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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona
August 24, 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 August 24, 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 (Videoconference)
11 Mr. Damien Meyer (Videoconference)
12 Mr. Steve Titla (Videoconference)
13
14 OTHERS PRESENT:
15 Thomas M. Collins, Executive Director
16 Paula Thomas, Executive Officer
17 Mike Becker, Policy Director
18 Alec Shaffer, Web Content Manager
19 Avery Xola, Voter Education Manager
20 (Videoconference)
21 Kara Karlson, Assistant Attorney General
22 Mary O'Grady, Osborn Maledon
23 (Videoconference)
24 Cathy Herring, Staff
25 Rivko Knox, Member of the Public
(Videoconference)
Nathan Madden, Member of the Public
(Videoconference)
Eli Dalton Webb, Member of the Public
(Videoconference)

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1 P R O C E E D I N G
2 CHAIRMAN KIMBLE: Good morning. Item I on
3 our Agenda today is call to the order -- call to order.
4 It's 9:30 a.m. on August 24th, 2023. I call this
5 meeting of the Citizens Clean Elections Commission to
6 order.
7 With that, we will take attendance.
8 Commissioners, please identify yourselves for the
9 record.
10 COMMISSIONER PATON: Galen Paton.
11 COMMISSIONER MEYER: Damien Meyer.
12 COMMISSIONER CHAN: Amy Chan.
13 CHAIRMAN KIMBLE: And Commissioner Titla, are
14 you here?
15 MS. THOMAS: He's running a little late.
16 He'll --
17 CHAIRMAN KIMBLE: He's late. Okay.
18 MS. THOMAS: -- jump on shortly.
19 CHAIRMAN KIMBLE: We do have a quorum. And I
20 am Chairman Kimble.
21 Item II, discussion and possible action on
22 minutes for the July 27th, 2023 meeting. Is there any
23 discussion on the minutes?
24 COMMISSIONER CHAN: Mr. Chairman.
25 CHAIRMAN KIMBLE: I couldn't tell who was

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1 speaking. Commissioner Chan?
2 COMMISSIONER CHAN: I was going to move that
3 we adopt the minutes as written.
4 CHAIRMAN KIMBLE: Okay. It's been moved that
5 we adopt the minutes for the July 27, 2023 meeting. Is
6 there a second?
7 COMMISSIONER MEYER: I'll second.
8 COMMISSIONER PATON: I'll second.
9 CHAIRMAN KIMBLE: I heard Commissioner Meyer
10 first.
11 COMMISSIONER PATON: Okay. That's fine.
12 CHAIRMAN KIMBLE: So it's a second by
13 Commissioner Meyer.
14 I'll call the roll. Commissioner Chan.
15 COMMISSIONER CHAN: I vote aye.
16 CHAIRMAN KIMBLE: Commissioner Meyer.
17 COMMISSIONER MEYER: Here -- or, aye.
18 CHAIRMAN KIMBLE: Commissioner Paton.
19 COMMISSIONER PATON: Aye.
20 CHAIRMAN KIMBLE: Chair votes aye. The
21 minutes are approved 4-nothing.
22 Item III, discussion and possible action on
23 the Executive Director's Report. Tom.
24 MR. COLLINS: Yes. Thank you, Mr. Chairman,
25 Commissioners. Just to hit some of the highlights from

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1 the last month, the qualifying period for clean
2 candidates began on August 1, which means that
3 candidates who are going to participate in the public
4 financing program can -- are out -- are out there now
5 collecting \$5 contributions and we're providing
6 trainings to those candidates.
7 And since the last time we met, the
8 Legislature finally adjourned, for what it's worth.
9 There is a report on the final disposition of the bills
10 that we are following in the materials, if you have a
11 chance to look at it.
12 You can see that, you know, we continue to
13 have an active outreach agenda and -- and -- despite it
14 being summer.
15 And then I guess I categorized this wrong,
16 but I also wanted to mention that Kara, our long-time
17 Assistant Attorney General, is now a Senior Litigation
18 Counsel at the Attorney General's Office. So that's
19 exciting and a warranted recognition of her
20 contributions certainly to our agency and to the
21 Attorney General's Office as well.
22 I wanted to mention that the -- if you all
23 are interested, the Election Procedures Manual process
24 is in the phase now where they've collected public
25 comment, and the Secretary's Office is going through

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1 and compiling that before they will send whatever their
2 sort of final edition is to the Attorney General and
3 the Governor. And then, you know, there were some
4 materials made available by the Bipartisan Elections
5 Task Force that Governor Hobbs convened, and those --
6 the proposals that at least have been disclosed are in
7 the -- are in the packet.
8 I think that those are the main -- the main
9 -- the main issues I wanted to hit. You know, we do
10 currently -- just so we're all clear, we have, and I
11 think this is right, we have three active lawsuits
12 related to Prop 211. They're in various stages of
13 briefing. And so, you know, we'll see how that
14 develops. And if we need to, you know, bring you more
15 details on those, we will.
16 The two immediate pending issues are, you
17 know, the Center for Arizona Policy and the Free
18 Enterprise Club filed an amended complaint that we will
19 have to address, and then the President -- the
20 President of the Senate and Speaker of the House filed
21 their own action, along with a motion for preliminary
22 injunction, which is -- that case is framed around
23 essentially separation-of-powers-type issues.
24 So that really concludes the Executive
25 Director's Report for this month, unless anyone has any

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1 questions or -- and assuming I haven't missed anything.
2 COMMISSIONER PATON: I have a question.
3 CHAIRMAN KIMBLE: Commissioner Paton.
4 COMMISSIONER PATON: So how many do we -- are
5 we having good participation on the trainings or...
6 MR. COLLINS: Mike, do you want to -- I don't
7 know what the right way to -- do you have a sense of
8 that?
9 MR. BECKER: We've had -- Mr. Chairman,
10 Commissioners, we have put on three workshops so far
11 and we've had a total of eight people attend, so that's
12 not too bad this early in the game, so we're doing
13 pretty well.
14 MR. COLLINS: We are --
15 COMMISSIONER PATON: Thank you.
16 MR. COLLINS: I'm sorry. I wanted to add, we
17 are continuing to do -- I mean, Avery was out at an
18 event and directly talked about participation last
19 week. You know, Mike, Avery, and I have all met with a
20 number of different folks who represent different
21 organizations that work with candidates about the
22 participation. So, you know, we're -- you know,
23 it's -- you know, obviously participation has been
24 lower, but -- but, you know, we'll -- I think there's
25 some demand there or at least some interest from some

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1 folks that we hadn't previously heard from.
2 CHAIRMAN KIMBLE: Any other comments or
3 questions from the Commissioners?
4 (No response.)
5 CHAIRMAN KIMBLE: Thank you. Move on to
6 Item IV, discussion and possible action regarding
7 adoption of proposed rules related to the Voters' Right
8 to Know Act, Proposition 211.
9 We've been taking public comment on the first
10 set of rules to implement Proposition 211. Just by way
11 of background, for those attending either here or
12 online, Proposition 211 is an initiative passed by some
13 70 percent of the voters in 2022. It requires the
14 disclosure of the original sources of funding for large
15 campaign media expenditures, \$50,000 for statewide
16 elections and \$25,000 for smaller elections. It
17 includes local elections and initiative and referendum
18 campaign media spending.
19 Proposition 211 tasks this Commission with
20 rulemaking in several areas. The first set of rules
21 generally deals with basics like calculating due dates
22 and definitions. It also deals with more technical
23 aspects of the Act, such as the opt-out requirement.
24 Under Proposition 211 people who have to file reports
25 must notify donors of their opportunity to opt out of

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1 having the donations used for campaign media spending.
2 Another technical provision is how to address a
3 person's claim that revealing their identity would
4 cause them harm.
5 Beginning next month we'll look at additional
6 rules related to enforcement of the Act.
7 As you can see in the memo staff has
8 prepared, there are several rules for which we have
9 de minimus changes -- which I understand is lawyer talk
10 for minor, insignificant -- going back to English --
11 changes or received no comments upon. If the
12 Commission would like, we can discuss those first and I
13 would entertain a motion to adopt, then I would move to
14 the rules that received more comments.
15 So the first rules I'd like to consider are:
16 R2-20-802, time calculations; R2-20-807, recordkeeping;
17 and R2-20-808, advisory opinions. Is there any
18 discussion or questions for staff on those rule --
19 proposed rules from Commissioners?
20 (No response.)
21 CHAIRMAN KIMBLE: Hearing none, is there
22 anyone who wishes to make a comment on these three
23 proposed rules?
24 (No response.)
25 CHAIRMAN KIMBLE: No one here in -- in the

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1 room. Is there anyone on Zoom who wants to make a
2 comment?
3 (No response.)
4 CHAIRMAN KIMBLE: Okay. Not -- not seeing
5 anyone. Is there a motion on those three items?
6 COMMISSIONER CHAN: Mr. Chairman.
7 CHAIRMAN KIMBLE: Commissioner Chan.
8 COMMISSIONER CHAN: I'll move that we adopt
9 the three items you named, it's Item -- under our
10 Agenda Item IV it's Items B, G, and H, I believe.
11 CHAIRMAN KIMBLE: Is there a second?
12 COMMISSIONER MEYER: I'll second.
13 CHAIRMAN KIMBLE: Seconded by Commissioner
14 Meyer.
15 Just to clarify, Commissioner Chan's motion
16 refers to R2-20-802, R2-20-807, and R2-20-808.
17 Any discussion on the motion?
18 (No response.)
19 CHAIRMAN KIMBLE: I will call the roll.
20 Commissioner Chan.
21 COMMISSIONER CHAN: Aye.
22 CHAIRMAN KIMBLE: Commissioner Meyer. I
23 think you --
24 COMMISSIONER MEYER: Aye. Aye.
25 CHAIRMAN KIMBLE: Thank you, Commissioner

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1 Meyer.
2 Commissioner Paton.
3 COMMISSIONER PATON: Aye.
4 CHAIRMAN KIMBLE: Chair votes aye. Those
5 three rules are approved 3-to-nothing.
6 Next set of rules I'd like to discuss are --
7 COMMISSIONER PATON: 4-to-nothing.
8 CHAIRMAN KIMBLE: 4-to-nothing. I'm sorry.
9 Thank you, Commissioner Paton.
10 The next rules I'd like to discuss are:
11 R2-20-801, definitions and rules of construction;
12 R2-20-803, opt-out notices under A.R.S. 16-972;
13 R2-20-804, exemptions from disclosure under A.R.S.
14 16-973; and R2-20-806, communication with Commission
15 staff and others before the Commission.
16 First I'd like to have Tom give us an
17 overview of the comments that we've received on this,
18 then I'd like to hear any questions from Commissioners
19 and then any public comment, if there is any, on these
20 items. Tom.
21 MR. COLLINS: Yes. Thank you, Mr. Chairman
22 and Commissioners. I don't want to, you know, entirely
23 rehash what's -- what's in the memo. I think that, you
24 know, we got some very helpful comments, some comments
25 that are generally, you know, I think are improvements,

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1 but not substantial changes to the -- to the rules. We
2 also got, across all four of those rules that the
3 Chairman identified, I think, suggestions within those
4 memos from -- that we've -- that, you know, call for,
5 you know, maybe additional review, additional
6 rulemaking down the road.
7 So, you know, I think that what we tried to
8 do in evaluating these comments and how to incorporate
9 changes, you know, was look at whether or not, you
10 know, we -- the suggestion would create an
11 administrative burden or enmesh the Commission in more
12 transactions than it may otherwise have been, right.
13 Our staff, our perspective was, to the extent
14 that we could -- that the statute is -- already speaks
15 to an issue and that there is -- and that there is a
16 place for a procedural rule on our part, like how to
17 access the exemption or how to go through the opt-out
18 process, you know, that we would adhere to those and
19 try to, you know -- and try to, you know -- and try to
20 not get into every different level of -- of possible
21 transaction, you know. There is -- there's good
22 reasons for that in terms of allowing, underneath the
23 statute itself, the regulated folks to be able to, you
24 know -- you know, make as many -- what reasonable --
25 what choices are reasonable to them within the law.

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1 I think that, you know -- I think that on the
2 opt-out, you know, the principal issues seem to be,
3 one, there is, you know -- because the campaign media
4 spending definition is not the same as the definitions
5 of who gets reported for a political committee, there
6 is going to be some -- some distinct -- some PACs may
7 be in a position where they have to tell folks that,
8 well, you may not be disclosed on this side, but you
9 may be disclosed on another side. That was a point
10 that one of the -- one of the commenters raised. You
11 know, that was the kind of thing where, you know, it
12 may not be, you know, a rule that is -- that addresses
13 that, there may be some other way of addressing that
14 down the road.
15 You know, we also -- as I said, in one -- one
16 of the comments had to do with the, you know, the fact
17 that the Act allows people to give their consent to
18 their dollars being used for campaign media spending up
19 front. And, again, that was one of those issues where
20 we sort of wanted to focus on, well, the statute
21 already says that.
22 So I think that overall, you know, I think
23 the comments were constructive. We -- the ones we have
24 suggested -- and I just want to make sure that we're
25 all working from a common, you know, point. The

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1 changes, which, again, we don't think are substantial,
2 are outlined in the document called -- in your
3 materials called Text for Consideration and Adoption.
4 There are, you know, some changes outlined there, and
5 they're underlined, you know. And all of those, I
6 think, are clarifying and helpful, but don't change the
7 underlying substance of the -- of the rule
8 significantly. And I think that -- and my view is
9 that, for the most part, the comments we got did not
10 really, you know, say, you know -- you know, we need
11 to -- you know, you need to scrap this entire thing and
12 start over.

13 There was one comment from the Campaign Legal
14 Center that did suggest getting rid of a section called
15 804 -- 804 -- I'm sorry -- 80 -- 803(E), which has to
16 do with when a donor can request to opt out. You know,
17 as I said when we introduced these rules, part of the
18 reason that that particular rule is there is in order
19 to -- because we think the question is going to come up
20 through -- and so the question is whether or not we
21 answer it now, in terms of a rule, or not. You know,
22 so we think that, given that that's sort of inevitably
23 a question and that there -- there -- to us, you know,
24 is consistent with the Act's overall thrust of giving
25 donors an opportunity to make choices about how their

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1 dollars are used, we think it's consistent with that.
2 One of CLC's direct criticisms was that it
3 believed that if donors have a right to opt out after
4 they've been given the opportunity to opt out and
5 chosen not to, that that will somehow cause covered
6 people -- so "covered people" is the legal term we use
7 now for filers, essentially, spenders.

8 I'm sorry. Kara.
9 MS. KARLSON: Yes. Excuse me. Mr. Chairman,
10 I just wanted to let the record reflect that
11 Commissioner Titla has signed on.
12 CHAIRMAN KIMBLE: Thank you, Kara. Yes,
13 Commissioner Titla has joined us.
14 Tom.
15 MR. COLLINS: Okay. So the CLC's substantive
16 comment -- and the reason I'm spending time on this is
17 because they wanted -- they wanted this excised
18 completely, and I feel like it's worth spending a
19 little time on.
20 That covered persons and donors will be in a
21 position where they're always in flux and covered
22 persons won't be able to make decisions about how to
23 account for, you know, the fact someone might decide
24 they want their dollars not used for campaign media
25 spending. On the donor side and the covered person's

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1 side, on the other hand, the concern has been raised,
2 what do we do with those donors who don't want their
3 dollars to be used for a particular mailing or disagree
4 with something. So in that respect, I think that where
5 the regulated community is more informed on the
6 consequences of this than perhaps the -- you know, in
7 this context I think on balance it's appropriate still
8 to, you know, codify that, in fact, donors can, you
9 know, have a way to change their mind.

10 And again, you know, as a regulator, or
11 anybody who's not deeply enmeshed in actual practice of
12 campaign finance in the -- in the real world, you know,
13 we don't know how the relationship between donors and
14 covered persons or spenders, you know, is going to work
15 in practice. And, in fact, you know, that's just the
16 nature of being on the outside looking in. But, you
17 know, I think it was striking that the folks who
18 represent the covered person community -- the donor
19 community did not see this as an issue.

20 I think that -- one last thing I think
21 I've -- I think I ought to mention on that point. One
22 of the other commenters wanted, in the confidentiality
23 exemption proceeding, to have covered persons sort of
24 in that process. So if I'm a donor and I have a safety
25 issue or -- and I come to the Commission through one of

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1 the three ways you can do that, which is either court
2 order, statute, or -- or petitioning the Commission
3 itself, there was a suggestion that the covered -- that
4 the original source then would have to tell the covered
5 persons that they are -- you know, that their identity
6 is not to be revealed.

7 But the reality is, and Campaign Legal Center
8 does observe this in its letter, that not all covered
9 persons and the original sources are going to interact
10 with one another. And so if the issue is an exemption
11 from the identity -- you know, putting the additional
12 burden on the person who just sought to have their
13 identity protected, to have to go out and tell people,
14 hey, my identity is protected, again, seemed like a
15 step into a relationship that the Commission really
16 doesn't need to be -- be a part of.

17 And then lastly on that point, you know,
18 there was another comment suggesting we adopt a
19 specific rule specific to accounting for donors, so
20 donors have to provide, on request from the spender,
21 information on where they got the money.

22 Our -- the rules we put forth, one of which
23 you already adopted, talk about, you know, a reasonable
24 recordkeeping process by which you have to be able to
25 explain how your -- how your transactions are working.

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1 We think that that's sufficient and that in the
2 event -- and if we were to mandate anything about the
3 accounting itself, right -- I mean, the rule says you
4 have to keep track of what you're doing, it has to be
5 accurate, you have to be able to share it with somebody
6 in a way that the Commission can understand what you're
7 doing, that is all but saying use a reasonable
8 accounting method.
9 But as soon as you put the words "reasonable
10 accounting method" in a rule, we're going to be in a
11 position where we're going to be evaluating is the
12 accounting method reasonable, were the specific
13 rules -- I mean, you know -- you know, accounting is,
14 like the practice of law, a bit of an art and a bit of
15 a -- and a bit of a science. And, you know, we
16 don't -- intruding directly into whether or not people
17 are making decisions that are reasonable under
18 accounting standards is probably not where we want to
19 start, you know, this process. So I think the
20 recordkeeping rules, which no one objected to, plus the
21 fact that the statute itself does not allow for
22 structuring transactions to evade the Act, was
23 sufficient there.
24 Those are sort of the highlights that I
25 wanted to bring out from the -- from the evaluation.

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1 Obviously, I mean, there are other folks internally
2 who've -- who've worked on this with me, so I don't
3 know if there's anything they think that I need to put
4 on the record that I haven't. But those were -- those
5 were my main points, Mr. Chairman.
6 CHAIRMAN KIMBLE: Thank you, Tom. And
7 just -- just to be clear, staff is recommending that we
8 adopt 801 as it was written and then we adopt 803, 804,
9 and 806 with non-substantial changes that are -- that
10 are clear in the memo with those changes underlined.
11 Are there any questions or comments from
12 members of the Commission?
13 Commissioner Chan.
14 COMMISSIONER CHAN: Mr. Chairman, I just
15 wanted to -- I guess I don't even know if any of the
16 regulated community has offered comments or their
17 representatives are here today, but I really appreciate
18 the time they took to review our rules. I mean, I
19 know, you know, they and their clients will be the most
20 impacted by this initiative that voters approved, and
21 so therefore are the rules that we're going to be
22 promulgating and that we are promulgating, but I think
23 they're -- they obviously took the time to really think
24 about this and give very thoughtful input.
25 And I also want to commend staff, because I

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1 know how much time they had to put into this as well.
2 It's a very meaty issue, and I think they deserve our
3 accolades as well.
4 I just wanted to ask one question. I think,
5 Tom, you laid out everything in a way that kind of
6 addressed any questions I had. The only thing -- and I
7 don't know if I'm missing the forest for the trees
8 here. The only thing I have a question on is the
9 StateCraft request that the Commission consider adding
10 in this new Subsection F to R-20-803. I was trying to
11 see if that was an exact kind of duplicate of what's in
12 statute or if they were trying to thread a needle and
13 address, with a little more detail, what -- what the
14 procedures would be or what the expectation would be
15 for that situation where somebody gives notice.
16 I just -- I'm not opposed to staff's
17 recommendations. I just -- and again, I know this may
18 seem minor in the face of the enormity of everything
19 we're tackling here today, but that was -- I wondered
20 if there was some benefit to adopting something to
21 address that, but, again, I wasn't sure. And I was
22 trying to pull up the statute, and I don't know if Tom
23 can speak to it off the top of his head at the moment,
24 but whether that was an exact duplicate, if there was
25 any benefit to considering adding that in, and also, if

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1 we did, would it delay the rules. I'm very concerned
2 about getting the rules implemented timely because of
3 the fact that we're already starting our election year,
4 basically.
5 CHAIRMAN KIMBLE: Thank you,
6 Commissioner Chan.
7 Tom.
8 MR. COLLINS: Mr. Chairman, Commissioner
9 Chan, I'm happy to. So this is at Page 2 of the
10 StateCraft memo. Are we talking about the Subsection F
11 or the Subsection G?
12 COMMISSIONER CHAN: I was talking about
13 Subsection F. Thanks for asking.
14 MR. COLLINS: Yeah. So, Mr. Chairman,
15 Commissioner Chan, that's a -- that's a good question.
16 And I think the way we see this -- and there may be --
17 let me put it this way. There's certainly nothing that
18 we don't think we might look at either as an additional
19 issue down the road or, in some cases -- and, you know,
20 some of the things that people may see as we work
21 through this may turn out to be legislative issues, and
22 that will just be how it will be.
23 So this is a comment that says -- so
24 basically the section ahead of it talks about how you
25 deal with opt-out notices that are mandated by the

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1 statute. And then this starts with, "notwithstanding
2 the foregoing." So it says it's going to be an
3 exception to the overall rule that applies to everyone,
4 right, and the exception is going to be for a covered
5 person that is also a registered political action
6 committee, okay.

7 So just to that -- just to walk through how
8 this operates, what they said -- proposed to have is an
9 exception to the existing -- to the rest of the rule
10 for political action committees. And then it says
11 that, you know, their compliance will be determined,
12 for this section and for the opt-out notice itself, by
13 including, in a written solicitation of funds or in a
14 written receipt provided to a donor, within 10 days of
15 receiving the donor's monies, a clear and conspicuous
16 written notice that the PAC is required by Arizona law
17 to publicly report the name, et cetera, et cetera, of
18 all out-of-state contributors and Arizona residents who
19 contribute more than a hundred dollars per election
20 cycle. Okay. So to the extent that they're abiding
21 by -- that a person is abiding by the statutory
22 language, which -- in 16-972, that there's nothing
23 outside of that that they -- that they need to have an
24 additional rule.

25 The other potential problem here is that it

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1 -- by taking the PAC out of 972 entirely, it basically
2 says, if you're a PAC, you're going to -- you're going
3 to go down an alternate road from 972. And so as we
4 understand this comment, it's basically asking us to
5 create an exception to 972 that we don't understand at
6 this point how that would be statutorily consistent
7 with the existing language.

8 Now, that said, the statute does allow for a
9 person to affirmatively reach out. That's fine. It
10 also allows for a person -- there's nothing that would
11 prohibit a person from explaining if they have, you
12 know -- you know, so you've got a donor, under the
13 campaign media spending law, who's given you \$5,001 or
14 \$5,000 and they're at risk of being disclosed. That
15 notice is about campaign media spending. It's not
16 about any other thing. So campaign media spending is
17 not every expenditure by a political committee. It's
18 a -- it's a subset of that.

19 You know, if the concern here is there's
20 somehow a redundancy or something like that, you know,
21 I mean, we will continue to have a dialogue with the
22 regulated community about ways we might be able to, you
23 know, work within the statutory framework for that or,
24 you know, if, in fact, someone concludes that there is
25 a redundancy here, that, I think, could be remedied by

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1 legislation. But the reality is that what you're
2 telling your donors under 16-972 is just a different
3 thing from what you're telling your donors under 16 --
4 under the rest of Chapter 6.

5 And so obviously I think it would be a good
6 business practice for a covered person who is in the
7 process of dealing with their donors to tell them the
8 range of ways in which they might be disclosed. But
9 this is not a -- but it's not -- it's not something
10 that the statute, at least as we -- as we've been able
11 to understand it so far, seems to contemplate.

12 Now, if we're misunderstanding that, I'm sure
13 we'll hear from folks and maybe get a little better
14 understanding, but at this point --

15 And I think the other thing I'll mention
16 about the way that this is put together goes to your
17 point, Mr. Chairman, Commissioner Chan, is this -- by
18 constructing this with the "notwithstanding" clause, it
19 essentially -- if we were to -- we wouldn't have needed
20 to adopt this as an amendment essentially. It's
21 essentially a -- it's not an amendment that's going to
22 change the -- it's self-contained, I guess is what I'm
23 trying to say. It's a new exception that's being
24 brought in. So there's -- you know, so if we wanted to
25 come back and look at what -- you know, how broad the

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1 scope of the problem for PACs is and find a little --
2 you know, maybe get a better understanding of what
3 the -- what the statutory perspective that folks have
4 is, you know, we could revisit that. And we're going
5 to be open to that throughout the process.

6 But at this point, you know, we just -- we
7 don't have a solid understanding of how we get from the
8 972 opt-out notice, which goes to campaign spending --
9 campaign media spending and deals with folks who are
10 giving at a higher level, with the general operation of
11 a PAC. You know, so that's -- that was our -- so, you
12 know, never say never, right, but we think that, at
13 this juncture, we don't see it as an impediment to the
14 rule moving forward. And moreover, you know, we do
15 want to get the certainty associated with the rule in
16 place, you know, and then work from there.

17 CHAIRMAN KIMBLE: Commissioner Chan, does
18 that address your concern or do you want to --

19 COMMISSIONER CHAN: Yes.

20 CHAIRMAN KIMBLE: -- propose some wording
21 change?

22 COMMISSIONER CHAN: No. That was -- no. I
23 appreciate all of that very much. And thanks, Tom.

24 CHAIRMAN KIMBLE: So you're comfortable with
25 the wording as -- as we have it now?

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1 COMMISSIONER CHAN: I am, yeah.
2 CHAIRMAN KIMBLE: Okay. Thank you.
3 Any other concerns or comments by members of
4 the Commission?
5 (No response.)
6 CHAIRMAN KIMBLE: Are there any members of
7 the public who wish to comment on these four rule
8 changes -- rules? Excuse me.
9 (No response.)
10 CHAIRMAN KIMBLE: I don't see anyone in the
11 room and I don't see anyone on Zoom either.
12 So I would -- I would propose that we
13 consider all four of these rule changes together,
14 meaning 801 as written, plus 803, 804, and 806 with
15 some minor changes as indicated in our material, unless
16 a member of the Commission wants to pull out one of
17 those rules and discuss more or handle it separately.
18 What is the -- what is the preference of the Commission
19 as far as a motion?
20 COMMISSIONER CHAN: Mr. Chairman, I'm happy
21 to move all of those. I have a question about
22 whether -- how easy it will be to move all of them and
23 what the language would be as far as just -- perhaps do
24 we say, as presented in the materials with the
25 substantive -- or, with the non-substantive changes as

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1 proposed by staff?
2 CHAIRMAN KIMBLE: I'll turn to Kara for that.
3 MS. KARLSON: Yes, that would be fine.
4 COMMISSIONER CHAN: Okay. In that case,
5 Mr. Chairman, and hopefully I'm not jumping the gun
6 here, but I'll go ahead and move that we adopt the
7 proposed Rules R2-20-801, R2-20-803, R2-20-804, and
8 R2-20-806. And to the extent that several of those
9 have some non-substantive changes, that all of that be
10 adopted together by the Commission today.
11 CHAIRMAN KIMBLE: Is there a second?
12 COMMISSIONER PATON: I'll second it.
13 CHAIRMAN KIMBLE: It was seconded by
14 Commissioner Paton.
15 Any discussion among Commissioners?
16 (No response.)
17 CHAIRMAN KIMBLE: I will call the roll.
18 Commissioner Chan.
19 COMMISSIONER CHAN: Aye.
20 CHAIRMAN KIMBLE: Commissioner Meyer.
21 COMMISSIONER MEYER: Aye.
22 CHAIRMAN KIMBLE: Commissioner Paton.
23 COMMISSIONER PATON: Aye.
24 CHAIRMAN KIMBLE: Chair votes aye.
25 Oh, I'm sorry. Commissioner Titla.

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1 COMMISSIONER TITLA: Aye.
2 CHAIRMAN KIMBLE: Thank you.
3 Chair votes aye. The four rules are approved
4 unanimously, 5-to-nothing. Thank you very much.
5 Item V, discussion and possible action on
6 proposed meeting dates for September through December
7 of 2023. Commissioners, you should have all received
8 -- had a chance to review the dates that Ms. Thomas has
9 proposed. And the dates for future meetings are
10 September 21st, October 26th, November 16th, and
11 December 14th. Is there any discussion?
12 (No response.)
13 CHAIRMAN KIMBLE: Is there a motion to
14 approve these four dates for future meetings?
15 COMMISSIONER CHAN: Mr. Chairman, I move that
16 we approve the future meeting dates.
17 CHAIRMAN KIMBLE: Thank you,
18 Commissioner Chan.
19 Is there a second?
20 COMMISSIONER MEYER: I'll second that.
21 CHAIRMAN KIMBLE: Thank you,
22 Commissioner Meyer.
23 I'll call the roll. Commissioner Chan.
24 COMMISSIONER CHAN: Aye.
25 CHAIRMAN KIMBLE: Commissioner Meyer.

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1 COMMISSIONER MEYER: Aye.
2 CHAIRMAN KIMBLE: Commissioner Paton.
3 COMMISSIONER PATON: Aye.
4 CHAIRMAN KIMBLE: Commissioner Titla.
5 COMMISSIONER TITLA: Aye.
6 CHAIRMAN KIMBLE: And Chair votes aye. The
7 meeting dates are approved 5-to-nothing. Thank you.
8 This is the time for consideration of
9 comments and suggestions from the public. Action taken
10 as a result of public comment will be limited to
11 directing staff to study the matter or rescheduling the
12 matter for further consideration and decision at a
13 later date or responding to criticism. Please limit
14 your comments to no more than two minutes.
15 Does any member of the public wish to make
16 comments at this time?
17 Cathy, Paula, does anyone on Zoom want to
18 make a comment?
19 MS. HERRING: I don't see anyone on Zoom.
20 CHAIRMAN KIMBLE: I don't see anyone either
21 here in the room or on Zoom who wants to make a
22 comment.
23 MS. THOMAS: No.
24 CHAIRMAN KIMBLE: The public may also send
25 comments to the Commission by mail or e-mail at

1 ccec@azcleanelections.gov.
2 Item VII, motion to adjourn. At this time, I
3 would entertain a motion to adjourn.
4 COMMISSIONER PATON: I'll make a motion to
5 adjourn.
6 CHAIRMAN KIMBLE: Thank you,
7 Commissioner Paton.
8 Is there a second?
9 COMMISSIONER CHAN: Second the motion.
10 COMMISSIONER MEYER: Second.
11 CHAIRMAN KIMBLE: Thank you,
12 Commissioner Chan.
13 I'll call the roll. Commissioner Chan.
14 COMMISSIONER CHAN: Aye.
15 CHAIRMAN KIMBLE: Commissioner Meyer.
16 COMMISSIONER MEYER: Aye.
17 CHAIRMAN KIMBLE: Commissioner Paton.
18 COMMISSIONER PATON: Aye.
19 CHAIRMAN KIMBLE: Commissioner Titla.
20 COMMISSIONER TITLA: Aye.
21 CHAIRMAN KIMBLE: And the Chair votes aye.
22 We are adjourned. Thank you very much.
23 (The meeting concluded at 10:11 a.m.)
24
25

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 27th day of
19 August, 2023.
20
21
22 
23 Kathryn A. Blackwelder, RPR
Certified Reporter #50666
24
25

<hr/> \$ \$25,000 8:16 \$5 5:5 \$5,000 23:14 \$5,001 23:13 \$50,000 8:15 <hr/> 1 1 5:2 10 22:14 10:11 30:23 14th 28:11 16 24:3 16-972 11:12 22:22 24:2 16-973 11:14 16th 28:10 <hr/> 2 2 21:9 2022 8:13 2023 3:4,22 4:5 28:7 211 6:12 8:8,10,12,19, 24 21st 28:10 24th 3:4 26th 28:10 27 4:5 27th 3:22 <hr/> 3 3-to-nothing 11:5 <hr/> 4 4-nothing 4:21 4-to-nothing 11:7,8	<hr/> 5 5-to-nothing 28:4 29:7 <hr/> 6 6 24:4 <hr/> 7 70 8:13 <hr/> 8 80 14:15 801 19:8 26:14 803 19:8 26:14 803(E) 14:15 804 14:15 19:8 26:14 806 19:9 26:14 <hr/> 9 972 23:1,3,5 25:8 9:30 3:4 <hr/> A a.m. 3:4 30:23 A.R.S. 11:12,13 abiding 22:20,21 access 12:17 accolades 20:3 account 15:23 accounting 17:19 18:3,8,10,12,13,18 accurate 18:5 Act 8:8,23 9:6 13:17 18:22 Act's 14:24 action 3:21 4:22 6:21 8:6 22:5,10 28:5 29:9 active 5:13 6:11	actual 16:11 add 7:16 adding 20:9,25 additional 9:5 12:5 17:11 21:18 22:24 address 6:19 9:2 20:13,21 25:18 addressed 20:6 addresses 13:12 addressing 13:13 adhere 12:18 adjourn 30:2,3,5 adjourned 5:8 30:22 administrative 12:11 adopt 4:3,5 9:13 10:8 17:18 19:8 24:20 27:6 adopted 17:23 27:10 adopting 20:20 adoption 8:7 14:3 advisory 9:17 affirmatively 23:9 agency 5:20 agenda 3:3 5:13 10:10 ahead 21:24 27:6 allowing 12:22 alternate 23:3 amended 6:18 amendment 24:20,21 Amy 3:12 applies 22:3 approve 28:14,16 approved 4:21 11:5 19:20 28:3 29:7 areas 8:20 Arizona 6:17 22:16,18 art 18:14 aspects 8:23	Assistant 5:17 assuming 7:1 attend 7:11 attendance 3:7 attending 8:11 Attorney 5:17,18,21 6:2 August 3:4 5:2 Avery 7:17,19 aye 4:15,17,19,20 10:21,24 11:3,4 27:19, 21,23,24 28:1,3,24 29:1,3,5,6 30:14,16,18, 20,21 <hr/> B back 9:10 24:25 background 8:11 bad 7:12 balance 16:7 basically 21:4,24 23:1, 4 basics 8:21 BECKER 7:9 began 5:2 Beginning 9:5 believed 15:3 benefit 20:20,25 bills 5:9 Bipartisan 6:4 bit 18:14,15 briefing 6:13 bring 6:14 18:25 broad 24:25 brought 24:24 burden 12:11 17:12 business 24:6
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