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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
September 21, 2023
9:30 a.m.

By: Kathryn A. Blackwelder, RPR
Certified Reporter
Certificate No. 50666



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1 PUBLIC MEETING BEFORE THE CITIZENS CLEAN
2 ELECTIONS COMMISSION convened at 9:30 a.m. on
3 September 21, 2023, at the State of Arizona, Clean
4 Elections Commission, 1110 West Washington, Conference
5 Room, Phoenix, Arizona, in the presence of the
6 following Board Members:
7
8 Mr. Mark Kimble, Chairman
9 Mr. Galen Paton
10 Ms. Amy Chan
11 Mr. Steve Titla

12 OTHERS PRESENT:

13 Thomas M. Collins, Executive Director
14 Paula Thomas, Executive Officer
15 Mike Becker, Policy Director
16 Gina Roberts, Voter Education Director
17 Alec Shaffer, Web Content Manager
18 Avery Xola, Voter Education Manager
19 Kara Karlson, Assistant Attorney General
20 Mary O'Grady, Osborn Maledon
21 Cathy Herring, Staff
22 Rivko Knox, Member of the Public
23 Nathan Madden, Member of the Public
24
25

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1 P R O C E E D I N G
2 CHAIRMAN KIMBLE: Good morning. Agenda
3 Item I is the call to order. It's 9:30 a.m. on
4 September 21st, 2023. I call this meeting of the
5 Citizens Clean Elections Commission to order.
6 With that, we will take attendance.
7 Commissioners, please identify yourselves for the
8 record.
9 COMMISSIONER PATON: Galen Paton.
10 COMMISSIONER CHAN: Amy Chan.
11 CHAIRMAN KIMBLE: And I'm Chairman Kimble.
12 We are also expecting Commissioner Titla at
13 some point, but we will proceed without him until he
14 attends. We do have a quorum.
15 Item II, discussion and possible action on
16 minutes for the August 24th, 2023 meeting. Is there
17 any discussion on the minutes?
18 COMMISSIONER CHAN: Mr. Chairman, I move that
19 we approve the minutes as written.
20 CHAIRMAN KIMBLE: It's been moved by
21 Commissioner Chan that we approve the minutes as
22 written. Is there a second?
23 COMMISSIONER PATON: Second.
24 CHAIRMAN KIMBLE: Seconded by Commissioner
25 Paton.

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1 I will call the roll. Commissioner Chan.
2 COMMISSIONER CHAN: Aye.
3 CHAIRMAN KIMBLE: Commissioner Paton.
4 COMMISSIONER PATON: Aye.
5 CHAIRMAN KIMBLE: Chair votes aye.
6 The minutes are approved 3-to-nothing.
7 COMMISSIONER TITLA: Chairman, this is
8 Steve Titla joining the call.
9 CHAIRMAN KIMBLE: Thank you, Commissioner
10 Titla. We just approved the minutes.
11 So we will now move on to Item III,
12 discussion and possible action on the Executive
13 Director's Report. Tom.
14 MR. COLLINS: Yes. Thank you, Mr. Chairman
15 and Commissioners. And just real quick I wanted to
16 highlight a few things. There is a consolidated
17 election date, November 7th, and there are 12 counties
18 with local elections from school district elections to
19 local referendums.
20 I also want to note that we've launched, on
21 our web page, a poll worker page to -- that gives folks
22 frequently asked questions for poll workers and links
23 to the County's poll workers -- to each County's poll
24 worker sign-up page. So that's really great. And
25 obviously I just want to say, you know, that, you know,

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1 this effort to pull this information together from
2 counties, you know, takes a lot of work on Alec's part,
3 as our web content manager, and it's a really important
4 part of -- excuse me -- why I think our website is
5 the -- is the best voter website -- voter-oriented
6 website of any -- certainly of any government agency in
7 the state.
8 You know, we also -- you'll see we had a full
9 slate of activities for National Voter Registration
10 Day. And I really want to thank Gina and Avery and
11 Alec, as well as Dana Lewis, the Pinal County Recorder,
12 for their efforts there. I think we were able to be in
13 more -- I mean, in more places than we ever have been
14 for Voter Registration Day and we were able to --
15 And then Gina and the Recorder did a Q and A
16 on Facebook. And, in fact, they did some -- there was
17 a new reel on our Instagram page from -- from the
18 Recorder where she explains how to register to vote in
19 5 seconds, which I think is very impressive and I think
20 sets a good precedent for being able to get access to
21 information as quickly as possible and --
22 And I will say this: As an inveterate story
23 poster on my own Instagram page, which is all very
24 locked down and none of you can find it --
25 COMMISSIONER PATON: What's the purpose?

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1 MR. COLLINS: -- if it's -- if it's longer
2 than 10 seconds, I'm not going to post it, because
3 people can't watch the whole thing. And if you're a
4 standup comic, you need to have a punchline in 10
5 seconds if you want to end up on somebody's stories,
6 because it cuts off at 15 seconds.
7 So what I'm trying to say is, this 5-second
8 thing is actually really important and it demonstrates
9 a level of sophistication with this approach that I was
10 very impressed with, obviously. So I'm very thrilled
11 about that and -- and just the whole day was great.
12 And then you can see, and we've been talking
13 about this for some time internally and I think that
14 this sort of sketches out, you know, that this is part
15 of a whole effort on voter education and public affairs
16 that we are rolling out over the course of the fall.
17 You know, Gina and Avery, for example, have
18 participated, on an ongoing basis, and with other
19 organizations, to --
20 COMMISSIONER PATON: Excuse me. I have a
21 question.
22 MR. COLLINS: Oh, please.
23 COMMISSIONER PATON: The 5-second thing you
24 were talking about --
25 MR. COLLINS: Yeah.

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1 COMMISSIONER PATON: -- that was at the Pinal
2 County --
3 MR. COLLINS: Yeah, Pinal County.
4 COMMISSIONER PATON: -- Records Office?
5 MR. COLLINS: It was -- well, we filmed it
6 here in Phoenix, I believe, yes, but --
7 COMMISSIONER PATON: So it's on our page?
8 MR. COLLINS: Yeah. Yeah.
9 COMMISSIONER PATON: Okay.
10 MR. COLLINS: Yeah. Yeah. Yeah.
11 COMMISSIONER PATON: I just wanted to know --
12 MR. COLLINS: No, sure.
13 COMMISSIONER PATON: -- where we could find
14 that or --
15 MR. COLLINS: You can. It was on -- if you
16 follow our Instagram page, which is just AZ Clean
17 Elections on Instagram, it's there. I posted it on my
18 LinkedIn page too.
19 COMMISSIONER PATON: Okay. All right. Thank
20 you.
21 MR. COLLINS: So we have -- you know, we
22 have -- and then Avery last week was at the Tempe
23 Public Library doing a presentation that he's developed
24 on civil discourse, which I think is great. Gina and
25 Avery were at the Tribal County Summit in Camp Verde

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1 last week. You know, I can tell you that, you know,
2 Gina shared with me that the organizers there, you
3 know, specifically thanked Clean Elections for being a
4 continued partner and, you know, continuing to be
5 present at these kinds of events.
6 You know, and I hear -- I'm lucky to get
7 calls about -- from folks about -- you know, telling me
8 how impressive Avery was at a particular event or Gina,
9 you know, or -- and then even last night, you know,
10 this is -- you know, Alec replied to an e-mail from a
11 voter about -- about something that she -- got
12 immediate praise from that voter because it was a very
13 responsive answer. And likewise on the -- on the --
14 with respect to candidates, you know, Mike continues to
15 be responsive to those folks.
16 So I think that we're -- you know, what we're
17 outlining here in this report is, you know, our
18 commitment as an agency to doing, you know, nonpartisan
19 promotion, participation in elections and civic
20 engagement that touches as many different populations
21 around the state as we can. We'll continue that, at
22 the end of the month, with a partnership with the Flinn
23 Foundation and Center for Civic Leadership to talk --
24 the first of three talking about how to run for office.
25 So this is really an important part of what I

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1 think we'll be doing going forward. And part of what
2 we're going to continue to try to make efforts to do is
3 sort of tell this -- tell this important part of our
4 story to -- to anybody who -- who we can.
5 I want to mention quickly that we are --
6 Gina, Paula, and I are working on the procurement
7 process with respect to the 2024 broadcast debates.
8 And then Gina is working to -- you know, on some
9 improvements to the Voter Education Guide, which I'm
10 sure we'll all see here in the next couple of -- couple
11 of months.
12 You know, I want to note -- and if you have
13 any questions, I'm not sure I can answer them, but
14 there is a new election-related ballot measure that has
15 been filed and may or may not -- may start collecting
16 signatures soon. That language is at the link there,
17 but there's a summary there.
18 You know, I think that that's -- that's kind
19 of -- I mean, those are the main -- the main points I
20 wanted to make sure we highlighted.
21 There's obviously a lot of litigation related
22 to elections going on, some of which involves us, some
23 of which does not. I thought it was a --
24 I will say, and I think this is actually a
25 positive thing, at least from view of the Commission's

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1 position, this House Bill 2492 is a piece of
2 legislation passed a couple years ago that said that --
3 trying to reinstitute different forms of what is
4 referred to as documentary proof of citizenship for
5 certain voters. The Commission voted -- you all voted,
6 at the time that legislation was passing, to recommend
7 to Governor Ducey that he then veto that legislation
8 because of its impact on -- legal impact on -- it was
9 likely to be found to not be consistent with the
10 National Voter Registration Act. It also has some
11 direct impact or potential direct impact on people who
12 may not have a permanent address, which is a population
13 that Clean Elections has been working to support in
14 terms of their right to participate in elections over
15 the past couple years -- or, the last several -- I
16 should say, not the past couple, the past several
17 years.
18 And so I think that the fact that at least --
19 at least on the -- the partial summary judgment there
20 generally followed along the lines of what the
21 Commission had suggested to the Governor's Office at
22 that time was -- was the correct -- was the correct way
23 to have gone. So, you know, I -- not to say that we're
24 involved in litigating this, we're not, but it is good
25 to be right.

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1 COMMISSIONER PATON: So I have a question.
2 MR. COLLINS: Sure.
3 CHAIRMAN KIMBLE: Commissioner Paton.
4 COMMISSIONER PATON: So the main issue that I
5 had was on the reservations --
6 MR. COLLINS: Yes.
7 COMMISSIONER PATON: -- they all have PO
8 boxes.
9 MR. COLLINS: Right.
10 COMMISSIONER PATON: And I used to work on a
11 reservation --
12 MR. COLLINS: Right.
13 COMMISSIONER PATON: -- and live there and
14 no -- we didn't have road names.
15 MR. COLLINS: Right.
16 COMMISSIONER PATON: So, I mean, that just
17 wouldn't work if you needed to have a street address.
18 MR. COLLINS: And that particular aspect of
19 it, I think, is still subject to getting hashed out.
20 But the bottom line is that, I think that, broadly
21 speaking, we -- the critiques we made of that were --
22 are, you know, consistent with what the law is. And I
23 think that's the most important point, and so I agree
24 with that.
25 I don't know if there's anything else. We

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1 are -- Mike is continuing to do outreach to candidates.
2 And obviously we are -- you know, I just wanted to --
3 as I occasionally do, I just wanted to, you know, say
4 that, you know, with the team we have here, with Paula,
5 Mike, Gina, Alec, and Avery, we have a particularly
6 good, solid team of folks who are committed to doing --
7 doing the work we have to do and making sure that we
8 can be as seamless as possible and make good on the
9 agenda that the statute sets forth for us. So, you
10 know, I just wanted to, you know, say that again. And,
11 you know, every person who works here has a -- has a
12 role in ensuring that this continues to operate and,
13 you know, everybody's level of commitment to that
14 mission is -- you know, it's -- it makes this a lot --
15 a lot of fun and a lot more -- and in many ways makes
16 my job a heck of a lot more easy -- a heck of a lot
17 easier than it could otherwise be.
18 So I guess with that, Mr. Chairman, I guess
19 I -- I think that concludes my report, unless I'm
20 missing anything.
21 CHAIRMAN KIMBLE: Thank you, Tom.
22 Are there any discussion or questions from
23 Commissioners?
24 COMMISSIONER PATON: One more thing.
25 CHAIRMAN KIMBLE: Yes, Commissioner Paton.

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1 COMMISSIONER PATON: So I'm -- I mean, with
2 this new Act it just --
3 MR. COLLINS: Sure.
4 COMMISSIONER PATON: -- worries me that we
5 may not have enough people to do that work or whatever.
6 So I guess maybe if -- if you can give us notice --
7 MR. COLLINS: Sure.
8 COMMISSIONER PATON: -- you know, of like
9 this looks like it's going to be more labor intensive,
10 you know, that we can start thinking about ways of
11 maybe -- you know, because I don't want people to be
12 overwhelmed, especially this is all new, and -- so
13 anyway, that's my concern.
14 MR. COLLINS: No. No. And I --
15 Mr. Chairman.
16 CHAIRMAN KIMBLE: Yeah, Mr. Collins.
17 MR. COLLINS: Mr. Chairman, Commissioner
18 Paton, no, you've mentioned this at a few meetings, and
19 we're -- I think from my point of view and from -- sort
20 of from -- and I don't know what Paula and Mike think,
21 but from my point of view I think we're in a position
22 where we're kind of playing that by ear.
23 I mean, we have had the assistance of -- you
24 know, we have -- we have engaged Mary for purposes of
25 leading a lot of the litigation that we have around

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1 that Act. Most of the things that I hear, you know,
2 relate principally to, you know, sort of compliance
3 issues. And we are getting and, you know, working
4 through answering questions as we get them that we can
5 on compliance issues. We are -- I think we'll see.
6 I mean, I will say this. I mean, from a
7 complaint perspective, just from a pure enforcement
8 perspective, between 2014 and 2022 we had a dropoff of
9 something like -- from like, I think, I want to say, 27
10 complaints in 2014, which was lower than the matching
11 funds days, but still high, to 2022 we had five, I want
12 to say, something like that. So the number of
13 complaints has dropped significantly. I don't know,
14 because no one knows, how many complaints get filed at
15 the Secretary of State's Office or go to the AG's
16 Office, you know, but I don't -- so I don't know if
17 their volume is consistent with that decrease in volume
18 that we've experienced. Now, will --
19 COMMISSIONER PATON: But if you see all this
20 paperwork that -- it's almost exclusively about this
21 Act, you know, it's -- you know, it's significant.
22 MR. COLLINS: Well, if we end up in a place
23 where we -- where we're -- where we need -- I mean, I
24 can tell you, from my point of view, the things that I
25 am looking at adding in terms of staffing, the

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1 priorities I would have. Right now the idea of adding
2 enforcement staff is probably -- just to be candid with
3 you, it's about fourth on my list.
4 The list is basically -- the first piece of
5 the list is public relations for press assistance to
6 sort of back up some of the stuff that we do. The
7 second thing would be to look at how we might be able
8 to assist the state in general, and especially the
9 counties, especially the rural counties, with ADA
10 compliance issues, which is something that we've heard
11 a lot about. And the third would be whether or not we
12 need to look at some specific set-aside to deal with
13 sort of misinformation things. So those are -- those
14 are the -- to me those are the top three. Fourth would
15 be enforcement.
16 Now, in the event that we get -- you know,
17 ramp up a bunch of complaints, I think there's reason
18 to believe that 2024 won't be that year. And the
19 reason I think 2024 might not be that year is because,
20 you know, we've said, at least the staff in these
21 meetings to you and other places, that we feel like
22 compliance is really more important to us than trying
23 to, you know, drop hammers on folks. And that's been
24 true throughout the Commission, throughout the way that
25 we have oriented ourselves, and really since, you know,

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1 since -- you know, Commissioner Paton, since you've
2 joined, in part, because of, I think, some of the
3 changes we've made to reorient the Commission around
4 voter education and compliance on the campaign finance
5 side. So my overall sense is that if, you know,
6 something gets -- if something gets weirder between now
7 and then, you know, we'll -- between now and when
8 things get more intense around the election, we'll see.
9 The reality is that, and we'll talk about
10 this later on the Agenda, and it's certainly noticed,
11 that the -- that the process for enforcing these kinds
12 of laws, regardless of who you are or regardless of
13 which agency it is, is itself long and getting longer
14 as a matter of the way in which the background
15 administrative law principles are changing. So it's
16 not like we're going to be able to -- if a complaint
17 was filed on a -- you know, in June -- I mean, we have
18 always tried really hard to get our complaints resolved
19 before the end of the calendar year. Doesn't always
20 happen, but we really push to do that.
21 But, you know, some of these things, if
22 this -- if you were to go through the entire -- an
23 entire enforcement with somebody who might have
24 violated some aspect of the Voters' Right to Know Act,
25 it will be a lengthy process. That, the resource

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1 issues associated with that, the obvious sensitivity we
2 have towards the constitutional overlay here, that all
3 tends to get us into the area of compliance --
4 I'm going to get criticized by one of -- the
5 member of the public who likes to come and say I talk
6 too much here for such a long answer, but, I mean, it's
7 something --
8 I guess what I'm trying to demonstrate, just
9 to -- just to be clear, Commissioner Paton, is we've
10 given -- we think about this a lot, but we think we
11 have the -- we think we have a framework that
12 accommodates flexibility around all those things, so --
13 I don't know. Is that -- is that long enough anyways?
14 It's enough words.
15 COMMISSIONER PATON: Yeah.
16 CHAIRMAN KIMBLE: And thank you for those
17 questions, Commissioner Paton, because that leads us
18 into our next item. Are there any other -- any other
19 questions or discussions on the Executive Director's
20 Report?
21 (No response.)
22 CHAIRMAN KIMBLE: Okay. With that, we'll
23 move to Item IV, discussion and possible action
24 regarding adoption of proposed Rule R2-20-805,
25 disclaimers, related to the Voters' Right to Know Act,

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1 Proposition 211.
2 Last month we approved a set of rules we
3 first circulated in June. Today we're focused on a
4 specific rule about disclaimers. This is the "paid for
5 by" that most of us are now familiar with. Voters
6 specifically charged the Commission with developing the
7 rules for these disclaimers, which must include the top
8 three donors at a minimum. These disclaimers also
9 improve the transparency from what was required in
10 existing law.
11 Prior to the passage of Proposition 211, only
12 political committees had to make the top three
13 disclosures and the disclosure was only of other
14 political committees. Proposition 211 provides more
15 transparency because now all covered persons, not just
16 PACs, will be subject to this requirement.
17 With that, staff has proposed -- excuse me --
18 staff has prepared a memo about comments related to
19 this proposed rule.
20 Before I ask Tom to discuss that, any
21 questions from the Commission regarding the disclaimer
22 rules, proposed rules, and comments?
23 (No response.)
24 CHAIRMAN KIMBLE: Hearing none, Tom.
25 MR. COLLINS: Thank you, Mr. Chairman. So

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1 the outline -- the memo that you all received outlines
2 the statutory basis for this particular rule and then
3 we outline some of the comments. I don't want to -- I
4 don't want to belabor too much of this. I think that
5 the comments were very helpful. You know, and we do
6 have two suggestions we wanted to adopt.
7 I wanted to, you know, highlight the
8 Statecraft comment, I think, brought -- brings out -- I
9 think that I agree with -- their assessment was implied
10 in the text, but makes it direct. The VRKA sets a
11 threshold for when you're reported as a donor in the
12 reporting system at \$5,000. So this just makes that
13 explicit, for the purposes of the donors, you know,
14 that there's not -- and it looks like, from assessing
15 the Campaign Legal Center's comments on this, there's a
16 consensus there that that's -- that that's appropriate.
17 And certainly I don't think we have any -- any -- I
18 think that's -- so I think that's helpful.
19 You know, we did get one comment that I think
20 I need to, you know, just articulate a little bit that
21 said, hey, you know, could this disclaimer be cabined
22 to just those folks who paid for the mailer in
23 question. And that's -- as I understand the existing
24 law that folks were operating under prior to the
25 Voters' Right to Know Act and the language of the

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1 Voters' Right to Know Act itself, that there's really
2 not language to hook that kind of a limitation on for
3 rule purposes. You know, indeed the 16-925, which is
4 the preexisting, more limited, you know, population
5 still says top three at the time the thing was
6 produced. So it's never been -- there's just not a lot
7 of text -- there's just not -- I'm unable to find text
8 to hook that limitation into. It's basically, you
9 know, it's top three through the election cycle.
10 The -- I did think that, you know, although
11 we don't anticipate a lot of this, that the point
12 about, similar to the \$5,000 threshold, people with
13 protected identities through the process outlined in
14 the rules we've already adopted, you know, I think
15 those folks would not be disclosed on a disclaimer
16 and -- and as I -- as I -- and as we talked about
17 there, we do not want the -- you know, so say we've got
18 top three, and person number three is a protected
19 person. It doesn't make a lot of sense to us to move
20 the number four up because number three is not
21 available to be listed. That wouldn't really be
22 accurate. It would basically be saying the top four --
23 or, three of the top four -- it just would become kind
24 of a nonsensical kind of a thing. So it's better to
25 just cut it off if that's -- if that's appropriate.

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1 We did get some suggestions that, you know,
2 were -- were more detailed, you know, from CLC and, you
3 know, we -- we, for right now, are -- think that those
4 are worth, you know, keeping in mind as we go forward
5 if they come up. But for the time being, you know, we
6 generally think that those are not necessary.
7 And then the one that we had a legal kind of
8 issue with was they suggested that if you -- if you --
9 that you should look back -- or, at least, I guess, the
10 beginning of a campaign to the prior election cycle,
11 and if somebody gave a bunch of money then and it
12 carried over -- but, again, it's -- you know, we
13 weren't able to identify a good statutory hook for that
14 rule suggestion, so we don't -- we don't suggest it.
15 I want to highlight one other thing, which --
16 which Howie Fischer, who's the Capitol correspondent
17 for Arizona Capitol Media Services, highlighted for me
18 last night, because he read the rules, as he is one who
19 does, that the -- so in the -- so we based R2-20-805 on
20 16-925. So why would we do that? Well, because 16-925
21 is the existing framework that practitioners in
22 Arizona, we believe, are used to. So it will be more
23 inclusive, in a general sense, right, because we'll be
24 doing 501(c)(4)s and not just PACs, but generally we
25 try to stick with that framework.

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1 There are -- there are some distinctions in
2 the 16-925 between how PACs operate versus non-PACs.
3 You know, we -- and so -- and most of that I excised
4 from the draft. There was one that I did not, which is
5 in R2-20-805(D)(5)(b), which, again, Howie read all the
6 way through, so -- and he only got the memo like -- so
7 I was just -- I mean, it's good. It's why we do a
8 public process. And he pointed out that there's still
9 a reference -- a distinction drawn in that particular
10 draft rule between political action committees and
11 other spenders.
12 That's not something that I -- I actually
13 intended. However, I think the right thing for us to
14 do at this point, given that, as far as I know, we did
15 not get a comment about it objecting to it -- it may
16 very well be that practitioners here don't care, or
17 maybe they do. But in the absence of any suggestions
18 to change it, and it having been noticed, you know, my
19 suggestion would be that we just -- if you all are
20 inclined to adopt this, we adopt the language as it's
21 been circulated and as it's been published. And then
22 if folks, you know, who I know are out there, think
23 that, in fact, that distinction needs to come out, they
24 can let us know.
25 And if I missed something along the way where

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1 someone suggested it, you know, I'm sorry if I did
2 that. I'm happy to -- you know, if you feel like you
3 said this to us somewhere and we missed it and I missed
4 it, tell us again and we can -- we can look at fixing
5 that if it needs to be fixed. But if it doesn't need
6 to be fixed, given the fact that it's been circulated
7 for -- you know, circulated for 60 days plus, and
8 nobody seems to -- and nobody seems to have been
9 focused on it until -- until Howie was reading the
10 memo, I'm, you know -- and, you know, I -- my
11 recommendation would just be that we continue with it
12 as is. If anybody wants to go find the memo or the
13 e-mail where they told me to do this, you know, I will
14 read it and -- you know, just try not to be too rude.
15 COMMISSIONER PATON: I have a question.
16 CHAIRMAN KIMBLE: Commissioner Paton.
17 COMMISSIONER PATON: So on this Page 3 here
18 of this thing you gave me, I mean, maybe I'm just
19 paranoid of, you know, lawyer words and whatever, but
20 where it says, the third paragraph, "Consequently,
21 Section 805(B) would read," and then so on, then
22 underlined it says, "in excess of \$5,000 for the
23 election cycle." And then on the -- on the following
24 page they were talking about below \$5,000. Wouldn't
25 that just eliminate \$5,000 just -- you're not including

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1 \$5,000 at all? That's in excess. Why isn't it like
2 \$5,000 or more, I guess?
3 MR. COLLINS: Good question.
4 COMMISSIONER PATON: Isn't that --
5 MR. COLLINS: No, it's a good question.
6 COMMISSIONER PATON: That's like a
7 lawyerly --
8 MR. COLLINS: Yeah. Yeah. No, that's a very
9 good question, and I am going to have to look it up.
10 COMMISSIONER PATON: Because that wording
11 would eliminate \$5,000 --
12 MR. COLLINS: Yeah. No, that's --
13 COMMISSIONER PATON: -- and start at 5,001.
14 I think that's --
15 MR. COLLINS: I have to -- I have to
16 double-check the language. That was a little -- just
17 give me a second and I will give you an -- have an
18 answer for you.
19 CHAIRMAN KIMBLE: While Tom is looking that
20 up, I just wanted to comment that I very much
21 appreciate all the comments we got -- the numerous
22 comments we got on these proposed rules. They were
23 helpful. Some of the comments have been incorporated
24 in these and I think helped make them more clear. And
25 even if your comments were not incorporated, we

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1 appreciate you taking the time to suggest them to us.
2 And Tom is --
3 COMMISSIONER PATON: So like on the --
4 CHAIRMAN KIMBLE: -- frantically thumbing
5 through his phone.
6 COMMISSIONER PATON: -- on the Page 4 it
7 says, "The next comment, CLC suggests, consistent with
8 Statecraft, that Commission clarify that donors under
9 \$5,000." So that's eliminating the number of 5,000.
10 MR. COLLINS: Right. No, I follow.
11 COMMISSIONER PATON: Okay. Well, you're the
12 lawyer.
13 MR. COLLINS: Well, I'm -- I'm a lawyer.
14 CHAIRMAN KIMBLE: Let's not get into name
15 calling.
16 MR. COLLINS: Any of the other lawyers are --
17 MS. KARLSON: Mr. Chairman.
18 MR. COLLINS: -- obviously --
19 CHAIRMAN KIMBLE: Yes, Ms. Karlson.
20 MS. KARLSON: I was trying to come to Tom's
21 rescue. 16-973, it does talk about more than 5,000.
22 So it does specifically say more than 5,000, more than
23 5,000. So in excess would be -- would be consistent
24 with more than 5,000.
25 COMMISSIONER PATON: So wouldn't it be -- I

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1 guess in my mind it would be -- make more sense to
2 include the 5,000. Maybe it's --
3 CHAIRMAN KIMBLE: Right.
4 COMMISSIONER PATON: -- stupid to worry about
5 it --
6 MR. COLLINS: No. No. No. No. No.
7 COMMISSIONER PATON: -- but I know this is
8 what lawyers fight about, this kind of stuff.
9 MR. COLLINS: I think that's fair. I mean, I
10 think that it sounds like -- so, yeah. So the language
11 directly in 973 -- 972 is more than \$5,000. So instead
12 of in excess of \$5,000 we could say more than \$5,000.
13 Does everybody -- do all the other lawyers --
14 COMMISSIONER PATON: No. \$5,000 or more.
15 MS. KARLSON: Mr. Chairman.
16 CHAIRMAN KIMBLE: Yes, Ms. Karlson.
17 MS. KARLSON: The language of the statute, by
18 the plain language of the statute, it has to be more
19 than 5,000.
20 COMMISSIONER PATON: Okay.
21 MS. KARLSON: That's why.
22 CHAIRMAN KIMBLE: Okay. Just so -- to
23 clarify, do we need to make any changes in Exhibit 1?
24 MS. KARLSON: No. The language of the --
25 Mr. Chairman, were you directing that question at me?

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1 My apologies.
2 CHAIRMAN KIMBLE: Directing it to anyone who
3 wants to answer.
4 MS. KARLSON: Well, I can answer. The
5 language of the rule -- the proposed rule, the in
6 excess of, is consistent with the language of the
7 statute, which says more than 5,000. So it does not
8 need to be changed. Sorry. I was using lawyer words
9 again.
10 COMMISSIONER PATON: Okay.
11 CHAIRMAN KIMBLE: Okay. So does that address
12 your concern, Commissioner Paton?
13 COMMISSIONER PATON: Just so everybody
14 understands, I guess, this other commentary about being
15 less than 5,000 --
16 MR. COLLINS: I will -- I will say,
17 Mr. Chairman, Commissioner Paton, I think in writing my
18 memo what I did was I -- I was a little bit -- was not
19 as precise as I should have been. I triggered --
20 COMMISSIONER PATON: Okay. You see that --
21 MR. COLLINS: Yeah.
22 COMMISSIONER PATON: -- thing I --
23 MR. COLLINS: Yes, you're right. You are
24 right in reading what I wrote. What I wrote is wrong.
25 CHAIRMAN KIMBLE: So getting back to my

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1 question that Ms. Karlson answered, we do not need to
2 make any changes to this, is that correct?
3 You are nodding yes. Okay.
4 MR. COLLINS: Oh, I -- you're directing it to
5 me? Yes. Yes. The description of CLC's comment is --
6 but that I wrote is not correct. The language that
7 Statecraft submitted is correct and is the language
8 that is in the rule that we are asking to be adopted.
9 CHAIRMAN KIMBLE: Okay. Thank you.
10 COMMISSIONER PATON: So that's the top three
11 above \$5,000. So --
12 MR. COLLINS: Correct.
13 COMMISSIONER PATON: -- you could have a
14 hundred at \$5,000, as long as they're not in the top
15 three above --
16 MR. COLLINS: Correct.
17 COMMISSIONER PATON: -- correct?
18 MR. COLLINS: Correct.
19 COMMISSIONER PATON: Okay.
20 CHAIRMAN KIMBLE: Thank you,
21 Commissioner Paton.
22 Any other questions from Commissioners about
23 these proposed rules?
24 (No response.)
25 CHAIRMAN KIMBLE: Is there any member of the

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1 public that wishes to comment on these proposed rules
2 the way they are now written?
3 (No response.)
4 CHAIRMAN KIMBLE: Seeing no one, is there a
5 motion to adopt R2-20-805 with the changes indicated in
6 Exhibit 1 of the staff memo on those items?
7 COMMISSIONER CHAN: Mr. Chairman.
8 CHAIRMAN KIMBLE: Commissioner Chan.
9 COMMISSIONER CHAN: I move that -- I move
10 that we adopt the proposed Rule R2-20-805 with the
11 changes as shown in Exhibit 1 to the memo.
12 CHAIRMAN KIMBLE: Thank you,
13 Commissioner Chan.
14 Is there a second?
15 COMMISSIONER PATON: I'll second.
16 CHAIRMAN KIMBLE: Seconded by
17 Commissioner Paton.
18 Any discussion?
19 (No response.)
20 CHAIRMAN KIMBLE: Okay. I will call the
21 roll. Commissioner Chan.
22 COMMISSIONER CHAN: Aye.
23 CHAIRMAN KIMBLE: Commissioner Titla.
24 COMMISSIONER TITLA: Aye.
25 CHAIRMAN KIMBLE: Commissioner Paton.

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1 COMMISSIONER PATON: Aye.
2 CHAIRMAN KIMBLE: Chair votes aye.
3 The motion to approve R2-20-805 with the
4 changes indicated in Exhibit 1 is approved
5 4-to-nothing.
6 Item V, discussion of Voters' Right to Know
7 Act, Chapter 6.1 of Arizona Revised Statutes Title 16,
8 including pending rules and comments related to pending
9 rules. The Commission will not be voting to adopt
10 these rules at this time.
11 This item involves discussion of the
12 enforcement-related rules that we current -- that we
13 are currently accepting public comment on. Tom is
14 going to give us an overview of these rules and some of
15 the comments that we have received. And then if the
16 Commission has any questions, we'll get into that.
17 Tom.
18 MR. COLLINS: Yes. Mr. Chairman,
19 Commissioners, I just wanted to -- the main -- I want
20 to do two things here real quick. First, on the -- on
21 the -- the rules that we'll be talking about in
22 October, which are still subject to public comment and
23 we'll probably get more public comment between now and
24 then, are -- are how we would go about enforcing the
25 Act in the event we got a complaint or a complaint was

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1 generated internally. And they lay out, you know, in
2 some -- you know, in some pretty specific detail, how
3 to do that. They set up the -- what we think are the
4 necessary safeguards to ensure that any respondent has,
5 you know, probably as much process as could possibly be
6 conceivably due for those folks.
7 And so it -- and it will be a more involved
8 process than -- for hearings and the like than we have
9 had under the Clean Elections Act. It will take more
10 time and it will involve -- at the end of the day, it
11 will necessarily involve more attorneys because we will
12 have to have attorneys for the Commission itself, we
13 will have to have attorneys who work with Mike and I,
14 and we will have to have -- and then obviously the
15 attorneys who represent the respondents and
16 complainants and all this other stuff.
17 But, you know, that is the direction in which
18 the law is headed, and we are trying to, you know, have
19 a -- have a plan that represents that, you know, look,
20 at the end of the day, you know, the ultimate
21 enforcement of the Voters' Right to Know Act happens
22 through a court proceeding really, not a -- not just
23 the Commission's actions. And so, you know, we -- so
24 we have some confidence around -- around that, but I
25 think as we get closer, just as a preview, you know, as

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1 we get more comments, I think we'll get a better -- you
2 know, some aspects of that will get focused on.
3 One of the other issues within the
4 enforcement context that we talked about in the
5 rulemaking is the idea of structuring, which is -- you
6 know, structuring, in the context of financial
7 regulation, is basically setting up a transaction so
8 that you're sort of just under the -- the sort of
9 paradigm case of structuring is you're just under the
10 threshold to report something, you know, and you -- you
11 know, you make payments, you break up payments, for
12 example, in a way that they all are just under the
13 threshold where they would be reported.
14 This is the -- for people with long memories,
15 this is the -- this is the crime that Denny Hastert
16 ultimately went to prison for actually, as opposed to
17 other crimes that, you know, he committed, was the, you
18 know, setting the payments to his victim at something
19 like \$9,000, when \$10,000 was the threshold for those
20 to be reported.
21 So in this context, and if you look at the
22 campaign materials that CLC action and the committee
23 put out, you know, that's sort of the paradigm that
24 they use.
25 One of the things that we incorporated in the

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1 draft rules was the notion that if you had sort of --
2 you were some kind of advisor, fiduciary, lawyer who
3 is, you know, involved in a transaction, you are not --
4 you ought not participate in that, essentially,
5 structuring, you ought not advise folks to structure
6 their transactions illegally, et cetera, et cetera.
7 You know, we did get some feedback on that
8 directly, and that I -- that's one of the things I
9 wanted to highlight. You know, in the Statecraft
10 comment, you know, on Page 3 of that comment they go
11 into some detail on this and the interaction between
12 the rule as we've drafted it and the -- and the, you
13 know, rules of professional conduct for lawyers and
14 some of the other issues.
15 You know, our point of view when drafting
16 this rule initially was along the lines of, well, we
17 want to make sure that folks are on notice that, in
18 fact, you know, just because you're an attorney doesn't
19 mean you can, you know, structure your transactions.
20 But I think that one of the things that this
21 highlights in the current climate is, as much as that's
22 an issue, you know, if our goal, which is perhaps --
23 which is certainly a goal that I had in drafting, is to
24 try to get the sort of malefactors on notice that their
25 malefacting is a problem, there's a -- there's a

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1 converse problem, which is, folks who would leverage
2 the complaint process itself to disrupt the ongoing
3 attorney-client relationship of a spender and their
4 attorney.
5 In other words, if you invite complaints,
6 where every complaint turns out to be, you know, ABC,
7 you know, Organization for Good Stuff and their
8 attorneys are -- then all of a sudden that triggers as
9 a -- as a -- as an ethical matter for the attorney,
10 that they've got to turn the 501(c)(4) over to yet
11 another attorney, they may have to have their own
12 attorney, et cetera, et cetera, and it can lead to kind
13 of a multiplicity of -- sort of a ripple effect.
14 So, you know, as we get closer to next month,
15 I do -- I do want to say that, you know, having spent
16 some time with this particular comment, that, you know,
17 we will probably modify that rule to account for that.
18 Because I think that, as much as I am concerned about
19 making sure folks have notice that there's not a sort
20 of -- just because you're -- you know, just because you
21 hold yourself out as some kind of advisor, whether
22 you're actually, you know, a licensed attorney or some
23 other kind of advisor, you can't be in the middle of
24 a -- of a conspiracy. The particular acute problem is
25 for attorneys who might, you know, end up in sort of a

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1 situation that they wouldn't otherwise be in.
2 This is sort of akin to sort of the idea
3 that, you know, as the world evolves, we have more and
4 more -- you know, we just -- there's just -- there's a
5 lot more antagonism in the legal community in general,
6 and I do want to be weary of that. And certainly our
7 intent has been more focused on sort of, you know, sort
8 of, like I say, people who are acting with bad -- in
9 bad faith, but we don't want to have a rule that ends
10 up wrapping in people who are also acting in good
11 faith.
12 So it's an important comment to consider.
13 And when we come back to you next month on this, you
14 know, we will probably have some modifications to that
15 that I wanted to preview. I think that -- so that's
16 kind of -- that's kind of -- that's kind of where we
17 are on that.
18 You know, we also received a new comment from
19 the People United for Privacy. And that, again, is --
20 you know, has some other suggestions as well, so we'll
21 be considering that. I just wanted to, you know, make
22 sure that you have that and you can look at it over the
23 next couple of -- couple of -- couple of -- you know,
24 over the next six weeks before the next meeting or five
25 weeks.

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1 So those are the main comments I wanted to
2 make about the enforcement-related rules that are
3 coming up next -- next month. I don't -- unless --
4 Mr. Chairman, unless you all -- you all have any
5 questions, obviously, like I said, there's no action to
6 take on those at this point.
7 CHAIRMAN KIMBLE: Any questions from Members
8 of the Commission about Item V on our Agenda?
9 (No response.)
10 CHAIRMAN KIMBLE: Thank you, Tom.
11 Item VI, discussion and possible action on
12 suggestions for additional rulemaking, including
13 clarification of terms and the definition of campaign
14 media spending, and guidelines for donors to follow in
15 response to request from covered persons as provided in
16 the Voters' Right to Know Act.
17 The purpose of this item is to allow staff to
18 provide us some information about suggestions for
19 additional rules we have received and some preliminary
20 feedback. If Commissioners have a sense that they
21 would like to look at more specific language, this
22 would be the time to discuss that.
23 So, Tom, can you tell us a little bit about
24 these suggestions?
25 MR. COLLINS: Yes. I wanted to highlight a

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1 couple, and they're -- and they're noticed in the -- in
2 the -- the topics are noticed in that Agenda item. We
3 did get the -- there are additional suggestions in that
4 People United for Privacy comment that I did not get a
5 chance to process to put -- to notice in the Agenda, so
6 those are down the road a ways.
7 But with respect to the issues highlighted
8 there, one of the -- one of the suggestions we received
9 from -- we got -- we got a couple suggestions from the
10 Elias Law Group, and I just wanted to make sure that
11 everybody understood where I -- what I thought about
12 these so far. The Elias comment is --
13 Oh, there it is. Is that mine --
14 CHAIRMAN KIMBLE: No.
15 MR. COLLINS: -- or did you give me yours?
16 CHAIRMAN KIMBLE: It's mine.
17 COMMISSIONER PATON: It's blue at the top,
18 yeah.
19 MR. COLLINS: Yeah, it's the blue one.
20 Okay. So -- so first of all -- so my
21 inclination on these, just so you know, is the
22 clarifying the meaning of activity -- you know, as I
23 read this, we think that the -- you know, this sort
24 of -- sort of goes through an analysis of how to
25 clarify the term -- how to clarify the term --

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1 I think I lost my mic. I might have turned
2 it off.
3 CHAIRMAN KIMBLE: I'll give you my mic.
4 MR. COLLINS: Sort of clarifying the term
5 activity in the -- in the --
6 Okay. We'll turn this into a press
7 conference. Okay. I guess I'll -- I can give you more
8 space.
9 There's -- at Page 4 the Elias Law Group
10 talked about clarifying what an activity would be, you
11 know, and they sort of say -- they start by saying the
12 common definition of the term could potentially include
13 anything that a person does, but I think that then they
14 go -- but from my point of view, they then go on to
15 talk about how, well, that really wouldn't make sense
16 under the Act itself in their view. And so -- you
17 know, so they are -- they ask for a -- some kind of
18 rule along the lines of clarify that the term activity
19 only includes programs aimed externally at voters to
20 support or oppose their, you know, various political
21 activities, and then say this interpretation is
22 consistent with the language of the statute.
23 I -- you know, I'm not at a point where I
24 necessarily feel like we even need to say that we agree
25 or disagree about this. What I think -- the issue here

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1 is that if the plain language of -- the plain meaning
2 really of this statute, sort of as Elias presents it,
3 is that activity has to be limited in some -- in some
4 way, and it doesn't mean everything anyone ever does,
5 which it can't and doesn't, then -- you know, then I'm
6 not sure that there's a need for an additional rule to
7 clarify at this time.
8 You know, in other words, what we -- what we
9 would like to do, at least as staff, is not sort of go
10 through and subdefine every definition that's in the
11 Act, that's in the definitions of the Act, just because
12 someone comes up with a question or, you know, has, you
13 know, pondered it in a way that results in them having
14 convinced themselves there's a -- there's an issue.
15 I mean, as this comment itself sort of lays
16 out, well, this has to be this way, so we should say it
17 in a rule. Well, if it has to be this way, then it has
18 to be this way, and that's a statutory issue, that's
19 not a rulemaking issue.
20 And we are trying as staff, from staff's
21 philosophical perspective, to not just have rules
22 because -- to have them. Because what you could end up
23 with is, if every single example needs to be
24 articulated and every single rule needs a comprehensive
25 list of examples in it, you know, I'm a little

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1 concerned that we will end up with -- we'll never --
2 that's a never-ending process. It means that every
3 time we -- every time anyone has a question, we're
4 going to make a rule. Every time someone thinks of
5 something new, we're going to have to make a rule.
6 And, you know, as a philosophical matter,
7 that's not where we as staff are, because it -- those
8 things then can become dated or outmoded or the statute
9 gets amended and we have to go back through. And we've
10 been -- you know, between -- you know, we've been doing
11 this a while, and certainly in the Clean Elections Act
12 rules there are things that, you know, that are harder
13 to change -- sometimes harder to change things once
14 they're there than it is to not. So, you know -- so
15 our tendency is not to want to move in that direction.
16 So, you know, similarly, in their comment on
17 Page 5, ELG --
18 I don't mean to pick on ELG. It's just that
19 I wanted to give you sort of a sense of where we are.
20 And their comment I feel comfortable enough to talk
21 about this with. And I've talked to them about this as
22 well.
23 You know, their layout -- the term campaign
24 media spending means spending monies or accepting an
25 in-kind contribution. It does not include making an

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1 in-kind contribution. This reflects a clear
2 distinction that the statute draws between donors and
3 covered person and makes a clear choice that the
4 recipient of an in-kind contribution bears the burden
5 of filing the reports.
6 Well, I mean, again, it's like -- you know, I
7 think that -- again, without necessarily having to say
8 the Commission agrees with this particular comment,
9 where the plain meaning of a statute provides an answer
10 to the question, there's simply not a need for an
11 additional rule.
12 The other -- you know, the other thing, just,
13 again, candidly for those who are more regulatorily
14 minded, perhaps, than that, or believe that there ought
15 to be more rules than less, the other issue is that, as
16 a practical matter, rules -- additional rules make
17 compliance, in my view, in some ways, more complicated
18 and they make enforcement issues more complicated and
19 can lead to a whole bunch of, at least in our
20 experience, a whole bunch of satellite arguments about
21 rulemaking that are not really part of the merits of
22 resolving matters if they actually develop.
23 You know, and while it's certainly a lawyer's
24 job to avoid the merits of most things as much as
25 possible, that doesn't necessarily mean that that's the

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1 best approach for -- from a -- from a regulatory body.
2 And so, you know -- so, if anything, I feel like we
3 just are -- we're just -- we're just not inclined to,
4 again, you know, create a comprehensive sort of list
5 that will never be comprehensive enough of everything
6 anyone can and can't do.
7 There are other ways to address that. We may
8 want to develop some examples that people can follow.
9 There are some out there through the campaign that at
10 least capture what Campaign Legal Center Action thinks
11 the law is, and we may -- we may work on that.
12 Then similarly, we had a comment from --
13 okay. So we also had a comment from CLC, this is on
14 Page 9 of the CLC comments, that wants to have more --
15 more guidance regarding the process for direct donors
16 to covered persons to provide original source
17 information.
18 So as we've talked about -- and some of this
19 may start to become familiar. I mean, I sometimes find
20 like it's a new -- I've read this for the first time
21 every time. But the way the process works, for
22 background, is, you know, I'm a covered person. I want
23 to go out and spend money on campaign media spending.
24 I have some donors. I send a message to the donors
25 that say, provide me the information required in the

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1 statute. The donor, you know, has to -- has to, under
2 the statute, respond with that information in a certain
3 amount of time.
4 I am not inclined to go past what we've said
5 already and what the statute says, again, because, you
6 know, those relationships between the donor and the
7 covered person, provided that they're following the
8 law, it's not something that we need to start
9 promulgating, I don't think, at this point, rules to
10 dictate the terms of that beyond what's in statute.
11 The more we press into the relationship between donors
12 and covered persons, the more we raise the possibility
13 that a violation of one of those rules could result in
14 an enforcement.
15 In other words, you're complying with the
16 basics of the statute, but we said you have to -- you
17 know, you have to do this in this way, not just do it
18 in the way the statute provides. And each time you do
19 that, you're creating another possibility for -- for a
20 problem.
21 And so philosophically, you know, this is the
22 sort of double-edged sword of compliance. On the one
23 hand, the more direction you give, people can follow
24 along and check the box and say, yes, I did that, yes,
25 I did that. But on the other hand, as a regulatory

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1 body, we don't know the best way to handle that beyond
2 the outlines of the statute, let alone start to say,
3 you know, oh, you didn't -- you did this thing -- the
4 statute would allow you to do it either way, but we
5 decided it has to be this particular way, and now this
6 is how you -- this is how you need to do it. So --
7 COMMISSIONER PATON: Hang on. I have a
8 question on that.
9 MR. COLLINS: Please.
10 CHAIRMAN KIMBLE: Commissioner Paton.
11 COMMISSIONER PATON: So by my count, we've
12 got information from three Washington, D.C. law firms.
13 I think we're going to need somebody, a lawyer, to deal
14 with this stuff. This isn't Phoenix and Tucson people.
15 So these people, from all over the country, are --
16 because we're a swing state, and I just -- I think this
17 is going to get out of hand and I think you're a tad
18 Pollyannish thinking that we can -- this is not going
19 to be that big of a deal. You know what I'm saying?
20 This is like 10 pages from a Washington, D.C.
21 law firm trying to figure out exactly what they can do.
22 And we can't be like Boss Hogg here and, you know,
23 assign Luke Duke to deal with this stuff. I think
24 we're going to need real people just to deal with this.
25 For the past four or five months this is all we're

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1 dealing with, right?
2 MR. COLLINS: Yeah. Yeah. Well --
3 COMMISSIONER PATON: I don't want to say I
4 told you so, Tom.
5 MR. COLLINS: No. No. Well, you're free to
6 say that. That's what you're paid to do.
7 COMMISSIONER PATON: Really?
8 CHAIRMAN KIMBLE: You're paid?
9 MR. COLLINS: Mr. Chairman, you know --
10 COMMISSIONER PATON: Are you not getting
11 nervous? That's what I'm saying.
12 MR. COLLINS: No. No, I am -- this is not
13 the stuff that makes me nervous, just honestly, but
14 here is what I think about that. I mean, what we tried
15 to do with these comments is break them up over the
16 past several meetings. We have been talking about
17 them -- we have been talking about them, as you know,
18 for many, many, many meetings. So for the -- for the
19 Campaign Legal Center we have broken their comments up
20 so that we have covered them over the course of two
21 different meetings. Then that's how we've done it on a
22 timely basis.
23 We certainly have had legal advice from
24 the -- I mean, we have legal advice on an ongoing
25 basis. I don't think that's telling anyone anything

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1 they don't know or giving anything up.
2 You know, yes, there are Washington,
3 D.C.-based law firms that are going to be involved in
4 this process and -- but I will say, and I really -- and
5 I really mean this, I think that the Phoenix-based law
6 firms that we deal with, most of them, at this point,
7 have national scope too. And I think it's -- I think
8 that integrating the approach that we take here into --
9 The voters charged the Clean Elections
10 Commission with doing this. Whether or not Terry
11 Goddard and the CLC Action folks, in framing this,
12 intended that to be the Clean Elections Commission that
13 exists, they picked the Clean Elections Commission that
14 exists. And the Clean Elections Commission that exists
15 has a relationship with the regulated community that is
16 one where we -- our commitment is to be predictable, to
17 allow people to make decisions which are informed, to
18 provide reasonable and as-timely-as-we-can answers to
19 folks' questions, and to not surprise anyone. I think
20 that, by and large, that is our reputation and -- among
21 both Democratic and Republican attorneys.
22 We -- we -- if some -- and that -- and, yes,
23 does that make us a little bit more likely to, for
24 example, let lawyers lawyer, right, rather than sort of
25 try to regulate away every question? I'll just be

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1 honest with you, that is my inclination. I believe
2 lawyers ought to lawyer.
3 COMMISSIONER PATON: I don't have anything
4 against what you're saying. I'm just saying, this
5 seems like it's going to be a really big deal, that all
6 these people are getting involved, and I think we need
7 to plan for it --
8 MR. COLLINS: Sure.
9 COMMISSIONER PATON: -- and I think we're
10 going to need probably to get more personnel to deal
11 with it. I mean, five months ago I was led to believe,
12 you know, that we don't have that many people donating
13 that much money in our state elections. But if they're
14 going to all this work, I think we're going to have
15 more.
16 MR. COLLINS: And I don't want to be
17 argumentative. I really don't intend to be. But,
18 Mr. Chairman, if I could, the other thing I want to
19 distinguish here is between the Elias Law Group and the
20 Campaign Legal Center.
21 The, you know, Elias Law Group is a big
22 national Democratic law firm. It has clients -- I
23 don't know who all their clients are, I don't know
24 where all their clients are. If the Elias Law Group is
25 unhappy with our decisions, they have made clear, to

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1 anyone who works on the election administration side,
2 they're happy to sue you. So if we -- if we -- so
3 there's no way to avoid that. That's a decision
4 they're going to make that really there's nothing I can
5 do that would change that. That is their brand.
6 The Campaign Legal Center is a special
7 interest group. They paid for this law to get passed.
8 Campaign Legal Center Action Fund, they paid for this
9 law to get passed. They have a particular ideological
10 point of view on the statute in addition to what -- the
11 words they actually wrote. So their position is
12 different. And, in fact, they do sue the FEC all the
13 time when they don't like the answers that they get.
14 So part of this is absorbing the fact that we
15 have to do stuff that's consistent with our -- with our
16 practice and with what the repeat players here are
17 familiar with, because the regulated community, in my
18 experience, more than anything else it wants
19 predictability.
20 Campaign Legal Center's agenda here, you
21 know, and they are -- you know, they're defending this
22 law in court, and so I'm not saying this to be in any
23 way rude, I'm just being blunt, their agenda is to get
24 these laws implemented in the way that is their vision
25 of those laws. When those things match, they match;

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1 when they don't, they don't. But, again, because of
2 the way that they're put together and their overall
3 approach to the law, they're not shy about making their
4 displeasure known. And if we end up with a couple of
5 -- if we end up with lawsuits --
6 Let me put it this way. We live in the state
7 of Arizona, with the courts in the state of Arizona.
8 If anyone wants to sue us for under regulating, go
9 ahead.
10 COMMISSIONER PATON: Okay. I just made my
11 comment.
12 MR. COLLINS: No. No. I mean, that's all I
13 can tell you at this point. Maybe we do need other
14 people, but I -- you know, we can -- we will -- I mean,
15 we're -- Mike and I will have a conversation after this
16 about what to do about that for sure.
17 COMMISSIONER PATON: Okay.
18 MS. KARLSON: Mr. Chairman.
19 CHAIRMAN KIMBLE: Are there any other --
20 Oh, I'm sorry. Ms. Karlson.
21 MS. KARLSON: Yes. There is a comment in the
22 public -- or, in the chat, and they wanted to know who
23 was speaking. And it was Executive Director Tom
24 Collins.
25 CHAIRMAN KIMBLE: Thank you for clarifying

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1 that.
2 MR. COLLINS: Is this the person who says I
3 talk too long? If it takes too long to say, it's being
4 said by me.
5 CHAIRMAN KIMBLE: Are there any other
6 comments or questions on Item VI from Members of the
7 Commission?
8 (No response.)
9 CHAIRMAN KIMBLE: Hearing none, we'll move on
10 to Item VII, public comment. This is the time for
11 consideration of comments and suggestions from the
12 public. Action taken as a result of comment -- of
13 public comment will be limited to directing staff to
14 study the matter or rescheduling the matter for further
15 consideration and decision at a later date or
16 responding to criticism. Please limit your comments to
17 no more than two minutes.
18 Does any member of the public wish to make
19 comments at this time? Raise your hand feature or do
20 something to call attention to yourself -- well, not
21 anything. Anyone -- any member of the public wishing
22 to comment on anything at this time?
23 (No response.)
24 CHAIRMAN KIMBLE: No one? Okay. Seeing no
25 one, the public may also send comments to the

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1 Commission by mail or e-mail at
2 ccec@azcleanelections.gov.
3 At this time, I would entertain a motion to
4 adjourn.
5 COMMISSIONER PATON: I'll make a motion to
6 adjourn.
7 CHAIRMAN KIMBLE: Thank you,
8 Commissioner Paton.
9 Is there a second?
10 COMMISSIONER CHAN: I second that motion.
11 CHAIRMAN KIMBLE: Thank you,
12 Commissioner Chan.
13 I will call the roll on the motion to
14 adjourn. Commissioner Chan.
15 COMMISSIONER CHAN: Aye.
16 CHAIRMAN KIMBLE: Commissioner Titla.
17 COMMISSIONER TITLA: Aye.
18 CHAIRMAN KIMBLE: Commissioner Paton.
19 COMMISSIONER PATON: Aye.
20 CHAIRMAN KIMBLE: Chair votes aye.
21 By a vote of 4-to-zero, we are adjourned.
22 Thank you very much.
23 (The meeting concluded at 10:37 a.m.)
24
25

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1 STATE OF ARIZONA)
) ss.
2 COUNTY OF MARICOPA)
3
4 BE IT KNOWN that the foregoing proceedings
5 were taken by me; that I was then and there a Certified
6 Reporter of the State of Arizona; 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 had and adduced upon the
11 taking of said proceedings, all to the best of my skill
12 and ability.
13
14 I FURTHER CERTIFY that I am in no way related
15 to nor employed by any of the parties hereto nor am I
16 in any way interested in the outcome hereof.
17
18 DATED at Tempe, Arizona, this 22nd day of
19 September, 2023.
20
21 
22 _____
23 Kathryn A. Blackwelder, RPR
Certified Reporter #50666
24
25

<p>\$</p> <p>\$10,000 32:19</p> <p>\$5,000 19:12 20:12 23:22,24,25 24:1,2,11 25:9 26:11,12,14 28:11, 14</p> <p>\$9,000 32:19</p> <hr/> <p>1</p> <p>1 26:23 29:6,11 30:4</p> <p>10 6:2,4 44:20</p> <p>10:37 51:23</p> <p>12 4:17</p> <p>15 6:6</p> <p>16 30:7</p> <p>16-925 20:3 21:20 22:2</p> <p>16-973 25:21</p> <hr/> <p>2</p> <p>2014 14:8,10</p> <p>2022 14:8,11</p> <p>2023 3:4,16</p> <p>2024 9:7 15:18,19</p> <p>211 18:1,11,14</p> <p>21st 3:4</p> <p>2492 10:1</p> <p>24th 3:16</p> <p>27 14:9</p> <hr/> <p>3</p> <p>3 23:17 33:10</p> <p>3-to-nothing 4:6</p> <hr/> <p>4</p> <p>4 25:6 38:9</p> <p>4-to-nothing 30:5</p> <p>4-to-zero 51:21</p>	<p>5</p> <p>5 5:19 40:17</p> <p>5,000 25:9,21,22,23,24 26:2,19 27:7,15</p> <p>5,001 24:13</p> <p>5-second 6:7,23</p> <p>501(c)(4) 34:10</p> <p>501(c)(4)s 21:24</p> <hr/> <p>6</p> <p>6.1 30:7</p> <p>60 23:7</p> <hr/> <p>7</p> <p>7th 4:17</p> <hr/> <p>8</p> <p>805(B) 23:21</p> <hr/> <p>9</p> <p>9 42:14</p> <p>972 26:11</p> <p>973 26:11</p> <p>9:30 3:3</p> <hr/> <p>A</p> <p>a.m. 3:3 51:23</p> <p>ABC 34:6</p> <p>absence 22:17</p> <p>absorbing 48:14</p> <p>accepting 30:13 40:24</p> <p>access 5:20</p> <p>accommodates 17:12</p> <p>account 34:17</p> <p>accurate 20:22</p> <p>Act 10:10 13:2 14:1,21 16:24 17:25 19:25 20:1</p>	<p>30:7,25 31:9,21 36:16 38:16 39:11 40:11</p> <p>acting 35:8,10</p> <p>action 3:15 4:12 17:23 22:10 32:22 36:5,11 42:10 46:11 48:8 50:12</p> <p>actions 31:23</p> <p>activities 5:9 38:21</p> <p>activity 37:22 38:5,10, 18 39:3</p> <p>acute 34:24</p> <p>ADA 15:9</p> <p>adding 14:25 15:1</p> <p>addition 48:10</p> <p>additional 36:12,19 37:3 39:6 41:11,16</p> <p>address 10:12 11:17 27:11 42:7</p> <p>adjourn 51:4,6,14</p> <p>adjourned 51:21</p> <p>administration 48:1</p> <p>administrative 16:15</p> <p>adopt 19:6 22:20 29:5, 10 30:9</p> <p>adopted 20:14 28:8</p> <p>adoption 17:24</p> <p>advice 45:23,24</p> <p>advise 33:5</p> <p>advisor 33:2 34:21,23</p> <p>affairs 6:15</p> <p>AG's 14:15</p> <p>agency 5:6 8:18 16:13</p> <p>agenda 3:2 12:9 16:10 36:8 37:2,5 48:20,23</p> <p>agree 11:23 19:9 38:24</p> <p>agrees 41:8</p> <p>ahead 49:9</p> <p>aimed 38:19</p> <p>akin 35:2</p>	<p>Alec 5:11 8:10 12:5</p> <p>Alec's 5:2</p> <p>amended 40:9</p> <p>amount 43:3</p> <p>Amy 3:10</p> <p>analysis 37:24</p> <p>answering 14:4</p> <p>answers 46:18 48:13</p> <p>antagonism 35:5</p> <p>anticipate 20:11</p> <p>apologies 27:1</p> <p>approach 6:9 42:1 46:8 49:3</p> <p>approve 3:19,21 30:3</p> <p>approved 4:6,10 18:2 30:4</p> <p>area 17:3</p> <p>argumentative 47:17</p> <p>arguments 41:20</p> <p>Arizona 21:17,22 30:7 49:7</p> <p>articulate 19:20</p> <p>articulated 39:24</p> <p>as-timely-as-we-can 46:18</p> <p>aspect 11:18 16:24</p> <p>aspects 32:2</p> <p>assessing 19:14</p> <p>assessment 19:9</p> <p>assign 44:23</p> <p>assist 15:8</p> <p>assistance 13:23 15:5</p> <p>attendance 3:6</p> <p>attends 3:14</p> <p>attention 50:20</p> <p>attorney 33:18 34:4,9, 11,12,22</p>
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