



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, March 25, 2021

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 25, 2021. 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 <https://www.youtube.com/c/AZCCEC/live>. You can also visit <https://www.azcleanelections.gov/clean-elections-commission-meetings>. Members of the Citizens Clean Elections Commission will attend either in person or by telephone, video, or internet conferencing. **This meeting will be held virtually.** Instructions on how the public may participate in this meeting are below. For additional information, please call (602) 364-3477 or contact Commission staff at ceec@azcleanelections.gov.

Join Zoom Meeting

<https://us02web.zoom.us/j/85734669374?pwd=L1o0K1lRQ3hSU2ZoRWQzTS9OQ3Fzd09>

Meeting ID: 857 3466 9374

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Please note that members of the public that choose to use the Zoom video link must keep their microphone muted for the duration of the meeting. If a member of the public wishes to speak, they may use the Zoom raise hand feature and once called on, unmute themselves on Zoom once the meeting is open for public comment. Members of the public may participate via Zoom by computer, tablet or telephone (dial in only option is available but you will not be able to use the Zoom raise hand feature, meeting administrator will assist phone attendees). Please keep yourself muted unless you are prompted to speak. The Commission allows time for public comment on any item on the agenda. Council members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing Council staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.

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.

The agenda for the meeting is as follows:

- I. Call to Order.
- II. Discussion and Possible Action on Commission Minutes for February 25, 2021.
- III. Discussion and Possible Action on Executive Director's Report, Enforcement and Regulatory Updates and Legislative Update, including election and administrative bills such as HB2014 and HB2110.
- IV. Discussion and Possible Action on the following 2020 General Election Candidate Audits.
 - A. Barbara McGuire, State Senate, LD8
 - B. Beverly Pingerelli, State Rep, LD21
 - C. Billy Bragg, State Rep, LD29
 - D. Bob Karp, State Senate, LD14
 - E. David Peelman, State Rep, LD7
 - F. Helen Fokszansky-Conti, State Rep, LD29
 - G. Lynsey Robinson, State Senate, LD12
 - H. Mariana Sandoval, State Rep, LD13
 - I. Athena Salman, State Rep, LD26
 - J. Juan Mendez, State Senate, LD26

- K. Jana Jackson, State Rep, LD28
- L. Shea Stanfield, Corporation Commission
- M. Jim O'Connor, Corporation Commission
- N. Bill Mundell, Corporation Commission

V. Discussion and Possible Action on Amendment to R2-20-101, Definitions. The Commission may vote to begin the public comment period for a rulemaking related to this item.

VI. Discussion and Possible Action on Amendment to R2-20-109, Independent Expenditures. The Commission may vote to begin the public comment period for a rulemaking related to this item.

VII. 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

VIII. 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 23rd day of March, 2021

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

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CITIZENS CLEAN ELECTIONS COMMISSION

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10 REPORTER'S TRANSCRIPT OF VIRTUAL PUBLIC MEETING

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Phoenix, Arizona

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February 25, 2021

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9:32 a.m.

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COASH & COASH, INC.

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Court Reporting, Video & Videoconferencing

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1802 North 7th Street, Phoenix, AZ 85006

602-258-1440

staff@coashandcoash.com

24

Prepared by:

25

LILIA MONARREZ, CSR, RPR

Certificate No. 50699

Coash & Coash, Inc.

602-258-1440

www.coashandcoash.com

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| <p style="text-align: right;">Page 2</p> <p>1 VIRTUAL PUBLIC MEETING BEFORE THE CITIZENS 2 CLEAN ELECTIONS COMMISSION convened at 9:32 a.m. on 3 February 25, 2021, 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 Ms. Amy B. Chan, Chairperson 8 Mr. Damien R. Meyer 9 Mr. Galen D. Paton 10 Mr. Mark S. Kimble 11 Mr. Steve Titla 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 Kola, Voter Education Specialist 19 Julian Arndt, Executive Support Specialist 20 Kara Karlson, Assistant Attorney General 21 Kyle Cummings, Assistant Attorney General 22 Cathy Herring, Staff 23 Rivko Knox, AZ League of Women Voters 24 Heather Mrowiec 25 Diane Bloomfield</p> | <p style="text-align: right;">Page 4</p> <p>09:33:49-09:34:46</p> <p>1 CHAIRWOMAN CHAN: Yes, Commissioner Kimble? 2 COMMISSIONER KIMBLE: I move we approve the 3 Commission minutes for the meeting of January 28th, 4 2021. 5 CHAIRMAN PATON: Okay. Thank you, 6 Commissioner Kimble. 7 Do I have a second? 8 COMMISSIONER MEYER: I'll second the 9 motion. 10 CHAIRWOMAN CHAN: All right. Thank you, 11 Commissioner Meyer. 12 Let me go ahead and take a roll call vote 13 on that. 14 Commissioner Meyer, how do you vote? 15 COMMISSIONER MEYER: Aye. 16 CHAIRWOMAN CHAN: Okay. Commissioner 17 Kimble? 18 COMMISSIONER KIMBLE: Aye. 19 CHAIRWOMAN CHAN: Commissioner Paton? 20 COMMISSIONER PATON: Aye. 21 CHAIRWOMAN CHAN: And I vote eye, as well. 22 We have voted four ayes and zero nays and 23 approved the minutes as written for Agenda Item II. 24 Agenda Item III: Discussion and possible 25 action on Executive Director's report and legislative</p> |
| <p>09:32:03-09:33:48</p> <p style="text-align: right;">Page 3</p> <p>1 P R O C E E D I N G 2 3 CHAIRWOMAN CHAN: All right. Good morning, 4 everybody. I'm Chairman Amy Chan. This is the Clean 5 Elections Commission meeting for February 25th, 2021. 6 Agenda Item I is the call to order. It is 9:32 a.m., 7 and so I'm going to call the meeting to order. 8 And we're going to take attendance, and if 9 I could just have each Commissioner please state your 10 presence for the record. Maybe we could go by 11 seniority, starting with Commissioner Meyer. I believe 12 he's got seniority here. 13 You're on mute. 14 COMMISSIONER MEYER: Good morning. 15 Damien Meyer, present. 16 COMMISSIONER KIMBLE: Mark Kimble, present. 17 COMMISSIONER PATON: Galen Paton, present. 18 CHAIRWOMAN CHAN: And I'm Amy Chan and 19 obviously present. 20 And with that, we should be able to move to 21 Agenda Item II: Discussion and possible action on 22 minutes for the January 28th, 2021 meeting. 23 Does anybody -- do I have a motion or any 24 discussion? 25 COMMISSIONER KIMBLE: Madam Chair?</p> | <p>09:34:51-09:36:49</p> <p style="text-align: right;">Page 5</p> <p>1 report, including election and administrative bills, 2 such as House Bill 2014 and House Bill 2110. 3 Tom? 4 MR. COLLINS: Yes. Thank you, Chairwoman 5 and Commissioners. So we wanted to talk to a few 6 highlights of the ED report as soon as I make my 7 computer show it to me again. 8 Okay. Thank you. Sorry. 9 So I think the first thing I just think is 10 worth noting is we do have a number of elections coming 11 up on the March election date. The -- obviously, the 12 single biggest one of those is the city of Phoenix has 13 two city council elections that are run-off elections. 14 Information related to these candidate and issue 15 elections, depending on city, is available on our 16 website. 17 You can see in the -- as far as voter 18 education goes, you know, we've picked up where we left 19 off in the election cycle. There's still a 20 considerable amount of demand for, you know, 21 information, obviously, and that's something that -- 22 and discussion around how to advance some of the voter 23 education and civics education we're doing. The -- you 24 know, obviously, you know -- so I think that speaks for 25 itself.</p> |

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| 09:36:50-09:38:25 | Page 6 | 09:39:56-09:41:09 | Page 8 |
| <p>1 Obviously, Avery has been putting in a lot</p> <p>2 of time building out some of those -- some of those</p> <p>3 connections, and I think that there's -- I think</p> <p>4 there's some expansion going on there that I think is</p> <p>5 really helpful in terms of different folks from</p> <p>6 different organizations who are coming to talk about</p> <p>7 Clean Elections or want to talk about Clean Elections.</p> <p>8 Real quickly on the -- on the -- the legal</p> <p>9 matters, we're still awaiting a Court of Appeals</p> <p>10 decision in Legacy Foundation Action Fund. The State</p> <p>11 will argue -- I mean, the State of Arizona will be on</p> <p>12 the Supreme Court docket on March 2nd in a case that's</p> <p>13 consolidated and called Brnovich versus Democratic</p> <p>14 National Committee. It has to do with a couple of</p> <p>15 different aspects of Arizona voting procedure and</p> <p>16 whether or not those violate Section 2 of the Voting</p> <p>17 Rights Act.</p> <p>18 You all probably know that Kara did the --</p> <p>19 did this case at the -- at the trial level, the Court</p> <p>20 of Appeals, the trial, the Court of Appeals, the Court</p> <p>21 of Appeals, I think. I think that's right. And now</p> <p>22 it's at the U.S. Supreme Court. The Secretary of State</p> <p>23 and the Attorney General's Office do not agree about</p> <p>24 how this issue should be addressed, and we will see how</p> <p>25 the argument goes on March 2nd. So if you're not doing</p> | <p>1 mean, you can read Eric's article about it. I would</p> <p>2 stop probably short of his headline conclusion, but I</p> <p>3 do think that it will be interesting to see how people</p> <p>4 address the Election Procedures Manual going forward.</p> <p>5 I know it's wonky, but I think it's just something I</p> <p>6 think you ought to be aware of.</p> <p>7 CHAIRWOMAN CHAN: Tom?</p> <p>8 MR. COLLINS: Sorry.</p> <p>9 CHAIRWOMAN CHAN: Can I ask a quick</p> <p>10 question about that?</p> <p>11 MR. COLLINS: Sure, please.</p> <p>12 CHAIRWOMAN CHAN: Because when I saw that</p> <p>13 news, I just, frankly, kind of assumed that maybe the</p> <p>14 Secretary would maybe reach out to the legislature,</p> <p>15 since they're in session, and try to get a legislative</p> <p>16 fix to kind of expand the authorizing statute.</p> <p>17 Do we know if there's any kind of fix like</p> <p>18 that in the works? Because I think the Procedures</p> <p>19 Manual is extremely important. I mean, the procedures</p> <p>20 that are in there, you know, mean that we have the same</p> <p>21 procedures across all 15 counties and, if it's just</p> <p>22 guidance, I think, we're going to run into a problem</p> <p>23 and we're not going to have -- I think we have a solid</p> <p>24 statewide election system because of the Procedures</p> <p>25 Manual, and so I was concerned by this opinion. I</p> | | |
| 09:38:29-09:39:52 | Page 7 | 09:41:15-09:42:48 | Page 9 |
| <p>1 anything, it will be worth tuning in for.</p> <p>2 The other case I wanted to note, especially</p> <p>3 because I made a mistake in the -- in my little entry</p> <p>4 here, so there was a signature challenge. You know,</p> <p>5 the Court decides those issues in the election cycle</p> <p>6 and then issues its opinion following that. The Court</p> <p>7 issued its opinion -- the Arizona Supreme Court issued</p> <p>8 its decision in a case called McKenna v. Soto, and one</p> <p>9 of the things that -- just to credit the former State</p> <p>10 Elections Director Eric Spencer, who is a partner at</p> <p>11 Lewis and Roca -- or, I mean, a partner at Snell &</p> <p>12 Wilmer. I said it three times. That's the third time</p> <p>13 I've mistaken Lewis and Roca and Snell & Wilmer this</p> <p>14 morning. I don't know how to stop that. Some of our</p> <p>15 best branding experts probably need to get on it.</p> <p>16 Anyway, so Eric pointed out that in the</p> <p>17 course of this particular opinion, certain aspects of</p> <p>18 the Election Procedures Manual were said to be more</p> <p>19 guidance than binding. You know, the Voter -- the</p> <p>20 Election Procedures Manual is a -- is a thing that</p> <p>21 maybe shouldn't matter, but maybe matters a lot but</p> <p>22 maybe doesn't. And, you know, we've had -- we have</p> <p>23 made our -- over the course of the last several years,</p> <p>24 we've always pointed out where we thought it went too</p> <p>25 far, but what that means in the long run, I would -- I</p> | <p>1 don't necessarily -- I won't say I disagree with it per</p> <p>2 se. I just -- I think, you know, if the opinion is</p> <p>3 what it is, then I assumed that, perhaps, there would</p> <p>4 be a fix in the works.</p> <p>5 Do we know any information about that?</p> <p>6 MR. COLLINS: Chairwoman Chan, I would</p> <p>7 say the answer -- I don't. I don't know that. I do</p> <p>8 think that the discussion point that I've seen so far</p> <p>9 is really around the scope of what is guidance and what</p> <p>10 is binding, and then I'm -- you know, and then, I mean,</p> <p>11 I think that's -- I think that would be -- so, I mean,</p> <p>12 I guess what I'm trying to say is that the question of,</p> <p>13 you know, what changes versus what's really covered by</p> <p>14 Bush v. Gore are -- you know, are different questions.</p> <p>15 In other words, there are things that are in the</p> <p>16 Procedures Manual that have nothing to do with due</p> <p>17 process for -- or equal voting for people in different</p> <p>18 counties.</p> <p>19 Now -- you know, so I think that's the -- I</p> <p>20 think that will be the question. I haven't heard</p> <p>21 anything from the Secretary's office about fixing it,</p> <p>22 and the legislation this year has principally concerned</p> <p>23 changing the process by which the Election Procedures</p> <p>24 Manual is adopted.</p> <p>25 So that's probably a too long answer, but</p> | | |

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| 09:42:50-09:44:20 | Page 10 | 09:46:02-09:47:25 | Page 12 |
| <p>1 that's the best I have.</p> <p>2 CHAIRWOMAN CHAN: Thank you.</p> <p>3 MR. COLLINS: I just want to really quickly</p> <p>4 mention we -- the Governor's office did renew their</p> <p>5 moratorium on rules. The Commission continues to be</p> <p>6 exempt from that, as we have been for the past -- at</p> <p>7 least, I think, as long as the moratorium has been in</p> <p>8 existence; nevertheless, you know, one of the things in</p> <p>9 the Governor's order this year is to suggest to those</p> <p>10 exempted and to mandate for those non-exempted to work</p> <p>11 with the Governor's office prior to things heading to</p> <p>12 the Governor's Regulatory Review Council.</p> <p>13 So we're going to be looking at that.</p> <p>14 Right now we hope to bring that to you next month. We</p> <p>15 believe that as of current standing, we have three</p> <p>16 rules that may need changes as a result of issues</p> <p>17 directly or indirectly related to the Arizona Advocacy</p> <p>18 Network case and the 2016 bill that was at litigation.</p> <p>19 So those are listed there. What we hope to do is reach</p> <p>20 out to the Governor's office and GRRC this month with</p> <p>21 some more specificity than we have had prior to the</p> <p>22 moratorium being dealt with and, hopefully, begin a --</p> <p>23 you know, begin the public hearing process at the next</p> <p>24 Commission meeting.</p> <p>25 Finally, at least from my perspective, the</p> | <p>1 a VPA perspective because it, essentially -- so on the</p> <p>2 one hand, on Rules attorneys have told the legislature</p> <p>3 this is not an amendment, period. Nevertheless, it</p> <p>4 uses the word "notwithstanding." So it's inherently</p> <p>5 ignoring legally the Clean Elections Act.</p> <p>6 That's the crux of the legal problem, but</p> <p>7 from a policy perspective, what JLBC has been able to</p> <p>8 determine, at least preliminarily, is something like 2</p> <p>9 to 3 percent of people eligible for similar programs</p> <p>10 use them now, which -- which means that from a policy</p> <p>11 perspective -- and I can speak to this from my own</p> <p>12 experience, the public defender and those of my</p> <p>13 colleagues in that office -- these kinds of work</p> <p>14 sentences don't work for the people they are intended</p> <p>15 to work for because you're either having to get a</p> <p>16 second job to -- you're, basically, taking on a second</p> <p>17 job to pay a fine or a fee.</p> <p>18 There's all kinds of collateral</p> <p>19 consequences, and the fact that the impact is that</p> <p>20 insignificant means that the purported policy objective</p> <p>21 of mitigating these fines for people who are poor is</p> <p>22 simply not going to be met. And, in my view, that</p> <p>23 really switches the balance here in terms of whether or</p> <p>24 not this is -- this bill isn't what it purports to be.</p> <p>25 So I think our legal issues take on more credence in</p> | | |
| 09:44:24-09:46:00 | Page 11 | 09:47:31-09:48:58 | Page 13 |
| <p>1 best for last. The -- you know, we do have some</p> <p>2 legislation out there that matters to us. You know, we</p> <p>3 are going to continue to work on that. Currently, the</p> <p>4 legislature is in the midst of their crossover week.</p> <p>5 So they're on the floor. We haven't seen a lot of</p> <p>6 House bills in the Senate yet, even though there are a</p> <p>7 number over there. We -- we remain, basically, in the</p> <p>8 same place we were last year.</p> <p>9 We certainly know a little bit more about</p> <p>10 how to focus our arguments on HB 2110, at least in</p> <p>11 terms of how to -- how to hopefully persuade some folks</p> <p>12 that this is a mistaken -- a mistaken premise leading</p> <p>13 to a mistaken conclusion. One piece of factual</p> <p>14 information that we were able to glean since our last</p> <p>15 meeting is that the Joint Legislative Budget Committee</p> <p>16 did an assessment -- not really a study, not a fiscal</p> <p>17 note, but a -- but working with the courts to determine</p> <p>18 how many people take advantage of -- if you'll recall,</p> <p>19 2110 said -- it's basically -- broadly speaking, it</p> <p>20 allows courts to sentence you to work instead of for</p> <p>21 a -- instead of paying a fine in cash and the fees</p> <p>22 associated with that, right?</p> <p>23 So that affects the Clean Elections Act</p> <p>24 surcharge. It, also, has a notwithstanding clause in</p> <p>25 it, which is a real problem from our perspective, from</p> | <p>1 view of the fact that this is a policy that doesn't do</p> <p>2 the thing the policy says it's supposed to do.</p> <p>3 So, obviously, Julian had pulled together</p> <p>4 quite a good list of -- of legislation related to</p> <p>5 voting. Obviously, any of that -- any of those you</p> <p>6 have questions with, obviously, please chime in. And</p> <p>7 then -- but that's kind of where we are, the two bills</p> <p>8 we've identified as most critical.</p> <p>9 And that -- and that concludes my report,</p> <p>10 unless you have any questions.</p> <p>11 CHAIRWOMAN CHAN: Thank you, Tom.</p> <p>12 Is there any discussion or questions about</p> <p>13 the --</p> <p>14 COMMISSIONER KIMBLE: Madam Chair?</p> <p>15 CHAIRWOMAN CHAN: Commissioner Kimble?</p> <p>16 COMMISSIONER KIMBLE: I wanted to bring up</p> <p>17 a handful of bills that I'm concerned about, and I</p> <p>18 tried -- there's so many bills here that bother me</p> <p>19 because I think they go against our mission of trying</p> <p>20 to encourage voting and making voting easier. And</p> <p>21 there are -- there was an op-ed in the "Arizona Daily</p> <p>22 Star" yesterday. They have -- the League of Women</p> <p>23 Voters has concerns about some of these bills, and I</p> <p>24 tried to focus on ones that looked particularly</p> <p>25 egregious and that, also, looked like they might have</p> | | |

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| 09:49:03-09:50:52 | Page 14 | 09:52:46-09:54:24 | Page 16 |
| <p>1 some traction. And I just wanted to run through five</p> <p>2 of them that particularly concern me. And I'm not sure</p> <p>3 what I think we ought to do about it, but I do want to</p> <p>4 make mention of them.</p> <p>5 First of all, on the Senate side, 2560:</p> <p>6 Remove people from the PEVL if they don't use an early</p> <p>7 ballot in one General election. People have shown they</p> <p>8 want to be -- they want to be on the early voting list</p> <p>9 and, if you show up and decide you want to cast a vote</p> <p>10 in person instead of your early ballot, then you're off</p> <p>11 the early ballot list until you get put back on it.</p> <p>12 2723: Candidates no longer are required to</p> <p>13 report with the name and address and occupation and</p> <p>14 employer for donations, which I think would certainly</p> <p>15 have a direct impact on Clean Elections candidates. If</p> <p>16 they -- if there's a threshold, say, \$200, above</p> <p>17 \$200 -- or below \$200, you don't have to say who gave</p> <p>18 you the money, obviously, what we're going to see is a</p> <p>19 bunch of \$199 contributions and no way to know who is</p> <p>20 giving them or who they work for or anything.</p> <p>21 And, then, on the House side, 1003, early</p> <p>22 ballots that are not signed would have to be cured by</p> <p>23 7:00 p.m. on election day, when there's a longer cure</p> <p>24 date for ballots that are not early. So that's an</p> <p>25 unfair attempt to penalize people for voting early.</p> | | <p>1 That's all, Madam Chair.</p> <p>2 CHAIRWOMAN CHAN: Thank you so much,</p> <p>3 Commissioner Kimble. I would actually agree with</p> <p>4 everything you said, and I have the same concerns.</p> <p>5 Commissioner Paton, did you want to add</p> <p>6 anything or have anything to say?</p> <p>7 COMMISSIONER PATON: Well, I think I said</p> <p>8 the last time, you know, how I feel. I'm worried about</p> <p>9 this GRRC -- you know, the thing about -- I've kind of</p> <p>10 lost my train of thought.</p> <p>11 I think we need to hold our powder. I</p> <p>12 already talked about that before. And about the civil</p> <p>13 penalties where these people could work them off, I'm</p> <p>14 worried about that because that's our funding. And</p> <p>15 these others, I think I am concerned about some of</p> <p>16 them, but the legislative process takes a while. And I</p> <p>17 think if we try to get involved in some of these, then</p> <p>18 we're seen as maybe being, you know, not bipartisan,</p> <p>19 and I think it comes back to haunt us.</p> <p>20 Later on, if it's -- if it's a major thing</p> <p>21 and it looks like something is going to be passed that</p> <p>22 would be detrimental to the voting process, then I</p> <p>23 would be a lot more willing to get involved in</p> <p>24 something like that.</p> <p>25 CHAIRWOMAN CHAN: Thanks, Commissioner</p> | |
| 09:50:57-09:52:44 | Page 15 | 09:54:27-09:55:12 | Page 17 |
| <p>1 1358, which I mentioned last month, county</p> <p>2 recorders can register voters only in a government</p> <p>3 building? The clear idea behind this is to get fewer</p> <p>4 people registered. County recorders have been very</p> <p>5 effective at going out and holding voter registration</p> <p>6 drives and now they can only do that in a government</p> <p>7 building? I don't understand the reasoning for it.</p> <p>8 And, finally, 1485, voters are removed from</p> <p>9 the PEVL if they don't vote in both Primary and General</p> <p>10 for two consecutive elections. And this particularly</p> <p>11 concerns me because it seems clear to target</p> <p>12 independents, who we have problems getting them to show</p> <p>13 up in a Primary because so many of them think they</p> <p>14 can't. And if they don't show up in the primary,</p> <p>15 they're off the PEVL. And, again, this is an attempt</p> <p>16 to get fewer people on the early voting list in hopes</p> <p>17 that they just won't vote, and Arizonans have shown</p> <p>18 they want to vote by mail and want to vote early.</p> <p>19 So these are five bills that seem to have</p> <p>20 some traction that I think ought to get some kind of</p> <p>21 attention from us. And I'm not an expert in the best</p> <p>22 way and the most effective way to do this, but those</p> <p>23 five particularly concern me and several of them, also,</p> <p>24 concern the League of Women Voters who were -- who were</p> <p>25 working on them.</p> | | <p>1 Paton.</p> <p>2 I will say that --</p> <p>3 COMMISSIONER TITLA: Madam Chair?</p> <p>4 CHAIRWOMAN CHAN: I'm sorry. Go ahead.</p> <p>5 COMMISSIONER TITLA: Yeah, Madam Chair?</p> <p>6 CHAIRWOMAN CHAN: Yes. Oh, is that -- is</p> <p>7 that Commissioner Titla?</p> <p>8 COMMISSIONER TITLA: Yeah.</p> <p>9 CHAIRWOMAN CHAN: Oh, my gosh. I'm so</p> <p>10 sorry. I didn't realize you joined us. My apologies.</p> <p>11 COMMISSIONER TITLA: Yeah, I joined --</p> <p>12 CHAIRWOMAN CHAN: Welcome.</p> <p>13 COMMISSIONER TITLA: Yeah, thank you.</p> <p>14 Thank you. I joined earlier, but I got knocked off and</p> <p>15 I had to get back on and I'm calling on the telephone</p> <p>16 right now. Are we in executive or open session right</p> <p>17 now?</p> <p>18 CHAIRWOMAN CHAN: No, we're in open</p> <p>19 session. Welcome. I'm so happy you joined us.</p> <p>20 COMMISSIONER TITLA: Okay. Yeah, thank</p> <p>21 you. Congratulations on your chairmanship.</p> <p>22 CHAIRWOMAN CHAN: Thank you.</p> <p>23 COMMISSIONER TITLA: The last time, you</p> <p>24 were still a commissioner, but now you're Madam Chair,</p> <p>25 I guess. Congratulations.</p> | |

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| 09:55:13-09:57:02 | Page 18 | 09:58:20-09:59:35 | Page 20 |
| <p>1 CHAIRWOMAN CHAN: Thank you.</p> <p>2 COMMISSIONER TITLA: But listening to the</p> <p>3 bills as a while ago -- you know, this is my first --</p> <p>4 first time I heard about what the bills address. It</p> <p>5 sounds like voter suppression, to me, upon initial</p> <p>6 hearing of all the bills out there. Aren't we supposed</p> <p>7 to be a democracy? A free society? Shouldn't we be</p> <p>8 encouraging the "get out to vote people?" Shouldn't we</p> <p>9 have -- shouldn't we make it easier for people to vote?</p> <p>10 It seems like these bills are making it</p> <p>11 harder for people to vote, harder for people to become</p> <p>12 registered, and it seems like it's just penalizing the</p> <p>13 voters. And so if these bills go into effect, I see it</p> <p>14 as voter suppression to keep people from being</p> <p>15 registered, to keep people from voting, and I think</p> <p>16 that that is not the aim of our group, the Clean</p> <p>17 Elections Commission, and the statute that was passed</p> <p>18 by the voters. I think the voters asked us to keep an</p> <p>19 eye on voting and what's written in the statutes, so</p> <p>20 I'm really dismayed by this.</p> <p>21 With regard -- with respect to strategy, as</p> <p>22 far as maybe getting together and talking about what we</p> <p>23 should do in this matter, I think that we should</p> <p>24 address it early, right away, before it gets really</p> <p>25 rolling. If you picture a snowball rolling, while it's</p> | | <p>1 a process question, and I think it's -- and I think</p> <p>2 it's a good one, Madam Chair, Commissioner Titla. I</p> <p>3 think that -- I mean, I think that, you know, you all</p> <p>4 as commissioners have had a -- over the course of the</p> <p>5 last few years, have had a pretty robust internal</p> <p>6 conversation which is public, but you know, obviously,</p> <p>7 it's you talking to one another about some of the</p> <p>8 different ways in which we might or might not get</p> <p>9 involved on legislative stuff.</p> <p>10 And so the first process that, I guess,</p> <p>11 would be, you know -- and I do think this is noticed</p> <p>12 for action. So that would be a question we would</p> <p>13 need -- you know, if Kara disagrees with that, that</p> <p>14 would be important, but if you all want us to get</p> <p>15 involved on bills, there's a couple of ways we could do</p> <p>16 that. And this is -- Commissioner Titla, just begging</p> <p>17 your pardon, this is kind of a two-part answer to your</p> <p>18 question, if that makes sense.</p> <p>19 The first question would be, you know, can</p> <p>20 we get some direction in terms of a position on bills</p> <p>21 and would you do that by specific bills or by general,</p> <p>22 you know, stuff. I'm receptive to that, and I think</p> <p>23 the Commission meeting is noticed to allow it. If we</p> <p>24 think that's an issue that's not noticed and we don't</p> <p>25 want to do -- or, alternatively, you don't want to do</p> | |
| 09:57:08-09:58:18 | Page 19 | 09:59:37-10:01:14 | Page 21 |
| <p>1 still small right now -- I don't know how big it is in</p> <p>2 the legislative process, but if the snowball is small</p> <p>3 right now, we need to try to, you know, look at it</p> <p>4 right away before it gets into a huge snowball that</p> <p>5 keeps unrolling that will just roll right over us.</p> <p>6 So is there some -- is it possible for us</p> <p>7 to file a lawsuit against them? Legal? Is there an</p> <p>8 Attorney General there?</p> <p>9 CHAIRWOMAN CHAN: Commissioner Titla, yes,</p> <p>10 we do have Ms. Karlson with us. I don't -- I'll</p> <p>11 just -- if I can pipe up here, though, I think at this</p> <p>12 stage -- I think a lawsuit would take place after</p> <p>13 something already becomes law. I don't know if</p> <p>14 Ms. Karlson wants to pipe up about that or if Tom wants</p> <p>15 to address it.</p> <p>16 COMMISSIONER TITLA: Okay.</p> <p>17 CHAIRWOMAN CHAN: But --</p> <p>18 COMMISSIONER TITLA: Yes, ma'am. Okay.</p> <p>19 Thank you.</p> <p>20 MR. COLLINS: Kara, do you want to talk</p> <p>21 about lawsuits you want to file against the State?</p> <p>22 COMMISSIONER MEYER: Is this something we</p> <p>23 should discuss in executive session, if we want to</p> <p>24 discuss it, or are we just talking process?</p> <p>25 MR. COLLINS: I understood the question as</p> | | <p>1 it by virtue of a vote, you know, it's just a matter of</p> <p>2 trying to sum up what kinds of things might be within</p> <p>3 the ambit of, you know, what the staff might focus on.</p> <p>4 With respect to the legal issues there, in</p> <p>5 terms of these bills, there are -- obviously, there's a</p> <p>6 subset of bills that have Voter Protection Act</p> <p>7 implications. Those are bills that, you know, I -- I</p> <p>8 mean, honestly, the -- what we'll have to do there, in</p> <p>9 all likelihood, is just ask for outside counsel at this</p> <p>10 point. I just don't anticipate the Attorney General's</p> <p>11 Office being -- it would be hard to -- I can't imagine</p> <p>12 we're going to get -- the Attorney General's Office is</p> <p>13 necessarily going to want to advise us on that. And</p> <p>14 it's an open question whether or not they'll allow us</p> <p>15 to be advised on that, but we'll have to ask, like, in</p> <p>16 a more -- a more articulate way than, perhaps, we've</p> <p>17 had in the past.</p> <p>18 With respect to the other bills, I think</p> <p>19 that the question of standing there and standing to</p> <p>20 intervene, again, I agree with you, Commissioner Titla.</p> <p>21 I agree that, in principle, the -- absolutely the</p> <p>22 statute gives the Commission at least a -- well, at the</p> <p>23 very least, an express role in telling the legislature</p> <p>24 what it thinks policies ought to be around Clean</p> <p>25 Elections and elections issues.</p> | |

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| 10:01:15-10:02:46 | Page 22 | 10:04:19-10:05:22 | Page 24 |
| <p>1 I will, also, say that we know from</p> <p>2 experience the Attorney General maintains a veto over</p> <p>3 whether or not the Commission has that interest or not</p> <p>4 and has exercised that veto when they don't think that</p> <p>5 we have standing or reason to be involved in something.</p> <p>6 So if there were a specific bill we wanted to file an</p> <p>7 action in or be involved in the legal action that falls</p> <p>8 into a category that the Commission believes is voter</p> <p>9 suppression or any of those categories, you know, the</p> <p>10 process point there would be, you know, we'd have to go</p> <p>11 through the same process.</p> <p>12 I can tell you that the -- that the biggest</p> <p>13 logistical challenge there probably -- you know,</p> <p>14 upfront, before we even get into the issues, is the --</p> <p>15 is that the Attorney General's Office reserves the</p> <p>16 right to determine the scope of the Clean Elections</p> <p>17 Commission's legal interests. So we would have to</p> <p>18 convince the Attorney General's Office that we have</p> <p>19 some reason to do this. Apparently, you can go out and</p> <p>20 get pro bono counsel, even though the Attorney General</p> <p>21 might not authorize it, but I find that to be a very</p> <p>22 sketchy way to go about dealing with the procurement</p> <p>23 and other issues that come in there.</p> <p>24 So my preference is if those kinds of bills</p> <p>25 were something we wanted to be involved on the legal</p> | | <p>1 see these going, to the extent possible?</p> <p>2 CHAIRWOMAN CHAN: Okay. So, Tom or Mike,</p> <p>3 do you want to take that?</p> <p>4 I see Kara has her hand raised. I don't</p> <p>5 know if that's -- is that to that point, Kara, or --</p> <p>6 MS. KARLSON: This will just take a second.</p> <p>7 Tom had asked a couple of times if we thought this --</p> <p>8 you know, if this was properly noticed or at least</p> <p>9 mentioned that. I do believe it's properly noticed in</p> <p>10 the agenda, and so I just wanted to get that on the</p> <p>11 record --</p> <p>12 CHAIRWOMAN CHAN: Thank you.</p> <p>13 MS. KARLSON: -- that, you know, discussion</p> <p>14 and possible action on the legislative update is in the</p> <p>15 agenda. So to the extent there was a question, it is</p> <p>16 properly noticed.</p> <p>17 Continue.</p> <p>18 CHAIRWOMAN CHAN: Thank you.</p> <p>19 Okay. And then I'll let Tom or Mike take</p> <p>20 Commissioner Meyer's question, but along the way, just</p> <p>21 prior to that, I do have it, to that point, just to</p> <p>22 frame this a little bit because I do think we're</p> <p>23 logistically situated a tad differently than we were a</p> <p>24 month ago. A month ago, we had four weeks of extra</p> <p>25 time, and now we're four weeks down the road timewise,</p> | |
| 10:02:49-10:04:14 | Page 23 | 10:05:26-10:06:40 | Page 25 |
| <p>1 front, that we try to work with the Attorney General's</p> <p>2 Office to identify those bills, explain to them the</p> <p>3 Commission's interest and, hopefully, get at least a</p> <p>4 fair hearing on what the Commission's interests are</p> <p>5 before the Attorney General determines what the</p> <p>6 Commission's interests are.</p> <p>7 COMMISSIONER TITLA: Thank you, Tom.</p> <p>8 Madam Chair, thank you.</p> <p>9 CHAIRWOMAN CHAN: Okay. Commissioner</p> <p>10 Meyer, I see that you have your hand raised.</p> <p>11 COMMISSIONER MEYER: I do. Thank you.</p> <p>12 Thank you, Madam Chair. I just want to commend</p> <p>13 Commissioner Kimble for raising these issues, and I</p> <p>14 agree with a lot of the points being made.</p> <p>15 Could -- Tom, Mike, could you maybe shed</p> <p>16 some more light on these bills and do we expect them to</p> <p>17 make it through and actually be passed, or is that</p> <p>18 unlikely? Because what I will say -- and this is in</p> <p>19 line with Galen's thinking is, you know, sometimes when</p> <p>20 you come out and give attention to something that maybe</p> <p>21 will never actually see the light of day, you end up</p> <p>22 having the opposite effect of what you intended and you</p> <p>23 shine light on something that may never have become an</p> <p>24 issue had you not, you know, made an issue of it.</p> <p>25 So could you maybe share with us where you</p> | | <p>1 as far as the legislature. And in four weeks, they're</p> <p>2 going to be even closer to sine die and four weeks</p> <p>3 closer to maybe having this legislation that we're</p> <p>4 looking at that's problematic to us, you know, being</p> <p>5 law.</p> <p>6 So, now, legislation, obviously, has a lot</p> <p>7 of multiple stops along the way, and I think that's</p> <p>8 what Commissioner Meyer is getting at. He wants to</p> <p>9 hear from Mike or Tom where they are and then, of</p> <p>10 course, ultimately, it has to go to the Governor's</p> <p>11 desk. And, frankly, I don't know what Governor Ducey</p> <p>12 would do with these bills. I don't know -- you know,</p> <p>13 he even told President Trump that he thought our system</p> <p>14 of voting was the best in the nation and the most</p> <p>15 secure, and so, frankly, I don't know that he would</p> <p>16 support these suppressive pieces of legislation.</p> <p>17 And I agree with what Commissioner Titla</p> <p>18 said. They are voter suppression. There is no way to</p> <p>19 argue that they are not, in my opinion. And it's a</p> <p>20 travesty, I think, that they're being proposed and</p> <p>21 supported by members of the legislature. I don't think</p> <p>22 that's the way our policy should be.</p> <p>23 So having said that and editorialized on</p> <p>24 it, I will now allow -- and thank you for letting me go</p> <p>25 on and on. I'll let Tom or Mike or both kind of talk</p> | |

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| 10:06:44-10:08:19 | Page 26 | 10:10:00-10:11:31 | Page 28 |
| <p>1 about where we are and how much time we may have,</p> <p>2 knowing that we normally don't meet but once a month.</p> <p>3 MR. COLLINS: Chairwoman, I guess, I'll go</p> <p>4 first -- and Mike, you know, feel free to jump in</p> <p>5 and -- I think, with respect to your second point about</p> <p>6 meeting, certainly there's a -- you know, there is a --</p> <p>7 there is -- we have flexibility around having to have</p> <p>8 it -- having to have additional meetings, if we need</p> <p>9 to, on any issues. That's always a consideration.</p> <p>10 I think -- with respect to these bills, I</p> <p>11 think, look, you know, there are trade-offs. Are we</p> <p>12 going to be able to control the outcome of the bills we</p> <p>13 are most concerned about? At the margins, we're --</p> <p>14 because our legal arguments turn on the number of votes</p> <p>15 required, we have some marginal gain to be made by</p> <p>16 keeping the vote at a certain place, as opposed to</p> <p>17 other places that's meaningful.</p> <p>18 With respect to the -- some of the other</p> <p>19 bills, I think that -- I think there are going to be</p> <p>20 some that pass. I think that some kind of PEVL change,</p> <p>21 whether it's -- and I guess the issue with the 10 --</p> <p>22 169, and whatever it's now denominated, is, you know,</p> <p>23 what's an election cycle and how many elections is</p> <p>24 that. So there have been some movement on that</p> <p>25 proposal just within the last 24 hours, sort of, you</p> | <p>1 most -- I think that those bills, within the realm of</p> <p>2 voting-related legislation, those are pretty -- most of</p> <p>3 those seem like they're not -- they're more likely to</p> <p>4 move forward than, say, a legislation that would</p> <p>5 transfer -- that would -- that would allow the</p> <p>6 legislature to revoke the certification of the</p> <p>7 presidential electors. I think the presidential</p> <p>8 elector piece, whether it goes on a ballot or not, I</p> <p>9 think that kind of stuff, I think, doesn't happen. I</p> <p>10 think some of the more administrative stuff might.</p> <p>11 The other thing we might could do -- and</p> <p>12 this might be the better way to go, although it's more</p> <p>13 time intensive for you, is for us to get a rundown on</p> <p>14 the specific bills that Commissioner Kimble has talked</p> <p>15 about, talk to some of the folks who are involved in</p> <p>16 those bills, say, look, the Commission wants to be</p> <p>17 involved in these; we need to find out what spot to</p> <p>18 pick and what the most effective way to do that is.</p> <p>19 You know, we could -- we could report that</p> <p>20 back. We don't have to report that back in a meeting.</p> <p>21 We could report it back in a letter, but either way, I</p> <p>22 mean, the issue -- I guess what I'm trying to say is</p> <p>23 that the only -- cognizant of what Commissioner --</p> <p>24 Chairwoman Chan has said, I think that's exactly right.</p> <p>25 Time is running out. On the other hand, conscious of</p> | | |
| 10:08:21-10:09:56 | Page 27 | 10:11:35-10:12:48 | Page 29 |
| <p>1 know, it was once dead and now it seems to be revived.</p> <p>2 I think there will be some modification of</p> <p>3 the PEVL. What it is, I don't know, but I would be</p> <p>4 surprised. I think there's a -- I think there is a</p> <p>5 good-faith concern that's been expressed by some folks</p> <p>6 about the sheer number of absentee ballots floating</p> <p>7 around. There's a history of being concerned about</p> <p>8 that that predates the 2020 election. It goes all the</p> <p>9 way to the 2000 election, and it's even something that,</p> <p>10 if you were to look at Rick Hasen -- I mean, for those</p> <p>11 of you who follow election law, Rick Hasen is kind of a</p> <p>12 guru on these issues.</p> <p>13 You know, four years ago, he was talking</p> <p>14 about, well, the -- you know, because there's no</p> <p>15 in-person impersonation, a real -- the problem would be</p> <p>16 ballot -- mail ballots. We've seen that in</p> <p>17 North Carolina. I'm just saying, you know, that seems</p> <p>18 like the most likely place there's going to be --</p> <p>19 there's going to be action. So if we believe that the</p> <p>20 PEVL as it currently functions is good, you know, that</p> <p>21 would be a thing that we could take a position on.</p> <p>22 The other thing we might could do is -- and</p> <p>23 then taken the bills that, I think, we could do with</p> <p>24 it -- Commissioner Kimble has identified the -- I</p> <p>25 think, bills that are high profile. I think that</p> | <p>1 Commissioner Meyer's and to Commissioner Paton's point,</p> <p>2 we don't want to be in a place -- we don't want to</p> <p>3 either get ahead or behind of wherever the position of</p> <p>4 the folks who are on this every day are, you know.</p> <p>5 I mean, as -- you know, as Commissioner</p> <p>6 Chan, Commissioner Paton, Commissioner Kimble, I mean,</p> <p>7 Commissioner Meyer, at this point, Commissioner Titla,</p> <p>8 certainly, the legislative process is a day-to-day</p> <p>9 process. So, you know, maybe that's the -- I don't</p> <p>10 know. I mean, I don't -- I don't pretend to have an</p> <p>11 answer here. I'm just trying to say -- so I'm just</p> <p>12 trying to walk through what are potential solutions.</p> <p>13 If you are comfortable with the research</p> <p>14 that we have on what those bills do, I think it's</p> <p>15 perfectly reasonable to say, look, we want to vote; we</p> <p>16 want -- we want you to go out and oppose these bills.</p> <p>17 On the other hand, if you feel like we need to have</p> <p>18 more information before doing that, I think that's,</p> <p>19 also, reasonable. Although, I recognize that the time</p> <p>20 trade-off is a big -- is a big one.</p> <p>21 Finally, with respect to the legal stuff,</p> <p>22 you know, my first priority is going to be dealing with</p> <p>23 counsel for the purposes of the VPA issues we face, but</p> <p>24 if these bills move forward and we want to participate</p> <p>25 in litigation about them, I think that is a -- you</p> | | |

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| 10:12:51-10:14:12 | Page 30 | 10:15:45-10:16:52 | Page 32 |
| <p>1 know, I think that's a third step we don't have to take</p> <p>2 right now.</p> <p>3 So that's how I see it. I'm trying to --</p> <p>4 I'm trying to frame this according to what Commissioner</p> <p>5 Chan has talked about. To me, from a staff</p> <p>6 perspective, I think the big question right now is do</p> <p>7 we want to move immediately to start working on these</p> <p>8 bills on the assumption that we -- with the</p> <p>9 Commission's opposition or do we want to -- or do we</p> <p>10 want to get a more comprehensive review. I've got to</p> <p>11 say, I mean, the risks that -- and I apologize for --</p> <p>12 I'm trying to give as complete an answer as I can here.</p> <p>13 I am more than conscious of Commissioner</p> <p>14 Paton's admonition here. I think that's -- I think</p> <p>15 that's -- I think that's a fair one, and I think it's,</p> <p>16 you know -- and I think it's an important one. On the</p> <p>17 other hand, you know, look, I mean, you know, there</p> <p>18 are -- you know, there are -- at the end of the day,</p> <p>19 the risk/reward calculation is one that we're not going</p> <p>20 to -- you know, the -- the way -- it's something I</p> <p>21 think you all -- every single person on this Commission</p> <p>22 has been on the Commission for at least four years.</p> <p>23 We've been -- everyone on the Commission</p> <p>24 and especially those of you who have been through the</p> <p>25 legislative process or elections in other capacities,</p> | | <p>1 And so if -- do we need -- I guess we can't</p> <p>2 take a vote because we didn't notice that, right?</p> <p>3 MR. COLLINS: No, no, we -- I think we can.</p> <p>4 Kara -- I'm sorry -- can you --</p> <p>5 CHAIRWOMAN CHAN: Even though we can</p> <p>6 discuss it, can we take a vote? I don't know.</p> <p>7 MS. KARLSON: Yes. It says discussion and</p> <p>8 possible action.</p> <p>9 CHAIRWOMAN CHAN: Oh, thank you for</p> <p>10 clarifying that for me.</p> <p>11 Okay. So I guess -- I guess what I'm</p> <p>12 trying to understand is should we take a vote and an</p> <p>13 official position on these pieces of legislation but</p> <p>14 let staff kind of cultivate it in their best judgment</p> <p>15 as to how to approach that with the legislature? I</p> <p>16 kind of want to discuss that, I guess, with the</p> <p>17 members. Sometimes I think -- I don't know if I'm</p> <p>18 making myself clear, as far as how to go about it, but</p> <p>19 I don't know if saying Clean Elections opposes this is</p> <p>20 the best way to go about it, if that makes sense.</p> <p>21 COMMISSIONER PATON: This is Commissioner</p> <p>22 Paton.</p> <p>23 CHAIRWOMAN CHAN: Go ahead.</p> <p>24 COMMISSIONER PATON: I agree with what you</p> <p>25 said. I think the staff knows who they can deal with</p> | |
| 10:14:16-10:15:44 | Page 31 | 10:16:57-10:18:31 | Page 33 |
| <p>1 you know, I mean, you have judgment to exercise, and I</p> <p>2 think that you all actually, amongst yourselves, have</p> <p>3 developed the strategic arguments. I can't guarantee</p> <p>4 any particular outcome. Nobody -- nobody can, but I</p> <p>5 think that -- I think you guys understand the issue.</p> <p>6 You all, I think -- I think each Commissioner</p> <p>7 understands the issue from their perspective.</p> <p>8 So I don't -- I don't necessarily see --</p> <p>9 you know. I mean, so I think that if we want to move</p> <p>10 forward, I think that we would need some direction from</p> <p>11 the Commission in order for staff to feel comfortable</p> <p>12 going out and saying, you know, we think these are real</p> <p>13 problems and here's why.</p> <p>14 CHAIRWOMAN CHAN: Okay. I just want to</p> <p>15 jump in here because my experience with the legislature</p> <p>16 is that sometimes it takes some finesse to get these</p> <p>17 things done and I -- my belief is that the</p> <p>18 Commissioners are all opposing these bills. You know,</p> <p>19 how we get that position conveyed, I would like to</p> <p>20 leave up to staff. I don't know that that means we</p> <p>21 take an official position or not. I don't know that</p> <p>22 that's the best way to do it, and I think we've</p> <p>23 discussed that in the past, that sometimes Clean</p> <p>24 Elections is not, you know, well loved at the</p> <p>25 legislature.</p> | | <p>1 and who they can't deal with, and maybe if they can do</p> <p>2 things with, like, out an official position, then we</p> <p>3 could always have a special meeting that we didn't have</p> <p>4 to wait a month, or whatever. I think that would be</p> <p>5 more pragmatic than -- than, you know, something more</p> <p>6 drastic, I guess. That would be my feeling.</p> <p>7 CHAIRWOMAN CHAN: Thanks, Commissioner</p> <p>8 Paton.</p> <p>9 Commissioner Titla, what are you thinking</p> <p>10 about with regard to what I've just said and</p> <p>11 Commissioner Paton? Are you -- I mean, would you be</p> <p>12 comfortable with letting staff to kind of take it from</p> <p>13 here? You know, are you wanting us to go full-bore and</p> <p>14 have the Commission come out with a strong statement on</p> <p>15 the registered -- requested speak system of a no on all</p> <p>16 these bills, or would you be comfortable letting staff</p> <p>17 kind of take a more behind the scenes to go against --</p> <p>18 kind of make our position known?</p> <p>19 COMMISSIONER TITLA: Yeah. Madam Chair, I</p> <p>20 agree with you that maybe we can let the staff take a</p> <p>21 look at it and let us know. Then, if we need a special</p> <p>22 meeting, Madam Chair can call a meeting and we can get</p> <p>23 together and they can let us know what -- you know,</p> <p>24 what is out there.</p> <p>25 CHAIRWOMAN CHAN: Okay.</p> | |

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| 10:18:31-10:19:43 | Page 34 | 10:20:48-10:22:06 | Page 36 |
| <p>1 COMMISSIONER TITLA: Thank you.</p> <p>2 CHAIRWOMAN CHAN: Thank you, Commissioner</p> <p>3 Titla.</p> <p>4 Anybody else have anything to add or</p> <p>5 further questions? And I don't know if we even need to</p> <p>6 take a vote, I guess. Okay. Because staff kind of</p> <p>7 understands, I think, the direction we're going.</p> <p>8 Okay. In that case, I think we said it all</p> <p>9 and we can move on, gratefully, to Item IV, I believe,</p> <p>10 unless there's anything else. Good discussion,</p> <p>11 everybody.</p> <p>12 Thank you so much, Commissioner Kimble.</p> <p>13 I'm grateful you brought those up.</p> <p>14 And maybe, Mike and Tom, you could give us</p> <p>15 updates on a weekly basis on those bills by email, if</p> <p>16 you could, I mean, if there are updates.</p> <p>17 MR. COLLINS: Oh, well, yes, Commissioners</p> <p>18 and Chairwoman Chan, yes. We -- I think that this --</p> <p>19 in fact, that that's a good part of getting into these,</p> <p>20 and I think we definitely can do that. And I think</p> <p>21 that between Mike and Julian and I, we've got some</p> <p>22 steps, I think, we can take to help flesh those out,</p> <p>23 also. So, yes, I think that we're on the same page.</p> <p>24 CHAIRWOMAN CHAN: Okay.</p> <p>25 COMMISSIONER PATON: And if I may -- this</p> | <p>1 MR. COLLINS: So, I mean -- I mean, my only</p> <p>2 preface would be, obviously, we want to get this</p> <p>3 approved to file it. I want to thank Julian and Avery</p> <p>4 and Alec and Gina and Mike and Paula for putting this</p> <p>5 together. I think that there's really good information</p> <p>6 in there. I think we -- 2020 was a good year in terms</p> <p>7 of fulfilling the purpose of the Act. That's all I</p> <p>8 have to say.</p> <p>9 So, Julian, whatever you -- whatever you</p> <p>10 want -- I guess, go ahead.</p> <p>11 MR. ARNDT: Yeah. Well, for the record, my</p> <p>12 name is Julian Arndt, and I'm going to be giving an</p> <p>13 annual report for 2020. I do have to share my screen</p> <p>14 here and bring this report up. So if you could, just</p> <p>15 give me two seconds here.</p> <p>16 Okay. Can everybody see that?</p> <p>17 CHAIRWOMAN CHAN: Yes.</p> <p>18 MR. ARNDT: Okay. Awesome. Well, I'll try</p> <p>19 to keep this brief, but this is our cover. Alec</p> <p>20 designed it. It's very nice.</p> <p>21 And so every year, an annual report gets</p> <p>22 submitted to the Governor, the president of the Senate</p> <p>23 and the Speaker of the House. This is going to be the</p> <p>24 table of contents. So we'll go through each of these</p> <p>25 here. This is the letter to the Governor.</p> | | |
| 10:19:45-10:20:48 | Page 35 | 10:22:09-10:23:38 | Page 37 |
| <p>1 is Commissioner Paton.</p> <p>2 CHAIRWOMAN CHAN: Yes, Commissioner Paton.</p> <p>3 COMMISSIONER PATON: Possibly, maybe the</p> <p>4 staff could make overtures to, like, the Governor's</p> <p>5 office to find out maybe where he stands or -- because,</p> <p>6 ultimately, it has to go that far, you know. Anything</p> <p>7 passed needs to be signed by the Governor.</p> <p>8 CHAIRWOMAN CHAN: Good point. I mean,</p> <p>9 frankly, I would think this would impact all voters</p> <p>10 equally poorly, all of these bills. So I don't know --</p> <p>11 I really don't understand them.</p> <p>12 So -- all right, I will have us move on to</p> <p>13 Item IV: Discussion and possible action on the</p> <p>14 Commission's Annual -- 2020 Annual Report, and I</p> <p>15 believe Tom is going to present this to us or to lead</p> <p>16 the discussion.</p> <p>17 MR. COLLINS: I am going to defer to -- if</p> <p>18 I can, to Julian.</p> <p>19 CHAIRWOMAN CHAN: Oh, excellent.</p> <p>20 MR. COLLINS: Julian, how do you feel</p> <p>21 about --</p> <p>22 CHAIRWOMAN CHAN: Wonderful. Julian, happy</p> <p>23 to have you.</p> <p>24 MR. ARNDT: Yeah, good morning.</p> <p>25 CHAIRWOMAN CHAN: Good morning.</p> | <p>1 So voter and public education, as of every</p> <p>2 year, we just need to provide information to the public</p> <p>3 regarding participation in the political process and</p> <p>4 how to stay informed throughout 2020. And, you know,</p> <p>5 we've continued to leverage our voter education</p> <p>6 campaigns and social media outreach to accomplish this</p> <p>7 goal and, all in all, 2020 -- the 2020 election cycle</p> <p>8 brought a lot of challenges for, I think, everybody</p> <p>9 involved. So we're just kind of going to go through</p> <p>10 each of these to show some of the ways the Commission</p> <p>11 was able to provide value to Arizona voters.</p> <p>12 So, first, our Balloteer Voter Education</p> <p>13 Campaign was multi-faceted. We focused on election</p> <p>14 education, logistics, independent voters, youth voters,</p> <p>15 voter registration, early voting, including, you know,</p> <p>16 some information regarding USPS delays that occurred</p> <p>17 last year, election security, voting during COVID-19,</p> <p>18 and just assisting voters and connecting them with this</p> <p>19 information through all forms of media. This was more</p> <p>20 important than ever, especially considering we had, you</p> <p>21 know, not only local elections, the PPE, Primary and</p> <p>22 General elections, but all in the year of COVID. So we</p> <p>23 were able to help provide all the important dates</p> <p>24 associated with each of these elections and everybody's</p> <p>25 options for voting.</p> | | |

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| 10:23:39-10:25:05 | Page 38 | 10:26:28-10:27:40 | Page 40 |
| <p>1 And a large part of our voter education</p> <p>2 outreach was creating the Voter Education Guide. These</p> <p>3 guides are distributed to all registered -- or every</p> <p>4 household that has a registered voter in it. The guide</p> <p>5 contains a 200-word statement and a picture of each</p> <p>6 statewide and legislative candidate. We distributed</p> <p>7 about 2.2 million copies during the Primary and then</p> <p>8 another 2.2 million during the General.</p> <p>9 Out of, I believe, 173 eligible candidates,</p> <p>10 169 submitted their statements, and for the General, it</p> <p>11 was about 148 out of 151. So we had about a 97 and 98</p> <p>12 percent participation there, which, considering these</p> <p>13 statements are voluntary, we were extremely pleased</p> <p>14 that everyone decided to participate in that process --</p> <p>15 or a lot of people.</p> <p>16 And as part of our goal to continually</p> <p>17 reach more and more voters, we produced the first ever</p> <p>18 American Sign Language or ASL version of the guide. We</p> <p>19 did partner with the Arizona Commission for the Deaf</p> <p>20 and Hard of Hearing, which helped us achieve a truly</p> <p>21 fully accessible voter guide. And as with prior years,</p> <p>22 we also made the guide available in Spanish, html,</p> <p>23 Navajo, audio and large print.</p> <p>24 So grassroots outreach, along with</p> <p>25 partnering with the Commission for the Deaf and Hard of</p> | | <p>1 CHAIRWOMAN CHAN: This is awesome. Julian,</p> <p>2 I love that page.</p> <p>3 MR. ARNDT: Okay. Thank you.</p> <p>4 CHAIRWOMAN CHAN: It's my favorite one.</p> <p>5 MR. ARNDT: And so, also, we had the U.S.</p> <p>6 Senate debate this year. We sponsored that between</p> <p>7 Martha McSally and the challenger Mark Kelly, and it</p> <p>8 was one of the more hotly contested races in the U.S.</p> <p>9 PBS did receive the third highest ratings on any show</p> <p>10 they've aired in the last two years with that. We saw</p> <p>11 about more than 750,000 people watch across all</p> <p>12 platforms and tune into the 90-minute debate.</p> <p>13 And, then, so for our own debates, COVID</p> <p>14 did kind of force our hand into going to a virtual</p> <p>15 format, as with a lot of other things, but this</p> <p>16 actually turned out to be a pretty successful model, as</p> <p>17 we did see an average increase of about 60 percent from</p> <p>18 the prior election cycles in the terms of viewers per</p> <p>19 debate.</p> <p>20 And a new feature we did implement was the</p> <p>21 interactive Google Map which compiled all the ballot</p> <p>22 drop boxes across the state and all the relevant</p> <p>23 information along with those, such as hours of</p> <p>24 operations, date and times, you know, they were open.</p> <p>25 And we were able to list over 170 locations, and it was</p> | |
| 10:25:08-10:26:23 | Page 39 | 10:27:43-10:29:01 | Page 41 |
| <p>1 Hearing, in order to educate those who wanted to learn</p> <p>2 on how they could get involved, want to stay involved</p> <p>3 and keep learning about the process, Avery -- I mean,</p> <p>4 you guys have been here. He's had a list this long</p> <p>5 every month of events he's attended. So we just kind</p> <p>6 of brought it down to some of the more notable ones.</p> <p>7 And we'd, also, like to highlight just one particular</p> <p>8 is our partnership with the community -- or Mesa</p> <p>9 Community College's civic engagement team where Avery</p> <p>10 has had a lot of opportunities to present and work on</p> <p>11 projects with them, and we think it's a great</p> <p>12 partnership.</p> <p>13 Another core component of the Commission is</p> <p>14 to continue to provide information to interested groups</p> <p>15 and potential candidates through our trainings and</p> <p>16 workshops, as well as through publications on our</p> <p>17 website.</p> <p>18 And so a big topic of 2020 was election</p> <p>19 security and misinformation. To help educate voters on</p> <p>20 that process, we've developed multiple pages on our</p> <p>21 website to help provide non-partisan information. Some</p> <p>22 of these pages included how election security works,</p> <p>23 how to avoid misinformation in the first place and,</p> <p>24 also, whether or not a Sharpie would count on your</p> <p>25 ballot because that came in a big topic here.</p> | | <p>1 utilized during both the Primary and General election.</p> <p>2 And we actually received over 400,000 views. So we're</p> <p>3 pretty proud of that one and, hopefully, it helped a</p> <p>4 lot of people, you know, kind of streamline their</p> <p>5 voting process and get their ballot in safely.</p> <p>6 Along with that, we saw a significant</p> <p>7 increase in engagement with voters online. Utilizing</p> <p>8 social media and our website provided, you know, voters</p> <p>9 everything they need from, you know, registering to</p> <p>10 vote all the way to casting your ballot, which, I</p> <p>11 think, was specially necessary during the past year.</p> <p>12 And if you do look at the charts below, you</p> <p>13 can see we were able to garner a lot of views on our</p> <p>14 YouTube videos during the election cycles. We had a</p> <p>15 nice increase in 2020, and then we, also, saw a huge</p> <p>16 jump in users coming to our website. And with only --</p> <p>17 out of 1.2 million users, 99 -- or almost 99 percent of</p> <p>18 them were new to the Clean Elections page. So,</p> <p>19 hopefully, you know, without everything going on, a lot</p> <p>20 of people are coming here to get a good source of</p> <p>21 information.</p> <p>22 And so for financial, as always, Commission</p> <p>23 revenue comes from, you know, a 10 percent surcharge on</p> <p>24 civil penalties and criminal fines. The majority of</p> <p>25 revenue, you can see, was court assessments last year,</p> | |

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| 10:29:03-10:30:41 | Page 42 | 10:32:05-10:33:09 | Page 44 |
| <p>1 and we have our expenditure cap and administration and</p> <p>2 public education caps, as well, down there.</p> <p>3 So candidate summary, out of 173 candidates</p> <p>4 during the Primary that sought statewide and</p> <p>5 legislative offices, 37 of those participated in Clean</p> <p>6 Elections, and for the General, out of 151, 32 were</p> <p>7 participating candidates. So we saw about a 21 percent</p> <p>8 participation rate for both elections. And in 2020, we</p> <p>9 did distribute a bit more than 2.8 million for Clean</p> <p>10 Elections funding.</p> <p>11 For -- candidates always have the option</p> <p>12 during the cycle to reallocate their funds. So in</p> <p>13 2020, candidates would normally receive \$18,121 in</p> <p>14 funding for the Primary. Candidates who are eligible</p> <p>15 and choose to reallocate received 27,182 for the</p> <p>16 Primary and, basically, those just switch. You're only</p> <p>17 eligible to do that if you are in a one-party dominant</p> <p>18 district, you are in that party, and you have a</p> <p>19 contested primary election.</p> <p>20 So during the 2020 cycle, the Commission</p> <p>21 did resolve two complaints. And then, also, another</p> <p>22 highlight here is just we did conduct 40 audits. Every</p> <p>23 participating candidate was audited. And for</p> <p>24 rulemaking and legislation, we did begin -- in 2019, we</p> <p>25 began implementing Prop 306. So this was the first</p> | | <p>1 information, those are all the offices that should be</p> <p>2 on the ballot, and those will be the amounts of \$5</p> <p>3 contributions they will need to collect to qualify for</p> <p>4 funding.</p> <p>5 And with that, we just have the</p> <p>6 Commissioners and staff here and some biographies, and</p> <p>7 that's the end of my presentation and report. So I'm</p> <p>8 open to any questions if you do have them.</p> <p>9 CHAIRWOMAN CHAN: Wonderful.</p> <p>10 MR. ARNDT: Thank you.</p> <p>11 CHAIRWOMAN CHAN: Does anyone have any</p> <p>12 questions or comments?</p> <p>13 COMMISSIONER KIMBLE: Madam Chair, this is</p> <p>14 Commissioner Kimble.</p> <p>15 CHAIRWOMAN CHAN: Commissioner Kimble?</p> <p>16 COMMISSIONER KIMBLE: Julian, this is all</p> <p>17 very, very impressive. Thank you very much. I wanted</p> <p>18 to ask you about one thing on page 12.</p> <p>19 MR. ARNDT: Uh-huh.</p> <p>20 COMMISSIONER KIMBLE: It says the following</p> <p>21 pages list the candidates for statewide and legislative</p> <p>22 office who raised funds and qualify for the ballot, and</p> <p>23 then I don't see any listing on the following pages.</p> <p>24 MR. ARNDT: Yes. So Madam Chair,</p> <p>25 Commissioner Kimble, that was -- that was just a</p> | |
| 10:30:43-10:32:03 | Page 43 | 10:33:12-10:34:12 | Page 45 |
| <p>1 election cycle we had that rule implemented. And,</p> <p>2 also, in 2020, we did not make any amendments to any</p> <p>3 rules.</p> <p>4 For legislation, the legislature last year</p> <p>5 did get cut short, but we did, you know, try to oppose</p> <p>6 any efforts to defund or eliminate the Clean Elections</p> <p>7 Act, you know, anything that had to deal with amending</p> <p>8 or superseding the Act or diverting funds from the Act</p> <p>9 or our purpose and any attempts to limit the power of</p> <p>10 the Commission to enforce the Act and support, you</p> <p>11 know, election law reforms and improvements to voter</p> <p>12 education and access.</p> <p>13 So looking forward to 2021, we will</p> <p>14 continue our voter education efforts by offering voters</p> <p>15 a comprehensive education plan. It focuses on how to</p> <p>16 participate in the electoral process, you know, staying</p> <p>17 informed and the importance of voting in local</p> <p>18 elections. One thing to highlight here is every decade</p> <p>19 states redistrict based on the census, and so that</p> <p>20 process is underway right now. And we will continue to</p> <p>21 update our website and keep voters informed of what's</p> <p>22 happening with that.</p> <p>23 And for a preview of the 2022 cycle, the</p> <p>24 midterms will have all statewide offices on the ballot.</p> <p>25 So you can see right below that for candidate</p> | | <p>1 mistake including that on my part. That was from the</p> <p>2 2018 presentation, and this year we did have some</p> <p>3 issues with the SOS list getting updated properly. I'm</p> <p>4 not sure if there was some glitches. We had to have</p> <p>5 them manually update that, at times, so I didn't feel</p> <p>6 100 percent confident in including that in the report.</p> <p>7 So that's why I took that out there, and that's why you</p> <p>8 don't see that.</p> <p>9 COMMISSIONER KIMBLE: Okay. Okay. So</p> <p>10 should you take out where it says the following pages</p> <p>11 list the candidates?</p> <p>12 MR. ARNDT: Yes. I already have, yeah.</p> <p>13 COMMISSIONER KIMBLE: Oh, okay.</p> <p>14 MR. ARNDT: Yeah. So the one for the final</p> <p>15 copy that will be sent out, I won't have that included.</p> <p>16 COMMISSIONER KIMBLE: Okay. Okay. Thanks,</p> <p>17 Julian. This is very, very good.</p> <p>18 MR. ARNDT: Okay. Thank you.</p> <p>19 CHAIRWOMAN CHAN: Good catch, both of you.</p> <p>20 Any other comments or questions for Julian?</p> <p>21 I don't see everybody, so speak up if you do.</p> <p>22 (No response.)</p> <p>23 CHAIRWOMAN CHAN: Okay. I don't hear</p> <p>24 anybody.</p> <p>25 Well, thank you so much, Julian, and thank</p> | |

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| 10:34:16-10:35:02 | Page 46 | 10:36:21-10:37:51 | Page 48 |
| <p>1 you to Avery, Mike and Paula, as well, for putting all</p> <p>2 this together.</p> <p>3 And, Alec, I love the artwork on the cover.</p> <p>4 That's beautiful.</p> <p>5 So if there is no further discussion, I'll</p> <p>6 entertain a motion to adopt the annual report, the</p> <p>7 final version with that piece taken out, I guess,</p> <p>8 Julian, right --</p> <p>9 MR. ARNDT: Yes.</p> <p>10 CHAIRWOMAN CHAN: -- as presented by staff.</p> <p>11 COMMISSIONER TITLA: Motion to approve.</p> <p>12 CHAIRWOMAN CHAN: Thank you.</p> <p>13 COMMISSIONER TITLA: This is Commissioner</p> <p>14 Titla.</p> <p>15 CHAIRWOMAN CHAN: Thank you.</p> <p>16 Is there a second?</p> <p>17 COMMISSIONER KIMBLE: Commissioner Kimble.</p> <p>18 I'll second.</p> <p>19 CHAIRWOMAN CHAN: Thank you, Commissioner</p> <p>20 Kimble.</p> <p>21 All right. We have a motion and a second</p> <p>22 and I will call the roll.</p> <p>23 Commissioner Titla, how do you vote?</p> <p>24 COMMISSIONER TITLA: Aye.</p> <p>25 CHAIRWOMAN CHAN: Commissioner Meyer?</p> | | <p>1 League has continued, through our efficacy committee,</p> <p>2 of which I am not the lobbyist of the League -- for the</p> <p>3 League anymore at the legislature, but we do have</p> <p>4 people using RTFs or, you know, a system where you can</p> <p>5 actually speak at meetings now on a number of the</p> <p>6 voting bills. And we are as concerned about them as a</p> <p>7 number of you have mentioned, and we have been</p> <p>8 educating our members and the public at large about the</p> <p>9 serious negative impacts on voting and elections and</p> <p>10 registration on a voting, if some of them should pass.</p> <p>11 So it is wonderful to hear that the</p> <p>12 Commissioners -- I'm not surprised, but that are kind</p> <p>13 of gravely concerned, as well. I think, without a</p> <p>14 doubt, we would consider most of these bills voter</p> <p>15 suppression, as Commissioner Titla said. So we are</p> <p>16 just out there trying to do what we can, and I would</p> <p>17 appreciate if anybody wants to let me know of the</p> <p>18 status of conversations that you can let me know, to</p> <p>19 what extent it needs to be -- it can be shared with</p> <p>20 League leadership and which it could not, and that's</p> <p>21 perfectly okay -- what are the chances of some of the</p> <p>22 bills because, again, they are of grave concern to us.</p> <p>23 Nobody mentioned so far, because I don't</p> <p>24 think it directly -- well, maybe it would impact in the</p> <p>25 sense of voter registration, but there's another one.</p> | |
| 10:35:06-10:36:18 | Page 47 | 10:37:55-10:39:07 | Page 49 |
| <p>1 COMMISSIONER MEYER: Aye.</p> <p>2 CHAIRWOMAN CHAN: Commissioner Kimble?</p> <p>3 COMMISSIONER KIMBLE: Aye.</p> <p>4 CHAIRWOMAN CHAN: Commissioner Paton?</p> <p>5 (No response.)</p> <p>6 CHAIRWOMAN CHAN: Commissioner Paton, how</p> <p>7 do you vote to adopt --</p> <p>8 COMMISSIONER PATON: Aye.</p> <p>9 CHAIRWOMAN CHAN: Thank you. And I vote</p> <p>10 aye.</p> <p>11 And I believe that is five ayes and zero</p> <p>12 nays to adopt the annual report, 2020 annual report.</p> <p>13 So moving on to Item V, does any member of</p> <p>14 the public wish to make comments at this time? We have</p> <p>15 a few members of the public, I think.</p> <p>16 Is Rivko still here?</p> <p>17 Hi, Rivko. So nice to see your face.</p> <p>18 MS. KNOX: Thank you. Thank you,</p> <p>19 Commissioners and Staff. A pleasure listening to this</p> <p>20 meeting. I have been watching all of them, obviously,</p> <p>21 or -- yeah, watching them and reporting to the League</p> <p>22 board.</p> <p>23 I really appreciated, Commissioner Kimble,</p> <p>24 your mentioning the editorial because I thought it was</p> <p>25 a very well-written and a very appropriate one. The</p> | | <p>1 There's so many. It's hard to keep track, but one that</p> <p>2 would require any group that registers voters to get a</p> <p>3 unique identifier. And if a registration form is</p> <p>4 turned in that does not have it, it would not count.</p> <p>5 And we're not -- as a matter of fact,</p> <p>6 Maricopa -- well, we'll work with the Secretary of</p> <p>7 State to get a special I.D. because we wanted to track</p> <p>8 how many voter registrations we did, but the impact of</p> <p>9 not counting a registration form, not considering it</p> <p>10 valid if it did not have an I.D. number, is also a very</p> <p>11 disturbing one. So there's just so many for us to</p> <p>12 fight on.</p> <p>13 And it is good to see you all, and I've</p> <p>14 been seeing you whether you see me or not. So thank</p> <p>15 you. I think I will shut off my video and mute myself</p> <p>16 one more time. Thank you, all.</p> <p>17 CHAIRWOMAN CHAN: Thank you so much. It's</p> <p>18 such a pleasure to see you.</p> <p>19 Anyone have any -- anything to say to</p> <p>20 Ms. Knox?</p> <p>21 (No response.)</p> <p>22 CHAIRWOMAN CHAN: Okay. And does any other</p> <p>23 member of the public wish to speak?</p> <p>24 (No response.)</p> <p>25 CHAIRWOMAN CHAN: All right. You may,</p> | |


10:39:08-10:39:56 Page 50

1 also, send comments to the Commission by mail or email
2 at ccec@azcleelections.gov.
3 And with that, we can move on to Item VI:
4 Motion to adjourn. And, at this time, I would
5 entertain a motion.
6 COMMISSIONER KIMBLE: Madam Chair --
7 COMMISSIONER TITLA: Motion --
8 COMMISSIONER KIMBLE: -- this is
9 Commissioner Kimble.
10 CHAIRWOMAN CHAN: Okay. Did I hear a
11 motion from -- I think I heard a motion from
12 Commissioner Titla.
13 COMMISSIONER TITLA: Yeah, I'll second.
14 I'll second that motion.
15 CHAIRWOMAN CHAN: Oh.
16 COMMISSIONER MEYER: I'll second
17 Commissioner Titla's motion to adjourn the meeting.
18 CHAIRWOMAN CHAN: Okay. So we have a
19 motion and a second, and I'll go ahead and call the
20 roll.
21 Commissioner Titla, how do you vote?
22 COMMISSIONER TITLA: Aye.
23 CHAIRWOMAN CHAN: All right. Commissioner
24 Meyer?
25 COMMISSIONER MEYER: Aye.

10:39:57-10:40:17 Page 51

1 CHAIRWOMAN CHAN: Commissioner Kimble?
2 COMMISSIONER KIMBLE: Aye.
3 CHAIRWOMAN CHAN: Commissioner Paton?
4 (No response.)
5 CHAIRWOMAN CHAN: We couldn't hear you.
6 COMMISSIONER PATON: Aye.
7 CHAIRWOMAN CHAN: Thank you. And I vote
8 aye. And by your votes of five ayes and zero nays, we
9 are adjourning the meeting, and we'll see you next
10 month.
11 Thanks, everyone.
12 (Whereupon, the proceedings concluded at
13 10:40 a.m.)
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Page 52

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, and by virtue thereof
6 authorized to administer an oath; that the proceedings
7 were taken down by me in shorthand and thereafter
8 transcribed into typewriting under my direction; that
9 the foregoing pages are a full, true, and accurate
10 transcript of all proceedings and testimony had and
11 adduced upon the taking of said proceedings, all done to
12 the best of my skill and ability.
13 I FURTHER CERTIFY that I am in no way
14 related to nor employed by any of the parties thereto
15 nor am I in any way interested in the outcome hereof.
16 DATED at Phoenix, Arizona, this 27th day of
17 February, 2021.
18
19 
20 LILIA MONARREZ, RPR, CR #50699
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| | | | | |
| \$ | ahead (6) 4:12;17:4; 29:3;32:23;36:10; 50:19 | assisting (1) 37:18 | belief (1) 31:17 | candidate (5) 5:14; 38:6;42:3,23;43:25 |
| \$18,121 (1) 42:13 | aim (1) 18:16 | associated (2) 11:22; 37:24 | believes (1) 22:8 | Candidates (11) 14:12, 15;38:9;39:15;42:3,7, 11,13,14;44:21;45:11 |
| \$199 (1) 14:19 | aired (1) 40:10 | assumed (2) 8:13;9:3 | below (3) 14:17;41:12; 43:25 | cap (1) 42:1 |
| \$200 (3) 14:16,17,17 | Alec (3) 36:4,19;46:3 | assumption (1) 30:8 | best (8) 7:15;10:1; 11:1;15:21;25:14; 31:22;32:14,20 | capacities (1) 30:25 |
| \$5 (1) 44:2 | allow (4) 20:23;21:14; 25:24;28:5 | attempt (2) 14:25;15:15 | better (1) 28:12 | caps (1) 42:2 |
| A | allows (1) 11:20 | attempts (1) 43:9 | big (6) 19:1;29:20,20; 30:6;39:18,25 | Carolina (1) 27:17 |
| able (8) 3:20;11:14; 12:7;26:12;37:11,23; 40:25;41:13 | almost (1) 41:17 | attendance (1) 3:8 | biggest (2) 5:12;22:12 | case (6) 6:12,19;7:2,8; 10:18;34:8 |
| above (1) 14:16 | along (5) 24:20;25:7; 38:24;40:23;41:6 | attended (1) 39:5 | Bill (5) 5:2,2;10:18; 12:24;22:6 | cash (1) 11:21 |
| absentee (1) 27:6 | alternatively (1) 20:25 | attention (2) 15:21; 23:20 | bills (42) 5:1;11:6;13:7, 17,18,23;15:19;18:3,4, 6,10,13;20:15,20,21; 21:5,6,7,18;22:24;23:2, 16;25:12;26:10,12,19; 27:23,25;28:1,14,16; 29:14,16,24;30:8; 31:18;33:16;34:15; 35:10;48:6,14,22 | cast (1) 14:9 |
| absolutely (1) 21:21 | although (2) 28:12; 29:19 | Attorney (10) 6:23; 19:8;21:10,12;22:2,15, 18,20;23:1,5 | binding (2) 7:19;9:10 | casting (1) 41:10 |
| access (1) 43:12 | always (5) 7:24;26:9; 33:3;41:22;42:11 | attorneys (1) 12:2 | biographies (1) 44:6 | catch (1) 45:19 |
| accessible (1) 38:21 | ambit (1) 21:3 | audio (1) 38:23 | bipartisan (1) 16:18 | categories (1) 22:9 |
| accomplish (1) 37:6 | amending (1) 43:7 | audited (1) 42:23 | bit (3) 11:9;24:22;42:9 | category (1) 22:8 |
| according (1) 30:4 | amendment (1) 12:3 | audits (1) 42:22 | board (1) 47:22 | ccec@azcleanelections.gov (1) 50:2 |
| achieve (1) 38:20 | amendments (1) 43:2 | authorize (1) 22:21 | bono (1) 22:20 | census (1) 43:19 |
| across (3) 8:21;40:11, 22 | American (1) 38:18 | authorizing (1) 8:16 | both (5) 15:9;25:25; 41:1;42:8;45:19 | certain (2) 7:17;26:16 |
| Act (9) 6:17;11:23; 12:5;21:6;36:7;43:7,8, 8,10 | amongst (1) 31:2 | available (2) 5:15; 38:22 | bother (1) 13:18 | certainly (4) 11:9; 14:14;26:6;29:8 |
| action (10) 3:21;4:25; 6:10;20:12;22:7,7; 24:14;27:19;32:8; 35:13 | amount (1) 5:20 | average (1) 40:17 | boxes (1) 40:22 | certification (1) 28:6 |
| actually (7) 16:3;23:17, 21;31:2;40:16;41:2; 48:5 | amounts (1) 44:2 | Avery (5) 6:1;36:3; 39:3,9;46:1 | branding (1) 7:15 | Chair (14) 3:25;13:14; 16:1;17:3,5,24;20:2; 23:8,12;33:19,22; 44:13,24;50:6 |
| add (2) 16:5;34:4 | Amy (2) 3:4,18 | avoid (1) 39:23 | brief (1) 36:19 | Chairman (2) 3:4;4:5 |
| additional (1) 26:8 | Annual (7) 35:14,14; 36:13,21;46:6;47:12, 12 | awaiting (1) 6:9 | bring (3) 10:14;13:16; 36:14 | chairmanship (1) 17:21 |
| address (5) 8:4;14:13; 18:4,24;19:15 | anticipate (1) 21:10 | aware (1) 8:6 | Brnovich (1) 6:13 | CHAIRWOMAN (74) 3:3,18;4:1,10,16,19, 21;5:4;8:7,9,12;9:6; 10:2;13:11,15;16:2,25; 17:4,6,9,12,18,22;18:1; 19:9,17;23:9;24:2,12, 18;26:3;28:24;31:14; 32:5,9,23;33:7,25;34:2, 18,24;35:2,8,19,22,25; 36:17;40:1,4;44:9,11, 15;45:19,23;46:10,12, 15,19,25;47:2,4,6,9; 49:17,22,25;50:10,15, 18,23;51:1,3,5,7 |
| addressed (1) 6:24 | anymore (1) 48:3 | away (2) 18:24;19:4 | broadly (1) 11:19 | challenge (2) 7:4;22:13 |
| adjourn (2) 50:4,17 | apologies (1) 17:10 | Awesome (2) 36:18; 40:1 | brought (3) 34:13;37:8; 39:6 | challenger (1) 40:7 |
| adjourning (1) 51:9 | apologize (1) 30:11 | Aye (13) 4:15,18,20; 46:24;47:1,3,8,10; 50:22,25;51:2,6,8 | Budget (1) 11:15 | challenges (1) 37:8 |
| administration (1) 42:1 | Apparently (1) 22:19 | ayes (3) 4:22;47:11; 51:8 | building (3) 6:2;15:3,7 | CHAN (76) 3:3,4,18,18; 4:1,10,16,19,21;8:7,9, 12;9:6;10:2;13:11,15; 16:2,25;17:4,6,9,12,18, 22;18:1;19:9,17;23:9; 24:2,12,18;28:24;29:6; 30:5;31:14;32:5,9,23; 33:7,25;34:2,18,24; 35:2,8,19,22,25;36:17; 40:1,4;44:9,11,15; 45:19,23;46:10,12,15, 19,25;47:2,4,6,9;49:17, 22,25;50:10,15,18,23; 51:1,3,5,7 |
| administrative (2) 5:1; 28:10 | Appeals (4) 6:9,20,20, 21 | | bunch (1) 14:19 | chances (1) 48:21 |
| admission (1) 30:14 | appreciate (1) 48:17 | | Bush (1) 9:14 | change (1) 26:20 |
| adopt (3) 46:6;47:7,12 | appreciated (1) 47:23 | B | | |
| adopted (1) 9:24 | approach (1) 32:15 | back (6) 14:11;16:19; 17:15;28:20,20,21 | | |
| advance (1) 5:22 | appropriate (1) 47:25 | balance (1) 12:23 | | |
| advantage (1) 11:18 | approve (2) 4:2;46:11 | ballot (12) 14:7,10,11; 27:16;28:8;39:25; 40:21;41:5,10;43:24; 44:2,22 | | |
| advise (1) 21:13 | approved (2) 4:23;36:3 | Balloteer (1) 37:12 | | |
| advised (1) 21:15 | argue (2) 6:11;25:19 | ballots (4) 14:22,24; 27:6,16 | | |
| Advocacy (1) 10:17 | argument (1) 6:25 | based (1) 43:19 | | |
| affects (1) 11:23 | arguments (3) 11:10; 26:14;31:3 | basically (4) 11:7,19; 12:16;42:16 | | |
| again (4) 5:7;15:15; 21:20;48:22 | Arizona (7) 6:11,15; 7:7;10:17;13:21;37:11; 38:19 | basis (1) 34:15 | | |
| against (4) 13:19;19:7, 21;33:17 | Arizonans (1) 15:17 | beautiful (1) 46:4 | | |
| Agenda (6) 3:6,21; 4:23,24;24:10,15 | ARNDT (13) 35:24; 36:11,12,18;40:3,5; 44:10,19,24;45:12,14, 18;46:9 | become (2) 18:11; 23:23 | | |
| ago (4) 18:3;24:24,24; 27:13 | around (5) 5:22;9:9; 21:24;26:7;27:7 | becomes (1) 19:13 | | |
| agree (8) 6:23;16:3; 21:20,21;23:14;25:17; 32:24;33:20 | article (1) 8:1 | began (1) 42:25 | | |
| | articulate (1) 21:16 | begging (1) 20:16 | | |
| | artwork (1) 46:3 | begin (3) 10:22,23; 42:24 | | |
| | ASL (1) 38:18 | behind (3) 15:3;29:3; 33:17 | | |
| | aspects (2) 6:15;7:17 | | | |
| | assessment (1) 11:16 | | | |
| | assessments (1) 41:25 | | | |

| | | | | |
|--|---|--|---|--|
| <p>changes (2) 9:13;10:16 changing (1) 9:23 charts (1) 41:12 chime (1) 13:6 choose (1) 42:15 city (3) 5:12,13,15 civic (1) 39:9 civics (1) 5:23 civil (2) 16:12;41:24 clarifying (1) 32:10 clause (1) 11:24 Clean (15) 3:4;6:7,7; 11:23;12:5;14:15; 18:16;21:24;22:16; 31:23;32:19;41:18; 42:5,9;43:6 clear (3) 15:3,11;32:18 closer (2) 25:2,3 cognizant (1) 28:23 collateral (1) 12:18 colleagues (1) 12:13 collect (1) 44:3 College's (1) 39:9 COLLINS (13) 5:4;8:8, 11;9:6;10:3;19:20,25; 26:3;32:3;34:17;35:17, 20;36:1 comfortable (4) 29:13; 31:11;33:12,16 coming (4) 5:10;6:6; 41:16,20 commend (1) 23:12 comments (4) 44:12; 45:20;47:14;50:1 Commission (23) 3:5; 4:3;10:5,24;18:17; 20:23;21:22;22:3,8; 28:16;30:21,22,23; 31:11;33:14;37:10; 38:19,25;39:13;41:22; 42:20;43:10;50:1 Commissioner (117) 3:9,11,14,16,17,25; 4:1,2,6,8,11,14,15,16, 18,19,20;13:14,15,16; 16:3,5,7,25;17:3,5,7,8, 11,13,20,23,24;18:2; 19:9,16,18,22;20:2,16; 21:20;23:7,9,11,13; 24:20;25:8,17;27:24; 28:14,23;29:1,1,5,6,6, 7,7;30:4,13;31:6; 32:21,21,24;33:7,9,11, 19;34:1,2,12,25;35:1,2, 3;44:13,14,15,16,20, 25;45:9,13,16;46:11, 13,13,17,17,19,23,24, 25;47:1,2,3,4,6,8,23; 48:15;50:6,7,8,9,12,13, 16,17,21,22,23,25; 51:1,2,3,6 Commissioners (7) 5:5; 20:4;31:18;34:17;44:6;</p> | <p>47:19;48:12 Commission's (6) 22:17;23:3,4,6;30:9; 35:14 Committee (3) 6:14; 11:15;48:1 community (2) 39:8,9 compiled (1) 40:21 complaints (1) 42:21 complete (1) 30:12 component (1) 39:13 comprehensive (2) 30:10;43:15 computer (1) 5:7 concern (5) 14:2;15:23, 24;27:5;48:22 concerned (8) 8:25; 9:22;13:17;16:15; 26:13;27:7;48:6,13 concerns (3) 13:23; 15:11;16:4 concluded (1) 51:12 concludes (1) 13:9 conclusion (2) 8:2; 11:13 conduct (1) 42:22 confident (1) 45:6 Congratulations (2) 17:21,25 connecting (1) 37:18 connections (1) 6:3 conscious (2) 28:25; 30:13 consecutive (1) 15:10 consequences (1) 12:19 consider (1) 48:14 considerable (1) 5:20 consideration (1) 26:9 considering (3) 37:20; 38:12;49:9 consolidated (1) 6:13 contains (1) 38:5 contents (1) 36:24 contested (2) 40:8; 42:19 continually (1) 38:16 continue (5) 11:3; 24:17;39:14;43:14,20 continued (2) 37:5;48:1 continues (1) 10:5 contributions (2) 14:19; 44:3 control (1) 26:12 conversation (1) 20:6 conversations (1) 48:18 conveyed (1) 31:19 convince (1) 22:18 copies (1) 38:7 copy (1) 45:15 core (1) 39:13 council (2) 5:13;10:12 counsel (3) 21:9;22:20;</p> | <p>29:23 count (2) 39:24;49:4 counties (2) 8:21;9:18 counting (1) 49:9 county (2) 15:1,4 couple (3) 6:14;20:15; 24:7 course (4) 7:17,23; 20:4;25:10 Court (10) 6:9,12,19,20, 20,22;7:5,6,7;41:25 courts (2) 11:17,20 cover (2) 36:19;46:3 covered (1) 9:13 COVID (2) 37:22;40:13 COVID-19 (1) 37:17 creating (1) 38:2 credence (1) 12:25 credit (1) 7:9 criminal (1) 41:24 critical (1) 13:8 crossover (1) 11:4 crux (1) 12:6 cultivate (1) 32:14 cure (1) 14:23 cured (1) 14:22 current (1) 10:15 Currently (2) 11:3; 27:20 cut (1) 43:5 cycle (8) 5:19;7:5; 26:23;37:7;42:12,20; 43:1,23 cycles (2) 40:18;41:14</p> | <p>demand (1) 5:20 democracy (1) 18:7 Democratic (1) 6:13 denominated (1) 26:22 depending (1) 5:15 designed (1) 36:20 desk (1) 25:11 determine (3) 11:17; 12:8;22:16 determines (1) 23:5 detrimental (1) 16:22 developed (2) 31:3; 39:20 die (1) 25:2 different (6) 6:5,6,15; 9:14,17;20:8 differently (1) 24:23 direct (1) 14:15 direction (3) 20:20; 31:10;34:7 directly (2) 10:17;48:24 Director (1) 7:10 Director's (1) 4:25 disagree (1) 9:1 disagrees (1) 20:13 discuss (4) 19:23,24; 32:6,16 discussed (1) 31:23 Discussion (12) 3:21, 24;4:24;5:22;9:8; 13:12;24:13;32:7; 34:10;35:13,16;46:5 dismayed (1) 18:20 distribute (1) 42:9 distributed (2) 38:3,6 district (1) 42:18 disturbing (1) 49:11 diverting (1) 43:8 docket (1) 6:12 dominant (1) 42:17 donations (1) 14:14 done (1) 31:17 doubt (1) 48:14 down (3) 24:25;39:6; 42:2 drastic (1) 33:6 drives (1) 15:6 drop (1) 40:22 Ducey (1) 25:11 due (1) 9:16 during (9) 37:17;38:7, 8;41:1,11,14;42:4,12, 20</p> | <p>editorialized (1) 25:23 educate (2) 39:1,19 educating (1) 48:8 education (13) 5:18,23, 23;37:1,5,12,14;38:1,2; 42:2;43:12,14,15 effect (2) 18:13;23:22 effective (3) 15:5,22; 28:18 efficacy (1) 48:1 efforts (2) 43:6,14 egregious (1) 13:25 either (3) 12:15;28:21; 29:3 election (26) 5:1,11,19; 7:5,18,20;8:4,24;9:23; 14:7,23;26:23;27:8,9, 11;37:7,13,17;39:18, 22;40:18;41:1,14; 42:19;43:1,11 Elections (30) 3:5;5:10, 13,13,15;6:7,7;7:10; 11:23;12:5;14:15; 15:10;18:17;21:25,25; 22:16;26:23;30:25; 31:24;32:19;37:21,22, 24;41:18;42:6,8,10; 43:6,18;48:9 elector (1) 28:8 electoral (1) 43:16 electors (1) 28:7 eligible (4) 12:9;38:9; 42:14,17 eliminate (1) 43:6 else (2) 34:4,10 email (2) 34:15;50:1 employer (1) 14:14 encourage (1) 13:20 encouraging (1) 18:8 end (3) 23:21;30:18; 44:7 enforce (1) 43:10 engagement (2) 39:9; 41:7 entertain (2) 46:6;50:5 entry (1) 7:3 equal (1) 9:17 equally (1) 35:10 Eric (2) 7:10,16 Eric's (1) 8:1 especially (3) 7:2; 30:24;37:20 essentially (1) 12:1 even (8) 11:6;22:14,20; 25:2,13;27:9;32:5;34:5 events (1) 39:5 everybody (5) 3:4; 34:11;36:16;37:8; 45:21 everybody's (1) 37:24 everyone (3) 30:23; 38:14;51:11 exactly (1) 28:24</p> |
| | | D | | |
| | | <p>Daily (1) 13:21 Damien (1) 3:15 date (3) 5:11;14:24; 40:24 dates (1) 37:23 day (4) 14:23;23:21; 29:4;30:18 day-to-day (1) 29:8 dead (1) 27:1 Deaf (2) 38:19,25 deal (3) 32:25;33:1; 43:7 dealing (2) 22:22;29:22 dealt (1) 10:22 debate (3) 40:6,12,19 debates (1) 40:13 decade (1) 43:18 decide (1) 14:9 decided (1) 38:14 decides (1) 7:5 decision (2) 6:10;7:8 defender (1) 12:12 defer (1) 35:17 definitely (1) 34:20 defund (1) 43:6 delays (1) 37:16</p> | | |
| | | | E | |
| | | | <p>earlier (1) 17:14 early (11) 14:6,8,10,11, 21,24,25;15:16,18; 18:24;37:15 easier (2) 13:20;18:9 ED (1) 5:6 editorial (1) 47:24</p> | |

| | | | | |
|---|---|--|---|--|
| <p>excellent (1) 35:19 Executive (3) 4:25; 17:16;19:23 exempt (1) 10:6 exempted (1) 10:10 exercise (1) 31:1 exercised (1) 22:4 existence (1) 10:8 expand (1) 8:16 expansion (1) 6:4 expect (1) 23:16 expenditure (1) 42:1 experience (3) 12:12; 22:2;31:15 expert (1) 15:21 experts (1) 7:15 explain (1) 23:2 express (1) 21:23 expressed (1) 27:5 extent (3) 24:1,15; 48:19 extra (1) 24:24 extremely (2) 8:19; 38:13 eye (2) 4:21;18:19</p> | <p>42:25 fiscal (1) 11:16 five (5) 14:1;15:19,23; 47:11;51:8 fix (3) 8:16,17;9:4 fixing (1) 9:21 flesh (1) 34:22 flexibility (1) 26:7 floating (1) 27:6 floor (1) 11:5 focus (3) 11:10;13:24; 21:3 focused (1) 37:13 focuses (1) 43:15 folks (5) 6:5;11:11; 27:5;28:15;29:4 follow (1) 27:11 following (4) 7:6;44:20, 23;45:10 force (1) 40:14 form (2) 49:3,9 format (1) 40:15 former (1) 7:9 forms (1) 37:19 forward (5) 8:4;28:4; 29:24;31:10;43:13 Foundation (1) 6:10 four (7) 4:22;24:24,25; 25:1,2;27:13;30:22 frame (2) 24:22;30:4 frankly (4) 8:13;25:11, 15;35:9 free (2) 18:7;26:4 front (1) 23:1 fulfilling (1) 36:7 full-bore (1) 33:13 fully (1) 38:21 functions (1) 27:20 Fund (1) 6:10 funding (4) 16:14; 42:10,14;44:4 funds (3) 42:12;43:8; 44:22 further (2) 34:5;46:5</p> | <p>giving (2) 14:20;36:12 glean (1) 11:14 glitches (1) 45:4 goal (2) 37:7;38:16 goes (4) 5:18;6:25; 27:8;28:8 Good (16) 3:3,14;13:4; 20:2;27:20;34:10,19; 35:8,24,25;36:5,6; 41:20;45:17,19;49:13 good-faith (1) 27:5 Google (1) 40:21 Gore (1) 9:14 gosh (1) 17:9 government (2) 15:2,6 Governor (4) 25:11; 35:7;36:22,25 Governor's (7) 10:4,9, 11,12,20;25:10;35:4 grassroots (1) 38:24 grateful (1) 34:13 gratefully (1) 34:9 grave (1) 48:22 gravely (1) 48:13 great (1) 39:11 group (2) 18:16;49:2 groups (1) 39:14 GRRC (2) 10:20;16:9 guarantee (1) 31:3 guess (14) 9:12;17:25; 20:10;26:3,21;28:22; 32:1,11,11,16;33:6; 34:6;36:10;46:7 guidance (3) 7:19;8:22; 9:9 Guide (5) 38:2,4,18,21, 22 guides (1) 38:3 guru (1) 27:12 guys (2) 31:5;39:4</p> | <p>23:4;38:20;39:1 help (4) 34:22;37:23; 39:19,21 helped (2) 38:20;41:3 helpful (1) 6:5 here's (1) 31:13 Hi (1) 47:17 high (1) 27:25 highest (1) 40:9 highlight (3) 39:7; 42:22;43:18 highlights (1) 5:6 history (1) 27:7 hold (1) 16:11 holding (1) 15:5 honestly (1) 21:8 hope (2) 10:14,19 hopefully (5) 10:22; 11:11;23:3;41:3,19 hopes (1) 15:16 hotly (1) 40:8 hours (2) 26:25;40:23 House (5) 5:2,2;11:6; 14:21;36:23 household (1) 38:4 html (1) 38:22 huge (2) 19:4;41:15</p> | <p>indirectly (1) 10:17 Information (14) 5:14, 21:9;5;11:14;29:18; 36:5;37:2,16,19;39:14, 21;40:23;41:21;44:1 informed (3) 37:4; 43:17,21 inherently (1) 12:4 initial (1) 18:5 in-person (1) 27:15 insignificant (1) 12:20 instead (3) 11:20,21; 14:10 intended (2) 12:14; 23:22 intensive (1) 28:13 interactive (1) 40:21 interest (2) 22:3;23:3 interested (1) 39:14 interesting (1) 8:3 interests (3) 22:17; 23:4,6 internal (1) 20:5 intervene (1) 21:20 into (8) 8:22;18:13; 19:4;22:8,14;34:19; 40:12,14 involved (12) 16:17,23; 20:9,15;22:5,7,25; 28:15,17;37:9;39:2,2 issue (9) 5:14;6:24; 20:24;23:24,24;26:21; 28:22;31:5,7 issued (2) 7:7,7 issues (13) 7:5,6; 10:16;12:25;21:4,25; 22:14,23;23:13;26:9; 27:12;29:23;45:3 Item (8) 3:6,21;4:23,24; 34:9;35:13;47:13;50:3 IV (2) 34:9;35:13</p> |
| F | | | | |
| <p>face (2) 29:23;47:17 fact (4) 12:19;13:1; 34:19;49:5 factual (1) 11:13 fair (2) 23:4;30:15 falls (1) 22:7 far (8) 5:17;7:25;9:8; 18:22;25:1;32:18;35:6; 48:23 favorite (1) 40:4 feature (1) 40:20 February (1) 3:5 fee (1) 12:17 feel (6) 16:8;26:4; 29:17;31:11;35:20; 45:5 feeling (1) 33:6 fees (1) 11:21 few (3) 5:5;20:5;47:15 fewer (2) 15:3,16 fight (1) 49:12 file (4) 19:7,21;22:6; 36:3 final (2) 45:14;46:7 Finally (3) 10:25;15:8; 29:21 financial (1) 41:22 find (3) 22:21;28:17; 35:5 fine (2) 11:21;12:17 finest (2) 12:21;41:24 finesse (1) 31:16 first (12) 5:9;14:5;18:3, 4;20:10,19;26:4;29:22; 37:12;38:17;39:23;</p> | G | H | I | J |
| <p>gain (1) 26:15 Galen (1) 3:17 Galen's (1) 23:19 garner (1) 41:13 gave (1) 14:17 General (12) 14:7; 15:9;19:8;20:21;22:2, 20;23:5;37:22;38:8,10; 41:1;42:6 General's (6) 6:23; 21:10,12;22:15,18; 23:1 gets (3) 18:24;19:4; 36:21 Gina (1) 36:4 gives (1) 21:22</p> | | <p>hand (7) 12:2;23:10; 24:4;28:25;29:17; 30:17;40:14 handful (1) 13:17 happen (1) 28:9 happening (1) 43:22 happy (2) 17:19;35:22 hard (4) 21:11;38:20, 25;49:1 harder (2) 18:11,11 Hasen (2) 27:10,11 haunt (1) 16:19 HB (1) 11:10 heading (1) 10:11 headline (1) 8:2 hear (5) 25:9;45:23; 48:11;50:10;51:5 heard (3) 9:20;18:4; 50:11 hearing (5) 10:23;18:6;</p> | <p>ID (2) 49:7,10 idea (1) 15:3 identified (2) 13:8; 27:24 identifier (1) 49:3 identify (1) 23:2 ignoring (1) 12:5 II (2) 3:21;4:23 III (1) 4:24 imagine (1) 21:11 immediately (1) 30:7 impact (5) 12:19;14:15; 35:9;48:24;49:8 impacts (1) 48:9 impersonation (1) 27:15 implement (1) 40:20 implemented (1) 43:1 implementing (1) 42:25 implications (1) 21:7 importance (1) 43:17 important (5) 8:19; 20:14;30:16;37:20,23 impressive (1) 44:17 improvements (1) 43:11 included (2) 39:22; 45:15 including (4) 5:1;37:15; 45:1,6 increase (3) 40:17; 41:7,15 independent (1) 37:14 independents (1) 15:12</p> | <p>January (2) 3:22;4:3 JLBC (1) 12:7 job (2) 12:16,17 joined (4) 17:10,11,14, 19 Joint (1) 11:15 judgment (2) 31:1; 32:14 Julian (14) 13:3;34:21; 35:18,20,22;36:3,9,12; 40:1;44:16;45:17,20, 25;46:8 jump (3) 26:4;31:15; 41:16</p> |
| | | | | K |
| | | | | <p>Kara (6) 6:18;19:20; 20:13;24:4,5;32:4</p> |

| | | | | |
|---|---|--|--|---|
| <p>Karlson (5) 19:10,14; 24:6,13;32:7 keep (7) 18:14,15,18; 36:19;39:3;43:21;49:1 keeping (1) 26:16 keeps (1) 19:5 Kelly (1) 40:7 KIMBLE (37) 3:16,16, 25;4:1,2,6,17,18;13:14, 15,16;16:3;23:13; 27:24;28:14;29:6; 34:12;44:13,14,15,16, 20,25;45:9,13,16; 46:17,17,20;47:2,3,23; 50:6,8,9;51:1,2 kind (22) 8:13,16,17; 13:7;15:20;16:9;20:17; 25:25;26:20;27:11; 28:9;32:14,16;33:12, 17,18;34:6;37:9;39:5; 40:14;41:4;48:12 kinds (4) 12:13,18; 21:2;22:24 knocked (1) 17:14 knowing (1) 26:2 known (1) 33:18 knows (1) 32:25 KNOX (2) 47:18;49:20</p> | <p>43:4 legislative (12) 4:25; 8:15;11:15;16:16;19:2; 20:9;24:14;29:8;30:25; 38:6;42:5;44:21 legislature (12) 8:14; 11:4;12:2;21:23;25:1, 21;28:6;31:15,25; 32:15;43:4;48:3 letter (2) 28:21;36:25 letting (3) 25:24;33:12, 16 level (1) 6:19 leverage (1) 37:5 Lewis (2) 7:11,13 light (3) 23:16,21,23 likelihood (1) 21:9 likely (2) 27:18;28:3 limit (1) 43:9 line (1) 23:19 list (9) 13:4;14:8,11; 15:16;39:4;40:25; 44:21;45:3,11 listed (1) 10:19 listening (2) 18:2;47:19 listing (1) 44:23 litigation (2) 10:18; 29:25 little (3) 7:3;11:9;24:22 lobbyist (1) 48:2 local (2) 37:21;43:17 locations (1) 40:25 logistical (1) 22:13 logistically (1) 24:23 logistics (1) 37:14 long (4) 7:25;9:25; 10:7;39:4 longer (2) 14:12,23 look (8) 19:3;26:11; 27:10;28:16;29:15; 30:17;33:21;41:12 looked (2) 13:24,25 looking (3) 10:13;25:4; 43:13 looks (1) 16:21 lost (1) 16:10 lot (13) 6:1;7:21;11:5; 16:23;23:14;25:6;37:8; 38:15;39:10;40:15; 41:4,13,19 love (2) 40:2;46:3 loved (1) 31:24</p> | <p>major (1) 16:20 majority (1) 41:24 makes (2) 20:18;32:20 making (3) 13:20; 18:10;32:18 mandate (1) 10:10 Manual (7) 7:18,20;8:4, 19,25;9:16,24 manually (1) 45:5 many (7) 11:18;13:18; 15:13;26:23;49:1,8,11 Map (1) 40:21 March (3) 5:11;6:12,25 marginal (1) 26:15 margins (1) 26:13 Maricopa (1) 49:6 Mark (2) 3:16;40:7 Martha (1) 40:7 matter (4) 7:21;18:23; 21:1;49:5 matters (3) 6:9;7:21; 11:2 may (5) 10:16;23:23; 26:1;34:25;49:25 Maybe (19) 3:10;7:21, 21,22;8:13,14;16:18; 18:22;23:15,20,25; 25:3;29:9;33:1,20; 34:14;35:3,5;48:24 McKenna (1) 7:8 McSally (1) 40:7 mean (24) 6:11;7:11; 8:1,19,20;9:10,11; 20:3;21:8;27:10;28:22; 29:5,6,10;30:11,17; 31:1,9;33:11;34:16; 35:8;36:1,1;39:3 meaningful (1) 26:17 means (4) 7:25;12:10, 20;31:20 media (3) 37:6,19;41:8 meet (1) 26:2 meeting (15) 3:5,7,22; 4:3;10:24;11:15;20:23; 26:6;28:20;33:3,22,22; 47:20;50:17;51:9 meetings (2) 26:8;48:5 member (2) 47:13; 49:23 members (4) 25:21; 32:17;47:15;48:8 mention (2) 10:4;14:4 mentioned (4) 15:1; 24:9;48:7,23 mentioning (1) 47:24 Mesa (1) 39:8 met (1) 12:22 Meyer (17) 3:11,14,15; 4:8,11,14,15;19:22; 23:10,11;25:8;29:7; 46:25;47:1;50:16,24, 25 Meyer's (2) 24:20;29:1</p> | <p>midst (1) 11:4 midterms (1) 43:24 might (10) 13:25;20:8, 8;21:2,3;22:21;27:22; 28:10,11,12 Mike (10) 23:15;24:2, 19;25:9,25;26:4;34:14, 21;36:4;46:1 million (4) 38:7,8; 41:17;42:9 minutes (3) 3:22;4:3,23 misinformation (2) 39:19,23 mission (1) 13:19 mistake (2) 7:3;45:1 mistaken (4) 7:13; 11:12,12,13 mitigating (1) 12:21 model (1) 40:16 modification (1) 27:2 money (1) 14:18 month (9) 10:14,20; 15:1;24:24,24;26:2; 33:4;39:5;51:10 moratorium (3) 10:5,7, 22 more (25) 7:18;10:21; 11:9;12:25;16:23; 21:16,16;23:16;28:3, 10,12;29:18;30:10,13; 33:5,5,17;37:19;38:17, 17;39:6;40:8,11;42:9; 49:16 morning (5) 3:3,14; 7:14;35:24,25 most (9) 13:8;15:22; 25:14;26:13;27:18; 28:1,2,18;48:14 motion (13) 3:23;4:9; 46:6,11,21;50:4,5,7,11, 11,14,17,19 move (9) 3:20;4:2; 28:4;29:24;30:7;31:9; 34:9;35:12;50:3 movement (1) 26:24 moving (1) 47:13 much (6) 16:2;26:1; 34:12;44:17;45:25; 49:17 multi-faceted (1) 37:13 multiple (2) 25:7;39:20 mute (2) 3:13;49:15 myself (2) 32:18;49:15</p> | <p>21:13;31:8 necessary (1) 41:11 need (15) 7:15;10:16; 16:11;19:3;20:13;26:8; 28:17;29:17;31:10; 32:1;33:21;34:5;37:2; 41:9;44:3 needs (2) 35:7;48:19 negative (1) 48:9 Network (1) 10:18 nevertheless (2) 10:8; 12:3 new (2) 40:20;41:18 news (1) 8:13 next (3) 10:14,23;51:9 nice (3) 36:20;41:15; 47:17 Nobody (3) 31:4,4; 48:23 non-exempted (1) 10:10 non-partisan (1) 39:21 normally (2) 26:2;42:13 North (1) 27:17 notable (1) 39:6 note (2) 7:2;11:17 notice (1) 32:2 noticed (6) 20:11,23, 24;24:8,9,16 noting (1) 5:10 notwithstanding (2) 11:24;12:4 number (7) 5:10;11:7; 26:14;27:6;48:5,7; 49:10</p> |
| O | | | | |
| <p>objective (1) 12:20 obviously (14) 3:19; 5:11,21,24;6:1;13:3,5, 6;14:18;20:6;21:5; 25:6;36:2;47:20 occupation (1) 14:13 occurred (1) 37:16 off (6) 5:19;14:10; 15:15;16:13;17:14; 49:15 offering (1) 43:14 Office (13) 6:23;9:21; 10:4,11,20;12:13; 21:11,12;22:15,18; 23:2;35:5;44:22 offices (3) 42:5;43:24; 44:1 official (3) 31:21;32:13; 33:2 once (2) 26:2;27:1 one (24) 5:12;7:8;10:8; 11:13;12:2;14:7;20:2, 7;29:20;30:15,16,19; 39:7;40:4,8;41:3; 43:18;44:18;45:14;</p> | | | | |

| | | | | |
|---|--|--|--|--|
| 47:25;48:25;49:1,11,16 one-party (1) 42:17 ones (2) 13:24;39:6 online (1) 41:7 only (7) 15:2,6;28:23;36:1;37:21;41:16;42:16 op-ed (1) 13:21 open (5) 17:16,18;21:14;40:24;44:8 operations (1) 40:24 opinion (6) 7:6,7,17;8:25;9:2;25:19 opportunities (1) 39:10 oppose (2) 29:16;43:5 opposed (1) 26:16 opposes (1) 32:19 opposing (1) 31:18 opposite (1) 23:22 opposition (1) 30:9 option (1) 42:11 options (1) 37:25 order (5) 3:6,7;10:9;31:11;39:1 organizations (1) 6:6 others (1) 16:15 ought (4) 8:6;14:3;15:20;21:24 out (31) 6:2;7:16,24;8:14;10:20;11:2;15:5;18:6,8;22:19;23:20;28:17,25;29:16;31:12;33:2,14,24;34:22;35:5;38:9,11;40:16;41:17;42:3,6;45:7,10,15;46:7;48:16 outcome (2) 26:12;31:4 outreach (3) 37:6;38:2,24 outside (1) 21:9 over (7) 7:23;11:7;19:5;20:4;22:2;40:25;41:2 overtures (1) 35:4 own (2) 12:11;40:13 | 39:7 particularly (4) 13:24;14:2;15:10,23 partner (3) 7:10,11;38:19 partnering (1) 38:25 partnership (2) 39:8,12 party (1) 42:18 pass (2) 26:20;48:10 passed (4) 16:21;18:17;23:17;35:7 past (4) 10:6;21:17;31:23;41:11 PATON (23) 3:17,17;4:5,19,20;16:5,7;17:1;29:6;32:21,22,24;33:8,11;34:25;35:1,2,3;47:4,6,8;51:3,6 Paton's (2) 29:1;30:14 Paula (2) 36:4;46:1 pay (1) 12:17 paying (1) 11:21 PBS (1) 40:9 penalize (1) 14:25 penalizing (1) 18:12 penalties (2) 16:13;41:24 people (23) 8:3;9:17;11:18;12:9,14,21;14:6,7,25;15:4,16;16:13;18:8,9,11,11,14,15;38:15;40:11;41:4,20;48:4 per (2) 9:1;40:18 percent (7) 12:9;38:12;40:17;41:17,23;42:7;45:6 perfectly (2) 29:15;48:21 perhaps (2) 9:3;21:16 period (1) 12:3 person (2) 14:10;30:21 perspective (7) 10:25;11:25;12:1,7,11;30:6;31:7 persuade (1) 11:11 PEVL (6) 14:6;15:9,15;26:20;27:3,20 Phoenix (1) 5:12 pick (1) 28:18 picked (1) 5:18 picture (2) 18:25;38:5 piece (3) 11:13;28:8;46:7 pieces (2) 25:16;32:13 pipe (2) 19:11,14 place (6) 11:8;19:12;26:16;27:18;29:2;39:23 places (1) 26:17 plan (1) 43:15 platforms (1) 40:12 please (3) 3:9;8:11; | 13:6 pleased (1) 38:13 pleasure (2) 47:19;49:18 pm (1) 14:23 point (9) 9:8;21:10;22:10;24:5,21;26:5;29:1,7;35:8 pointed (2) 7:16,24 points (1) 23:14 policies (1) 21:24 policy (6) 12:7,10,20;13:1,2;25:22 political (1) 37:3 poor (1) 12:21 poorly (1) 35:10 position (8) 20:20;27:21;29:3;31:19,21;32:13;33:2,18 possible (7) 3:21;4:24;19:6;24:1,14;32:8;35:13 Possibly (1) 35:3 potential (2) 29:12;39:15 powder (1) 16:11 power (1) 43:9 PPE (1) 37:21 pragmatic (1) 33:5 predates (1) 27:8 preface (1) 36:2 preference (1) 22:24 preliminarily (1) 12:8 premise (1) 11:12 presence (1) 3:10 present (6) 3:15,16,17,19;35:15;39:10 presentation (2) 44:7;45:2 presented (1) 46:10 President (2) 25:13;36:22 presidential (2) 28:7,7 pretend (1) 29:10 pretty (4) 20:5;28:2;40:16;41:3 preview (1) 43:23 Primary (10) 15:9,13,14;37:21;38:7;41:1;42:4,14,16,19 principally (1) 9:22 principle (1) 21:21 print (1) 38:23 prior (5) 10:11,21;24:21;38:21;40:18 priority (1) 29:22 pro (1) 22:20 probably (5) 6:18;7:15;8:2;9:25;22:13 problem (4) 8:22;11:25;12:6;27:15 problematic (1) 25:4 problems (2) 15:12; | 31:13 procedure (1) 6:15 Procedures (9) 7:18,20;8:4,18,19,21,24;9:16,23 proceedings (1) 51:12 process (21) 9:17,23;10:23;16:16,22;19:2,24;20:1,10;22:10,11;29:8,9;30:25;37:3;38:14;39:3,20;41:5;43:16,20 procurement (1) 22:22 produced (1) 38:17 profile (1) 27:25 programs (1) 12:9 projects (1) 39:11 Prop (1) 42:25 properly (4) 24:8,9,16;45:3 proposal (1) 26:25 proposed (1) 25:20 Protection (1) 21:6 proud (1) 41:3 provide (5) 37:2,11,23;39:14,21 provided (1) 41:8 public (10) 10:23;12:12;20:6;37:1,2;42:2;47:14,15;48:8;49:23 publications (1) 39:16 pulled (1) 13:3 purported (1) 12:20 purports (1) 12:24 purpose (2) 36:7;43:9 purposes (1) 29:23 put (1) 14:11 putting (3) 6:1;36:4;46:1 | really (11) 6:5;9:9,13;10:3;11:16;12:23;18:20,24;35:11;36:5;47:23 realm (1) 28:1 reason (2) 22:5,19 reasonable (2) 29:15,19 reasoning (1) 15:7 recall (1) 11:18 receive (2) 40:9;42:13 received (2) 41:2;42:15 receptive (1) 20:22 recognize (1) 29:19 record (3) 3:10;24:11;36:11 recorders (2) 15:2,4 redistrict (1) 43:19 reforms (1) 43:11 regard (2) 18:21;33:10 regarding (2) 37:3,16 register (1) 15:2 registered (6) 15:4;18:12,15;33:15;38:3,4 registering (1) 41:9 registers (1) 49:2 registration (6) 15:5;37:15;48:10,25;49:3,9 registrations (1) 49:8 Regulatory (1) 10:12 related (3) 5:14;10:17;13:4 relevant (1) 40:22 remain (1) 11:7 Remove (1) 14:6 removed (1) 15:8 renew (1) 10:4 report (17) 4:25;5:1,6;13:9;14:13;28:19,20,21;35:14;36:13,14,21;44:7;45:6;46:6;47:12,12 reporting (1) 47:21 requested (1) 33:15 require (1) 49:2 required (2) 14:12;26:15 research (1) 29:13 reserves (1) 22:15 resolve (1) 42:21 respect (7) 18:21;21:4,18;26:5,10,18;29:21 response (5) 45:22;47:5;49:21,24;51:4 result (1) 10:16 revenue (2) 41:23,25 Review (2) 10:12;30:10 revived (1) 27:1 revoke (1) 28:6 Rick (2) 27:10,11 right (24) 3:3;4:10;6:21;10:14;11:22;17:16,16;18:24;19:1,3, |
| P | | Q | | qualify (2) 44:3,22 quick (1) 8:9 quickly (2) 6:8;10:3 quite (1) 13:4 |
| page (4) 34:23;40:2;41:18;44:18 pages (5) 39:20,22;44:21,23;45:10 pardon (1) 20:17 part (4) 34:19;38:1,16;45:1 participate (3) 29:24;38:14;43:16 participated (1) 42:5 participating (2) 42:7,23 participation (3) 37:3;38:12;42:8 particular (3) 7:17;31:4; | | R | | |
| | | | | races (1) 40:8 raised (3) 23:10;24:4;44:22 raising (1) 23:13 rate (1) 42:8 ratings (1) 40:9 reach (3) 8:14;10:19;38:17 read (1) 8:1 Real (4) 6:8;11:25;27:15;31:12 realize (1) 17:10 reallocate (2) 42:12,15 |

| | | | | |
|---|--|---|---|--|
| 4,5;22:16;28:24;30:2; 6;32:2;35:12;43:20,25; 46:8,21;49:25;50:23 Rights (1) 6:17 risk/reward (1) 30:19 risks (1) 30:11 Rivko (2) 47:16,17 road (1) 24:25 robust (1) 20:5 Roca (2) 7:11,13 role (1) 21:23 roll (4) 4:12;19:5; 46:22;50:20 rolling (2) 18:25,25 RTFs (1) 48:4 rule (1) 43:1 rulemaking (1) 42:24 rules (4) 10:5,16;12:2; 43:3 run (3) 7:25;8:22;14:1 rundown (1) 28:13 running (1) 28:25 run-off (1) 5:13 | session (4) 8:15;17:16, 19;19:23 several (2) 7:23;15:23 share (2) 23:25;36:13 shared (1) 48:19 Sharpie (1) 39:24 shed (1) 23:15 sheer (1) 27:6 shine (1) 23:23 short (2) 8:2;43:5 show (6) 5:7;14:9; 15:12,14;37:10;40:9 shown (2) 14:7;15:17 shut (1) 49:15 side (2) 14:5,21 Sign (1) 38:18 signature (1) 7:4 signed (2) 14:22;35:7 significant (1) 41:6 similar (1) 12:9 simply (1) 12:22 sine (1) 25:2 single (2) 5:12;30:21 situated (1) 24:23 sketchy (1) 22:22 small (2) 19:1,2 Snell (2) 7:11,13 snowball (3) 18:25; 19:2,4 social (2) 37:6;41:8 society (1) 18:7 solid (1) 8:23 solutions (1) 29:12 sometimes (4) 23:19; 31:16,23;32:17 soon (1) 5:6 Sorry (5) 5:8;8:8;17:4, 10;32:4 sort (1) 26:25 SOS (1) 45:3 Soto (1) 7:8 sought (1) 42:4 sounds (1) 18:5 source (1) 41:20 Spanish (1) 38:22 speak (5) 12:11;33:15; 45:21;48:5;49:23 Speaker (1) 36:23 speaking (1) 11:19 speaks (1) 5:24 special (3) 33:3,21; 49:7 specially (1) 41:11 specific (3) 20:21;22:6; 28:14 specificity (1) 10:21 Spencer (1) 7:10 sponsored (1) 40:6 spot (1) 28:17 staff (14) 21:3;30:5; 31:11,20;32:14,25; 33:12,16,20;34:6;35:4; 44:6;46:10;47:19 | stage (1) 19:12 standing (4) 10:15; 21:19,19;22:5 stands (1) 35:5 Star (1) 13:22 start (1) 30:7 starting (1) 3:11 state (8) 3:9;6:10,11, 22;7:9;19:21;40:22; 49:7 statement (2) 33:14; 38:5 statements (2) 38:10,13 states (1) 43:19 statewide (5) 8:24; 38:6;42:4;43:24;44:21 status (1) 48:18 statute (3) 8:16;18:17; 21:22 statutes (1) 18:19 stay (2) 37:4;39:2 staying (1) 43:16 step (1) 30:1 steps (1) 34:22 still (5) 5:19;6:9;17:24; 19:1;47:16 stop (2) 7:14;8:2 stops (1) 25:7 strategic (1) 31:3 strategy (1) 18:21 streamline (1) 41:4 strong (1) 33:14 study (1) 11:16 stuff (5) 20:9,22;28:9, 10;29:21 submitted (2) 36:22; 38:10 subset (1) 21:6 successful (1) 40:16 suggest (1) 10:9 sum (1) 21:2 summary (1) 42:3 superseding (1) 43:8 support (2) 25:16;43:10 supported (1) 25:21 supposed (2) 13:2;18:6 suppression (5) 18:5, 14;22:9;25:18;48:15 suppressive (1) 25:16 Supreme (3) 6:12,22; 7:7 surcharge (2) 11:24; 41:23 Sure (3) 8:11;14:2;45:4 surprised (2) 27:4; 48:12 switch (1) 42:16 switches (1) 12:23 system (4) 8:24;25:13; 33:15;48:4 | table (1) 36:24 tad (1) 24:23 talk (6) 5:5;6:6,7;19:20; 25:25;28:15 talked (3) 16:12;28:14; 30:5 talking (4) 18:22;19:24; 20:7;27:13 target (1) 15:11 team (1) 39:9 telephone (1) 17:15 telling (1) 21:23 terms (7) 6:5;11:11; 12:23;20:20;21:5;36:6; 40:18 Thanks (4) 16:25;33:7; 45:16;51:11 thinking (2) 23:19;33:9 third (3) 7:12;30:1;40:9 though (4) 11:6;19:11; 22:20;32:5 thought (5) 7:24;16:10; 24:7;25:13;47:24 three (2) 7:12;10:15 threshold (1) 14:16 throughout (1) 37:4 times (4) 7:12;24:7; 40:24;45:5 timewise (1) 24:25 TITLA (33) 17:3,5,7,8, 11,13,20,23;18:2;19:9, 16,18;20:2,16;21:20; 23:7;25:17;29:7;33:9, 19;34:1,3;46:11,13,14, 23,24;48:15;50:7,12, 13,21,22 Titla's (1) 50:17 together (5) 13:3; 18:22;33:23;36:5;46:2 told (2) 12:2;25:13 Tom (13) 5:3;8:7; 13:11;19:14;23:7,15; 24:2,7,19;25:9,25; 34:14;35:15 took (1) 45:7 topic (2) 39:18,25 track (2) 49:1,7 traction (2) 14:1;15:20 trade-off (1) 29:20 trade-offs (1) 26:11 train (1) 16:10 trainings (1) 39:15 transfer (1) 28:5 travesty (1) 25:20 trial (2) 6:19,20 tried (2) 13:18,24 truly (1) 38:20 Trump (1) 25:13 try (6) 8:15;16:17;19:3; 23:1;36:18;43:5 trying (11) 9:12;13:19; 21:2;28:22;29:11,12; 30:3,4,12;32:12;48:16 | tune (1) 40:12 tuning (1) 7:1 turn (1) 26:14 turned (2) 40:16;49:4 two (6) 5:13;13:7; 15:10;36:15;40:10; 42:21 two-part (1) 20:17 |
| S | | U | | |
| safely (1) 41:5 same (5) 8:20;11:8; 16:4;22:11;34:23 saw (5) 8:12;40:10; 41:6,15;42:7 saying (3) 27:17;31:12; 32:19 scenes (1) 33:17 scope (2) 9:9;22:16 screen (1) 36:13 se (1) 9:2 second (13) 4:7,8; 12:16,16;24:6;26:5; 46:16,18,21;50:13,14, 16,19 seconds (1) 36:15 Secretary (3) 6:22; 8:14;49:6 Secretary's (1) 9:21 Section (1) 6:16 secure (1) 25:15 security (3) 37:17; 39:19,22 seeing (1) 49:14 seem (2) 15:19;28:3 seems (5) 15:11;18:10, 12;27:1,17 Senate (4) 11:6;14:5; 36:22;40:6 send (1) 50:1 seniority (2) 3:11,12 sense (3) 20:18;32:20; 48:25 sent (1) 45:15 sentence (1) 11:20 sentences (1) 12:14 serious (1) 48:9 | | ultimately (2) 25:10; 35:6 understands (2) 31:7; 34:7 understood (1) 19:25 underway (1) 43:20 unfair (1) 14:25 unique (1) 49:3 unless (2) 13:10;34:10 unlikely (1) 23:18 unrolling (1) 19:5 up (14) 5:11,18;13:16; 14:9;15:13,14;19:11, 14;21:2;23:21;31:20; 34:13;36:14;45:21 update (3) 24:14; 43:21;45:5 updated (1) 45:3 updates (2) 34:15,16 upfront (1) 22:14 upon (1) 18:5 use (2) 12:10;14:6 users (2) 41:16,17 uses (1) 12:4 using (1) 48:4 USPS (1) 37:16 utilized (1) 41:1 Utilizing (1) 41:7 | | |
| | | V | | |
| | | valid (1) 49:10 value (1) 37:11 version (2) 38:18;46:7 versus (2) 6:13;9:13 veto (2) 22:2,4 VI (1) 50:3 video (1) 49:15 videos (1) 41:14 view (2) 12:22;13:1 viewers (1) 40:18 views (2) 41:2,13 violate (1) 6:16 virtual (1) 40:14 virtue (1) 21:1 voluntary (1) 38:13 vote (24) 4:12,14,21; 14:9;15:9,17,18,18; 18:8,9,11;21:1;26:16; 29:15;32:2,6,12;34:6; 41:10;46:23;47:7,9; 50:21;51:7 | | |
| | | T | | |

| | | | | |
|--|---|---|--|--|
| <p>voted (1) 4:22 voter (22) 5:17,22;7:19; 15:5;18:5,14;21:6; 22:8;25:18;37:1,5,12, 15;38:1,2,4,21;43:11, 14;48:14,25;49:8 Voters (19) 13:23;15:2, 8,24;18:13,18,18;35:9; 37:11,14,14,18;38:17; 39:19;41:7,8;43:14,21; 49:2 votes (2) 26:14;51:8 voting (21) 6:15,16; 9:17;13:5,20,20;14:8, 25;15:16;16:22;18:15, 19;25:14;37:15,17,25; 41:5;43:17;48:6,9,10 voting-related (1) 28:2 VPA (2) 12:1;29:23</p> | <p>15:25;30:7 works (3) 8:18;9:4; 39:22 workshops (1) 39:16 worried (2) 16:8,14 worth (2) 5:10;7:1 written (2) 4:23;18:19</p> | <p>24 (1) 26:25 2560 (1) 14:5 25th (1) 3:5 27,182 (1) 42:15 2723 (1) 14:12 28th (2) 3:22;4:3 2nd (2) 6:12,25</p> | | |
| W | Y | 3 | | |
| | <p>year (13) 9:22;10:9; 11:8;36:6,21;37:2,17, 22;40:6;41:11,25;43:4; 45:2 years (6) 7:23;20:5; 27:13;30:22;38:21; 40:10 yesterday (1) 13:22 youth (1) 37:14 YouTube (1) 41:14</p> | <p>3 (1) 12:9 306 (1) 42:25 32 (1) 42:6 37 (1) 42:5</p> | | |
| | | 4 | | |
| | | 40 (1) 42:22 400,000 (1) 41:2 | | |
| | | 6 | | |
| | Z | 60 (1) 40:17 | | |
| <p>wait (1) 33:4 walk (1) 29:12 wants (5) 19:14,14; 25:8;28:16;48:17 watch (1) 40:11 watching (2) 47:20,21 way (17) 14:19;15:22, 22;21:16;22:22;24:20; 25:7,18,22;27:9;28:12, 18,21;30:20;31:22; 32:20;41:10 ways (3) 20:8,15;37:10 website (6) 5:16;39:17, 21;41:8,16;43:21 week (1) 11:4 weekly (1) 34:15 weeks (4) 24:24,25; 25:1,2 Welcome (2) 17:12,19 well-written (1) 47:25 what's (4) 9:13;18:19; 26:23;43:21 Whereupon (1) 51:12 wherever (1) 29:3 willing (1) 16:23 Wilmer (2) 7:12,13 wish (2) 47:14;49:23 within (3) 21:2;26:25; 28:1 without (2) 41:19;48:13 Women (2) 13:22; 15:24 Wonderful (3) 35:22; 44:9;48:11 wonky (1) 8:5 word (1) 12:4 words (1) 9:15 work (11) 10:10;11:3, 20;12:13,14,15;14:20; 16:13;23:1;39:10;49:6 working (3) 11:17;</p> | <p>zero (3) 4:22;47:11; 51:8</p> | 7 | | |
| | 1 | 7:00 (1) 14:23 750,000 (1) 40:11 | | |
| | <p>1.2 (1) 41:17 10 (2) 26:21;41:23 10:40 (1) 51:13 100 (1) 45:6 1003 (1) 14:21 12 (1) 44:18 1358 (1) 15:1 148 (1) 38:11 1485 (1) 15:8 15 (1) 8:21 151 (2) 38:11;42:6 169 (2) 26:22;38:10 170 (1) 40:25 173 (2) 38:9;42:3</p> | 9 | | |
| | | <p>9:32 (1) 3:6 90-minute (1) 40:12 97 (1) 38:11 98 (1) 38:11 99 (2) 41:17,17</p> | | |
| | 2 | | | |
| | <p>2 (2) 6:16;12:8 2.2 (2) 38:7,8 2.8 (1) 42:9 2000 (1) 27:9 200-word (1) 38:5 2014 (1) 5:2 2016 (1) 10:18 2018 (1) 45:2 2019 (1) 42:24 2020 (14) 27:8;35:14; 36:6,13;37:4,7,7; 39:18;41:15;42:8,13, 20;43:2;47:12 2021 (4) 3:5,22;4:4; 43:13 2022 (1) 43:23 21 (1) 42:7 2110 (3) 5:2;11:10,19</p> | | | |

**CITIZENS CLEAN ELECTIONS COMMISSION
EXECUTIVE DIRECTOR REPORT
March 25, 2021**

Announcements:

The next consolidated election day is May 18th. Staff is working with the counties to identify the local jurisdictions conducting an election and updating the website. Key dates are:

Voter Registration Deadline: April 19, 2021

Early Voting Begins: April 21, 2021

Voter Education:

- Avery presented virtually to the One N Ten Youth Advisory council, which serves LGBTQ+ youth and young adults, and led a discussion on civic participation and Clean election resources on March 6th.
- Avery continues his role on the Mesa Community College Civic Action team as a resource for election and voter information.
- Avery continues to participate in the Arizona African American Legislative Committee (AAALC) on the Youth Committee.
- Avery meets weekly with the CE2 (Civic Education + Civic Engagement) Educator Conference planning committee.
- Gina and Avery have been invited to create a session for the CE2 Educator Conference that is scheduled for April 24, 2021.
- Avery met with Cameron Adams and Sahara Sajjadi, President and Vice President of the Arizona State University Young Democrats Club on March 22nd.
- Avery attended a virtual meeting for the Opportunities For Youth on strategic planning on March 22nd.
- Avery and Gina attended the Arizona Disability Voter Coalition meeting to prepare for the 2022 election on March 22nd.
- Avery met with the Arizona State University College Republicans student officer Joseph Pitts on March 24th.
- Gina participated in the monthly Statewide Election Security meeting, hosted by the Secretary of State's Office.
- Staff launched a new webpage about redistricting and how it intersects with voting.
- Commissioner Meyer, Avery and Gina will present to students in the Discover Your Future Program with Future for Kids at the Arizona Conservatory for Arts and Academics on April 1st.
- As a part of our quantitative research efforts, we will launch an online voter survey March 29 – April 12.

Administration:

- In order to reduce exposure to COVID-19, staff continues to practice social distancing, CDC recommendations, wear masks and electronic changes have been implemented to reduce incoming traffic. Virtual connection will be the continued way to do business in the future.

Miscellaneous

- **Outstanding legal matters**
 - Legacy Foundation Action Fund
 - Awaiting decision
 - Election cases involving Arizona including
 - Brnovich v. DNC—Argument was held March 2, a decision is not expected until May or June. At issue is a divided 9th Circuit en banc court of appeals decision determining that Arizona's bar on out of precinct voting and on ballot collection are violation of Sec. 2 of the Voting Rights Act.
- **Appointments**
 - No additional information at this time.
- **Enforcement**
 - MUR 20-01, Starzyk, closed
 - MUR 20-02, Parra, closed
 - MUR 20-03, Ariz. Educ Ass'n, pending
 - MUR 20-04, Sloan, pending
 - MUR 20-05, Starzyk 2, closed (see attachment)

Regulatory Agenda

The Governor's Office recently renewed their moratorium on rules. The Commission remains exempt but is encouraged to seek work with the Governor's prior to making new rules. We have been engaged in outreach with the Governor's Office and GRRC. I want to thank Nicole Colyer, the assistant general counsel to Governor Ducey for her communication on these issues.

- R2-20-101, definitions, for compliance with Arizona Advocacy Network v. State – This Agenda
- R2-20-109, independent expenditures, for compliance with Arizona Advocacy Network v. State- This Agenda

We also resolved to issues consistent with the existing regulatory framework.

We worked with the SOS office to ensure both offices are consistent on their view on the 20 percent reduction in state contribution limits on non-participating candidates. Thank you to Kori Lorick, JD, Election Services and Compliance Manager for the SOS office for her assistance.

We have been asked by a staff member for Corporation Commissioner Justin Olson whether if a corporation commission candidate included language on their own paper form indicating compliance with new corporation commission ethical rules would be an issue. Our current rules regarding review of individualized paper forms is consistent with this kind of addition, so no policy or rule change is necessary.

| Bill | Sponsor | Assigned to | What it does | Direct effect on CCEC | Status | Notes |
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| HB2014:GRRC; petition to request review | Rep. Biasiucci(R) | House: Government & Elections, Rules. Senate: Government and 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 that GRRC review Clean Elections adopted rules, policy statements, or final rules. | Passed Government & Elections 7-6. Passed House Rules 5-3. Passed House Floor 31-28. Transmitted to Senate on 2/5. Passed Senate Government 5-3. | Last year passed Reg. Affairs 4-3, Passed Rules 5-3, Passed the Floor 33-27, and was transmitted to Senate. House Rules attorney did suggest adding a Prop 105 clause. |
| HB2039:elections; hand counts; five percent | Rep. Griffin (R) | House: Government & Elections, Rules. Senate: Government and Rules. | The number of precincts in each county that must be randomly selected for a hand count after each election is increased to five percent of the precincts in the county or five precincts, whichever is greater, from two percent or two precincts. Voting centers are deemed to be a precinct for the purposes of the hand counts. S/E introduced, adds a provision that it is 5% or a number to produce a statistical significance of 99% in the accuracy of the count. | None | Passed Government & Elections 7-6. Passed House Rules 8-0. Passed House Floor 31-29. Transmitted to Senate on 3/5. | |
| HB2054: voter registration database; death records | Rep. Kaiser (R) | House: Government & Elections, Rules | Requires rather than suggests the Secretary of State (SOS) to compare the death records with the statewide voter registration database annually. | None. | Passed Government & Elections 8-5. Passed House Rules. Passed House 58-1. Referred to Senate on 2/18. Passed Senate Government 8-0. Passed Senate Rules. Passed Senate Floor 30-0. Signed by Governor on 3/18. | |
| HB2073: records; confidentiality; eligible individuals | Rep. Pratt (R) | House: Judiciary, Rules | For the purpose of statute allowing eligible persons to file an affidavit to request county officers and state agencies prohibit access to that person's information contained in certain public records, the definition of "eligible person" is expanded to include former county attorneys, former municipal prosecutors, former attorneys general, former U.S. Attorneys, commissioners of the municipal court, hearing officers appointed for civil traffic violations, and members of the Commission on Appellate Court Appointments. Persons whose residential address is protected from public disclosure are not required to disclose their address when making campaign contributions and are instead required to provide an alternate mailing address. | None. | Passed Judiciary 10-0. Passed Rules 8-0. Passed House 59-0. Referred to Senate on 2/18. Passed Senate Judiciary 8-0. Passed Senate Rules. Passed Senate Floor 29-1-3. Transmitted to Governor on 3/18. | |
| HB2088: technical correction; ballot; presidential candidates | Rep. Bolick (R) | | Minor change in Title 16 (Elections) related to presentation of presidential candidates on the ballot. | | | Possible Striker |
| HB2110: civil penalties; traffic; mitigation; restitution | Rep. Biasiucci(R) | House: Transportation, Rules. Senate: Transportation and Technology, Rules. | If a "monetary obligation" (defined) is imposed on a person at sentencing, the court is authorized to order the person to perform community restitution in lieu of the payment of the monetary obligation. The court is required to credit any community restitution performed at a rate of \$12 per hour. | Waiving civil penalties would directly effect CCEC funding. | House: Passed Transportation 6-2-1 (present)-3(absent). Passed House Rules 5-3. Passed House Floor 43-16 (did not get 3/4). Transmitted to Senate on 2/5. Passed Senate Transportation 5-3-1. | Except for fees under 12-116. House Rules attorney did not suggest a Prop 105 clause for this bill based on "formula argument". |
| HB2180: online content; publishers; liability; fee | Rep. Finchem (R) | House: Judiciary, Rules | A person engaged in the business of allowing online users to upload publicly accessible content on the internet and that exercises a level of "control" (defined) over the uploaded content for politically biased reasons is deemed to be a "publisher" (defined as a person that curates and distributes content on the internet) and to not be a "platform" (defined as a person that enables the content and distribution of information on the internet), and is liable for damages suffered by an online user because of the person's actions. The Attorney General or the online user who claims to have suffered the damages may bring an action to recover the damages. Does not apply to pornographic or libelous content or content that advocates or promotes violence toward a person or group of persons. A publisher is required to pay to the Attorney General an annual fee as determined by the Attorney General for each online user in Arizona that is authorized to upload publicly accessible content to the publisher's interactive computer service. The Attorney General is required to deposit the fees in the Antitrust Enforcement Revolving Fund. | The intent seems to be geared toward social media and we expect it to be implemented as such but it is one to keep an eye on to see how it actually gets implemented. | | |
| HB2181: write-ins; residency; filing deadline | Rep. Kavanaugh (R) | House: Government & Elections, Rules. Senate: Government and Rules. | Would require write-in candidates be a resident of the filing location for 120 days before the date of the Election. Change nonation filing to 76 days before, instead of 14 days. Amended to allow the early ballot tallying to begin once affidavit is processed and delivered to early election board. | Change in candidate training information. | Passed Government and Elections 13-0. Passed House Rules 8-0. Passed House 57-0. Transmitted to Senate on 2/25. | |
| HB2265: rulemaking; expedited process; rule expiration | Rep. Kavanaugh (R) | House: Government & Elections, Rules. Senate: Government, Rules. | A state agency that seeks to expire a rule or rules is authorized to file a notice of intent to expire with the Governor's Regulatory Review Council (GRRC). GRRC is required to place the notice on the agenda for the next scheduled meeting for consideration. If a quorum of GRRC approves the notice, GRRC is required to cause a notice of rule expiration to be prepared and provide the notice of rule expiration to the agency for filing with the Secretary of State. | Would allow for an expedited process of striking a rule. | Passed Government and Elections 13-0. Passed Rules 8-0. Passed House 60-0. Referred to Senate on 2/18. Passed Government 7-0-1. | |

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| HB2302: election lawsuits; settlements; approvals | Rep. Blackman (R) | House: Government & Elections, Rules. Senate: Government, Rules | If a proposed settlement of an election-related civil action by the Secretary of State materially affects a county recorder, the Secretary of State cannot settle or otherwise compromise that civil action without consulting the county recorder. A county recorder is authorized to object to the settlement based on the difficulty or impracticability of its requirements, and is authorized to demonstrate or otherwise provide evidence regarding that difficulty or impracticability. If the county recorder's evidence is sufficient, the Secretary of State's settlement cannot be approved without the consent of the county recorder. A county recorder is authorized to join in any election-related civil action that materially affects the county recorder. | Geared toward the Secretary of State however one provision of the bill states, "A county recorder is authorized to join in any election-related civil action that materially affects the county recorder". | Passed Government and Elections 7-6. Passed Rules 8-0. Passed Floor 31-29. Transmitted to Senate 3/5. | |
| HB2307: voting equipment; overvote notice | Rep. Kavanaugh (R) | House: Government & Elections, Rules. Senate: Government, Rules. | County Board of Supervisors must provide signage that if a voter is to cast an overvote or any other irregularity, the vote for that office will not count. | This is just not true, if the machine had an error reading the ballot or spit it out, it would be sent to the bi-partisan election board where they would try and identify voter intent. If they could not create a duplicate ballot, in this instance, the vote would not count. | Passed Government and Elections 12-0-0-1. Passed Rules 8-0. Passed House 52-0-8. Transmitted to Senate on 3/1. | |
| HB2308: recall petitions and elections; revisions | Rep. Kavanaugh (R) | House: Government & Elections, Rules. Senate: Government, Rules. | Numerous changes to statute relating to recall petitions and signature gathering. | None. | Passed Government and Elections 7-5-0-1. Passed Rules 8-0. Passed House 31-28. Transmitted to Senate 3/4. | |
| HB2314: presidential electors; ballots | Rep. Kavanaugh (R) | House: Government & Elections, Rules. Senate: Government and Rules. | Names of presidential electors may (not required now) to be printed on the ballot. | None. | Passed Government and Elections 13-0. Passed Rules 8-0. Passed House 52-6-2. Transmitted to Senate 2/25. | |
| HB2342: recalls; city elections; signatures required | Rep. Salman (D) | House: Government & Elections, Rules | For an officer elected at a nonpartisan election, the "last preceding general election" for the purpose of calculating the number of signatures required on a recall petition is the last preceding election at which the public officer who is the subject of the recall was declared elected. | None. | Passed Government and Elections 12-1. Passed Rules 8-0. | |
| HB2343: voting centers; board of supervisors | Rep. Salman (D) | House: Government & Elections, Rules | Only on a specific resolution of the county board of supervisors, the board is permitted to authorize the use of additional types of voting locations by using voting centers and early voting drop-off centers. A voting center is deemed to be a polling place on election day, and may be used as an early voting location. When an election is ordered and voting centers are used, the county board of supervisors is required to appoint a voting center election board for each voting center consisting of at least one inspector, one marshal and as many judges or clerks as needed. Requires there to be an equal number of inspectors in the various voting centers in the county who are members of the two largest political parties. The board may also appoint a minor, at least 16 to serve as Clerk of Elections. Schools cannot penalize a student for missing class due to serving as Clerk of Elections. County recorders are authorized to make changes to the approved early voting locations and are required to notify the public as soon as practicable. Also, change "one central location" for replacement ballots to "one or more locations". | Updates to voter education. Possible outreach to let kids know they can be hired for this position. Sounds like a nice opportunity to get involved. | | |
| HB2344: early voting; weekend hours | Rep. Salman (D) | House: Government & Elections, Rules | On-site early voting locations, including the locations at the county recorder's office, are required to be open until 7:00PM on the Saturday, Sunday and Monday immediately preceding election day. | Voter Ed. changes to reflect change in early emergency voting. | | |
| HB2345: early ballot collection; limitations; repeal | Rep. Salman (D) | House: Government & Elections, Rules | Would no longer be a class (6) felony to knowingly collect voted or unvoted early ballots. | Small update to website. | | |
| HB2358: voter registration update; address change | Rep. Kavanaugh (R) | House: Government & Elections, Rules | By May 1 of each year, the County Recorder shall use the National Change of Address system from USPS to remove voters who have moved out of the County or State. They are also no longer required to provide information to the voter on how to continue to be eligible to vote. | None. | Held in Government and Elections. | |
| HB2359: election equipment; access; locks | Rep. Kavanaugh (R) | House: Government & Elections, Rules. Senate: Government, Rules. | For a voting machine; any open plug, port, access port will be locked with a tamper proof device. | None. | Passed Government and Elections 13-0. Passed House Rules 8-0. Pass House Floor 52-0-8. Transmitted to Senate on 3/1. | |
| HB2360: driver license voter registrations; committee | Rep. Kavanaugh (R) | House: Government & Elections, Rules. Senate: Government, Rules. | The Secretary of State is required to operate and maintain the driver license voter registration system in conjunction with a committee of county recorders that is selected by a statewide county recorder membership group. | None. | Passed Government and Elections 13-0. Passed House Rules 8-0. Pass House Floor 52-0-8. Transmitted to Senate on 3/1. Passed Senate Government 7-0-1. | |
| HB2361: write-ins; early ballots; processing | Rep. Kavanaugh (R) | House: Government & Elections, Rules | The deadline for filing a nomination paper to be a write-in candidate is moved to 5PM on the 76th day before the election, from 5PM on the 40th day before the election. Tallying of early ballots is permitted to begin immediately after the envelope and completed affidavit are processed and delivered to the early election board, and the prohibition on early ballots being tallied any early than 14 days before election day is deleted. | Slight update to candidate training regarding nomination papers for write-ins. | Held in Government and Elections. | |

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| HB2362: elections; ballot privacy folders | Rep.Kavanaugh (R) | House: Government & Elections, Rules. Senate: Government, Rules. | A voter is to be given a privacy envelope along with their ballot when voting. | None. | Passed Government and Elections 13-0. Passed House Rules 8-0. Passed House 47-11-2. Transmitted to Senate on 2/25. Passed Senate Government 4-3-1. | Amended in committee. |
| HB2363: municipal election officers; certification training | Rep. Kavanaugh (R) | House: Government & Elections, Rules. Senate Government, Rules. | For municipal employees who work on elections, the municipality is authorized to train its own employees if the municipal training program is approved by the Secretary of State. | None. | Passed Government and Elections 13-0. Passed House Rules 8-0. Passed House Floor 58-0-2. Transmitted to Senate 2/25. Passed Senate Government 6-1-1. | |
| HB2364: election pamphlet submittals; identification required | Rep.Kavanaugh (R) | House: Government & Elections, Rules. Senate Government, Rules. | Arguments in favor of or against a ballot measure, which are printed in the informational pamphlet, must contain a sworn, notarized statement of the person submitting it. If the argument is submitted by an organization, it must contain the sworn statement of two executive officers of the organization. The names of persons and entities submitting written arguments is required to be included in the informational pamphlet. Persons signing the argument must identify themselves by giving their residence address and telephone number, which cannot appear in the pamphlet. Any argument submitted that does not comply with these requirements cannot be included in the pamphlet. | None. | Passed Government and Elections 13-0. Passed House Rules 8-0. Passed House Floor 54-4-2. Transmitted to Senate on 2/25. Passed Senate Government 6-0-2. | |
| HB2369:early ballots; notarization; identification | Rep. Payne (R) | House: Government & Elections, Rules | Requires a voter's signature on an early ballot return envelope to be notarized. The voter is required to present identification to the election board worker when dropping off an early ballot as required for in-person voting. A family member and a household member are removed from the list of persons authorized to collect an early ballot on behalf of a voter. | Update to voter education regarding early ballots. | | |
| HB2370: permanent early voting list; repeal | Rep. Payne (R) | | Repeals the PEVL. | Update to voter education regarding early voting. | | Would require that you request an early ballot for each election. |
| HB2371: hand count; voting centers; total | Rep. Payne (R) | House: Government & Elections, Rules | For a county that uses voting centers, at least two percent of the total number of ballots cast in the county must be randomly selected for a hand count after each election, from a pool consisting of at least two percent of the voting centers or two voting centers, whichever is greater. Voting centers are deemed to be a precinct for the purposes of the hand counts. | None. | | |
| HB2373: voter registration groups; forms; identifiers | Rep. Dunn (R) | House: Government & Elections, Rules. Senate: Government, Rules. | Any person or group that request 10 or more voter registration forms from the County must put their unique identifier on said form collected or distributed by them. S/E ups count from 10 to 25 forms. | We would likely need to add the Clean Elections symbol to voter registration forms (stamp, printed). | Passed Government and Elections 7-6. Passed House Rules 8-0. Passed 31-28. Transmitted to Senate 3/4. | |
| HB2378: ranked choice voting; presidential preference | Rep.Dunn (R) | House: Government & Elections, Rules | Notwithstanding any other statute, the PPE shall be conducted by ranked choice voting when 3 or more candidates qualify for a political party's ballot. Establishes requirements for how to conduct tabulation. The SoS shall conduct a voter education outreach campaign to familiarize electors with ranked choice voting. | Would require an update to voter education and likely a joint campaign with the SoS's office. | Held in Government and Elections. | "Election threshold" means the number of votes that are sufficient for a candidate to be elected in a multi-winner contest which is determined by calculating the total votes to be counted for active candidates in the first round of tabulation, dividing by the sum of one plus the number of offices to be filled, then adding one, disregarding any fractions. |
| HB2426:presidential electors; congressional districts; at-large | Rep. Carrol (R) | House: Government & Elections, Rules | Would change Arizona from a winner take all state to a state who casts their Electoral College votes by Congressional District. The 2 remaining votes would voted on by the Legislature. If a tie vote occurs, the remaing electors would be split among the respective candidates. | Update to voter education, specifically how the Electoral College would function in Arizona. | | |
| HB2430:publicity pamphlet; submittal dates | Rep. Bolick (R) | House: Government & Elections, Rules. Senate: Government, Rules. | Emergency clause to change arguments for publicity pamphlet dates. Legislative Council has till 30 days before the primary to submit analysis instead of 60 days, a person filing has till 27 days before the primary instead of 48 days. | None. | Passed Government and Elections 12-0-0-1. Passed Rules 8-0. Passed House Floor 57-1-2. Transmitted to Senate on 2/25. | |
| HB2444: judges; election; technical correction | Rep. Nutt (R) | | Technical change. Apparent striker. | None | | |
| HB2468:elections; special districts; technical correction | Rep. Barton (R) | | Technical change. Apparent striker. | None. | | |
| HB2469: mail ballot elections; techinal correction | Rep. Barton (R) | | PDF links to HB2468, not HB2469. However, it is likely another striker bill. | None. | | |
| HB2529: early ballots; address; return S/E; address; return; early ballots | Rep. Dunn (R) | House: Government & Elections, Rules | Early ballots shall have a "return to sender" marking for those who receive a ballot by mail for someone who does not reside at that address. S/E The officer charged by law with the duty of preparing ballots at any election is required to ensure that early ballots are sent in envelopes that state substantially the following" If the addressee does not reside at this address, mark the unopened envelope "return to sender" and deposit it in the U.S. mail. | None. | Passed Government and Elections 13-0. Passed Rules 8-0. Passed House Floor 57-2-1. Transmitted to Senate 3/4. | |
| HB2560: removal; permanent early voting list | Rep. Dunn (R) | House: Government & Elections, Rules | If a voter fails to vote using an early ballot in a General Election, they shall be removed from the PEVL. | Would require an update to voter education. | | The way it is written, even if someone chooses to vote in person on Election Day, they would still be removed from PEVL. |
| HB2569: elections; private funding; prohibition | Rep. Hoffman (R) | House: Government & Elections, Rules. Senate: Government, Rules. | Notwithstanding any other law, the state, city, town, county, school district, or other public body that conducts or administers elections may not receive or expend private monies for preparing for administering or conducting an election, including registering voters. | None. | Passed Government and Elections 7-6. Passed House Rules 8-0. Passed House Floor 31-29. Transmitted on 3/5. Passed Government 5-3. | Would allow for only appropriated money to be spent on administering elections. |

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| HB2613: ballots measure amendments | Rep. Salman (D) | House: Government & Elections, Rules | Would allow for a person or organization to submit the proposed description for an initiative petition or referendum petition to the Attorney General for determination of whether or not the description is lawful and sufficient. AG has 10 days to approve or reject. If rejected must provide reasoning. If accepted, those wishing to challenge the description have 10 days. | None. | | In response to lawsuits filed against Prop 208's description not being sufficient. |
| HB2616: election data; legislative review authority | Rep. Biasiucci(R) | House: Government & Elections, Rules | After tabulation but before the official canvass, the county recorder and county board of supervisors shall provide to designated representatives of the legislature access to or copies of election data, including results and other election records, equipment, systems and facilities. On written request, the Speaker of the House or the Senate President shall receive access as described above whether in session or not. | None. | | Copy of SB1444. |
| HB2686: candidate signs; prohibition; primary | 0 | House: Government & Elections, Rules | Extends the period in which signs cannot be altered with from 45 days before the Primary to 150 days before the General Election which would work out to approximately 65 days before the Primary. | None. | | |
| HB2701: polling places; identification; early voting | Rep. Fillmore (R) | House: Government & Elections, Rules | Will require a 3/4 vote. Makes substantive changes to voting in Arizona. The list of acceptable ID's for registration is expanded to include a ID card issued by the Government. Limits all of the secondary ID's that are allowable when voting in person. A qualified elector may only vote by mail if they are physically unable to vote in person, exceptions for military, nursing homes, and those with physical disabilities. Also, provides limits on the number of vote centers allowed in a county based on population. Changes documents to obtain a driver license; proof of identity via passport or birth certificate, proof of social security number (social or W-2), proof of residency via 2 forms such as a utility bill or bank statement. | Update to voter education/website. | | |
| HB2708: voting rights; felonies; automatic restoration | Rep. Espinoza (D) | House: Government & Elections, Criminal Justice Reform, Rules | Upon absolute discharge from either prison or probation would have their voting rights automatically restored. | Update to website information. | | |
| HB2720: ballots; election contests; certificates | Rep. Bolick (R) | | The County Recorder must maintain a count of all ballots produced and post this information 1 day after the election. Keep a digitized image of duplicated ballots as public record. Increases access for observers and states that the live feed must clearly display ballots being counted and the screens used by the electronic adjudication board. If a live feed goes out, a County Recorder and the Board of Supervisors be deemed ineligible for reelection and would be barred from public office for 10 years. Also, with a majority vote the Legislature would have authority over certification of the election and could revoke the decision whether in session or not. Would allow any party to request a jury trial which shall be granted. A court may not grant a motion to dismiss or a motion for summary judgement until after the jury has issued its verdict. Would also allow for the inspection of tabulation equipment pre trial from either party. | None. | | Several of these provisions I believe would require majority support as constitutional rights such as; right to a private ballot, and being able to have full authority over the states presidential electors are a large cause for concern. |
| HB2722: emergency voting; manual; photographs; electioneering | Rep. Bolick (R) | House: Government & Elections, Rules | Statute takes precedent over elections manual if there are conflicting provisions. Involves the Leg in making any changes to the election manual and in picking tabulation personnel. Allows video and photography within the 75 foot limit if it is ones own ballot. Strikes provision for vote centers. Requires board of supervisors to approve any and all emergency voting locations. | None. | | |
| HB2723: campaign finance; reports; contribution amount | Rep. Kavanaugh (R) | House: Government & Elections, Rules. Senate: Government, Rules. | Changes reporting for aggregate contributions from \$50 to \$200. Amedned to an increase to \$100 from \$200. | Candidates would no longer be required to report details such as name, address, occupation, employer for donations less than \$100. | Passed Government and Elections 7-6. Passed House Rules 8-0. Passed House Floor 32-27-1. Transmitted to Senate on 3/4. | |
| HB2736: presidential preference election; independent voters | Rep. Pawlik (D) | House: Government & Elections, Rules | Would allow Independents to participate in the PPE. | Voter education efforts | | |
| HB2750: automatic voter registration; same day | Rep. Teran (D) | House: Government & Elections, Rules | Automatic registration on and up to Election day plus automatic registration upon driver license or ID renewal/issuing. | Update to website information regarding registering to vote. | | |
| HB2782: clean elections; county candidates | Rep. Powers Hannley (D) | House: Government & Elections, Rules | Clean Elections would now provide funding for races at the County level to included; bounty board of supervisors, county assessor, county attorney, county recorder, county school superintendent, county sheriff, and county treasurer. Lays out funding amounts and requires 200 \$5 dollar contributions to qualify for all county offices. | Yes, we would need to provide funding and training to candidates for County positions. | | |
| HB2783: campaign finance; contribution limits | Rep. Powers Hannley (D) | House: Government & Elections, Rules | Lowers contribution amounts for candidates across the board. Strikes partnership contributions for monies in the name of the partnership and that they now shall be attributed to each contributing party as designated by the partnership. | Would make Clean Elections a more competitive option for candidates. | | |

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| HB2792: early ballots; request required | Rep. Hoffman (R) | House: Government & Elections, Rules. Senate: Government, Rules. | Except for a voter who is on the permanent early voting list, a voter who requests a one-time early ballot, or for an all mail-ballot election, a county recorder, municipal clerk or other election officer is prohibited from delivering or mailing an early ballot to a person who has not requested an early ballot for that election. An election officer who knowingly violates this prohibition is guilty of a class 5 (second lowest) felony. | None. | Passed Government and Elections 7-5. Passed House Rules 8-0. Passed House Floor 31-28. Transmitted to Senate 3/4. | |
| HB2793:voter registration; request required | Rep. Hoffman (R) | House: Government & Elections, Rules. Senate: Government, Rules. | Any agency or byproduct acting on its behalf may not register someone to vote unless they specifically request to do so. | I do not believe this effects any sort of registration drive, rather prevents "automatic voter registration" as the title of the provision would suggest. Would need to see how this bill is interpreted by state agencies. | Passed Government and Elections 7-6. Passed House Rules 8-0. Passed House Floor 31-28. Transmitted to Senate on 3/4. | |
| HB2794: election deadlines; modifications prohibited | Rep. Hoffman (R) | House: Government & Elections, Rules. Senate: Government, Rules. | Class 6 felony to change any date, deadline, filing date, or other election date related to Elections other than what is provided for in statute. | None. | Passed Government and Elections 7-6. Passed House Rules 8-0. Passed House Floor 31-29. Transmitted to Senate on 3/5. | |
| HB2797: election laws; revisions; appropriation | Rep. Salman (D) | House: Government & Elections, Appropriations, Rules | Automatic restoration of voting rights upon final discharge. Various election law changes; Automatic restoration of rights, allow for international observers, updating standards for e-pollbook, may skip signature verification if elector gets ballot at early voting location, county recorder shall register to vote someone who votes a provisional and is not registered, provisional ballots to have all the information required to register. The Secretary of State is required to establish a system to issue credentials to a limited number of international observers to observe elections in Arizona. Appropriates \$100,000 from the general fund in each of FY2021-22 and FY2022-23 to the Secretary of State to provide risk-limiting audit grants to officers in charge of elections to conduct risk-limiting audits. By March 31, 2022, the Secretary of State is required to report to the Joint Legislative Budget Committee on its plan for distributing these grants. For the 2022 general election, an officer in charge of elections is authorized to conduct a risk-limiting audit instead of a hand count audit. By March 31, 2023, the Secretary of State is required to report to Legislature on any findings and recommendations related to the use of risk-limiting audits. | Updates to voter information on website. | | Identical to Quezada's SB1667 except it adds the part about the SoS. |
| HB2798: early voting procedures; signature cards | Rep. Barton (R) | | 90 day notice before an election must be returned signed and with a copy of the voters drivers license or state ID in order to receive a ballot. If the information that the voter returns does not match the voter's records, the county recorder or officer in charge of elections is required to contact the voter to resolve the discrepancy. If the discrepancy is not resolved, the county recorder or other officer in charge of elections is prohibited from mailing the voter an early ballot and the voter must be removed from the permanent early voting list. The requirement for the county recorder or other officer in charge of elections to contact a voter with an inconsistent signature on an early ballot affidavit and allow the voter to correct the signature is deleted. | Update to voter information on website. | | |
| HB2799: voter registration rolls; electioneering | Rep. Barton (R) | House: Government and Elections, Rules | The Secretary of State is required to use the records of deaths transmitted by the Department of Health Services to establish a nonpublic database for use by county recorders to cancel the names of deceased persons from county voter registration databases. A legislative committee is required to have access to the records to confirm the process of cancellation of deceased voters. For the purpose of electioneering being prohibited within 75 feet of a polling place, the definition of "electioneering" is modified to include wearing, displaying or carrying an item that expresses support for or opposition to a candidate or ballot question that appears on the ballot in that election. | None. | | |

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| HB2800: elections; legislative session; procedures manual | Rep. Barton (R) | House: Government and Elections, Rules | Declares that the Legislature has absolute authority over elections. An election special session of the Legislature begins by operation of law on the date of the regular primary election and the regular general election and continues for at least three days following the election. During an election special session, the Legislature is authorized to conduct hearings and receive testimony, documents and other evidence as appropriate relating to any irregularities that occur during and after the election. The Legislature is authorized to vote to reject or confirm the preliminary results of the election. If confirmed, the Legislature is required to forward that confirmation to the county board of supervisors of the county examined by the Legislature. On rejection, the Legislature is required to forward its findings to the office of the Attorney General for possible civil or criminal action. Also, the official election instructions and procedures manual prepared by the Secretary of State is required to be approved by a vote of the Legislature, instead of by the Governor and the Attorney General. | Update to Election processes. | | | |
| HB2804: public meetings; executive session | Rep. Pingerelli (R) | House: Government & Elections, Rules. Senate: Government, Rules. | Requires a notice of executive session to also include the statutory reference to which the legal advice pertains, in the case of legal advice. | Would need to add this provision to our public meeting notices. | Passed Government and Elections 7-6. Passed House Rules 7-1. Passed House Floor 31-29. Transmitted to Senate on 3/5. | Concerns on predicting what may require legal advice in advance of a public meeting. | |
| HB2811: same day registration; prohibition | Rep. Hoffman (R) | House: Government & Elections, Rules. Senate: Government, Rules. | Any state agency, department, or division may not register someone to vote on Election Day and deem that individual eligible to vote in that Election. | None. | Passed Government and Elections 7-6. Passed House Rules 7-1. Passed House Floor 31-28. Transmitted to Senate on 3/5. | | |
| HB2826: elections; county canvass; legislative review | Rep. Roberts (R) | House: Government and Elections, Rules | The certified permanent copy of a county's official canvass for all offices and ballot measures is required to be delivered to the Legislature. On receipt of an official county canvass, the Legislature "under its plenary powers regarding elections" is authorized to call itself into session for the purpose of reviewing the official county canvass, certifying its results by majority vote and transmitting those results to the Secretary of State. | None. | | | |
| HB2869: election procedures; registrations; campaign finance | Rep. Salman (D) | House: Government and Elections, Rules | Numerous changes to statutes relating to Elections. Most notable; Automatic registration/updates of registration when providing proof of citizenship through ADOT to get/renew a license/state ID. Eliminates requirement for voter to live within the district for 29 days prior to registration. Each county must provide a registration clerk at each official polling place, vote center, or early voting site. Reduces PAC and individual contributions. Requires a 3/4 vote. | Various changes to voter information and outreach. | | | |
| HB2874: permanent early voting list; independents | Rep. Chavez (D) | House: Government and Elections, Rules | The application to be placed on the permanent early voting list is required to allow a voter who is not registered as a member of a recognized political party to designate which political party's ballot the voter wishes to receive automatically for partisan open primary elections. | Change to voter information. | | | |
| HB2875: voter registration; maintenance; early voting | Rep. Carrol (R) | House: Government and Elections, Rules | The election notice and form sent to voters on the permanent early voter list is required to include instructions to complete the form by confirming or updating the voter's voter registration information, providing the voter's voter identification card number, indicating whether the voter wishes to continue to receive an early ballot, signing the form and returning it to the county recorder. If the voter completes and returns the notice and form, the county recorder or other officer in charge of elections is required to examine the information and signature and compare it to the information on the voter registration rolls. If the voter does not complete the form and return the notice, the county recorder or other officer in charge of elections is required to send a second notice requesting the same information. If the second notice and form are not returned within 30 days after the second mailing, the county recorder or other officer in charge of elections is required to remove the voter from the permanent early voting list. | Update to voter information regarding PEVL. | | | |
| HB2881: election hand counts; verification committee | Rep. Blackman (R) | House: Government & Elections, Rules. Senate: Government, Rules. | The number of precincts in each county that must be randomly selected for a hand count after each election is increased to the number of precincts required to achieve a statistical significance consisting of a percentage confidence level as determined by the Vote Count Verification Committee with a margin of error as determined by the Committee that is to be based on the total number of ballots cast in that county, instead of two percent or two precincts. | None. | Passed Government and Elections 7-6. Passed House Rules 8-0. Passed House Floor 31-28. Transmitted to Senate on 3/5. | | |
| HCR2016: initiatives; supermajority vote requirement | Rep. Dunn (R) | House: Government & Elections, Rules. Senate: Government, Rules. | The 2022 general election ballot is to carry the question of whether to amend the state Constitution to require approval by 60 percent of the votes cast on the measure for an initiative or referendum measure to become law, instead of a majority of the votes cast. | None. | Passed Government and Elections 7-6. Passed House Rules 8-0. Passed House Floor 31-29. Transmitted to Senate on 3/5. | This bill would make it much harder to pass voter approved initiatives. For example, the Clean Elections Act passed with a 51.2% vote, under this amendment, it would not have passed. | |

| Bill | Sponsor | Assigned to | What it does | Direct effect on CCEC | Status | Notes |
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| HCR2020: lieutenant governor; joint candidacy | Rep. Nutt (R) | House: Government & Elections, Rules. Senate: Government, Rules. | The 2022 general election ballot is to carry the question of whether to amend the state Constitution to add a Lieutenant Governor to the executive department, which person is next in line to succeed to the office of Governor. No later than 100 days before the general election, unless the Legislature prescribes otherwise by statute, each nominee for the office of Governor is required to name a Lieutenant Governor nominee to run on a ticket as a joint candidate with that nominee for the office of Lieutenant Governor. The Lieutenant Governor's powers and duties are to supervise and direct the Department of Administration or its successor agency. Applies beginning with elections for the term of office that starts in 2027. | None. | Passed Government and Elections 7-5-1. Passed House Rules 8-0. Passed House Floor 45-14-1. Transmitted to Senate on 3/5. | |
| HCR2021: electoral college; supporting | Rep. Burges (R) | House: Government and Elections, Rules | That the Members of the Legislature support the Electoral College and oppose any effort to repeal or nullify it, including the National Popular Vote Interstate Compact. That the Members of the Legislature support the Governor and Attorney General of this state in any efforts to aggressively litigate against the National Popular Vote Interstate Compact should other states attempt to implement it. | None. | Passed Government and Elections 7-6. Passed House Rules 8-0. | |
| HCR2023: elections; state authority; infringement; opposition | Rep. Hoffman (R) | House: Government & Elections, Rules. Senate: Government, Rules. | The members of the Legislature oppose any attempt by the federal government to usurp, or otherwise interfere with, the state legislative sovereign authority over the management, control and administration of elections. The members of the Legislature oppose H.R. 1 and any subsequent enactment of the terms of this proposal and implore the members of the United States House of Representatives and the United States Senate to oppose the proposal. The Secretary of State is directed to transmit copies of this memorial to the President of the U. S. Senate, the Speaker of the U.S. House, each member of Congress from Arizona, and each Speaker of the House of Representatives and each President of the Senate of the other state legislatures. | None. | Passed Government and Elections 7-6. Passed House Rules 8-0. Passed House Floor 31-29. Transmitted to Senate on 3/4. Passed Senate Government 5-3. | |
| HCR2027: campaign finance; source disclosure | Rep. Hernandez (D) | House: Government and Elections, Rules | The 2022 general election ballot is to carry the question of whether to amend the state Constitution to require any person that makes campaign expenditures of more than \$10,000, or \$20,000 for statewide campaigns, in a two-year election cycle to promptly disclose the identity of all "original sources" of "major contributions" (both defined) used to fund that expenditure, and to grant the Citizens Clean Elections Commission the authority to establish penalties to enforce this requirement. Severability clause. If approved by the voters, the amendment applies to all elections occurring after January 1, 2024. | Would require that CCEC establish penalties for not reporting major contribution sources. | | |
| HCR2038: legislative session; county canvass | Rep. Roberts (R) | | The 2022 general election ballot is to carry the question of whether to amend the state Constitution to require the Legislature to hold an election special session to review the county canvasses for any general election for legislative or statewide office, including the office of presidential elector. The Legislature is authorized to hold hearings on the canvasses, receive evidence, hear witness testimony and approve or reject the county canvasses. On approval by the Legislature, the Legislature is required to certify the county canvasses and send the county canvasses to the Secretary of State. On rejection of one or more county canvasses, the Legislature is authorized to refer the matter to the Attorney General for further action. | Update to website on election processes. | | |
| SB1002: early voting envelopes; party affiliation | Sen. Ugenti-Rita (R) | Senate: Government, Rules. House: Government & Elections, Rules. | Ensure ballot return envelope does not indicate party affiliation. | None | Passed Government 7-0-1. Passed Rules. Passed Senate 20-9-1. Transmitted to House on 2/11. Passed House Government & Elections 8-5. Passed House Rules 7-0-1. Passed House 41-18. Signed by the Governor on 3/18. | |
| SB1003: early voting; signature required; notice | Sen. Ugenti-Rita (R) | Senate: Government, Rules. House: Government & Elections, Rules. | Ballots without signatures will not be counted, voter has until 7 p.m. Election Day to cure their signature. County will make the effort to contact the voter. | None. | Passed Government 5-3. Passed Rules. Passed Senate Floor 16-14. Transmitted to House 3/4. Passed House Government & elections 7-6. | |

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| SB1010: recount requests; amount; bond; procedure. S/E NOW: recounts; requests; procedures; audits | Sen. Mesnard (R) | Senate: Government, Rules, House: Government & Elections, Rules. | The number of precincts in each county that must be randomly selected for a hand count after each election is changed to five percent of the precincts in the county or the number of precincts as determined by the vote count verification committee that is required to achieve a statistical significance of a 99 percent confidence level with a margin of error of 1 percent based on the total number of ballots cast in that county on election day, whichever is greater, from two percent or two precincts. Voting centers are deemed to be a precinct for the purposes of the hand counts. For a county with a population of 800,000 persons or more (Maricopa and Pima), the chairmen of the political parties entitled to continued representation on the ballot or the chairmen's designees are required to randomly select for a manual audit either 10,000 early ballots or the number of early ballots required to achieve a statistical significance of a 99 percent confidence level with a margin of error of 2 percent based on the total number of early ballots cast in that county. Within 5 days after completion of the canvass, for any election that does not require an automatic recount, the Attorney General, the Secretary of State, or the Legislative Council is authorized to request a recount of the total number of votes cast in the election or at any precinct, voting center, jurisdiction, or any combination of those portions of an election. The expenses of the requested recount will be a state charge. Within 5 days after completion of the canvass, for any election that does not require an automatic recount, any person is authorized to file an action for a recount in any election that is not subject to an automatic recount if the person files a bond with the superior court in an amount determined by the court to be sufficient to fully reimburse the costs of conducting the recount. Recount request or filing provisions do not apply to elections for precinct committeemen, school boards, fire district boards or other special district boards | None | Passed Senate Government 5-3. Passed Rules. Passed Senate 16-14. Transmitted to House on 3/4. | We may want to lobby to add some limitations as to avoid lengthy elections. |
| SB1020: voting locations; electioneering | Sen. Ugenti-Rita (R) | Senate: Government, Rules | Counties are no longer allowed to restrict electioneering outside of a vote center or polling location based on emergency designation. | None | Passed Government 5-3. Passed Rules. | |
| SB1023: elections; county supervisors; ballots; markers | Sen. Townsend (R) | Senate: Government, Rules | Counties can not provide a marking pen that can damage, and/or bleed through. No specific pen may be required either. | Could require voter education efforts to inform voters that bringing their own pen will likely require it going straight to the duplication board. | | Depending on interpretation, could cause a lot of issues with vote machines not being able to read certain pens. |
| SB1025: elections; polls; override notification | Sen. Townsend (R) | Senate: Government, Rules, House: Government & Elections, Rules. | If a ballot is rejected due to an overvote or irregularity, election board official is required to advise the voter that if the voter chooses to override the overvoted office or measure, the voter's vote for that office or measure will not be tallied. | None. | Passed Senate Government 4-3-1. Passed Rules. Passed Senate 16-14. Transmitted to House on 2/24. | |
| SB1036: voting systems technology study committee | Sen. Townsend (R) | Senate: Government, Rules | Forms a committee to study Election Integrity, voting system technologies, and form best practices. | None | Passed Government 5-3. Passed Rules. | Worrisome clause: On request of the committee, an agency of this state or a political subdivision of this state shall provide the committee with access to its equipment, documents, personnel and facilities to the extent possible and without cost to the committee. |
| SB1068: elections manual; legislative council; GRRC | Sen. Ugenti-Rita (R) | Senate: Government, Rules, House: Government & Elections, Rules. | The official election instructions and procedures manual prepared by the Secretary of State is required to be approved by the Legislative Council and the Governor's Regulatory Review Council, instead of the Governor and the Attorney General. | None | Passed Senate Government 5-3. Passed Rules. Passed Senate 16-14. Transmitted to House on 3/4. | |
| SB1069: permanent early voting list; eligibility | Sen. Ugenti-Rita (R) | Senate: Government, Rules | If a voter fails to vote an early ballot in both the primary election and the general election for two consecutive primary and general elections for which there was a federal, statewide or legislative race on the ballot, the county recorder is required to remove the voter from the permanent early voting list and the voter will no longer be sent an early ballot by mail automatically. By December 1 of each even-numbered year, the county recorder or other officer in charge of elections is required to send a notice to each voter who is removed under this provision informing the voter that if the voter wishes to remain on the permanent early voting list, the voter must confirm that in writing, sign the notice, and return the completed notice within 30 days after the notice is sent. | We would need to make adjustments to voter education and stress the importance of voting/returning the notice to the county. | Passed Government 5-3. Passed Rules. Failed Senate 15-15. | |
| SB1071: voting irregularities; report; legislative review | Sen. Townsend (R) | Senate: Government, Rules | The county recorder or other officer in charge of elections is required to maintain a record of all voting irregularities that occur during early voting, emergency voting and election day voting. Information that must be described in the record is listed. Within 30 days after election day, the county recorder or other officer in charge of elections is required to provide the record to the Legislature. | None. | | |

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| SB1072: election contests; filing deadline | Sen. Townsend (R) | Senate: Government, Rules | The deadline for a voter to contest an election is moved from 5 days after the certification of the canvass to 30 days. | None. | | |
| SB1083: elections; recount margin | Sen. Ugenti-Rita (R) | Senate: Government, Rules. House: Government & Elections, Rules. | Would change the margin of recount from 1/10 of 1% to half of 1% and strikes the criteria for a recount on specific offices. | None | Passed Senate Government 5-3. Passed Rules. Passed Senate 16-14. Transmitted to House on 3/4. Passed House Government & Elections 7-6. | |
| SB1103: lieutenant governor; duties; ballot | Sen. Mesnard (R) | Senate: Government, Appropriations, Rules | No later than 60 days before the date of the general election, a candidate for Governor is required to submit to the Secretary of State the name of a person who will be the joint candidate for Lieutenant Governor with that gubernatorial candidate and whose name will appear on the general election ballot jointly with that candidate. Applies beginning with elections for the term of office that starts in 2027. | Refer to SCR1004 | Passed Appropriations 10-0. | |
| SB1104: campaign finance; contributions; disclosures; itemization | Sen. Mesnard (R) | Senate: Government, Rules. House: Government & Elections, Rules. | The information that must be included in campaign finance reports is expanded to include contributions from out-of-state individuals, including identification of the contributor's occupation and employer. After receiving a combined total of \$5,000 from in-state contributors who each contributed an individual aggregate of \$100 or less to a political committee during an election cycle, the campaign finance report is required to identify every subsequent individual in-state contributor, and the amount and date of each contribution. | Would effect reporting for out of state contributions to Clean Candidates | Passed Government 7-1. Passed Rules. Passed Senate 16-14. Transmitted to House on 2/18. Passed House Government & Elections 7-6. Passed House Rules 7-0-1. Amended on House Floor. Passed House Floor 31-29. Transmitted to Senate on 3/18. | |
| SB1106: voting residency; intent to remain | Sen. Mesnard (R) | Senate: Government, Rules. House: Government & Elections, Rules. | A person who knowingly causes or allows himself to be registered as a voter in Arizona solely for the purpose of voting in an election in Arizona without the intent to remain as prescribed in statute is guilty of a class 6 (lowest) felony. | None. | Passed Senate Government 5-3. Passed Rules. Passed Senate 16-14. Transmitted to House on 3/4. | |
| SB1107: redistricting; petition signatures; 2022 candidates | Sen. Mesnard (R) | Senate: Government, Rules. House: Government & Elections, Rules. | If a candidate for the legislature or congressional race's districts are changed per the 2021 redistricting panel, their nomination petition and nomination paper will still be valid. | Should be none. | Passed Senate Government 7-0-1. Passed Rules. Passed Senate 29-0-1. Transmitted to House on 2/22. Passed House Government & Elections 13-0. Passed House Rules 8-0. Amended on House Floor. Passed House Floor 60-0. Transmitted to Senate on 3/18. | |
| SB1203: presidential candidates; electors; tax returns | Sen. Mendez (D) | Senate: Government, Rules | A candidate for President of the U.S. is required to submit to the Secretary of State a copy of the candidate's federal and state income tax returns for the immediately preceding five years. A candidate who fails to provide the copies by September 15 immediately preceding the general election is ineligible to appear on the general election ballot and the candidates for presidential elector for that candidate's political party are ineligible to appear on the general election ballot. | None. | | |
| SB1240: hand counts; precincts; procedures manual | Sen. Townsend (R) | Senate: Government, Rules | States if a provision in the instructions of the Election Manual conflict with state statute, the state statute prevails. For a county that uses voting centers, ballots shall be separated by precinct for the random selection. A vote center is not deemed a precinct for the random audit. | None. | Passed Government 5-3. Passed Rules. Passed Senate Floor 16-14. Transmitted to House 3/4. | |
| SB1241: voting equipment; ballots; receipt | Sen. Townsend (R) | Senate: Government, Rules. House: Government & Elections, Rules. | Voter shall receive a receipt upon voting stating whether their ballot was tabulated or rejected. Does not apply to early ballots. | None. | Passed Government 5-2-1. Passed Rules. Passed Senate Floor 16-14. Transmitted to House 3/4. | |
| SB1242: election equipment; security; legislative review | Sen. Townsend (R) | Senate: Government, Rules | Beginning in 2021 and every two years thereafter, the committee appointed by the Secretary of State to investigate and test the various types of vote recording or tabulating machines or devices is required to provide for a detailed review of election equipment security for counties with a population of more than 500,000 persons that focuses on the actual equipment, software and other systems used in the most recent general election. An additional person who is an expert in election equipment security must assist with the review. On completion, the review must be presented to the standing committees of the Legislature with jurisdiction over election issues at a public meeting that is held by August 1 following the general election. | None. | | |
| SB1304: state elections; contest; technical correction S/E: relating to engineers; regulation | Sen. Ugenti-Rita (R) | Senate: Commerce, Rules | Technical change. Apparent striker. | None. | Passed Commerce 6-3. | |
| SB1313: countywide elections; vote by mail | Sen. Bowie (D) | Senate: Government, Rules | If a county has at least 60% of its registered voters on the PEVL and the Board of Supervisors votes to approve, a county can host an all mail election for elections hosted by the county including state and federal races. Counties would also be required to report to the Legislature January 1 following the election(16-409,C). | None | | |
| SB1358: recorders; voter registrations; public buildings | Sen. Ugenti-Rita (R) | Senate: Government, Rules | A county recorder may only conduct a voter registration drive at a government owned building. | None. | Passed Government 5-3. Passed Rules. | |
| SB1427: voter fraud unit; auditor general | Sen. Townsend (R) | Senate: Government, Rules | The auditor general now shall supervise and support the voter fraud unit. | None. | | |
| SB1432: political signs; removal date | Sen. Ugenti-Rita (R) | Senate: Government, Rules. House: Government & Elections, Rules. | Changes the number of days allowed to remove a sign from 7 to 15 days post election. | None. | Passed Government 4-2-2. Passed Rules. Passed Senate 17-13. Transmitted to House on 2/18. | |

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| SB1437: registration; voting jails; confinement | Sen. Quezada (D) | Senate: Government, Rules | Every person who is eligible to register to vote may who is in custody of the state or county jail shall be provided the opportunity to register upon release from confinement. A county with more than 300,000 persons shall provide a vote center at the county jail. The county recorder must also provide early ballot request form. | Possible coordination with counties to inform voters who are temporarily incarcerated or their voting rights. | | |
| SB1439: voting rights; felonies; automatic restoration | Sen. Quezada (D) | Senate: Government, Rules | Voters rights automatically restored upon person's absolute discharge from imprisonment. | None. | | |
| SB1444: election data; legislative review authority | Sen. Borelli (R) | Senate: Government, Rules | After tabulation but before the official canvass, the county recorder and county board of supervisors shall provide to designated representatives of the legislature access to or copies of election data, including results and other election records, equipment, systems and facilities. On written request, the Speaker of the House or the Senate President shall receive access as described above whether in session or not. | None. | | Copy of HB2616. |
| SB1485: elections; voting-center-tabulation S/E: early voting list, eligibility | Sen. Ugenti-Rita (R) | Senate: Government, Appropriations, Rules. House: Government & Elections, Rules. | Vote centers to tabulate on site. S/E: Renames the "permanent early voting list" as the "early voting list." If a voter fails to vote an early ballot in both the primary election and the general election for two consecutive primary and general elections for which there was a federal, statewide or legislative race on the ballot, the county recorder is required to remove the voter from the early voting list and the voter will no longer be sent an early ballot by mail automatically. By December 1 of each even-numbered year, the county recorder or other officer in charge of elections is required to send a notice to each voter who is removed under this provision informing the voter that if the voter wishes to remain on the early voting list, the voter must confirm that in writing, sign the notice, and return the completed notice within 30 days after the notice is sent. | Voter Education changes regarding PEVL. | Passed Appropriations 6-4. Passed Rules. Passed Senate 16-14. Transmitted to House on 3/3. Passed House Government & Elections 7-6. Passed House Rules 7-0. | |
| SB1490: election and ethics; commission; duties | Sen. Quezada (D) | Senate: Government, Rules | Establishes the Arizona Election and Ethics Commission consisting of six members who are appointed by the Governor and other specified elected officials and who meet specified requirements. Beginning in 2022, the Commission succeeds to the duties of the Secretary of State with respect to acting as the investigatory, compliance and enforcement officer for political committees supporting or opposing candidates for state offices and members of the Legislature and statewide initiative or referendum measures appearing on a state general election ballot. Powers and duties of the Commission are established, including receiving any ethics complaint filed against candidates or elected officials of state government. The Commission terminates on July 1, 2031. | None. | | |
| SB1492: election law amendments | Sen. Shope (R) | Senate: Government, Rules. House: Government & Elections, Rules. | Various changes relating to election law. A petition for a new political party to be represented by an official party ballot is required to contain the signatures of qualified electors in at least 1/4 of the election precincts of the county or municipality. The county recorder or the city or town clerk is required to review the petitions, select a random sample of 20 percent of the total signatures, individually verify and certify those signatures, and calculate and project the total number of valid signatures to determine whether the party will be recognized. The requirement for candidates to file a statement of interest with the appropriate filing officer no later than the date of the first petition signature on a nomination petition does not apply to candidates for elected office for school districts, community college districts or career technical education districts. A candidate's name printed on the ballot is prohibited from including a slogan, promotional word or phrase, or any word that does not actually constitute a nickname. The maximum number of days before an election that a county board of supervisors is permitted to cancel the election if only one person files a nominating petition to fill certain offices is increased to 105 days, from 75 days. If there is not a sufficient number of persons available to appoint precinct workers who are qualified voters of that precinct, the inspector, marshal, judges and clerks must be qualified voters of Arizona. The required test of election equipment is no longer required to be observed by at least two election inspectors, and is instead required to be observed by at least one representative of the two largest political parties based on statewide voter registration totals. County boards of supervisors are required to deliver the canvass to the Secretary of State within 14 days after the primary election, increased from 10 days, and the Secretary of State is required to canvass the return by the third Monday following the primary election, instead of the second Monday following. More. Emergency clause. | Updates to dates for candidates and some updates to detail pages on website regarding testing equipment and canvass. | Passed Government 8-0. Passed Rules. Passed Senate 29-0-1. Transmitted to House on 3/1. Passed House Government & Elections 13-0. Passed House Rules 7-0. | |
| SB1497: ballot measures; proposition 105; disclosure | Sen. Ugenti-Rita (R) | Senate: Government, Rules. House: Government & Elections, Rules. | For any statutory measure, include the Prop 105 clause and description that it cannot be changed unless there is a 3/4 vote by the Legislature and that it must further the purpose of the measure. To be included on the publicity pamphlet as well. | None. | Passed Government 4-2. Passed Rules. Passed Senate 16-14. Transmitted to House on 3/4. Passed House Government & Elections 7-6. | |

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| SB1503: early ballots; mail return prohibited | Sen. Townsend (R) | Senate: Government, Rules | Voters must return a mailed ballot by hand. Early ballots received in the mail are deemed invalid. | Update to voter education. | | |
| SB1530: early ballots; undeliverable; instructions. S/E NOW: early ballots; instructions; undeliverable | Sen. Mesnard (R) | Senate: Government, Rules, House: Government & Elections, Rules. | The ballot envelope must state that if the voter does not reside at this address to mark it and return to sender. To include, "If the addressee does not reside at this address, mark the unopened envelope 'return to sender' and deposit it in the U.S. mail." | None. | Passed Government 8-0. Passed Senate Rules. Passed Senate Floor 29-1. Transmitted to House on 3/4. | |
| SB1531: petition signatures; description; invalidity | Sen. Mesnard (R) | Senate: Government, Rules, House: Government & Elections, Rules. | A circulator of an initiative or referendum petition is required to either read the initiative or referendum description aloud to each person signing before that person signs or to allow the person sufficient time to read the description before the person signs. The circulator must inform the person that reading the description is required so that the person can understand the petition. Each person signing must affirm that the person has heard and understood or read and understood the description before signing the petition. For any person who signs without either hearing or reading the description, the circulator is required to draw a line through the person's signature and the signature is void and cannot be counted. | None. | Passed Government 4-3-1. Passed Rules. Passed Senate 16-14. Transmitted to House on 3/8. | |
| SB1593: early voting; time limits; envelope | Sen. Gowan (R) | Senate: Government, Appropriations, Rules | Early ballots go out 22 days before the election and not later than 19 days before the election. Changed from 27 days and 24 days before. The officer charged by law with the duty of preparing ballots is required to provide a second internal envelope that bears the ballot affidavit and that is designed to contain the voted ballot and be placed inside the ballot return envelope. If a voter mails the voted ballot and affidavit to the county recorder or other officer in charge of elections, the ballot is valid only if it is postmarked on or before the Thursday before election day and received no later than 7PM on election day. | Update to voter information. | Passed Senate Appropriations 5-4-1. | |
| SB1594: ballots; delivery receipts; custody | Sen. Gowan (R) | Senate: Government, Rules | Every person delivering the official returns and the voted ballots and every person receiving the official returns and the voted ballots is required to sign the person's name on a receipt and tracking document to substantiate the chain of custody of the returns and ballots. The tracking document with the official returns and the voted ballots must be delivered to and retained at the central counting center. | None. | | |
| SB1595: elections; ballot adjudication; observers | Sen. Gowan (R) | Senate: Government, Rules | If any ballot is damaged or defective so that it cannot be counted by the automatic tabulating equipment, a true duplicate copy of the damaged or defective ballot must be made by hand in the presence of statutorily authorized observers. Observers must be allowed to view and be physically present at the duplication and adjudication of ballots within a distance that allows actual observation of the markings and the determinations of the vote adjudication board. The use of electronic vote adjudication features on automatic tabulating equipment is no longer authorized. | None. | | |
| SB1596: write-in candidates; signatures; filing deadline | Sen. Gowan (R) | Senate: Government, Rules | The deadline for filing a nomination paper to be a write-in candidate is moved to 5PM on the 120th day before the election, from 5PM on the 40th day before the election. | Candidate process change. | | |
| SB1597: early voting; county recorder authority | Sen. Gowan (R) | Senate: Government, Rules | The county recorder is the county official that has jurisdiction and authority over early voting in the county unless the county recorder declines to retain that jurisdiction and authority. If the county recorder declines, the county officer in charge of elections has jurisdiction and authority over early voting in the county. | None. | | |
| SB1613: election data; results; election equipment | Sen. Townsend (R) | Senate: Government, Rules | All election data and results are required to remain in this country and cannot be transferred, transmitted or stored in any other country. All election equipment, including computers, paper and other supplies, is required to be made in America. | None. | Passed Government 4-3-1. Passed Rules. Passed Senate Floor 16-14. Transmitted to House on 3/4. | |
| SB1614: elections; adjudicated ballots; categories | Sen. Townsend (R) | Senate: Government, Rules | For any ballots that are required to be duplicated and adjudicated, whether electronically or manually, the county recorder or other officer in charge of elections is required to separate the ballots by type of defect or damage and type of ballot, maintain that separation and post on the county's website the number, type and category of defective or damaged ballots processed by the county. | None. | | |
| SB1615: elections; hand count; legislative auditor | Sen. Townsend (R) | Senate: Government, Rules | For the regular primary and regular general election, at any time after completion of the unofficial returns and before the county canvass, the Legislature is authorized to require that a complete hand count be conducted by an independent auditor selected by the Legislature. The Legislature is authorized to require the hand count for up to three contested races. The county board of supervisors and the county recorder must cooperate with and provide access to the Legislature to ballots and related materials and to county facilities for the use of the auditor. | None. | | |

| Bill | Sponsor | Assigned to | What it does | Direct effect on CCEC | Status | Notes |
|---|---------------------|--|--|---|--|-------|
| SB1616: election equipment; security; results; tabulation | Sen. Townsend (R) | Senate: Government, Rules | Any voting equipment that is used in a polling place or voting center and any tabulation equipment that is used in a central counting center or other tabulation center is prohibited from having internet access or any accessible port, and is required to prohibit access by any means to any data or results, except by authorized election personnel. The delivery, use and return of the equipment is required to be logged on a chain of custody document so that the name and signature of every person who delivers, receives, uses and returns that equipment is recorded and retained as an official election record. | None. | | |
| SB1638: voting equipment; requirements; records; origin | Sen. Rogers (R) | Senate: Government, Rules | Vote machines must meet new requirements such as; being made in the US, maintain internal records, printed record of voters choices, and scanning of ballots. | None. | | |
| SB1652: appropriations; attorney general; investigation; litigation | Sen. Livingston (R) | Senate: Judiciary, Appropriations; Rules. House: Government & Elections, Appropriations, Rules. | Appropriates \$1 million from the general fund in each of FY2021-22 and FY2022-23 to the Attorney General for investigation and litigation related to antitrust and voting integrity issues. | None. | Passed Judiciary 5-3. Passed Rules. Passed Senate Floor 16-14. Transmitted to House on 3/8. | |
| SB1654: observers; hand counts; recounts; margins | Sen. Rogers (R) | Senate: Government, Rules | Modifies the margin between the two candidates receiving the greatest number of votes for a particular office or for and against a ballot measure that triggers an automatic recount. A recount is required when the margin is less than or equal to 0.5 percent of the number of votes cast for both candidates or on the measure, or 0.75 percent of the number of votes cast for both candidates or on the measure if requested by one of the candidates or an authorized representative of a political committee that supports or opposes the measure within two days after the release of unofficial results, or if a second hand count is conducted and the margin is 0.25 percent or less, with some exceptions. If the recount is requested by a candidate or a representative of a political committee when the margin is more than 0.5 percent and less than or equal to 0.75 percent of the number of votes cast, the expenses of a recount must be charged to the candidate or political committee that requested the recount unless the candidate or requesting political committee prevails in the recount. Hand count is now subject to live video requirements, and the party representatives may bring their own camera to record the hand count and strikes language that allows the officer in charge to prohibit using recording or remove the observer. | None. | | |
| SB1667: election law revisions | Sen. Quezada (D) | Senate: Government, Rules | Various election law changes; Automatic restoration of rights, allow for international observers, updating standards for e-pollbook, may skip signature verification if elector gets ballot at early voting location, county recorder shall register to vote someone who votes a provisional and is not registered, provisional ballots to have all the information required to register. | Updates to voter information on website. | | |
| SB1668: presidential preference caucuses; independent voters | Sen. Quezada (D) | Senate: Government, Rules | Changes the PPE to a Caucus election and includes independent voters. | Change to voter education and information on website. | | |
| SB1669: voter registration; youth pre-registration | Sen. Quezada (D) | Senate: Government, Rules | Allows youth voters to register at 16 to be eligible once they turn 18. | Update to voter information. | | |
| SB1670: automatic voter registration; same day | Sen. Quezada (D) | Senate: Government, Rules | Allows for same day voter registration. Effective Dec. 31, 2021. | Update to voter information and education. | | |
| SB1671: early ballot collection; limitations; repeal. | Sen. Quezada (D) | Senate: Government, Rules | Strikes line restricting people to collect ballots for others. | None. | | |
| SB1672: early voting locations | Sen. Quezada (D) | Senate: Government, Rules | Allows early voting locations to be run during the 3 day period between early voting and election day, however on-site voting would still end to allow for precinct registration and to verify voting accuracy. | None. | | |
| SB1673: polling places; drop boxes; campuses | Sen. Quezada (D) | Senate: Government, Rules | Polling location or vote center to be established on each of the main campus of each state university and provide an early drop box at each campus and community college campuses. | Update to drop box map. | | |
| SB1678: early voting list; renewal | Sen. Rogers (R) | Senate: Government, Rules | Changes PEVL to a 2 year early voting list and would require voters to rerequest mail-in ballots. | Update to voter information and education. | | |
| SB1689: campaign finance; public service corporations | Sen. Mendez (D) | Senate: Government, Rules | Prohibits a public service corporation or any entity of that corporation to contribute any donation or in-kind donation to a candidate for the office of Corporation Commission. | None. | | |
| SB1698: voting; ranking; ballot format | Sen. Mendez (D) | Senate: Government, Rules | Elections to accommodate for ranked choice voting when possible. Lays out guidelines for ranked choice voting. | Update to voter education and information. | | |
| SB1709: elections; polling places; standards | Sen. Mendez (D) | Senate: Government, Rules | SoS and County to meet annually to optimize voting in person to meet standards laid out in this bill. | None. | | |
| SB1713: early ballots; identification; mailing | Sen. Mesnard (R) | Senate: Government, Rules | Voter registration cards to mailed out every two years to voters. Affidavit on envelope with also need to include either Drivers License number or the voters registration number and a secondary ID to be sent in with the early ballot. | Update to voter information. | Passed Government 4-3-1. Passed Rules. | |

| Bill | Sponsor | Assigned to | What it does | Direct effect on CCEC | Status | Notes |
|--|--------------------|--|--|--|---|-------|
| SB1714: campaign expenditures; out-of-state; disclosure | Sen. Mesnard (R) | Senate: Government, Rules. House: Government & Elections, Rules. | A political action committee that makes an expenditure for an advertisement is required to include a disclosure stating the aggregate percentage of out-of-state contributors as calculated at the time the advertisement was distributed for publication, display, delivery or broadcast. The disclosure must be displayed in a height that is at least ten percent of the vertical height of the advertisement, sign or billboard, or must be clearly readable if the advertisement is delivered electronically. | Add to enforcement. | Passed Government 4-3-1. Passed Rules. Passed Senate Floor 16-14. | |
| SB1741: campaign finance; repeal; reenactment. | Sen. Navarrete (D) | Senate: Government, Rules | Completely repeals and reenacts campaign finance laws. Would have to do a line by line comparison. | Would have to do a line by line comparison to understand every change. | | |
| SB1744: restoration; voting rights; website notification | Sen. Navarrete (D) | Senate: Judiciary, Rules | For a person who has been convicted of two or more felonies, the person's right to vote is automatically restored on completion of probation or absolute discharge from imprisonment. The Secretary of State is required to establish and maintain on the Secretary of State's website a hyperlink to a website with information regarding voting rights for a person who has a criminal history and the automatic restoration of the right to vote on completion of probation or absolute discharge from imprisonment. In each county with a chief adult probation officer, that officer is required to establish and maintain on the probation department's website a hyperlink to the Secretary of State's website regarding voting rights for a person who has a criminal history, and to conspicuously post in each probation office where probationers are seen a sign that contains the probation department's website address. | Update to voter information. | | |
| SB1791: elections; JLAC recount, audit authority | Sen. Gowan (R) | Senate: Government, Rules | On a majority vote of its members, the Joint Legislative Audit Committee (JLAC) is authorized to order an audit or a recount of a legislative or statewide election, including for presidential electors and congressional offices. On receipt of a certified copy of the JLAC's order for a recount, the Secretary of State is required to certify to the superior court the facts requiring the recount, and the recount must proceed as otherwise prescribed by statute. On receipt of a certified copy of the JLAC's order for an audit, the custodian of the items requested in the audit is required to make those items available to the JLAC. | None. | | |
| SB1793: voter registration databases; death records | Sen. Gowan (R) | Senate: Government, Rules. House: Government & Elections, Rules. | The Secretary of State is required to use the records of deaths transmitted by the Department of Health Services to establish a nonpublic database for use by county recorders to cancel the names of deceased persons from county voter registration databases. | None. | Passed Government 5-3. Passed Rules. Passed Senate Floor 16-14. Transmitted to House on 3/4. Passed House Government & Elections 8-5. Passed House Rules 7-0-1. | |
| SB1814: elections; auditor general; voter registration | Sen. Townsend (R) | Senate: Government, Rules | Beginning on April 15 each year, the Auditor General is required to audit the processes, equipment and systems used to maintain county voter registration databases and the statewide voter registration database. The Auditor General is required to conduct the audit on the two counties with the largest voter registration databases and is authorized to audit an additional county. By September 30, the Auditor General is required to submit a report on its findings to the Legislature. | None. | | |
| SB1815: write-in candidates; residency requirements; petitions | Sen. Townsend (R) | Senate: Government, Rules | For legislative offices, the filing officer is prohibited from accepting the nomination petition of a candidate if the candidate's residence as shown on the nomination petition is not located in the legislative district for which the candidate seeks election. A write-in candidate for any elective office is required to be a resident of the electoral district for the office the candidate seeks for at least 120 days before the date of the election. | None. | | |
| SB1817: voter registration rolls; irregularity; report | Sen. Townsend (R) | Senate: Government, Rules | On any complaint of an error or irregularity in county or state voter registration records, the county recorder and Secretary of State are required to investigate the complaint and correct any error within two weeks after receipt of the complaint. The county recorder and the Secretary of State are required to report quarterly to the Legislature on the results of their investigations. | None. | | |
| SB1818: candidate's residence address; nondisclosure | Sen. Townsend (R) | Senate: Government, Rules | At the request of a candidate, the filing officer is prohibited from publicly disclosing the candidate's residence address, and the candidate's residence address is not a public record. | None. | | |
| SCR1004: lieutenant governor; joint ticket | Sen. Mesnard (R) | Senate: Government, Rules | Forms the office of Lieutenant Governor for 2027. | Could be another office to fund, however it would be a joint ticket with the Governor. | | |
| SCR1005: legislature; ninety house districts | Sen. Mesnard (R) | Senate: Appropriations, Government, Rules | The 2022 general election ballot is to carry the question of whether to amend the state Constitution to require one member of the House of Representatives to be elected from each of 90 House districts, 3 of which must be contained within the boundaries of each of the 30 Senate districts. Applies to legislative terms of office that begin in 2033 and later. | Would require CCEC to provide funding to 30 more legislative districts in 2033. | Passed Government 5-2-1. | |

| Bill | Sponsor | Assigned to | What it does | Direct effect on CCEC | Status | Notes |
|---|------------------|--|--|---|---|-------|
| SCR1034: voter protection act; court determinations | Sen. Leach (R) | Senate: Government, Rules, House: Government & Elections, Rules. | The 2022 general election ballot is to carry the question of whether to amend the state Constitution to exempt a measure that is found to contain illegal or unconstitutional language by the Arizona Supreme Court or the U.S. Supreme Court from the requirements of the Voter Protection Act, where any amendments to voter passed initiative or referendum measures require the affirmative vote of at least 3/4 of the members of each house of the Legislature for passage and must further the purpose of the original measure. | If a provision in the Act were to be found unconstitutional, the Legislature would be able to superse, amend, or divert funds from the Act. | Passed Government 5-3. Passed Rules. Passed Senate Floor 16-14. Transmitted to House on 3/10. | |
| SCR1042: conduct of elections; voters' rights | Sen. Quezada (D) | Senate: Government, Rules | The 2022 general election ballot is to carry the question of whether to amend state statute to enact a voters' bill of rights, declaring that Arizona voters have a right to register to vote without facing unnecessary barriers, participate in fair elections in which elected officials are not choosing their own voters, vote by mail or in person and know that their votes will count, have equal access to the ballot no matter where in Arizona they live, what language they speak or what physical abilities they possess, propose and enact laws when elected officials fail to act, and know that when they elect someone, the elected official will work for the voters, not donors or lobbyists. | TBD. | | |



Thomas Collins <thomas.collins@azcleelections.gov>

Administrative Closure of MUR 20-05 Starzyk 2 and guidance on additional proceedings

Thomas Collins <thomas.collins@azcleelections.gov>

Fri, Mar 19, 2021 at 10:21 AM

To: heathermrowiec@gmail.com, Ryan Starzyk <info@ryanforarizona.org>

Cc: Thomas Collins <tom@azcleelections.gov>

Bcc: Julian Arndt <julian.arndt@azcleelections.gov>, Michael Becker <mike.becker@azcleelections.gov>

March 19, 2021

Dear Heather Mroweic and Ryan Starzyk:

I have reviewed the Complaint from Heather Mroweic, including the exhibits, as well as Ryan Starzyk's campaign finance reports and other documents.

Under the Commission's rules, a complaint may be handled in one of two ways: It may be referred to the Commission to determine whether there is reason to believe a violation may have occurred or it may be closed by the executive director with notice to the Commission. Notice to the Commission is typically made in the Executive Director's report enforcement section.

Here, the Complaint alleges that Mr. Starzyk substantively exceeded the personal contribution cap, the primary election spending limit, and the one account requirements of the Clean Elections Act. After reviewing the Complaint and the relevant records, I do not believe that there is a sufficient likelihood reason to believe can be determined regarding the allegations in the Complaint. Accordingly, I will notify the Commission that the Complaint is closed at its March 25 meeting.

The Complaint, for example, alleges Starzyk made excessive personal contributions (the value of which may be subject to some discussion). However, I cannot find evidence that Mr. Starzyk's campaign was ever unable to pay the amount of money alleged in the Complaint. Prior to primary funding, his campaign finance reports show sufficient cash on hand to make those payments, were they required. Consequently, the issue is one of reporting, given that Mr. Starzyk had sufficient funds to reallocate to cover the advertisements in question. It would not have had a substantive effect on his ability to qualify or participate in the Clean Funding program. A complaint like this, were it made closer in time to the violation alleged, would have been remediable as a reporting issue and we would not pursue an enforcement, but rather correction.

Likewise, to the extent that some ads may have been purchased by Mr. Starzyk separately from his campaign raises issues related to express advocacy that are often contested in the context of independent expenditure. In this case, the issue appears to be one of confusion. To be clear, candidate advertisements (regardless of content) paid for by the candidate ought to be paid from their campaign account (note: the data in the See The Money portal is not an account, it is merely a database of transactions). But as noted above, this is a reporting issue, and there is not a likelihood that reason to believe there is a substantive violation can be determined.

As a practical matter, based on this Complaint, we are reviewing the training candidates receive about their responsibilities and obligations upon the formation of a candidate committee, both as a matter of general campaign finance law and the clean elections act and rules.

However, because I have not been able to determine that the Complaint alleges a substantive violation upon which there is a reasonable likelihood of the Commission finding reason to believe, I am closing this matter and will inform the Commission at its next meeting. That Executive Director's report item, is, of course, subject to public comment. Given our current format, the Chair typically asks for public comment from the audience for each item and at the end of the meeting. Additional comments may be made either to me or through the Commission's general email address, ccec@azcleelections.gov

Thank you for your attention and interest in this matter.

Sincerely,
S/ Tom Collins
Executive Director
Arizona Citizens Clean Elections Commission

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Barbara McGuire
Participating Candidate for
State Senator - District 8
General Election 2020**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Barbara McGuire's (the Candidate)'s Campaign finance reports between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The summary of procedures and associated findings are presented on the subsequent pages.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Barbara McGuire. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

March 9, 2021

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:
 - (i) Determine whether the candidate accepted contributions only from individuals.

Finding

No contributions were received during the reporting period.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

No contributions were received during the reporting period.

- (iii) Check compliance with the maximum early contribution limits.

Finding

No contributions were received during the reporting period.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

No contributions were received during the reporting period.

- c). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
 - Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected one deposit (entire population) and five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

No contributions were received during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,520.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, judgmentally select a sample of expenditures made from the candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$170 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- g) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Beverly Pingerelli
Participating Candidate for
State Representative - District 21
General Election 2020**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Beverly Pingerelli's (the Candidate)'s Campaign finance reports between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The summary of procedures and associated findings are presented on the subsequent pages.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Beverly Pingerelli. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

February 27, 2021

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:
 - (i) Determine whether the candidate accepted contributions only from individuals.

Finding

The contributions received during the reporting period appeared to be only from individuals.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

Contributions received from individuals during the reporting period did not exceed the \$170 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contributions received during the reporting period did not exceed the \$4,530 limit for a legislative candidate.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$770 limit for a legislative candidate.

- c). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:

- Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected four deposits (entire population) and five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

We reviewed the supporting documentation for two early contributions (entire population) reported in the Candidate's Campaign finance report, and determined the name of the contributors for the contributions was included on the support and no exceptions were noted.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

We determined that one out of the five expenditures tested appeared to be fore joint expenditures, and that the amount paid represented the Candidate's proportionate share of the total cost.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,520.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, judgmentally select a sample of expenditures made from the candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$170 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- g) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Billy Bragg, Jr.
Participating Candidate for
State Representative - District 29
General Election 2020**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Billy Bragg, Jr.'s (the Candidate)'s Campaign finance reports between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The summary of procedures and associated findings are presented on the subsequent pages.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Billy Bragg, Jr. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

March 4, 2021

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:
 - (i) Determine whether the candidate accepted contributions only from individuals.

Finding

No contributions were received during the reporting period.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

No contributions were received during the reporting period.

- (iii) Check compliance with the maximum early contribution limits.

Finding

No contributions were received during the reporting period.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

No contributions were received during the reporting period.

- c). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
 - Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected one deposit (entire population) and five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

No contributions were received during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,520.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, judgmentally select a sample of expenditures made from the candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$170 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- g) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Bob Karp
Participating Candidate for
State Senator - District 14
General Election 2020**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Bob Karp's (the Candidate)'s Campaign finance reports between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The summary of procedures and associated findings are presented on the subsequent pages.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Bob Karp. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

February 17, 2021

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:
 - (i) Determine whether the candidate accepted contributions only from individuals.

Finding

The one contribution received during the reporting period appeared to be only from individuals.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

Contribution received from individuals during the reporting period did not exceed the \$170 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contribution received during the reporting period did not exceed the \$4,530 limit for a legislative candidate.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$770 limit for a legislative candidate.

- c). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
- Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected two deposits (entire population) and five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

We reviewed the supporting documentation for one early contribution reported in the Candidate's Campaign finance report, and determined the name of the contributors for the contributions was included on the support and no exceptions were noted.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,520.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, judgmentally select a sample of expenditures made from the candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$170 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- g) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**David Peelman
Participating Candidate for
State Representative - District 7
General Election 2020**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether David Peelman's (the Candidate)'s Campaign finance reports between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The summary of procedures and associated findings are presented on the subsequent pages.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of David Peelman. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

March 8, 2021

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:
 - (i) Determine whether the candidate accepted contributions only from individuals.

Finding

The contributions received during the reporting period appeared to be only from individuals.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

Contributions received from individuals during the reporting period did not exceed the \$170 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contributions received during the reporting period did not exceed the \$4,530 limit for a legislative candidate.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$770 limit for a legislative candidate.

- c). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
- Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected four deposits (entire population) and five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

We reviewed the supporting documentation for three early contributions reported in the Candidate's Campaign finance report, and determined the name of the contributors for the contributions was included on the support with the following exception: (a) the Candidate was unable to provide supporting documentation for a \$20 contribution from the Candidate himself; however, this item was correctly classified as a personal contribution in the Campaign finance report.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,520.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, judgmentally select a sample of expenditures made from the candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$170 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- g) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Helen Fokszanskyj-Conti
Participating Candidate for
State Representative - District 29
General Election 2020**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Helen Fokszanskyj-Conti's (the Candidate)'s Campaign finance reports between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The summary of procedures and associated findings are presented on the subsequent pages.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Helen Fokszanskyj-Conti. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

February 24, 2021

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:
 - (i) Determine whether the candidate accepted contributions only from individuals.

Finding

No contributions were received during the reporting period.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

No contributions were received during the reporting period.

- (iii) Check compliance with the maximum early contribution limits.

Finding

No contributions were received during the reporting period.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

No contributions were received during the reporting period.

- c). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
 - Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected one deposit (entire population) and five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

No contributions were received during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

We determined that two out of the five expenditures tested appeared to be for joint expenditures, and that the amount paid represented the Candidate's proportionate share of the total cost.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,520.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, judgmentally select a sample of expenditures made from the candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$170 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- g) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Lynsey Robinson
Participating Candidate for
State Senator - District 12
General Election 2020**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Lynsey Robinson's (the Candidate)'s Campaign finance reports between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The summary of procedures and associated findings are presented on the subsequent pages.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Lynsey Robinson. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

March 1, 2021

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:
 - (i) Determine whether the candidate accepted contributions only from individuals.

Finding

No contributions were received during the reporting period.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

No contributions were received during the reporting period.

- (iii) Check compliance with the maximum early contribution limits.

Finding

No contributions were received during the reporting period.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

No contributions were received during the reporting period.

- c). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
 - Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected one deposit (entire population) and five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

No contributions were received during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,520.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, judgmentally select a sample of expenditures made from the candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$170 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- g) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Mariana Sandoval
Participating Candidate for
State Representative - District 13
General Election 2020**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Mariana Sandoval's (the Candidate)'s Campaign finance reports between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The summary of procedures and associated findings are presented on the subsequent pages.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Mariana Sandoval. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

March 2, 2021

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:
 - (i) Determine whether the candidate accepted contributions only from individuals.

Finding

No contributions were received during the reporting period.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

No contributions were received during the reporting period.

- (iii) Check compliance with the maximum early contribution limits.

Finding

No contributions were received during the reporting period.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

No contributions were received during the reporting period.

- c). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
- Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected four deposits (entire population) and five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

No contributions were received during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,520.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, judgmentally select a sample of expenditures made from the candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$170 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- g) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Athena Salman
Participating Candidate for
State Representative - District 26
General Election 2020**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Athena Salman's (the Candidate)'s Campaign finance reports between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The summary of procedures and associated findings are presented on the subsequent pages.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Athena Salman. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

March 18, 2021

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:
 - (i) Determine whether the candidate accepted contributions only from individuals.

Finding

No contributions were received during the reporting period.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

No contributions were received during the reporting period.

- (iii) Check compliance with the maximum early contribution limits.

Finding

No contributions were received during the reporting period.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

No contributions were received during the reporting period.

- c). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
- Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected four deposits (entire population) and five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

No contributions were received during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,520.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, judgmentally select a sample of expenditures made from the candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$170 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- g) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Juan Jose Mendez
Participating Candidate for
State Senator - District 26
General Election 2020**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Juan Jose Mendez's (the Candidate)'s Campaign finance reports between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The summary of procedures and associated findings are presented on the subsequent pages.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Juan Jose Mendez. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

March 18, 2021

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:
 - (i) Determine whether the candidate accepted contributions only from individuals.

Finding

No contributions were received during the reporting period.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

No contributions were received during the reporting period.

- (iii) Check compliance with the maximum early contribution limits.

Finding

No contributions were received during the reporting period.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

No contributions were received during the reporting period.

- c). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
- Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five deposits and five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

No contributions were received during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,520.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, judgmentally select a sample of expenditures made from the candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$170 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- g) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Jana Jackson
Participating Candidate for
State Representative - District 28
General Election 2020**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Jana Jackson's (the Candidate)'s Campaign finance reports between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The summary of procedures and associated findings are presented on the subsequent pages.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Jana Jackson. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

March 18, 2021

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:
 - (i) Determine whether the candidate accepted contributions only from individuals.

Finding

No contributions were received during the reporting period.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

No contributions were received during the reporting period.

- (iii) Check compliance with the maximum early contribution limits.

Finding

No contributions were received during the reporting period.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

No contributions were received during the reporting period.

- c). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
 - Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected three deposits (entire population) and five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

No contributions were received during the reporting period.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,520.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, judgmentally select a sample of expenditures made from the candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$170 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- g) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Shea Stanfield
Participating Candidate for
Corporation Commissioner
General Election 2020**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Shea Stanfield's (the Candidate)'s Campaign finance reports between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The summary of procedures and associated findings are presented on the subsequent pages.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Shea Stanfield. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

March 18, 2021

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:

- (i) Determine whether the candidate accepted contributions only from individuals.

Finding

The contributions received during the reporting period appeared to be only from individuals.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

Contributions received from individuals during the reporting period did not exceed the \$170 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contributions received during the reporting period did not exceed the \$29,004 limit for a Corporation Commission candidate.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$1,520 limit for a Corporation Commission candidate.

- c). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
- Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five deposits and five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

We reviewed the supporting documentation for one early contribution reported in the Candidate's Campaign finance report, and determined the name of the contributors for the contributions was included on the support and no exceptions were noted.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,520.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, judgmentally select a sample of expenditures made from the candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$170 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- g) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Jim O'Connor
Participating Candidate for
Corporation Commissioner
General Election 2020**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Jim O'Connor's (the Candidate)'s Campaign finance reports between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The summary of procedures and associated findings are presented on the subsequent pages.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Jim O'Connor. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

March 18, 2021

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:
 - (i) Determine whether the candidate accepted contributions only from individuals.

Finding

The contributions received during the reporting period appeared to be only from individuals.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

Contributions received from individuals during the reporting period did not exceed the \$170 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contributions received during the reporting period did not exceed the \$29,004 limit for a Corporation Commission candidate.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$1,520 limit for a Corporation Commission candidate.

- c). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
- Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five deposits and five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

We reviewed the supporting documentation for five early contributions reported in the Candidate's Campaign finance report, and determined the supporting documentation reflects the name of the contributors for the contributions was included on the support with the following exception: (a) the Candidate was unable to provide supporting documentation for a \$20 contribution from the Candidate himself; however, this item was correctly classified as a personal contribution in the Campaign finance report.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:

- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes.

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,520.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, judgmentally select a sample of expenditures made from the candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$170 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- g) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

CITIZENS CLEAN ELECTIONS COMMISSION

Report on Agreed-Upon Procedures

**Bill Mundell
Participating Candidate for
Corporation Commission
General Election 2020**



Independent Accountants' Report on
Applying Agreed-Upon Procedures

To the Chairman and Members of the
Citizens Clean Elections Commission
Phoenix, Arizona

We (the Contractor) have performed the procedures enumerated below, which were specified and agreed to by the State of Arizona Citizens Clean Elections Commission (the Commission), solely to assist the Commission in evaluating whether Bill Mundell's (the Candidate)'s Campaign finance reports between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020 (the reporting period) were prepared in compliance with Title 16, Articles 1 and 2 of the Arizona Revised Statutes, Campaign Contributions and Expenses, and the Citizens Clean Elections Act, and whether the reports complied with the rules of the Citizens Clean Elections Commission. The Candidate's management is responsible for the Campaign finance reports during the reporting period. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The summary of procedures and associated findings are presented on the subsequent pages.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to, and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Campaign finance reports during the reporting period of Bill Mundell. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the parties listed in the first paragraph, and is not intended to be and should not be used by anyone other than those specified parties.

Fester & Chapman, PLLC

March 18, 2021

Summary of Procedures and Findings

1. Preliminary Procedures

- a) Commission Staff will obtain a copy of the candidate's campaign finance report for the reporting period and provide the records to the Contractor.

Finding

We obtained the Campaign finance reports from the Arizona Secretary of State's Website for the reporting period between the 2020 Q3 Report, starting July 19, 2020, through the 2020 General Recap Report, which ended November 3, 2020.

- b) Perform a desk review of the receipts reported in the candidate's campaign finance report as follows:
 - (i) Determine whether the candidate accepted contributions only from individuals.

Finding

The contributions received during the reporting period appeared to be only from individuals.

- (ii) Determine whether any contributions received from individuals exceed the early contribution limit.

Finding

Contributions received from individuals during the reporting period did not exceed the \$170 early contribution limit.

- (iii) Check compliance with the maximum early contribution limits.

Finding

Early contributions received during the reporting period did not exceed the \$29,004 limit for a Corporation Commission candidate.

- (iv) Check compliance with the maximum personal contribution limits.

Finding

Personal contributions received during the reporting period did not exceed the \$1,520 limit for a Corporation Commission candidate.

- c). Perform a desk review of the disbursements reported in the candidate's campaign finance report to identify any unusual items requiring follow-up during fieldwork.

Finding

We noted no unusual disbursements during our review.

- d). Contact the candidate or the campaign treasurer, as appropriate, to schedule a date to perform fieldwork. Discuss the nature of the documentation, which will be needed to perform the engagement and ascertain the location of the necessary documentation.

Finding

We contacted the Candidate to discuss the agreed-upon procedures, the timing of our procedures, and the documentation needed.

2. Fieldwork Procedures

- a) Commission staff will contact the candidate to request the records for agreed-upon procedures attest engagement. Candidates receiving audits after the Primary Election shall provide records from the election cycle through the 3rd Quarter Report. Candidates receiving audits after the General Election shall provide records from the election cycle through the 4th Quarter Report.

Finding

Commission staff sent an initial notice to the Candidate and informed the Candidate that we would be contacting them. We then communicated to the Candidate in a written request, the purpose of the request, agreed-upon procedures to be performed, documentation needed, and potential future requirements of the Candidate.

- b) Commission staff will provide the records to the Contractor upon receipt. The contractor shall contact the candidate and/or his or her representative(s) to discuss the purpose of the engagement, the general procedures to be performed and potential future requirements of the candidate, such as possible repayments to the Fund.

Finding

See comment in a) above.

- c) The Contractor shall contact or conduct an interview with the candidate and/or his or her representative(s) to discuss the bookkeeping policies and procedures utilized by the campaign committee.

Finding

The Candidate provided a description of bookkeeping policies and procedures utilized by the Campaign Committee.

- (i) Review the names of the candidate's family members. Family members include parents, grandparents, aunt, uncle, child or sibling of the candidate or the candidate's spouse, including the spouse of any of the listed family members regardless of whether the relation is established by marriage or adoption.

Finding

We obtained and reviewed the names of the Candidate's family members.

- (ii) Review bank statements for each of the months in the reporting period and perform the following:
- Select a sample of deposits and withdrawals from the bank statements and determine that the transaction is properly reflected in the candidate's records and campaign finance report.

Finding

We selected five deposits and five withdrawals from the bank statements for the reporting period and determined that they appeared to be properly recorded in the Candidate's Campaign finance reports.

- Perform a proof of receipts and disbursements for the reporting period.

Finding

Proof of receipts and disbursements was performed for the reporting period and no exceptions were noted.

- d) Judgmentally select a sample of early contributions reported in the candidate's campaign finance report and agree to supporting documentation, which reflects the name of the contributor (for all contributions) and for individuals who contributed greater than \$50, which reflects the contributor's address, occupation and employer.

Finding

We reviewed the supporting documentation for two early contributions reported in the Candidate's Campaign finance report, and determined the name of the contributors for the contributions was included on the support.

- (i) For other types of cash receipts reported on the candidate's campaign finance report, review supporting documentation and review for compliance with regulatory rules and laws and agree the receipt to inclusion in the campaign account bank statement.

Finding

No other types of cash receipts were reported in the Candidate's Campaign finance reports during the reporting period.

- (ii) For in-kind contributions, review the supporting documentation and determine the methodology utilized to value the contribution and assess the reasonableness.

Finding

No in-kind contributions were reported in the Candidate's Campaign finance reports during the reporting period.

- e) Judgmentally select a sample of cash expenditures reported in the candidate's campaign finance report and perform the following:
- (i) Review supporting invoice or other documentation and agree amount to the amount reported in the candidate's finance report.

Finding

We reviewed five expenditures and agreed amounts to supporting invoices or other documentation to the Candidate's Campaign finance report, noting one expenditure was charged in error and was subsequently corrected with a refund check issued from the Candidate's Campaign bank account.

- (ii) Determine that the name, address and nature of goods or services provided agree to the information reported in the candidate's campaign finance report.

Finding

We reviewed five expenditures and agreed the name, address, and nature of goods or services provided in the Candidate's Campaign finance report, noting one expenditure was charged in error and was subsequently corrected with a refund check issued from the Candidate's Campaign bank account.

- Agree the amount of the expenditure to the campaign account bank statement.

Finding

We reviewed five expenditures and agreed amounts to the Campaign account bank statements without exception, noting one expenditure was charged in error and was subsequently corrected with a refund check issued from the Candidate's Campaign bank account.

- (iii) Determine whether the expenditure was made for a direct campaign purpose. Direct campaign purpose includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of the candidate.

Finding

We reviewed five expenditures and determined that all appeared to have been made for direct campaign purposes, noting one expenditure was charged in error and corrected with a refund per bank statement..

- If the expenditure is a joint expenditure made in conjunction with other candidates, determine that the amount paid represents the candidate's proportionate share of the total cost.

Finding

None of the expenditures we tested appeared to be for joint expenditures.

- f) Determine whether any petty cash funds have been established and, if so, determine how expenditures from these funds have been reflected in the accounting records. Determine whether aggregate petty cash funds exceed the limit of \$1,520.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- (i) If applicable, judgmentally select a sample of expenditures made from the candidate's petty cash fund(s) and obtain supporting documentation for the expenditure. Determine whether the expenditure was for a direct campaign expense and whether the expenditure was in excess of the \$170 limit on petty cash expenditures.

Finding

Based on inquiry of the Candidate, the Candidate did not establish a petty cash fund during the reporting period.

- g) Contact the candidate and/or his or her representative(s) to discuss the preliminary engagement findings and recommendations that the Contractor anticipates presenting to the CCEC. During this conference, the Contractor will advise the candidate and/or his or her representative(s) of their right to respond to the preliminary findings and the projected timetable for the issuance of the final issuance of the report.

Finding

We discussed our findings with the Candidate and the Candidate did not provide responses to our findings.

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 1. GENERAL PROVISIONS

R2-20-101. Definitions

In addition to the definitions provided in A.R.S. § 16-961, the following shall apply to the Chapter, unless the context otherwise requires:

1. "Act" means the Citizens Clean Elections Act set forth in the Arizona Revised Statutes, Title 16, Chapter 6, Article 2.
2. "Audit" means a written report pertaining to an examination of a candidate's campaign finances that is reviewed by the Commission in accordance with A.A.C. Title 2, Chapter 20, Article 4.
3. "Campaign account" means an account at a financial institution designated by a political committee that is used solely for political campaign purposes.
4. "Candidate" means a natural person who receives or gives consent for receipt of a contribution for the person's nomination for or election to any office in this state, and includes the person's campaign committee, the political committee designated and authorized by the person, or any agents or personnel of the person. When not otherwise specified by statute or these rules, "Candidate" includes a Candidate for Statewide Office or a Legislative Candidate.
5. "Candidate for Statewide Office" means: A natural person seeking the office of governor, attorney general, secretary of state, treasurer, superintendent of public instruction, or mine inspector.
6. "Current campaign account" means a campaign account used solely for election campaign purposes in the present election cycle.
7. "Direct campaign purpose" includes, but is not limited to, materials, communications, transportation, supplies and expenses used toward the election of a candidate. This does not include the candidate's personal appearance, support, or support of a candidate's family member.
8. "Early contributions" means private contributions that are permitted pursuant to A.R.S. § 16-945.
9. "Examination" means an inspection by the Commission or agent of the Commission of a candidate's books, records, accounts, receipts, disbursements, debts and obligations, bank account records, and campaign finance reports related to the candidate's campaign, which may include fieldwork, or a visit to the campaign headquarters, to ensure compliance with campaign finance laws and rules.
10. "Executive Director" means the highest ranking Commission staff member, who is appointed pursuant to A.R.S. § 16-955(J) and is responsible for directing the day-to-day operations of the Commission.
11. "Expressly advocates" means:
 - a. Conveying a communication containing a phrase such as "vote for," "elect," "re-elect," "support," "endorse," "cast your ballot for," "(name of candidate) in (year)," "(name of candidate) for (office)," "vote against," "defeat," "reject," or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of one or more clearly identified candidates.
 - b. Making a general public communication, such as in broadcast medium, newspaper, magazine, billboard, or direct mailer referring to one or more clearly identified candidates and targeted to the electorate of that candidate(s) that in context can have no reasonable meaning other than to advocate the election or defeat of the candidate(s), as evidenced by factors such as the presentation of the candidate(s) in a favorable or unfavorable light, the targeting, placement, or timing of the communication, or the inclusion of statements of the candidate(s) or opponents.
- c. A communication within the scope of subsection (10)(b) shall not be considered as one that "expressly advocates" merely because it presents information about the voting record or position on a campaign issue of three or more candidates, so long as it is not made in coordination with a candidate, political party, agent of the candidate or party, or a person who is coordinating with a candidate or candidate's agent.
12. "Extension of credit" means the delivery of goods or services or the promise to deliver goods or services to a candidate in exchange for a promise from the candidate to pay for such goods or services at a later date.
13. "Family member" means parent, grandparent, spouse, child, or sibling of the candidate or a parent or spouse of any of those persons.
14. "Fair market value" means the amount at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts.
15. "Fixed Asset" means tangible property usable in a capacity that will benefit the candidate for a period of more than one year from the date of acquisition.
16. "Fund" means the Citizens Clean Elections Fund established pursuant to A.R.S. § 16-949(D).
17. "Future campaign account" means a campaign account that is used solely for campaign election purposes in an election that does not include the present or prior primary or general elections.
18. "Independent candidate" means a candidate who is registered as an independent or with no party preference or who is registered with a political party that is not eligible for recognition on the ballot.
19. "Legislative Candidate" means: A natural person seeking the office of state senator or state representative.
20. "Officeholder" means a person who has been elected to a statewide office or the legislature in the most recent election, as certified by the Secretary of State, or who is appointed to or otherwise fills a vacancy in such office.
21. "Person," unless stated otherwise, or having context requiring otherwise, means: A corporation, company, partnership, firm, association or society, as well as a natural person.
22. "Prior campaign account" means a campaign account used solely for campaign election purposes in a prior election.
23. "Public funds" includes all funds deposited into the Citizens Clean Elections Fund and all funds disbursed by the Commission to a participating candidate.
24. "Solicitor" means a person who is eligible to be registered to vote in this state and seeks qualifying contributions from qualified electors of this state.
25. "Unopposed" means in reference to state senate candidates and statewide candidates other than Corporation Commission, that the candidate is opposed by no candidates who will appear on the ballot. In reference to candidates for the House of Representatives and Corporation Commission, "unopposed" means that no more candidates will appear on the ballot than the number of seats available for the office sought.

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

repealed; new Section made by exempt rulemaking at 8 A.A.R. 588, effective October 17, 2001 (Supp. 02-1).

Amended by exempt rulemaking at 13 A.A.R. 2434, effective August 27, 2007 (Supp. 07-2). Amended by exempt rulemaking at 17 A.A.R. 1950, effective August 25, 2011 (Supp. 11-3).

Revised Editor's Note: The Office will not interpret the legality of any actions made by the Commission or the Governor's Regulatory Review Council as to whether the rules in R2-20-109 and R2-20-111 were effective at 23 A.A.R. 1761 or expired at 23 A.A.R. 1757 between the dates of June 7, and December 14, 2017. Those interested in that issue should consult counsel.

R2-20-109. Independent Expenditure Reporting Requirements

- A.** In accordance with A.R.S. § 16-958(E), all persons obligated to file any campaign finance report under any provisions of Chapter 6, Article 2 of the Arizona Revised Statutes shall file such reports using the Secretary of State's Internet-based finance-reporting system, except if:
 1. Expressly provided otherwise by another Commission rule; or
 2. That system, or the necessary function on the system, is unavailable, in which case the executive director shall implement a suitable process.
 - B.** Independent Expenditure Reporting Requirements.
 1. Any person making independent expenditures cumulatively exceeding the amount prescribed in A.R.S. § 16-941(D) in an election cycle shall file campaign finance reports in accordance with A.R.S. § 16-958 and Commission rules.
 2. Any person who fails to file a timely campaign finance report pursuant to A.R.S. § 16-941(D), A.R.S. § 16-958, shall be subject to a civil penalty as prescribed in A.R.S. § 16-942(B). Subsection R2-20-109(B)(4) does not apply to reports pursuant to A.R.S. §§ 16-941(D) and -958 or this subsection. Any expenditure advocating against one or more candidates shall be considered an expenditure on behalf of any opposing candidate(s). Penalties shall be assessed as follows:
 - a. For an election involving a candidate for statewide office, the civil penalty shall be \$300 per day.
 - b. For an election involving a legislative candidate, the civil penalty shall be \$100 per day.
 - c. The penalties in (a) and (b) shall be doubled if the amount not reported for a particular election cycle exceeds ten (10%) percent of the applicable adjusted primary election spending limit or adjusted general election spending limit.
 - d. The dollar amounts in items (a) and (b), and the spending limits in item (c) are subject to adjustment of A.R.S. § 16-959.
 - e. Penalties imposed pursuant to this subsection shall not exceed twice the amount of expenditures not reported.
 3. A.R.S. § 16-942(B) applies to any entity including political committees that accepts contributions or makes expenditures on behalf of any candidate regardless of any other contributions taken or expenditures made and fails to timely file a campaign finance report under Chapter 6 of Title 16, Arizona Revised Statutes. Any expenditure advocating against one or more candidates shall be considered an expenditure on behalf of any opposing candidate(s). Penalties shall be assessed as follows:
 - a. For an election involving a candidate for statewide office, the civil penalty shall be \$300 per day.
 - b. For an election involving a legislative candidate, the civil penalty shall be \$100 per day.
 - c. The penalties in (a) and (b) shall be doubled if the amount not reported for a particular election cycle exceeds ten (10%) percent of the applicable adjusted primary election spending limit or adjusted general election spending limit.
 - d. The dollar amounts in items (a) and (b), and the spending limits in item (c) are subject to adjustment of A.R.S. § 16-959.
 - e. Penalties imposed pursuant to this subsection shall not exceed twice the amount of expenditures not reported.
4. For purposes of A.A.C. R2-20-109(B)(3):
 - a. An entity shall not be found to have the predominant purpose of influencing elections unless, a preponderance of the evidence establishes that during a two-year legislative election cycle, the total reportable contributions made by the entity, in any combination, in a calendar year exceeds \$1,000 and is more than fifty percent (50%) of the entity's total spending during the election cycle.
 - i. For purposes of this provision, a "reportable contribution" or "reportable expenditure" shall be limited to a contribution or expenditure, as defined in title 16 of the Arizona revised statutes, that must be reported to the Arizona secretary of state, the Arizona citizens clean elections commission, or local filing officer in Arizona. A contribution or expenditure that must be reported to the federal election commission or to the election authority of any other state, but not to the Arizona secretary of state, the Arizona citizens clean elections commission or a local filing officer in Arizona, shall not be considered a reportable contribution or reportable expenditure.
 - ii. For purposes of this provision, "total spending" shall not include volunteer time or fundraising and administrative expenses but shall include all other spending by the organization.
 - iii. For purposes of this provision, grants to other organizations shall be treated as follows:
 - (1) A grant made to a political committee or an organization organized under section 527 of the internal revenue code shall be counted in total spending and as a reportable contribution or reportable expenditure, unless expressly designated for use outside Arizona or for federal elections, in which case such spending shall be counted in total spending but not as a reportable contribution or reportable expenditure.
 - (2) If the entity making a grant takes reasonable steps to ensure that the transferee does not use such funds to make a reportable contribution or reportable expenditure, such a grant shall be counted in total spending but not as a reportable contribution or reportable expenditure.
 - iv. If the entity making a grant earmarks the grant for reportable contributions or reportable expenditures, knows the grant will be used to make reportable contributions or reportable expenditures, knows that a recipient will likely use a portion of the grant to make reportable

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

- contributions or reportable expenditures, or responds to a solicitation for reportable contributions or reportable expenditures, the grant shall be counted in total spending and the relevant portion of the grant as set forth in subsection (v) of this section shall count as a reportable contribution or reportable expenditure.
- v. Notwithstanding subsections (iii) and (iv) the amount of a grant counted as a reportable contribution or reportable expenditure shall be limited to the lesser of the grant or the following:
 - (1) The amount that the recipient organization spends on reportable contributions and reportable expenditures, plus
 - (2) The amount that the recipient organization gives to third parties but not more than the amount that such third parties fund reportable contributions or reportable expenditures.
 - b. Notwithstanding section a above, the commission may nonetheless determine that an entity is not a political committee if, taking into account all the facts and circumstances of grants made by an entity, it is not persuaded that the preponderance of the evidence establishes that the entity is a political committee as defined in title 16 of Arizona Revised Statutes.

Historical Note

New Section adopted by exempt rulemaking at 6 A.A.R. 1567, effective June 21, 2000 (Supp. 00-2). Section repealed; new Section made by exempt rulemaking at 8 A.A.R. 588, effective October 17, 2001 (Supp. 02-1). Amended by exempt rulemaking at 11 A.A.R. 4518, effective May 28, 2005 (Supp. 05-4). Amended by exempt rulemaking at 13 A.A.R. 3597, effective January 1, 2008 (Supp. 07-4). Amended by exempt rulemaking at 15 A.A.R. 1156, effective August 31, 2009 (Supp. 09-2). Amended by exempt rulemaking at 16 A.A.R. 152, effective January 29, 2010 (Supp. 10-1). Subsections R2-20-109(A), (A)(4), and (B) through (E) amended by exempt rulemaking at 19 A.A.R. 2923, effective October 6, 2011; Subsections R2-20-109(A) and (C)(2) amended by exempt rulemaking at 19 A.A.R. 2923, effective August 29, 2013; Subsection R2-20-109(C)(3) amended by exempt rulemaking at 19 A.A.R. 2923, effective January 1, 2014 (Supp. 13-3). Amended by exempt rulemaking at 19 A.A.R. 3519, effective September 27, 2013 (Supp. 13-4). Amended by exempt rulemaking at 20 A.A.R. 1329, effective May 22, 2014 (Supp. 14-2). Amended by exempt rulemaking at 20 A.A.R. 2804, effective September 11, 2014 (Supp. 14-3). Subsection R2-20-109(D) amended by final exempt rulemaking at 21 A.A.R. 3168 effective October 29, 2015; subsection R2-20-109(F) amended by final exempt rulemaking at 21 A.A.R. 3168 effective October 30, 2015 (Supp. 15-4). Amended by exempt rulemaking at 22 A.A.R. 2892, effective January 1, 2017 (Supp. 16-3). Amended by final exempt rulemaking at 23 A.A.R. 121, effective January 1, 2017 (Supp. 16-4). Section retained at the request of the Commission at 23 A.A.R. 1761 (Supp. 17-2, version 2). The Commission adopted and unanimously voted to reenact and republish this Section that was "currently in effect" for

the purpose of public notice and clarity at 24 A.A.R. 109, effective December 14, 2017 (Supp. 17-4).

R2-20-110. Participating Candidate Reporting Requirements

- A. All participating candidates shall file campaign finance reports that include all receipts and disbursements for their current campaign account as follows:
 - 1. Expenditures for consulting, advising, or other such services to a candidate shall include a detailed description of what is included in the service, including an allocation of services to a particular election. When appropriate, the Commission may treat such expenditures as though made during the general election period.
 - 2. If a participating candidate makes an expenditure on behalf of the campaign using personal funds, the candidate's campaign shall reimburse the candidate within seven calendar days of the expenditure. After the 7 day period has passed, the expenditure shall be deemed an in-kind contribution subject to all applicable limits.
 - 3. A candidate may authorize an agent to purchase goods or services on behalf of such candidate, provided that:
 - a. Expenditures shall be reported as of the date that the agent promises, agrees, contracts or otherwise incurs an obligation to pay for the goods or services;
 - b. The candidate shall have sufficient funds in the candidate's campaign account to pay for the amount of such expenditure at the time it is made and all other outstanding obligations of the candidate's campaign committee; and
 - c. Within seven calendar days of the date upon which the amount of the expenditure is known, the candidate shall pay such amount from the candidate's campaign account to the agent who purchases the goods or services.
 - 4. A joint expenditure is made when two or more candidates agree to share the cost of goods or services. Candidates may make a joint expenditure on behalf of one or more other campaigns, but must be authorized in advance by the other candidates involved in the expenditure, and must be reimbursed within seven days. Participating candidates may participate in joint expenditures for the cost of goods and services with one or more candidates, subject to the following:
 - a. Joint expenditures must be allocated fairly among candidates. An allocated share of a joint expenditure paid by one candidate pursuant to such an agreement must be reimbursed within seven days.
 - b. Any violator of part (a) shall be liable for a penalty pursuant to R2-20-222, in addition to penalties prescribed by any other law.
 - c. If a fairly allocated share of any joint expenditure is not reimbursed to a candidate, the unreimbursed amount of the joint expenditure fairly allocated to that candidate shall be deemed a contribution to that candidate by the campaign committee of the candidate obligated to reimburse the share.
 - d. If a fairly allocated share of any joint expenditure is not reimbursed to a participating candidate, the candidate obligated to reimburse the share shall reimburse the fund for the unreimbursed amount of the joint expenditure fairly allocated to the obligated candidate, in addition to any penalty specified by law.
 - e. A candidate's payment for an advertisement, literature, material, campaign event or other activity shall

Summary of Recommendations on Rule Amendments

R2-20-101(13)

Recommendation-- Strike

13. "Family member" means parent, grandparent, spouse, child, or sibling of the candidate or a parent or spouse of any of those persons.

Renumber

Basis: In Senate Bill 1516 (2016) the legislature broadened the definitions of family members in Article 1, Chapter 6 of Title 16, Arizona Revised Statutes. The result of this is that the narrower definition in the Commission rules should be stricken as inconsistent with existing law. The Clean Elections Act uses this definition as a **limitation** on contributions while Title 16, Chapter 6, Article 1 uses it to **expand contributions** not subject to campaign contribution limits.

Nevertheless, post *Arizona Advocacy Network v. State*, 475 P.3d 1149 (Ariz. App. 2020), available at

https://scholar.google.com/scholar_case?case=5149195756633756230&hl=en&as_sdt=806, this seems to reflect the intent of the Court of Appeals that the Legislature may reverse and alter certain definitions without amending the Clean Elections Act.

R2-20-109

Recommendation -- add additional language to clarify the applicability of the state's exemption for nonprofit organizations that would otherwise be political committees. Amend R2-20-109(B)(4)(a): Insert Subject to A.R.S. 16-901(43) and notwithstanding any rule to the contrary of that section, an entity shall not be found to have the predominant"

Basis: Rule 2-20-109 allows any entity that believes itself to have any basis under Title 16 to offer that as a response to an enforcement matter. Nevertheless, this addition clarifies that that includes the Legislature's decision to override commission rules. The legislature determined that Commission rules that would otherwise apply equally to all political spenders should not apply to non-profit organizations. Nothing in this amendment affects the Clean Elections Campaign Finance Reports.

I recognize that eliminating any discussion of political action committees entirely may be more desirable to others. My own analysis is that under *Galassini v. Fountain Hills*, we should leave political action committee analysis in place, because absent such a calculation, the central due process holding of *Galassini* is left unaddressed.

475 P.3d 1149 (2020)

The ARIZONA ADVOCACY NETWORK FOUNDATION, et al., Plaintiffs/Appellees,
v.
STATE of Arizona, et al., Defendants/Appellants.

No. 1 CA-CV 19-0489.

Court of Appeals of Arizona, Division 1.

Filed September 29, 2020.

As Amended November 9, 2020.

Appeal from the Superior Court in Maricopa County, No. CV2017-096705, The Honorable David J. Palmer, Judge.

AFFIRMED IN PART; VACATED AND REMANDED IN PART.

Torres Law Group, PLLC, Tempe, By Israel G. Torres, James E. Barton II, Jacqueline Mendez Soto, Counsel for Plaintiffs/Appellees Arizona Advocacy Network Foundation.

Osborn Maledon, P.A., Phoenix, By Mary R. O'Grady, Joseph N. Roth, Counsel for Defendant/Appellee Citizens Clean Elections Commission.

Fennemore Craig, P.C., Phoenix, By Timothy J. Berg, Emily Ward, Brett Gilmore, Counsel for Defendant/Appellant State of Arizona.

Institute for Justice, Tempe, By Paul V. Avelar, Counsel for Amicus Curiae

Judge David B. Gass delivered the opinion of the Court, in which Presiding Judge Lawrence F. Winthrop and Judge Maria Elena Cruz joined.

1151 *1151 **OPINION**

GASS, Judge:

¶1 This opinion addresses the application of Arizona's Voter Protection Act (the VPA) to the voter-approved Citizens Clean Elections Act (the Act). In 2016, Senate Bill 1516 (SB1516) made comprehensive changes to Arizona's campaign-finance laws. See 2016 Ariz. Sess. Laws, ch. 79 (2d Reg. Sess.). Though SB1516 made no changes to the Act itself, at issue is whether some of SB1516's provisions nonetheless violate the VPA.

¶2 Arizona Advocacy Network (AAN) and the Citizens Clean Election Commission (collectively, appellees) challenge some of SB1516's amendments to the definitions of "contribution" and "expenditures," arguing those terms are VPA-protected. Applying the analysis in *Arizona Citizens Clean Elections Commission v. Brain*, 234 Ariz. 322, 322 P.3d 139 (2014), we hold the Act does not permanently establish or fix those definitions. The superior court, therefore, erred when it enjoined those amendments.

¶3 Citing *State v. Maestas*, 244 Ariz. 9, 417 P.3d 774 (2018), appellees also challenge SB1516's new definition of the term "primary purpose." The new definition effectively immunizes tax-exempt entities from some registration and reporting requirements. Appellees argue the new definition indirectly amends or undermines the purpose of the Act. Because the new definition neither directly nor indirectly impacts the substance of the Act, it does not run afoul of the VPA. The superior court, therefore, erred when it enjoined A.R.S. §§ 16-901(43) and -905.D.^[1]

¶4 Finally, appellees challenge the "sole public officer" limitation that SB1516 added to subsection 16-938.A. Because this provision limits the Citizens Clean Election Commission's investigative authority under the Act, it violates the VPA. The superior court, therefore, did not err when it enjoined this language as to the Commission only.

¶5 Accordingly, we affirm in part, vacate in part, and remand for the superior court to redetermine its award of attorney fees and costs consistent with this opinion.

FACTUAL HISTORY

1152 ¶6 The Act, a 1998 voter initiative, "established an alternative campaign financing system for primary and general elections and created [the Commission] to administer it." Brain, 234 Ariz. at 323, ¶ 3, 322 P.3d 139. With one exception, the Act is codified as title 16, chapter 6, article 2. See A.R.S. §§ 16-940 *1152 to -961. The Act also added a section to chapter 6, article 1 defining the term "expressly advocates." See A.R.S. § 16-901.01. Until SB1516's enactment, Arizona's other campaign-finance laws were contained in chapter 6, article 1.

¶7 The VPA, a separate voter initiative, also passed in 1998. The VPA amended Arizona's Constitution to "limit[] the legislature's authority to modify laws enacted by voters at or after the November 1998 general election." See Brain, 234 Ariz. at 323, ¶ 4, 322 P.3d 139 (citations omitted). The VPA applies to the Act. See *id.* Specifically, the VPA eliminated the legislature's authority to repeal a voter-approved law. See Ariz. Const. art. 4, pt. 1, § 1(6)(B). The VPA also prohibits the legislature from amending or superseding a voter-approved law unless the proposed legislation (1) "furtheres the purposes" of the voter-approved law and (2) is approved by "at least three-fourths of the members of each house of the legislature." See *id.* § 1(6)(C), (14).

¶8 Before SB1516 was enacted, title 16, chapter 6, article 1 consisted of sections 16-901 through 16-925. Except for § 16-901.01, SB1516 entirely repealed the existing article 1, replacing and reorganizing it with articles 1 through 1.7.^[2] See 2016 Ariz. Sess. Laws, ch. 79, §§ 10-12 (2d Reg. Sess.). The current articles 1 through 1.7 consist of sections 16-901 through 16-938.

¶9 The first issue involves the terms "contribution" and "expenditures." Though the Act uses those terms, it does not explicitly define them. Instead, it states both terms "are defined in section 16-901." See A.R.S. § 16-961.A.

¶10 When the Act passed, § 16-901 defined "contribution" and "expenditures" by specifying categories of items included in, and exempted from, each definition. See A.R.S. § 16-901(5), (8) (1998). SB1516 left the definitions in § 16-901 but relocated and expanded the related exemptions. See A.R.S. §§ 16-901(11) (defining "contribution"), -911 (exemptions from definition of "contribution"), -901(25) (defining "expenditure"), -922 (exemptions from definition of "expenditure"). As relevant here, because of SB1516's changes, "payment by a political party to support its nominee, including ... [c]oordinated party expenditures," and payment "of a committee's legal or accounting expenses" are no longer "contribution[s]." See A.R.S. § 16-911.B.4(b), .B.6(c). Similarly, payment "of a committee's legal or accounting expenses" or "for legal or accounting services that are provided to a committee" are no longer "expenditures." See A.R.S. § 16-921.B.4(c), .B.7.

¶11 The second issue involves the term "primary purpose." SB1516 defines "primary purpose" as "an entity's predominant purpose." See A.R.S. § 16-901(43). The definition further provides that entities with a fully compliant "tax exempt status under section 501(a) of the internal revenue code" are "not organized for the primary purpose of influencing an election." See *id.* Appellees challenge the new definition because it insulates some pre-SB1516 "political committees" from certain campaign-finance registration and reporting requirements. Appellees also challenge the related subsection 16-905.D, which provides an entity without fully compliant tax-exempt status faces "a rebuttable presumption [it] is organized for the primary purpose of influencing the result of an election."

¶12 Appellees' challenge relates to SB1516's repeal of the term "political committee" from § 16-901. The Act references that definition in subsection 16-961.A. In 1998, § 16-901 defined "political committee," in part, as:

1153 a candidate or any association or combination of persons that is organized, conducted or combined for the purpose of influencing the result of any election ... notwithstanding that the association or combination of persons may be part of a larger association, combination of persons or sponsoring organization not primarily organized, conducted or combined for the purpose of influencing the result of any *1153 election in this state or in any county, city, town or precinct in this state.

A.R.S. § 16-901(19) (1998).

¶13 SB1516 repealed the definition of "political committee" and created a similar term, "committee." Under SB1516, "committee" means "a candidate committee, a political action committee or a political party." A.R.S. § 16-901(10). SB1516 in turn defines "political action committee" as an entity "organized for the primary purpose of influencing the result of an election" that "knowingly receives contributions or makes expenditures, in any combination, of at least one thousand dollars in connection with any election during a calendar year." A.R.S. § 16-905.C (emphasis added); see also A.R.S. § 16-901(41) (defining "political action committee" as an entity required to register under § 16-905.C). Importantly, appellees do not challenge, and the superior court did not enjoin, § 16-905.C's definition of "political action committee" or its use of "primary purpose."

¶14 The third issue involves the phrase "sole public officer." SB1516 revised and renumbered the investigation and enforcement provisions of the previous article 1—now articles 1 through 1.7. SB1516 specified that "a filing officer is the sole public officer who is authorized to initiate an investigation into alleged violations of" articles 1 through 1.7. See A.R.S. § 16-938.A (emphasis added). SB1516 defines "filing officer" as "the [S]ecretary of [S]tate or the county, city or town officer in charge of elections for that jurisdiction who accepts statements and reports for those elections." A.R.S. § 16-901(27). The Commission is not a filing officer under SB1516.

PROCEDURAL HISTORY

¶15 AAN filed suit against the State, the Secretary of State, the Commission, and the Governor's Regulatory Review Council. Though the Commission was a named defendant, it supported AAN's position in the superior court and joins AAN as an appellee here. Appellees challenge SB1516's amendments as outlined above, arguing they are unconstitutional under the VPA because they amend the Act but were neither passed with a three-fourths majority nor further the Act's purpose.

¶16 On cross-motions for summary judgment, the superior court entered judgment for appellees. The superior court found SB1516 (1) "effectively amend[s] the Act by altering key definitions" and (2) restricts the Commission "from enforcing requirements... that are within the scope of the Commission's enforcement jurisdiction under the Act." The superior court, therefore, enjoined the following provisions of SB1516:

1. Regarding the definition of "contribution," the exemption of "payment by a political party to support its nominee, including ... [c]oordinated party expenditures" (A.R.S. § 16-911.B.4(b)) and the value to a committee of the "[p]ayment of a committee's legal or accounting expenses by any person" (A.R.S. § 16-911.B.6(c));
2. Regarding the definition of "expenditures," the exemption of the value to a committee of "[p]ayment of a committee's legal and accounting expenses" (A.R.S. § 16-921.B.4(c)) and of "[a]ny payment for legal or accounting services that are provided to a committee" (A.R.S. § 16-921.B.7);
3. Regarding "primary purpose," the term's definition (A.R.S. § 16-901(43)) and the rebuttable presumption a non-compliant 501(a) tax-exempt entity making contributions or expenditures is "organized for the primary purpose of influencing the result of an election" (A.R.S. § 16-905.D); and
4. Regarding investigative authority under A.R.S. § 16-938.A as it relates to the Commission only, the phrase "is the sole public officer who."

¶17 The superior court awarded AAN \$51,564.13 in attorney fees and costs. The State timely appealed. This court has jurisdiction under Article 6, Section 9, of the Arizona Constitution, and A.R.S. § 12-2101.A.1.

ANALYSIS

1154 ¶18 This court reviews the constitutionality and interpretation of statutes *de novo*. See Maestas, 244 Ariz. at 11, ¶6, 417 P.3d at 776; Brain, 234 Ariz. at 325, ¶11, 322 P.3d at 142. "When the statute in question involves no fundamental constitutional rights or distinctions based on suspect classifications, we presume the statute is constitutional and will uphold it unless it clearly is not." Cave Creek Unified Sch. Dist. v. Ducey, 233 Ariz. 1, 5, ¶11, 308 P.3d 1152, 1156 (2013). The party challenging the statute bears the burden of proving its unconstitutionality. *Id.*

¶19 The "primary objective in interpreting a voter-enacted law is to effectuate the voters' intent." *Brain*, 234 Ariz. at 325-26, ¶ 11, 322 P.3d at 142-43. If the statute's language is clear and unambiguous, courts "must give effect to that language without employing other rules of statutory construction." *Parsons v. Ariz. Dep't of Health Servs.*, 242 Ariz. 320, 323, ¶ 11, 395 P.3d 709, 712 (App. 2017). If the language, however, is ambiguous, courts "look to the rules of statutory construction and consider the statute's context; its language, subject matter, and historical background; its effects and consequences; and its spirit and purpose." *Stein v. Sonus USA, Inc.*, 214 Ariz. 200, 201, ¶ 3, 150 P.3d 773, 774 (App. 2007) (quotations omitted).

I. Subsection 16-961.A's reference to the definitions of "contribution" and "expenditures" in § 16-901 does not extend VPA protections to those definitions.

¶20 Appellees argue that by referencing the definitions of "contribution" and "expenditures" in § 16-901, the Act incorporates those definitions as they existed in 1998 into the Act and therefore extends the VPA's protection to them.

¶21 Beginning—as this court must—with the statute's language, subsection 16-961.A provides:

The terms "candidate's campaign committee," "contribution," "expenditures," "exploratory committee," "independent expenditure," "personal monies," "political committee" and "statewide office" are defined in section 16-901.

¶22 As with the provision at issue in *Brain*, this language "can be reasonably read as either providing" instruction on where a definition can be found, as the State argues, or fully incorporating the relevant definitions into the Act, as appellees argue. See 234 Ariz. at 325, ¶ 13, 322 P.3d at 142. Accordingly, we must "look to the rules of statutory construction." See *Stein*, 214 Ariz. at 201, ¶ 3, 150 P.3d at 774 (quotation omitted).

¶23 In *Brain*, the Commission challenged the legislature's power to amend contribution limits then defined in § 16-905 because the Act references those limits. Specifically, subsection 16-941.B of the Act prohibits nonparticipating candidates (meaning candidates who have chosen to forego public financing under the Act) "from accepting contributions greater than eighty percent of the campaign contribution limits specified in A.R.S. § 16-905." See *Brain*, 234 Ariz. at 323, ¶ 1, 322 P.3d at 140 (referencing pre-SB1516 version of § 16-905). The issue in *Brain* was "whether the Act fixes campaign contribution limits at eighty percent of the amounts that existed [when the Act was passed] or instead provides a formula for calculating limits." *Id.*

¶24 In *Brain*, the supreme court held the Act did not permanently fix the contribution limits as they existed when it was passed. See *id.* at 325, ¶ 14, 322 P.3d at 142. Instead, it recognized the limits in then-§ 16-905 were variables in a formula under the Act, and as variables, the VPA did not protect them. See *id.* at 325-26, ¶¶ 15-16, 322 P.3d at 142-43. If "voters intended to fix static contribution limits, they could have easily and clearly done so by specifying dollar amounts." See *id.* at 325, ¶ 15, 322 P.3d at 142. Because voters provided "fixed monetary amounts" in other parts of the Act, "no sound reason exists to conclude that the voters intended to establish fixed contribution limits ... by using a percentage formula that expressly incorporates another, existing statute, [then] § 16-905." *Id.* at 326, ¶ 16, 322 P.3d at 143.

¶25 The supreme court reached this conclusion after considering five factors:

1. Does the Act use the term in a formula?
- *1155 2. Does the Act treat the disputed term differently than other terms?
3. Would the Commission's position create anomalies that are not fair and reasonable?
4. Would the Commission's position create a needlessly confusing system?
5. Did anything in the ballot and attendant publicity pamphlet suggest voters intended the Act to fix the 1998 terms?

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See *id.* at 325-27, ¶¶ 14-21, 322 P.3d at 142-45. Applying each of these factors here shows the terms "contribution" and "expenditures" are not VPA protected.

¶26 As to the first factor, a formula is "a set form of words for indicating procedure to be followed." *Id.* at 325, ¶ 15, 322 P.3d at 142 (quoting Random House Webster's Unabridged Dictionary (2d ed. 2001)). A formula typically will specify how certain variables must be treated. See Brain, 234 Ariz. at 325, ¶ 15, 322 P.3d at 142 ("Application of a percentage to a given amount is characteristic of a formula."). A variable is "something that may or does vary; a variable feature or factor." See Random House Webster's Unabridged Dictionary (2d ed. 2001). It comes from the verb, to vary, which means "to change or alter, as in form, appearance, character, or substance." *Id.* Variables referenced in a formula in a VPA-protected statute do not enjoy VPA protections unless they also are specifically defined within a VPA-protected statute. See Brain, 234 Ariz. at 325-26, ¶¶ 15-16, 322 P.3d at 142-43.

¶27 The statute at issue in *Brain* references two variables, contributions and contribution limits. See A.R.S. § 16-941.B. The specific issue in *Brain* involved only the latter —contribution limits. If the sum of a nonparticipating candidate's contributions exceeds the contribution limit under subsection 16-941.B, the candidate violates Arizona's campaign-finance laws. Defined contributions —at issue here—and the defined contribution limits—at issue in *Brain*—are variables on opposite sides of the same formula. This point is equally true of expenditures and expenditure limits. See, e.g., A.R.S. § 16-941.A.2 (addressing participating candidate expenditure limits).

¶28 In short, the definitions of "contribution" and "expenditures" are variables in the Act's formula for calculating total contributions and total expenditures. Assistance in the form of a "contribution" is subject to the contribution limits, but assistance in a form that does not constitute a "contribution" is not. "Expenditures" work the same way. And nothing in SB1516 changes those formulas.

¶29 Moving to the second factor, the Act treats the terms in subsection 16-961.A— including "contribution" and "expenditures" —differently from the other terms in § 16-961. Only subsection 16-961.A references an *entire definition* from another statute. The remainder of § 16-961 provides fixed, specific definitions for terms used within the Act. See, e.g., A.R.S. § 16-961.B.1 (defining "election cycle"), .C (defining "participating candidate" and "nonparticipating candidate"), .F.1 (defining "party nominee"). Consistent with the reasoning in *Brain*, if "voters intended to fix [the definitions in subsection 16-961.A], they could have easily and clearly done so" by including the definitions within the terms of the Act itself. See 234 Ariz. at 325, ¶ 15, 322 P.3d at 142. They did not. "The fact that voters treated the § 16-9[61.A terms] differently" suggests the voters did not intend to fix the definitions of those terms when they referenced § 16-901. See *id.* at 326, ¶17, 322 P.3d at 143.

¶30 "In short, no sound reason exists to conclude that voters intended to establish fixed [definitions] in § 16-9[61.A] by using a [reference to] another, existing statute, § 16-90[1]." See *id.* at 326, ¶ 16, 322 P.3d at 143; see also Cleckner v. Ariz. Dep't of Health Servs., 246 Ariz. 40, 43, ¶ 9, 433 P.3d 1200, 1203 (App. 2019) (courts interpret statutes "to give meaning to each word, phrase, clause and sentence so that no part of the legislation will be void, inert or trivial").

1156 ¶31 Under the third factor, appellees' position would create unfair and unreasonable anomalies, resulting in an uneven playing field. See Brain, 234 Ariz. at 326-27, ¶¶ 18-19, 322 P.3d at 143-44. This factor rebuts an argument the Commission makes on appeal. The Commission argues we could apply the 1998 definitions to candidates for offices governed by the Act but allow the post-SB1516 definitions to apply to candidates for offices that are not. This approach would allow a mayoral or county attorney candidate to accept contributions a gubernatorial or attorney general candidate could not. Compare A.R.S. § 16-911.B.6(c) (exempting "[p]ayment of a committee's legal or accounting expenses" from "contribution"), with § 16-901(5)(b)(ix) (1998) (exempting "[l]egal or accounting services [only if the] person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of compliance with this title"). The same is true for calculating "expenditures," resulting in different treatment depending on the office sought. It also would tie candidates for offices governed by the Act to definitions that have become antiquated in part because of technology, while allowing others the benefit of updated definitions. See, e.g., A.R.S. § 16-911.B.1(d) (exempting certain email, internet activity, and social-media messages from definition of "contribution"). As with the contribution limits at issue in *Brain*, nothing here indicates the voters intended such a result. See 234 Ariz. at 326, ¶ 18, 322 P.3d at 143.

¶32 As to the fourth factor, each of appellees' proposed solutions would create a needlessly confusing system. See *id.* at 327, ¶20, 322 P.3d at 144. Appellees' two solutions are (1) fixing the 1998 definitions only for candidates governed by the

Act (meaning, candidates who run for statewide office and the legislature) or (2) holding that any cross-reference to a statute outside the Act extends VPA protections to the referenced statute.

¶33 Appellees' first proposed solution would become a trap for the unwary, potentially driving up the cost of running for office because of a needlessly complex campaign-finance system, possibly discouraging the uninitiated from running for office. Candidates and contributors would have the challenging task of trying to determine which laws, including some that are no longer found in the books, control what they could and could not do for a candidate based on the office sought. It also would limit candidates' ability to change the office sought during the campaign or transfer funds between campaign accounts. The differences in the definitions could cause campaign-finance violations for the new office even if the conduct were appropriate for the original office. All these potential impacts run counter to the goals laid out for the Act. See A.R.S. § 16-940.B.

¶34 Turning to appellees' second proposed solution, the Act cross-references more than two dozen statutes, reaching far beyond title 16, chapter 6. See, e.g., A.R.S. §§ 16-946.B.6 (citing the definition of an electronic signature from § 41-351); -957.B (citing timeframe to appeal a penalty issued by the Commission "to the superior court as provided in title 12, chapter 7, article 6"). In the nearly two decades between passage of the Act and SB1516, the legislature amended several of these cross-referenced statutes without the VPA-requisite three-fourths' vote. See, e.g., 2012 Ariz. Sess. Laws, ch. 321, § 116 (2d Reg. Sess.) (repealing title 41, chapter 4, article 5—cross-referenced in subsection 16-955.J).^[3] As the State rightly notes, "[c]onstruing the VPA to encompass these amended statutes merely because they were cross-referenced in the Act calls into question the constitutionality of" these amendments and countless others. In response, the Commission asserts its position "concerns a tiny subset of the definitions incorporated from § 16-901." But appellees do not offer, and this court cannot identify, any principled way to limit an adoption of their "specific reference" argument to only "a tiny subset" of § 16-961.A. Such an unworkable result "cannot be supposed to have been within the [voters'] intention." See State v. Estrada, 201 Ariz. 247, 251, ¶ 17, 34 P.3d 356, 360 (2001) (quotation omitted).

1157 ¶35 As a final point on this factor, notwithstanding appellees' argument to the contrary, the "specific reference" statutory construction canon does not apply here because it does not aid in determining voters' intent. See Brain, 234 Ariz. at 328, ¶ 27, 322 P.3d at 145. "Specific reference" is a "statutory construction canon providing that when a statute adopts another statute by specific reference, the adopted statute is taken as it then exists and does not include subsequent amendments, unless the enactors of the adopting statute expressly intended otherwise." See *id.* Relying on that canon, appellees argue the Act expressly incorporates the challenged definitions as they existed in 1998. The Commission made the same "specific reference" argument in *Brain*. See *id.* In *Brain*, the supreme court declined to apply the canon, saying it "does not help ascertain the voters' intent," particularly when, as here, other evidence demonstrates that intent. See *id.* The *Brain* dissent agreed the canon did not apply and urged disclaiming it altogether. See *id.* at 329, ¶35, 322 P.3d at 146 (Bales, V.C.J., dissenting). For these same reasons, we will not apply the canon here.

¶36 The State also argues § 1-255 precludes this court from applying the "specific reference" canon. That section says, "A reference to a statute or portion of a statute applies to all reenactments, revisions or amendments of the statute or portion of the statute." A.R.S. § 1-255. If the statute applied, it would compel the conclusion the Act did not fix the definitions. As discussed above, we conclude—independent of the statute—the canon provides no useful guidance, so we need not address whether it applies.

¶37 Addressing the fifth and final factor, "nothing in the ballot or attendant publicity pamphlet for the 1998 election informed voters that § 16-9[61.A] permanently fixed" the definitions of "contribution" or "expenditures." See Brain, 234 Ariz. at 327, ¶ 21, 322 P.3d at 144; see also 1998 Publicity Pamphlet, Proposition 200 (Publicity Pamphlet) at 60-92.^[4] This court may "consider ballot materials and publicity pamphlets circulated in support of the initiative." See Brain, 234 Ariz. at 327, ¶ 21, 322 P.3d at 144. The description from the Legislative Council merely said participating candidates were "[p]rohibited from accepting other contributions, except as specified for emergency situations" and did not mention any impact on contributions for nonparticipating candidates. See Publicity Pamphlet at 85. The language on the ballot described the Act, and the effect of a "yes" vote, as:

ESTABLISHING 5-MEMBER COMMISSION TO ADMINISTER ADDITIONAL ALTERNATIVE CAMPAIGN FINANCING SYSTEM; PROVIDING PUBLIC FUNDING AND ADDITIONAL REPORTING FOR PARTICIPATING CANDIDATES; REDUCING CURRENT CONTRIBUTION LIMITS BY 20% FOR NON-PARTICIPATING CANDIDATES; SETTING PERSONAL MONIES AND SPENDING LIMITS FOR

PARTICIPATING CANDIDATES; LIMITING PRIVATE CONTRIBUTIONS FOR PARTICIPATING CANDIDATES UNLESS COMMISSION DECLARES EMERGENCY.

A "yes" vote shall have the effect of establishing a 5-member commission to administer an additional alternative campaign financing system which includes spending limits and public funding for participating candidates; additional reporting for all candidates, and reducing the current contribution limits for non-participating candidates by 20%.

See Publicity Pamphlet at 92.

¶38 This ballot language and the other *Brain* factors do not support the outcome appellees seek. For these reasons, the VPA does not protect the definitions of "contribution" and "expenditures." The superior court, therefore, erred in enjoining the challenged portions of SB1516's changes.

1158 *1158 **II. Because SB1516's definition of "primary purpose" neither directly nor indirectly impacts the substance of the Act, it does not run afoul of the VPA.**

¶39 Appellees argue SB1516's exemption will undermine the Act because far fewer entities are required to register and file campaign-finance reports. The Act originally defined "political committee" to include an entity even if it "may be part of a larger association, combination of persons or sponsoring organization *not primarily organized, conducted or combined for the purpose of influencing the result of any election.*" A.R.S. § 16-901(19) (1998) (emphasis added). The parties discuss the legislature's 2015 amendments limiting the definition of "political committee" to entities whose "primary purpose" was to influence the outcome of an election. See 2015 Ariz. Sess. Laws, ch. 297, § 1 (1st Reg. Sess.). Because SB1516 repealed those amendments, they are not relevant here. By excluding tax-exempt entities, SB1516 limited the scope of the registration and filing requirements as they existed in 1998. Significantly, nothing in SB1516 changes any substantive registration or reporting requirements imposed by the Act.

¶40 In 1998, of Arizona's campaign-finance registration and reporting requirements were in title 16, chapter 6, article 1—now articles 1 through 1.7. See, e.g., A.R.S. § 16-905 (registration as a "committee"), -926 (content of reports), -927 (report filing periods), -928 (filing officer), -937 (penalties), -938 (enforcement). All but one of the Act's provisions are found in article 2. Though the Act imposes a handful of reporting requirements, nothing about the term "primary purpose," or SB1516's definition of it, changes the reports a person or entity—political action committee or not—must file under the Act. See, e.g., A.R.S. §§ 16-941.D (independent expenditure), -947.A (candidate certification), -950.B (qualifying contributions), -958.A (independent expenditure). Simply stated, the registration and reporting requirements outside of article 2 and at issue here are not VPA protected.

¶41 Close scrutiny of appellees' other arguments reveals additional flaws. To begin, appellees do not challenge SB1516's repeal of the term "political committee" from § 16-901. Appellees also do not ask us to reinstate the term as it was defined in 1998. SB1516 replaced the term "political committee" with the term "committee." It defines "committee" to include any "political action committee." Under SB1516, a "political action committee" is an entity "organized for the primary purpose of influencing the result of an election." See A.R.S. § 16-905.C. Appellees do not challenge that definition here. Therefore, even if appellees prevail, entities whose "primary purpose" is not to influence an election will not need to register or file reports. See *id.*

¶42 Next, contrary to appellees' arguments, the term "political committee" is not central to the Act's regulation of candidates' campaign finances. Indeed, the Act only uses the term "political committee" three times, one of which is the reference to the definition in § 16-901. See A.R.S. § 16-961.A. The other two references have little to do with the operation of Arizona's campaign-finance laws. The first, in subsection 16-955.I, prohibits members of the Commission from serving "as an officer of any political committee" during their tenure "or for three years thereafter." The second, in subsection 16-958.E, obligates the Secretary of State to "distribute computer software to political committees to accommodate" electronic report filing.

¶43 With that understanding, SB1516 has little—if any—effect on requirements imposed by the Act. True, the Commission's members may be able to serve as an officer for some entities they could not before SB1516. Even so, the Commission members, as public officers, are still bound by Arizona's conflict of interest statute. See A.R.S. § 38-503. And though the Secretary of State may not be mandated to distribute software to as many entities, this court takes judicial notice^[5] of the

fact that separate software is no longer distributed. Indeed, reports are now filed through a publicly accessible, online-reporting *1159 system.^[6] The system is available to any person or entity required to file a finance report, and the Secretary of State provides the general public with a system user guide.^[7]

¶44 Appellees suggest the change will diminish the Commission's power over "dark money" in non-candidate elections, such as campaigns for initiatives or referenda. The Act, however, imposes no requirements on such campaigns, and for good reason. The Act addresses candidate campaign financing, not initiative or referendum financing. Indeed, subsection 16-940.A states a general intent to create a "clean election system." Subsection 16-940.B then sets out eight findings in support of the Act. Six of the eight findings exclusively focus on candidates and their access to constituents and resources to run for office. The other two focus on contributors' access to the candidates once they are elected and the ensuing special privileges. See A.R.S. § 16-940.B.4 (addressing concern about "[e]ffectively suppress[ing] the voices and influence of the vast majority of Arizona citizens in favor of a small number of wealthy special interests"), .B.6 (identifying concern about tax dollars spent "in the form of subsidies and special privileges for campaign contributors"). The financing of non-candidate campaigns simply is not relevant to the Act.

¶45 In short, if a nonparticipating candidate receives a "contribution" from an entity that is not required to register as a "political action committee," the candidate still must report the "contribution." See A.R.S. § 16-926. Indeed, participating candidates generally cannot even accept such a contribution. See A.R.S. §§ 16-945, -946. And if the entity makes an independent expenditure, it must file reports under the Act, whether or not it is a registered "political action committee." See A.R.S. § 16-941.D. For these reasons, the term "primary purpose" and the related exemption for tax-exempt entities do not run afoul of the VPA.

III. *Maestas* does not apply to the definitional issues in this case.

¶46 Despite the above issues, appellees argue the changes should fail under *Maestas* because SB1516 "indirectly but unambiguously amends the Act to permit conduct the [] Act prohibit[s]." The holding in *Maestas* does not change the above analysis.

¶47 In *Maestas*, the supreme court addressed a different voter initiative—the Arizona Medical Marijuana Act (AMMA). See 244 Ariz. at 10, ¶ 1, 417 P.3d at 775. As relevant here, the AMMA broadly immunizes the use of medical marijuana except in three specific locations. See *id.* (discussing A.R.S. § 36-2802.B). After voters approved the AMMA, the legislature enacted a separate statute explicitly adding college campuses to the locations in which AMMA-immunity does not apply. See *id.* at 13, ¶16, 417 P.3d at 778 (discussing A.R.S. § 15-108.A). The supreme court held § 15-108 violated the VPA because the new statute deprived cardholders of a right otherwise guaranteed under the AMMA. See *id.* at 13-14, ¶¶16, 20, 417 P.3d at 778-79.

¶48 The holding in *Maestas* does not apply to the definitions challenged here because SB1516 does not repeal, amend, or supersede any express terms of the Act. Subsection 16-961.A lists several terms but does not define them. By contrast, the Act explicitly defines the other terms in § 16-961. See A.R.S. § 16-961.B-.I. Though the *Maestas* analysis might be appropriate if SB1516 modified those definitions, it does not apply to subsection 16-961.A's references. See 244 Ariz. at 13, ¶ 16, 417 P.3d at 778.

¶49 Further, as with the references at issue in *Brain*, "[v]oters in 1998 constructively knew that the legislature would at some point likely amend § 16-90[1] ... as it had done [six] times in the preceding twelve years, including [twice] the year before the *1160 election." See 234 Ariz. at 326, ¶ 18, 322 P.3d at 143. Notably, in 1997—just one year before voters enacted the Act—the legislature amended the definition of each term at issue here. See 1997 Ariz. Sess. Laws, ch. 201, § 1 (1st Reg. Sess.) (amending "contribution," "expenditures," and "political committee"); 1997 Ariz. Sess. Laws, ch. 5, § 37 (2d Sp. Sess.) (again amending "contribution" and "expenditures"). And since 1998, the legislature twice amended the term "political committee" without challenge. See 2012 Ariz. Sess. Laws, ch. 361, § 16 (2d Reg. Sess.); 2015 Ariz. Sess. Laws, ch. 297, § 1 (1st Reg. Sess.).

¶50 In short, the amendment in *Maestas* is not analogous to the amended definitions in SB1516.

IV. SB1516 violates the VPA to the extent it limits the Commission's investigative authority under the Act.

¶51 The State argues subsection 16-938.A creates no conflict because it delegates only investigative authority to the filing officer, while the Commission retains its enforcement authority under the Act. Appellees respond that "[t]o the extent A.R.S. § 16-938(A) prohibits the Commission from investigating violations within its jurisdiction under the Act, it violates the VPA." When interpreting a statute, this court strives "to give meaning to each word, phrase, clause and sentence so that no part of the legislation will be void, inert or trivial." See Cleckner, 246 Ariz. at 43, ¶ 9, 433 P.3d at 1203. Consistent with the Commission's position, the superior court found subsection 16-938.A violates the VPA by "attempt[ing] to prohibit the [Commission] from enforcing requirements in title 16, chapter 6, articles 1-1.6 that are within the scope of the Commission's enforcement jurisdiction under the Act."

¶52 To begin, the Commission, as an administrative agency, has the power "authorized by the express provisions of its enabling statutes." See Peeples, Inc. v. Ariz. State Land Dep't ex rel. Anable, 204 Ariz. 66, 71, ¶ 18, 59 P.3d 830, 835 (App. 2002). Because the Commission's investigatory authority comes from the Act, the legislature may not limit that authority unless it complies with the VPA. See Maestas, 244 Ariz. at 13, ¶ 14, 417 P.3d at 778.

¶53 The Act obligates the Commission to "[e]nforce *this article*"—article 2—while "monitor[ing] reports filed pursuant to *this chapter*"—meaning chapter 6 of title 16, comprised of articles 1 through 1.7 and article 2. See A.R.S. § 16-956.A.7 (emphasis added). Further, the Act requires participating candidates to file a signed application certifying, under oath, compliance with "*all* campaign finance reports required under *article 1 of this chapter*." See A.R.S. § 16-947.B.2 (emphasis added). The Act also contemplates the Commission denying an application "for failure to file all *complete and accurate* campaign finance reports." See A.R.S. § 16-947.C (emphasis added).

¶54 The Act creates specific "contribution" and "expenditure" limits. See A.R.S. § 16-941. The Commission is empowered to force the "disqualification of a candidate or forfeiture of office" on the basis of "[a]ny campaign finance report filed indicating a violation of" those limits. See A.R.S. § 16-942.C (emphasis added); see also Smith v. Ariz. Citizens Clean Elections Comm'n, 212 Ariz. 407, 411, ¶ 14, 132 P.3d 1187, 1191 (2006).

¶55 The Act also imposes reporting obligations on "*any person* who makes independent expenditures related to a particular office cumulatively exceeding five hundred dollars in an election cycle." See A.R.S. § 16-941.D (emphasis added). The Commission is charged with enforcing this provision, which includes investigating alleged violations by reviewing any campaign-finance reports the entity may have filed under articles 1 through 1.7—for example, as a "political action committee." See A.R.S. § 16-956.A.7.

¶56 Under the Act's express language, the Commission has broad enforcement authority. To that end, the Act expressly authorizes the Commission to investigate:

1161 The [C]ommission may subpoena witnesses, compel their attendance and testimony, *1161 administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items *material to the performance of the [C]ommission's duties or the exercise of its powers*.

A.R.S. § 16-956.B (emphasis added). *But cf.* A.R.S. § 16-905.E (prohibiting "a filing officer, enforcement officer or other officer of a city, town, county or other political subdivision of this state" from issuing subpoenas to 501(a) tax-exempt entities). The Commission's duties and powers include investigating potential violations of articles 1 through 1.7 to the extent they would identify a violation of the Act—violations the Commission alone is empowered to enforce. See, e.g., Smith, 212 Ariz. at 411, ¶ 14, 132 P.3d at 1191.

¶57 Not only may the Commission act in furtherance of its powers *sua sponte*, the Act expressly contemplates the Commission receiving—and acting upon—third-party complaints about violations within its purview. See A.R.S. § 16-956.A.7 (prohibiting "action on any external complaint that is filed more than ninety days after the postelection report is filed or ninety days after the completion of the canvass of the election to which the complaint relates, whichever is later"). Those third-party complaints may be based, in part, on information included in, or omitted from, campaign-finance reports filed under articles 1 through 1.7. For the Commission to act upon such an external complaint, it must use its investigative authority regarding those reports, or no enforcement would be possible.

¶58 The superior court, therefore, correctly enjoined the "sole public officer" limitation in subsection 16-938.A as it relates to the Commission.

CONCLUSION

¶59 For these reasons, we vacate the superior court's judgment regarding A.R.S. §§ 16-901(43), -905.D, -911.B.4(b), -911.B.6(c), -921.B.4(c), and -921.B.7. The portion of the judgment permanently enjoining the phrase "is the sole public officer who" in A.R.S. § 16-938.A as it relates to the Commission is affirmed. Finally, we vacate the award of attorney fees and costs and remand to the superior court to exercise its discretion in recalculating any award of fees or costs, consistent with this opinion.

[1] Statutes cited refer to the current version unless otherwise indicated.

[2] SB1516 also proposed corresponding changes to the Act itself. Those changes were not enacted because they did not receive the VPA-required three-fourths vote. As a consequence, the text of the Act was left unaltered.

[3] See <https://apps.azleg.gov/BillStatus/BillOverview/30531> (last visited Sept. 15, 2020).

[4] The Publicity Pamphlet can be found online at <https://azmemory.azlibrary.gov/digital/collection/statepubs/id/35610> (last visited Sept. 15, 2020).

[5] See Ariz. R. Evid. 201; *In re Sabino R.*, 198 Ariz. 424, 425, ¶ 4, 10 P.3d 1211, 1212 (App. 2000).

[6] See *Beacon*, <https://beacon.arizona.vote/Account/Login> (last visited Sept. 15, 2020).

[7] See Secretary of State, User Guide for Campaign Finance Reporting (2019), <https://azsos.gov/sites/default/files/CFS4%20User%20Guide%20May%202019.pdf>.

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