



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

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**Location:** Citizens Clean Elections Commission  
1616 West Adams, Suite 110  
Phoenix, Arizona 85007

**Date:** Friday, May 28, 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 Friday 28, 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.azcanelections.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 [ccec@azcanelections.gov](mailto:ccec@azcanelections.gov).

### **Join Zoom Meeting**

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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 April 29, 2021.
- III. Discussion and Possible Action on Executive Director's Report, Enforcement and Regulatory Updates and Legislative Update.
- IV. Discussion and Possible Action on the following 2020 General Election Candidate Audits:
  - A. Andrea Dalessandro, State Rep, LD 2
  - B. Justine Wadsack, State Senate, LD10
  - C. Seth Sifuentes, State Rep, LD 26
- V. Discussion and Possible Action on amendment to R2-20-101, Definitions.
- VI. Discussion and Possible Action on amendment to R2-20-109, Independent Expenditures.
- VII. Discussion and Possible Action on MUR 20-03, Arizona Education Association.
- VIII. Discussion and Possible action on legal issues with election, budget and procedural bills including:
  - A. Discussion and Possible Action on HB2110 (civil penalties; mitigation; restitution)
  - B. Discussion and Possible Action on HB2891 (budget procedures; budget reconciliation; 2021-2022)

**The Commission may choose to go into executive session for discussion or consultation with its attorneys to consider its position and instruct its attorneys regarding the public body's position regarding contracts, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. A.R.S. § 38-431.03(A)(4).**

IX. 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.

X. 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 25th day of May, 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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4 THE STATE OF ARIZONA  
5 CITIZENS CLEAN ELECTIONS COMMISSION  
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10 REPORTER'S TRANSCRIPT OF VIRTUAL PUBLIC MEETING  
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14 Phoenix, Arizona

15 April 29, 2021

16 9:32 a.m.  
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21 COASH & COASH, INC.  
22 Court Reporting, Video & Videoconferencing  
23 1802 North 7th Street, Phoenix, AZ 85006  
24 602-258-1440  
25 staff@coashandcoash.com

Prepared by:  
LILIA MONARREZ, CSR, RPR  
Certificate No. 50699

<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 April 29, 2021, at the State of Arizona, Clean Elections 4 Commission, 1616 West Adams, Conference Room, Phoenix, 5 Arizona, in the presence of the following Board members: 6 7 Ms. Amy B. Chan, Chairwoman 8 Mr. Galen D. Paton 9 Mr. Mark S. Kimble 10 Mr. Steve Titla 11 12 OTHERS PRESENT: 13 Thomas M. Collins, Executive Director 14 Paula Thomas, Executive Officer 15 Mike Becker, Policy Director 16 Gina Roberts, Voter Education Director 17 Alec Shaffer, Web Content Manager 18 Julian Arndt, Executive Support Specialist 19 Kara Karlson, Assistant Attorney General 20 Kyle Cummings, Assistant Attorney General 21 Marc Harris, AZ Attorney General's Office 22 Cathy Herring, Staff 23 Eric Sloan, Corporation Commission 24 Heather Mrowiec 25 Lee Miller, Esq. Mary Kathleen Honne Rivko Knox Mark Workman, State Senate, LD 2 Tim Sifert</p>	<p style="text-align: right;">Page 4</p> <p>09:33:05-09:34:01</p> <p>1 are in attendance, that I see on the screen, unless -- 2 is Commissioner Titla here? 3 COMMISSIONER TITLA: Yeah. This is Steve 4 Titla. I'm on the phone. 5 CHAIRWOMAN CHAN: Wonderful. Okay. Thank 6 you, Commissioner Titla. 7 COMMISSIONER TITLA: Thank you. Good 8 morning. 9 CHAIRWOMAN CHAN: Good morning. Welcome. 10 Okay. And I'm Commissioner Chan, and with 11 that, we have four members present and a quorum. So we 12 can move on to Agenda Item II: Discussion and possible 13 action on Commission minutes for February 25th, 2021 -- 14 or I'm sorry -- March 25th, 2021. 15 Any discussion? If not, do I have a motion 16 to approve the minutes? 17 COMMISSIONER TITLA: I move to approve. 18 Commissioner Titla. 19 CHAIRWOMAN CHAN: Yes. Commissioner Titla, 20 thank you. 21 Do I have a second? 22 COMMISSIONER KIMBLE: Commissioner Kimble, 23 second. 24 CHAIRWOMAN CHAN: Excellent. I'll call the 25 roll, then.</p>
<p>09:04:46-09:33:04</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. The members 4 of the public who were waiting have all been let in. 5 We are livestreaming the meeting now, and it is -- I 6 will -- Agenda Item I is the call to order. 7 It is 9:31 a.m., on April 29th, 2021. I'll 8 go ahead and call our meeting to order, this meeting of 9 the Citizens Clean Elections Commission to order. 10 I'd like to remind the audience members to 11 please keep their microphones on mute just so that we 12 can all hear each other speaking clearly, when it's our 13 turn, so the court reporter can take a clear record. 14 And with that, we'll go ahead and take 15 attendance. 16 Commissioners, go ahead and identify 17 yourselves for the record. 18 COMMISSIONER KIMBLE: Commissioner Kimble 19 is here. 20 CHAIRWOMAN CHAN: Commissioner Paton, could 21 you identify yourself for the record? 22 COMMISSIONER PATON: I am here. This is 23 Galen Paton. 24 CHAIRWOMAN CHAN: Excellent. And I'm not 25 sure I see -- I don't believe any other commissioners</p>	<p>09:34:01-09:35:10</p> <p style="text-align: right;">Page 5</p> <p>1 Commissioner Titla, how do you vote? 2 COMMISSIONER TITLA: Aye. 3 CHAIRWOMAN CHAN: Great. 4 Commissioner Kimble, how do you vote? 5 COMMISSIONER PATON: Aye. 6 CHAIRWOMAN CHAN: Commissioner Paton? 7 COMMISSIONER PATON: Aye. 8 CHAIRWOMAN CHAN: And I vote aye, as well. 9 So we have voted four ayes and zero nays, approving the 10 minutes as written. 11 Moving on to Agenda Item III: Discussion 12 and possible action on Executive Director's report, 13 enforcement and regulatory updates and legislative 14 update, including election and administrative bills, 15 such as 2014 and House Bill 2110. 16 Tom, you're going to go ahead and go over 17 this for us. 18 MR. COLLINS: Yes, Madam Chair, 19 Commissioners. Thank you very much. 20 You know, it's been actually a pretty -- 21 pretty busy month, and I wanted to just hit some of the 22 highlights. 23 We had -- we do have a -- before we -- you 24 know, we do have an election coming up, a consolidated 25 election date between now and the next meeting and, you</p>

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<p>1 know, the -- the voter registration deadline has passed</p> <p>2 for that and early voting is going on for those</p> <p>3 elections.</p> <p>4 On the voter education front, we were -- it</p> <p>5 was quite a busy month. Avery and Gina put together</p> <p>6 our panel at the Arizona Department of Education's</p> <p>7 Civics Education Conference, and it was really good.</p> <p>8 It was bipartisan. It was diverse. It was -- it</p> <p>9 had -- it really offered an opportunity for a variety</p> <p>10 of different people to talk about why they were</p> <p>11 interested in civics and being engaged with, you know,</p> <p>12 participation in the -- in our system, in our political</p> <p>13 system and our system of government.</p> <p>14 I want to thank every -- all the</p> <p>15 participants and, particularly, Rivko Knox who, you</p> <p>16 know, was a panelist and was, I think, very helpful</p> <p>17 at -- at really describing, you know, some of these</p> <p>18 issues and how they move through time and her own story</p> <p>19 of being a very active, as we all know, participant in</p> <p>20 our civic life in the state.</p> <p>21 We -- coming up next week, we will be</p> <p>22 sponsoring a -- Morning Scoop is a forum that the</p> <p>23 "Arizona Capitol Times" puts on. This will be about</p> <p>24 some election issues going forward, and Gina will be a</p> <p>25 panelist, along with the Yavapai County Recorder, the</p>		<p>1 We're cognizant, as we note in the report, that there</p> <p>2 are a lot of drawbacks to this style of meeting,</p> <p>3 particularly for a commission that has, you know -- is,</p> <p>4 you know, collegial and really discussion-oriented, as</p> <p>5 ours is, which is not the same -- not necessarily the</p> <p>6 case everywhere. However, we're really in a position</p> <p>7 where the guidance and the facts just don't put us in a</p> <p>8 position to alter this format, at least in the next --</p> <p>9 you know, at least in the next couple of months.</p> <p>10 I -- you know, as these things evolve and</p> <p>11 change, you know, we know that the Governor's office</p> <p>12 and DOA and, obviously, Paula are abreast of them, and</p> <p>13 we will -- we will -- we can bear all that in mind, but</p> <p>14 we really -- we really don't have the flexibility that</p> <p>15 we had -- that we might have hoped to have. And what I</p> <p>16 mean by that is, you know, look, I'm not a COVID</p> <p>17 expert, but I think that what Paula has laid out</p> <p>18 here -- and we have more details if anyone would like</p> <p>19 them.</p> <p>20 You know, the guidance we're getting and</p> <p>21 the research Paula has done demonstrates that we're</p> <p>22 really -- we're really -- we really just need -- we</p> <p>23 don't have enough -- we don't have better information,</p> <p>24 and we think it's important to stay consistent with</p> <p>25 what the State is doing currently.</p>	
09:37:12-09:38:48	Page 7	09:40:24-09:42:09	Page 9
<p>1 Cochise County Election Director and Tammy Patrick, who</p> <p>2 many of you may know, who's the senior advisor to the</p> <p>3 Democracy Fund and, of course, a former Maricopa County</p> <p>4 federal compliance officer and longtime election expert</p> <p>5 and member of the 2012 President's Commission on</p> <p>6 Election Administration.</p> <p>7 We did -- you know, with respect to COVID,</p> <p>8 you know, Paula has been our -- that's our next item --</p> <p>9 our next item in the report, administrative aspect.</p> <p>10 With respect to COVID, Paula has really been our point</p> <p>11 person in keeping us abreast of the developments as</p> <p>12 they pertain to the office and the meetings, and she's</p> <p>13 been on top of understanding and maintaining the CDC</p> <p>14 recommendations and following and making sure we're</p> <p>15 in -- you know, we're acting consistently with the</p> <p>16 department administration and the Governor's office</p> <p>17 and -- you know.</p> <p>18 So, basically, what, you know, we tried to</p> <p>19 do in this report for your review, at this point, is to</p> <p>20 try to look at what our work environment looks like</p> <p>21 going forward. We don't anticipate, you know, an</p> <p>22 immediate change in this format, if we're going to</p> <p>23 continue to be consistent with the CDC, DOA and the</p> <p>24 Governor's office's efforts.</p> <p>25 So, you know, we have been looking at this.</p>		<p>1 I just want to hit a couple of more quick</p> <p>2 things. There -- you know, there is a case going on in</p> <p>3 Superior Court. I'm actually not literally sure where</p> <p>4 it is right now, but there's this case called Arizona</p> <p>5 Democratic Party v. Fann. This has to do with the</p> <p>6 audit activities taking place at the Phoenix Memorial</p> <p>7 Coliseum. As of the writing of the report, there was a</p> <p>8 hearing scheduled for Tuesday. There were hearings on</p> <p>9 Tuesday and Wednesday.</p> <p>10 There are still issues being litigated, but</p> <p>11 the bottom line result, at least for purposes of today,</p> <p>12 is that the Superior Court denied the Democratic party</p> <p>13 and the Secretary of State's Office and Maricopa County</p> <p>14 Supervisor Steve Gallardo -- denied their request for a</p> <p>15 temporary restraining order. So the activities at</p> <p>16 Memorial Coliseum are continuing.</p> <p>17 Another case I want to highlight, because</p> <p>18 it will matter or it may matter -- it may not, but it</p> <p>19 inevitably will -- is the case that was argued this</p> <p>20 week of America for Prosperity v. Bonta. That is a</p> <p>21 case out of the Ninth Circuit that has to do with</p> <p>22 access to the -- what's called Schedule B of the IRS's</p> <p>23 990 form which, basically, contains the information</p> <p>24 about who the donors for a -- for a 501(c)(3) or</p> <p>25 501(c)(4) or other tax-exempt organization.</p>	

09:42:15-09:43:42	Page 10	09:45:23-09:46:18	Page 12
<p>1 The California statute requires charities</p> <p>2 to provide the Attorney General of California with</p> <p>3 information on their donors. The State's interest is</p> <p>4 in policing fraud and those kinds of things in that</p> <p>5 space. America for Prosperity -- and there's a</p> <p>6 companion case -- you know, sued on the basis that they</p> <p>7 don't want to turn over their information and that the</p> <p>8 privacy rights of their donors are being invaded.</p> <p>9 You can read the SCOTUS stories, if you</p> <p>10 haven't. I think the SCOTUS blog stories, I think</p> <p>11 they're a pretty good summation. You know, there's --</p> <p>12 there is an awful lot of skepticism of those</p> <p>13 disclosures at the Supreme Court. So as we continue</p> <p>14 to -- you know, with the campaign finance roles that</p> <p>15 we -- that we have as a matter of statute, you know,</p> <p>16 that will be an important thing to bear in mind come</p> <p>17 the end of June.</p> <p>18 Last -- I think, lastly, and -- you know, I</p> <p>19 just want to -- I want to mention -- and it looks like</p> <p>20 we may have someone in the audience who wants to speak</p> <p>21 to this. We reevaluated, re-reviewed the complaint in</p> <p>22 the matter we call Starzyk 2, which is -- and in my</p> <p>23 analysis of the campaign finance reports and the</p> <p>24 complaint, you know, I reached the conclusions in the</p> <p>25 attached memo. And I don't really have anything to add</p>		<p>1 CHAIRWOMAN CHAN: Great. Okay. I wondered</p> <p>2 if you, one, have had a chance to see the attachment to</p> <p>3 the agenda with Tom's memo.</p> <p>4 MS. MROWIEC: I did. I did.</p> <p>5 CHAIRWOMAN CHAN: Okay. And --</p> <p>6 MS. MROWIEC: And --</p> <p>7 CHAIRWOMAN CHAN: Yeah, did you want to</p> <p>8 speak to that?</p> <p>9 MS. MROWIEC: I did. I recognized the two</p> <p>10 expenditures on Dr. Starzyk's report, as well, when I</p> <p>11 first saw -- when the issue first came up, and I did do</p> <p>12 some research into those two expenditures. The first</p> <p>13 one that took place in 20- -- November of 2019 and the</p> <p>14 one --</p> <p>15 MR. COLLINS: Madam Chair -- Madam Chair,</p> <p>16 I'm going to go ahead and object here at this point</p> <p>17 because -- because this is -- Mr. -- Dr. Starzyk is not</p> <p>18 here. He has rights here. If this is going to turn</p> <p>19 into a hearing, I'm very uncomfortable with proceeding</p> <p>20 in this way.</p> <p>21 MS. MROWIEC: And I'd be happy to do a</p> <p>22 hearing with him. I know he did receive the email</p> <p>23 inviting him to the meeting, but I'd be happy to go</p> <p>24 further into it. I just -- I've just been disappointed</p> <p>25 that there's been no actual gathering of facts done</p>	
09:43:46-09:45:22	Page 11	09:46:21-09:47:12	Page 13
<p>1 to that at this particular point.</p> <p>2 Our -- my view is that the complaint is</p> <p>3 closed. In order for, for some reason, to reopen it,</p> <p>4 my recommendation would be that -- that the Commission,</p> <p>5 essentially, direct me to -- to file a complaint, as</p> <p>6 the executive director. I, however, do not believe, as</p> <p>7 the memo says, that there is any basis for me to do</p> <p>8 that, and I just -- without having solicited -- so</p> <p>9 that's -- I guess I did say more than I said I was, but</p> <p>10 that -- I'll leave it there.</p> <p>11 And that completes my report. I want to</p> <p>12 thank everyone for -- especially -- you know, we've had</p> <p>13 a -- it's been a really, really hectic month, and I</p> <p>14 just want to thank Paula and Gina and Mike and Julian</p> <p>15 and really -- and Avery, everybody on staff for</p> <p>16 continuing their hard work to keep this on track, but</p> <p>17 anyways, that's my report. I'm happy to take your</p> <p>18 questions, and it looks like there is a -- well, it</p> <p>19 looked like there was somebody on the -- on the ED</p> <p>20 report matter, but I'm not sure if they're still here.</p> <p>21 So I'll leave that up to somebody more technically</p> <p>22 savvy.</p> <p>23 CHAIRWOMAN CHAN: Yeah, I saw Ms. Mrowiec,</p> <p>24 if I'm pronouncing --</p> <p>25 MS. MROWIEC: I am -- I am here, yes.</p>		<p>1 around it.</p> <p>2 CHAIRWOMAN CHAN: Well -- and I'm sorry.</p> <p>3 Well, and --</p> <p>4 MR. COLLINS: I'm just going to object</p> <p>5 again to this characterization and the record that's</p> <p>6 being made here. Dr. Starzyk has rights. He's not</p> <p>7 here.</p> <p>8 CHAIRWOMAN CHAN: Okay. And I'll -- let me</p> <p>9 stop both of you, and I apologize. I was thinking that</p> <p>10 it would be appropriate if Ms. Mrowiec, you know, had</p> <p>11 any comments to add to -- you know, on this matter, to</p> <p>12 ask her to speak. And I apologize if, maybe, that</p> <p>13 wasn't the appropriate comment.</p> <p>14 MR. COLLINS: Well, in my view, no. The</p> <p>15 issue is --</p> <p>16 CHAIRWOMAN CHAN: Okay.</p> <p>17 MR. COLLINS: The issue has to do with what</p> <p>18 we start doing.</p> <p>19 CHAIRWOMAN CHAN: Okay.</p> <p>20 MR. COLLINS: Facts that are not in the</p> <p>21 complaint that we have not reviewed that, in fact,</p> <p>22 contradict this plain language of the complaint, I</p> <p>23 think that's an inappropriate topic for us to discuss</p> <p>24 without a live complaint in front of us.</p> <p>25 CHAIRWOMAN CHAN: Okay. And I think</p>	

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<p>1 that -- I will tell Ms. Mrowiec that after seeing what</p> <p>2 Tom presented, it was -- I mean, the facts presented by</p> <p>3 the memo seem very clear. And I -- maybe what I'll do,</p> <p>4 instead, Ms. Mrowiec, if you don't mind, I'll open it</p> <p>5 up and ask the other commissioners, perhaps, if they</p> <p>6 have any -- anything to add now that they've had a</p> <p>7 chance to review the memo.</p> <p>8 And, then, Tom, maybe you can direct us to</p> <p>9 what the next steps may be, which you've already</p> <p>10 mentioned, but after the commissioners weigh in.</p> <p>11 MR. COLLINS: I do -- I do want to make</p> <p>12 sure that the commissioners are aware -- and Chairman</p> <p>13 Chan, I apologize for not saying this during -- at the</p> <p>14 beginning. Marc Harris, from the Attorney General's</p> <p>15 Office, is your independent legal advisor for purposes</p> <p>16 of this hearing. So to the extent I've just said what</p> <p>17 I've said, obviously, Marc is the person to advise you</p> <p>18 on that, not me. I'm advocating.</p> <p>19 CHAIRWOMAN CHAN: Okay. Thank you, Tom.</p> <p>20 And thank you, Marc, for being here, Marc</p> <p>21 Harris -- Mr. Harris. I should just call you that so</p> <p>22 we don't have any confusion, like we did at the</p> <p>23 beginning with Commissioner Kimble.</p> <p>24 So do any commissioners want to speak right</p> <p>25 now about this matter?</p>		<p>1 Madam Chair, I'll just kind of defer to</p> <p>2 you --</p> <p>3 CHAIRWOMAN CHAN: Okay.</p> <p>4 MR. HARRIS: -- on how you would handle</p> <p>5 that.</p> <p>6 CHAIRWOMAN CHAN: Sure. So, Commissioners,</p> <p>7 if you have questions, maybe we should move into</p> <p>8 executive session to discuss with Mr. Harris.</p> <p>9 Would you -- would you like to do that,</p> <p>10 Commissioner Kimble?</p> <p>11 COMMISSIONER KIMBLE: If that's the best</p> <p>12 way to do it. I guess, I don't have a legal question.</p> <p>13 I have more a procedural question of does this -- does</p> <p>14 this complaint close unless we object? I'm not going</p> <p>15 to object or not. I just don't know where we go from</p> <p>16 here.</p> <p>17 CHAIRWOMAN CHAN: It looks to me like it's</p> <p>18 closed. That's my understanding. It looks to me like</p> <p>19 the action taken is that it's closed and then -- for</p> <p>20 example, if there's some reason we disagreed with the</p> <p>21 analysis in the memo, then maybe we have to ask</p> <p>22 Mr. Harris for some advice on that and maybe we could</p> <p>23 go into executive session.</p> <p>24 Is that -- does that answer your question,</p> <p>25 Mr. Kimble -- Commissioner Kimble?</p>	
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<p>1 COMMISSIONER KIMBLE: Madam Chair?</p> <p>2 CHAIRWOMAN CHAN: Yeah, Commissioner</p> <p>3 Kimble.</p> <p>4 COMMISSIONER KIMBLE: Tom, just a</p> <p>5 procedural question. So, at this point, you are</p> <p>6 recommending that the complaint be closed. So what, at</p> <p>7 this point, is our role? Do we -- will it be closed</p> <p>8 pending -- unless we vote not to close it, or where</p> <p>9 does this go from here? Or should we set a hearing?</p> <p>10 I'm a little bit unclear on that.</p> <p>11 CHAIRWOMAN CHAN: I think what I heard Tom</p> <p>12 say, Commissioner Kimble, is that we would have to</p> <p>13 direct Tom, almost, to file a new complaint?</p> <p>14 Did I hear that correctly, Tom, or if we</p> <p>15 have to ask Marc -- Mr. Harris to --</p> <p>16 MR. COLLINS: My view is -- that's my view,</p> <p>17 and I -- yeah, but I'm not -- and I'm not -- and I</p> <p>18 don't mean to put Marc -- Mr. Harris on the spot here,</p> <p>19 but that's my view, but I do think that it's not my</p> <p>20 place to advise you on that.</p> <p>21 MR. HARRIS: Yeah. And, Madam Chair,</p> <p>22 members of the Commission, I don't know if this is</p> <p>23 something that you would typically want to move into</p> <p>24 executive session for legal advice on or how you would</p> <p>25 like to proceed.</p>		<p>1 COMMISSIONER KIMBLE: Well, it does.</p> <p>2 Mr. Harris, is that accurate?</p> <p>3 MR. HARRIS: I believe so, based upon</p> <p>4 Executive Director Collins' statements. It's my</p> <p>5 understanding that what's been referred to as Starzyk 2</p> <p>6 has been closed. It's my understanding that the</p> <p>7 complainant has, in essence, asked for a review of the</p> <p>8 initial decision to close what I'll refer to as</p> <p>9 Starzyk 1, and what you have before you this morning is</p> <p>10 the Executive Director Collins' re-review of the</p> <p>11 complaint in the form of the memorandum dated, to the</p> <p>12 Commission, April 27th.</p> <p>13 COMMISSIONER KIMBLE: Okay. Thank you.</p> <p>14 CHAIRWOMAN CHAN: Okay. And, Mr. Harris,</p> <p>15 can I just ask you, you know, I had -- because</p> <p>16 Ms. Mrowiec was here and was the complainant and I know</p> <p>17 Mr. Collins was very concerned, of course, because</p> <p>18 Mr. Starzyk is not here, and I just -- when one of the</p> <p>19 concerned parties is here and it has been noticed, I</p> <p>20 guess, I feel like they should be able to speak. And I</p> <p>21 hope this is appropriate to then turn to you, but is it</p> <p>22 acceptable to allow her to speak? She's here.</p> <p>23 MR. HARRIS: Sure. I'm sorry, Madam Chair?</p> <p>24 CHAIRWOMAN CHAN: Is it okay to allow</p> <p>25 Ms. Mrowiec to speak? You know, at this point, how</p>	



<p>09:52:13-09:53:19 Page 18</p> <p>1 should I proceed with regard to that?</p> <p>2 MR. HARRIS: Madam Chair, members of the</p> <p>3 Commission, I do think that you could allow her to</p> <p>4 address the Commission, keeping in mind, as Executive</p> <p>5 Director Collins mentioned, this is not an</p> <p>6 administrative hearing. This isn't any type of</p> <p>7 hearing. The only question before you this morning, as</p> <p>8 I understand it, is whether or not you're in agreement</p> <p>9 with Executive Director Collins's position, after</p> <p>10 taking a second look at Starzyk, to keep the matter</p> <p>11 closed.</p> <p>12 So certainly you can give the complainant</p> <p>13 an opportunity to address the board, with the</p> <p>14 understanding that this isn't an evidentiary proceeding</p> <p>15 and maybe she could limit her comments on why she</p> <p>16 disagrees with Executive -- Executive Director</p> <p>17 Collins's conclusion.</p> <p>18 CHAIRWOMAN CHAN: Okay. Thank you very</p> <p>19 much, Mr. Harris.</p> <p>20 MR. HARRIS: Sure.</p> <p>21 CHAIRWOMAN CHAN: Ms. Mrowiec, I'm sorry</p> <p>22 that we kind of cut you short and then went back --</p> <p>23 MS. MROWIEC: That's okay.</p> <p>24 CHAIRWOMAN CHAN: -- and our independent</p> <p>25 advisor.</p>	<p>09:54:33-09:55:58 Page 20</p> <p>1 MR. COLLINS: Madam Chair?</p> <p>2 CHAIRWOMAN CHAN: Yes.</p> <p>3 MR. COLLINS: If I may -- I'm trying to get</p> <p>4 my camera back on here. I apologize. The one thing I</p> <p>5 want to make -- in my view -- and, again, this is --</p> <p>6 this is for your judgment. This is not advising you.</p> <p>7 CHAIRWOMAN CHAN: Yes.</p> <p>8 MR. COLLINS: Is that this is not an issue</p> <p>9 between Dr. Starzyk, at this point, and the Commission.</p> <p>10 This is an issue between the Commission and me.</p> <p>11 Dr. Starzyk did receive notice of the meeting, but he</p> <p>12 is not, in my view, under any obligation to be here</p> <p>13 because this is a re-review of a closed complaint.</p> <p>14 That's, again, not advice, but that is my view.</p> <p>15 CHAIRWOMAN CHAN: Okay. Thank you.</p> <p>16 Thank you. And, you know, our campaign</p> <p>17 finance system, you know, it's built in a way that we</p> <p>18 do rely on people to file things and we don't require</p> <p>19 invoices. And, you know, I understand, I think, what</p> <p>20 Ms. Mrowiec is saying. She'd like additional evidence,</p> <p>21 but having read Tom's memo, I -- I felt confident last</p> <p>22 night that closing it would be the appropriate step.</p> <p>23 And I don't know -- I kind of would like to hear from</p> <p>24 my fellow commissioners whether they feel comfortable</p> <p>25 with that.</p>
<p>09:53:19-09:54:32 Page 19</p> <p>1 Having heard all that, do you want to speak</p> <p>2 to this and is there anything you wish to say to the</p> <p>3 Commission, you know --</p> <p>4 MS. MROWIEC: Thank you. I appreciate the</p> <p>5 chance to talk, Madam Chair.</p> <p>6 Yeah, my only request is that there</p> <p>7 actually be an evidentiary examination or hearing. My</p> <p>8 concern with the memo that I received from Executive</p> <p>9 Director Collins was that it was based on speculation</p> <p>10 instead of the facts, and it seems like this is a case</p> <p>11 that can be resolved very quickly by looking at the</p> <p>12 evidence of where the payments came from and the</p> <p>13 invoices, perhaps, that would support Executive</p> <p>14 Director Collins' case.</p> <p>15 You know, I hope there was no crime</p> <p>16 committed. I hope that no laws were broken, but I'd</p> <p>17 like to see -- it seems like there's reasonable cause</p> <p>18 to examine the evidence, and right now we're still in</p> <p>19 the speculation phase. What I'm asking for is chance</p> <p>20 to provide -- produce evidence, have the candidate, who</p> <p>21 was invited to the meeting, produce the evidence, and</p> <p>22 then we see where that takes us.</p> <p>23 CHAIRWOMAN CHAN: Okay. Thank you,</p> <p>24 Ms. Mrowiec.</p> <p>25 MS. MROWIEC: Thank you very much.</p>	<p>09:56:00-09:57:12 Page 21</p> <p>1 How is everybody feeling about this?</p> <p>2 COMMISSIONER KIMBLE: Madam Chair?</p> <p>3 CHAIRWOMAN CHAN: Yes, Commissioner Kimble.</p> <p>4 COMMISSIONER KIMBLE: I agree it should be</p> <p>5 closed, and I think we should move on.</p> <p>6 CHAIRWOMAN CHAN: Thank you.</p> <p>7 Anyone else? Commissioner Paton?</p> <p>8 COMMISSIONER PATON: Yes. After reading</p> <p>9 that, the memo, I believe that it should be closed, as</p> <p>10 well.</p> <p>11 CHAIRWOMAN CHAN: Okay. Thank you.</p> <p>12 All right. Thank you for your time,</p> <p>13 Ms. Mrowiec, and for coming to our meetings. And we</p> <p>14 will move on.</p> <p>15 I wanted to touch on the Arizona Democratic</p> <p>16 Party versus Fann, the Senate audit, just briefly. I</p> <p>17 don't know whether the other commissioners are aware,</p> <p>18 but I did sign on to a letter that the Brennan Center</p> <p>19 issued just kind of addressing, kind of publicly airing</p> <p>20 some of the issues that people -- election</p> <p>21 administrators are seeing nationally with the audit and</p> <p>22 why we have issues with how it's being conducted.</p> <p>23 And, of course, I think that was actually</p> <p>24 maybe a week or so, maybe two weeks ago. And now so</p> <p>25 much has happened since then, it feels like old news,</p>

<p>09:57:15-09:58:46 Page 22</p> <p>1 but I think I'm glad that Tom included that case on the 2 Executive Director's report because, you know, I think 3 it's an important issue to be aware of and to discuss, 4 from an election integrity standpoint, you know, the 5 security of our ballots and that sort of thing. So I 6 just wanted to bring that up. 7 And going back to the COVID protocols, the 8 Zoom meetings, you know, I just want to give some -- 9 some kudos to the staff because I know this has been 10 tough and, frankly, when I'm prepping for the meetings, 11 it's hard on me, too, especially when we have 12 voluminous packets to either print out -- like, decide 13 to print out at home or not print out and just read on 14 the computer. I don't -- I don't really -- that's not 15 my preference. I really love going to our meetings, 16 having things there to read and look at and hold in my 17 hand and make notes on and see you guys in person. 18 I mean, there's just something about that 19 that's more valuable than doing a Zoom meeting, but I 20 think the reality is, one -- there's a couple of 21 different realities. One, we're not really anywhere 22 near herd immunity and -- yet, that I know of. And I'm 23 not a scientist. I mean, Tom acknowledged that, you 24 know, but -- about himself, and I'll admit that, too. 25 I'm an armchair epidemiologist, which is dangerous;</p>	<p>10:00:18-10:01:22 Page 24</p> <p>1 Tom, do I need to read these all off 2 individually or -- 3 MR. COLLINS: Madam Chair, no. I mean, 4 they're noticed. 5 CHAIRWOMAN CHAN: Oh, perfect. Okay. 6 MR. COLLINS: You can -- yeah. 7 CHAIRWOMAN CHAN: We'll go ahead and -- I 8 believe Mike is going to make the comments about these. 9 So, Mike, go ahead and take it away. 10 MR. BECKER: Good morning, Madam Chair, 11 Commissioners. As we've been doing for the last couple 12 of months, these are the General Election audits. As 13 you know, we -- the Commission audits all Clean 14 Elections candidates both in the Primary and the 15 General. We are getting close to the end. This -- we 16 will -- there's one outstanding left that we hope we'll 17 have on the next agenda next month, but again, I want 18 to thank Fester &amp; Chapman, our auditing firm, and along 19 with our candidates who worked -- who we worked with 20 and got the information from. 21 It's not been easy with the COVID issues 22 and with just different issues popping up here and 23 there, but I really appreciate the time that both our 24 auditing firm has put in, along with our candidates. I 25 know some are on on this meeting with us today, so I</p>
<p>09:58:50-10:00:12 Page 23</p> <p>1 but, two, you know, there are some practical things. 2 I mean, for myself, I've got two kids at 3 home that, frankly, I would have to bring with me if I 4 came downtown, and I'm not willing to do that. So even 5 if everybody else was back at the office right now, I 6 would still be joining on the phone. So -- and that's 7 okay. I mean, if everybody wanted to do that, I'm not 8 saying don't do it. I'm just saying there are some 9 practicalities that may impact not just me but more -- 10 you know, various people. 11 So there are -- I'm hoping we can go back 12 to in-person sooner rather than later, but -- and so it 13 is on, I think, the staff's radar, obviously. And I 14 think that as long as we're paying attention to what, 15 you know, Paula is bringing back to us from her 16 meetings and just moving slowly but surely towards -- 17 back towards our old normal, hopefully, we'll get 18 there, but I wanted to let you guys know that I feel 19 the same pain you do. I mean, it's not the same. 20 So anybody want to make any comments about 21 that? 22 (No response.) 23 CHAIRWOMAN CHAN: Okay. Moving on to 24 Item IV, I believe, discussion and possible action on 25 the following 2020 General Election candidate audits.</p>	<p>10:01:25-10:02:32 Page 25</p> <p>1 want to thank them for working with our auditing firm 2 so well. These audits, again, turned out fairly well, 3 no major issue. Anything that did pop up, we are 4 working and have worked with the candidates to correct. 5 So I'd ask the Commissioners that you 6 approve these audits. 7 CHAIRWOMAN CHAN: Thank you, Mike. 8 Any questions or comments from the 9 commissioners? 10 COMMISSIONER PATON: This is Commissioner 11 Paton. I would just reiterate what I said before. I'm 12 happy that we're doing this to all these candidates. 13 And it may be a pain for them, but it makes me feel 14 better that we're keeping track of each person, not 15 just doing a random thing. And I think that keeps 16 everybody extra honest. 17 CHAIRWOMAN CHAN: Thank you, Commissioner 18 Paton. I think -- I think that is a wonderful 19 sentiment, and I totally agree with that. 20 Any further discussion? 21 (No response.) 22 CHAIRWOMAN CHAN: Okay. Any comments from 23 the audience on this item, you can signal the 24 moderator. 25 (No response.)</p>

10:02:33-10:03:46	Page 26	10:04:36-10:06:03	Page 28
<p>1 CHAIRWOMAN CHAN: And, if none, I'll</p> <p>2 entertain a motion to approve the audits that are</p> <p>3 identified -- oh, I do see a hand up there from</p> <p>4 Ms. Mary Kathleen Honne. I hope I'm pronouncing that</p> <p>5 correctly.</p> <p>6 Yes, Ms. Honne?</p> <p>7 MS. HONNE: Good morning. Mary Kathleen</p> <p>8 Honne, and I was a candidate this year, this past</p> <p>9 election cycle. And I would just really like to thank</p> <p>10 Executive Director Collins, Ms. Roberts and Mr. Becker</p> <p>11 and the entire Clean Elections staff. I really</p> <p>12 appreciated working with you all. Your help was</p> <p>13 definitely necessary to make sure that I was following</p> <p>14 all of the election finance rules, and it made sure</p> <p>15 that, when my audit came up, I had all my books in</p> <p>16 order.</p> <p>17 So I just want to say thank you so much for</p> <p>18 all the work that you all do. So thanks so much.</p> <p>19 CHAIRWOMAN CHAN: Thank you. That is so</p> <p>20 wonderful to hear. Thank you for saying that at our</p> <p>21 meeting. That is wonderful.</p> <p>22 Anyone else have anything to add or wish to</p> <p>23 be heard?</p> <p>24 (No response.)</p> <p>25 CHAIRWOMAN CHAN: All right. And if there</p>		<p>1 and we have approved the audits identified on the</p> <p>2 agenda. Excellent.</p> <p>3 MR. BECKER: Thank you.</p> <p>4 CHAIRWOMAN CHAN: Thank you.</p> <p>5 Okay. Moving on to Item V: Discussion and</p> <p>6 possible action on MUR 20-04, Eric Sloan. This is an</p> <p>7 enforcement-related item, and the issue before us is</p> <p>8 the Staff's request by a repayment order. And since</p> <p>9 this is an enforcement matter, we are joined by</p> <p>10 Mr. Harris from the Attorney General's Office, who will</p> <p>11 be serving as our independent legal advisor.</p> <p>12 And so we're going to proceed by hearing</p> <p>13 first from Mr. Collins and Ms. Karlson about the</p> <p>14 request, and then we'll hear -- I believe Mr. Sloan</p> <p>15 wishes to be heard.</p> <p>16 Is that correct, Mr. Sloan? Okay. And</p> <p>17 then we'll hear from Mr. Sloan and, after that, there</p> <p>18 will be time for questions from the Commissioners.</p> <p>19 So with that, Mr. Collins, or --</p> <p>20 MR. COLLINS: I'm sorry. Madam Chair, yes.</p> <p>21 I just -- had lost a syllable there.</p> <p>22 Yes. Madam Chair, I think -- so, as you</p> <p>23 may recall, back in December, we did a</p> <p>24 reason-to-believe recommendation on -- on this matter.</p> <p>25 And in that reason to believe, we outlined, based on</p>	
10:03:49-10:04:32	Page 27	10:06:07-10:08:02	Page 29
<p>1 is nothing else, I will go ahead and entertain a motion</p> <p>2 to approve the audits identified on the agenda.</p> <p>3 COMMISSIONER KIMBLE: Madam Chair?</p> <p>4 CHAIRWOMAN CHAN: Yes, Commissioner Kimble.</p> <p>5 COMMISSIONER KIMBLE: I move we approve the</p> <p>6 audits listed in our agenda under Item IV, the audits A</p> <p>7 through K on today's agenda.</p> <p>8 CHAIRWOMAN CHAN: Thank you.</p> <p>9 Do I have a second?</p> <p>10 COMMISSIONER TITLA: I second --</p> <p>11 CHAIRWOMAN CHAN: Thank you, Commissioner</p> <p>12 Titla.</p> <p>13 COMMISSIONER TITLA: -- Chairwoman.</p> <p>14 CHAIRWOMAN CHAN: Thank you. All right.</p> <p>15 We have a motion and a second.</p> <p>16 I'll call the roll.</p> <p>17 Commissioner Titla, how do you vote?</p> <p>18 COMMISSIONER TITLA: Aye.</p> <p>19 CHAIRWOMAN CHAN: All right. Commissioner</p> <p>20 Kimble, how do you vote?</p> <p>21 COMMISSIONER KIMBLE: Aye.</p> <p>22 CHAIRWOMAN CHAN: Commissioner Paton?</p> <p>23 COMMISSIONER PATON: Aye.</p> <p>24 CHAIRWOMAN CHAN: And I vote aye, as well,</p> <p>25 Commissioner Chan. So we have four ayes and zero nays,</p>		<p>1 the complaint and response, what the potential</p> <p>2 violations were and we, also, outlined that we believed</p> <p>3 there were, based on how -- based on those facts, there</p> <p>4 was a repayment issue. How we have proceeded thus far</p> <p>5 is we have bifurcated those to focus on repayment, and</p> <p>6 we have that request pending.</p> <p>7 With respect to the facts of the order</p> <p>8 request, I would defer to Ms. Karlson and Mr. Cummings,</p> <p>9 who are assistant AGs, who are on this side of the</p> <p>10 fence, if they wouldn't mind talking a little bit about</p> <p>11 what we're proposing. Obviously -- and, obviously,</p> <p>12 we -- you know, so we're prepared to take questions</p> <p>13 when you deem -- you know, when you're -- whenever.</p> <p>14 So, I guess, I'll leave it at that.</p> <p>15 I think -- I think, Kara or Kyle, if you</p> <p>16 don't mind me handing you the -- handing over --</p> <p>17 handing it over to you to talk a little bit about the</p> <p>18 construction of the order.</p> <p>19 MS. KARLSON: Yeah. Tom, I'll talk today.</p> <p>20 MR. COLLINS: Okay.</p> <p>21 MS. KARLSON: Madam Chair, members of</p> <p>22 Commission, we are asking for the full primary amount</p> <p>23 in the repayment order, and let us outline why. As you</p> <p>24 may be aware, there is a separate -- there was a</p> <p>25 separate arbitration proceeding going on between the</p>	

<p>10:08:07-10:10:04 Page 30</p> <p>1 parties that made some allegations about, you know, 2 Mr. -- Dr. Branch was attempting to recover payments 3 that he alleges he was due. Again, we're not taking a 4 position on that. We think that that's a -- that 5 that's a factually intensive matter. For the matters 6 of the repayment order, we're not taking a position on 7 that. 8 It has been our understanding the 9 Respondents -- that the thrust of Respondents' defense 10 has been that they don't owe any of that money -- 11 that's the \$116,000 and -- \$116,016 because, as they 12 claim, that it was void ab initio because they entered 13 into this agreement for this money prior to receiving 14 the money and you can't exceed cash on hand, which they 15 clearly did at the time that they entered into the 16 contract. The time they entered into the contract was, 17 you know, January 1st, 2020, or sooner, and they didn't 18 qualify for Clean Elections funding until July, 19 mid-July. 20 And so their argument at the beginning has 21 been they don't owe the \$116,000, and so if they don't 22 owe it because it wasn't spent on -- you know, because 23 it was incurred prior to qualifying for Clean Elections 24 funding, then our position is that all that money is 25 owed to Clean Elections.</p>	<p>10:11:54-10:13:12 Page 32</p> <p>1 happy to take them now or you can speak to Mr. Miller 2 or, if Mr. Miller wants to let his client speak to the 3 Commission, obviously, I think that would, also, be 4 appropriate, but I did want to make sure that everyone 5 was aware that Mr. Miller, who is Mr. Sloan's counsel, 6 is here. And due to ethical rules, he should be 7 allowed to either speak or waive his -- you know, or 8 let his client speak on his own behalf, but I'll take 9 questions at this time. 10 CHAIRWOMAN CHAN: Thank you. 11 Does anyone have questions for Ms. Karlson? 12 (No response.) 13 CHAIRWOMAN CHAN: And, if not, then we can 14 go ahead and let -- if Mr. Miller is good -- or, 15 Mr. Sloan, it's your choice. You can go ahead and 16 speak your peace. 17 MR. SLOAN: Thank you, Madam Chairman. 18 I -- can everyone hear me? 19 CHAIRWOMAN CHAN: I can hear you, yes. 20 MR. SLOAN: Okay. Terrific. I'm going to 21 read what I've written. I hope you'll forgive that, 22 but I want to make sure that I get everything correct. 23 Let me first start by saying that once we realized we 24 had an issue, approximately, three and a half weeks 25 before the Primary Election, we contacted Tom and the</p>
<p>10:10:07-10:11:52 Page 31</p> <p>1 Now, what I believe Mr. Miller -- the 2 argument that he will be making in a minute is that 3 they -- and, obviously, Mr. Miller is Mr. Sloan's 4 counsel and he can correct me if I mischaracterize. 5 And if I do mischaracterize, you know, what I believe 6 his argument to be, I apologize in advance, but our 7 understanding of the argument that he raised as of last 8 night was that, well, they've -- there have been valid 9 costs that they did pay totaling, approximately, 10 \$20,000 and that they only have \$93,000, or something, 11 around that amount, left in the Sloan campaign account. 12 The problem is that that amount is not what 13 they contracted for on January 1st of 2020. So, in our 14 view as, again, the prosecutor, not as your legal 15 advisor, but as the, quote/unquote, prosecutor here, 16 the investigator here, is that because they have openly 17 admitted, as you can see in the documents that we 18 attached to the repayment order, the exhibits we 19 attached to the repayment order -- they have been very 20 clear that the entire contract is void ab initio. And, 21 you know, for those who aren't lawyers on the 22 Commission, that means it was void as of, you know, 23 when they entered into it, and when they entered into 24 it, it was for the full amount of \$116,016. 25 If you have additional questions, I'd be</p>	<p>10:13:20-10:14:39 Page 33</p> <p>1 Clean Elections staff and began to work with them, 2 realizing that we had a -- we had a problem. 3 We, also, have worked with Tom and Kara, 4 you know, subsequent to that, and I have the highest 5 regard for them. And I think they've done a very good 6 job with helping us in this ordeal, but some of the 7 facts are this. The contract was entered into -- 8 because I did enter into the contract. I've never not 9 admitted that. I have admitted that from the 10 beginning. It was entered into because Dr. Branch said 11 that he had it vetted by his lawyer, Daniel Arellano, 12 and then approved subsequently by Clean Elections. I 13 believe there was going to be some investigating into 14 whether or not that was actually true. 15 He did share this information with all of 16 his -- all the candidates he was working with and with 17 his staff at several meetings. Adam Stevens, who was 18 working with the candidates, was one of the staff 19 members who was directly told by Branch and, in other 20 subsequent meetings, told the candidates that 21 everything was completely on the up and up with Clean 22 Elections. It turns out this statement made by 23 Dr. Branch was not true and that, as he presented 24 himself as a Clean Elections expert, it was a fraud. 25 And his false statements led me to both sign the</p>

10:14:43-10:16:11	Page 34	10:17:43-10:18:56	Page 36
<p>1 contract and has led us to this point currently.</p> <p>2 The problem that we had during the campaign</p> <p>3 was -- is that Dr. Branch's behavior became very</p> <p>4 erratic and alarming. One of the things he did is he</p> <p>5 had his attorneys for his -- for his company actually</p> <p>6 challenge my signatures at one point. He then demanded</p> <p>7 money for things that did not exist or did not occur,</p> <p>8 and he was very threatening about the fact that the</p> <p>9 money was his and not mine. And I believe you have</p> <p>10 seen emails to such that say that, that the money was</p> <p>11 not a -- was not money for Sloan 2020; it was his money</p> <p>12 and that he would spend it as he saw fit and that, as a</p> <p>13 candidate, I could have an opinion, but that I would</p> <p>14 have no direction over the money.</p> <p>15 At that point is when we cancelled the</p> <p>16 contract and realized that this thing was a ruse. I</p> <p>17 contacted Clean Elections immediately. I, also,</p> <p>18 contacted Lee Miller, who is my counsel, because I</p> <p>19 realized we had an issue. I have, from day one, been</p> <p>20 completely transparent in this issue and continue to</p> <p>21 work with staff on this issue.</p> <p>22 So, as I said, we immediately terminated</p> <p>23 the contract and sought counsel and contacted the Clean</p> <p>24 Elections staff and -- and here we are. My concern</p> <p>25 with the order is this. There's no doubt that that --</p>	<p>1 I have no issue with the recommendation,</p> <p>2 other than there were 20- -- there was, approximately,</p> <p>3 \$23,000 in legitimate expenses. We documented those</p> <p>4 expenses. We worked with Clean Elections on those</p> <p>5 expenses. I have -- you know, as you've seen in the --</p> <p>6 in the audits, we have been completely transparent with</p> <p>7 regards to any expenses that we've had. I believe</p> <p>8 we've been more than forthcoming to -- at this point,</p> <p>9 the \$23,000, which were legitimate expenses, I believe,</p> <p>10 should be backed out of the amount and I should be able</p> <p>11 to write a check for the remaining balance, which is,</p> <p>12 approximately, \$92,000 and something. I don't know</p> <p>13 the exact number.</p> <p>14 Please forgive me, but we're willing to</p> <p>15 write that check today because my intention in this</p> <p>16 entire ordeal has been to protect the Clean Elections</p> <p>17 money from someone who has been trying to defraud Clean</p> <p>18 Elections. And I believe the best case -- the best way</p> <p>19 to do that, in accordance with counsel, with my counsel</p> <p>20 and with working with Clean Elections staff, was to set</p> <p>21 that money aside and to make sure that it was</p> <p>22 protected.</p> <p>23 The \$23,000, which was never in question,</p> <p>24 with regards to the -- to the expenditure in the</p> <p>25 Primary which, again, we worked with Clean Elections</p>		
10:16:14-10:17:42	Page 35	10:18:59-10:20:21	Page 37
<p>1 that the staff is correct in saying that I made a</p> <p>2 mistake in entering into the contract, and I take</p> <p>3 responsibility for that mistake. I trusted someone who</p> <p>4 presented themselves as an expert. That turned out to</p> <p>5 be a bad decision on my part.</p> <p>6 Once we realized that was a bad decision,</p> <p>7 in an effort to make full transparency and to realize</p> <p>8 that, at some point, we would end up in a situation</p> <p>9 that we are in today, to work with staff and to be</p> <p>10 completely transparent, but when -- in doing such,</p> <p>11 there was a -- Dr. Branch began to give one invoice</p> <p>12 after another, each invoice asking for more and more</p> <p>13 money.</p> <p>14 The first invoice started off initially</p> <p>15 asking for \$65,000. The second invoice asked for,</p> <p>16 approximately, \$93,000 and, then, subsequently, he's</p> <p>17 involved me in a legal proceeding saying that I am</p> <p>18 personally liable for \$116,000 and -- \$116,016. We</p> <p>19 went through arbitration. Unfortunately, the</p> <p>20 arbitrator, in her arbitration award, said that no</p> <p>21 Clean Elections laws applied in this situation; that I</p> <p>22 owed Dr. Branch \$116,016, plus another \$50,000 in</p> <p>23 lawyer fees. I currently have my own lawyer fees</p> <p>24 because Dr. Branch has dragged this into the court</p> <p>25 system.</p>	<p>1 three weeks previous to the election day -- was to --</p> <p>2 was to spend that money to try to -- try to help my</p> <p>3 campaign, which is what the money was intended to be</p> <p>4 used for.</p> <p>5 And I'd be happy to answer any questions,</p> <p>6 but again, I just want to thank staff for working with</p> <p>7 me and for -- for getting us to this point.</p> <p>8 CHAIRWOMAN CHAN: Thank you, Mr. Sloan,</p> <p>9 very much. I am very sorry because it sounds like a</p> <p>10 horrible situation that you found yourself in.</p> <p>11 MR. SLOAN: Yes, it is very trying.</p> <p>12 CHAIRWOMAN CHAN: And I actually have a</p> <p>13 question. Maybe I'll let the other commissioners go</p> <p>14 first, if they have any questions for any of the</p> <p>15 parties here.</p> <p>16 COMMISSIONER PATON: Yes. This is</p> <p>17 Commissioner Paton.</p> <p>18 For Kara, could you address Mr. Sloan's</p> <p>19 argument about the money that he spent on legitimate</p> <p>20 items -- in quotations, I'll say that -- for legitimate</p> <p>21 items that he spent? And -- yeah. You know I'm not a</p> <p>22 lawyer, but it sounds like something that it seems like</p> <p>23 it's a legitimate argument front for him.</p> <p>24 MS. KARLSON: Absolutely. And, Madam Chair</p> <p>25 and Commissioners, we have -- we have, I think, two</p>		

<p>10:20:26-10:22:23 Page 38</p> <p>1 issues here.</p> <p>2 First, our repayment order is based on, you</p> <p>3 know, the facts of the complaint and the additional</p> <p>4 investigation that we did. We have subpoenaed -- they</p> <p>5 have provided a lot of documents. I want to say that</p> <p>6 nothing in the repayment order or in any of our</p> <p>7 enforcement documents should imply that Mr. Sloan</p> <p>8 knowingly did anything. We're not -- we're not trying</p> <p>9 to say that and, yes, I agree. He has had quite a time</p> <p>10 here.</p> <p>11 What I can say is that we don't have -- you</p> <p>12 know, we had a conciliation meeting with Mr. Sloan's</p> <p>13 counsel. We asked for documentation for these things</p> <p>14 and, you know, their response and everything that they</p> <p>15 have argued from the beginning has been the entire</p> <p>16 contract was void. And we were not presented with any</p> <p>17 documents that said, like, here are my receipts for X,</p> <p>18 Y and Z; I think that this amount should be subtracted</p> <p>19 and this is -- we've always known that the 92,000 is</p> <p>20 what they had left, but based on all of the arguments</p> <p>21 and all of the evidence that was presented and the way</p> <p>22 this argument has been crafted, we don't -- we didn't</p> <p>23 have a basis, without getting into, you know, making</p> <p>24 factual determinations, which we think would be more</p> <p>25 appropriate at -- you know, we thought would be more</p>	<p>10:23:54-10:25:10 Page 40</p> <p>1 know, as an advocate for the investigation -- and,</p> <p>2 again, this is your determination to make, in</p> <p>3 consultation, if you need to, with Mr. Harris, but what</p> <p>4 I would say is because we know that he has this, you</p> <p>5 know, \$92,000 and change sitting in a bank account, we</p> <p>6 would not object, just in order to protect the Fund, to</p> <p>7 him providing, you know, the \$92,000 and the receipts</p> <p>8 for the expenses that, you know, he's already paid out</p> <p>9 of pocket because that, at least, gets us to a place</p> <p>10 where the Fund is protected as much as possible. And</p> <p>11 then we can move forward in working with him on the</p> <p>12 remainder. Since this is a repayment order, this is</p> <p>13 like, you know, the procedure that we're at.</p> <p>14 CHAIRWOMAN CHAN: Okay.</p> <p>15 COMMISSIONER PATON: So, Tom, can you speak</p> <p>16 to this? I'm sorry.</p> <p>17 CHAIRWOMAN CHAN: Well, and I just --</p> <p>18 briefly, I saw Mr. Sloan had his hand raised. I</p> <p>19 wondered if he wanted to add anything to that point.</p> <p>20 MR. SLOAN: I just wanted to add that Kara</p> <p>21 is incredible. She's absolutely correct. We didn't --</p> <p>22 I don't believe we did provide those receipts. We did</p> <p>23 provide it in the -- in the -- in the audit, but -- and</p> <p>24 I apologize, Kara. We will absolutely get you those</p> <p>25 receipts, hopefully, today.</p>
<p>10:22:26-10:23:51 Page 39</p> <p>1 appropriate further down the road because we hadn't had</p> <p>2 those presented to us.</p> <p>3 You know, we still don't know which</p> <p>4 specific receipts and which specific expenses, you</p> <p>5 know. They might have been included in all of the</p> <p>6 documents we received, but we received --</p> <p>7 MR. SLOAN: Yes, a lot.</p> <p>8 MS. KARLSON: -- 11 megabytes of documents.</p> <p>9 We received a ton of documents, and so we didn't have,</p> <p>10 like, okay, X, Y and Z are the legitimate expenses, the</p> <p>11 costs we've already paid out of pocket. And so we</p> <p>12 just -- we don't have that factual basis to make that</p> <p>13 distinction. The facts that we had were that, you</p> <p>14 know, his attorneys were claiming the entire amount</p> <p>15 was, as I said, you know, void -- void ab initio, void</p> <p>16 from the beginning, and that -- that is the information</p> <p>17 upon which the repayment order is based.</p> <p>18 Does that make senses?</p> <p>19 MR. SLOAN: May I make a statement?</p> <p>20 COMMISSIONER PATON: Yes. So -- so if he</p> <p>21 could get us those items that he states that he spent</p> <p>22 on legitimate expenses and group them together for us,</p> <p>23 would that be something that we could use to subtract</p> <p>24 from this other amount?</p> <p>25 MS. KARLSON: Well, what I would say, you</p>	<p>10:25:14-10:26:26 Page 41</p> <p>1 CHAIRWOMAN CHAN: And, Commissioner Paton,</p> <p>2 you were asking Tom a question?</p> <p>3 COMMISSIONER PATON: Yes. I was going to</p> <p>4 say, well, what is Tom thinking about what I was</p> <p>5 stating.</p> <p>6 MR. COLLINS: Well -- I'm sorry?</p> <p>7 MS. KARLSON: You can speak, Tom, since, I</p> <p>8 guess, I'm representing --</p> <p>9 COMMISSIONER PATON: I'm sorry if I'm</p> <p>10 talking out of terms.</p> <p>11 MR. COLLINS: No, no, no. I just wanted</p> <p>12 to -- I just -- well, if I'm understanding the question</p> <p>13 correctly, I agree with the characterization -- Kara's</p> <p>14 characterization, and I do -- we have -- in the past,</p> <p>15 we've had repayment cases. At least the last one we</p> <p>16 had, we did, in fact, have those kinds of offsets.</p> <p>17 They, ultimately, were done through OAH, but you know,</p> <p>18 that's -- that is something that -- and, in fact,</p> <p>19 that's something the Commission, in our last repayment,</p> <p>20 encouraged us to do.</p> <p>21 So we are absolutely -- I agree with Kara's</p> <p>22 characterization there and appreciate Mr. Sloan's</p> <p>23 appearance here and discussion of that. I will, also,</p> <p>24 say that the thing that is the highest priority for</p> <p>25 me -- and, I think, for Kara -- and that's our -- you</p>

<p>10:26:31-10:27:59 Page 42</p> <p>1 know, this is -- again, this is not -- this is our 2 view, not -- you know, it should be taken in light of 3 whatever -- you know, in light of your own 4 decision-making. 5 We want the Fund to be made whole. We 6 understood, and we know that Mr. Sloan has kept those 7 dollars, as part of compliance with the Commission's 8 statute respecting these kinds of vendor disputes, and 9 we are appreciative that he took that step very early. 10 MR. SLOAN: Thank you, Tom. 11 MR. COLLINS: And so in that -- and so I 12 agree, again, with Kara that that's -- that's our 13 highest priority is to get an order in place that 14 ensures we can get the Fund's -- the Fund's cash back, 15 and that's my view. 16 So, Commissioner Paton, to circle back to 17 your question or to be -- to narrow -- sort of narrow 18 in, in fact, I believe -- and, you know, there's no 19 reason for Mr. Sloan or Mr. Miller to know this, but 20 you know -- you know, Commissioner Paton, when we had 21 the last repayment order, I made a similar point. And 22 that's how we handled it, which would be exactly in the 23 way that we're discussing here. 24 So I'm -- that's -- I guess, that's about 25 all I have to say about that, if that -- if I've</p>	<p>10:29:05-10:30:23 Page 44</p> <p>1 questions for me. 2 CHAIRWOMAN CHAN: Thank you. I know. I 3 feel bad. We're not -- maybe it's good. You know, you 4 get an easy day so far. I hope I didn't jinx you by 5 saying that. 6 Any other commissioners have any questions? 7 (No response.) 8 CHAIRWOMAN CHAN: Let me just throw this 9 out there, and I'm actually not sure if I should -- if 10 I should ask Mr. Harris or Ms. Karlson or Mr. Collins, 11 but you know, if the commissioners want to direct an 12 offset, Tom, like you were saying we did in the last 13 case we did, I can't remember how we did that. Did we 14 do a motion? Do you come back to us with a rewrite? I 15 don't know how that -- I can't remember what we did. 16 MR. COLLINS: Madam Chair, Commissioners -- 17 CHAIRWOMAN CHAN: And that's assuming the 18 commissioners are kind of in agreement on this. 19 MR. COLLINS: What we had last time was 20 slightly different in the sense that the candidate in 21 that particular case was not responsive. So we -- so 22 we attempted to ask that candidate to provide 23 information to us throughout this process. They 24 didn't, and then -- but, then, when they got to OAH, 25 they did. And there was an offset ordered by the</p>
<p>10:28:02-10:29:03 Page 43</p> <p>1 answered your question, Commissioner Paton. 2 MR. SLOAN: And I would still -- 3 MR. COLLINS: So -- 4 MR. SLOAN: Madam Chairman, if I could just 5 add one thing, please. We would be very happy to 6 provide the \$92,000 and change immediately, with a 7 stipulation just that we have receipts in place and 8 that receipts could be deemed legitimate expenses; that 9 we could -- we could literally do that by today, by the 10 end of today. I mean, this is -- I believe we're well 11 organized enough on our end that that would not be a 12 problem at all. 13 CHAIRWOMAN CHAN: Thank you. 14 MR. SLOAN: Thank you. 15 CHAIRMAN PATON: And, Commissioner Paton, 16 it's funny. I threw it to the Commissioners to ask 17 questions, and you asked the question I was going to 18 ask, Commissioner Paton, which was, you know, what do 19 we think of, you know, potentially, offsetting. 20 So, Mr. Harris, did you have something to 21 add or -- go ahead. 22 MR. HARRIS: I just took myself off of 23 mute -- 24 CHAIRWOMAN CHAN: Okay. 25 MR. HARRIS: -- in case you had any</p>	<p>10:30:25-10:31:49 Page 45</p> <p>1 administrative law judge, an offset that we have no -- 2 had no issue with. 3 Now, in this case, obviously, Mr. Sloan is 4 here. Mr. Miller is here, and -- you know, and so that 5 circumstance is different. As far as how we would edit 6 or modify the order, at the risk of dragging this on, 7 but perhaps, I can -- we can say we can give the court 8 reporter a break. I'm going to have to ask for a brief 9 recess to talk to Ms. Karlson and Mr. Cummings. 10 My inclination is to literally be able to 11 line it at this order for the purposes of today, but 12 I'm not in -- you know. And we may be able to, through 13 a brief recess, be able to get that together. That's 14 my -- but I'm literally -- I'm kind of thinking out 15 loud here on the spot on what the most efficient way to 16 do this might be. 17 CHAIRWOMAN CHAN: Okay. 18 MR. COLLINS: And I see Mr. Miller has his 19 hand up. So, I guess, I'll leave it there. 20 CHAIRWOMAN CHAN: Okay. Mr. Miller, did 21 you want to add something? 22 MR. MILLER: Ms. Chan, members of the 23 Commission, I simply wanted to point out that the 24 offset that the Sloan campaign is looking for is 25 exactly the amount of money that Sloan 2020 reported as</p>

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<p>1 spending in the primary period that you all previously</p> <p>2 audited, and you all previously accepted that audit</p> <p>3 report. So if you -- if you believe your auditors, my</p> <p>4 suggestion is simply use the -- use the audited primary</p> <p>5 period spending report and that's how to calculate the</p> <p>6 offset.</p> <p>7 With that, I'm available for any questions.</p> <p>8 CHAIRWOMAN CHAN: Thank you.</p> <p>9 Tom, do you want to take that break and</p> <p>10 consider all of that and give our court reporter a</p> <p>11 break, if we need to?</p> <p>12 MR. COLLINS: I mean, this is -- again, I</p> <p>13 mean, it seems to me that -- and, Kara, you can feel</p> <p>14 free to stop me if I say anything -- or correct me, I</p> <p>15 should say. It seems to me that if we were to take a</p> <p>16 brief recess, allow me to -- Kara and Kyle and I to</p> <p>17 consult, we may, also -- it may, also, be possible for</p> <p>18 us to get Mr. Miller and Mr. Sloan on the phone. I</p> <p>19 don't know. I'm not going to --</p> <p>20 MR. SLOAN: I would be -- I'm very happy to</p> <p>21 get on the phone at any point. I'm very happy to do</p> <p>22 that. I would really like to get a resolution to this</p> <p>23 sooner than later only because we do have an</p> <p>24 arbitrator's ruling and I would -- I want to protect</p> <p>25 that money for the Fund.</p>		<p>1 sorry.</p> <p>2 MS. KARLSON: I was just going to say, I</p> <p>3 mean, I'd call Lee and maybe we can get all of you on</p> <p>4 the phone together really quick.</p> <p>5 MR. COLLINS: Okay.</p> <p>6 MR. SLOAN: Sure. Lee and I are not in the</p> <p>7 same place, but I'm happy -- however you want to do it,</p> <p>8 I'm happy to do it.</p> <p>9 CHAIRWOMAN CHAN: And, Mr. Harris, do you</p> <p>10 have anything you feel like you need to add to the</p> <p>11 conversation or --</p> <p>12 MR. HARRIS: Madam Chair, members of the</p> <p>13 Commission, I do not. I think you're more than able to</p> <p>14 take a 10-, 15-minute break, whatever the parties think</p> <p>15 is appropriate as to bring a modified proposal to you</p> <p>16 for your consideration.</p> <p>17 CHAIRWOMAN CHAN: Great. So why don't we</p> <p>18 take a 15-minute break, and we'll come on back here at</p> <p>19 about 10:50? Okay? And we'll see you back then,</p> <p>20 everyone.</p> <p>21 (Whereupon, a recess was taken in the</p> <p>22 proceedings.)</p> <p>23 CHAIRWOMAN CHAN: Okay. Well, we had to</p> <p>24 take a little bit of a longer break, I assume, because,</p> <p>25 perhaps, the parties were able to do some line-item</p>	
10:33:19-10:34:26	Page 47	11:03:32-11:04:41	Page 49
<p>1 MR. COLLINS: So that's -- that's where --</p> <p>2 so that's where I am. I mean, my -- I mean, obviously,</p> <p>3 you may have -- and I don't -- and I won't pretend to</p> <p>4 be able to speak to, because I don't have the</p> <p>5 experience that Mr. Harris has in being an independent</p> <p>6 advisor and working with boards, broadly speaking,</p> <p>7 because we don't take a lot of recesses here.</p> <p>8 So, I mean, unless there's a reason why we</p> <p>9 couldn't do that, and if everybody has the time to bear</p> <p>10 with us for a few minutes, I think that's right. I may</p> <p>11 turn out to be wrong, but I don't think the cost of</p> <p>12 being wrong in a few minutes is terribly great.</p> <p>13 CHAIRWOMAN CHAN: Okay. Mr. Harris, do you</p> <p>14 think that's helpful to take a -- Tom, what do you</p> <p>15 think? Ten minutes? Is that enough?</p> <p>16 MR. COLLINS: That, I would defer to Kara</p> <p>17 on.</p> <p>18 MS. KARLSON: Yeah, let's do 10 or 15.</p> <p>19 CHAIRWOMAN CHAN: Okay.</p> <p>20 MR. SLOAN: Okay. And, Tom, will you be</p> <p>21 calling me?</p> <p>22 MR. COLLINS: Well, first, I'm going to --</p> <p>23 so what I think --</p> <p>24 MS. KARLSON: I'd rather call --</p> <p>25 MR. COLLINS: Sorry. Kara -- sorry. I'm</p>		<p>1 editing and work everything out. Should I defer to</p> <p>2 Tom? Kara? Who wants to --</p> <p>3 MR. COLLINS: I think so.</p> <p>4 CHAIRWOMAN CHAN: Okay.</p> <p>5 MR. COLLINS: Kara and -- I would defer to</p> <p>6 Kara and then Lee, I guess.</p> <p>7 CHAIRWOMAN CHAN: Do I need to call the</p> <p>8 meeting back to order? I'm not sure if I'm missing</p> <p>9 any --</p> <p>10 MR. HARRIS: Yes. That would be great.</p> <p>11 Thank you, Madam Chair.</p> <p>12 CHAIRWOMAN CHAN: Sure. Okay. So I'll</p> <p>13 call the meeting back to order, and we'll throw it out</p> <p>14 to the parties here.</p> <p>15 Kara?</p> <p>16 MS. KARLSON: Okay. I'm going to try to</p> <p>17 share my screen, because we were able to make some line</p> <p>18 item edits.</p> <p>19 So what I have done is I was able to, you</p> <p>20 know, get ahold of Mr. Sloan and Mr. Miller, and we</p> <p>21 came to an agreement on, you know, that the repayment</p> <p>22 order -- a proposed repayment order would match the</p> <p>23 amount that was in the audit in terms of remaining cash</p> <p>24 in the bank account. So I can share my screen and show</p> <p>25 you guys what the revised order would look like. And,</p>	



<p>11:04:46-11:07:09 Page 50</p> <p>1 then, Mr. Harris can advise you on this, but you know, 2 in my opinion, it would go to the Commission whether 3 they want to do the full amount, the 94,000 and some 4 change or -- which is based off of the prior primary 5 period or, you know, take a different action, but let 6 me try this. 7 Okay. Can you guys see it? 8 CHAIRWOMAN CHAN: Yes. 9 MS. KARLSON: Okay. So you'll see the -- 10 I'm sorry. Was someone else speaking? 11 Okay. You will see that the amount -- this 12 amount highlighted was changed from \$116,016 to 13 \$94,590.79, and we've left -- you know, there are a 14 number of mentions in here of \$116,016, but that's 15 because, you know, that was the Primary Election 16 amount. So the key part is that the order here says to 17 repay the \$94,590 amount. 18 There were no changes to the body of the 19 order until you get to the very end, which has, you 20 know, basically, the statement showing where that 21 amount comes from, that the funds remaining in the bank 22 statement after the Primary -- sorry -- in the bank 23 account after the Primary Election audit. You can tell 24 that I was doing this -- trying to do this quickly -- 25 and that this is the amount that will be due, again,</p>	<p>11:08:38-11:09:54 Page 52</p> <p>1 Mr. Harris. I'm assuming that the motion I would 2 entertain would be a motion to adopt the revised 3 proposed order, repayment order? 4 MR. HARRIS: That's correct, Madam Chair. 5 CHAIRWOMAN CHAN: So I will entertain a 6 motion to adopt the revised proposed repayment order, 7 as shown on our screen. 8 COMMISSIONER KIMBLE: Madam Chair? 9 CHAIRWOMAN CHAN: Yes, Commissioner Kimble. 10 COMMISSIONER KIMBLE: I move we adopt the 11 revised repayment order in the amount of \$94,590.79. 12 CHAIRWOMAN CHAN: Thank you. 13 Is there a second? 14 COMMISSIONER PATON: And this is 15 Commissioner Paton. I will second that motion. 16 CHAIRWOMAN CHAN: Okay. All right. Let's 17 go ahead and call the roll, if there's no other 18 comment. And I'm so sorry. I actually should have 19 probably -- I didn't know if Mr. Sloan wished to speak. 20 And maybe now it's a little out of order, but -- no? 21 MR. SLOAN: No. I am completely okay with 22 it, and I just want to thank you, again, and thank the 23 staff and the Commission for figuring how to do this in 24 these trying times on Zoom. And I just want to say I 25 appreciate the work that you all have done on this.</p>
<p>11:07:11-11:08:35 Page 51</p> <p>1 all matching the \$94,590.79, based on the amount in the 2 bank after the Primary Election audit. 3 CHAIRWOMAN CHAN: Thank you. 4 MS. KARLSON: Any questions? 5 CHAIRWOMAN CHAN: I don't believe I have 6 any. 7 Any other commissioners have any questions? 8 COMMISSIONER PATON: This is Commissioner 9 Paton. I just want to say I feel much better about 10 this. We want people to run and try to help them and, 11 obviously, that part of it, he had legitimate expenses, 12 you know, according to our audit. And, you know, this 13 doesn't -- and we have nothing to do with this -- this 14 disagreement with the other two parties, you know, he 15 and the other people, but -- and then, also, maybe we 16 can address this, these other parties that claim to be 17 experts in Clean Elections, and warn people to -- 18 before they get involved, that, you know, there may be 19 issues like this. 20 CHAIRWOMAN CHAN: Thank you, Commissioner 21 Paton. 22 Any other commissioners have any comments 23 or questions about the revisions? 24 (No response.) 25 CHAIRWOMAN CHAN: If not, maybe I'll ask</p>	<p>11:09:56-11:10:41 Page 53</p> <p>1 Thank you. 2 CHAIRWOMAN CHAN: Thank you. 3 All right. With that, I'll go ahead and 4 call the roll for voting. 5 Commissioner Titla, how do you vote? 6 COMMISSIONER TITLA: Aye. 7 CHAIRWOMAN CHAN: Okay. Commissioner 8 Kimble? 9 COMMISSIONER KIMBLE: Aye. 10 CHAIRWOMAN CHAN: Commissioner Paton? 11 COMMISSIONER PATON: Aye. 12 CHAIRWOMAN CHAN: And I vote aye, as well. 13 So by four ayes and zero nays, we have adopted the 14 proposed revised order. 15 Thank you all very much, especially staff 16 for your hard work on this under very difficult 17 circumstances. 18 MR. SLOAN: Madam Chairman, thank you so 19 much. Is there -- will I be needed for anything else 20 in the meeting? 21 CHAIRWOMAN CHAN: I don't believe we have 22 anything else with you on the agenda. 23 MR. SLOAN: Thank you so much. I really 24 just want to say thank you again. I appreciate the 25 work on this, and we will get a check to you ASAP.</p>

11:10:45-11:11:49	Page 54	11:13:19-11:15:07	Page 56
<p>1 CHAIRWOMAN CHAN: All right. Thank you</p> <p>2 very much for coming and for your cooperation with</p> <p>3 Staff.</p> <p>4 MR. SLOAN: Thank you. Bye-bye.</p> <p>5 CHAIRWOMAN CHAN: Bye.</p> <p>6 All right. Our next item -- I'm not sure</p> <p>7 if we've heard back yet.</p> <p>8 Tom -- okay. So we will -- we're going to</p> <p>9 actually skip Item VI, correct, Tom?</p> <p>10 MR. COLLINS: I apologize. Madam Chair,</p> <p>11 Commissioners, yeah, unless there's a representative of</p> <p>12 the Arizona Education Association here, which I don't</p> <p>13 think. No. Going once --</p> <p>14 CHAIRWOMAN CHAN: All right.</p> <p>15 MR. COLLINS: No. I believe we can move</p> <p>16 on.</p> <p>17 CHAIRWOMAN CHAN: Okay. Great. And, then,</p> <p>18 we'll move on to Item VII. That is discussion --</p> <p>19 sorry -- and possible action on House Bill 2110. That</p> <p>20 is our -- the civil penalties mitigation and</p> <p>21 restitution. And the Commission may choose to go into</p> <p>22 executive session for discussion or consultation with</p> <p>23 its attorneys to consider its position and instruct its</p> <p>24 attorneys regarding the public body's position</p> <p>25 regarding contracts, in pending or contemplated</p>		<p>1 necessary, and if there's some reason to go into</p> <p>2 executive session.</p> <p>3 As the veto letter, our veto request letter</p> <p>4 discussed, the -- if you will, the narrowest basis on</p> <p>5 which there's a legal issue here is the Voter</p> <p>6 Protection Act. The Voter Protection Act protects</p> <p>7 those laws passed in the 1998 election moving forward</p> <p>8 from legislative tampering without a three-quarter</p> <p>9 vote, and that three-quarter vote is to be in</p> <p>10 furtherance of the underlying proposition.</p> <p>11 The issue here is a device that the</p> <p>12 legislature uses, supposedly sparingly, to not</p> <p>13 withstand any bill that gets in the way of the policy</p> <p>14 that they're trying to enact. The problem in this case</p> <p>15 is that the policy they're trying to enact, as applied</p> <p>16 to the Clean Elections Act, does enact a change and</p> <p>17 it's a change that is amendatory in the sense that</p> <p>18 money paid to the Fund is not work. Whatever one</p> <p>19 thinks about the idea of being sentenced to work for a</p> <p>20 civil offense, for minimum wage for the state, it's not</p> <p>21 money.</p> <p>22 That's a change. It's, also, superseding,</p> <p>23 arguably, the Clean Elections Act. Why? Because of</p> <p>24 the pure plain textual meaning of the word</p> <p>25 "notwithstanding." If you not withstand a bill, not</p>	
11:11:51-11:13:15	Page 55	11:15:10-11:16:54	Page 57
<p>1 litigation or in settlement discussions conducted in</p> <p>2 order to avoid or resolve litigation pursuant to</p> <p>3 statute.</p> <p>4 So, having said all that, the Governor did</p> <p>5 sign House Bill 2110, as Tom let us know last night.</p> <p>6 We have raised objections to this bill with the</p> <p>7 legislature based on the Voter Protection Act and other</p> <p>8 constitutional issues, and the measure passed on a</p> <p>9 narrow, almost party-line vote, which does mean that</p> <p>10 through our efforts to explain, we did improve</p> <p>11 significantly from where the bill was when this</p> <p>12 session began. So kudos to the staff for all that</p> <p>13 hard work. Thank you so much, you guys.</p> <p>14 And with that, we can begin a discussion of</p> <p>15 what our next steps are and let Tom give us a little</p> <p>16 more background.</p> <p>17 MR. COLLINS: Yes. Madam Chair,</p> <p>18 Commissioners, yeah, we -- and I think that the way</p> <p>19 that I would like to approach this issue, especially</p> <p>20 given the time that we've under -- that we've -- that</p> <p>21 we've taken that -- you know, I mean, it's a busy day.</p> <p>22 So I get that. I think I'd like to kind of talk about</p> <p>23 some of the broad contours of the issue and -- and</p> <p>24 then, you know, Mary O'Grady has been appointed outside</p> <p>25 counsel for this purpose. She's available, if</p>		<p>1 withstand the law or any laws, all laws -- and the</p> <p>2 Clean Elections Act is one of all laws -- you're,</p> <p>3 essentially, saying that ignore that piece and do this.</p> <p>4 In this case, the Clean Elections Act is superceded to</p> <p>5 the extent that this act treats it subject to this rule</p> <p>6 that does not have a three-quarter vote and -- you</p> <p>7 know, so -- so that's the -- those -- that's the sort</p> <p>8 of narrowest way.</p> <p>9 You know, we did observe in the veto letter</p> <p>10 that the legislature had to violate its own express</p> <p>11 guidance on how notwithstanding clauses are to be</p> <p>12 drafted in order for this bill to pass, and those rules</p> <p>13 are not -- are not trifle. They are real rules that</p> <p>14 are designed to prevent things like obscuring the</p> <p>15 notice required under the State Constitution, under the</p> <p>16 single subject clauses of the appropriations sections</p> <p>17 and the substantive sections of law.</p> <p>18 You know, there are bans on legislation by</p> <p>19 reference. All of those things are kind of up in the</p> <p>20 air because the prophylactic rules that "Leg Council"</p> <p>21 lays down to avoid them were simply given the back of</p> <p>22 the hand by the legislature.</p> <p>23 You know, I think that the other -- the</p> <p>24 other context that I think is part of our public record</p> <p>25 at the legislature and I think important for the</p>	

11:16:54-11:18:38	Page 58	11:20:24-11:22:10	Page 60
<p>1 Commission to be aware of, JLBC believes, based on</p> <p>2 research they did with the Arizona Administrative</p> <p>3 Office of the Courts, that there is little impact on</p> <p>4 the -- or on participants in this new, you know,</p> <p>5 work-for-civil-fines policy that will make it a limited</p> <p>6 impact.</p> <p>7 There's a similar statute that the Clean</p> <p>8 Elections Act is actually exempted from that shows that</p> <p>9 about 1 to 2 percent of people can do this. So while</p> <p>10 that means that the policy the legislature is enacting</p> <p>11 is about the least effective way you could address</p> <p>12 excessive fines and fees because working for them is</p> <p>13 not solving the problem -- it's just shifting the</p> <p>14 problem and creating all these other downstream</p> <p>15 consequences, but on the other hand, it means we don't</p> <p>16 have evidence to say that the immediate financial --</p> <p>17 what the immediate financial impact is going to be.</p> <p>18 So those are, I think, probably the two</p> <p>19 most important facts for purposes of evaluating this</p> <p>20 or, at least, starting to think about it. What my</p> <p>21 intention had been -- and this was true -- this has</p> <p>22 been our plan would be to see what thoughts the</p> <p>23 Commissioners have, some of those thoughts, you know,</p> <p>24 about this, about how we want to evaluate this,</p> <p>25 about -- you know, the ultimate question, is this is --</p>		<p>1 appropriate or necessary.</p> <p>2 CHAIRWOMAN CHAN: Thank you, Tom.</p> <p>3 COMMISSIONER KIMBLE: Madam Chair?</p> <p>4 CHAIRWOMAN CHAN: Yes, Commissioner Kimble.</p> <p>5 COMMISSIONER KIMBLE: Tom, you -- you</p> <p>6 covered the two points that I was most concerned about.</p> <p>7 And to put it in laymen's terms, I guess, I don't like</p> <p>8 it, but I don't know if it's worth making a stink over</p> <p>9 at this point. And I don't know if this is a question</p> <p>10 that you feel comfortable answering or if you'd rather</p> <p>11 answer in executive session, but if we wait and see</p> <p>12 whether this is a significant issue or not -- and I</p> <p>13 don't know how long we wait and see, but if we wait and</p> <p>14 see some undetermined amount of time, are we</p> <p>15 surrendering our right to challenge it on any number of</p> <p>16 areas?</p> <p>17 MR. COLLINS: Chairwoman Chan and</p> <p>18 Commissioner Kimble, that -- that is a critical</p> <p>19 question for evaluation. So there are cases that</p> <p>20 relate to issues about the timing of different actions,</p> <p>21 and that's something that they're -- I mean, that's</p> <p>22 something that there's new case law on, on a</p> <p>23 semiregular basis, that we -- and, in fact,</p> <p>24 relatively -- you know, recently. So that's something</p> <p>25 that we -- that we actually need to evaluate as part of</p>	
11:18:43-11:20:22	Page 59	11:22:10-11:23:30	Page 61
<p>1 if there is some legal mechanism to fight this</p> <p>2 particular purported change.</p> <p>3 And, you know, that -- but there are a</p> <p>4 bunch of interstitial questions about, you know, which</p> <p>5 particular -- you know, like I said, there's a number</p> <p>6 of constitutional provisions that are out there that we</p> <p>7 think are implicated, but researching those, tracking</p> <p>8 them down and evaluating them for the purposes of text</p> <p>9 steps is in itself an important process and something</p> <p>10 consistent with the Commission's tendency, when these</p> <p>11 legal issues arise, to be deliberative about them.</p> <p>12 So I will say we are not here today to say</p> <p>13 we want to take action. What we want to do today is</p> <p>14 get a sense of the Commission's views of these and, if</p> <p>15 you don't have views formed yet, which is perfectly</p> <p>16 reasonable, to get a sense of what some of the -- to</p> <p>17 give you a sense of what some of the issues we</p> <p>18 anticipate having to research are. So that's kind of</p> <p>19 the broad overview. I hope that helps frame the issue</p> <p>20 for the Commissioners and Madam Chairwoman.</p> <p>21 And so I'm available and here to answer</p> <p>22 questions about this and, then, obviously, as I say,</p> <p>23 Mary is available in the event that we would want to</p> <p>24 discuss something with her and/or if the Commission</p> <p>25 determines that going into executive session is</p>		<p>1 that.</p> <p>2 In other words, I don't have an answer for</p> <p>3 that today, but it is, in fact, one of the important --</p> <p>4 one of the important questions that we actually would</p> <p>5 need to provide an answer for as part of evaluation of</p> <p>6 the matter. I mean, I -- I mean, in other words, I</p> <p>7 agree with you a hundred percent that's a good -- it's</p> <p>8 an important question. It's absolutely a question,</p> <p>9 and -- but I think that would be -- that would -- but</p> <p>10 it would be part of the analysis that we might</p> <p>11 undertake between now and then.</p> <p>12 You know, if things don't -- if things were</p> <p>13 not to change, we would -- you know, we would plan to</p> <p>14 come in May with a little -- with more analysis around</p> <p>15 those issues, you know, and then, you know, do that,</p> <p>16 but that's one of the critical question. I apologize.</p> <p>17 I'm repeating myself there.</p> <p>18 COMMISSIONER KIMBLE: Well, no. I guess,</p> <p>19 my concern is if this is going to be something that's</p> <p>20 the camel's nose under the tent -- to use a horrible</p> <p>21 cliché -- then, you know, maybe we ought to get all</p> <p>22 worked up about it, but if it's not going to go beyond</p> <p>23 this -- and I think I agree with you that it's going to</p> <p>24 be a very limited number of people who take care of</p> <p>25 it -- are we disadvantaging ourselves down the line by</p>	

<p>11:23:35-11:25:09 Page 62</p> <p>1 just letting it slide?</p> <p>2 MR. COLLINS: Let me -- yeah, Chairwoman</p> <p>3 Chan, Commissioner Kimble, I would -- I guess, I would</p> <p>4 answer that question by saying the thing that troubles</p> <p>5 me -- and this is not necessarily everybody's analysis,</p> <p>6 but this is certainly what we've said to the Governor</p> <p>7 and to the legislators in this process.</p> <p>8 The thing that troubles me the most is the</p> <p>9 idea of using a notwithstanding clause in the context</p> <p>10 of a voter-protected law because, as my letter</p> <p>11 indicates, notwithstanding clauses are, as a matter of</p> <p>12 textual analysis, a rejection -- and, actually, it's a</p> <p>13 statutory directive to ignore whatever X law says.</p> <p>14 And, in this case, the directive is to ignore the Clean</p> <p>15 Elections Act.</p> <p>16 So it really is -- I mean, so -- I guess,</p> <p>17 what I'm trying to say is that that balance is crucial,</p> <p>18 but it's something that, while we can do it in a basis</p> <p>19 that we have -- you know, within the time frame we</p> <p>20 have, we don't -- we know we don't have to have</p> <p>21 something on file immediately. I think that in</p> <p>22 weighing those two poles in view of the other -- the</p> <p>23 other -- you know, in terms of -- in terms of the other</p> <p>24 will involve a bunch of different factors.</p> <p>25 There's -- I mean, putting aside the legal</p>	<p>11:26:33-11:27:43 Page 64</p> <p>1 legislature is using notwithstanding clauses. I</p> <p>2 have -- and I'll be honest with you, I have been</p> <p>3 bringing this up with -- I brought this up with the</p> <p>4 "Leg Council" staff. I brought this up with the Rules</p> <p>5 attorneys. I brought this up with the Secretary of</p> <p>6 State's Office across multiple Secretaries of State,</p> <p>7 since we have them -- new ones fairly regularly, and</p> <p>8 so -- you know, dating back to Secretary Bennett's</p> <p>9 office, honestly.</p> <p>10 So, I -- you know, so those are -- you</p> <p>11 know, those are the issues, I guess, is what I'm trying</p> <p>12 to say, and I -- you know, I guess -- yeah. So, I</p> <p>13 guess, what I'm trying to say is the purpose of this</p> <p>14 is -- the purpose of this is to say, look, if we know</p> <p>15 there's nothing -- we don't want to go forward here</p> <p>16 with any analysis and we're comfortable with the -- you</p> <p>17 know, where we are, then fine; but, on the other hand,</p> <p>18 if we're -- if we're ready to -- if we at least want to</p> <p>19 get more feedback from the attorneys that have been</p> <p>20 appointed, you know, we would -- we would like to be</p> <p>21 set up to do that.</p> <p>22 So I hope that's responsive.</p> <p>23 COMMISSIONER KIMBLE: Yeah. I guess, I</p> <p>24 would -- myself, I would say I would like more</p> <p>25 information. And I'm not ready to dismiss it now, but</p>
<p>11:25:11-11:26:28 Page 63</p> <p>1 issues, there are -- you know, there's always issues we</p> <p>2 have to think through around is this the right thing to</p> <p>3 do for the Commission currently, you know, all that --</p> <p>4 you know, all those things.</p> <p>5 So I wish -- I guess, I'm -- I guess, what</p> <p>6 I'm saying is I wish I had -- I know the contours of</p> <p>7 the analysis that has to be done, but you know, the</p> <p>8 real question for the purpose here is, like -- is,</p> <p>9 basically, if we were to say -- if the Commission's</p> <p>10 sense was -- were to say, for whatever -- for whatever</p> <p>11 reasons you all individually might think, we don't --</p> <p>12 this is just not something we want to return to, this</p> <p>13 would be the time to say that.</p> <p>14 If the Commission's sense is at the very</p> <p>15 least we need to get some -- some more -- some further</p> <p>16 analysis on the legal piece so that we can put the</p> <p>17 ultimate decision, which is an exercise of your</p> <p>18 business judgment for the Commission, in a framework</p> <p>19 that we can work from, then we will -- we will proceed</p> <p>20 to do that. On the other hand -- and that's my stance</p> <p>21 from listening to the conversation so far, you know.</p> <p>22 You know, I would just say that at this</p> <p>23 moment, from a -- at this moment, I'm not in a position</p> <p>24 to make a recommendation on that. I feel deeply</p> <p>25 uncomfortable with the cavalier manner in which the</p>	<p>11:27:51-11:29:11 Page 65</p> <p>1 that's all I have, Madam Chair.</p> <p>2 CHAIRWOMAN CHAN: Thank you.</p> <p>3 COMMISSIONER PATON: This is Commissioner</p> <p>4 Paton.</p> <p>5 CHAIRWOMAN CHAN: Commissioner Paton?</p> <p>6 COMMISSIONER PATON: Yes. My inclination</p> <p>7 is we need to dig our heels in and -- because you let</p> <p>8 them be cavalier and erode whatever we've got going,</p> <p>9 then they're going to keep on going. They're going to</p> <p>10 see how much they can get and -- like you said, that</p> <p>11 you're cavalier with how they're willing to go</p> <p>12 against -- whatever, you know, with their procedures.</p> <p>13 And they've got to -- they've got to follow whatever</p> <p>14 procedures that are -- that are deemed correct and, you</p> <p>15 know, we've got to fight back. I mean, I guess, that's</p> <p>16 the coach in me.</p> <p>17 And so I think if we're warning them they</p> <p>18 can't do this through -- because I'm sure that's what</p> <p>19 Tom and other people have been telling them: You can't</p> <p>20 do this because of this or the Voter Protection Act and</p> <p>21 so on. You can't do this, and we just don't do</p> <p>22 anything, then we're -- we're -- they're just going to</p> <p>23 keep on doing it more and more with various other</p> <p>24 things. So I'm not a lawyer, but that's my feeling.</p> <p>25 CHAIRWOMAN CHAN: Thank you, Commissioner</p>

<p>11:29:12-11:30:18 Page 66</p> <p>1 Paton. 2 Anyone else want to speak? 3 (No response.) 4 CHAIRWOMAN CHAN: You know, I tend to agree 5 with Commissioner Paton on this, for some reason. I -- 6 not for some reason that I never agree with 7 Commissioner Paton, but I think in the past, I felt 8 like we should be cautious because -- because court 9 cases, you know, affect us permanently, but this law is 10 affecting us. So, you know, I think I'd like to 11 explore it a little bit, you know, similar to what 12 Commissioner Kimble also said. I don't want to let it 13 go. I'd like to look into it, along with the other 14 commissioners who have spoken. 15 I don't know if Commissioner Titla would 16 like to speak on this or not. And I'm sorry. My 17 computer died, so I disappeared for a few moments. 18 Thanks for letting me back in. 19 So if I missed anything, I apologize. 20 COMMISSIONER TITLA: Yeah, this is Titla, 21 Steve. 22 CHAIRWOMAN CHAN: Hi. Go ahead. 23 COMMISSIONER TITLA: Madam Chair. Yeah, 24 regarding this matter, I think that we need to remember 25 that the backdrop -- as a backdrop, any decision we</p>	<p>11:32:15-11:33:23 Page 68</p> <p>1 that was passed by the voters that we operate under. 2 So, based upon that backdrop, I am in favor of 3 inquiring in this matter further and not dropping it. 4 Thank you. 5 CHAIRWOMAN CHAN: Thank you, Commissioner 6 Titla. 7 Okay. Well, Tom, I guess we have our 8 answer. 9 MR. COLLINS: Yes. Thank you, Chairwoman 10 Chan and Commissioners. We will -- I don't think we 11 need to call on Mary for the purposes of this meeting, 12 but we will -- we will be back with you with the -- 13 hopefully, more answers to these specific questions. 14 And I think these are very much the right questions to 15 ask, so I appreciate the guidance and the feedback. 16 CHAIRWOMAN CHAN: Thank you. 17 All right. So, I think, with that, we can 18 move on to our public comment, Item VIII. 19 Does any member of the public wish to make 20 a comment at this time? I don't know if I see any 21 hands up or not, actually. Maybe somebody can help me 22 with that. Let's see. Anyone? 23 MS. HERRING: Heather is physically raising 24 her hand. 25 CHAIRWOMAN CHAN: Oh, I'm sorry. Thank</p>
<p>11:30:22-11:32:08 Page 67</p> <p>1 make needs to be made against the backdrop of the Clean 2 Elections legislation that was passed by the voters. 3 And what the voters said in the Clean Elections 4 legislation was that they declare our intent to create 5 a Clean Elections system that will improve the 6 integrity of Arizona State government by diminishing 7 the influence of special interest money, will encourage 8 citizen participation in the political process, and 9 will promote freedom of speech under the U.S. and 10 Arizona Constitution. 11 And in that legislation, the people of 12 Arizona said that we find, among other things, that 13 what's going on was that they were effectively 14 suppressing the voices and influence of the vast 15 majority of Arizona citizens in favor of a small number 16 of wealthy special interests and that they find that 17 the public confidence was being undermined in the 18 integrity of public officials; and then, seven, also, 19 that the cost of elections was being driven up for 20 state office, discouraging otherwise qualified 21 candidates who lack personal wealth or access to 22 special interest funding. 23 So this is the backdrop that we're working 24 on and any decisions we make, I think, should be based 25 upon the backdrop, the background of the legislation</p>	<p>11:33:24-11:34:30 Page 69</p> <p>1 you, Heather. I apologize. 2 MS. MROWIEC: I don't know how to raise my 3 hand on Zoom or my version is old. 4 CHAIRWOMAN CHAN: No, it's not your fault. 5 I'm on my phone now. So I'm having a harder time 6 seeing everybody. 7 Please go ahead. 8 MS. MROWIEC: I just wanted to thank the 9 Commission for this process. This is my first time 10 through it. As a citizen, you know, I'm very much in 11 favor of the Clean Elections system. And I appreciate, 12 Chairwoman Chan, that you said you depend on the -- on 13 the citizens to protect our taxpayer money, and so I 14 really do appreciate the hearing. 15 I truly believed, when I brought this 16 complaint forward, that it would be settled in two 17 weeks; that I would say, hey, here's the information I 18 have; you guys can get the other information from the 19 candidate and then we can see if there was a problem. 20 And I'm still -- and I'm too old to be this 21 disappointed, but, wow, I'm disappointed that at no 22 point was there any attempt to get the facts and 23 information from the candidate. It's -- especially 24 with our election system going through the challenges 25 that it is right now, it's been disappointing.</p>

11:34:34-11:35:49

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1 And I appreciate all of your time, and, I  
2 guess, I'll look for next steps. I don't know the  
3 process that well, but I'll keep researching, like I  
4 did the first time, before I brought this complaint  
5 forward. And, you know, I just -- I really want to  
6 safeguard that taxpayer money. In this case, it's  
7 \$27,000 of money that's at stake. So my first time  
8 through it. Hopefully -- well, hopefully, I never find  
9 anybody doing anything I think that's wrong ever again,  
10 but thank you, again, all for your time.  
11 CHAIRWOMAN CHAN: Thank you so much. You  
12 know, and we do appreciate citizens like you who have  
13 an interest in the process and, you know, not everybody  
14 does have an interest. And I think it is important.  
15 So thank you.  
16 Anyone else? And if anybody sees any hands  
17 raised, please, you can just speak up because, like I  
18 said, I'm on my phone now, so I'm not seeing everybody.  
19 (No response.)  
20 CHAIRWOMAN CHAN: If not, you can, also,  
21 send comments to the Commission by email or email at  
22 ccec@azcleelections.gov.  
23 And with that, I'll move us over to  
24 Item IX: Adjournment. We can take our vote to  
25 adjourn. I'll call the roll, unless there's anything

11:35:55-11:36:24

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1 else.  
2 Okay. I thought I heard something.  
3 Could I get a motion to adjourn?  
4 COMMISSIONER TITLA: Motion to adjourn.  
5 COMMISSIONER KIMBLE: Second.  
6 CHAIRWOMAN CHAN: Okay. Okay. I have a  
7 motion and a second.  
8 Commissioner Titla, how do you vote?  
9 COMMISSIONER TITLA: Aye.  
10 CHAIRWOMAN CHAN: Commissioner Kimble?  
11 COMMISSIONER KIMBLE: Aye.  
12 CHAIRWOMAN CHAN: Commissioner Paton?  
13 COMMISSIONER PATON: Aye.  
14 CHAIRWOMAN CHAN: And I vote aye, as well.  
15 So by a vote of four ayes and zero nays, we are  
16 adjourned, and I will see you all next month at our  
17 meeting.  
18 Thank you.  
19 (Whereupon, the proceedings concluded at  
20 11:36 a.m.)  
21  
22  
23  
24  
25

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1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA )  
3 BE IT KNOWN the foregoing proceedings were  
4 taken by me; that I was then and there a Certified  
5 Reporter of the State of Arizona, 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 30th day of  
17 April, 2021.  
18   
19 LILIA MONARREZ, RPR, CR #50699  
20  
21  
22  
23  
24  
25

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	<b>ultimate (2)</b> 58:25; 63:17 <b>ultimately (1)</b> 41:17 <b>unclear (1)</b> 15:10 <b>uncomfortable (2)</b> 12:19;63:25 <b>under (9)</b> 20:12;27:6; 53:16;55:20;57:15,15; 61:20;67:9;68:1 <b>underlying (1)</b> 56:10 <b>undermined (1)</b> 67:17 <b>understood (1)</b> 42:6 <b>undertake (1)</b> 61:11 <b>undetermined (1)</b> 60:14 <b>Unfortunately (1)</b> 35:19 <b>unless (6)</b> 4:1;15:8; 16:14;47:8;54:11; 70:25 <b>up (24)</b> 5:24;6:21; 11:21;12:11;14:5;22:6; 24:22;25:3;26:3,15; 33:21,21;35:8;45:19; 57:19;61:22;64:3,3,4,5, 21;67:19;68:21;70:17 <b>update (1)</b> 5:14 <b>updates (1)</b> 5:13 <b>upon (4)</b> 17:3;39:17; 67:25;68:2 <b>use (4)</b> 39:23;46:4,4; 61:20 <b>used (1)</b> 37:4 <b>uses (1)</b> 56:12 <b>using (2)</b> 62:9;64:1				
	<b>V</b>				
	<b>valid (1)</b> 31:8 <b>valuable (1)</b> 22:19	<b>W</b>			
		<b>wage (1)</b> 56:20 <b>wait (3)</b> 60:11,13,13 <b>waiting (1)</b> 3:4 <b>waive (1)</b> 32:7 <b>wants (3)</b> 10:20;32:2; 49:2 <b>warn (1)</b> 51:17 <b>warning (1)</b> 65:17 <b>way (11)</b> 12:20;16:12; 20:17;36:18;38:21; 42:23;45:15;55:18; 56:13;57:8;58:11 <b>wealth (1)</b> 67:21 <b>wealthy (1)</b> 67:16 <b>Wednesday (1)</b> 9:9 <b>week (3)</b> 6:21;9:20; 21:24 <b>weeks (4)</b> 21:24;32:24; 37:1;69:17 <b>weigh (1)</b> 14:10 <b>weighing (1)</b> 62:22 <b>Welcome (1)</b> 4:9 <b>what's (3)</b> 9:22;17:5; 67:13 <b>whenever (1)</b> 29:13 <b>Whereupon (2)</b> 48:21; 71:19			
		<b>Y</b>			
		<b>Yavapai (1)</b> 6:25 <b>year (1)</b> 26:8			
		<b>Z</b>			
		<b>zero (4)</b> 5:9;27:25; 53:13;71:15 <b>Zoom (4)</b> 22:8,19; 52:24;69:3			
		<b>1</b>			
		<b>1 (2)</b> 17:9;58:9 <b>10 (1)</b> 47:18 <b>10- (1)</b> 48:14 <b>10:50 (1)</b> 48:19 <b>11 (1)</b> 39:8 <b>11:36 (1)</b> 71:20 <b>15 (1)</b> 47:18 <b>15-minute (2)</b> 48:14,18 <b>1998 (1)</b> 56:7			

**CITIZENS CLEAN ELECTIONS COMMISSION**  
**EXECUTIVE DIRECTOR REPORT**  
**May 28, 2021**

**Announcements:**

The next consolidated election day is May 18<sup>th</sup>. 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 attended the Mesa Community College Virtual Celebration of Service where community partners such as Clean Election were recognized for our collaboration on Civic education and engagement. May 7, 2021
- Avery attended the webinar, Accessible Democracy: Removing barriers for voters with disabilities. May 10, 2021
- Avery continues to attend the monthly Arizona African American Legislative Committee. May 11, 2021
- Avery serves on the Youth Committee of the Arizona Commission of African American Affairs and participated in the May meeting. May 20, 2021
- Avery met with Kyras Hughley, the Executive Director of the University of Arizona's Coalition of Black Organizations to discuss different ways of collaborating in the upcoming school year. May 24, 2021
- Avery has been in correspondence with Madeline Snyder, Student leader of the Civic Engagement club at Northern Arizona University and plan to collaborate this fall semester on a student civic engagement project. May 2021
- Gina spoke with ABC15 on the Senate audit and the potential impacts on voter confidence.
- Gina met with the Secretary of State's Office on youth voter outreach.
- Gina attended the Secretary of State's statewide election security meeting.
- Gina will present at the Arizona Center for Civic Leadership 2021 Flinn Scholars Summer Public Policy Institute.
- Gina appeared in a Facebook Live program with AARP on the impacts of SB1485.

**Administration:**

- ADOA General Services Division, Planning and Construction will be conducting an electrical shutdown service, Saturday, June 5, 2021 from 6:00am through Sunday, June 6, 2021 at 11:55pm. No one will be allowed to enter the building due to the impact to systems including fire alarms, emergency lighting, elevators, and air conditioning in the building.

## **Miscellaneous**

- **Outstanding legal matters**

- Legacy Foundation Action Fund
  - Awaiting decision
- Election cases involving Arizona including:
  - Decision pending at U.S. Supreme Court Brnovich v. DNC— Argument was held March 2, a decision is not expected until May or June. At issue is a divided 9<sup>th</sup> 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.
  - Arizona Democratic Party v. Fann – Settled, audit continuing.
  - American Oversight v. Fann et al- Superior Court for Maricopa County. – Lawsuit by nonpartisan oversight group staffed by Obama administration alumni seek to have records related to the audit declared public records and disclosed. Case documents: <https://www.clerkofcourt.maricopa.gov/records/election-2020/cv2021-008265>
- Free Speech/Disclosure
  - Americans for Prosperity Foundation v. Bonta – The US Supreme Court heard oral arguments in this case this week in a case challenging a California statute that nonprofits share donor information with that state's Attorney General. Attorney General Brnovich filed an amicus on the side of the petitioners Americans for Prosperity at both the cert. stage and on the merits. Scotusblog's reporting and the briefing is available here: <https://www.scotusblog.com/case-files/cases/americans-for-prosperity-foundation-v-becerra/>.

- **Appointments**

- No additional information at this time.

- **Enforcement**

- MUR 20-03, Ariz. Educ Ass'n, pending
- MUR 20-04, Sloan, pending

## **Regulatory Agenda**

We have two rule amendment items on this agenda.



Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
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. Passed Senate Rules. Passed Senate Floor 16-13.	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. <b>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.</b>	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. <b>Signed by Governor on 3/18.</b>	
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. <b>Signed by Governor on 3/24.</b>	
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.	<b>House:</b> 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. Passed Senate Rules. Passed Senate Floor 17-13 (did not get 3/4). Transmitted to House on 4/14. Passed House Floor 32-27-1. Transmitted to Governor on 4/22. <b>Signed by the Governor on 4/28.</b>	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 nomination filing to 75 days before, instead of 14 days. <b>Amended to allow the early ballot tallying to begin once affidavit is processed and delivered to early election board.</b>	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. Passed Government 7-0-1. Passed Rules. Passed Senate Floor 29-0-1. Transmitted to House on 4/22. Passed House 60-0. <b>Signed by the Governor on 5/5.</b>	
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. Passed Senate Rules. Passed Senate Floor 28-0-2. <b>Signed by the Governor on 4/6.</b>	

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
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. Passed Senate Government 7-0-1. Passed Rules. Passed Senate Floor 28-1-1. Transmitted to Governor on 4/26. <b>Signed by the Governor on 4/30.</b>	
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. Passed Senate Government 4-3. Passed Rules. Retained on COW 4/1. Passed Senate Floor 16-14. <b>Signed by the Governor on 5/5.</b>	
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. Passed Senate Government 6-1-1.	
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. Retained House COW on 2/24.	
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.	Any port, plug, door or other method of physical or electronic access to a voting machine or to any electronic pollbook is required to be secured in a manner to prevent unauthorized access. The county or other officer in charge of elections is required to document and verify security procedures regarding access before a voting machine or electronic pollbook is placed into service for an election.	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. Passed Senate Rules. Passed Senate Floor 30-0. Transmitted to House 4/13. Passed House 60-0. Transmitted to Governor 4/22. <b>Signed by the Governor on 4/26.</b>	

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
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. Passed Senate Rules. Passed Senate Floor 30-0. <b>Vetoed by Governor on 4/11.</b>	
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 mailed 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.	
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. Passed Rules. Passed Senate Floor 18-11-1. Transmitted to House on 3/30. Transmitted to Governor 3/31. <b>Signed by the Governor on 4/6.</b>	
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. <b>S/E ups count from 10 to 25 forms.</b>	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. Passed Appropriations 8-2.	
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. Trasnmitted 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.		

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
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. <b>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.</b>	None.	Passed Government and Elections 13-0. Passed Rules 8-0. Passed House Floor 67-2-1. Transmitted to Senate 3/4.	
HB2554: party representative; resident violation	Rep. Weninger (R)	House: Government & Elections, Rules	A challenger or party representative that is authorized to be at a polling place by appointment from the county chairman of each political party is required to be an Arizona resident and be registered to vote in Arizona. A person who knowingly impersonates any election official is guilty of a class 6 (lowest) felony.		Passed Government & Elections 7-6. Passed House Rules 5-3. Passed House Floor 31-28. Transmitted to Senate 3/3. Passed Senate Government 4-3. Passed Senate Rules. Passed Senate Floor 16-14.	
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. Passed Senate Government 5-3. Passed Rules. Passed Senate Floor 16-14. Transmitted to Governor on 4/8. <b>Signed by Governor on 4/9.</b>	Would allow for only appropriated money to be spent on administering elections.
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	<b>Will require a 3/4 vote.</b> 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. Stikes provision for vote centers. Requires board of supervisors to approve any and all emergency voting locations.	None.		

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
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. <b>Amended to an increase to \$100 from \$200.</b>	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.	SB1104 amended to increase aggregate contribution threshold to \$100 from \$50.
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 include; 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.		
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. Passed Senate Judiciary 5-3. Passed Rules.	
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. Passed Senate Appropriations 6-4. Showed Senate Floor 16-13. Transmitted to the Governor on 5/18.	
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.		

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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.			
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. <b>Requires a 3/4 vote.</b>	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.		

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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. Passed Senate Government 4-3-1.	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.
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. Passed Rules. Passed Senate Floor 16-14. Transmitted to 4/7. Transmitted to Secretary of State on 4/12.	
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. <b>Signed by the Governor on 3/18.</b>	
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. on 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. Passed House Rules 8-0. Passed House 31-29. <b>Signed by the Governor on 5/7.</b>	



Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
SB1010: recount requests; amount; bond; procedure. <b>S/E NOW: recounts; requests; procedures; audits</b>	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, whichever is greater. For other counties, the chairmen or the designee's are required to randomly select for a manual audit 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. Passed Government & Elections 7-6. Passed Rules 8-0.	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. Retained on House COW.	
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. Passed Government & Elections 7-6. Held in House Rules on 3/31.	
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 stakes 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. Passed House Rules 8-0.	
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. Aggregate contributions are increased from a \$50 threshold to \$100.	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. Passed Senate Floor 16/14. <b>Signed by Governor on 3/30.</b>	
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. Passed Government & Elections 7-6. Passed Rules 5-3.	
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.	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. Passed Senate Floor 30-0 with Emergency Clause. <b>Signed by Governor on 3/30.</b>	
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. Passed Government & Elections 7-6. Passed Rules 8-0.	
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.		

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
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. Passed Government & Elections 5-5. Passed Rules 8-0. Failed House Floor 30-30. Reconsideration: Passed House 31-29. Transmitted to Governor on 4/20. <b>Signed by the Governor on 4/26.</b>	
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.	<b>Vote centers to tabulate on site. S/E: Renames the permanent early voting list (PEVL) as the active early voting list (AEVL). Removes a voter from the AEVL if the voter fails to vote by early ballot in all regular primary or regular general elections and all city or town candidate primary or first elections or city or town candidate second, general or runoff elections for two consecutive election cycles. Requires counties to notify a voter prior to removing that voter from the AEVL.</b>	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 8-0. Retained on House COW 4/1. Passed House Floor 31-29. Transmitted to Senate on 4/20. Failed Senate Floor 14-16. Motion to reconsider. Passed Senate Floor 16-14. <b>Signed by the Governor on 5/11.</b>	
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. Passed House Floor 58-0-2. Transmitted to Governor 4/8. <b>Signed by the Governor on 4/14.</b>	

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
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. Passed Rules 5-3. Passed House Flor 31-27-2. <b>Signed by the Governor on 4/14.</b>	
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. <b>S/E NOW: early ballots; instructions; undeliverable</b>	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. <b>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."</b>	None.	Passed Government 8-0. Passed Senate Rules. Passed Senate Floor 29-1. Transmitted to House on 3/4. Passed Government & Elections 8-5. Passed Rules 8-0. Passed House 47-13. <b>Signed by the Governor on 5/5.</b>	
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. Passed Government & Elections 7-6. Passed Rules 8-0.	
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. Passed Senate Rules. Retained in Senate COW.	
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.		

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
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.		
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. Passed Appropriations 8-5.	
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.		

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
SB1713: early ballots; identification; mailing	Sen. Mesnard (R)	Senate: Government, Rules	<del>Amended: Voter registration cards to mailed out every two years to voters. Allows an exemption for special districts. Affidavit on envelope will 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.</del>	Update to voter information.	Passed Government 4-3-1. Passed Rules. Passed Senate Floor 16-14. Transmitted to House on 3/8. Passed Government and Elections 7-6. Passed Rules 5-3.	
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. Transmitted to House on 3/4. Passed Government & Elections 7-6. Passed Rules 8-0. Passed House Floor 32-28. Transmitted of Senate. Passed Senate Floor 16-13. Transmitted to Governor on 5/17/ <b>Signed by Governor on 5/21.</b>	
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.		

Bill	Sponsor	Assigned to	What it does	Direct effect on CCEC	Status	Notes
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.	
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. Passed Government & Elections 7-6.	
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.		
Signed into law.						

**CITIZENS CLEAN ELECTIONS COMMISSION**

**Report on Agreed-Upon Procedures**

**Andrea Dalessandro  
Participating Candidate for  
State Representative - District 2  
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 Andrea Dalessandro'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 Andrea Dalessandro. 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*

May 7, 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 deposit 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 with the following exceptions: (a) Candidate's Campaign bank statements listed one withdrawal for \$375.00 which was not included on the Campaign finance reports; (b) ending balance in the Candidate's Campaign finance report was a \$405.86 while the bank statement balance was \$0. The net effect of these differences was an unreconciled variance of \$30.86 between the bank balance and the Candidate's final Campaign finance report.

- 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**

**Justine Wadsack  
Participating Candidate for  
State Senator - District 10  
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 Justine Wadsack'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 Justine Wadsack. 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*

May 21, 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 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 with the following exceptions: (a) Candidate's bank statement listed three withdrawals totaling \$249.00 which were not listed on the Candidate's finance reports (b) Candidate's finance report lists one expenditure for \$128.63 which was not listed on the bank statements; (c) Candidate's final finance report listed \$3,916.00 in outstanding debt after adjustments; (d) the ending balance in the Candidate's Campaign finance report was \$4,452.99, while the bank statement balance was negative (\$52.32). The net effect of these differences was an unreconciled variance of \$468.94 between the bank balance and the Candidate's Campaign finance report.

- 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.

- (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**

**Seth Marcus Sifuentes  
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 Seth Marcus Sifuentes' (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 Seth Marcus Sifuentes. 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*

April 20, 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 with the following exceptions: two withdrawals totaling \$4,822.00 were not recorded on 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 with the following exceptions: (a) Candidate's Campaign bank statements listed monthly dividend deposits and monthly federal withholding withdrawals which totaled \$2.86 and \$0.69, respectively, none of which were reported on the Campaign finance reports. (b) Candidate's bank statement listed two other withdrawals totaling \$4,822.00 which were not listed on the Candidate's finance reports (c) Candidate's finance report lists four withdrawals totaling \$515.31, and multiple \$5 qualifying contributions totaling \$580.00, none of which were included on the bank statements; (d) the ending balance in the Candidate's Campaign finance report was \$5,737.32, while the bank statement balance was \$32.58. The net effect of these differences was an unreconciled variance of \$820.22 between the bank balance and the Candidate's Campaign finance report.

- 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 with the following exceptions: two expenditures tested totaling \$497.94 were not reported in the Candidate's Campaign account bank statements.

- (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.

**Doug Ducey**  
Governor

**Thomas M. Collins**  
Executive Director



**Amy B. Chan**  
Chair

**Steve M. Titla**  
**Damien R. Meyer**  
**Mark S. Kimble**  
**Galen D. Paton**  
Commissioners

**State of Arizona**  
**Citizens Clean Elections Commission**

1616 W. Adams - Suite 110 - Phoenix, Arizona 85007 - Tel (602) 364-3477 - Fax (602) 364-3487 - [www.azcanelections.gov](http://www.azcanelections.gov)

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***MEMORANDUM***

**To: Governor's Regulatory Review Council**

**From: Thomas M. Collins**

**Date: 5.24.2021**

**Subject: Economic, Small Business and Consumer Impact Statement R2-20-101**

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1. An identification of the proposed rule making.

R2-20-101. Amended.

2. An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the proposed rule making.

Candidates for state and legislative office are directly affected, as are individual donors who may be related to candidates who, under this rule, will be limited by this rule amendment.

Other entities making expenditures or contributions in state or legislative elections are directly affected.

3. A cost benefit analysis of the following:

(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the proposed rule making. The probable costs to the implementing agency shall include the number of new full-time employees necessary to implement and enforce the proposed rule. The preparer of the economic, small business and consumer impact statement shall notify the joint legislative budget committee of the number of new full-time employees necessary to implement and enforce the rule before the rule is approved by the council.

Agency probable costs: The agency does not anticipate any additional FTEs, nor additional costs. The agency's view is that this rule change is a necessary to align the Commission's rule with state statute and court rulings and not one that can or will increase any agency cost.

Agency probable benefits: The rule amendment is intended to ensure consistency across legal definitions where required by state law. This reinforces the statutory change and may provide a benefit by eliminating a definition that can cause confusion and increase compliance costs.

No other agency is directly affected.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the proposed rule making.

No political subdivision of this state is directly affected by the implementation and enforcement of this amended rule.

(c) The probable costs and benefits to businesses directly affected by the proposed rule making, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the proposed rule making.

Because this rule amendment ensures clarity of definitions, any business directly affected will benefit and incur no costs from the change. The benefit arises directly from the amendment, which can reduce compliance costs.

4. A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the proposed rule making.

The agency did and does not anticipate any impact on private or public employment in any of the directly affected communities.

5. A statement of the probable impact of the proposed rule making on small businesses. The statement shall include:

(a) An identification of the small businesses subject to the proposed rule making.

To the best of the agency's knowledge no small businesses are subject to its amended rule.

(b) The administrative and other costs required for compliance with the proposed rule making.

If there was a small business impact, it would be an decrease in compliance costs as indicated above.

(c) A description of the methods prescribed in section 41-1035 that the agency may use to reduce the impact on small businesses, with reasons for the agency's decision to use or not to use each method.

The agency would be open to any of the methods prescribed in section 41-1035. However, any anticipated impact is de minimis.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the proposed rule making.

There is a probable cost to participating candidates, as well as donors too those candidates. On the other hand, the amendment ensures there is no conflict in the application of the extant statute to those individuals.

6. A statement of the probable effect on state revenues.

This rule does not have any impact on state revenues.

7. A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule making, including the monetizing of the costs and benefits for each option and providing the rationale for not using nonselected alternatives.

The amendment proposes the least intrusive, least burdensome and least costly way of achieving the statute and rules goals based on the assessment that amending the rule to ensure the statute's application to affected parties is necessary.

8. A description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data. An agency advocating that any data is acceptable data has the burden of proving that the data is acceptable.

Not applicable.

C. If for any reason adequate data are not reasonably available to comply with the requirements of subsection B of this section, the agency shall explain the limitations of the data and the methods that were employed in the attempt to obtain the data and shall characterize the probable impacts in qualitative terms. The absence of adequate data, if explained in accordance with this subsection, shall not be grounds for a legal challenge to the sufficiency of the economic, small business and consumer impact statement.

The Commission amended this rule as a result of the passage of legislation in 2016 and a recent court of appeals decision.

**Doug Ducey**  
Governor

**Thomas M. Collins**  
Executive Director



**Amy B. Chan**  
Chair

**Steve M. Titla**  
**Damien R. Meyer**  
**Mark S. Kimble**  
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***MEMORANDUM***

**To: Governor's Regulatory Review Council**

**From: Thomas M. Collins**

**Date: 5.24.2021**

**Subject: Economic, Small Business and Consumer Impact Statement R2-20-109**

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1. An identification of the proposed rule making.

R2-20-109. Amended.

2. An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the proposed rule making.

Organizations that have a tax exempt status pursuant to IRC Section 501(a) benefit from the rule because it exempts them from reporting certain donations and some expenses that are otherwise required in connection with a state or legislative election. The costs will be born by the public, who may lose access to this information that might be required of similarly situated organizations.

Other entities making expenditures or contributions in state or legislative elections are directly affected.

3. A cost benefit analysis of the following:

(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the proposed rule making. The probable costs to the implementing agency shall include the number of new full-time employees necessary to implement and enforce the proposed rule. The preparer of the economic, small business and consumer impact statement shall notify the joint legislative budget committee of the number of new full-time employees necessary to implement and enforce the rule before the rule is approved by the council.

Agency probable costs: The agency does not anticipate any additional FTEs, nor additional costs, The agency's view is that this rule change is required by a recent Court of Appeals opinion and any agency cost.

Agency probable benefits: The rule is intended to ensure that those organizations granted a reporting exemption in Arizona's campaign finance system do not have to file certain reports that might otherwise be required of organizations involved in candidate elections.

No other agency is directly affected.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the proposed rule making.

No political subdivision of this state is directly affected by the implementation and enforcement of this amended rule.

(c) The probable costs and benefits to businesses directly affected by the proposed rule making, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the proposed rule making.

Any business directly affected will benefit and incur no costs from the change. The benefit arises directly from the amend, which explicitly reduces compliance requirements.

4. A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the proposed rule making.

The agency did and does not anticipate any impact on private or public employment in any of the directly affected organizations.

5. A statement of the probable impact of the proposed rule making on small businesses. The statement shall include:

(a) An identification of the small businesses subject to the proposed rule making.

To the best of the agency's knowledge no small businesses are subject to its amended rule.

(b) The administrative and other costs required for compliance with the proposed rule making.

If there was a small business impact, it would be a decrease in compliance costs

(c) A description of the methods prescribed in section 41-1035 that the agency may use to reduce the impact on small businesses, with reasons for the agency's decision to use or not to use each method.

The agency would be open to any of the methods prescribed in section 41-1035. However, any anticipated impact is de minimis.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the proposed rule making.

There is a probable cost to private persons and consumers who will lose access to certain reports that otherwise are required of organizations participating in election spending. On the other hand, the rule ensures the application of the extant statute for the organizations identified in question 2.

6. A statement of the probable effect on state revenues.



This rule does not have any probable impact on state revenues.

7. A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule making, including the monetizing of the costs and benefits for each option and providing the rationale for not using nonselected alternatives.

The amendment proposes the least intrusive, least burdensome and least costly way of achieving the statute and rules goals based on the assessment that ensuring the statute's application to affected parties is necessary.

8. A description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data. An agency advocating that any data is acceptable data has the burden of proving that the data is acceptable.

Not applicable.

C. If for any reason adequate data are not reasonably available to comply with the requirements of subsection B of this section, the agency shall explain the limitations of the data and the methods that were employed in the attempt to obtain the data and shall characterize the probable impacts in qualitative terms. The absence of adequate data, if explained in accordance with this subsection, shall not be grounds for a legal challenge to the sufficiency of the economic, small business and consumer impact statement.

The Commission amended this rule because of a recent court of appeals' decision.

## Budget Bills As Introduced

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Prepared by JLBC Staff  
May 24, 2021

## FY 2022 BUDGET RECONCILIATION BILL (BRB) PROVISIONS

The budget includes the enactment of statutory changes associated with its funding amount. The following provisions would be grouped by subject into Budget Reconciliation Bills (BRBs).

### BUDGET PROCEDURES

<b>Statewide</b>	<b>Section</b>
1. As session law, continue to set the FY 2022 Capital Outlay Stabilization Fund (COSF) rental rate charged by the Arizona Department of Administration (ADOA) at \$17.87/square foot for rentable office space and \$6.43/square foot for rentable storage space.	BP 26
2. As session law, adds a provision allowing ADOA to approve agency rent exemptions in FY 2022 without Joint Committee on Capital Review (JCCR) review. Requires ADOA to report to the Joint Legislative Budget Committee (JLBC) Staff on rent exemptions prior to taking action.	BP 26
3. As session law, continue to require unrestricted Federal Funds to be deposited in the General Fund for the payment of essential government services.	BP 25
4. As session law, continue to notwithstanding the requirements for any deposit to or any withdrawals from the Budget Stabilization Fund through FY 2024.	BP 27
5. As session law, prior to spending more than \$10,000,000, require the following entities to report to the to the Senate President, Speaker of the House of Representatives, Appropriations Committee chairmen, and the JLBC Director on the use of monies received from the American Rescue Plan Act. In addition, require each entity to report quarterly on all expenditures. <ul style="list-style-type: none"> <li>– The Governor's Office would report on the Coronavirus State Fiscal Recovery Fund, and the Coronavirus Capital Projects Fund.</li> <li>– The Superintendent of Public Instruction would report on the Elementary and Secondary School Emergency Relief Fund.</li> <li>– The Arizona Board of Regents would report the Higher Education Emergency Relief Fund.</li> </ul> The Legislature's intent is that the Executive branch also report on any additional federal aid distributed to Arizona through federal legislation enacted before the end of FY 2022.	BP 28
6. As permanent law, change the JLBC's January 31 reporting requirement for state debt and obligations to include information for the upcoming fiscal year instead of the prior fiscal year and eliminate the requirement that the report be based on the ADOA Report of Bonded Indebtedness.	BP 16
<b>Arizona Department of Administration</b>	
7. As permanent law, allow ADOA to transfer unspent Automation Project Fund (APF) subaccount funding back to the fund of origin at the completion of an information technology project. Require ADOA to annually report on transfers.	BP 14
8. As permanent law, establish the State Permitting Director and the State Permitting Dashboard and outline the requirements of the database and its use.	BP 21,22,33,34
9. As permanent law, expand the use of the Monument and Memorial Repair Fund to include alter and modify monuments and memorials.	BP 19
10. As permanent law, allow the Governor's Regulatory Review Council (GRRC) to initiate a review of an agency rule, policy or procedure in addition to the current requirement that a petition be submitted to GRRC for that purpose.	BP 15

### **Arizona Commerce Authority**

11. As permanent law, establish the Major Events Fund consisting of monies appropriated by the Legislature for a special event promotion and attraction pilot program. Monies are non-lapsing and can be used for planning and operations of competitively bid major events, grants to local organizing committees for infrastructure and operations costs of major events, and other economic development activities associated with major event operations. Requires ACA to report semi-annually on expenditures.

BP 20

### **Department of Emergency and Military Affairs**

12. As permanent law, amend A.R.S. § 35-192 to allow the Governor's Emergency Fund to reimburse expenses from the fund at Department of Forestry and Fire Management cooperator rates with approval of the Governor or the State Emergency Council.

BP 3

### **Department of Gaming**

13. As permanent law, convert a dog racing permit to a harness racing permit by January 1, 2023 if the permittee meets all the qualifications for a harness racing permit.
14. As permanent law, amend Laws 2021, Chapter 234 to require the Department of Gaming to transfer all monies in the Event Wagering Fund to the General Fund after up to 10% of monies are used for administrative and regulatory purposes. Previously, the department was required to transfer all monies in the fund to the General Fund on the 25th day of each month.

BP 1

BP 2, 36

### **Department of Liquor Licenses and Control**

15. As session law, allow the Department of Liquor Licenses and Control to adopt rules and be exempt from rulemaking for recent legislation associated with liquor delivery and off-sale permits and leases.

BP 31

### **Department of Public Safety**

16. As session law, exempt the FY 2022 appropriation for DPS body cameras from oversight from the Information Technology Authorization Committee.

BP 30

### **Public Safety Personnel Retirement System**

17. As permanent law, require PSPRS to submit a final report on contribution rates for the ensuing fiscal year on December 1 of each year.
18. As permanent law, make PSPRS administrative expenses subject to appropriation beginning in FY 2023.
19. As permanent law, remove PSPRS' complete procurement code exemption.

BP 4,5,6,8,  
11,12,

BP 10,35

BP 7,9,23

### **Secretary of State**

20. As permanent law, cap the procurement exemption for the Library, Archives and Public Records at \$150,000.
21. As permanent law, transfer oversight of the State Museum from the Secretary of State to Legislative Council.
22. As session law, state that legislative intent that the Attorney General has the authority in all election-related litigation through June 30, 2023. Prohibits the SOS from employing outside or private attorneys, but authorizes the SOS to hire 1 FTE Position as a legal advisor. The Attorney General shall not provide legal advice to the SOS.

BP 13

BP 17,18,32

BP 24

### **Office of Tourism**

23. As session law, establish the Advisory Committee on the Formation of a Southern Arizona Regional Sports Authority.

BP 29

## CRIMINAL JUSTICE

		<u>Section</u>
<b>State Department of Corrections</b>		
24.	As session law, continue to require the department to report actual FY 2021, estimated FY 2022, and requested FY 2023 expenditures as delineated in the prior year when the department submits its FY 2023 budget request pursuant to A.R.S. § 35-113.	CJ 22
25.	As permanent law, amend A.R.S. § 31-227 to permit counties to send prosecution-related invoices directly to the department for payment without the approval of the Executive or ADOA.	CJ 13
26.	As permanent law, establish a mental health transition pilot program in the Department of Corrections with a delayed repeal of June 30, 2026, and require ADC to place up to 500 inmates who have been diagnosed as seriously mentally ill and are eligible for AHCCCS benefits upon release in at least a 90-day program each year. Also requires ADC to study the recidivism of participants and submit an annual report by December 31.	CJ 14,15
27.	As permanent law, exempt correctional officers from jury duty. Current exemption expires January 1, 2022.	CJ 9
<b>Counties and Cities &amp; Towns</b>		
28.	As permanent law, amend A.R.S. § 13-1414 to allow expenses for forensic interviews to be paid by the county with federal monies, state monies appropriated by the Legislature, or by any applicable combination.	CJ 8
29.	As permanent law, allow counties to establish a coordinated reentry planning services program to provide screening and assessment of persons who are booked into county jail and connect them with behavioral health and substance abuse treatment.	CJ 1
<b>Department of Emergency and Military Affairs</b>		
30.	As session law, extend the provision allowing the department to expend up to \$1,250,000 from the Military Installation Fund through June 30, 2026 for the construction of a new Readiness Center. This authority was previously in effect through FY 2022.	CJ 20
31.	As permanent law, establish the non-appropriated Border Security Fund, which shall be used for preventing human trafficking, preventing unlawful entry into the state, commercial vehicle inspection infrastructure, clearing nonindigenous plants, and constructing and maintaining a physical border fence.	CJ 11
32.	As permanent law, create a National Guard Cyber Response Revolving Fund with monies appropriated by the Legislature and monies received as reimbursement costs for the state has incurred for cyber-attack prevention, response, and support activities. Monies in the fund may be used for costs incurred for those same purposes or costs associated with assisting agencies and political subdivisions with cyber support activities.	CJ 12
<b>Judiciary</b>		
33.	As session law, amend Laws 2018, Chapter 278, Section 17 to allow the Supreme Court to spend money from the funds on a new appellate case management system in FY 2022 and reduce the total allowed expenditure from \$3,150,000 to \$2,600,000. The new system was scheduled to be ready at the end of FY 2021, but due to the impact of the COVID-19 pandemic on staffing, the go-live date was delayed to FY 2022.	CJ 21
34.	As permanent law, establish the General Adjudication and Personnel Support Fund to be used by the Supreme Court and Department of Water Resources for general water adjudication staff, equipment and services. Allow the Supreme Court to appoint paralegals and law clerks for general water adjudication and require the positions to be fully funded by the state. Require the Supreme Court to submit an expenditure plan to the JLBC prior to expending any monies in FY 2022 and FY 2023. The JLBC may require a review of the plan.	CJ 4,19



Thomas Collins <thomas.collins@azcleaselections.gov>

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**public comment**

1 message

---

**Sue Choppers-Wife** <chromechopper@gmail.com>  
To: ccec@azcleaselections.gov

Thu, Mar 25, 2021 at 7:26 PM

I think striking the definition for proposed changes to rule R2-20-101 is a good idea, in that is more all inclusive for all Arizona citizens.

And I also agree on the proposed changes to rule R2-20-109  
Sue Choppers-Wife  
Ft. Mohave AZ



Arizona  
Secretary  
of State

Digitally signed  
by Arizona  
Secretary of  
State  
Date: 2021.04.30  
11:59:01 -07'00'

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# Arizona Administrative REGISTER

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~ Administrative Register Contents ~

April 30, 2021

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**DIRECTOR**  
*Administrative Rules Division*  
Scott Cancelosi

**PUBLISHER**  
*Secretary of State*  
**KATIE HOBBS**

**RULES MANAGING EDITOR**  
*Arizona Administrative Register*  
Rhonda Paschal



## NOTICES OF PROPOSED RULEMAKING

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

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

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

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

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

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 2. ADMINISTRATION

#### CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R21-41]

#### PREAMBLE

1. **Article, Part or Section Affected (as applicable)** **Rulemaking Action**  
R2-20-101 Amend
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
Authorizing statute: A.R.S. § 16-956(A)(7)  
Implementing statute: A.R.S. §§ 16-940, 16-941, 16-942, 16-956, 16-957, 16-958, 16-961
3. **Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:**  
Notice of Rulemaking Docket Opening: 27 A.A.R. 675, April 30, 2021 (*in this issue*)
4. **The agency's contact person who can answer questions about the rulemaking:**  
Name: Thomas M. Collins  
Address: Citizens Clean Elections Commission  
1616 W. Adams, Suite 110  
Phoenix, AZ 85007  
Telephone: (602) 364-3477  
E-mail: [cccc@azcleanelections.gov](mailto:cccc@azcleanelections.gov)  
Website: [www.azcleanelections.gov](http://www.azcleanelections.gov)
5. **An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**  
A.A.C. R2-20-101(13). In 2016 Ariz. Sess. Laws Ch. 79 (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, this seems to reflect the intent of the Court of Appeals in *Arizona Advocacy Network v. State*, 475 P.3d 1149 (Ariz. App. 2020), that the Legislature may reverse and alter certain definitions without "amending" the Clean Elections Act.
6. **A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
Not applicable
7. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**  
The basis for this change is the implication of *Arizona Advocacy Network v. State*, 475 P.3d 1149 (Ariz. App. 2020).
8. **The preliminary summary of the economic, small business, and consumer impact:**  
There is no economic or consumer or small business impact other than that imposed by statute.
9. **The agency's contact person who can answer questions about the economic, small business and consumer impact statement:**  
Name: Thomas M. Collins





Address: Citizens Clean Elections Commission  
1616 W. Adams, Suite 110  
Phoenix, AZ 85007  
Telephone: (602) 364-3477  
E-mail: [ccec@azcleelections.gov](mailto:ccec@azcleelections.gov)  
Website: [www.azcleelections.gov](http://www.azcleelections.gov)

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

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

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

Not applicable

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

No

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

No

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

No

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

Not applicable

**13. The full text of the rule follows:**

**TITLE 2. ADMINISTRATION**

**CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION**

**ARTICLE 1. GENERAL PROVISIONS**

Section

R2-20-101. Definitions

**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. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
  - a. No change
  - b. No change
  - c. No change
12. No change
- ~~13. "Family member" means parent, grandparent, spouse, child, or sibling of the candidate or a parent or spouse of any of those persons.~~
- ~~14.~~13. "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.~~14. "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.~~15. "Fund" means the Citizens Clean Elections Fund established pursuant to A.R.S. § 16-949(D).



- ~~17-16.~~ “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.
- ~~18-17.~~ “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.
- ~~19-18.~~ “Legislative Candidate” means: A natural person seeking the office of state senator or state representative.
- ~~20-19.~~ “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.
- ~~21-20.~~ “Person,” unless stated otherwise, or having context requiring otherwise, means: A corporation, company, partnership, firm, association or society, as well as a natural person.
- ~~22-21.~~ “Prior campaign account” means a campaign account used solely for campaign election purposes in a prior election.
- ~~23-22.~~ “Public funds” includes all funds deposited into the Citizens Clean Elections Fund and all funds disbursed by the Commission to a participating candidate.
- ~~24-23.~~ “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.
- ~~25-24.~~ “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.

## NOTICE OF PROPOSED RULEMAKING

### TITLE 2. ADMINISTRATION

#### CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R21-42]

#### PREAMBLE

1. **Article, Part or Section Affected (as applicable)** **Rulemaking Action**  
R2-20-109 Amend
2. **Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**  
Authorizing statute: A.R.S. § 16-956(A)(7)  
Implementing statute: A.R.S. §§ 16-940, 16-941, 16-942, 16-956, 16-957, 16-958, 16-961
3. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**  
Notice of Rulemaking Docket Opening: 27 A.A.R. 675, April 30, 2021 (*in this issue*)
4. **The agency’s contact person who can answer questions about the rulemaking:**  
Name: Thomas M. Collins  
Address: Citizens Clean Elections Commission  
1616 W. Adams, Suite 110  
Phoenix, AZ 85007  
Telephone: (602) 364-3477  
E-mail: [cecc@azcleanelections.gov](mailto:cecc@azcleanelections.gov)  
Website: [www.azcleanelections.gov](http://www.azcleanelections.gov)
5. **An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**  
R2-20-109 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.
6. **A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
Not applicable
7. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**  
The basis for this change is the implication of *Arizona Advocacy Network v. State*, 475 P.3d 1149 (Ariz. App. 2020).
8. **The preliminary summary of the economic, small business, and consumer impact:**  
There is no economic or consumer or small business impact other than that imposed by statute.
9. **The agency’s contact person who can answer questions about the economic, small business and consumer impact statement:**  
Name: Thomas M. Collins  
Address: Citizens Clean Elections Commission  
1616 W. Adams, Suite 110



Phoenix, AZ 85007

Telephone: (602) 364-3477

E-mail: [ccec@azcleelections.gov](mailto:ccec@azcleelections.gov)

Website: [www.azcleelections.gov](http://www.azcleelections.gov)

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

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

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

Not applicable

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

No

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

No

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

No

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

Not applicable

**13. The full text of the rule follows:**

**TITLE 2. ADMINISTRATION**

**CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION**

**ARTICLE 1. GENERAL PROVISIONS**

Section

R2-20-109. Independent Expenditure Reporting Requirements

**ARTICLE 1. GENERAL PROVISIONS**

**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~~16-958 or this subsection. Any expenditure advocating against one or more candidates shall be considered an expenditure on behalf of any opposing ~~candidate(s)~~candidate or candidates. 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)~~candidate or candidates. 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. Subject to A.R.S. § 16-901(43) and notwithstanding any rule to the contrary of that section, ~~An~~ 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. No change
    - ii. No change
    - iii. No change
      - (1) No change
      - (2) No change
    - iv. No change
    - v. No change
      - (1) No change
      - (2) No change
  - b. No change

## NOTICE OF PROPOSED RULEMAKING

### TITLE 9. HEALTH SERVICES

#### CHAPTER 26. COMMISSION FOR THE DEAF AND THE HARD OF HEARING

[R21-43]

#### PREAMBLE

1. **Article, Part or Section Affected (as applicable)**

R9-26-501	<b><u>Rulemaking Action</u></b>
R9-26-507	Amend
2. **Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 36-1946(1)  
 Implementing statute: A.R.S. §§ 36-1946(3) and 36-1974
3. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**

Notice of Rulemaking Docket Opening: 27 A.A.R. 555, April 9, 2021
4. **The agency's contact person who can answer questions about the rulemaking:**

Name: Carmen Green Smith, Deputy Director  
 Address: Commission for the Deaf and the Hard of Hearing  
 100 N. 15th Ave., Suite 104  
 Phoenix, AZ 85007  
 Telephone: (602) 542-3362  
 E-mail: [C.green@acdhh.az.gov](mailto:C.green@acdhh.az.gov)  
 Website: <https://www.acdhh.org>
5. **An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

The current COVID19 pandemic has made it impossible for interpreters in class Legal A and Provisional to take the performance examination required by rule. Neither of the two entities, Registry of Interpreters for the Deaf and Board for Evaluation of Interpreters, that provide performance examinations is making them available during the pandemic. Under the Commission's licensing rules, this means that currently licensed Legal A interpreters will cease to be licensed at their current classification level and Provisional interpreters will be at risk of having their licensure expire. This will deprive Arizona's deaf and hard of hearing community of needed interpreters, impose additional economic hardship on licensed interpreters, and negatively impact court proceedings involving deaf or hard of hearing individuals. In this rulemaking, the Commission extends the deadline for taking the required performance examinations. An exemption from Executive Order 2021-02 was provided by Trista Guzman Glover of the Governor's Office by e-mail dated March 16, 2021.
6. **A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Commission does not intend to review or rely on a study in its evaluation of or justification for any rule in this rulemaking.
7. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable