

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:	Monday, March 16, 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 March 16, 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 legal, administrative and contractual relationships and decisions by the Arizona Attorney General's office, including outside counsel appointments and duties to the Commission.
- III. Discussion and Possible Action on amicus brief(s) in the matter of State ex rel. Brnovich v. Arizona Board of Regents.
- IV. Discussion and Possible Action on status of Rule Amendment, Approval of Amendments to A.A.C. R2-20-703.01.

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).

V. 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

VI. 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 11th day of March, 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.

Arizona Administrative REGISTER

NOTICE OF PROPOSED RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R19-290]

PREAMBLE

Article. Part. or Section Affected (as applicable) 1. R2-20-703.01

Rulemaking Action Amend

Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the <u>2.</u> implementing statute (specific): Authorizing statute: A.R.S. § 16-956(A)(6), Id. § 16-956(A)(7)

Implementing statute: A.R.S. § 16-948(C).

<u>3.</u> 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: 26 A.A.R. 116, January 17, 2020 (in this issue)

<u>4.</u> The agency's contact person who can answer questions about the rulemaking: Name Thomas M. Collins

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An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include <u>5.</u> an explanation about the rulemaking:

The proposed amendment, drafted by Clean Elections staff based on a comment by Governor's Regulatory Review Council Member John Sundt, is intended to smooth the Commission's rules regarding participating candidate expenditures as provided by A.R.S. § 16-948(C). The Commission approved the rule for public comment, subject to its reservation of rights under the Clean Elections Act (A.R.S. §§ 16-940 to 16-961), Title 41, Chapter 6, and the Arizona and Federal Constitutions.

- 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; <u>6.</u> Not applicable
- 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. L
- The preliminary summary of the economic, small business, and consumer impact: 8. There is little consumer, economic, or small business impact. The amendment only concerns participating candidates.
- The agency's contact person who can answer questions about the economic, small business and consumer 9, impact statement:

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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, email, 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. <u>A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:</u> 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

R2-20-703.01. Campaign Consultants

ARTICLE 7. USE OF FUNDS AND REPAYMENT

- R2-20-703.01. Campaign Consultants
- A. No change
- B. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
- **D.** No change
- E. Notwithstanding any other provision of the Rules to the contrary, a participating candidate shall not make any payment to a private organization that is exempt under section 501(a) of the internal revenue code and that is eligible to engage in activities to influence the outcome of a candidate election, nor make any payment directly or indirectly to a political party.