

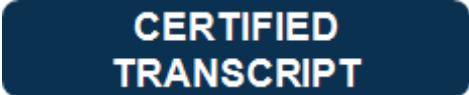
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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
February 29, 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 February 29, 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 Mr. Damien Meyer
13
14 OTHERS PRESENT:
15
16 Thomas M. Collins, Executive Director
17 Paula Thomas, Executive Officer
18 Mike Becker, Policy Director
19 Gina Roberts, Voter Education Director
20 Avery Xola, Voter Education Manager
21 Alec Shaffer, Web Content Manager
22 Kara Karlson, Assistant Attorney General
23 Cathy Herring, Meeting Planner
24 Rivko Knox, Member of the Public
25

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1 P R O C E E D I N G
2 CHAIRMAN KIMBLE: Good morning. Item I on
3 today's Agenda is the call to order. It's 9:30 a.m. on
4 February 29th, 2024. I will call this meeting of the
5 Citizens Clean Elections Commission to order.
6 With that, we will take attendance.
7 Commissioners, please identify yourselves for the
8 record.
9 COMMISSIONER PATON: Galen Paton.
10 COMMISSIONER MEYER: Damien Meyer.
11 COMMISSIONER CHAN: Amy Chan.
12 COMMISSIONER TITLA: Steve Titla.
13 CHAIRMAN KIMBLE: Thank you, Commissioners.
14 We have all five of us here today.
15 Item II, discussion and possible action on
16 minutes for the January 25th, 2024 meeting.
17 Commissioners, you have minutes from our January
18 meeting in the packet. Is there any discussion on the
19 minutes?
20 COMMISSIONER CHAN: Mr. Chairman.
21 CHAIRMAN KIMBLE: Commissioner Chan.
22 COMMISSIONER CHAN: I move that we adopt the
23 minutes as written.
24 CHAIRMAN KIMBLE: Thank you,
25 Commissioner Chan.

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1 It's been moved that we adopt the minutes as
2 written. Is there a second?
3 COMMISSIONER PATON: I'll second it.
4 CHAIRMAN KIMBLE: Seconded by
5 Commissioner Paton.
6 I will call the roll. Commissioner Meyer.
7 COMMISSIONER MEYER: I'll abstain, since I
8 didn't attend.
9 CHAIRMAN KIMBLE: Okay. Thank you.
10 Commissioner Chan.
11 COMMISSIONER CHAN: Aye.
12 CHAIRMAN KIMBLE: Commissioner Titla.
13 COMMISSIONER TITLA: Aye.
14 CHAIRMAN KIMBLE: Thank you.
15 Commissioner Paton.
16 COMMISSIONER PATON: Aye.
17 CHAIRMAN KIMBLE: Chair votes aye. The
18 minutes are approved 4-to-nothing with one abstain.
19 Item III is discussion and possible action on
20 the Executive Director's Report. Tom.
21 MR. COLLINS: Yes. Thank you very much,
22 Mr. Chairman, Members. Thanks for being here. We have
23 a really -- relatively brief agenda today, so I'm
24 hopeful we'll be able to get you out of here relatively
25 quickly.

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1 Right now, just so everybody knows, the local
2 elections from March 12th, jurisdictional elections,
3 are happening. The main -- the two elections are, in
4 Tempe there is a primary and a general plan election,
5 and in Litchfield Park they are voting whether or not
6 to become a charter city.
7 And then importantly, the presidential
8 preference election, or PPE, is -- you know, early
9 voting has begun. The most important thing about this,
10 I think, is that, you know, we talk about this a lot,
11 and, in fact, there was a story in the Arizona
12 Luminaria today going into this in detail that, you
13 know, you have to be a member of the Democratic party
14 or the Republican party in order to participate in this
15 particular election. That's because of the law we have
16 on the books now.
17 So I think that, you know, all of Clean
18 Elections and all of the various election agencies in
19 the state, I think, have been trying to continue, as
20 we do every four years, to explain this distinction,
21 and hopefully folks understand that, you know, it's not
22 a -- the folks who are administrating this election
23 have no axe to grind with independent voters. It's
24 a -- it's a law, it is what it is, and -- but really,
25 you know, there's no reason, unless you're a member of

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1 the Democratic or Republican party, to be thinking you
2 need to be -- have a ballot to cast because you don't.
3 I wanted to highlight a couple of quick
4 things. On the -- on our voter education outreach, we
5 are continuing to do that at, I think, a very good
6 pace. A couple of things I wanted to highlight, two
7 activities Avery participated in in the last -- within
8 the last month that I thought were really important and
9 sort of -- and highlight, you know, both what Avery is
10 doing in general and then on behalf of us in his role
11 as our voter education manager.
12 One, he was a keynote speaker at a Flinn
13 Scholars event. For those of you -- I think most of
14 you are probably familiar with Flinn. The Flinn
15 Scholarship is an undergraduate scholarship that goes
16 to some of the top students around the state to go to
17 ASU or U of A, I think NAU also. I'm not quite sure if
18 I remember that right. So this was a really -- I
19 thought really good -- these are some of the sort of
20 young leaders who have already been identified, and I
21 think it's great that Avery was there.
22 And then more broadly, as we work to try to
23 continue to make sure that we are speaking to as many
24 different groups of voters as we can through our voter
25 education program, I think Avery's role on the Pastor

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1 Center's Diversifying Political Engagement forum, which
2 the link is in the materials if you want to watch it, I
3 think was really a good -- a good, again, demonstration
4 of how, you know, we are working to, both as an agency
5 and as individuals, to be a continual -- a continual
6 partner to folks who are trying to make sure that, you
7 know, our democracy is --
8 You know, democracy is more than just the
9 logistics of moving ballots from a polling place back
10 to central count. I mean, democracy includes
11 engagement, it includes conversation, it includes
12 debate, and all those things. And I think that if you
13 look at the voter education and outreach agenda that
14 Avery and Gina have been working on, we're continuing
15 to do -- do that work.
16 And the comic book is going to be -- is
17 available. It has been printed. We'll be distributing
18 those, I think, what, in the next little while. They
19 are in the back, if you want to look at them before you
20 leave. I saw them yesterday. It's pretty cool.
21 Turning to administration, Mike has held 18
22 candidate workshops, with more scheduled, and we've had
23 48 candidates attend those workshops.
24 Also, the filing system for the Voters' Right
25 to Know Act is available through the Secretary of

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1 State's Beacon system. And, you know, again, Mike has
2 been keeping track of that and interfacing with the
3 Secretary of State's Office on that. As of last week,
4 we -- no one has actually -- or, we believe no one has
5 hit the threshold, because certainly nobody has filed
6 any reports yet.
7 And then as I -- we noted in the report,
8 there will be an advisory opinion pending that we
9 circulated to the regulated community for comment
10 earlier this week, so we will be bringing that back to
11 you, in all likelihood, in the coming months.
12 On the court front, this morning we received
13 a ruling, which I haven't had a chance to fully digest
14 yet, from the Superior Court in the case Center for
15 Arizona Policy versus Arizona Secretary of State. We
16 had had an oral argument on July -- or, I'm sorry -- on
17 January 31st. And this was a -- so Center for Arizona
18 Policy, et al., had filed a lawsuit in the spring of
19 2023. That lawsuit resulted in the denial of their
20 preliminary injunction motion and a granting of the
21 State defendants' motion to dismiss.
22 They refiled as an as-applied challenge,
23 which is to say, a more narrow form of relief,
24 arguably, on constitutional grounds, with an
25 additional preliminary injunction motion. And this

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1 morning Judge McCoy issued a minute entry that ordered
2 that -- granting the motion to dismiss the amended
3 complaint and denying the motion for a preliminary
4 injunction. So that is -- so that's on Prop 211. And
5 their claims principally focused on the view of the
6 plaintiffs that, you know, Prop 211 was going to have a
7 unique kind of impact on their operations in a manner
8 that, you know, breached their rights under the State
9 Constitution for the most part. And so that will -- so
10 we'll see what happens from there, but that was, I
11 think, a good indicator that we are going to continue
12 to implement Prop 211, at least for the time being.
13 The appeal -- the legislative leadership's
14 appeal, which is Toma v. Fontes, we filed our response
15 brief. And then subsequent to me drafting the ED
16 Report, the legislative leadership have filed, now that
17 the briefing at the Court of Appeals is complete, have
18 filed a motion to transfer that to the Supreme Court.
19 You know, the staff point of view on this is
20 that, you know, I mean, we don't think that it would be
21 in the best interest of the agency or Prop -- or, you
22 know, implementing the law to have an immediate
23 transfer to the -- to the Supreme Court. There's
24 nothing particularly novel or special about this claim
25 that would warrant, in our view, that kind of immediate

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1 transfer, so -- but we'll see how that -- how that
2 plays out in the coming days.
3 As you can see, there's a whole bunch of
4 litigation already started in the context of elections.
5 Obviously, Kara and the rest of the folks at the AG's
6 Office are quite, you know, busy with that, including
7 three different lawsuits, which I don't attempt to get
8 into the details of in this report, just challenging
9 aspects of the Election Procedures Manual. I mean, if
10 in the future, either offline, individually, or at
11 another meeting, if you want to hear more about, you
12 know, those suits, we can talk -- we can talk about
13 them then.
14 But suffice it to say, you know, and from my
15 point of view, you know, I think that the litigation
16 around 2024's election is begun in earnest. You know,
17 if these are, in fact, the cases, you look at the
18 Arizona Free Enterprise v. Fontes cases in Yavapai
19 County, one of them has to do with verifying signatures
20 on vote by mail affidavits, what record is used to make
21 that verification, another has to do with what
22 constitutes staffing a drop box.
23 These are things that actually, over the
24 course of the last, you know, several election cycles,
25 have been, you know, issues of contention, and so these

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1 are pretty critical to, I think, the folks who want to
2 see changes to our election processes but are unable to
3 do that through the legislative process. So these are
4 important cases Kara is working on, along with her
5 colleagues.
6 We did get the opinion late last -- or, I
7 guess it was -- yeah, it was right after our last
8 meeting from the AG's Office. This is an official AG
9 opinion about how appointments to the Commission will
10 be made going forward. So we'll continue to monitor
11 that. But as of -- as of today, we haven't heard
12 anything about new appointments, so thank you all for
13 being here.
14 And I think that those were really the main
15 highlights we wanted to -- we wanted to hit on that --
16 on those points. So, like I said, to sort of sum up, I
17 mean, I think positive news as far as our efforts to
18 continue to implement Prop 211 on the denial of the
19 preliminary injunction. We'll see what happens with
20 the appeal of the legislative leadership. And then,
21 you know, as we go forward, we'll keep our eyes open to
22 see if we get appointments. So that concludes my
23 report, Mr. Chairman.
24 CHAIRMAN KIMBLE: Thank you, Tom.
25 Is there any discussion or questions from

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1 Members of the Commission?
2 (No response.)
3 CHAIRMAN KIMBLE: Okay. Hearing none, we'll
4 move on to Item IV, discussion and possible action on
5 the 2022-23 Annual Report. The Commission provides a
6 regular report to the Governor and the Legislature on
7 its activities. The report is in your packet. I think
8 the report does a good job of capturing our work over
9 the past two years, including highlighting our efforts
10 on voter education and implementing Proposition 211.
11 Do Commissioners have any questions for staff
12 about the report?
13 (No response.)
14 CHAIRMAN KIMBLE: None. Okay. If not, do I
15 have a motion to approve the Annual Report?
16 COMMISSIONER CHAN: Mr. Chairman, I move we
17 approve the Annual Report.
18 CHAIRMAN KIMBLE: Thank you,
19 Commissioner Chan, for moving to approve the Annual
20 Report.
21 Is there a second?
22 COMMISSIONER PATON: I'll second.
23 CHAIRMAN KIMBLE: Seconded by
24 Commissioner Paton.
25 I will call the roll. Commissioner Meyer.

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1 COMMISSIONER MEYER: Aye.
2 CHAIRMAN KIMBLE: Commissioner Chan.
3 COMMISSIONER CHAN: Aye.
4 CHAIRMAN KIMBLE: Commissioner Titla.
5 COMMISSIONER TITLA: Aye.
6 CHAIRMAN KIMBLE: Commissioner Paton.
7 COMMISSIONER PATON: Aye.
8 CHAIRMAN KIMBLE: Chair votes aye. The
9 Annual Report is approved 5-to-nothing. Thank you.
10 Item V, discussion and possible action on
11 HB2785, Laws 2024, Chapter 1, effective February 9th,
12 2024. Earlier this month the Legislature approved and
13 the Governor signed a measure intended to alleviate an
14 unintended consequence of changing our recount
15 threshold in Arizona for most elections. Senate Bill
16 1008 from 2022 changed the threshold from 0.1 percent
17 to 0.5 percent. According to a report by Axios, if
18 this had been the standard in 2020, there would have
19 been recounts for President, Corporation Commission,
20 County Recorder, Maricopa County Board of Supervisors
21 District 1, and Legislative District 28, Senate.
22 Obviously, we had some very close elections in 2022 as
23 well.
24 Because the procedures required to perform a
25 recount are detailed and time consuming, Arizona County

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1 Elections Directors and Recorders began raising
2 concerns that other election procedures might be
3 impacted. The resulting bill moves the primary
4 election date for 2024 to July 30th. The bill makes
5 several other changes.

6 Staff has prepared a presentation about some
7 of the effects of the bill on the election calendar and
8 other issues. Tom.

9 MR. COLLINS: Yes. Thank you, Mr. Chairman.
10 So we have a brief PowerPoint, which, in part, I wanted
11 to do just to show our -- reshuffle our art from our voter
12 education program you saw last month at our voter
13 education plan. I love the color scheme and I think
14 it's very striking. So anyways, that's the cover.

15 We can go on to the next slide, I suppose,
16 although I'll look at this all day.

17 So as the Chairman explained, you know, the
18 Legislature altered the threshold for recounts. So a
19 higher threshold -- and I have a hard time between
20 higher and lower. But essentially, it's a higher
21 threshold, right, so it's -- usually the -- under a 0.1
22 standard, that means that you would have to have a
23 difference of less than a hundred votes out of a
24 hundred thousand in order to have a -- in order to have
25 a recount under the pre-2022 standard. 0.5, obviously

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1 that's a -- that's a -- what, a -- you're the math
2 person -- fivefold difference in -- yeah, yeah, right,
3 exactly. So, you know, so that's a real thing.

4 And, you know, as we've talked about in some
5 of the Executive Director Reports over the past month,
6 there are some procedural issues that -- that have to
7 happen in order for a recount, and those, in the view
8 of the County Recorders, County Election Directors, and
9 other election officials and Secretary of State and the
10 Governor's Office and -- you know, would have an impact
11 on two critical things, in their view.

12 Sending ballots to uniformed and overseas
13 ballots -- overseas voters, especially for the general
14 election, that would come up because, if you had a
15 recount in the primary, we don't know what the ballot
16 looks like, you have to go to print, you have to have
17 those ballots out 45 days before Election Day, which is
18 earlier than the early ballots for, you know, folks who
19 are here; and then submitting Arizona's results in the
20 presidential election.

21 You know, whether or not -- how this would
22 play out, you know, there is some debate among lawyers
23 and even policymakers, but the County's position, I
24 think, and others, you know, was essentially better
25 safe than sorry in the sense that if there was a

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1 recount, say, on the presidential electors, and that
2 somehow delayed the -- delayed our electoral votes
3 being sent to the archivist of the United States and to
4 the presiding officer of the Senate, that could cause
5 unnecessary issues. So those are -- that's really --
6 that's sort of the big picture of what we're -- the
7 problem that the Legislature and others were trying to
8 address.

9 So, Cathy, if we could go to the next.

10 So the number one and most important headline
11 out of this is that the state primary date for 2024,
12 and only 2024, will be July 30th. And you see there,
13 this is our -- this is the new timeline. It basically
14 moves everything up one week, and we have there --
15 including the filing period for nomination petitions.
16 Obviously, within that will be the challenge period for
17 nominating positions, which is, you know, time
18 consuming in and of itself. So those are -- that's the
19 big shift.

20 So what they did not do, and we'll talk about
21 this a little bit more later, is sort of a, quote,
22 unquote, permanent fix for when the primary ought to
23 be. But for this year, it's July 30th.

24 Cathy, if we could...

25 Okay. For Clean Elections specific we've got

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1 a couple of different things. Number one, we have
2 these Clean Elections reports under 16-958. Those are
3 due with increasing frequency as you get closer to
4 Election Day. So by moving the primary, it moves up
5 the trigger reports going from monthly to weekly to
6 5-28 and going from weekly to essentially daily, or one
7 business day, to the 16th.

8 The idea behind those reports is -- these are
9 spending reports, not Prop 211 reports, just spending
10 reports. But the idea behind these reports has been
11 that, you know, the closer you get to the election, we
12 want -- the public has a right to know if the frequency
13 of spending is increasing.

14 And then importantly, 7-23 will be the last
15 day to collect qualifying contributions, and then the
16 week after that will be the last day to turn in those
17 qualifying contributions to the Secretary of State's
18 office.

19 Now, from -- from a clean candidate
20 perspective, we do not anticipate this week being a big
21 issue -- there's not really anything we could do about
22 it even if we wanted to, but -- in part because, you
23 know, in our experience, if you haven't qualified by
24 the, you know, the week before the primary anyways, and
25 you only move it a week, you're really not in a

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1 position to be effective. You know, at the margins
2 there may be somebody who doesn't have a primary who
3 may just want to show up to the general, but, you know,
4 that's not really something that happens all that
5 often, and so we'll see.

6 I think the mitigating factor here is E-Qual.
7 I mean, the reality is that, through the E-Qual system
8 and the ability to get your \$5 qualifying contributions
9 through E-Qual, most candidates -- or, at least I think
10 we could say, right, increasingly candidates are able
11 to rely on that to get more and more of their \$5
12 qualifying contributions.

13 Now, the reason why that system is more
14 effective is because, rather than having to hope that
15 the person who signed your slip, when they get
16 checked, is actually -- lives in your district and
17 checks all those other boxes, you know, E-Qual actually
18 pings the voter registration system and confirms and
19 only offers voters who can give you a \$5 qualifying
20 contribution the opportunity to do so. So it's an
21 efficient system and it's an effective system, and so
22 hopefully folks continue to take advantage.

23 Mike, do you have anything else you want
24 to...

25 As far as other -- the other major Clean

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1 Elections issue is voter education. So under statute,
2 the last day to deliver a Voter Education Guide to
3 households is the first day of early voting, which is
4 7-3, and we also always endeavor to have our last day
5 for debates match that. So we'll be taking steps, and
6 we already are, working with the various vendors that
7 we have for those projects, especially the Voter
8 Education Guide.

9 I mean, the Voter Education Guide is an
10 undertaking, you know, has -- we've got to think about
11 everything from the vendor obtaining paper to getting
12 time on the printing press to -- you can't -- we've
13 talked about this, I think, in the past. You can't
14 show up with a million mail pieces at the -- at the
15 post office and just say, here, mail these. You have
16 to -- you have to schedule all that out. Because
17 otherwise, if you show up, they'll just say, well,
18 we'll get to it when we get to it, right. So every
19 step of the logistics of this is important and affects
20 all the other ones, so that will be something that
21 we'll be continuing to make sure we're up -- but that's
22 the biggest -- that's one of the big shifts there. So
23 I think that --

24 Gina, anything else you want to...

25 So we wanted to highlight a few other

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1 changes. This is not every change and this is not like
2 a high level of detail on every change. We have some
3 other resources available, if you're interested in
4 drilling down on any of these.

5 I think important points here, early voting
6 will extend to 7:00 p.m. from 5:00 p.m. on the Friday
7 before Election Day, and emergency voting can start
8 just after that 7:00 p.m. process. So emergency voting
9 is different. You have to actually be able to at least
10 articulate an emergency in an affidavit before you can
11 take advantage of emergency voting. It's supposed to
12 be for truly emergencies.

13 There is a provision that addresses candidate
14 petitions for candidates who included the original
15 date, that is to say the August date, on their
16 petitions and were already collecting signatures. The
17 Secretary's Office has put out some guidance on that.
18 The bottom line there is that petitions to run for
19 office, for whatever reason the statutory petition
20 language the Legislature adopted not only requires you
21 to identify your district and, you know, your
22 appropriate legal name, but you also have to say the
23 date of the primary that you're running in. I'm not
24 quite sure how that is confusing to anyone, rather than
25 the primary of 2024, but that's what the law says, so

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1 that had to be accounted for.

2 There's also a provision dealing with the --
3 and this deals with both the front end and the back
4 end. To do a recount, ordinarily, and there are lots
5 of people here who can correct me if I say anything
6 wrong here, but I think that ordinarily the whole
7 canvass sort of has to be wrapped up before you could
8 indicate that there's going to be a recount. This law
9 says that the Secretary of State can look at the
10 results that are out and determine that a recount is
11 necessary without waiting for that full roll-up.

12 Essentially as they're getting reports, they
13 can make that determination, they then file a complaint
14 in Maricopa County court, and then -- and then the
15 recount can proceed from there. So that's shaving,
16 what would you say, a week maybe off the -- yeah, off
17 the -- off that. So, again, the idea is how can we,
18 within the framework we have, save this time at the --
19 for the primary on the UOCAVA and then the general on
20 the certification of presidential electors.

21 I think another really important change
22 is that this -- and this is -- this gets to,
23 Commissioner Paton, you were talking about the delay,
24 the lag between Election Day and counting. This --
25 there was a -- over time the Legislature has moved up

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1 in time the amount -- when counties can start
2 processing those early ballots. This law says that
3 they can start processing those early ballots when they
4 get them. What that means is, in theory, that there --
5 that could cut down again on that lag.
6 The number one thing folks can do to cut down
7 on that lag is not deliver their ballot late, as a late
8 early, not drop it off on Election Day. There are some
9 election officials who believe that would be a good
10 thing to do as a policy, there are other election
11 officials and advocates who think that would be a
12 terrible idea, so this is the result they came up with
13 for this. So I think there's, you know, at least
14 decent reason to believe that it will have some
15 positive impact.
16 I mean, the reality is, in, I think it was
17 2020 or 2022, you know, there was something like -- I
18 think -- I think we had 99 percent of ballots in
19 Arizona had been resolved by six days -- by
20 November 11th. So, you know, it's a lag, but it -- but
21 it's -- you know, it's -- you know, it's -- but our
22 elections are so close that even if you're at
23 99 percent, you may not know -- you may not know the
24 answer to the result, so --
25 COMMISSIONER PATON: And historically --

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1 MR. COLLINS: Right.
2 COMMISSIONER PATON: -- we used to always
3 know --
4 MR. COLLINS: Right.
5 COMMISSIONER PATON: -- that night,
6 basically, or --
7 MR. COLLINS: Sure.
8 COMMISSIONER PATON: -- early in the morning.
9 MR. COLLINS: Right.
10 COMMISSIONER PATON: And so that's what
11 confuses people and they think something is --
12 MR. COLLINS: Sure.
13 COMMISSIONER PATON: -- something is twisted
14 here, something is --
15 MR. COLLINS: Right.
16 COMMISSIONER PATON: -- somebody is
17 manipulating and -- whether it's, you know, just
18 paranoia or whatever. So I think it's human nature.
19 MR. COLLINS: I agree. And I think -- I
20 mean, I think that the fact is that we now have, you
21 know, different viewpoints from election officials
22 around that issue, but I think that's -- I think, to
23 your point, I think it's important that that -- those
24 -- the folks who are ultimately on the ground doing
25 that work have -- are wrestling with that issue in a

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1 serious way.
2 And then there's also a codification of the
3 signature verification process. The signature
4 verification practices I'm talking about there are, you
5 know, when you sign your -- you get your early ballot
6 and you vote it, you put it in the envelope, you sign
7 that envelope, that signature is an affidavit that
8 will then be checked against your signature on file.
9 And so this codifies some of the practices that were
10 already being in place -- that were already in place
11 there.
12 So I guess we can go to the next slide,
13 please, Cathy.
14 Okay. So these get into a little more weedy
15 issues. So for -- through 2026 this changes the time
16 for correcting ballot envelope affidavit signatures to
17 five calendar days from five business days. So
18 essentially one can argue that takes two days off of
19 the process, which is a time savings, which is the
20 ultimate goal of the bill, but the tradeoff is that
21 local election offices have to stay open over the
22 weekend to allow folks to come in and make those
23 corrections, if necessary.
24 It does not settle the primary date past this
25 year. A May date was initially proposed in the

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1 intraset of this bill. That did not make it to the
2 finish line, so we're going to have to see what
3 happens.
4 You know, the Clean Elections Act dates for
5 most of -- whether it's voter education or the clean
6 program, you know, all kind of hinge off these dates,
7 and so, you know, there are -- there are pros and cons
8 to that. I think that one of the things we'll be
9 looking at -- I mean, probably not this year because of
10 the election, but going into next year, is, you know,
11 what would be a date that would -- we don't have the
12 ability to per se convince someone to not move the
13 date, right, and their -- you know, because the clean
14 program is not necessarily going to be top of mind for
15 folks, but there are arguments that moving the date
16 may, you know, in fact, help folks who are running
17 clean to see the benefit of running clean. There
18 are --
19 So, for example, if you had a May date,
20 what's the advantage of that? It allows you to -- you
21 would get -- you could get funded January 1 or
22 January 2, basically, you could -- or around there.
23 You would have that runoff to -- that runoff to go
24 through a primary. And then once you're a nominee, you
25 would get this additional influx of money.

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1 Now, you might say, okay, well, it's May, and
2 now you've got to have the money stretch from -- from
3 May until September -- or, I'm sorry -- until November.
4 But there are two key aspects of that.
5 Number one, for most elections no one is
6 going to raise the amount of money to stay on TV or be
7 in some kind of sustained campaign spending-wise
8 between May and September -- or, I don't know why I
9 keep saying September -- May and November. In other
10 words, in order -- I mean, in order to get on TV, you
11 probably have to have a million dollars.
12 And the fact is that most legislative
13 candidates are not in the million dollar ballpark, most
14 Corporation Commission candidates haven't touched a
15 million dollars, I don't think, in our lifetime, if
16 ever, I mean, never have, treasurer, all these other
17 elections. So the people who are going to be able to
18 sustain a constant stream of ads during that period are
19 U.S. Senate, maybe Congress, maybe Governor, maybe,
20 maybe, maybe AG and Secretary of State. But below that
21 line, it's not going to happen. And so what I think
22 that means is that it's not going to have a -- it's not
23 going to have nearly the impact folks are expecting.
24 The other thing that's important, and we
25 highlight this when we do have the opportunity to talk

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1 to candidates, compliance folks, parties, lawyers to
2 the extent that they will listen to us, that clean
3 candidates can -- are nominees of the party, and so
4 the nominee's ability to work with the party is part of
5 the -- is part of the program, and so there are a
6 number of different ways folks could get creative
7 and --
8 You know, I mean, I guess what I'm trying to
9 say is that, you know, as they talk about the election
10 date, we are -- I am cautiously optimistic that we
11 can -- that a change here might cause people to take a
12 look -- second look at the clean program, if they're
13 not now, if we can show its efficiency. We already
14 know we can show, for those that are -- have the ears
15 to hear, that if you're running for a down-ballot race,
16 the chances of you being able to outraise, if you
17 account for your time cost, if you account for your
18 public -- your private fundraising time, your call
19 time, the campaign time that you're not spending on the
20 road, that you're -- if you're running for any of the
21 lower-tier state races, you are -- you are -- you are
22 not making a good decision financially, you're just
23 making an inefficient decision if you run private
24 versus public.
25 There are some outlier cases where we've had

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1 some self-funders in down-ballot races that make that
2 -- that distort that analysis, but the reality is that
3 if you're running for Corporation Commission or you're
4 running for State Treasurer, if you can even meet the
5 number Clean Elections provides, you will have taken
6 all of your time on fundraising and none of your time
7 on any of the campaign stuff. Plus, if you have a
8 primary or anything else, you're going to have to --
9 you know, you're going to have to continually
10 fundraise, whereas under Clean Elections in the general
11 you're getting that second tranche of money without
12 additional -- without additional fundraising. That, to
13 me, is a pretty clear -- a pretty clear analysis.
14 We still hear regularly on this point from
15 consultants who say, well, there's just not enough
16 money in the first place. And it's like, but the
17 problem is, if the amount of money you need to win --
18 let's say you think you need -- to win you need
19 \$750,000 to win a treasurer race, right. Most
20 treasurer candidates are not raising \$750,000. So if
21 you have the ability to get money in the bank that you
22 can -- and especially without all the strings attached
23 that come with -- that come with raising private
24 dollars, you know, you're in a better position.
25 So I'm trying to look at some of these

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1 down -- downstream conversations as opportunities to
2 maybe talk a little bit more about how we can, you
3 know, get folks to reevaluate their preconceptions
4 about how the clean financing program works and think
5 about it in a -- in a -- in a sense that relates to
6 actual dollars that are actually in the candidate's
7 account, as opposed to dollars that a consultant is
8 fantasizing about transferring to their checking
9 account.
10 And then -- oh, then there's another -- this
11 is kind of an idiosyncratic thing to me, but starting
12 in 2026 if you didn't want, for some reason, your
13 signature checked, you could actually take your ID to
14 the place you're dropping off your ballot and the
15 election official would stamp your ballot as having
16 your ID checked on the envelope, rather than going
17 through the signature thing. That may change -- that
18 may save time ultimately. We don't know -- we won't
19 see that for a while to see what that is.
20 I guess, Cathy, if we go to the next slide.
21 And then, obviously, we're involved in voter
22 education around these issues. We had a meeting with
23 many of the counties' representatives last week with
24 Gina and Avery, Alec and I, and we identified some
25 issues and we're working on some projects there,

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1 obviously incorporating the new calendar into our
2 materials and the counties' materials, and then
3 identifying issues and messaging on issues like the
4 candidate ballot qualification, and then keeping our
5 eyes open as other things develop that we may not
6 have -- we may not have thought about.

7 I think one of the things that -- here that's
8 going to be -- you know, that is -- you know, is
9 that -- you know, if you go through and you look at the
10 bill from the introduction to the end, you know, the
11 bill as introduced had a lot of potential changes. The
12 negotiators that -- there was a bipartisan negotiation,
13 including the Governor's Office and the legislative --
14 Legislature Members from both sides, and I think that
15 that caused the bill to take a smaller bite than it
16 otherwise would have taken on some of these election
17 administration issues, but also flagged, going forward,
18 how some of these are going to -- how some of these are
19 going to work or how some of these might need to get
20 worked through.

21 So that's sort of -- you know, that's it. So
22 if you have questions, that's -- but we wanted to keep
23 that a little bit -- a little bit out of the weeds.
24 There are -- there are more details that are available
25 if for some reason you want to -- you would like to

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1 know about that.

2 But the big issue is, you know, I think, on
3 the voter education front, you know, this date
4 should -- you know, in our estimation, the change
5 itself is not something we anticipate folks thinking
6 too much about now that it's done. In other words,
7 most people don't know precisely when the primary is.
8 We may, and a person who's running a campaign may, you
9 know, and somebody who has just a fixation with
10 elections might, but the reality is that most folks --
11 and 80 percent of voters are more -- use vote by mail,
12 right, so they're going to get their -- and they're on
13 the active early voting list and they're going to get
14 their ballot when they get their ballot and they're
15 going to return their ballot when it says to return
16 their ballot, just like, you know, most folks. So the
17 point is really to just make sure that we can tamp down
18 on any confusion that might be residual and then make
19 sure that folks, you know, have access to the right
20 information.

21 CHAIRMAN KIMBLE: Thank you. So to sum up,
22 we're likely to have more recounts, that's cause to
23 cascading problems with recounts and primaries and
24 schedules have to be adjusted all up and down the -- up
25 and down the list. Any questions from Commissioners

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1 about this?

2 (No response.)

3 CHAIRMAN KIMBLE: Okay. Thank you, Tom.

4 Item VI, public comment. This is the time
5 for consideration of comments and suggestions from the
6 public. Action taken as a result of public comment
7 will be limited to directing staff to study the matter
8 or rescheduling the matter for further consideration
9 and decision at a later date or responding to
10 criticism. Please limit your comments to no more than
11 two minutes.

12 Does any member of the public wish to make a
13 comment at this time or anyone on Zoom wish to make a
14 comment?

15 (No response.)

16 CHAIRMAN KIMBLE: Hearing none, the public
17 may also send comments to the Commission by e-mail at
18 ccec@azcleanelections.gov.

19 At this time, I would entertain a motion to
20 adjourn.

21 COMMISSIONER PATON: I'll make a motion to
22 adjourn.

23 CHAIRMAN KIMBLE: Thank you,
24 Commissioner Paton.

25 There's a motion to adjourn. Is there a

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1 second?

2 COMMISSIONER CHAN: I'll second that motion.

3 CHAIRMAN KIMBLE: Thank you. Seconded by
4 Commissioner Chan.

5 I will call the roll. Commissioner Meyer.

6 COMMISSIONER MEYER: Aye.

7 CHAIRMAN KIMBLE: Commissioner Chan.

8 COMMISSIONER CHAN: Aye.

9 CHAIRMAN KIMBLE: Commissioner Titla.

10 COMMISSIONER TITLA: Aye.

11 CHAIRMAN KIMBLE: Commissioner Paton.

12 COMMISSIONER PATON: Aye.

13 CHAIRMAN KIMBLE: Chair votes aye.

14 We are adjourned. Thank you very much.


15 (The meeting concluded at 10:12 a.m.)

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 29th day of
19 February, 2024.

20
21 
22 _____
23 Kathryn A. Blackwelder, RPR
Certified Reporter #50666

24
25

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