

Citizens Clean Elections Commission, June 23, 2016 Meeting Notes

As always, these notes reflect what I thought was important vs. a verbatim account, and include some of my editorial comments. Further, of course all documents prepared for this meeting are available on the CCEC web site <http://www.azcleelections.gov/> and the minutes of the meeting will soon be posted. Further, meetings are now being live streamed.

* The meeting was attended by all 5 Commissioners (one via teleconference) as well as Commission attorneys and staff from the House, Senate and the SOS.

* **Executive Director's report.** The Executive Director's report included:

- * there was a lot of voter education going on, to include with/for the Association of Counties and ITCA; Commissioner Titla especially compliment Gina Roberts, the Voter Ed person for her work with tribes and the ITCA.

- * 15 Legislative Clean Election candidates have qualified; 47 are participating with 4 statewide candidates;

- * CCEC has an intern working with them;

- * the ISA with the AG is no different this year than in the past and will continue.

Although by law the AG must represent all state agencies, the ISA gives CCEC more leeway in determining which attorneys they work with etc.

* **Governor's Regulatory Review Commission (GRRC) & the CCEC's 5 Year**

Report. There was a long presentation and many questions/discussion regarding the status of the this issue, which was discussed extensively at the last CCEC meeting. To sum it up: altho CCEC maintains that as a voter created entity, they are not required to provide reports to the GRRC (every 5 years for every agency, re all the rules etc. that are created), CCEC has always done so. The 5 year reports submitted prior to 2015, were accepted without questions. However, after submitting the report in 2015, the Commission received a letter saying that the report did not comply with their criteria and that all rules adopted after the last report were moot. No explanations of why the report was unsatisfactory were given. (Note: the GRRC is appointed by the Governor.) Correspondence has gone back and forth for months now; meetings have been held etc. with no change. CCEC has followed all the required procedures, as it did in the past. Another report/reply is due by June 30; and the GRRC says that as of August 2, all the rules (mainly re definitions of a political committee/disclosure etc. adopted last year) must be repealed. Director Tom Collins continues to maintain that: a) the GRRC has no legal authority over the Commission; and b) even if they do, they are not following their own procedures. Collins said that as of right now, no rules will be repealed; candidates will continue to be required to submit reports etc. According to Collins, the GRRC says that it doesn't have to identify in what ways the report is insufficient and that their list of insufficiencies is not exclusive. This gives them absolute power because they can decide a report is not acceptable for any reason and not explain why!! Clearly there appears to be no 'due process or transparency' in what the GRRC is doing re the CCEC. In response to a question, Collins said that a lawsuit is likely. The Commission then unanimously approved the 30 page Commission response to the GRRC, which is on the website. Although the response will be sent as soon as possible, there is no way to know whether the GRRC will place this on its July or August calendar. Thus, the saga continues.

* **Reactions to HB2296.** Along with these notes (or shortly thereafter if I can't figure out

how to attach it to this email), I will send a copy of a powerpoint presentation that very clearly explains the history of and options for the Commission to take, as identified by Collins, regarding the impact of this law. As I'm sure you are aware, in the waning hours of the Legislature, HB2296 was passed, which is almost identical to SB1516 BUT is effective August 6 AND retroactive to June 1. It would thus change all kinds of reporting/disclosure rules in the midst of an election season!! At the last meeting, Collins stated that he would develop some options about what should be done; and he did. Further, he stated that there are some rule changes that need to be made unrelated to HB2296 to update/clarify existing rules. After extensive discussion, the Commission voted to post for public comment all three options, which are:

- 1) Adopt new limitations as per HB2296 into Clean Election Rules.
- 2) Inform the regulated community that HB2296 is not constitutional & proceed with other rules' modifications as recommended.
- 3) A hybrid, i.e., acknowledge HB2296 and make tax status a serious consideration on enforcement.

The Commission then called for public comments. Samantha Pstross, AzAN Director, spoke passionately about the need to support Option 2; said she was concerned that Option 1 was even included; stated that the Commission has a duty to fulfill its mandate as per the law and as protected by the Voter Projection Act. I then spoke much less passionately, reminding the Commissioners of League's involvement in the creation of Clean Elections, our on going support for its actions, to include the rules passed in 2015 that furthered disclosure, which LWVUS and AZ strongly support; that we always favor public comments on new rules; and will almost surely submit a formal statement in support of Option 2.

*** Secretary of State's Filing System and Clean Election Reports.** Collins reported on some changes made by the SOS's office regarding documents on its website relating to Independent Expenditure Reports. He stated that CCEC has always maintained that filings should be done on the SOS's web site, with CCEC having access to such as it relates to its mandate. However recently the SOS has started directing some filers to the CCEC website. NOTE: Per se, this is minor; however in light of some of the relationships between the SOS and CCEC and the SOS's demands of the CCEC re revising rules etc., it appears unnecessary and confusing.

Prepared by LWVMP Advocacy Chair Rivko Knox