



**ARIZONA MUNICIPAL CLERKS' ASSOCIATION
AD HOC COMMITTEE MEETING MINUTES
DECEMBER 9, 2020**

Committee Members: Tracie Bailey, Christina Werther, Carolyn Jagger, Sherry Aguilar, Sharon Antes, and Kelsea Holian

1. Call to Order

Meeting was called to order by Chair Tracie Bailey at 1:00 p.m.

Roll Call

The following members were present: Tracie Bailey, Christina Werther, Carolyn Jagger, Sherry Aguilar, Sharon Antes, and Kelsea Holian

2. Old Business

3. New Business

a. Discussion regarding how other Region 8 States handle campaign finance violations

Ms. Holian noted she had reached out to cities in California and they send campaign finance violations to the attorney then they go to Clean Elections. Ms. Antes noted most of them go to somewhere besides the clerk. Ms. Aguilar noted it sounded like the Secretary of State's Office used the reporting software for campaign finance reviews. Ms. Werther felt the Secretary of State's Office in Arizona would push back on efforts to assign local campaign finance complaints to the State.

Ms. Jagger liked the ordinance Grand Junction passed. Charter cities could do an ordinance, but general law cities could not. Ms. Jagger felt it would be nice to have the option to refer it to someone else if no other clerk or attorney could help. Ms. Werther noted the law said you could refer it to someone else, but the law does not elaborate on the process. Ms. Jagger noted all city and town elections happen at the same time so no one else has time to help.

b. Discussion regarding what the solution is Clerks are looking for

Ms. Antes asked if it could be moved to the Counties and felt that would eliminate some complaints because it was going to someone higher. The clerks could handle the complaints about signage. Ms. Antes asked if it was feasible to get something to the League for the 2022 election cycle. Ms. Werther replied the committee could get it in the package by Spring 2022, but it would have to have an emergency clause or it would be in effect in August.

Ms. Jagger asked if there was a chance the Secretary of State would take it on. Ms. Werther explained she had handled campaign finance violations at the State previously and felt the State would not take it on. Ms. Jagger asked if the Secretary's Office would sponsor the legislation. Ms. Werther felt it was better if the Counties sponsored it. Ms. Antes noted clerks have an inherent conflict to start with. Ms. Werther noted the County probably already has a packet for next year and there was probably not an opportunity this year to get it in the Arizona Association of Counties packet and it isn't a county issue so there's no reason for them to advocate for the change.

c. Discussion regarding language for the legislature to change the law

Ms. Werther noted the first Policy Committee meeting was in April. One of the committee members would have to get their town or city to present and advocate for the change. Council Members were the best suited to testify at the Legislature. Ms. Aguilar felt it would be hard to get Council Members to buy in because they like to have this mechanism in place. Ms. Aguilar asked if the clerks bring this forward and do not have support how would it go forward.

Ms. Antes asked how many charter cities there were in Arizona. Ms. Werther replied 19. Ms. Werther noted charter cities did have to be careful not to conflict with State law. Ms. Werther noted the committee could have a legislator make the request to the Attorney General on how to proceed with an opinion about the conflict in the law, but there is always a risk the opinion will not help the cities and towns.

Ms. Werther believed the committee needed to find a solution first. Ms. Aguilar felt the committee should look at resources that could be made available on the website. Ms. Antes asked if the complaints could be sent to a third party such as a hearing officer rather than the clerk. Ms. Werther noted Phoenix was looking at using hearing officers. Ms. Jagger noted hearing officers were not filing officers and Ms. Werther agreed that may be why Phoenix didn't proceed with that option.

Ms. Werther suggested the Secretary of State Elections Procedures Manual as a mechanism to deal with conflicts and have a process to follow, which would occur next summer. Ms. Jagger suggested the AMCA put a list of people on the website who were willing to help with campaign finance violations. Ms. Jagger noted it helped to not entertain the frivolous complaints and just dismiss them.

Following more discussion it was the committee's consensus to ask the AMCA Board to the discuss the Election Committee incorporating a few specialist clerks to help with Campaign Finance Violations. Maybe a sub-committee within the Election Committee that would look at Campaign Finance Violations for other clerks and make a recommendation on whether there was reasonable cause. The committee could help with the letters that have to be sent to the parties involved. Try to have representation from each Region on the committee. Retired members could serve on the committee. The complaint would be assigned to one person on the

committee as the filing officer to comply with the statute, but all of the committee members could help look at the complaint. The members of this committee would get additional training from Christina or someone else on the process. The committee wanted to include the counties, State, etc. for training purposes also so the committee members could learn how they handle the process of finding reasonable cause and create a best practices model for the committee. The committee would ask to have this in place for the 2022 election cycle. The committee would ask for this discussion to be added to the January Board meeting agenda.

5. **Items to be communicated to the Communication Committee**

None.

6. **Good of the Order/Comments from Committee Members**

7. **Next Meeting Date:** TBD in January

8. **Adjournment**

Chair Bailey adjourned the meeting at approximately 1:45 p.m.

Submitted by

Tracie Bailey

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