



NOTICE OF PUBLIC MEETING AND POSSIBLE EXECUTIVE SESSION OF THE STATE OF ARIZONA CITIZENS CLEAN ELECTIONS COMMISSION

Location: Citizens Clean Elections Commission

1616 West Adams, Suite 110

Phoenix, Arizona 85007

Date: Thursday, January 23, 2020

Time: 9:30 a. m.

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Commissioners of the Citizens Clean Elections Commission and the general public that the Citizens Clean Elections Commission will hold a regular meeting, which is open to the public on January 23, 2020. This meeting will be held at 9:30 a.m., at the Citizens Clean Elections Commission, 1616 West Adams, Suite 110, Phoenix, Arizona 85007. The meeting may be available for live streaming online at www.livestream.com/cleanelections. Members of the Citizens Clean Elections Commission will attend either in person or by telephone, video, or internet conferencing.

The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice on any item listed on the agenda, pursuant to A.R.S. § 38-431.03 (A)(3). The Commission reserves the right at its discretion to address the agenda matters in an order different than outlined below.

All matters on the agenda may be discussed, considered and are subject to action by the Commission.

Possible action on any Matter Under Review (MUR) identified in this agenda may include, but is not limited to, authorizing or entering into a conciliation agreement with subject of the MUR, in addition to any other actions, such as finding reason to believe a violation has occurred, finding probable cause to believe a violation has occurred, applying penalties, ordering the repayment of monies to the Clean Elections Fund, or terminating a proceeding.

Possible actions with regard to Rules and Rules amendments may include, but is not limited to, approval of the proposed rules or amendments, a determination whether any rules adopted unanimously should be made effective immediately, termination of a rulemaking docket, or directing staff to file a notice of supplemental rulemaking, approving a proposed Rule or Amendment for Public Comment.

The agenda for the meeting is as follows:

- I. Call to Order.
- II. Discussion and Possible Action on Commission Minutes for December 12, 2019 meeting.

III. Discussion and Possible Action on Executive Director's Report and Legislative Report. **Possible Action may include directing staff to take positions on legislation, legal, rulemaking, appointment and voter education issues discussed in the report. The report is typically available online on the Clean Elections Commission website or via email request at ccec@azcleanelections.gov**

IV. Discussion and Possible Action on matters relating to the Secretary of State's office, the See the Money project, the Campaign Finance Reporting System, the Commission Interagency Service Agreement with the Secretary of State's Office.

The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice on this item, pursuant to A.R.S. § 38-431.03 (A)(3).

V. Discussion and Possible Action on Proposed Meeting Dates for February – July, 2020.

VI. Discussion and Possible Action on Rules and Rule Amendments including:

A. Status of Governor's Regulatory Review Commission action on pending Rules amendments including R2-20-113 and 704.

B. Discussion and Possible Action on proposed amendments to R2-20-702, for final adoption and effective date. **After 60 days public comment, the Commission may vote to make the amendment(s) effective immediately. A.R.S. § 16-956(D). (E).**

The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice on this item, pursuant to A.R.S. § 38-431.03 (A)(3).

VII. Discussion and Possible Action on 2020 Interagency Service Agreement with the Attorney General's Office.

VIII. Public Comment

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

IX. Adjournment.

This agenda is subject to change up to 24 hours prior to the meeting. A copy of the agenda background material provided to the Commission (with the exception of material relating to possible executive sessions) is available for public inspection at the Commission's office, 1616 West Adams, Suite 110, Phoenix, Arizona 85007.

Dated this 21st day of January, 2020.

Citizens Clean Elections Commission

Thomas M. Collins, Executive Director

Any person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Commission at (602) 364-3477. Requests should be made as early as possible to allow time to arrange accommodations.

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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
December 12, 2019
9:30 a.m.

ITEM II

COASH & COASH, INC.
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Prepared by:
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<p style="text-align: right;">Page 2</p> <p>1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN 2 ELECTIONS COMMISSION convened at 9:30 a.m. on 3 December 12, 2019, at the State of Arizona, Clean 4 Elections Commission, 1616 West Adams, Conference Room, 5 Phoenix, Arizona, in the presence of the following Board 6 members: 7 Mr. Mark S. Kimble, Chairperson 8 Mr. Damien R. Meyer (Telephonic) 9 Ms. Amy B. Chan 10 Mr. Galen D. Paton 11 12 OTHERS PRESENT: 13 Thomas M. Collins, Executive Director 14 Paula Thomas, Executive Officer 15 Gina Roberts, Voter Education Director 16 Mike Becker, Policy Director 17 Alec Shaffer, Web Content Manager 18 Avery Oliver, Voter Education Specialist 19 Julian Arndt, Executive Support Specialist 20 Rivko Knox, AZ League of Women Voters 21 Joseph LaRue, Attorney General's Office 22 Kara Karlson, Attorney General's Office 23 Ryan Wheelock, RIESTER 24 25</p>	<p style="text-align: right;">Page 4</p> <p>09:31:47-09:32:48</p> <p>1 Is there a second? 2 COMMISSIONER PATON: Second. 3 COMMISSIONER KIMBLE: It's moved and 4 seconded. 5 All those in -- well, let's do a roll call. 6 Commissioner Chan? 7 COMMISSIONER CHAN: Aye. 8 CHAIRMAN KIMBLE: Commissioner Paton? 9 COMMISSIONER PATON: Aye. 10 CHAIRMAN KIMBLE: Commissioner Meyer? 11 COMMISSIONER MEYER: Aye. 12 CHAIRMAN KIMBLE: The Chair votes aye. The 13 minutes are approved. Excuse me. 14 Item III: Discussion and possible action 15 on executive director's report and legislative report. 16 Tom? 17 MR. COLLINS: Thank you, Mr. Chairman, 18 Commissioners. I just want to briefly cover that, you 19 know, as you can see, we've had -- in terms of 20 community outreach, you know, we have had -- Avery has 21 been out collaborating with and meeting with folks and 22 really expanding our relationships with entities that 23 are eager to have the kind of voter education services 24 that we provide and, you know -- and, of course, Gina 25 has been doing an enormous amount of work with the</p>
<p>09:30:51-09:31:46</p> <p style="text-align: right;">Page 3</p> <p>1 PROCEEDING 2 3 CHAIRMAN KIMBLE: Good morning. I'm going 4 to call to order the December 12th, 2019, meeting of 5 the Citizens Clean Elections Commission. We have 6 commissioners here and on the phone. So, we're going 7 to do a roll call. 8 Commissioner Chan? 9 COMMISSIONER CHAN: Oh, here. 10 CHAIRMAN KIMBLE: Commissioner Paton? 11 COMMISSIONER PATON: Here. 12 CHAIRMAN KIMBLE: Commissioner Meyer? 13 COMMISSIONER MEYER: Here. 14 CHAIRMAN KIMBLE: And Commissioner Kimble 15 is here, too. We have a majority. 16 Item II: Discussion and possible action on 17 Commission minutes for the November 14th, 2019 meeting. 18 Are there any corrections or additions to 19 the minutes? 20 COMMISSIONER CHAN: Mr. Chairman. 21 CHAIRMAN KIMBLE: Commissioner Chan. 22 COMMISSIONER CHAN: I move that we approve 23 the minutes as written. 24 CHAIRMAN KIMBLE: Motion made to approve 25 the minutes as written.</p>	<p>09:32:56-09:34:12</p> <p style="text-align: right;">Page 5</p> <p>1 Secretary of State's Office on their election security 2 issues and helping them to -- to develop plans along 3 those lines. 4 And -- I mean, one correction. I got sick. 5 So, I didn't go to the National Governors Association's 6 Policy Academy, but I think that a two-day -- it was 7 two days of meetings that Gina participated in that, I 8 think, were important for us to be at. 9 And we had an incredibly successful launch 10 in the Pinal County Recorder's -- Recorder's Office had 11 an incredible and successful loss -- launch of their 12 mobile voter outreach center on December 5th. 13 I just want to, real quickly, say I think 14 this has been one of the most successful, if not the 15 most successful, voter education years we've had. 16 You'll hear more about that in Gina's presentation. 17 And Gina said something that really stuck with me, and 18 I think this makes a difference in the context of 19 communicating with voters, especially around issues 20 like, you know, security and information, which is that 21 other states don't have the kind of dedicated resources 22 and administrative priorities that this agency has had 23 created for it by the voters. 24 And I think that that -- I think that's -- 25 you know, that as you look to all of the issues around</p>

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<p>1 elections, I think that's -- I think that unique role</p> <p>2 is more necessary than ever. And I just want to say</p> <p>3 that this has been a -- that this has been a good year</p> <p>4 for that. And we've -- I mean, from the voter</p> <p>5 conference to -- to the partnership with Pinal, working</p> <p>6 with Coconino later this -- later this week, I think</p> <p>7 we're really doing some extraordinary stuff.</p> <p>8 Just a real quick thing. We filed -- on</p> <p>9 outstanding legal matters, we filed a response to the</p> <p>10 Arizona Advocacy -- Arizona Advocacy Network v. State</p> <p>11 case where we are, essentially, appellees. I have a</p> <p>12 copy of that, if you're interested. The Election</p> <p>13 Procedures Manual is supposed to be approved by the</p> <p>14 Governor's office by December 31st is my understanding</p> <p>15 and -- and, then, you guys -- you all can see the rest</p> <p>16 of the report. I just wanted to hit those highlights.</p> <p>17 CHAIRMAN KIMBLE: Any comments or questions</p> <p>18 on the executive director's report?</p> <p>19 COMMISSIONER PATON: Yes, I have --</p> <p>20 CHAIRMAN KIMBLE: Commissioner Paton?</p> <p>21 COMMISSIONER PATON: Can you expand on the</p> <p>22 progress being made by the Governor's office?</p> <p>23 CHAIRMAN KIMBLE: Let me just say that, to</p> <p>24 me, looks like it was cut and pasted from the last</p> <p>25 agenda.</p>	<p>1 that duty and to let it go two years is too long. The</p> <p>2 significance of the fact that your term, Mr. Chairman,</p> <p>3 is expiring next month should be lost on no one. When</p> <p>4 your term expires, it will be Mr. -- Commissioner Paton</p> <p>5 and myself who are the only active members. The other</p> <p>6 three members will be holdovers.</p> <p>7 And, I guess, the reason for my unhappiness</p> <p>8 is that for the past three months, through back</p> <p>9 channels, I have heard rumors that there was somebody</p> <p>10 who was going to be appointed to fill the position, and</p> <p>11 I felt, like, that was something that appeased my</p> <p>12 concerns. And now I feel, like, maybe I've been</p> <p>13 manipulated because I don't understand where those</p> <p>14 rumors came from. I don't know that they were</p> <p>15 disingenuous. I don't know what has happened behind</p> <p>16 the scenes.</p> <p>17 And maybe I just need to speak with the</p> <p>18 Governor's office myself to get that information and</p> <p>19 maybe they don't -- maybe that's not my place. I</p> <p>20 just -- I am extremely concerned about the fact that</p> <p>21 this -- when I spoke up and the League of Women Voters</p> <p>22 spoke up -- and thank you for doing that, Rivko and the</p> <p>23 League -- it had been 18 months. And I think that had</p> <p>24 been plenty of time for the Governor's office to get</p> <p>25 this done.</p>		
09:35:37-09:36:54	Page 7	09:38:36-09:39:55	Page 9
<p>1 MR. COLLINS: Yes.</p> <p>2 CHAIRMAN KIMBLE: And from the meeting</p> <p>3 agenda before that and the agenda before that.</p> <p>4 COMMISSIONER PATON: It does.</p> <p>5 MR. COLLINS: It is.</p> <p>6 CHAIRMAN KIMBLE: Okay. Thank you.</p> <p>7 MR. COLLINS: I can tell you that I</p> <p>8 emailed -- exchanged emails with the Governor's board</p> <p>9 and Commission director yesterday, and I was told that</p> <p>10 there's a -- that they are still vetting candidates.</p> <p>11 So, that's the information I have.</p> <p>12 COMMISSIONER CHAN: Mr. Chairman?</p> <p>13 CHAIRMAN KIMBLE: Commissioner Chan?</p> <p>14 COMMISSIONER CHAN: I just have a few</p> <p>15 comments, and I -- I personally reached out to the</p> <p>16 person that I know on the Governor's staff this morning</p> <p>17 just to do that because I found myself feeling a little</p> <p>18 unhappy last night, realizing that we're going into the</p> <p>19 third month of still not having somebody appointed to</p> <p>20 this vacancy that's going to have been vacant now for</p> <p>21 two years starting next month.</p> <p>22 And, recognizing that there may be</p> <p>23 difficulties in finding appropriate candidates, I think</p> <p>24 it's a very important job, and I think it's incumbent</p> <p>25 upon the Governor's staff and the Governor to fulfill</p>	<p>1 And, again, now it's going to be a full two</p> <p>2 years of a vacancy, basically, with a holdover. And,</p> <p>3 frankly, a five-year term is a long term. We cannot</p> <p>4 expect holdovers to continue to serve in these</p> <p>5 positions that are volunteer positions. Yes, there is</p> <p>6 a per diem. These are volunteer positions.</p> <p>7 So, having said that, I know that Secretary</p> <p>8 Hobbs has an opportunity to appoint someone to the</p> <p>9 position held by Commissioner Meyer who is a</p> <p>10 holdover -- not that I don't appreciate Commissioner</p> <p>11 Meyer, but I think my understanding of that situation</p> <p>12 is that her office believes she is unable to do so</p> <p>13 until the Governor acts. I would just publicly ask her</p> <p>14 to strongly reconsider that because of the situation we</p> <p>15 are going to find ourselves in if the Governor</p> <p>16 continues to be unable to fulfill his duty to fill this</p> <p>17 two-year long vacancy.</p> <p>18 And with that, that's all I have,</p> <p>19 Mr. Chairman.</p> <p>20 CHAIRMAN KIMBLE: Any other comments on the</p> <p>21 executive director's report?</p> <p>22 (No response.)</p> <p>23 CHAIRMAN KIMBLE: Thank you.</p> <p>24 Item IV: Discussion and possible action on</p> <p>25 the 2020 Voter Education Plan.</p>		

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<p>1 Gina?</p> <p>2 MS. ROBERTS: Mr. Chairman, Commissioners,</p> <p>3 good morning. Today I have the 2020 Voter Education</p> <p>4 Plan to present to you. If you'll recall -- excuse</p> <p>5 me -- the Commission has already approved the budget</p> <p>6 for 2020, and so in that included the voter education</p> <p>7 budget request that we had. And now I have a little</p> <p>8 bit more detail for you about what our plans and our</p> <p>9 goals are for next year.</p> <p>10 I usually do this every time I present the</p> <p>11 public education plan, the Voter Education Plan that we</p> <p>12 have. This is our preamble, and I like to share this</p> <p>13 because it just -- this is what we always fall back on.</p> <p>14 Whenever we're making decisions about voter education</p> <p>15 and the directions that we should go, we always fall</p> <p>16 back on the fact that our preamble specifically states</p> <p>17 that we will encourage citizen participation in the</p> <p>18 political process. And so, that's really the</p> <p>19 underlying goal here throughout the plans. Excuse me.</p> <p>20 I wanted to, kind of, share the lay of the</p> <p>21 land right now with what the voter registration</p> <p>22 statistics are for the state. So, we have about 3 --</p> <p>23 almost 3.9 million registered voters, and there's the</p> <p>24 breakdown between the political affiliations. You can</p> <p>25 see other, which is our Independent voter group. They</p>	<p>1 reason not to vote is inadequate knowledge. And there</p> <p>2 can be many different components to that, such as,</p> <p>3 well, where do I find this information that I'm looking</p> <p>4 for and how do I know if it is trustworthy information.</p> <p>5 That was a common theme. The other theme that we'll</p> <p>6 talk about, too, is the time it takes to become</p> <p>7 knowledgeable and to find the information that you're</p> <p>8 looking for and be an informed voter. And so, I wanted</p> <p>9 to highlight some of the recommendations.</p> <p>10 And I'm sorry. I wanted to start by</p> <p>11 stating that we will be continuing to work with</p> <p>12 RIESTER. They are our partner in helping us execute</p> <p>13 our Voter Education Plan, and RIESTER conducted this</p> <p>14 research on behalf of Clean Elections. And so, they</p> <p>15 really are and have been a wonderful partner for us and</p> <p>16 understanding the mission of reaching voters and</p> <p>17 encouraging that participation.</p> <p>18 And so, the recommendations are really --</p> <p>19 we're on the same path. We really are. There's really</p> <p>20 nothing new from the research. It's just continuing to</p> <p>21 validate that we are going on the right path here with</p> <p>22 what voters are expressing what their needs are. And,</p> <p>23 again, you know, the ultimate goals are to encourage</p> <p>24 that participation in the political process, but what I</p> <p>25 wanted to really call to your attention here are some</p>		
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<p>1 are still the second largest voting block in the state,</p> <p>2 and I would like to mention that the Green Party, they</p> <p>3 do not have ballot recognition for 2020. So,</p> <p>4 technically, those groups are, also, falling into the</p> <p>5 Independent category, as well.</p> <p>6 This is just a quick snapshot of some of</p> <p>7 the turnout that we've seen in the past year and with</p> <p>8 2018. I believe I've shared this information with you</p> <p>9 before, but I did just want to highlight. You'll see</p> <p>10 in presidential election years, obviously, the turnout</p> <p>11 is going to be higher. And, in 2016, we had, in the</p> <p>12 general election, a turnout of 74.17 percent. So, I</p> <p>13 just, again, wanted to share that we are expecting, you</p> <p>14 know, similar, if not higher, turnout rates in the 2020</p> <p>15 election cycle.</p> <p>16 So, historically, the Commission, for the</p> <p>17 past several years, has invested in research with</p> <p>18 voters so we can identify the needs that they are</p> <p>19 expressing that they feel that they need to participate</p> <p>20 and what kind of voter education services voters are</p> <p>21 looking for. And so, we did conduct research this</p> <p>22 year. We did both focus groups and a survey with</p> <p>23 voters, and I just wanted to share some of the key</p> <p>24 findings that stood out to us.</p> <p>25 And you'll see here that the number one</p>	<p>1 of the issues that stood out to us and the</p> <p>2 considerations in really removing the barriers and that</p> <p>3 it takes too much time and too much work and effort.</p> <p>4 And, again, just, kind of -- the</p> <p>5 information that I'm finding here, how do I know if</p> <p>6 it's trustworthy, how do I know if it's factual. And</p> <p>7 the three key points that I wanted to highlight from</p> <p>8 this research is that voters can become overwhelmed,</p> <p>9 apathetic, disinterested. That's, you know, really</p> <p>10 nothing new that we've dealt with over the years.</p> <p>11 We're always trying to address that issue. And feeling</p> <p>12 uninformed can result in distress in the system.</p> <p>13 And we really want to -- excuse me --</p> <p>14 voters, you know, they can -- we all have our busy</p> <p>15 lives. And so, considering all of the issues that are</p> <p>16 on the ballot and the candidates and the time that it</p> <p>17 takes to research, we want to make sure that voting</p> <p>18 information is easily accessible and adjustable for</p> <p>19 voters.</p> <p>20 And so, one of the things that really stood</p> <p>21 out to us as we were doing the focus groups was the</p> <p>22 word "bullets." Practically every focus group that we</p> <p>23 had, every single voter mentioned, can I just get the</p> <p>24 bullets from what the issues are? Can you just give</p> <p>25 met the highlights here? And so, that really pointed</p>		

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<p>1 out to us the need for that easily accessible</p> <p>2 information. Excuse me.</p> <p>3 So, our campaigns that we're going to be</p> <p>4 focusing on, obviously, elections, the key dates,</p> <p>5 logistics, the voting, what voters need to know in</p> <p>6 terms of how to get their ballot, voter registration</p> <p>7 deadlines, that sort of thing for the elections itself.</p> <p>8 And, then, we will -- Independent voters, the rules</p> <p>9 change across the elections, and so, they need</p> <p>10 specialized education. And so, we will be focusing on</p> <p>11 the information that Independent voters need to know.</p> <p>12 And, then, younger voters, we will continue</p> <p>13 our outreach to the 18- and 24-year-old group and</p> <p>14 trying to, again, instill that lifelong voting habit to</p> <p>15 these younger voters and trying to reach them and meet</p> <p>16 them where they are.</p> <p>17 And since we will be in an election year,</p> <p>18 we will have our Voter Education Guide. We will be</p> <p>19 sponsoring debates, and another campaign will be</p> <p>20 election security. Tom briefly touched on that in the</p> <p>21 executive director's report, but I will go over that a</p> <p>22 little bit more in detail here.</p> <p>23 There will be five elections next year.</p> <p>24 This includes two local elections and, then, we do have</p> <p>25 our March 17 presidential preference election and,</p>		<p>1 presidential preference election is not a primary</p> <p>2 election. There is a difference. And the open primary</p> <p>3 law is not applicable. So, that is a constant</p> <p>4 communication point that we will be putting out there.</p> <p>5 COMMISSIONER PATON: I have a question.</p> <p>6 CHAIRMAN KIMBLE: Commissioner Paton?</p> <p>7 COMMISSIONER PATON: So, if there's not a</p> <p>8 Republican presidential primary, basically, there is</p> <p>9 for the other federal offices, I mean, the Senate --</p> <p>10 the Senate office. So, they may not vote for the</p> <p>11 president, but the Senate is going to be on there.</p> <p>12 Correct?</p> <p>13 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>14 Paton, that is correct. So, on the primary ballot, the</p> <p>15 federal offices that will be there will be the U.S.</p> <p>16 Senate seat that Senator McSally is currently holding</p> <p>17 that is --</p> <p>18 COMMISSIONER PATON: And the congressional.</p> <p>19 MS. ROBERTS: Yes. And that is the</p> <p>20 remainder of Senator McCain's term. And, then, we do</p> <p>21 have our 9 Congressional District. So, for</p> <p>22 everything else but president, there is a primary that</p> <p>23 does exist.</p> <p>24 COMMISSIONER PATON: Okay.</p> <p>25 MS. ROBERTS: And the purpose of the</p>	
09:46:30-09:47:39	Page 15	09:48:42-09:49:32	Page 17
<p>1 then, of course, our primary and our general. And just</p> <p>2 as a reminder, the primary election date has changed.</p> <p>3 The legislature moved it up. So, we now are looking at</p> <p>4 an earlier time frame for when our debates will kick</p> <p>5 off, when the Voter Guide goes out. So, our schedule</p> <p>6 has been bumped up by, approximately, a month.</p> <p>7 What's on the ballot for the PPE? So, only</p> <p>8 one political party is participating, that is the</p> <p>9 Democratic Party, which means only Democrats can vote</p> <p>10 in the presidential preference election. That is a</p> <p>11 critical message that we need to get out to voters</p> <p>12 across the state, and we need to make sure everybody</p> <p>13 understands who is eligible to vote.</p> <p>14 The Secretary of State's Office had the</p> <p>15 ballot order drawing yesterday. So, there are 18</p> <p>16 candidates that qualified for the ballot, and I have</p> <p>17 the order listed here. Excuse me. And, then, what's</p> <p>18 on the ballot for the primary election. We have all of</p> <p>19 our candidate races that will be on there from federal,</p> <p>20 state and, of course, our local districts, as well.</p> <p>21 One thing that we'll be communicating and</p> <p>22 we have -- we often get this question is on our</p> <p>23 August 4 primary ballot, there's nothing related to the</p> <p>24 presidential election on there. And so, we're</p> <p>25 constantly trying to let voters know that the</p>		<p>1 primary is to nominate the candidates to the general</p> <p>2 election where they can actually be elected into</p> <p>3 office.</p> <p>4 COMMISSIONER PATON: So, that will confuse</p> <p>5 a lot of people when they don't see that.</p> <p>6 MS. ROBERTS: There's -- yes, sir. There's</p> <p>7 a lot of education efforts that are -- are necessary to</p> <p>8 explain those differences.</p> <p>9 COMMISSIONER PATON: But that would give</p> <p>10 the Independents at least the chance to vote in the</p> <p>11 Democratic presidential -- no?</p> <p>12 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>13 Paton, in the Democratic presidential preference</p> <p>14 election only Democratic voters can participate.</p> <p>15 COMMISSIONER PATON: Okay.</p> <p>16 MS. ROBERTS: Independents, any other</p> <p>17 political party, the only way someone can participate</p> <p>18 in the March 17 PPE is if they are a registered</p> <p>19 Democrat by, I believe, February 18th is the federal</p> <p>20 registration deadline.</p> <p>21 COMMISSIONER PATON: Unless they register</p> <p>22 to be a Democrat. Okay.</p> <p>23 MS. ROBERTS: Yes, sir.</p> <p>24 COMMISSIONER PATON: Okay.</p> <p>25 MS. ROBERTS: And so, what that extends to</p>	

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<p>1 for Independents -- and I've got a slide for that, too.</p> <p>2 We'll talk about how the rules for Independent voters</p> <p>3 change across the three elections.</p> <p>4 COMMISSIONER PATON: So, I would think</p> <p>5 that -- I mean, if I'm a little confused, then -- then</p> <p>6 that just shows that one-third of the people that are</p> <p>7 registered to vote, we really need to try to reach</p> <p>8 them.</p> <p>9 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>10 Paton, absolutely. It is -- it is something that all</p> <p>11 of our election officials across the state have been</p> <p>12 discussing for the past year. It is something that can</p> <p>13 be very confusing to explain and, you know, we have to</p> <p>14 try to figure out a way to do that with all of our</p> <p>15 communication methods that we have available to us.</p> <p>16 Even talking to somebody face to face, it can be hard</p> <p>17 to explain that process.</p> <p>18 And, along with that, it includes making</p> <p>19 sure that the media understands and that it's not being</p> <p>20 misreported because, you know, we want to make sure</p> <p>21 that our partners there have a good understanding of</p> <p>22 what this means. And so, it is a challenge.</p> <p>23 COMMISSIONER PATON: Yeah. I mean, I guess</p> <p>24 it's not really that confusing, but I know that wasn't</p> <p>25 the case when I started voting. They changed that</p>	<p>1 cannot participate. They cannot vote. In the primary,</p> <p>2 they can, but they have to take the step of requesting</p> <p>3 a single partisan ballot. Well, there technically</p> <p>4 could be a local non-partisan ballot available, but for</p> <p>5 the most part, they would have to request which ballot</p> <p>6 they want. And, then, in the general, everybody can</p> <p>7 vote. Independents can vote. No additional steps are</p> <p>8 required.</p> <p>9 So, we're going to be going through 2020</p> <p>10 trying to communicate to voters in this period of time</p> <p>11 here's the rules for this election and, then, scratch</p> <p>12 that; here's the rules for this election and, then,</p> <p>13 scratch that; here's the rules for this election.</p> <p>14 Although, we, also, have two local elections occurring,</p> <p>15 as well, too.</p> <p>16 One thing that I wanted to highlight from</p> <p>17 our research was most Independents do -- they weren't</p> <p>18 aware that they could participate or it gets a little</p> <p>19 confusing to them on how they can participate in the</p> <p>20 primary. And so, we do try to communicate to them that</p> <p>21 in the primary election, the August primary election,</p> <p>22 you can participate. You don't have to change your</p> <p>23 party registration. Simply picking a partisan ballot</p> <p>24 will not impact your registration. There's not a</p> <p>25 single ballot that has all party candidates on it.</p>		
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<p>1 law -- I don't know at what time, but -- so people of</p> <p>2 my age, at least, you know, that wasn't an issue. If</p> <p>3 you weren't of a certain party, then you didn't vote in</p> <p>4 the primary. And so, I don't know when that law took</p> <p>5 place, but --</p> <p>6 MS. ROBERTS: Mr. Chairman --</p> <p>7 COMMISSIONER PATON: That's one reason why</p> <p>8 they're confused, I guess.</p> <p>9 MS. ROBERTS: Yes, sir.</p> <p>10 And for the general election, when we</p> <p>11 transition over to that, we do have our presidential</p> <p>12 electors that will be on the ballot, as well. So,</p> <p>13 that's when voters will be voting for the electors to</p> <p>14 vote for president to the electoral college. And,</p> <p>15 then, of course, we have the remaining of those</p> <p>16 candidate races where now the elections will actually</p> <p>17 take place and ballot measures. So, statewide and any</p> <p>18 local ballot measures, judges and justices who are up</p> <p>19 for retention and, of course, those local districts.</p> <p>20 Going back to Independent voters, as I</p> <p>21 mentioned, the rules changed. So, we have three</p> <p>22 statewide elections next year. The rules changed for</p> <p>23 the Independent voters across each election. Excuse</p> <p>24 me. As I mentioned, they are the second largest voting</p> <p>25 block in Arizona, and so, in the PPE, Independents</p>	<p>1 That's in the general election, but we often hear</p> <p>2 frustration with the system by having to pick a single</p> <p>3 partisan ballot. So, that is also a challenge that we</p> <p>4 see from -- with Independent voters.</p> <p>5 And just this quote here that we took from</p> <p>6 the research: Can't vote in the primary as an</p> <p>7 Independent. It is not fair. So, again, in our August</p> <p>8 primary, you can, but there's a process of doing so.</p> <p>9 And so, we often hear either Independent voters aren't</p> <p>10 aware that they can participate. If they are aware,</p> <p>11 they don't like the system, the process by which they</p> <p>12 are participating. And so, we will be having that</p> <p>13 specialized education for Independent voters.</p> <p>14 And, then, for our younger voters, we will</p> <p>15 be continuing to look at ways that we can reach them.</p> <p>16 I wanted to highlight our mural that we did in the Take</p> <p>17 Flight Campaign. We are going to look at -- we are in</p> <p>18 the process of rewriting that so it is applicable to</p> <p>19 2020. And we are looking at improvements to the</p> <p>20 augmented reality portion of it, making user friendly</p> <p>21 updates, such as adding in-app video sharing and, also,</p> <p>22 looking at doing some branding overlays so that we can</p> <p>23 have, you know, register to vote and additional, you</p> <p>24 know, sayings on there or I voted, things like that.</p> <p>25 And so, we've found great success with this</p>		

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<p>1 effort in reaching younger voters, and we want to</p> <p>2 continue to see how we can further amplify this</p> <p>3 project.</p> <p>4 COMMISSIONER CHAN: Mr. Chairman?</p> <p>5 CHAIRMAN KIMBLE: Commissioner Chan.</p> <p>6 COMMISSIONER CHAN: Mr. Chairman, Gina,</p> <p>7 this is just a selfish question, but if I'm on</p> <p>8 Facebook, can I get the wings as an overlay for my</p> <p>9 Facebook photo, or do I have to go to the mural</p> <p>10 downtown? Is that what you're talking about with the</p> <p>11 overlays or --</p> <p>12 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>13 Chan, that's a great idea that we should do and build</p> <p>14 that frame, yes.</p> <p>15 COMMISSIONER CHAN: Okay.</p> <p>16 MS. ROBERTS: So, we can do that, but yes,</p> <p>17 you do have to visit the mural in person -- excuse</p> <p>18 me -- and either snap a photo of yourself or use the</p> <p>19 augmented reality to take the video. And so, we do</p> <p>20 have the physical location here downtown Phoenix,</p> <p>21 Roosevelt Row. We have it at two community colleges.</p> <p>22 Two community colleges actually reached out to us</p> <p>23 asking if we could do installations, and we have a few</p> <p>24 more colleges that are interested, as well.</p> <p>25 And we have portable versions of the mural,</p>	<p>1 election year, approximately four million pieces across</p> <p>2 the state.</p> <p>3 And the Guide will continue to have the</p> <p>4 statements and photographs and contact information for</p> <p>5 each candidate from statewide and legislative office.</p> <p>6 We will have information in there, such as the</p> <p>7 logistics of voting. And while this is our printed</p> <p>8 guide, we do allow any candidate in the state of</p> <p>9 Arizona to create a similar profile that is available</p> <p>10 on our website because the number one feedback that we</p> <p>11 get from voters when they receive the Guide is, well,</p> <p>12 this is great. We've got the statewide and</p> <p>13 legislative. Where are the rest of the candidates?</p> <p>14 And so, we refer them to our website. We,</p> <p>15 also, put an ad in the Voter Guide stating if you're</p> <p>16 looking for this, you can go online, and we provide</p> <p>17 multiple versions of it. We've got English, Spanish,</p> <p>18 Navajo. Excuse me. And we do plain text for screen</p> <p>19 readers. We have large print available, and we partner</p> <p>20 with Sun Sounds to provide a readable -- or an audio</p> <p>21 version for folks that want to dial into an (800)</p> <p>22 number.</p> <p>23 Our debates. So, from the research,</p> <p>24 debates -- online research and education guide are at</p> <p>25 the top rated sources for unbiased information. And</p>		
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<p>1 pop-up banners that some of our county partners have</p> <p>2 asked for, and they use it in their outreach events</p> <p>3 when they go to high schools, things like that. Avery</p> <p>4 uses the wings a lot, and sees great success with</p> <p>5 it, at all the events that he's attending; but as far</p> <p>6 as the overlays, what I meant is when someone goes in</p> <p>7 there in the app and they're doing the videos and the</p> <p>8 wings are popping up --</p> <p>9 COMMISSIONER CHAN: Got you.</p> <p>10 MS. ROBERTS: -- we can have it say</p> <p>11 register to vote so when they post that video of</p> <p>12 themselves, we make sure that that message of</p> <p>13 registering to vote is communicated in that video.</p> <p>14 COMMISSIONER CHAN: Okay.</p> <p>15 MS. ROBERTS: In their shares.</p> <p>16 COMMISSIONER CHAN: Thank you.</p> <p>17 MS. ROBERTS: But we do are writing down</p> <p>18 that note to make a frame for Facebook.</p> <p>19 As a mentioned, we will have our Voter</p> <p>20 Education Guide this year, in 2020, and I wanted to</p> <p>21 point out, from our research, the Voter Guide is the</p> <p>22 most widely known tool from Clean Elections. And it's</p> <p>23 a trusted tool and people expect to receive it, and it</p> <p>24 is automatically sent to every household with a</p> <p>25 registered voter. So, we are sending out, in an</p>	<p>1 so -- excuse me -- we recognize the value of -- the</p> <p>2 Clean Elections Act recognizes the value of debates and</p> <p>3 providing that service to voters so they have the</p> <p>4 opportunity to hear from the candidates and come out</p> <p>5 and meet them. This year we plan to live stream as</p> <p>6 many of the debates as we possibly can. We did a pilot</p> <p>7 in 2018 where we did a handful, and we saw great</p> <p>8 success with that. So, now we want to expand that to</p> <p>9 as many districts that we have the ability to do so</p> <p>10 with the technology.</p> <p>11 We're going to try to improve our</p> <p>12 grassroots -- grassroots outreach on the debates,</p> <p>13 letting our partners, such as the relationships that</p> <p>14 Avery has been fostering and developing, to help</p> <p>15 promote and let their community know that these debates</p> <p>16 are occurring. Excuse me.</p> <p>17 And we do recording that we're live</p> <p>18 streaming. We, also, record the videos, as well, and</p> <p>19 post them on our website for on-demand viewing. And</p> <p>20 so, we're going to continue and drive traffic to those</p> <p>21 recordings. And we are updating the format. So, the</p> <p>22 goal and some of the things that we -- we are</p> <p>23 constantly learning from our debates, and we do surveys</p> <p>24 with voters after they participate.</p> <p>25 And where we're at right now is we want to</p>		

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<p>1 be less restrictive in the format where we want to</p> <p>2 encourage more of a dialogue between the candidates</p> <p>3 back and forth and not be so stringent, maybe, on the</p> <p>4 times, while we're really looking to strong moderators</p> <p>5 to control those portions of the debate, making sure</p> <p>6 that every candidate has, you know, near equal speaking</p> <p>7 time, but to really have knowledgeable moderators who</p> <p>8 can draw on the responses from the candidates and try</p> <p>9 to pull more substantive information and notes and be</p> <p>10 informed about what the issues are in the state.</p> <p>11 Excuse me.</p> <p>12 And so, we're -- we are going to be able to</p> <p>13 partner with the "Arizona Capitol Times" again this</p> <p>14 year and their reporters and have them serve as</p> <p>15 moderators. They are actually going to be doing a</p> <p>16 training session for our moderators who are not</p> <p>17 reporters, as well, so we can work with them and try to</p> <p>18 get them up to speed with the things that we require</p> <p>19 from the moderators, but those, so far, are the main</p> <p>20 goals for the debate process.</p> <p>21 COMMISSIONER PATON: I have a question or a</p> <p>22 statement.</p> <p>23 CHAIRMAN KIMBLE: Commissioner Paton?</p> <p>24 COMMISSIONER PATON: So, I really wish more</p> <p>25 people would go to the debates. So, I'm always trying</p>	<p>1 newspapers, have them do op-eds, or something, before</p> <p>2 the debates, the little local one-week newspapers, like</p> <p>3 in Ajo, Arizona, or wherever, you know.</p> <p>4 And I was, kind of, struck by your research</p> <p>5 where 83 percent of the people said they always voted</p> <p>6 in federal elections. We know that's not true because,</p> <p>7 you know, just in the last one, like, 73 percent, and</p> <p>8 that's a very high number. So, I'm wondering who these</p> <p>9 people are that were in the survey and maybe how we</p> <p>10 could reach the people that -- the other 15 percent</p> <p>11 that didn't -- you know.</p> <p>12 MS. ROBERTS: Sure. Mr. Chairman,</p> <p>13 Commissioner Paton, with regards to the research, one</p> <p>14 thing we do often see and realize is what voters say</p> <p>15 and what voters do are very different.</p> <p>16 COMMISSIONER PATON: That was kind of my</p> <p>17 point.</p> <p>18 MS. ROBERTS: Yes. And, then, with regards</p> <p>19 to the debates, absolutely. We can -- we will be</p> <p>20 working on the public relations component to help</p> <p>21 spread the word about the debates and partner with all</p> <p>22 of these different news outlets to, hopefully, garner</p> <p>23 their coverage on it.</p> <p>24 And, as far as the radio ads going -- the</p> <p>25 paid ads that we're doing, we can certainly take a look</p>		
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<p>1 to think of ways to get people there. I would</p> <p>2 suggest -- you know, my -- when I heard that radio</p> <p>3 commercial in Tucson that was so fast but over 15</p> <p>4 seconds or whatever the thing was, I knew what it,</p> <p>5 basically, was saying, but they're talking so fast that</p> <p>6 I'm sure most other people weren't paying attention.</p> <p>7 I wonder if -- I know, obviously, it would</p> <p>8 be more costly, but maybe it would be more effective if</p> <p>9 we could do commercials that are, like, a minute long</p> <p>10 to where somebody would talk slowly and emphasize who</p> <p>11 is going to be there, that they could listen to, the</p> <p>12 kind of things that they would speak about. That way</p> <p>13 it would be easier for the listener to identify where</p> <p>14 it's going to be and who's going to be there and the</p> <p>15 issues and do they live in that area and all that kind</p> <p>16 of stuff.</p> <p>17 I mean, I don't know the difference in the</p> <p>18 cost, whatever. I think we have -- I think our budget</p> <p>19 should be trying to get people to go to those debates,</p> <p>20 and I think it would be worth our while to have longer</p> <p>21 commercials, more prevalent commercials where we can</p> <p>22 hit these people in enough time to plan. And I just</p> <p>23 wish we had more people going to the debates. So, you</p> <p>24 know, just from my own hearing it, or whatever, if we</p> <p>25 could do a partnership with, actually, all these</p>	<p>1 and see if there's opportunities to expand them. We</p> <p>2 just have to take into consideration knowing the</p> <p>3 deadlines for when they need the reads by.</p> <p>4 COMMISSIONER PATON: Right.</p> <p>5 MS. ROBERTS: And when the candidates RSVP</p> <p>6 by, but we can certainly look into that.</p> <p>7 One thing I didn't mention but that we did</p> <p>8 do in 2018 that we found to be very successful, Tom was</p> <p>9 able to film some pre-debate videos with the editor of</p> <p>10 the "Arizona Capitol Times," Luige del Puerto, and</p> <p>11 those helped generate interest. And we did talk about,</p> <p>12 well, here's the district. These are the communities</p> <p>13 it covers.</p> <p>14 COMMISSIONER PATON: Right.</p> <p>15 MS. ROBERTS: These are the candidates that</p> <p>16 will be in attendance, why you should be attending.</p> <p>17 The questions come from you. The voters who come out</p> <p>18 and meet them.</p> <p>19 COMMISSIONER PATON: Right.</p> <p>20 MS. ROBERTS: And it, absolutely, is our</p> <p>21 goal to get more people there, but I would, also,</p> <p>22 highlight even though if we don't have a full room of</p> <p>23 bodies in the debate, we have the recordings.</p> <p>24 COMMISSIONER PATON: Right.</p> <p>25 MS. ROBERTS: And we do see a lot of views</p>		

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<p>1 on those -- a couple hundred views in each district for</p> <p>2 the videos. And so, that's why we continue to provide</p> <p>3 that service and do the live stream.</p> <p>4 COMMISSIONER PATON: And maybe -- so, if we</p> <p>5 could do -- get the local TV channels to do stories</p> <p>6 before the debate and, kind of, highlight that. And</p> <p>7 they all have these sections -- like, in Tucson, they</p> <p>8 may have, like, the Northwest where they can do a</p> <p>9 little article, or whatever. I mean, at least the</p> <p>10 people that watch the news, local news, they're</p> <p>11 probably going to -- those are the people that are</p> <p>12 probably going to vote.</p> <p>13 And so -- but many of them may just have a</p> <p>14 superficial idea of who's running, and so on, because</p> <p>15 they kind of gloss over that. They've got 23 minutes,</p> <p>16 or whatever. So, I guess, if we could prod each of</p> <p>17 them to do a story on debates with enough time that</p> <p>18 people can plan, as well as -- again, I don't know how</p> <p>19 much all this costs, but like a long commercial on the</p> <p>20 news saying this is happening near you on this date</p> <p>21 or -- because, I mean, in Tucson, I don't know how many</p> <p>22 different districts there are, but at least those</p> <p>23 people, I think, would be more prone to show up because</p> <p>24 they're interested, probably. I'm just talking off the</p> <p>25 top of my head.</p>		<p>1 much, I mean, with our -- with our -- gerrymandering of</p> <p>2 either party for all these other ones. I don't know</p> <p>3 how many are close, but at least that election we know</p> <p>4 is going to be close and highly contested.</p> <p>5 And maybe we could get behind that to try</p> <p>6 to -- and, then, at that debate, we could say, hey,</p> <p>7 here's your local ones, you know, you're -- there's</p> <p>8 local debates that are going to be happening, and maybe</p> <p>9 we could do that debate a little bit earlier than some</p> <p>10 of the other ones to, kind of, promote the other</p> <p>11 smaller debates. I don't know.</p> <p>12 COMMISSIONER CHAN: Mr. Chairman?</p> <p>13 CHAIRMAN KIMBLE: Commissioner Chan.</p> <p>14 COMMISSIONER CHAN: I just wanted to</p> <p>15 mention -- and I'm sorry if we already went over this a</p> <p>16 little bit, but I know I'm on Twitter and Facebook much</p> <p>17 more than I listen to the radio or watch local news</p> <p>18 even. And I -- so, I think I'm more of the</p> <p>19 demographic -- it sounds like Commissioner Paton is</p> <p>20 more of a demographic that listens to the radio,</p> <p>21 watches the local news. And I know for myself -- I</p> <p>22 think your input is great, Commissioner Paton, as far</p> <p>23 as how you, you know, hear what's on the radio, but I</p> <p>24 know that -- I think what we do online is great, too.</p> <p>25 And I think that may target -- I'm not a</p>	
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<p>1 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>2 Paton, that's -- that's great feedback. I think you've</p> <p>3 really hit the nail in the head with the public</p> <p>4 relations efforts that -- I think that's really the</p> <p>5 opportunity that we can see most success with in trying</p> <p>6 to increase participation at the debates.</p> <p>7 We do have our paid media plan, of course,</p> <p>8 where we will have commercials. We do have radio reads</p> <p>9 and we do have digital. So -- excuse me. So, we're</p> <p>10 hitting all of the communication methods that we have</p> <p>11 available to us to put the message out there, but</p> <p>12 you're right. Maybe we just have 15-second or</p> <p>13 30-second spots to try to capture that attention. And</p> <p>14 so, for something where we're asking them to physically</p> <p>15 come out and participate and dedicate their evening to,</p> <p>16 I do see and agree with you that the public relations</p> <p>17 component of it -- we have the opportunity for getting</p> <p>18 success.</p> <p>19 COMMISSIONER PATON: I don't know the cost</p> <p>20 and if it's possible.</p> <p>21 And, then, also, why couldn't we sponsor a</p> <p>22 debate between the people running for U.S. Senate?</p> <p>23 That's going to be a close election, and that would be</p> <p>24 one that, I think, a lot of people would watch, you</p> <p>25 know. I don't know about the congressional one so</p>		<p>1 younger person, but I feel like younger people are</p> <p>2 probably on, like, Instagram. I'm not on Instagram,</p> <p>3 but I think -- I think that's where younger people go.</p> <p>4 I'm looking over here -- Facebook and Twitter. And I</p> <p>5 see a lot of our ads on those platforms.</p> <p>6 I remember two years ago seeing ads for our</p> <p>7 debates on those, and that, actually, was how I found</p> <p>8 out about our debates most times because I don't keep a</p> <p>9 schedule of our debates. I felt like a bad</p> <p>10 commissioner, actually, because I felt, like, well, I</p> <p>11 should know when all the databases are, but it was</p> <p>12 because of your ads that you guys put up on Facebook</p> <p>13 and Twitter and stuff.</p> <p>14 So, I think -- I think -- from that</p> <p>15 perspective, I think we have a very robust, you know,</p> <p>16 communications plan. So -- but I think that</p> <p>17 Commissioner Paton's comments are --</p> <p>18 COMMISSIONER PATON: Yeah. I don't</p> <p>19 necessarily watch the TV news anymore as much as I used</p> <p>20 to, but I'm just thinking that, obviously, somebody is.</p> <p>21 COMMISSIONER CHAN: Yeah.</p> <p>22 COMMISSIONER PATON: And those people vote,</p> <p>23 and a lot of those don't show up.</p> <p>24 But, Tom, is it possible for us to sponsor</p> <p>25 a U.S. Senate debate?</p>	

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<p>1 MR. COLLINS: Mr. Chairman, Commissioner</p> <p>2 Paton, anything -- anything is possible. The --</p> <p>3 COMMISSIONER PATON: That would get our</p> <p>4 name out there. I mean --</p> <p>5 MR. COLLINS: Right. I would look at it</p> <p>6 this way. We can -- we can -- we can look at that in a</p> <p>7 couple of different contexts to review it. I don't</p> <p>8 think that -- I don't think there's any prohibition on</p> <p>9 that. I think the bigger issue is that the competition</p> <p>10 for those candidates' time and the competition for --</p> <p>11 for -- that we're -- that's a situation in which, for</p> <p>12 sponsorship purposes, we are going head to head with</p> <p>13 the actual television stations, the actual -- and the</p> <p>14 actual -- and the actual newspapers.</p> <p>15 So, for example, in 2018, you know, we</p> <p>16 worked with Arizona PBS on statewide debates, but</p> <p>17 Arizona PBS worked directly with "The Republic" and, I</p> <p>18 want to say -- I think "The Republic" and maybe one</p> <p>19 other related entity on that. So, there's -- the</p> <p>20 competition to sponsor is different and the money at</p> <p>21 play is different. So, there's a bunch of different</p> <p>22 factors --</p> <p>23 COMMISSIONER PATON: Maybe we could be in</p> <p>24 conjunction with and, then, as part of our deal, say --</p> <p>25 MR. COLLINS: Right.</p>	<p>1 is election security. Election security has been a</p> <p>2 very hot topic for election officials since the 2016</p> <p>3 presidential election. There's been national</p> <p>4 conversations, statewide conversations. And, as Tom</p> <p>5 mentioned, the Secretary of State's Office, they held a</p> <p>6 tabletop exercise this Monday. And on Tuesday, there</p> <p>7 was -- Arizona was awarded the opportunity for a policy</p> <p>8 academy through the National Governors Association on</p> <p>9 election security. And so, that was held on Tuesday.</p> <p>10 And so, during those exercises, the</p> <p>11 Secretary's Office had representatives from all 15</p> <p>12 counties in attendance and, basically, simulated a mock</p> <p>13 election with disasters and leading up to how do you</p> <p>14 fortify your election and then the day of, election</p> <p>15 day. It was, actually, a wonderful event that their</p> <p>16 security officer, Ken Matta, put on.</p> <p>17 And I found it very informative, but one</p> <p>18 thing that I took away from that is voter education was</p> <p>19 the key theme on how our election official partners are</p> <p>20 relying and communicating with the public and</p> <p>21 addressing some of these issues. And so, when you talk</p> <p>22 about election security, it's important to think about</p> <p>23 the context of it and perspective.</p> <p>24 Election security means something</p> <p>25 different, depending on who you are, if you're an</p>		
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<p>1 COMMISSIONER PATON: -- here's our other</p> <p>2 local --</p> <p>3 MR. COLLINS: Right.</p> <p>4 COMMISSIONER PATON: -- our other local</p> <p>5 debates that we want to promote.</p> <p>6 MR. COLLINS: Right. I mean, like I say, I</p> <p>7 think that, you know, I can't think of anything offhand</p> <p>8 that says we can't do that. I think you're right. I</p> <p>9 think that we could get those from a partnership</p> <p>10 perspective and especially in that context where the</p> <p>11 partnership communicates the role in this promoting</p> <p>12 participation in an election year that is dominated by</p> <p>13 the presidential election and the senatorial election</p> <p>14 gives us -- if you're not involved in that process,</p> <p>15 you're not able to communicate what -- what people are</p> <p>16 doing on a state level.</p> <p>17 And so, I see that -- I think -- I agree</p> <p>18 with you in principle. It's really just a matter of --</p> <p>19 it would be a matter of competition and trying to</p> <p>20 figure out what those partnerships look like, but we</p> <p>21 can certainly look at that, absolutely.</p> <p>22 CHAIRMAN KIMBLE: Okay. Gina?</p> <p>23 MS. ROBERTS: Mr. Chairman, Commissioners,</p> <p>24 thank you for that, for the feedback.</p> <p>25 So, the final campaign that I'll talk about</p>	<p>1 election official, if you're a voter, if you're a</p> <p>2 reporter, a political party, if you are a hacker, if</p> <p>3 you are an I.T. representative. All of -- you know,</p> <p>4 your different perspective. Excuse me. You look at</p> <p>5 election security in a different component. And so,</p> <p>6 there's -- obviously, there's cyber security efforts.</p> <p>7 There's the physical security of the equipment, and so</p> <p>8 forth, and then, of course, there's voter education.</p> <p>9 So, when we talk about elections</p> <p>10 themselves, elections themselves are very secure. Our</p> <p>11 county election officials do great -- do a great job in</p> <p>12 ensuring that voters have secure and fair and accurate</p> <p>13 elections. However, as we've seen, though, the</p> <p>14 perception of elections has changed over the years with</p> <p>15 social media and foreign influence and interference and</p> <p>16 misinformation that is out there. The public</p> <p>17 perception of elections has been impacted by that.</p> <p>18 And, historically, when we talk about voter</p> <p>19 education, it's always been about the logistics of</p> <p>20 voting, how do you get your ballot, what's on your</p> <p>21 ballot, how do I learn about the candidates and the</p> <p>22 issues, but now, with this change and this perception</p> <p>23 of elections, we are seeing voter education as one of</p> <p>24 the greatest tools that we have to combat</p> <p>25 misinformation out there about elections.</p>		

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<p>1 The National Association of Secretary of</p> <p>2 States has launched a public education campaign to</p> <p>3 encourage voters to get their election information from</p> <p>4 official sources, meaning their election officials,</p> <p>5 their local election officials. This is their hash</p> <p>6 tag: Trusted info 2020. Excuse me. So, we are seeing</p> <p>7 election officials across the country utilize that, and</p> <p>8 the goal is to encourage voters to get their</p> <p>9 information from official agencies, such as the Clean</p> <p>10 Elections, such as our county election offices and</p> <p>11 recorders, your local city clerks.</p> <p>12 So, those are the major campaigns. Now,</p> <p>13 how do we actually accomplish this? This is -- so,</p> <p>14 jumping into what the actual plan will be for 2020, I</p> <p>15 wanted to highlight with this pie chart here that the</p> <p>16 Election Assistance Commission has put out. And it's,</p> <p>17 basically, highlighting the core competencies of what</p> <p>18 an election official needs to have. And you'll see</p> <p>19 that public relations, which I take to be voter</p> <p>20 education, as well, is an equal slice of the pie on the</p> <p>21 grid.</p> <p>22 And when you talk about being an election</p> <p>23 official, this really is a critical component of</p> <p>24 performing your duties. And so, that's just, kind of,</p> <p>25 why I wanted to share why voter education matters.</p>		<p>1 but, also, knowing that there are different</p> <p>2 demographics, knowing that voters -- every voter is</p> <p>3 different in how they get their information and their</p> <p>4 news.</p> <p>5 And so, we have a very diverse media plan</p> <p>6 available to us to reach voters. And we'll go</p> <p>7 through -- through all of it, but it, pretty much, is</p> <p>8 every opportunity that we have, we should be -- we'll</p> <p>9 be there.</p> <p>10 And so, the theme of our campaign this year</p> <p>11 will be the balloteer. If you attended the -- if you</p> <p>12 attended the voter conference, we did a preview with</p> <p>13 the balloteer there, and we know we're going into a</p> <p>14 presidential election year. We know that candidates</p> <p>15 are stating and committing to spending a lot of money</p> <p>16 in our state in terms of political ads. We have to,</p> <p>17 somehow, in our budget and our resources, also connect</p> <p>18 with voters through all of those mass advertisements</p> <p>19 that are happening. And we do know that voters get</p> <p>20 overwhelmed and they see a lot of negativity,</p> <p>21 sometimes, in the process, and so, we have to cut</p> <p>22 through that somehow.</p> <p>23 Looking back to the success of our Take</p> <p>24 Flight Campaign, we had this opportunity to connect</p> <p>25 with the community directly through street art and</p>	
10:15:08-10:16:17	Page 39	10:17:27-10:19:29	Page 41
<p>1 And as far as Clean Elections goes -- and</p> <p>2 Tom talked about this a little bit, you know, we are</p> <p>3 very unique. The state of Arizona is very unique with</p> <p>4 our agency in that the Clean Elections Act is not just</p> <p>5 about clean funding and campaign finance. It has the</p> <p>6 voter education component to it, as well. And so, we</p> <p>7 really do serve as the state's voter education agency</p> <p>8 and, you know, our plan, our goals are to meet voters</p> <p>9 where they are. And, again I, you know, pulled these</p> <p>10 concepts from our research to, kind of, help set the</p> <p>11 stage for what our goals are in this plan.</p> <p>12 As far as how we do this, we do have our</p> <p>13 budget. We have a paid media budget for our ads, and</p> <p>14 that's pretty consistent every year in the amount. It</p> <p>15 is the 1.9 million. We do have an additional budget, a</p> <p>16 separate budget for the Voter Guide and debates</p> <p>17 awareness.</p> <p>18 And so, Commissioner Paton, this goes to</p> <p>19 your point on the efforts that we can make. We do have</p> <p>20 resources available to us. And the communication</p> <p>21 channels that we'll be using to reach voters, pretty</p> <p>22 much, everything that's available. I'll say we do have</p> <p>23 a very well-rounded communications plan, and RIESTER,</p> <p>24 as our partners and our media buyer, has been great in</p> <p>25 helping us get the most bang for our buck, if you will,</p>		<p>1 connect that to voting and to voter registration, and</p> <p>2 we saw that that was very successful. And so, now, we</p> <p>3 saw -- we find this opportunity, in working with the</p> <p>4 balloteer, to connect voters to the election process by</p> <p>5 another means of art and that's through music.</p> <p>6 And so, we are working with this gentleman,</p> <p>7 and I have two examples of some of the commercials that</p> <p>8 we've created. These are extremely rough cuts. So,</p> <p>9 nowhere near final, but I did want to give you an idea</p> <p>10 of what this looks like. So, the first spot that I</p> <p>11 have for you is an English version and, then, the</p> <p>12 second spot, you'll see Spanish. So, hopefully, we've</p> <p>13 got audio.</p> <p>14 (Video playing.)</p> <p>15 MS. ROBERTS: And, then, now I'll show you</p> <p>16 a Spanish version. It's a different -- a different</p> <p>17 spot, but just so you get the general idea.</p> <p>18 (Video playing.)</p> <p>19 MS. ROBERTS: So, we'll have animations in</p> <p>20 there, but what I wanted to illustrate here is that we</p> <p>21 have this unique talent, this gentleman that -- this</p> <p>22 actor, he has a persona that we found to be very warm,</p> <p>23 inviting. He's non-threatening. He's just</p> <p>24 approachable, and that's what we were looking for. We</p> <p>25 wanted a persona that was like that to, kind of, cut</p>	

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<p>1 through -- excuse me -- all of the different messages</p> <p>2 that voters are going to be hit with in the 2020</p> <p>3 election cycle.</p> <p>4 And he was able to develop some unique</p> <p>5 songs for us about our Voter Guide, about debates,</p> <p>6 about our Dashboard, about voting, about our website.</p> <p>7 And so, we have these different spots available to us</p> <p>8 to, again, try to -- I think the term is earworm? Is</p> <p>9 that correct? So, the goal is that we were in studio</p> <p>10 and filming, and you can't get these songs out of your</p> <p>11 head. And you just like it and you smile. And when</p> <p>12 you watch this gentleman act and play his part, you</p> <p>13 just -- you know, you feel a little bit relaxed.</p> <p>14 And that's what we were looking for. And</p> <p>15 with the earworm, when you hear these a few times,</p> <p>16 you're going to not be able to get it out of your head.</p> <p>17 That was the goal. And so, I can tell you our partners</p> <p>18 at RIESTER, I don't think I've ever seen them more</p> <p>19 excited about a campaign before. And we've done great</p> <p>20 campaigns before, but this one we really think we have</p> <p>21 something special with. Again, these are very rough</p> <p>22 cuts, but once we get the final product, we really do</p> <p>23 believe voters are going to respond well to them.</p> <p>24 And, then, as far as -- I mentioned our</p> <p>25 Dashboard. So, everything that we're doing in paid</p>		<p>1 it's a vote center county, absolutely, we can provide</p> <p>2 that information on our website. Some have hybrids,</p> <p>3 like, Maricopa County. Maricopa uses assigned polling</p> <p>4 places, in addition to vote centers. So, when it's an</p> <p>5 assigned polling location, we were not able to provide</p> <p>6 that information because it needed to be pulled based</p> <p>7 off of the person's precinct assignment, and we didn't</p> <p>8 have access to that information.</p> <p>9 Now, with Maricopa, they provided us</p> <p>10 what's, essentially, a web service called an API where</p> <p>11 we just ping to their site and pulled that information</p> <p>12 out. So, it is something new and showcasing assigned</p> <p>13 polling place locations that we can do for Maricopa</p> <p>14 County voters. So, vote centers, we can absolutely</p> <p>15 show it. We can list all the polling places, too, but</p> <p>16 unless a voter knows their precinct, then they wouldn't</p> <p>17 know their assigned location. So, now, with this</p> <p>18 partnership, we can provide it for Maricopa County</p> <p>19 voters.</p> <p>20 COMMISSIONER CHAN: So, just so I</p> <p>21 understand, so if I live in Pinal County and I go on</p> <p>22 and put in my street address on to my voting Dashboard,</p> <p>23 it may not pull up my polling place?</p> <p>24 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>25 Chan, that is correct, unless we can, somehow, get</p>	
10:20:47-10:21:51	Page 43	10:23:02-10:24:18	Page 45
<p>1 media, we're really driving people to our website.</p> <p>2 We'll have -- and, obviously, we have a wealth of</p> <p>3 information on our website, but I wanted to highlight</p> <p>4 the Dashboard because that really is one of our prime</p> <p>5 tools that we have for voters because it's a one</p> <p>6 location that provides customized voting information.</p> <p>7 And our goals this year, we are continually</p> <p>8 improving it to provide a better user experience. We</p> <p>9 are going to be able to filter local candidate data.</p> <p>10 So, as I mentioned, with our printed Voter Guide,</p> <p>11 candidates are often looking for the local candidates</p> <p>12 at their level. We'll be able to take those profiles,</p> <p>13 if the candidates build them, and filter them so they</p> <p>14 are displaying to candidates based on their location.</p> <p>15 We have a partnership with Maricopa County</p> <p>16 where, through our website, voters are able to look up</p> <p>17 their voter registration information but, also, find</p> <p>18 their assigned polling place, as well, which we're very</p> <p>19 grateful for that.</p> <p>20 COMMISSIONER CHAN: Mr. Chairman -- I'm</p> <p>21 sorry to interrupt, Gina. I thought that was</p> <p>22 statewide. It's only with Maricopa County?</p> <p>23 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>24 Chan, each county has a different process of voting</p> <p>25 locations. So, some counties have vote centers. If</p>		<p>1 access to data, which would be a partnership with,</p> <p>2 likely, the Secretary of State's Office through the</p> <p>3 statewide voter registration system.</p> <p>4 COMMISSIONER CHAN: Oh, okay. Thank you.</p> <p>5 MS. ROBERTS: Uh-huh.</p> <p>6 And I think you've been hearing at every</p> <p>7 Commission meeting about the efforts that Avery has</p> <p>8 been doing. We really have ramped up our grassroots</p> <p>9 outreach, and Avery has -- excuse me -- been developing</p> <p>10 some great partnerships, a lot with educators. Avery</p> <p>11 has been reaching out to a lot of our high schools and</p> <p>12 our colleges, and he's been traveling the state and</p> <p>13 connecting with these students and informing them about</p> <p>14 voting and how to get engaged and vote informed.</p> <p>15 And Avery is in the process of developing a</p> <p>16 youth ambassador program pilot that we are going to</p> <p>17 consider, and the thought behind that would be to</p> <p>18 partner with a local school and recruit students to,</p> <p>19 really, serve as voting ambassadors. And we would</p> <p>20 provide whatever resources and support that they need</p> <p>21 so these students can host voter registration drives on</p> <p>22 campus. They can inform students and their parents and</p> <p>23 the community about debates. They can bring voter</p> <p>24 guides to campus with them. Basically, just try to get</p> <p>25 these students, who may already be inclined to be</p>	

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<p>1 civically engaged, to provide them resources.</p> <p>2 And then we thought, you know, we could</p> <p>3 have, maybe, at the end of each -- however long the</p> <p>4 program ends up being, if it's two semesters, you know,</p> <p>5 honor them with a plaque in front of the Commission,</p> <p>6 perhaps. We're really flushing out what this program</p> <p>7 could look like, but again, the thought is to go</p> <p>8 directly into the community and connect with these</p> <p>9 students.</p> <p>10 The other thing that Avery has been working</p> <p>11 on, too, is when we request time in classrooms, we know</p> <p>12 that that's classroom time and that's precious time.</p> <p>13 And so, we want to make sure that the information that</p> <p>14 we're providing, that it meets the state standards for</p> <p>15 curriculum so the teachers are more inclined to be</p> <p>16 receptive to inviting us into the classroom to talk to</p> <p>17 the students. And so, Avery has been working on that,</p> <p>18 as well.</p> <p>19 COMMISSIONER CHAN: That's awesome.</p> <p>20 COMMISSIONER PATON: I have a question. I</p> <p>21 have a question, statement.</p> <p>22 CHAIRMAN KIMBLE: Commissioner Paton?</p> <p>23 COMMISSIONER PATON: I would suggest</p> <p>24 that -- going to, like, their assemblies. That way</p> <p>25 you're not taking class time. You can speak for five</p>		<p>1 counties.</p> <p>2 As Tom mentioned, we worked with Pinal</p> <p>3 County on their mobile voter outreach plan. We've</p> <p>4 worked with Graham County and Yavapai County on voter</p> <p>5 guides they've developed and are mailing to their</p> <p>6 voters.</p> <p>7 This Friday we will be filming some videos,</p> <p>8 in partnership with Coconino County, to educate voters</p> <p>9 about accessible voting equipment that is at the polls</p> <p>10 and how to use it and a demonstration of how to use it,</p> <p>11 how to -- early voting and reminding voters to fill --</p> <p>12 sign your affidavit envelope and, also, voter I.D.</p> <p>13 We are partnering with Apache, Coconino and</p> <p>14 Navajo County for radio reads to be run in KTNN, and</p> <p>15 those will, actually, be read in the Navajo language.</p> <p>16 And we've been working with Maricopa County on their</p> <p>17 Voter Education Plan that they plan to launch for 2020,</p> <p>18 and Tom will be traveling to Santa Cruz County in the</p> <p>19 new year to conduct some trainings -- excuse me -- for</p> <p>20 their local candidates.</p> <p>21 And you just -- through all of this, we</p> <p>22 have behind-the-scenes work that we need to do, as</p> <p>23 well, for our system improvements, things to ensure</p> <p>24 that our website doesn't go down and stays up and how</p> <p>25 we -- we have a lot of different data points and how we</p>	
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<p>1 or ten minutes, and you're going to have a lot of</p> <p>2 students there. Some of the assemblies, though, it's</p> <p>3 hard to understand what you said. So, it would be good</p> <p>4 to take something, you know, a visual with you, and</p> <p>5 then you can hand stuff out, that kind of thing,</p> <p>6 because a lot of -- I mean, the government classes will</p> <p>7 be happy to have you, I'm sure, but you're only getting</p> <p>8 a select amount of people.</p> <p>9 And for one person to do that, I mean,</p> <p>10 where you could go see a thousand kids, you know, at</p> <p>11 one shot or whatever. That's just because I taught</p> <p>12 school for a while. So, that's how I would -- I would</p> <p>13 do that, as well as, maybe, go to the government</p> <p>14 classes.</p> <p>15 MS. ROBERTS: Mr. Chairman, Commissioner</p> <p>16 Paton, thank you for that, that suggestion.</p> <p>17 COMMISSIONER PATON: And they plan those</p> <p>18 assemblies out way in advance. So, you would know, you</p> <p>19 know, a long time in advance when they're going to have</p> <p>20 those. They tend to have them on Fridays.</p> <p>21 MS. ROBERTS: Great. Thank you.</p> <p>22 And, then, we will continue supporting our</p> <p>23 county partners. This is not, by any means, a</p> <p>24 comprehensive list, but this is just an example of some</p> <p>25 of the things that we've done this year with the</p>		<p>1 collect that data and how we store it internally in our</p> <p>2 system and making improvements to our -- all of our</p> <p>3 tools. So, we will be working on that, as well.</p> <p>4 And with that, I'm happy to answer any</p> <p>5 questions.</p> <p>6 CHAIRMAN KIMBLE: Do any of the</p> <p>7 commissioners have any questions?</p> <p>8 COMMISSIONER CHAN: Do you need a motion,</p> <p>9 Mr. Chairman?</p> <p>10 CHAIRMAN KIMBLE: I don't think so, no.</p> <p>11 COMMISSIONER CHAN: Yeah?</p> <p>12 CHAIRMAN KIMBLE: Do we?</p> <p>13 MR. COLLINS: We've asked for one in the</p> <p>14 past, just to make everything clear for the record. So</p> <p>15 I --</p> <p>16 CHAIRMAN KIMBLE: Okay.</p> <p>17 MR. COLLINS: Mr. Chairman, in the past, we</p> <p>18 have asked for approval of these plans. So, yes, we</p> <p>19 would request that.</p> <p>20 CHAIRMAN KIMBLE: Okay. Before we do that,</p> <p>21 are there any -- there's no one who has any other</p> <p>22 questions about this?</p> <p>23 Commissioner Meyer?</p> <p>24 COMMISSIONER MEYER: I don't have any</p> <p>25 questions. Thank you.</p>	

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<p>1 CHAIRMAN KIMBLE: Okay. Thank you.</p> <p>2 Okay. Commissioner Chan?</p> <p>3 COMMISSIONER CHAN: Mr. Chairman, I move</p> <p>4 that we adopt the 2020 Voter Education Plan.</p> <p>5 CHAIRMAN KIMBLE: Is there a second?</p> <p>6 COMMISSIONER PATON: Second.</p> <p>7 CHAIRMAN KIMBLE: It's been moved and</p> <p>8 seconded that we adopt the 2020 Voter Education Plan.</p> <p>9 We'll do a roll call vote.</p> <p>10 Commissioner Chan?</p> <p>11 COMMISSIONER CHAN: Well, first, thank you,</p> <p>12 Gina, very much for everything you put into it, and I</p> <p>13 vote aye.</p> <p>14 CHAIRMAN KIMBLE: Commissioner Paton?</p> <p>15 COMMISSIONER PATON: Aye.</p> <p>16 CHAIRMAN KIMBLE: Commissioner Meyer?</p> <p>17 COMMISSIONER MEYER: Aye.</p> <p>18 CHAIRMAN KIMBLE: The Chair votes aye. The</p> <p>19 motion is approved four to nothing.</p> <p>20 Thank you, Gina, for fighting through your</p> <p>21 health issues, too, to present this.</p> <p>22 MS. ROBERTS: Thank you.</p> <p>23 CHAIRMAN KIMBLE: Item V: Discussion and</p> <p>24 possible action on rules and rule amendments, including</p> <p>25 four different items that are enumerated on the agenda.</p>		<p>1 think that -- I think it's safe to say that we are now</p> <p>2 convinced that the language that we have is consistent</p> <p>3 with what staff had always viewed the language as</p> <p>4 stating and that we are prepared -- I'm prepared to</p> <p>5 recommend that we simply terminate this rule proceeding</p> <p>6 at this point.</p> <p>7 The issue we had had was that there was</p> <p>8 some question as to whether or not there was a -- the</p> <p>9 rule, as written, allowed what I refer to as stacking</p> <p>10 of limits and, then, allowing loans to fund them</p> <p>11 that -- the entirety of the package. If you read the</p> <p>12 rule, its language says that you have to be within</p> <p>13 compliance with the limits that are already set forth</p> <p>14 in 9 -- 16-941(A)(1) and (2). And so, we don't think</p> <p>15 that the rules, as understood -- properly understood.</p> <p>16 We think that the guidance we've always put</p> <p>17 out on those rules is now correct, and to the extent</p> <p>18 that -- I mean, I would -- I would refer -- if we have</p> <p>19 specific legal questions on that or want some</p> <p>20 background from Kara, I would, you know -- and she can</p> <p>21 correct me, also, but that's, sort of, where we are.</p> <p>22 So, we're recommending a termination</p> <p>23 because we think that the rules, as written, are -- do</p> <p>24 not permit the kind of stacking that we -- we had --</p> <p>25 that was permitted in 2018. And I'd ask, Mr. Chairman,</p>	
10:29:34-10:31:01	Page 51	10:33:10-10:33:57	Page 53
<p>1 Tom?</p> <p>2 MR. COLLINS: Yeah.</p> <p>3 CHAIRMAN KIMBLE: Do you want to discuss</p> <p>4 this, or how do you want to handle it?</p> <p>5 MR. COLLINS: Well, Mr. Chairman, just, in</p> <p>6 the interest of time and some scheduling issues that</p> <p>7 folks have, what I'd like to do -- you can see the</p> <p>8 items there. I want to move -- I want to -- I would</p> <p>9 like to start with Item C, and then -- and, then, I</p> <p>10 think, circle back to the -- to the -- to A, if that's</p> <p>11 acceptable to you.</p> <p>12 CHAIRMAN KIMBLE: Sure, sure.</p> <p>13 MR. COLLINS: Okay. With respect to</p> <p>14 Item C, this is the amendment to R2-20-104(E) relating</p> <p>15 to participating candidate loans, and we have</p> <p>16 circulated this in two different forms. We received</p> <p>17 some public comment at our prior meeting on this from</p> <p>18 Secretary -- Former Secretary Bennett. We've continued</p> <p>19 to reach out to him in writing to try to confirm or get</p> <p>20 some kind of conversation going. Those emails have</p> <p>21 been unresponded to.</p> <p>22 However, we have, in that same time, worked</p> <p>23 with the Attorney General's Office on the -- in an</p> <p>24 abundance of -- well, just what one should do in order</p> <p>25 and recourse to look at the language we have. And I</p>		<p>1 if you could -- if Kara has something to say.</p> <p>2 CHAIRMAN KIMBLE: Okay. Kara?</p> <p>3 MS. KARLSON: And, Mr. Chairman, if you</p> <p>4 don't mind, I prefer to go speak at the --</p> <p>5 CHAIRMAN KIMBLE: Oh, okay.</p> <p>6 MS. KARLSON: -- podium just because I like</p> <p>7 to look at the people I'm talking to. Sorry. It's</p> <p>8 awkward for me, as an attorney, to be at the side</p> <p>9 table.</p> <p>10 COMMISSIONER MEYER: This is Commissioner</p> <p>11 Meyer. I apologize for interrupting, but I cannot</p> <p>12 hear.</p> <p>13 CHAIRMAN KIMBLE: She's moving to the</p> <p>14 podium, so that it should be easier to hear in just a</p> <p>15 second.</p> <p>16 COMMISSIONER MEYER: Oh, thank you.</p> <p>17 MS. KARLSON: Commissioner Meyer, can you</p> <p>18 hear me?</p> <p>19 CHAIRMAN KIMBLE: Can you hear her,</p> <p>20 Commissioner Meyer?</p> <p>21 COMMISSIONER MEYER: I haven't heard her</p> <p>22 speaking yet.</p> <p>23 CHAIRMAN KIMBLE: Is that turned on?</p> <p>24 COMMISSIONER PATON: It's green.</p> <p>25 CHAIRMAN KIMBLE: It's green, but I --</p>	

10:33:57-10:35:30	Page 54	10:37:26-10:39:03	Page 56
<p>1 MS. KARLSON: Hello?</p> <p>2 CHAIRMAN KIMBLE: Okay. There we go.</p> <p>3 MS. KARLSON: There we go.</p> <p>4 COMMISSIONER MEYER: There.</p> <p>5 CHAIRMAN KIMBLE: Okay.</p> <p>6 MS. KARLSON: Okay. I have to eat the mic,</p> <p>7 but I can do that for you guys. So, I apologize to the</p> <p>8 people in the room that I am being very loud for, I</p> <p>9 feel like.</p> <p>10 So, just to give you some -- some</p> <p>11 background as to how we landed where we landed, as you</p> <p>12 know, there are, basically, three pots of money or</p> <p>13 three buckets that contributions come in for clean</p> <p>14 candidates. There's the seed money, which for 2020 is</p> <p>15 set at \$170. There's personal money, which for certain</p> <p>16 candidates it's set for 770 and for statewide offices</p> <p>17 for \$1,500. And, then, there's the \$5 contributions,</p> <p>18 okay? So you've got these three different buckets of</p> <p>19 money.</p> <p>20 And in 2018 -- in 2018 -- there we go --</p> <p>21 there was a question as to whether or not the language</p> <p>22 of the rule allowed you to, essentially, take a loan</p> <p>23 that filled all three buckets. And I will be the first</p> <p>24 to admit -- and this is easy for me to admit since I</p> <p>25 didn't draft the rule -- that it's not a model of</p>		<p>1 would conform with the statute and there's a way to</p> <p>2 read a rule that doesn't conform with the statute, you</p> <p>3 know, it's legalese, but you're required to read it in</p> <p>4 the way that conforms with the statute.</p> <p>5 And the way that conforms with the statute</p> <p>6 is these are individual contributions. You cannot do a</p> <p>7 loan to yourself for more than the personal monies loan</p> <p>8 or for more than the personal monies contribution</p> <p>9 because the personal monies contribution is defined,</p> <p>10 and the rule specifically states you cannot give</p> <p>11 yourself more than what is defined as personal monies.</p> <p>12 There were concerns raised by -- a few</p> <p>13 meetings ago that if, you know, the -- if we remove the</p> <p>14 loan language, whether the -- whether it was clear that</p> <p>15 you would go to the statute. Well, of course, you'd go</p> <p>16 to the statute and, in fact, you can even go to the</p> <p>17 Clean Elections Act because the Clean Elections Act</p> <p>18 defines a number of terms. It leaves undefined terms,</p> <p>19 like, contribution and expenditure. They specifically</p> <p>20 say for the definition of contribution and the</p> <p>21 definition of expenditure, go to 16-901.</p> <p>22 So, even within the Act, it explicitly</p> <p>23 directs the candidate in what to do and -- and -- and</p> <p>24 it's clear that reading the rule in such a way that</p> <p>25 allows a candidate to take a loan for the entire sum of</p>	
10:35:36-10:37:23	Page 55	10:39:09-10:40:33	Page 57
<p>1 clarity. And I believe what happened is that they</p> <p>2 looked at the language that said the total sum of the</p> <p>3 contribution received or personal funds and loans shall</p> <p>4 not exceed the expenditure limits set forth in</p> <p>5 16-941(A)(1) and (A)(2), and that is the seed money</p> <p>6 bucket or the early contribution bucket and the</p> <p>7 personal monies bucket.</p> <p>8 So, they said, okay, look it, I can fill</p> <p>9 both of those buckets with a loan. And read in</p> <p>10 isolation, that could be an interpretation of that</p> <p>11 specific sentence; however, I think that you have to</p> <p>12 look at the entirety of that rule more broadly that</p> <p>13 says a candidate may -- may accept an individual</p> <p>14 contribution as a loan or personal monies as a loan and</p> <p>15 that the total sum of the contribution as -- you know,</p> <p>16 the contribution, the early contribution, or the</p> <p>17 personal funds and loans received, all of that cannot</p> <p>18 exceed the contribution limits. So, you can't exceed</p> <p>19 the buckets.</p> <p>20 Nothing in the loan can be read as allowing</p> <p>21 a candidate to exceed, through the loans, the total</p> <p>22 number of, you know, the types of contributions and the</p> <p>23 total caps on those contributions. And, to the extent</p> <p>24 there is any ambiguity, if there's a way to read a</p> <p>25 statute -- or if there's a way to read a rule that</p>		<p>1 these -- of these two buckets of money would violate</p> <p>2 the terms of the statute.</p> <p>3 So, we can't read the -- we can't read the</p> <p>4 rule that way. We have to read it to say you have to</p> <p>5 comply with the limits in (A)(1) and (A)(2) and, if you</p> <p>6 get individuals who loan you -- you know, if you get</p> <p>7 140 individuals, or whatever it would need to be to get</p> <p>8 to the cap on (A)(1), then, in theory, you could get</p> <p>9 that, but that's a whole different question. You</p> <p>10 can't -- you can't do the stacking that's allowed and</p> <p>11 that's -- I think that's clear in the rule, but even if</p> <p>12 that is not clear, it would be, at most, ambiguous.</p> <p>13 And, in the case of an ambiguity, you have to read it</p> <p>14 in terms of -- or in compliance with the statute.</p> <p>15 So, does anyone have any questions as to</p> <p>16 why we are looking at it this way, that I can answer?</p> <p>17 CHAIRMAN KIMBLE: Are there any questions</p> <p>18 from any commissioners?</p> <p>19 (No response.)</p> <p>20 CHAIRMAN KIMBLE: So, I just want to be</p> <p>21 clear here that what we are doing is eliminating</p> <p>22 Section R2-20-104, Subsection E.</p> <p>23 Is that right, Tom?</p> <p>24 MR. COLLINS: That's correct. And, if I</p> <p>25 may, Mr. Chairman, just to -- to add a little more</p>	

10:40:36-10:42:12	Page 58	10:43:36-10:44:15	Page 60
<p>1 context to Kara's statements and in terms of that rule.</p> <p>2 So, in 2018, this issue came up for the</p> <p>3 first time with -- specifically with respect to</p> <p>4 Secretary Bennett. Secretary Bennett was able to do</p> <p>5 the latter, the inverse of what Kara has just</p> <p>6 discussed. We, as staff, confirmed that to him. And</p> <p>7 that has, you know, created an issue for him, but in</p> <p>8 view of his comments at the last meeting, which were</p> <p>9 threefold, one, he prefers there to be stacking; two,</p> <p>10 in the absence of stacking, he wanted to make sure we</p> <p>11 didn't eliminate the rule to the extent it said you</p> <p>12 could not take loans; and, third, he believed that the</p> <p>13 Commission could simply make up whatever it wanted as a</p> <p>14 loan rule.</p> <p>15 So, we satisfy -- by terminating this rule</p> <p>16 proceeding at this point, we satisfy Mr. Bennett's</p> <p>17 concern that candidates would not know that they can</p> <p>18 take loans. We are consistent with our historical</p> <p>19 and -- and, then, renewed guidance. The stacking</p> <p>20 thing, I think, it's clear doesn't work. And, then,</p> <p>21 the third point that Secretary Bennett made in his</p> <p>22 public comments here a couple of months ago is that we</p> <p>23 could do anything we wanted with respect to loans, and</p> <p>24 I think it's clear that that's not that loan rule. And</p> <p>25 that's not -- I think he knows and I think everybody</p>		<p>1 to make sure that that was on the record.</p> <p>2 CHAIRMAN KIMBLE: Okay. Thank you.</p> <p>3 Any questions from members of the</p> <p>4 Commission?</p> <p>5 COMMISSIONER CHAN: Mr. Chairman?</p> <p>6 CHAIRMAN KIMBLE: Commissioner Chan.</p> <p>7 COMMISSIONER CHAN: I think what Kara said</p> <p>8 makes perfect sense. And, thank you, Tom, for your</p> <p>9 clarification of that, as well.</p> <p>10 Mr. Chairman, I would move that we</p> <p>11 terminate the rule-making proceeding that we had opened</p> <p>12 on R2-20-104.</p> <p>13 CHAIRMAN KIMBLE: Is there a second?</p> <p>14 COMMISSIONER PATON: Second.</p> <p>15 COMMISSIONER MEYER: Second.</p> <p>16 CHAIRMAN KIMBLE: Seconded by --</p> <p>17 COMMISSIONER MEYER: This is Commissioner</p> <p>18 Meyer.</p> <p>19 CHAIRMAN KIMBLE: -- Commissioner Paton.</p> <p>20 Any discussion on the motion?</p> <p>21 (No response.)</p> <p>22 CHAIRMAN KIMBLE: We'll do a roll call</p> <p>23 vote.</p> <p>24 Commissioner Chan?</p> <p>25 COMMISSIONER CHAN: Aye.</p>	
10:42:15-10:43:34	Page 59	10:44:17-10:45:21	Page 61
<p>1 knows that that's not an option.</p> <p>2 So, terminating this rule proceeding in</p> <p>3 this context and why this is staff's recommendation</p> <p>4 satisfies, at least, one of the options that Secretary</p> <p>5 Bennett wanted to retain. And it's a situation where</p> <p>6 doing nothing, especially as we are already deep in the</p> <p>7 election cycle, it's better to do nothing and reaffirm</p> <p>8 our guidance than to -- than to start creating all</p> <p>9 sorts of side issues.</p> <p>10 So, I think we have met, at least, one of</p> <p>11 the -- I would say I think we met Mr. Bennett's most</p> <p>12 legally valid public comment by terminating this and --</p> <p>13 and, at the same time, we can move forward with -- with</p> <p>14 ensuring everybody is on the same page in terms of what</p> <p>15 our reading of the rule is.</p> <p>16 MS. KARLSON: And, Mr. Chairman, if I may</p> <p>17 speak.</p> <p>18 CHAIRMAN KIMBLE: Kara.</p> <p>19 MS. KARLSON: And that was part of the</p> <p>20 rationale with having me do the presentation in the</p> <p>21 open meeting was to explain the rationale so the public</p> <p>22 and any candidates who are interested in running would</p> <p>23 be aware of the rules and the requirements. And, then,</p> <p>24 of course, they can feel free to contact staff and, as</p> <p>25 you know, they get their training. So, we just wanted</p>		<p>1 CHAIRMAN KIMBLE: Commissioner Paton?</p> <p>2 COMMISSIONER PATON: Aye.</p> <p>3 CHAIRMAN KIMBLE: Commissioner Meyer?</p> <p>4 COMMISSIONER MEYER: Aye.</p> <p>5 CHAIRMAN KIMBLE: The Chair votes aye. The</p> <p>6 motion is approved four to nothing to terminate the</p> <p>7 rule-making on R2-20-104.</p> <p>8 Okay. Tom, now you want to deal with A, B</p> <p>9 and D?</p> <p>10 MR. COLLINS: Mr. Chairman, Members, yes,</p> <p>11 please. I think that -- I think that gets everybody on</p> <p>12 track.</p> <p>13 CHAIRMAN KIMBLE: Okay.</p> <p>14 MR. COLLINS: Right? Okay --</p> <p>15 schedule-wise.</p> <p>16 So, with respect to the, sort of,</p> <p>17 overarching question on A, with respect to 113, 702 and</p> <p>18 704, so just -- as, I think, my memo noted, we've had</p> <p>19 a -- we are current -- 113 and 704 are still pending</p> <p>20 with GRRC. We learned yesterday from the Governor's --</p> <p>21 GRRC staff attorneys that they are going to schedule a</p> <p>22 special meeting for January 7th to address those -- 113</p> <p>23 and 704, which have simply -- they've simply taken no</p> <p>24 action on. So, that was good news.</p> <p>25 I want to take a moment to say a couple of</p>	

10:45:21-10:46:46	Page 62	10:48:19-10:49:48	Page 64
<p>1 things. First, I have said this at other meetings. I</p> <p>2 think that GRRC staff attorneys have done a very good</p> <p>3 job of both helping us get accustomed to different</p> <p>4 forms and aspects of the -- of the -- their process</p> <p>5 and, additionally, in accommodating our request for a</p> <p>6 special meeting to, at least, get an answer on those</p> <p>7 two rules. I'm very grateful for the two -- counsel</p> <p>8 and the staff for that.</p> <p>9 I, also, want to take a moment to talk --</p> <p>10 to say, you know, in the past five years, as we've been</p> <p>11 dealing with issues related to the Governor's</p> <p>12 Regulatory Review Council, you know, I have, on</p> <p>13 occasion, made some fairly sarcastic comments about the</p> <p>14 process. And, you know, to the extent that those are</p> <p>15 seen as, you know, problematic or insulting, I mean --</p> <p>16 I mean, you know -- you know, I don't know how to make</p> <p>17 a genuine apology -- I don't know how to make an</p> <p>18 apology that doesn't sound like if you're offended, I'm</p> <p>19 sorry, but -- but, on the other hand, I think I mis- --</p> <p>20 I think I was -- had less of an understanding of how</p> <p>21 those kinds of comments which I made in the past were</p> <p>22 taken.</p> <p>23 And so, in view of that, I am</p> <p>24 comfortable -- I'm apologizing, as genuinely as one can</p> <p>25 in that context, for that because, I think, we are</p>		<p>1 and that the purpose, as Council Member Sundt has</p> <p>2 expressed to me, is to -- his view is that this will</p> <p>3 help, and not hinder, and clarify things, I see no</p> <p>4 reason to not advance to -- for the 60 days of public</p> <p>5 comments the amendments to R2-20-701, 702.01 and 703.01</p> <p>6 that are contained in my memo dated -- I believe it's</p> <p>7 on 12 --</p> <p>8 CHAIRMAN KIMBLE: Nine.</p> <p>9 MS. THOMAS: Nine.</p> <p>10 MR. COLLINS: Nine? On 12-9. So, this</p> <p>11 is -- this is the item with the -- in regards to public</p> <p>12 comment an additional amendments. So, I do recommend</p> <p>13 that we forward for 60-day public comment the</p> <p>14 additional amendments to R2-20-701, 702.01 and 703.01</p> <p>15 that are on page -- looks like it's page 1 on -- under</p> <p>16 Item V(B) -- pages 1 through 3, I should say, on</p> <p>17 Item V(B).</p> <p>18 So, that's our recommendation, and I'm,</p> <p>19 obviously, happy to take any questions.</p> <p>20 COMMISSIONER CHAN: Mr. Chairman?</p> <p>21 CHAIRMAN KIMBLE: Commissioner Chan?</p> <p>22 COMMISSIONER CHAN: I just have a comment.</p> <p>23 And it doesn't even deal substantively with Mr. Sundt's</p> <p>24 comments, but I just want to put on record it troubles</p> <p>25 me greatly that GRRC is dealing with substantive issues</p>	
10:46:48-10:48:15	Page 63	10:49:51-10:51:22	Page 65
<p>1 moving towards having a more productive relationship</p> <p>2 with the council and staff, and I want, as best we can,</p> <p>3 to move forward on that.</p> <p>4 So, that takes care of number A -- or</p> <p>5 letter A, from my perspective, unless you have any</p> <p>6 questions on those issues.</p> <p>7 CHAIRMAN KIMBLE: Any questions from</p> <p>8 members of the Commission on Item A of Number V on our</p> <p>9 agenda?</p> <p>10 (No response.)</p> <p>11 CHAIRMAN KIMBLE: Okay. So, down to B.</p> <p>12 MR. COLLINS: So, Mr. Chairman,</p> <p>13 Commissioners, in the context of -- of amending</p> <p>14 R2-20-702 to -- so that our rules are aligned with what</p> <p>15 the voters passed in Prop 306, we've gotten a</p> <p>16 significant amount of feedback from the council on</p> <p>17 that. The first step we took in response to that</p> <p>18 feedback was to -- when 702 was returned, we have it</p> <p>19 now out for public comment, removing all of</p> <p>20 R2-20-702(B).</p> <p>21 We received comments, I believe you all</p> <p>22 have, from Council Member Sundt, respecting proposed</p> <p>23 amendments to -- to R2-20-701, 702.01 and 703.01. I</p> <p>24 think that, given that the council -- council members</p> <p>25 comments, you know, have to be given significant weight</p>		<p>1 of rule-making that I believe are outside their lane.</p> <p>2 I know I'm not a council member of GRRC. So, maybe I</p> <p>3 don't understand fully what their job is, but in my</p> <p>4 experience, when I was in the executive branch of</p> <p>5 government doing rule-making, GRRC never did</p> <p>6 substantive changes. They worked with agencies on form</p> <p>7 and, perhaps, other such suggestions. I have never</p> <p>8 seen anything like this.</p> <p>9 And I'm not claiming to be an expert and,</p> <p>10 perhaps, I'm -- again, maybe I'm going outside of my</p> <p>11 lane, but I -- and I don't mean any disrespect to</p> <p>12 Mr. Sundt. Certainly, I can see that he's put a great</p> <p>13 deal of work into this and certainly we have. I</p> <p>14 just -- I feel it's important to put on record how</p> <p>15 troubling I find it that, rather than defer to the</p> <p>16 State's agencies -- and I don't know how many other</p> <p>17 agencies GRRC does this to -- this is -- this is where</p> <p>18 we are, that we're getting substantive policy direction</p> <p>19 from the Governor's Regulatory Review Council.</p> <p>20 And that's -- that's all I have to say</p> <p>21 about that. I -- it troubles me very deeply. I do not</p> <p>22 believe that is the job of GRRC. And with that, we can</p> <p>23 move on.</p> <p>24 MR. COLLINS: There's some questions in</p> <p>25 there --</p>	

10:51:23-10:52:30	Page 66	10:54:05-10:55:24	Page 68
<p>1 COMMISSIONER CHAN: Go ahead.</p> <p>2 MR. COLLINS: Okay. I mean --</p> <p>3 CHAIRMAN KIMBLE: Okay. Mr. Collins, do</p> <p>4 you want to respond?</p> <p>5 MR. COLLINS: Well, Mr. Chairman,</p> <p>6 Commissioner Chan, I think, in all honesty, I mean,</p> <p>7 those are -- those observations are well taken. I</p> <p>8 think that there is a shift that we've seen since the</p> <p>9 Commission's last five-year -- the first five-year</p> <p>10 report of 2015 -- and we filed subsequent ones -- in</p> <p>11 GRRC's view itself.</p> <p>12 There are -- in addition, obviously, with</p> <p>13 Prop 306, the Council has, I think, taken that as a</p> <p>14 ratification of their unique approach to Clean</p> <p>15 Elections. That having been said, from sitting in</p> <p>16 their meetings, they do have a different view of their</p> <p>17 role than any -- I've personally worked on issues in</p> <p>18 front of the Regulatory Review Council since 2010, and</p> <p>19 they -- and the current council takes a different</p> <p>20 position on its -- on its powers than any council that</p> <p>21 I've worked with.</p> <p>22 That having been said, you know, when or if</p> <p>23 we get to a place where there's a -- we're at</p> <p>24 loggerheads, I mean, we are -- there are legal issues</p> <p>25 that we've noted for -- there for the record with them</p>		<p>1 where we have exhausted our ability to compromise</p> <p>2 and/or take direction in this way, I -- we have not, in</p> <p>3 the past, ever received direct language from the</p> <p>4 council on how the rules need to be written. That is</p> <p>5 unprecedented. I mean, that's a fact, also. So --</p> <p>6 but, you know, we are attempting to maintain a record</p> <p>7 on our objections to -- legal objections to those</p> <p>8 issues while complying, as best we can, with the --</p> <p>9 with the requests that the council members are making.</p> <p>10 So, I just -- I feel like it's important</p> <p>11 for me, in my administrative role, to just tell you</p> <p>12 that you're not wrong.</p> <p>13 COMMISSIONER CHAN: Thank you.</p> <p>14 MR. COLLINS: Well, I mean, but we are</p> <p>15 where we are.</p> <p>16 CHAIRMAN KIMBLE: Right.</p> <p>17 COMMISSIONER CHAN: And, Mr. Chairman, Tom,</p> <p>18 I appreciate that. And I hope my comments weren't</p> <p>19 counterproductive. I just --</p> <p>20 MR. COLLINS: No, no, not at all. Not at</p> <p>21 all.</p> <p>22 COMMISSIONER CHAN: felt -- I just feel</p> <p>23 it's very important for me to put that on the record.</p> <p>24 And, again, I don't mean any disrespect to Council</p> <p>25 Member Sundt. I do appreciate the fact that he has,</p>	
10:52:32-10:54:03	Page 67	10:55:26-10:56:28	Page 69
<p>1 that -- you know, that we are -- you know, that we</p> <p>2 continue to make a record on. That having -- you know,</p> <p>3 but that having been said, in this particular instance,</p> <p>4 we're -- you know, we want to advance the ball.</p> <p>5 So, you know, the voters were told by the</p> <p>6 Attorney General's Office summary of the -- of the</p> <p>7 writing of the ballot election that the purpose of 306</p> <p>8 was that Clean Elections would be treated like any</p> <p>9 other agency. Clean Elections -- I mean, it's not</p> <p>10 unfair to say that with respect to GRRC, in the last</p> <p>11 five years, Clean Elections has not been treated like</p> <p>12 any other agency, and that's just a fact.</p> <p>13 You know, my own, sort of, riffing on this</p> <p>14 in past meetings that may have -- that was interpreted</p> <p>15 as barbed or sarcastic side, the tone, I may have been</p> <p>16 incorrect, but the substance is correct. And I</p> <p>17 don't -- and so, the question is at what time -- but</p> <p>18 right now it seems to me we would like our rules</p> <p>19 aligned with the statute. The statute turns to the</p> <p>20 rules regardless. That's -- that's basic law, but on</p> <p>21 the other hand, you know -- you know, we're trying to</p> <p>22 get to a place where we -- where we can work on these</p> <p>23 things in a -- in a way that ultimately ends up with</p> <p>24 where we need to be.</p> <p>25 And when we get to a place where we've --</p>		<p>1 obviously, put time and effort into this. I just don't</p> <p>2 think that is his role. That's all.</p> <p>3 Thank you, Tom.</p> <p>4 MR. COLLINS: No, and I don't think that's</p> <p>5 counterproductive. I think that's just honest.</p> <p>6 CHAIRMAN KIMBLE: Okay. Are there any</p> <p>7 other comments on Item V(B)?</p> <p>8 (No response.)</p> <p>9 CHAIRMAN KIMBLE: Okay. Do we have a</p> <p>10 motion to open up a 60-day public comment period for</p> <p>11 amendments to R2-20-701, 702.01, 703.01, again, for 60</p> <p>12 days of public comment?</p> <p>13 COMMISSIONER CHAN: And, Mr. Chairman, is</p> <p>14 that what the motion is is just opening up public</p> <p>15 comment on these amendments?</p> <p>16 CHAIRMAN KIMBLE: Yes.</p> <p>17 COMMISSIONER CHAN: Okay. Mr. Chairman, I</p> <p>18 move that we open up 60-day public comment on the</p> <p>19 proposed amendments to R2-20-701, 702.01 and 703.01.</p> <p>20 CHAIRMAN KIMBLE: There's been a motion</p> <p>21 made.</p> <p>22 Is there a second?</p> <p>23 COMMISSIONER PATON: Second.</p> <p>24 CHAIRMAN KIMBLE: It's been moved and</p> <p>25 seconded that we open a 60-day public comment period</p>	

10:56:31-10:57:53	Page 70	10:59:15-11:00:07	Page 72
<p>1 for amendments to R2-20-701, 702.01, 703.01.</p> <p>2 We'll do a roll call vote.</p> <p>3 Commissioner Chan?</p> <p>4 COMMISSIONER CHAN: Aye.</p> <p>5 CHAIRMAN KIMBLE: Commissioner Paton?</p> <p>6 COMMISSIONER PATON: Aye.</p> <p>7 CHAIRMAN KIMBLE: Commissioner Meyer?</p> <p>8 COMMISSIONER MEYER: Aye.</p> <p>9 CHAIRMAN KIMBLE: The Chair votes aye. The</p> <p>10 motion is approved four to nothing, which takes us to</p> <p>11 Item V(D): Discussion and possible action on amendment</p> <p>12 to R2-20-209 relating to investigation.</p> <p>13 MR. COLLINS: Yes. Mr. Chairman,</p> <p>14 Commissioners, on this rule, we have -- we have -- we</p> <p>15 are recommending two things. We are recommending that</p> <p>16 the rule be adopted, and we are recommending that the</p> <p>17 rule be made effective immediately. As we discussed at</p> <p>18 our last meeting, we don't believe that this rule is a</p> <p>19 change insofar as our actual investigative practices,</p> <p>20 but this is a true clarifying rule.</p> <p>21 When we look at the consumer, small</p> <p>22 business and economic impact of the proposal, because</p> <p>23 it, in our view, maintains the status quo, we don't</p> <p>24 believe that it will have a cost to any of those kinds</p> <p>25 of entities. And with respect to the regulated</p>		<p>1 COMMISSIONER CHAN: Aye.</p> <p>2 CHAIRMAN KIMBLE: Commissioner Paton?</p> <p>3 COMMISSIONER PATON: Aye.</p> <p>4 CHAIRMAN KIMBLE: Commissioner Meyer?</p> <p>5 COMMISSIONER MEYER: Aye.</p> <p>6 CHAIRMAN KIMBLE: The Chair votes aye. The</p> <p>7 motion is approved four to nothing.</p> <p>8 Do we need to take a second vote to make it</p> <p>9 effective immediately?</p> <p>10 COMMISSIONER CHAN: I'll do another motion.</p> <p>11 MR. COLLINS: Well, yeah, there's one</p> <p>12 clarifying point I should have made. The Commission</p> <p>13 vote has to be unanimous in order to make it effective</p> <p>14 immediately. If it is not effective immediately, it</p> <p>15 will be effective January 1. Now, that is a thing that</p> <p>16 GRRC disputes, just to be -- just to be honest, but the</p> <p>17 Clean Elections Act is clear. If you all vote to make</p> <p>18 it effective immediately, it's our view it's effective</p> <p>19 immediately. If you all vote and are not unanimous or</p> <p>20 do not -- or the motion fails, or whatever, the rule,</p> <p>21 having been adopted, will be effective on January 1st.</p> <p>22 CHAIRMAN KIMBLE: Okay. And the definition</p> <p>23 of "unanimous" would be everyone attending the meeting?</p> <p>24 MR. COLLINS: That's correct, because the</p> <p>25 Act is clear that both -- that all those are part of</p>	
10:57:56-10:59:14	Page 71	11:00:10-11:00:48	Page 73
<p>1 community and others who are involved in the election</p> <p>2 process, it has a benefit in terms of lowering</p> <p>3 compliance costs and providing a more direct but -- and</p> <p>4 simpler explanation for the investigative process that</p> <p>5 we have always utilized.</p> <p>6 And, for those reasons, again, I recommend</p> <p>7 that the Commission first adopt the rule as a final</p> <p>8 rule and, second, that the Commission vote to make the</p> <p>9 amendment effective immediately, again, as we are in</p> <p>10 the middle of the election cycle.</p> <p>11 CHAIRMAN KIMBLE: Thank you.</p> <p>12 Any questions or comments from</p> <p>13 commissioners?</p> <p>14 (No response.)</p> <p>15 COMMISSIONER CHAN: Mr. Chairman?</p> <p>16 CHAIRMAN KIMBLE: Commissioner Chan.</p> <p>17 COMMISSIONER CHAN: I move that we adopt</p> <p>18 R2-20-209 relating to investigation, the amendment, as</p> <p>19 final.</p> <p>20 CHAIRMAN KIMBLE: Is there a second?</p> <p>21 COMMISSIONER PATON: Second.</p> <p>22 CHAIRMAN KIMBLE: It's been moved and</p> <p>23 seconded that we adopt the amendment to R2-20-209.</p> <p>24 We'll do a roll call vote.</p> <p>25 Commissioner Chan?</p>		<p>1 the quorum, and the Act is also clear that the Act --</p> <p>2 that those kinds of issues shall not impede the</p> <p>3 Commission's activity. Those are both literal language</p> <p>4 of the Act.</p> <p>5 CHAIRMAN KIMBLE: So, it doesn't seem</p> <p>6 necessary to take a second vote since we just voted</p> <p>7 four to nothing.</p> <p>8 COMMISSIONER CHAN: Or do I need to make a</p> <p>9 motion? I was going to make a separate motion. I</p> <p>10 thought I understood from Tom we needed two separate</p> <p>11 motions.</p> <p>12 MR. COLLINS: We did. We did in the event</p> <p>13 that you're interested in having it effective</p> <p>14 immediately. If you're not concerned about that</p> <p>15 because of the holidays, then it will just be effective</p> <p>16 January 1st.</p> <p>17 CHAIRMAN KIMBLE: Okay. Whatever the</p> <p>18 Commission would like.</p> <p>19 MR. COLLINS: It will be helpful for me to</p> <p>20 make a record that you would like to make it effective</p> <p>21 January 1st.</p> <p>22 CHAIRMAN KIMBLE: Okay.</p> <p>23 MR. COLLINS: But that doesn't have to be</p> <p>24 unanimous.</p> <p>25 CHAIRMAN KIMBLE: Okay. You would like to</p>	

11:00:49-11:01:31	Page 74	11:02:29-11:03:38	Page 76
<p>1 make it effective January 1st?</p> <p>2 MR. COLLINS: I would like -- I'm sorry. I</p> <p>3 should back up a second. I would like the Commission</p> <p>4 to make a record on when the Commission believes it</p> <p>5 should be effective.</p> <p>6 CHAIRMAN KIMBLE: Okay. Okay.</p> <p>7 MR. COLLINS: To be effective immediately,</p> <p>8 it needs to be unanimous. To be effective January 1st,</p> <p>9 it need not be unanimous.</p> <p>10 CHAIRMAN KIMBLE: Okay.</p> <p>11 COMMISSIONER PATON: I have a question.</p> <p>12 CHAIRMAN KIMBLE: Commissioner Paton.</p> <p>13 COMMISSIONER PATON: Is this just on</p> <p>14 another bone to pick with the GRRC people?</p> <p>15 MR. COLLINS: This is a fundamental legal</p> <p>16 disagreement we have with GRRC.</p> <p>17 COMMISSIONER PATON: I mean, can we just do</p> <p>18 it January 1st and not have another fight with them?</p> <p>19 MR. COLLINS: They will fight January 1st.</p> <p>20 COMMISSIONER PATON: What's that?</p> <p>21 MR. COLLINS: They will fight January 1st.</p> <p>22 COMMISSIONER PATON: Oh, okay. All right.</p> <p>23 MR. COLLINS: They don't believe that</p> <p>24 the -- they believe, incorrectly, in my view, that by</p> <p>25 removing a sentence from 16-956 while all of the other</p>		<p>1 COMMISSIONER PATON: Aye.</p> <p>2 CHAIRMAN KIMBLE: Commissioner Meyer?</p> <p>3 COMMISSIONER MEYER: Aye.</p> <p>4 CHAIRMAN KIMBLE: The chair votes aye. The</p> <p>5 motion passes four to nothing, unanimously.</p> <p>6 Item VI: Discussion and possible action on</p> <p>7 matters relating to the Secretary of State's Office,</p> <p>8 the See the Money project, the Campaign Finance</p> <p>9 Reporting System, the Commission Interagency Service</p> <p>10 Agreement with the Secretary of State's Office.</p> <p>11 MR. COLLINS: Mr. Chairman, Commissioners,</p> <p>12 I hope you've had a chance to read the memo that I</p> <p>13 tried to -- sort of, to try to update you on the status</p> <p>14 of things.</p> <p>15 CHAIRMAN KIMBLE: Yeah.</p> <p>16 MR. COLLINS: Just to, kind of, highlight</p> <p>17 that, at a meeting -- at a meeting before Thanksgiving,</p> <p>18 I had a meeting with the government relations director</p> <p>19 for the Secretary's Office. Among other things, I</p> <p>20 communicated to him that the Clean Elections Act and</p> <p>21 the Commission's responsibilities to the Fund would not</p> <p>22 allow us to just let this go. And, additionally, I</p> <p>23 attempted to explain that we're not a subappropriator,</p> <p>24 that the Interagency Service Agreement law is designed</p> <p>25 for an agency like ours to purchase a service from an</p>	
11:01:36-11:02:29	Page 75	11:03:40-11:05:06	Page 77
<p>1 Commission -- provisions were left alone, that the --</p> <p>2 that the voters accidentally repealed the entirety of</p> <p>3 the procedures that apply to the Commission under the</p> <p>4 Clean Elections Act. They're wrong. We've avoided a</p> <p>5 fight over that, but January 1st is not the date that</p> <p>6 they will agree to.</p> <p>7 COMMISSIONER PATON: Okay.</p> <p>8 CHAIRMAN KIMBLE: Nor will they agree to</p> <p>9 immediately?</p> <p>10 MR. COLLINS: Correct.</p> <p>11 CHAIRMAN KIMBLE: Okay. So, let's pick one</p> <p>12 and vote on it, when we want this to become effective.</p> <p>13 COMMISSIONER CHAN: Mr. Chairman?</p> <p>14 CHAIRMAN KIMBLE: Commissioner Chan.</p> <p>15 COMMISSIONER CHAN: I move that we vote to</p> <p>16 make this rule effective immediately.</p> <p>17 CHAIRMAN KIMBLE: Is there a second?</p> <p>18 COMMISSIONER PATON: Second.</p> <p>19 CHAIRMAN KIMBLE: It's been moved and</p> <p>20 seconded to make the -- to make the amendment to</p> <p>21 R2-20-209 effective immediately.</p> <p>22 Roll call vote.</p> <p>23 Commissioner Chan?</p> <p>24 COMMISSIONER CHAN: Aye.</p> <p>25 CHAIRMAN KIMBLE: Commissioner Paton?</p>		<p>1 agency like theirs and there are background terms of</p> <p>2 Arizona law that are included therein.</p> <p>3 To the best of our knowledge, there's no</p> <p>4 evidence that those are -- that those have been</p> <p>5 complied with. I made some suggestions on how to</p> <p>6 include us in their redevelopment of See the Money.</p> <p>7 And, then, following that, I received some calls -- a</p> <p>8 call from a candidate who was a clean candidate who</p> <p>9 could not -- there was discrepancy between the new,</p> <p>10 quote/unquote, Beacon System and what the Act has</p> <p>11 previously required the Secretary to allow clean</p> <p>12 candidates to file.</p> <p>13 The conversation resulted in a follow-up</p> <p>14 email and then a second follow-up email related to the</p> <p>15 Beacon System which, incidentally, is supposed to be a</p> <p>16 jointly approved matter. I have not received any</p> <p>17 response to that. If there is a response to that that</p> <p>18 I should have received, I have no knowledge of it.</p> <p>19 The ultimate recommendation I'm making here</p> <p>20 at the bottom of that -- of that -- of that memo is</p> <p>21 simply to allow myself and counsel to take the steps</p> <p>22 necessary, in prudence, that we need to take in order</p> <p>23 to ensure we're in the best possible position to -- to</p> <p>24 resolve this issue in a manner that's acceptable to the</p> <p>25 Commission and, hopefully, the Secretary of State.</p>	

11:05:10-11:06:21	Page 78	11:07:52-11:09:21	Page 80
<p>1 It is important to me, as executive</p> <p>2 director, to -- the reason I'm asking for a motion on</p> <p>3 that and the recommendation, I think, is pretty clear</p> <p>4 in the -- in the memo because I need to be able to</p> <p>5 communicate again to the Secretary of State's staff</p> <p>6 that I'm not speaking as an executive director with</p> <p>7 their own agenda. This is the Commission's view. This</p> <p>8 is the Commission's issue. The legal issues here are</p> <p>9 real ones under both the Clean Elections Act and under</p> <p>10 Title 35.</p> <p>11 And -- and so, I just -- I want to -- the</p> <p>12 last time I, sort of, updated you on what we were going</p> <p>13 to try to do. We tried to do that. That was not</p> <p>14 effective. And so, I'm asking for a formal vote on</p> <p>15 that recommendation. We will, then, proceed to update</p> <p>16 you as we can on -- on those things, but it's</p> <p>17 important, I think, for the public, for the Secretary</p> <p>18 of State's Office and, obviously, for us to be clear</p> <p>19 that this is a serious matter we can't simply ignore.</p> <p>20 CHAIRMAN KIMBLE: Let me make sure I</p> <p>21 understand.</p> <p>22 So, is See the Money DOA? It does not</p> <p>23 exist anymore?</p> <p>24 MR. COLLINS: So -- and there was an</p> <p>25 article in the "Capitol Times," which I can get for you</p>	<p>1 Elections Fund that has been, apparently, spent</p> <p>2 without -- with neither a product that works nor an</p> <p>3 identification of the hours put into it nor a respect</p> <p>4 for the agreement that was there.</p> <p>5 And so, I am trying -- we are going to</p> <p>6 attempt to work on these things in good faith, as we</p> <p>7 always do, but -- yeah, but this is where we are.</p> <p>8 CHAIRMAN KIMBLE: Well, it seems --</p> <p>9 COMMISSIONER PATON: That's not good.</p> <p>10 CHAIRMAN KIMBLE: It seems, like, while I</p> <p>11 think it's worthwhile to have continuing discussions</p> <p>12 with the Secretary of State's Office, there needs to be</p> <p>13 some kind of a deadline or an endgame, not -- so this</p> <p>14 isn't just endless discussions with no --</p> <p>15 MR. COLLINS: Mr. Chairman, that's a very</p> <p>16 fair question. You know, we have Mary on call, if you</p> <p>17 want, and we can call her. We can actually call her on</p> <p>18 the phone. She's at her desk if we need her, but I</p> <p>19 will just say this, that the steps that I envision</p> <p>20 taking are steps that we -- that by virtue -- that are</p> <p>21 serious steps in advancing the ball.</p> <p>22 The endgame here is to either restore</p> <p>23 our -- our role and the deliverables required of the</p> <p>24 Secretary of State's Office or to get the money back.</p> <p>25 There are steps we need to take now, in my view, in</p>		
11:06:25-11:07:47	Page 79	11:09:26-11:10:50	Page 81
<p>1 all, recently that talked about it. It's not clear to</p> <p>2 me what the intent of the Secretary's Office is with</p> <p>3 respect to See the Money. There are things that I</p> <p>4 think, obviously, if we were in a position to discuss</p> <p>5 this with them and get responses, we don't care about.</p> <p>6 Like, call it See the Money or call it something else.</p> <p>7 I don't care. That's not the point.</p> <p>8 I think there's, also, some underlying</p> <p>9 issues with the data that was going in to See the Money</p> <p>10 that -- that, I think, are the responsibility of the --</p> <p>11 of the folks who presented See the Money to us back</p> <p>12 when it was Secretary Reagan's issue. Nevertheless, in</p> <p>13 our -- in the discussion that -- earlier that Mike and</p> <p>14 I had with the Secretary's Office, the current</p> <p>15 Secretary's Office, they told us -- and we have no</p> <p>16 further update to this position -- that an agreement</p> <p>17 signed by Secretary Reagan simply does not exist.</p> <p>18 And, unfortunately, that means there's</p> <p>19 \$200,000 that we paid to the Secretary of State's</p> <p>20 Office that it has to exist because it's money.</p> <p>21 Whether somebody spent it is not our problem. And I</p> <p>22 understand the budgetary concerns the Secretary of</p> <p>23 State has been -- has issued over the course of the</p> <p>24 last couple of months, but that doesn't mean that</p> <p>25 that -- that there's not \$200,000 from the Clean</p>	<p>1 order to put us in the strongest position to do that.</p> <p>2 Without your approval, this -- if I were to do that on</p> <p>3 my own, that would be seen by the Secretary of State's</p> <p>4 Office as -- even if it was not true, it would be</p> <p>5 characterized as the executive director is doing</p> <p>6 something freelancing.</p> <p>7 And it's very important to me that the</p> <p>8 Commission here -- there is an endgame. The endgame is</p> <p>9 one of those two things, but there are steps we need to</p> <p>10 take now to ensure we can get that endgame and that the</p> <p>11 Secretary knows that I am not speaking on behalf of the</p> <p>12 staff or myself when I'm dealing with these issues.</p> <p>13 COMMISSIONER PATON: Can I make a</p> <p>14 statement?</p> <p>15 CHAIRMAN KIMBLE: Yes, Commissioner Paton.</p> <p>16 COMMISSIONER PATON: So, I -- I even feel</p> <p>17 stronger about it than that. I mean, I think we need</p> <p>18 to give them a time limit and an ultimatum and do</p> <p>19 what's necessary to get our money back because we've</p> <p>20 just wasted our money as far as this coming-up</p> <p>21 election. We were promised the moon and, apparently,</p> <p>22 it's, kind of, half baked. And so, it sounds to me as</p> <p>23 if they're not taking us seriously.</p> <p>24 And Tom says that the whole office over</p> <p>25 there are lawyers. So, I think they know what a</p>		

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<p>1 contract is, and we had a contract with them, the</p> <p>2 Secretary of State's Office, not just Mrs. Reagan.</p> <p>3 And, I think, we need to let them know, in uncertain</p> <p>4 terms, that we want our money back or we want it to</p> <p>5 work.</p> <p>6 Is that clear?</p> <p>7 COMMISSIONER CHAN: Mr. Chairman?</p> <p>8 CHAIRMAN KIMBLE: Commissioner Chan.</p> <p>9 COMMISSIONER CHAN: I, also, have some</p> <p>10 comments on this. And just, to start with, I see two</p> <p>11 issues here in this memo from Tom. One is, you know,</p> <p>12 the issue with See the Money. And I want to say that</p> <p>13 I'm not unsympathetic to Secretary Hobbs' situation.</p> <p>14 We all know what we were dealing with, I think, with</p> <p>15 the prior administration. We struggled with whether to</p> <p>16 invest the money in the IGA. We came to the difficult</p> <p>17 decision to do so because, I think, we thought that</p> <p>18 would be what was best for the voters. And we did have</p> <p>19 a contract, a binding contract with the Secretary of</p> <p>20 State.</p> <p>21 I think legally we all know where we are</p> <p>22 with that. It does not just dissolve on the new</p> <p>23 election of the new Secretary of State. And,</p> <p>24 unfortunately, I believe Secretary Hobbs and her staff</p> <p>25 will have to deal with that with our staff, and I'm</p>		<p>1 Paton's statement, I would be all -- I mean, deadlines</p> <p>2 and moving ahead on that. I think that's well -- I</p> <p>3 take your point. I think that's -- I think that's</p> <p>4 critical. I'm not prepared, without more of a</p> <p>5 consultation with Mary, to identify what those are.</p> <p>6 And so, that's part of the reason we left the -- I</p> <p>7 have left the recommendation a little more open ended.</p> <p>8 With respect to -- you know, and the</p> <p>9 Secretary may very well have defenses that are more</p> <p>10 persuasive. I don't know. That's another assessment,</p> <p>11 but with respect to the requirements of the Clean</p> <p>12 Elections Act, they may not even know that. I don't</p> <p>13 know. I mean, that's not something we have discussed</p> <p>14 previously because it's an assumption, but you know,</p> <p>15 it's just, you know, these are all things that -- at a</p> <p>16 certain point, yeah, these are just requirements.</p> <p>17 They're just -- they're just in the law.</p> <p>18 COMMISSIONER PATON: I have another</p> <p>19 statement.</p> <p>20 CHAIRMAN KIMBLE: Commissioner Paton.</p> <p>21 COMMISSIONER PATON: So, she's been in</p> <p>22 office a year, correct?</p> <p>23 MR. COLLINS: A year come January, yes.</p> <p>24 COMMISSIONER PATON: All right. So, it's</p> <p>25 not been two months ago. So, obviously, it's not</p>	
11:12:23-11:13:56	Page 83	11:15:20-11:16:30	Page 85
<p>1 happy to make a motion and vote -- vote on this. You</p> <p>2 know, I support authorizing Tom to go ahead and work</p> <p>3 with them in any way, shape or form that he needs to,</p> <p>4 but I want to make clear I'm not unsympathetic to</p> <p>5 Secretary Hobbs.</p> <p>6 I think, perhaps, she needs to add into</p> <p>7 whatever money she's asking for an extra 200 grand to</p> <p>8 pay us back because, you know, it is a binding</p> <p>9 contract. And, I mean, it's not going away. It's --</p> <p>10 it's a real thing.</p> <p>11 The other issue for me is this issue of</p> <p>12 Beacon. I'm a little concerned. I did not realize</p> <p>13 until now, of course, that we haven't had an</p> <p>14 opportunity to review it that's required by statute so</p> <p>15 that we have joint approval of the campaign finance</p> <p>16 reporting system. I think that's really key.</p> <p>17 Obviously, our candidates, you know, and we need to</p> <p>18 have access to that and be able to use it, have some</p> <p>19 functionality for our purposes. And, if we don't have</p> <p>20 joint approval, can we be certain that we'll have the</p> <p>21 functionality that we need?</p> <p>22 MR. COLLINS: Mr. Chairman, Commissioner</p> <p>23 Chan, with respect to those -- those things, first, you</p> <p>24 know -- and, actually, sort of, answering your question</p> <p>25 and answering -- and in responding to Commissioner</p>		<p>1 something that they're concerned with. They're trying</p> <p>2 to sweep it under the rug, forget about it like a --</p> <p>3 you know, like a school child, or something, and the</p> <p>4 homework is due.</p> <p>5 CHAIRMAN KIMBLE: It would seem to me that</p> <p>6 it might be reasonable to authorize staff to continue</p> <p>7 working with the Secretary of State's Office, but to</p> <p>8 report back at our January meeting where we are. And,</p> <p>9 at that point, we can decide whether we need to up this</p> <p>10 to some other level to -- so that this just doesn't</p> <p>11 turn into endless discussions and they don't respond</p> <p>12 and -- you know.</p> <p>13 MR. COLLINS: Mr. Chairman, if I may</p> <p>14 respond to that.</p> <p>15 CHAIRMAN KIMBLE: Yeah.</p> <p>16 MR. COLLINS: My only clarification to that</p> <p>17 is -- my only point on that is, to the extent that I do</p> <p>18 not -- there are steps we need to take in terms of</p> <p>19 documentation that I need to involve Mary in. And so,</p> <p>20 that's part of the reason why the recommendation</p> <p>21 includes working with counsel.</p> <p>22 COMMISSIONER CHAN: Okay.</p> <p>23 MR. COLLINS: We -- we are not in a</p> <p>24 position to stand pat and work with staff absent --</p> <p>25 with -- without taking some of the steps, I think, that</p>	

11:16:32-11:17:30	Page 86	11:18:31-11:19:13	Page 88
<p>1 are, at least, necessary for us to do. We may need to</p> <p>2 act on that sooner before the next meeting. I'm not</p> <p>3 talking about, like -- what I'm not talking about is</p> <p>4 filing a lawsuit.</p> <p>5 CHAIRMAN KIMBLE: Correct.</p> <p>6 MR. COLLINS: What I am talking about is</p> <p>7 the kind of interim steps you have to take in order to</p> <p>8 make sure that you can be in the best position</p> <p>9 possible.</p> <p>10 CHAIRMAN KIMBLE: Okay. My only point was</p> <p>11 I want to get across the message to the Secretary of</p> <p>12 State's Office that this is something we're interested</p> <p>13 in, that we're following, that we don't want to be back</p> <p>14 here in the middle of next year and be reading the</p> <p>15 Secretary of State is -- I received no response from</p> <p>16 the Secretary of State's Office.</p> <p>17 MR. COLLINS: Understood. Understood.</p> <p>18 COMMISSIONER CHAN: And, Mr. Chairman, just</p> <p>19 one more comment. I mean, I don't know how the other</p> <p>20 commissioners feel, but frankly, if Beacon is the new</p> <p>21 campaign finance reporting system and that was</p> <p>22 something that the Secretary decided we could be a</p> <p>23 partner in, I don't know why that couldn't be</p> <p>24 something -- I guess, you know, money is fungible, they</p> <p>25 always say, right?</p>		<p>1 promised --</p> <p>2 COMMISSIONER CHAN: Did you just disparage</p> <p>3 the Tucson Toros?</p> <p>4 COMMISSIONER PATON: They don't -- they</p> <p>5 don't exist anymore.</p> <p>6 COMMISSIONER CHAN: Oh.</p> <p>7 COMMISSIONER PATON: They were Triple A.</p> <p>8 COMMISSIONER CHAN: I remember.</p> <p>9 COMMISSIONER PATON: So, when you are</p> <p>10 talking about that, it sounds like we're willing -- you</p> <p>11 were willing to downshift, and I'm not willing. We</p> <p>12 spent that money. We were promised something. I don't</p> <p>13 care if they changed people, changed the characters.</p> <p>14 We have a contract. They need to make it work right.</p> <p>15 CHAIRMAN KIMBLE: Well, as I understood</p> <p>16 Commissioner Chan's comments is we had specific</p> <p>17 requests. If they can meet them under another name --</p> <p>18 COMMISSIONER PATON: Sure. I don't care if</p> <p>19 they change the name, just so it's a like quality.</p> <p>20 CHAIRMAN KIMBLE: Right. We want the</p> <p>21 deliverables.</p> <p>22 COMMISSIONER PATON: Right.</p> <p>23 CHAIRMAN KIMBLE: Okay. So, do you have a</p> <p>24 motion, Commissioner Chan?</p> <p>25 COMMISSIONER CHAN: Yeah. Mr. Chairman, I</p>	
11:17:30-11:18:29	Page 87	11:19:14-11:20:04	Page 89
<p>1 I mean, it could be that there's this,</p> <p>2 okay, we're going from See the Money to this. And if</p> <p>3 she can say, well, we're using the money for this</p> <p>4 instead and is that going to be workable for you and</p> <p>5 what can we give you to make you happy kind of thing,</p> <p>6 if they're working with us, I think we could be happy</p> <p>7 with that. It doesn't have to be See the Money. I</p> <p>8 don't think -- I think we can be flexible. I don't</p> <p>9 want her to think that we're, like, oh, no, it has to</p> <p>10 be Secretary Reagan's thing. That -- I don't think</p> <p>11 that's it at all.</p> <p>12 I think it's more we need something out of</p> <p>13 this, and that's the point. It's not, like, oh,</p> <p>14 you're -- you're just out of luck, Clean Elections, and</p> <p>15 your 200,000 is gone, too.</p> <p>16 CHAIRMAN KIMBLE: Right.</p> <p>17 COMMISSIONER CHAN: So with that, unless</p> <p>18 there's -- Mr. Chairman, should I go ahead and make a</p> <p>19 motion?</p> <p>20 CHAIRMAN KIMBLE: Is there any other</p> <p>21 discussion or questions on Item VI?</p> <p>22 COMMISSIONER PATON: Well, to that -- to</p> <p>23 that point, it can't be like the difference between the</p> <p>24 Arizona Diamond Backs and the Tucson Toros. I mean,</p> <p>25 it's -- I mean, we were promised something. We were</p>		<p>1 move that we authorize staff to work with our counsel</p> <p>2 to assess and undertake such actions that are necessary</p> <p>3 to secure compliance with the Interagency Service</p> <p>4 Agreement regarding See the Money and the campaign</p> <p>5 finance reporting system, as well as other applicable</p> <p>6 laws, and recover the Commission's payment for those</p> <p>7 services, if possible.</p> <p>8 CHAIRMAN KIMBLE: Is there a second to</p> <p>9 that?</p> <p>10 COMMISSIONER PATON: I will second that.</p> <p>11 CHAIRMAN KIMBLE: Okay. It's been moved</p> <p>12 and seconded. We're authorizing staff to work with our</p> <p>13 counsel and the Secretary of State's Office.</p> <p>14 We'll do a roll call vote.</p> <p>15 Commissioner Chan?</p> <p>16 COMMISSIONER CHAN: Aye.</p> <p>17 CHAIRMAN KIMBLE: Commissioner Paton?</p> <p>18 COMMISSIONER PATON: Aye.</p> <p>19 CHAIRMAN KIMBLE: Commissioner Meyer?</p> <p>20 COMMISSIONER MEYER: Aye.</p> <p>21 CHAIRMAN KIMBLE: The Chair votes aye, and</p> <p>22 the motion is approved four to nothing.</p> <p>23 Item VII: Public comment.</p> <p>24 Is there any member of the public that</p> <p>25 wishes to make comments?</p>	

11:20:06-11:20:56

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1 (No response.)
2 CHAIRMAN KIMBLE: No?
3 MR. COLLINS: If I -- if I could, I want to
4 make a quick public comment, if I may. Just -- I think
5 I'm allowed to say this now, right, that you're --
6 MR. LA RUE: Oh, yes.
7 MR. COLLINS: Just a quick public comment
8 and then we should adjourn, and then you can talk to
9 him about whatever you want for to meeting to be over,
10 but my public comment, because none of you can respond
11 to this, is that Joseph has taken a position at the
12 Maricopa County Attorney's Office as an election
13 attorney. It's very exciting for him. And so, after
14 you adjourn the meeting, I would recommend that you
15 take a moment to congratulate him on his new position
16 and thank him for his service here, as I certainly do.
17 CHAIRMAN KIMBLE: We wouldn't want to do
18 that during the meeting, I guess.
19 MR. COLLINS: Well, it's an open meeting
20 law.
21 CHAIRMAN KIMBLE: Okay. Any other public
22 comments?
23 (No response.)
24 CHAIRMAN KIMBLE: Okay. Adjournment? Is
25 there a motion to adjourn?

11:20:57-11:21:12

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1 COMMISSIONER CHAN: I move we adjourn the
2 meeting.
3 COMMISSIONER PATON: Second.
4 CHAIRMAN KIMBLE: We'll do a roll call.
5 Commissioner Chan?
6 COMMISSIONER CHAN: Aye.
7 CHAIRMAN KIMBLE: Commissioner Paton?
8 COMMISSIONER PATON: Aye.
9 CHAIRMAN KIMBLE: Commissioner Meyer?
10 COMMISSIONER MEYER: Aye.
11 CHAIRMAN KIMBLE: The Chair votes aye. We
12 are adjourned.
13 Thank you.
14 (Whereupon, the proceedings concluded at
15 11:21 a.m.)
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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)
3 BE IT KNOWN the foregoing proceedings were
4 taken by me; that I was then and there a Certified
5 Reporter of the State of Arizona; that the proceedings
6 were taken down by me in shorthand and thereafter
7 transcribed into typewriting under my direction; that
8 the foregoing pages are a full, true, and accurate
9 transcript of all proceedings and testimony had and
10 adduced upon the taking of said proceedings, all done to
11 the best of my skill and ability.
12 I FURTHER CERTIFY that I am in no way
13 related to nor employed by any of the parties thereto
14 nor am I in any way interested in the outcome hereof.
15 DATED at Phoenix, Arizona, this 14th day of
16 December, 2019.
17 
18
19 LILIA MONARREZ, RPR, CR #50699
20
21
22
23
24
25

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**CITIZENS CLEAN ELECTIONS COMMISSION
EXECUTIVE DIRECTOR REPORT
January 23, 2020**

Announcements:

- The public can view Commission meetings live via the internet at www.livestream.com/cleanelections. A link is available on our website.

Voter Education:

- Avery and Gina met with the Arizona Commission for the Deaf and the Hard of Hearing (ACDHH) about collaboration on voter education materials in American Sign Language. ACDHH has created voter education videos in ASL utilizing information from CCEC that staff can embed on our website and share on social media. Additionally, staff is exploring the possibility of providing the Voter Education Guide in ASL.
- There are two election dates in March:
 - March 10, 2020 Local Elections (ballot by mail election):
 - City of Douglas (Mayoral & Council)
 - City of Tempe (Mayor & Council)
 - City of Chandler (Prop 426)
 - March 17, 2020 Presidential Preference Election
 - Only the Democratic Party is participating; therefore,
 - Only voters registered with the Democratic Party by February 18th can vote in the PPE.

Community Outreach/Events

- Avery met with the President of the Tempe Union High School District Governing Board, Berdette Hodge to discuss a collaboration between the Tempe Union High School District and the Arizona Citizens Clean Elections Commission to promote civic engagement in their students and parents. (Jan.7)
- Avery participated in a conference call meeting to go over the agenda of the African American Leadership and Legislative council's "Youth Day" at the Capitol event that will take place on February 14th. (Jan.9)
- Avery attended the Secretary of State's monthly meeting for the SOS Voter Outreach Committee to coordinate resources to promote voter registration in counties outside of Maricopa County. (Jan.14)
- Avery met with Library Supervisor Nicole Swanson to discuss a partnership with Tempe Public Library to create a voter information program for the summer and fall of 2020.
- Avery had a meeting with Voting Ambassador Joe Delgado of the Secretary of State's office and Jennifer Castro with the Arizona Foundation for Legal Services and Education to discuss the Kids Voting program and youth civic engagement. (Jan.16)
- Avery will be attending a Youth Leadership and Development Council meeting sponsored by Opportunities for Youth and Arizona State University's Watts College of Public Service and Community Solutions. (Jan.21)
- Avery will present voter information along with Melissa Davis of the Maricopa County Records' Office to students at Tempe Preparatory Academy. (Jan.21)

- Avery will be attending the Maricopa County's Native American Roundtable discussion. (Jan.22)
- Avery will be a vendor at The Maricopa County Arizona Veterans Stand Down Alliance to inform and register veterans. (Jan.24)
- Avery will be presenting to the students of Central Arizona College in Casa Grande on How to Vote, How to Register and register students. (Jan.28)
- Avery will be presenting to the students of Central Arizona College on the Maricopa campus on How to Vote, How to Register and register students. (Jan.29)

Miscellaneous

- **Outstanding legal matters**
 - Legacy Foundation Action Fund
 - AZAN v. State et. al.
 - State Ex Rel Brnovich v. Ariz. Board of Regents.
- **Election Proecudures Manual**
 - Pending approval by December 31.
 - Discussions pending between AG and SOS offices.
- **Appointments**
 - Nothing to report. The Governor's Office has not made an appointment, the Secretary's Office believes that it cannot make an appointment until the Governor does. As of the end of the month the majority of sitting commissioners will be holdovers.
- **Rules**
 - Items include:
 - R2-20-702 On this agenda
 - R2-20-113 Approved by GRRC (No Action by GRRC)
 - R2-20-704 Approved by GRRC (No Action By GRRC)
- Number of Participating Candidates – 43
- Participating Candidates Funded - 1

Doug A. Ducey
Governor

Thomas M. Collins
Executive Director



Galen D. Paton
Chair

Damien R. Meyer
Steve M. Titla
Mark S. Kimble
Amy B. Chan
Commissioners

State of Arizona
Citizens Clean Elections Commission

1616 W. Adams - Suite 110 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - www.azcleanelections.gov

Bill:	Sponsor:	Assigned to:	What it does:	Effect on CCEC:
HB2054: GRRC; petition to request review	Representative Leo Biasiucci	Regulatory Affairs, Rules	Allows a person to petition GRRC to review an agency's rule or interpretation of a rule of an agency established under Title 16, Chapter 6.	Would allow anyone to request GGRC to review Clean Elections adopted rules, policy statements, or final rules.
HB2109: unification; consolidation; notice; ballot language	Representative Michelle Udall	Elections, Rules	When forming a new school district, notice of the proposed vote must be posted in 3 separate locations.	n/a
HB2121: election pamphlet submittals; identification required	Representative John Kavanagh	n/a	For school elections (overrides, special elections, bonds), anybody submitting an argument for/against must to signed and notarized.	n/a
HB2137: polling places; law enforcement officers	Representative Jay Lawrence	n/a	Requires a peace officer be stationed at all polling stations/vote centers for both the primary and general election.	n/a
HB2233: court rules; signatures; court documents	Representative John Allen	n/a	Gives Supreme Court ability to adopt rules that govern signatures on court documents.	Depends on ruling (how signatures are validated, if affidavits would still be allowed, etc...)
SB1014: election procedures manual; rulemaking; GRRC	Senator Michelle Ugenti-Rita	Judiciary, Rules	S.O.S. must have their procedures manual approved by GRRC.	n/a

SB1020: ballot measures; proposition 105; disclosure	Senator Michelle Ugenti-Rita	Judiciary, Rules	Would require that all ballots with a statutory measure have a disclosure of Prop 105.	n/a
SB1032: early voting; signature required, notice	Senator Michelle Ugenti-Rita	Judiciary, Rules	A ballot without a signature will not be counted and that an elector would not be able to add their signature post-receipt of the envelope.	Update to website.
SB1067: voting rights; felonies; automatic restoration	Senator Martin Quezada	Judiciary, Rules	Status of voting rights must be made know to an individual being discharged from probation or being absolutely discharged from imprisonment.	n/a
SB1068: election and ethics; commission; duties	Senator Martin Quezada	Judiciary, Rules	Creates a commission that shall succeed to the duties of the Secretary of State in regards to Title 16, Chapter 6 (all but Article 2) with respect to acting as the investigatory, compliance, and enforcement officer.	Would work with this elections and ethics commission on enforcement issues.
SB1077: countywide elections; vote by mail	Senator Sean Bowie	Judiciary, Rules	Counties may conduct a mail in ballot election for every election within that county's jurisdiction only after a vote of approval by a County Board of Supervisors and if 60% of the electorate is on the PEVL.	n/a

SB1092: early ballot delivery; identification; attestation	Senator Michelle Ugenti-Rita	Judiciary, Rules	Vote/Emergency vote centers must adhere to identification laws set up in 16-548. If dropping off someone else's ballot, the voter must attest in writing that they are a family member, caregiver, or household member.	Update to voter information on website.
HB2268: election complaints; attorney general	Representative Kelly Townsend	n/a	Allows individuals to that believe an election irregularity or unlawful act has occurred to submit a complaint to the attorney general.	n/a
HB2272: postelection equipment testing	Representative Bob Thorpe	n/a	Would require an additional round of logic and accuracy testing to be done on ballot equipment after ballot tabulation but prior to certification.	n/a
HB2028: candidate signs; prohibition; primary	Representative John Fillmore	Elections, Rules	Extends the period in which mailers and campaign signage can be posted up to 120 days before an election.	n/a

HB2043: voter identification; school ID cards	Representative Kelly Townsend	n/a	Restricts secondary ID's that can be used at the polls, no more: utility bills; bank or credit union statements; vehicle registration; vehicle insurance card; and property tax statements. Also prohibits use of high school, college, or university as acceptable ID for elections.	Limits voter access, would require an update to educational material and website.
HB2364: election law amendment	Representative Kelly Townsend	n/a	Several changes to county processes and general clean up. Would extend early voting through the weekend to a Monday instead of ending on the Friday before the weekend.	May be a slight additional cost to extend early voting outreach for an extra 2 days. Changes to the website to reflect early voting extension.
HB2306: elections; counting center; electronic adjudication	Representative Kelly Townsend	n/a	Appoint an electronic vote adjudication board to oversee the process, keep records, and make decisions.	n/a
HB2304: federal only ballots; paper; tabulation	Representative Kelly Townsend	n/a	Federal ballots would be printed on a different color paper and labeled. Tabulation and retention of federal ballots would be separate from other elections.	n/a

HB2343: early voting; identification required	Representative John Fillmore	n/a	Allows a voter to drop off an early ballot at an early voting location and/or vote center. Early voter would be required to print name on early voting log and provide ID pursuant to 16-579.	Update information on website.
HB2307: elections; special districts; technical correction	Representative Kelly Townsend	n/a	Technical correction.	n/a
HB2308: judges; election; technical correction	Representative Kelly Townsend	n/a	Technical correction.	n/a
HB2647: federal form registrations; reregistration	Representative Kelly Townsend	n/a	Provide and notify those registered as federal only voters the opportunity to provide citizenship in order to be registered as a state voter.	n/a
HB2619: election boards; marshal training	Representative John Fillmore	n/a	Election Marshals shall receive additional training from the attorney general.	n/a
HB2527: initiative; referendum signatures; electronic submittal	Representative Amish Shah	n/a	S.O.S. shall provide a system for electors to sign initiative and referendum petitions through an online portal.	n/a

HB2503: campaign finance; corporate recipients; registration	Representative Athena Salman	n/a	A corporation, limited liability company or labor organization that makes a contribution of over \$5,000 for statewide, \$2,500 for legislative, \$1000 for county, city, or town election must register and notify the appropriate filing officer for public viewing.	n/a
HB2461: voter registration; temporary residency	Representative Bob Thorpe	n/a	Dormitory address or other temporary college/university address, or an address where an individual does not intend to stay for 12 months may not be used for determining residency when registering to vote.	Update to website information.
HB2487: appropriation; election equipment	Representative Charlene Fernandez	n/a	Appropriate \$20,000,000 for 2020-2021 to S.O.S. to provide grants to county recorder's office for election equipment.	n/a

**THE ARIZONA SECRETARY OF STATE'S OFFICE RESPONSE
ON THE STATUS OF THE INTERAGENCY SERVICE AGREEMENT
WITH THE CITIZENS CLEAN ELECTIONS COMMISSION**

JANUARY 20, 2020

Executive Overview

In May 2017, the Citizens Clean Elections Commission (CCEC) entered into an Interagency Service Agreement (ISA) with the Arizona Secretary of State (SOS) to jointly develop the “See the Money” campaign finance public disclosure website. CCEC agreed to pay SOS \$200,000 to aid in the development of a new concept for campaign finance public disclosure.

Over the past two and a half years, the SOS has been hard at work on both the See the Money public site and the reporting site—“Beacon”—used by candidates, PACs, parties, organizations, and individuals to file the campaign finance income and expenditures.

In 2018, we rolled out the first version of the See the Money website, first as a beta program and then, in early 2019, as a final product. See the Money has continued to evolve since its first release in 2018. Since its first release, we have made approximately 250 changes to the system to enhance its functionalities and correct errors.

In 2020, the SOS will be building upon the foundations of See the Money and completing a rebranding of the system under the new name, “Spotlight”. Once the changes are made and Spotlight goes live, along with Beacon, Arizona will have a comprehensive platform for reporting and reviewing campaign finance transactions in Arizona.

In 2018 and the first part of 2019, the SOS turned its focus to the Beacon filing system. We delivered a brand-new system that greatly reduces the complexities that filers face in selecting the proper type of transactions.

Complications such as statutory requirements to support all jurisdictions in the state as well as the complexities of implementing the vast changes in HB1516 have surely impacted some of the proposed development of these systems. While all HB1516 requirements are now present in Beacon today, full support of local jurisdictions is slated for delivery in 2021.

SOS Use of Resources

Since beginning our partnership with CCEC in 2017, the SOS has delivered 60 iterations of See the Money and Beacon and has logged over 10,000 work hours enhancing and supporting our campaign finance systems—at a cost of over \$615,000.

Status of ISA Deliverables

On January 7, 2020, SOS met with CCEC staff to discuss the current and future state of campaign finance reporting. CCEC staff asked that SOS prepare a report to address recent Commission questions about these systems.

The SOS is committed to meeting all CCEC statutory filing requirements in these systems and, at this time, we believe we do meet these. The following questions were posed by CCEC staff and were suggested to be included in this report to the Commission.

Item	Status	Note
<i>Filing (Beacon)</i>		
Trigger Reports	Functional	Recently updated to reflect 2020 primary election date changes
Interim reports for applications for participation	Functional	
CCEC additional reports for participating candidates	Functional	Recently updated for 2020 dates
Support for any filer under 16-942D, what we typically term individual filers	Functional	
SOS must provide reporting parties and the Commission access to any function necessary to make reports requested or required by the Commission except in the case of outages	Functional	If CCEC reporting requirements change, we will do our best to accommodate with the understanding that it may take time to implement new requirements
Allow Commission to approve the filing system		SOS is committed to working with the CCEC on system changes and enhancements to Spotlight and Beacon
<i>Back-end Access</i>		
Provide CCEC staff back-end, read-only access to perform staff duties	Functional	
Provide CCEC staff with access that includes the ability to mimic filings of reporting parties in real time	Functional	CCEC has access to our QA system so they can do anything that any committee can do

Communications with reporting parties by the commission (include emails)	Functional	The current interface supplied to CCEC will be revamped after 2020 to enhance this capability
<i>See the Money & Data Issues</i>		
Substantially complete by January 2, 2018	Product went live in January 2018	We delivered our beta version of STM prior to this date. There are many additional enhancements coming in 2020 and 2021. This product will essentially always be in a state of being enhanced.
Capable of displaying state and local campaign finance information reported for any jurisdiction using the system	Functional at state level; not yet for local jurisdictions	Promised delivery dates for multi-jurisdictional support were not able to be met because of other unanticipated election-related statutory changes and projects that were not foreseen at the time of our original project plan. Our current plan anticipates full multi-jurisdiction support in calendar year 2021.
Allow users to identify contributors and vendors and their relationships including: <ul style="list-style-type: none"> • All committees that have made expenditures to a specific vendor • All contributors who have made contributions to a specific committee • All committees that have received contributions from a specific donor 	Functional at state level; not yet for local jurisdictions	Promised delivery dates for multi-jurisdictional support were not able to be met because of other unanticipated election-related statutory changes and projects that were not foreseen at the time of our original project plan. Our current plan anticipates full multi-jurisdiction support in calendar year 2021.
Permit users to download results	Functional	All data views allow for data export

Permit users to see most frequently searched items	Not implemented	This item was a proposed functionality that in retrospect never really worked out in a meaningful way. The SOS still thinks this functionality would be nice, but in practice it didn't seem very useful with real-world data. This item is still on our backlog and we are hoping to use machine learning to make it more useful.
Be reasonably compatible with mobile web browser	Functional	Supports all modern browser platforms, including mobile devices
Show historical data in STM	Not yet functional	The next release of STM (Spotlight) will display all historical data back to around 2002
Names and other standardization	Not yet functional	The Beacon product has made some significant inroads in data normalization but the bulk of this work will come in the next major release in 2021

Delays to multi-jurisdictional support from the campaign finance system resulted from several unanticipated developments, including:

- No funding was allocated for multi-jurisdiction implementation
- Complexities of implementing HB1516
- Two statutory changes to election cycle dates
- New project - statewide voter registration system
- New project - statute requiring a circulator portal
- New project - statute requiring candidate statement of interest filing
- New project - changes to E-Qual to support new voter registration system
- New project - moving the primary election date
- Supporting local jurisdictions for election reporting
- Unanticipated administration change
- High stakeholder turnover
- Availability of stakeholders in 2018 due to election year

Future Vision for Campaign Finance

The SOS will build upon the STM platform and release a rebranded product in early 2020 known as Spotlight.

New features in Spotlight will be:

- Complete rebrand of the STM website as Spotlight
- New “Advanced Search” functionality
- Video tutorials on common tasks
- Context-sensitive help bubbles
- Replace “tree map” chart with bubble chart
- When Spotlight goes live in early 2020, the old CFS search will be retired

Ongoing Development in 2020

Our policy is to keep new features to a minimum during election years. This keeps user confusion to a minimum, provides the most stable platform for election years, and allows us to provide as much election year support as possible. Our development plan for 2020 is to continue to work through our backlog of enhancements and fixes for both Spotlight and Beacon and roll out a major new version of both products in 2021. As the need arises, we may inject bug fixes and enhancements deemed critical during 2020.

Enhancements under consideration for Spotlight 2021 Release

- Full multi-jurisdictional support
- Chart layer for individual committees
- Export of complete database
- Additional usability improvements, documentation, tutorials

Enhancements under consideration for Beacon 2021 Release

- Full multi-jurisdictional support including all the administrative functions for jurisdictions
- Spreadsheet upload of “simple” transactions
- Better data integrity for duplicate names
- Standardize Occupations & Employers
- Provide a new CCEC administrative interface
- Enter multiple \$5 QC transactions on same screen
- Allow administrator to add past reports as due
- Copy/Clone transactions
- Robust transaction search function (other than current dashboard)

Ongoing Partnership with CCEC

The SOS is committed to a continuing partnership with CCEC. In our meeting on January 7, 2020, we committed to the following:

- A comprehensive overview of our project backlog for Spotlight and Beacon
- A monthly executive overview of project status for both products
- Ongoing open dialog about enhancements and issues
- Providing all necessary access to campaign finance data and test systems (completed)
- Supporting all CCEC statutory filing requirements
- Work with CCEC to develop a new CCEC interface after 2020

***Proposed Commission Meeting Dates
February - July 2020***

Month	<i>Date</i>	<i>State Holiday – Office Closed</i>
February	<i>27th</i>	<i>President's Day, Feb 17th</i>
March	<i>26th</i>	
April	<i>30th</i>	
May	<i>28th</i>	<i>Memorial Day, May 25th</i>
June	<i>25th</i>	
July	<i>30th</i>	<i>Independence Day, July 3rd</i>



During the months of February – July 2020, staff estimates commission meetings will be held once a month. All meeting dates are on Thursday and scheduled to begin at 9:30 a.m.

In the event additional meetings are required, Staff will work individually with each Commissioner to determine availability and ensure we have a quorum for the meeting.

ITEM V



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemakings.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R19-254]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)** **Rulemaking Action**
R2-20-702 Amend
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. §§ 16-956(A)(6), Id. and 16-956(A)(7)
Implementing statute: A.R.S. § 16-948(C)
3. **Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
Notice of Rulemaking Docket Opening: 25 A.A.R. 3578, December 13, 2019 (*in this issue*)
Notice of Rulemaking Docket Opening: 25 A.A.R. 1457, June 14, 2019
Notice of Proposed Rulemaking: 25 A.A.R. 1414, June 14, 2019
Notice of Final Rulemaking: 25 A.A.R. 2120, August 23, 2019
4. **The agency's contact person who can answer questions about the rulemaking:**
Name: Thomas M. Collins
Address: Citizens Clean Elections Commission
1616 W. Adams, Suite 110
Phoenix, AZ 85007
Telephone: (602) 364-3477
E-mail: ccec@azcleanelections.gov
Web site: www.azcleanelections.gov
5. **An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
A.A.C. R2-20-702: Conforms Commission rules to statutory changes enacted by 2018's Proposition 306. Additionally, at its meeting on November 4 2019, the Governor's Regulatory Review Council "returned" the amendment to the Commission. Although GRRC does not issue reasoned decisions like a Court, one apparent reason for the "return" vote was based on Council Member Sundt's expressed confusion on retaining the remainder of R2-20-702(B), despite the Commission's efforts to remove any language that could conceivably be read as conflicting with Prop. 306.
In an effort to ensure the Commission's rules align with the statute, the Commission approved the following rules for public comment, subject to its reservation of rights under The Clean Elections Act (A.R.S. §§ 16-940 to -961), Title 41, Chapter 6, and the Arizona and Federal Constitutions.
In addition to removing provisions of the R2-20-702(B) that conflict with A.R.S. § 16-948, the proposed amendment also removes language permitting certain spending of clean funding that the Council members believed were confusing, specifically language that expressly permitted certain activities under the Clean Elections Act.
6. **A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
Not applicable



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

These changes do not diminish a previous grant of authority to a political subdivision of this state.

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

As indicated in our filing with the Council, the Commission believes there is little consumer, economic, or small business impact. The rule amendment may deprive voters of some candidates who might have run with Clean Funding, but additionally, benefits those voters who do not want candidates to be able to make purchases from political parties. There is an impact on candidates who may have preferred to run with clean funding, and, with the further amendment, may have preferred certainty as to what is permitted by the Clean Elections. There is no economic or consumer or small business impact.

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

Name: Thomas M. Collins
Address: Citizens Clean Elections Commission
1616 W. Adams, Suite 110
Phoenix, AZ 85007
Telephone: (602) 364-3477
E-mail: ccec@azcleanelections.gov
Web site: www.azcleanelections.gov

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

Pursuant to A.R.S. § 16-956, a 60-day public comment period precedes an oral hearing which is the earliest the Commission may act on a proposed rule. Rule comments are accepted, in addition, through the web site, e-mail, and regular mail, as well as at call to the public at interim meetings. Rules that are passed unanimously may be made effective immediately. All other approved rules are effective January 1 of the year following their enactment. A.R.S. § 16-956(C), (D).

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

Not applicable

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable

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

Not applicable

13. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 7. USE OF FUNDS AND REPAYMENT

Section

R2-20-702. Use of Campaign Funds

ARTICLE 7. USE OF FUNDS AND REPAYMENT

R2-20-702. Use of Campaign Funds

A. No change

~~B. A participating candidate may: make a payment from the candidate's campaign bank account:~~

- ~~1. To a political committee or civic organization or an unincorporated association. The payment is not a contribution if the payment is reasonable in relation to the value received.~~
- ~~2. For customary charges for services rendered, such as for printing and obtaining voter or telephone lists, shall be considered reasonable in relation to the value received.~~
- ~~3. Of not more than \$200 per person to attend a political event open to the public or to party members shall be considered reasonable in relation to the value received.~~
- ~~2. Only make an advanced payment to a political party for services such as consulting, communications, field employees, canvassers, mailers, auto dialers, telephone town halls, electronic communications and other advertising purchases and other campaign~~



services if an itemized invoice identifying the value of the service is provided directly to the participating candidate at the time of the advanced payment.

- a. ~~Payment in the absence of an itemized invoice or advanced payment for such services shall be deemed a contribution to the political party.~~
- b. ~~Payment may be advanced for postage upon the receipt of a written estimate and so long as any balance is returned to the candidate if the advance exceeds the actual cost of the postage.~~
- c. ~~Payment may be advanced for advertising that customarily requires prepayment upon the receipt of a written estimate and so long as any balance is returned to the candidate if the advance exceeds the actual cost of the advertisement.~~
- d. ~~A political party may not mark up or add any additional charge to the value of services provided to the particular candidate. All expenditures must be for the services used by the particular participating candidate.~~
- e. ~~The Commission shall be included in the mail batch for all mailers and invitations. The Commission shall also be provided with documentation from the mail house, printer or other original source showing the number of mailers printed and the number of households to which a mailer was sent. Failure to provide this information within 7 days after a mailer has been mailed may be considered as evidence the mailer was not for direct campaign purposes.~~

~~C.B.~~ No change

- 1. No change
- 2. No change
- 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - i. No change
 - ii. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
- 4. No change

~~D.C.~~ No change

~~E.D.~~ No change

- 1. No change
- 2. No change

~~F.E.~~ No change

- 1. No change
- 2. No change

~~G.F.~~ No change

- 1. No change
- 2. No change
 - a. No change
 - b. No change
- 3. No change
 - a. No change
 - b. No change
- 4. No change

**NOTICE OF PROPOSED RULEMAKING
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 23. BOARD OF PHARMACY**

[R19-256]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)** **Rulemaking Action**
R4-23-407 Amend
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. §§ 32-1904(A)(1) and 36-2521
Implementing statute: A.R.S. § 36-2525
3. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
Notice of Rulemaking Docket Opening: 25 A.A.R. 3578, December 13, 2019 (*in this issue*)
4. **The agency's contact person who can answer questions about the rulemaking:**
Name: Kamlesh Gandhi
Address: Board of Pharmacy

CY 2020 INTERAGENCY SERVICE AGREEMENT BETWEEN
THE STATE OF ARIZONA DEPARTMENT OF LAW AND
THE CITIZENS CLEAN ELECTIONS COMMISSION

This Interagency Service Agreement is between the State of Arizona Department of Law (“AGO”), acting under authority of A.R.S. §§ 41-192 and 41-193 and the Citizens Clean Elections Commission (“Commission”) acting under the authority of A.R.S. §§ 35-148(A)

This document, including the terms of this Agreement and the attachment “Interagency Service Agreement Contract Requirements for CY 2020 including any modifications approved in accordance with the terms of this Agreement, shall constitute the entire agreement between the parties and shall supersede all other understandings, oral or written.

1. Purpose

The purpose of this agreement is to enable the AGO to provide legal services on request to the Commission. AGO is the legal advisor to the Commission, pursuant to A.R.S. § 41-192. The Commission has authority to enter into this Agreement, pursuant to Title 16, Chapter 6, Article 2.

2. Definition of Terms:

2.1 “Agreement” or “Contract” means this written document between the Commission and the AGO, and any amendment thereof.

2.2 “Commission” means the Citizens Clean Elections Commission.

2.3 “Direct Legal Service Costs” mean Direct Labor Costs, Operating Costs, Training Costs, and Travel Costs.

2.4 “Direct Labor Costs” mean salaries or portions of salaries of AGO employees who provide legal services pursuant to this Agreement, including personal services, leave costs, and actual employee fringe benefits, also known as employee related expenses (“ERE”).

2.5 “Equipment” The AGO is approved for expenditures for capital equipment as established per the State Accounting Manual (Object Code 8400 and 8500) which will be paid from the funds advanced on a quarterly basis under this Agreement. Equipment costs must be consistent with the purpose of this Agreement and the equipment purchased shall become the property and sole responsibility of the AGO.

2.6 “Indirect Costs” mean the indirect cost rate established in the budgets for each fiscal year.

2.7 “Operating Costs” means the actual costs incurred by the AGO in connection with its performance under this Agreement, including professional services (Comp Object 6200); travel (Comp Object 6500 and 6600); other operating expenditures (Comp Object 7000); and non-capital equipment (Comp Object 7000).

2.8 “Shall” means that which is mandatory.

2.9 “State” means the State of Arizona.

2.10 “Training Costs” mean costs of Arizona State Bar mandated or other continuing legal education incurred by AGO employees performing duties under this Agreement. Training costs shall be paid from the funds advanced on a quarterly basis under this Agreement.

2.11 “Travel Costs” mean costs incurred by the AGO in connection with the performance of its duties under this Agreement which will be paid from the funds advanced on a quarterly basis under this Agreement. The report of actual travel costs shall be in accordance with the State Accounting Manual, and will be paid in accordance with State Accounting Manual guidelines and pre-approved amounts.

3. Project Purpose

The Commission shall receive legal services as needed, including: Obtaining, reviewing and documenting evidence for enforcement; participating in negotiations; drafting of consent orders and agreements; assisting with the development of rules; conducting litigation (both administrative and judicial); researching all applicable state and federal laws, rules, and opinions; participating in formal and informal appeals processes; providing legal advice and counsel on issues arising in the program including all its subdivisions; and delivering other legal services as determined by the Commission.

4. Providing of Services

Legal services provided by the AGO under this Agreement will support the Commission according to the work priority coordinated by the AGO, with the Commission’s input. Legal support for the Commission shall take priority. However the AGO may assign other work to AGO personnel paid for by this Agreement as long as the Commission’s priorities are met. The AGO may also assign matters related to the Commission to assistant attorneys general not funded by this ISA, with appropriate supervision.

5. Access to Information

Subject to Arizona Public Records law and statutory confidentiality requirements of the AGO and the Commission, both parties to this Agreement shall have full, complete and equal access to data and information prepared under this Agreement on a no-charge basis.

6. Amendment

This Agreement may be modified only by written contract amendment signed by the Commission or designee, and the person duly authorized to act on behalf of the AGO. Agreement amendments shall be executed with the same formalities as this Agreement. Executed copies of any amendment shall be provided to both parties.

7. Amount of Agreement

The total funds transferred to the AGO to cover expenses reasonably incurred by the AGO in providing services to the Commission as defined in this Agreement, shall not exceed \$121,600.00 for expenses incurred under this Agreement during the term of this Agreement, unless otherwise amended. It is the understanding of both the AGO and the Commission that the dollar amount identified in this Agreement includes an estimated amount for ERE and other indirect costs. In the event that these costs are fairly determined to be more than the amount included in the dollar amount identified, the Commission agrees to adjust the total amount to be paid under this Agreement to reflect the true costs.

8. Applicable Law

This contract shall be governed by and construed in accordance with the laws of the State of Arizona. Each provision of law and any terms required by law to be in this contract are a part of this contract as if fully stated in it.

9. Assignment

Neither Party may assign any rights hereunder without the express written prior consent of the other Party.

10. Audit of Records

Pursuant to A.R.S. § 35-214, at any time during the term of this Agreement and for five years thereafter, the AGO's or any subcontractor's books and records shall be subject to audit by the State, and, where applicable, the Federal Government, to the extent that the books and records relate to the performance of the contract or subcontract.

11. Cancellation of State Contracts for Conflict of Interest

Both parties may cancel this Agreement without penalty of further obligation pursuant to A.R.S. § 38-511.

12. Contract Term

The term of this Agreement shall be January 1, 2020 through December 31, 2020. The Agreement may be extended for additional periods by formal contract amendment, subject to the requirements and/or limitations of Federal or State regulations.

13. Severability

The provisions of this Agreement are severable to the extent that any provision or application held to be invalid shall not affect any other provision or application of the Agreement, which shall remain in effect without the invalid provision or application.

14. Litigation Costs

The expenses incurred in connection with administrative and judicial litigation, including but not limited to filing fees, service of process fees, postage, court reporters, expert witness, investigator and consultant fees, transcripts of depositions and other proceedings copying and bates-stamp services and other like expenses, shall be paid from a separate funding source designated by the Commission.

15. Effective Date

This Agreement shall become effective as of January 1, 2020.

16. Non-Availability of Funds

Every payment obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

17. Non-Discrimination

The parties shall comply with State Executive Order No. 75-5, as amended by

Executive Order 2009-09 and all other applicable Federal and State laws, rules and regulations, including the Americans with Disabilities Act.

18. Ownership of Information

Title to all documents, reports and other materials prepared by the AGO in performance of this Agreement shall rest in the State of Arizona.

19. Payment

The Commission will transfer monies to the Office of the Attorney General to fund this agreement for the period of time commencing January 1, 2020 and ending December 31, 2020 in the amount of \$121,600.00 to pay the salary and employee-related expenses for the assigned attorney(s). The Commission will transfer the first two quarterly payments in the amount of \$60,800.00 to the Attorney General within twenty days of the execution of this Agreement. The third quarterly payment of \$30,400.00 will be transferred on or about July 1, 2020, and the final quarterly payment of \$30,400.00 will be transferred on or about October 1, 2020. The aforesaid monies may also be used to pay the travel and other expenses incurred through attendance at seminars, conferences or meetings by any assistant attorneys general in connection with the representation of the Commission, and may also be used to pay for other operating expenses reasonably incurred by the Attorney General and directly related to legal services to the Commission. Further, upon approval by the Commission, other travel costs, operating costs and other costs incurred by the assistant attorney general rendering legal services to the Commission in connection with legal services provided pursuant to this Agreement may be paid by the Commission. Any amount unexpended at the termination of this Agreement shall be returned to the Commission.

20. Personnel

All personnel engaged in the work shall be fully qualified and shall be authorized under state and local law to perform such services. The parties understand and acknowledge that the attorney(s) shall be hired by the AGO under this Agreement, the selection of such attorney(s) to be made with input by the Commission. All decisions concerning the hiring and supervision, and the awarding of promotions, performance increases or cost of living increases shall be the sole responsibility of the Attorney General.

21. Project Review

It is the responsibility of the Commission to review and observe the delivery of legal representation, litigation and other legal services. Therefore, the Commission reserves the right to meet with the AGO or its subcontractors at reasonable intervals for purposes of review of the work.

22. Termination

The Commission or the AGO may terminate this Agreement at any time, with or without cause, after giving ninety (90) days written notice of termination to the AGO or the Commission, as appropriate. The notice shall specify the effective date of termination. If the Agreement is terminated, the AGO shall be paid for all allowable costs incurred prior to the date of termination, subject to audit verification by the Commission or its duly authorized representative.

23. Third Party Antitrust Violations

The AGO assigns to the State any claim for overcharges resulting from antitrust violations to the extent that those violations concern materials or services supplied by third parties to the AGO, toward fulfillment of this Agreement.

24. Arbitration

To the extent required by A.R.S. § 12-1518, the parties to this Agreement agree to resolve all disputes arising out of or relating to this Agreement through arbitration.

Executed this _____ day of January, 2020.

ARIZONA CITIZENS CLEAN
ELECTIONS COMMISSION

STATE OF ARIZONA
DEPARTMENT OF LAW

By: _____
Thomas M. Collins
Executive Director

By: _____
Jerry Connolly
Procurement Manager

**OFFICE OF THE ATTORNEY GENERAL
INTERAGENCY SERVICE AGREEMENT CONTRACT REQUIREMENTS FOR CY2020
CLIENT AGENCY: CLEAN ELECTIONS COMMISSION
ISAE70388**

	Projected CY2020
Number of FTEs	1.00
PS	75,600
ERE	26,200
Contingency	3,800
Travel	-
Operating	1,800
P&O	-
Indirect Cost	14,200
Equipment	-
Total Cost	\$121,600

OFFICE OF THE ATTORNEY GENERAL
INTERAGENCY SERVICE AGREEMENT CONTRACT REQUIREMENTS FOR CY2020
CLIENT AGENCY: CLEAN ELECTIONS COMMISSION
ISAE70388

<u>JOB TITLE</u>	<u>FTE</u>	<u>PERSONAL SERVICES</u>	<u>EMPLOYEE RELATED EXP</u>	<u>TOTAL PS & ERE</u>
ASST AG	1.00	75,600	26,200	101,800
	<u>1.00</u>	<u>75,600</u>	<u>26,200</u>	<u>101,800</u>