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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF VIRTUAL PUBLIC MEETING

Phoenix, Arizona
February 24, 2022
9:31 a.m.

COASH & COASH, INC.
Court Reporting, Video & Videoconferencing
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Certified Reporter
Certificate No. 50666

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1 VIRTUAL PUBLIC MEETING BEFORE THE CITIZENS
2 CLEAN ELECTIONS COMMISSION convened at 9:31 a.m. on
3 February 24, 2022, at the State of Arizona, Clean
4 Elections Commission, 1616 West Adams, Conference Room,
5 Phoenix, Arizona, in the presence of the following
6 Board Members:
7 Mr. Damien Meyer, Chairperson
8 Mr. Mark Kimble
9 Ms. Amy Chan
10 Mr. Galen Paton
11 Mr. Steve Titla
12 OTHERS PRESENT:
13 Thomas M. Collins, Executive Director
14 Paula Thomas, Executive Officer
15 Mike Becker, Policy Director
16 Gina Roberts, Voter Education Director
17 Avery Xola, Voter Education Specialist
18 Julian Arndt, Executive Support Specialist
19 Kara Karlson, Assistant Attorney General
20 Kyle Cummings, Assistant Attorney General
21 Lisa Marra, Cochise County Election Director
22 Cathy Herring, Staff
23 Rivko Knox, Member of the Public
24
25

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1 PROCEEDING
2
3 CHAIRMAN MEYER: Good morning. I'm Damien
4 Meyer, Chairperson for the Commission this year.
5 Item -- Agenda Item I is to call the meeting
6 to order. It's 9:30 a.m. on February 24th of 2022.
7 I'd like to ask audience members to please
8 keep their microphones on mute, please. And with that,
9 we will take attendance.
10 Commissioners, please identify yourselves for
11 the record.
12 COMMISSIONER CHAN: Amy Chan.
13 COMMISSIONER KIMBLE: Mark Kimble.
14 COMMISSIONER PATON: Galen Paton.
15 CHAIRMAN MEYER: All right. Commissioner
16 Titla.
17 COMMISSIONER TITLA: Yeah, Steve Titla.
18 CHAIRMAN MEYER: All right. Good morning,
19 Commissioner Titla. Good to see you.
20 COMMISSIONER TITLA: Yeah, good morning.
21 Thank you.
22 CHAIRMAN MEYER: So we have all five
23 Commissioners present.
24 Next, we'll go to Agenda Item No. II, which
25 is possible action on the minutes for our January 27,

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1 2022 meeting. Is there any discussion of those
2 minutes?
3 COMMISSIONER CHAN: Mr. Chairman, I'd like to
4 move that we approve the minutes as written.
5 CHAIRMAN MEYER: Thank you, Commissioner
6 Chan.
7 I have a motion to approve the minutes. Is
8 there a second?
9 COMMISSIONER KIMBLE: Commissioner Kimble. I
10 second.
11 CHAIRMAN MEYER: Thank you.
12 We have a first and second. All in favor of
13 approving the minutes for the January 27, 2022 motion
14 -- or, motion -- I will do a roll vote here.
15 Commissioner Chan.
16 COMMISSIONER CHAN: Aye.
17 CHAIRMAN MEYER: Commissioner Paton.
18 COMMISSIONER PATON: Aye.
19 CHAIRMAN MEYER: Commissioner Kimble.
20 COMMISSIONER KIMBLE: Aye.
21 CHAIRMAN MEYER: And Commissioner Titla.
22 COMMISSIONER TITLA: Aye.
23 CHAIRMAN MEYER: All right. And I vote aye
24 as well. Motion carries 5-0.
25 Moving along here, Agenda Item No. III is

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1 discussion and possible action of Executive Director's
2 Report. Tom, please share the good news.
3 MS. HERRING: Tom, you are still muted.
4 MR. COLLINS: I didn't want to become a meme,
5 but apparently that was unavoidable.
6 Mr. Chairman, thank you, Members. Thanks all
7 for being here.
8 CHAIRMAN MEYER: Tom, can you up your volume
9 just a little bit? I don't know if anyone else is
10 having trouble hearing him, but...
11 MR. COLLINS: I don't know. I think we're
12 going to...
13 MS. HERRING: It may be the microphone on
14 your headphone, Tom, if you want to just hold it closer
15 to you if you're using headphones.
16 MR. COLLINS: All right. Is this different?
17 CHAIRMAN MEYER: Much better.
18 MR. COLLINS: Okay. Great.
19 Thank you, Members, Mr. Chairman. Being 45
20 is rough.
21 I just wanted to let you all know, in case
22 you don't, but I'm sure you do, there's voting ongoing
23 in local elections right now. The election day is
24 March 8th.
25 You can see from the report that Gina and

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1 Avery and Alec and -- have been working hard to
2 continue to do outreach with a variety of different
3 folks around the state. Notably, I think, Gina has
4 worked with the AARP on voter education videos. Avery
5 met with the Mohave County Voter Registration
6 Supervisor, and we've also met with Yuma County, so we
7 are -- and then Gina and Avery both continue to be
8 involved, on an ongoing basis, with the Intertribal
9 Council in an effort to ensure we're communicating to
10 voters throughout the state. So that is ongoing and
11 we're excited about that.

12 Real quickly, on the legal front, you may
13 recall from last month that the Court of Appeals had
14 ruled in our favor two to one on the case called Legacy
15 Foundation Action Fund versus Clean Elections. The
16 Legacy Foundation Action Fund filed its petition for
17 review to the state Supreme Court on Friday, and our
18 response is due next month. I think that those are
19 sort of the highlights.

20 We have -- we did get approval on -- on the
21 rule amendment we did in December with the Governor's
22 Regulatory Review Council adjusting the definition of
23 family member, so that is in effect now.

24 Unless there's any questions from the
25 Commission, I think -- the other thing that -- well,

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1 that concludes the report. Thank you.

2 COMMISSIONER CHAN: Mr. Chairman.

3 CHAIRMAN MEYER: Commissioner Chan.

4 COMMISSIONER CHAN: I just wanted to mention
5 that I understand Avery won -- was awarded an honor
6 from the Arizona Commission of African American
7 Affairs, and I just wanted to recognize him for that.
8 I mean, we can all see, I mean, what an incredible team
9 member he's been since he joined us. Feels like -- I
10 don't know if he's the newest team member. It still
11 feels like he's so new, and yet he does so much to, you
12 know, help the voters of our state. And I'm just
13 really impressed with his work and I was really excited
14 for him, to see that he had won this award, so I just
15 wanted to recognize that in case the rest of the
16 Commissioners weren't aware.

17 And I don't know if Avery wants to tell us a
18 little bit about that or not, but I don't want to put
19 him on the spot.

20 MR. XOLA: Sure. Yeah. Yeah.

21 Chairman, Members, thank you, Chairman Amy.
22 Yeah, it was an award for public service. I do a lot
23 of things with the African American Legislative
24 Council, you know, volunteer my time, and I'm always
25 trying to give them like voter education updates and

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1 things like that and I always -- you know, I'm
2 reliable, so they recognize it. So it was really cool
3 to be recognized, and I do enjoy working with them.
4 Thank you.

5 CHAIRMAN MEYER: Congratulations, Avery. We
6 really appreciate it.

7 And I was actually going to ask -- this is
8 kind of a question for both Gina and Avery. Can you
9 kind of tell us what type of reception do you get at
10 many of these events you attend as far as, you know,
11 your voter education? What are you hearing from the
12 voters about elections, concerns, compliments? Just
13 could you give us a couple minutes of what you're
14 hearing out there?

15 MR. XOLA: Sure, Chairman. Really what I
16 hear is a lot of voters just want basic information.
17 They want to know where to go vote. They want to know
18 if they -- you know, how do I register. They want to
19 know like the basic rules and policies that go with
20 voting. That's the typical engagement that I get. And
21 so that's why I think it's important for me to be out
22 there in the public and in the community to talk them
23 through some of these questions, because a lot of times
24 they may not know like who to ask for these resources.

25 CHAIRMAN MEYER: Do -- do you find that

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1 people know who the -- who the -- are aware of the
2 Citizens Clean Elections Commission, or are people
3 hearing about it for the first time oftentimes when you
4 speak to them?

5 MR. XOLA: It depends, Chairman. It depends.
6 A lot of times it's new. If I'm working with an
7 organization, typically they have heard of us. If I'm
8 talking to just your average person, voter on the
9 street, maybe they -- usually they may not have heard
10 of us. But, again, that's why it's important for me to
11 engage and I kind of, you know, give them the rundown
12 of what we do.

13 CHAIRMAN MEYER: Gina, anything to add?

14 MS. ROBERTS: Mr. Chairman, Commissioners, I
15 think Avery captured that really -- kind of the same
16 thoughts that I had. I will just add that I think in
17 regards to, you know, when we're out there, the need
18 that is expressed is a need for voter education.

19 There's often a lot of talks about -- you
20 know, whether it's voter suppression or barriers or
21 challenges to voting or election security concerns,
22 whatever those concerns are that a voter typically has
23 in regards to elections, it really ultimately ends up
24 with them saying, we need more voter education on this.
25 So I -- my takeaway from practically 99 percent of all

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1 the interactions that I have is that more education is
2 the solution and the need that voters are asking for.
3 And then I will say, in regards to being
4 aware about Clean Elections, I do agree with Avery too.
5 If it's an organization, yes, they know about Clean
6 Elections. If it's your average voter, it really just
7 depends. But I will say the average voter, I think, is
8 very aware of our tools.
9 So they know the Voter Education Guide, they
10 know the debates, and they know that they're likely,
11 you know, being directed to our website. It's just --
12 and this is one of the things that we do work on in our
13 communications plan is branding, making that connection
14 to these tools are coming from Clean Elections, a
15 nonpartisan voter education agency for voters. So I
16 would say they are more aware of our tools than they
17 are necessarily our name.
18 CHAIRMAN MEYER: Thank you.
19 Any of the other Commissioners have any
20 questions, comments on the Executive Director Report?
21 (No response.)
22 CHAIRMAN MEYER: Okay. Hearing none, I had a
23 question, Tom. On Page 2 there's this Arizona Supreme
24 Court has convened a task force to address ethical
25 issues in governmental representation. Can you tell us

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1 a little more about that? I clicked the link and saw
2 the press release, but is there -- is there any more
3 you can share with us beyond that?
4 MR. COLLINS: Mr. Chairman, yes. And I
5 apologize if -- I thought the administrative order was
6 attached to the press release, so I apologize if I
7 didn't include that.
8 So -- but nevertheless, they're -- the Court
9 convened this task force, chaired by Justice
10 Montgomery, to look at some of the ethical issues
11 relating to governmental representation. The
12 membership is, in my view -- you know, the Committee is
13 a lot of folks who you may know, Mary O'Grady, Pat
14 Sallen, people who have real expertise in ethics and
15 government, and then there's an assortment of -- of
16 other attorneys and judges from other institutional
17 roles.
18 I believe its -- that the -- you know, that
19 the goal would try to be to find some way to mitigate
20 some of the issues that have been raised over the
21 course of the last few years respecting the role of the
22 governmental institutions that provide advice to
23 clients -- you know, particularly the AG's Office and
24 the County Attorney's Offices, their role is to provide
25 advice to government agencies, but also they have a

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1 civil, and in some cases criminal, enforcement role.
2 And, you know, the ethical rules, as they exist now,
3 are perhaps not clear enough in the view of some in
4 terms of how those rules apply.
5 Obviously, I think it, you know, kind of
6 inevitably becomes -- is hard to separate this from the
7 fact that, you know, we had an ethical charge filed --
8 or, I don't know what the right word is -- complaint, I
9 think, filed by the Secretary of State and the Board of
10 Regents against the AG's Office. So I think that that
11 -- that, you know, whatever changes the task force
12 recommends as far as clarifying those rules, I think
13 that that is -- is the -- is the end -- end goal of
14 that.
15 CHAIRMAN MEYER: Okay. All right. Unless
16 any other Commissioner has any questions, I will go
17 ahead and move to Item No. IV. Anyone else have any
18 issues, questions?
19 (No response.)
20 CHAIRMAN MEYER: Okay. Item No. IV on the
21 Agenda is discussion and possible action on the 2021
22 Annual Report. I know the report was circulated with
23 our meeting packet. Any Commissioners have any
24 questions or comments on the draft? I know I shared a
25 few thoughts with Paula and Tom and Gina this morning,

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1 but I'll open the floor for other Commissioners.
2 (No response.)
3 CHAIRMAN MEYER: All right. Okay. Unless
4 there's any other discussion, which I hear none, I'll
5 entertain a motion to approve the 2021 Annual Report.
6 COMMISSIONER CHAN: Mr. Chairman, I move we
7 adopt the 2021 Annual Report.
8 CHAIRMAN MEYER: Thank you, Commissioner
9 Chan.
10 Is there a second?
11 COMMISSIONER KIMBLE: Commissioner Kimble. I
12 second.
13 CHAIRMAN MEYER: Okay. We have a first
14 and -- a motion and a second to approve the 2021 Annual
15 Report.
16 I guess, real quick, I should stop. I did
17 ask for just a couple really nonsubstantive changes to
18 be made to this. I think Avery's name was misspelled
19 in here, and maybe to just be a little more formal in a
20 couple spots. Is there any objection with that from
21 the other Commissioners? I guess I want to make a
22 clear record here.
23 COMMISSIONER CHAN: I have no objection.
24 CHAIRMAN MEYER: So, I guess, can we approve
25 it in substance, then, or how do we do that, Tom, or

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1 anyone else?
2 MR. COLLINS: Mr. Chairman, Commissioners, I
3 think that your motion is fine. I --
4 CHAIRMAN MEYER: I'm being too formal here?
5 Okay. We have a first and second. All
6 right. We'll call the -- we'll call the roll. And
7 again, for the record, this is on the motion to approve
8 the 2021 Annual Report that was circulated with our
9 meeting packet.
10 We're going to start with Commissioner Chan.
11 How do you vote?
12 COMMISSIONER CHAN: I vote aye.
13 CHAIRMAN MEYER: Commissioner Paton.
14 COMMISSIONER PATON: Aye.
15 CHAIRMAN MEYER: Commissioner Kimble.
16 COMMISSIONER KIMBLE: Aye.
17 CHAIRMAN MEYER: Commissioner Titla.
18 Was that an aye, Commissioner Titla?
19 (No response.)
20 MS. HERRING: Commissioner Titla, you are
21 muted. If you are wanting to speak, you can just come
22 off mute.
23 (No response.)
24 CHAIRMAN MEYER: Well, I will vote aye while
25 we're waiting for him, so that's 4-0.

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1 Commissioner Titla, if you can hear us,
2 you're -- you're on mute.
3 (No response.)
4 CHAIRMAN MEYER: All right. Well, just in
5 the interest of everyone's time, I'm going to move to
6 Agenda Item IV. If he comes back on, we'll get his
7 vote on that motion then. Either way, it's going to
8 carry, but we'll clean the record up then.
9 So Agenda Item V, discussion and possible
10 action on legislative bills on the topics of elections,
11 voting, administration, and campaign finance.
12 Following up on our discussion from last month, staff
13 has invited Lisa Marra, I hope I pronounced that right,
14 Lisa Marra, the Cochise County Election Director and
15 the President of the Election Officials of Arizona, to
16 discuss some of the pending election administration
17 bills in the legislature and how they may affect
18 voters. Tom is going to give us some brief context and
19 then, Commissioners, we're hoping to have an open
20 discussion on some of these issues.
21 So I will first welcome Ms. Marra. Thank you
22 so much for joining us.
23 And then, Tom, I'll turn it over to you to
24 lead this discussion. But thank you. Go ahead, Tom.
25 MR. COLLINS: Thank you, Mr. Chairman,

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1 Members. And thank you, Lisa, for being here.
2 I want to do two quick things by way of
3 introduction. First, I want to introduce Lisa Marra,
4 who has been the Elections Director in Cochise County
5 for -- I want to say since -- well, for several years.
6 She had -- she start -- was a -- has worked in a
7 variety of County and City offices. She was the -- she
8 was a grant writer at City of Bisbee, then moved to the
9 County, then was responsible for community relations
10 and legislative affairs and government relations for
11 Cochise County, before starting as the Elections
12 Director.
13 And in her capacity as Elections Director,
14 she's been, you know, one of the most, I think,
15 effective advocates for election officials in their
16 role as nonpartisan administrators of election
17 processes and -- as well as, with her background in
18 community relations and public relations, you know,
19 having an eye towards the kinds of voter education
20 activities that I think we all think are very
21 important.
22 So we certainly sprung this on Lisa as an
23 invitation, but we were thrilled that she was willing
24 to come and talk to us a little bit about -- so the
25 timing on this is based on the fact that this week, as

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1 we're speaking, the legislature is in the process of
2 third reading bills from the House to the Senate and
3 the Senate to the House. The timing here is that we
4 believe, and, I think, frankly, are hopeful, that a lot
5 of the election bills that are -- that have been thrown
6 out there will not advance much farther than this. You
7 know, there's a moment of truth for these bills on the
8 floor of the House and Senate, and -- and so that's our
9 hope.
10 What -- what we talked about last month was
11 how the Commission can better engage on these issues.
12 And in talking to Lisa, and I'll turn it over to her in
13 a second, and then obviously I think we -- I know that
14 she would like and I know that we also are hoping to
15 have more discussion than presentation. But, you know,
16 Lisa sort of looked at the different themes of the
17 bills that are out there, what we're -- what the
18 counties are seeing because, you know, in most ways,
19 the rubber meets the road for election administration
20 at the County Election Departments and the County
21 Recorder Offices.
22 So we're very happy that Lisa was willing to
23 come talk with us on such short notice, but we think
24 the timing was ideal. And so really thank you, Lisa,
25 for being here.

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1 I don't know if -- Lisa, if you want to start
2 or if you want me to ask you a kickoff question. I
3 really don't -- I guess I should have asked you that
4 earlier.
5 MS. MARRA: Well, thank you, Mr. Chairman,
6 Commissioners, Director Collins. Thank you very much
7 for the invitation.
8 Can everybody hear me okay? We had some
9 problems with that in the beginning.
10 (No response.)
11 MS. MARRA: Okay. Great. Technology, got to
12 love it.
13 So, first of all, I really want to say thanks
14 to all of you for the good work you do and the amazing
15 staff you have. The messaging that you put out, the
16 website, that is the go-to for us and it is so helpful.
17 Vendors love it because they can find out exactly which
18 jurisdictions are having elections. And so I know
19 Avery and Gina have that up every -- every election
20 cycle, and I'm so grateful for that.
21 So it is timely right now with legislation.
22 And I will say that the election officials work with
23 AACo, the Arizona Counties Association, and they also
24 work with the recorders, because as you all know, most
25 voters don't know, it's two entirely different things.

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1 So election directors are appointed by a board of
2 supervisors, because supervisors, in any legislation,
3 have some specific duties. Recorders are elected, and
4 they also have specific duties. So I'm very much a fan
5 of having them separate, because that works in this
6 county. Some counties -- I think Yuma right now may be
7 the only one where it's sort of combined, where
8 elections is under the recorders.
9 But I think that separation of powers is
10 really important here in our county and for voters,
11 because as Director Collins said, it's not partisan for
12 us. We have the easiest job in the world, believe it
13 or not, because it's about law. And it doesn't matter
14 about party for us. It's really about the voters and,
15 if you're an eligible voter and you want to vote, that
16 we connect you to vote in a way that's convenient and
17 works for you and that the elections are run cleanly
18 and safely and fairly. So it's a very easy job these
19 last few years.
20 So I will say, and I get laughed at now for
21 saying this, but I have always said that Arizona is a
22 leader when it comes to election law. And honestly,
23 other states wish they were Arizona. And I know it's
24 met with laughter lately, but it is true. We have
25 really good, sound laws. We have really good processes

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1 in place. We've had 30 years, three decades, of
2 successful vote by mail. So we had a lot of good
3 things. The procedures manual is an amazing tool for
4 election officials. That's put out by the Secretary of
5 State, but it's really for us, because we run
6 elections, so it's a very helpful tool.
7 So I'll start out with just some basic
8 themes, and they're the themes that we've had the last
9 two years, three years. We actually started this
10 battle in 2019 with misinformation and disinformation,
11 which has been so harmful, and it continues today. And
12 it honestly does nothing except undermine voter
13 confidence, and that is so problematic to this great
14 state.
15 So some of the things we're looking at, the
16 same that we've looked at the last few years, is to
17 eliminate early voting, which I don't know why we'd do
18 that when we've done it successfully and we're a leader
19 in this state for doing that, to eliminate vote
20 centers. Vote centers, as you know, are -- we used to
21 be more precinct-based and you were assigned to a place
22 you had to vote on election day.
23 Voters really prefer vote centers, where you
24 can vote anywhere in the county. And we're a very
25 large geographical spread-out county here, 6,200 square

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1 miles. So it is very common for a voter to live in one
2 area and drive 30 to 40 minutes and they'll go through
3 three or four jurisdictions. So they get the choice on
4 where to vote on election day.
5 We also see the increase in early voting
6 every year. So our in-person goes down every year,
7 because people are choosing to vote early by mail or in
8 person. We are right about 80 percent of our voters in
9 Cochise County choose to vote early by mail, and
10 statewide, last I checked, it was about 89 percent. So
11 let's remember my original comment about -- it's about
12 the voters and what works for them.
13 So some other themes we're seeing are to
14 eliminate drop boxes, which voters love drop boxes.
15 Sometimes they don't want to use the mail service.
16 Maybe they don't trust their postal worker. Most of
17 them want to save the County postage, and it does in
18 the thousands. And drop boxes are safe and secure, so
19 that's another issue that we're fighting.
20 We've gone -- we've really gone back with
21 technology, because as all you know, technology is real
22 heavy (unintelligible) used to be, but this push to go
23 back to counting ballots by hand is just not -- it's
24 mind boggling, really, because there's no way humans
25 can count 20 to 30 to 50 races on a ballot accurately

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1 and in the time that we look at.
2 And then I think one of the biggest things
3 that -- they also want to eliminate machines in
4 general, right, so I don't know how that works. If you
5 don't have machines, you don't have cell phones. We
6 wouldn't be having this conversation right now without
7 that technology.
8 One of the biggest things that concerns
9 election officials right now is the push to tie the
10 ballot to the voter, and that is problematic for many,
11 many reasons. First, this little thing called the
12 Constitution, that I'm very fond of. It's also a
13 privacy thing.
14 And I cannot tell you the phone calls that we
15 get as election officials, and every election there's
16 some new thing that we get calls about. And in 2020 I
17 can't tell you the dozens and dozens of calls we got,
18 from men and women, and the question was: Are you sure
19 my spouse won't find out how I voted? And that was --
20 you know, the first couple times we were like, that's a
21 unique question. And I'm sure my husband and I have
22 probably ruled out each other over the years voting.
23 But that was disturbing that people thought that you
24 could find out how people voted. Now, it's no secret
25 if you did vote, right, and we'll talk about that as we

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1 get into a bill, but how you vote is your business.
2 It's private, it's confidential, and that's really
3 important to keep that.
4 So working with AACo, the Arizona Association
5 of Counties, we sponsor a bill pretty much every year,
6 and we like to say we're proud of the fact it's the
7 most boring bill. So this year it's Senate Bill 1460,
8 and it's an omnibus cleanup bill. It's old language.
9 It's things that are out of date we find in the
10 statute. And it's a very boring bill, but so
11 important, and we're so grateful to Senator Shope for
12 sponsoring it for us again, so we obviously are
13 supporting that.
14 I wanted to start out with a few things we
15 are supporting or that we're neutral on, which is --
16 neutral is really important, before I started saying
17 all the things we're opposed to. We're not opposed to
18 everything. I get a lot of pushback lately that we're
19 opposed to audits and we're opposed to security, and
20 that is absolutely not true. We are so fond of audits.
21 That's why we do hundreds of them along the process
22 from the beginning of the election until way past the
23 end of the election, because we like audits.
24 So another one that we're supporting is
25 Senate Bill 1477. That's sponsored by Senator

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1 Townsend. And that's where the Clerk of the Court can
2 give the Secretary of State monthly felony reports, so
3 it helps Recorders clean up voter rolls. Because voter
4 rolls are really important.
5 And then House Bill 2378, sponsored by
6 Representative Pawlik, is that the Secretary of State
7 can't settle suits that materially impact us without
8 consulting with us first. Again, that's really
9 important as we look at some of these settlements that
10 are made on a state level.
11 We're neutral right now on two bills, both
12 sponsored by Senator Mesnard, Senate Bill 1259 and
13 Senate Bill 1411. Basically, they have to deal with
14 recounts, changes in the number for hand counts, and a
15 ballot tracking system for all counties. Now, we know
16 we have the state site where voters can go in and check
17 their status, check if their ballot has been received
18 back, that kind of thing; expanding on that would be
19 great, because we know when ballots are mailed to
20 people, we know when we get them back. And when they
21 come back, they go through the Recorder's process,
22 signatures are verified, and then they come to
23 Elections to early boards to start processing and to
24 count them.
25 So we got a lot of calls again last year from

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1 people that were -- they said, the President told me to
2 call and find out exactly when you counted my ballot.
3 So we give the date that the Recorder's Office got it,
4 because that's the date -- if they accept it, then it's
5 counted. I don't know the exact date and time I
6 counted your ballot. I don't know the exact time I
7 counted my ballot, and I have been voting early by mail
8 for almost those 30 years safely and securely.
9 But, again, one of those audits we talked
10 about, you can know how many ballots are mailed, how
11 many they get back, exactly how many we tabulate, and
12 they match a hundred percent. I'll tell you, banks
13 write off millions of dollars every year because it's
14 easier for them. And they don't want people
15 questioning that, because then you would think your
16 money is not safe at the bank, and it is. So we
17 balance out to every single ballot because of those
18 audits, because that's one of the great things about
19 Arizona.
20 So I'll move into some of the bills that I'm
21 just going to say are problematic, and we'll go in
22 themes. So I've broken into election security. Part
23 of the thing with bills, as all you know, because I'm
24 sort of the preaching to the choir, you're experts in
25 this, mirror bills, right, one in the House, one in the

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1 Senate, pretty much exactly the same thing. And now
2 we're in the happy cycle of strikers and amendments.
3 So strikers could come up that have nothing to do with
4 the bill, so that makes it a little confusing as far as
5 tracking some of these numbers, but I'll do the best I
6 can. And then, obviously, you know how to get ahold of
7 me if I can ever be of service any other way.
8 So the one that I'm focused on most is Senate
9 Bill 1120, and that has to do with the ballot paper
10 countermeasures that I'm sure you all heard about. And
11 that's where it has a holographic foil seal and all
12 these things that supposedly make it secure. And, you
13 know, when we talked about those themes originally,
14 eliminating drop boxes, eliminating early voting,
15 eliminating vote centers, there is absolutely --
16 CHAIRMAN MEYER: I'm sorry to interrupt,
17 Ms. Marra.
18 Is everyone hearing her okay? It's a little
19 bit of a strain. Can everyone hear okay?
20 COMMISSIONER KIMBLE: Well, the volume is
21 fine, but it's -- I'm having trouble hearing every
22 word. It just sounds like the audio is filtered
23 through several feet of cotton or something.
24 CHAIRMAN MEYER: It's a little muffled. Is
25 there a -- maybe talk a little slower or -- I was

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1 following along, and then I started losing a little bit
2 more.
3 COMMISSIONER KIMBLE: Yeah, I'm getting the
4 gist of it, but I can't say I've understood every word.
5 And as long as you stopped us here for a
6 minute, Mr. Chairman, Lisa, are you amenable to, after
7 you mention some of these bills, letting us weigh in
8 and question you about them before you get to the end?
9 MS. MARRA: Absolutely, Commissioner.
10 Absolutely.
11 COMMISSIONER KIMBLE: Okay. I don't know
12 what to say about sound. I'm getting it, but I don't
13 know that I'm getting every word.
14 CHAIRMAN MEYER: Okay. Well, let's try --
15 let's try again here, and hopefully it will improve.
16 And maybe if you could talk just a tick slower it would
17 be helpful, Ms. Marra. Thank you.
18 MS. MARRA: Okay. I'll try that. And volume
19 is up. I apologize, Mr. Commissioner and Chairman.
20 It's that technology down here. So I will try to speak
21 a little slower and maybe a little louder.
22 And yes, we'll stop after each bill, so after
23 we go through some of the things in the ballot
24 countermeasure bill, which is Senate Bill 1120.
25 Some of the biggest issues with wanting to

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1 put this in place so quickly is that it's not tested on
2 the tabulators. We don't know if they're going to be
3 able to read it. While it's true tabulators read the
4 timing marks, we don't know what a metal seal is going
5 to do with that. You've probably heard discussion
6 about there's only one paper supplier right now, they
7 normally do currency. Currency, as we know, is one
8 size. A dollar bill is the same size as a 50 dollar
9 bill, a hundred dollar bill. Ballots are all different
10 sizes.
11 This bill requires every ballot be 22 inches.
12 90 percent of the counties here can't count a
13 22-inch ballot. The equipment only counts a
14 21-inch ballot. And many small jurisdictional
15 elections only require a 10-inch ballot; so why we
16 would go through that extra paper doesn't make any
17 sense.
18 So while we're not opposed to security, not
19 opposed to a watermark uniformly printed on the ballot,
20 having all these things in the paper is problematic.
21 There are 17 points in this bill that say we
22 have to verify. We don't know how to verify if some of
23 these things were really input into the paper. There's
24 a black light provision, so that's doable. But let's
25 remember, election equipment has to be certified by the

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1 EAC, the Election Assistance Commission, and the State.
2 So anything we do that may require something different,
3 the election equipment has to go back.
4 So that one is problematic for several
5 reasons. One of them is because it is a bill that ties
6 the ballot to the voter. They want a unique
7 number that only the voter knows so they can track
8 that ballot, and that's the start of the tying it to
9 the voter.
10 So that's basically the gist of that bill.
11 If there are any questions, I'd be happy to answer
12 them.
13 COMMISSIONER CHAN: Mr. Chairman, Lisa.
14 CHAIRMAN MEYER: Go ahead, Ms. Chan.
15 COMMISSIONER CHAN: I just -- you know, I
16 like to ask the question that I used to hear former
17 Senator Tom Smith ask, which is: What is the problem
18 that is trying to be solved with -- I mean, I think you
19 explained the ones that you support and that AACo
20 supports well. I'm just curious about -- because to
21 me -- and this is without being involved with your
22 organization, so I may be coming at it from the wrong
23 point of view, but to me that 1120, the ballot paper
24 countermeasures with all the, you know, built by the --
25 put together by the currency printers, is a response to

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1 a nonexistent problem, one that is just a conspiracy,
2 that's a -- that's a lie, in my opinion. Well, I think
3 it's been proven to be a lie. And I was just curious
4 whether you have additional information or whether it
5 is a solution that has no problem. Does that make
6 sense? Is it -- is that where that bill is coming
7 from, do you know, if you're comfortable?
8 MS. MARRA: Commissioner, it is a good
9 question. And no, there really isn't any proof to
10 support any of this. We're still hearing the claims
11 that thousand of ballots, Korean ballots, bamboo
12 ballots, were put in, and that's absolutely false.
13 While there might be different weights of paper, that
14 isn't necessarily the issue, because you're going to
15 have that. Ballot-on-demand printers that we use on
16 election day -- we are all electronic machine voting in
17 Cochise County on election day, so you use an
18 ExpressVote machine that has a thermal thin ballot
19 card.
20 So lots of different paper, but there's
21 absolutely no proof that thousands of ballots were
22 printed and mailed in. And let's go back to even if
23 somebody did print one and send it in, only one ballot
24 can be counted per voter, you can't accept any more,
25 and those have to tie in with the audit number. So it

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1 is just not a problem that -- that needs to be fixed,
2 so thank you for that question.
3 COMMISSIONER CHAN: Thank you.
4 COMMISSIONER TITLA: Chairman.
5 CHAIRMAN MEYER: Yes, go ahead.
6 COMMISSIONER TITLA: Chairman.
7 CHAIRMAN MEYER: Commissioner Titla, go
8 ahead.
9 COMMISSIONER TITLA: Yeah. Yeah, thank you.
10 Earlier I couldn't vote because I heard you, but
11 somehow I was -- I was muted, I tried to unmute myself.
12 So I vote aye in that prior vote.
13 CHAIRMAN MEYER: All right.
14 COMMISSIONER TITLA: At any rate --
15 CHAIRMAN MEYER: Thank you for clearing that
16 up. Just for the record, that's a 5-0 vote to approve
17 the 2021 Annual Report.
18 I think, Commissioner Titla, you were going
19 to make some further comments. Go ahead.
20 COMMISSIONER TITLA: Yeah. Yeah, thank you.
21 Regarding the report by the young lady here, I think
22 it's a good report, and I have confidence in the state
23 election system. And I think that a lot of these bills
24 are based upon conspiracy-type theories that really
25 have no basis in fact, and I think that what they do is

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1 they suppress the voters in the state. A lot of them
2 are limiting the ability of people in the state to
3 vote. We should be opening up the process so that more
4 citizens can vote.
5 And I think that that may be relevant to the
6 findings, in fact, of the Clean Elections Act, because
7 in 16-940(A) it talks about the findings and
8 declarations of the Clean Elections Act and it talks
9 about that the intent of this Act is to create a clean
10 elections system, and then it says that it's done to
11 encourage citizens' participation in the political
12 process and will promote freedom of speech under the
13 U.S. and Arizona and Constitutions.
14 So my question, maybe not to the young lady,
15 but to the Clean Elections Commission or to our counsel
16 is: Do we have any recourse against these seemingly
17 unconstitutional bills based upon our findings and
18 declarations in the Clean Elections Act? That's my
19 question. Thank you.
20 CHAIRMAN MEYER: Tom, you're muted, but do
21 you want to go ahead and respond to that?
22 MR. COLLINS: Well, sure. Mr. Chairman,
23 Commissioner Titla, yeah, think that the -- the answer
24 to your question is that the Commission has express
25 authority to make recommendations to the legislature,

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1 which not all agencies actually have, although all
2 agencies do, in fact, lobby. So we actually have that
3 authority, and so -- so the Commission is clearly
4 empowered by statute to ensure that the Act is
5 administrated properly, that voters are able to obtain
6 information, that voters are able to participate in the
7 election process.
8 I would just make a quick note to everyone
9 just to understand this, that, you know, the Clean
10 Elections Act provides for voter interaction with
11 candidates and the election system at every moment of
12 the election cycle, from the qualifying period where
13 candidates are out soliciting \$5 contributions, to the
14 debates and Voter Education Guide that we provide
15 candidates and voters an opportunity interact, to --
16 you know, and I know it's a secondary issue in this
17 context, but to the campaign finance reports that allow
18 folks to -- voters to have information on who's
19 advocating for their vote on a time-sensitive basis
20 throughout the election cycle.
21 So the Commission's role in elections is
22 statutory, mandatory, explicit, and so for those
23 reasons I think that the Commission is certainly
24 entitled to make its views known on these kinds of
25 matters.

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1 COMMISSIONER TITLA: Okay. Thank you.
2 CHAIRMAN MEYER: Okay. Let's turn this back
3 over -- well, I know Ms. Marra had asked if there were
4 any questions about the bill she was just discussing.
5 If there are any more questions on that, fire away;
6 otherwise, we'll let Ms. Marra get back to her -- her
7 reporting. Any other questions from the Commissioners?
8 (No response.)
9 CHAIRMAN MEYER: Okay. Thank you, Ms. Marra.
10 Go ahead.
11 MS. MARRA: Thank you, Mr. Chairman,
12 Commissioners. So the next bill we'll touch on is
13 House Bill 2239, and that bill prohibits electronic
14 adjudication. We talked originally about technology,
15 and we should use the technology that we use. It's
16 important. It saves time. It saves money. It's
17 efficient, effective, safe, and secure.
18 So right now most counties have systems that
19 can do electronic adjudication. Where that comes into
20 play is most often in voter intent. If you get UOCAVA
21 ballots, you know, from overseas, out of state, those
22 have to be duplicated because the machines will not
23 read the fax paper or whatever paper they're on, they
24 won't. So that has to be duplicated by a board of two
25 people of opposite parties. There's a whole system in

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1 place outlined in statute and the procedures manual.
2 So if there's a voter intent issue, where
3 voters make a mistake, happens all the time, they're
4 supposed to get a new ballot, but many times they
5 don't. And they'll draw a line through it, they'll X
6 it out, they'll make their choice very clear, and so
7 these are things that can be adjudicated automatically
8 while the ballots are being tabulated. Huge time
9 saver, because we don't have to stop and duplicate. If
10 one -- one race on a ballot with 30 things on it has to
11 be duplicated, the whole ballot is duplicated, not just
12 that one race, because it has to be an identical match.
13 So this is a huge benefit to counties, especially when
14 you look at Maricopa with millions of voters. I have
15 about 85,000 registered voters; they have several
16 million.
17 So that's really important, and, you know,
18 eliminating that is just going to cause more hands on
19 the ballot. Why would we want more duplication where
20 we have more of a chance for human error and it
21 destroys the chain of custody. We didn't talk about
22 that in the very beginning, but that's one of the
23 biggest audit checkpoints we have is the chain of
24 custody. And so the more people that are touching
25 those ballots, hands on ballots, that destroys those

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1 chains of custody.
2 So, again, we've got to use the technology we
3 have. I just wanted to get that bill on your radar.
4 And if anybody had questions on that process, I'm happy
5 to answer.
6 (No response.)
7 CHAIRMAN MEYER: I don't see any questions.
8 Go ahead. Thank you.
9 MS. MARRA: Thank you, Mr. Chairman,
10 Commissioners. So continuing the election security,
11 there are two bills, there's House Bill 2780, House
12 Bill 2023, and those have to deal with posting
13 the ballot images online and the cast vote record
14 online and making them searchable.
15 So, again, ballots are protected. Ballot
16 images are protected just like paper ballots. They
17 aren't subject to public records requests. A couple
18 years ago when the legislature put this law into effect
19 that they had to be treated the same as paper ballots
20 and protected, that was almost unanimously accepted,
21 and now we want to put them online.
22 I don't have an issue with that. People are
23 like, well, what are you trying to hide? I don't have
24 an issue with that, but I have an issue with voter
25 security in this time of all the cyber crimes we have,

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1 the hacking we have. People sign their ballots, people
2 write on them. That's something we should probably
3 start doing more education on: Do not sign
4 your ballot. If you make a mistake, do not initial
5 that mistake. I told you the phone calls we had last
6 year. I had many, many, many ballots with things
7 written on them. They explained their vote. I can't,
8 in good conscience, vote for any of these people, and
9 here is why, and they signed it. Please don't sign
10 your ballot.
11 So that -- posting those ballot images
12 online, making them searchable, that's sort of a, you
13 know, a vendor thing. I don't know how that would work
14 out. But those ballot images are never going to match
15 what your voter registration numbers are because of
16 secure voters, right. Secure voters are not listed in
17 the totals of the voter registration, so they're never
18 going to match. So, again, people being able to change
19 the ballot images, it's just problematic because it's
20 not going to solve anything. It's not going to appease
21 anybody who thinks that there's corruption. It's just
22 not going to make a difference.
23 Let me tie in another one, and then we'll ask
24 a question, since they're closely related. So Senate
25 Bill 1572 has to deal with posting the voter

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1 registration list before the election and after the
2 election online. I think that's very dangerous. It's
3 no secret who's registered to vote. Your party is no
4 secret. All those things are available. The parties
5 automatically get them every quarter from the
6 Recorder's Office. There are things in statute on what
7 they can and can't do with that information. Your
8 birthday, that's protected. But if you voted in an
9 election or didn't vote, that's public record.
10 So if we post these lists online prior to the
11 election, again, we have no idea where that info is
12 going, we have no idea who's getting that information.
13 If it's sent to a party or it's a public records
14 request and they purchased the voter list, like many
15 candidates do, then we at least know who has access.
16 So we post it online to say, all these people
17 are registered. After the election they want it posted
18 online who voted and who didn't vote. With all the
19 canvassing and door-to-door stuff that we had in the
20 past, that's very dangerous to just open that up to
21 have people know who did or didn't vote. So that's --
22 those are some real things that have security issues
23 that concern me, and I would be happy to answer any
24 questions about any of those.
25 COMMISSIONER PATON: Hello, this is

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1 Commissioner Paton. Hello.
2 CHAIRMAN MEYER: Go ahead, Commissioner
3 Paton.
4 COMMISSIONER PATON: Hi. I just -- I guess
5 maybe I have a question, or it's kind of a statement, I
6 guess. But is there a way that your organization of
7 the counties could do like a press conference or
8 something about these concerns? Because we all hear --
9 a lot of this is hysteria about all these bills coming
10 out, and your common sense way of explaining these, and
11 you're a professional, as well as these other
12 recorders, I think it would alleviate a lot of, you know,
13 speculation about what's going on in the elections.
14 And, I mean, really, I think, most of these
15 -- you know, the Governor is not going to sign most of
16 these things. But the average person, if they heard
17 something like you're talking about, they would -- it
18 would ease their worries.
19 I think a lot of these spring out of the
20 delay, though, of when we have our elections and we
21 don't know who wins for weeks and weeks. That's where
22 -- that birthed a lot of this, I believe, in the past
23 two, three, four elections. And also, if you could
24 speak to that, how we could make it to where we
25 wouldn't have such a long lag. And I suspect a lot of

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1 that is because of the early ballots that are brought
2 in the day of the election. So that was kind of
3 meandering, but anyway...
4 CHAIRMAN MEYER: So, Ms. Marra, do you want
5 to tackle that, unpack that, if you can, and give us
6 your thoughts?
7 MS. MARRA: Thank you, Mr. Chairman,
8 Commissioners. Thank you for those kind words. I
9 appreciate that. We do work really hard to -- to
10 ensure safety, and I could not do this job if I didn't
11 believe it was safe and secure. It's not the short
12 hours I work here, because I work 60 hours a week when
13 it's nonelection. It's not the huge pay and certainly
14 not the adoration of the public, because they don't
15 trust any of us anymore, and that's really unfortunate.
16 So we see a lot of that they trust their county, but
17 it's every other place.
18 So I'm grateful that I have that integrity in
19 our county, and we do speak a lot about that more on an
20 individual basis. We speak through AACo a lot of times
21 because, keep in mind, I have a department of two
22 people. And I do four elections every year whether
23 they're, you know, big elections or not. So we're a
24 very tiny department.
25 One of the challenges with election

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1 officials, election directors like myself, we are not
2 elected, right. We're appointed. We're at-will
3 employees. So while I'm more vocal than most about
4 some of these things, it puts some people on the spot
5 having to be very vocal. Recorders, on the other hand,
6 are elected, and so they certainly can do whatever they
7 think or feel at the time. So we do make more of a
8 united effort, but, again, we work pretty much through
9 AACo and work with legislators on this.
10 And I do -- I should have said this in the
11 beginning, because many of the sponsors are actually
12 working with Jen Marson and Megan and Ryan at AACo and
13 they're -- they're understanding some of our concerns.
14 If they had reached out to some of us in the very
15 beginning, that would have been helpful, because we
16 could have headed off some of these things and put them
17 on the right track. Because, again, Recorders don't do
18 elections, and we don't do voter registration. So
19 going to the right person is important. And, again, we
20 follow the law. We don't make the law, we don't
21 enforce the law, but we're going to follow the law.
22 So we're very vocal on the request to speak
23 system, which is also something I encourage everybody
24 to do. Whether you're a Commissioner or just the
25 general public, those things are important and more

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1 people reaching out directly with their legislators.
2 Regarding the one comment about voters and,
3 you know, that they might be upset by some of this
4 stuff, I thought so too, because it's killing me. But,
5 there's also a fair percentage of people out there who
6 say, I don't care if anybody knows how I voted. I
7 don't care if you know I voted. And that, to me, is
8 even more dangerous than this, because is that a really
9 good thing right now, for people to know how you voted?
10 So thank you for those suggestions, and we'll
11 keep trying to do some outreach and educate people on
12 some of these bills. But I think you're right, I think
13 a lot of them won't -- won't move forward a whole lot.
14 Again, people -- elected people, they're
15 working for their constituents, right, so these are the
16 claims they're hearing. Even though there's no proof
17 of these things being issues, they're still getting
18 hammered about that.
19 So do we have any other questions about those
20 couple bills?
21 MR. COLLINS: I wanted to ask one quick
22 question that kind of dovetails on what Commissioner
23 Paton asked, if that's okay.
24 CHAIRMAN MEYER: Go ahead, Tom. Yeah.
25 MR. COLLINS: So, Mr. Chairman,

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1 Commissioners, and Lisa, one of the things that
2 Commissioner Paton mentioned, and I think this is a
3 good -- maybe a good time -- I know Commissioner Chan
4 has a -- has an out here in about 45 minutes, so I
5 wanted to get this question asked now, since the time
6 arose.
7 So on the issue of communicating to the
8 public about the concerns of election officials -- the
9 first question is -- obviously is for Lisa, but then
10 obviously for the Commissioners in general. You know,
11 I think that the issues that Lisa has identified here
12 all go to -- they go to security and they go to a kind
13 of a, if you will, a sand-in-the-machine kind of
14 quality to many of these bills, which will, as a
15 result, I think it's clear, lead to an exacerbation of
16 the issue that Commissioner Paton identified, which is
17 we know that this is a time-intense process, we know
18 that that itself causes confidence issues. All of
19 these proposals taken together, they have an
20 ideological cast to them, obviously.
21 But, Lisa, I guess the question is: Do you
22 -- do you think and do you think that...
23 CHAIRMAN MEYER: Tom, we lost you. Right
24 after you said, "do you think," and we were all on the
25 edge of our seats, you went silent.

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1 MS. HERRING: We have no audio from you, Tom.
2 MR. COLLINS: Oh.
3 CHAIRMAN MEYER: You're back. You're back.
4 MR. COLLINS: Long story short, Lisa, do you
5 think it would be helpful to have the Commission try to
6 help communicate the concerns that election officials
7 have, which are, frankly, not ideological, but
8 administrative and -- to the broader public? Because I
9 think these issues -- I just wanted to add, I think all
10 of these issues, this grist in the mill issue, is going
11 to result in an exacerbation of the time it takes to
12 count and resolve elections, which is a core issue that
13 Commissioner Paton identified.
14 MS. MARRA: So Mr. Chairman, Commissioners,
15 Director Collins, yes, I think that would be helpful.
16 And it's interesting that you brought up the
17 early ballots that are dropped off on election day and
18 sent in late, because they do have some bills about
19 that. There are some solutions, I say lightly, and
20 then we've got another bill where they want to
21 eliminate counting early and make us start counting on
22 election day. Because it goes back to they don't want
23 early voting, for the most part; they want everybody
24 voting on election day.
25 We'll talk a little bit in some of these

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1 bills too about tabulation on election day. Most
2 counties are central count. That means they don't
3 count the ballots cast at those voting centers or
4 polling locations. They bring them back and count
5 them.
6 In Cochise County we have 17 vote centers,
7 and we tabulate at each vote center. That works for
8 us. Our board spent a million dollars a couple years
9 ago -- 2015, actually, now -- to put this new system in
10 place. Because you may have remembered, Cochise had
11 some serious issues in 2012 and 2014, so we've
12 eliminated those, gratefully. But we tabulate so we
13 get results pretty quickly. It is those dropped off
14 early -- and again, we do, and Clean Elections does a
15 great message with this as well, you know, vote it,
16 sign it, return it. And that's important, because
17 that's why it's an early ballot. That's the whole
18 point.
19 We also, in the past couple years, have had a
20 big issue with people, because they were told this on a
21 national level, request their early ballot, but then go
22 vote in person too. So if they requested that early
23 ballot and voted it, that got counted, and they went to
24 vote in person, they had to vote a provisional. So we
25 saw so many more provisional ballots because of that

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1 misinformation.
2 So should voters return that ballot?
3 Absolutely they should. And that's why drop boxes are
4 important, because many voters choose to do that
5 instead of mailing them.
6 So I don't know if that answered your
7 question, but hopefully it hit some of the highlights.
8 And as we go into some of these other bills, you'll see
9 that it's problematic. You know, we used to have seven
10 days to count before the election. Then it went to 10,
11 which was so great, because the more people are voting
12 early, you need that time to count.
13 And then now, last year, it went to there's
14 no time. You can start counting and tabulating as soon
15 as they're processed and received, which is wonderful,
16 because we should have, and we do have, almost all the
17 early ballots that we have received counted on election
18 night. So those results are released first and those
19 pretty much take care of all that. So it's the late
20 earlies that we have to count afterwards.
21 COMMISSIONER PATON: Tom.
22 CHAIRMAN MEYER: Commissioner Paton --
23 COMMISSIONER PATON: Tom.
24 CHAIRMAN MEYER: -- do you have another
25 question?

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1 COMMISSIONER PATON: Yeah. Yeah. Well,
2 maybe -- maybe we could send like a video crew to
3 different election officials and they can speak maybe
4 to a couple things each to give real information about
5 what they see at their county and we could put it on
6 our website and maybe give it to the Public
7 Broadcasting System or something like that so that we
8 can get real -- real information from these
9 professionals and maybe it would alleve the -- some of
10 the hysteria that we see.
11 CHAIRMAN MEYER: All right. If I can just
12 speak up, I mean, I appreciate what you're saying,
13 Commissioner Paton, but let's -- let's be honest here.
14 No one in 2016, when Trump won, was complaining about
15 our election security, okay. A lot of this stuff about
16 security is, frankly, nonsense, and our leaders know
17 it, okay. So they've -- a lot of this hysteria has
18 been knowingly created.
19 So I guess my question is: Ms. Marra, do you
20 believe -- in 2020 were there security issues with our
21 election in 2020?
22 MS. MARRA: Mr. Chairman, Commissioners, no.
23 In Arizona, and across the country, it was the safest
24 election we'd ever had.
25 CHAIRMAN MEYER: So I agree with Commissioner

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1 Paton that, you know, it would be great for the
2 Commission to, you know, do some of these PR things
3 that you're -- that you're suggesting. That's
4 wonderful. But until our leaders who are spreading
5 this disinformation stop and acknowledge that our
6 elections are safe and secure and this security
7 business is nonsense, okay, then we're going to keep
8 having the hysteria, and no amount of PR or videos or
9 press conferences that we do will change that.
10 And this goes back to what Commissioner Titla
11 was saying about a lot of this is fueled by conspiracy
12 theories that we know are purely conspiracy theories.
13 So we will continue to educate and we will continue to
14 do what we're doing, but until our leaders act like
15 leaders and stop the misinformation and disinformation,
16 we're going to keep -- we're going to keep fighting
17 that. So that's all I'll say about that.
18 COMMISSIONER KIMBLE: Mr. Chairman.
19 Mr. Chairman.
20 CHAIRMAN MEYER: Go ahead, Mr. Kimble.
21 COMMISSIONER KIMBLE: Okay. I just -- I
22 think that was very well said, Mr. Chairman. And while
23 I'm all for issuing statements and holding press
24 conferences, I don't know who we're talking to. I
25 don't think it does any good to talk to the

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1 legislators. I think the ones who are proposing this
2 have minds that cannot be changed. If we talk to the
3 general public, we may win some converts, but they're
4 not the ones passing these bills. So I -- I think it's
5 a very frustrating system. And I'm all for doing
6 everything we can to try to address some of the
7 misinformation, but I think there's been a lot done in
8 the past year and a half and we haven't gotten very
9 far. Thank you.
10 COMMISSIONER CHAN: Mr. Chairman.
11 CHAIRMAN MEYER: Go ahead, Commissioner Chan.
12 COMMISSIONER CHAN: I want to, you know, give
13 credit to Commissioner Paton for saying what he said,
14 because I do think that he is seeing it from the
15 viewpoint of a lot of the voters. And I -- you know,
16 sometimes I feel like we do such an incredible program
17 it almost feels like our resources aren't in question.
18 I worry about our bandwidth, as far as our programs.
19 I agree with everything Commissioner --
20 Mr. Chairman, that you said. I agree with what
21 Commissioner Kimble said. My personal feeling is that
22 this is a cynical ploy to get voters to vote for the
23 liars, you know. There's always been a bit of a seed
24 here, even when I was working in elections in 2009,
25 '10, '11, and '12, and then I left in 2013, the

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1 Secretary of State's Office, that, you know, there
2 would be people claiming different things about what
3 they'd seen, and we always asked for follow-up and who
4 can we talk to. And there was like one case where we
5 were able to talk to somebody about it, and it amounted
6 to nothing.

7 I think what I would like to say is a couple
8 things. Commissioner Paton has more confidence in the
9 Governor as being a backstop to crap than I do, and I
10 respect him for that, frankly, because maybe I need to
11 adjust my world view. I worry that a lot of these
12 could get out of the legislature and cause, you know,
13 kind of chaos and overwhelm our election offices, you
14 know, having to not do electronic adjudication or not
15 having machines involved at all, I think, is one of the
16 proposals I heard. I don't know if Lisa touched on
17 that specific one, because I think it's different from
18 just no electronic adjudication. It would be basically
19 hand counting ballots. You know, if any of those were
20 to get out of the legislature, it would grind our
21 elections to a halt.

22 And so I think -- I don't -- I guess my
23 point -- sorry. Let me -- let me bring it back to
24 where I was going to start and didn't start there.

25 Maricopa County Elections and Recorder have

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1 conducted a master class in doing just what
2 Commissioner Paton suggested, which is videos, Tweet
3 streams, you know, or Tweet threads about the reality
4 of what they're facing, and they've also debunked every
5 single point of the fraudit, I call it the fraudit.

6 And I think that if they -- I don't know how successful
7 they've been in converting anybody to -- who is a
8 follower of the leaders, who I don't view as real
9 leaders, because I don't think they're telling the
10 truth about elections, but I don't know how successful
11 Maricopa County has been.

12 It's like we're all in our little silos and
13 our tunnels. And I like to think I'm on the side of
14 reality, and I don't understand those who believe in
15 these conspiracy lies. But as I said, I think Maricopa
16 County has conducted a master class. We could probably
17 take what they've done and put it up on our website for
18 a start. And if other counties wanted to add to it,
19 they could. But, again, I just don't know how
20 successful it will be with our current climate.

21 So, having said that, I'm sorry that was a
22 little bit long. Thank you.

23 CHAIRMAN MEYER: Thank you, Commissioner
24 Chan.

25 Tom, go ahead.

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1 MR. COLLINS: Sorry. Mr. Chairman,
2 Commissioners, I just wanted to -- and I hope you can
3 hear me. I apologize for my technology issues.

4 CHAIRMAN MEYER: No, we can hear you loud and
5 clear.

6 MR. COLLINS: I want to -- I know we need to
7 get back -- I want to make sure we get as much time
8 with Lisa as we can. I want to say, to bring all of --
9 all five of your discussion points together, my own
10 view is that there is an untapped reservoir of people
11 out there who do not have the kind of information they
12 need to have, and they are people who are not engaged,
13 frankly, through social media and some of these other
14 places where this discussion is happening both in terms
15 of the conspiracy stuff and some of the rebuttal.

16 And what I think -- and I think the audience
17 for that, more broadly, is, in fact, folks who are not
18 engaged in this at all, but who are alienated by being
19 associated with the conspiracy theorists, and therefore
20 are instinctively going to recoil from correction. I
21 think that's a real issue for election officials and
22 folks who work in voter education going forward.

23 I think that the way to go about addressing
24 that is to communicate better. And we can implement
25 this on a small scale, I'm working on something along

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1 these lines, how to communicate to voters who are not
2 involved in this stuff on a day-to-day basis how the
3 practical concerns that Lisa has identified will make
4 things work less well, to take this out of the realm of
5 who has what views on what things and into the realm of
6 where these administrative tasks exacerbate or create
7 issues that don't exist.

8 I think that's a practical thing. I think
9 that it -- I think it should be done in a forum that is
10 distinct from the -- quite frankly, what I think is the
11 negative echo chamber of Twitter. I think that Twitter
12 is a terrible place to do voter education, generally,
13 and I think that it drives way too much of the
14 discussion in the state of Arizona about these issues,
15 that's my honest opinion, because it is alienating to
16 those who are not in that particular mode of
17 communicating.

18 So the goal here, I think, should be to try
19 to find ways to communicate the County Association and
20 the County Election Director viewpoint on the
21 practicalities of this to a broader audience that is
22 not engaged in conspiracy thinking or, frankly,
23 anything else relating to this, but to understand the
24 practical impacts of this kind of legislation if it
25 were to pass.

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1 Because, you know, to Commissioner Chan's
2 point and Commissioner Paton's point, it is, in fact, a
3 discussion that currently is only being had for
4 purposes of decision making by people -- it essentially
5 comes down to, and this is just a fact, the Senate
6 President, the Speaker of the House, and the Governor,
7 those are the people who are in a position to make the
8 decisions about how these bills proceed. So how do you
9 develop tactics that make sure the public is aware of
10 the implications of those decisions in a way that
11 creates an environment -- which is what we try to do as
12 staff for you all, quite frankly, is try to create an
13 environment where you all can make the best most
14 informed decision possible. That, I think, is a role
15 that we can help assist with.

16 CHAIRMAN MEYER: Thank you, Tom. And I know
17 that's -- and we've had that conversation and, you
18 know, that -- it's an excellent point and it's also
19 sort of a -- it's a challenge to bring those practical
20 issues you're talking about into the forefront with
21 everything else that's flowing around -- that's out
22 there. But you're a hundred percent -- I agree with
23 you a hundred percent on that.

24 So I think -- Ms. Marra, I do think we can go
25 back to you. I think we diverged off the path there.

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1 But I know -- I think you have a list of bills; I'm not
2 sure how far you are. But could we turn this back over
3 to you?

4 MS. MARRA: Thank you, Mr. Chairman,
5 Commissioners. And I don't mind at all. I'm grateful
6 that no one required me to do a PowerPoint and sit here
7 for two hours talking. So the whole goal, when Tom and
8 Gina reached out, was to have a conversation and
9 dialogue, so this is wonderful.

10 And it is challenging with messaging, because
11 people that aren't on social media, we can't reach
12 them. Lots of people don't read newspapers because
13 they don't want to pay for subscriptions anymore. In a
14 rural county, we don't have a news station, so we get
15 news from Tucson. Very confusing for people.

16 So I'll talk about a few more themes.
17 Observers, political parties, that's a huge theme in a
18 lot of different bills right now. One of them -- I'll
19 just pick one, because there are many. HB 2289, they
20 want more observers, political party observers, they
21 want them closer to us. There were some challenges
22 last year, you know, in 2020 with COVID and having
23 them, you know, right in the -- we were all concerned
24 about COVID, so some issues with that.

25 But they want them closer to us. They want

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1 them more engaged in every process. We can't test the
2 machine, we can't program the machine, we can't remove
3 a thumb drive from the machine, which is how we test
4 and program, without them being present. Many times we
5 do that work -- you know, we'll start it at 3:30 in the
6 afternoon because we have a free hour. I mean, these
7 aren't things that can be planned out in smaller
8 places. We just -- we get by with what we can get by
9 with with a small staff.

10 They want them closer to be able to see to
11 make sure we're doing the right thing. How do they
12 know the right thing? I find it interesting that
13 political -- poll workers, not political, but poll
14 workers have to be trained under statute before every
15 election, so we do. It's a two- to four-hour training.
16 There's a handbook. There's absolutely no training for
17 political observers, and that's always bothered me,
18 because we get them in our county.

19 And I am fortunate as a Director, I have good
20 relationships with both parties in this county. The
21 Libertarian party is not recognized in this county, but
22 on a State level, you know, they are. But we have a
23 great working relationship, and that's important. Some
24 counties don't have that.

25 But they need training. Every year I get

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1 questions from observers who are like, well, my party
2 chairman is going to make me an observer, but what am I
3 looking for? I personally find that a conflict of
4 interest for me to train them. I give them access to
5 the full worker handbook so they know the basic rules,
6 75-foot limit, what's a provisional ballot, the ID
7 required.

8 But there should be some training by them,
9 and not by the party specifically. I'm an advocate of
10 the Secretary of State, the Attorney General, maybe
11 it's a Clean Elections thing, I don't know, but, you
12 know, like an hour-long training just so that they know
13 these rules. I don't want to train them, again,
14 because I think it's a conflict of interest, and me,
15 frankly, I don't have the time. But what if I'm the
16 bad actor and I'm teaching them wrong, right? Because
17 everything I think of now, we look at how we defend it
18 in court. So those are significant things. But lots
19 of stuff about observers, but nothing about training,
20 so that's something we should look at.

21 Any questions on that, or would you like me
22 to move on to the next one? There's a lot of head
23 shaking.

24 CHAIRMAN MEYER: Any questions from anyone?
25 (No response.)

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1 CHAIRMAN MEYER: All right. Thank you.
2 MS. MARRA: We had one bill that I believe
3 has failed, but remember, we talked about strikers,
4 Senate Bill 1010, and that required school board
5 elections to become partisan elections. Now they're
6 nonpartisan, right, so they just have a November
7 election. I'm not talking about a party issue. That
8 isn't my issue with this. My issue is a money and
9 logistics issue.
10 School board members are not paid. So if you
11 turn it into a partisan election, that would force them
12 into two elections, right. They'd have to have a
13 primary in August and the November general election.
14 In our county, we have very few of those elections,
15 they're canceled and appointed, because the same
16 number or less than number of candidates apply, fill
17 out the paperwork, and run. So we don't have a lot of
18 those. They have a lot more in Maricopa County, and
19 it's a lot more prestigious to serve on some of those
20 boards perhaps.
21 One of the other big issues is, if a person
22 resigns now as a school board member, the county school
23 superintendent looks for a replacement. They look for
24 a qualified candidate. They do interviews, they have a
25 process, and they fill that seat. If it's a partisan

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1 election and a partisan person resigns, then they've
2 got to find a partisan person to replace them. It's
3 incredibly hard now in these areas to find people, and
4 so that's a problem. And the fact that, you know,
5 people change their registration before they run for
6 office. So I didn't see that really solved anything.
7 Like I said, last time I checked, it had failed. But
8 that cost to schools to do two elections is problematic
9 to say the least.
10 So I'll move on to a couple things and then
11 wrap up so we can answer more questions. We talked a
12 little bit before about tabulating on site, which my
13 county does, but we spent a lot of money on that
14 equipment, and it also takes a huge amount of space in
15 my warehouse to store it. It takes a long time to test
16 it and program it. And that works for my county, but
17 that might not work for every county. Maricopa and
18 Pima -- I think Maricopa tabulates at some vote centers
19 on election day. Pima does not right now.
20 So one of the bills, Senate Bill 1362, forces
21 all counties to tabulate ballots on election day at
22 every location. On face value that sounds good, right,
23 because you'd get results quicker. And to Commissioner
24 Paton's comment, that is an issue.
25 But think about the back side of that, not

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1 only the cost, but there is some security concerns.
2 Where would Pima County store that kind of equipment?
3 I mean, that's -- it's just problematic. The time it
4 takes to test the equipment, to program it -- I have
5 over 200 pieces of equipment that we have to test and
6 program every time, so --
7 It's also a huge cost consideration. A lot
8 of these bills are coming out with appropriations, but
9 most of them don't have a dollar amount in them. So
10 that's great for a one-time, but what happens next year
11 and the year after that and the year after that?
12 So that was one thing, right, tabulating on
13 site on election day. And then we had a striker come
14 out on a bill that said we can't start tabulating to --
15 until it gets to election day. States that do that,
16 that's a nightmare, because then you've got how many
17 millions of early ballots that can't be -- that would
18 delay results so much.
19 I think another big issue we had with people
20 is in 2020 -- every state was different, right. And
21 we've been doing vote by mail for 30 years here. Some
22 states hadn't done that, and so they had to gear up
23 quickly to do that, and that caused all kinds of
24 hardships and problems, but that wasn't the case here.
25 So we talked a lot about paper ballots and

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1 hand counts only; there's a lot of bills with that.
2 But again, people -- that's just not going to happen.
3 They're not going to be able to count that many races
4 that accurately.
5 We talked about audits --
6 CHAIRMAN MEYER: So --
7 -- so --
8 I'm sorry, Mr. Chairman.
9 CHAIRMAN MEYER: So I have a -- just a
10 counting question. And I guess do we count, here in
11 Arizona, any differently or substantially differently
12 than other states? Because one observation I have is I
13 understand people want results quickly, but, you know,
14 we're a state where it's close elections and you have
15 to count all the ballots before you know that. And,
16 you know, there's only a half dozen states in the
17 country that are like that, you know. California or
18 Texas, I mean, you don't have to count all the ballots
19 before you know who wins because it's so, you know, one
20 way or the other.
21 So that's just a reality of Arizona is we
22 have, you know, close elections and you have to count
23 them all before you can declare a winner. So is that
24 reality just something we have to deal with and we just
25 have to wait on the counting, or do we count

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1 differently than other states and we could improve on
2 that? And I realize that's probably a county-by-county
3 issue, but can you speak to that at all?
4 MS. MARRA: Thank you for that question,
5 Mr. Chairman, Commissioners. I think you're right,
6 across the country it's just different everywhere.
7 It's always surprising to me how many states don't have
8 vote by mail or early voting at all anyway. So I think
9 getting those early ballots returned quickly and
10 promptly is a huge factor, but you're right, many of
11 our races are close.
12 So it's hard to say about other counties.
13 There are a couple like mine that do the tabulation on
14 vote centers. But remember, I only have 17 vote
15 centers. Pima County just went to the vote center
16 model, which was huge for them, huge, such a great
17 benefit to the voters. Because, remember, it's
18 supposed to be about the voters. They may look at
19 doing some tabulation, which would probably speed up
20 some of their result time, but I think we're doing
21 everything we can at this point. Like I said, to start
22 counting on election day -- I think Pennsylvania does
23 that, and that just delays it even further. So I don't
24 know that that's helpful.
25 But we've improved a whole lot in the fact

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1 that we have so many more early voters than we do
2 election day voters, getting those ballots returned
3 quickly so that we can get them counted. And we still
4 fight the messaging with people. We get those calls
5 every election. People are like, well, I don't vote
6 early because you don't count my vote unless the races
7 are close. And that's just so not true, we've been
8 fighting that forever, because those are the first
9 results that are released.
10 Which -- I'll use that as a segue, if I can,
11 Mr. Chairman, the one bill that wanted the ballots to
12 start being counted on election day. See, if we had
13 dialogue beforehand, we could understand where some of
14 their thinking comes from. Because the thought behind
15 that was, well, if we start tabulating early, like we
16 are, then the results could get released and then they
17 would know how many fake ballots from wherever with
18 bamboo to put in to win.
19 And that -- I couldn't understand that. That
20 didn't make any sense me, because it's already a felony
21 to release results before one hour after the polls
22 close. I don't know any election official in the state
23 or in the country, and I know quite a few, that would
24 do that. So I was like, wow. I couldn't even have an
25 answer for that. But the counting -- starting to count

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1 on election day is not the way to go.
2 Any other questions about that? Then I'll
3 wrap up with just a couple more things that I think
4 should be on your radar.
5 CHAIRMAN MEYER: Any other questions?
6 (No response.)
7 CHAIRMAN MEYER: All right. Go ahead.
8 MS. MARRA: Thank you, Mr. Chairman,
9 Commissioners. So there are a couple bills circulating
10 about election holidays and let's make election day a
11 holiday and -- whether it's just in name only or let's
12 make it a real state holiday and everything is closed.
13 Boy, that sounds great, but there are so many problems
14 with that that you don't think about, right.
15 Transportation. On election day holiday,
16 there wouldn't be buses running necessarily because
17 they go on a holiday reduced schedule.
18 A big issue for counties, the people who do
19 elections, if everything is closed -- well, I need
20 people. I need the people from facilities to be
21 working. I need the IT people working. I need the
22 fleet people working.
23 So having that holiday, it's not going to
24 increase voting, because, remember, almost 90 percent
25 of our state is voting early by mail. So having that

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1 sounds good, but a lot of these vote centers are in
2 schools, and so the schools would be closed. You'd
3 have to have people come in for those. It's just not
4 going to increase voting on election day. What's going
5 to happen, election day is a Tuesday, people are going
6 to take that Saturday, Sunday, they're going to take
7 Monday as a vacation day so it's a four-day holiday.
8 It's not going to increase election day voting, but
9 it's going to cause a lot more problems with getting
10 people to the polls.
11 So any questions on that?
12 (No response.)
13 MS. MARRA: So I'll wrap up with two things.
14 We have one bill, Senate Bill 1133, that wants to
15 eliminate all mail-only elections. Now, we know
16 schools, special districts, cities, towns, they can all
17 hold vote-by-mail elections, and many do. We have a
18 couple charter cities here, and they do that as well.
19 So this would eliminate them from being able to do
20 vote-by-mail elections.
21 That's a problem, again, too, because a lot
22 of these are small jurisdictions, it's more economical
23 for them, they have higher turnout if everybody just
24 gets a ballot in the mail. So those -- those are a
25 little kind of concerning. Because then if you had to

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1 have election day only for them, that's going to be
2 more costly, because then you have to take equipment,
3 staff, now we give staff a replacement site or two.
4 It's not a full-blown vote center. So that's a little
5 challenging.
6 And then there's no specific bill number on
7 this one, but I'm going to point this one out as a
8 general hardship. There are so many bills that are
9 tied in now with every mistake is a felony. And most
10 of the things now are misdemeanors, but it's also
11 intent. There's nothing in a lot of these bills about
12 intent.
13 If you intentionally do something, if you
14 release election results before, absolutely. You know,
15 if you destroy equipment, if you throw ballots away,
16 absolutely those are felonies. But normal mistakes?
17 People are human. We're human. You know,
18 we're working 18-hour days for two weeks solid before
19 an election. We have poll workers. Do you know how
20 hard it is to get poll workers anyway? And now if they
21 make a mistake, they get a felony?
22 I mean, it's just -- it's insulting to this
23 profession of professional people that administer
24 elections. This is not like it used to be years ago
25 where it was just papers and pencils and you filled in

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1 boxes and -- today you've got to be a computer
2 programmer, an attorney, a psychologist. I mean, there
3 is a lot to this. So it's just insulting, again, for
4 just a mistake to be a felony.
5 So those were some of the big issues that I
6 had, and then we can talk about anything else you have
7 questions on.
8 I did want to circle back to audits, though,
9 because we talked about those a lot. And we do have a
10 hand count audit that's in statute. Unfortunately,
11 it's one of those things tied to parties. If the
12 parties don't want to participate, then it doesn't
13 happen. So half the counties don't have hand counts.
14 Hand count is very important because it's a
15 random number -- and I go back to this in the Arizona
16 audit, because we already have statutes, right. The
17 hand count happens with a certain percentage, both
18 parties participate. I love it. It's a wonderful
19 experience for them because it forces them to work
20 together and it's wonderful. It's educational.
21 There's also provisions in statute if the count is off
22 by a certain percentage, it gets expanded and expanded
23 all the way up to court.
24 So these things are place. I think we're
25 working with some sponsors because, again, we've had

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1 some really -- we're working really hard with people to
2 try to come to some compromise on these things. But
3 having that audit is critical.
4 One of the bills circulated said if the
5 parties don't want to participate, then the Elections
6 Director people have to do the audit. They don't
7 believe us anyway. Why would we do that? That doesn't
8 make any sense.
9 So the parties should participate. We're not
10 opposed to audit. There was a bill about the Auditor
11 General, and she spoke at a hearing recently about some
12 challenges with that department. Yes, but it needs to
13 be professional auditors if you're going to audit.
14 So lots to look forward to. I appreciate you
15 giving me the time to talk today. You all know how to
16 get ahold of me at Cochise County if I can be of
17 service at all. And I thank you so much for all the
18 great work that you really do for voters. And that
19 website, it is a jewel.
20 CHAIRMAN MEYER: Well, Lisa, thank you so
21 much for spending the better part of a morning with us
22 and giving us your expertise and insight. I know I
23 learned a lot. I really liked your comments about, you
24 know, election day and sort of the -- election day
25 being a holiday and the unintended consequences and

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1 roadblocks, which really tied in with what Tom was
2 saying about the practical administrative issues that
3 are going to be unintended consequences of some of
4 these bills. So I really appreciate that. Please
5 don't be a -- not that you are a stranger to the
6 Commission, but please feel free to come back anytime
7 and share more thoughts with us. And I just open up
8 the floor for any other Commissioners to chime in on
9 this, but thank you.
10 COMMISSIONER CHAN: Mr. Chairman.
11 CHAIRMAN MEYER: Yes. Go ahead, Commissioner
12 Chan.
13 COMMISSIONER CHAN: I just want to join you
14 in thanking Lisa for spending all this time with us. I
15 do feel like it's been tough for me to keep up with all
16 the election bills this year. And so even though, you
17 know, the staff briefs us and provides this
18 information, it's just kind of nice to have it boiled
19 down and, you know, the information.
20 And I just also want to say, I really
21 appreciate your leadership, Lisa. As an election
22 official in Arizona, I think your voice is a really
23 important one and, you know, you just keep it real
24 every day with your public statements. And I
25 appreciate that very much, so thank you for your time

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1 and your efforts on behalf of election officials
2 everywhere, and in Arizona especially.
3 COMMISSIONER KIMBLE: Mr. Chairman.
4 Are you calling on me, Commissioner Meyer?
5 CHAIRMAN MEYER: Yes, I am. I apologize. I
6 muted.
7 COMMISSIONER KIMBLE: Thank you very much,
8 Lisa. I learned a lot from this. And I had gone
9 through a number of these bills that I had issues with,
10 and you touched on all of them, with one exception.
11 And I'm sorry if this comes out of right field, but I'm
12 wondering if you can educate me at all on S 1609, which
13 is about invalidated elections. And if this is
14 something that you're not familiar with, we can talk
15 about it later. But it's about if the court determines
16 the initial person declared elected was not, in fact --
17 did not, in fact, receive the highest number of votes,
18 a new election is required. I'm -- I'm wondering if
19 you know anything -- if you can explain this at all.
20 MS. MARRA: Mr. Chairman, Commissioners,
21 thank you for the kind comments and the question,
22 Commissioner Kimble. I'm not really familiar with that
23 one. I sort of lump those into the same class where if
24 on a legislative scale they weren't happy with the
25 outcome, that they could change the election. So this

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1 one actually does require to go to court. I think this
2 is probably one of the ones Senator Townsend has been
3 very open to working with us and to working with AACo
4 on issues. So, again, I think this is one of those --
5 there's just no proven fraud, and so to go back and try
6 to overturn these is problematic. And I know that
7 doesn't answer your question entirely, but it sort of
8 gets lumped into that if they're not happy with the
9 results.
10 COMMISSIONER KIMBLE: Okay. Thank you.
11 CHAIRMAN MEYER: Anyone else have any
12 comments for Ms. Marra before she signs off, I guess,
13 or I guess you're welcome to stay for the remainder of
14 the meeting as well.
15 (No response.)
16 CHAIRMAN MEYER: Okay. I believe that takes
17 us to Agenda Item No. VI, discussion and possible
18 action on E-Qual electronic system for candidate
19 petitions, candidate qualifications for the ballot, and
20 qualifying contributions for participating candidates.
21 Commissioners, you may recall last month we
22 discussed recent issues with respect to how candidates
23 are qualifying for the ballot and some legal issues
24 that have arisen with E-Qual. Staff has an update,
25 including a hearing that occurred yesterday in the

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1 Superior Court.
2 Tom, can you update us on that issue and the
3 litigation between the Secretary of State and the AG's
4 Office?
5 MR. COLLINS: Yes. Commissioner --
6 Mr. Chairman, Commissioners, as Commissioner Meyer --
7 Chairman Meyer said, the Superior Court, Maricopa
8 County, held a hearing yesterday -- or, argument
9 yesterday on the efforts by the Secretary -- the
10 Secretary's lawsuit does two things, just as a recap.
11 It seeks to enjoin the Attorney General from, in a
12 sense or in some way, prosecuting the -- that office if
13 they take the system known as E-Qual, which is an
14 electronic system that allows folks to sign petitions
15 for candidates and to give \$5 qualifying contributions
16 to candidates who are participating in Clean
17 Elections -- that system is scheduled currently to go
18 offline on March 12th, and it will be offline
19 throughout the qualifying -- or, I'm sorry -- for the
20 remainder of the signature-gathering period. And it's
21 a little unclear if it will be offline for the entirety
22 of the qualifying period for Clean Elections, which is
23 longer.
24 The suit also seeks to have -- because the
25 State is also a party to the lawsuit, the lawsuit also

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1 seeks to have the court declare that the Secretary's
2 legal approach to the issues behind E-Qual are correct.
3 The ruling, when it comes -- the judge
4 yesterday, at the end of the hearing, said that she
5 would rule as soon as possible. I did...
6 CHAIRMAN MEYER: Tom, we lost you.
7 MS. HERRING: I think he's also frozen, so he
8 may have an unstable connection. We'll give him
9 another minute or so to hopefully --
10 MR. COLLINS: -- have the injunction -- to
11 have the injunction hearing consolidated with the
12 merits, although there was no evidentiary hearing, and
13 also to have that declaration issued, although, in the
14 Attorney General's view, that was not the subject of
15 the hearing.
16 So I suspect -- I don't know if the court
17 will rule on all those things. I think the Secretary's
18 position seemed to be, well, if the AG wants to do
19 discovery, that's part of the issue with them
20 enforcing, which is a little bit of an odd position to
21 be in.
22 We are not currently in a position where
23 we're -- need for the Commission to take any action. I
24 think we just need to be aware of the situation because
25 this has -- there are a number of different issues that

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1 have developed out of this. And the legal issues here
2 are, and I think I said this last meeting, but they
3 continue to be confusing to me, because this is not a
4 legal issue. As I said last meeting, I think the
5 Attorney General sending a letter to the Secretary's
6 Office saying they might prosecute them was unfortunate
7 and ill advised, but this is a -- the entire legal
8 proceeding here is pretending as if a factual issue
9 doesn't exist that does exist.

10 The voter registration system that the
11 Secretary's Office uses does not allow for more than
12 one, quote, unquote, district at a time to be used.
13 E-Equal is another system that pings off of the voter
14 registration system. Whether or not the voter
15 registration system was equipped to do two maps or not,
16 it's quite clear that the legislature did not know that
17 and it's not clear if the Secretary understood the
18 implications of that or not.

19 So the reason why this will continue to be an
20 issue is that -- going through the challenge period for
21 signatures where candidates may seek to have their
22 opponents knocked off the ballot if their signatures
23 weren't qualified, the continued lack of clarity among
24 the various parties around how the safe harbor
25 provision, which was supposed to secure voters' ability

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1 to sign for petitions for candidates that are eligible,
2 it's unclear how that has worked. And the hearing
3 yesterday, frankly, makes that less clear to me than it
4 was before. And then finally, the qualifying period.

5 I want to also quickly say, we have had
6 conversations with at least two County Recorders in the
7 last week who do believe that the safe harbor works the
8 way that we believe it does, and our counsel on this
9 issue has suggested they believe the Secretary's
10 guidance says it does, which is good. That's an
11 uncertainty we're trying to limit. But I just --

12 That's kind of my summary. I know that may
13 have started in the middle and not maybe given
14 everybody as much background as they want, but that's
15 where we are today. I believe there will be a ruling
16 on the preliminary injunction, I suspect, within a few
17 days.

18 There is some legislative activity still
19 related to how to work out all of these different kinks
20 with respect to how the voter registration system will
21 operate during the challenge period for candidates, and
22 then -- and then lastly, we'll continue to try to work
23 with the Counties to try to make sure that we have as
24 much clarity as possible around how this works for
25 candidates who are seeking to qualify for Clean

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1 Elections funding.

2 Mr. Chairman, that kind of concludes my
3 update, if anyone has any questions.

4 CHAIRMAN MEYER: I don't think I have any
5 questions. I mean, is it kind of fair to say, Tom,
6 that this is a logistical issue and not really a legal
7 issue?

8 MR. COLLINS: Mr. Chairman, Commissioners,
9 that is definitely how I see it. There's a bit of -- I
10 would say more than a bit. There's a lot of the
11 Secretary's Office and the Attorney General's Office
12 talking past each other, because neither party seems
13 really willing to talk about the real issue, which is
14 how the voter registration system was set up. That
15 just is how it is. The arguments that -- so there's
16 a -- you know, there's a talking past that logistical
17 problem.

18 CHAIRMAN MEYER: Any other Commissioners have
19 questions or comments on this -- this issue?

20 COMMISSIONER CHAN: Mr. Chairman.

21 CHAIRMAN MEYER: Thank you. Commissioner
22 Chan.

23 COMMISSIONER CHAN: I actually don't have any
24 comments, but I just wanted to let everybody know I
25 need to get going, so I'm going to sign off. And I'm

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1 sorry I'm missing the public testimony, but I will -- I
2 think you all still have a quorum, so I will see you
3 all at the next meeting. I apologize. My kids have a
4 half day today, so I have to go pick them up from
5 school.

6 CHAIRMAN MEYER: Thank you, Commissioner
7 Chan.

8 COMMISSIONER CHAN: Thanks, everyone.

9 CHAIRMAN MEYER: Okay. Commissioner Kimble,
10 Commissioner Paton, Commissioner Titla, any questions
11 on the E-Equal issue?

12 COMMISSIONER KIMBLE: Mr. Chairman, one brief
13 question.

14 Tom, so is it still possible that this
15 shutdown could be delayed in a way that would make it
16 more palatable for us?

17 MR. COLLINS: Mr. Chairman, Commissioner
18 Kimble, I mean, I think -- I mean, I would say this.
19 We have not told the Secretary's Office, I don't think,
20 that we object to the shutdown or don't object to the
21 shutdown per se. The Attorney General's Office has
22 suggested, and I -- and I don't have reason to believe
23 this is incorrect, although the Secretary's Office says
24 it is, that this could simply be delayed out past the
25 -- at least the signature filing period, which begins

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1 on April 4th.
2 That doesn't necessarily deal with the
3 qualifying period issue, and that's the one issue --
4 you know, very few -- there are going to be very few
5 legislative candidates -- there are going to be even
6 fewer legislative candidates who are going to have a
7 set of signatures that are in this -- essentially, if
8 you take the safe harbor position at its face value,
9 you know, you would have to have -- say we had District
10 1 and -- old District 1, new District 2. You would
11 have to have been in old District 1 and not in old
12 District -- in new District 2 to be in the niche that
13 would -- that would be problematic. We believe, based
14 on talking to at least one -- one County Recorder I
15 spoke to last week suggests that that's possible to
16 solve on paper.
17 So, you know, again, the scope of the issue
18 is a little -- I mean, so the answer is -- short answer
19 is, the Secretary says that it cannot be delayed. The
20 Attorney General says it can be. Our communications
21 with the County Recorder on our specific issues
22 indicate that we should be able to -- candidates should
23 be able to work around the issue so far.
24 COMMISSIONER KIMBLE: Thank you,
25 Mr. Chairman.

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1 CHAIRMAN MEYER: Any other questions or
2 comments?
3 (No response.)
4 CHAIRMAN MEYER: Okay. If not, we will go to
5 the next Agenda item, which is public comment. This is
6 the time for consideration of comments and suggestions
7 from the public. Action taken as a result of public
8 comment will be limited to directing staff to study the
9 matter or rescheduling the matter for further
10 consideration and decision at a later date or
11 responding to criticism.
12 Does any member of the public wish to make
13 comments at this time? You may also send comments to
14 the Commission by mail or e-mail at
15 ccec@azcleanelections.gov.
16 And off our monitor, is there anyone in the
17 public who would like to make a comment?
18 (No response.)
19 CHAIRMAN MEYER: Candidly, I don't know if
20 anyone wants to make a comment. Is someone monitoring
21 this, Tom, that would tell us that?
22 MR. COLLINS: We would have seen a -- I'm
23 sorry. Mr. Chairman, I think we would have seen
24 someone raise their hand or Cathy would otherwise
25 notify us, so I think we're in good shape to move on.

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1 CHAIRMAN MEYER: All right. So at this
2 point, I guess we can rest assured no public comments
3 today.
4 That will move us, I guess, to adjournment.
5 And before we do adjourn, I'd just like to say that,
6 you know, thoughts and our hearts out there to the
7 folks in Ukraine and what they're going through and
8 just keep them in our thoughts.
9 But other than that, I will entertain any
10 motion to adjourn the meeting or any other comment from
11 any other Commissioners. Go ahead.
12 COMMISSIONER TITLA: Chairman, I motion to
13 adjourn.
14 CHAIRMAN MEYER: We have a motion to adjourn.
15 Is there a second?
16 COMMISSIONER KIMBLE: Commissioner Kimble.
17 Second.
18 CHAIRMAN MEYER: All right. We have a motion
19 to adjourn. It's been moved and seconded. All in
20 favor -- or, excuse me. I've got to do the roll call
21 here.
22 COMMISSIONER TITLA: Aye.
23 CHAIRMAN MEYER: Commissioner Paton, how do
24 you vote?
25 COMMISSIONER PATON: Aye.

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1 CHAIRMAN MEYER: Commissioner Kimble.
2 COMMISSIONER KIMBLE: Aye.
3 CHAIRMAN MEYER: Commissioner Titla.
4 COMMISSIONER TITLA: Aye.
5 CHAIRMAN MEYER: Okay. I will vote aye. And
6 for the record, Commissioner Chan is not here, but the
7 motion carries 4-0 to adjourn.
8 Thank you all, and we will see you next
9 month. We are adjourned.
10 (The meeting concluded at 11:20 a.m.)
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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA) ss.

3
4 BE IT KNOWN that the foregoing deposition was
5 taken by me pursuant to stipulation of counsel; that I
6 was then and there a Certified Reporter of the State of
7 Arizona, and by virtue thereof authorized to administer
8 an oath; that the witness before testifying was duly
9 sworn by me to testify to the whole truth; that the
10 transcript was submitted for review and signature; that
11 the questions propounded by counsel and the answers of
12 the witness thereto were taken down by me in shorthand
13 and thereafter transcribed into typewriting under my
14 direction; that the foregoing pages are a full, true,
15 and accurate transcript of all proceedings and
16 testimony had and adduced upon the taking of said
17 deposition, all to the best of my skill and ability.

18
19 I FURTHER CERTIFY that I am in no way related
20 to nor employed by any of the parties hereto nor am I
21 in any way interested in the outcome hereof.

22
23 DATED at Tempe, Arizona, this 28th day of
24 February, 2022.

25


Kathryn A. Blackwelder, RPR
Certified Reporter #50666

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