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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

June 17, 2010

9:30 a.m.

Reported By:

Angela Furniss Miller, RPR
Certified Reporter (AZ 50127)

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1 A PUBLIC MEETING, BEFORE THE CITIZENS CLEAN
 ELECTIONS COMMISSION, convened at 9:30 a.m. on June 17,
 2 2010, at the State of Arizona, Clean Elections
 Commission, 1616 W. Adams, Conference Room, Phoenix,
 3 Arizona, in the presence of the following Board members:

4 Ms. Royann Parker, Chairperson
 Mr. Gary Scaramazzo
 5 Ms. Lori Daniels
 Mr. Louis Hoffman
 6 Mr. Jeff Fairman

7 OTHERS PRESENT:

8 Todd Lang, Executive Director
 Colleen McGee, Deputy Director
 9 Paula Thomas, Executive Assistant
 Terah Kenney, Executive Support Specialist
 10 Michael Becker, Voter Education Manager
 Daniel Ruiz, II, Campaign Finance Manager
 11 Jim Barton, Attorney General Office
 Michael Brewer, Citizen
 12 Lisa Hauser, Gammage & Burnham
 Nancy Read, Secretary of State's Office
 13 Bart Turner, Clean Elections Institute
 Doug Cole, Governor Jan Brewer Campaign
 14 Christian Palmer, Yellow Sheet
 MJ Pitzl, Arizona Republic
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P R O C E E D I N G

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 3 CHAIRPERSON PARKER: Good morning. I'd like to
 4 call to order this meeting of the Citizens Clean
 5 Elections Commission. Today is Thursday, June 17th at
 6 9:31.

7 Also, there may be a possibility of going into
 8 executive session. And if so, the minutes of and
 9 discussions made at an executive session are
 10 confidential pursuant to A.R.S. Section 38-431.03(B),
 11 and shall not be released to anyone unless specifically
 12 authorized by law.

13 And if the public would also turn off their
 14 cell phones or put them on silent mode, we'd appreciate
 15 that.

16 Okay. Our first item for today is approval of
 17 the Commission meeting minutes of May 11, 2010, May 20,
 18 2010, and June 9, 2010.

19 COMMISSIONER DANIELS: Madame Chair- --
 20 CHAIRPERSON PARKER: You guys want to take
 21 those all together?
 22 COMMISSIONER DANIELS: That's fine.
 23 COMMISSIONER SCARAMAZZO: Sure.
 24 COMMISSIONER DANIELS: Madame Chairman, I move
 25 the approval of the minutes of May 20th, June 9th, and

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4

1 June -- or, May -- what's the one I missed?
 2 CHAIRPERSON PARKER: May 11, May 20, June 9 --
 3 COMMISSIONER DANIELS: The May 11th. The
 4 May 11th, May 20th, June 9th.
 5 COMMISSIONER SCARAMAZZO: I'll second that.
 6 CHAIRPERSON PARKER: Okay. All in favor.
 7 (Chorus of ayes.)
 8
 9 CHAIRPERSON PARKER: Opposed? Hearing none, so
 10 moved.
 11 Executive Director report. Todd?
 12 MR. LANG: Thank you, Madame Chair. Good
 13 morning, Commissioners. You can see there we have 135
 14 participating candidates in the primary election. An
 15 update on the -- on the enforcement matter regarding
 16 Representative Quelland. He's now filed for a stay and
 17 a motion for -- and he's filed an appeal with a -- the
 18 trial court, and we are preparing our response. A draft
 19 is ready and we should be filing that soon; if not
 20 today, then certainly Monday.
 21 Real important is that candidates please tell
 22 your friends, candidates have until today, tonight, to
 23 file their candidate statement and their photo. We have
 24 an electronic format that we use. They can do it on our
 25 site. It's actually quite easy. If they have any

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5

1 problems, they can call Mike or any of the staff
 2 members. And the reason I'm emphasizing this is 'cause
 3 we still -- every year we have a few people who yell at
 4 us for not telling them. And Mike has sent out several
 5 letters, he's sent out e-mails, we Tweet it with
 6 Twitter. And -- and there's certainly been those
 7 opportunities. So we're -- and there will be doz- --
 8 many dozens today -- is that fair to say?
 9 MR. BECKER: Yes.
 10 MR. LANG: Because there's still over a hundred
 11 folks who have not yet submitted. And we an- -- and
 12 that's the same every year, so we anticipate getting a
 13 bunch of them today. So, folks in the audience, please
 14 tell your favorite Democrat or Republican to get those
 15 statements in.

16 The debates have begun. I attended the
 17 Governor's debate, which was really very interesting and
 18 good and informative. And all four candidates really, I
 19 thought, did a good job. And -- and it was certainly
 20 interesting to watch. We had a gamut of views. And the
 21 Attorney General's -- and that was -- that's -- was on
 22 Horizon. If -- they have not yet posted the link -- oh,
 23 they have posted -- the link is available on our
 24 Website, so if you'd like to watch it. I think it's
 25 worth your time.

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6

1 The AG debates will be, I think Monday and
 2 Tuesday -- Tuesday and Wednesday. Thank you. Tuesday
 3 and Wednesday of next week. They'll be on Horizon as
 4 well and eventually posted on our Website. One will, of
 5 course, be the Republican debate and one will be the
 6 Democratic debate. And then, of course, all the other
 7 debates are happening as -- as scheduled.
 8 That concludes my report.
 9 CHAIRPERSON PARKER: Any questions for Todd?
 10 Okay. Our next item is discussion and
 11 possible action on proposed Commission dates for July
 12 through December 2010. Lori, I know you had a comment
 13 to make on that.
 14 COMMISSIONER DANIELS: Yeah. If -- on July --
 15 if anybody wouldn't have a problem if we moved it either
 16 to the 6th or the 7th, Tuesday or Wednesday, I could be
 17 available, but I can't on the 8th.
 18 CHAIRPERSON PARKER: Does anyone have a problem
 19 with the 7th or the 6th? Which date is better for the
 20 majority of us?
 21 COMMISSIONER FAIRMAN: Any of those will work
 22 -- will work for me.
 23 COMMISSIONER SCARAMAZZO: That's fine.
 24 CHAIRPERSON PARKER: Louis, do you have a
 25 preference?

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8

1 COMMISSIONER FAIRMAN: No. No, that's fine.
 2 COMMISSIONER DANIELS: -- on -- okay. Because
 3 I didn't -- it doesn't matter.
 4 COMMISSIONER FAIRMAN: That's just fine.
 5 That's just fine.
 6 CHAIRPERSON PARKER: So the 15th good for
 7 everybody else, in September?
 8 Okay. Then we'll have our meeting July 6th,
 9 August 19, September 15, October 14, November 4th, and
 10 December 2nd.
 11 MR. LANG: I'd remind the Commissioners that in
 12 the weeks right before the general and the --
 13 CHAIRPERSON PARKER: Oh, yeah.
 14 MR. LANG: -- primary, there's usually extra
 15 meetings. With matching funds currently unavailable,
 16 we'll probably have fewer of those meetings, but it's
 17 still -- there's enforcement matters and -- and the
 18 like.
 19 CHAIRPERSON PARKER: Okay. Do I have a motion
 20 to approve those dates?
 21 COMMISSIONER FAIRMAN: Moved.
 22 COMMISSIONER DANIELS: So moved -- second.
 23 CHAIRPERSON PARKER: All in favor?
 24 (Chorus of ayes.)
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7

1 COMMISSIONER HOFFMAN: No.
 2 CHAIRPERSON PARKER: Why don't we do it on the
 3 6th, then, to give Lori an extra day to pack.
 4 COMMISSIONER DANIELS: Thanks.
 5 CHAIRPERSON PARKER: Provided she brings us
 6 Belgian chocolates or wherever it is she's going.
 7 COMMISSIONER DANIELS: I'll see what I can
 8 find.
 9 COMMISSIONER SCARAMAZZO: So, the 6th of July.
 10 CHAIRPERSON PARKER: The 6th? Okay. Is that
 11 going to impede anyone's vacation?
 12 COMMISSIONER DANIELS: No. I can do...
 13 COMMISSIONER FAIRMAN: I wish.
 14 CHAIRPERSON PARKER: Okay. All right. Now,
 15 these other dates, do those look good?
 16 COMMISSIONER DANIELS: I'm not available on the
 17 16th of September, but I can do it the day before again,
 18 or the week before, or the week after.
 19 COMMISSIONER FAIRMAN: Wednesdays are always
 20 good for me. Wednesdays are my best day.
 21 COMMISSIONER DANIELS: Okay. You want to do it
 22 Wednesday the 15th?
 23 CHAIRPERSON PARKER: Okay.
 24 COMMISSIONER DANIELS: Would it work better on
 25 the 7th for you, Jeff --

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9

1 CHAIRPERSON PARKER: Opposed? Motion carries.
 2 On Item IV, I read too fast.
 3 COMMISSIONER DANIELS: I was wondering what
 4 happened. I was like: Are we missing something?
 5 CHAIRPERSON PARKER: Yes, I am missing
 6 something. I'm sorry.
 7 We're going to have discussion and possible
 8 action regarding the Commission's position on any
 9 third-party litigation related to the U. S. Supreme
 10 Court ruling that strikes down matching funds. Todd?
 11 MR. LANG: Commissioner, this is an opportunity
 12 for the Commission to discuss what, if any, position it
 13 will take on third-party litigation; in other words, if
 14 someone else files for relief in the federal court. And
 15 then if you choose to do so, once you've taken a
 16 position on that, you can -- if you choose to do so,
 17 take a position on whether you would, if there's a
 18 positive result, what, if anything, the Commission would
 19 do, including but not limited to, declaring an
 20 emergency, and allowing the private -- allowing
 21 candidates to raise the matching funds through private
 22 contributions in accordance with our seed money
 23 limitations.
 24 COMMISSIONER SCARAMAZZO: And Madame Chair, I
 25 asked for this to be put on the agenda because I think

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10

1 it's important for the Commission to clarify where we're
 2 going. And it's certainly my intent to, you know,
 3 follow what Todd has outlined here.
 4 My thoughts are that if -- if candidates seek
 5 relief and are successful, it is my intent as a
 6 Commissioner not to get in the way of anyone raising
 7 private funds, following the -- the rules as outlined.
 8 I know that that was a concern, and I wanted to clarify
 9 that fact that if, in fact, that were to happen, this
 10 Commissioner would say: Hey, I'll probably write a
 11 check to any candidates that can go ahead and qualify,
 12 because I think it's unduly unfair, what they're faced
 13 with right now.
 14 Also, I -- I think there's that issue that what
 15 about if the Courts don't respond in a timely manner,
 16 then I think it behooves us to get back together -- and
 17 we can put a time frame on that, whether it's a week, 10
 18 days, whatever it is -- and then go ahead and look at
 19 declaring an emergency, because I think that we need to
 20 do something. Just my thoughts.
 21 COMMISSIONER DANIELS: Madame Chairman?
 22 CHAIRPERSON PARKER: Yes.
 23 COMMISSIONER DANIELS: Todd, I just want a
 24 clarification, we can't give anybody any money as
 25 Commissioners, can we? Because that would be effecting
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12

1 Commission member.
 2 COMMISSIONER FAIRMAN: -- I would like to agree
 3 with Commissioner Scaramazzo. I think the rules have
 4 certainly not been thrown out the window, but the rules
 5 have changed. And personally, I feel that our -- my
 6 responsibility is to make sure the election happens in
 7 the best possible way, that people have the most even
 8 chance of getting where they need to be and getting
 9 their message heard. So, I would certainly agree with
 10 that thought.
 11 CHAIRPERSON PARKER: Okay. Louis?
 12 COMMISSIONER HOFFMAN: Madame Chair, I already
 13 stated my position two meetings ago. I said that I
 14 thought that we were barred by the court order from
 15 declaring an emergency, but were it not for the court
 16 order we would be obligated to declare an emergency.
 17 Not -- so, I don't think we have a choice one way or the
 18 other; and as far as I'm concerned, that remains my
 19 position.
 20 Do we know, Madame Chair, as a question of
 21 fact, whether there are any third-party litigations that
 22 have either been filed or -- or are expected to be
 23 filed?
 24 CHAIRPERSON PARKER: Todd, do you know the
 25 answer to that?
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11

1 a -- I think and I -- I --
 2 COMMISSIONER SCARAMAZZO: Oh, I know. I was
 3 being --
 4 COMMISSIONER DANIELS: I know you may be
 5 serious, but I just want to make sure. I --
 6 COMMISSIONER SCARAMAZZO: I'd have my wife do
 7 it.
 8 COMMISSIONER FAIRMAN: I heard a lot of -- lot
 9 of ears perked up out there.
 10 COMMISSIONER SCARAMAZZO: That was tongue in
 11 cheek.
 12 COMMISSIONER DANIELS: Because I had -- had to
 13 -- I can't even have lunch with some friends unless we
 14 go Dutch, so I -- I just wanted to make sure. Okay.
 15 MR. LANG: Thank you for clarifying that.
 16 COMMISSIONER SCARAMAZZO: Tongue in cheek.
 17 COMMISSIONER DANIELS: Okay. Not a problem.
 18 MR. LANG: I took that as hyperbole.
 19 COMMISSIONER SCARAMAZZO: Yes.
 20 COMMISSIONER DANIELS: Okay. I just wanted to
 21 make sure. I'd write checks if I could, but I can't,
 22 so...
 23 COMMISSIONER FAIRMAN: Madame Chair, I would
 24 like to --
 25 COMMISSIONER HOFFMAN: That's why I became a
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13

1 MR. LANG: Madame Chair, Commissioners, I don't
 2 know of any. I know some folks are considering it, but
 3 as of today no one is -- has with- -- agreed to move
 4 forward or has decided to move forward.
 5 COMMISSIONER HOFFMAN: Thank you.
 6 CHAIRPERSON PARKER: So perhaps with -- with
 7 knowing that --
 8 MR. LANG: Right.
 9 CHAIRPERSON PARKER: -- with this philosophy,
 10 that maybe they would be more prone to do that?
 11 COMMISSIONER SCARAMAZZO: We would hope they
 12 would at least be able to clarify from a candidates'
 13 standpoint that they wouldn't be harmed by the
 14 Commission for taking action --
 15 CHAIRPERSON PARKER: Right.
 16 COMMISSIONER SCARAMAZZO: -- in trying to raise
 17 funds.
 18 CHAIRPERSON PARKER: What kind of a timeframe
 19 do you think would be a legitimate time frame?
 20 COMMISSIONER SCARAMAZZO: It's up to the
 21 Commission. I would look at possibly a week. I think
 22 that that would be fair.
 23 CHAIRPERSON PARKER: Okay. Would you like to
 24 put that in the form of a motion then?
 25 COMMISSIONER SCARAMAZZO: Sure. Okay. You
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14

1 want me to reclarify, but --

2 CHAIRPERSON PARKER: Yeah.

3 COMMISSIONER SCARAMAZZO: -- I think you got

4 the motion then, don't you?

5 That it's the philosophy of the Commission that

6 we wouldn't interfere if relief was granted to a

7 candidate; that we would certainly work with any

8 candidate wishing to raise private funds within the --

9 within the parameters and confines of what's legal, and

10 that we would look to put a time limit of a week on

11 waiting to see if the Courts will help give relief to

12 candidates; and if not, get back together.

13 COMMISSIONER FAIRMAN: I'll second the motion.

14 CHAIRPERSON PARKER: Okay. All in favor.

15 COMMISSIONER SCARAMAZZO: Aye.

16 COMMISSIONER FAIRMAN: Aye.

17 CHAIRPERSON PARKER: Aye.

18 COMMISSIONER HOFFMAN: I'm going to abstain.

19 I'm not sure I fully understand what the motion's

20 implications are. But I certainly have no trouble with

21 getting back together in a week if we need to discuss

22 the matter further.

23 COMMISSIONER DANIELS: And I'm abstaining also,

24 because I'm still jury-out on mixing private funds with

25 all this, so I just will abstain at this time.

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16

1 vendors do that; and unfortunately, Representative

2 Hendrix, who also had a conflict last year, has a

3 conflict again this year. I am satisfied -- though I am

4 disappointed that he has another conflict and -- and

5 can't change it -- I am satisfied that this was done

6 before we scheduled the debate, and -- and that it's

7 clearly a conflict. It looks like a family vacation.

8 So, given that, I -- I recommend that he be

9 excused from participating in the debate, though it's a

10 frustrating situation.

11 COMMISSIONER HOFFMAN: Madame Chair, I move to

12 excuse Representative Hendrix from attending the Clean

13 Elections scheduled debate.

14 COMMISSIONER DANIELS: I'll second it.

15 CHAIRPERSON PARKER: All in favor.

16 (Chorus of ayes.)

17

18 CHAIRPERSON PARKER: Opposed? Motion carries.

19 How about Albert Hale, Todd?

20 MR. LANG: Senator Hale has also documented

21 that he has an event in Washington, D.C., related to his

22 work as a legislator and is unable to attend the debate,

23 and I -- and staff recommends that he also be excused

24 from participation.

25 COMMISSIONER DANIELS: Madame Chairman, I move

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1 CHAIRPERSON PARKER: Okay. Well, then a vote

2 of --

3 COMMISSIONER SCARAMAZZO: Three-zero.

4 COMMISSIONER PARKER: -- three and -- Louis,

5 are you a -- a nay or an abstention?

6 COMMISSIONER HOFFMAN: Abstention.

7 CHAIRPERSON PARKER: Three ayes and two

8 abstentions; the motion carries.

9 COMMISSIONER DANIELS: This is getting scary.

10 COMMISSIONER HOFFMAN: I know.

11 MR. LANG: Ask for public comment on this? Did

12 you want to ask --

13 COMMISSIONER DANIELS: Public comment?

14 CHAIRPERSON PARKER: Would -- would anyone from

15 the public like to comment on -- on that?

16 Okay. Our next item on the agenda is

17 consideration and possible action on a request for

18 exception from participation in the primary election

19 debates from Laurin Hendrix, State Representative

20 District 22, and Albert Hale, State Representative

21 District 22. Todd?

22 MR. LANG: Madame Chair, Commissioners,

23 Representative Hendrix has indicated that he has a

24 conflict. This is always a problem because, of course,

25 we can't schedule the debates way in advance, our -- our

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17

1 that we would excuse Senator Albert Hale from

2 participation in the debate.

3 COMMISSIONER FAIRMAN: Second.

4 CHAIRPERSON PARKER: Okay. All in favor say

5 "aye."

6 (Chorus of ayes.)

7

8 CHAIRPERSON PARKER: Opposed? Motion carries.

9 Now we have consideration and possible

10 action on the 2008 general election final audit for Rick

11 Murphy, House Representative District 9. Todd?

12 MR. LANG: Madame Chair, Commissioners, this is

13 our final audit of our -- this is the last remaining

14 audit. The only other matter relating from 2008 that

15 remains is Representative Quelland's enforcement action.

16 As you recall, Representative Murphy has had a

17 hard time getting the documents to us and to our

18 auditors, and we've given him repeated extensions; and,

19 in fact, we had to subpoena records. And as you will

20 note from reviewing this document, he never did get us

21 all the documents.

22 So, here's where we are. If you look at the

23 first page, it appears, based on the auditing firm's

24 finding, he failed to report two expenditures to High

25 Noon. Those would be Article 1 violations for failure

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18

1 to report. Keep in mind, Representative Murphy is a
 2 trad- -- a traditional candidate, not a Clean Elections
 3 candidate, and so the primary focus we have with
 4 Representative Murphy is matching funds.
 5 Moving on, on the next page you will see that
 6 he -- it appears that he accepted more than the limit in
 7 PAC contributions from one PAC; this is also an Article
 8 1 violation. If you go to Page 3, this is the most
 9 important part for our consideration. At the bottom you
 10 will see he was three days late and four days late on
 11 his first triggering report, that's when he reaches the
 12 70 percent level, and he's four days late on his next
 13 report. What's important for your consideration is that
 14 no matching funds were delayed as a result of these
 15 trigger violations. And normally, given the huge -- you
 16 know, the length of time that's passed since the
 17 election, normally we would not do an enforcement action
 18 at this point.
 19 On to the next page. You will see at paragraph
 20 -- paragraph number four there are records missing. The
 21 initial paragraph speaks to the usual -- we see these in
 22 our -- our reports, the cash on hand and the bank
 23 reports not jiving with these campaign finance reports.
 24 That's a usual problem and we're fixing that in our --
 25 our -- the way we'll have the auditors work in the next
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20

1 we weren't able to complete the audit in accordance with
 2 our requirements.
 3 My recommendation is that you -- that we refer
 4 all the possible violations to the Secretary of State's
 5 office for enforcement and let Representative Murphy
 6 know about that and -- and -- and close this matter.
 7 COMMISSIONER DANIELS: Madame Chairman, Todd,
 8 do we know what the penalty is for these Article 1
 9 violations from the Secretary of State, what can happen?
 10 I should know, but...
 11 MR. LANG: It would be a -- it would be a
 12 financial penalty. Not a huge one, but it would be a
 13 financial penalty --
 14 COMMISSIONER DANIELS: Okay.
 15 MR. LANG: -- for each violation if they choose
 16 to proceed.
 17 CHAIRPERSON PARKER: Any other questions for
 18 Todd?
 19 COMMISSIONER DANIELS: Do you need a motion for
 20 us to forward that to the Secretary of State's office?
 21 MR. LANG: It -- we -- it's not required,
 22 but...
 23 COMMISSIONER HOFFMAN: I -- I would move --
 24 CHAIRPERSON PARKER: I think we have to do a
 25 motion to approve or disapprove the audit and then we
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19

1 election cycle. But the problem here is, there were
 2 records missing, so they couldn't make any final
 3 conclusions.
 4 You will see that he also, at paragraph five,
 5 failed to provide what -- the names of family members as
 6 requested.
 7 On -- on Page 5 it appears he failed to report
 8 five checks. These might have triggered matching funds,
 9 but you will note the dates that they were deposited,
 10 well after. We don't know when they were received, but
 11 the important thing here is it's an Article 1 violation,
 12 not a Clean Elections violation.
 13 And then going down to his withdrawals, he had
 14 no receipts for his expenditures. It's the Post Office,
 15 which I would assume was a stamp purchase. And he had
 16 no receipt for the money he gave to himself, probably as
 17 some sort of petty cash reimbursement.
 18 And then on the next page, you will see again
 19 the bank statements didn't coincide with the campaign
 20 finance report. This is a usual problem. We don't know
 21 that his situation is usual because we don't have the
 22 records to confirm everything.
 23 The bottom line is, Representative Murphy was
 24 recalcitrant, always friendly when I spoke to him, but
 25 unable or unwilling to comply with our requests, and so
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21

1 could add that to it, right?
 2 COMMISSIONER DANIELS: How do we --
 3 COMMISSIONER HOFFMAN: I move we accept
 4 Mr. Lang's recommendation.
 5 MR. LANG: He was ready with that.
 6 COMMISSIONER DANIELS: Second.
 7 Mr. Chairman, I don't know how we can
 8 approve the audit since it's not really complete, that's
 9 -- or disapprove, you know what I'm saying? Can we?
 10 COMMISSIONER SCARAMAZZO: Forward the
 11 incomplete audit to the Secretary of State's office for
 12 enforcement. Is that what you're looking for?
 13 CHAIRPERSON PARKER: Is that what the --
 14 COMMISSIONER DANIELS: That will work?
 15 CHAIRPERSON PARKER: Then a motion to forward
 16 Mr. Murphy's audit to the Secretary of State's office
 17 for further action. That's our motion?
 18 COMMISSIONER HOFFMAN: Yeah. It's to -- right.
 19 I -- I don't -- I mean, are we obligated to approve or
 20 disapprove it?
 21 MR. LANG: No.
 22 COMMISSIONER FAIRMAN: It doesn't say anything
 23 about --
 24 COMMISSIONER HOFFMAN: So, I just -- I'd just
 25 be inclined to accept exactly what Mr. Lang suggested.
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1 COMMISSIONER DANIELS: Yeah.
 2 CHAIRPERSON PARKER: Okay.
 3 COMMISSIONER DANIELS: I agree.
 4 COMMISSIONER HOFFMAN: Move that we forward it
 5 to the Attorney General for possible enforcement --
 6 COMMISSIONER SCARAMAZZO: Secretary of State.
 7 COMMISSIONER DANIELS: Secretary of State.
 8 COMMISSIONER HOFFMAN: -- Secretary of State
 9 for possible enforcement of the Article -- possible
 10 Article 1 violations and so inform Candidate Murphy.
 11 COMMISSIONER DANIELS: Second.
 12 COMMISSIONER HOFFMAN: -- or -- Representative
 13 Murphy.
 14 COMMISSIONER DANIELS: Candidate Murphy.
 15 CHAIRPERSON PARKER: All in favor.
 16 (Chorus of ayes.)
 17
 18 CHAIRPERSON PARKER: Opposed? Motion carries.
 19 Okay. Litigation update?
 20 MR. LANG: Madame Chair, I -- I filled you in
 21 on Quelland. Mr. Barton is recused from that case and
 22 knows nothing about the case, so unless you have
 23 questions about Quelland -- the Quelland matter, that
 24 concludes my update.
 25 CHAIRPERSON PARKER: Okay.

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1 -- and then we'll move forward with the merits briefing.
 2 MR. LANG: Commissioners, of course, they've
 3 demonstrated they're -- they are quite capable of filing
 4 emergency briefs within hours of adverse rulings. And
 5 so, there's nothing keeping them from filing a Petition
 6 for Certiorari, since they lost in the Ninth Circuit --
 7 there's nothing keep them from filing it very soon,
 8 except for the fact that, of course, there's an
 9 injunction now, and so they don't want to do anything
 10 that might allow candidates to get the relief we think
 11 they deserve, which is to get matching funds.
 12 CHAIRPERSON PARKER: When you say "they" you're
 13 talking Goldwater?
 14 MR. LANG: The Goldwater Institute. They --
 15 they can wait until August and they're going to do so.
 16 COMMISSIONER SCARAMAZZO: They can find another
 17 suit for now. It seems to be the modus operandi anyway.
 18 CHAIRPERSON PARKER: Anything else the public
 19 may want to comment on?
 20 Okay.
 21 COMMISSIONER DANIELS: Move to adjourn?
 22 COMMISSIONER FAIRMAN: Second.
 23 CHAIRPERSON PARKER: So moved.
 24 COMMISSIONER FAIRMAN: All in favor?
 25 COMMISSIONER SCARAMAZZO: All in favor?

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1 MR. LANG: Jim, do you have anything on the
 2 matching funds litigation?
 3 MR. BARTON: Well, we -- the only update I
 4 have, other than, obviously, you're aware of the most
 5 important update on the matching funds litigation, the
 6 only thing else I have to say is that we were able to
 7 get a stipulation from Plaintiff's counsel to put off
 8 determining the attorney's fees until after the Supreme
 9 Court has decided. Because, for example, if we win at
 10 the Supreme Court, then they are no longer the
 11 prevailing party and we don't have to pay any attorney's
 12 fees, so. In any case, that's the only update on that
 13 is we'll -- we'll fight that battle after we're done
 14 with the Supreme Court.
 15 MR. LANG: And when is their appeal -- when is
 16 their Petition for Certiorari due?
 17 MR. BARTON: It's in August. It's -- I don't
 18 know the date off the top of my head. But it's
 19 sometime, I think mid-August is when their -- and
 20 they'll -- and they've said that they're going to take
 21 the full time to -- on their Petition for Cert., and
 22 then we'll have a response to the Petition for Cert.,
 23 you know, we'll oppose the Petition, and then they'll
 24 have a -- a reply and then the Court will decide whether
 25 or not to take Cert. -- I assume they will -- and then

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1 (Chorus of ayes.) -04:-01:-59
 2 -04:-01:-59
 3 COMMISSIONER SCARAMAZZO: Motion carries. -04:-01:-55
 4 Thanks, everyone. -04:-01:-54
 5
 6 * * * * *
 7
 8 C E R T I F I C A T E
 9
 10 I, Angela Furniss Miller, Certified Reporter,
 11 do hereby certify that the foregoing pages numbered 1
 12 through 24, inclusive, constitute a full and accurate
 13 printed record of my stenographic notes taken at said
 14 time and place, all done to the best of my skill and
 15 ability.
 16 DATED, at Phoenix, this 21st day of June,
 17 2010.
 18
 19
 20
 21 Angela Furniss Miller, RPR
 22 Certified Reporter (AZ50127)
 23
 24
 25

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