSIONER KIMBLE: Mr. Chairman.</p> <p>10 CHAIRMAN MEYER: Go ahead, Commissioner</p> <p>11 Kimble.</p> <p>12 COMMISSIONER KIMBLE: I have a brief</p> <p>13 question, Tom. And we touched on this a little bit</p> <p>14 last time. The \$25,000 limit or floor for</p> <p>15 non-statewide candidates, can you, using your</p> <p>16 historical knowledge, tell me who is likely to be</p> <p>17 affected by that? Is it any legislative candidates,</p> <p>18 maybe Tucson City Council, Phoenix City Council,</p> <p>19 Maricopa County Board of Supervisors, et cetera?</p> <p>20 MR. COLLINS: Mr. Chairman, Commissioner</p> <p>21 Kimble, so I would -- the way I would triage this out</p> <p>22 is, we have not seen, for the most part, a big</p> <p>23 independent expenditure presence in Maricopa County</p> <p>24 Supervisor races hereto for. The Maricopa County Board</p> <p>25 of Supervisors is -- you know, as the County changes</p>	<p>1 and evolves, that would be one that there might</p> <p>2 actually be -- you know, because those districts are as</p> <p>3 big as congressional districts practically, right. So</p> <p>4 to reach voters, yeah, you're looking at that -- that</p> <p>5 could be a place.</p> <p>6 And then -- and then in a city -- a citywide,</p> <p>7 yeah, I mean, I think that -- I don't -- I mean, I'm</p> <p>8 not sure how they set the floor, per se, but I think</p> <p>9 that, you know, in all likelihood, if there was a</p> <p>10 contested -- a really contested --</p> <p>11 And Tucson is interesting, right. I mean,</p> <p>12 just to really speak from my experience, Tucson is</p> <p>13 interesting because, when those elections aren't</p> <p>14 contested, they're just not contested and there's just</p> <p>15 -- I mean, people -- I mean, some candidates, right,</p> <p>16 incumbents don't even have to raise any money, right.</p> <p>17 So, you know, it's hard to say.</p> <p>18 And in the legislative, similarly, if it's a</p> <p>19 -- if it's a -- in the general election especially, but</p> <p>20 then in the primary we saw last time where there was a</p> <p>21 really heated sort of factional battle in the primary,</p> <p>22 or then in a general where the races are close, those</p> <p>23 are the ones that I think you -- that would -- again,</p> <p>24 you're going to see that higher spending level, whereas</p> <p>25 in a -- an all-red or all-blue district without a</p>
Page 32	Page 33
<p>1 primary, you're going to see very minimal investment.</p> <p>2 So, you know, I think that -- so I think</p> <p>3 that -- I guess what I'm trying to say is, the facts on</p> <p>4 the ground that are going to drive spending are going</p> <p>5 to be, first of all, whether or not the candidates</p> <p>6 have -- if the candidates are able to clear the field,</p> <p>7 right, that automatically lowers the amount of money</p> <p>8 that's spent, and then if the race is key for control</p> <p>9 of something. And that could be a primary election, in</p> <p>10 the case of a Board of Supervisors, or it could be in</p> <p>11 the legislature, obviously, the handful of districts</p> <p>12 that decide what the -- what the district will be, you</p> <p>13 know, that's going to be where there's going to be</p> <p>14 some --</p> <p>15 COMMISSIONER KIMBLE: Okay. Thank you.</p> <p>16 MR. COLLINS: All right. Mr. Chairman, if I</p> <p>17 may, I was going to go ahead and move on to the next</p> <p>18 thing.</p> <p>19 CHAIRMAN MEYER: Please proceed.</p> <p>20 MR. COLLINS: So I want to talk a little bit</p> <p>21 about transfer records, right. So this is going to be</p> <p>22 a -- and one of the things the Commission is charged</p> <p>23 with is making rules that provide for, you know, what,</p> <p>24 you know, details -- you know, what additional details,</p> <p>25 in terms of how these records are kept, are necessary.</p>	<p>1 But the Act is very straightforward and is very clear</p> <p>2 about -- you know, it's pretty prescriptive to begin</p> <p>3 with.</p> <p>4 So a transfer record is basically a written</p> <p>5 record of the identity of a person who contributed or</p> <p>6 transferred more than \$2,500 of original money for</p> <p>7 campaign media spending, the amount of the contribution</p> <p>8 or transfer, and the person to whom those monies were</p> <p>9 transferred. Those are records that the -- that the</p> <p>10 covered person is going to be collecting, and we'll</p> <p>11 talk a little bit more about how they do that in a</p> <p>12 minute, but they're going to keep those for five years</p> <p>13 and they're going to have to provide them on request of</p> <p>14 the Commission.</p> <p>15 Original monies, just to -- just to flesh</p> <p>16 this out, is business income or an individual person's</p> <p>17 income.</p> <p>18 So what does that mean, basically? What this</p> <p>19 is is a transactional history that shows you how you</p> <p>20 got from the original -- how you get the -- how you</p> <p>21 document the original source of monies. It's a -- it's</p> <p>22 essentially a receipt. These are not receipts that per</p> <p>23 se are part of the reports, right. These are records</p> <p>24 that are internal to the -- to the -- to the covered</p> <p>25 person, but they are the information from which, we'll</p>

Page 34	Page 35
<p>1 see, they generate the actual reports that need to be 2 filed.</p> <p>3 So we're going to go to the next slide.</p> <p>4 So if I've got -- if I'm a person and I 5 donate more than \$5,000 in traceable monies, which is 6 to say monies that are going to be used for campaign -- 7 campaign media spending, in an election cycle to a 8 covered person, I have to inform the covered person in 9 writing, within 10 days after receiving a written 10 request from the covered person, so -- now, that's the 11 way the statute is put together, and so what that -- 12 and it seems --</p> <p>13 So I'm using the language of the statute here 14 in the slide, but essentially what that sets up is I'm 15 a covered person and I got money from a -- from 16 somebody else. I'm going to send the other person a 17 request that says, tell me in writing the identity of 18 any other person who contributed more than \$2,500 of 19 their own money to you that was transferred to me and 20 the amount that they gave.</p> <p>21 So if I've got -- so I am -- you know, a 22 covered person is ABC, you know, Group. They received 23 a donation from XYZ. ABC asks XYZ, hey, you know, 24 where did you get the \$5,000 from? And then within 10 25 days of receiving that, they have to tell me, you know,</p>	<p>1 who -- who, you know -- who persons D, E, and F were, 2 if they gave --</p> <p>3 COMMISSIONER PATON: If any.</p> <p>4 MR. COLLINS: Yeah, if any. It is possible, 5 obviously, that that person could be the original 6 source.</p> <p>7 CHAIRMAN MEYER: Tom, quick question.</p> <p>8 MR. COLLINS: Sure.</p> <p>9 CHAIRMAN MEYER: So, I mean, under the Act, I 10 mean, these -- the candidates are required to report 11 this funding, right? So, I guess, how do we -- how do 12 you know if it's not reported? I mean, aren't we 13 relying on that? Is there any way to -- I mean, I 14 guess there's like an enforcement concern I can see 15 with this.</p> <p>16 MR. COLLINS: Sure.</p> <p>17 CHAIRMAN MEYER: Am I missing something?</p> <p>18 MR. COLLINS: No, no, not at all.</p> <p>19 Mr. Chairman, that's right. I mean, so -- so what 20 we're trying to lay out here is how the transactions 21 are going to work on the covered person's side. 22 Covered persons aren't candidates; they're entities 23 other than candidates. Because candidates are already 24 required to disclose all the stuff they're required to 25 disclose. Just -- I don't -- just a point of</p>
Page 36	Page 37
<p>1 clarification.</p> <p>2 CHAIRMAN MEYER: Yeah. There's no -- there's 3 no disclosure obligation by the covered person. It's 4 the candidate that has to disclose who the covered 5 persons are, right?</p> <p>6 MR. COLLINS: No. Let me back up a second. 7 Covered person is the filer. So what this is is 8 basically -- just to go back to the categories of 9 expenditures that are covered by the filing, it's 10 basically independent expenditures and ballot measures. 11 Those are the two big ones. There's a couple three 12 other categories, but the big money, right, the big 13 filers are going to be the IE groups, so this is a 14 person who is acting not in coordination with a 15 candidate, but who is spending money to get that 16 candidate elected, and folks who are spending money to 17 get a referendum or initiative passed. Those are the 18 big buckets of covered people under the Act.</p> <p>19 So they're going to have -- and their 20 obligation is to report what they spend -- and we'll 21 get into, in the next couple slides, exactly what 22 they're required to report. But the upshot is, just to 23 preview, they're going to have to report their original 24 sources of money. And so what we're trying to go 25 through here, and maybe I -- maybe I should have</p>	<p>1 ordered this a little bit differently, is the --</p> <p>2 CHAIRMAN MEYER: No.</p> <p>3 MR. COLLINS: I'm sorry. So does that answer 4 your question or am I missing --</p> <p>5 CHAIRMAN MEYER: I think so.</p> <p>6 MR. COLLINS: Okay. All right. Well, stop 7 me if you -- because I think within the next two slides 8 we'll get to -- we'll get to the answer directly.</p> <p>9 Okay. So I've got more documentation here. 10 If the original monies were previously transferred, 11 then a donor has to disclose the previous transfers of 12 more than \$2,500 and identify the intermediaries. 13 Again, the idea here is that we're going to chain back, 14 transaction to transaction, back to the original source 15 of monies, that is, the business income or the personal 16 dollars that went into the original -- that go into the 17 end spending, right. So we have end spending that 18 says, vote for Candidate -- you know, vote for -- vote 19 for -- vote for Candidate A. But back here there's an 20 original spender who -- the original source who gave 21 money to ABC Group, and then ABC Group turned and gave 22 money to XYZ Group, and then XYZ Group gave money to 23 People for Candidate A, right. So we're working -- 24 we're working backwards from the filer to the original 25 source through their intermediaries, through the series</p>

<p style="text-align: right;">Page 38</p> <p>1 of requests that are incumbent on the covered person to 2 document where the money is coming from. 3 So the change here from the 2016 and the 4 current campaign finance law for most, but not all, 5 independent spenders is, you're not in a position to 6 just take money from the XYZ Group to Candidate -- to 7 People for Candidate A Group transaction, you can't 8 just -- that's not the end of it, right. You can't 9 just say, I got money from this group and that's it and 10 that's all you're going to know. It goes a step back 11 from that. That's sort of the framework here. 12 If we could get to Slide 6. I'm sorry. Can 13 we get there? Oh, okay. 14 So that's what -- so the scenario I just laid 15 out is the original monies previously transferred, 16 right. So that's, you know, a person here gave to 17 XYZ -- or, I should say, ABC to XYZ, and then XYZ to 18 Candidate A, Candidate A -- or, People for Candidate A, 19 not Candidate A directly, People for Candidate A go 20 back to XYZ and they say, hey, you know, tell me if 21 there was a prior transfer and who you got that from 22 and who the original source for that was. And then 23 those records also need to be retained. 24 So and then, you know, just for definitional 25 purposes -- when you have this later, I think this will</p>	<p style="text-align: right;">Page 39</p> <p>1 be helpful. There's that definition of traceable 2 monies, which is basically monies that have been, you 3 know, given to a group to be used for campaign media 4 spending and the original source did not opt out. 5 So I guess if we could try to go to Slide 7. 6 Yeah. 7 Okay. So this really gets to the Chairman's 8 point, what covered persons -- okay. So, again, 9 covered persons are the -- they're the end filer, 10 right. They're the filer, they're -- whether they're a 11 PAC or some other form of corporate entity, you know, 12 these are the people who owe the reports. And this is 13 what they're going to have to -- this is what they're 14 going to have to tell us -- or, tell the Secretary of 15 State, and then we'll do the enforcement on. 16 They have to tell the identity of the person 17 who owns control of the traceable money, right. So 18 that means the covered person tells us in the report 19 the identity of the human being on their staff or, you 20 know, their agency or their consultant who actually 21 possesses the money that's set aside for campaign media 22 spending. So if, you know -- if, you know -- if People 23 for Candidate A, Friends of Candidate A, whatever the 24 group is called, or, you know, Voters in Favor of 25 Proposition 500, you know, that entity has to identify</p>
<p style="text-align: right;">Page 40</p> <p>1 somebody who is in charge of keeping track of their 2 money. That's basically -- and basically that's 3 effectively their treasurer, but the statute doesn't 4 use that term. 5 Next, the identity of any entity established, 6 financed, maintained, or controlled by the person who 7 owns and controls the traceable monies and that 8 maintains its own transfer records and the entity's 9 relationship. 10 So what is that? That's if -- if People for 11 Candidate A have additional organizations or 12 subsidiaries under them and they're transferring money 13 out, you know, who is responsible for that and what is 14 the relationship to the covered person. 15 The next one will be the name or address and 16 position of the person who decides how the traceable 17 monies are spent. So that may be the treasurer, it 18 might be the consultant, it might be the campaign 19 manager for the IE group, right. It could be any of 20 those people. Whoever it is, we're going to need to 21 know who that person is. 22 And then the amount of traceable monies that 23 are controlled by the covered person on the date the 24 report is made. So that traceable monies, again, 25 that's money that is set aside for campaign media</p>	<p style="text-align: right;">Page 41</p> <p>1 spending, the donors of that money have not opted out, 2 and so there's an amount of money. 3 And the analogy here I would draw is -- to 4 the traditional campaign finance system is, if you look 5 at a PAC, a standard PAC, if you look at one of the 6 reports, which I think you all have at times, it tells 7 you what their cash on hand is. You know, at the end 8 of a quarter in a reporting period, it will always tell 9 you what the cash on hand is. And that's -- you know, 10 that's not a -- that's not a precise -- I'm not 11 intending this to be precise, this is for illustrative 12 purposes, but that's kind of -- that's basically what 13 that is. So, again, it's very similar to what is 14 otherwise being reported for PACs now, you know, how 15 much money -- how much money -- how much cash do you 16 have on hand that's set aside for campaign media 17 spending. 18 So not all their money, right. It doesn't 19 mean all their money. It very specifically doesn't 20 mean all their money. So if a group has, you know, a 21 million dollars in the bank, and the donor of \$500,000 22 of that said, I'm not interested in your campaign media 23 spending aspect of your work, that's not information 24 that we will have. So we will not -- they will not 25 have to report their total amount of dollars.</p>

Page 42	Page 43
<p>1 COMMISSIONER PATON: So is it -- what about</p> <p>2 if they're just helping to support the organization?</p> <p>3 That's not about the media, but --</p> <p>4 MR. COLLINS: Right.</p> <p>5 COMMISSIONER PATON: So paying the</p> <p>6 bureaucrats doing the -- whatever in the primary or</p> <p>7 general.</p> <p>8 MR. COLLINS: Right. So yeah. So the Act</p> <p>9 talks about there are certain kinds of expenses that go</p> <p>10 toward campaign media spending specifically that you</p> <p>11 would have to report, but, yeah -- but if you're just a</p> <p>12 donor keeping the office open or supporting -- you</p> <p>13 know, let's say you have a 501(c)(3) that sponsors an</p> <p>14 initiative, but also has a range of public policy</p> <p>15 programs focused on enhancing child welfare, for</p> <p>16 example. So you're running an initiative to raise the</p> <p>17 tobacco tax to fund child programs at the state level,</p> <p>18 but you also run a policy program and you train people</p> <p>19 and you do all that other stuff. You know, the Act</p> <p>20 says that if your donors for that stuff say they don't</p> <p>21 want their money used for campaign media spending,</p> <p>22 they're off the table.</p> <p>23 COMMISSIONER PATON: Okay.</p> <p>24 MR. COLLINS: If we could go to the next</p> <p>25 slide. I think it's 8 maybe.</p>	<p>1 COMMISSIONER KIMBLE: 9.</p> <p>2 MR. COLLINS: Or 9. Well, I think my numbers</p> <p>3 may be backwards.</p> <p>4 The identity of each donor of original</p> <p>5 monies -- okay. So here we get into -- this is where</p> <p>6 we get into why we have all these transfer records,</p> <p>7 right, why are we asking -- why is Prop 211 asking the</p> <p>8 covered person to understand where the money they're</p> <p>9 receiving is coming from. And that's because on this</p> <p>10 report we're asking them -- or, the Prop 211 is asking</p> <p>11 them to identify each donor of original monies who</p> <p>12 contributed more than \$5,000 of traceable monies or</p> <p>13 made an in-kind contribution during the election cycle</p> <p>14 and the date and amount of each donor's contribution.</p> <p>15 So that is -- again, on a traditional</p> <p>16 campaign finance report for a traditional political</p> <p>17 action committee, you know, that is -- that is</p> <p>18 standard -- that's the standard contribution schedule</p> <p>19 that you would see for any PAC. Now, the difference</p> <p>20 here, this is -- to go -- to just bring this together,</p> <p>21 this is for spending at a certain scale, right. So in</p> <p>22 the context -- if I run a PAC, just an ordinary PAC</p> <p>23 right now, I've got 200 -- and let's say -- let's say I</p> <p>24 give the -- you know, it's an independent expenditure</p> <p>25 PAC and I, Tom Collins, writes them a check for \$300.</p>
Page 44	Page 45
<p>1 That's going to be reported as a contribution.</p> <p>2 But for these trigger reports, these have to</p> <p>3 do with bigger spending than that. So we're looking</p> <p>4 for more than \$5,000 contributions, right. So that's</p> <p>5 a -- so that's a significant -- that creates a --</p> <p>6 that's a significant point, because what that says is</p> <p>7 that this Act is focused on people who are donating,</p> <p>8 you know, more than \$5,000. So very much not your</p> <p>9 mom-and-pop person, not me writing --</p> <p>10 COMMISSIONER PATON: State Legislature.</p> <p>11 MR. COLLINS: Right. Right. Yeah. Exactly.</p> <p>12 The average -- just to give you context, the average</p> <p>13 donation to a candidate for the State Legislature is</p> <p>14 like 200 bucks or somewhere in there, 180 to \$200,</p> <p>15 something like that, so -- right. So that person, this</p> <p>16 is not going after. Although they may have to report</p> <p>17 under other laws, this Act is not focused on those</p> <p>18 folks.</p> <p>19 And then, again, then we get into the -- then</p> <p>20 we have the next thing we talked about on the transfer,</p> <p>21 we talked about the intermediary. So we want to know</p> <p>22 who the intermediary is, right. So when People for</p> <p>23 Candidate A made the spend, we want to know that XYZ --</p> <p>24 the XYZ fund was an intermediary for the ABC fund.</p> <p>25 And then -- and then this last bullet point</p>	<p>1 on this page is, again, to put this in the context of</p> <p>2 any standard campaign finance report, except scale,</p> <p>3 right, it's what did you spend the money on, you know,</p> <p>4 which, again, we require, under the Clean Elections</p> <p>5 Act, it's required under the standard campaign finance</p> <p>6 report, except -- and again, that's the important thing</p> <p>7 here -- we're looking for a big expenditure. We're</p> <p>8 looking for a \$10,000 expenditure before you'd have to,</p> <p>9 in this report -- you know, so -- so, again, not the --</p> <p>10 not the \$5 lunch reimbursement that you got for</p> <p>11 stopping at the gas station kind of thing.</p> <p>12 COMMISSIONER PATON: Which gas station do you</p> <p>13 go to?</p> <p>14 MR. COLLINS: Well, to get a hot dog, not to</p> <p>15 get gas.</p> <p>16 COMMISSIONER PATON: That's not even a</p> <p>17 gallon.</p> <p>18 MR. COLLINS: Well, fair. Fair. I'm showing</p> <p>19 my age already. Back in my day, you know, gas was</p> <p>20 under a dollar when I graduated from college. It was.</p> <p>21 Okay. So these are just -- and this is just</p> <p>22 continuing with the report. The identity of any person</p> <p>23 who received 10,000 or more from the covered person. I</p> <p>24 think that might be -- I think I repeated myself there.</p> <p>25 And then finally, identity of any person</p>

Page 46	Page 47
<p>1 whose total contributions of traceable monies to the</p> <p>2 covered person constituted more than half of the</p> <p>3 traceable monies of the covered person at the start of</p> <p>4 the election cycle. So basically we're looking for</p> <p>5 like if you have a donor who contributed more than</p> <p>6 50 percent of your money, that would get reported as</p> <p>7 well.</p> <p>8 So -- all right. We're going to -- we're</p> <p>9 going to go over the exceptions real quick, and then</p> <p>10 we'll go back to tying them together. I think that</p> <p>11 will work, but --</p> <p>12 So I hope, Mr. Chairman -- specifically I</p> <p>13 wanted to -- because I want to point this back at you.</p> <p>14 The question was a good one. What we're trying to --</p> <p>15 what we're building towards is, you know, a covered</p> <p>16 person has to file a report. They have to know where</p> <p>17 they got their money in order to fulfill the</p> <p>18 requirements of the report. They need to know who</p> <p>19 their original sources are and they need to know who</p> <p>20 their intermediaries are and they need to know who they</p> <p>21 spent their money with. Those are the three pieces of</p> <p>22 information that are really the bulk of the thing.</p> <p>23 We also need to know who's the contact</p> <p>24 person, right. And that -- to your point about</p> <p>25 enforcement, that's part of the enforcement aspect of</p>	<p>1 this, right. We're asking to know, you know, enough</p> <p>2 about this organization that we would have a contact</p> <p>3 place to work with the -- to work with an organization,</p> <p>4 you know, if we had an issue -- as we talked about</p> <p>5 before, you know, we tend to work with folks on</p> <p>6 compliance, you know, so that's -- so that's it. So</p> <p>7 basically, you know, we want to know, at the minimum,</p> <p>8 contact information and who's responsible for the</p> <p>9 money, and then that group is obligated to be able to</p> <p>10 accurately file with the Secretary of State a report</p> <p>11 that says who they got their money from and who acted</p> <p>12 as an intermediary for the process of getting those</p> <p>13 dollars that are above \$5,000.</p> <p>14 So I want to touch on the exceptions really</p> <p>15 quickly, because I think they're important, and then</p> <p>16 we'll -- then we'll kind of wrap up this section.</p> <p>17 Exceptions. The identity of an original</p> <p>18 source that is otherwise protected from disclosure by</p> <p>19 law or a court order shall not be disclosed or included</p> <p>20 in a disclaimer. So, you know, there are a number of</p> <p>21 different laws, and I don't think we're going to try to</p> <p>22 identify every law that could apply, but if a person</p> <p>23 knows that there is a law that protects their identity,</p> <p>24 you know, and they're also, you know, in this \$5,000 --</p> <p>25 upwards of \$5,000 range, you know, that will be a thing</p>
Page 48	Page 49
<p>1 -- something that they would be able to take advantage</p> <p>2 of.</p> <p>3 The one that sort of -- sort of seems to</p> <p>4 stand out here would be there are certain addresses and</p> <p>5 identities that are protected already in state law for</p> <p>6 purposes of donation. And, you know, those would be</p> <p>7 the kind of folks we would be -- we would be looking</p> <p>8 at. Whether or not any of those folks are giving</p> <p>9 \$5,000 or more, I don't know, but that's what this is</p> <p>10 getting at. Or a court order. So if you have</p> <p>11 something -- if you've gone to court in some capacity</p> <p>12 to say, I have -- I have an interest that needs to be</p> <p>13 protected here and my privacy is established by a court</p> <p>14 order, you know, that's the other -- that's another</p> <p>15 way.</p> <p>16 Now, importantly, the person who thinks their</p> <p>17 information ought not be disclosed can file something</p> <p>18 with the Commission that says that there's a reasonable</p> <p>19 probability -- they have a reasonable probability that</p> <p>20 public knowledge of their identity would subject them</p> <p>21 or their family to serious risk of physical harm. So,</p> <p>22 you know, that's an area in which we will have to have</p> <p>23 a process to deal with those things, but -- but there</p> <p>24 is -- you know, so you do -- but there will be an</p> <p>25 option for folks who believe they're in that position</p>	<p>1 to file something with the Commission, and the</p> <p>2 Commission will have to make a decision on that.</p> <p>3 And then finally, and this is really</p> <p>4 important, if you're an original source and you're</p> <p>5 under that \$5,000 -- if you're \$5,000 or less</p> <p>6 altogether, you're not going to get disclosed. So</p> <p>7 that's kind of a safe harbor that's in the statute.</p> <p>8 So, okay, thank you. So here is where this</p> <p>9 kind of all comes together. The transfer information</p> <p>10 has to be provided to the covered person upon that</p> <p>11 person's request. So if I want to be involved in</p> <p>12 financing campaigns in Arizona, I need to be prepared</p> <p>13 to provide to the end spender the information about</p> <p>14 where I got my money under the -- you know, at those</p> <p>15 thresholds that are set forth.</p> <p>16 And then for reporting purpose, then the</p> <p>17 covered person is going to use those reports to</p> <p>18 determine the sources, the intermediaries, and the</p> <p>19 amounts of -- it should be direct or indirect --</p> <p>20 contributions received. And then -- and they're going</p> <p>21 to be able to rely upon that documentation. That's</p> <p>22 their -- that's their protection is that documentation,</p> <p>23 unless they have some reason to know the information is</p> <p>24 false or unreliable.</p> <p>25 So, again, to get back to Chairman Meyer's</p>

<p style="text-align: right;">Page 50</p> <p>1 question, for enforcement purposes, you know, the 2 theory is here that, yes, you can rely on the 3 information that you're receiving from your 4 intermediaries, your funders, you know, unless you -- 5 unless you can't, and that -- and that should be -- you 6 know, all other things being equal, you know, everybody 7 is --</p> <p>8 So what do we know? We know that everybody 9 who is an original source had the option to opt out, 10 right. So their people are given knowledge that their 11 money could be used for campaign media spending, so 12 they're -- they have knowledge. The transfer 13 organizations are on notice that they're required to 14 provide accurate information to the covered person on 15 request. They have that -- they have that notice. And 16 then the covered person has the -- has the protection 17 of, provided they're asking the right -- asking the 18 questions at the appropriate time and filing their 19 reports and getting -- and getting the information from 20 their -- from any intermediaries, that they can rely on 21 that information.</p> <p>22 So what that means is, as a practical matter, 23 first of all, we're talking about thresholds that are 24 higher than some -- many of the existing thresholds 25 where names are revealed under current state law for</p>	<p style="text-align: right;">Page 51</p> <p>1 all kinds of different purposes. We're talking about 2 higher thresholds. We're talking about direct 3 communication to the source that confirms, yes, I know 4 this money can be used for campaign media spending, and 5 thus, I can be -- you know, my -- I could be revealed 6 as a source of funding, right. So that's --</p> <p>7 Again, that's a layer that you may get with a 8 PAC, but you may not. I mean, I'm not sure that 9 everyone is aware that if you write a check to a PAC 10 for 300 bucks, you're going to be on a -- on a campaign 11 finance report. But this has that locked in, we have a 12 process for that, right, so there's actual notice. The 13 transferor is made aware of their obligations, and they 14 have to, you know, maintain that relationship with the 15 covered person. And then the covered person gets, you 16 know -- again, they get the benefit of these thresholds 17 that are -- that are high before they have to file 18 these reports, and they also get to rely on that 19 information.</p> <p>20 So everybody in the process has a form of, 21 you know, direct notice, either through the requests or 22 they opt out, and the way that the process -- the 23 process works. You know, in other words, everybody at 24 every layer is informing everybody at every layer about 25 what their obligations are under the law, in addition</p>
<p style="text-align: right;">Page 52</p> <p>1 to the law itself, which -- you know, which is -- we're 2 all, you know, bound by.</p> <p>3 So I don't know, Mr. Chairman, does that kind 4 of help a little with the...</p> <p>5 CHAIRMAN MEYER: I think so.</p> <p>6 MR. COLLINS: Well, I mean, we're going to go 7 back over this again and again. This is not -- I mean, 8 the plan here at this point -- and this was -- you 9 know, I've got to give Commissioner Kimble credit for 10 sort of suggesting we do this, because I think it's 11 been very helpful, because we're -- I mean, I find, you 12 know, it's something you've got to go over again and 13 again. It gets simpler every time you go over it, I 14 swear.</p> <p>15 So if we could go -- thanks, Cathy.</p> <p>16 So and here -- and this is just an example. 17 This is a report -- an actual report from the City of 18 Phoenix's dark money ordinance. Now, is this exactly 19 what ours will look like? Maybe not. But you can see 20 there, again, you've got the name of the covered 21 person, right, that's the name that's under person, 22 association, or entity reporting. You've got the 23 expenditure information about who the vendor is. 24 You've got the amount they got paid. You've got the 25 candidate that they spent on and what the race was for</p>	<p style="text-align: right;">Page 53</p> <p>1 and the date of the expenditure. So then we've got an 2 original source information.</p> <p>3 So we've got this -- in this case it's a -- 4 right. Right. So we had one -- we have a PAC that was 5 paid -- that was given a donation by a union, and then 6 their vendor is a different union. So, you know, but 7 that's the original source. We get the amount and date 8 of their donation. And then -- and then in this 9 particular case we don't have an intermediary, but we 10 would have if we did have one. So, you know, if AFSCME 11 had given money to -- or, if the, you know, Foundation 12 for Good Stuff had given money to AFSCME, that would 13 show up at -- you know, whoever's the intermediary 14 would show up there. So that's -- I mean, that's sort 15 of the most concrete way to sort of start to see how 16 these things get tied together.</p> <p>17 So what we've shown today, what we've tried 18 to show, is how do you get -- and maybe -- you know, if 19 I do this again, maybe I'll reverse these slides and do 20 it from the back end up -- but how do you build the 21 report from the intermediary to the original to the 22 expenditure information, how do you build that up, 23 who's obligated to provide information that ultimately 24 gets you to a report that looks something like this.</p> <p>25 COMMISSIONER PATON: That's pretty</p>

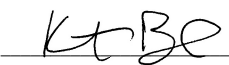
Page 54	Page 55
<p>1 explanatory.</p> <p>2 MR. COLLINS: Yeah. I mean, I think the</p> <p>3 form, once you get there, it kind of makes -- it kind</p> <p>4 of makes some sense, but otherwise you wouldn't know.</p> <p>5 I also wanted to just note, and this is</p> <p>6 just -- just because we're using somebody else's form</p> <p>7 here as an example, for our frequency for the Voters'</p> <p>8 Right to Know Act, the first \$50,000 or more statewide</p> <p>9 is a trigger and then subsequently every 25,000, and</p> <p>10 then for the lower-level campaigns 25,000 and then</p> <p>11 every 15,000.</p> <p>12 Okay. So I want to -- these are a couple of</p> <p>13 important points that are separate, but I felt like</p> <p>14 they fit here better than in the next presentation,</p> <p>15 which is going to be more focused on, you know,</p> <p>16 enforcement and those kinds of things. First, you</p> <p>17 know, we talked about PACs and parties and, you know,</p> <p>18 those are still -- those folks are still going to have</p> <p>19 filing obligations under the traditional existing</p> <p>20 campaign finance code. However -- and so the -- so the</p> <p>21 Voters' Right to Know Act handles those folks in two</p> <p>22 ways.</p> <p>23 First, it says, look, you've got a schedule</p> <p>24 for filing these on a quarterly basis throughout the</p> <p>25 election year. That's fine. Stick with that and you</p>	<p>1 don't have to file the reports at the frequency of the</p> <p>2 VRKA, except you do have to be able to tell us at least</p> <p>3 as much information as we would have had. So in other</p> <p>4 words, on a PAC report right now you would have --</p> <p>5 right now you have Schedule C for contributions that</p> <p>6 has all the contributions. If I was writing the</p> <p>7 programming for this, I would add in a Schedule -- I</p> <p>8 guess I don't know how many schedules there are,</p> <p>9 like -- let's just say Schedule X for the -- to make</p> <p>10 sure that there's a highlight for the Voters' Right to</p> <p>11 Know Act disclosures required of the PAC or party. You</p> <p>12 know, so basically they get to keep the same schedule,</p> <p>13 there's basic -- they get to keep the same schedule for</p> <p>14 filing, and then there are basically an additional</p> <p>15 box -- two additional boxes on the report for Voters'</p> <p>16 Right to Know Act information.</p> <p>17 And then the one difference is, though, that</p> <p>18 PACs and parties, when they get into the last 20 days</p> <p>19 of an election, they're going to have to file the other</p> <p>20 report. So we're going to -- there is an additional</p> <p>21 reporting requirement imposed on PACs and parties.</p> <p>22 Right now, you know, they have to file a pre-general</p> <p>23 report and a post-general report. This creates an</p> <p>24 interstitial trigger report that says, hey, as we go</p> <p>25 into the last three weeks of the election, you've got</p>
Page 56	Page 57
<p>1 to -- you've got to tell us what you're doing if you</p> <p>2 get over those thresholds.</p> <p>3 COMMISSIONER PATON: So do they need to do</p> <p>4 one for the primary and one for the general?</p> <p>5 MR. COLLINS: Right now they do that anyways.</p> <p>6 This means that -- this would mean that every 50,000 or</p> <p>7 every -- every 50 or \$25,000, and then every 25 and</p> <p>8 \$15,000 during the last three weeks would require a new</p> <p>9 report, so --</p> <p>10 All right. I know this is a lot of dense</p> <p>11 stuff, but, you know, I appreciate everybody's</p> <p>12 patience.</p> <p>13 CHAIRMAN MEYER: So, Tom, how do you value</p> <p>14 the in-kind contributions? I mean, is there always a</p> <p>15 way to do that? I mean, if someone donates their home</p> <p>16 for an event, I mean, how do you know if that's</p> <p>17 worth --</p> <p>18 MR. COLLINS: Well --</p> <p>19 CHAIRMAN MEYER: -- how do you know if that's</p> <p>20 worth \$4,500 or \$5,500? I mean --</p> <p>21 MR. COLLINS: Well, the way we do that is --</p> <p>22 I mean, there's a couple of different ways we could.</p> <p>23 Typically, for the most part, what we have done in the</p> <p>24 Clean Elections Act context is we take -- we take an</p> <p>25 assumption that -- the first assumption is the person</p>	<p>1 is going to file something that's in the nature of good</p> <p>2 faith market value. In-kind basically requires -- I</p> <p>3 mean, there's -- all the definitions of in-kind,</p> <p>4 whether they're campaign finance or tax, basically</p> <p>5 requires something like market value. So the first --</p> <p>6 the first assumption we tend to -- we don't -- we don't</p> <p>7 assume people are going to lie or mislead on the forms.</p> <p>8 So first stab is, does this seem like it's reasonable.</p> <p>9 If it's not or if we have reason to believe</p> <p>10 there was an in-kind donation that we don't -- that was</p> <p>11 not reported, then we -- what we typically do, and</p> <p>12 we've done this before, is we will do an assessment of</p> <p>13 the market value for that space. So, for example --</p> <p>14 it's pretty easy to do that now, because so many</p> <p>15 different things are commodified, but an example would</p> <p>16 be if you used an office space for a fundraiser, right,</p> <p>17 we might not be able to get the, you know, value of</p> <p>18 that space for that period of time from the person who</p> <p>19 provided it, but because of, you know, Regis and WeWork</p> <p>20 and all these different companies, we can now get a</p> <p>21 pretty good idea of what the going rate for space --</p> <p>22 for event spaces are for that kind of stuff, or we --</p> <p>23 and the other thing we've also done in the past is</p> <p>24 contact different vendors, you know, and talk -- and</p> <p>25 ask them, you know, if we can get a sense of what</p>

Page 58	Page 59
<p>1 the -- of what the market rate for a -- for a vendor</p> <p>2 is.</p> <p>3 Now, you know, that's sort of our approach.</p> <p>4 And then typically, you know, in an enforcement case</p> <p>5 there's some back and forth about, you know, what --</p> <p>6 what that should be, you know, and -- and that's, you</p> <p>7 know, sort of where the -- you know, that's something</p> <p>8 that gets -- that we then, you know, subject to some</p> <p>9 discussion. And eventually, if we have a good faith</p> <p>10 market-based basis for believing that something was</p> <p>11 underreported, we would have a complaint in front of</p> <p>12 the Commission and the Commission would have to make a</p> <p>13 judgment about whether or not -- you know, if there was</p> <p>14 a recommendation, you know, that the market rate was X,</p> <p>15 and the other group -- and the other group says it's</p> <p>16 half of X, you know, they have to make a choice about</p> <p>17 that.</p> <p>18 CHAIRMAN MEYER: Thank you. Is that the</p> <p>19 conclusion of that, Tom?</p> <p>20 MR. COLLINS: I've got one more page -- two</p> <p>21 more pages, but one real page and then one more</p> <p>22 technical page.</p> <p>23 So I just really wanted to hit, because</p> <p>24 there's no other place to put it really, is this</p> <p>25 disclaimer requirement. So everybody knows you get a</p>	<p>1 mailer, it says paid for by so-and-so, not authorized</p> <p>2 by a candidate, or paid for by the candidate and</p> <p>3 authorized by the candidate, you know, those kinds of</p> <p>4 -- that kind of information. And if it's a PAC in</p> <p>5 Arizona right now, you also get some information about</p> <p>6 the top three donors and whether or not they're in</p> <p>7 state or out of state. So this would cover those kinds</p> <p>8 of situations, and it wants us to have the top three</p> <p>9 donors of campaign media spending and --</p> <p>10 Now, there is still a political action</p> <p>11 committee definition that people can choose,</p> <p>12 essentially. If they comply with this, they don't have</p> <p>13 to comply with 16-925. We haven't worked out yet if</p> <p>14 they comply with 16-925 whether or not they have to</p> <p>15 comply with this. But the idea is that there's not a</p> <p>16 redundancy with the 16-925 requirement for PACs</p> <p>17 specifically.</p> <p>18 The difference between the disclaimers here</p> <p>19 and the PAC disclaimer is, the PAC disclaimer is a PAC</p> <p>20 disclaimer. So right now there are entities that spend</p> <p>21 in elections that are not PACs that aren't putting on</p> <p>22 their mailers their top three donors. This broadens</p> <p>23 that so it says, doesn't matter if you're a PAC or some</p> <p>24 other form of entity that makes -- for example, does</p> <p>25 express advocacy for and against candidates, you're</p>
Page 60	Page 61
<p>1 going to have to put something about your top three</p> <p>2 donors. And then if you're doing it by text, the next</p> <p>3 page is -- and this is the last page. If you're doing</p> <p>4 it by text or something like that, you've got to have</p> <p>5 something on there that points you to a website that</p> <p>6 tells you, you know, here is where donors are.</p> <p>7 And again, those are not different in kind or</p> <p>8 even really degree from the kind of information that</p> <p>9 other folks who are spending in elections are obligated</p> <p>10 to follow in the first place, so there's really no --</p> <p>11 again, it's a -- you know, it's a -- I just want to</p> <p>12 reiterate that essentially if the current campaign</p> <p>13 finance system is -- and by all accounts it is -- is</p> <p>14 acceptable, it doesn't -- it can't become unacceptable</p> <p>15 by just requiring the same things, you know what I</p> <p>16 mean, except at sort of higher levels and with a little</p> <p>17 bit different -- you know, some different nuances. But</p> <p>18 the upshot is that this is a reaffirmation of many of</p> <p>19 the principles that are grounded in the Constitution</p> <p>20 and the campaign finance law and not, you know, some</p> <p>21 kind of radical departure from, you know, certainly the</p> <p>22 law as it was prior to 2016 in Arizona.</p> <p>23 So that's sort of -- that's kind of -- that's</p> <p>24 the end of that presentation. I really appreciate you</p> <p>25 all bearing with me on this, but I think it's -- I</p>	<p>1 think it was a good idea to try to start to tear into</p> <p>2 this. And we'll continue to try to -- to try to, you</p> <p>3 know, answer questions. And if you have questions as</p> <p>4 we're going along, even if you're -- even if for some</p> <p>5 reason, and I can't imagine you'd be doing this, but if</p> <p>6 you were sitting at home and you were like, I think I</p> <p>7 want to leaf through the Voters' Right to Know Act, we</p> <p>8 are available. Mike is certainly available. So, in</p> <p>9 fact, I designate -- I think you should definitely call</p> <p>10 Mike first. But in any event, that's our presentation,</p> <p>11 and thank you very much, everybody, for listening.</p> <p>12 CHAIRMAN MEYER: Thank you, Tom. I agree it</p> <p>13 is important that we go over these things and, you</p> <p>14 know, learn them, no matter how detailed they are, and</p> <p>15 I appreciate you putting that together for us.</p> <p>16 Do any other Commissioners have questions for</p> <p>17 Tom on that presentation or any other issues on Prop</p> <p>18 211?</p> <p>19 (No response.)</p> <p>20 CHAIRMAN MEYER: Hearing none, we will go on</p> <p>21 to Agenda Item No. VI, which is discussion and possible</p> <p>22 action on termination of rulemaking proceeding -- or,</p> <p>23 I'm sorry -- termination of rulemaking regarding</p> <p>24 proposed amendments to R2-20-211 related to subpoenas.</p> <p>25 Last month, in the Executive Director's</p>

Page 62	Page 63
<p>1 Report, Tom gave us an update of the status of the</p> <p>2 Governor's Regulatory Review Council's deliberations</p> <p>3 over a proposed rule. The memo in your materials</p> <p>4 outlines the results of those hearings. Tom is</p> <p>5 recommending that we terminate the rulemaking regarding</p> <p>6 those proposed amendments. Is there any -- do any</p> <p>7 Commissioners have any questions for Tom on this issue?</p> <p>8 Excuse me. I did not hit the mute button in</p> <p>9 time. I apologize.</p> <p>10 Any questions for Tom on the recommendation</p> <p>11 that we terminate this rulemaking?</p> <p>12 COMMISSIONER CHAN: I have a question,</p> <p>13 Mr. Chairman.</p> <p>14 CHAIRMAN MEYER: Go ahead, Commissioner Chan.</p> <p>15 COMMISSIONER CHAN: Tom, I guess I just want</p> <p>16 to understand what the ramifications are of terminating</p> <p>17 the rulemaking, because I -- I mean, we</p> <p>18 obviously promulgated the rules to address things that</p> <p>19 were important to Commission business, and now we're</p> <p>20 terminating, and I'm curious if we're just -- does this</p> <p>21 mean we have to just kind of put these issues to bed</p> <p>22 and not do any rulemaking? Are we going to take</p> <p>23 another bite at the apple? Do you have any thoughts on</p> <p>24 that --</p> <p>25 MR. COLLINS: Sure. Sure.</p>	<p>1 COMMISSIONER CHAN: -- or do you care?</p> <p>2 MR. COLLINS: No. Yes, Mr. Chairman --</p> <p>3 Mr. Chairman, Commissioner Chan, yeah. I mean, what we</p> <p>4 tried to say in the memo is basically, look, for the</p> <p>5 time being this is kind of a -- this is kind of a --</p> <p>6 not worth pursuing under this particular effort. In</p> <p>7 other words, since we filed this with GRRC, we've</p> <p>8 gotten some new case law, we are working through the</p> <p>9 issues with Prop 211. And so, you know, if this -- so</p> <p>10 I do think that we will want to -- we will have a</p> <p>11 number of different broader issues regarding</p> <p>12 enforcement procedures that we're going to want to look</p> <p>13 at in view of development since this particular rule</p> <p>14 package went in front of GRRC, and so we may -- you</p> <p>15 know, we may very well want to revisit that at that</p> <p>16 time. And I think that --</p> <p>17 But I think what we want to do at this point,</p> <p>18 given where the Council is at least at this moment in</p> <p>19 time and given where we do have to look at some of</p> <p>20 these issues from the lens of Prop 211, which,</p> <p>21 remember -- recall, when this -- this -- when we</p> <p>22 promulgated this, Prop 211 was not on the table, in</p> <p>23 other words, we didn't know if it was going to pass.</p> <p>24 We certainly weren't going to delay or change our</p> <p>25 calendar around speculating about whether or not it</p>
Page 64	Page 65
<p>1 would or wouldn't or what that effect would be, if that</p> <p>2 makes any sense. So --</p> <p>3 But now we are in the place where we have</p> <p>4 some new cases to evaluate and we have some new law</p> <p>5 that we want to, if we can, show that we're lining up,</p> <p>6 you know -- I mean, because we now have the Clean</p> <p>7 Election -- we now enforce, in effect, two different</p> <p>8 laws, the Clean Elections Act and the Voters' Right to</p> <p>9 Know Act. They're different chapters, they have</p> <p>10 different responsibilities, but, you know, given -- for</p> <p>11 staff convenience, for the convenience of stakeholders</p> <p>12 especially and their costs, you know, we want to, I</p> <p>13 think, in view of all of this, want to be able to have</p> <p>14 process -- procedures that don't switch on and off</p> <p>15 depending upon what law you're under. It would be kind</p> <p>16 of --</p> <p>17 We would like to end up, ideally, if</p> <p>18 possible, in a place where the rules for the Clean</p> <p>19 Elections Act enforcements, to the extent we have them,</p> <p>20 whether they be against Clean candidates or independent</p> <p>21 spenders or in the off chance when we do have a</p> <p>22 nontraditional candidate who has violated the Clean</p> <p>23 Elections Act and other people who violate the Clean</p> <p>24 Elections Act, we would like to have those rules be as</p> <p>25 consistent as possible with what we end up coming up</p>	<p>1 with with Prop 211. And then we also, obviously, have,</p> <p>2 like I said, this -- inherited this case law</p> <p>3 developments that are sort of ongoing in terms of how</p> <p>4 -- how administrative enforcements are going to -- are</p> <p>5 going to work.</p> <p>6 So we want to take advantage of whatever</p> <p>7 opportunity there is here to learn that and ultimately</p> <p>8 end up with a more holistic approach to this that -- so</p> <p>9 anybody who comes in the door at Clean Elections knows</p> <p>10 what -- at the agency Clean Elections knows what</p> <p>11 they're looking at, knows that -- you know, knows what</p> <p>12 differences there are, if any, and knows that -- you</p> <p>13 know, knows what to expect.</p> <p>14 You know, as I said, you know, this was --</p> <p>15 this -- you know, at the time, we had a different set</p> <p>16 of circumstances and a different set of information</p> <p>17 regarding -- regarding, you know, what we might have --</p> <p>18 what might happen with the Attorney General's Office.</p> <p>19 You know, if we ended up -- if we end up with a</p> <p>20 conflict with the Attorney General's Office on</p> <p>21 something that relates to enforcement and this comes to</p> <p>22 a head, you know, we'll just have to deal with it,</p> <p>23 which is what we would have done if we hadn't had the</p> <p>24 rule fixed in the first place. So it's not -- it's not</p> <p>25 an insurmountable problem.</p>

Page 66	Page 67
<p>1 This was a -- I think, from my perspective, 2 this was a good choice, and the reason we recommended 3 it, it was a good choice under the circumstances we 4 faced to have this clarification to make sure that, at 5 least with respect to our relationship with the AGO, 6 things were clear. But, you know, so many 7 circumstances changed between November of -- or, 8 October of 2022 and, you know, basically March of 2023. 9 Now, GRRC's opposition to this rule was, you 10 know, as the memo talks about -- you know, it's a 11 little hard. They don't have to reduce their reasoning 12 to one -- they're not a court, they don't reduce their 13 reasoning to like one set of reasons that they agree 14 on, and so sometimes it's a little hard to understand 15 what precisely they mean. 16 And the memo uses two examples. One, you 17 know, Jenna Bentley, who's a Council Member and also, 18 you know, works for the Goldwater Institute, her point 19 of view was that -- and again, our -- Kara's and Kyle's 20 brief and the staff attorney for GRRC disagreed with 21 this, but her point of view was this pre-new-deal case 22 from, I can't even remember, 1930-something that had 23 a -- that was not a constitutional case, but that 24 had -- took a hard line on one particular agency's 25 ability to subpoena, was literally the law, there's no</p>	<p>1 other law, no other case matters, that's it. That was 2 her view. So her view was essentially, it is per se 3 illegal for any agency to delegate anything, you know, 4 unless they have some kind of like super duper 5 absolutely, you know, like explicit beyond any shadow 6 of a doubt, you know, delegation that -- authority 7 that, you know, that was something along the lines of 8 like a commandment. 9 You know, Commissioner Sundt -- Council 10 Member Sundt, rather, you know, he was a little bit 11 less -- maybe less clear, but he sort of said, I don't 12 like -- and I use the word "like" because that's the 13 word he used -- he said he didn't like the fact that 14 the rule allowed -- allowed the -- if the Executive 15 Director delegated, that the person who was delegated 16 to do the subpoena could delegate it to another person 17 and he felt like that was -- that was -- he didn't ever 18 articulate any legal reason why he believed that was 19 impermissible, he simply said he didn't like it. 20 So, you know, a 6-1 vote, I mean, these are 21 all Council Members who, like us, who have been on the 22 Council for a long time. You know, you never know 23 what's going to come up. 24 The public comments -- and I know this is 25 maybe going past what you need for an answer,</p>
Page 68	Page 69
<p>1 Commissioner Chan, but the public comments that they 2 got were interesting because they conflated -- they 3 must have been driven by some kind of e-mail campaign 4 to generate them, right, because ordinarily, at least 5 in my experience, State agencies don't get 145 pages of 6 comments on a Sunday just because. And they all kept 7 talking about Prop 211. They repeatedly kept talking 8 about Prop 211. And, now, Prop 211 is not popular 9 among certain segments of the population. But the fact 10 that there was a conflation there of these two issues 11 to me, you know, led me to conclude that there was kind 12 of a -- there was something -- you know, the Council is 13 entitled to make its decisions, but clearly somebody 14 outside the Council believed there was a point to score 15 here, otherwise they wouldn't have bothered to get 16 their folks to inundate the Council with these comments 17 that really weren't on point. 18 So for all those reasons, the environment 19 there, wanting to take a holistic look at where we are, 20 including Prop 211, and then the circumstances that 21 have changed since October of 2022, that's our 22 intention, and that's what we tried to capture in the 23 memo, that we're basically -- there's no -- there's no 24 purpose in putting in -- in sort of rewriting this 25 right now if we're going to have to do a whole bunch of</p>	<p>1 stuff, as we are, to set forth how the enforcement 2 process would work under Prop 211, and then if we want 3 that to also catch up with what we do under Clean 4 Elections. 5 CHAIRMAN MEYER: So, Tom, if I can sort of 6 summarize what you said, I mean, we're talking about 7 Title 2 here, which is compliance and enforcement 8 procedures. 9 MR. COLLINS: Yeah. 10 CHAIRMAN MEYER: We're going to have to 11 rework a lot of that based upon Prop 211. So this 12 change that we made in R2-20-211 last October is 13 probably going to have to be modified again anyway as a 14 result of Prop 211, so it's really not worth having 15 this fight right now over something that we're going to 16 have to amend anyway. Is that a fair summary? 17 MR. COLLINS: Yes, absolutely. 18 CHAIRMAN MEYER: Okay. All right. Does 19 anyone else have any other questions for Tom on this 20 issue? 21 (No response.) 22 CHAIRMAN MEYER: Is there a motion to 23 terminate the rulemaking regarding amendments to 24 R2-20-211? 25 COMMISSIONER KIMBLE: Mr. Chairman.</p>

Page 70	Page 71
<p>1 CHAIRMAN MEYER: Go ahead, Mr. Kimble.</p> <p>2 COMMISSIONER KIMBLE: I move that we</p> <p>3 terminate rulemaking regarding proposed amends to</p> <p>4 R2-20-211 related to subpoenas.</p> <p>5 CHAIRMAN MEYER: Is there a second?</p> <p>6 COMMISSIONER PATON: I'll second that.</p> <p>7 CHAIRMAN MEYER: All right. We have a</p> <p>8 motion, and it's been seconded, a motion to terminate</p> <p>9 the rulemaking regarding amendments to R2-20-211.</p> <p>10 We'll go ahead and vote and I'll call the roll and I'll</p> <p>11 start with Commissioner Kimble.</p> <p>12 COMMISSIONER KIMBLE: Aye.</p> <p>13 CHAIRMAN MEYER: Commissioner Paton.</p> <p>14 COMMISSIONER PATON: Aye.</p> <p>15 CHAIRMAN MEYER: Commissioner Chan.</p> <p>16 COMMISSIONER CHAN: Aye.</p> <p>17 CHAIRMAN MEYER: Commissioner Titla.</p> <p>18 COMMISSIONER TITLA: Aye.</p> <p>19 CHAIRMAN MEYER: This is -- and Commissioner</p> <p>20 Meyer, I vote aye as well. The motion passes</p> <p>21 unanimously to terminate the rulemaking.</p> <p>22 Tom, I think you provided a form in here --</p> <p>23 MR. COLLINS: Yeah.</p> <p>24 CHAIRMAN MEYER: -- in our packet that</p> <p>25 accomplishes that. Anything else that we need to know</p>	<p>1 about that or you need from us on that form?</p> <p>2 MR. COLLINS: No. No, thank you. Thank you,</p> <p>3 Commissioners.</p> <p>4 CHAIRMAN MEYER: All right. Okay. On to</p> <p>5 Agenda Item No. VII, which is discussion and possible</p> <p>6 action on the 2023 Chairperson. As you all know, every</p> <p>7 year the Commission elects a Chairperson to chair</p> <p>8 meetings for the calendar year. I'd like to have a</p> <p>9 discussion about who feels comfortable taking on this</p> <p>10 responsibility for the rest of 2023, and hopefully we</p> <p>11 can resolve that here today, discussion on Chairperson</p> <p>12 duties moving forward.</p> <p>13 And Tom, I think we kind of rotate this. And</p> <p>14 if we did do the rotation, who would be next in the</p> <p>15 rotation? Is it Commissioner Kimble?</p> <p>16 MR. COLLINS: Let's see. You were appointed</p> <p>17 and then you were appointed and then -- yeah, I think</p> <p>18 that's right. I believe that's correct. I mean, I</p> <p>19 think we skipped -- when we got to you, I think we</p> <p>20 skipped having Commissioner Titla come back again.</p> <p>21 CHAIRMAN MEYER: Okay.</p> <p>22 MR. COLLINS: So I don't know if he -- but</p> <p>23 yes, that's -- that's right. Because you were Governor</p> <p>24 Brewer and you were Senator Hobbs and you were Governor</p> <p>25 Ducey and you were Senator Hobbs and Commissioner Titla</p>
Page 72	Page 73
<p>1 was Senator Landrum Taylor, so that's right.</p> <p>2 CHAIRMAN MEYER: Well, I guess, let me ask,</p> <p>3 does anyone -- do any of my fellow Commissioners want</p> <p>4 to lobby for this position?</p> <p>5 COMMISSIONER PATON: No.</p> <p>6 CHAIRMAN MEYER: Wow, I don't hear anyone --</p> <p>7 I don't hear anyone out there banging the drum.</p> <p>8 Okay. Is anyone willing to take on this</p> <p>9 position?</p> <p>10 COMMISSIONER KIMBLE: Mr. Chairman.</p> <p>11 CHAIRMAN MEYER: Commission Paton --</p> <p>12 Go ahead, Commissioner Kimble.</p> <p>13 COMMISSIONER KIMBLE: I don't want to lobby</p> <p>14 for it, but I'm willing to do it if -- if it's my turn.</p> <p>15 CHAIRMAN MEYER: Okay. Anyone else have any</p> <p>16 comments on serving as Commissioner?</p> <p>17 COMMISSIONER CHAN: Mr. Chairman, can I move</p> <p>18 that we elect Commissioner Kimble to be our new Chair</p> <p>19 for the year? Is it too early to do that?</p> <p>20 CHAIRMAN MEYER: Unless anyone else has any</p> <p>21 further comments, I am fine with a motion.</p> <p>22 Does anyone else have any other comments?</p> <p>23 I'll table Commissioner Chan's motion for a moment.</p> <p>24 Does anyone else have any further comments on the</p> <p>25 Chairman position?</p>	<p>1 (No response.)</p> <p>2 CHAIRMAN MEYER: If not, we have a motion</p> <p>3 from Commissioner Chan to elect -- or, designate</p> <p>4 Commissioner Kimble as the Commissioner for the</p> <p>5 remainder of 2023. Is there a second to that motion?</p> <p>6 COMMISSIONER PATON: I'll second that.</p> <p>7 CHAIRMAN MEYER: All right. Commissioner</p> <p>8 Paton seconds it.</p> <p>9 All right. We have a motion to appoint</p> <p>10 Commissioner Kimble as Commissioner for the remainder</p> <p>11 of 2023 and it's been seconded. Go ahead and call the</p> <p>12 roll. Commissioner Chan, how do you vote?</p> <p>13 COMMISSIONER CHAN: I vote aye.</p> <p>14 CHAIRMAN MEYER: Commissioner Titla.</p> <p>15 COMMISSIONER TITLA: Aye.</p> <p>16 CHAIRMAN MEYER: Commissioner Paton.</p> <p>17 COMMISSIONER PATON: Aye.</p> <p>18 CHAIRMAN MEYER: Commissioner Kimble.</p> <p>19 COMMISSIONER KIMBLE: I think I'll -- I think</p> <p>20 I'll abstain, Mr. Chairman.</p> <p>21 CHAIRMAN MEYER: Thank you. And then I will</p> <p>22 vote aye as well, so the motion carries 4 to 0 with 1</p> <p>23 abstention.</p> <p>24 Congratulations, Commissioner Kimble. I am</p> <p>25 passing you the virtual baton here.</p>

Page 74	Page 75
<p>1 And with that, we'll move on to public 2 comment, which is Item No. VIII on the Agenda. This is 3 the time for consideration of comments and suggestions 4 from the public. Action taken as a result of public 5 comment will be limited to directing staff to study the 6 matter or rescheduling the matter for further 7 consideration and decision at a later date or 8 responding to criticism. Please limit your comment to 9 no more than two minutes.</p> <p>10 Does any member of the public wish to make 11 comments at this time? And if there's anyone on Zoom, 12 please raise your -- raise your hand or let us know, 13 unmute your -- unmute your camera and your microphone 14 and tell us. Also, the public may send comments to the 15 Commission by mail or e-mail at 16 ccec@azcleanelections.gov.</p> <p>17 Is there any member of the public there in 18 the meeting room, Commissioner -- I'm sorry -- Tom?</p> <p>19 MR. COLLINS: No. No, no one wants to make 20 any comment.</p> <p>21 CHAIRMAN MEYER: Okay. Anyone online want to 22 make a comment?</p> <p>23 (No response.)</p> <p>24 CHAIRMAN MEYER: All right. So there is no 25 one there for public comment.</p>	<p>1 And at this time, Item No. IX, motion to 2 adjourn. At this time, in my perhaps last act as 3 Chairperson, but who knows where we'll be five years 4 from now, I would entertain a motion to adjourn.</p> <p>5 COMMISSIONER KIMBLE: Mr. Chairman.</p> <p>6 COMMISSIONER TITLA: I motion to adjourn.</p> <p>7 CHAIRMAN MEYER: I'm sorry, Commissioner 8 Titla, did you make a motion?</p> <p>9 COMMISSIONER TITLA: I motion to adjourn.</p> <p>10 CHAIRMAN MEYER: All right. Commissioner 11 Titla has made a motion to adjourn. Is there a second?</p> <p>12 COMMISSIONER KIMBLE: Commissioner Kimble. I 13 second.</p> <p>14 CHAIRMAN MEYER: All right. We'll vote and 15 call the roll. Commissioner Paton.</p> <p>16 COMMISSIONER PATON: Aye.</p> <p>17 CHAIRMAN MEYER: Commissioner Kimble.</p> <p>18 COMMISSIONER KIMBLE: Aye.</p> <p>19 CHAIRMAN MEYER: Commissioner Titla.</p> <p>20 COMMISSIONER TITLA: Aye.</p> <p>21 CHAIRMAN MEYER: Commissioner Chan.</p> <p>22 COMMISSIONER CHAN: Aye.</p> <p>23 CHAIRMAN MEYER: And Commissioner Meyer, I 24 vote aye as well. We are adjourned. 25 (The meeting concluded at 11:14 a.m.)</p>
Page 76	
<p>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 30th day of 19 April, 2023. 20 21 22  23 Kathryn A. Blackwelder, RPR Certified Reporter #50666 24 25</p>	

\$	2	60 28:15 29:15	action 4:13 5:14 7:14 10:14 18:3 27:8 29:20 43:17 59:10 61:22 71:6 74:4
\$10,000 45:8	2 18:25 69:7	60-day 28:4	
\$15,000 56:8	20 55:18	6:00 14:9 15:6	
\$2,500 33:6 34:18 37:12	200 43:23 44:14	7	activities 20:1,6
\$200 44:14	2016 20:11 38:3 60:22	7 39:5	activity 5:24
\$25,000 21:15 30:14 56:7	2022 7:14 66:8 68:21	8	acts 23:11
\$300 43:25	2023 3:4 4:14,19,25 66:8 71:6,10 73:5,11	8 42:25	actual 34:1 51:12 52:17
\$4,500 56:20	2024 25:19,20	9	add 12:23 29:8 55:7
\$5 45:10	211 7:22 18:3,8 24:24, 25 25:1,4 43:7,10 61:18 63:9,20,22 65:1 68:7,8, 20 69:2,11,14	9 43:1,2	addition 51:25
\$5,000 19:11,16 21:17 34:5,24 43:12 44:4,8 47:13,24,25 48:9 49:5	23 4:14,25	9:30 3:3	additional 19:8 22:23 32:24 40:11 55:14,15, 20
\$5,500 56:20	23rd 4:19	A	address 40:15 62:18
\$50,000 21:1 54:8	25 56:7	a.m. 3:3 75:25	addresses 48:4
\$500,000 41:21	25,000 21:4 54:9,10	ABC 34:22,23 37:21 38:17 44:24	adjourn 75:2,4,6,9,11
0	27th 3:3	ability 66:25	adjourned 75:24
0 5:11 73:22	3	absolutely 67:5 69:17	adjust 21:6
1	3 19:18	absolutely 67:5 69:17	administrative 7:10 65:4
1 14:10 73:22	30 7:3 15:8	abstain 5:11 73:20	Adrian 8:24
10 34:9,24	300 51:10	abstention 5:12 73:23	advantage 48:1 65:6
10,000 45:23	3rd 11:20 12:16	acceptable 60:14	advertising 18:12
11:14 75:25	4	accomplish 27:21	advisedly 27:15
12th 7:22 26:13,25 28:8 29:13	4 5:11 73:22	accomplishes 70:25	advisement 29:14
145 68:5	5	accounts 60:13	advisors 13:9
15,000 54:11	50 46:6 56:7	accurate 50:14	advocacy 59:25
16-925 59:13,14,16	50,000 21:15 56:6	accurately 47:10	affected 30:17
16th 6:15	500 39:25	acknowledgment 15:12	AFSCME 53:10,12
180 44:14	501(c)(3) 42:13	act 18:4,9 19:22 20:12 21:13 23:5,10 24:12,22 27:14 33:1 35:9 36:18 42:8,19 44:7,17 45:5 54:8,21 55:11,16 56:24 61:7 64:8,9,19,23,24 75:2	age 45:19
1930-something 66:22	6	acted 47:11	agencies 68:5
1987 12:1	6 38:12	acting 27:14 36:14	agency 39:20 65:10 67:3
	6-1 67:20		agency's 66:24
			agenda 3:2 4:12 5:13 10:13 11:10 14:5 18:2,9 19:1,2 28:7 61:21 71:5 74:2
			aggregate 19:17

agnostic 25:14	approved 15:3		60:17 67:10
agree 61:12 66:13	April 3:3	B	bite 62:23
agreed 12:8	area 48:22	back 6:2 16:3 20:14 36:6,8 37:13,14,19 38:10,20 45:19 46:10, 13 49:25 52:7 53:20 58:5 71:20	board 9:18 30:19,24 32:10
ahead 3:21,22,23 4:25 10:23 18:14 22:13 30:10 32:17 62:14 70:1, 10 72:12 73:11	argument 7:21 26:12, 15 28:14	backwards 37:24 43:3	books 20:7
all-blue 31:25	Arizona 20:11 29:15,16 49:12 59:5 60:22	ball 26:7	bothered 68:15
all-red 31:25	articulate 67:18	ballot 6:14 14:13 15:23 16:18,22 19:4,6 36:10	bound 52:2
allowed 67:14	asks 34:23	ballot-by-mail 6:11	box 55:15
altered 27:20	aspect 23:5,10 41:23 46:25	banging 72:7	boxes 55:15
altogether 49:6	assessment 57:12	bank 41:21	branch 10:1
amend 69:16	association 52:22	based 69:11	break 6:1
Amendment 27:4	assume 57:7	basic 22:24 55:13	Brewer 71:24
amendments 61:24 62:6 69:23 70:9	assumption 56:25 57:6	basically 6:11 9:21 11:6 21:4,11 24:11 33:4,18 36:8,10 39:2 40:2 41:12 46:4 47:7 55:12,14 57:2,4 63:4 66:8 68:23	bring 10:17 43:20
amends 70:3	ASU 6:19	basis 54:24 58:10	brings 20:14
American 11:23	attachment 19:2	baton 73:25	broad 9:8,20
amount 32:7 33:7 34:20 40:22 41:2,25 43:14 52:24 53:7	attend 8:2	battle 31:21	broadens 59:22
amounts 49:19	attendance 3:10 4:11	bear 19:21	broader 63:11
Amy 3:24	attending 7:23	bearing 60:25	brought 7:24
analogy 41:3	attention 10:1	bed 62:21	Brown 11:22,23
answers 10:4	attorney 65:18,20 66:20	began 18:6	buckets 36:18
apologize 3:25 62:9	attorneys 26:10	begin 33:2	bucks 44:14 51:10
apparatus 26:6	audience 3:7	believed 67:18 68:14	budget 6:3,6 12:3
appeal 29:3	authority 21:6,21 67:6	believing 58:10	build 24:24 53:20,22
appeals 29:23	authorized 10:16 59:1, 3	benefit 51:16	building 46:15
appearing 3:8,16,25	automatically 32:7	Bennett 9:4	bulk 46:22
appellate 28:25	average 44:12	Bentley 66:17	bullet 44:25
apple 62:23	Avery 6:18 13:15	big 7:11 30:22 31:3 36:11,12,18 45:7	bunch 68:25
application 29:16	avoid 22:1	bigger 44:3	bureaucrats 42:6
apply 47:22	aware 51:9,13	Bipartisan 7:12 8:8,11	business 33:16 37:15 62:19
appoint 73:9	awkward 21:9	bit 6:1 8:8 18:22 25:5 30:13 32:20 33:11 37:1	button 62:8
appointed 71:16,17	aye 5:3,5,7,9 70:12,14, 16,18,20 73:13,15,17, 22 75:16,18,20,22,24		C
approach 58:3 65:8			calendar 63:25 71:8
approve 4:15,18,24			call 3:3 4:25 25:10 61:9 70:10 73:11 75:15
			called 21:9 39:24

calling 3:5	cetera 30:19	choice 58:16 66:2,3	comments 67:24 68:1, 6,16 72:16,21,22,24 74:3,11,14
calls 17:8	chain 37:13	choose 59:11	Commission 3:6 10:16 11:7,22 12:1,19 15:4 21:5,20 22:23 29:10 32:22 33:14 48:18 49:1,2 58:12 62:19 71:7 72:11 74:15
camera 4:1 74:13	chair 71:7 72:18	circumstances 65:16 66:3,7 68:20	Commissioner 3:14, 15,18,19,20,22,24 4:5, 7,16,17,18,21 5:1,3,4,5, 6,7,8,9 10:18 12:23,25 13:24,25 14:4 16:4,8 17:15,21 20:3 22:10,14, 16 23:19,21 25:25 26:5, 22 27:11 28:8,12,20 29:22 30:1,8,9,10,12,20 32:15 35:3 42:1,5,23 43:1 44:10 45:12,16 52:9 53:25 56:3 62:12, 14,15 63:1,3 67:9 68:1 69:25 70:2,6,11,12,13, 14,15,16,17,18,19 71:15,20,25 72:5,10,12, 13,16,17,18,23 73:3,4, 6,7,10,12,13,14,15,16, 17,18,19,24 74:18 75:5, 6,7,9,10,12,15,16,17, 18,19,20,21,22,23
campaign 8:17 19:9, 22,23,25 20:8,23 21:3, 19 22:19 23:10 25:7 33:7 34:6,7 38:4 39:3, 21 40:18,25 41:4,16,22 42:10,21 43:16 45:2,5 50:11 51:4,10 54:20 57:4 59:9 60:12,20 68:3	chaired 10:19	circus 17:19	
campaigns 49:12 54:10	Chairman 3:2,16,18 4:3,9,16,17,20,23 5:4,6, 8,10,16 8:6,7 10:9,12, 25 12:22 13:20,21 14:4 16:8 17:21,25 18:15,20 19:1 22:11,13,16 23:21 26:9 28:12 29:10 30:1, 9,10,20 32:16,19 35:7, 9,17,19 36:2 37:2,5 46:12 49:25 52:3,5 56:13,19 58:18 61:12, 20 62:13,14 63:2,3 69:5,10,18,22,25 70:1, 5,7,13,15,17,19,24 71:4,21 72:2,6,10,11, 15,17,20,25 73:2,7,14, 16,18,20,21 74:21,24 75:5,7,10,14,17,19,21, 23	Citizens 3:5	
candidate 11:3,12 14:11,12,22 17:9 19:24 25:8,9 36:4,15,16 37:18,19,23 38:6,7,18, 19 39:23 40:11 44:13, 23 52:25 59:2,3 64:22	candidates 11:18 12:7 14:15,16 15:1,9,17,19 16:2,12,15,25 17:7,11, 13 30:15,17 31:15 32:5, 6 35:10,22,23 59:25 64:20	city 6:10,22 21:4 25:3,7 30:18 31:6 52:17	
capacity 48:11	Chairman's 39:7	citywide 31:6	
capture 68:22	Chairperson 3:5 71:6, 7,11 75:3	civic 13:11	
care 63:1	challenges 12:11	civil 19:11	
carries 73:22	chamber 11:15 14:2 16:7	claim 28:21	
case 7:24 22:7 26:13, 16,18,24 27:1,2 29:14, 18 32:10 53:3,9 58:4 63:8 65:2 66:21,23 67:1	Chan 3:18,20,24 5:1,3 62:12,14,15 63:1,3 68:1 70:15,16 72:17 73:3,12, 13 75:21,22	claims 27:4	
cases 7:22 26:11 30:2 64:4	Chan's 72:23	clarification 36:1 66:4	
cash 41:7,9,15	chance 28:5 64:21	clarified 17:16	
catch 69:3	change 17:7 38:3 63:24 69:12	Clean 3:6 12:14 24:12 45:4 56:24 64:6,8,18, 20,22,23 65:9,10 69:3	
categories 21:3 36:8, 12	changed 27:19 66:7 68:21	clear 22:25 32:6 33:1 66:6 67:11	
Cathy 52:15	channel 11:6	close 31:22	
ccec@	chapters 64:9	closely 16:23	
azcleanelections.	charge 40:1	code 54:20	
gov. 74:16	charged 32:22	coding 23:25	
Center 6:19	check 43:25 51:9	collecting 33:10	
	child 42:15,17	college 45:20	
		Collins 5:16 8:11 18:15 19:3 20:4 22:12,16 23:21 26:4,8,23 27:12 28:11,21 29:12,25 30:20 32:16,20 35:4,8, 16,18 36:6 37:3,6 42:4, 8,24 43:2,25 44:11 45:14,18 52:6 54:2 56:5,18,21 58:20 62:25 63:2 69:9,17 70:23 71:2,16,22 74:19	
		comfortable 71:9	
		commandment 67:8	
		comment 28:4 74:2,5, 8,20,22,25	
			Commissioners 3:11 4:10 8:6 10:10 11:1 13:23 14:5 16:9 18:16 61:16 62:7 71:3 72:3
			committee 43:17 59:11
			commodified 57:15
			communication 20:17 51:3
			communications 20:22
			community 8:18 9:3
			companies 57:20
			compare 17:4
			complaint 58:11
			completes 8:5
			compliance 47:6 69:7

comply 59:12,13,14,15	61:2	creates 44:5 55:23	definitional 38:24
component 23:8	continuing 15:5 45:22	credit 52:9	definitions 57:3
components 23:4,7	contributed 21:17	criticism 74:8	degree 60:8
composed 8:9	33:5 34:18 43:12 46:5	crystal 26:7	delay 63:24
conceivable 24:23	contribution 33:7	curious 62:20	delegate 67:3,16
concern 35:14	43:13,14,18 44:1	current 13:17 17:5 24:7	delegated 67:15
concerns 7:25	contributions 19:11,	38:4 50:25 60:12	delegation 7:7 67:6
conclude 68:11	16 44:4 46:1 49:20	cycle 34:7 43:13 46:4	deliberations 62:2
concluded 75:25	55:5,6 56:14		Democrats 14:17
conclusion 58:19	control 32:8 39:17	D	dense 56:10
concrete 53:15	controlled 40:6,23	Damien 3:4	Department 12:3
conducted 11:14	controls 40:7	dark 25:10,11 52:18	departure 60:21
confirm 16:21	convenience 64:11	date 11:4 26:23 40:23	depending 16:18
confirmed 16:11	coordination 36:14	43:14 53:1,7 74:7	64:15
confirms 51:3	corporate 39:11	dates 26:15	designate 61:9 73:3
conflated 68:2	correct 19:3 28:13	day 45:19	designed 26:20
conflation 68:10	29:8,13 71:18	days 21:15 28:15 29:15	detailed 61:14
conflict 65:20	costs 64:12	34:9,25 55:18	details 32:24
Congratulations	Council 7:4 30:18	deal 21:24 48:23 65:22	determine 49:18
73:24	63:18 66:17 67:9,21,22	dealing 12:6	develop 23:13
congressional 31:3	68:12,14,16	debate 9:1 10:18 11:11,	development 63:13
conjunction 10:20	Council's 62:2	17 12:7,14,18,20 13:5,	developments 65:3
consideration 74:3,7	County 7:6 8:16,22,23	17 14:8,10,12,14,18,20,	difference 26:17 43:19
consistent 20:22	21:4 30:19,23,24,25	22 15:1,2 16:1,5,11,19,	55:17 59:18
64:25	couple 5:22 6:16,17 9:3	23	differences 15:21
constituted 46:2	19:15 23:23 24:16	debates 10:14,17 11:2,	65:12
Constitution 7:25	26:10 36:11,21 54:12	3,13,16,22 12:1,11	differently 37:1
29:16 60:19	56:22	14:1,7 17:17	direct 9:25 49:19 51:2,
constitutional 27:3	court 7:24 26:1 27:8	decade 24:9	21
66:23	28:9,14 29:13,15,18,20	decades 13:6 30:2	directing 74:5
consultant 39:20	47:19 48:10,11,13	decide 9:14 29:16,21	directly 15:19 16:2
40:18	66:12	32:12	37:8 38:19
contact 46:23 47:2,8	courts 23:18 25:17	decides 40:16	Director 11:21,25
57:24	28:16	decision 24:3,6,16	67:15
contested 14:13 16:20	cover 59:7	49:2 74:7	Director's 5:14 8:20
31:10,14	covered 20:10 21:9,12	decisions 68:13	61:25
context 43:22 44:12	22:5 33:10,24 34:8,10,	deemed 29:14	disability 8:18 9:2
45:1 56:24	15,22 35:21,22 36:3,4,	defendants 29:17	disagreed 66:20
continue 12:13 30:6	7,9,18 38:1 39:8,9,18	defines 19:22 20:17	
	40:14,23 43:8 45:23	definition 20:18 39:1	
	46:2,3,15 49:10,17	59:11	
	50:14,16 51:15 52:20		
	created 8:12		

disclaimer 47:20 58:25 59:19,20	door 65:9	else's 54:6	everybody's 56:11
disclaimers 18:11 59:18	doubt 67:6	encompasses 19:24	evolves 31:1
disclose 35:24,25 36:4 37:11	drag 29:23	end 6:14 12:17 37:17 38:8 39:9 41:7 49:13 53:20 60:24 64:17,25 65:8,19	exact 11:6
disclosed 47:19 48:17 49:6	draw 41:3	ended 65:19	examples 66:16
disclosure 21:21 36:3 47:18	drill 18:10	ends 10:2	excellent 13:4
disclosures 19:9 20:9 55:11	drive 32:4	enforce 64:7	exceptions 20:1,5 46:9 47:14,17
discuss 5:14 10:14,18 12:14	driven 68:3	enforcement 23:5 35:14 39:15 46:25 50:1 54:16 58:4 63:12 65:21 69:1,7	Exchange 7:4
discussed 11:12,17	driver 23:8	enforcements 64:19 65:4	excited 11:19
discussion 4:13,14 12:12 14:6,19,24 18:3 58:9 61:21 71:5,9,11	drum 72:7	engagement 11:18	exciting 7:8
discussions 11:9,15 13:18 23:15 28:1	Ducey 71:25	enhancing 42:15	excuse 22:10 29:25 62:8
dismiss 29:18,19	duper 67:4	ensure 14:25 16:12 17:2	executing 12:10
district 14:10 16:3,17 31:25 32:12	duties 71:12	ensuring 15:24 24:19	executive 5:14 8:12,20 9:8,25 11:21,23,25 61:25 67:14
districts 31:2,3 32:11	<hr/> E	enter 26:2	exemptions 18:11
document 33:21 38:2	e-mail 68:3 74:15	entertain 75:4	existing 50:24 54:19
documentation 37:9 49:21,22	earlier 26:13	entities 35:22 59:20	expect 65:13
dog 45:14	early 72:19	entitled 68:13	expenditure 30:23 43:24 45:7,8 52:23 53:1,22
dollar 45:20	easy 57:14	entity 39:11,25 40:5 52:22 59:24	expenditures 19:24 36:9,10
dollars 37:16 41:21,25 47:13	edition 18:20	entity's 40:8	expenses 20:3,4 42:9
donate 34:5	education 6:18 9:2 11:16	environment 68:18	experience 15:18,20 31:12 68:5
donates 56:15	effect 22:17 64:1,7	equal 16:14 17:2,6 50:6	experts 8:17
donating 44:7	effectively 40:3	equity 16:13	explain 14:2
donation 34:23 44:13 48:6 53:5,8 57:10	effort 63:6	essentially 13:5 23:13 33:22 34:14 59:12 60:12 67:2	explaining 13:16
donor 21:17 37:11 41:21 42:12 43:4,11 46:5	elect 72:18 73:3	established 40:5 48:13	explanatory 54:1
donor's 43:14	elected 7:6 9:15 13:10 36:16	evaluate 64:4	explicit 21:20 67:5
donors 19:16 21:18 23:2 41:1 42:20 59:6,9, 22 60:2,6	election 6:4 7:12,15 8:9 9:9 10:6 14:13,23 16:20 21:2 22:15 25:19, 20 29:23 31:19 32:9 34:7 43:13 46:4 54:25 55:19,25 64:7	event 14:25 15:5,25 56:16 57:22 61:10	express 59:25
	elections 3:6 6:9,11,14 8:12 9:21,22 12:14 19:24 24:12 31:13 45:4 56:24 59:21 60:9 64:8, 19,23,24 65:9,10 69:4	evening 14:8,9 15:5	extent 64:19
	elects 71:7	eventually 6:2 22:2 58:9	eye 18:8
	eligible 6:13 14:12 16:19,22,25 17:14		<hr/> F
			face 24:17
			faced 66:4

fact 22:25 23:1 61:9 67:13 68:9	financed 40:6	fund 42:17 44:24	grounded 60:19
factional 31:21	financing 49:12	funders 50:4	group 9:1 10:15,17,19 11:3,8 12:9,13,18,20,24 13:2,7 14:6 15:2,10,11 16:6,11 34:22 37:21,22 38:6,7,9 39:3,24 40:19 41:20 47:9 58:15
facts 32:3	find 8:1 9:21 52:11	funding 35:11 51:6	
fair 45:18 69:16	finding 7:23	fundraiser 57:16	
fairly 9:8 28:16	fine 54:25 72:21	future 22:4 26:24	
faith 57:2 58:9	firm 9:10		
false 49:24	fit 54:14	<hr/> G	groups 13:11 36:13
family 48:21	fixed 65:24	Galen 3:14 4:21	GRRC 63:7,14 66:20
Favor 39:24	flesh 6:24 27:25 33:15	gallon 45:17	GRRC's 66:9
February 8:15	floor 30:14 31:8	gas 45:11,12,15,19	grunt 23:25
Federal 26:15,18 27:1, 2	focus 9:11 15:19 16:16 18:21	gathering 20:7	guess 10:23 18:24 22:6 32:3 35:11,14 39:5 55:8 62:15 72:2
feedback 6:21	focused 27:3 42:15 44:7,17 54:15	gave 34:20 35:2 37:20, 21,22 38:16 62:1	guest 11:20
feel 4:4	focusing 10:5	general 9:10 31:19,22 42:7 56:4	guidance 22:22
feeling 4:1	folks 22:18 24:19 36:16 44:18 47:5 48:7,8,25 54:18,21 60:9 68:16	General's 65:18,20	guide 19:7
feels 71:9		generate 34:1 68:4	<hr/> H
fellow 72:3	follow 9:17 10:24 22:7 60:10	Gina 7:2 10:20,23 13:14,25	half 46:2 58:16
felt 15:18 54:13 67:17	Fontes 8:24	give 10:21 29:6 43:24 44:12 52:9	hand 41:7,9,16 74:12
field 32:6	Force 7:13 8:9,12 10:2	giving 48:8	handful 32:11
fight 69:15	form 25:5 39:11 51:20 54:3,6 59:24 70:22 71:1	glad 5:19	handles 54:21
file 21:9,14 46:16 47:10 48:17 49:1 51:17 55:1, 19,22 57:1	format 11:12 14:7,20, 25 15:7	Global 7:4	happen 65:18
filed 27:1 29:18 34:2 63:7	forms 57:7	goal 9:7 16:10,12 25:16	happening 7:11,19
filer 36:7 37:24 39:9,10	forward 27:8,9,23 71:12	Goldwater 66:18	harbor 49:7
filers 20:24 24:21 36:13	Foundation 53:11	good 3:2 6:20,21,23 11:1 13:11,12 19:7 29:9 46:14 53:12 57:1,21 58:9 61:1 66:2,3	hard 31:17 66:11,14,24
filing 23:11,14 24:7,10, 21 36:9 50:18 54:19,24 55:14	founding 11:25	government 11:24	harm 28:23 48:21
filings 25:1,8,9,12	Fowler 8:25	Governor 8:15 9:15 71:23,24	head 65:22
fill 25:6	framework 38:11	Governor's 7:12 9:19 62:2	hear 4:3 72:6,7
final 12:16	frequency 54:7 55:1	graduated 45:20	hearing 10:13 26:25 29:13 61:20
finally 45:25 49:3	Friends 39:23	grateful 12:8	hearings 62:4
finance 8:17 20:9,23 23:11 25:7 38:4 41:4 43:16 45:2,5 51:11 54:20 57:4 60:13,20	front 5:25 28:7 58:11 63:14	great 11:8	heated 31:21
	fronts 25:24	ground 32:4	Helen 8:23
	fulfill 46:17		helpful 39:1 52:11
			helping 42:2
			hereto 30:24
			hey 8:7 34:23 38:20 55:24

high 51:17	illustrative 41:11	21 51:19 52:23 53:2,22, 23 55:3,16 59:4,5 60:8 65:16	issue 17:10 21:24 23:22,24 47:4 62:7 69:20
high-profile 7:6	imagine 61:5		
higher 31:24 50:24 51:2 60:16	impediment 27:14	informed 21:18	issues 23:23 27:25 61:17 62:21 63:9,11,20 68:10
highlight 6:16 7:1 55:10	impermissible 67:19	informing 51:24	
hinges 23:6	implementation 26:20	inherited 65:2	item 3:2 4:12 5:13 10:13 14:5 18:2 19:1,2 61:21 71:5 74:2 75:1
historical 30:16	implementing 18:8	initiative 25:20 36:17 42:14,16	
history 33:19	important 19:20 45:6 47:15 49:4 54:13 61:13 62:19	initiatives 19:25	items 11:10
hit 58:23 62:8	importantly 48:16	injunction 26:19 27:2, 5,13 28:16,17,19 29:1, 2,17	IV 10:13
Hobbs 71:24,25	imposed 55:21		IX 75:1
hold 14:10	impressed 13:2	injunctions 28:18	
holistic 65:8 68:19	improve 9:9,21,22	injury 28:22	J
home 56:15 61:6	improvements 10:6 24:10,13	insightful 12:12	James 28:13 29:7
hope 4:4 12:18 25:16, 18 46:12	in-depth 18:7	Institute 66:18	Janet 11:22
hopeful 23:16	in-kind 43:13 56:14 57:2,3,10	insurmountable 65:25	January 8:13 23:17 25:18
hoping 27:23	include 8:16 14:11 15:3 21:16	integrate 24:7	Jenna 66:17
host 14:8	included 7:8 11:10 14:6 47:19	intending 41:11	job 30:6
hot 45:14		intention 68:22	journalists 13:8
House 12:2 14:16	includes 16:10	interact 17:9	judgment 58:13
human 39:19	including 6:9 7:6,14 11:13 18:4 68:20	interest 48:12	
	income 33:16,17 37:15	interested 7:22 41:22	K
I	incremental 24:13	interesting 13:7 31:11, 13 68:2	Kara's 66:19
idea 37:13 57:21 59:15 61:1	increments 24:14	intermediaries 21:18 37:12,25 46:20 49:18 50:4,20	keeping 40:1 42:12
ideally 64:17	incumbent 38:1	intermediary 44:21, 22,24 47:12 53:9,13,21	Ken 9:4
identify 3:11,17 16:24 19:10 37:12 39:25 43:11 47:22	incumbents 31:16	internal 20:21 33:24	key 19:18,22 32:8
identifying 19:15 24:17	independent 30:23 36:10 38:5 43:24 64:20	International 7:4	Kimble 3:15 4:16,17,18 5:8,9 10:19 12:23,25 30:9,11,12,21 32:15 43:1 52:9 69:25 70:1,2, 11,12 71:15 72:10,12, 13,18 73:4,10,18,19,24 75:5,12,17,18
identities 48:5	indirect 49:19	interstitial 55:24	kind 17:16 19:20 20:12 22:8 24:5 29:5 41:12 45:11 47:16 48:7 49:7,9 52:3 54:3 57:22 59:4 60:7,8,21,23 62:21 63:5 64:15 67:4 68:3,11 71:13
identity 21:16 33:5 34:17 39:16,19 40:5 43:4 45:22,25 47:17,23 48:20	individual 33:16	inundate 68:16	kinds 6:25 20:7,9 28:6 42:9 51:1 54:16 59:3,7
II 4:13	inflation 21:6	investment 32:1	
III 5:13	inform 34:8	involved 49:11	
illegal 67:3	information 12:6 22:24 24:1 25:23 33:25 41:23 46:22 47:8 48:17 49:9,13,23 50:3,14,19,	irreparable 28:23	
		irreparably 28:22	

knew 15:16	librarian 6:22	24:4,10 25:1 28:5 49:2	13:10 20:20 29:11
knowledge 12:6 30:16 48:20 50:10,12	lie 57:7	55:9 58:12,16 66:4	67:21
Kyle's 66:19	likelihood 31:9	68:13 74:10,19,22 75:8	memo 62:3 63:4 66:10, 16 68:23
<hr/>			
L	limit 30:14 74:8	makes 11:11 54:3,4 59:24 64:2	mention 5:21,25 21:23
laid 29:12 38:14	limited 74:5	making 32:23	mentioned 26:12
Landrum 72:1	lines 67:7	Management 12:3	met 6:22 7:7
language 19:5,6 21:22 22:21 34:13	lining 64:5	manager 40:19	Meyer 3:2,4,16,18 4:3, 9,17,20,23 5:4,6,8,10 8:7 10:9,12 12:22 13:21 17:21,25 18:20 19:1 22:13 29:10 30:10 32:19 35:7,9,17 36:2 37:2,5 52:5 56:13,19 58:18 61:12,20 62:14 69:5,10,18,22 70:1,5,7, 13,15,17,19,20,24 71:4, 21 72:2,6,11,15,20 73:2,7,14,16,18,21 74:21,24 75:7,10,14,17, 19,21,23
large 13:2	list 8:21	managing 17:13	
late 8:13,14	listening 61:11	mandate 9:21	
Laura 9:6	literally 28:11,12,14 66:25	March 4:14,19,25 22:6 66:8	
law 9:17 22:17 26:21 27:3 29:16 38:4 47:19, 22,23 48:5 50:25 51:25 52:1 60:20,22 63:8 64:4,15 65:2 66:25 67:1	litigated 26:24	Maricopa 8:22,23 30:19,23,24	
laws 44:17 47:21 64:8	litigation 18:4 30:1	Mark 3:15	
lawsuits 26:1	lobby 72:4,13	market 57:2,5,13 58:1, 14	
lay 35:20	local 6:9	market-based 58:10	
layer 51:7,24	locked 51:11	materials 62:3	Meyer's 49:25
LD1 15:6	long 67:22	matter 29:14 50:22 59:23 61:14 74:6	microphone 74:13
leading 12:24 13:17	long-time 9:1	matters 67:1	microphones 3:8
leaf 61:7	lose 29:2	means 6:11 14:3,15 20:18 21:11 29:15 39:18 50:22 56:6	Mike 61:8,10
learn 61:14 65:7	lot 5:19 13:16 56:10 69:11	measures 36:10	Mike's 5:23
led 68:11	lower-level 54:10	meat 22:9	million 41:21
leery 13:1	lowers 32:7	mechanics 18:10	mind 17:16 19:21
left 6:4,5	lunch 45:10	media 19:9,23 21:3,20 22:19 33:7 34:7 39:3,21 40:25 41:16,22 42:3,10, 21 50:11 51:4 59:9	minimal 32:1
legal 7:14 67:18	<hr/>		
legislation 6:5	M	meet 7:13 12:13	minimum 25:22 47:7
legislative 5:24 14:10 25:21 30:17 31:18	made 11:3 13:15 16:21 24:13 40:24 43:13 44:23 51:13 69:12 75:11	meeting 3:5 4:14,19,24 9:11,12,13,17 11:19 12:16 18:6 21:15 74:18 75:25	minute 33:12
Legislators 9:3	mail 6:14 74:15	meetings 10:19 11:5,7 12:18 71:8	minutes 4:14,15,19,24 15:8 74:9
legislature 5:25 32:11 44:10,13	mailer 59:1	member 66:17 67:10 74:10,17	mislead 57:7
lens 63:20	mailers 59:22	members 3:7 5:17 8:15,18,21 9:25 12:13	missing 35:17 37:4
level 20:25 31:24 42:17	main 6:3 25:16		mission 8:10
levels 19:10 60:16	maintain 51:14		mix 13:11
	maintained 40:6		models 25:13
	maintains 40:8		moderator 17:8
	make 5:20 12:20 15:13, 23 16:24 21:21 22:23		moderators 16:24
			modified 69:13

mom-and-pop 44:9	nonpartisan 20:5	opted 41:1	part 7:3 14:5,18 19:14, 17 22:4 29:19 30:5,22 33:23 46:25 56:23
moment 63:18 72:23	nontraditional 64:22	option 48:25 50:9	participants 9:25 13:3
money 20:16 21:19 22:18,19 25:10,11 31:16 32:7 33:6 34:15, 19 36:12,15,16,24 37:21,22 38:2,6,9 39:17,21 40:2,12,25 41:1,2,15,18,19,20 42:21 43:8 45:3 46:6, 17,21 47:9,11 49:14 50:11 51:4 52:18 53:11, 12	note 7:20 21:7 54:5	oral 7:21 26:12	participate 7:9 16:19, 22 17:1,14
monies 33:8,15,21 34:5,6 37:10,15 38:15 39:2 40:7,17,22,24 43:5,11,12 46:1,3	notice 50:13,15 51:12, 21	order 3:3,6 8:12,16 9:8 46:17 47:19 48:10,14	participation 9:22
monkey 26:2	November 9:8,23 66:7	ordered 37:1	parties 54:17 55:18,21
month 6:7 7:16 8:14 27:24 61:25	nuances 60:17	ordinance 25:4,10,11 52:18	partisan 19:25
months 28:10	number 7:6 13:3 16:25 17:6 47:20 63:11	ordinarily 68:4	partner 9:1
morning 3:2 11:1 29:9, 10	numbers 43:2	ordinary 43:22	party 11:14 14:1 55:11
motion 4:15,23 69:22 70:8,20 72:21,23 73:2, 5,9,22 75:1,4,6,8,9,11	<hr/>	organization 42:2 47:2,3	pass 63:23
motions 29:18,19	O	organizations 40:11 50:13	passed 20:12 24:12 36:17
move 4:12,18 10:13 18:2 22:9 32:17 70:2 72:17 74:1	obligated 9:16 47:9 53:23 60:9	original 19:10,15 33:6, 15,20,21 35:5 36:23 37:10,14,16,20,24 38:15,22 39:4 43:4,11 46:19 47:17 49:4 50:9 53:2,7,21	passes 5:11 70:20
moving 5:13 71:12	obligation 36:3,20	originally 24:12	passing 73:25
multi-member 9:18	obligations 51:13,25 54:19	outline 22:24	past 29:23 57:23 67:25
mute 3:8 62:8	occurred 27:18	outlines 62:4	Pastor 6:19
<hr/>	October 66:8 68:21 69:12	outreach 6:18 8:17	patience 56:12
N	office 6:20 9:19 12:2 23:12,13,16 24:4 42:12 57:16 65:18,20	overlap 24:22	Paton 3:14 4:21,22 5:6, 7 13:24,25 14:5 16:4,9 17:15,22 20:3 22:10,14, 17 23:19,22 25:25 26:5, 22 27:11 28:8,12,20 29:22 30:1,8 35:3 42:1, 5,23 44:10 45:12,16 53:25 56:3 70:6,13,14 72:5,11 73:6,8,16,17 75:15,16
named 8:15 9:6	official 9:16 11:24 15:3	owe 39:12	pause 22:6
names 50:25	officials 7:5,7 13:10	owns 39:17 40:7	pay 10:1
narrowed 20:13	ongoing 7:13 65:3	<hr/>	paying 42:5
nature 28:18 57:1	online 25:6,18 74:21	P	penalties 19:12
necessarily 9:16	open 9:13,14,17 11:5 42:12	p.m. 14:9 15:6	people 13:9,11 20:16 22:25 23:1 31:15 36:18 37:23 38:7,18,19 39:12, 22 40:10,20 42:18 44:7, 22 50:10 57:7 59:11 64:23
news 20:6	opponent 14:23 15:20	PAC 39:11 41:5 43:19, 22,25 51:8,9 53:4 55:4, 11 59:4,19,23	percent 46:6
newsletter 20:20	opponents 14:21 15:10,11,22 16:1	package 63:14	period 16:5 28:2 41:8 57:18
non-statewide 30:15	opportunities 16:14	packet 18:17 19:2 70:24	periods 28:4
	opportunity 6:23 65:7	PACS 41:14 54:17 55:18,21 59:16,21	
	opposed 16:2 20:19	pages 58:21 68:5	
	opposition 66:9	paid 52:24 53:5 59:1,2	
	opt 21:19 39:4 50:9 51:22	parlance 21:10	
	opt-out 21:22 22:18,21, 22		

person 3:13 21:12 25:16 33:5,8,10,25 34:4,8,10,15,16,18,22 35:5 36:3,7,14 38:1,16 39:16,18 40:6,14,16,21, 23 43:8 44:9,15 45:22, 23,25 46:2,3,16,24 47:22 48:16 49:10,17 50:14,16 51:15 52:21 56:25 57:18 67:15,16	possibly 11:13 post-general 55:23 Powerpoint 18:19,20 practical 50:22 practically 31:3 practices 11:16 12:14 pre-general 55:22 pre-new-deal 66:21 precise 41:10,11 precisely 66:15 preliminary 26:19 27:5 28:15,17 29:1,17 prepared 49:12 prescriptive 33:2 presence 30:23 present 12:8 presentation 6:18 7:2 21:8 22:9 24:22 54:14 60:24 61:10,17 presentations 18:7 presidential 11:22 12:1,11 pretty 8:5 10:7 20:11 33:2 53:25 57:14,21 preventing 22:1 preview 36:23 previous 37:11 previously 37:10 38:15 primary 14:23 31:20,21 32:1,9 42:6 56:4 principal 7:17,18 principally 7:25 principles 60:19 prior 8:20 20:11 23:10 38:21 60:22 privacy 48:13 probability 48:19 problem 65:25	procedural 29:3 procedures 63:12 64:14 69:8 proceed 32:19 proceeding 61:22 proceedings 27:19 process 10:6 11:7 12:7,15 13:5 17:5 19:12 28:25 47:12 48:23 51:12,20,22,23 64:14 69:2 program 10:18 16:24 42:18 programming 15:14 16:17 17:12 55:7 programs 42:15,17 progress 11:2 15:7 promulgated 62:18 63:22 prop 7:22 18:12 24:24, 25 25:1,4 43:7,10 61:17 63:9,20,22 65:1 68:7,8, 20 69:2,11,14 proposed 61:24 62:3,6 70:3 proposition 18:3,8,13 39:25 protected 47:18 48:5, 13 protection 49:22 50:16 protects 47:23 provide 10:3 23:14 32:23 33:13 49:13 50:14 53:23 provided 23:1 49:10 50:17 57:19 70:22 providing 22:20 provision 19:22 21:25 22:2 provisions 19:18 public 6:20,25 9:13 11:4,5 15:14 20:17,19 42:14 48:20 67:24 68:1 74:1,4,10,14,17,25	publicly 15:14 Purcell 8:24 purely 29:5 purpose 49:16 68:24 purposes 22:18 38:25 41:12 48:6 50:1 51:1 pursuing 63:6 put 8:3 34:11 45:1 58:24 60:1 62:21 putting 59:21 61:15 68:24
Q			
qualifies 16:18 quarter 41:8 quarterly 54:24 question 13:24 22:14 25:25 30:13 35:7 37:4 46:14 50:1 62:12 questions 6:21 10:3, 10,22,24 13:22 17:23 50:18 61:3,16 62:7,10 69:19 quick 21:7 35:7 46:9 quickly 5:21 6:17 7:21 28:17 47:15			
R			
R2-20-211 61:24 69:12, 24 70:4,9 race 32:8 52:25 races 30:24 31:22 radical 60:21 raise 31:16 42:16 74:12 raising 22:18 ramifications 62:16 range 8:21 42:14 47:25 rate 57:21 58:1,14 reach 31:4 ready 10:3			

reaffirmation 60:18	reimbursement 45:10	require 45:4 56:8	rewriting 68:24
real 21:7 23:24 46:9 58:21	reiterate 60:12	required 9:15 20:13 21:8,14 35:10,24 36:22 45:5 50:13 55:11	risk 48:21
reality 23:3	related 7:14 20:1 61:24 70:4	requirement 55:21 58:25 59:16	ROBERTS 10:25 14:4 16:8
reason 27:7 30:5 49:23 57:9 61:5 66:2 67:18	relates 65:21	requirements 24:21 46:18	roll 5:1 70:10 73:12 75:15
reasonable 48:18,19 57:8	relationship 40:9,14 51:14 66:5	requires 18:9,13 23:11, 12 57:2,5	room 74:18
reasoning 66:11,13	rely 49:21 50:2,20 51:18	requiring 60:15	rotate 71:13
reasons 66:13 68:18	relying 35:13	rescheduling 74:6	rotation 71:14,15
recall 10:16 63:21	remainder 73:5,10	research 18:5	rule 28:15,16 62:3 63:13 65:24 66:9 67:14
recalls 19:25	remember 63:21 66:22	resolve 6:6 71:11	rulemaking 19:12 21:25 22:4 61:22,23 62:5,11,17,22 69:23 70:3,9,21
recap 18:22 19:17	Renaldo 8:25	resolved 7:15	rules 11:17,18 20:23 21:21 22:23 29:3 32:23 62:18 64:18,24
receipt 33:22	repeated 45:24	resources 6:25	run 6:19 15:6,15 42:18 43:22
receipts 33:22	repeatedly 68:7	respect 66:5	running 24:1 42:16
received 5:22 34:22 45:23 49:20	report 5:15 8:5,20 9:7, 23 10:21,24 18:1 21:2 35:10 36:20,22,23 39:18 40:24 41:25 42:11 43:10,16 44:16 45:2,6,9,22 46:16,18 47:10 51:11 52:17 53:21,24 55:4,15,20,23, 24 56:9 62:1	responding 74:8	rural 8:25
receiving 34:9,25 43:9 50:3	reported 35:12 41:14 44:1 46:6 57:11	response 10:11 17:24 61:19 69:21 73:1 74:23	
recently 6:22	reporting 18:10,11 22:1 23:3 41:8 49:16 52:22 55:21	responsibilities 64:10	S
recommendation 15:3 58:14 62:10	reports 21:14 23:6 25:19 33:23 34:1 39:12 41:6 44:2 49:17 50:19 51:18 55:1	responsibility 71:10	safe 27:11 49:7
recommendations 12:19	Representative 9:5	responsible 40:13 47:8	scale 43:21 45:2
recommended 66:2	Representatives 17:18	rest 71:10	scenario 38:14
recommending 62:5	represents 8:18 9:2	restructure 14:25	schedule 43:18 54:23 55:5,7,9,12,13
record 3:12 33:4,5	Republican 14:22,23 15:9	restructuring 11:14	schedules 55:8
recorder 8:22,23,25	Republicans 14:16	result 69:14 74:4	scope 24:18
Recorders 8:16	request 33:13 34:10,17 49:11 50:15	results 62:4	score 68:14
records 32:21,25 33:9, 23 38:23 40:8 43:6	requests 38:1 51:21	retained 38:23	screen 18:18
reduce 66:11,12		retired 8:22	seconded 70:8 73:11
redundancy 59:16		reused 21:8	seconds 73:8
referendum 25:21 36:17		revealed 50:25 51:5	Secretary 8:24 9:4 23:12,13,15 24:9,13 39:14 47:10
referendums 19:25		reverse 53:19	Secretary's 24:4
Regis 57:19		review 10:18 62:2	section 47:16
registration 20:6		revisit 63:15	
regulatory 18:9 27:25 62:2		revolutionary 23:24	
		rework 69:11	

seeking 26:19	single 9:15 14:18 15:25	43:21 44:3 50:11 51:4 59:9 60:9	straightforward 33:1
segment 14:14	sir 4:7		streamed 11:6
segments 68:9	sitting 61:6	spent 32:8 40:17 46:21 52:25	stress 13:14
selections 15:22	situations 59:8	split 17:1	structure 11:13 14:7
Senate 12:4 14:15,22, 23 15:9	skipped 71:19,20	sponsors 42:13	structuring 15:25 22:1
Senator 9:4 17:18 71:24,25 72:1	slide 18:24 19:18 34:3, 14 38:12 39:5 42:25	stab 57:8	study 74:5
send 34:16 74:14	slides 36:21 37:7 53:19	staff 10:20 16:23 18:5,6 39:19 64:11 66:20 74:5	stuff 5:19 7:10,14 27:15 35:24 42:19,20 53:12 56:11 57:22 69:1
sending 20:20	SMITH 29:9	stakeholders 10:17 23:18 25:17 64:11	subject 48:20 58:8
sense 9:11 54:4 57:25 64:2	so-and-so 59:1	stand 26:18 48:4	subpoena 66:25 67:16
separate 24:6 54:13	software 23:14	standard 41:5 43:18 45:2,5	subpoenas 61:24 70:4
series 18:6 37:25	sort 7:17 9:9 18:19 19:7 20:14 23:24 27:20 31:21 38:11 48:3 52:10 53:14,15 58:3,7 60:16, 23 65:3 67:11 68:24 69:5	standpoint 25:21,22	subsequently 54:9
served 11:24	source 33:21 35:6 37:14,20,25 38:22 39:4 47:18 49:4 50:9 51:3,6 53:2,7	start 3:12 5:1 19:4 46:3 53:15 61:1 70:11	subsidiaries 40:12
serving 72:16	sources 36:24 46:19 49:18	started 7:13 12:25	successes 12:9
session 5:23	space 57:13,16,18,21	starting 27:24,25	successful 11:11
set 26:15 31:8 39:21 40:25 41:16 49:15 65:15,16 66:13 69:1	spaces 57:22	starts 22:10,15	suggesting 52:10
sets 20:24 34:14	speak 31:12	state 7:5,24,25 8:24 9:4 12:3 23:11 26:13,17,18 27:3 29:13,18,20 39:15 42:17 44:10,13 47:10 48:5 50:25 59:7 68:5	suggestions 13:4,13 74:3
setting 20:18	speaker 11:20	State's 23:12,13,16	summarize 69:6
shadow 67:5	speaking 16:13,14 17:2,4,11 20:19	States 12:4	summary 10:8 69:16
sharing 3:25	special 11:20	statewide 20:25 21:1,2 54:8	summertime 12:20
shortening 17:11	specifically 22:8 41:19 42:10 46:12 59:17	station 45:11,12	Sunday 68:6
shorter 16:5	speculating 29:5 63:25	status 10:21,23 62:1	Sundt 67:9,10
show 15:7,15 53:13,14, 18 64:5	spend 27:23 36:20 44:23 45:3 59:20	statute 22:21 34:11,13 40:3 49:7	super 67:4
showing 45:18	spender 37:20 49:13	statutes 29:3	Supervisor 30:24
shown 53:17	spenders 38:5 64:21	step 38:10	Supervisors 30:19,25 32:10
shows 33:19	spending 19:9,23 20:16 21:4,16,20 22:20 31:24 32:4 33:7 34:7 36:15,16 37:17 39:4,22 41:1,17,23 42:10,21	Steve 4:7	support 42:2
side 35:21		Stick 54:25	supporting 42:12
significant 17:10 44:5, 6		stop 26:20 28:20 30:7 37:6	supposed 9:23
similar 25:4 41:13		stopping 45:11	swear 52:14
similarly 31:18			switch 64:14
simpler 52:13			system 9:9 13:17 24:7, 10,24 41:4 60:13
simply 67:19			<hr/>
			T
			table 42:22 63:22 72:23

taking 18:7 71:9	thought 6:20 18:25	24:21 41:4 43:15,16 54:19	understand 17:20 43:8 62:16 66:14
talk 12:9 16:3 19:14 22:3 32:20 33:11 57:24	thoughts 62:23		understood 15:15
talked 18:23 19:18 22:3 44:20,21 47:4 54:17	three-ring 17:19	train 42:18	union 53:5,6
talking 15:9 19:8 50:23 51:1,2 68:7 69:6	threshold 21:16	transaction 37:14 38:7	United 12:4
talks 21:25 42:9 66:10	thresholds 20:24 49:15 50:23,24 51:2,16 56:2	transactional 33:19	universe 20:15
Task 7:12 8:9,12 10:2	tied 53:16	transactions 22:1 35:20	unmute 74:13
tax 42:17 57:4	Ties 7:4	transfer 32:21 33:4,8 38:21 40:8 43:6 44:20 49:9 50:12	unreliable 49:24
Taylor 72:1	time 12:8 16:5,13,14,15 17:2,3,4,11,13 19:19 22:3 27:23 28:2,3 30:14 31:20 50:18 52:13 57:18 62:9 63:5,16,19 65:15 67:22 74:3,11 75:1,2	transferor 51:13	update 11:2 13:4 62:1
tear 61:1	timeline 27:20	transferred 33:6,9 34:19 37:10 38:15	updated 8:2
tech 25:15	times 17:19 41:6	transferring 40:12	updates 5:24
technical 58:22	timing 15:14	transfers 37:11	upshot 10:5 36:22 60:18
technological 23:9	Titla 3:19,20,22 4:5,7 5:4,5 70:17,18 71:20,25 73:14,15 75:6,8,9,11, 19,20	transition 15:10,11	upwards 47:25
technology 23:20,23	Title 69:7	treasurer 40:3,17	<hr/>
tells 39:18 41:6 60:6	tobacco 42:17	triage 30:21	V
Tempe 6:10,23	today 4:1 18:9 19:13 53:17 71:11	trigger 21:1 44:2 54:9 55:24	valuable 25:24
tend 28:16 47:5 57:6	told 23:17,18 25:17	true 14:21 15:1,22	varying 24:14
Terech 9:6	Tom 5:15 8:7 10:9 18:14 23:20 30:13 35:7 43:25 56:13 58:19 61:12,17 62:1,4,7,10,15 69:5,19 70:22 71:13 74:18	Tucson 6:10 30:18 31:11,12	vendor 24:5 52:23 53:6 58:1
term 21:7 40:4	top 59:6,8,22 60:1	tune 15:16	vendors 57:24
terminate 62:5,11 69:23 70:3,8,21	total 41:25 46:1	turn 72:14	VI 61:21
terminating 62:16,20	touch 47:14	turned 37:21	view 27:6 30:6 63:13 64:13 66:19,21 67:2
termination 61:22,23	touched 30:13	tying 46:10	viewpoint 27:20
terms 9:17 20:14 24:19 32:25 65:3	traceable 34:5 39:1,17 40:7,16,22,24 43:12 46:1,3	typically 28:16 56:23 57:11 58:4	VII 71:5
tests 24:2	track 40:1	<hr/>	VIII 74:2
text 60:2,4	traditional 20:8,23	U	violate 64:23
theory 50:2		ultimate 16:10	violated 64:22
thing 6:3 25:9 32:18 44:20 45:6,11 46:22 47:25 57:23		ultimately 15:17,24 53:23 65:7	virtual 73:25
things 6:17 7:18 17:16 19:15 20:7,10,15 22:8 27:8 28:6,20 32:22 48:23 50:6 53:16 54:16 57:15 60:15 61:13 62:18 66:6		unacceptable 60:14	virtually 3:25
thinks 48:16		unanimously 70:21	virtue 8:16
		unchanged 13:5	visitors 7:3
		underlying 24:10	vote 4:25 5:2,3,5 6:13 19:6 37:18,19 67:20 70:10,20 73:12,13,22 75:14,24
		underreported 58:11	voted 6:13
			voter 6:17 8:17 9:2

11:12,16 20:6	66:18
voters 15:15,20 23:1 25:23 31:4 39:24	world 7:3
Voters' 18:4 54:7,21 55:10,15 61:7 64:8	worth 56:17,20 63:6 69:14
VRKA 55:2	Wow 72:6
<hr/>	wrap 12:17 47:16
W	wrench 26:3
wanted 5:21,24 6:16 7:1 15:16 19:4,17 46:13 54:5 58:23	write 51:9
wanting 68:19	writes 43:25
watching 18:19	writing 34:9,17 44:9 55:6
ways 9:9,21 23:9 54:22 56:22	written 33:4 34:9
wealth 12:5	wrong 28:13
weather 4:2	<hr/>
website 25:8 60:5	X
Wednesday 14:9 15:6	XYZ 34:23 37:22 38:6, 17,20 44:23,24
weeks 55:25 56:8	<hr/>
weigh 28:5	Y
welfare 42:15	year 54:25 71:7,8 72:19
Wework 57:19	years 12:10 33:12 75:3
White 12:2	Youtube 11:6
whoever's 53:13	<hr/>
win 29:2	Z
woman 9:5	Zoom 3:9,17 10:21 74:11
word 67:12,13	
words 24:8 27:9 51:23 55:4 63:7,23	
work 9:1 10:14,17,19 11:3,8 12:9,13,18,20 13:15,16 14:6 15:2 16:11,23 23:25 24:5,18 35:21 41:23 46:11 47:3, 5 65:5 69:2	
worked 7:2 12:2,4 20:12 59:13	
working 6:24 10:20 26:11 37:23,24 63:8	
works 13:17 51:23	

**CITIZENS CLEAN ELECTIONS COMMISSION
EXECUTIVE DIRECTOR REPORT
June 22, 2023**

Announcements:

- The next consolidated election date is August 1, 2023 and the voter registration deadline is July 3, 2023.
- The Governor signed the FY2024 State Budget in May. The Legislature returned briefly from a recess last week and will return again July 31.

Voter Education and Outreach:

- Avery met with Maricopa County recorder's Office Voter Outreach manager, Betty Galanter to discuss upcoming outreach opportunities.
- Avery recorded a video about our Civics Curriculum for social media.
- 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 conversed with the University of Arizona 4-H Youth Foundation for potential collaboration.
- Gina spoke with a representative of King County Elections, Seattle, Washington, on best practices for voter education and outreach.
- Gina met with the Carter Center on voter education and outreach efforts for 2023.
- Gina, Avery, and Tom attended the Election Officials of Arizona conference.
- Gina presented on Clean Elections at the Secretary of State Election Officer Certification Training.
- Avery met with June Shorthair with the Phoenix Indian Center to discuss election resources for upcoming elections.
- Avery had a meeting with Chandler-Gilbert community college history instructor, Danette Turner, to discuss potential presentations for students.
- Avery and Alec met with the Coconino County's voter outreach team to discuss communication plans and website best practices.
- Commissioner Meyer, Tom, Gina and Avery attended the 12th Annual African American Conference on Disabilities, which the Commission co-sponsored.
- Avery is participating as a vendor at the 9th Annual Teacher Leadership Summit to promote Clean Election's classroom civics curriculum.
- Tom spoke to the Coconino County Democratic Party about the upcoming qualifying period for clean candidates and other issues.
- Tom met with Arizona principals, superintendents and other school administrators about the Commission's civics curriculum at the Arizona School Administrators Conference in Oro Valley.
- Tom served as a panelist on election law at the 2023 State Bar Convention in Tucson along with Assistant Attorney General Kara Karlson and lawyers with the Maricopa County Attorney's Office.

Administration:

- The Secretary of State has finalized the biennial adjustments to Clean Elections candidate spending and other Clean Elections provisions.

Office	Primary Election Spending Limits A.R.S. § 16- 961(G)	General Election Spending Limits A.R.S. § 16- 961(H)	Independent Expenditure Reporting Threshold A.R.S. § 16- 941(D)	Maximum Early Contributions (Aggregate) A.R.S. § 16- 945(A)(2)	Maximum Early Contributions (Individual) A.R.S. § 16- 945(A)(1)	Maximum Personal Money Contributions A.R.S. § 16- 941(A)(2)
Governor	\$1,046,328	\$1,569,492	\$910	\$72,300	\$210	\$1,800
Secretary Of State	\$271,130	\$406,695	\$910	\$67,783	\$210	\$1,800
Attorney General	\$271,130	\$406,695	\$910	\$67,783	\$210	\$1,800
Treasurer	\$135,535	\$203,303	\$910	\$33,884	\$210	\$1,800
Superintendent of Public Instruction	\$135,535	\$203,303	\$910	\$33,884	\$210	\$1,800
Corporation Commissioner	\$135,535	\$203,303	\$910	\$33,884	\$210	\$1,800
Mine Inspector	\$67,792	\$101,688	\$910	\$16,948	\$210	\$1,800
Legislature	\$21,173	\$31,760	\$910	\$5,293	\$210	\$910

- Staff members continue to attend meetings related to the Election Procedures Manual Drafting process.
- Gov. Hobbs Bipartisan Elections Task Force continues its work on the matters outlined in the Executive Order creating the task force.
- We have sent the Secretary of State the specifics on what the Prop. 211 computer system updates must include. Please see the attached memo.

Legal:

- 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.
 - Oral argument was May 12 on the Plaintiffs' motion for a preliminary injunction and the Commission and other Defendant's motion to dismiss.
- Americans for Prosperity v. Meyer, No. 2:23-cv-00470-ROS (D. Ariz.)
 - Suit challenging Prop. 211 on First Amendment grounds.
 - Commission, the VRKA Committee, and the Attorney General Office's have filed motions to dismiss. Briefing is ongoing.
- 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.
- Lake v. Hobbs, CV2022-095403 (Maricopa County). After a hearing on remand in Superior Court, Judge Peter Thompson again reaffirmed Governor Hobbs victory in the gubernatorial election last year.
- Kentch v. Mayes, CV2022-015455 (Mohave County). Contestant and former Attorney General Candidate Abe Hamadeh's motion for a new trial is pending.
- Arizona Republican Party v. Fontes, CV23-0018-PR. The State Supreme Court declined to grant review of the petition the GOP et al. filed seeking review of a January memorandum decision in which the Court of Appeals rejected the party's 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.

If the Commission approves the items on the agenda day for public comment, the regulatory agenda will be updated.

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. 28 A.A.R. 3489, October 28, 2022
 - R2-20-305 & R2-20-306 provide for a process to address complaints against a commissioner. 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. 28 A.A.R. 3409, October 28, 2022.
Notice of Proposed Rulemaking: 28 A.A.R. 3409, October 28, 2022
 - R2-20-305 & R2-20-306- - provide for a process to address complaints against a commissioner. January 20, 2023
- Federal funds for proposed rulemaking: **None**
- Review of existing rules: **None pending**
- Notice of Final Rulemaking: Amendments to R2-20-220 and R2-20-223, 29 A.A.R. 994, May 5, 2023.
- Rulemakings terminated: Amendment to R2-20-211. 29 A.A.R. 1149, May 12, 2023.
- Privatization option or nontraditional regulatory approach considered: **None Applicable.**

Katie Hobbs
Governor

Thomas M. Collins
Executive Director



Mark S. Kimble
Chair

Steve M. Titla
Damien R. Meyer
Amy B. Chan
Galen D. Paton
Commissioners

State of Arizona
Citizens Clean Elections Commission

1110 W. Washington St. - Suite 250 - Phoenix, Arizona 85007 - Tel (602) 364-3477
Fax (602) 364-3487 - www.azcleanelections.gov

MEMORANDUM To:

To: Keely Varvel, Assistant Secretary of State

From: Tom Collins, Executive Director

Date: 5.31.23

Subject: Basic Requirements for VRKA System

I. Overall system requirements

- Reports shall be made electronically to the Secretary of State (and other bodies as directed by law).
- Officials shall make the information available to the public promptly.
- Officials shall provide the information to the Commission electronically.
- Filings are subject to penalty of perjury (notice).

II. Initial/Subsequent Filings

- Thresholds
 - 50,000/25,000 state.
 - 25,000/15,000 other.
- Timing
 - Initial filing within 5 days.
 - Subsequent filing within 3 days.
 - Changes of information within 20 days.

III. Information in initial report (system requirement)

- Identity of the person who owns or controls the entity's traceable monies
- The identity of any entity established, financed, maintained or controlled by the person that owns or controls the traceable monies and that maintains its own transfer records and that entity's relationship to the covered person.
- The name, mailing address and position of the individual who is the custodian of the transfer records.
- The name, mailing address and position of at least one individual who controls, directly or indirectly, how the traceable monies are spent.
- The total amount of traceable monies owned or controlled by the covered person on the date the report is made.
- The identity of each donor of original monies who contributed, directly or indirectly, more than \$5,000 of traceable monies or in-kind contributions for campaign media spending during the election cycle to the covered person and the date and amount of each of the donor's contributions.
- The identity of each person that acted as an intermediary and that transferred, in whole or in part, traceable monies of more than \$5,000 from original sources to the covered person and the date, amount and source, both original and intermediate, of the transferred monies.
- The identity of each person that received from the covered person disbursements totaling \$10,000 or more of traceable monies during the election cycle and the date and purpose of each disbursement, including the full name and office sought of any candidate or a description of any ballot proposition that was supported, opposed or referenced in a public communication that was paid for, in whole or in part, with the disbursed monies.
- The identity of any person whose total contributions of traceable monies to the covered person constituted more than half of the traceable monies of the covered person at the start of the election cycle.

IV. Information in subsequent reports (system requirement)

- At subsequent threshold: Any changes must be disclosed.
- Any other change must be disclosed within 20 days.

V. PACs and Parties

- Follow PAC or Party schedule
- Must be able to report all information in section III on that time schedule.
- Must be able to file a report for all information in section III within 20 days of any Arizona election within 3 days of the spend.

Arizona Citizens Clean Elections Act

2023-2024 Participating Candidate Expenditure & Contribution Limits

Pursuant to A.R.S. § 16-959(A)

Office	Primary Election Spending Limits A.R.S. § 16-961(G)	General Election Spending Limits A.R.S. § 16-961(H)	Independent Expenditure Reporting Threshold A.R.S. § 16-941(D)	Maximum Early Contributions (Aggregate) A.R.S. § 16-945(A)(2)	Maximum Early Contributions (Individual) A.R.S. § 16-945(A)(1)	Maximum Personal Money Contributions A.R.S. § 16-941(A)(2)
Governor	\$1,046,328	\$1,569,492	\$910	\$72,300	\$210	\$1,800
Secretary Of State	\$271,130	\$406,695	\$910	\$67,783	\$210	\$1,800
Attorney General	\$271,130	\$406,695	\$910	\$67,783	\$210	\$1,800
Treasurer	\$135,535	\$203,303	\$910	\$33,884	\$210	\$1,800
Superintendent of Public Instruction	\$135,535	\$203,303	\$910	\$33,884	\$210	\$1,800
Corporation Commissioner	\$135,535	\$203,303	\$910	\$33,884	\$210	\$1,800
Mine Inspector	\$67,792	\$101,688	\$910	\$16,948	\$210	\$1,800
Legislature	\$21,173	\$31,760	\$910	\$5,293	\$210	\$910

Arizona Citizens Clean Elections Act
2023-2024 Participating Candidate Expenditure & Contribution Limits
Page 2

Other Adjustments of Concern to Committees

Late Filing Penalty A.R.S. §16-942(B)		Petty Cash Account Limits A.R.S. §16-948(C)	
Statewide	Legislative	Expenditure	Balance
\$560	\$210	\$210	\$1,800

Administrative Adjustments

Commissioner Per Diem Salary A.R.S. §16-955(G)	CCEC 2023-2024 Calendar Year Spending Limit Coefficient A.R.S. §16-949(A)
\$350	\$8

05/2023

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

Passed Senate Elections 5-3

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.

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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.

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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

A strike everything amendment was added and this bill is now about water usage.

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

Passed Senate Government 8-0

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.

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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

Passed Senate Elections 5-3

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

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

Vetoed by the Governor

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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. Was amended by removing the requirement to announce the person that is handling the duties of the Secretary and to allow for the Secretary to certify the statewide canvas.

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

Passed the Senate 16-14 and was sent back to the House as it was amended

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

Vetoed by the Governor

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

Passed Senate Elections 5-3

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

Vetoed by the Governor

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

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

Vetoed by the Governor

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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.

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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.

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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

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

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

Vetoed by the Governor

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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

Failed in the Senate 13-16

Failed in the Senate a second time 12-18

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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

Passed Senate Elections 5-3

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

Vetoed by the Governor

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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

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

Vetoed by the Governor

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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

Passed the House 31-28

Passed Senate Elections 5-3

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

Vetoed by the Governor

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

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

Vetoed by the Governor

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

Commission already provides 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

Passed House Municipal Oversight & Elections 6-4

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

Vetoed by the Governor

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

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

Passed House Education 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

Passed House Municipal Oversight & Elections 5-4

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

Vetoed by the Governor

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

Passed House Municipal Oversight & Elections 6-4

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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

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

Vetoed by the Governor

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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.

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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. A strike everything amendment was passed. The bill now prohibits rank choice voting and any other voting similar to rank choice.

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

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

Passed Municipal Oversight & Elections 6-2

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

Vetoed by the Governor

SB1270 - Open meetings; capacity

Sponsor

Sen. John Kavanagh (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

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

Passed House Government 9-0

Passed the House 57-0 and was sent to the Governor

Signed by the Governor

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

Passed House Government 9-0 with amendment

Passed the House 58-1 and was sent back to the Senate

Passed the Senate 28-1 and was sent to the Governor

Signed by the Governor

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

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

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

Passed the House 38-20 and was sent to the Governor

Vetoed by the Governor

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

Passed House Municipal Oversight & Elections 5-4

Passed the House 33-25 with an amendment and was sent back to the Senate

Passed the Senate 16-12

Sent to the Governor

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 election 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

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

Passed House Municipal Oversight & Elections 6-4

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

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

Failed House Municipal Oversight & Elections 0-9

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

Passed Senate Elections 5-3

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

Vetoed by the Governor

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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

Passed House Municipal Oversight & Elections 6-4

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

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

Passed Senate Elections 5-3

Failed in the Senate 13-14

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

Passed Senate Elections 5-3

Passed the Senate 16-12 with an amendment and was sent back to the House

Passed the House 31-29

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

Passed House Municipal Oversight & Elections 6-4

Passed the House 31-27 with an amendment and was sent back to the Senate

Passed the Senate 16-12

Sent to the Governor

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 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.

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

Passed House Municipal Oversight & Elections 6-4

Passed the House 31-27 with an amendment and was sent back to the Senate

Passed the Senate 16-12

Sent to the Governor

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

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

Passed House Municipal Oversight & Elections 7-3

Passed House 37-21 with an amendment and was sent back to the Senate

Passed the Senate 17-11 and was sent to the House

Failed in the House 24-32

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

Passed House Municipal Oversight & Elections 6-4

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

Vetoed by the Governor

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

Passed House Municipal Oversight & Elections 5-4

Passed the House 31-27 with an amendment and was sent back to the Senate

Passed the Senate 16-12

Sent to the Governor

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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

Passed House Municipal Oversight & Elections 6-4

Passed House Appropriations 9-6

Passed the House 31-29 with an amendment and was sent back to the Senate

Passed the Senate 16-12

Sent to the Governor

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

Passed House Municipal Oversight & Elections 5-4

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

Vetoed by the Governor

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

Passed the House 31-27 with an amendment and was sent back to the Senate

Passed the Senate 16-12

Sent to the Governor

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

Passed Senate Judiciary 6-1

Passed the Senate as amended 16-14 and was sent back to the House

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

Vetoed by the Governor

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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.

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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

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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

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

SB 1324 was substituted for HB 2560 as they are the same bill, and passed the Senate 19-9 and was sent to the Governor

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. Was amended from two years after implementation to five years after implementation.

Action Taken

Passed House Government 5-4

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

Passed Senate Government 5-3

Passed the Senate 16-14 and was sent back to the House as it was amended

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

Vetoed by the Governor

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

Failed in the Senate 14-15

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

Passed House Municipal Oversight & Elections 6-4

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

Passed Senate Elections 5-3

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

Passed House Municipal Oversight & Elections 7-3

Passed the House 42-16 and was sent to the Governor

Vetoed by the Governor

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 every two years and no business would be allowed other than repealing existing laws.

Action Taken

Passed Municipal Oversight & Elections 6-4

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

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

Passed Senate Elections 5-3

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

Vetoed by the Governor

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 exceeds 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

Passed House Municipal Oversight & Elections 6-4

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

Vetoed by the Governor

HB2121 - Election procedures; registrations; campaign finance

Sponsor

Rep. Athena Salman (D)

Summary

Numerous changes to statutes relating to elections. Would reinstate the \$5 Clean Elections Fund Tax Checkoff box. Would require the Commission to assist in paying for updating and replacing campaign reporting systems. Would reinstate matching funds but would base them on the clean elections candidate being able to raise twenty percent of the original number of \$5 qualifying contributions for the office they are seeking. For every person who provides proof of U.S. citizenship when applying for, renewing or replacing a driver license or nonoperating identification license, or updating the person's existing residence address or name on file with the Arizona Department of Transportation (ADOT), ADOT is required to electronically collect and transmit voter registration information to the Secretary of State for the purpose of registering the person to vote or updating an existing voter registration record. The Secretary of State and ADOT Director, after consulting with all county recorders, are required to adopt rules to implement a secure automatic electronic voter registration system that collects and transmits voter registration information. The Secretary of State is required to evaluate implementation of a secure automatic electronic voter registration system at other agencies, including the Arizona Health Care Cost Containment System (AHCCCS). By December 31, 2022, any agency that allows a person to affirmatively register to vote or to update the person's registration through the internet must allow the person to complete the registration without a driver license or

nonoperating identification license and with any proof of citizenship that is valid under Arizona law. Eliminates the requirement for a voter to live in the boundaries of an election district for 29 days prior to an election to be eligible to vote in that election. By the 2024 primary election and for each election thereafter, each county recorder is required to designate at least one election official at each polling place, voting center or early voting location in the county to serve as a registration clerk to facilitate and enable eligible persons to register to vote on-site on election day or during early voting. A registration clerk must be present for all hours during which a polling place, voting center or early voting location is open. Every qualified voter in Arizona has the right, after registering to vote, to vote a secret ballot in all elections for which that voter is eligible to vote. By December 31, 2026, the Secretary of State, county recorders and other officers in charge of elections are required to evaluate incorporating "risk-limiting audit" (defined) protocols into ballot hand count procedures. Reduces individual and political action committee contributions limits to \$1,000 to candidates for legislative, county, municipal or district office, from \$6,250, and to \$2,500 for candidates for statewide office, from \$6,250. Much more. Due to voter protection, several sections of this legislation require the affirmative vote of at least 3/4 of the members of each house of the Legislature for passage.

Effect on Clean Elections

Would reinstate the \$5 Clean Elections Fund Tax Checkoff box. Would require the Commission to assist in paying for updating and replacing campaign reporting systems. Would reinstate matching funds but would base them on the clean elections candidate being able to raise twenty percent of the original number of \$5 qualifying contributions for the office they are seeking.

HCR2033 - Primary elections; eligible candidates

Sponsor

Rep. Austin Smith (R)

Summary

The 2024 general election ballot is to carry the question of whether to amend the state Constitution to require the direct primary election for partisan offices to be conducted in a manner so that each political party that has qualified for representation on the ballot must be permitted to nominate for each office a number of candidates equal to the number of positions to be filled for that office in the ensuing general election, and all otherwise eligible candidates who are so nominated must be placed on the ballot in the next ensuing general election. The direct primary election law enacted by the Legislature supersedes any contrary or inconsistent provision of any charter, law, ordinance, rules, resolution, or policy of any city.

Action Taken

Passed House Municipal Oversight & Elections 6-4

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

Passed Senate Elections 5-3

Passed the Senate 16-13 and was sent to the Secretary of State

SCR1037 - Elections; systems; equipment (Presidential electors; constitutional appointments)

Sponsor

Sen. Anthony Kern (R)

Summary

The Legislature resolves that no voting system or component of a voting system may be used or purchased as the primary method for casting, recording, and tabulating ballots used in any election held in Arizona for federal office unless all components have been designed, manufactured, integrated, and assembled in the U.S. from trusted suppliers, the source code is made available to the public, and the ballot images and system log files from each tabulator are recorded on a secure write-once, read-many media with clear chain of custody and posted on the Secretary of State's website free of charge to the public within 24 hours after the close of the polls.

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

Passed the House 31-27 and was sent to the Secretary of State

SB1234 - Prohibition; photo radar

Sponsor

Sen. Wendy Rogers (R)

Summary

State agencies and local authorities are prohibited from using a photo enforcement system to identify violators of traffic control devices and speed regulations. Statutes authorizing and regulating photo enforcement systems are repealed. Contains a legislative intent section.

Action Taken

Passed Senate Government 5-3

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

Passed House Military Affairs & Public Safety 8-7

Passed the House 32-26 and was sent to the Governor

Vetoed by the Governor

Effect on Clean Elections

Would reduce the amount of funds that the Commission receives through the 10% surcharge on traffic tickets and criminal fines. However, this funding source has already been reduced through the ban on photo radar on state highways, so this action would not be a major issue for the Commission.

SB1180 - Voter registrations; payment prohibited

Sponsor

Sen. Ken Bennett (R)

Summary

A person is prohibited from paying or receiving money or any other thing of value based on the number of voter registrations or voter registration forms collected, completed or submitted.

Action Taken

Passed Senate Elections 5-3

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

Passed House Municipal Oversight & Elections 5-4

Passed the House 35-23 and was sent to the Governor

Vetoed by the Governor

SB1175 - Registrations; observers; counting procedures; verification

Sponsor

Sen. John Kavanaugh (R)

Summary

Various changes relating to election observers and counting procedures. The county chairperson of each political party may designate a party representative for a polling place, a voting center, or a location at which electronic processing of ballots occurs. If the county party chairperson fails to appoint a party representative for a location, the state party chairperson may make those appointments, and if the state party chairperson fails to appoint a party representative, the legislative district chairperson in the area in which the polling place, voting center or other location is located may make those appointments for a location. The county officer in charge of elections is required to publish the procedures for a hand count, including the times and locations, on the county's website no later than the Tuesday before Election Day. If the county party chairperson fails to designate a sufficient number of board workers to assist with a hand count, the state party chairperson is required to designate qualified electors to be board workers. If the state party chairperson fails to designate a sufficient number of board workers, the legislative district chairperson of the district in which the hand count is to occur is required to designate qualified electors to be board workers. Establishes a process to select persons to perform the hand count at audited precincts. The county chairman of each party is authorized to designate a party representative to observe the proceedings at a third-party vendor that processes returned affidavit envelopes on behalf of a county. Beginning on the effective date of this legislation, any new signature images submitted for comparison of the signature on an early ballot envelope to the voter's registration record are prohibited from containing any indicator of the voter's designated political party. Some of these changes become effective January 1, 2024.

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

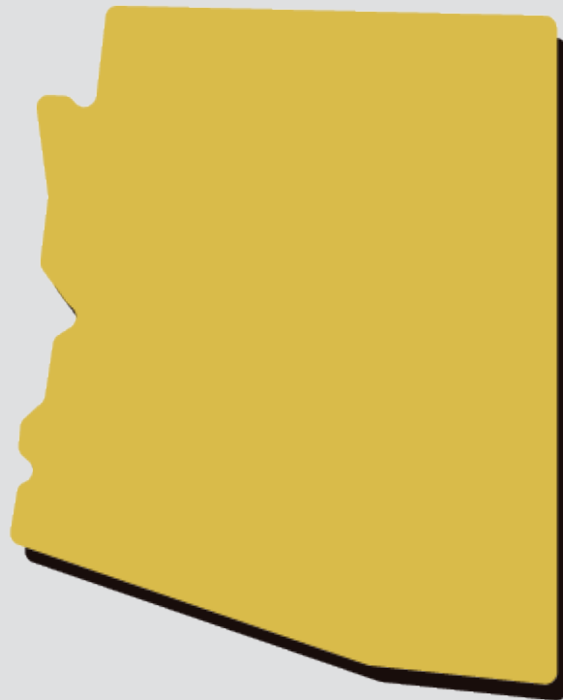
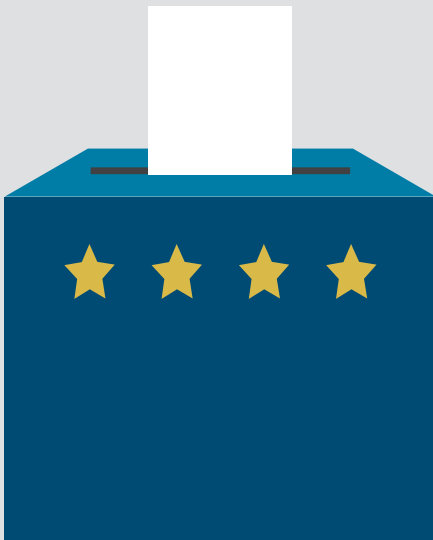
Passed the House 31-27 with an amendment and was sent back to the Senate

Passed the Senate 16-12

Sent to the Governor



Candidate Debates Work Group Official Report 2023



Dear Commissioners:

The Citizens Clean Elections Commission established a "Candidate Debates Work Group" to assess the current debate process and identify new ideas for the continued implementation of fair and effective candidate debates, as provided for by the Clean Elections Act. The rationale and timing of the Candidate Debates Work Group was to acknowledge and respond to the current needs of Arizona voters and candidates. To ensure a truly inclusive approach to refreshing Arizona's official debates, the Debates Work Group intentionally represents a broad range of public and professional stakeholders.

Clean Elections, the authority on debates in Arizona, has delivered debates for federal, state and legislative candidates for more than 20 years. Debates serve all Arizonans and a successful program requires participation of voters, candidates, campaign consultants, political parties, media partners and more.

As members, we came together to share our experience and expertise in public meetings during March, April and May of 2023. All meeting materials, including video, agendas and minutes, are available for public review at azcleelections.gov.

At the final Debate Work Group meeting held on May 10th, we voted to advance these recommendations to the Commission for its consideration. As the Commission considers this report, we want to emphasize the need to effectively reach all Arizonans in the debate process.

We thank the Commission for convening the Debates Work Group and for facilitating a transparent and inclusive approach to improving Arizona's official debates.

Sincerely,

Candidate Debates Work Group Members

Standards for Successful Debates

Background:

The Debate Work Group kicked off its first meeting discussing the standards for a successful debate from both the voter and candidate perspective. These discussions were held in an effort to build a foundation for the work group's consideration of recommendation and best practices.

What makes a successful debate for a voter?

Key points/Recommendations:

- Advertising is important - why voters should tune in, especially independent voters in primary
- Moderator should have knowledge of issues, especially regional, journalists good, need to control tenor of debate
- advertise one or the specific topics for discussion (such as tune in to hear the LD13 candidates discuss water conservation)
- Create bite size clips of the debates on specific issues
- Debates should be entertaining/informative
- Candidates should have buy in on the topics in advance of the debate
- Bookmark the videos - this will allow voters to jump to certain sections and candidates can create their own clips
- Create and distribute to candidates in advance clear rules on the format
- Moderator should have guidelines on how to keep the discussion progressing and maintain decorum - ensuring the conversation stays on topic as opposed to personal attacks
- Last slide/art card add candidate contact info for more questions
- Important to see candidates interact (candidate v candidate), will have ideological friction but important to stay civil and not personal

What makes a successful debate for a candidate?

Key points/Recommendations:

- Create a toolkit for candidates to:
 - Promote the debate for their constituents: digital creative assets, how to tune in, how to submit questions, what topics will be discussed, placeholders for candidate images and website URL, etc.
- Create one pager on why candidates should participate in the debate, with information on:

- Reach of the debate (how many voters the debate will reach, previous engagement numbers, expected media coverage, etc.). Candidate time is important and valuable, one pager will help them to decide to commit their time to the debate
- Share topics and/or questions in advance
- Keep questions specific to the authority of the office (such as no immigration questions for State Treasurer).
- Provide candidates with clear rules on what to expect during the debate so there are no surprises and they feel like they are getting a fair shake
- Ask candidates what issues to discuss during the debate. These top issues should be used to promote the debate to voters (such as, come hear the LD1 candidates talk about water management strategies, drought planning and preparedness and what this means for rural aquifers).
- Factual/educational resources for voters on the issues

Staff Analysis:

All recommendations/best practices are feasible to implement and/or are currently in place. Several recommendations reinforce the standards and practices currently in use by the Commission and the recommendations serve to strengthen and expand those practices. Recommendations that are not currently in practice, such as soliciting candidate input in the debate questions in advance, can be implemented and would further the likelihood of the candidate participating in the debate.

Format

Background:

In the 2022 election cycle, legislative debates were held as a single event by district, with all eligible candidates from both chambers (Senate and House) and all political parties participating in the debate. Debates are held Monday through Friday, excluding federal, state and religious holidays, and begin at 6:00 p.m.

EXAMPLE: Legislative District 1 PRIMARY

Candidate 1 (Senate-R)

Candidate 2 (Senate-R)

Candidate 3 (Senate-D)

Candidate 4 (Senate-D)

Candidate 5 (House-R)

Candidate 6 (House-R)

Candidate 7 (House-R).

In this scenario, the candidates in the same highlights are true opponents, yet all candidates are interacting and engaging with one another during the debate.

Key points/Recommendations:

- Debates should be structured as follows:
 - Primary debates: by party and by chamber
 - General debates: by chamber
- One event per evening (debates within a debate). For example, Legislative District 13 held on Wednesday at 6pm. Event will begin with Senate candidates debating first, by party, and then transition to the House candidates, by party.
- Clear programming will be made available to the public and candidates once candidates are confirmed to participate in the debate. This way, the public will know when the partisan candidates in each chamber are debating during the event.
- Provide education to independent voters so they understand how to engage with the primary debate process. Specifically, independent voters have the option to watch all candidates debate as they may choose which party ballot they wish to vote in a primary election. CEC to provide education specifically to independent voters on programming/debate schedules so they understand their choices in a primary and how to tune in to the debates.

- The purpose of this recommendation is to ensure candidates are debating their true opponent(s). This will allow voters to better understand who their choices are on the ballot and how the candidates compare.

Staff Analysis:

All recommendations/best practices are feasible to implement and/or are currently in place. Several recommendations reinforce the standards and practices currently in use by the Commission and the recommendations serve to strengthen and expand those practices.

The most significant change to the debate process would be the recommendation to structure debates by party and chamber. This could be implemented by continuing the process of holding a single event per district, but organizing the event in a manner to allow for true opponents to debate. This would require additional planning by staff and moderators, but is feasible to implement and will provide clearer opportunities for voters to see candidates debate their opponents directly.

Rules

Background:

The rules/run of show for the 2022 debates were:

- Moderator introduction
 - 1 minute opening and closing statements
 - 1-2 minutes for responses to voter questions
 - Rebuttals and interruptions allowed
 - Moderator may limit responses for time management purposes
 - Moderator introduces candidates by chamber and party and clarifies to voters who the opponents are (also on slides)
 - Order for opening statements, alpha order by last name by Senate, then House
 - Closing statements in reverse order
- Moderator closing remarks



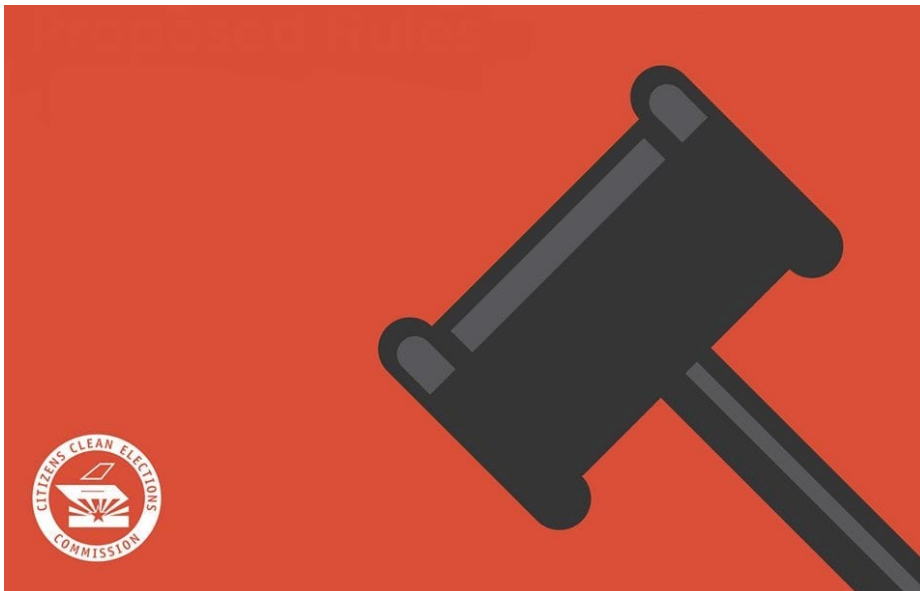
Key points/Recommendations:

- Debates should have time limits that all candidates are aware of before the debate begins. Time limits should be enforced by the moderator, but not in a strict manner. However, the moderator can extend or shorten time to candidates to ensure equity in speaking time.
- Visual and/or audio cues, or other technology, should be considered to notify the candidates of their time.
- Debates should be highly structured. CCEC should provide the structure (such as a run of show) to candidates in advance, including time limits and how moderators will enforce the time limits. Structure should ensure decorum and permit rebuttals and/or interruptions by candidates in a civilized manner.
- The moderator should control interruptions and come back to the candidate for response/rebuttal.
- Topics that will be discussed during the debate should be provided to the candidates and voters in advance, but not the actual questions.

Staff Analysis:

All recommendations/best practices are feasible to implement and/or are currently in place. Several recommendations reinforce the standards and practices currently in use by the Commission and the recommendations serve to strengthen and expand those practices.

The most significant change to the process would be to formally provide the candidates the topics that will be discussed in advance.



Moderators

Background:

In 2018, the Commission began transitioning to utilizing local journalists as opposed to professional speakers as moderators. This transition allowed for the moderators to have an understanding of the issues facing the legislature and state, thus permitting the moderator to better facilitate a more substantive discussion on the issues. The process of securing journalists as moderators continues to allow for a more insightful discussion of the candidates on the top issues voters care about.

In 2022, Clean Elections partnered with journalists from the Arizona Agenda, Arizona Capitol Times and Green Valley News/Sahuarita Sun for legislative debates. Broadcast moderators included Ted Simons, Richard Ruelas, Stacey Barchenger, and Mike Broomhead.

Key points/Recommendations:

- Moderators should be familiar with the local area and issues impacting the jurisdiction and/or office for the debate.
- Consider moderators that can reach the youth population to further engage them in the debate and electoral process.
- A variety of local news journalists, local news podcasters and chamber of commerce executives should be considered as moderators, with an emphasis on securing moderators within that legislative district/region.
- CCEC should recognize media partners often want to have their own employees and talent moderating debate, and the benefits and challenges this may present in ensuring the debate is as accessible as possible.
- The Debates Work Group recognizes the challenge of utilizing news journalists as moderators when they also may be covering the candidates. Additionally, the Debates Work Group recognizes not all stakeholders in the debate process will agree on specific moderators. As such, best practices include:
 - Start moderator recruitment as early as possible and screen for conflicts of interest.
 - Clarify the differences between a news journalist and opinion journalist to candidates and voters.
 - Share the basic principles of the publication from which the moderator/journalist is associated with.
 - Share the moderator's experience with candidates and voters.
 - Set clear rules and provide training to the moderators on the rules.

- Widen the talent pool of moderators.

Staff Analysis:

All recommendations/best practices are feasible to implement and/or are currently in place. Several recommendations reinforce the standards and practices currently in use by the Commission and the recommendations serve to strengthen and expand those practices.



Voter Education and Outreach

Background:

The Commission provides voter education and outreach across the state to inform voters about the upcoming debates and how to participate. This includes the schedule, what candidates are participating, how to watch, how to submit questions and more. Voter education and outreach on debates also includes educating candidates, community groups and more about the debate process and how to participate.

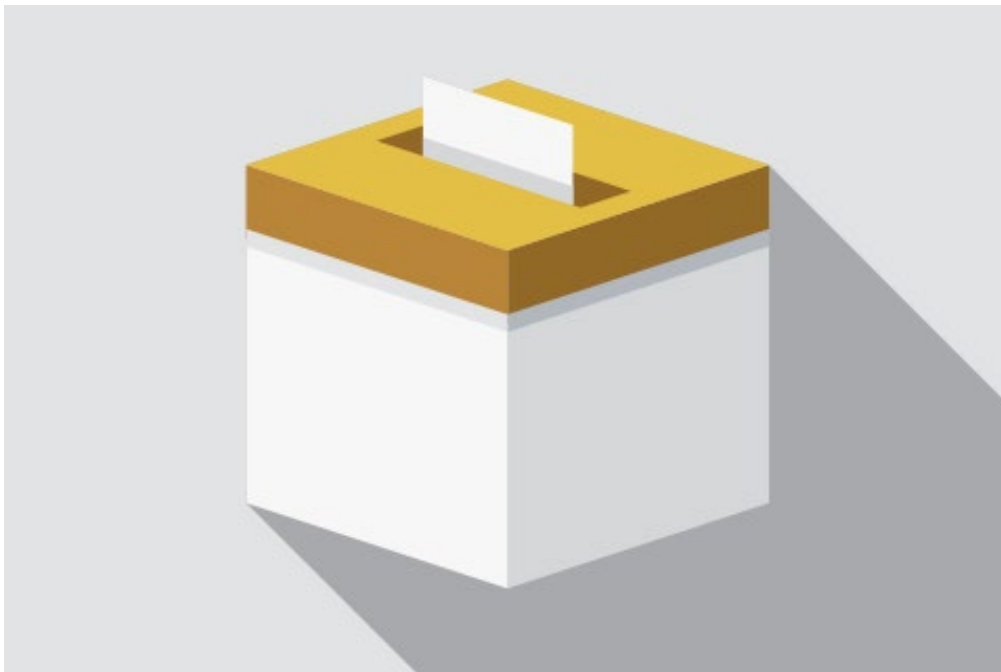
Key points/Recommendations:

- Debates should always be produced with alternative formats and American Sign Language Interpreters.
- Create toolkits for candidates to promote their debate.
- Utilize the Voter Education Guide to include as much timely information as possible about the debate, including the debate schedule and which candidates are participating.
- Localize the advertising for debates so that cities or local organizations, Chambers of Commerce, businesses, schools, unions and other community groups are reached with the specifics for the debate that impacts them directly.
- Consider using text services to text the link to the debates so voters can easily access the debate on their phones. Texts should be timely and coincide with the start of early voting.
- Education on debates and the schedule should continue through Election Day.
- Education on the debates should include information on the roles and responsibilities of the office. For example, when educating voters on the debate for the Corporation Commission, explain Commissioners are responsible for regulating utilities and rates. This way, voters will have a better understanding of which races impact the issues they care most about.
- CCEC should consider a listening tour and reach out to workers, students, parent teacher organizations, community groups and all voters to raise awareness that debates are available and learn what questions and topics voters would like discussed during debates.
- Consider utilizing radio to educate and air debates in outlying/rural districts.
- Work with community groups that have social media pages to promote the debates in their area.
- Debate Work Group members recognize their role in providing recommendations to improve the debate process, but also recognize their ability to support these

recommendations and raise awareness of the debate process in their respective networks.

Staff Analysis:

All recommendations/best practices are feasible to implement and/or are currently in place. Several recommendations reinforce the standards and practices currently in use by the Commission and the recommendations serve to strengthen and expand those practices.



Gubernatorial and Lieutenant Governor Debates

Background:

At the November 2022 general election, Arizona voters approved Prop 131, adding Lieutenant Governor to the Executive Branch. The Lt. Governor shall be elected on a joint ticket with the Governor on the general election ballot.

Beginning with the 2026 election, not less than 60 days before the general election, the gubernatorial nominees/candidates shall name a lieutenant governor that will appear with their name on the ballot. A single vote cast for a gubernatorial candidate means a single vote cast for their ticket (so both governor and lieutenant governor). In the event the Governor no longer fills the office, the Lt. Governor succeeds to the office.

In the 2022 legislative session, the Legislature passed a bill that requires the Governor to appoint the Lieutenant Governor to serve as the Governor's Chief of Staff or the Director of the Arizona Department of Administration or to fill any position for which the Governor is authorized by law to make an appointment.

Key points/Recommendations:

- As voter approved Proposition 131 calls for a lieutenant governor, Clean Elections should sponsor a debate for this position.
- A lieutenant governor debate will bring awareness to Arizona voters on:
 - the new position and the importance of the role as next in line to succeed the governor
 - The responsibilities of the position as either head of the Arizona Department of Administration, the Governor's Chief of Staff, or in a role appointed by the governor.
- The lieutenant governor debate should focus on the person's qualifications, policies and platforms as next in line to the Governor.
- The lieutenant governor debate should be held separately from the gubernatorial debate and only focus on the lieutenant governor candidates.

Staff Analysis:

All recommendations/best practices are feasible to implement. Adding a Lieutenant Governor debate to the Commission's debate lineup will allow voters to become familiar with this new position and the candidates that seek to fill it.



Broadcast Opportunities & Potential Partnerships

Background:

In 2022, Clean Elections partnered with the Arizona Broadcasters Association (ABA) and the Arizona Newspapers Association (ANA) to offer the US Senate debate to its members. This partnership resulted in tremendous reach as several ABA partners simulcast the debate and several ANA partners picked up the livestream. Additionally, Clean Elections partnered with Arizona PBS and AZTV7 to broadcast statewide debates.

Key points/Recommendations:

- Partnerships with media outlets are critical to ensuring Arizona voters have access to the debate.
- Clean Elections should continue partnerships with the Arizona Broadcasters Association and the Arizona Newspapers Association, along with local, non-traditional, and smaller media outlets to further the reach of debates.
- Clean Elections, the Arizona Broadcasters Association and the Arizona Newspapers Association should consider repeating and improving the model they used in the 2022 US Senate debate.
- Partners should all share the primary goal of bringing debates to voters to educate them on the candidates. It is imperative voters have the opportunity to see the candidates on stage, defending their positions and debating constructively about the policies that will define the future of Arizona and its people. Unified partnerships between Clean Elections and the media will facilitate this discourse, encourage candidate participation and further the integrity of debates.
- Clean Elections should ensure a strong, independent moderator has been selected to facilitate media outlet's ability to partner. This included potentially having multiple moderators in a single debate. Proactive and transparent communication should occur with all potential partners regarding moderators and debate formats.
- Clean Elections should research production partnerships to ensure the necessary resources are available, including but not limited to, studio, cameras, mics, production teams, graphics, etc.. Clean Elections should also research the option of producing debates in house but ultimately consider what partnership will result in maximum reach to voters while meeting the standards for a Clean Elections broadcasted debate.

- Clean Elections should work with media partners to create a single, unified group to present debates to voters. This included presenting debates via broadcast, radio and streaming methods.
- Clean Elections should work with media partners to identify a pool of potential moderators to host debates. This included identifying media partners and talent by electoral districts to provide a more localized debate that connects directly with the community.
- Clean Elections should follow the process used by the Commission on Presidential Debates to offer media outlets the opportunity to present the debate to their audiences, request to host/produce a debate and to provide a moderator.

Staff Analysis:

All recommendations/best practices are feasible to implement and/or are currently in place. Several recommendations reinforce the standards and practices currently in use by the Commission and the recommendations serve to strengthen and expand those practices.

Partnering with the ABA and ANA, as well as other media partners, will provide expanded reach and ensure all of Arizona has access to the debates. Additionally, these partnerships will facilitate the creation of a moderator pool that will allow the Commission to secure talented and knowledgeable moderators. Finally, partnering with ABA and ANA, and other media partners, will further meet the goal of the Commission, in providing voters with professional, informative, and substantive debates.

Staff Conclusion

The recommendations of the Debates Work Group touch on each facet of the debate process, from the mechanics of a given candidate debate to outreach efforts to local communities. Some recommendations will involve changes to the Commission's practice, such as moving from a single debate for a legislative district to a single event featuring candidates for different offices or nominations engaging directly. Others call on us to recommit, as we have, to reach a broad range of voters throughout the state.

The recommendations share a common theme that they are nonpartisan and aimed at promoting participation of candidates and voters.

Staff recommends that the Commission accept the recommendations set forth in this report as an aid to us as we undertake implementation of the 2024 debate series and planning for the 2026 cycle.

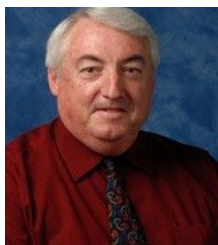


Debate Work Group Directory



Arizona Citizens Clean Elections Commissioners

MARK KIMBLE Commissioner



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

DAMIEN R. MEYER Chairman



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

AMY B. CHAN Commissioner



Senate Democratic Leader Katie Hobbs appointed Amy B. Chan, a Republican, to the Citizens Clean Elections Commission for a 5-year term expiring January 31, 2022. Amy B. Chan was admitted to the State Bar in 1999. Initially she worked as an immigration attorney, helping people obtain immigration benefits through the administrative and immigration court process. In 2001 she began work as a legislative research analyst for the House Judiciary Committee. She was an Administrative Law Judge for the Corporation Commission from 2005-2006 and then returned to the legislature as Policy Advisor and Counsel to the Majority for the State Senate. In 2009 Secretary of State Ken Bennett appointed her State Election Director. She served in that capacity until 2013, when she left to spend more time with her growing family. She and her husband Keith have two sons and live in Phoenix.

GALEN D. PATON Commissioner



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

Arizona Citizens Clean Elections Commissioners

STEVE M. TITLA Commissioner



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

Staff

THOMAS M. COLLINS Executive Director



Tom Collins is Executive Director of the Arizona Citizens Clean Elections Commission. As executive director he is responsible for day-to-day operations for the Commission, a five-member board that administers and enforces Arizona's Citizens Clean Elections Act, including its education and campaign finance programs. Collins was an assistant attorney general for the Arizona Attorney General's office, focused on election law, appeals, and attorney general opinions. He clerked for Justice Scott Bales (2005-06) and the late Justice Michael Ryan (2007-10) of the Arizona Supreme Court.

Email: thomas.collins@azcleaselections.gov

GINA ROBERTS Voter Education Director



Gina Roberts is the Voter Education Director for the Citizens Clean Elections Commission. She administers a robust public education program that strives to encourage participation in the political process from voters across the state. Gina is well versed in election policy and administration, and her experience includes administering elections for the City of Peoria and serving as the Elections Manager for the Secretary of State. Gina graduated from Arizona State University with a degree in Political Science and has been a certified election officer since 2009. She was honored with the “Breakouts 2018” award from the Arizona Capitol Times and is a 2019 Fellow, Flinn-Brown Civic Leadership Academy.

Email: Gina.Roberts@azcleanelections.gov

AVERY D. XOLA Voter Education Manager



Avery D. Xola is the Voter Education Manager for the Citizens Clean Elections Commission. Avery is responsible for educating the citizens of Arizona on the electoral process. Avery graduated with a Political Science degree from Arizona State University in 2018 while interning at The Secretary of States’ Office under Secretary Michele Reagan. In 2021, Avery graduated with a master's degree in Public Administration from The Watts College of Public Service & Community Solutions. He is a 2022 Fellow of the Flinn Brown Civic Leadership Academy. Avery has a background in campaign management, is a published writer, and is an Air Force Veteran.

Email: avery.xola@azcleanelections.gov

AZCCEC Debate Work Group Members

Paul Boyer

Greg Burton

Rep. Oscar De Los Santos

Morgan Dick

Renaldo Fowler

Karl Gentles

Nicole Greason

Tara Jackson

Christine Jones

Robert Karp

Commissioner Mark Kimble

Chris Kline

Leah Landrum Taylor

Jodi Liggett

Rodd McLeod

Lee Miller

Anusha Natarajan

Constantin Querard

Bradley Reece

Bob Robson

Paul Senseman

Pinny Sheoran

Lisa Simpson

Leezah Sun

May Tiwamangkala

Jim Torgeson

Kathy Tulemello

B

Paul Boyer Former state senator



Paul Boyer is a homegrown Arizona native, having lived in Glendale and the West Valley for nearly all of his life. He attended Desert Sky Middle School and Deer Valley. He is an honorary firefighter who continues to make sure that any firefighter who gets cancer on the job receives the help they need so they can focus on healing instead of bureaucracy. Paul

has championed policies that help the quality of life for Glendale residents including: more funding for first responders, investing in our K-12 and higher education systems all without increasing taxes, and supporting local business throughout Arizona. He also led the fight to provide justice for victims of sexual abuse. He has received awards for his work protecting cities including multiple “Champion of Cities” by the Arizona League of Cities and Towns. He’s earned the “Legislator of the Year” award from the Arizona Chamber of Commerce and Industry. The Chamber gives out their annual award to the legislator who best advocates for and supports pro-business initiatives.

Email: paul@boyerforglendale.com

B

Greg Burton Arizona Republic



Greg Burton is executive editor of The Arizona Republic and a regional editor for USA TODAY in the West, leading newsrooms in Washington, Oregon, Montana, Nevada, Utah, California and Arizona. He began his career at the Lewiston Morning Tribune and then the Moscow-Pullman Daily News, writing about the environment during a period of upheaval over logging and mining, spotted owl protections and wilderness designations for old-growth forests and wild and scenic rivers. In 1997, he joined the Salt Lake Tribune. As a reporter and editor in Utah, he exposed the practice of forced incest and child abuse within polygamous clans and led projects on the reintroduction of wolves to Yellowstone National Park and the battle over nuclear-waste storage at Yucca Mountain. Before the 2002 Winter Olympics, he uncovered secret gifts to the International Olympic Committee and helped chronicle the emergence of Mitt Romney as a national figure in the aftermath of the Olympic bribery scandal. In Arizona, Burton's newsroom is a two-time Pulitzer finalist and Pulitzer winner in 2018 for The Wall, a landmark multimedia project that explores the border and former President Trump's promise to build "a great wall."

Email: greg.burton@azcentral.com

D

Oscar De Los Santos Representative (Dist.11)



Elected in November 2022, Rep. Oscar De Los Santos represents District 11 in the Arizona House of Representatives. De Los Santos currently sits on the Municipal Oversight and Elections Committee and the Natural Resources, Energy, and Water Committee. A former public school teacher and anti-hunger advocate, De Los Santos worked at the Arizona Democracy Resource Center, advocating for voting rights and citizen power immediately before taking office. He holds a BA in political science from the University of Southern California, an MA in Christian ethics from Union Theological Seminary, and a master's degree in public policy from the University of Oxford, where he studied as a Rhodes Scholar. De Los Santos ran as a Clean Elections candidate in the 2022 election cycle.

Email: odelossantos@azleg.gov

Morgan Dick Comms Director /AZ Democratic Party



Morgan Dick is currently the Communications Director of the Arizona Democratic Party. Previously, she served as the Public Information Officer at the Arizona Department of Education (ADE) and the Office of Superintendent of Public Instruction, Kathy Hoffman. She has a wealth of expertise in voting rights policy, and previously was the Deputy Director of the Arizona Advocacy Network and Foundation. Morgan was born and raised in Arizona, is a graduate of Arizona State University and currently resides in Phoenix

Email: mdick@azdem.org

F

Renaldo Fowler Arizona Center for Disability Law



Renaldo is a Senior Staff Advocate with the Arizona Center for Disability Law (ACDL) where he has been employed since 1984. Renaldo joined ACDL following his graduation from Arizona State University and has worked in the disability advocacy field for nearly four decades. He has been a voice in the state regarding racial discrimination, bias discipline practices, as well as the disproportionality, over identification and underserved needs of African American students in special education. Renaldo is also co-founder of the African American Conference on Disabilities (AACD). The AACD is a premier comprehensive disability conference in the United States that addresses the intersection between race and disability. In January 2014, Renaldo was promoted to Coordinator of the, Protection and Advocacy for Voting Access program (PAVA). The purpose of PAVA, is to ensure persons with disabilities have an opportunity to vote privately and independently and have full participation in the electoral process, in registering to vote, casting a vote and accessing polling places. Renaldo has worked with Arizona's Elections officials and advocates from the disability community to improve access to the electoral process for Arizonans with disabilities.

Email: rfowler@azdisabilitylaw.org



Karl Gentles The Gentles Agency / CBCF



Karl Gentles is a partner in The Gentles Agency, a public relations firm specializing in strategic communications and government relations. Gentles leads the agency's strategic direction for its clients that span multiple industries. Prior to forming the agency, Gentles served in executive leadership positions at USAA, Greater Phoenix Economic Council (GPEC), Bank One, and began his career as a staff assistant for U.S. Senator John McCain. In addition to his agency work, Gentles is the executive director of Back to School Clothing Drive, a 51-year old nonprofit that provides 25,000 elementary school students attending 260+ schools with new school uniforms, outfits and supplies. A proud two-time Sun Devil, Gentles earned his masters of business administration and bachelors of science in organizational communication from Arizona State University. Current community involvement includes the Arizona Corporation Commission, Power Plant and Transmission Line Siting Committee; Arizona Venture Development Corporation; Morrison Institute for Public Policy; Arizona Community Foundation, Black Philanthropy Initiative; amongst others. Karl is married to Carla Wright Gentles, a 29-year U.S. Army Reserves (Ret.), partner in the Agency, and PhD candidate at Grand Canyon University where she also serves as an adjunct professor

Email: karl@karlgentlespr.com

J

Tara Jackson President/Arizona Town Hall



Tara Jackson has served as president of Arizona Town Hall since July of 2006. In this role, she oversees all aspects of managing a statewide non-profit with a mission of bringing diverse and often opposing parties together to solve the most complex and challenging issues facing the state. Prior to joining the staff of Arizona Town Hall, Tara practiced commercial litigation for 16 years with a Phoenix-based law firm. She has vast experience in helping communities to address issues that intersect with policy and government systems. In addition to her law practice, Tara taught as an adjunct professor for ASU's Law School and has been a visiting lecturer for ASU and the University of Arizona. She has served in various leadership and advisor roles for state and federal bar associations, court and government systems, non-profits, and business and educational organizations. Both her undergraduate degree in Biology and law degree are from Indiana University. She considers herself a lifelong learner and regularly takes classes in different fields. She also is a certified yoga and mindfulness teacher. Tara and her husband have five grown children.

Email: tarajackson@aztownhall.org

J

Christine Jones Beus Gilbert McGroder PLLC

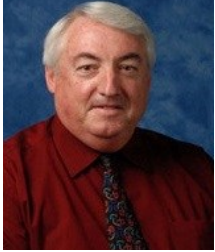


Christine Jones is a Member of Beus Gilbert McGroder, a premier boutique law firm in Phoenix. Ms. Jones is the former EVP, General Counsel and Corporate Secretary for the Go Daddy Group of Companies. During her time there, she fought to make the internet safer for users, particularly children. Before entering private practice, Ms. Jones worked for the Los Angeles District Attorney's Office. She spent time in a variety of departments, including stints in Compton, the Special Investigations Division, and the Hard Core Gang Division. Ms. Jones has been a guest lecturer at a variety of law schools, graduate business schools, colleges and universities, and high schools, including Stanford University, The University of Virginia, Arizona State University, Santa Clara University, and many others. She is a published author and served as Editor-In-Chief of the Whittier Law Review. In addition, Ms. Jones stays involved in many volunteer and charitable projects and has been an occasional candidate for political office. A CPA, she serves on the board of directors for multiple for-profit and non-profit organizations. She is married to a retired Air Force Officer who now teaches in the Chandler Unified School District. They live in the Phoenix area.

Email: cjones@beusgilbert.com

K

Mark Kimble Chairman /Debate Work Group



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

Email: markkimbleaz@gmail.com

Chris Kline CEO/Arizona Broadcasters Association



Chris Kline is the President and CEO of the Arizona Broadcasters Association. In the role, he leads all shared services, training programs, and advocacy for 200 radio and TV stations in Arizona with a focus on future-proofing local media for the digital future. Chris previously spent 15 years working in Arizona local media at radio, TV and print operations plus at CNN in Washington, DC. Chris serves on boards at Arizona State's Walter Cronkite School of Journalism, University of Arizona's Journalism School, Arizona's emergency communications committee and the Rocky Mountain Chapter of the National Academy of Television Arts and Sciences.

Email: chris@azbroadcasters.org

L

Leah Landrum Taylor Dept. of Economic Security



Leah Landrum Taylor is currently serving as an Assistant Director in the Department of Economic Security (DES) Director's Office and oversees the Offices of Community Engagement, Tribal Relations, Ombudsman's Office, and Volunteer Engagement Center. Before joining DES, Senator Landrum Taylor worked for the Arizona Department of Education on the State Superintendent's Executive Team where she served as the Associate Superintendent for the Special Projects Division. Leah served as an elected Official for the Arizona State Senate and House of Representatives in District 27 for 16 years. She is an Alumna of the American Council of Young Political Leaders as well as an Aspen Institute Rodel Fellow of Emerging Political Leaders in America. She was voted as one of the 2010 World of the Future Award Honorees by the Girl Scouts Arizona. She attended the John F. Kennedy School of Government at Harvard University through the Fannie Mae Foundation. She is currently President of the Phoenix Chapter of Jack and Jill. She is also a Board of Trustee member for Brophy College Preparatory, Tanner Properties, ChildHelp Inc and Opportunities Industrialization Center. Senator Landrum Taylor is also the Founder of the African American Commission and African American Legislative Day Conference.

Email: LLandrumTaylor@azdes.gov



Jodi Liggett AZ Center for Women's Advancement



Jodi Liggett is a proud native Arizonan and fierce women's advocate. A public policy expert, she has worked in both Republican and Democratic administrations, as well as the nonprofit and private sectors. Jodi began her career at the Arizona State House of Representatives as Republican Committee Staff but soon moved on to the Governor's Office of Jane Dee Hull as her Policy Adviser for Human Services for the duration of Hull's administration. After lobbying for private companies, she settled at the Arizona Foundation for Women moving from Director of Policy to CEO. After 7 years at AFW, she joined Phoenix city government as Mayor Greg Stanton's senior policy advisor. She spent 6 years at Planned Parenthood ending as the Executive Director of Planned Parenthood Advocates AZ- the organizations electoral arm, and as Vice President of External Affairs for the medical side of the organization. Most recently Jodi was Phoenix Mayor Kate Gallego's Deputy Chief of Staff. She is now incubating a women's issues think tank and advocacy group- the Arizona Center for Women's Advancement (ACWA). Jodi holds a Bachelor's degree in Political Science and a law degree, both from ASU.

Email: jodi.robins.liggett@gmail.com



Rodd McLeod Author/AZ Mirror



Rodd McLeod is a political strategist who cut his teeth on competitive races in New York, Iowa and Arizona, before joining the Democratic Congressional Campaign Committee in 2007, where he helped to elect the majority that passed the Affordable Care Act. A native New Yorker who has called Arizona home since 2010, he has engineered wins in tough primaries in Tucson,

Phoenix, the Bronx and Manhattan, he led Hillary Clinton's win in Arizona's 2016 presidential primary. He is a longtime adviser to former Arizona Congresswoman Gabrielle Giffords, serving as her campaign manager and running her district offices after she survived an assassination attempt in 2011. Since then, he has helped steer the winning campaigns of Arizona Congress members Ron Barber, Kyrsten Sinema, Ann Kirkpatrick, Tom O'Halleran, and Senator Mark Kelly. Rodd, a drummer and music lover, came to politics after working at Rolling Stone, XXL and other music magazines.

Email: rodd.mcleod@gmail.com



Lee Miller Former Deputy Secretary of State



Lee practices law, representing a wide variety of clients whose interests intersect with Arizona state and local government. His practice includes traditional lobbying as well as representing individuals and companies in administrative matters. A unique aspect of his practice is his representation of the Arizona Republican Party as its General Counsel. His practice also includes working with the Citizens Clean Elections Commission, having represented many clients on Commission complaints. Lee Miller previously served as the Deputy Secretary of State for the State of Arizona. This made him the COO for the Department of State; a wide-ranging enterprise with more than 160 employees and a budget of more than \$7 million dollars. Lee's professional career includes a unique blend of political, legal and business experience. He served in Washington as a legislative aide to Congressman Eldon Rudd and Jim Kolbe. He was an attorney for the Federal Deposit Insurance Corporation Investigating financial fraud in the banking and savings and loan industries. He then joined Fleet Bank in Boston, MA. As one of the State's few experts in campaign finance he has been quoted in the Wall Street Journal, Arizona Capitol Times, the Arizona Republic, the East Valley Tribune and appeared on many of the area's television and radio outlets, including National Public Radio and Horizon.

Email: lee@leemillerlaw.com

N

Anusha Natarajan ASU SCETL



Anusha Natarajan is a senior at Arizona State University, studying sociology, history, applied quantitative science, and political science with a minor in Spanish and certificates in political economy and international studies. She is currently serving as the civic-engagement coalition chair and an Andrew Goodman fellow at her university, advancing voter education. Passionate for culture and education, Anusha helped create an educational non-profit called Culture Talk, which provides resources for teachers and schools to use to diversify their curriculum in social studies. In the future, Anusha wants to earn a PhD to study and research election misinformation and its impact on democracy using quantitative and qualitative methods. In her free time, Anusha likes to play piano, spend time outdoors, and read.

Email: anatar12@asu.edu



Constantin Querard Founder/Grassroots Partners, LLC



Constantin Querard is the founder of Grassroots Partners, LLC, which does campaign consulting and public affairs work. Constantin has been active in politics for decades, working on a variety of campaigns for pro-family candidates and causes from the school board level to President of the United States. For much of the last decade, roughly half of the Republicans in the Arizona Legislature have been Grassroots clients. In 2013, Campaigns & Elections magazine named him one of Arizona's 5 GOP Influencers, and in 2015 he was named Best Campaign Consultant by the Arizona Capitol Times. In 2016, Ted Cruz tapped him to run his Arizona campaign and delegate operations. Constantin is a member of the Board of Directors of Balanced Budget Now (Center for State-led National Debt Solutions), which is leading the charge to pass a Balanced Budget Amendment to the U.S. Constitution and save America from financial ruin. Constantin also founded the Arizona Family Project, an Arizona non-profit focused on involving Arizona's families in the public policy process, and he served as the organization's Executive Director for years. He has been a member of the National Association of Republican Campaign Professionals and Mensa.

Email: cq@grassrootspartners.com

R

Bob Robson Former AZ Representative



Bob Robson is a long-time civic leader, business owner, and educator. His leadership experience includes serving eight years on the Chandler City Council, where his colleagues elected him vice mayor. He served the Chandler, Tempe, and Phoenix area for more than a decade in the State House of Representatives, where he was Speaker Pro Tempore and Rules Chairman. In

those leadership roles he developed a reputation as a lawmaker who would work with all stakeholders and parties and is highly respected for his knowledge of the legislative and policy process. Robson has served on numerous civic organizations ranging from Kiwanis and the Boys and Girls Club, to chairing the Arizona Auto Theft Authority and the Maricopa County Sports Commission. He was a professor of practice in ASU's School of Criminology and Criminal Justice and a small business owner in the East Valley before his retirement.

Email: robson4az@yahoo.com



Paul Senseman Policy Development Group



Paul and his wife, PDG's Kathy Senseman, made history as the first people ever voted by professional colleagues to win "Best of the Capitol" awards individually and then again as a single unit. Paul's distinguished resume and affable personality give him a broad base of strong relationships and respected credibility across Arizona, and his keen knowledge of a wide range of public policy, strategic acumen, and familiarity with critical media messaging maximize results for our clients. In addition to lobbying elected officials and department policymakers at state and local governments, Paul has significant experience in a variety of regulatory matters and crisis communications, as well as grassroots and grass-roots strategy development. A fourth-generation resident of Peoria, Paul received a Bachelor of Science from Arizona State University. He began his professional political career in the Phoenix office of U.S. Senator John McCain and went on to serve in a variety of positions on the Arizona legislative leadership staff, reporting to three House Speakers and ultimately becoming Chief of Staff of the Arizona House of Representatives. Paul rejoined PDG in January 2011 after serving two years as Deputy Chief of Staff for Communications for Arizona Governor Janice K. Brewer.

Email: psenseman@policydevelopmentgroup.com

S

Pinny Sheoran President/League of Women Voters



Pinny's commitment to the League has, quite literally, spanned generations of her life. She immigrated from India to the US in 1974 to pursue her graduate education at the University of Cincinnati. As a graduate student there, her dedication to the ideals of democracy was recognized by her Faculty mentor and she was urged to join the League as a student member. During

that 2 year period her volunteer work included registering voters and helping at League events. Thus was her initiation into understanding the importance of voting rights in this country, and the League's role in that struggle/movement. As a foreign student, her experience in the League was critical for the development of her understanding of American Democracy, the Suffragette movement and the nexus of the Civil Rights and Voting Rights movement. In 2016, she decided she could no longer sit on the sidelines and became a very active League member. Pinny has been a member of the League since 2016. Currently, she serves as the League representative on the Election Protection Arizona (EPAZ) coalition led by the Lawyers committee and the Leadership Conference local chapter All Voting is Local.

Email: pinny.sheoran@gmail.com

S

Lisa Simpson Exec. Director, AZ Newspapers Assoc.



Simpson joined the ANA in April of 2021 where she is proud to help her industry innovate and remain a vital part of democracy and a trusted source of information for future generations. Over the last 20+ years, she has held positions with many of the newspapers in the valley including Arizona Capitol Times, The Arizona Republic, The East Valley Tribune, and La Voz Publishing. Simpson studied engineering at the Colorado School of Mines. Family needs led her to an early career in automotive, product design, and the telecom industries. She moved with her husband and son to Arizona in 1995 and began her career in the newspaper industry. They chose Arizona because it fit with the outdoor activities they love. She is also an avid sports fan and loves the local teams.

Email: L.Simpson@ananews.com

Leezah Sun Representative Dist. 22



Leezah Sun (Democratic Party) is a member of the Arizona House of Representatives, representing District 22. She assumed office on January 9, 2023. Her current term ends on January 13, 2025. Leezah earned a bachelor's degree from Drexel University. Sun's career experience includes working as a research specialist with Drexel University and as an activist.

Email: lsun@azleg.gov

T



May Tiwamangkala is currently the Democracy Defender Director of Arizona Asian American Native Hawaiian Pacific Islander for Equity. She is also a board member for two black-led non profits; The Tadini House and Desert Star Family Planning. Prior to her current job, May was a criminal justice organizer at Puente Human Rights Movement and worked at the Department of Economic Security. Through listening to stories from community members who were formerly incarcerated, from families experiencing financial dilemmas, and from her own experience of incarceration, May dedicates her life addressing the issues for those disenfranchised and advocates for policy and change that uplifts the community as a whole. May believes that cross-cultural collaboration is the key for systemic change in order to fix the issues that disparage marginalized communities.

Email: may@aanhpi.org

Jim Torgeson Councilman/ Town of Gilbert



Jim Torgeson is a member of the Gilbert City Council in Arizona. He assumed office on January 10, 2023. His current term ends on January 12, 2027. Torgeson ran for election to the Gilbert City Council in Arizona. He won in the primary on August 2, 2022. He has been active as a citizen and local small business owner. Torgeson is a member of the Rotary Club, President of the Legacy at Gilbert Commons HOA, board member of the Free Enterprise Committee (SBA), former board member Tempe-Apache Blvd Redevelopment Committee, and former Director Tempe Apache Blvd Businessman's Association. He also served 2 terms as Chairman of the Heritage District Redevelopment Commission.

Email: Jim.torgeson@gilbertaz.gov

T



Kathy Tulemello is the editor in charge of coverage of local news and politics. That includes coverage of all levels of government (and all manner of politicians), along with topics such as education, energy, housing, health care, immigration and Arizona news outside the Phoenix metro area. She has been a journalist at The Republic since 1995.

Email: kathy.tulumello@arizonarepublic.com

Public Voting Members

Nicole Greason Barrett, The Honors College at ASU



Nicole Greason is in her 11th year as the director of marketing and public relations for Barrett, The Honors College at Arizona State University. Previously, Nicole was the marketing administrator for Fennemore Craig, a business law firm based in Phoenix, AZ. She has worked in communications, marketing and PR for many years in the areas of K-12 education, higher education and health care for organizations including the Tempe Union High School District, Kyrene Elementary School District, Maricopa County Community College District, Maricopa County Department of Public Health and The University of Texas at El Paso. She also worked as a reporter in features, news and business and as assistant business editor at the Tucson Citizen. Nicole earned a bachelor's degree in journalism from the University of Arizona, a master's degree in English from Northern Arizona University and a certificate in social impact branding from Georgetown University. She is the past-president and current vice president of the Arizona Latino Media Association and a member of the National Association of Hispanic Journalists. She is on the board of the Society of Professional Journalists Valley of the Sun (Phoenix) Chapter and a member of the Public Relations Society of America.

Email: greasonnicole@yahoo.com

Robert Karp No title or organization



Candidate in 2018 and 2020 for state legislature in LD14 (now LD19)

Email: rwkarp@gmail.com

Bradley Reece Exec. Director / Engaged Arizona



Bradley Reece is the Executive Director of Engaged Arizona, a 501(c)(3) non-profit which promotes voter registration and education throughout the state. He also serves as the Finance Director for Keep Arizona Blue Student Coalition, where he raises funds to sustain the organization and ensures compliance with applicable committee finance laws. As a 2022 Flinn Scholar,

Bradley currently studies political science and psychology with a minor in public health at the University of Arizona in Tucson. He is a recipient of the President's Volunteer Service Award (2021) and was a Prudential Spirit of Community state awardee (2021). In his free time, Bradley is an avid reader, musician, activist, and traveler.

Email: breece@engagedaz.org



Mailing Address:

1802 W. Jackson St. #129
Phoenix, Arizona 85007

Physical Address:

1110 W. Washington St., Suite 250
Phoenix, AZ 85007

Main Phone: 602-364-3477

Toll-Free: 877-631-8891

Fax: 602-364-3487

Email: ccec@azcleanelections.gov



@AZCCEC



/AZCleanElections

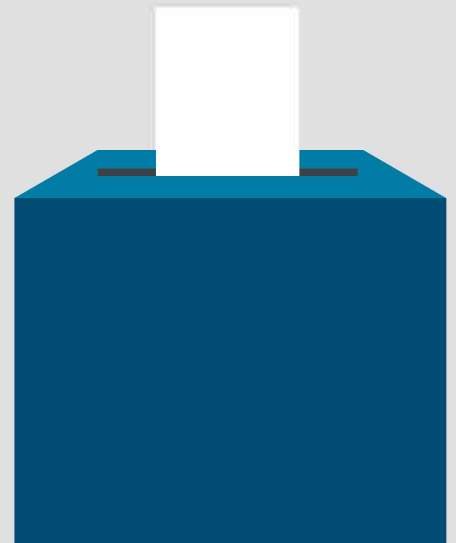


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NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action

R2-20-801	New Section
R2-20-802	New Section
R2-20-803	New Section
R2-20-804	New Section
R2-20-805	New Section
R2-20-806	New Section
R2-20-807	New Section
R2-20-808	New Section

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 16-974(A)(1).

Implementing statutes: A.R.S. §§ 16-972(B), 16-973(F), 16-974(A)(5), (A)(7), (A)(8), (C).

Statute or session law authorizing the exemption: A.R.S. § 16-974(C).

3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: (volume #) A.A.R. (page #)

4. The agency's contact person who can answer questions about the rulemaking:

Name: Thomas M. Collins

Address: 1110 W. Washington Street, Suite 250, Phoenix, AZ 85007.

Telephone: (602) 364-3477

Fax: Not applicable

E-mail: ccec@azcleanelections.gov

Web site: www.azcleanelections.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

R2-20-801 – R2-20-801 – Establishes the definitions in A.R.S. § 16-971 shall apply to this article. Rules of construction will also be located in this section and this rulemaking proposes two: one relates to the definition

of campaign media spending, the other relates to information provided to a covered person upon that person's request for donor information. This rule is necessary to ensure consistency in the application of terms.

R2-20-802 – Establishes consistent rules for this article for when actions specified are to be completed. Time rules are necessary to provide predictability to those who have to take actions under the rules and the public.

R2-20-803 – Provides rules for the form of opt-out notices required by A.R.S. § 16-972(F) as well records related to those decisions that may be provided to donors. These notices advise a person that their donation may be used for campaign media spending and allow them to opt out within a certain time. This proposed rule also addresses procedures if a covered person makes an additional notice to a person regarding opting out or when a person chooses to opt out at a later time.

R2-20-804 – Section 16-973 provides that certain original sources may have their identities protected by legal mechanisms such as court orders, statutes, and an application to the commission. This rule is necessary to provide the procedures for establishing that an original source should or should not be protected, including how the Commission may address a matter in executive session and how records relating to these procedures should be treated.

R2-20-805 – Section 16-974 directs the Commission to establish disclaimer requirements for public communications of covered persons. These communications are things like broadcast advertising, newspaper advertising, and internet advertising. The disclaimer states who paid for the and whether it was approved by a candidate or not. The rule provides details about how who paid for should be determined.

R2-20-806 – This rule provides details on how communication to and from the Commission should be handled, including defining ex parte communications and prohibiting them. It also sets forth the authority of the Executive Director to communicate regarding a complaint and how a respondent should advise the Commission that the respondent is represented by counsel. The rule is necessary to provide confidence to the public and others with business before the Commission that their matters will be handled fairly and provides predictability about how the Commission or its employees will interact with people with business before the Commission.

R2-20-807 – Section 16-974 provides the Commission with authority to make rules related to recordkeeping. This rule does that. It is necessary because proper record keeping is crucial to ensuring compliance with the law.

R2-20-808 – This rule provides a process for advisory opinions. Advisory opinions are a crucial part of the compliance and enforcement process because they allow a person to seek the Commission's opinion about an action before that person takes it, thus facilitating compliance and avoiding enforcement. The rule also provides the time frame and information required to process requests for advisory opinions.

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- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

Not applicable.

- 7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

- 8. The preliminary summary of the economic, small business, and consumer impact:**

Not applicable.

- 9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:**

Name: Thomas M. Collins

Address: 1110 W. Washington Street, Suite 250, Phoenix, AZ 85007.

Telephone: (602) 364-3477

Fax: Not applicable

E-mail: ccec@azcleaselections.gov

Web site: www.azcleaselections.gov

- 10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

The Commission will consider final approval of these rules at a public meeting no earlier than 60 days after its May 18, 2023 meeting.

- 11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any**

specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

- a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:** The Commission does not have statutory authority to issue permits.
- b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
- c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

Not applicable.

13. The full text of the rules follows:

R2-20-801 Definitions and rules of construction

A. The definitions in A.R.S. § 16-971 shall apply to these rules.

B. For purposes A.R.S. § 16-971(2)(a)(vii), 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 other activities described in A.R.S. § 16-972(2)(a) shall not be considered campaign media spending unless these activities are specifically conducted in preparation for or in conjunction with those other activities.

C. In response to a request pursuant to A.R.S. §16-972(D), a person must inform that covered person in writing, the identity of each other person that directly or indirectly contributed more than \$2,500 in original monies being transferred and the amount of each other person's original monies being transferred up to the amount of money being transferred to the requesting person.

R2-20- 802 Time

The following rules apply in computing any time period specified in these rules:

A. The day of the event or act shall be excluded.

B. If the deadline is five days or fewer, then Saturdays, Sundays, and legal holidays shall be excluded.

C. If the last day of the period is a Saturday, Sunday, or legal holiday, the last day is excluded, and the period runs until the next day that is not a Saturday, Sunday, or legal holiday.

D. The next day is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

R-20-803 Opt-out notices

A. Before a covered person may use or transfer a donor's monies for campaign media spending, the donor must be notified in writing that the monies may be so used. The covered person must give the donor an opportunity to opt out of having the donation used or transferred for campaign media spending.

B. The notice must:

1. Inform donors that their monies may be used for campaign media spending and that information about donors may have to be reported to the appropriate government authority in this state for disclosure to the public.
2. Inform donors that they can opt out of having their monies used or transferred for campaign media spending by notifying the covered person in writing within twenty-one days after receiving the notice that the donor prefers to opt-out of having their monies used or transferred for campaign media spending and that a receipt confirming their choice shall be provided upon request.
3. Opt-out information shall be provided in writing. If provided with other written information the opt-out information must be provided in a format at least the same size type as any other information provided in writing along with the notice. The information must be either the first sentence in a paragraph or itself constitute a paragraph. If the opt-out information is provided

without additional writing it must be clearly readable. To be valid, the opt-out information must provide contact information to allow the recipient to contact the person who provided the opt-out information within 21 days. Upon request of the donor, the person responsible for providing the opt-out information must provide a receipt to the donor confirming the donor's choice. If the covered person regularly provides receipts for donations the receipt shall confirm the donor's choice. Nothing in this rule precludes providing a donor a receipt without waiting for a request.

- C. Any person responsible for providing the opt-out information must keep a record of when the information was provided and maintain all related records including the written notice for five years.
- D. If a donor does not opt out after the initial notice, a covered person may make subsequent written notices to a donor of their right to opt out and may set a time for response of no less than 1 day from the date the donor receives the notice. To be valid, the opt-out information must provide contact information to allow the recipient to contact the person who provided the opt-out information within the time identified in the subsequent request. Upon request by the donor, the person responsible for providing the opt-out information must provide a receipt to the donor confirming the donor's choice. If the covered person regularly provides receipts for donations the receipt shall confirm the donor's choice.
- E. A donor may request to opt out at any time after the initial notice and the covered person must confirm the opt out to the donor in writing no later than 5 days after the request and subsequently that donor shall be treated as having opted out by the covered person. Upon request of the donor, the person responsible for providing the opt-out information must provide a receipt to the donor confirming the donor's choice. If the covered person regularly provides receipts for donations the receipt shall confirm the donor's choice.

R2-20- 804 Request for exemptions

- A. An original source who has not opted out of having their monies used for campaign media spending may file a request for an exemption with the Executive Director no later than 14 days after the notice to opt out is given.
- B. In the event the request provides documentation of a court order requiring confidentiality, the Executive Director shall confirm the validity of the court order in five days. If the order is confirmed, the Executive Director shall issue a letter to the requestor stating that their name shall not be disclosed.
- C. In the event that the person making the request claims a statute provides for such confidentiality, the request shall include a citation to the statute and argument why the statute applies to require confidentiality. The Executive Director may make a recommendation to the Commission. The Executive Director shall place the item on an agenda no later than the next regular Commission meeting. The person and their counsel may appear. In order to protect the interests of the original source pending a determination, the Commission may vote to go into executive session to protect confidential information and if warranted for other reasons authorized by the Open Meeting Law. For purposes of this rule, the person and their counsel shall be deemed individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities if the Commission votes to go into executive session pursuant to A.R.S. § 38-431.03(A)(2). No vote may be taken in the executive session. If the Commission decides that the statute applies by a roll call vote in public session in favor of the request, the Executive Director shall issue a letter to the requestor within 5 days stating that their name shall not be disclosed.
- D. In the event the person making the request claims that there is a reasonable probability that they or their family will experience threats of physical harm, the request shall provide such evidence. The request may also include argument in favor of the request. The Executive Director may make a recommendation to the Commission. The Executive Director shall place the item on an agenda no later than the next regular commission meeting. The person and their legal representative may appear. In order to protect the interests of the original source pending a determination, the Commission may vote to go into executive session to protect confidential information and if warranted for other reasons authorized by the Open Meeting Law. For purposes of this rule, the person and their counsel shall be deemed individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities if the Commission votes to go into executive session pursuant to A.R.S. § 38-431.03(A)(2). No vote may be taken in the executive session. If the Commission decides that the request should be granted by a roll call in public session in favor of the request, the Executive Director shall issue a letter to the requestor within 5 days stating that their name shall not be disclosed.
- E. The agenda shall not identify the requestor.
- F. No records related to a request shall be subject to a public records request or any other type of request. The records shall not be produced absent a court order compelling disclosure.
- G. All records except the Executive Director's letter shall be destroyed within 30 days of the determination.

The Executive Director's letter shall not be made public except by a court order.

R2-20- 805 Disclaimers

- A. A covered person shall include the words "paid for by" on every public communication followed by the full legal name of the covered person making the public communication. The public communication shall also state whether it is: 1) authorized by any candidate or their agents and any candidate's name who individually or through their agents participated in the authorization; or 2) that the public communication is not authorized by any candidate or their agents acting on the candidate's behalf.
- B. Public communications by covered persons shall state the names of the top three donors who directly or indirectly made the three largest contributions of original monies who have not opted out pursuant to A.R.S. § 16-972 or a rule of the Commission during the election cycle to the covered person as calculated by the covered person at the time the advertisement was distributed for publication, display, delivery, or broadcast.
- C. If it is not technologically possible for a public communication disseminated on the internet or by social media message, text message or short message service to provide all the information required by this section, the public communication must provide a means for viewers to obtain, immediately and easily, the required information without having to receive extraneous information. The public communication must always state the full legal name of the covered person.
- D. If the public communication is:
 - 1. Broadcast on radio, the disclosure shall be clearly spoken at the beginning or end of the advertisement.
 - 2. Delivered by hand or by mail, the disclosure shall be clearly readable.
 - 3. Delivered electronically, the disclosure shall be clearly readable.
 - 4. Displayed on a sign or billboard, the disclosure shall be displayed at a height that is at least four percent of the vertical height of the sign or billboard.
 - 5. Broadcast on television, in a video or film, both of the following requirements apply:
 - (a) The disclosure shall be both written and spoken at the beginning or end of the advertisement, except that if the written disclosure statement is displayed for the greater of at least one-sixth of the broadcast duration or four seconds, a spoken disclosure statement is not required.
 - (b) The written disclosure statement shall be printed in letters that are displayed in a height that is at least four percent of the vertical picture height, except that if the advertisement is paid for by a political action committee, the written disclosure statement shall be displayed in a height that is at least ten percent of the vertical picture height.
 - (c) These disclosure requirements apply to any broadcast, video, or film format, whether distributed via airwaves, cable, the internet, or other delivery methods.

R2-20-806 Communication

- A. No individual shall communicate with any Commissioner ex parte as defined in subsections E and F of this rule. No Commissioner shall communicate with any individual ex parte as defined in subsections E and F of this rule.
- B. In the event of a Complaint, no Commissioner shall communicate with the Executive Director or any other commission staff or attorney who represents the Executive Director except in commission proceedings where the Respondent or Respondent's Counsel is present.
- C. The Executive Director may communicate with a Respondent, a Respondent's counsel, a Complainant or Complainant's Counsel or any other person with information regarding a Complaint.
- D. If a Respondent wishes to be represented by counsel with regard to any matter pending before the Commission, Respondent or Respondent's Counsel shall so advise the Commission by sending a writing to the Commission including the following:
 - 1. The name, address, and telephone number of the counsel.
 - 2. A statement authorizing such counsel to receive any and all notifications, service of process, and other communications from the Commission, its staff and attorneys on behalf of Respondent.Upon receipt, the Commission shall have no contact with Respondent except through the designated counsel unless authorized Respondent.
- E. Ex parte communication means any written or oral communication by any person outside the agency to any Commissioner or any member of a Commissioner's staff which imparts information or argument regarding prospective Commission action or potential action concerning:
 - 1. Any proceeding involving a request for an exemption.
 - 2. Any enforcement proceeding.
 - 3. Any pending litigation matter, or

4. Any pending rulemaking, or
5. Any pending advisory opinion request.

F. Ex parte communications do not include the following communications:

1. Statements by any person publicly made in a public forum; or
2. Statements or inquiries by any person limited to the procedural status of an open proceeding, rulemaking, advisory opinion request, or a litigation matter.

R2-20-807 Recordkeeping

- A. All records required to be retained by Chapter 6.1 of Title 16 shall be kept in such order that a reasonable person could confirm the accuracy of transactions, transfer records, reports, opt out notices, and other information by review of the documents and other information.
- B. Records may be kept in any media a person subject to Chapter 6.1 of Title 16 chooses, provided that the media is commonly available and not proprietary.
- C. Failure to maintain records in a reasonable manner may give rise to factual presumption against the person in an enforcement proceeding or other action under Chapter 6.1 of Title 16.

R2-20- 808 Advisory Opinions

A. Requests for advisory opinions

1. Any person may request in writing an advisory opinion concerning the Chapter 6.1, of Title 16 or any regulation prescribed by the Commission pursuant to that chapter. An authorized agent of the requesting person may submit the advisory opinion request, but the agent shall disclose the identity of his or her principal.
2. The written advisory opinion request shall set forth a specific transaction or activity that the requesting person plans to undertake or is presently undertaking and intends to undertake in the future. Requests presenting a general question of interpretation, or posing a hypothetical situation, or regarding the activities of third parties, do not qualify as advisory opinion requests.
3. Advisory opinion requests shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made.
4. The Executive Director shall review all requests for advisory opinions submitted. If the Executive Director determines that a request for an advisory opinion is incomplete or otherwise not qualified, they shall, within 10 days of receipt of such request, notify the requesting person and specify the deficiencies in the request.
5. Advisory opinion requests must be sent to the Clean Elections Commission by email or as directed by the Commission staff. Procedures for advisory opinion requests shall be available on the Commission website.

B. Availability and Comments on Requests.

1. Advisory opinion requests which qualify under this section shall be made public at the Commission promptly upon their receipt.
2. A copy of the original request and any supplements thereto, shall be available for public inspection and may be obtained via a written request to the Executive Director.
3. Any interested person may submit written comments concerning advisory opinion requests made public at the Commission.
4. The written comments shall be submitted within 10 days following the date the request is made public at the Commission. Additional time for submission of written comments may be granted upon written request for an extension by the person who wishes to submit comments or may be granted by the Executive Director without an extension request. Comments Advisory opinion requests must be sent to the Clean Elections Commission by email or as directed by the Commission staff.

C. Issuance and Reliance on Advisory Opinions

1. Within 60 calendar days after receiving a qualifying advisory opinion request, the Commission shall issue to the requesting person a written advisory opinion or shall issue a written response stating that the Commission was unable to approve an advisory opinion by the required affirmative vote of a majority of members present at a meeting of the Commission.
2. The 60 calendar day period is reduced to 20 calendar days for a qualified advisory opinion request provided the request:
 - a. Is submitted by a person within the 60 calendar days preceding the date of any election to which Chapter 6.1 of Title 16 applies;
 - b. Identifies the election by date and jurisdiction.
 - c. Presents a specific transaction or activity related to the election that may invoke the 20

day period if the connection is explained in the request.

3. An advisory opinion rendered by the Commission may be relied upon by any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered, and any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.
 4. Any person who relies upon an advisory opinion and who acts in good faith in accordance with that advisory opinion shall not, as a result of any such act, be subject to any sanction provided Chapter 6.1 of Title 16.
- D. Reconsideration of Advisory Opinions.
1. A request for reconsideration may be made by the person who made the request within 15 days of the opinion's approval but no later than 5 days before the Commission's next regular meeting.
 2. A request for reconsideration may be made by any person who states a good faith basis for vacating or reversing a prior opinion subject to other rules in this section. Any reconsideration shall meet all of the requirements otherwise required of an initial request.

Clean Elections Draft Rules for
Chapter 6.1 of Title 16, Arizona Revised Statutes.

6.18.2023

Summaries and need for rules

R2-20-801 – Establishes the definitions in A.R.S. § 16-971 shall apply to this article. Rules of construction will also be located in this section and this rulemaking proposes two: one relates to the definition of campaign media spending, the other relates to information provided to a covered person upon that person's request for donor information. This rule is necessary to ensure consistency in the application of terms.

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Draft proposed rules

801 Definitions and Rules of Construction

A. The definitions in A.R.S. § 16-971 shall apply to these rules.

B. For purposes A.R.S. § 16-971(2)(a)(vii), 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 other activities described in A.R.S. § 16-972(2)(a) shall not be considered campaign media spending unless these activities are specifically conducted in preparation for or in conjunction with those other activities.

C. In response to a request pursuant to A.R.S. §16-972(D), a person must inform that covered person in writing, the identity of each other person that directly or indirectly contributed more than \$2,500 in original monies being transferred and the amount of each other person's original monies being transferred up to the amount of money being transferred to the requesting person.

802 Time

The following rules apply in computing any time period specified in these rules:

A. The day of the event or act shall be excluded.

B. If the deadline is five days or fewer, then Saturdays, Sundays, and legal holidays shall be excluded.

C. If the last day of the period is a Saturday, Sunday, or legal holiday, the last day is excluded, and the period runs until the next day that is not a Saturday, Sunday, or legal holiday.

D. The next day is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

803 Opt-out notices

A. Before a covered person may use or transfer a donor's monies for campaign media spending, the donor must be notified in writing that the monies may be so used. The covered person must give the donor an opportunity to opt out of having the donation used or transferred for campaign media spending.

B. The notice must:

1. Inform donors that their monies may be used for campaign media spending and that information about donors may have to be reported to the appropriate government authority in this state for disclosure to the public.

2. Inform donors that they can opt out of having their monies used or transferred for campaign media spending by notifying the covered person in writing within twenty-one days after receiving the notice that the donor prefers to opt-out of having their monies used or transferred for campaign media spending and that a receipt confirming their choice shall be provided upon request.

3. Opt-out information shall be provided in writing. If provided with other written information the opt-out information must be provided in a format at least the same size type as any other information provided in writing along with the notice. The information must be either the first sentence in a paragraph or itself constitute a paragraph. If the opt-out information is provided without additional writing it must be clearly readable. To be valid, the opt-out information must provide contact information to allow the recipient to contact the person who provided the opt-out information within 21 days. Upon request of the donor, the person responsible for providing the opt-out information must provide a receipt to the donor confirming the donor's choice. If the covered person regularly provides receipts for donations the receipt shall confirm the donor's choice. Nothing in this rule precludes providing a donor a receipt without waiting for a request.

C. Any person responsible for providing the opt-out information must keep a record of when the information was provided and maintain all related records including the written notice for five years.

D. If a donor does not opt out after the initial notice, a covered person may make subsequent written notices to a donor of their right to opt out and may set a time for response of no less than 1 day from the date the donor receives the notice. To be valid, the opt-out information must provide contact information to allow the recipient to contact the person who provided the opt-out information within the time identified in the subsequent request. Upon request by the donor, the person responsible for providing the opt-out information must provide a receipt to the donor confirming the donor's choice. If the covered person regularly provides receipts for donations the receipt shall confirm the donor's choice.

E. A donor may request to opt out at any time after the initial notice and the covered person must confirm the opt out to the donor in writing no later than 5 days after the request and subsequently that donor shall be treated as having opted out by the covered person. Upon request of the donor, the person responsible for providing the opt-out information must provide a receipt to the donor confirming the donor's choice. If the covered person regularly provides receipts for donations the receipt shall confirm the donor's choice.

804 Request for exemptions

A. An original source who has not opted out of having their monies used for campaign media spending may file a request for an exemption with the Executive Director no later than 14 days after the notice to opt out is given.

B. In the event the request provides documentation of a court order requiring confidentiality, the Executive Director shall confirm the validity of the court order in five days. If the order is confirmed, the Executive Director

shall issue a letter to the requestor stating that their name shall not be disclosed.

C. In the event that the person making the request claims a statute provides for such confidentiality, the request shall include a citation to the statute and argument why the statute applies to require confidentiality. The Executive Director may make a recommendation to the Commission. The Executive Director shall place the item on an agenda no later than the next regular Commission meeting. The person and their counsel may appear. In order to protect the interests of the original source pending a determination, the Commission may vote to go into executive session to protect confidential information and if warranted for other reasons authorized by the Open Meeting Law. For purposes of this rule, the person and their counsel shall be deemed individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities if the Commission votes to go into executive session pursuant to A.R.S. § 38-431.03(A)(2). No vote may be taken in the executive session. If the Commission decides that the statute applies by a roll call vote in public session in favor of the request, the Executive Director shall issue a letter to the requestor within 5 days stating that their name shall not be disclosed.

D. In the event the person making the request claims that there is a reasonable probability that they or their family will experience threats of physical harm, the request shall provide such evidence. The request may also include argument in favor of the request. The Executive Director may make a recommendation to the Commission. The Executive Director shall place the item on an agenda no later than the next regular commission meeting. The person and their legal representative may appear. In order to protect the interests of the original source pending a determination, the Commission may vote to go into executive session to protect confidential information and if warranted for other reasons authorized by the Open Meeting Law. For purposes of this rule, the person and their counsel shall be deemed individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities if the

Commission votes to go into executive session pursuant to A.R.S. § 38-431.03(A)(2). No vote may be taken in the executive session. If the Commission decides that the request should be granted by a roll call in public session in favor of the request, the Executive Director shall issue a letter to the requestor within 5 days stating that their name shall not be disclosed.

E. The agenda shall not identify the requestor.

F. No records related to a request shall be subject to a public records request or any other type of request. The records shall not be produced absent a court order compelling disclosure.

G. All records except the Executive Director's letter shall be destroyed within 30 days of the determination. The Executive Director's letter shall not be made public except by a court order.

805 Disclaimers

A. A covered person shall include the words "paid for by" on every public communication followed by the full legal name of the covered person making the public communication. The public communication shall also state whether it is: 1) authorized by any candidate or their agents and any candidate's name who individually or through their agents participated in the authorization; or 2) that the public communication is not authorized by any candidate or their agents acting on the candidate's behalf.

B. Public communications by covered persons shall state the names of the top three donors who directly or indirectly made the three largest contributions of original monies who have not opted out pursuant to A.R.S. § 16-972 or a rule of the Commission during the election cycle to the covered person as calculated by the covered person at the time the advertisement was distributed for publication, display, delivery, or broadcast.

C. If it is not technologically possible for a public communication disseminated on the internet or by social media message, text message or

short message service to provide all the information required by this section, the public communication must provide a means for viewers to obtain, immediately and easily, the required information without having to receive extraneous information. The public communication must always state the full legal name of the covered person.

D. If the public communication is:

1. Broadcast on radio, the disclosure shall be clearly spoken at the beginning or end of the advertisement.
2. Delivered by hand or by mail, the disclosure shall be clearly readable.
3. Delivered electronically, the disclosure shall be clearly readable.
4. Displayed on a sign or billboard, the disclosure shall be displayed at a height that is at least four percent of the vertical height of the sign or billboard.
5. Broadcast on television, in a video or film, both of the following requirements apply:
 - (a) The disclosure shall be both written and spoken at the beginning or end of the advertisement, except that if the written disclosure statement is displayed for the greater of at least one-sixth of the broadcast duration or four seconds, a spoken disclosure statement is not required.
 - (b) The written disclosure statement shall be printed in letters that are displayed in a height that is at least four percent of the vertical picture height, except that if the advertisement is paid for by a political action committee, the written disclosure statement shall be displayed in a height that is at least ten percent of the vertical picture height.
 - (c) These disclosure requirements apply to any broadcast, video, or film format, whether distributed via airwaves, cable, the internet, or other delivery methods.

806 Communication

A. No individual shall communicate with any Commissioner ex parte as defined in subsections E and F of this rule. No Commissioner shall communicate with any individual ex parte as defined in subsections E and F of this rule.

B. In the event of a Complaint, no Commissioner shall communicate with the Executive Director or any other commission staff or attorney who represents the Executive Director except in commission proceedings where the Respondent or Respondent's Counsel is present.

C. The Executive Director may communicate with a Respondent, a Respondent's counsel, a Complainant or Complainant's Counsel or any other person with information regarding a Complaint.

D. If a Respondent wishes to be represented by counsel with regard to any matter pending before the Commission, Respondent or Respondent's Counsel shall so advise the Commission by sending a writing to the Commission including the following:

1. The name, address, and telephone number of the counsel;

and

2. A statement authorizing such counsel to receive any and all notifications, service of process, and other communications from the Commission, its staff and attorneys on behalf of Respondent.

Upon receipt, the Commission shall have no contact with Respondent except through the designated counsel unless authorized Respondent.

E. Ex parte communication means any written or oral communication by any person outside the agency to any Commissioner or any member of a Commissioner's staff which imparts information or argument regarding prospective Commission action or potential action concerning:

1. Any proceeding involving a request for an exemption.

2. Any enforcement proceeding.

3. Any pending litigation matter, or
4. Any pending rulemaking, or
5. Any pending advisory opinion request.

F. Ex parte communications do not include the following communications:

1. Statements by any person publicly made in a public forum; or
2. Statements or inquiries by any person limited to the procedural status of an open proceeding, rulemaking, advisory opinion request, or litigation matter.

807 Recordkeeping

A. All records required to be retained by Chapter 6.1 of Title 16 shall be kept in such order that a reasonable person could confirm the accuracy of transactions, transfer records, reports, opt out notices, and other information by review of the documents and other information.

B. Records may be kept in any media a person subject to Chapter 6.1 of Title 16 chooses, provided that the media is commonly available and not proprietary.

C. Failure to maintain records in a reasonable manner may give rise to factual presumption against the person in an enforcement proceeding or other action under Chapter 6.1 of Title 16.

808 Advisory Opinions

A. Requests for advisory opinions

1. Any person may request in writing an advisory opinion concerning the Chapter 6.1, of Title 16 or any regulation prescribed by the Commission pursuant to that chapter. An authorized agent of the requesting person may

submit the advisory opinion request, but the agent shall disclose the identity of his or her principal.

2. The written advisory opinion request shall set forth a specific transaction or activity that the requesting person plans to undertake or is presently undertaking and intends to undertake in the future. Requests presenting a general question of interpretation, or posing a hypothetical situation, or regarding the activities of third parties, do not qualify as advisory opinion requests.

3. Advisory opinion requests shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made.

4. The Executive Director shall review all requests for advisory opinions submitted. If the Executive Director determines that a request for an advisory opinion is incomplete or otherwise not qualified, they shall, within 10 days of receipt of such request, notify the requesting person and specify the deficiencies in the request.

5. Advisory opinion requests must be sent to the Clean Elections Commission by email or as directed by the Commission staff. Procedures for advisory opinion requests shall be available on the Commission website.

B. Availability and Comments on Requests.

1. Advisory opinion requests which qualify under this section shall be made public at the Commission promptly upon their receipt.

2. A copy of the original request and any supplements thereto, shall be available for public inspection and may be obtained via a written request to the Executive Director.

3. Any interested person may submit written comments concerning advisory opinion requests made public at the Commission.

4. The written comments shall be submitted within 10 days following the date the request is made public at the Commission. Additional time for submission of written comments may be granted upon written request for an extension by the person who wishes to submit comments or may be granted by the Executive Director without an extension request. Comments Advisory opinion requests must be sent to the Clean Elections Commission by email or as directed by the Commission staff.

C. Issuance and Reliance on Advisory Opinions

1. Within 60 calendar days after receiving a qualifying advisory opinion request, the Commission shall issue to the requesting person a written advisory opinion or shall issue a written response stating that the Commission was unable to approve an advisory opinion by the required affirmative vote of a majority of members present at a meeting of the Commission.

2. The 60 calendar day period is reduced to 20 calendar days for a qualified advisory opinion request provided the request:

a. Is submitted by a person within the 60 calendar days preceding the date of any election to which Chapter 6.1 of Title 16 applies;

b. Identifies the election by date and jurisdiction.

c. Presents a specific transaction or activity related to the election that may invoke the 20 day period if the connection is explained in the request.

3. An advisory opinion rendered by the Commission may be relied upon by any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered, and any person involved in any

specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

4. Any person who relies upon an advisory opinion and who acts in good faith in accordance with that advisory opinion shall not, as a result of any such act, be subject to any sanction provided Chapter 6.1 of Title 16.

D. Reconsideration of Advisory opinions

1. A request for reconsideration may be made by the person who made the request within 15 days of the opinion's approval but no later than 5 days before the Commission's next regular meeting.

2. A request for reconsideration may be made by any person who states a good faith basis for vacating or reversing a prior opinion subject to other rules in this section. Any reconsideration shall meet all of the requirements otherwise required of an initial request.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Selina Bliss
Participating Candidate for
State Representative - District 1
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 Selina Bliss'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 Selina Bliss. 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

April 17, 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 and two deposits (total population) 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 \$91.88 at December 31, 2022. The net result is an unreconciled variance of \$91.88.

- 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

**Neil Sinclair
Participating Candidate for
State Representative - District 1
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 Neil Sinclair'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 Neil Sinclair. 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

May 19, 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 one deposit (entire population) 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 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 \$47.56 at December 31, 2022. The Candidate's campaign bank account statement listed a balance of \$0.00 at December 31, 2022. The net result is a variance of \$47.56.

- 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

We reviewed five expenditures and determined that four of them were joint expenditures, and that the amount paid 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

Per the Candidate's 2022 Post-General Election (Q4) report, there is a balance on *Schedule D1 - Committee Debt* of negative \$58.09 at December 31, 2022.

- 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

**Leezah Sun
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 Leezah Sun'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 Leezah Sun. 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
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April 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 two deposits (entire 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 \$2,828.77 at December 31, 2022. The Candidate's campaign bank account statement listed a balance of \$2,796.03 at December 31, 2022. The net result is an unreconciled difference of \$32.47.

- 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

**Cesar Aguilar
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 Cesar Aguilar'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 Cesar Aguilar. 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

June 2, 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 \$7.15 at December 31, 2022. The Candidate's campaign bank account statement listed a balance of \$7.15 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

**Mike Fogel
Participating Candidate for
State Senator - District 1
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 Mike Fogel'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 Mike Fogel. 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

May 1, 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

For 1 out of 5 deposits tested and 4 out of 5 withdrawals tested, we were unable to locate the items tested 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 \$38.35 at December 31, 2022. The Candidate's campaign bank account statement listed a balance of \$0.00 at December 31, 2022. The net result is a variance of \$38.35.

- 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

We reviewed five expenditures and determined that all of them were joint expenditures, and that the amount paid 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

Per the Candidate's 2022 Post-General Election (Q4) report, there is a balance on *Schedule D1 - Committee Debt* of negative \$84.15 at December 31, 2022. In addition, per the Candidate's 2022 Post-General Election (Q4) report, there is a balance on *Schedule L1 - Loans Made to This Committee* of \$100.00 at December 31, 2022.

- 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

**Cathy Ransom
Participating Candidate for
State Senator - District 1
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 Cathy Ransom'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 Cathy Ransom. 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

April 26, 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 during 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 \$3.59 at December 31, 2022. The Candidate's campaign bank account statement listed a balance of \$0.00 at December 31, 2022. The net result is a variance of \$3.59.

- 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

We reviewed five expenditures and determined that four of them were joint expenditures, and that the amount paid 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

Per the Candidate's 2022 Post-General Election (Q4) report, there is a balance on *Schedule D1 - Committee Debt* of negative \$32.08 at December 31, 2022.

- 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

**Mike Nickerson
Participating Candidate for
State Senator - 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 Mike Nickerson'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 Mike Nickerson. 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 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 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 \$299.24 at December 31, 2022. The Candidate's campaign bank account statement listed a balance of \$299.24 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

**Juan Mendez
Participating Candidate for
State Senator - 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 Juan Mendez'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 Juan Mendez. 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

April 7, 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.