

Indiana Election Commission
Minutes
September 22, 2023

Members Present: Paul Okeson, Chairman and Member of the Indiana Election Commission (“Commission”); Suzannah Wilson Overholt, Vice Chair of the Commission; Adam Dickey, Proxy for Karen Celestino-Horseman, member; Litany A. Pyle, Member.

Members Absent: Karen Celestino-Horseman.

Staff Attending: J. Bradley King, Co-Director, Indiana Election Division of the Office of the Secretary of State (Election Division); Angela M. Nussmeyer, Co-Director of the Election Division; Matthew Kochevar, Co-General Counsel of the Election Division; Valerie Warycha, Co-General Counsel of the Election Division; Abbey Taylor, Campaign Finance staff, Election Division; Michelle Thompson, Campaign Finance staff, Election Division.

Others Attending: Dr. Jay Bagga; Ms. Alyssa Bailey; Ms. Becky Bechtel; Mr. Garrett Blad; Dr. Chad Kinsella; Mr. Michael Perry; Mr. Evan Shearin;

1. Call to Order:

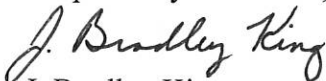
The Chair called the September 22, 2023 meeting of the Commission to order at 1:00 p.m. EDT in the Indiana Government Center South Conference Room A, 402 West Washington Street, Indianapolis.

2. Transaction of Commission Business:

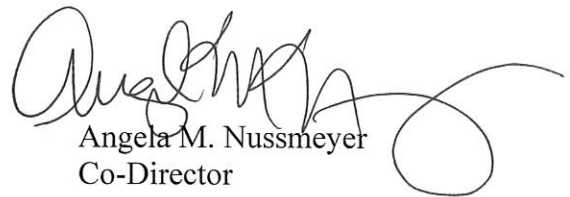
The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Maria W. Collier, RPR, CRR, of Stewart Richardson and Associates, which is incorporated by reference into these minutes.

The Commission adjourned its meeting at 1:51 p.m. EDT.

Respectfully submitted,

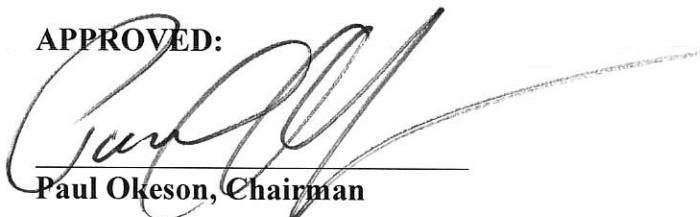


J. Bradley King
Co-Director



Angela M. Nussmeyer
Co-Director

APPROVED:


Paul Okeson, Chairman

In the Matter Of:
INDIANA ELECTION COMMISSION PUBLIC SESSION

Transcript of Proceedings

September 22, 2023

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2 INDIANA ELECTION COMMISSION
3 PUBLIC SESSION
4
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6

7 Conducted on: September 22, 2023
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9

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11 Conducted at: Indiana Government Center South
12 402 West Washington Street, Conference Room C
13 Indianapolis, Indiana
14

15
16 A Stenographic Record by:
17 Maria W. Collier, RPR, CRR
18

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20
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22
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24 STEWART RICHARDSON & ASSOCIATES
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APPEARANCES

INDIANA ELECTION COMMISSION:

Paul Okeson - Chairman

Suzannah Wilson Overholt - Vice Chairman

Litany Pyle - Member

Adam Dickey - Proxy for Karen Celestino-Horseman -
Member

INDIANA ELECTION DIVISION STAFF:

Angela M. Nussmeyer - Co-Director

J. Bradley King - Co-Director

Matthew Kochevar - Co-Counsel

Valerie Warycha - Co-Counsel

Michelle Thompson - Campaign Finance Director

Abbey Taylor - Campaign Finance Director

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1
2 CHAIRMAN OKESON: Good afternoon. Calling the
3 Indiana Election Commission public session, Friday,
4 September 22nd, 1:00-ish p.m., to order here in
5 Conference Room C, Indiana Government Center South.

6 Note the following members are present:
7 Myself, Chair Paul Okeson; Vice-Chair Suzannah
8 Wilson Overholt; Commission Member Litany Pyle and
9 her new partner; and sitting in for Karen
10 Celestino-Horseman is Adam Dickey.

11 Thank you for joining us today.

12 MR. DICKEY: Of course.

13 CHAIRMAN OKESON: Also in attendance are the
14 Election Division staff: Co-Directors Brad King
15 and Angie Nussmeyer and Co-Counsels Matthew
16 Kochevar on my left and Valerie Warycha on my
17 right.

18 Our court reporter, once again, Maria Collier
19 from Stewart Richardson. Thank you for being here
20 today.

21 Documentation of compliance with the Open Door
22 Law. Co-Director King.

23 MR. KING: Mr. Chairman, members of the
24 Commission, on behalf of Co-Director Nussmeyer and
25 myself, we certify that notice of this meeting was

1 given in compliance with Indiana's Open Door Law.

2 CHAIRMAN OKESON: Thank you.

3 Moving on, we have approval of the August 18,
4 2023, minutes. I recognize the co-directors to
5 present the minutes.

6 MR. KING: Mr. Chairman, members of the
7 Commission, on behalf of myself and Co-Director
8 Nussmeyer, we have reviewed the August 18, 2023,
9 Commission minutes and recommend them to you for
10 your approval.

11 CHAIRMAN OKESON: Is there a motion to approve
12 the minutes as presented?

13 VICE CHAIRMAN OVERHOLT: So moved.

14 CHAIRMAN OKESON: Second?

15 MS. PYLE: Second.

16 CHAIRMAN OKESON: Any discussion?

17 Hearing none, all those in favor signify by
18 saying "Aye."

19 VICE CHAIRMAN OVERHOLT: Aye.

20 MR. DICKEY: Aye.

21 MS. PYLE: Aye.

22 CHAIRMAN OKESON: The "ayes" have it.

23 Next, administration of oath. Any person who
24 plans on testifying today before the Commission on
25 any matter, please stand and respond to Co-Counsel

1 Kochevar's oath.

2 MR. KOCHEVAR: Okay. All those planning to
3 testify before the Indiana Election Commission,
4 please raise your right hand and say "I do" after
5 recitation of the oath.

6 Do you solemnly swear or affirm, under the
7 penalties of perjury, that the testimony you are
8 about to give to the Indiana Election Commission is
9 the truth, the whole truth, and nothing but the
10 truth? Please say "I do."

11 ALL: I do.

12 CHAIRMAN OKESON: Thank you, Mr. Kochevar.

13 Next, we have campaign finance enforcement
14 matters. Before proceeding with campaign finance
15 enforcement actions, we have customarily given any
16 committee present the final opportunity to pay a
17 reduced civil penalty by waiving the right to
18 present evidence and arguments to the Commission.

19 Of course, any committee is welcome to do so
20 for the purposes of the penalty being waived or
21 reduced, but this has been an opportunity for those
22 who want to waive any opportunity to present and
23 simply accept a reduced penalty without making any
24 argument or presentation.

25 Therefore, I will move to adopt the following

1 arrangements: If this is the committee's first
2 violation, the arrangement is for the committee to
3 pay 25 percent of the proposed fine and mailing
4 costs. If it's the committee's second violation,
5 the arrangement is for the committee to agree to
6 pay 50 percent of the proposed fine and mailing
7 costs. And if this is the committee's third
8 violation, the committee would agree to pay
9 75 percent of the proposed violation plus mailing
10 costs. For purposes of this arrangement, a
11 previous settlement agreement entered into by the
12 committee will be counted as one violation.
13 Likewise, if more than one alleged violation
14 occurred on the same calendar day, that group of
15 violations shall also be counted as one violation.

16 Is there a second to this motion?

17 VICE CHAIRMAN OVERHOLT: Second.

18 CHAIRMAN OKESON: Any discussion?

19 VICE CHAIRMAN OVERHOLT: Could I, since Karen
20 is not here?

21 CHAIRMAN OKESON: Sure, yeah.

22 VICE CHAIRMAN OVERHOLT: Since Karen's not
23 here, so this is the opportunity to be assured that
24 your proposed fine is somehow compromised. So this
25 is the opportunity to come up and not make any

1 argument, just say it's my first violation, I'll
2 take 25 percent, or whatever applies. If you don't
3 take this deal, as we call it, to have these
4 reduced penalties and you decide to proceed with a
5 hearing, there is zero guarantee that the proposed
6 penalty is going to be reduced.

7 So, in other words, we encourage you, if
8 you're concerned about how much you're going to end
9 up paying, to take the deal. Otherwise, you're
10 subject to whatever we think is appropriate, which
11 may be imposing the full penalty.

12 CHAIRMAN OKESON: Ignorance is not an excuse
13 for violations.

14 VICE CHAIRMAN OVERHOLT: Right, yeah.

15 CHAIRMAN OKESON: Any other discussion?

16 Thank you.

17 Hearing none, all those in favor signify by
18 saying "Aye."

19 VICE CHAIRMAN OVERHOLT: Aye.

20 MR. DICKEY: Aye.

21 MS. PYLE: Aye.

22 CHAIRMAN OKESON: The "ayes" have it. Those
23 are the rules.

24 The Commission will begin with committees
25 whose representatives are seated in the front of

1 the room and ask those who wish to accept those
2 arrangements to please step forward. So anybody
3 who wants to accept those, please make a line.

4 Again, if you would, please state your name
5 and spell it for the court reporter so that we have
6 a precise record. And if you know your cause
7 number, that would be helpful.

8 MR. PERRY: So my name is Michael Perry. I'm
9 the treasurer of the Warrick County Central
10 Committee Republican Party.

11 CHAIRMAN OKESON: Will you spell your name for
12 the court reporter.

13 MR. PERRY: First and last?

14 CHAIRMAN OKESON: Sure.

15 MR. PERRY: Okay. Michael, M-i-c-h-a-e-l,
16 last name Perry, P, as in Paul, -e-r-r-y.
17 Administrative Cause No. 2023-6953-221.

18 I would like to request a first-time-offense
19 penalty. I wanted to blame this on the local clerk
20 in my county, but I'd get in trouble when I got
21 home because I'm married to her. Thank you.

22 CHAIRMAN OKESON: Okay. Did you all find
23 that?

24 MS. TAYLOR: At the bottom of 7, top of 8.
25 Warrick County Republican Central Committee, Cause

1 No. 2023-6953-221, proposed civil penalty of \$700
2 and 63 cents in mail costs. This is their second
3 time.

4 CHAIRMAN OKESON: Do you understand that?

5 VICE CHAIRMAN OVERHOLT: So it would be
6 50 percent as opposed to 25 percent.

7 MR. PERRY: I understand. I thought you said
8 that, if it's in a calendar year, it would be a
9 first time. I've been the treasurer for three
10 years, and this is the first time that I've --

11 VICE CHAIRMAN OVERHOLT: It's the history.

12 MR. PERRY: Oh, the entire history?

13 VICE CHAIRMAN OVERHOLT: It's the total
14 history. This is your second offense.

15 MR. PERRY: I don't have an excuse. I just
16 blew the deadline, so there's no sense in wasting
17 your time.

18 CHAIRMAN OKESON: Take 50 percent?

19 MR. PERRY: I'd like to go 25, but I'll take
20 50.

21 VICE CHAIRMAN OVERHOLT: So it's \$350 plus
22 63 cents in mailing costs.

23 MR. PERRY: Okay.

24 CHAIRMAN OKESON: Thank you.

25 MR. PERRY: Will I get documentation of that?

1 CHAIRMAN OKESON: Yes.

2 MR. PERRY: And do I have a time certain to
3 have that paid by?

4 MS. THOMPSON: Yeah. We'll send you the
5 order.

6 MR. KING: Mr. Chairman, members of the
7 Commission, the Commission will meet at a
8 subsequent date to adopt the final order that
9 reflects these actions today, and then, after that
10 meeting, notice will be sent to the committee that
11 generally provides for payment within 30 days after
12 the order has been transmitted.

13 MR. PERRY: So I don't need to break my piggy
14 bank today when I go home?

15 CHAIRMAN OKESON: No, sir.

16 MR. PERRY: Okay. Thank you so much. May I
17 be excused?

18 CHAIRMAN OKESON: Yes. Thank you. Appreciate
19 it.

20 MS. BECHTEL: Hello. I'm Becky Bechtel, and I
21 am the treasurer of the Indiana Federation of
22 Republican Women. We are a volunteer organization.

23 CHAIRMAN OKESON: Can you spell your name.

24 MS. BECHTEL: Oh, I'm so sorry. B-e-c-h-t-e-l
25 is my last name, and my first name is Becky,

1 B-e-c-k-y.

2 CHAIRMAN OKESON: Thank you.

3 MS. BECHTEL: Thank you. I'm the treasurer of
4 the Indiana Federation of Republican Women. We are
5 a volunteer organization. And I would like to hear
6 what the deal is. What I'm doing is I'm
7 transitioning off after four years. And, oh, do I
8 say --

9 CHAIRMAN OKESON: Do you have your cause
10 number in front of you? If not, we can find it.

11 MS. BECHTEL: Oh, Administrative Case
12 No. 2022-321-166.

13 MS. THOMPSON: Mr. Chairman, it's on the
14 bottom of page 6.

15 CHAIRMAN OKESON: Okay.

16 VICE CHAIRMAN OVERHOLT: So is this their
17 fifth time?

18 MS. THOMPSON: This will be their fifth time.

19 MS. BECHTEL: Fifth time? I don't want that
20 one. It's not under me as treasurer, though.

21 CHAIRMAN OKESON: That's not how these are
22 logged. It's purely by the committee.

23 MS. BECHTEL: Oh, gosh, fifth time?

24 VICE CHAIRMAN OVERHOLT: Yes.

25 MS. BECHTEL: Okay. Maybe I don't want to get

1 up here then.

2 VICE CHAIRMAN OVERHOLT: Yeah. I recommend
3 you sit down and --

4 MS. BECHTEL: Yeah, I think so. Thank you.

5 MS. BAILEY: Hi there. My name is Alyssa
6 Bailey, A-l-y-s-s-a, B-a-i-l-e-y. And I'm not sure
7 if it's better to present or just take the fine
8 now. I have two cause numbers.

9 CHAIRMAN OKESON: Where we are now is just
10 accepting the penalty reduction, so if you'd like
11 to do that, please proceed.

12 MS. BAILEY: Well, I have two cause numbers.
13 One is 2022-7378-124.

14 MS. THOMPSON: Mr. Chairman, that's on page 1
15 and page 3.

16 CHAIRMAN OKESON: Okay.

17 MS. THOMPSON: And this is your first time
18 before the Commission.

19 MS. BAILEY: Yes. Sorry. I'm a little
20 nervous.

21 CHAIRMAN OKESON: Please don't be.

22 MR. KOCHEVAR: I'm sorry. There's a note in
23 the file here this is a motion to reconsider.

24 MS. TAYLOR: Yes.

25 CHAIRMAN OKESON: Was that our motion? What

1 do you mean motion to reconsider?

2 MS. BAILEY: I was on military orders, I know
3 that, during both these. I was on a deployment
4 from the first time, and then I've been on military
5 orders from the second. And according to the Hatch
6 Act, I didn't know if I was able to even present --
7 or file anything because military orders are pretty
8 stringent on what you can do campaign-wise. Sadly,
9 it was just me. I didn't have anybody else to help
10 out, but I've rectified that situation. So that's
11 why I didn't know what would be the best course of
12 action.

13 CHAIRMAN OKESON: So you were deployed in the
14 armed services?

15 MS. BAILEY: Yes. And I have all my orders
16 and all of that information, sir.

17 MR. KING: Mr. Chairman --

18 CHAIRMAN OKESON: Why don't you --

19 MR. KING: Excuse me, Mr. Chairman. Based on
20 the individual's testimony, it appears the
21 Commission may have adopted a previous order in
22 this matter, so staff may be able to provide
23 additional information.

24 CHAIRMAN OKESON: If it's not too much of an
25 inconvenience, would you sit for us.

1 MS. BAILEY: I can do that, sir.

2 CHAIRMAN OKESON: And we'll get back to you.

3 MS. BAILEY: Yes. No problem.

4 CHAIRMAN OKESON: Thank you.

5 MR. BLAD: Hello. My name is Garrett Blad,
6 G-a-r-r-e-t-t, B-l-a-d, Case No. 2023-7382-72.

7 MS. TAYLOR: That's at the bottom of page 3,
8 top of page 4, Blad for Indiana, Cause
9 No. 2023-7382-72, has a proposed civil penalty of
10 \$1,000.60, and this is his second time before the
11 Commission.

12 CHAIRMAN OKESON: So you're in agreement with
13 the proposed reduction of 50 percent?

14 MR. BLAD: Yes. I was not aware of the first
15 time, but yeah. This is the first time -- I dealt
16 with the transactions when I got them. I didn't
17 get them beforehand because I moved residencies.
18 So this is my understanding of the first time, but
19 I was unaware of the previous correspondence.

20 CHAIRMAN OKESON: So I just need to hear you
21 acknowledge you'll accept the proposed reduction to
22 50 percent plus mailing costs.

23 MR. BLAD: Yeah. Like you said before, I
24 think ignorance is not a reason, so there would
25 be -- yeah. I'm unaware of what else would be

1 possible, but, yeah, accept the 50 percent.

2 CHAIRMAN OKESON: Okay. And that will be
3 \$500.60. Thank you.

4 MR. SHEARIN: Hello. Good afternoon. My name
5 is Evan Shearin, E-v-a-n, S-h-e-a-r-i-n. I
6 received the letter, the proposal for settlement
7 letter, some months ago. I sent a check to the
8 Elections Commission and received a call from a
9 very lovely lady named Michelle who said, "We need
10 you to sign the letter and return it."

11 So I faxed it to her, and she called me back
12 and said, "We still haven't gotten your letter."
13 So I faxed it again, and I didn't hear anything
14 until I received the notice of the hearing. So
15 that was probably my -- I was remiss in not
16 following up on that and confirming that she had
17 gotten it when I faxed it.

18 CHAIRMAN OKESON: Okay. So what's the cause
19 number?

20 MR. SHEARIN: 99-7677.

21 MS. THOMPSON: Mr. Chairman, it's the bottom
22 of page 4. This is Evan Shearin for Indiana, Cause
23 No. 2023-7677-103 and 2023-7677-157. He's got two
24 of them.

25 MR. SHEARIN: I apologize. I read the entire

1 wrong number.

2 CHAIRMAN OKESON: This is his first time?

3 MS. TAYLOR: His second because he paid one
4 settlement agreement.

5 CHAIRMAN OKESON: So are you in agreement to
6 take the proposed 50 percent reduction in
7 penalties?

8 MR. SHEARIN: Yes.

9 CHAIRMAN OKESON: So is that --

10 VICE CHAIRMAN OVERHOLT: \$500 plus 60 cents.

11 MS. NUSSMEYER: 525. There's two.

12 VICE CHAIRMAN OVERHOLT: Oh, there are two of
13 them.

14 CHAIRMAN OKESON: Okay.

15 MR. SHEARIN: And I'm sorry. That's 5-?

16 MS. TAYLOR: 526.20. We'll mail notice.

17 CHAIRMAN OKESON: Yeah. That will all come to
18 you later.

19 MS. TAYLOR: And you'll get another 30 days
20 after that. You've got plenty of time.

21 MR. SHEARIN: I spaced the deadline. I have
22 no defense at all. I absolutely did exactly what
23 I'm accused of. Thank you very much.

24 CHAIRMAN OKESON: Thank you.

25 MR. SHEARIN: All set?

1 CHAIRMAN OKESON: Yes.

2 MR. SHEARIN: Thank you all very much. Have a
3 great day.

4 CHAIRMAN OKESON: Is that it?

5 MS. TAYLOR: We've got Becky and Alyssa that
6 sat back down.

7 CHAIRMAN OKESON: So before we move on,
8 Ms. Bechtel.

9 MS. BECHTEL: Hello. My name is Becky
10 Bechtel, B-e-c-k-y, B-e-c-h-t-e-l. I'm the
11 treasurer of the Indiana Federation of Republican
12 Women, and I have been their treasurer for four
13 years. And I am actually going off of that role
14 within the next two weeks. That's great for
15 everyone, I think. But let me just say that we are
16 a volunteer organization, members of different
17 counties in Indiana. Here in Indianapolis, it
18 would be the Greater Indianapolis Republican
19 Women's Club.

20 And this is what happened: Michelle Thompson
21 and I spoke, who has been a wonderful help to me,
22 in January of the year of the violation. And
23 whatever it was we were talking about -- I can't
24 remember what it was. It could have been about a
25 filing or something, how to take something off, and

1 she said, "Yeah, you're fine now. You don't have
2 to worry about filing again until October," is what
3 she said.

4 I missed it. I mean, obviously that was
5 incorrect, and I am not saying it's her fault.
6 It's absolutely my fault as the treasurer for not
7 checking that. And I think what happened is that
8 things got confused because deadlines were
9 different during the year of COVID, the year
10 before. And so that's where we're at. I made a
11 mistake and missed the deadline, and you don't even
12 want to know how I felt about missing that
13 deadline.

14 And so that is my story, and there really is
15 nothing else to tell you other than that. I accept
16 my blame as treasurer. It was not at all
17 intentional, and I apologize profusely on behalf of
18 myself and the organization.

19 CHAIRMAN OKESON: So we didn't really
20 establish the rules for administrative hearings
21 here, but we know them well enough, and we've heard
22 opening comments.

23 As I understand it, the fine is \$600. Is that
24 right?

25 MS. TAYLOR: Yes.

1 CHAIRMAN OKESON: Any questions from anyone?
2 Melissa, do you have anything to add? Does
3 this ring a bell?

4 MS. PYLE: Michelle.

5 CHAIRMAN OKESON: Michelle. Sorry.

6 MS. THOMPSON: No. It's okay.

7 CHAIRMAN OKESON: Well, you have a proposed
8 fine here of \$600.60, which includes your mailing
9 costs, and I'm not hearing anything from you,
10 unfortunately, that would suggest we reconsider
11 that, unless anyone would like to offer any past
12 precedent or any issues that might be prior to this
13 body that I'm not aware of.

14 VICE CHAIRMAN OVERHOLT: No. I would just
15 add, Ms. Nussmeyer just reminded me that notices
16 are sent out via mail to each committee, so
17 whatever address the committee had would have
18 received a notice of the due date.

19 CHAIRMAN OKESON: And you say you did receive
20 those notices; correct?

21 MS. BECHTEL: I received, excuse me, what?

22 CHAIRMAN OKESON: You did receive the notices
23 from the Election Division; correct?

24 MS. BECHTEL: Oh, thank you for that reminder.
25 Thank you for that because it's been a long time.

1 No, I did not. And that was part of the problem.
2 Our -- the mailings were not coming to my house.
3 Okay? They were coming to State Party, 101 West
4 Ohio, Suite 2200. And our president at the time,
5 Monica Kozlowski, would pick up the mail whenever
6 she was there. And that is how -- thank you for
7 that reminder. That is true.

8 Since then, of course, since all this
9 happened, we have since changed it to my address.
10 Okay? But at that time and for a year or two
11 prior, I did not receive the notices. And like I
12 said, Monica, again, not trying to blame anybody
13 here, but that's the way it was set up, and the
14 mailings were going to 101 West Ohio.

15 So that does put another spin on it, and thank
16 you for that. Like I said, this has been so long
17 and it's been delayed, not on your half, but on our
18 half because of conflicts or what have you. And we
19 are volunteers. I'm not an accountant. And you
20 can bet that, if I had that notice, all you have to
21 do is click the submit button. Even if your report
22 is not completely done, you can go back and amend
23 it. But in this case, you know, what I'm saying
24 is, if I had known, all I would have had to do was
25 click submit.

1 So I apologize, and, yes, you are correct. I
2 did not -- I did not receive the notification on
3 time. I apologize.

4 CHAIRMAN OKESON: Unfortunately, I'm not
5 hearing anything that's compelling as to any sort
6 of leniency. I'm sorry for that, but we do have to
7 try to be somewhat consistent.

8 Unless someone would like to offer a motion to
9 the contrary, I would move that we move forward
10 with the proposed penalty.

11 VICE CHAIRMAN OVERHOLT: Second.

12 CHAIRMAN OKESON: Any further discussion?

13 All those in favor signify by saying "Aye."

14 VICE CHAIRMAN OVERHOLT: Aye.

15 MR. DICKEY: Aye.

16 MS. PYLE: Aye.

17 CHAIRMAN OKESON: The "ayes" have it.

18 \$600.60 and there will be notice sent to you
19 for that. Thank you.

20 Ms. Bailey.

21 MS. BAILEY: Yes. I'll restate my name again.
22 Alyssa Bailey, A-l-y-s-s-a, B-a-i-l-e-y. And,
23 again, I have two cause numbers.

24 CHAIRMAN OKESON: You're fine with that.

25 MR. KOCHEVAR: Mr. Chairman.

1 CHAIRMAN OKESON: Mr. Kochevar, go ahead.

2 MR. KOCHEVAR: Do you have the motion to
3 reconsider in the file?

4 MS. TAYLOR: Yes, it's in there. It's in the
5 back. I don't know if we put stickers on it this
6 time.

7 MS. THOMPSON: I didn't. There were only
8 three.

9 MS. TAYLOR: Yeah. There are only three.
10 It's behind the spreadsheet. It should be
11 continuances and Alyssa's.

12 MS. THOMPSON: I don't have it.

13 MS. TAYLOR: Then I have it.

14 CHAIRMAN OKESON: I'm not seeing it.

15 MS. THOMPSON: It's not in there. Hopefully
16 it's in the file.

17 CHAIRMAN OKESON: Do you need to see it?

18 MR. KING: We'll need it for the record.

19 MS. WARYCHA: You guys go ahead and look at it
20 first.

21 CHAIRMAN OKESON: We're reviewing your email.
22 Just give us a moment. Thanks.

23 MS. BAILEY: That's no problem.

24 CHAIRMAN OKESON: Is your committee still
25 open?

1 MS. BAILEY: Yes, it is.

2 CHAIRMAN OKESON: Do you intend to keep it
3 open?

4 MS. BAILEY: For now, for now I do.

5 VICE CHAIRMAN OVERHOLT: I know you said you
6 intend to keep it open. So you're planning to
7 possibly run again?

8 MS. BAILEY: Yes. I've been on a lot of
9 military orders, though, so right now I'm
10 ineligible to run due to just my amount of active
11 duty time. So I'm waiting to see how that pans
12 out.

13 There's a lot going on right now, and so if
14 the need for orders -- I would just hate to shut it
15 down and then eventually want to run again. We
16 don't really have anybody else running in that
17 spot, so I think a choice is important for people.
18 I just don't know, with my military, if I will be
19 the best choice, so right now, again, I can't
20 because I've been on military orders too long at
21 this point, military orders for the year.

22 VICE CHAIRMAN OVERHOLT: You could close --
23 I'm not trying to discourage you from running. I'm
24 just looking for a creative solution. I mean, you
25 could close the committee, and if you find yourself

1 in a window where it looks like your circumstances
2 would allow you to run, you could reopen the
3 committee.

4 MS. BAILEY: How would that work? I'm very
5 new to all of this. I have no political
6 background. When I ran, I was just a teacher and
7 in the military, so I don't really know any of this
8 world. Does that matter that I still have a little
9 bit of funds in my account?

10 MR. KOCHEVAR: Yes.

11 MR. DICKEY: Yes. You'd have to disburse the
12 funds to zero.

13 MS. BAILEY: Okay.

14 VICE CHAIRMAN OVERHOLT: How much is in the
15 account?

16 MS. BAILEY: I think there is about \$10,000 in
17 there still, ma'am.

18 VICE CHAIRMAN OVERHOLT: Oh.

19 MR. KOCHEVAR: Mr. Chairman, it's been some
20 time since we've done a motion to reconsider, but
21 it is -- I just wanted to check the Administrative
22 Orders and Procedures Act. I didn't have anything
23 here in the book.

24 The procedure would be that you'd have to take
25 up the motion to reconsider, it would have to be

1 approved, which would then essentially reopen the
2 hearing, for which then you would then revote on
3 imposing the full fine that can be imposed under
4 law, a reduction of said fine based on however the
5 Commission sees fit, or a waiver of that fine,
6 which you also have the ability to do. So it's a
7 two-step process.

8 MR. DICKEY: So technically we need a motion.

9 MR. KOCHEVAR: You need a motion to
10 reconsider.

11 CHAIRMAN OKESON: So I move to reconsider the
12 matter.

13 Is there a second?

14 MR. DICKEY: Second.

15 CHAIRMAN OKESON: All those in favor signify
16 by saying "Aye."

17 VICE CHAIRMAN OVERHOLT: Aye.

18 MR. DICKEY: Aye.

19 MS. PYLE: Aye.

20 CHAIRMAN OKESON: So we're now reconsidering
21 your case.

22 MS. BAILEY: Thank you. Sorry for causing all
23 the extra steps and process.

24 MR. KING: Mr. Chairman, Ms. Warycha and I are
25 totally in agreement with Matthew's statements, but

1 just for the record, we wondered if the campaign
2 finance staff could clarify which order is being
3 reconsidered.

4 CHAIRMAN OKESON: So there's two of them?

5 MR. KING: That's what the record should
6 establish.

7 MR. KOCHEVAR: Oh.

8 CHAIRMAN OKESON: So then we'd be kind of
9 bifurcating reconsidering if it's one and then
10 hearing the other?

11 MS. WARYCHA: Go ahead, Matthew.

12 MR. KOCHEVAR: Yes. I'm sorry. I'm looking
13 at the notes here. The motion to reconsider was
14 for the fine that was imposed from their delinquent
15 2021 annual report. The other one that's before
16 us, which is on page 2, is the delinquent report
17 for the 2022 annual. And that was continued, so
18 that matter is still open. No action has been
19 taken.

20 MS. NUSSMEYER: No, that's not -- no.

21 MR. DICKEY: You're looking at this.

22 MR. KOCHEVAR: Oh, I'm sorry. Okay.

23 MS. BAILEY: When I sent the email, I think
24 that the other one, I hadn't received my letter on
25 it yet. The first one, it went to a P.O. Box that

1 no longer is under our control. But I think, if I
2 remember correctly, with my email correspondence, I
3 could only do a reconsider on the first one because
4 the second one hadn't been sent to me yet or I
5 hadn't received it yet. I don't know if that rings
6 any bells or seems to make any sense, but that, I
7 think, was my understanding was the other one I
8 hadn't received it officially yet.

9 CHAIRMAN OKESON: Okay.

10 MS. TAYLOR: So the order that we mailed for
11 the 2021 annual report was Order No. 2022-90. And
12 the second one, which was for the 2022 annual, we
13 didn't mail until after the August 18th hearing,
14 and that was Order No. 2023-271.

15 CHAIRMAN OKESON: Why does that not line up
16 with these cause numbers?

17 MS. TAYLOR: Order numbers are not related to
18 cause numbers. I'm sorry.

19 CHAIRMAN OKESON: I'm waking up.

20 MS. TAYLOR: We wanted to wake your brain up
21 today, Paul.

22 CHAIRMAN OKESON: You're getting close.

23 VICE CHAIRMAN OVERHOLT: So there are two, so
24 both of those orders impose these fines in full?

25 MS. TAYLOR: Yes.

1 VICE CHAIRMAN OVERHOLT: So we've got two
2 orders, each of which imposes a fine of \$1,000 plus
3 60 cents?

4 MS. TAYLOR: Correct, yes.

5 CHAIRMAN OKESON: I'm still confused because
6 it shows the same -- so one's for '21, one's for
7 '22?

8 MS. TAYLOR: Yes.

9 CHAIRMAN OKESON: All right. I'm certainly
10 sensitive to the circumstances that you presented.

11 MS. BAILEY: I do have my military orders if
12 you all need to see any of those for the
13 corresponding time frames.

14 CHAIRMAN OKESON: I don't contest the
15 veracity, unless we need to have them.

16 MR. KING: If she wishes to present them.

17 CHAIRMAN OKESON: Would you like us to have
18 them?

19 MS. BAILEY: Just if you need them, I have
20 them available.

21 VICE CHAIRMAN OVERHOLT: It's your call. I
22 don't have any reason to question.

23 Would you prefer that we have them for the
24 record?

25 MR. KOCHEVAR: Yes.

1 MS. WARYCHA: I'll take them from you. Is it
2 okay if I keep them for the binder and the record?

3 MS. BAILEY: Yes. But it does have my social
4 security number on it.

5 MS. WARYCHA: Is this just a copy?

6 MS. BAILEY: Those are all of my official
7 records.

8 VICE CHAIRMAN OVERHOLT: My suggestion would
9 be that we review them, and then we can note on the
10 record that we -- well, let's review them. I would
11 say we then note on the record what our review
12 indicates and not introduce the records into the
13 record.

14 MS. WARYCHA: I would be happy to redact. Do
15 you need this copy back?

16 MS. BAILEY: I do not need the record. I have
17 it.

18 VICE CHAIRMAN OVERHOLT: No. I wasn't going
19 to keep it. So, I mean, it clearly demonstrates
20 that she's been on active duty. I mean, I would
21 recognize for purposes of the record that, yes,
22 Ms. Bailey has clearly been on active duty.

23 MR. DICKEY: I would agree.

24 CHAIRMAN OKESON: I would make a motion to
25 waive the penalties. Well, we can't do that, can

1 we? We have two cause numbers. Can we take them
2 together?

3 MR. KING: If that's the consensus of the
4 Commission.

5 CHAIRMAN OKESON: Can we do that by consensus?

6 VICE CHAIRMAN OVERHOLT: Yes.

7 CHAIRMAN OKESON: Do you have someone who can
8 help you with your campaign account moving forward?

9 MS. BAILEY: I have fixed the situation, yes.
10 My husband --

11 MS. TAYLOR: We've definitely squared that
12 away.

13 VICE CHAIRMAN OVERHOLT: Let's have that on
14 the record. So do you now have a separate
15 treasurer, someone other than you?

16 MS. BAILEY: I've recruited my husband to be
17 able to log in and at least press the button for me
18 at this time for these reports. I don't want to
19 have to keep amending reports, though, so my goal
20 is to keep them all up. And so if the time comes
21 when I'm on orders again, it's just my
22 understanding that, when I'm on military orders, I
23 can't touch anything campaign related. Maybe I'm
24 reading into that too much, but that was just my
25 understanding.

1 CHAIRMAN OKESON: Well, we're not here to give
2 you legal advice on that front.

3 I would make a motion, given the extenuating
4 circumstances of military service, that we waive
5 both proposed penalties in these two cases.

6 Is there a second?

7 MR. DICKEY: I'll second that.

8 CHAIRMAN OKESON: Any discussion or comment?

9 MR. DICKEY: The only question I want to make
10 sure, she has amended her statement of organization
11 to reflect the new address; right?

12 MS. TAYLOR: Yes.

13 MR. DICKEY: Okay. Because that was the other
14 question I wanted to inquire.

15 MS. BAILEY: Yes.

16 CHAIRMAN OKESON: Anything else?

17 MS. TAYLOR: We updated the address, yes.

18 MS. BAILEY: Yes. It's my home address, and I
19 don't plan on moving anytime soon.

20 CHAIRMAN OKESON: Okay. Hearing nothing
21 further, all those in favor signify by saying
22 "Aye."

23 VICE CHAIRMAN OVERHOLT: Aye.

24 MR. DICKEY: Aye.

25 MS. PYLE: Aye.

1 CHAIRMAN OKESON: The "ayes" have it. Both
2 cases are dismissed.

3 MS. BAILEY: Thank you so much.

4 VICE CHAIRMAN OVERHOLT: Thank you.

5 CHAIRMAN OKESON: We have continuances and
6 defaults to clean up? So we have continuances
7 before the Commission?

8 MS. THOMPSON: Yes.

9 MS. TAYLOR: We do. The first is Lovely for
10 Indiana, Cause No. 2023-7365-67. It's their second
11 request.

12 I don't know if you want to do these all at
13 once or one at a time. All three are second
14 requests.

15 CHAIRMAN OKESON: I think we have to do them
16 one at a time we said last time. So which one was
17 this?

18 MS. TAYLOR: Lovely for Indiana. It should be
19 the first after the spreadsheet.

20 MS. NUSSMEYER: Mr. Chairman, the attorneys
21 can probably remind me, but I believe the
22 Commission has set a limit of two requests for
23 continuance.

24 MR. KOCHEVAR: Yes.

25 MS. WARYCHA: Correct.

1 VICE CHAIRMAN OVERHOLT: And you said this is
2 the second?

3 MS. TAYLOR: This is the second, yes.

4 MR. DICKEY: This is requesting the second.

5 MS. NUSSMEYER: And forgive me. It's my
6 understanding that, even if you deny the request
7 for continuance, Mr. Lovely and any others could
8 ask for or file a motion to reconsider to have --

9 MS. TAYLOR: Yes.

10 MR. KING: Mr. Chairman, I'll add that the
11 last campaign finance enforcement meeting, I think
12 the minutes reflect that the Commission granted a
13 request for a second continuance but with the
14 express statement in the order that no further
15 continuances would be granted following.

16 VICE CHAIRMAN OVERHOLT: I would move that we
17 grant the continuance but with the express
18 statement to Mr. Lovely that no more continuances
19 shall be granted.

20 CHAIRMAN OKESON: Is there a second?

21 MS. PYLE: Second.

22 CHAIRMAN OKESON: Any further discussion?

23 All those in favor signify by saying "Aye."

24 VICE CHAIRMAN OVERHOLT: Aye.

25 MR. DICKEY: Aye.

1 MS. PYLE: Aye.

2 CHAIRMAN OKESON: So the continuance for
3 Mr. Lovely is granted.

4 MS. TAYLOR: The next one is the Libertarian
5 Party of Jefferson County, Cause No. 2023-7696-158.
6 It is their second request. Theirs should be the
7 next page after Mr. Lovely's.

8 MR. DICKEY: Is this a second request too?

9 MS. TAYLOR: Yes, this is their second.

10 VICE CHAIRMAN OVERHOLT: Okay. So I would
11 move that we grant the request but with the express
12 statement that no further requests for continuances
13 will be granted after this one.

14 CHAIRMAN OKESON: Is there a second?

15 MS. PYLE: Second.

16 CHAIRMAN OKESON: Any further discussion?

17 Hearing none, all those in favor signify by
18 saying "Aye."

19 VICE CHAIRMAN OVERHOLT: Aye.

20 MR. DICKEY: Aye.

21 MS. PYLE: Aye.

22 CHAIRMAN OKESON: The "ayes" have it. The
23 continuance is granted.

24 MS. TAYLOR: And finally is Andrew Straw for
25 Secretary of State, Cause No. 2023-7712-161. His

1 is the last section of the campaign finance packet.
2 This is his second request. His committee is
3 closed, and there's a letter in there and all kinds
4 of fun.

5 MS. WARYCHA: Mr. Chairman, if I could, I'll
6 kind of summarize.

7 CHAIRMAN OKESON: Sure.

8 MS. WARYCHA: There's three emails that we
9 received from Mr. Straw. The first one that I see
10 here in the binder is the continuance. He makes
11 another email that he printed out regarding
12 personal jurisdiction and cites trial rules.
13 Mr. Kochevar, please weigh in, but trial rules
14 aren't really relevant here since this is an
15 administrative hearing. And I would say on his
16 jurisdictional claim, when he opened a campaign
17 finance committee, even if he lives in the
18 Philippines, he created Indiana jurisdiction.

19 So that just kind of summarizes the issues
20 he's laid out here for us in an email, but really
21 at this point I feel like the continuance is what
22 the Commission should be looking at.

23 CHAIRMAN OKESON: Yeah. Thank you.

24 Co-Counsel Kochevar, do you have anything
25 you'd like to add?

1 MR. KOCHEVAR: No. That was summarized the
2 best. I mean, Valerie hitting on the personal
3 jurisdiction matter is the one thing I reviewed
4 when this came in in preparation for today's
5 meeting, so I really have nothing of substance to
6 add on this point for this particular hearing
7 matter.

8 CHAIRMAN OKESON: And this is his second
9 request?

10 MS. TAYLOR: Yes.

11 VICE CHAIRMAN OVERHOLT: I would move that we
12 approve this request for continuance but with the
13 explicit statement that no further requests for
14 continuance will be granted.

15 As a side note, though, I would note that he's
16 got requests for admissions in here, and I would
17 observe I don't think, under the Administrative
18 Orders of Procedure, that we could necessarily do
19 that. But I, for one, would appreciate a
20 communication to him -- well, actually it's
21 probably just inviting more headaches. Never mind.
22 Never mind. I take it all back. Well, I don't
23 take my motion back.

24 CHAIRMAN OKESON: Yeah. Keep that motion
25 where it is.

1 Is there a second?

2 MS. PYLE: Second.

3 CHAIRMAN OKESON: Any further comment or
4 discussion?

5 Hearing none, all those in favor signify by
6 saying "Aye."

7 VICE CHAIRMAN OVERHOLT: Aye.

8 MR. DICKEY: Aye.

9 MS. PYLE: Aye.

10 CHAIRMAN OKESON: The "ayes" have it. The
11 motion to continue is granted.

12 Defaults. Is there anyone present to testify
13 on any remaining campaign matters?

14 Seeing none, I declare the hearings on the
15 remaining campaign finance matters scheduled for
16 today closed.

17 Is there a motion to impose the entire amount
18 of proposed penalty, plus mailing costs, in the
19 remaining campaign finance enforcement actions?

20 VICE CHAIRMAN OVERHOLT: So moved.

21 CHAIRMAN OKESON: Is there a second?

22 MR. DICKEY: Second.

23 CHAIRMAN OKESON: Any discussion?

24 Hearing none, all those in favor signify by
25 saying "Aye."

1 VICE CHAIRMAN OVERHOLT: Aye.

2 MR. DICKEY: Aye.

3 MS. PYLE: Aye.

4 CHAIRMAN OKESON: The "ayes" have it. The
5 motion to impose the penalty is adopted.

6 Next we have Voting Systems Technical
7 Oversight Program matters before the body. We have
8 application for certification of voting systems
9 Unisyn OpenElect optical scan voting system
10 Engineering Change Order 17050 and Unisyn OpenElect
11 optical scan voting system 2.2.2 Engineering Change
12 Orders 1025, 1026, 1027, 3476, and 17059.

13 In reviewing the August 18 Commission minutes,
14 staff noted that although the Commission received
15 reports regarding these two sets of change orders
16 from VSTOP, offered an opportunity for public
17 comment, and discussed the engineering change
18 orders, no motion was made and adopted to approve
19 these applications.

20 If members consent, I will suggest we consider
21 the following items in a single motion.

22 I move to approve the two Unisyn applications
23 referenced above as complying with Indiana law and
24 Indiana Election Commission Advisory Opinion
25 2022-08, as applicable, based on any testimony

1 provided at the August 18 Commission meeting.

2 Is there any further discussion by Commission
3 members?

4 Do we have a second?

5 VICE CHAIRMAN OVERHOLT: Second.

6 CHAIRMAN OKESON: We have a second. Any
7 further discussion, questions?

8 Hearing none, all those in favor signify by
9 saying "Aye."

10 VICE CHAIRMAN OVERHOLT: Aye.

11 MR. DICKEY: Aye.

12 MS. PYLE: Aye.

13 CHAIRMAN OKESON: The "ayes" have it. The
14 motion to approve both engineering change orders
15 for the term specified by statute, subject to any
16 limitations set forth in the report or imposed by
17 the Commission, is adopted.

18 I guess we did that backwards, didn't we?

19 MR. KING: I beg your pardon?

20 CHAIRMAN OKESON: Would you like to offer your
21 report?

22 DR. BAGGA: This is for the Election Systems &
23 Software optical scan system.

24 CHAIRMAN OKESON: Sorry. State your names.

25 DR. BAGGA: Hello. My name is Jay Bagga,

1 B-a-g-g-a, coordinator of the VSTOP program at Ball
2 State University.

3 DR. KINSELLA: Chad Kinsella, K-i-n-s-e-l-l-a,
4 co-director of VSTOP.

5 CHAIRMAN OKESON: And this is for the voting
6 system Engineering Change Order ECO 1100 for the
7 EVS 5.2.4.0 and 6.0.4.0 voting system; is that
8 correct?

9 DR. KINSELLA: Yes.

10 CHAIRMAN OKESON: Please proceed.

11 DR. BAGGA: Thank you, Mr. Chairman and
12 members of the Commission.

13 ES&S's ECO 1100 is a minor change to the
14 EVS 5.2.4.0. and the EVS 6.0.4.0. voting systems.
15 It applies to the ExpressVote Universal Voting
16 System Hardware Revision 1.0 ballot marking device.
17 ECO 1100 provides the ExpressVote Hardware 1.0 with
18 an application firmware update process. Multiple
19 Voting System Testing Labs examinations were
20 performed to confirm that the update process
21 documented in ES&S's ECO 1100 results in identical
22 executable files as those found in the trusted
23 build; that the process does not add any additional
24 software to the ExpressVote Hardware 1.0; and that
25 any messages indicating a mismatch of hash codes

1 for any given file, and in particular the
2 sysload.bmp file which contains a system copyright,
3 are benign with no unintended or malicious results
4 impacting the voting system.

5 Members of the VSTOP team have reviewed the
6 ECO supporting documents and the Voting System
7 Testing Lab reports. VSTOP finds that the ECO
8 complies with the requirements for de minimis, or
9 minor, changes to hardware components. The ECO
10 only applies to the specific Election Systems &
11 Software voting systems notated in the table above.
12 The ES&S EVS 5.2.4.0. and EVS 6.0.4.0. are EAC
13 certified, and the ECO 1100 was approved by the
14 EAC.

15 VSTOP recommends approval of ECO 1100. Thank
16 you.

17 CHAIRMAN OKESON: Should we take a motion
18 before discussion?

19 MR. KING: Yes.

20 CHAIRMAN OKESON: For purposes of discussing
21 the matter, I move to approve the application
22 submitted for approval of these engineering change
23 orders as complying with Indiana law and Indiana
24 Election Commission Advisory Opinion 2022-08, as
25 applicable.

1 Is there a second?

2 MR. DICKEY: Second.

3 CHAIRMAN OKESON: Any questions, discussion?

4 Also, for the record, I'd like to note in the
5 past we've entertained public input here, but
6 seeing no one present, I do not offer that.

7 Anyone have anything?

8 VICE CHAIRMAN OVERHOLT: No.

9 CHAIRMAN OKESON: Having a motion to approve
10 and a second, all those in favor signify by saying
11 "Aye."

12 VICE CHAIRMAN OVERHOLT: Aye.

13 MR. DICKEY: Aye.

14 MS. PYLE: Aye.

15 CHAIRMAN OKESON: The "ayes" have it. The
16 motion is approved.

17 Thank you.

18 DR. BAGGA: Thank you.

19 DR. KINSELLA: Thank you.

20 CHAIRMAN OKESON: I appreciate your time and
21 your patience.

22 That completes our business for the day. Is
23 there a motion to adjourn?

24 VICE CHAIRMAN OVERHOLT: So moved.

25 CHAIRMAN OKESON: Is there a second?

1 MS. PYLE: Second.

2 CHAIRMAN OKESON: All those in favor signify
3 by saying "Aye."

4 VICE CHAIRMAN OVERHOLT: Aye.

5 MR. DICKEY: Aye.

6 MS. PYLE: Aye.

7 CHAIRMAN OKESON: We're adjourned. Thank you.

8 (The Indiana Election Commission Public
9 Session was adjourned at 1:51 p.m.)

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1 STATE OF INDIANA

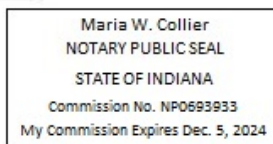
2 COUNTY OF HAMILTON

3 I, Maria W. Collier, a Notary Public in and
4 for said county and state, do hereby certify that the
5 foregoing public session was taken at the time and
6 place heretofore mentioned between 1:00 p.m. and
7 1:51 p.m.;

8 That said public session was taken down in
9 stenograph notes and afterwards reduced to typewriting
10 under my direction; and that the typewritten
11 transcript is a true record of the public session.

12 IN WITNESS WHEREOF, I have hereunto set my
13 hand and affixed my notarial seal this 9th day of
14 October, 2023.

15
16 *Maria W. Collier*



21 My Commission expires:
22 December 5, 2024

23 Job No. 184725
24
25

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