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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
January 25, 2024
9:30 a.m.

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



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1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN
2 ELECTIONS COMMISSION convened at 9:30 a.m. on
3 January 25, 2024, at the State of Arizona, Clean
4 Elections Commission, 1110 West Washington, Conference
5 Room, Phoenix, Arizona, in the presence of the
6 following Board Members:
7
8 Mr. Mark Kimble, Chairman
9 Mr. Galen Paton
10 Ms. Amy Chan
11 Mr. Steve Titla
12 OTHERS PRESENT:
13 Thomas M. Collins, Executive Director
14 Paula Thomas, Executive Officer
15 Mike Becker, Policy Director
16 Gina Roberts, Voter Education Director
17 Avery Xola, Voter Education Manager
18 Kyle Cummings, Assistant Attorney General
19 Mary O'Grady, Osborn Maledon
20 Jonathan Berkon, Elias Law Group
21 Meredith Parnell, Elias Law Group
22 Jessica Painter, Meeting Planner
23 Brent Ruffner, Member of the Public
24
25

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1 P R O C E E D I N G
2 CHAIRMAN KIMBLE: Good morning. Excuse me.
3 Agenda Item I is the call to order. It's 9:30 a.m. on
4 January 25th, 2024. I call this meeting of the
5 Citizens Clean Elections Commission to order.
6 With that, we'll take attendance.
7 Commissioners, please identify yourselves for the
8 record.
9 COMMISSIONER PATON: This is Galen Paton.
10 COMMISSIONER CHAN: Amy Chan.
11 CHAIRMAN KIMBLE: And Mark Kimble. We do
12 have a quorum. Three of the five of us are here.
13 Item II, discussion and possible action on
14 minutes for the December 14th, 2023 meeting.
15 Commissioners, you have the minutes for our December
16 meeting in the packet. Is there any discussion?
17 COMMISSIONER CHAN: Mr. Chairman.
18 CHAIRMAN KIMBLE: Commissioner Chan.
19 COMMISSIONER CHAN: I move that we approve
20 the minutes as written.
21 CHAIRMAN KIMBLE: Thank you,
22 Commissioner Chan.
23 Is there a second?
24 COMMISSIONER PATON: I'll second it.
25 CHAIRMAN KIMBLE: Thank you,

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1 Commissioner Paton.
2 I will call the roll. Commissioner Chan.
3 COMMISSIONER CHAN: Aye.
4 CHAIRMAN KIMBLE: Commissioner Paton.
5 COMMISSIONER PATON: Aye.
6 CHAIRMAN KIMBLE: Chair votes aye.
7 The minutes are approved 3-to-nothing.
8 Item III, discussion and possible action on
9 the Executive Director's Report. Tom.
10 MR. COLLINS: Yes. Thank you, Mr. Chairman,
11 Commissioners. We wanted to highlight that we have two
12 elections coming up in March, and we'll highlight these
13 again throughout both today and next month. There are
14 local elections, including in Tempe and Litchfield
15 Park, on March 12th. And then the presidential
16 preference election will be held on March 19th, and the
17 voter registration deadline for that is February 20th.
18 This is -- if you get asked, this is the party
19 presidential preference election really, it's -- so
20 it's -- so PPE should really be party, party, party.
21 That's my -- that's my solution to the communication
22 problem.
23 But as we -- as you all know, one of the big
24 things that comes up is the fact that the PPE -- you
25 have to be a member of the Democratic, Republican, or

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1 other party that has -- that's on the ballot for that.
2 You can't vote as an independent, as you can in the
3 state primary.
4 Looks like -- looks like Commissioner Titla
5 is here.
6 CHAIRMAN KIMBLE: Right. Thank you, Tom.
7 Let the record show that Commissioner Titla
8 has joined us too.
9 Thank you, Tom.
10 MR. COLLINS: Thank you. I just want to
11 highlight, you know, that we've started up a full range
12 of different outreach activities that Avery has been --
13 been working on and that Gina attended the Joint
14 Election Official Liaison Conference, which was, I
15 think, a worthy effort, a worthy travel. She got a
16 chance to talk to our elected representatives in
17 Congress about Clean Elections. And I'm sure if you
18 have more questions about that experience and -- you
19 know, I think she'd be happy to talk to you about it.
20 We are -- and we're working with the
21 Secretary's Office and the Governor's Office on
22 implementing the website changes -- or, the website
23 plans that were recommended in the Governor's
24 Bipartisan Election Task Force report.
25 We have -- we've had 13 candidate workshops

<p style="text-align: right;">Page 6</p> <p>1 for clean candidates, and so far we've had 36 2 candidates attend. 3 The Secretary of State's Office Beacon system 4 now has a filing in place for folks who need to make 5 filings under the Voters' Right to Know Act. 6 And I think that's -- that's the main things 7 there that I wanted to mention. I do think, you know, 8 this is sort of FYI, but I want to, you know, mention, 9 if you haven't read it, you can read all of the 10 correspondence among the Treasurer, the Governor, and 11 the Attorney General's Office around the Attorney 12 General opinion request that's pending about the 13 appointment process. And as I mentioned there, the 14 Attorney General's Office has told the press that they 15 are anticipating having an opinion out on February 1st. 16 So, you know -- so that -- you know, there 17 are a number of analytical questions in that material, 18 but the -- but the principal point in front of the AG, 19 in my view and for what it's worth, is that, you 20 know -- is that we have alternating -- the statute sets 21 up a system of alternating appointments between party 22 and between office. The way that I look at this, as a 23 big picture question, is, is it a -- does the pick -- 24 if there's a change in -- changeover, like there's 25 been, that's both in office and in party, does the</p>	<p style="text-align: right;">Page 8</p> <p>1 increase confidence of voters by providing information 2 on elections and candidates. Our democracy asks a lot 3 of voters, and as Clean Elections it is our role to 4 help collect -- connect voters to the tools and the 5 information they need to vote informed. We defend 6 democracy by doing democracy, not as an abstract 7 principle or aspiration, but in practical steps to 8 improve access and availability of trusted information. 9 To say voters will be busy this year is 10 beyond understatement. Beginning with the presidential 11 preference election in March, voters will have little 12 or no break. There are state primary and general 13 elections where all 90 seats of the Legislature will be 14 up for grabs. Three seats on the Corporation 15 Commission will be up as well. On the federal level, 16 we will see not only the presidential election, but an 17 election for the U.S. Senate. This is the fifth 18 consecutive U.S. Senate election since 2016, when 19 Senator McCain was last elected, which has to be some 20 sort of a record. 21 Gina Roberts, our Voter Education Director, 22 will be presenting an overview of what we accomplished 23 in 2023 and an ambitious agenda to connect voters with 24 information about candidates and the election process. 25 Gina.</p>
<p style="text-align: right;">Page 7</p> <p>1 picking, if you will, start with the office or the 2 party, in which -- you know, which would resolve who 3 sort of picks first. There's a number of other 4 questions in there, but I think that's the big picture 5 question. 6 You know, we have a lot, obviously, to get to 7 with our Voter Education Plan today. 8 You can also see the legislative bills that 9 we're tracking. I think that that, you know, so far, 10 you know -- you know, there are -- there have been some 11 bills introduced that are -- that are -- you know, we 12 kind of kept our eye on, but nothing that we've seen 13 that we need to, you know, weigh in on or ask you to 14 weigh in on. 15 So I think that's -- I think that's it from 16 me, Chairman. 17 CHAIRMAN KIMBLE: Thank you, Tom. 18 Are there -- any discussion or questions from 19 Members of the Commission? 20 (No response.) 21 CHAIRMAN KIMBLE: Hearing none, we will move 22 on to Item IV, discussion and possible action on 23 Clean Elections' 2024 Voter Education Plan. 24 Each year the Commission has adopted a Voter 25 Education Plan designed to promote participation and</p>	<p style="text-align: right;">Page 9</p> <p>1 MS. ROBERTS: Good morning, Commissioners. 2 CHAIRMAN KIMBLE: Good morning. 3 MS. ROBERTS: I've got a PowerPoint here to 4 pull up that we'll be sharing, and I believe the folks 5 on Zoom should be able to see it as well too. 6 I will jump right in. Next slide, please. 7 So I wanted to start off by showcasing our 8 current voter registration statistics. There we go. 9 And so we -- we have some new parties that have 10 statewide recognition. So right now the current lay of 11 the land is we have the Democratic party, the Green 12 party, the Libertarian party, the No Labels party, and 13 the Republican party. 14 So those are the state-recognized parties in 15 Arizona, and you can see the breakdown of the number of 16 registered voters they have. Now, for any voter who is 17 not registered as one of those recognized parties, they 18 are grouped together and considered our other category, 19 which is essentially our independent voters, which is a 20 significant bloc, a significant chunk of voters you'll 21 see. 22 So across the state we have about 4.1 million 23 registered voters. So those are voters that we need to 24 connect with to educate them on the elections, but we 25 also need to connect with our voter -- or, our citizens</p>

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1 who are not yet registered, so we have quite a bit of
2 folks to reach across the state.
3 So how are we going to be looking at the next
4 year?
5 We can go ahead and do the next slide,
6 please.
7 And, Mr. Chairman, you prefaced some of this
8 already. We have three statewide elections next year,
9 and I think it's important to note that the rules
10 change for each election. And so we have to educate
11 voters on what those rules are so they know who can
12 participate, when, and how.
13 COMMISSIONER CHAN: Mr. Chairman, Gina, you
14 said next year.
15 MS. ROBERTS: This year.
16 COMMISSIONER CHAN: It is this year. I mean,
17 we're in it. I just wanted to make sure that it was
18 clear for the record. I know that's what we're talking
19 about, but I just had to say something because it is
20 right now. Thank you. Sorry.
21 MS. ROBERTS: Mr. Chairman,
22 Commissioner Chan, thank you for that. Yes, I have not
23 quite -- time has lost all meaning since COVID, so...
24 This year we have three statewide elections,
25 and that's also including -- we do have two local

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1 elections as well. We have March and May local
2 elections, so lots of opportunities for voters to get
3 civically engaged. As I mentioned, the rules change
4 for each election.
5 As we've heard from Tom earlier, we have the
6 March 19th presidential preference election. This is
7 an important communication method for those over
8 1 million independent voters that we have, because they
9 cannot participate staying as an independent voter.
10 Only the Democratic party and the Republican party have
11 opted into participating in the presidential preference
12 election. So that means anybody else who is currently
13 not a Republican or a Democrat, if they want to vote in
14 it, they actually do have to change their affiliation
15 on their voter registration form.
16 There is quite often confusion about this
17 because, as we jump into the next election, the rules
18 have changed again, and now independent voters can
19 participate without having to adjust their voter
20 registration records. So in our August 6 primary
21 election, all voters are eligible to participate.
22 Independents, I have here they can -- they can vote by
23 selecting either a Republican or a Democratic ballot.
24 That's pending, subject to what we see of what happens
25 with the No Labels party, there's some litigation going

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1 on with that right now, and also if the Green party
2 decides to open up their primary. So we do have an
3 open primary provision in Arizona that allows
4 independent voters to select that party's ballot to
5 vote. And historically the Libertarian party has held
6 a closed primary.
7 The other potential change here is, and I
8 think Tom has shared this, that currently the -- our
9 leadership is looking at potentially changing the date
10 of the primary election, so with that would change all
11 of the other deadlines, such as registering to vote.
12 So we have a lot of work to do in educating voters
13 about what the rules are, both with those key dates,
14 the deadlines, if the date changes of the primary, but
15 also who and how they can participate.
16 Then we get to our November 5th general
17 election -- we can still stay on that previous
18 screen -- our November 5th general election, which is
19 going to be our presidential election. Here all voters
20 can vote and everybody gets the same ballot. So we
21 have the same ballot with all of the nominees from the
22 previous primaries, and of course our presidential
23 electors too. So here is where we are actually
24 electing candidates to office.
25 So with just those three alone, and of course

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1 our two local elections, the March and May, there's a
2 lot of information for voters to consume, to
3 understand, to know how to navigate as we progress into
4 this year with these elections. So we have our work
5 cut out for us.
6 We can go to the next slide.
7 With that, I wanted to share some background
8 information. This chart that you see here is from
9 Adimpact. Adimpact released their projections of
10 political spending across the country for '23 and '24,
11 2023 and 2024. Across the country we're looking at
12 about, I believe it's \$10 billion in political
13 spending. Arizona alone is right there at 821 million.
14 So what that means is that it's not just Clean
15 Elections messaging that's coming to voters. Voters
16 are going to be inundated with ads, TV ads, radio ads,
17 print ads, those mailers in their households. They are
18 going to have nonstop election information coming to
19 them.
20 So considering this, knowing that there's
21 other entities out there that have political messaging
22 that are going to be coming to voters, we have to
23 figure out a way -- how are we able to get the official
24 nonpartisan messaging of Clean Elections connected to
25 voters using the resources that we have available to

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1 us. So that's just something for consideration, to
2 know that obviously there's going to be much more
3 messaging that is trying to reach voters.
4 And this is also especially important
5 because, in this day and age of misinformation,
6 disinformation, malinformation, we have to not only get
7 the message to voters, but make sure that voters know
8 it's coming from a trusted source. So that's the other
9 challenge that we have.
10 We can jump to the next slide, please.
11 So how do we prepare for this? How do we --
12 how do we decide what our 2024 Voter Education Plan
13 will be? We make these decisions rooted in research.
14 So in 2023 we conducted focus groups, we put an online
15 survey out, we talked directly to voters to have a
16 better understanding of what their voting experience is
17 like, what information they need, you know, how they
18 feel about -- are they able to get the information they
19 need and know where to go.
20 So we looked at the voting experience
21 specifically, which is great, the research is
22 indicating that voters -- you know, they feel pretty
23 confident in knowing about the election process, such
24 as where to go vote, how to get your ballot, things
25 like that. They do note that they need a little bit

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1 more help when it comes to understanding the candidate
2 positions, which is where Clean Elections comes in with
3 our candidate statement pamphlet and our debates.
4 And then we get into how are they feeling
5 about elections and debates, what is the sentiment
6 regarding those. So when voters look at the election
7 season and the debates, they do have a negative
8 sentiment towards it. I think just oftentimes, maybe
9 perhaps when you look at the messaging, it can be
10 negative that's coming out there, attack ads. They
11 feel that there's oftentimes hostility and polarization
12 during the election season. And then they see that
13 sometimes in debates as well too, where maybe -- their
14 feeling isn't based so much on --
15 Voters are looking for substance in debates,
16 so maybe not just the one liners or attacks in debates,
17 but they're looking for that substantive, informative
18 information. And again, that's where -- that's where
19 we come in and how our debate process will be, which
20 I'll talk about in a few slides.
21 And then we get into voter education, where
22 are voters going to get their info that they need. And
23 this, again, comes back to that trusted source. We
24 know voters are going to Google. Google is not a
25 source. Google is a search engine. So we are often

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1 asking voters, okay, well, where did Google lead you
2 to, those types of things. And so we know that voters
3 are having a hard time in identifying sources that they
4 can believe, that are credible, that are trusted.
5 So when we talk about our Voter Education
6 Plan, we not only have to get the messaging out, but we
7 have to make sure that we're doing branding, that
8 people understand who Clean Elections is, that we are
9 nonpartisan, that we are the state's official voter
10 education agency, that everything that we do is
11 intended to promote that participation in the political
12 process, but not influence. So, again, that's a
13 challenge for us, it's an objective for us, and not
14 just communicating with voters about the information
15 they need, but also they understand the source of where
16 it's coming from.
17 We can go to the next slide, please.
18 So how do we do that? What are we
19 communicating? As I mentioned, yes, we need to focus
20 on branding, but, again, we're going to be getting into
21 that general election education, how do you get
22 your ballot, where is my voting location, how do I
23 register to vote, what are those key dates and
24 deadlines.
25 We're also going to be messaging on our Voter

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1 Education Guide. The Voter Education Guide is, and
2 I'll talk about this a little bit more too, but the
3 Voter Guide is consistently ranked as one of the top
4 trusted sources for voters. They know it. They come
5 to expect it in their mailbox, which is fantastic. So
6 we'll be putting messaging out there, hey, check your
7 mailbox, this is going to be delivered, this is what
8 you can get, this is how you can use it.
9 We'll also be messaging on our debates,
10 here's our debate schedule, this is how you can submit
11 a question, you know, here is who the candidates are,
12 all those good things.
13 And then, of course, we have our youth
14 outreach. So we do look at this demographic. Our 18-
15 to 24-year-olds are historically one of the
16 demographics with the lowest voting turnout. And we
17 know that, you know, not -- messaging isn't one size
18 fits all. We have to have different tactics when it
19 comes to reaching our youth voters and our future
20 voters.
21 And then, of course, independent voters. As
22 I mentioned in some of those first slides, the rules
23 change across each election, and that's particularly
24 true for our independent voters. So we have a specific
25 campaign dedicated to the education that independent

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1 voters need so that they can participate or understand
2 how to get involved.
3 And then we have general civic -- civic
4 engagement and civic participate -- participation
5 messaging as well. Because we know that if somebody is
6 inclined to be civically engaged, you know, whether
7 that's attending a council meeting or, you know, school
8 board meeting, these are also going to be likely voters
9 as well too. So it promotes that health of the
10 democracy, encourages that civic engagement, which will
11 also likely include voting.
12 And then how do we do this? So as I
13 mentioned, all of those political ads are going to be
14 coming out. During our research, knowing there's a
15 little bit of hostility out there with the overall
16 sentiment, with our -- with our partners we decided,
17 okay, we've got to capture people's attention. How do
18 we do that with our resources, in the limited space
19 that we have, whether it's, you know, a TV ad or a
20 radio, how do we capture their attention and then get
21 them to come to Clean Elections?
22 So we've -- in the past we've had very
23 straightforward messaging, looks very official,
24 government, you know, very direct. We've, you know,
25 tried different approaches in the past. This year we

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1 decided this approach, which I will let you take from
2 when we watch this video clip. We feel that this is
3 probably our best -- our best shot at capturing voters'
4 attention and getting them to -- driving them to Clean
5 Elections.
6 So we should have that -- if you go to the
7 next slide, it should pull up that video. There we go.
8 Just go ahead and hit the play button. Is there volume
9 too?
10 So this is going to be our -- one of our TV
11 commercials that we will be running. It's a 30-second
12 spot, and we'll get this set up so we can get it
13 played.
14 Well, it looks like we're missing audio here.
15 So you know what? I will actually just play it on my
16 end, with my audio, to hopefully give you an idea.
17 MR. COLLINS: I'm sorry. Just...
18 MS. PAINTER: I'm trying to share it, but
19 then it's catching the feedback --
20 MR. COLLINS: Right. Yeah.
21 MS. PAINTER: -- from everyone in the room.
22 MR. COLLINS: Right.
23 MS. PAINTER: So I don't know if that will
24 work. I don't --
25 MS. ROBERTS: All right. That's okay. So

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1 essentially what this video does, the strategy behind
2 this is to showcase frustration in doing those common
3 everyday activities. And so we have this person here
4 who is in their vehicle and -- early morning, they're
5 getting ready to go to work, and they're having
6 difficulty opening up a blister package. So those are
7 the packagings that come in that they're difficult to
8 either cut open with scissors or, you know, you can't
9 access it. And it just showcases her frustration.
10 And so it's a comedic approach. It ends up
11 being pretty funny and, you know, it talks about, you
12 know, life doesn't -- sometimes life is complicated,
13 but the voting process doesn't have to be, and we drive
14 them to Clean Elections. So we can make sure that we
15 share this with you all so you can watch it on a
16 different computer at a later time to get the full
17 experience of it.
18 But, again, the thought was, let's capture
19 their attention, we'll do that creatively, and then
20 we'll resonate with them, we'll have something that's
21 relatable, and then we'll connect them to Clean
22 Elections. So that's one -- one example of how we
23 intend to do that.
24 We can go to the next slide.
25 COMMISSIONER PATON: And you're going to show

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1 that on TV or --
2 MS. ROBERTS: Yes, that is correct. So we
3 will be -- right. So here is how we're going to reach
4 the voters. This is our media plan. We will have our
5 messaging on television, we'll be on radio, we'll be on
6 Netflix ads, things like that, so over the top.
7 Out of home, billboards. Billboards are very
8 impactful, especially when we look at areas that maybe
9 Internet is not necessarily -- broadband isn't, you
10 know, widespread or accessible. So in our rural areas
11 out of home works well.
12 Digital, so you'll be getting those ads that
13 pop up when you're on the Internet. Print ads, so
14 we'll be in the local papers. And then, of course,
15 social media too.
16 So basically every tactic that we have
17 available to us, we are going to utilize to connect
18 with voters throughout the year. So we have created
19 these assets to use in all of these different platforms
20 to connect with voters.
21 We can do the next slide.
22 This is -- so if you just go through a couple
23 clicks, this is some -- these are a few more examples
24 of what that creative looks like. So these would be
25 billboards, these would be digital messaging. So this

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1 is what we have prepared to release for this year. So
2 debates, watch, learn, decide, you saw just very -- for
3 one of those billboards it was a very specific message,
4 presidential preference election, March 19th. And
5 print ads, election information at your fingertips, you
6 know, go to azcleelections.gov, and we talk about
7 what's available there.

8 Okay. So we are driving -- in all of this
9 messaging, we're driving people to our website. Our
10 website is our crown jewel. The website is continually
11 advancing with the traffic that we receive from voters.

12 So just to give you a quick snapshot, you can
13 see the growth from 2020. So in 2020, which was a
14 presidential election year, we had 2.9 million page
15 views. We see that -- and, of course, in our odd years
16 that drops because we're not in a statewide election
17 cycle. 2022, in our midterms, we had 5.4 million
18 events. That's pretty significant.

19 In those past few election cycles we have
20 partners across the state, whether it's the counties or
21 the Secretary of State's Office or we see our -- like
22 the League of Women Voters, we even saw Cosmopolitan
23 and Rolling Stone, we are seeing these groups reference
24 the Clean Elections website, link to the Clean
25 Elections website from their website, which is

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1 fantastic, because we know that we are providing a
2 resource to voters that has the information that they
3 need, but also that it's presented in a way that they
4 can understand, that it's easily accessible and
5 digestible, and that's really important.

6 COMMISSIONER CHAN: Mr. Chairman, Gina.
7 CHAIRMAN KIMBLE: Commissioner Chan.
8 COMMISSIONER CHAN: Can I ask what the
9 distinction is, in 2022 we started calling them events
10 instead of page views?

11 MS. ROBERTS: Yes. Mr. Chairman,
12 Commissioner Chan, thank you. Google analytics, which
13 is how we track this information, they changed. So
14 page views are essentially how many times the page is
15 pulled up and somebody looks at it. What we are
16 tracking now are the events, which also showcase
17 engagement. So it's how many times somebody not only
18 views your page, but is engaging with it, so maybe
19 that's clicking, you know, on the link to register to
20 vote, things like that. So it showcases us how people
21 are interacting with the page too.

22 We have a world more of data available to us,
23 you know, such as what are the top pages that people
24 are looking at, which is fantastic, because we see a
25 lot of folks that are coming to look at election

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1 security, they're looking at early voting, how early
2 voting works, our detail pages for all of the
3 elections. So the more -- we track this and we look at
4 it every month, and that helps us better understand how
5 people are engaging with the site, what information
6 they're looking for, and how we could better present
7 this information.

8 The other thing that I'd like to call out too
9 with our website that is very fantastic is, considering
10 everything that we just talked about, with the paid
11 media, how we're connecting voters and driving them
12 back to our website, the top driver to get people to
13 azcleelections.gov is organic search. That means
14 somebody is pulling up their web browser and they're
15 going to Google and in the Google search bar they're
16 typing in AZ Clean Elections, they're typing in Clean
17 Elections, and that's how they're getting to our site.
18 So whether that's, you know, a recollection from seeing
19 our ad, from seeing our messaging, or just their
20 awareness of Clean Elections as the voter education --
21 voter education agency, they're going and they're
22 looking -- they're actively looking for us, which is
23 phenomenal. That's what we want.

24 So that is what we are driving people to. We
25 know that our website is successful and we know that

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1 it's meeting the needs of voters.

2 So we can go to the next slide, please.

3 So we want to continue to make sure that our
4 site is evolving, that it is continuing to meet the
5 needs of voters as we look towards the future.

6 So in 2023 we invested in research in the
7 user experience. So what that means is we pulled
8 together voters from across the state and we had them
9 sign onto a Zoom meeting and we gave them tasks, and we
10 recorded this. So we would say, okay, you know, go to
11 azcleelections.gov. Now that you're there, find your
12 voting location or tell me what the requirements are to
13 register to vote.

14 And we would track their movements and we
15 would see how many clicks did it take them to get
16 there, did they get confused, where did they stumble,
17 where did they pause. We did this to see, is the
18 information on our website easy to attain, you know, is
19 it easy to get to.

20 And so our goal is ultimately to improve that
21 user experience. We want to make it so people can go
22 to the website and they can find exactly what they're
23 looking for quickly, because we know that time is
24 precious, and we want to make sure that our information
25 is not redundant, that we can consolidate it, we can

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1 simplify it, and we can also look at how we name things
2 too, nomenclature is very important, and how we
3 position and present that information. So that was our
4 goal, so that leads us to a redesign and restructuring
5 of our website.

6 We can go to the next slide, please.

7 So before I give you a preview of what that
8 redesign looks like, the other note that's important
9 from 2023 on our website is the Governor's Office,
10 Governor Hobbs, she had created a Bipartisan Election
11 Task Force to get together and look at issues
12 presenting voters and elections.

13 One of the takeaways from the report that
14 came through, and I believe Tom has updated the
15 Commission about this in previous meetings, is the
16 Clean Elections website was identified and included in
17 the recommendations for a -- to create and establish
18 and further expand a comprehensive website for voter
19 information.

20 So the Task Force, in their summary, they
21 reported that election officials, I think we're -- I
22 can read it too, if that's helpful. Election Officials
23 report that voters are frequently frustrated by the
24 inability to easily access election information
25 when ballots contain races on the federal, state,

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1 county, and local levels. I won't go through all of
2 that. But ultimately, there's a need to have a
3 centralized online location for voters to access their
4 information.

5 They acknowledge that Clean Elections already
6 has a website that does this with election and voter
7 information, and their proposal is to further expand
8 the Clean Elections website, to really make it and,
9 again, reinforce the website as a one-stop shop for all
10 of election information. The Task Force acknowledged
11 that it's the most efficient pathway forward because we
12 are already doing this work and it's within our
13 mandate.

14 So knowing that we have the success of the
15 traffic to our website and then the acknowledgment of
16 the Governor's Task Force in the Clean Elections
17 website and then the research that we've done --

18 We'll go to the next slide, please.

19 -- that takes us to here is a sneak peek of
20 what we -- our redesign looks like. It's very similar
21 to what we currently have. And again, you know, we
22 worked with our partners on this design, and the goal
23 is to, again, provide that information so it's, you
24 know, easily accessible quickly and digestible.

25 And so if you go ahead and click on those

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1 buttons. Yep.

2 There's just little things here that we could
3 do. This is -- again, this is just a very sneak peek.
4 We can change our messaging. You can see at the top,
5 if you hover over voting. So we really spent a lot of
6 time -- Alec has worked blood, sweat, and tears on
7 this -- where we looked at the pages that we have, the
8 information that we have, our site map, and we adjusted
9 it, we restructured it, based off of that research that
10 we've done. So we know really a person is going on
11 this place in our site where they expect to find this
12 information instead of where we have it over here. So
13 we used all of that research to restructure the pages
14 of our site to make it more efficient.

15 And then if you scroll down to, please, on
16 the site. The design, again, very simple, but very
17 straightforward. You know, there's, again, some very
18 quick information about the voter dashboard, pulling
19 that information.

20 And then scroll down. And then you can just
21 even click on the little candidate -- there you go.
22 Just little pieces of functionality there too.

23 So the big takeaway from this redesign is
24 that it's modular. Our website and our messaging
25 changes depending on the time of year. So if we are in

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1 2021, August of 2021, we're now focusing on the start
2 of the qualifying period, so we're focused on
3 candidates, right, and voters on how they can support
4 candidates. So the modularity of this system allows us
5 to adjust our messaging and adjust the website
6 depending on what season we're in.

7 When we get into, okay, it's an upcoming
8 election, voter registration deadline, we can again
9 change those top headers, the messaging, and the
10 information that we have down here in these blocks. So
11 is it register to vote or is it, you know, sign an
12 E-Equal petition. So we have created this in a way
13 that, from a management standpoint and from a webmaster
14 standpoint, it's very easy to adjust. So, again, that
15 helps us keep it relevant and timely and informative
16 for the voter, depending on what they may be looking
17 for during that particular season.

18 CHAIRMAN KIMBLE: Gina, if I could -- I'm not
19 sure I understand this. So if I go on there, I put in
20 my address in Tucson, so it would say you are in this
21 city council district, this board of supervisors
22 district, this school district. And then would it go
23 beyond that and say these are the candidates that are
24 running and information about the candidates and their
25 stance on the issues? How far down does it go?

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1 MS. ROBERTS: Sure. Mr. Chairman,
2 Commissioners, excellent question. Currently our
3 website does that, yes. You go in, you add in your
4 address or you use a pin drop or you enter in your
5 legislative district or county or your GPS coordinates,
6 all of that is available to pull this information.
7 Once we know your location, we then identify your
8 districts. And currently, we can identify our federal
9 districts, state and legislative, county, county board
10 of supervisors, and some cities, depending on the data
11 that we have right now.
12 And then with that we will pull up, okay,
13 yes, there's an election in your area. Here is what's
14 on the ballot. Is it candidates, is it, you know,
15 Tucson City Council. Here is the candidates. Here is
16 their biography. Here is their social media links,
17 yes. Here is their photo. Is it propositions. Here
18 is a link to the publicity pamphlet. Here is all the
19 props on your ballot. Here is, you know, the arguments
20 for and against. We currently do all that.
21 With the Governor's proposal and what we've
22 been working on with the Secretary of State's Office is
23 the ability to access additional information so we can
24 drill down further, so we can go all the way down to
25 special fire district. This is, you know, the district

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1 that you rely -- and this is your precinct number, this
2 is -- all of that information that's contained in the
3 voter registration database, we don't have that. So
4 the ability to securely access that information allows
5 us to then present more information to voters so it
6 really reflects what their ballot will be. That way
7 they have that one location to go to and match it up to
8 their ballot and get all of the information we provide,
9 whether it's candidates or ballot measures, it's there
10 and accessible for them. So we do that to some extent;
11 the partnership and the recommendation from the
12 Governor's Task Force will allow us to expand that
13 further.
14 CHAIRMAN KIMBLE: Okay. Thank you.
15 COMMISSIONER PATON: That's really good.
16 CHAIRMAN KIMBLE: Yeah.
17 COMMISSIONER CHAN: Mr. Chairman, can I just
18 add?
19 CHAIRMAN KIMBLE: Commissioner Chan.
20 COMMISSIONER CHAN: You know, I'm going to
21 let you continue, but I just have to say, even as
22 somebody who I feel like I understand elections and I'm
23 very aware of when voting is taking place and I
24 participate in every election, I use the voter
25 dashboard every election for myself just to remind

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1 myself of key dates, despite getting mailings from the
2 Recorder and Elections Office. So I personally am a
3 user of the website and can, you know, agree that it's
4 very useful to voters.
5 So I think, you know, the people who don't
6 participate probably could get better use out of it,
7 but I really think anybody can, anybody who needs a
8 quick question answered. I think I even looked for
9 drop boxes during the last election, and that was on
10 the Clean Elections website, which was fantastic. So
11 thank you and kudos.
12 MS. ROBERTS: Mr. Chairman,
13 Commissioner Chan, Commissioners, thank you. Yes, and
14 that is often the feedback that we get just from --
15 from our partners too.
16 I have to really commend Alec for his work,
17 because it takes a lot of work to get this information
18 because of all the different sources. He's got to go
19 to the counties. The counties have to be willing to
20 give it to him timely. And if there's a change -- if
21 there's a change, we have to know about that
22 immediately too to make sure we're constantly providing
23 that accurate information.
24 And he's established such a great rapport
25 with the counties that the counties support our

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1 website, the counties are linking to our website.
2 Because we have to remember, at the individual county
3 level, they may not have the same type of technological
4 resources that we do and the ability to update things.
5 Sometimes they may have to go out of their office, to
6 the county IT staff, to do these changes. So to have
7 that buy-in and support from our county partners, it
8 really makes this possible, and again, I think Alec has
9 done such a great job in facilitating that relationship
10 with them.
11 We can go to the next slide.
12 Oh, and we plan to launch this in February.
13 We are working through it on our test sites, proofing,
14 proofing, proofing, and we're excited to launch it for
15 voters.
16 So the next that we have is our Voter
17 Education Guide. As I mentioned previously, the
18 research that we've done identifies the Voter Guide as
19 the top source of trusted information for voters. They
20 expect to see it in their mailbox, they know what it
21 is, and they use it, and so we, again, want to continue
22 to make sure it is valuable in meeting the needs of
23 voters.
24 So for 2024, for the first time, we are going
25 to begin not only printing our mandate of the 200-word

<p style="text-align: right;">Page 34</p> <p>1 statement for the candidates, but we are also going to 2 be printing their biographies, which we already collect 3 and we've already been showcasing on the website, but 4 now we're going to have the ability to print it as well 5 too to further provide that information at voters' 6 fingertips when they get it in their mailbox.</p> <p>7 We are also very -- I'm very excited about 8 this. We're going to include an I Voted sticker in the 9 Voter Guide as well too. We know from, historically, 10 all of our research, the I Voted sticker is social 11 currency. People love that. It is something tangible 12 that they can get, it's an excitement, it adds more 13 value to the Guide. And so we're excited to be able to 14 add an I Voted sticker as well. So great things for 15 voters in the Voter Guide as we head into the primary 16 and general election.</p> <p>17 We've also created a digital Voter Guide too 18 for the presidential preference election. So we may 19 not be able to, you know, print it and send it out, but 20 we will have digital Voter Guides too for those other 21 elections as well that are outside of the statewide 22 primary and general election because, again, we know 23 that people look to it and trust it.</p> <p>24 Our next slide, please.</p> <p>25 Our debates. So this is very exciting. So</p>	<p style="text-align: right;">Page 36</p> <p>1 Again, the purpose of that is to identify what voters 2 say are important issues to them so that we can use 3 that data, that information to shape the discussion of 4 the debates. Because going back to what we know about 5 debates, we know that the sentiment is we don't want to 6 see, you know, again, those attacks and there's a 7 little bit of negative sentiment around debates. We 8 want to make sure that it is an informative, 9 substantive discussion and that it's directly 10 addressing the issues voters have identified that are 11 important to them.</p> <p>12 Now, who are we going to be working with this 13 year? That's very exciting because Tom, Paula, and I 14 have been working with the State Procurement Office to 15 look at our options for a vendor to help us execute 16 these debates. We put out a task order and we received 17 responses to that from folks, and we are very excited 18 that we identified our partners on who we're going to 19 be going forward with for 2024.</p> <p>20 So we will be working with our partner, 21 Riester, who we currently work with, for our Voter 22 Education Plans. They responded to that solicitation. 23 And they are working in partnership with the Arizona 24 Media Association. So previously we had the Arizona 25 Broadcasters Association and the Arizona Newspapers</p>
<p style="text-align: right;">Page 35</p> <p>1 our debates, as we look forward to our primary and 2 general election debates -- as the Commission may 3 recall, in 2023 we put together a debate -- a debate 4 work group. This work group was composed of 5 stakeholders in the debate process, whether that was 6 the political parties, media, candidates, campaign 7 managers. We had a great group of folks get together 8 and go through the Clean Elections debate process, and 9 they developed a report for us with recommendations.</p> <p>10 We are going to continue to do our televised 11 debates. So we have our Legislative debates that we do 12 through Zoom, and then we have our statewide debates, 13 which are going to be televised, and for this year that 14 would be Corporation Commissioner, but as you know, 15 we've expanded that to do U.S. Senate debates in the 16 past, and we want to continue to provide this resource 17 for voters, so we're also going to be doing 18 Congressional debates, which we've supported in the 19 past as well too. So we're increasing our televised 20 debates that we will be producing, and we will continue 21 to do our issue research.</p> <p>22 In December I believe the Commissioner -- the 23 Commission received a presentation from Noble 24 Predictive Insights on some issue research that we have 25 done. We will do two more of those surveys this year.</p>	<p style="text-align: right;">Page 37</p> <p>1 Association. They combined forces and they are now the 2 Arizona Media Association.</p> <p>3 And we had a very successful partnership with 4 them in executing our U.S. Senate debates last year -- 5 last year, no -- 2022, two years ago. And when we did 6 that, we received -- or, we were able to put the U.S. 7 Senate debate out into more households than we have 8 ever done before with our debate process, and that was 9 through a partnership with broadcast stations across 10 the state who we were able to partner with, collaborate 11 with, and get the buy-in to stream this -- to simulcast 12 this event. And, again, we received great feedback on 13 it. The numbers came back really high, again, of how 14 many households we were able to reach, and so it really 15 set the bar for us on how we can continue to execute 16 our statewide debates.</p> <p>17 So through this new partnership with Riester 18 and the AMA, we now have the ability to work with our 19 media partners across the state to broadcast our 20 debates for U.S. Senate, Congress, and Corporation 21 Commissioner. So we will be producing them, we'll be 22 producing them in house. And, again, having this 23 ability to partner with the AMA will -- again, as I 24 mentioned, it's very difficult -- well, it's 25 challenging, knowing how many -- what the political ad</p>

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1 spend will be, the communication, and the messaging
2 that's constantly going -- that the voters are going to
3 be inundated with. So to have this level of support
4 and partnership and collaboration with the TV stations,
5 the newspaper stations, their online websites, their
6 streaming, radio, have all of that buy-in on the Clean
7 Elections debates, it's going to help us be very
8 successful in providing this resource for voters. So
9 we're very excited about that.

10 COMMISSIONER PATON: I have a comment.
11 CHAIRMAN KIMBLE: Commissioner Paton.
12 COMMISSIONER PATON: So I think the bigger
13 this gets, the -- I think the greater participation
14 from these people that are supposed to be debating.
15 Because it really aggravates me that some people don't
16 want to debate. I think just the public, you know,
17 like question marks of why don't you want to debate,
18 that kind of thing, would force them to debate even if
19 they don't want to.

20 But like before, I think, when I first was on
21 the Commission, you know, you'd have -- we've had
22 debates where nobody would -- some of those people
23 wouldn't come. And now I think it's -- now that we
24 store those videos and the bigger presentations that we
25 have where more people are picking it up, then I think

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1 we'll have more participation.
2 MS. ROBERTS: Mr. Chairman,
3 Commissioner Paton, Commissioners, absolutely. When we
4 are communicating with candidates to secure
5 participation, this is absolutely information we share
6 in our invitation with them so they understand the
7 reach. Because we know that campaign time is valuable
8 and we know that candidates, you know, need to make
9 their decisions about where they're participating and
10 what events they attend, and so we make sure that it is
11 very clear that this is an event you will not want to
12 miss because of the reach. You are reaching your
13 constituencies here. There's no better opportunity to
14 do it than the Clean Elections debates here. So we
15 absolutely make sure that we share that information as
16 we're trying to secure their participation, and we feel
17 it was very helpful when we did that in the U.S. Senate
18 debate.

19 Additionally, so it's not just the televised
20 live event. What we know too from our research, it's
21 also what do we do with that event itself. We record
22 it, but how can we make it also continue to have value
23 for voters. And that's, again, where we work with our
24 moderators and our media partners. Can we produce, you
25 know, smaller clips of it. Can we do a highlight reel.

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1 Can we get some of these media partners to do coverage
2 on it and say, okay, these are the key takeaways, and
3 then drive people to the full debate. So we have a lot
4 of opportunity here to work with our journalists across
5 the state to really take this information and make it
6 presentable to voters and -- because if they're not
7 able to tune into the full broadcast, maybe they can
8 get those highlight reels and then, you know, maybe it
9 will drive them to watch the whole debate and maybe
10 it'll drive them to go to the candidate profile on the
11 dashboard. But it will help us create additional
12 assets to hopefully further increase engagement from
13 voters.

14 CHAIRMAN KIMBLE: Gina, you mentioned
15 moderators. How are they going to be chosen?
16 MS. ROBERTS: Thank you, Mr. Chairman. Great
17 question. So moderators -- Clean Elections will still
18 retain approval over our moderators, but this will be
19 done in consultation with our partners. So let's say,
20 for example, we have a Congressional debate that's, you
21 know, southern Arizona. We're going to make sure that
22 we have a moderator who maybe is, you know, somebody
23 who's on a TV station in that local area or a local
24 journalist, somebody who has that knowledge of that
25 area that can speak to the issues.

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1 So through our partners with the AMA, we will
2 identify potential moderators, and then we'll come to
3 an agreement on, okay, is this the person we're going
4 to go forward with. So it's not going to be a single
5 moderator for all of our televised debates. It will be
6 tailored to the region, tailored to that particular
7 debate, and, again, it will be -- and perhaps it's two.
8 Perhaps for our U.S. Senate debate perhaps we decide,
9 okay, we're going to have multiple moderators conduct
10 this. So that's something that we feel that we have
11 more options to select a moderator who really has the
12 skill set for that particular debate, that particular
13 region.

14 CHAIRMAN KIMBLE: Thank you.
15 MS. ROBERTS: Next slide, please.
16 And I'm sorry, I don't know how I am on time,
17 but our next slide is for county partnerships. So our
18 counties are obviously a very important partner for
19 Clean Elections. We're so excited to work with them.
20 We've been working with them. As I mentioned, we have
21 fantastic relationships with our county election
22 officials, and these are just some examples of how we
23 partner with them.

24 In that middle, the who can vote in the
25 presidential preference election, we created this palm

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1 card for Pinal County. We're printing these and
2 sending them to them. So the poll workers on election
3 day, on March 19th, will have these in their toolkit.
4 So if an independent voter arrives and doesn't
5 understand, why can't I vote, the poll worker can give
6 them this information.
7 And we did something similar for them in the
8 2022 general election as well. The poll workers loved
9 it. The voters loved it because it gave them something
10 tangible to walk away from that they felt better --
11 okay, how can I follow up and confirm my ballot was
12 counted, or, as an independent voter, well, I'm an
13 independent, what happens if I vote a provisional. We
14 explain all of that on this palm card. So it's a great
15 resource for both the poll workers and the voters who
16 are on the ground on election day.
17 On the right you can see some signage that we
18 worked with Coconino County on that we're really happy
19 about. So if you look at the sandwich board on the
20 left, that was the previous sign that they used for
21 voter ID, very heavy text. And then we worked with
22 them to redesign it, because we know design is
23 important in elections and for voters. So we created
24 the design on the right, and it's receiving -- we're so
25 happy about this because it's receiving great feedback.

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1 The County loves it. Other counties have seen this and
2 are now asking for version -- versions of it. So that
3 signage, developed by Clean Elections in partnerships
4 with our County, will also be in polling places and
5 voting locations throughout Coconino County, Yuma
6 County is interested, we're going to be sharing that
7 with all of our 15 counties too.
8 So things like this where we can step in and
9 help our counties better communicate with voters about
10 what the rules are are opportunities for us. And we
11 do --
12 I don't know if we have audio. Jessica, if
13 we could play the audio clip.
14 MS. PAINTER: Let me see if it will work.
15 MS. ROBERTS: That's okay if it doesn't.
16 So we also are working with our counties to
17 create radio reads for Native American outreach. So
18 this particular ad is for the voter registration
19 deadline for the presidential preference election that
20 is -- that is --
21 Are we -- okay. Sounds like we're good.
22 So that will be playing on K1N1N, which will
23 reach our Navajo voters that are in Apache, Coconino,
24 and Navajo County, and it's spoken in the Navajo
25 language in Diné. So we will have partnerships like

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1 that throughout the year as well too, so it's very
2 exciting.
3 We can do the next screen.
4 And then we'll continue to do our grassroots
5 outreach. A lot of this is under Avery's purview here.
6 But we're very excited to develop toolkits that we
7 could share with all of our partners, whether it's
8 county or whether it's, you know, local non-partisan
9 grassroots organizations or even local parties, any --
10 whether it's, you know, high school students who are
11 looking to do Get Out The Vote. We've created a
12 toolkit where we provide these assets that they can use
13 to help with voter education, so maybe that's, you
14 know, a Zoom background, maybe it's a social media
15 post, content calendars, checklists. We even have
16 things for digital birthday cards, congratulations, you
17 turned 18, you can post that on somebody's timeline and
18 encourage them to get registered to vote. So we have
19 things like that in our toolkit.
20 We'll also continue to work with our
21 community-based organizations, which is fantastic.
22 We'll continue to make those partnerships and go out to
23 their events and speak on Clean Elections, we'll table
24 these events, such as attending Celebrate Mesa. So all
25 of these community events that we have the opportunity

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1 to attend, we'll do that and make sure we have the
2 boots on the ground.
3 And then our partnerships as well that we
4 will continue, such as with the Arizona Commission for
5 the Deaf and Hard of Hearing, where we will produce
6 election information in American Sign Language. We'll
7 work with the Disability Rights of Arizona, they were
8 formerly the Arizona Center for Disability Law, we'll
9 continue to work with them and support and sponsor
10 conferences, such as the African American Conference on
11 Disabilities.
12 So all of the opportunities that we have to
13 go out into the community directly, where they can see
14 our faces, they can see Clean Elections as a part of
15 their community, that will help us build that trust
16 with them and that recognition and also to disseminate
17 that election information. We'll continue to do our
18 grassroots outreach.
19 Next slide, please.
20 COMMISSIONER PATON: I have another comment.
21 CHAIRMAN KIMBLE: Yes, Commissioner Paton.
22 COMMISSIONER PATON: So I don't know if I've
23 said this before, maybe, but I was thinking is there
24 some way that we could -- and maybe this could be for
25 the future, not this election -- involve like Arizona

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1 government teachers to maybe help them with their
2 curriculum or maybe we could have a curriculum that
3 they can help use to teach their classes on this kind
4 of stuff.
5 MS. ROBERTS: Mr. Chairman,
6 Commissioner Paton, that was an excellent segue into
7 this slide. Thank you for that question.
8 COMMISSIONER PATON: Okay.
9 MS. ROBERTS: Perfect timing.
10 COMMISSIONER PATON: Well, good.
11 MS. ROBERTS: Perfect timing, sir.
12 So for our youth --
13 COMMISSIONER PATON: We set this up, right.
14 MS. ROBERTS: You did. You really did.
15 For our youth voter education we have created
16 an updated curriculum that our government teachers can
17 use in the classroom that meets state standards,
18 because we know classroom time is precious, we know
19 resources are limited for our teachers. So we have
20 this curriculum that they can download from our
21 website. When we go to tabling events, such as Teacher
22 Association conferences, we put them on a thumb drive
23 that they can just access. It has all of the
24 information on there for a full curriculum that is
25 about voting, but also how government works, so really

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1 fitting into that government curriculum. And again, it
2 meets the state standards, so the teachers know they
3 can use this in the classroom. And we have lesson
4 plans in there, we, you know, have assignments for the
5 students. It's really engaging.
6 And so we've been working to push this out to
7 the -- our teachers, our home school parents, our
8 private schools, our charter schools. So we've been
9 working really hard to push this out. We have just
10 updated it with new laws and new information, and so
11 we're going to continue to look for those opportunities
12 to connect with our educators across the state, which I
13 am happy to say, I think, through Avery's work on this,
14 we're seeing an increase in communication with
15 teachers. So they're starting to work with us, to come
16 to us to look for this information. And the feedback
17 that we've gotten from teachers on it has been amazing.
18 They're like, this is fantastic, you know, I don't have
19 to --
20 COMMISSIONER PATON: Sure.
21 MS. ROBERTS: -- develop this myself.
22 COMMISSIONER PATON: I have a question then.
23 So how are you -- I mean, are you identifying who
24 teaches Arizona government in each school district?
25 MS. ROBERTS: Mr. Chairman,

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1 Commissioner Paton, yes, we look at the list. We've
2 pulled lists from all of the schools where we identify
3 the principals and then we get information for who are
4 the government teachers, and so we have done mass
5 e-mails to them. So we absolutely look at that.
6 And I think one of the important and
7 successful tools that we've utilized to make this
8 connection is to go to those events, to work with the
9 Department of Education, to work with the civics
10 associations and our partners in civic education to
11 identify these events where we can go to in person and
12 table the events and then explain what this is. We
13 have one-page flyers for it. As I said, we come with
14 thumb drives that we already have the curriculum
15 preloaded and we just give them a kit, here you go.
16 And so that has been really successful for us too.
17 We've also run paid media on it. We've ran
18 ads that say, attention, educators, come take a look at
19 this resource for you. So we're continuing to look at
20 how we can let educators know about it so that we can
21 make this a useful tool for them.
22 And, you know, that's also to say that we
23 will go into classrooms too. We also tell teachers,
24 we're happy to come visit you. We could do mock
25 elections with your students, you know, what's your

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1 favorite cookie, those types of things. We support
2 them. We get a lot of teachers that reach out to us
3 who want Voter Education Guides. They love to use
4 those in the classroom too to showcase those. So we
5 will continue to expand our reach to educators across
6 the state.
7 COMMISSIONER PATON: So what's the
8 participation, do you think, percent-wise?
9 MS. ROBERTS: So we first launched the
10 curriculum about 2020, I think is when we first started
11 to do it. And I would say that when we are at those
12 tabling events, I think -- and, Avery, feel free to
13 chime in here -- I think our table is probably one of
14 the most popular tables that educators come to. We
15 still have a lot of work to do. It's not something
16 that's widely known, so --
17 COMMISSIONER PATON: Is the -- are those
18 thumb drives -- I don't know much about technology.
19 Those -- are they expensive?
20 MS. ROBERTS: No. Mr. Chairman,
21 Commissioner, no.
22 COMMISSIONER PATON: I would just say, I
23 mean, I taught school for a long time, and you get all
24 kinds of stuff, but every teacher goes to their mailbox
25 every day. And I would just say, send -- send, you

<p style="text-align: right;">Page 50</p> <p>1 know, a thumb drive for like maybe four teachers to 2 each school, high school or middle school, whatever the 3 case may be, and send it to them with your brand on it 4 and whatever and the copy of the curriculum and a thumb 5 drive or whatever, just send it to them. And I can't 6 imagine a teacher that teaches that would not see that 7 in their box and jump up and down. 8 MS. ROBERTS: Mr. Chairman, 9 Commissioner Paton, that's a great idea. We could 10 absolutely do that. 11 COMMISSIONER PATON: Yeah. 12 MS. ROBERTS: We can send them a kit. We can 13 definitely send them a kit, it has the one-pager that 14 explains it, there's the thumb drive, absolutely. So 15 we'll look into that. Thank you. 16 So that takes care of that first one, our 17 updated curriculum. We also have our 26th Amendment 18 project that will -- I believe at the last meeting we 19 shared a video with you, I have another video here too, 20 so it's a series that we created in partnership with 21 ASU and the Cronkite -- their media center there. So, 22 again, this was focused on educating students about the 23 26th Amendment, which lowered the voting age from 21 to 24 18, all in the hopes of trying to encourage that 25 participation and connect with them.</p>	<p style="text-align: right;">Page 52</p> <p>1 Because we know research has long shown that to create 2 that future voter we have to have that civic education 3 and start with them early on. 4 We can click another slide, please. 5 So here is our comic book, created, written 6 by our very own Mr. Avery Xola, who is a published 7 comic book author. 8 We can slide -- there we go. 9 So we are going to print. We are in print 10 with these. 11 Another one, please. 12 But this is the story of Captain Activate, 13 who is following -- he's the hero. Our villain is 14 Dr. Apathy. And he is coming to -- 15 COMMISSIONER PATON: Dr. Apathy? 16 MS. ROBERTS: He is -- Dr. Apathy is 17 attempting to make the people here apathetic so that he 18 can make all the decisions for their community and they 19 have no say in it. And so here we have Captain 20 Activate who comes and recruits our future voters to 21 help them get activated and be civically engaged and to 22 combat Dr. Apathy. 23 So this is a comic book story. Again, the 24 goal here is this will be part of our toolkit for voter 25 education and outreach. We will work with our teachers</p>
<p style="text-align: right;">Page 51</p> <p>1 We'll continue to have our National Voter 2 Education Day -- oh, I wrote National Voter Education 3 Day -- I meant National Voter Registration Day, and 4 we'll go out to our college campuses to do voter 5 registration there. 6 We'll continue our partnerships with schools 7 and colleges. Avery has developed great relationships 8 with them across the state. You know, again, we're 9 happy to travel, whether that's going to NAU, U of A, 10 and our community colleges. We're happy to work with 11 our educators there as well too and be on the ground. 12 And then I'm very excited to introduce to you 13 Captain Activate. So we'll go to the next slide, 14 please. 15 Captain Activate -- and we can just hit one 16 of the animations there. This is -- this is -- how do 17 I describe this? This is the baby, the brain child of 18 our very talented staff here. So Clean Elections has 19 developed a comic book. So, again, as part of our 20 youth voter education outreach, again, going into those 21 classrooms, seeing our students, seeing our fourth 22 graders, our fifth graders, talking to them, hosting 23 those mock elections, how do we get -- how do we 24 connect with them and get them excited about being 25 civically engaged and becoming our future voters?</p>	<p style="text-align: right;">Page 53</p> <p>1 to have this in classrooms, in libraries, even local 2 comic book shops. And this is an opportunity for us to 3 create, you know, those fun little things that help us 4 also connect and be memorable with voters, whether it's 5 a sticker of Dr. -- you know, of Captain Activate and 6 Dr. Apathy, things like that that we can leave that the 7 teachers can use in the classroom with their students. 8 But we're very excited about this. It's a great story. 9 And so when we have printing done, we'll make sure we 10 have copies -- signed copies for all of you. 11 We are also developing -- as we know, some of 12 our counties have mascots. We've seen mascots. Clean 13 Elections has had a five-dollar bill in the past. We 14 have -- we are in development of a full-size suit for 15 Captain Activate as well that can go into the 16 classrooms. You know, who's wearing it, we will see, 17 but -- 18 COMMISSIONER PATON: Paula. 19 MS. THOMAS: No, I retired with Captain 20 Activate -- Captain Bill. 21 MS. ROBERTS: The five-dollar bill? 22 MS. THOMAS: Yeah. 23 MS. ROBERTS: So this is our -- another 24 thing, just another opportunity that we have to -- that 25 is creative, innovative, and is meeting voters where we</p>

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1 are. This is really what it comes back down to, we
2 know we have to meet voters where we are, so what is
3 going to make, you know, a fifth grader care about
4 elections and voting. So my children signed off on
5 this.

6 So we can go to the next slide.

7 CHAIRMAN KIMBLE: Did Avery draw all that?

8 MS. ROBERTS: Mr. Chairman, Commissioners --
9 Avery, do you want to touch on the development and your
10 role in this?

11 MR. XOLA: Chairman, Commissioners, good
12 morning. No, I didn't draw it. I'm a terrible artist,
13 but I do like to write, and I came up with it, just a
14 brain child, from reading comic books as a child and
15 all the cool PSA comic books that we got and there were
16 memorable characters and things like that. So I
17 thought that Clean Elections could use something like
18 that to connect with a younger audience.

19 CHAIRMAN KIMBLE: Very impressive.

20 MR. XOLA: Thank you.

21 MS. ROBERTS: Mr. Chairman, Commissioners,
22 while Avery didn't do the actual drawing, he did
23 absolutely provide feedback that shaped what those
24 images look like. So it is -- it is his creation, so
25 he's being too modest for all the work that he put in

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1 on that.

2 Next, we'll jump into our Native American --
3 this is our last side -- our Native American voter
4 outreach. As I shared before, we have audio of how we
5 are going to be running ads in Native language. We are
6 likely going to be sponsoring, once again, the Navajo
7 Voters Coalition Conference, which will be held this
8 summer. That has been a very successful conference in
9 the past of getting our tribes together and Navajo
10 voters together as well too about upcoming elections,
11 key dates, things that they need to know. It usually
12 has great attendance. This is a great opportunity for
13 Clean Elections to be there and educate voters.

14 We will continue to translate our voter
15 education materials into Native language. In 2022 we
16 were able to do Navajo, Apache, and Hopi. So we will
17 continue to identify what languages are needed through
18 work with our counties and provide that resource to
19 voters. We will also continue looking at ways that we
20 can partner with the Intertribal Council of Arizona to
21 reach tribal voters across the state. Again, we are
22 potentially talking about having partnerships with some
23 of our Legislative debates that are in tribal
24 communities and how we could work with them. So lots
25 of opportunities here to make sure that we are meeting

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1 all the voters across the four corners of the state.
2 Next slide.

3 And so with that, that is our comprehensive
4 plan for 2024. It does not show every detail, but it
5 gives you the high-level overview of what we'll be
6 working on. And so with that, I'm happy to answer any
7 questions.

8 CHAIRMAN KIMBLE: Thank you. Very
9 impressive, very innovative, very comprehensive.

10 Any questions or comments from Members of the
11 Commission?

12 COMMISSIONER PATON: Yes. I would --

13 CHAIRMAN KIMBLE: Commissioner Paton.

14 COMMISSIONER PATON: I would just like to say
15 that in the past six, seven years I've been here, I
16 mean, we've come light years and all of that. It's
17 really impressive. And that was really what I wanted
18 to do is show -- give people information instead of --
19 because, you know, we all meet people now, they'll find
20 out like we're on this position and they'll say, well,
21 what is that, what does that do, and all that kind of
22 stuff. And the voter education has just mushroomed and
23 it really gives a lot of value to what we do, so thank
24 you.

25 CHAIRMAN KIMBLE: Thank you.

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1 MS. ROBERTS: Mr. Chairman, may I --

2 CHAIRMAN KIMBLE: Yes, Gina.

3 MS. ROBERTS: -- just offer one thing too?

4 So as we developed these Voter Education
5 Plans over the years, I know we have Commissioners who
6 have sat here, you know, over the years and for a
7 while, and your feedback -- I think each Commissioner
8 has a legacy when it comes to voter education.

9 Chairman -- or, Commissioner Paton, your
10 legacy has absolutely been in our debates and our youth
11 education outreach. That has expanded. We did the
12 first U.S. Senate debate at your direction.

13 And, you know, Chairman Kimble, absolutely
14 with independent voters you've had such a significant
15 impact in how we communicate and educate voters and
16 place a priority on that messaging, and then, of
17 course, with our debate work group.

18 And then Commissioner Chan, I mean, you have
19 been so supportive of our social media outreach and our
20 technology, and so I think that's been your legacy
21 there too in how we expand the website and our voter
22 dashboard.

23 And Commissioner Titla has long been a
24 champion for voter education and outreach for our
25 Native American voters and our tribes, and so it's been

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1 great to see his support there.
2 And then our Commissioner Meyer has been
3 wonderful too with us being on the ground and doing --
4 especially going into the classrooms too. He's been in
5 classrooms with us before with doing voter education
6 and outreach.
7 So I think all of you have left a legacy and
8 an impact in how these develop -- these plans have
9 developed over the years, so absolutely appreciate your
10 guidance and insight as we create these Voter Education
11 Plans.
12 CHAIRMAN KIMBLE: Thank you.
13 Any more comments from the Commission?
14 (No response.)
15 CHAIRMAN KIMBLE: Is there a motion to
16 approve the Voter Education Plan that Gina has
17 outlined?
18 COMMISSIONER CHAN: Mr. Chairman, I move that
19 we approve the Voter Education Plan as outlined.
20 CHAIRMAN KIMBLE: Thank you,
21 Commissioner Chan.
22 Is there a second?
23 COMMISSIONER PATON: I'll second.
24 CHAIRMAN KIMBLE: Thank you,
25 Commissioner Paton.

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1 I'll call the roll on the motion to approve
2 the Voter Education Plan. Commissioner Chan.
3 COMMISSIONER CHAN: Aye.
4 CHAIRMAN KIMBLE: Commissioner Paton.
5 COMMISSIONER PATON: Aye.
6 CHAIRMAN KIMBLE: Commissioner Titla. Are
7 you there, Commissioner Titla? You appear to be.
8 (No response.)
9 CHAIRMAN KIMBLE: Okay. Well, if you can
10 chime in, Commissioner Titla, fine; otherwise, the
11 Chair votes aye, and as of now the Voter Education Plan
12 is approved 3-to-nothing.
13 Thank you very much, Gina.
14 MS. ROBERTS: Thank you.
15 CHAIRMAN KIMBLE: Item V, discussion and
16 possible action on advisory opinion requests.
17 Commissioners, we have two advisory opinion requests
18 filed by the Elias Law Group.
19 Request number one asks whether several
20 planned actions by a political organization constitute
21 campaign media spending under the Voters' Right to Know
22 Act.
23 In the second the request asks whether
24 several methods for disclosing original monies satisfy
25 donors' obligations under the Voters' Right to Know

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1 Act. It also asks whether donors who do not engage in
2 campaign media spending must provide opt-out notices to
3 their own donors.
4 Tom will provide a summary of the proposed
5 responses and then we'll take questions and consider a
6 motion on them one at a time. Tom.
7 MR. COLLINS: Thank you, Mr. Chairman. And I
8 wanted to just point out that John Berkon from Elias is
9 on the line. In the event that he wants to make
10 comment, I just want to make sure we have an eye on
11 that.
12 CHAIRMAN KIMBLE: Thank you.
13 MR. COLLINS: So, you know, the purpose of
14 these -- this advisory opinion process, as you all
15 know, is to try to provide, as best we can, some
16 firm -- firmer guidance to folks who have questions
17 about how activities or transactions or what have you
18 will work under the Act.
19 In this particular case, you know, we -- we,
20 you know -- I will say that one thing that's universal
21 across both is we tried to -- we did, in drafting
22 these, take the transactions themselves that were laid
23 out in the facts that were provided by the requester
24 and we -- you'll see there's a question presented by
25 them and then there's a footnote that the question

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1 presented as we phrased it is slightly different.
2 The reason we did that is because we wanted
3 to make sure that, in answering the question, that the
4 requestor and anybody else who reads this understands
5 the framing that we think the Voter Right to Know Act
6 provides and to make sure that -- that a person who
7 picks this up would understand how we, as staff, in
8 initially evaluating this situation, would sort of
9 march through the issues in the event of some -- you
10 know, some other -- of anything really, whether it's
11 the advisory opinion or some kind of other situation,
12 right.
13 So we wanted to make sure that -- that when
14 we address these questions that we're -- that we're
15 doing it in a way that is transparent about how we
16 would break down that back pattern under the Act while,
17 you know, obviously, from my point of view, keeping the
18 essence or the meaning ultimately of the -- of the
19 questions presented.
20 So on request number one, which is via the
21 Elias Law Group from the Democratic Legislative
22 Campaign Committee, which is a national political
23 organization, the questions -- the letter outlines
24 several projects, actions that the DLCC would --
25 intends to undertake, you know, including making

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1 monetary contributions to the Arizona Democratic
2 Party -- excuse me -- to their -- just general
3 donations, expending funds to hire consultants to
4 provide research, polling, and data analytics services
5 related to Legislative elections to be used for the
6 DLCC's own internal planning, and then to make in-kind
7 contributions for polling, data analytics work product
8 to other persons engaged in campaign media spending.
9 So in breaking down those questions, we --
10 and then as you see -- you know, I just want to
11 highlight this question presented issue. You know, the
12 question presented, as put together -- as presented in
13 the letters, does making a monetary contribution to a
14 political party or spending money -- or spending money
15 for projects for internal use constitute campaign media
16 spending by a person if that person is not engaged in,
17 you know, other activities set forth in the definition
18 of campaign media spending. If so, please specify
19 which of the two projects, the monetary contributions
20 or the internal projects, constitutes campaign media
21 spending.
22 So our way of approaching that question was
23 first to say, well, if we got this question -- we got
24 this question, but if we had this question in the
25 context of a -- of an enforcement, for example, which

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1 is what we're trying to avoid here, right, we would
2 break those in two pieces. In other words, we would
3 look at the transactions -- at least we think that the
4 Voters' Right to Know Act says you would look at the
5 transactions themselves, because you have to analyze
6 those transactions within the definition of campaign
7 media spending and then the ultimate thresholds that
8 flow from -- the spending thresholds that go -- you
9 know, that put you into categories where you may have a
10 reporting obligation.
11 So that's -- so that's how we sort of, you
12 know, rephrased, maybe reframed a little, but I think
13 we tried to capture the -- we tried to capture those
14 the way we thought that they would -- they would -- we
15 think the analysis should go from a Commission
16 perspective.
17 So, you know -- so the first -- you know, the
18 first -- so the first question really, as we understood
19 it, was, you know, donations to the ADP. You know,
20 obviously we do not see a donation of money as campaign
21 media spending. You know, the party itself might be
22 subject to the Voter Right to Know Act, but -- and may
23 have, you know, obligations there, but that's -- but
24 the -- you know, that's not.
25 The next question was this question of

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1 internal research, polling, and data analytics for
2 internal use only. So why does -- why do those terms
3 matter? Those terms are the terms included in the
4 definition of campaign media spending that -- it's in
5 Section -- it's in the draft at Page 4, research,
6 design, production, polling, data analytics, social
7 media list acquisition, or any other activity conducted
8 in preparation for or in conjunction with the
9 activities -- other activities, including public
10 communications, that expressly advocate and et cetera.
11 So -- so, you know, our -- from our sense of
12 that -- or, our answer to that question -- or, the
13 proposed answer that we provided for you,
14 Commissioners, is that, you know, the Act does not
15 purport to reach into the internal activities of an
16 organization. And frankly, it's a well -- it's an
17 important question because, you know, we've talked
18 before in this -- in our meetings about concerns that
19 we don't -- that we've heard, but we don't -- we didn't
20 think were well taken, about, you know, whether the
21 Voters' Right to Know Act allows invasion into the
22 internal conduct of a -- of an organization. This is
23 especially a concern we've heard from folks affiliated
24 with 501(c)(3)s and 501(c)(4)s. But nevertheless, this
25 gave us the opportunity to make it clear in the draft

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1 that it does not purport -- the Act does not purport to
2 get it -- to weigh in on internal -- internal planning
3 purposes.
4 You know, we note in the -- in the -- in the
5 draft that, you know, because the DLCC, by virtue of
6 its organization and what it represents in the -- in
7 the advisory opinion request, is -- so without getting
8 too deeply in summary into what it means to be a 527
9 for tax purposes, the AOR, I think, summarizes this
10 itself, you know, that a 527 is a political
11 organization. The purpose of the Democratic
12 Legislative Campaign Committee is to effectuate the
13 election of Democrats to Legislative seats, right, so
14 it seems the name of the committee and the activities,
15 you know, pretty -- pretty align.
16 So, you know, one thing we wanted to make
17 clear was, you know, we wanted to say that -- to a
18 person that you want to police that line a bit,
19 especially when you're in a context where, you know, by
20 virtue of the way your organization or an organization
21 is put together, you know, may mean that, that might be
22 harder, right, it might be more -- there might be
23 more -- you know, that might be -- harder is probably
24 not the right word. It would just be something that a
25 527, because it's essentially a political organization,

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1 it's acting usually for the election of somebody, you
2 know, that you want to -- if it's for internal, it's
3 internal, but, you know, obviously when your -- when
4 your main purpose is actually acting in elections, as
5 opposed to your main purpose is public welfare, and
6 therefore, advocacy on a particular issue with, you
7 know, your additional campaign spending, you might have
8 a different context there. And I think that, you know,
9 527s might want to be aware of that -- or, I shouldn't
10 say might. We believed that it was important to note
11 that.

12 The other thing, again, is we looked at
13 this -- you know, the last question, we want -- we
14 understood the Committee to want to confirm that an
15 in-kind donation to another organization that -- and
16 this is -- the question presented by the -- by the
17 Committee is, does making an in-kind contribution of
18 research, polling, data analytics to another person
19 constitute campaign media spending if the recipient of
20 the in-kind contribution engages in campaign media
21 spending.

22 And I think there that that's a good question
23 because -- and we wanted to provide an answer that
24 showed how the statute operated there. The statute, as
25 the AOR notes, does -- you know, talks about the

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1 covered person. Remember, the covered person, or the
2 person filing, just to go back to sort of the overall
3 structure of the Act, you know, has to deal with like
4 acceptance of in-kind contributions. But, on the other
5 hand, the campaign -- the definition of campaign media
6 spending sort of says, well, but the spending itself
7 might. So that's there. And what the statute does, we
8 think, to address that is define in-kind
9 contributions for -- in-kind contributions for -- that
10 go to campaign media spending as -- an organization
11 that goes into campaign media spending as -- as
12 traceable money.

13 So what that does is, in campaign finance
14 law, you know, for the last, what now, 40, 50 years
15 almost there has been this dichotomy between what's a
16 contribution and what's an expenditure. Prop 211,
17 because it's not purely within the framework of
18 political committee activity, such as is laid out in
19 our laws and in the Federal Election Campaign Act,
20 doesn't really use the terms, per se, but it does
21 resolve that question in a similar way. So the
22 donation of in-kind -- the in-kind contribution, the
23 donation of in-kind services, you know, could be
24 traceable -- traceable monies. That's how they resolve
25 that -- this question.

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1 This issue of contribution versus
2 expenditure, it's one of these -- it's a legacy of --
3 just to really go back to Buckley v. Valeo and the
4 ability to -- the government's ability to regulate in
5 that area turns often on whether or not something is a
6 contribution, that is, where I give something of value
7 to another person for them to take some action, versus
8 when I make an expenditure on my own, those have --
9 those are regulated differently.

10 So that's kind of a summary of what we think
11 provides -- you know, we think provides an answer that
12 should, in our view, as staff, you know, provide --
13 elucidate, you know, some of this -- some of these
14 issues for -- for the DLCC and we hope, you know,
15 provides an answer that they can structure their
16 actions around. And so that is what we did.

17 If you all have questions about that, then
18 obviously -- I mean, you know, if John has a comment,
19 obviously, so...

20 CHAIRMAN KIMBLE: Okay. Are there -- any
21 discussion on the proposed response number one?
22 (No response.)
23 CHAIRMAN KIMBLE: Mr. Berkon, did you have
24 any comments?
25 MR. BERKON: I did not. I agree with the

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1 draft and Mr. Collins' remarks just now.

2 CHAIRMAN KIMBLE: Okay. I had a little
3 trouble hearing you. I heard, I did not, and that was
4 about it.

5 MR. BERKON: Yeah, I did not. I agree with
6 the draft and with Mr. Collins' remarks that he just
7 made just now.

8 CHAIRMAN KIMBLE: Okay. Thank you.
9 MR. BERKON: Thank you.

10 MR. COLLINS: We're working on the sound
11 right now.

12 CHAIRMAN KIMBLE: Okay. You do not have any
13 questions and you agree with Mr. Collins' analysis?
14 MR. BERKON: Exactly. Exactly.

15 CHAIRMAN KIMBLE: Thank you.
16 Any comments from Members of the Commission
17 on this proposed response?
18 COMMISSIONER CHAN: Mr. Chairman.
19 CHAIRMAN KIMBLE: Commissioner Chan.
20 COMMISSIONER CHAN: I just want to say that I
21 think -- I'm really happy to hear from Mr. Berkon, I
22 hope I'm pronouncing your name correctly, and --
23 because that was my main concern. When I read the
24 draft advisory opinion, I think it's well crafted, it
25 -- and frankly, it's a challenge to implement an

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1 entirely new law, and particularly one that, you know,
2 has traceable monies, it makes it a little more complex
3 than perhaps what traditional campaign finance law
4 contemplated or contemplates.
5 And so I'm really gratified to hear that
6 Mr. Berkon doesn't take issue with the draft advisory
7 opinion, because I -- that was my main concern was, you
8 know, reading something and thinking it makes sense to
9 you as a Commissioner is one thing, but I -- I have
10 appreciated in the rule making process and will
11 appreciate in this process hearing from folks that are
12 representing members of the regulated community. So
13 thank you, Mr. Berkon, for being here today and giving
14 us your thoughts on that.
15 MR. BERKON: Thank you very much for having
16 me.
17 CHAIRMAN KIMBLE: Any other discussion on
18 proposed response number one?
19 (No response.)
20 CHAIRMAN KIMBLE: If not, do I have a motion
21 to approve Advisory Opinion 24-01?
22 COMMISSIONER CHAN: Mr. Chairman.
23 CHAIRMAN KIMBLE: Commissioner Chan.
24 COMMISSIONER CHAN: I move that we approve
25 Advisory Opinion 2024-01.

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1 CHAIRMAN KIMBLE: Is there a second?
2 COMMISSIONER PATON: I'll second it.
3 CHAIRMAN KIMBLE: Okay. We have a motion and
4 a second to approve Advisory Opinion 24-01. I will
5 call the roll. Commissioner Chan.
6 COMMISSIONER CHAN: Aye.
7 CHAIRMAN KIMBLE: Commissioner Paton.
8 COMMISSIONER PATON: Aye.
9 CHAIRMAN KIMBLE: Commissioner Titla.
10 MS. THOMAS: Chairman, he's having --
11 COMMISSIONER TITLA: Aye.
12 MS. THOMAS: Oh, there he goes.
13 CHAIRMAN KIMBLE: Thank you,
14 Commissioner Titla.
15 Chair votes aye. The Advisory Opinion 24-01
16 is approved 4-to-zero.
17 Now we turn to request number two. Any
18 discussion, Tom?
19 MR. COLLINS: Thank you, Mr. Chairman,
20 Commissioners. So the second question is from, through
21 the Elias Law Group, the Democratic -- the DLCC again
22 and the PAC for America's Future. And their question
23 had to do with the application of accounting methods to
24 a particular donor's response to requests for
25 information from covered persons.

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1 And what they -- as a background matter, what
2 the request lays out is essentially how, you know,
3 these two organizations, you know, have a certain --
4 you know, have a certain amount of money, and they have
5 that money, you know, in a variety of different counts
6 because, you know, any organization that's operating at
7 sort of a federal level is going to be dealing with a
8 variety of different state law issues in terms of
9 contributors that are allowed in some states and not
10 allowed in other states, monies that can be used for
11 some purposes in some states and not used in other
12 states. So in order to facilitate that internally,
13 they've organized their finances in a manner to ensure
14 they're compliant across jurisdictions.
15 What that means in Arizona is that --
16 however, is when we're -- when we're drawing down this
17 original monies information, you know, and you're
18 running an organization and you're asked for -- so the
19 transaction -- you've got to remember, the covered
20 person is going to ask the donor, you know, for a set
21 of information, where did you get the money and how --
22 and basically where did you get the money and where did
23 they get the money is basically the big question.
24 So, you know -- so they laid out three
25 different methods, upshot of which are -- you know, one

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1 of them is a sort of a first in, last out methodology,
2 one is to say -- you know, one without that, and
3 then -- and then essentially, you know, basically how
4 to walk through how that disclosure would happen.
5 The AOR notes and our opinion acknowledges
6 that as staff we've taken the position that we didn't
7 need to have a specific rule on accounting. In other
8 words, the statute talks about recordkeeping and
9 authorizes us expressly to make rules about records.
10 In that -- in the rule making process our
11 recommendation was not to get into accounting as such,
12 because we are of the view that -- I mean, not to sound
13 overly cautious about regulation, but we didn't want
14 things to turn into a -- the thing we would not want in
15 enforcement, if it was avoidable -- well, it may be
16 unavoidable anyways -- is a battle of experts on
17 accounting about whether or not an accounting method
18 was reasonable and appropriately applied if the
19 recordkeeping was sufficient for anybody who looked at
20 the transactions to understand there was -- there was
21 an effort -- a good faith effort here to make the
22 disclosures required by law.
23 So, that said, you know, we tried to -- in
24 addressing these questions we said, you know, on their
25 face, there's nothing obviously that stands out in

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1 these methods as problematic under the Act. And we
2 outline there -- and one of the things we relied on,
3 you know, was testimony we received here at the
4 Commission from the Campaign Legal Center Action Fund
5 about how, in their view, the donor who was receiving
6 that 16-972(D) request, you know, will have some
7 flexibility in determining, you know, how to best
8 distribute, you know, allocate, if you will, who
9 donated what money, right.

10 So the issue -- essentially the issue is, you
11 know, at the end of the day, notwithstanding one's
12 accounts and how one is setting up accounts, the money
13 is fungible. So you're -- so you're -- essentially
14 you're tagging who you -- who is responsible for that
15 donation out of a set of -- you know, if you have a
16 hundred thousand dollars and you have to tag -- and
17 this is literally the example that the -- that is in
18 the draft and that, you know, the CLC Action Fund
19 talked about, David Coulter talked about is you've got
20 a hundred thousand dollars, you're distributing -- you
21 know, the donor will get the first opportunity to sort
22 of identify, you know, who the correct source of
23 fund -- you know, who they think the right -- the right
24 source of fund there.

25 So it provides a modicum of flexibility

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1 there, the idea being -- and the reason why we thought
2 it was important to mention that testimony is because
3 even though, you know, folks who were involved in
4 drafting the Act may not have an evidentiary role in
5 describing -- you know, in determining what the purpose
6 of the Act is or in talking about what their intentions
7 were, in this case it really provides a good gloss on
8 why the statute itself doesn't really drill down on
9 that, right. The statute sort of, you know, sort of
10 leaves this there.

11 Now, understanding that the root of the
12 question is, you know, well, we want to make sure that
13 our accounting system works, we tried to reframe that
14 in terms of records. And then -- and then what we did,
15 which we think -- we hope is helpful, and the reason
16 why we thought -- you know, was to say, okay, well, if
17 you were asked, well, what's -- what's going to make
18 something reasonable as a recordkeeping matter,
19 essentially what we tried to stress was that, you know,
20 there are some indicia of reasonableness that are
21 pretty common sensical for -- we think for anybody
22 who's running any business, right. You ought to have
23 your books kept. You ought to -- if you have financial
24 policies, you ought to have financial policies on how
25 folks get signed off on. You ought not sort of switch

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1 accounting methods based on the person asking. And
2 then you ought not result -- and the AOR, I think,
3 quite helpfully acknowledges, you ought not result in,
4 you know, double counting somewhere or somewhere else
5 or ending up with somebody who, you know, is sort of --

6 You know, if the theory of this works, and I
7 think Coulter's comment outlines this, if the theory of
8 this works and you had a hundred thousand dollars that
9 was all going to get distributed, eventually all
10 people's donations would get disclosed in one way or
11 another. So that's -- so that's -- and that may not
12 happen in the sense that someone may not eventually
13 distribute all that money, but we want -- we want to
14 see something that's reasonable, that's what the rule
15 we passed asks for, and that reasonableness is to be
16 determined, in part, by, you know -- you know, is it
17 objectively reasonable. You know, what can we -- what
18 can you point at in response to a question, if you got
19 it, as a -- as a spender or a donor, to say, here is
20 what I did. I did this, this, this, and this, and
21 these are the ways -- and this is how it works and --
22 you know, so that -- so that's what we tried to do
23 there.

24 So in that sense, you know, with the -- so
25 basically what the -- the bottom line of the draft AO

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1 is to say, yes, these methods are fine, and, you know,
2 in implementing we would recommend that you, you know,
3 again, take some attention to -- the kind of attention
4 to compliance that would be -- that you probably -- you
5 know, I think that most folks are undertaking anyways,
6 because you have to -- at the end of the day you have
7 other compliance obligations that are already putting
8 that obligation on you, whether it's the Internal
9 Revenue Service, your own fiduciary duties as a, you
10 know, manager of a fund, et cetera, et cetera.

11 So that's what we did there, and I think
12 that's probably enough of a summary. And I think we
13 slightly rephrased those questions as well, but I'm not
14 sure that we -- I'm not sure that we did it and I'm not
15 sure it was quite as maybe dramatic looking as the
16 other one might have looked to some folks.

17 The other question, obviously, is, must
18 donors who are not covered persons, you know, provide
19 notice of their own donors -- to their own donors under
20 the Act. So you recall there's this opt-out -- opt-out
21 opportunity, and the statute says covered persons must
22 provide an opt-out opportunity to their -- to donors.
23 So the context here essentially is, if you have a donor
24 who has subdonors, is it on the donor to provide that
25 opt-out notice. And the statute does not, in our view,

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1 put that onus -- put an onus on the donor to provide an
2 opt-out notice to their own donors.
3 I mean, obviously -- and I don't think we say
4 this in the AOR, so I risk editorializing here. You
5 know, relationships -- I mean, because we don't need to
6 tell folks this. Obviously, organizations'
7 relationships with their own donors are their
8 relationships. So, you know, that's -- you know, there
9 are reasons why a person will want to have
10 conversations with their donors about the potential for
11 disclosure, even if that, you know, donor itself is not
12 the person who may provide the notice directly, but
13 they may -- but they could, they could, and the rules
14 contemplate that they could as well.
15 So, anyways, so I think that's about as much
16 of a summary as I probably should offer there, unless
17 there are further questions.
18 CHAIRMAN KIMBLE: Okay. Is there any
19 questions or discussion on proposed response
20 number two? Mr. Berkon, do you have any comments?
21 MR. BERKON: Yeah, I think just on the
22 second -- that was very helpful, Mr. Collins. On the
23 second piece of it, as I understand the answer there,
24 you know, covered person sends notice to our client's
25 donor entity. Those -- that donor entity has the

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1 option, obviously, of trying to get consent from their
2 own underlying donors, but is not required to. But
3 obviously our client would have to consent to the use
4 of the client funds for the covered person to utilize
5 those funds, but it's really only the consent between
6 the covered person and the immediate donor that is
7 required and satisfies the, you know, opt-in or the
8 21-day opt-out requirement.
9 CHAIRMAN KIMBLE: Mr. Collins, do you want to
10 respond to that?
11 MR. COLLINS: I'm not sure we've gone that
12 far in this answer. I think that -- in other words,
13 there's -- in what you said there's the donor question,
14 which is what's the donor's obligation, which is what
15 we focused on. We did not discuss the covered -- the
16 total -- the totality of what the covered person's --
17 and I'm not saying one way or the other. I'm just
18 saying we did not, in this opinion, seek to address the
19 covered person's obligation.
20 MR. BERKON: Right. Okay. Just the donor's
21 obligation.
22 MR. COLLINS: Yeah.
23 MR. BERKON: That is a better way of
24 reframing my question.
25 CHAIRMAN KIMBLE: Okay. Thank you,

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1 Mr. Berkon.
2 Any other comments on proposed response
3 number two?
4 (No response.)
5 CHAIRMAN KIMBLE: If not, do I have a motion
6 to approve Advisory Opinion 24-02?
7 COMMISSIONER CHAN: Mr. Chairman, I move that
8 we approve Advisory Opinion 24-02.
9 CHAIRMAN KIMBLE: Thank you,
10 Commissioner Chan.
11 Is there a second?
12 COMMISSIONER PATON: I'll second.
13 CHAIRMAN KIMBLE: It's been moved and
14 seconded that we approve Advisory Opinion 24-02. I'll
15 call the roll. Commissioner Chan.
16 COMMISSIONER CHAN: Aye.
17 CHAIRMAN KIMBLE: Commissioner Paton.
18 COMMISSIONER PATON: Aye.
19 CHAIRMAN KIMBLE: Commissioner Titla.
20 COMMISSIONER TITLA: Aye.
21 CHAIRMAN KIMBLE: Thank you,
22 Commissioner Titla.
23 Chair votes aye. The proposed response --
24 the proposed Advisory Opinion 24-02 is approved
25 4-to-nothing.


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1 Thank you for your attendance, Mr. Berkon.
2 We appreciate it.
3 MR. BERKON: Thank you very much. I
4 appreciate it. Thank you for having me.
5 CHAIRMAN KIMBLE: Item VI, public comment.
6 This is the time for consideration of comments and
7 suggestions from the public. Action taken as a result
8 of public comment will be limited to directing staff to
9 study the matter or rescheduling the matter for further
10 consideration and decision at a later date or
11 responding to criticism. Please limit your comment to
12 no more than two minutes.
13 Does any member of the public wish to make
14 comments at this time, anyone on Zoom? There's no one
15 here in the audience. Anyone on Zoom want to make a
16 comment? It doesn't appear like there's anyone there.
17 (No response.)
18 CHAIRMAN KIMBLE: Okay. Thank you. The
19 public may also send comments to the Commission by
20 e-mail at ccec@azcleelections.gov.
21 At this time I will entertain a motion to
22 adjourn.
23 COMMISSIONER CHAN: Mr. Chairman, I move that
24 we adjourn.
25 CHAIRMAN KIMBLE: Is there a second?

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1 COMMISSIONER PATON: I will second.
2 CHAIRMAN KIMBLE: It's been moved and
3 seconded that we adjourn. I will call the roll.
4 Commissioner Chan.
5 COMMISSIONER CHAN: Aye.
6 CHAIRMAN KIMBLE: Commissioner Paton.
7 COMMISSIONER PATON: Aye.
8 CHAIRMAN KIMBLE: Commissioner Titla.
9 Commissioner --
10 COMMISSIONER TITLA: Aye.
11 CHAIRMAN KIMBLE: Thank you,
12 Commissioner Titla.
13 Chair votes aye. We are adjourned. Thank
14 you very much.
15 (The meeting adjourned at 11:07 a.m.)
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1 STATE OF ARIZONA)
) ss.
2 COUNTY OF MARICOPA)
3
4 BE IT KNOWN that the foregoing proceedings
5 were taken by me; that I was then and there a Certified
6 Reporter of the State of Arizona; that the proceedings
7 were taken down by me in shorthand and thereafter
8 transcribed into typewriting under my direction; that
9 the foregoing pages are a full, true, and accurate
10 transcript of all proceedings had and adduced upon the
11 taking of said proceedings, all to the best of my skill
12 and ability.
13
14 I FURTHER CERTIFY that I am in no way related
15 to nor employed by any of the parties hereto nor am I
16 in any way interested in the outcome hereof.
17
18 DATED at Tempe, Arizona, this 28th day of
19 January, 2024.
20
21
22 
23 Kathryn A. Blackwelder, RPR
Certified Reporter #50666
24
25

<hr/> \$ \$10 13:12 <hr/> 1 1 11:8 11:07 82:15 12th 4:15 13 5:25 14th 3:14 15 43:7 16-972(D) 74:6 18 44:17 50:24 18- 17:14 19th 4:16 11:6 22:4 42:3 1st 6:15 <hr/> 2 2.9 22:14 200-word 33:25 2016 8:18 2020 22:13 49:10 2021 29:1 2022 22:17 23:9 37:5 42:8 55:15 2023 3:14 8:23 13:11 14:14 25:6 26:9 35:3 2024 3:4 7:23 13:11 14:12 33:24 36:19 56:4 2024-01 70:25 20th 4:17 21 50:23 21-day 79:8 211 67:16 23 13:10 24 13:10 24-01 70:21 71:4,15	24-02 80:6,8,14,24 24-year-olds 17:15 25th 3:4 26th 50:17,23 <hr/> 3 3-to-nothing 4:7 59:12 30-second 19:11 36 6:1 <hr/> 4 4 64:5 4-to-nothing 80:25 4-to-zero 71:16 4.1 9:22 40 67:14 <hr/> 5 5.4 22:17 50 67:14 501(c)(3)s 64:24 501(c)(4)s 64:24 527 65:8,10,25 527s 66:9 5th 12:16,18 <hr/> 6 6 11:20 <hr/> 8 821 13:13 <hr/> 9 90 8:13 9:30 3:3	<hr/> A a.m. 3:3 82:15 ability 30:23 31:4 33:4 34:4 37:18,23 68:4 absolutely 39:3,5,15 48:5 50:10,14 54:23 57:10,13 58:9 abstract 8:6 acceptance 67:4 access 8:8 20:9 26:24 27:3 30:23 31:4 46:23 accessible 21:10 23:4 27:24 31:10 accomplished 8:22 accounting 71:23 73:7,11,17 75:13 76:1 accounts 74:12 accurate 32:23 acknowledge 27:5 acknowledged 27:10 acknowledges 73:5 76:3 acknowledgment 27:15 acquisition 64:7 Act 6:5 59:22 60:1,18 61:5,16 63:4,22 64:14, 21 65:1 67:3,19 74:1 75:4,6 77:20 acting 66:1,4 action 3:13 4:8 7:22 59:16 68:7 74:4,18 81:7 actions 59:20 61:24 68:16 Activate 51:13,15 52:12,20 53:5,15,20 activated 52:21 actively 24:22 activities 5:12 20:3 60:17 62:17 64:9,15 65:14	activity 64:7 67:18 actual 54:22 ad 18:19 24:19 37:25 43:18 add 30:3 31:18 34:14 additional 30:23 40:11 66:7 Additionally 39:19 address 29:20 30:4 61:14 67:8 79:18 addressing 36:10 73:24 adds 34:12 Adimpact 13:9 adjourn 81:22,24 82:3 adjourned 82:13,15 adjust 11:19 29:5,14 adjusted 28:8 adopted 7:24 ADP 63:19 ads 13:16,17 15:10 18:13 21:6,12,13 22:5 48:18 55:5 advancing 22:11 advisory 59:16,17 60:14 61:11 65:7 69:24 70:6,21,25 71:4,15 80:6,8,14,24 advocacy 66:6 advocate 64:10 affiliated 64:23 affiliation 11:14 African 45:10 AG 6:18 age 14:5 50:23 agency 16:10 24:21 agenda 3:3 8:23 aggravates 38:15 agree 32:3 68:25 69:5, 13
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