

THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF VIRTUAL PUBLIC MEETING

Phoenix, Arizona

March 24, 2022

9:30 a.m.

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1 VIRTUAL PUBLIC MEETING, BEFORE THE CITIZENS CLEAN
 2 ELECTIONS COMMISSION, convened at 9:30 a.m. on March 24,
 3 2022, in the presence of the following Board members:
 4 Mr. Damien Meyer, Chairman
 5 Mr. Mark S. Kimble
 6 Mr. Steve Titla
 7 Mr. Galen Paton
 8 Ms. Amy Chan

7 OTHERS PRESENT:

8 Thomas M. Collins, Executive Director
 9 Paula Thomas, Executive Officer
 10 Mike Becker, Policy Director
 11 Gina Roberts, Voter Education Director
 12 Avery Xola, Voter Education Specialist
 13 Julian Arndt, Executive Support Specialist
 14 Kara Karlson, Assistant Attorney General
 15 Kyle Cummings, Assistant Attorney General
 16 Patty Hansen, Coconino County Recorder
 17 Monique Coady, Assistant Attorney General
 18 Cathy Herring, KCA
 19 Eric Sloan, Member of the public
 20 Brian Stanley, Esq., Law Office of Brian K. Stanley
 21 Bob Branch, The Power of Fives

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P R O C E E D I N G

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 3 CHAIRMAN MEYER: Good morning, all. Damien Meyer,
 4 I'm the chairperson this year for the Citizens Clean
 5 Elections Commission; and we're going to go ahead and call
 6 this meeting to order, which is the first item on our
 7 agenda. It's 9:30 a.m., March 24, 2022.
 8 I'd like to ask that audience members keep their
 9 microphones on mute, please.
 10 And with that, I'll take attendance of my fellow
 11 Commissioners. Please identify yourselves for the record.
 12 COMMISSIONER KIMBLE: Commissioner Kimble is here.
 13 COMMISSIONER CHAN: Commissioner Chan is here, too.
 14 COMMISSIONER PATON: Commissioner Paton.
 15 COMMISSIONER TITLA: Commissioner Titla here.
 16 CHAIRMAN MEYER: All right. We have all five
 17 Commissioners here which is always a good thing. So, good
 18 morning to all.
 19 And then I'll move on to Agenda Item II, which is
 20 discussion and possible action on Commission's minutes for
 21 February 24, 2022.
 22 Is there any discussion on the minutes; and if not,
 23 do we have a motion to approve?
 24 COMMISSIONER CHAN: Mr. Chairman, I move we approve
 25 the minutes as written.

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1 CHAIRMAN MEYER: Okay. We have a motion from
 2 Commissioner Chan.
 3 Is there a second?
 4 COMMISSIONER TITLA: Yeah, I second. Commissioner
 5 Titla.
 6 CHAIRMAN MEYER: Thank you, Commissioner Titla.
 7 All right. We have a motion to approve the
 8 minutes. Let's go ahead and call the roll.
 9 Commissioner Chan.
 10 COMMISSIONER CHAN: I vote aye.
 11 CHAIRMAN MEYER: Commissioner Kimble.
 12 COMMISSIONER KIMBLE: Aye.
 13 CHAIRMAN MEYER: Commissioner Paton.
 14 COMMISSIONER PATON: Aye.
 15 CHAIRMAN MEYER: Commissioner Titla.
 16 COMMISSIONER TITLA: Aye.
 17 CHAIRMAN MEYER: And I vote aye as well.
 18 So the motion carries 5-0 approving the minutes for
 19 the February 22 meeting.
 20 And then we'll go to the third agenda item, which
 21 is discussion and possible action on Executive Director's
 22 report, enforcement and regulatory updates and legislative
 23 updates.
 24 Tom, I'm going to turn over to you to discuss the
 25 report and then we'll entertain questions of the

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1 Commissioners.
 2 MR. COLLINS: Yes, thank you, Mr. Chairman and
 3 Commissioners.
 4 I wanted to preview just real -- we'll have Patty
 5 Hansen, who is the Coconino County Recorder, joining us
 6 today on the next agenda item, so I'm going to move through
 7 this relatively quickly to try to get it to that.
 8 I think a couple of highlights. The next local
 9 election is on May 17th, with early voting beginning on
 10 April 20th. The candidate filing period -- the candidate
 11 filing period began (technical disruption) --
 12 MS. HERRING: Tom, we lost your audio.
 13 CHAIRMAN MEYER: Yeah.
 14 MS. HERRING: Tom, can you hear us?
 15 MR. COLLINS: If people can't hear me I'm going to
 16 need somebody to tell me.
 17 CHAIRMAN MEYER: Tom, we can't hear you.
 18 MR. COLLINS: Okay. I don't know what to do with
 19 my audio situation, so I will just -- I will say candidate
 20 debates are starting, you can see the reports. If you have
 21 questions I'm happy to answer them, but I won't belabor this
 22 with my audio issues.
 23 CHAIRMAN MEYER: Is there a debate actually
 24 scheduled for the 19th of April or is that just when they
 25 are eligible to begin being scheduled?

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1 MR. COLLINS: No, no. They -- they will begin at
 2 that time. The schedule has already been put together.
 3 Like I said -- well, you didn't hear obviously.
 4 The goal is to -- is to get to a place where we can get them
 5 all done before early voting begins, because we think that's
 6 the way to maximize the utility of the process. If Gina is
 7 there, she can probably answer more questions about debates
 8 than I can and probably doesn't have the audio issues.
 9 CHAIRMAN MEYER: Your audio has actually been good
 10 the last minute or two, so.
 11 COMMISSIONER CHAN: Mr. Chairman?
 12 CHAIRMAN MEYER: Go ahead.
 13 COMMISSIONER CHAN: I just want to say I appreciate
 14 that goal and hopefully that's able to be done, that it's
 15 complete before early voting. I know personally I -- I
 16 actually consulted our debates when I was voting in
 17 different races if I wasn't familiar with the candidates, so
 18 that was -- I found it super helpful as a voter.
 19 CHAIRMAN MEYER: Thank you, Commissioner Chan.
 20 Any other comments or questions from the other
 21 Commissioners?
 22 And then, Tom, anything more to add on the
 23 Executive Director report?
 24 MR. COLLINS: You know, I -- hang on.
 25 Now that I've -- again, I -- I -- I -- I think, you
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1 compared on that to the signatures on file with the County
 2 Recorder or through the state voter registration database.
 3 There was a -- the Senate had a review conducted by
 4 a contractor who looked at those signatures, compared
 5 them -- looked at a sample of those signatures and compared
 6 them initially to commercially available or publicly
 7 available signatures of, in theory, the same people.
 8 Elections experts are very skeptical of this mode of review,
 9 in part because (technical disruption) --
 10 CHAIRMAN MEYER: We lost you, Tom.
 11 Tom. We lost your audio there.
 12 "Election experts are skeptical of this review," I
 13 heard that.
 14 MR. COLLINS: I'm sorry, I didn't catch any of
 15 that.
 16 CHAIRMAN MEYER: You're back.
 17 I said the last thing I heard you say was "election
 18 experts are skeptical of this type of review."
 19 MR. COLLINS: Okay. Yeah, the -- yeah, they're
 20 not -- the -- the review didn't compare the signatures on
 21 file with the county, they compared the signatures to public
 22 databases (technical disruption) --
 23 CHAIRMAN MEYER: So we're losing Tom's audio again.
 24 Mike, Gina, do you want to -- are you able to pick
 25 up on that at all with where he's at on that or do we just
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1 know, I think there's -- there -- the -- I mean, I think
 2 among the major issues, there is a case at the Arizona
 3 Supreme Court now involving whether or not to get rid of
 4 vote by mail; we don't know when that will be ruled on.
 5 We were, I guess, pleased to see that the -- some
 6 of the -- one of the amicus groups was -- incorporated some
 7 of the substance of our voter education efforts to try to
 8 explain how the timing of this lawsuit in addition to the
 9 merits is particularly problematic. And, you know,
 10 obviously the vote-by-mail balloting is something that
 11 voters in Arizona rely upon in -- as the vast majority of
 12 voters do.
 13 I think the other -- the other issue that I think
 14 is worth highlighting is that the State Senate subpoenaed
 15 additional records from the Maricopa County Elections
 16 Department and/or the Recorder's Office this week -- I guess
 17 directly to the Board of Supervisors, but related to a
 18 report that came out of their audit relating -- or their --
 19 their review that had to do with whether or not signatures
 20 are being properly matched by folks who are reviewing those
 21 early voting envelope affidavits.
 22 So as you all know, when you submit your mail
 23 ballot, you put the ballot in an envelope and sign that
 24 envelope stating, you know, essentially affirming who you
 25 are; that envelope is an affidavit, the signatures are
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1 want to move on?
 2 MS. ROBERTS: Mr. Chairman, Commissioners, I
 3 believe Tom caught most of it. Basically there was --
 4 Maricopa County in their report they -- they basically, what
 5 -- what Tom was saying is that when the third-party review
 6 did the signature analysis, they looked at these publicly
 7 available signatures as opposed to the voter signatures that
 8 are already on file. So when the counties are doing their
 9 signature review, they're looking at all the signatures that
 10 they have on file for the voter's registration record, and
 11 then -- so there obviously could be concerns and issues with
 12 doing a signature comparison and analysis to publicly
 13 available signatures, you know, and the accuracy and -- and
 14 authenticity of doing so.
 15 So that I believe pretty much sums up what Tom was
 16 trying to communicate.
 17 CHAIRMAN MEYER: Okay. Anything more on the
 18 Executive Director report?
 19 I know there's -- you know, there's 27 pages of,
 20 you know, very small print here of bills that are currently
 21 in the House or Senate Floor that could impact or relate to
 22 voting. Is there any -- anyone that wants to highlight any
 23 of those that we need to be concerned about at this time?
 24 I know Commissioner Kimble usually weighs in a few
 25 of those, but any of staff have any particular ones that
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1 they think we should be aware of?

2 MR. BECKER: Chairman, Commissioners, there are a

3 couple of bills that were supposedly dead prior,

4 Mr. Fillmore has a bill that's become a strike everything.

5 Senator Kelly Townsend has taken up the mantle.

6 This is a bill that pretty much guts mail-in

7 balloting, it requires all votes be counted within 24 hours.

8 It's -- it's an interesting bill to say the least.

9 From what I've heard it's -- it got on a committee,

10 but from what I heard it's not going to make it out of the

11 Senate. There's still several Republicans that have said

12 they don't like -- they don't like it, they won't vote for

13 it, but we'll see. But it is -- it was killed at one point

14 on the floor of the Senate and has now come back, but so

15 we'll -- we'll keep an eye on that one.

16 MS. KARLSON: Mr. --

17 MR. BECKER: My -- from what I've heard from

18 different people down there, it doesn't look like it will go

19 anywhere.

20 MS. KARLSON: Mr. Chairman?

21 CHAIRMAN MEYER: Yes. Ms. Karlson.

22 MS. KARLSON: I apologize for interrupting, but

23 since it's not the Executive Director who is speaking on

24 this issue right now, perhaps this discussion would be

25 better had under Agenda Item VI, discussion and possible

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1 I'm going to be representing them in giving advice, things

2 that, you know, the AG's office would normally do. So a lot

3 of public records requests like any agency.

4 We have multiple divisions here including the

5 library, which has its own boards and commissions and they

6 need legal advice; we have of course elections is one, so

7 when candidate challenges comes up, the Secretary's office

8 is there just nominally, so I'll be handling those; the

9 business services division handles notary and UCC, and the

10 main thing is any notary complaints and administrative

11 proceedings that entail -- that those entail.

12 So that's kind of a high-level overview. And I'm

13 just really excited to be back at work actually, it's kind

14 of the perfect fit for -- for me right now and what they

15 needed. So I'm very grateful for the opportunity, so.

16 CHAIRMAN MEYER: Well, congratulations.

17 COMMISSIONER CHAN: Thank you.

18 CHAIRMAN MEYER: We're excited for you and the

19 opportunity.

20 Tom, the other issue on here that I want to ask you

21 about is the E-Qual issue and taking that offline. Do we

22 need to have any further discussion on that at this point in

23 time?

24 MR. COLLINS: I'm going to take a shot at this,

25 Mr. Chairman.

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1 action on 2020 legislative bills on the topics of elections,

2 voting, and administration.

3 Obviously, if you want to, you know, move on to

4 that item or move up -- move that up, I just -- I just want

5 to be clear, you know, who is speaking about what and -- and

6 what point we're addressing.

7 CHAIRMAN MEYER: Okay.

8 Okay. Tom, I don't know if you want to give this a

9 go. Is there anything else in the Executive Director's

10 report that you would like to convey to us that's not --

11 that we haven't discussed?

12 I see we have the continued great work that Avery

13 and Gina are doing on voter education; and, of course, we

14 have Commissioner Chan has joined the Secretary of State's

15 office as their general counsel.

16 Commissioner Chan, can I ask you to just tell us a

17 little bit about your new role with the Secretary's office;

18 and, of course, congratulations.

19 COMMISSIONER CHAN: Thank you, Mr. Chairman.

20 Yeah, I just started Monday, and it's nice to be

21 working outside the home again and kind of getting back into

22 the saddle legally.

23 So the job entails, you know, giving legal advice

24 to the agency; and because of the kind of distinct

25 decoupling of the Secretary's office from the AG's office,

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1 We have an agenda item about that, if it's -- it's

2 okay with everyone, I'm just -- I'm happy to preterm that

3 with this comment: If it went offline, we have not to the

4 best of my knowledge heard any complaints from candidates

5 here at Clean Elections. As I said to the Cap Times this

6 week, my hope is that this turns out not to be a big deal.

7 Obviously the Secretary has started to push back

8 aggressively against candidates who complain, asking them,

9 you know, had -- did you receive our communications on this

10 and that kind of thing which, you know, of course that they

11 had been communicating since they decided to start

12 communicating about the issues, so.

13 So my hope is that folks have the notice that they

14 should have had and have been able to accommodate the issue.

15 That said, it's -- the Attorney General's office had posted

16 a request for complaints, I don't know if they've received

17 any, and I don't know -- and I do know to the best of my

18 knowledge the lawsuit between the Secretary's office and the

19 Attorney General's office remains ongoing.

20 So that is my update on that, Mr. Chairman, if

21 anyone has any questions.

22 CHAIRMAN MEYER: Thank you.

23 I don't have any other questions on the Executive

24 Director's report, do any of the other Commissioners?

25 Seeing none, then I apologize for jumping ahead

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1 here a little bit.

2 The next item on our agenda is Item Number IV, this

3 is discussion or possible action on election voting

4 administration issues, including funding and policy with

5 Coconino County Recorder Patty Hansen.

6 So Commissioners, last month we heard from Cochise

7 County Elections Director Lisa Mara, today we are fortunate

8 to be joined by Coconino County Recorder Patty Hansen. We

9 asked Patty to be here today to discuss challenges facing

10 election officials especially around resources which she has

11 been engaged with at the state and federal level for many

12 years.

13 Patty began her election administration career in

14 1987 when she was appointed to be the Deputy Election

15 Commissioner for Lancaster County, Nebraska. She served in

16 a variety of election posts in Nebraska and Minnesota,

17 including elections administrator for the Minnesota

18 Secretary of State's office.

19 She became the election administrator for Coconino

20 County, Arizona, in 2003, and she was first elected to

21 Coconino County Recorder in 2012 and has held leadership

22 roles in numerous state and national election organizations.

23 So on behalf of all the Commissioners, I want to

24 welcome Ms. Hansen. And as an opening questioning, I wanted

25 to ask her: Based on your experience, how significant are

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1 Coconino County is geographically quite large. Land size,

2 we're larger than I think it's seven U.S. states. So that's

3 one of the challenges we faced.

4 And what we did is we were able to expand the

5 number of ballot dropboxes from two that we've had for way

6 over 30 years in Flagstaff, to 16 other locations throughout

7 the county; and those dropboxes resulted in 45 percent of

8 our early voters return their vote-early ballot through

9 those dropboxes.

10 Now, one of the things with dropboxes, the box

11 itself is not the only (indiscernible). We need to hire

12 people to go out there on a regular basis every day or every

13 other day in teams of two, opposite political party, to

14 retrieve those early ballots.

15 So we've -- we're -- we hired many temporary

16 employees with the funds given to us through the CTCL grant.

17 We used it for motor pool charges, 'cause to drive

18 around this county it takes a lot of gasoline and you need

19 vehicles. We were able to give our poll workers what we

20 called hazard pay I guess is the best way to put it. We

21 were having trouble recruiting poll workers because of the

22 pandemic, so we were able to increase our poll worker pay of

23 \$120 by another hundred dollars. And that may seem like a

24 big increase, but when you consider they're starting usually

25 at 5:00 a.m. and going until 9:00 p.m., that's not an

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1 the resource challenges to Arizona elections today?

2 MS. HANSEN: Well, thank you very much, Chairman

3 Meyer, and thank your -- your fellow Commissioners for

4 letting me come today and visit with you.

5 There's many challenges facing elections

6 administration at the moment, but I think I want to

7 concentrate on the financial challenges.

8 As you heard I've been doing this for a long time,

9 and, in fact, April 1st it will be 35 years I've been

10 involved in election administration. And I know I look way

11 too young to be -- to have done it that long but -- no, just

12 joking.

13 But during that time I had never had enough money

14 to do everything that I felt needed to be done to really

15 have a very successful election and reach out to the people

16 in our county.

17 But what happened in 2020 was the Center for

18 Technology and Civic Life gave us a \$614,000 grant, and that

19 grant I think helped us not only have a successful election,

20 we broke all sorts of records in regards to number of people

21 who registered to vote and voter turnout. And so -- and we

22 did all of this by keeping everything safe and secure.

23 And I just want to give you an idea of what we've

24 spent the money on. We were able to do -- install ballot

25 dropboxes throughout the county. As you're probably aware,

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1 unreasonable amount of money to pay them for their work.

2 We also used it for temporary employees on the

3 Navajo Nation because -- we did not want to put dropboxes on

4 the Navajo Nation because we were really concerned with the

5 increase in early voting, that many of the Navajo voters had

6 not been voting by mail, and we wanted to make sure that

7 they were able to have any necessary language assistance and

8 also to check that that ballot affidavit envelope that Tom

9 mentioned earlier in his talk was actually signed, 'cause if

10 it's not signed we can't count the ballot.

11 We increased security, we were able to -- the

12 security at our Tuba City office. We have Flagstaff

13 satellite mall -- satellite office at the Flagstaff Mall.

14 Our office was closed to the public because of COVID 'cause

15 we don't have -- did not have a large area for people to be

16 able to spread out and vote safely, so we had an office at

17 the Flagstaff Mall.

18 We purchased additional equipment such as laptops

19 and our electronic poll books. And one thing I think that

20 really helped a lot was we did -- ran radio ads and

21 newspaper ads that were specific to the area advertising

22 where these dropboxes were and other information; and for

23 the first time since I've been with the office, which was

24 starting in 2003, we ran those ads in English. We've always

25 had to run them in Navajo because we're under the minority

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1 language provision of the Voting Rights Act, but I think
2 able to reach people in the rural areas of our county, radio
3 was really the best way to do it.
4 So we were very excited about that.
5 We've also received funding in the past and also in
6 2020 from the Help America Vote Act from the federal
7 government, and most of that money that is coming in for
8 specific purposes such as the security grant that we
9 received that we had to use to increase security. And so
10 what we did is we did some -- we had the Department of
11 Homeland Security has people that came and they reviewed our
12 locations and gave us ideas on how we needed to improve
13 things. Like in our lobby area at our main office, it's a
14 big glass, and they said, "Well, somebody could drive right
15 through there." So we bought big boulders -- thank goodness
16 we have a lot of boulders up here in Flagstaff -- and put
17 those up, you know, just as a barrier. Things we didn't
18 even think about.
19 We also have installed camera systems for video
20 surveillance throughout our facilities. We used money to
21 buy a special software that will help us with cyber security
22 through our IT network; and we now have keypad entry to keep
23 track of who is coming and going into areas of our
24 facilities.
25 Now, one of the things with funding and the
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1 of money from the federal government for security, security
2 is -- I don't need funds for security, what would really
3 help is if the State would give us funds to pay for the
4 state voter registration system which is called AVID. The
5 counties have to pay for the system, and coming up with that
6 money makes it difficult.
7 So I've been involved with a group that kind of
8 came out of the CTCL group which was working at the national
9 level for a -- to create -- or ask Congress for \$20 billion
10 over the next ten years for an election infrastructure
11 initiative, and this would be money that would come directly
12 from the local offices instead of going through the state.
13 That was another advantage of the CTCL. When it
14 goes through the state, even at the Secretary of State or
15 through the Governor's office, there's usually politics will
16 come into play unfortunately and it's -- it's -- it makes it
17 difficult for the money to come.
18 Like, there was money available going through the
19 Governor's office in 2020, but it was so burdensome to have
20 to do the weekly reports and everything to get that money,
21 we didn't apply for it. So the Center for Technology and
22 Civic Life is a private organization, it's a nonprofit.
23 It's -- from what I understand, most of it is funded through
24 Mark Zuckerberg and his wife; and that became a political
25 issue because people that don't like Mark Zuckerberg then
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1 difference between the Help America Vote Act funds and the
2 CTCL funds, was CTCL just said "spend it the way you think
3 it will help you the most." The Help America Vote Act funds
4 is usually a specific funds that is like for security, and
5 it's to buy equipment. So, you know, we can buy keypa- --
6 or electronic poll books. Well, electronic poll books don't
7 program themselves and maintain themselves and do the
8 testing and that, so you need people for that. So that's
9 why the CTCL, we used it for hiring people to do what needed
10 to be done.
11 And since I've been involved in election
12 administration I've seen that the majority of the funds that
13 come from the federal government, such as the funds that
14 came originally when the Help America Vote Act was passed,
15 was to buy voting equipment. So we got rid of our punch
16 card system and went to digital, optical scan equipment and
17 touch screen for accessible voting. Again, we bought the
18 equipment but we needed a warehouse, we needed staff that
19 could take care of that equipment, and -- so it's always a
20 blessing to get some money, but we don't always get money
21 where it's needed for election administration.
22 And an example, just at the state level there's a
23 bill, HB 2493, to create an election integrity fund. Well,
24 again, that's to be used for security, and it does say in
25 that that you can have staffing. Well, we've gotten a lot
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1 felt like the money was tainted or was used to be part of
2 what I call "the big lie," which is that there was all this
3 fraud and it threw the elections and the elections in 2020
4 were not secure and accurate.
5 And so the legislature passed a bill that we can no
6 longer accept money -- grant money except from governmental
7 entities such as the federal government or the state
8 government.
9 And the Center -- when I've talked to people there,
10 they really felt like -- you know, they stepped up and did
11 this nationwide; I mean, they gave out millions of dollars
12 across the country to local election offices. And they --
13 they said it's disturbing that we were relying on private --
14 a private organization, even though it's nonpartisan and
15 nonprofit, to fund our elections. Elections are integral to
16 our democracy. And that's why we feel that the
17 infrastructure of our country should include our elections,
18 so that's why we're working on that.
19 I want to thank the Commission. You have been such
20 an important partner to the election officials across
21 Arizona. We -- you have helped us in so many ways and
22 through radio ads or -- like I know you helped us with our
23 voter guide, which is -- we mail out prior to every state
24 primary election, and that's -- we do that to all registered
25 voters to help us clean our list, it's required under the
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1 National Voter Registration Act.

2 I mean, there's so many things that the Commission

3 has helped us with through your mission of educating voters

4 and, like I said, thank you so much. It's -- it's been -- I

5 don't know what we would do without you, truthfully, right

6 now.

7 So I'd be willing to ask (verbatim) any questions.

8 You're probably always hearing "money, money, money, that's

9 what people need," but it's -- we've done some things that I

10 know we're very proud of across the state, and hopefully

11 we'll be able to continue to do things and also in

12 partnership with your Commission. So, thank you.

13 CHAIRMAN MEYER: Well, you're very welcome. Thank

14 you. Thank you for that. That was a lot of information, I

15 appreciate that.

16 I did have one question and I think -- I thought I

17 heard you say that there were some state funds available but

18 the reporting requirements were so onerous that -- that you

19 had decided not to apply for them or your office did. And I

20 guess did I hear that right; and, two, if I did, can you

21 tell me a little bit more about that?

22 MS. HANSEN: Yeah, it was through the -- because of

23 the pandemic it came -- it was part of the CARES Act --

24 CHAIRMAN MEYER: Okay.

25 MS. HANSEN: -- in regards to funding. And it

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1 COMMISSIONER CHAN: Thanks, Mr. Chairman.

2 Hi, Patty. It's so good to see you. And you were

3 so informative, as always. And I love hearing exactly how

4 many years you've been doing this because it just, you know,

5 solidifies everything for me about why you are such an

6 expert and do such an incredible job.

7 I did have a few questions and you touched on these

8 issues and -- and so did the Chairman, but what do you

9 think -- do you have any idea of what the likelihood is of

10 getting federal funding that your group is asking for? And

11 can you reiterate for me how much money you're asking for,

12 and you said over ten years I think.

13 MS. HANSEN: Yes, it is 20 billion, with a B. I

14 know it's kind of "oh," but it's nationwide and it's over

15 ten years.

16 And we -- there's -- I think the last I read there

17 was 80 cosponsors on the bill. I know Representative

18 O'Halleran, our representative, has signed onto it and I

19 think a couple other Arizona representatives have.

20 It -- it depends. You know, anything getting

21 through the U.S. Congress is difficult, but there does seem

22 to be a strong support. They did some national polling --

23 and, in fact, I'm going to be sitting in on a meeting next

24 week, the results of the polling -- but they're finding

25 strong bipartisan support for funding elections. So I'm

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1 went -- that money had to go through the Governor's office

2 from what I understand to be doled out, and the Governor's

3 office put in place some requirements that made it, like, a

4 weekly reporting that made it difficult when you're in a --

5 you know, a big crunch for the elections.

6 Typically what we did when it goes to the Secretary

7 of State's office is we submit our grant application, and

8 then after the elections we submit a report of what we've

9 spent it on and how -- and that -- but this was a little bit

10 more burdensome-reporting type thing to go through.

11 CHAIRMAN MEYER: Yeah, and I think you said you got

12 a security grant. Was that through the federal government

13 or was that a state -- a state fund?

14 MS. HANSEN: That was the federal government, it

15 was through the Help America Vote Act. And that came

16 through the Secretary of State's office.

17 CHAIRMAN MEYER: Okay. Okay.

18 MS. HANSEN: And we applied to them and they then

19 gave us the money.

20 CHAIRMAN MEYER: Great.

21 Okay. Do any other Commissioners have any other

22 questions for Ms. Hansen while she's here?

23 COMMISSIONER CHAN: I do.

24 CHAIRMAN MEYER: Go ahead, Ms. -- Commissioner

25 Chan.

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1 feeling optimistic about it right now.

2 COMMISSIONER CHAN: Great.

3 MS. HANSEN: So -- and it's good to see you, too.

4 COMMISSIONER CHAN: Thank you.

5 MS. HANSEN: Yeah, and congrats on your new

6 position. I look forward to -- hopefully I won't have to

7 bother you too much in that role.

8 COMMISSIONER CHAN: You're never a bother. Happy

9 to talk to you any time.

10 MS. HANSEN: Thank you.

11 COMMISSIONER CHAN: I didn't realize it was a bill

12 already, so that's -- I mean, to me that's already huge

13 progress. I thought it was more of an idea that you guys

14 were pursuing, so that's fantastic news.

15 And, you know, you kind of touched on this as well

16 but, you know, how receptive are our state legislators to

17 any additional funding for elections and, you know, voter

18 education and that sort of thing, if you can kind of talk to

19 us about that.

20 MS. HANSEN: Well, in the security area I think

21 there is support. Like, there was money attached to a bill

22 that -- that would have required us to use a certain type of

23 paper with holographic images and a lot of different things

24 in it. There was money attached -- if that had passed would

25 have been attached to that we could use to offset because

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1 the cost was going to triple or, you know, really increase
 2 if we had to go to that kind of paper.
 3 So when it's things dealing with preventing fraud,
 4 it seems like there is support now in the legislature.
 5 But I really do feel that that is an area where we
 6 are really being funded well at the national level through
 7 the Help America Vote Act.
 8 So the pandemic I think -- I mean, if anything
 9 could come out of such a tragic thing -- did open up some of
 10 the doors for us to get some funding in regards to, you
 11 know, personal safety such as the sneeze guards and things
 12 like that. So I think we're doing pretty good there.
 13 But otherwise, I don't see too much interest in
 14 providing money to the counties like for staffing issues.
 15 Staffing I think you'll find across the state is the hardest
 16 thing for us, 'cause as things become more technical you
 17 need staff with special skills and training and expertise.
 18 It's not like we could just hire now, you know, any -- go to
 19 a temp service and hire anybody to come in and do a lot of
 20 these things, so.
 21 And we -- we ran background checks on people, too,
 22 and that's a little bit extra costs there, so.
 23 COMMISSIONER CHAN: I think, you know, one thing
 24 you mentioned and I did hear you say this in your original
 25 discussion that you gave us, is that, you know, our state
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1 can expand that out. I always refer people to your website
 2 and to the debates and that.
 3 But I know working with Gina has been very, very
 4 helpful. And now that I'm thinking, I should probably get a
 5 list when you have those debates in place to have it posted
 6 on our website, too, and so that we can get that information
 7 out more.
 8 But yeah, the education part I think.
 9 And I know people are wanting to be more involved
 10 and learn about elections, and I've thought about up here
 11 doing what I call kind of an election college, kind of a
 12 take on the electoral college. But during the off years to
 13 do an education kind of program of the basics of how
 14 elections work, 'cause a lot of people don't realize all of
 15 the steps we go through to keep things secure, such as
 16 following the ballot. I know Yavapai has a good program on
 17 that where, you know, when the early ballot comes in, you
 18 know, we count them all, we record the count; when we're
 19 processing we make sure that we've processed all of them.
 20 And, you know, there's lots of things involved that
 21 I think, you know, may be something that the Commission may
 22 want to look at, just teaching basic elections
 23 administration basics.
 24 Sorry, I'll give you more work.
 25 But, you know, but -- but partner with the local.
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1 legislature seems willing to provide money for election
 2 security. And -- and, frankly, I would agree with what I
 3 think I heard you say which is our election security is
 4 already top notch. And that's not to say there can't be
 5 improvements ever, but I think that, you know, part of the
 6 problem with "the big lie" was -- was convincing people that
 7 there was actual fraud that was a problem, when in reality
 8 that is -- that is not a problem in any way, shape, or form.
 9 I mean, we all know that sometimes people have bad
 10 intent and get through with voting, you know, maybe in more
 11 than one state, for example, but that's very, very rare.
 12 So I -- I appreciate what you've told us.
 13 I did have a question and this is about voters.
 14 You know, do you think there's anything that you can
 15 recommend for voters as far as how we communicate to voters,
 16 you know, about how they can stay involved in these
 17 processes?
 18 I mean, that's kind of always the -- the rub for
 19 us, right? Getting voters engaged and maintaining that. If
 20 you have anything to offer on that, I'd love to hear it.
 21 MS. HANSEN: I think continuing the education part.
 22 I know through the years one of the most frustrating things
 23 for me is when people ask, "Where can I find information on
 24 candidates that's unbiased?" And, you know, you're
 25 fulfilling that role in a lot of ways, but as much as you
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1 And two, it's confusing. I -- I always know when
 2 something goes wrong or there's an issue -- not going wrong,
 3 but an issue in Maricopa County, 'cause my phones start
 4 ringing off the hook that they think it's here. And it's
 5 like, no, that's not our county. But, you know, how -- it's
 6 hard right now.
 7 And another problem we have that I don't know how
 8 to solve is at NAU they sign people up for the
 9 provisional -- I mean, not provisional, for early ballots,
 10 students never pick 'em up. We get trays of ballots back
 11 after the election that were never picked up by the voters.
 12 And so, you know, how do you engage and reach people that --
 13 a generation that doesn't even use snail mail at all. And
 14 it's like: Oh, I have a post office box? I didn't know I
 15 have a post office box.
 16 So things like that I guess.
 17 I'm sorry, I'll just ramble on.
 18 COMMISSIONER CHAN: Thank you.
 19 CHAIRMAN MEYER: I have a question as far as you
 20 talked about, you know, administration issues and, you know,
 21 Mike had mentioned earlier about, you know, this bill that's
 22 proposed to count all the ballots in 24 hours.
 23 Can you kind of speak to that, is that possible to
 24 do? What type of challenges would that present to Coconino
 25 County to try to do that?
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1 Can you maybe shed some light on that or share your
2 thoughts with us on that type of provision?
3 MS. HANSEN: I don't know how we would do it in
4 Coconino County. It's -- like I mentioned earlier for poll
5 workers, they're working 5:00 a.m. until about 9:00 p.m.
6 We're going to ask them to stay another -- I mean, I would
7 say it's going to be another, you know, five or six hours to
8 count a general election ballot. There are so many errors
9 in hand counting.
10 And to get things -- I mean, you can't just do the
11 marks for the ballots, I've seen -- in counting. I've seen
12 people in that -- during our post-election hand audit you
13 have to do stacking method, which is you separate. So you
14 do I guess governor and then do that race, and then you have
15 to do attorney general and then that race. I mean...
16 And it -- contrary to what people believe, we don't
17 have people coming out of the woodwork that want to work for
18 us as poll workers.
19 And I just can't even imagine Maricopa County, how
20 you could do almost two million or one and a half million
21 ballots by hand.
22 I have seen when I worked in Nebraska there was
23 still several counties that -- small counties that tabulated
24 by hand their votes and I would see mistakes. Numbers would
25 be recorded, you know -- numbers transposed and -- I don't
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1 physical things that you need other than that?
2 MS. HANSEN: I would say right now it's people. We
3 need to really beef up our training programs.
4 What some people call fraud is human mistakes. I
5 don't know anything else where we have made an election
6 system so complicated for our poll workers that we expect
7 them to work this long day after having only two to
8 four hours at the most of training and have it be error
9 free.
10 I mean, you've got provisional ballots; you've got,
11 you know, touch screen voting equipment; you have electronic
12 poll books; it's ID checking. And I probably shouldn't say
13 this, but I always say it after every election, it's a
14 miracle that it works as well as it does; and it's because
15 our poll workers are so dedicated they do want to do it
16 correctly. But we just I don't believe supply them enough
17 to make it so they can actually learn all of that in detail.
18 And with money I think we could expand that
19 education program for training them and giving them the
20 supplies. I mean, I don't know about you, but I -- if I'm
21 shown a new software program and it's four weeks before I'm
22 going to even touch the equipment, and -- I will probably
23 not remember everything they taught me four weeks prior. So
24 how can we improve that they know how to use everything and
25 follow the proper, you know, procedures? So it's...
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1 know. It's -- if you want accuracy, you do not do it by
2 hand.
3 And you know, yeah, I'd like to give the legislator
4 a big stack of like 500 ballots that are marked and ask him
5 to tabulate it by hand to see what is involved. I mean,
6 it's easy if we only had one question on the ballot maybe,
7 you know, one race.
8 But I just don't see how it can be done. I really
9 don't.
10 COMMISSIONER CHAN: Well, we saw how long it took
11 for the ninjas to do two races, so.
12 MS. HANSEN: True.
13 CHAIRMAN MEYER: All right. Any other
14 Commissioners have any questions for Ms. Hansen?
15 COMMISSIONER KIMBLE: Mr. Chairman, this is
16 Commissioner Kimble.
17 CHAIRMAN MEYER: Go ahead, Commissioner Kimble.
18 COMMISSIONER KIMBLE: Ms. Hansen, thank you very
19 much for your -- for your information, I learned a lot from
20 what you said.
21 I just had one question. You -- you talked about
22 using funds for security, for ballot dropboxes. If you were
23 to get some funds without onerous restrictions placed on
24 them, what's your greatest funding need now?
25 You mentioned people. Is that it or are there some
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1 That's why a lot of election officials want to go
2 to voting by mail because voting by mail takes the poll
3 workers out of it, the process, and you have trained staff
4 that is actually doing things. And it's much easier for us
5 to train our staff. We can say: You're going to have to be
6 trained for, you know, a week. You can't tell a poll worker
7 they have to attend a five-day training session unless
8 you're going to pay them a lot of money, so.
9 COMMISSIONER KIMBLE: Thank you.
10 MS. HANSEN: Thank you.
11 CHAIRMAN MEYER: Mr. Paton, you have any questions?
12 COMMISSIONER PATON: Well, I just -- I guess I just
13 have some observations. And it gratifies me to know that
14 our education programs have -- have been so beneficial in
15 ways that who would have thought, you know, that they could
16 be so helpful to the Recorders and the, you know -- it just
17 is gratifying to know that we have such an impact.
18 Sometimes, you know, we -- we are in these meetings
19 and we think that we're doing good, but this just points
20 out how -- how well we have improved things.
21 So thank you for your -- for being such a
22 professional and -- and, you know, hopefully we can help in
23 other ways, that we can think of other ways. And if you can
24 think of ways that we can help that we're not doing, let the
25 staff know.
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1 Thank you.

2 MS. HANSEN: Thank you very much.

3 CHAIRMAN MEYER: Thank you, Commissioner Paton.

4 Anyone else?

5 Commissioner Titla, do you have any questions or

6 comments?

7 (No response.)

8 CHAIRMAN MEYER: I see you're on mute.

9 Okay. Well, Patty, I really want to thank you for

10 joining us, I learned a lot this morning; it was very

11 helpful.

12 Unless anyone else has any further questions, we

13 are going to move on to our next agenda item. But I guess

14 last chance for anyone for more questions?

15 Okay. Thank you so much, Patty. We really, really

16 appreciate it.

17 MS. HANSEN: Thank you so much. Take care.

18 CHAIRMAN MEYER: You, too.

19 Okay. Now we're going to move on to Agenda Item

20 Number V, which is discussion and possible action on

21 CV2021-007328, The Power of Fives, LLC v. Sloan, et al.

22 For my other Commissioners, staff has scheduled

23 this agenda item in order to discuss a request from

24 Mr. Sloan and his attorney related to a contract action

25 between Mr. Sloan and a limited liability company called The
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1 Mr. Sloan was a client of TPOF in 2020 elections.

2 You may recall we had an enforcement action related to him,

3 we did a repayment order, and then in December we resolved

4 the enforcement action as it relates to Mr. Sloan.

5 Mr. Sloan has a -- had a contractual relationship

6 of some kind with The Power of Fives company; they went

7 through an arbitration procedure, that then was converted

8 into -- well, that -- that subsequently turned into a

9 judgment that Mr. Sloan is seeking to appeal from.

10 By way of background, when this arbitration arose,

11 we -- we were subpoenaed -- I was subpoenaed to testify at

12 that, and with the help of the -- with the help of Kara and

13 the Attorney General's office we had that subpoena quashed.

14 The -- and I will -- the issue that was presented

15 to us and that we brought before you out of an effort to

16 ensure that there is transparency in this and -- and to

17 ensure that we don't have any additional extraneous issues,

18 is whether or not the Commission would file some form of

19 amicus brief or something in -- in this appeal from this

20 judgment related to the -- whether or not because there was

21 an enforcement action brought in this, that the -- that

22 there is a public policy argument for why this judgment

23 shouldn't be enforced.

24 I would leave it there. Before we -- before I hand

25 it back to Mr. Chairman, I would suggest if there's anything
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1 Power of Fives who we've discussed before.

2 I'm going to ask Tom to give us a little bit of

3 background on this item and then I will call on Mr. Sloan or

4 his counsel.

5 Tom, let's hope for the best here.

6 MS. COADY: Good morning, Chairman Meyer and

7 members of the Board. Before Tom begins, I wanted to let

8 you know that this is Monique Coady, I'm the Board's

9 independent advisor -- on previous matters I have advised

10 you, and on this particular agenda item today I am your

11 independent advisor. If you have any legal questions at all

12 or want to go into executive session, I will be your

13 attorney, not Kara, on this agenda item only.

14 Thank you.

15 CHAIRMAN MEYER: Thank you, Ms. Coady. Thank you

16 so much.

17 Tom?

18 MR. COLLINS: Yes. Mr. Chairman, Commissioners or

19 -- yeah.

20 So briefly to give you the background here, as you

21 know -- and we did provide notice to TPOF to make sure they

22 were aware of this hearing -- we have an ongoing

23 enforcement-related action with this TPOF limited liability

24 company, and we have ongoing litigation in Superior Court

25 with this TPOF company.
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1 I missed here, Kara is essentially the staff attorney for

2 lack of better way of putting it on this item, so if there's

3 anything that I missed that I need to -- I do -- I need to

4 defer to her on, any blanks I need to fill in before.

5 So Mr. Chairman, if you want to ask her that before

6 you hand it off, that might be a good idea.

7 And I hope everybody heard me. I'm trying the

8 phone here now.

9 CHAIRMAN MEYER: No, we did. We did hear you and I

10 appreciate that, Tom.

11 And I don't know, Ms. Coady, do you have anything

12 to add to what -- what Tom said there, or should I turn this

13 over to Mr. Sloan or Mr. Stanley I believe is his counsel?

14 MS. COADY: I believe Mr. Collins wanted to verify

15 with Kara as the staff attorney for Clean Elections whether

16 she had anything to add to his summary before you turn it

17 over. So I would offer Kara Karlson the opportunity right

18 now if she wanted to add anything.

19 CHAIRMAN MEYER: Thank you.

20 MS. KARLSON: Yes, thank you.

21 Mr. Chairman and Commissioners, I think Mr. Collins

22 hit all of the key procedural points about where the various

23 parties stand and where we stand in regards to -- to all the

24 various parties and the different suits and enforcement

25 actions that are either pending or have been resolved.
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1 So unless -- do you have any specific questions or
 2 any Commissioners have specific questions on that before you
 3 proceed to opening it up to anyone else, I'm -- I'm
 4 available to answer them.
 5 CHAIRMAN MEYER: Yeah, I don't -- I don't have any
 6 additional questions.
 7 Do any of the other Commissioners have any
 8 questions?
 9 (No response.)
 10 CHAIRMAN MEYER: Okay. So now -- is now the time
 11 for a statement from Mr. Stanley or Mr. Sloan?
 12 MS. COADY: Absolutely.
 13 CHAIRMAN MEYER: 'Kay. Okay.
 14 Mr. Stanley, Mr. Sloan, I leave it to whichever one
 15 of you wants to address the Commission.
 16 MR. STANLEY: This is --
 17 MR. SLOAN: Thank you, Chairman. I'll speak
 18 briefly and then I'll introduce Mr. Stanley who is
 19 representing me in this matter.
 20 As the Commission knows, the background on this has
 21 been going on for approximately two years. This --
 22 Mr. Stanley is here specifically to speak to the legal
 23 arguments with regard to the public policy question that's
 24 being put in front of the Court, so I'll turn it over to
 25 Mr. Stanley.

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1 court would say, well, there's a public policy issue here,
 2 let's hear from this interest -- this body of interest,
 3 because an appellate decision is going to be reported, it's
 4 going to be the law that all the judge -- judges have to
 5 follow; and the positions of the parties who are simply
 6 litigating, generally speaking about money, don't
 7 necessarily reflect all of the policy considerations that
 8 the new law made by a decision in the case might -- might
 9 affect.
 10 So that was the original -- origin. It's become
 11 more formalized, of course, over the years.
 12 In Arizona all state agencies have a right to
 13 present themselves as amici curiae, "friends of the court."
 14 And other agents -- other parties, individuals, agencies,
 15 groups, associations, have to apply to the court in each
 16 case and say: We are whoever we represent or whatever
 17 interest we represent, and we think the court should have
 18 the benefit of our perspective on these issues, and then the
 19 Court decides whether it -- it thinks that is appropriate or
 20 not.
 21 But as a -- as a state agency you don't have to
 22 take that step.
 23 I think it's appropriate for the Commission to
 24 allow its attorneys to monitor what's going on in the
 25 appeal, what the issues in -- in Mr. Sloan's appeal are, and

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1 MR. STANLEY: This is Brian Stanley speaking for
 2 Eric Sloan.
 3 Eric Sloan has appealed from the judgment in the
 4 Superior Court case so it's now going to be in the Court of
 5 Appeals.
 6 The fact that there's an investigation or a
 7 charge -- a complaint actually -- still pending to which The
 8 Power of Fives has responded with a lawsuit keys up the fact
 9 that there is a controversy there, a controversy that
 10 basically revolves around the legality of the arrangements
 11 that Power of Fives is making with prospective clean
 12 elections candidates; and I assume is still trying to make
 13 with or will in the future continue to try to make.
 14 And I don't need to go into the issues that the
 15 Clean Elections Commission has with the -- with the Power of
 16 Fives' contract 'cause that's already the subject of the
 17 lawsuit, but we're talking about what the Commission might
 18 be interested in doing with respect to the pending appeal.
 19 So let me just start out with a brief overview of
 20 the amicus curiae process. Amicus curiae, as you probably
 21 all know, means "friend of the court." And it's a long
 22 tradition that appellate courts, in the old days they would
 23 take the initiative or spontaneously reach out to specially
 24 interested public bodies to get perspective, whether it will
 25 be a private trade association or a government agency, the

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1 how they affect the perspective of the Commission as -- as
 2 it involves the same issues that it's litigating with The
 3 Power of Fives in the -- the action.
 4 I mean, they're unrelated actions except that the
 5 policy considerations that the Commission thinks are
 6 important may be affected by a decision in the -- in
 7 Mr. Sloan's case, and the Commission has the right to get
 8 its perspective before the appellate court for that reason.
 9 So I think it's appropriate for the Commission to
 10 authorize its staff attorneys to monitor and to make
 11 recommendations as to whether the Commission should file an
 12 amicus. The brief of an amicus doesn't have to 100 percent
 13 support the position of any party in the appeal, it can just
 14 be limited to saying, well, we are such and such a
 15 Commission and our interest is, you know, in clean
 16 elections, and here's our perspective on this particular
 17 legal point or points that are at issue in the -- in the
 18 appeal.
 19 And that -- the amici get to see all the briefs,
 20 they're kind of the last party to be heard when the -- when
 21 amici are involved in an appeal, because they -- their
 22 briefs aren't due until after the last briefs of the parties
 23 themselves.
 24 So I'm estimating that it will be something in the
 25 neighborhood of 90 days, probably maybe a little bit more,

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1 that a decision to present an amicus brief or not would have
 2 to be made. So what I think the Commission can do at this
 3 point is authorize the staff attorneys to -- to monitor the
 4 case, the appeal for that purpose, and to make a
 5 recommendation after the briefs are filed, the parties'
 6 briefs are filed, as to whether the Commission wants to --
 7 to submit an amicus brief.

8 And I have to defer to the knowledge of the -- of
 9 the staff attorneys in terms of whether they would also need
 10 to coordinate with the Attorney General's office in terms of
 11 the actual preparation of a brief, but for the staff to be
 12 authorized to -- to initiate those communications if
 13 necessary or to prepare a recommendation as to the
 14 presentation of an amicus brief at -- when the time comes.

15 MR. SLOAN: Mr. Chairman, if I can just add
 16 something here?

17 CHAIRMAN MEYER: Mr. Sloan, go ahead.

18 MR. SLOAN: You know, as I've said before, I'm not
 19 an attorney and I'm at quite the disadvantage because there
 20 are a lot of attorneys on this call, but the primary issue
 21 here is whether or not this arbitrator in her ignoring of
 22 the public policy and the policy of the Clean Elections
 23 Commission will be codified in or would be equivalently
 24 be -- well, would be case law. Right? That it would
 25 basically create a pathway for this to continue -- not only

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1 And in my opinion, that pendulum has swung too far,
 2 especially where public policy issues are concerned.

3 It's very common for companies of various kinds to
 4 have arbitration clauses in their contracts. If you are
 5 going to be involved with their services, you have to in
 6 effect sign their form that says you can't go to court, if
 7 there is a dispute it's going to go to arbitration. That
 8 kind of a clause was in The Power of Fives' contract that
 9 they presented to Mr. Sloan and that's why a court has not
 10 actually been heard on the whole issue of the legality of
 11 The Power of Fives' contract.

12 So it's -- it's a problem for the appeal that
 13 courts have adopted such a deferential attitude toward the
 14 arbitrator. In effect, the court could say, well, public
 15 policy can be disregarded by the arbitrator and, sorry, the
 16 courts can't do anything about it; and then as long as you
 17 have operators like Power of Fives that have arbitration
 18 clauses in their form contracts, you're never going to get a
 19 court to say whether their contract was legal or not legal,
 20 it will always be arbitrators.

21 But anyway, that's one of the -- the issues
 22 involved in Mr. Sloan's appeal, but it's also a matter of
 23 concern I would think to the Commission. If there's ever
 24 going to be a chance to address some of these concerns in a
 25 judicial context, the only way for the Commission to have

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1 to happen in this situation but to continue to happen in
 2 other situations moving forward.

3 And so, you know, as we've talked about before, the
 4 Commission has made it very clear that the public policy has
 5 been violated in this situation. There was a repayment
 6 order because of the violation; I've taken responsibility
 7 for the violation. You know, we -- you know, we have a
 8 company that continues to want to violate the public policy
 9 and the will of this Commission, and this -- this appeal is
 10 going to be on a variety of issues but specifically to the
 11 public policy arguments with regards to how it is applied in
 12 this case and in future cases.

13 Thank you.

14 CHAIRMAN MEYER: Mr. Stanley, do you have anything
 15 to add after Mr. Sloan made those comments?

16 MR. STANLEY: Yes. The -- the implications as to
 17 future cases is going to be there, especially if the Court
 18 of Appeals opinion is reported.

19 You know, it used to be -- when I was first called
 20 to the Bar, oh, sometime before the flood, courts were
 21 hostile to arbitration especially where public policy issues
 22 were involved. That has changed completely during my career
 23 to a place where the courts are extremely deferential to
 24 arbitration. Basically it takes something off of their
 25 plate and leaves it in somebody -- a private party's lap.

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1 its perspective heard may be through an amicus brief and in
 2 a case of this kind.

3 CHAIRMAN MEYER: Okay. Thank you, Mr. Stanley.

4 I -- I don't have any questions for Mr. Stanley or
 5 Mr. Sloan.

6 Do any of my fellow Commissioners have any
 7 questions?

8 (No response.)

9 CHAIRMAN MEYER: Okay. All right. Hearing none, I
 10 guess I would suggest that we do a very brief executive
 11 session to speak with Ms. Coady on this request. I don't --
 12 we don't need a motion for that, I think we can just -- I
 13 can call that, correct, Tom?

14 MR. COLLINS: Mr. Chairman --

15 MS. COADY: I'm sorry, an executive session does
 16 require a motion and it requires a majority vote to go into
 17 executive session.

18 CHAIRMAN MEYER: Okay. I had that wrong, I
 19 apologize.

20 MR. COLLINS: You can -- you can adjourn it. You
 21 can adjourn it yourself.

22 CHAIRMAN MEYER: I can adjourn it, I just can't
 23 start it.

24 Great. Thank you.

25 COMMISSIONER CHAN: Mr. Chairman?

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1 CHAIRMAN MEYER: Yes.

2 COMMISSIONER CHAN: I move that we go into

3 executive session to discuss this as you said.

4 CHAIRMAN MEYER: All right. I have a motion. Is

5 there a second?

6 COMMISSIONER KIMBLE: Commissioner Kimble. Second.

7 CHAIRMAN MEYER: Great.

8 MS. COADY: I -- I'm sorry, I just want to be clear

9 that the motion is to go into executive session to receive

10 legal advice on this -- this matter?

11 COMMISSIONER CHAN: Yes.

12 CHAIRMAN MEYER: Thank you.

13 COMMISSIONER CHAN: Thank you.

14 CHAIRMAN MEYER: Okay. So we have a motion that --

15 and we have a second, so now we'll take a vote. We're going

16 to do the roll-call vote.

17 Ms. Chan.

18 COMMISSIONER CHAN: I vote aye.

19 CHAIRMAN MEYER: Mr. Kimble.

20 COMMISSIONER KIMBLE: Aye.

21 CHAIRMAN MEYER: Mr. Paton.

22 COMMISSIONER PATON: Aye.

23 CHAIRMAN MEYER: Mr. Titla.

24 COMMISSIONER TITLA: Aye.

25 CHAIRMAN MEYER: And I'll vote aye as well.

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1 from 10:44 a.m. until 11:06 a.m.)

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3 * * * * *

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5 (Whereupon all members of the public are present

6 and the proceeding resumes in general session.)

7 CHAIRMAN MEYER: Okay. We are back. Is everyone

8 else still there?

9 MS. HERRING: We are here.

10 CHAIRMAN MEYER: And do I need to reopen the

11 meeting or do we just...

12 MS. COADY: You could announce the time, the

13 meeting -- we're out of executive session and the meeting is

14 reconvening at 11:06 a.m.

15 CHAIRMAN MEYER: Okay. So this Damien Meyer, we

16 have ended our executive session.

17 It's now 11:07 by my watch and we are back in

18 general session.

19 We did -- we did have executive session and

20 obtained advice from counsel.

21 I just wanted to comment briefly on the request and

22 that is, you know, I -- I think the Commission has made its

23 position clear on -- on our record regarding your position

24 as to the dispute between Mr. Sloan and Party of Five

25 (verbatim); there are ongoing proceedings between the

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1 So that motion passes 5-0. We're going to go into

2 executive session.

3 It's been a while since we've done this on --

4 virtually. Do we end the meeting? How do we -- how do we

5 do this?

6 MS. HERRING: The live stream will continue and

7 those that are to participate in the executive session will

8 receive an invitation to join a breakout room.

9 So just to confirm, I have Monique, the

10 Commissioners, our court reporter, and Tom Collins.

11 Is there anyone else that should be joining the

12 executive session?

13 MS. KARLSON: Tom should not be joining the

14 executive session.

15 MS. HERRING: Thank you.

16 Okay. So then everyone, as I mentioned, will

17 receive an invitation to join the breakout; the live stream

18 will continue on Zoom for those staying in this Zoom

19 meeting; and once those return from the breakout room we can

20 go ahead and continue the meeting.

21 MS. COADY: So do we need to leave this meeting

22 before we join the breakout?

23 MS. HERRING: No. So those invited will see an

24 invitation to a breakout room, so I'll open that right now.

25 (Whereupon the proceeding is in executive session

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1 Commission and Party of Five, and at the time I don't think

2 it's appropriate for the Commission -- or in the interest of

3 the Commission to consider filing an amicus brief.

4 So at this time I -- you know, I don't -- I don't

5 think this is something that the Commission should get

6 involved in. That's my position and I open it up to any

7 other Commissioners if they want to question me on that or

8 have a -- you know, offer their own opinions but that's

9 where I am.

10 And if no one else has anything to offer I'm happy

11 to entertain a motion.

12 COMMISSIONER CHAN: Mr. Chairman, I'll just have a

13 -- make a brief comment and then, you know, as you

14 mentioned, let the other Commissioners if they wish to make

15 a statement.

16 You know, I would echo what you said. My concerns

17 today are twofold. I don't want to give Mr. Sloan and his

18 counsel, you know, false hope of how I'm viewing things

19 today because, you know, if we continued this, I think there

20 might be a belief on their part that we would -- and I don't

21 know how the vote is going to go, but for myself I don't

22 think I would support an amicus brief filing going forward

23 based on what we've heard today; and, you know, that's

24 something that is the result of thinking about the

25 Commission's interest, the pending cases that we've had and

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1 have going on, and just the fact that it's not something
 2 that would be consistent with what the Commission has done
 3 in the past, you know, to -- to my experience being on the
 4 Commission.
 5 I think it would be unusual for an amicus brief and
 6 I just don't believe it's our role to do so, even though I
 7 appreciate the arguments that Mr. Sloan and Mr. Stanley have
 8 made today.
 9 But I -- I believe that perhaps our transcripts
 10 could be of help to them in their case. I mean, this is all
 11 public record of what has occurred, and if they wish to use
 12 that in their arguments, certainly Power of Fives may wish
 13 to use it in their arguments, I don't know. But that --
 14 that's my feelings as of right now.
 15 CHAIRMAN MEYER: Thank you, Commissioner Chan.
 16 Any other Commissioners have any comments or can I
 17 entertain a motion?
 18 COMMISSIONER CHAN: If there's no comments, I will
 19 make a motion that --
 20 CHAIRMAN MEYER: Go ahead, Commissioner Chan.
 21 COMMISSIONER CHAN: -- that based on the current
 22 information we have, not to file an amicus brief in this
 23 matter.
 24 CHAIRMAN MEYER: Okay. Just so I understand the
 25 motion, your motion is: Based upon the current information
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1 CHAIRMAN MEYER: Commissioner Kimble.
 2 COMMISSIONER KIMBLE: Aye.
 3 CHAIRMAN MEYER: Commissioner Paton.
 4 COMMISSIONER PATON: Aye.
 5 CHAIRMAN MEYER: And Commissioner Titla.
 6 COMMISSIONER TITLA: Aye.
 7 CHAIRMAN MEYER: And I vote aye as well.
 8 So we have the motion carries 5-0.
 9 So with that we'll move on to Agenda Item
 10 Number VI, which we've already I think sort of discussed a
 11 bit, but that is discussion and possible action on 2022
 12 legislative bills on the topics of elections, voting,
 13 administration, and campaign finance.
 14 Today is actually the 74th day of the legislative
 15 session. You may have read recently that a number of
 16 election bills have stalled in the State Senate, but there
 17 are still a number of measures out there that raise
 18 concerns. Staff has a brief update, and if there's any
 19 questions we'll ask those after the update.
 20 And I apologize for -- for my eagerness earlier to
 21 jump ahead on this topic. But please enlighten us, staff
 22 members.
 23 MR. COLLINS: Yes, Mr. Chairman, Commissioners. As
 24 you -- as Mr. Chairman, as you noted, you know, there are a
 25 number of bills and I think Julian has done a good job of
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1 before the Commission, you move that the Commission not file
 2 an amicus brief in this pending litigation, Sloan v.
 3 Party -- sorry --
 4 COMMISSIONER CHAN: Power of Fives.
 5 CHAIRMAN MEYER: Power of Five (verbatim), thank
 6 you.
 7 Do I understand your motion correctly?
 8 COMMISSIONER CHAN: That is exactly what I wish to
 9 convey.
 10 CHAIRMAN MEYER: Okay. And just to clear that
 11 motion up, I'm sorry.
 12 The motion is, Amy, that based on the information
 13 available now, you move that the Commission not file an
 14 amicus brief in the action of The Power of Fives, LLC versus
 15 Sloan; is that correct?
 16 COMMISSIONER CHAN: Correct.
 17 CHAIRMAN MEYER: Okay. Is there a second to that
 18 motion?
 19 COMMISSIONER KIMBLE: Mr. Chairman, this is
 20 Commissioner Kimble. I second the motion.
 21 CHAIRMAN MEYER: Okay.
 22 Okay. We have a motion and then we have a second.
 23 So we'll go ahead and vote and I'm going to call the roll.
 24 I'm going to start with Commissioner Chan.
 25 COMMISSIONER CHAN: I vote aye.
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1 compiling. I think there was something like 14 bills that
 2 failed on the floor of the Senate in the last two weeks,
 3 many of which were of -- of I think significant concern to
 4 the Commission, certainly to the election administratives
 5 (verbatim) and county recorders of the state.
 6 That said, I wanted to highlight a couple of bills
 7 specifically for you. One I think Mike mentioned and we can
 8 circle back to, is this -- the bill that's now offered to
 9 strike in the Senate, this is what I think -- I don't know
 10 who did it, but dubbed the "Kraken Bill." This is the sort
 11 of notion that the sponsor said his intention was to bring
 12 elections back to 1958, which for those of us who, you know,
 13 have a history and know a little bit about history, that is
 14 before, you know, basically the Voting Rights Act, and
 15 that's what the implication of that statement is clearly and
 16 obviously.
 17 That bill, however, as, you know, County Recorder
 18 Hansen articulated, in addition to raising a number of
 19 obvious civil rights issues and -- and issues of fair law
 20 also, just doesn't work. It is literally unworkable.
 21 When -- when the county -- County Association's Lobbyist Jen
 22 Marson testified on it this week, you know, she basically
 23 told the Senate that it would be impossible -- and it would
 24 be impossible -- to count -- count votes by hand at the
 25 precinct level in 24 hours.
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1 I mean, it's a -- it's -- it's monumentally stupid.

2 My hope is that knowing that this would destroy the

3 entire election process, that the Senate will not pass it

4 out and that certainly the Governor won't -- wouldn't sign

5 it. But we are keeping an eye on it; obviously it was a

6 bill that was dead in the House and got revived.

7 The -- the other bill I think that is worth

8 pointing out and it's timely and I do have a request about

9 it, there's a bill called House Bill 2492. House Bill 2492

10 does a number of things related to proof of citizenship.

11 By way of background, in 2004 voters passed at the

12 ballot a referendum placed on the ballot by the legislature

13 that created a requirement for a voter ID provision in our

14 state law and additionally created a -- what is referred to

15 as documentary proof of citizenship requirement for voters

16 seeking to register to vote.

17 Just, you know, as a side note, you know,

18 Commissioner Chan, when she was election director and my- --

19 and when I was an attorney at the Attorney General's office,

20 were both involved in litigating this issue for years.

21 We -- the bill, 2492, seeks to revamp this

22 provision particularly around the citizenship proof issue,

23 and it has some really deeply problematic components.

24 Whereas in 2004 when voters passed this initiative, they

25 expressly determined that people who had received their --

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1 bill.

2 I -- I can tell you that the, you know, the

3 election -- the County Association has -- has weighed in

4 against the bill. I know that the county recorder -- some

5 of the county recorders are contemplating and will ask for a

6 veto from Governor Ducey, and the Secretary of State's

7 office -- or Secretary of State herself, rather, has called

8 the Governor to veto this bill.

9 Because it implicates the Voter Protection Act, the

10 fundamental right to vote, and because it triggers a real

11 serious voter education/voter confusion systemic risk issue,

12 I actually think in this particular case we may -- I -- I

13 think it would be worth communicating to the Governor's

14 office our concerns about the bill.

15 The fact that it got out of the Senate,

16 understandably that makes this not a bipartisan situation,

17 this was a party-line vote. However, the legal and systemic

18 risk issues here are significant and it's very hard for me

19 to sit here and say in view of the bipartisan County

20 Association position, that -- that it -- that it's not worth

21 communicating to the Governor's office in some way on behalf

22 of the Commission.

23 CHAIRMAN MEYER: Commissioner Chan.

24 COMMISSIONER CHAN: I just wanted to mention. You

25 know, Tom, just to kind of put additional more personal

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1 who established -- who had essentially a driver's license on

2 file in -- from 1996 forward or backwards and were already

3 registered, did not need to provide this additional proof of

4 citizenship.

5 The way that this bill is crafted it says that

6 notwithstanding any other law, in order for a person to vote

7 in the -- in the presidential election who hasn't

8 provided -- who has not provided this, they would have to

9 provide it.

10 The issue there is, number one, it expressly

11 disenfranchises people who are qualified to vote under

12 federal law which has been established by a case that -- I

13 mean, that we lost in 2013; and secondly, it would -- by

14 notwithstanding that, it would have I think an obvious

15 impact on what voters enacted in 2004, which brings in a

16 Voter Protection Act issue.

17 The third point I'm concerned about is it's very

18 confusing. You know, from a voter education perspective

19 given all the other things we're dealing with, this would

20 inject a whole level of uncertainty and education around who

21 is qualified, who is not, and it would center that issue

22 around the presidential election which is just -- it's --

23 it's -- the potential downside is quite -- quite

24 significant.

25 I can -- so that's -- that's the upside of that

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1 perspective on it, I mean I've been registered to vote in

2 Arizona since I was 18, and that is well before the

3 requirement for proof of citizenship, it was when we just

4 swore that we were citizens and, you know, it was under the

5 penalty of perjury.

6 So I'm one of the people affected by this bill and

7 I imagine quite a few of us others on this, you know, Zoom

8 are probably affected by this bill.

9 To me that is a huge disenfranchisement hurdle for

10 folks registering in addition to the other issues that are

11 associated with it. So I just wanted to make sure that

12 that's kind of, you know, out there, that we all understand

13 how far this reaches.

14 CHAIRMAN MEYER: Sure.

15 So any -- any other questions or comments by other

16 Commissioners?

17 COMMISSIONER KIMBLE: Mr. Chairman.

18 CHAIRMAN MEYER: Commissioner Kimble.

19 COMMISSIONER KIMBLE: Tom, I want to make sure I

20 understand where this bill is. You said it passed the

21 Senate; is that right? The paperwork that you sent said it

22 passed the House.

23 MR. COLLINS: Yeah. Mr. Chairman, Commissioner

24 Kimble, thank you. Yes, it passed the Senate literally

25 yesterday, so it has now been --

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1 COMMISSIONER KIMBLE: It did.
2 MR. COLLINS: -- it is going to be transmitted to
3 the Governor. So, yeah, that is breaking news.
4 COMMISSIONER KIMBLE: Okay.
5 MR. COLLINS: Yeah, it --
6 CHAIRMAN MEYER: What's the number of this?
7 MR. COLLINS: -- happened about 5 o'clock yesterday
8 afternoon.
9 COMMISSIONER KIMBLE: Someone asked what number it
10 is. It's H2492.
11 And one other thing, is there an exception for
12 people who have the new driver's license with the gold star,
13 which I guess you have to show proof of citizenship to get
14 which allows you to get on an airplane?
15 MR. COLLINS: Mr. Chairman, Commissioner Kimble,
16 that I -- I do not think there's an exception anywhere.
17 What -- in fact, what -- the way I read the bill and -- is
18 that it -- you would still have to present that.
19 So in other words, the bill is, as I read it, is
20 not super clear on what additional procedures might be in
21 place. For example, it expands and requires prosecution of
22 folks who fill out the paperwork wrong and who are not --
23 turn out to be citizens, but it doesn't really articulate
24 very well what precisely would be looked at.
25 There's another bill that's already on the ballot
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1 COMMISSIONER KIMBLE: So just to be clear, so this
2 is now being transmitted to the Governor, and what are you
3 asking or suggesting that we do?
4 Lobby the Governor not to sign it?
5 MR. COLLINS: Mr. Chairman, Commissioner Kimble,
6 yes, I think -- I mean, I think that it's -- I would -- I
7 would -- I mean, essentially we would communicate with the
8 Governor's general counsel's office and say, look, these are
9 serious issues and -- and this bill is not the -- the --
10 this bill is essentially not ready for prime time.
11 I think that that's -- I mean, we do have and we
12 mentioned at the last meeting, we have expressed authority
13 to make recommendations on policy issues, not everybody has
14 that at the state level, and so it -- it seems to me that
15 this falls within the -- the area in which it certainly
16 couldn't hurt.
17 I don't think that this necessarily needs to be
18 a -- you know, I'm not talking about a press release or
19 anything like that per se, I think it's simply a matter of
20 saying to the Governor's office, look, we have experience in
21 voter education, we have experience in the VPA, and we
22 have -- in this case we have experience with the
23 administration of this proof of citizenship law in Arizona
24 over the course of the last, you know, 18 years -- which is
25 a shocking amount of time -- and so, you know, given that
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1 that has to do a little bit more with changing the
2 technicality of showing ID, but this bill in that sense I
3 don't think it creates those exceptions at all. If anything
4 what it does is eliminates standing exceptions that exist.
5 So while I -- I certainly believe that it is likely
6 that under the bill if someone presented that information to
7 the -- to the County Recorder in order to register, the
8 notwithstanding clause on the bill in my view makes it
9 difficult to avoid at least having to have a new presentment
10 potentially of that information.
11 Now, it may be and I'm not -- I'm not enough of
12 nuanced into what the election administrators' process would
13 be if this were to get signed to -- you know, for example,
14 there are various databases against which the counties can
15 and do compare information that they receive from voters,
16 but the -- the -- so that's where it really becomes a
17 problem of uncertainty.
18 In other words, the plain language of the bill
19 says: Notwithstanding any other law, before the next
20 presidential election everyone must have complied with this
21 section of statute they did not have to previously apply --
22 comply with. And so that -- that to me to your point really
23 just raises any number of permutations of how that would be
24 confusing for no real gain, if you will, in terms of the
25 legitimacy of our voter roles.
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1 perspective, you know, this -- this bill, it would be -- it
2 would be better for the Governor's office to consider
3 vetoing this bill than it would be for the Governor's office
4 to let this bill go into law and have the courts sort it
5 out.
6 The provisions of the bill I should say have been,
7 you know, as we've talked -- I've talked about here, the
8 legislature heard from their own attorneys that there are
9 serious constitutional preemption and other problems with
10 the bill, they know that. You know, having worked through
11 this process on any number of bills is, you know, it is
12 often easier to simply let the court sort it out, right?
13 That often becomes a rationale for maybe letting something
14 happen that wouldn't otherwise.
15 In this particular case I think that it puts the
16 courts in a particularly terrible position and it's not
17 necessarily a position that we particularly want the courts
18 to be put in, because I can just tell you from a narrative
19 perspective, I would anticipate some people who support this
20 law taking the judiciary to task for, in their view, not
21 requiring people to prove citizenship and therefore creating
22 somehow a -- falsely creating an impression that noncitizens
23 will be voting in the 2024 presidential election.
24 That -- that to me is a significant enough
25 confusion issue that letting the Court sort it out is not --
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1 is not a cost-free proposition for the election system.

2 Even if it's a relatively low-cost problem -- solution to

3 the political actors in this case.

4 COMMISSIONER CHAN: Mr. Chairman.

5 CHAIRMAN MEYER: Go ahead, Commissioner Chan.

6 COMMISSIONER CHAN: From my -- I would support

7 sending a veto letter to this bill. I think it's important,

8 so.

9 CHAIRMAN MEYER: Anyone else have any comments?

10 COMMISSIONER PATON: This is Commissioner Paton.

11 This is one item that I think is -- it's a kooky thing and I

12 think we should submit a letter to the Governor.

13 CHAIRMAN MEYER: Okay. Commissioner Titla, any

14 comments?

15 (No response.)

16 CHAIRMAN MEYER: Okay. All right.

17 COMMISSIONER TITLA: Yeah, I -- yeah, I agree with

18 the comments that the Commissioners have made regarding this

19 bill. Sounds like a crazy bill. I don't see how seemingly

20 intelligent people at the legislature would come up with

21 this kind of kooky ideas and bills. I don't know what to

22 say. This flabbergasts me.

23 So I will leave it at that, but I agree with you

24 all. Thank you.

25 CHAIRMAN MEYER: Commissioner Kimble?

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1 to point out in a letter or whatever form of communication

2 this take -- this takes, that the Commission unanimously

3 supports you in this, Commissioners of both political

4 parties, and no political parties support you in this.

5 MR. COLLINS: Mr. -- Mr. Chairman I -- I think that

6 was a question. I mean, again, I -- I think we can say that

7 based on this record --

8 CHAIRMAN MEYER: Yeah.

9 MR. COLLINS: -- without the -- without helping.

10 But -- and before Mr. Chairman before --

11 Mr. Chairman, before we move on, there's one other bill I

12 want to highlight that I think is important. I apologize,

13 there's just one more bill.

14 CHAIRMAN MEYER: Oh. No, that's okay.

15 MR. COLLINS: But I want to make sure, I think I

16 answered Mr. Kimble's question.

17 COMMISSIONER KIMBLE: Yes, you did. Thank you.

18 MR. COLLINS: Okay.

19 The other bill that's out there and, you know,

20 we're tracking it yesterday and we're not sure exactly where

21 it's going but it's -- it's a Hispanic concurrent resolution

22 that would again make a number of changes to early voting,

23 limiting early voting and -- and create -- it's called

24 SCR1032.

25 The reason why that bill matters and we -- we will

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1 (No response.)

2 CHAIRMAN MEYER: No comment? Thank you.

3 COMMISSIONER KIMBLE: No, nothing else. Thank you.

4 CHAIRMAN MEYER: All right. So Tom, do you need --

5 do you need a motion or just -- this is just enough to ask

6 you to do this, correct? Because I support -- I'm with

7 Commissioner Chan and Commissioner Titla and I believe

8 Commissioner Kimble as well, just to confirm and I see him

9 nodding --

10 COMMISSIONER KIMBLE: Yes.

11 CHAIRMAN MEYER: -- that we would like you to

12 send -- send a letter to the Governor's office.

13 MS. KARLSON: Yeah.

14 CHAIRMAN MEYER: Or take whatever, you know,

15 lobbying measures I think you see fit on this.

16 MR. COLLINS: Sure. Mr. Chairman, I mean, my view

17 is the record is clear and there is not a requirement to

18 vote on this, so.

19 CHAIRMAN MEYER: Okay.

20 So that's Agenda VI. Are there any other bills we

21 want to discuss on Agenda Item VI?

22 COMMISSIONER KIMBLE: Could I just make one other

23 comment, Mr. Chairman?

24 CHAIRMAN MEYER: Yes.

25 COMMISSIONER KIMBLE: I think it would be helpful

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1 see where it goes, but I just want to put it on your

2 radar -- is it requires the Clean -- it would go to the

3 voters and it would require among other things the Clean

4 Elections Commission to essentially pick up the tab for all

5 costs associated with eliminating early voting in the state.

6 So it -- it's a -- we'll see if that gets any legs.

7 It's got a lot of real serious technical problems like --

8 like the other bills we talked about here. It's not -- you

9 know, just -- it's something we're tracking and I want

10 you-all to be aware of.

11 It's not a bill that would go through the Governor,

12 and that -- that's just an important thing to -- to -- for

13 you-all to be aware of because of it being a referendum.

14 So that was the other bill that I wanted to make

15 sure that we got mentioned.

16 CHAIRMAN MEYER: Okay.

17 Okay. Any questions or comments on that bill?

18 Do you need directive from us on that, Tom?

19 (No response.)

20 CHAIRMAN MEYER: Okay.

21 MR. COLLINS: No. No, Mr. Chairman. Not at this

22 time.

23 CHAIRMAN MEYER: Any other questions or comments on

24 Agenda Item VI before we move on?

25 Okay. Agenda Item Number VII, discussion and

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1 possible action on E-Qual electronic system for candidate
 2 petitions, candidate qualifications for the ballot and
 3 qualifying contributions for participating candidates.
 4 As expected last week, the Secretary of State's
 5 office took the E-Qual electronic petition system offline to
 6 legislative candidates to allow the updated districts based
 7 on changes to the voter registration system because of
 8 redistricting.
 9 Staff, do you have a quick update on where things
 10 stand? Tom, please fill us in.
 11 MR. COLLINS: Yeah, yes. Mr. Chairman,
 12 Commissioners, thank you.
 13 Just real briefly, I touched on this in the
 14 Executive Director's report portion of the meeting. You
 15 know, the issues surrounding how the E-Qual system, so -- so
 16 in 2011 the legislature authorized and the Secretary of
 17 State's office started implement (verbatim) a way for people
 18 to sign petitions for candidates and to give qualifying
 19 contributions to clean candidates through an electronic
 20 portal called E-Qual.
 21 In December we learned that -- that the
 22 redistricting would have some complicating factors because
 23 of the way the E-Qual pings off of this program called AVID.
 24 There's two computer programs at issue: The E-Qual system,
 25 which then is locked into AVID which is the voter

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1 You know, the reason -- this did cause, you know,
 2 concern I think at the outset because, you know, it -- it
 3 was not communicated early enough perhaps than it should
 4 have been; I certainly think that. But, you know, and I
 5 also -- we made clear, particularly to the press, although
 6 it never made it into in any story, that we did not want to
 7 exaggerate the scope of the problem.
 8 And -- and so -- and so now that we are now past
 9 the date for the switchover, I'm hopeful -- and I said to
 10 the press again although this did make the paper, that I'm
 11 hopeful that this will not be a big deal. We have not
 12 received to my knowledge any complaints ourself.
 13 This situation sort of became more tenuous or
 14 problematic, there was interaction with the Attorney
 15 General's office election integrity unit and the Secretary's
 16 office. We talked about the last couple of months, first
 17 the Attorney General's Office sent a letter to the
 18 Secretary's office threatening some form of prosecution, the
 19 Secretary's office then sued the Attorney General's office.
 20 That case is still pending, however -- and then the Attorney
 21 General's office last week began soliciting complaints from
 22 anyone who was not able to use the E-Qual system that wanted
 23 to.
 24 No, I have not seen any update yet about whether or
 25 not they have received any complaints but, again, we have

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1 registration system.
 2 The reason it's locked into the voter registration
 3 system is that what E-Qual does is it pings the voter's
 4 information off of the voter registration system in order to
 5 determine if that voter is, in fact, eligible to sign a
 6 petition.
 7 With legislative districts obviously that's more
 8 complicated than statewide because of the issues with the,
 9 you know -- so this year being redistricting year, you know,
 10 there is -- there are -- there is some interaction there.
 11 In December we learned that -- that would have to
 12 be taken -- that that -- that those changes that require
 13 action at the county level would require the electronic --
 14 the E-Qual system to come offline. The Secretary's office
 15 starting in December then started communicating to
 16 candidates about that; we've tried to amplify that to
 17 candidates.
 18 I know that, you know, I saw and I think that --
 19 and I assume it was widespread although that's certainly
 20 anecdotally, efforts by campaign parties and others to
 21 ensure folks understood that this deadline was approaching.
 22 And so the Secretary's office, you know,
 23 communicated I want to say I think 11 times or something
 24 like that, I can't remember the precise number, with
 25 candidates.

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1 not.
 2 We don't administrate the E-Qual system, don't get
 3 me wrong; we are not the right place to make complaints, but
 4 we are a place where people complain.
 5 And so we hope at this point that this will be
 6 behind us. We don't have a firm date yet as to when the
 7 system may come back online for qualifying contributions.
 8 We know candidates have been -- since the window was open,
 9 candidates have been filing their petitions. The time to
 10 qualify for clean elections funding is a little longer than
 11 the time to qualify for the ballot, so as we get updated
 12 about that, you know, we will communicate that or attempt to
 13 amplify the Secretary's communication on that issue.
 14 So that concludes my report on this. If -- if --
 15 if, Mr. Chairman, anyone has any questions about that.
 16 CHAIRMAN MEYER: So Tom, are we still sort of in
 17 observation mode on this, then? We just sit back and -- go
 18 ahead.
 19 MR. COLLINS: Mr. Chairman, yes. My -- my view at
 20 this point is that, you know, look, we've communicated with
 21 the -- I should say I have communicated with the county,
 22 with -- with the -- with some of the bigger counties; I've
 23 communicated with Yavapai, I've communicated with Maricopa.
 24 I have not seen any evidence that there's anything that is
 25 going to hang up candidates in some way that we are not

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1 anticipating, so.

2 And certainly given that the -- the -- the window

3 or the -- the system came offline and we have not heard

4 anything really makes me hope that this is not a big -- just

5 becomes not a big deal.

6 So I -- I certainly -- what I don't think at this

7 point, given the Attorney General's actions, that it would

8 benefit us or anyone at this point to try to -- to create

9 any further, you know, consternation about this. You know,

10 our main point is just to try to make sure folks have the

11 information from their county recorders and secretary's

12 office they need; and, you know, if something comes up, you

13 know, I mean, it's always possible. But there's nothing

14 that we would need to do affirmatively at that -- at this

15 point that I'm -- that I'm aware of.

16 CHAIRMAN MEYER: Any questions or comments for Tom

17 on this issue?

18 (No response.)

19 CHAIRMAN MEYER: Okay. Thank you, Tom.

20 We'll move on to Agenda Item Number VII, which is

21 public comment.

22 This is the time for consideration of comments and

23 suggestions from the public. Action taken as a result of

24 public comment will be limited to directing staff to study

25 the matter or rescheduling the matter for further

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1 CHAIRMAN MEYER: Commissioner Chan.

2 COMMISSIONER CHAN: Aye.

3 CHAIRMAN MEYER: Commissioner Paton.

4 COMMISSIONER PATON: Aye.

5 CHAIRMAN MEYER: Commissioner Titla.

6 Commissioner Titla.

7 COMMISSIONER TITLA: Aye.

8 CHAIRMAN MEYER: Okay. And I vote aye as well, so

9 the motion --

10 COMMISSIONER TITLA: Aye.

11 CHAIRMAN MEYER: Thank you, Commissioner Titla, I

12 got you.

13 I vote aye as well.

14 Motion carries 5 to 0. We are adjourned. Thank

15 you, everybody.

16 (Whereupon the meeting concludes at 11:41 a.m.)

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1 consideration and decision at a later date or responding to

2 criticism.

3 Does any member of the public wish to make comments

4 at this time?

5 You may also send comments to the Commission by

6 mail or e-mail at CCEC@azcleelections.gov.

7 Is there anyone on the line for public comment?

8 (No response.)

9 CHAIRMAN MEYER: I don't see anyone but -- anyone

10 there? Please let me know.

11 Okay. So no one here for public comment.

12 Agenda Item Number IX is adjournment. Is there a

13 motion to adjourn?

14 COMMISSIONER CHAN: Mr. Chair.

15 COMMISSIONER KIMBLE: Mr. Chairman.

16 COMMISSIONER TITLA: Motion to adjourn.

17 CHAIRMAN MEYER: Thank you, Commissioner Titla,

18 motion to adjourn.

19 Is there a second?

20 COMMISSIONER CHAN: I'll second it.

21 CHAIRMAN MEYER: All right. Commissioner Chan,

22 thank you.

23 We have a motion to adjourn, it's been seconded.

24 I'm going to call the roll. Commissioner Kimble.

25 COMMISSIONER KIMBLE: Aye.

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1 CERTIFICATE

2

3 STATE OF ARIZONA)

4) ss.

5 COUNTY OF MARICOPA)

6

7 BE IT KNOWN that the foregoing proceedings were

8 taken before me, Angela Furniss Miller, Certified Reporter

9 No. 50127, all done to the best of my skill and ability;

10 that the proceedings were taken down by me in shorthand and

11 thereafter reduced to print under my direction.

12 I CERTIFY that I am in no way related to any of the

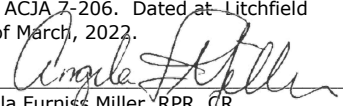
13 parties hereto nor am I in any way interested in the outcome

14 thereof.

15 I FURTHER CERTIFY that I have complied with the

16 requirements set forth in ACJA 7-206. Dated at Litchfield

17 Park, Arizona, this 29th of March, 2022.

18 

19 Angela Furniss Miller, RPR, CR

20 CERTIFIED REPORTER (AZ50127)

21


22 * * *

23 I CERTIFY that Miller Certified Reporting, LLC, has

24 complied with the requirements set forth in ACJA 7-201 and

25 7-206. Dated at LITCHFIELD PARK, Arizona, this 29th of

March, 2022.



Miller Certified Reporting, LLC
Arizona RRF No. R1058

Miller Certified Reporting, LLC

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