

Indiana Election Commission Minutes September 9, 2022

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

Members Absent: None.

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; Ms. Abbey Taylor, Campaign Finance; Ms. Michelle Thompson, Campaign Finance.

Others Attending: Mr. Stephen Crawford; Mr. Douglas Drummond; Mr. Sean Fitzpatrick; Ms. Laura Fredsmith; Mr. Michael Hagedorn; Mr. Chad Harmon; Mr. Jason Hoch; Ms. Samantha Hurst; Ms. Katherine Kritsch; Mr. Mario Massillamany; Mr. Evan McMahon; Mr. Rodney Meyerholtz; Mr. Andy Miller; Mr. Dave Rinehart; Mr. Michael Schultheiss; Mr. Frank Short; Ms. Julie Snyder; Mr. Patrick Thurston; Ms. Bianka Tinklenberg; Mr. Johnny Vaughn; Mr. Nick White; Ms. Nicki Whiteman; Mr. Gregory Wolf

1. Call to Order:

The Chair called the September 9, 2022 meeting of the Commission to order at 11:15 a.m. EDT in the Indiana Government Center South Auditorium, 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 corrected the following scrivener’s errors in this document:

Page 48, line 23, delete “Fred Short” and insert “Frank Short”.

Page 49, line 23, delete “Fred” and insert “Frank”.

Page 58, line 3, delete “MASSILLANANY” and insert “MASSILLAMANY”.

Page 58, line 3, delete “Massillanany” and insert “Massillamany”.

Page 69, line 14, delete “MASSILLANANY” and insert “MASSILLAMANY”.

Page 69, line 15, delete “Massillanany” and insert “Massillamany”.

Page 69, line 16, delete “M-a-s-s-i-l-l-a-n-a-n-y” and insert “M-a-s-s-i-l-l-a-m-a-n-y”.

Page 70, line 8, delete “MASSILLANANY” and insert “MASSILLAMANY”.

Page 70, line 22, delete “MASSILLANANY” and insert “MASSILLAMANY”.

Page 70, line 24, delete "MASSILLANANY" and insert "MASSILLAMANY".
Page 71, line 6, delete "MASSILLANANY" and insert "MASSILLAMANY".
Page 71, line 25, delete "MASSILLANANY" and insert "MASSILLAMANY".
Page 72, line 4, delete "MASSILLANANY" and insert "MASSILLAMANY".
Page 72, line 12, delete "MASSILLANANY" and insert "MASSILLAMANY".
Page 72, line 24, delete "MASSILLANANY" and insert "MASSILLAMANY".
Page 73, line 5, delete "MASSILLANANY" and insert "MASSILLAMANY".
Page 74, line 22, delete "MASSILLANANY" and insert "MASSILLAMANY".
Page 75, line 1, delete "MASSILLANANY" and insert "MASSILLAMANY".
Page 76, line 7, delete "MASSILLANANY" and insert "MASSILLAMANY".
Page 76, line 21, delete "Massillanany" and insert "Massillamany".
Page 77, line 22, delete "MASSILLANANY" and insert "MASSILLAMANY".
Page 80, line 23, delete "MASSILLANANY" and insert "MASSILLAMANY".
Page 81, line 1, delete "MASSILLANANY" and insert "MASSILLAMANY".

The Commission adjourned its meeting at 2:48 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 09, 2022

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2 INDIANA ELECTION COMMISSION
3 PUBLIC SESSION
4
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7 Conducted on: September 9, 2022
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10
11 Conducted at: Indiana Government Center South
12 Auditorium
13 402 West Washington Street
14 Indianapolis, Indiana
15
16

17 A Stenographic Record by:
18 Maria W. Collier, RPR, CRR
19
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APPEARANCES

INDIANA ELECTION COMMISSION:

Paul Okeson - Chairman

Suzannah Wilson Overholt - Vice Chairman

Litany Pyle - Member

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 CHAIRMAN OKESON: We'll call the meeting to
2 order. This is a meeting of the Indiana Election
3 Commission, Public Hearing Session, Friday,
4 September 9, 2022, not quite 11 o'clock. We'll
5 call it 11:15. We're here at Auditorium,
6 Government Center South, 402 West Washington
7 Street.

8 The following members of the Commission are
9 present: Myself, Chairman Paul Okeson; my
10 vice-chair, Suzannah Wilson Overholt; Member Karen
11 Celestino-Horseman; and here shortly, we hope, is
12 Member Litany Pyle.

13 I recognize the Indiana Election Division
14 staff, Co-Directors Brad King and Angie Nussmeyer,
15 along with Co-General Counsels Matthew Kochevar,
16 and Valerie will be sitting to Brad's right.
17 Perfect timing.

18 I also recognize our court reporter, Maria
19 Collier, from Stewart Richardson Deposition
20 Services. Before we continue, if you are going to
21 be providing any comments or testimony or inquiry
22 today, please make sure that you state your name
23 and spell it for the court reporter and speak
24 clearly so that we get that effectively on the
25 record.

1 MR. KING: And, Mr. Chairman, on behalf of
2 myself and Ms. Nussmeyer, the Election Division
3 certifies that notice of this meeting was given in
4 compliance with the Indiana Open Door Law.

5 CHAIRMAN OKESON: Thank you.

6 So we have a couple other items of business,
7 but we're going to cruise past that, since we
8 started a little bit behind, so we can get to the
9 important matter at hand. It's of a time-sensitive
10 nature. With that, any person who plans to testify
11 today, please stand and allow Matthew Kochevar to
12 administer the oath.

13 MR. KOCHEVAR: Good morning, everyone. If you
14 plan on testifying before the Indiana Election
15 Commission, please rise, raise your right hand, and
16 say "I do" after recitation of the oath.

17 Do you solemnly swear or affirm, under the
18 penalties of perjury, that the testimony you are
19 about to give to the Indiana Election Commission is
20 the truth, the whole truth, and nothing but the
21 truth? Please say "I do."

22 ALL: I do.

23 CHAIRMAN OKESON: Thank you. With that, we'll
24 move to the adoption of the hearing procedures.
25 These are procedures that we have used in the past

1 so they're consistent. In the past, we have
2 followed these procedures for conducting the
3 candidate challenge hearings. I move that the
4 Commission use the following procedures today:

5 When the candidate challenge is called, the
6 hearing will begin by recognizing Election Division
7 staff to provide information about the documents
8 provided to the Commission members, including
9 candidate challenge forms, and the notice given to
10 the challenge -- I'm sorry -- to the candidate and
11 the challenger.

12 Unless there is objection, the documents
13 provided to the Commission by the Election Division
14 will be entered into the record of this meeting.

15 After the Election Division staff completes
16 its presentation, the challenger will be recognized
17 first, or their representative if written
18 authorization has been filed with the Election
19 Division. They may present their case for no more
20 than 7 minutes, unless the Commission votes to
21 allow additional time for the presenter.

22 Commission members may ask questions during
23 that presentation, but the time spent answering
24 those questions will not be counted against the
25 presenter's time. The Election Division may signal

1 the Chair when the presenter's time is up.

2 If the presenter offers additional documents
3 or other physical evidence not previously received
4 by the Commission, the original must be provided to
5 the Election Division -- I would direct you to
6 Valerie Warycha here at the end -- to preserve for
7 the record. So if you have anything, please don't
8 give it to us directly; give it to Valerie seated
9 to Brad's right.

10 The candidate, or a candidate's authorized
11 representative if written authorization has been
12 filed with the Election Division, will be
13 recognized following that last presentation by the
14 challenger, and the candidate may present their
15 case also for no more than 7 minutes, unless the
16 Commission votes to allow additional time as well.

17 Following the presentation by a challenger,
18 the candidate may cross-examine the challenger.
19 Following the presentation by a candidate, the
20 challenger may cross-examine the candidate. The
21 cross-examination in all cases is limited to
22 2 minutes, unless the Commission votes to allow
23 additional time. The cross-examination must be
24 limited to questions regarding the statements made
25 during the presentation. Following the

1 presentation by a candidate, the challenger may
2 present a rebuttal of no more than 2 minutes.

3 The Commission may dismiss the cause of any
4 challenger who has failed to appear or testify
5 before this Commission.

6 Is there a second to this motion?

7 VICE CHAIRMAN OVERHOLT: Second.

8 CHAIRMAN OKESON: Any discussion?

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

11 VICE CHAIRMAN OVERHOLT: Aye.

12 MS. CELESTINO-HORSEMAN: Aye.

13 MS. PYLE: Aye.

14 CHAIRMAN OKESON: Hearing no opposition, those
15 are the rules.

16 So we will now begin the hearing on Cause
17 No. 2022-232 in the matter of challenge to Samantha
18 Hurst, candidate for the Republican Party
19 nomination for Perry County prosecuting attorney.
20 The Election Division has provided all the
21 documentation in the binders.

22 We recognize the Election Division staff
23 first; correct?

24 MR. KING: Mr. Chairman, I think counsel can
25 speak to the documentation that was filed that the

1 Election Division provided.

2 MS. WARYCHA: Yeah. Matthew, feel free to
3 jump in. Valerie Warycha, co-general counsel for
4 the Election Division.

5 We received a candidate challenge from
6 Mr. Jason -- I'm not sure --

7 MR. HOCH: Hoch.

8 MS. WARYCHA: -- Hoch, and he's represented by
9 counsel and has entered an appearance. Both
10 parties were provided with notice and are here
11 today, and all of the documentation is there for
12 you. And we also have recognized this meeting, as
13 Brad said previously, where we've complied with
14 public records law with notice.

15 MS. CELESTINO-HORSEMAN: Just along the lines
16 of what you just said, Valerie, have copies of the
17 documents you gave us this morning regarding UPS
18 been provided to the parties?

19 MS. WARYCHA: They have not, but they can be.

20 MS. CELESTINO-HORSEMAN: Yeah. I think we
21 should give them to them.

22 MS. WARYCHA: Sure. What Commissioner Karen
23 Celestino-Horseman is referring to is, earlier this
24 morning the Democratic members of the Commission
25 had asked me about notice to both parties, so I got

1 on our UPS website, which we use -- it's UPS.
2 United Parcel Service, I think, is what it stands
3 for. Anyway, that's what we use to mail notice.

4 Notices were mailed on August 26th to both
5 parties, and then these are the documentation of
6 the delivery that I have given to the commissioners
7 and I will give to both parties as well. There's
8 proof of delivery for both here.

9 I would say that with the challenged
10 candidate, we did get hers back in the mail
11 yesterday afternoon, but we were able to reach her
12 by phone and provide it to her by email. So I'll
13 give both parties these documents that we gave to
14 the Commission members earlier.

15 And that's all I have, Matthew.

16 MR. KOICHEVAR: I have nothing further to add.
17 That is accurate what's in our binder.

18 CHAIRMAN OKESON: Okay. Thank you. So with
19 that, we'll recognize -- you said it's Hoch;
20 correct?

21 MR. HAGEDORN: Yes.

22 CHAIRMAN OKESON: -- Jason Hoch, challenger,
23 for presentation.

24 And if you would, sir, if you would state your
25 name for us and the spelling.

1 MR. HAGEDORN: My name is Michael Hagedorn.
2 The last name is spelled H-a-g-e-d-o-r-n. I'm an
3 attorney. I practice in Tell City, Indiana. My
4 bar number is 736362. My office is located at
5 419 Main Street in Tell City.

6 I have the pleasure of representing Mr. Jason
7 Hoch, who is the current prosecuting attorney in
8 Perry County, Indiana. Jason is running for
9 reelection this fall. He has filed a candidate
10 challenge indicating that Ms. Samantha Hurst is not
11 qualified as a candidate to run for that office.
12 He is challenging her residential address as she
13 listed it in her candidate declaration as
14 15635 Attic Road, Tell City, Indiana 47586.

15 In order to assist you in the decision in this
16 case, we have assembled a number of documents that
17 we would like to submit for the record.

18 Ms. Hurst, here's a copy for you.

19 MS. HURST: Thank you.

20 MR. HAGEDORN: You're welcome.

21 And we have a copy for each Commission member
22 and an original for the record.

23 May I continue?

24 CHAIRMAN OKESON: Please.

25 MR. HAGEDORN: The reason that we're

1 submitting the documents is to support factually
2 the statements made by Mr. Hoch in his petition
3 challenging Ms. Hurst's candidacy for this office.
4 And I arranged this presentation chronologically so
5 that you can follow along with me. And don't be
6 intimidated by the amount of documents because
7 they're actually very simple.

8 The first document is Ms. Hurst's registration
9 history. And you can see that she registered to
10 vote in Perry County on June 28 of this year.
11 Prior to that, she had been registered at
12 10438 Eastgate Drive in Mt. Vernon, Indiana. And
13 prior to that, she was registered in Owensville,
14 Evansville, and then again in Mt. Vernon.

15 The second document that I have submitted to
16 you is her voting history. And it's highlighted in
17 the title of the document. You will see that in
18 the primary election in 2022, that she
19 registered -- or pulled a Republican ballot in
20 Posey County, Indiana. So a few months before
21 registering in Perry County, she actually voted in
22 Posey County.

23 The next document is her registration form
24 that she signed under oath with Perry County
25 Clerk's Office. You can see that her declared

1 residence in that registration form is 15635 Attic
2 Road, Perry County, Indiana. She signed that
3 declaration on June 27, 2022, under oath.

4 The next document is her husband's, Caleb
5 Hurst's registration and voting history in Posey
6 County, Indiana. You can see that he has not
7 changed his residence, and he is still registered
8 to vote in Posey County, Indiana, where their home
9 is located.

10 The next document is the Perry County
11 treasurer tax card for the residence that's located
12 on Attic Road that Ms. Hurst claims is her
13 residence. You can see at the top of the form that
14 the premises is actually owned by her parents,
15 Vincent Schu and Julia Schu.

16 You can see further that there is a structure
17 located on that tract of land. That structure is
18 16 feet by 30 feet in dimensions. It has 480
19 square feet of livable area. The floors are wood
20 floors, unfinished. The walls are unfinished. It
21 has a metal roof. It has no bathroom, has no
22 kitchen sinks, has no water heater, has no fixtures
23 at all, has no bedroom, no living room, no dining
24 room, no family room, and is virtually unlivable.
25 It is not a habitable premises. You can see by the

1 third page of that tax bill that there is a
2 photograph of a heavily wooded area.

3 And then going to the next document, you can
4 see the colored photograph of the structure and its
5 location in the wooded area. There is no septic
6 tank system. There is no plumbing in the premises.
7 The premises has no electric service. The premises
8 has no water service.

9 The next document is the Perry County planning
10 and zoning ordinance. I have taken the liberty of
11 tabbing what we believe is the important part of
12 that ordinance.

13 CHAIRMAN OKESON: I want to stop you and ask
14 you a question, if I could.

15 MR. HAGEDORN: Yes, sir.

16 CHAIRMAN OKESON: You made a couple of
17 statements there regarding utility service.

18 MR. HAGEDORN: Yes.

19 CHAIRMAN OKESON: Is that verified anywhere,
20 certified in any of the documents that you've
21 provided? And you further made the statement that
22 you stated the property is uninhabitable. Is there
23 anything that certifies that?

24 MR. HAGEDORN: Well, yes, sir. The tax record
25 actually contains the information. There is no --

1 CHAIRMAN OKESON: The tax record calls it
2 uninhabitable?

3 MR. HAGEDORN: I'm sorry?

4 CHAIRMAN OKESON: Does the tax record refer to
5 the property as uninhabitable?

6 MR. HAGEDORN: That is a conclusory statement
7 that I have made. I apologize for that. But you
8 can see on the second page of the tax records that
9 there's no plumbing, there's no water, and there's
10 no electricity service. Does that clarify the
11 issue, sir?

12 CHAIRMAN OKESON: Well, somewhat on page 2 of
13 what you've provided. This is the tax record?

14 MR. HAGEDORN: Yes, sir.

15 CHAIRMAN OKESON: Parcel record?

16 MR. HAGEDORN: Yes.

17 CHAIRMAN OKESON: At the bottom, it says
18 "Description: Single family," and I assume "RES,"
19 residentially eligible, it says, 100 percent.

20 MR. HAGEDORN: I'm about to get to that in the
21 presentation.

22 CHAIRMAN OKESON: Fair enough. I took about a
23 minute there.

24 MS. WARYCHA: And I paused it.

25 MR. HAGEDORN: Should I continue?

1 CHAIRMAN OKESON: Yeah. Even though I added
2 to your time, you're running short.

3 MR. HAGEDORN: I understand. The page that I
4 tabbed on page 3 of the zoning ordinance requires
5 every residential structure in Perry County to have
6 a sewage disposal system. If you page to page 31,
7 the definition, a dwelling unit is defined in
8 Indiana -- or in Perry County as requiring a
9 minimum of 800 square foot of residential living
10 space. This structure has 480 square foot, not 800
11 square foot, as required by ordinance.

12 The last ordinance is the zoning commission
13 ordinance, and if you turn to page 19, which is
14 tabbed once again, a dwelling unit is defined in
15 that ordinance as requiring 800 square feet minimum
16 living space, not 480 square feet, as indicated in
17 the tax bill -- the tax card. Sorry.

18 That concludes the presentation, sir.

19 MS. WARYCHA: Mr. Chairman, members of the
20 Commission, just so that you're aware, we did
21 afford them an extra 2 minutes of time with your
22 question.

23 CHAIRMAN OKESON: Any questions?

24 VICE CHAIRMAN OVERHOLT: I'd like to let them,
25 I guess, proceed. I'd like to hear the evidence

1 before asking questions.

2 CHAIRMAN OKESON: Well, according to
3 procedures, you have an opportunity to
4 cross-examine for 2 minutes, if you'd like.

5 MS. HURST: To cross-examine?

6 CHAIRMAN OKESON: That testimony. So you have
7 2 minutes to ask any questions pertaining to what
8 was just presented.

9 MS. HURST: Honestly, I don't have any. I
10 would rather just --

11 CHAIRMAN OKESON: Will you for the record
12 state your name and spell it, please.

13 MS. HURST: It's Samantha Hurst,
14 S-a-m-a-n-t-h-a, H-u-r-s-t.

15 CHAIRMAN OKESON: Sorry. Did you have
16 anything that you wanted to ask?

17 MS. HURST: I do not. I just have documents
18 to present and a presentation to make.

19 CHAIRMAN OKESON: With that, we'll move to
20 your presentation.

21 MS. HURST: Thank you. Good morning. I am
22 sure that most of you are more well versed in what
23 is required to show residency as far as what the
24 law requires for candidates, and I will be brief
25 with this.

1 But from the In Re: Evrard case, it's a
2 Supreme Court case from Indiana, August 22nd of
3 1975, actually out of Perry County. The overview
4 and the gist of this case is that a judge filed for
5 his candidacy while he was in Virginia, while he
6 lived in Virginia with his wife, and he began
7 looking for a house. He used his parents' address
8 for purpose of residency while he looked for a
9 house, and he took steps to establish his
10 residence. And in particular, he made -- he had an
11 intent to make a particular place his permanent
12 residence, and he acted upon that intention in good
13 faith. And that is what the Indiana Code requires
14 to be able to establish a residency. It requires
15 an intent and a good-faith effort to manifest that
16 intent.

17 The code for the Indiana residency is mostly
18 listed under 3-5-5. There are a number of sections
19 within that code. One of those sections is
20 3-5-5-18, and it refers to nontraditional
21 residence. Nontraditional residence are still
22 considered residence for being considered a
23 resident of the precinct, and those residence do
24 not have to be permanent and they do not have to be
25 fixed in one location.

1 Another section -- and that applies because
2 the current residence at 15635 Attic Road is
3 actually currently a camper as a temporary measure
4 because a pole barn that has been -- the deposit
5 was made in November of 2021. It has been delayed
6 based on weather, based on the pole barn company's
7 labor, and their unfortunate lack of workers at the
8 time. So that has been delayed, but we have a
9 witness who can testify about signing the contract
10 for that.

11 So currently there is a camper. It does have
12 electricity. I have a witness that can testify as
13 to when he went and got the electric service, when
14 he paid the deposit, when the water was hooked up,
15 and when the water deposit was paid. And the
16 camper has everything that was mentioned as to how
17 this place is not a residence. It has a water
18 heater, it has a kitchen, has a bathroom, and it
19 has storage tanks for using the restroom and the
20 showers.

21 CHAIRMAN OKESON: Note that I'm asking a
22 question.

23 How long has the camper been there?

24 MS. HURST: The camper has been there since
25 sometime in July. I do not believe --

1 CHAIRMAN OKESON: July of this year?

2 MS. HURST: July of this year. I do not
3 believe I know the exact date that the camper was
4 put in. It may have even been the end of June
5 based on when the water and the electric were
6 requested at that residence, and these receipts
7 have dates of late June. So those receipts have
8 dates of late June to show when those were
9 requested at that location.

10 As far as the --

11 CHAIRMAN OKESON: Have you submitted any of
12 that information as part of the --

13 MS. WARYCHA: We do not have it.

14 MS. HURST: I have copies of it that I can --
15 well, I have a copy. Unfortunately -- just to
16 address why the piece of mail was returned, I
17 honestly have no idea why it was returned. I have
18 multiple pieces of mail that I can provide that has
19 that address on it. I have a picture from just the
20 other day with the mail lady actually putting mail
21 in the mailbox.

22 My only -- I've never gotten anything from UPS
23 at that address. There's also a witness that's
24 going to testify about how sometimes UPS in Tell
25 City specifically, if your address is not easy to

1 find or easy to understand for UPS, how they may
2 not be able to deliver to you and they return it.
3 So I have --

4 MS. CELESTINO-HORSEMAN: Can we save some
5 time? Does the witness work for UPS?

6 MS. HURST: No.

7 MS. CELESTINO-HORSEMAN: So it's just someone.
8 Okay. And can you give us these documents, then?

9 VICE CHAIRMAN OVERHOLT: Because you're going
10 to run out of time.

11 MS. HURST: I apologize. I thought we had --

12 MS. CELESTINO-HORSEMAN: Is it something we
13 have or don't have?

14 MS. WARYCHA: We don't have it.

15 MS. HURST: This is the unfortunate thing
16 about finding out last night at 8 o'clock that --
17 here's the pictures that have the camper and then
18 the receipts for --

19 CHAIRMAN OKESON: And I would say this
20 shouldn't eat into her time when she's --

21 MS. WARYCHA: I paused it for the moment.

22 MS. HURST: This is something I haven't talked
23 about yet but I will. This is the contract for the
24 barn, and it has the date at the bottom. This will
25 also be talked about.

1 MS. WARYCHA: When you're done, just pass them
2 down and I'll put them in for the record.

3 MR. HAGEDORN: Mr. Chairman, I have an
4 objection to make for the record with respect to
5 those documents.

6 CHAIRMAN OKESON: I don't think that's
7 permissible under the procedures.

8 Are they, Brad?

9 MR. KING: Mr. Chairman, certainly a party to
10 an AOPA proceeding may make an objection, but I
11 think that's at a moment subsequent unless it's
12 with regard to what the Commission is currently
13 reviewing.

14 CHAIRMAN OKESON: Can your objection wait
15 until she's completed?

16 MR. HAGEDORN: Surely.

17 CHAIRMAN OKESON: Okay. Thank you.

18 MS. CELESTINO-HORSEMAN: Can I ask a question
19 about some of these documents?

20 CHAIRMAN OKESON: Sure.

21 MS. CELESTINO-HORSEMAN: Okay. So I'm looking
22 at the Southern Indiana Power, which says
23 electricity was turned on there October 27th of
24 2021 by Vincent Schu, which I think is your father.

25 MS. HURST: That's correct.

1 MS. CELESTINO-HORSEMAN: All right. It says
2 here that this is for the pole barn because we have
3 documentation that was submitted that said you
4 wanted to build a pole barn. It also says it's
5 temporary. Did you bring in any electric bills or
6 anything to show that it's currently connected and
7 you're paying?

8 MS. HURST: I did not bring any current
9 electric bills. There are photos that I have that
10 show that lights are on if you would like to see
11 that there are lights that work out at the
12 property.

13 MS. CELESTINO-HORSEMAN: Sure, at the
14 property. But in the trailer? Is this electricity
15 connected to the trailer?

16 MS. HURST: Yes. You can see in this picture
17 that the light is on in the camper. It shows that
18 there's a light in the backside that is on in the
19 camper.

20 CHAIRMAN OKESON: Let's let her finish, just
21 noting the time, so we can -- go ahead.

22 MS. HURST: Another issue that was brought up
23 was that my husband's residence is still in
24 Mt. Vernon. My husband was in the Marine Corps for
25 five years. When he got out in 2019, he began

1 school at the University of Southern Indiana for a
2 civil engineering degree. He will graduate in May
3 of 2023. At this time he is staying in Mt. Vernon
4 because he goes to school five minutes from where
5 that address is. So he has an intent to move to
6 Perry County whenever he graduates.

7 And under 3-5-5-14, the law clearly states
8 that you can have a separate residence from your
9 spouse. If any of you are familiar with military
10 families, I'm in the National Guard, my husband was
11 in the Marine Corps, being separated from your
12 spouse is not an uncommon thing for us.

13 And then under 3-5-11, immediate family
14 residence is also a code that is addressed, and my
15 father is an immediate family member. Parents are
16 considered immediate family under 3-5-5-0.5. So
17 all of those go to address the residency.

18 I have every intent to reside in Perry County.
19 I have in front of you -- some of you have may have
20 seen it, some of you may not. I have changed my
21 address to the Attic Road address. I have a voter
22 registration card for the Attic Road address. That
23 was delivered to my mailbox out at 15635 Attic
24 Road, and whenever it was delivered, I received it,
25 I went with the chairperson for the Republican

1 Party to the clerk's office. At the clerk's office
2 they can manually input you as a registered voter
3 if the card -- otherwise, it happens automatically
4 after seven days if the registration is not
5 returned.

6 So the day that it came in was a Thursday,
7 July 1st or 2nd. It was a Thursday. On the next
8 day, I took it in with the chairperson to the
9 clerk's office, we had that verified by the clerk,
10 and then I left from there to go to Indianapolis to
11 file my candidacy.

12 There was also mention of the --

13 CHAIRMAN OKESON: One minute.

14 MS. HURST: There was also mention in the
15 challenge that the property listed on the property
16 card is different than the address that I have
17 listed. It's different based on -- they have
18 alleged that the address there is actually 15841.
19 The GIS website doesn't always have the accurate
20 information as far as what the address is based on
21 the EMS or the EMA. So I had to contact the
22 director of emergency services to find out what the
23 actual address they had on file for that. I did
24 that, completed that, and so that's the address
25 that I was provided, that 15635, and that's the

1 address that USPS uses to deliver my mail there.

2 CHAIRMAN OKESON: Would that be the end of
3 your testimony?

4 MS. HURST: Yes.

5 CHAIRMAN OKESON: Thank you. You have
6 2 minutes.

7 MR. HAGEDORN: I have some questions on
8 cross-examination.

9 CHAIRMAN OKESON: Directed at anything she
10 provided in testimony.

11 MR. HAGEDORN: Isn't it true that the camper
12 was moved to the location in mid July of this year?

13 MS. HURST: It was moved in July. I honestly
14 don't remember when in July it was moved.

15 MR. HAGEDORN: Did you make a posting on
16 Facebook, after the camper was moved to the
17 location, that it was placed there in order for
18 your parents to visit you?

19 MS. HURST: I made a posting saying that it
20 was put there for visitors, so that I would have
21 room for visitors.

22 MR. HAGEDORN: Your parents as well?

23 MS. HURST: I honestly don't remember if I
24 said it was my parents or if it was for visitors.
25 I said it's my parents' camper. The camper does

1 belong to my parents.

2 MR. HAGEDORN: So the camper is titled in your
3 parents' names?

4 MS. HURST: Yes, it is.

5 MR. HAGEDORN: Do you have any ownership
6 interest in the structure that is located at the
7 premises?

8 MS. HURST: I do not own any of the
9 structures. I do not own personally any of the
10 property.

11 MR. HAGEDORN: How many overnights had you
12 spent in that structure before you registered to
13 vote in Perry County on June 28?

14 MS. HURST: I did not spend any nights in
15 my -- in any structure overnight.

16 MR. HAGEDORN: How many overnights have you
17 spent in the structure since the filing of your
18 registration?

19 MS. HURST: I spend, on average, three to four
20 nights a week in the camper.

21 MR. HAGEDORN: In the camper?

22 MS. HURST: In the camper.

23 MR. HAGEDORN: Not in the structure?

24 MS. HURST: Not in the structure.

25 MR. HAGEDORN: Have you ever spent an

1 overnight in the structure that you declared was
2 your home when you filed your candidacy?

3 MS. HURST: I have not spent an overnight in
4 the --

5 MR. HAGEDORN: Is it true that there's no
6 plumbing in the structure?

7 MS. HURST: The structure does not have
8 plumbing.

9 MR. HAGEDORN: Is it true that there's no
10 water heater?

11 MS. HURST: There is no water heater in the
12 structure.

13 MR. HAGEDORN: Is it true that there's no
14 electricity?

15 MS. HURST: I don't believe the electricity
16 has been run to the structure as of yet.

17 MR. HAGEDORN: Is it true that there is no
18 septic system?

19 MS. HURST: The septic system is not currently
20 in. My father has currently been working with a
21 company to get a septic system put into the
22 property for the pole barn and for a house.

23 MR. HAGEDORN: How do you explain --

24 MS. CELESTINO-HORSEMAN: Excuse me. If I
25 could just tell you that with, if we don't get this

1 decided by noon, then it stands. So if you want us
2 to get a decision, we need to get moving on.

3 MR. HAGEDORN: I have a few more questions. I
4 understand.

5 VICE CHAIRMAN OVERHOLT: But I think your
6 time --

7 CHAIRMAN OKESON: Yeah. You've hit it.

8 MR. HAGEDORN: The principal point is that the
9 camper was not located on the premises --

10 CHAIRMAN OKESON: I understand, sir. I
11 appreciate that, and, please, I'm not trying to be
12 rude. We've got to keep on task here.

13 MR. HAGEDORN: All right.

14 CHAIRMAN OKESON: You have 2 minutes for
15 rebuttal.

16 MS. HURST: I don't have any rebuttal. I'll
17 let the documents that I've provided and the
18 testimony I've provided.

19 CHAIRMAN OKESON: Okay. With that, I'll close
20 the public hearing on Cause No. 2022-232. Any
21 questions?

22 Do we have to take a motion first?

23 MR. KING: A motion for discussion.

24 CHAIRMAN OKESON: A motion in order to have
25 discussion. Would anyone like to make a motion?

1 MS. CELESTINO-HORSEMAN: I'll move for
2 discussion.

3 MS. PYLE: Second.

4 CHAIRMAN OKESON: I think what he's saying is
5 we have to have a motion that allows for
6 discussion.

7 VICE CHAIRMAN OVERHOLT: I thought that was
8 odd.

9 CHAIRMAN OKESON: Do we have a move to uphold
10 or move to reject the challenge?

11 MS. CELESTINO-HORSEMAN: I have some
12 questions.

13 CHAIRMAN OKESON: That's in the discussion
14 part of the motion.

15 MS. CELESTINO-HORSEMAN: Okay. So for
16 purposes of discussion, I move to accept the
17 challenge.

18 CHAIRMAN OKESON: Is there a second?

19 VICE CHAIRMAN OVERHOLT: Second.

20 CHAIRMAN OKESON: Having a second, any
21 discussion? We have roughly 10 minutes to vote.

22 MS. CELESTINO-HORSEMAN: Okay. Great. So
23 I'll make this fast. Do you have a sewer hookup to
24 the trailer?

25 MS. HURST: We do not have a sewer hookup.

1 The camper has a holding tank and it has external
2 holding tanks for the sewer currently while we're
3 waiting for the septic system to be finalized.

4 MS. CELESTINO-HORSEMAN: Okay. So then do
5 those require to be emptied and all that?

6 MS. HURST: Yes, they do.

7 MS. CELESTINO-HORSEMAN: And what company does
8 that?

9 MS. HURST: We have not had to do that yet.

10 MS. CELESTINO-HORSEMAN: Okay. So you haven't
11 filled up a tank that's on the external side of
12 this trailer. Okay.

13 Secondly, whose name is the electric in?

14 MS. HURST: It would be in Vince Schu's name.

15 MS. CELESTINO-HORSEMAN: And whose name is the
16 water in?

17 MS. HURST: It would be in Vince Schu's name.

18 MS. CELESTINO-HORSEMAN: So you don't have any
19 bills to show that that's still going out there;
20 correct? I mean, I saw this that looks like a
21 light in the trailer, but I have no idea whether
22 that's from electricity or what out there. So I
23 have no idea whether the trailer is electrified.
24 If that's just a safety light that's on there, I
25 don't know. Was that taken with a camera?

1 MS. HURST: That is a security system.

2 MS. CELESTINO-HORSEMAN: And where does that
3 security system go?

4 MS. HURST: The security system is inside the
5 camper, and you can access it on your phone. I can
6 bring it up for you.

7 MS. CELESTINO-HORSEMAN: No, that's okay. And
8 so are you afraid that people are going to break
9 into the trailer?

10 MS. HURST: We actually had somebody take mail
11 out of our mailbox that our neighbor saw and left
12 with it, so yes.

13 MS. CELESTINO-HORSEMAN: All right. Now, in
14 In Re: Evrard, the candidate there -- which I just
15 happened to write an appellate brief about all this
16 stuff just this past week. So in In Re: Evrard,
17 the issue there was -- you're right -- the judge,
18 he filed for judge and he demonstrated his intent
19 to move to the county. In this case, you're
20 claiming that your intent is based upon driver's
21 license and voter registration. What is the
22 address for your banking purposes?

23 MS. HURST: It is also 15635 Attic Road.
24 That's how I obtained my driver's license is I
25 changed my banking and my credit cards. And the

1 credit card you received. There's a credit card
2 statement that has my address, and that was mailed.
3 And that is actually the mail that you saw being
4 put in my mailbox in the picture.

5 MS. CELESTINO-HORSEMAN: Okay. And you say
6 you spend out there three to four nights a week?

7 MS. HURST: Currently, yes.

8 MS. CELESTINO-HORSEMAN: Okay. And then if
9 this election -- if you do not win this election,
10 will you still be moving out there?

11 MS. HURST: Absolutely. And I also have --
12 it's no further of a drive than my old residence to
13 my job, and I also have a job offer with Walter
14 Hagedorn in Perry County. He is a Perry County
15 attorney.

16 MS. CELESTINO-HORSEMAN: Okay. So then
17 basically, then, what the evidence has shown is
18 that at the time you registered to vote you were
19 not a resident and had done none of these things;
20 correct?

21 MS. HURST: That is incorrect.

22 MS. CELESTINO-HORSEMAN: Okay. What had you
23 done? Because the trailer wasn't located there,
24 and you certainly couldn't have been living in that
25 cabin -- structure.

1 MS. HURST: I had intent at the time that I
2 filed --

3 MS. CELESTINO-HORSEMAN: But you had made no
4 good-faith effort at that point.

5 MS. HURST: We had requested water. We had
6 requested power.

7 MS. CELESTINO-HORSEMAN: That was requested
8 before and it's in your father's name.

9 MS. HURST: Absolutely it's in my father's
10 name.

11 MS. CELESTINO-HORSEMAN: He owns the property.

12 MS. HURST: I am a single income earner with a
13 husband in college. It is absolutely my father's
14 name.

15 MS. CELESTINO-HORSEMAN: Okay. And that was
16 done well before. See, that's --

17 MS. HURST: There's also, if you saw it, I
18 requested a transfer to the Kentucky National Guard
19 from the Indiana National Guard based on my intent
20 to move to that Attic Road address, and that is
21 from May of 2022.

22 MS. CELESTINO-HORSEMAN: Okay. So that --

23 CHAIRMAN OKESON: Only one or two more
24 questions. We've got to wrap this up.

25 MS. CELESTINO-HORSEMAN: Got it. So the

1 good-faith effort that you made at the time you
2 registered to vote was that it was things your
3 father had done, not that you personally had done
4 because you hadn't put the water in, you didn't put
5 the electric in, that kind of thing. So you did
6 this thing about transferring to the Kentucky Guard
7 at that time, which you said is to support your
8 move. Is there anything else?

9 MS. HURST: No.

10 CHAIRMAN OKESON: Does anyone else have any
11 questions?

12 VICE CHAIRMAN OVERHOLT: I have a question for
13 counsel because I'm missing it. I know we're short
14 on time. In terms of when -- so to be a
15 candidate -- I just read the statute. So to be a
16 candidate, it looks like you have to be registered
17 to vote. And I know there's a residency issue too,
18 but is the date of her change of registration at
19 issue or is it just the residency?

20 MR. KOCHEVAR: Yes. Commissioner Overholt,
21 for candidates running for prosecutor, the section
22 on 3-8-1-1, the requirement is that they have to be
23 registered to vote, which, looking at it from a
24 technical side, meaning that their voter
25 registration becomes active on the date of the

1 filing deadline. Since the candidate filled a
2 ballot vacancy, that filing deadline would have
3 been by noon, July the 5th, if I recall, because we
4 had to take into consideration Independence Day.

5 VICE CHAIRMAN OVERHOLT: All right. So that's
6 not an issue.

7 CHAIRMAN OKESON: Valerie, do you concur?

8 MS. WARYCHA: I do.

9 VICE CHAIRMAN OVERHOLT: Okay. I wanted to
10 try to narrow it.

11 CHAIRMAN OKESON: Do you have any questions?

12 MS. PYLE: We keep talking about a pole barn.
13 Is this what you're intending to live in?

14 MS. HURST: It is what I'm intending to live
15 in. I'm intending to live there until I can afford
16 to build a house.

17 MS. PYLE: Understood. Thank you.

18 CHAIRMAN OKESON: I will say working in the
19 construction industry, I'm well aware of the delays
20 to which you referred.

21 Valerie, there's been -- I just have a quick
22 question. There's been a lot of information back
23 and forth that could be persuasive in some way or
24 another, but what does the statute say is required
25 for effective residency in this situation?

1 MS. WARYCHA: Well, she is correct, 3-5-5 is
2 the residency. And I think the one thing that's
3 different for prosecutor, so many of the offices
4 you're required to have a residency there one year
5 prior. Prosecutor is a little different. It
6 doesn't have that one year prior.

7 CHAIRMAN OKESON: Does it have any time frame
8 at all?

9 MS. WARYCHA: It does not for prosecutor that
10 I'm aware of. It's the registering to vote so
11 that's the mail.

12 CHAIRMAN OKESON: Yeah. Okay.

13 MR. HAGEDORN: Mr. Chairman, can I voice that
14 objection that I was going to make earlier?

15 CHAIRMAN OKESON: Be quick about it.

16 MR. HAGEDORN: Mr. Hoch would object to any
17 consideration of the documentation Ms. Hurst has
18 submitted that is subsequent to the date of her
19 registration. Intent has to be established prior
20 to the registration, not following the
21 registration. So any conduct she has engaged in
22 subsequent to June 28 of this year would not be
23 relevant to any issue that is before this
24 Commission today.

25 MS. WARYCHA: Mr. Chairman and members of the

1 Commission, under AOPA, you are allowed to hear
2 what evidence you would like and give it the weight
3 you determine as necessary.

4 CHAIRMAN OKESON: The objection is noted for
5 the record.

6 MS. CELESTINO-HORSEMAN: I'm looking at the
7 estimate for the project, this B&A estimate, but
8 there's nothing about, like, installing for
9 heating, ductwork, anything like that. There's
10 nothing about leaving openings for plumbing or
11 putting in plumbing or anything like that here.

12 MS. HURST: That's correct. My father-in-law
13 is intending to complete the inside of the pole
14 barn. He's a carpenter in Indiana -- or in
15 Illinois. I'm sorry.

16 MS. CELESTINO-HORSEMAN: He's a carpenter, but
17 what are you going to do about the plumbing and
18 electrical and laying the framework for that?

19 MS. HURST: Like I said, my father-in-law
20 intends to complete the inside of the pole barn.

21 MS. CELESTINO-HORSEMAN: So you don't know.
22 Okay.

23 You're the construction guy. You tell me.
24 Forty-five seconds.

25 MR. KOICHEVAR: Yes. That clock is off by a

1 minute and a half.

2 MS. CELESTINO-HORSEMAN: Okay. I move that we
3 sustain the challenge.

4 CHAIRMAN OKESON: The motion's been made.

5 MS. CELESTINO-HORSEMAN: Oh, yeah.

6 CHAIRMAN OKESON: And it's been seconded.

7 MS. CELESTINO-HORSEMAN: Thank you.

8 CHAIRMAN OKESON: So all those in favor, we'll
9 go by role call.

10 VICE CHAIRMAN OVERHOLT: A motion to sustain
11 the challenge?

12 CHAIRMAN OKESON: The motion was made to
13 uphold the challenge.

14 MS. CELESTINO-HORSEMAN: We move to uphold the
15 challenge.

16 VICE CHAIRMAN OVERHOLT: Aye.

17 CHAIRMAN OKESON: Nay.

18 MS. PYLE: Nay.

19 CHAIRMAN OKESON: Okay. We've voted on it.
20 The motion has failed to carry, which means that
21 Samantha Hurst will remain on the ballot for the
22 election. Thank you.

23 MR. KOCHEVAR: Mr. Chairman, I will note that
24 it is now noon Eastern Time.

25 CHAIRMAN OKESON: And for the record, I do

1 apologize for the rapid nature of this, but thank
2 you for your cooperation and thanks for coming.

3 MS. CELESTINO-HORSEMAN: Good luck to whoever
4 wins.

5 (Discussion held off the record.)

6 CHAIRMAN OKESON: So if I could indulge your
7 participation for just a few minutes, we'll go back
8 to a couple of agenda items that we intended to,
9 and rightfully so did not, sort of clear before we
10 get to our recess.

11 I'd like to take care of the approval of
12 March 25, 2022, Election Commission minutes. I
13 recognize the co-directors to present the minutes.

14 MR. KING: Mr. Chairman, members of the
15 Commission, on behalf of Co-Director Nussmeyer and
16 myself, the March 25, 2022, minutes are presented
17 to you with our recommendation for their approval.

18 CHAIRMAN OKESON: Is there a motion to approve
19 the minutes as presented?

20 VICE CHAIRMAN OVERHOLT: So moved.

21 CHAIRMAN OKESON: Second?

22 MS. PYLE: Second.

23 CHAIRMAN OKESON: Any discussion?

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

1 VICE CHAIRMAN OVERHOLT: Aye.

2 MS. CELESTINO-HORSEMAN: Aye.

3 MS. PYLE: Aye.

4 CHAIRMAN OKESON: Minutes are approved and
5 signed.

6 And finally, for purposes of today's meeting
7 before we recess, ratification of campaign finance
8 settlement agreements. I recognize the Election
9 Division -- did they leave?

10 MR. KING: Mr. Chairman, I can certainly
11 address that, and then Ms. Nussmeyer can certainly
12 add anything. As you know, we have a procedure in
13 statute where committees which are subject to
14 potential civil penalties for campaign finance law
15 violations have the opportunity to enter into a
16 settlement agreement where, on one hand, they agree
17 to pay the full amount of the penalty that would be
18 due; in return, they are not admitting that they
19 have, in fact, committed a violation.

20 We bring these to you based on what we have
21 received back from the committees that are listed
22 in your packet, and in the past, the Commission has
23 voted to ratify these proposed settlements.

24 CHAIRMAN OKESON: Yeah. So these are all
25 agreed upon.

1 Is there a motion to ratify the campaign
2 finance settlements as presented?

3 VICE CHAIRMAN OVERHOLT: So moved.

4 CHAIRMAN OKESON: Is there a second?

5 MS. PYLE: Second.

6 CHAIRMAN OKESON: Any discussion, questions?

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

9 VICE CHAIRMAN OVERHOLT: Aye.

10 MS. CELESTINO-HORSEMAN: Aye.

11 MS. PYLE: Aye.

12 CHAIRMAN OKESON: The "ayes" have it. The
13 settlement agreements are approved. And with that,
14 I'll take a motion to go into recess until -- oh,
15 we can just declare a recess until 1:30?

16 MR. KING: You can just recess.

17 CHAIRMAN OKESON: Okay. So we'll be in recess
18 until 1:30 when we'll return to this room for the
19 remainder of the meeting.

20 (Lunch recess taken.)

21 CHAIRMAN OKESON: We're back in session, the
22 Indiana Election Commission, Friday, September 9,
23 2022, now 1:30-ish p.m., same location. All the
24 members are present: Chair Paul Okeson; Suzannah
25 Wilson Overholt, vice-chair; Karen

1 Celestino-Horseman, and Litany Pyle; as well the
2 Election Division co-directors, Brad King and Angie
3 Nussmeyer, and co-counsels Matthew Kochevar and
4 Valerie Warycha.

5 Again, our court reporter, Maria Collier from
6 Stewart Richardson, is here. And so before we kind
7 of get underway, we'll ask that you address the
8 podium if you're going to speak today. State your
9 name and spell it for the purpose of the record to
10 make sure that it's all accurate. And please do
11 your best to speak clearly.

12 So we're going to shift things around on the
13 agenda here a little bit in order to get through
14 what seems to be a somewhat heavy campaign finance
15 agenda. So opportunities for committees with
16 representatives present today to accept a reduced
17 penalty, Karen, this has been your show
18 historically, if you'd like to walk us through
19 this.

20 MS. CELESTINO-HORSEMAN: Sure. All right. So
21 you have a once-in-a-lifetime deal as regards these
22 plans here, and that is this: If you accept,
23 you've never had a challenge before and you can now
24 stand up and say, okay, I'll pay, you only have to
25 pay 25 percent of the fine. If it's your second

1 one, you have to pay 50 percent of the fine. If
2 it's your third one, then you have to pay
3 75 percent of the fine.

4 So what kind of things are we looking at for
5 this hearing? Well, if you come up and you tell us
6 that we didn't know the law, we didn't understand
7 this, my treasurer was out of town, you know, short
8 of you being on life support, we have to follow the
9 law and the law says that you have to pay.

10 So anyone, unless you just have an excuse that
11 you think is going to rock our world, I strongly
12 suggest that you accept and cut a deal now because,
13 otherwise, we do not take lightly waiving this.
14 You really have to have a very excellent reason.

15 CHAIRMAN OKESON: And I would add to that, you
16 need not come up and make an argument, an excuse,
17 or say anything. You can just simply accept it and
18 we'll move on.

19 MS. CELESTINO-HORSEMAN: We can just say
20 anybody want to accept it.

21 UNIDENTIFIED SPEAKER: I'll do it.

22 CHAIRMAN OKESON: Before you do that, though,
23 I'm going to take that in the form of a motion as a
24 procedural item.

25 Do we have a second?

1 MS. PYLE: Second.

2 CHAIRMAN OKESON: So those are the rules for
3 taking the plea deal, as I'll call it. It's been
4 motioned and seconded. Any discussion?

5 VICE CHAIRMAN OVERHOLT: Nope.

6 CHAIRMAN OKESON: Hearing none, all those in
7 favor signify by saying "Aye."

8 VICE CHAIRMAN OVERHOLT: Aye.

9 MS. CELESTINO-HORSEMAN: Aye.

10 MS. PYLE: Aye.

11 CHAIRMAN OKESON: The "ayes" have it, so those
12 are the rules.

13 So if you want to take that -- do we want to
14 queue them up over off the edge of Michelle?

15 MS. CELESTINO-HORSEMAN: They can come up to
16 the microphone and give their cause number.

17 CHAIRMAN OKESON: So if you'll line up, in a
18 very civilized manner, in a single file line.
19 State your name and, more importantly, your cause
20 number so they can look your file up. We don't
21 need to hear anything really other than that and
22 accept the fine.

23 MS. CELESTINO-HORSEMAN: I'd like to make one
24 more thing clear. If you don't take the deal at
25 this time, it will not be offered to you should you

1 decide to come up here and argue. Then it will
2 become an all or nothing.

3 CHAIRMAN OKESON: You're throwing yourself at
4 the mercy of this Commission that's eating candy.
5 Just one second before you proceed.

6 We'll have to do an oath. Do we have to then
7 move on each or can we take them all?

8 (Discussion held off the record.)

9 CHAIRMAN OKESON: So with that, if you are
10 planning on speaking here today, even if that's
11 only to list your name and cause number, I will ask
12 you to please follow Mr. Kochevar's guidance here
13 on receiving the oath.

14 VICE CHAIRMAN OVERHOLT: Can I say one
15 important thing?

16 MR. KOCHEVAR: They all arrived here, I
17 assume, after 1:30. We need to swear them in.

18 CHAIRMAN OKESON: That's what I just said.

19 MR. KOCHEVAR: Oh, perfect. Sorry.

20 VICE CHAIRMAN OVERHOLT: And I was also going
21 to say that, once you agree, which you all look
22 like you're going to agree, we are not accepting
23 payment today. You'll get a notice with respect to
24 the payment. So don't expect to write a check or a
25 credit card or whatever today.

1 CHAIRMAN OKESON: So with that, please,
2 Mr. Kochevar.

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

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

12 ALL: I do.

13 CHAIRMAN OKESON: First up.

14 MR. HARMON: All right. My name is Chad
15 Harmon, C-h-a-d, H-a-r-m-o-n, Cause
16 No. 2022-7502-145.

17 MS. TAYLOR: On page 60, this is Cause
18 No. 2022-7502-145. It's the first time before the
19 Board, proposed civil penalty of \$450 and mail cost
20 of 60 cents.

21 CHAIRMAN OKESON: So that is the proposed
22 penalty as it stands and it will be first-time
23 offense?

24 MS. TAYLOR: Correct.

25 CHAIRMAN OKESON: So 25 percent of that plus

1 any related administrative mailing costs.

2 MS. TAYLOR: Yes.

3 MR. HARMON: Yes, I do.

4 VICE CHAIRMAN OVERHOLT: That was Turner;
5 right?

6 MS. TAYLOR: Harmon.

7 CHAIRMAN OKESON: So the Commission accepts.

8 MR. HARMON: Good to go? Thanks, everybody.

9 CHAIRMAN OKESON: Do we need to say what the
10 actual amount is, the reduced amount?

11 MS. TAYLOR: We don't usually. We can. It's
12 \$112.50 plus the 60 cents in mail costs.

13 CHAIRMAN OKESON: Okay. So as a matter of
14 keeping the record, when they accept and we
15 recognize it's 25, 50, or 75, will you just read
16 off what the new amount will be?

17 MS. TAYLOR: I will do my best, yes. Yes, I
18 will do that. I've got a calculator.

19 CHAIRMAN OKESON: All right.

20 VICE CHAIRMAN OVERHOLT: All right. Thank
21 you.

22 CHAIRMAN OKESON: Yes, sir.

23 MR. SHORT: My name is Fred Short, and I'm the
24 treasurer of Grassroots PAC. I have a file number,
25 but I don't have a cause number. It's 99-7551.

1 MS. TAYLOR: This is on page 62, Cause
2 No. 2022-7551-150. It's Grassroots PAC, has a
3 proposed civil penalty of \$300, mail cost of
4 60 cents. It's their first offense.

5 MS. CELESTINO-HORSEMAN: And, Fred, I'm sorry.
6 I don't know what I was thinking. I should have
7 said hello to you earlier.

8 MR. SHORT: Hi, Karen. How are you doing?

9 CHAIRMAN OKESON: So good on 25 percent?

10 MR. SHORT: Sold.

11 MS. TAYLOR: That's \$75 plus 60 cents mail
12 cost.

13 CHAIRMAN OKESON: Thank you.

14 MR. SHORT: Thank you.

15 CHAIRMAN OKESON: Enjoy the rest of your day.

16 MR. SHORT: May make my tee time.

17 MS. SNIDER: My name is Julie Snider, and my
18 number is 2022-7323-114.

19 MS. TAYLOR: This is on page 45, Committee to
20 Elect Julie Snider, Cause No. 2022-7323-114. This
21 is a proposed civil penalty of \$200 plus 60 cents.
22 This is the first time before the Board, so it will
23 be \$50.60.

24 MS. SNIDER: Sold.

25 CHAIRMAN OKESON: Great.

1 VICE CHAIRMAN OVERHOLT: Thank you.

2 MR. VAUGHN: Hi. My name is Johnny Vaughn,
3 J-o-h-n-n-y, V-a-u-g-h-n. And I apologize to the
4 Board and staff. I currently do not have my cause
5 number on hand.

6 MS. TAYLOR: It's at the bottom of 59, top of
7 60, Vaughn for State Representative, Cause
8 No. 2022-7495-144. Proposed civil penalty of
9 \$1,000 plus 60 cents. The committee is closed, and
10 it's their first time before the Board, so that
11 would be 250.60.

12 MR. VAUGHN: I accept.

13 CHAIRMAN OKESON: Excellent. Thank you.

14 MR. CRAWFORD: My name is Stephen Crawford,
15 S-t-e-p-h-e-n, C-r-a-w-f-o-r-d, Libertarian Party
16 of Jackson County. The cause number --

17 MS. TAYLOR: We got you.

18 MR. CRAWFORD: -- 2022-7581-161.

19 MS. THOMPSON: This is on page 67, Libertarian
20 Party of Jackson County, Cause No. 2022-7581-161.
21 It has a civil penalty of \$550.60, has not been
22 before the Commission before.

23 MS. TAYLOR: So it will be 138.10.

24 MR. CRAWFORD: I accept. Thank you very much.

25 VICE CHAIRMAN OVERHOLT: Does that include

1 mailing?

2 MS. TAYLOR: That's plus the mail, so 137.50
3 plus 60 cents mail.

4 VICE CHAIRMAN OVERHOLT: Just checking.

5 MR. CRAWFORD: Thank you very much.

6 MR. FITZPATRICK: Hi. Good afternoon. Sean
7 Fitzpatrick, S-e-a-n, F-i-t-z-p-a-t-r-i-c-k, Cause
8 No. 2022-7104-94.

9 MS. TAYLOR: At the bottom of 33, top of 34,
10 Friends of Fitz for State Rep Committee, Cause
11 No. 2022-7104-94. Proposed civil penalty of \$1,000
12 plus 60 cents. It's the first time, so that will
13 be 250 plus 60 cents.

14 MR. FITZPATRICK: I accept.

15 CHAIRMAN OKESON: Excellent. Thank you.

16 MR. MILLER: Andy Miller for State
17 Representative, Cause No. 2022-7245-107.

18 MS. THOMPSON: This is on page 41, Andy Miller
19 for State Representative, Cause No. 2022-7245-107.
20 Has a proposed civil penalty of \$1,000.60 and has
21 not been before the Commission before, so it would
22 be \$250.60.

23 MR. MILLER: And I accept.

24 CHAIRMAN OKESON: Excellent. Thank you.

25 MR. THURSTON: Patrick Thurston,

1 T-h-u-r-s-t-o-n, treasurer for Vote Yes Benton
2 Committee. I have a Cause No. 2022-7425-136. I
3 don't know if this is considered two different
4 offenses. I have two different cause numbers.

5 MS. TAYLOR: Oh, you have two of them?

6 MR. THURSTON: Yes.

7 MS. TAYLOR: What's the other one?

8 MR. THURSTON: The second one ends in 205.

9 MS. TAYLOR: Okay. It's on page 56 and 86.
10 First one is Vote Yes Benton Committee. First one
11 is 2022-7425-136, proposed civil penalty of \$300.
12 And the second is 2022-7425-205, proposed civil
13 penalty of \$600. Today is their first appearance
14 before the Commission.

15 CHAIRMAN OKESON: Brad, have we consolidated
16 these in the past?

17 MR. KING: Yes.

18 CHAIRMAN OKESON: So is it 900 total?

19 MS. TAYLOR: It's 900 total, yes, so it will
20 be 225 plus 1.20, 226.20.

21 MR. THURSTON: So are they both considered the
22 25 percent?

23 CHAIRMAN OKESON: Yeah. That's the total for
24 both.

25 MR. THURSTON: Thank you. How do I change the

1 address for billing purposes?

2 MS. TAYLOR: Come on over here.

3 MR. THURSTON: I accept. Thank you.

4 CHAIRMAN OKESON: Thanks.

5 MS. TINKLENBERG: Bianka Tinklenberg,
6 B-i-a-n-k-a, T-i-n-k-l-e-n-b-e-r-g, with Case
7 No. 2022-7354-118.

8 MS. TAYLOR: It's on page 47. Tinklenberg for
9 House of Representatives District 17, Cause
10 No. 2022-7354-118, has proposed civil penalty of
11 \$1,000. Today is the first day before the
12 Commission, so that will be 250.60.

13 MS. TINKLENBERG: Yes. Thank you so much.

14 CHAIRMAN OKESON: Thank you.

15 MS. WHITEMAN: Nicki Whiteman, N-i-c-k-i,
16 White-man, 2022-5900-55.

17 MS. TAYLOR: It's on page 13, Howard County
18 Home Builders Association PAC, Cause
19 No. 2022-5900-55, proposed civil penalty of \$1,000.
20 And this is their second time before the
21 Commission, so that will be \$500.60.

22 MS. WHITEMAN: I accept.

23 CHAIRMAN OKESON: Okay. Thank you.

24 MR. RINEHART: Dave Rinehart, 2022-7385-127.

25 MS. TAYLOR: It's at the bottom of 51, top of

1 52, Committee to Elect Dave Rinehart, Cause
2 No. 2022-7385-127, proposed civil penalty of \$50.
3 And it's their first time before the Commission, so
4 that's 12.50 plus 60 cents so 13.10.

5 VICE CHAIRMAN OVERHOLT: Do you accept?

6 MR. RINEHART: I accept. Thank you.

7 CHAIRMAN OKESON: Okay. Thank you.

8 MS. FREDSMITH: Laura Fredsmith, last name is
9 F-r-e-d-s-m-i-t-h. Cause number is 2022-7320-113.

10 MS. TAYLOR: The bottom of 44, top of 45,
11 Laura for Senate, Cause No. 2022-7320-113, proposed
12 civil penalty of \$150. And this is the first time
13 before the Commission, so 38.10.

14 MS. FREDSMITH: I accept. Thank you.

15 MR. MEYERHOLTZ: Rodney Meyerholtz,
16 R-o-d-n-e-y, last name M-e-y-e-r-h-o-l-t-z,
17 treasurer for the Committee to Elect Bob Carmony,
18 File No. 99-7576.

19 MS. TAYLOR: It's on page 95.

20 MS. THOMPSON: This is Committee to Elect Bob
21 Carmony, 2022-7576-227. Has a proposed civil
22 penalty of \$550, and this is the first time before
23 the Commission.

24 MS. TAYLOR: So that will be \$138.10.

25 MR. MEYERHOLTZ: I accept.

1 CHAIRMAN OKESON: Thank you.

2 MR. MEYERHOLTZ: Thank you.

3 MR. WOLF: Good afternoon. Gregory Wolf,
4 G-r-e-g-o-r-y, W-o-l-f, accompanied by Douglas
5 Drummond, D-o-u-g-l-a-s, D-r-u-m-m-o-n-d,
6 representatives for Gary Fraternal Order of Police
7 Political Action Committee, Cause
8 No. 2022-7540-149.

9 MS. TAYLOR: Bottom of 61, top of 62, Gary
10 Fraternal Order of Police Political Action
11 Committee, Cause No. 2022-7540-149, proposed civil
12 penalty of \$1,000. It's their first time, so that
13 will be \$250.60.

14 MR. WOLF: We accept.

15 CHAIRMAN OKESON: Thank you.

16 MR. SCHULTHEISS: Michael Schultheiss,
17 S-c-h-u-l-t-h-e-i-s-s, treasurer for Maurer for
18 Indiana, Cause No. 2022-7532-148.

19 MS. TAYLOR: It's on page 61, Maurer for
20 Indiana, Cause No. 2022-7532-148, proposed civil
21 penalty of \$450 plus 60 cents. It's their first
22 time before the Commission so that will be -- no,
23 that's wrong -- \$113.10.

24 MR. SCHULTHEISS: I accept.

25 MS. KRITSCH: Good afternoon. Katherine

1 Kritsch and my number code is 2022-7673-217.

2 CHAIRMAN OKESON: Could you spell your last
3 name, please.

4 MS. KRITSCH: K-r-i-t-s-c-h.

5 MS. TAYLOR: The bottom of 92, top of 93, Cat
6 for Senate District 26, Cause No. 2022-7673-217,
7 proposed civil penalty of \$100.60. This is her
8 first time before the Commission, so that is
9 \$25.60.

10 MS. KRITSCH: I accept. But can I say one
11 thing? I think it needs to be addressed. In my
12 case, I was late because I tried to get a password,
13 and there was nobody in the office, and you
14 couldn't automatically reset it like you do your
15 bank or anything. So I had to wait until that
16 Monday to get ahold of you guys or the election
17 people to get that password reset.

18 I don't know if maybe we can make that easier
19 for us when we have tragedies in our family that we
20 can't get places or something like that where we
21 can automatically do it without having to call
22 Indianapolis and have that reset through a human,
23 especially where we are in technology today.

24 So thank you for allowing me to say that.
25 Have a great day.

1 MS. CELESTINO-HORSEMAN: Thanks for letting
2 our staff know that.

3 MS. KRITSCH: Thank you.

4 MR. WHITE: Good afternoon. I'm Nick White,
5 Nick White for Indiana, Cause No. 2022-7296-111.

6 I do have a clarifying question first. We
7 don't exist anymore, and the reason for being so
8 late is we thought we were dissolved and we
9 weren't. So we don't have any money either, and I
10 understand that perhaps I have to pay that out of
11 my pocket, but I just wanted to clarify and know
12 where that payment needs to come from and all that
13 good stuff.

14 MS. THOMPSON: This is Nick White for Indiana,
15 Cause No. 2022-7296-111, has a proposed civil
16 penalty of \$1,000.60. It's his first offense.

17 CHAIRMAN OKESON: Can you verify the committee
18 is closed?

19 MS. TAYLOR: The committee is still open.

20 MR. WHITE: I got an email that says yep,
21 you're good.

22 CHAIRMAN OKESON: Maybe you wait.

23 VICE CHAIRMAN OVERHOLT: Yeah. I'd suggest
24 that maybe you wait. There are only two people
25 behind you, and I would sit down and wait.

1 MR. WHITE: All right.

2 CHAIRMAN OKESON: Make your case.

3 MR. MASSILLANANY: Mario Massillanany. I
4 don't believe I fit within the criteria. I'm a new
5 treasurer this year, and I have two violations.
6 And I just found out that I had a previous
7 violation -- or our committee had a previous
8 violation in 2012 and 2006. So I'm just throwing
9 myself at the mercy of this Board. We have \$1,000
10 in our account. We haven't had any money generated
11 or spent in the last --

12 CHAIRMAN OKESON: Join him.

13 VICE CHAIRMAN OVERHOLT: Yeah. Sit down.
14 Remember the rules. We say stand up, sit down.
15 No, I shouldn't say that.

16 MR. McMAHON: My name is Evan McMahon,
17 M-c-M-a-h-o-n, and I am the chairman for the
18 Libertarian Party of Indiana. I'm here for 13
19 different organizations, so it will be a minute.
20 From the list, I can tell you that Jackson County
21 just accepted theirs. Maurer for Indiana accepted
22 theirs. Hancock County, I believe, made --

23 MS. TAYLOR: Hancock paid theirs. They're
24 off.

25 MR. McMAHON: So there's no Hancock as well.

1 VICE CHAIRMAN OVERHOLT: So are you asking for
2 a waiver or are you wanting to agree to the deals
3 that we have?

4 MR. McMAHON: I would prefer a waiver. These
5 are --

6 VICE CHAIRMAN OVERHOLT: Then you should sit
7 down because what we're doing now is the deals.

8 MS. CELESTINO-HORSEMAN: And that's what I'm
9 saying. If you want a waiver, got to go to full
10 argument, but it will be all or nothing.

11 MR. McMAHON: Let's just take the deals for
12 them.

13 VICE CHAIRMAN OVERHOLT: Wise choice.

14 MR. McMAHON: Two of the counties that don't
15 even have officers right now, we're in the process
16 of trying to organize new officers, so good luck
17 for them. They will be inheriting a big fine
18 because they're the two with the largest fines.

19 And, Abbey, I apologize. I do not have the
20 cause numbers.

21 MS. TAYLOR: I've got them all.

22 CHAIRMAN OKESON: Yeah. So, Brad, do we have
23 to go through these individually? Is that what we
24 should do?

25 MR. KING: Mr. Chairman, if the authorized

1 representative of the committees is accepting the
2 proposal adopted by the Commission, you'll want to
3 have the cause numbers and the amounts read into
4 the record.

5 VICE CHAIRMAN OVERHOLT: And also to verify
6 that they're actually eligible for it.

7 MR. KING: Correct.

8 MR. McMAHON: There's also a committee that's
9 on the list that was not on my list, which was the
10 Tatgenhorst for --

11 MS. TAYLOR: He's got, like, 7,500
12 delinquencies, so he's not --

13 MR. McMAHON: He doesn't live in Indiana
14 anymore, so I don't think he's going to care.

15 MS. TAYLOR: I know.

16 CHAIRMAN OKESON: I take it he's not
17 representing that particular committee in this.

18 MR. McMAHON: The Tatgenhorst? No, I am not.
19 That committee was gone before I was chairman. I
20 had no communication with --

21 CHAIRMAN OKESON: We'll just read that into
22 the record for the proposed.

23 MS. TAYLOR: Do you also have Edgar for State
24 Rep and Rigg for Liberty?

25 MR. McMAHON: I have Rigg for Liberty but not

1 Edgar.

2 MS. TAYLOR: Not Edgar?

3 MR. McMAHON: I don't even know who that is.

4 MS. TAYLOR: We're going to start on page 64.

5 MR. McMAHON: Hold on a second, Abbey. Edgar
6 is a new one; right? That was the guy that
7 couldn't walk in that had contacted you?

8 MS. TAYLOR: I thought Edgar was one of your
9 convention candidates.

10 MR. McMAHON: Yeah, and he couldn't walk in.

11 MS. TAYLOR: I don't remember. He was a day
12 late. I don't remember the --

13 MR. McMAHON: So for that one, I mean, I'll
14 ask for a waiver on it because he wasn't --

15 VICE CHAIRMAN OVERHOLT: Wait, wait. Right
16 now this is about you're accepting the deal,
17 because then you're going to sit down.

18 CHAIRMAN OKESON: We're going to stick to
19 those that are on this letter that you've
20 written --

21 MR. McMAHON: Yes, yes, yes.

22 CHAIRMAN OKESON: -- minus the ones that have
23 already --

24 MR. McMAHON: Correct.

25 MS. TAYLOR: Okay. I don't have that letter.

1 MS. WARYCHA: I'll let you use this one.

2 MS. TAYLOR: It's fine. I have a list. I
3 know all of his committees. We're going to start
4 on page 64.

5 MR. McMAHON: I would just like to say for the
6 record, while she's looking all that up, that on
7 both sides of the aisle the Election Division has
8 been amazing with our county parties and candidates
9 and worked with them diligently. We've had a few
10 bad apples that haven't wanted to work with them,
11 but by and large, both sides of the aisle have been
12 absolutely amazing answering questions and actually
13 spent two hours with me personally going over
14 issues that we had. So thank you both sides of the
15 aisle for that.

16 CHAIRMAN OKESON: I appreciate that.

17 MR. McMAHON: I've talked to Valerie and Abbey
18 a lot.

19 CHAIRMAN OKESON: Well, Christmas is right
20 around the corner. Don't forget about them.

21 VICE CHAIRMAN OVERHOLT: Is there any way we
22 can help? Probably not.

23 MS. TAYLOR: We're all just flipping pages.
24 I'm going in order of his letter.

25 MS. THOMPSON: Was Brooksbank late on the

1 preprimary or the annual?

2 MR. McMAHON: I'm sorry?

3 MS. THOMPSON: When was he late, Brooksbank?

4 MR. McMAHON: Brooksbank was in 2020. I
5 believe it was postconvention, is my recollection.

6 MS. NUSSMEYER: Abbey, that would have already
7 been decided; right?

8 MS. TAYLOR: Yeah. I don't know if there's a
9 Brooksbank.

10 MR. McMAHON: I think it might have been
11 annual. There's a lot of them.

12 MS. THOMPSON: An annual? Okay.

13 MR. McMAHON: Hopefully the previous
14 Libertarian Party chair will just come in and talk
15 and not have to read cause numbers or anything. I
16 believe his name is Tim McGuire. You can send him
17 an email if you want.

18 MS. TAYLOR: Okay. Page 55, Committee to
19 Elect Russell Brooksbank, Cause No. 2022-7415-134,
20 proposed civil penalty of \$300 plus 60 cents. It's
21 their first time, so that is --

22 VICE CHAIRMAN OVERHOLT: \$75.60.

23 MS. TAYLOR: -- 75.60.

24 MR. McMAHON: Yes.

25 MS. TAYLOR: Okay. Now, Rigg for Liberty.

1 Page 69, Rigg for Liberty, Cause No. 2022-7411-165,
2 proposed civil penalty of \$1,000.60. It's his
3 first time before the Commission, so that will be
4 250.60.

5 MR. McMAHON: Yes.

6 MS. TAYLOR: Page 64, Libertarian Party of
7 Jennings County, Cause No. 2022-7474-154, proposed
8 civil penalty of \$1,000 plus 60 cents, first time
9 before the Commission. They are also on page 90 --
10 sorry -- 89, Cause No. 2022-7474-210, proposed
11 civil penalty of \$1,000. So that will be a total
12 of \$501.20.

13 MR. McMAHON: Yes.

14 MS. TAYLOR: Page 64, Libertarian Party of
15 Lawrence County, Cause No. 2022-7479-155, first
16 time before the Commission, proposed civil penalty
17 of \$100.60, so 25.60.

18 MR. McMAHON: Yes.

19 MS. TAYLOR: Howard County Libertarian Party,
20 Cause No. -- sorry, page 65 and page 90. The first
21 one is Cause No. 2022-7483-156, proposed civil
22 penalty of \$1,000. Second is Cause
23 No. 2022-7483-211, proposed civil penalty of
24 \$1,000. So, again, that will be \$500.20.

25 VICE CHAIRMAN OVERHOLT: \$501.20.

1 MS. TAYLOR: \$501.20.

2 MR. McMAHON: Yes.

3 MS. TAYLOR: Page 65, Libertarian Party of
4 Brown County, Cause No. 2022-7487-157, proposed
5 civil penalty of \$450 plus 60 cents, so that's
6 \$112 -- \$113.10.

7 MR. McMAHON: Yes.

8 MS. TAYLOR: And then 91 -- no, bottom of 90,
9 Cause No. 2022-7487-212, proposed civil penalty of
10 \$750 plus 60 cents, \$187.75.

11 MR. McMAHON: That's Shelby County?

12 MS. TAYLOR: That's Brown County. They had
13 two.

14 MR. McMAHON: Oh, okay.

15 MS. NUSSMEYER: What was the amount again,
16 Abbey?

17 MS. TAYLOR: 187.75 and 60 cents so 188.35.

18 MR. McMAHON: Yes.

19 MS. TAYLOR: Shelby is on 66. They have two,
20 Cause No. 2022-7489-158, proposed civil penalty of
21 \$150, so 37.50, 38.10; and page 91, Cause
22 No. 2022-7489-213, proposed civil penalty of \$50,
23 so 12.50 so 13.10.

24 MR. McMAHON: Yes.

25 MS. TAYLOR: Martin County, 66, Cause

1 No. 2022-7491-159 proposed civil penalty of \$1,000,
2 so \$250.60.

3 MR. McMAHON: Is that the only one?

4 MS. TAYLOR: That's the only one for Martin
5 County.

6 MR. McMAHON: Should be good after that. Yes.

7 MS. TAYLOR: Randolph is on 67, Libertarian
8 Party of Randolph County, Cause No. 2022-7534-160,
9 proposed civil penalty of \$50, so 12.50 so 13.10.

10 MR. McMAHON: Yes.

11 MS. TAYLOR: Jackson we already did; correct?

12 VICE CHAIRMAN OVERHOLT: Right, and Hancock so
13 Wells is the --

14 MS. TAYLOR: And Hancock, so Wells is on
15 page 92 -- 91, Cause No. 2022-7493-214, proposed
16 civil penalty of \$200, so \$50.60.

17 MR. McMAHON: Yes.

18 CHAIRMAN OKESON: Okay.

19 VICE CHAIRMAN OVERHOLT: Thank you.

20 MR. McMAHON: Thank you. I'll be back in just
21 a minute.

22 CHAIRMAN OKESON: Nice job.

23 VICE CHAIRMAN OVERHOLT: I won't say thank you
24 13 times, but thank you.

25 CHAIRMAN OKESON: So that matter is closed.

1 So we'll move along to adoption of campaign finance
2 hearing procedures. The remaining committees will
3 be called to permit the presentation of evidence in
4 these matters or testimony. Before doing so, I
5 want to note in the past we've followed certain
6 procedures for conducting campaign finance hearings
7 and I move the Commission use the following for
8 today:

9 When each campaign finance matter is called,
10 the hearing will begin with recognizing campaign
11 finance staff to provide information about the
12 documents in this matter provided to the Commission
13 members, including letters from committees, and
14 notice given to the campaign committee.

15 Unless there is an objection, the documents
16 provided to the Commission by the Election Division
17 will be entered into the record of this meeting.

18 After campaign finance staff completes
19 presentation, a representative of the committee
20 will be recognized first and may present their case
21 for no more than 5 minutes.

22 Commission members may ask questions during
23 this time, but that will not be counted against the
24 5 minutes, the time it takes for you to answer.

25 If the presenter offers additional documents

1 or other physical evidence not previously received
2 by the Commission, then the originals must be
3 provided to the Election Division. I'd direct you
4 to Valerie Warycha down here to Brad King's right.

5 If the Commission finds that a committee has
6 violated the campaign finance statutes, state law
7 requires a unanimous vote of all four Commissioners
8 to waive or reduce the amount of the penalty set by
9 law.

10 If the Commission makes a decision at this
11 meeting to either fine a committee or dismiss the
12 case against the committee, then the Election
13 Division will prepare a final order to the
14 Commission for approval at a later meeting. If a
15 committee is fined today, the committee will
16 receive a notice from the Election Division to pay
17 the fine after the Commission adopts that final
18 order. So it may be some time after today before
19 the committee will be required to pay the fine.

20 The Commission will recognize committees to
21 make a presentation beginning with the committee
22 seated at the very front of the room. And, again,
23 please speak up, have your cause number ready for
24 our convenience, and state your name and spell it
25 for the court reporter. Everyone here has taken

1 the oath; correct?

2 So with that, is there a second to the motion
3 I've offered for procedures?

4 VICE CHAIRMAN OVERHOLT: Second.

5 CHAIRMAN OKESON: Any discussion?

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

8 VICE CHAIRMAN OVERHOLT: Aye.

9 MS. CELESTINO-HORSEMAN: Aye.

10 MS. PYLE: Aye.

11 CHAIRMAN OKESON: The "ayes" have it. Those
12 are the rules.

13 Who's up first?

14 MR. MASSILLANANY: I apologize for earlier.
15 Again, my name is Mario Massillanany. It's long,
16 M-a-s-s-i-l-l-a-n-a-n-y.

17 I'm not asking for a waiver. I'm just asking
18 for mercy, throwing myself, you know, at the feet
19 of you guys. I became the treasurer of this
20 committee at the end of last year. Your staff is
21 phenomenal. They actually helped me fill out my
22 campaign finance report. It wasn't in time. I was
23 5 minutes late for one of my violations.

24 I thought that that was the end of what I
25 needed to file for the year because our campaign

1 committee has not raised any money or spent any
2 money in a couple years, and so we have the exact
3 same amount, which is a little over \$1,000, I
4 believe, in our account. And so the fine, I
5 believe, right now is \$1,100, which will come out
6 of my pocket, because I don't want to --

7 CHAIRMAN OKESON: So what's the cause number?

8 MR. MASSILLANANY: The cause numbers are
9 2022-4690-152 and Cause No. 2022-4690-174.

10 MS. THOMPSON: Mr. Chairman, this is on
11 page 63 and page 71. This is the 5th Congressional
12 District Republican Committee. Cause
13 No. 2022-4690-152 is first one, and the second one
14 is 2022-4690-174, and that's on page 71.

15 CHAIRMAN OKESON: 63 and 71?

16 MS. THOMPSON: Yes. This committee has a
17 proposed civil penalty for the first one of \$50.60.
18 This committee has been before the Commission --
19 this will be his fourth time before the Commission.

20 CHAIRMAN OKESON: This is the committee's
21 fourth?

22 MR. MASSILLANANY: My first.

23 MS. THOMPSON: The committee's fourth, yes.

24 MR. MASSILLANANY: My first. And I apologize.
25 That's why I got up on the stage because I thought

1 maybe it was I get one bite at the apple, you know.

2 MS. CELESTINO-HORSEMAN: That's my question is
3 so you've opted to have a hearing. What is your
4 basis for relief? Because just throwing yourself
5 on the mercy of us doesn't do it, unfortunately.

6 MR. MASSILLANANY: Well, and I understand
7 that. I believe that there was a notice sent
8 regarding one of the filings that I hadn't done.
9 Unfortunately, I never received it because my
10 office has a suite number, and it was just going to
11 the building. And so I knew that I had one penalty
12 because I filed it at 12:05, and that's the \$50
13 one. So when I called them to find out how to pay
14 it or what I needed to do, that's when I found out
15 I had another filing that I had not done.

16 So I'm not really trying to use that as an
17 excuse that it went to the building but I didn't
18 get notice, but all I'm trying to really do is see
19 if there's any mercy in me not having to put up
20 \$1,050 and if I could get some sort of relief in
21 that.

22 MS. CELESTINO-HORSEMAN: So you're saying that
23 the one you didn't receive was a notice telling you
24 that you had filed late.

25 MR. MASSILLANANY: Had not filed.

1 MS. CELESTINO-HORSEMAN: So you already had
2 the penalty assessed; it was just a matter of
3 telling you that.

4 MR. MASSILLANANY: I'm not sure. I think it's
5 just that there was notice that I had not filed
6 that report.

7 MS. CELESTINO-HORSEMAN: And if he had gotten
8 that notice and had filed the report, would there
9 have been -- that wouldn't have absolved him of
10 being late; right?

11 MS. THOMPSON: No.

12 MR. MASSILLANANY: No. But it might have
13 stopped me from having a \$1,000 penalty or maybe --
14 I don't know -- a shorter penalty. That's all.

15 So, again, I'm not trying to make any excuses
16 for that. I'm just asking if there's any
17 possibility that this Board might not charge me the
18 full amount for the 1,000 and the \$50 because
19 that's more than the committee, and it's my fault,
20 so I'm going to pay out of pocket.

21 MS. TAYLOR: Have we fixed your address? Do
22 we have that corrected or was it not on the hearing
23 notice?

24 MR. MASSILLANANY: It wasn't on the hearing
25 notice. But I figured that would be a secondary

1 issue to solve. I was just hoping not to have to
2 pay the 1,050.

3 MS. TAYLOR: No. I just wanted to get that
4 cleared while I have you here.

5 MR. MASSILLANANY: Sure. And your staff has
6 been phenomenal. They're amazing people. And I'm
7 not trying to butter them up because I know that
8 they don't impact my fine.

9 CHAIRMAN OKESON: Valerie, what are the
10 abilities of the Commission? If we were to, say,
11 treat him as a first-time appearance and reduce it
12 to 25 percent, could we then also state that, if
13 they were to come before the body again, the
14 remainder of that 75 percent in addition to
15 whatever new fees would be incurred would be
16 required?

17 MS. WARYCHA: I think if you took a motion and
18 voted on it. I'm looking at Brad for confirmation
19 and his thoughts, and Matthew.

20 MS. TAYLOR: You guys have done -- maybe it
21 wasn't you, Paul, but the Commission has done that
22 before, let the new treasurer start with a clean
23 slate. But I could not tell you what year that was
24 or what cause that was. I can tell you it was
25 sometime since March of 2005 is all I can tell you.

1 CHAIRMAN OKESON: I mean, I would be --

2 MR. KING: Just to supplement what Valerie has
3 said, I think, in the absence of objection by the
4 committee, the Commission has the authority under
5 the statute to reduce or waive penalties if it
6 makes a finding that imposing the full penalty
7 would be unjust under the circumstances, and
8 certainly in the past the Commission has set
9 conditions of the sort that Abbey was referencing
10 in individual cases. So I think generally, yes,
11 you can do that if that is your position.

12 CHAIRMAN OKESON: I mean, I guess I would be
13 of the mind-set, hearing you out, that we reduce
14 the fine to 25 percent. So I would move that we
15 reduce the fine to 25 percent; however, should the
16 committee come before this body again, the full
17 fine will be paid of that particular incident, and
18 the remainder of this particular incident will be
19 added to it.

20 MS. PYLE: Just to ask a question, when did
21 you become treasurer?

22 MR. MASSILLANANY: I believe it was December
23 of 2021. It was either December or January of this
24 year. It was right around the holidays.

25 MS. PYLE: Okay.

1 MR. MASSILLANANY: So this was technically my
2 first filing.

3 MS. PYLE: Right. I'm just looking at the
4 other delinquencies.

5 VICE CHAIRMAN OVERHOLT: Wait. There's been a
6 motion. I think there needs to be --

7 MS. CELESTINO-HORSEMAN: Point of order, then.
8 Can we pass something that is effectively a
9 suspended sentence? I mean, how are we going to
10 keep track of this and know?

11 CHAIRMAN OKESON: Well, the remaining filings
12 will be put into the record of this committee, and
13 if it appears here in violation again --

14 MS. TAYLOR: We'll just add a note.

15 MS. CELESTINO-HORSEMAN: So if somebody sees
16 the note.

17 MS. PYLE: I guess we've done it with PACs
18 that are closed; right? If they get their stuff
19 closed up and finished where they don't have
20 filings and things like that, we've done that type
21 of thing.

22 CHAIRMAN OKESON: I'm trying to avoid being
23 unnecessarily punitive in light of your individual
24 presence but also in recognition that this PAC has
25 been here four times, and so this is sort of a last

1 chance. You're going to feel a little bit of pain,
2 but at the end of the day, if you come back, it's
3 going to be a lot more. So with the incentive to
4 get on top of the filings, work with our amazing
5 staff, and should you move on, pass that baton on
6 to the next person.

7 MR. MASSILLANANY: And it will be passed on
8 quickly.

9 MR. KING: Mr. Chairman, just to add to what's
10 been said about the legal question posed by
11 Commissioner Celestino-Horseman, of course, the
12 transcript of this meeting will be part of the
13 minutes that will be adopted and part of the
14 permanent record, so there will be a record that
15 this is the Commission's decision, along with any
16 notes made by staff in the file. And so long as
17 the committee's representative represents to this
18 body that the committee will abide by that
19 determination, I think you're within the parameters
20 of the statute.

21 MS. CELESTINO-HORSEMAN: Mr. Massillanany,
22 you're well-known and a good lawyer and all of
23 that. I think we've had some dealings with some of
24 the same stuff, so certainly this is not
25 directed --

1 CHAIRMAN OKESON: So we have a motion. We
2 need a second if we're going to continue to
3 discuss.

4 VICE CHAIRMAN OVERHOLT: I'll second for
5 purposes of discussion. Sorry. Should have done
6 that earlier.

7 CHAIRMAN OKESON: All right. Go ahead.

8 MS. CELESTINO-HORSEMAN: Okay. But here's
9 where my problem comes in: I just sat up here and
10 told all those people that you can't have a deal.
11 I appreciate the situation in which you're in, and
12 now we're talking about taking -- I mean, if he had
13 been on his third violation, it would have been
14 75 percent of the fine. And this is because there
15 have been more and probably because this
16 organization is probably changing treasurers and
17 all that, but the organization needs to get itself
18 together.

19 CHAIRMAN OKESON: Sure.

20 MS. CELESTINO-HORSEMAN: And I just don't
21 think it's fair to the other people.

22 MR. MASSILLANANY: Well, and I apologize if
23 I'm interjecting at the wrong period of time, but
24 it appears that our organization has been around a
25 lot longer too. So one of our violations was in

1 2012, so that was ten years ago. And the other
2 violation before that was 2006; right? So it's not
3 like this happened in '18, '19, '20, '21, '22. Our
4 organization has been around for a lot longer than
5 what appears that these other organizations have
6 been.

7 So I'm not, again, trying to make any excuses
8 to you, ma'am. All I'm just trying to do is just
9 ask for mercy.

10 CHAIRMAN OKESON: I hear what you're saying,
11 but we have in the past considered similar stories.
12 I'm trying to walk the tightrope here.

13 MS. CELESTINO-HORSEMAN: So what are you
14 talking about, cutting it down to 25 percent?

15 CHAIRMAN OKESON: I was treating him like it
16 was his first time before the Commission, giving
17 him some grace of 25 percent, but should this PAC,
18 irrespective of who is running it, if the treasurer
19 at that time comes before this body, the remainder
20 of this will be accrued up with whatever fine is
21 assessed at the next violation.

22 VICE CHAIRMAN OVERHOLT: The thing that I just
23 wanted to point out in response to Commissioner
24 Celestino-Horseman's comment, I do think this is a
25 bit distinguishable from the folks who were lined

1 up because what we determined is that you weren't
2 actually eligible for the deal because your
3 committee had more than three previous violations.
4 So that was why we took you out of line or part of
5 why we told you that you needed to get out of line.
6 So I do think there's a distinction there.

7 MS. CELESTINO-HORSEMAN: I would make a motion
8 to amend your motion.

9 CHAIRMAN OKESON: Well, why don't we just vote
10 on my motion, and then we can proceed from there.

11 MS. CELESTINO-HORSEMAN: Okay.

12 CHAIRMAN OKESON: Because otherwise, I think
13 we're going to enter into the land of confusion.

14 VICE CHAIRMAN OVERHOLT: What, us do that?
15 Never.

16 CHAIRMAN OKESON: All right. So we have a
17 motion and a second. Without hearing any further
18 discussion, all those in favor signify by saying
19 "Aye."

20 Aye.

21 MS. PYLE: Aye.

22 CHAIRMAN OKESON: All those opposed say "Nay."

23 MS. CELESTINO-HORSEMAN: Nay.

24 VICE CHAIRMAN OVERHOLT: Nay.

25 CHAIRMAN OKESON: So two to two, the motion

1 fails.

2 All right. Would you like to make another
3 motion?

4 MS. CELESTINO-HORSEMAN: I'll make another
5 motion. I will move that their fine be reduced by
6 50 percent, and should they have another violation
7 or failure to file timely, that the remainder of
8 this \$1,000 fine shall be due and payable along
9 with whatever amounts might be assessed.

10 VICE CHAIRMAN OVERHOLT: So \$1,050?

11 MS. CELESTINO-HORSEMAN: Yeah, 1,050.

12 CHAIRMAN OKESON: Is there a second?

13 VICE CHAIRMAN OVERHOLT: Second.

14 CHAIRMAN OKESON: Any discussion? Any
15 questions?

16 Hearing none, we have a motion and a second.
17 All those in favor signify by saying "Aye."

18 VICE CHAIRMAN OVERHOLT: Aye.

19 MS. CELESTINO-HORSEMAN: Aye.

20 MS. PYLE: Aye.

21 CHAIRMAN OKESON: Aye.

22 The "ayes" have it. The motion carries.

23 MR. MASSILLANANY: And I accept that penalty.

24 And, again, I apologize.

25 VICE CHAIRMAN OVERHOLT: You have no choice.

1 MR. MASSILLANANY: Thank you so much. I
2 appreciate it.

3 CHAIRMAN OKESON: Who's next?

4 MR. WHITE: Hello.

5 MS. TAYLOR: We got you.

6 CHAIRMAN OKESON: Go ahead. State your name
7 and spell it.

8 MS. TAYLOR: Okay. This is on 43 and 44.

9 MR. WHITE: Nick White, easy to spell.

10 CHAIRMAN OKESON: I'm sorry. What page?

11 MS. TAYLOR: 43 and 44, Nick White for
12 Indiana, Cause No. 2022-7296-111, proposed civil
13 penalty of \$1,000 plus 60 cents.

14 CHAIRMAN OKESON: So remind me --

15 MR. WHITE: Yeah. You had me step aside
16 because we don't exist and have no money, gave it
17 all away. Yeah, I know we need to figure that --
18 because I filed at zero. So I did really well when
19 I had a treasurer, obviously, and then we stopped
20 existing, and I donated the money. We had some
21 problems because we can't just use that money. We
22 have to write checks, and candidates didn't file
23 and didn't take their money out of our account. So
24 it took about six months to get rid of the money,
25 which you wouldn't think would be hard to do, but

1 it was. Other new candidates -- I won't take you
2 guys there. But ended up finally donating it all
3 away to two candidates running this year, and we
4 don't exist.

5 So I'm happy to pay the 25 percent. I'm not
6 happy, but I will pay the 25 percent.

7 CHAIRMAN OKESON: In your mind, when did you
8 intend to dissolve the committee?

9 MR. WHITE: Well, we were running in 2020, so
10 December 2020 really. But we tried to get rid of
11 the money after some time. Without giving too many
12 details, I was told to hold on to it, that I might
13 want to run again. Then in 2021, I got a new job
14 at Butler, and it doesn't really fit with that job
15 right now to run for office. And then we proceeded
16 to try to get rid of the money and go through the
17 process. My treasurer has moved on, and I am bad
18 at paperwork, which is why I'm willing to pay my
19 \$250 to admit that I don't know how to do paperwork
20 very well. I should have called Matt when people
21 told me to call him.

22 CHAIRMAN OKESON: And your intention is to
23 dissolve the committee?

24 MR. WHITE: Yes.

25 MS. CELESTINO-HORSEMAN: May I make a motion?

1 CHAIRMAN OKESON: Sure.

2 MS. CELESTINO-HORSEMAN: I would move that we
3 instruct Mr. White that, if he can get this
4 committee closed within the next 30 days, that the
5 fine and moneys owed will be waived. If he
6 doesn't, then he'll have to come back on the
7 schedule to come back. That's something we have
8 done in the past.

9 CHAIRMAN OKESON: Is there a second?

10 VICE CHAIRMAN OVERHOLT: Second.

11 CHAIRMAN OKESON: Any questions, discussion?

12 MS. PYLE: No questions.

13 CHAIRMAN OKESON: Hearing nothing further, all
14 those in favor signify by saying "Aye."

15 VICE CHAIRMAN OVERHOLT: Aye.

16 MS. CELESTINO-HORSEMAN: Aye.

17 MS. PYLE: Aye.

18 CHAIRMAN OKESON: Aye.

19 The "ayes" have it.

20 MR. WHITE: Thank you very much. A lot
21 different on this side than that side of the Board.

22 MR. McMAHON: Evan McMahon, chairman of the
23 Libertarian Party of Indiana, on behalf of Edgar.

24 MS. TAYLOR: It's on page 68.

25 CHAIRMAN OKESON: So this was not on that

1 list?

2 MS. TAYLOR: No. Edgar for State Rep, Cause
3 No. 2022-7700-164, proposed civil penalty of
4 \$100.60, and this is their first delinquency.

5 CHAIRMAN OKESON: What page?

6 MS. TAYLOR: Sixty-eight.

7 MS. CELESTINO-HORSEMAN: Do you have
8 authorization to represent this --

9 MR. McMAHON: The state party chair, under
10 affiliation with the state party, they give
11 authorization for the state central committee and
12 the chairman to represent the county parties in all
13 matters.

14 MS. CELESTINO-HORSEMAN: The state central
15 committee gave the authorization or the candidate?

16 MR. McMAHON: No. The county parties and the
17 candidates have to give that authorization.

18 MS. CELESTINO-HORSEMAN: Oh, okay. So you're
19 representing to us that you're duly authorized.

20 MR. McMAHON: Yes.

21 So this was actually -- Abbey, if you
22 remember, we had a final CFA-1 for multiple
23 candidates in one day.

24 MS. TAYLOR: Yes.

25 MR. McMAHON: And there was a problem getting

1 them into the system. And I sent you an email, and
2 you called me back right away, and I was
3 actually -- you weren't in the office that day.
4 You called me from home.

5 MS. TAYLOR: Okay.

6 MR. McMAHON: And we talked about it, and that
7 hiccup caused the delay and the candidate was
8 unable to file in a timely manner because of that
9 technical glitch. So that would be --

10 MS. TAYLOR: I do not remember the specific
11 glitch, but I can assure you there are a million
12 glitches to go around, so this one was one day
13 late. I'll fall on that sword. I don't remember
14 this one specifically, but there are enough of them
15 that...

16 MR. McMAHON: And I would never ask Abbey to
17 throw herself on a sword. She's amazing.

18 But this one, I did remember this. This was
19 actually -- I filed it. I had come back the next
20 day to see you. The CFA-1, I filed a CFA-1 for all
21 of our candidates as well as their nomination
22 forms, their CAN-22s and now it's CAN-32s. So as
23 the state party chair, I filed all that. I filed
24 it with the clerks in the Statehouse as well. So
25 we handle all of that.

1 So when it got filed, there was a problem. I
2 tried to come back. You weren't there. I sent you
3 an email, and literally I had walked from the
4 office up on the second floor and I was walking and
5 I was in front of the far side of the Statehouse
6 building getting ready to head to Starbucks when
7 Abbey called me. So I stood right there for about
8 15, 20 minutes. We were able to get the issue
9 resolved for John Schick, who was our auditor
10 candidate. Do you remember that?

11 MS. TAYLOR: Yes.

12 MR. McMAHON: But we weren't able to get it
13 resolved for Edgar, so that was the issue.

14 VICE CHAIRMAN OVERHOLT: But what was the
15 issue? I know you said it was a glitch, but what
16 was it that was delaying the filing?

17 MR. McMAHON: There was no online account
18 created for his committee. The physical paperwork
19 was filed, but when he tried to file the electronic
20 to set up the committee, it didn't go through.
21 There was an issue with it. And you had sent me
22 the credentials. Actually, I think you told it to
23 me over the phone and I had to handwrite it down.
24 It was a very difficult day. But it was a
25 technical glitch. It wasn't the candidate's fault.

1 CHAIRMAN OKESON: Is there anything on the
2 system side that shows that there was an attempt
3 made at least for someone to file?

4 MS. TAYLOR: It doesn't work that way. And it
5 does exist where, like, you can hit submit and it
6 errors into the cyber world and it's gone. Like,
7 that has happened.

8 CHAIRMAN OKESON: But even on the committee
9 end they don't get a ding email that says your
10 attempt to file has been rejected by the server?

11 MS. TAYLOR: No, no. And sometimes it will --
12 I mean, if we want to talk about this, we can, but
13 sometimes it will tell you there's an error and
14 you've submitted it. So computers and technology
15 are only good when they work, and none of them work
16 a hundred percent of the time.

17 MR. McMAHON: I would just remind the
18 committee that I was here for 13 others and I
19 accepted payments.

20 CHAIRMAN OKESON: Yeah. That's where I was
21 going.

22 MR. McMAHON: This would be a \$100 fine, but
23 this is one -- every other one of them I can say
24 that in some way, shape, or form -- even though the
25 candidate guide is not really geared towards

1 Libertarian. We nominate all of our candidates at
2 convention, which becomes problematic with filing
3 preconvention, postconvention, becomes complicated
4 as to when you were a candidate and when you
5 weren't a candidate.

6 But we will own that, and we owned that for
7 all of the other committees and county parties and
8 candidates. This is one that I'm going to stand by
9 and say I remember this situation, this issue, and
10 as chair, I will speak up for him, and he shouldn't
11 be fined for that technical glitch.

12 CHAIRMAN OKESON: Is there a motion?

13 VICE CHAIRMAN OVERHOLT: Yeah. I guess I
14 would move to waive the fine.

15 CHAIRMAN OKESON: It's a \$100 fine?

16 MS. TAYLOR: Yeah.

17 CHAIRMAN OKESON: Is there a second?

18 MS. CELESTINO-HORSEMAN: Second.

19 CHAIRMAN OKESON: Any discussion or questions?

20 MS. PYLE: I guess my question would be, if
21 this comes back, are we treating it as a second,
22 this being the first time and then that would be
23 the second time?

24 MS. TAYLOR: You can tell us which way you
25 want us to go.

1 VICE CHAIRMAN OVERHOLT: It will show that
2 they've been before us before.

3 MS. TAYLOR: It will show that there's been a
4 hearing today unless you want us to clear it.

5 VICE CHAIRMAN OVERHOLT: So the record would
6 reflect that he had been here before, so, yes, I
7 think that would be the second.

8 CHAIRMAN OKESON: Anything else?

9 MS. PYLE: No.

10 CHAIRMAN OKESON: We have a motion and a
11 second. All those in favor signify by saying
12 "Aye."

13 VICE CHAIRMAN OVERHOLT: Aye.

14 MS. CELESTINO-HORSEMAN: Aye.

15 MS. PYLE: Aye.

16 CHAIRMAN OKESON: The "ayes" have it. The
17 motion carries.

18 MR. McMAHON: Any other Libertarian candidates
19 are on their own.

20 VICE CHAIRMAN OVERHOLT: Good.

21 MS. TAYLOR: I think I caught them all. You
22 had a pretty good list of them.

23 MR. McMAHON: Thank you, everybody.

24 CHAIRMAN OKESON: Enjoy your weekend.

25 Anyone else?

1 Okay. Any continuances? Will the staff
2 identify any matters for which a motion for
3 continuance was received for today's meeting.

4 MS. TAYLOR: We have Cindy4Indiana 58, Cause
5 No. 2022-7097-93, page 34, if you want to see
6 those.

7 CHAIRMAN OKESON: So there's a request for a
8 continuance?

9 MS. TAYLOR: Request for a continuance.

10 CHAIRMAN OKESON: Have they ever asked?

11 MS. TAYLOR: No. These are all first-time
12 continuances?

13 VICE CHAIRMAN OVERHOLT: Go to the yellow tab.

14 CHAIRMAN OKESON: Mine is different.

15 MS. TAYLOR: Sorry. It's page 33. We had a
16 settlement agreement paid and I didn't recalculate
17 the pages.

18 MS. NUSSMEYER: What's the committee name
19 again?

20 MS. TAYLOR: Cindy4Indiana 58, page 33.

21 VICE CHAIRMAN OVERHOLT: You're saying she
22 paid it?

23 MS. TAYLOR: No. She asked for a continuance.
24 These are all continuances.

25 CHAIRMAN OKESON: Okay. Anyone else? Can we

1 just do them all en masse?

2 MS. TAYLOR: Okay. Clark County Democrats
3 Advance the Vote, Cause No. 2022-7450-140 and Cause
4 No. 2022-7450-207; Indiana Federation of Republican
5 Women, Cause No. 2022-321-166; Citizens for Unified
6 Long Beach, Cause No. 2022-7262-201; Indiana
7 Association of the IATSE PAC, Cause
8 No. 2022-4573-38; and Lake and Porter County Young
9 Democrats, Cause No. 2022-6681-72.

10 CHAIRMAN OKESON: Are these all first-time
11 requests?

12 MS. TAYLOR: These are all first-time
13 requests.

14 CHAIRMAN OKESON: Is there a motion to grant
15 request for continuance for all those that have
16 been identified?

17 VICE CHAIRMAN OVERHOLT: So moved.

18 CHAIRMAN OKESON: Is there a second?

19 MS. PYLE: Second.

20 CHAIRMAN OKESON: Any discussion or questions?

21 VICE CHAIRMAN OVERHOLT: I just want to
22 recognize that one of the continuances was due to
23 participation in a dragon boat race, which I think
24 is an excellent reason for not attending. Sorry.
25 I just read that.

1 CHAIRMAN OKESON: So we have a motion and a
2 second. Any discussion?

3 Hearing nothing further, all those in favor
4 signify by saying "Aye."

5 VICE CHAIRMAN OVERHOLT: Aye.

6 MS. CELESTINO-HORSEMAN: Aye.

7 MS. PYLE: Aye.

8 CHAIRMAN OKESON: The "ayes" have it. The
9 continuances are granted.

10 Are there any administrative dissolutions?

11 MS. TAYLOR: Yes.

12 MS. THOMPSON: Mr. Chairman, it's the little
13 red tab.

14 CHAIRMAN OKESON: Got it.

15 MS. THOMPSON: Mr. Chairman, members of the
16 Commission, these committees can be
17 administratively dissolved. They have not filed a
18 report in three years, and they have a balance of
19 less than \$1,000.

20 CHAIRMAN OKESON: I move the Commission do the
21 following: Make a finding that there's no evidence
22 that any of these committees continue to receive
23 contributions, make expenditures, or otherwise
24 function as a committee; make a finding that,
25 according to the best evidence available to the

1 Commission, dissolving these committees will not
2 impair any contract or impede the collection of a
3 debt or judgment by any person; make a finding that
4 the prudent use of public resources makes further
5 efforts to collect any outstanding civil penalty
6 imposed against these committees wasteful or
7 unjust, and that therefore the Commission
8 administratively dissolve each of these committees.

9 Is there a second?

10 VICE CHAIRMAN OVERHOLT: Second.

11 CHAIRMAN OKESON: Any discussion?

12 Hearing none, all those in favor signify by
13 saying "Aye."

14 VICE CHAIRMAN OVERHOLT: Aye.

15 MS. CELESTINO-HORSEMAN: Aye.

16 MS. PYLE: Aye.

17 CHAIRMAN OKESON: The "ayes" have it. They
18 are dissolved.

19 Is there anyone here to -- no. I believe that
20 concludes our business for the day. Oh, sorry.

21 MS. NUSSMEYER: Do you have one more thing?

22 MS. TAYLOR: Everybody else who wasn't here.

23 CHAIRMAN OKESON: Defaults and then we also
24 have the HAVA. Sorry.

25 All right. Here we go. Is there anyone to

1 testify? So if not, I declare the hearings on all
2 remaining campaign finance matters that were
3 scheduled for today closed. Is there a motion to
4 impose the entire amount of proposed penalty, plus
5 mailing costs, in all remaining campaign finance
6 enforcement actions?

7 VICE CHAIRMAN OVERHOLT: So moved.

8 MS. PYLE: Second.

9 CHAIRMAN OKESON: Any discussion?

10 Hearing none, all those in favor signify by
11 saying "Aye."

12 VICE CHAIRMAN OVERHOLT: Aye.

13 MS. CELESTINO-HORSEMAN: Aye.

14 MS. PYLE: Aye.

15 CHAIRMAN OKESON: The "ayes" have it. The
16 motion carries. So --

17 MS. CELESTINO-HORSEMAN: Oh, can I make a
18 motion that that resolution they be allowed to use
19 the stamp for our signature?

20 CHAIRMAN OKESON: Yeah.

21 Is there a second?

22 VICE CHAIRMAN OVERHOLT: Second.

23 CHAIRMAN OKESON: Any conversation or
24 discussion?

25 Hearing none, all those in favor signify by

1 saying "Aye."

2 VICE CHAIRMAN OVERHOLT: Aye.

3 MS. CELESTINO-HORSEMAN: Aye.

4 MS. PYLE: Aye.

5 CHAIRMAN OKESON: So I will now -- the Benham
6 Help America Vote Act Grievance 2022-08, I will
7 recognize the co-directors to submit a report from
8 the Election Division regarding a grievance filed
9 against the Ripley County Circuit Court Clerk
10 alleging a potential violation of the Help America
11 Vote Act and then recognize both our co-counsels to
12 provide an overview of the federal and state laws
13 that apply to our consideration of this grievance,
14 and conclude with the next steps which may be taken
15 by the Commission.

16 Brad.

17 MR. KING: Mr. Chairman, members of the
18 Commission, I can begin and then I'll defer to
19 Co-Director Nussmeyer. Behind me, for most of you
20 I believe it's the orange tab labeled "HAVA
21 Grievance" in your binder, is a report from the
22 co-directors regarding a grievance filed under the
23 Help America Vote Act with regard to Ripley County,
24 the Ripley County Circuit Court Clerk's Office in
25 particular, that alleged a variety of objections

1 and potential violations of law.

2 The particular process that involves the
3 co-directors is if a violation, if true, would
4 constitute an action under the Help America Vote
5 Act, which is what the acronym HAVA stands for.
6 The co-directors reviewed the violation and
7 dismissed it, in part, because the actions alleged
8 were not violations of the Help America Vote Act
9 but, to summarize it, noted that the failure to
10 offer a voter a provisional ballot when the voter
11 could have requested one when their name did not
12 appear on the registration rolls used with the
13 polling place would constitute a violation.

14 The Ripley County Clerk, Ginger Bradford,
15 prepared a response, which is set forth in the
16 material, that I would summarize as saying yes, we
17 admit the mistake occurred and that a provisional
18 ballot was not offered and should have been.

19 The remainder of the document contains
20 recommendations with regard to findings by the
21 Commission regarding the complaint in
22 Grievance 2022-04 essentially with regard to
23 actions that the Commission would direct Ripley
24 County's Election Board to follow with regard to
25 training of its Circuit Court Clerk staff and poll

1 workers regarding the use of provisional ballots to
2 make certain that they are made available to voters
3 who are similarly situated on Election Day.

4 So with that summary, I'll defer to my
5 counterpart for anything additional.

6 MS. NUSSMEYER: Mr. Chairman, members of the
7 Commission, Co-Director King summarized the issue
8 and the findings of fact before you as part of the
9 state law; however, it does require you as a body
10 to adopt a report so that then we can forward it on
11 to the parties that we're required to under state
12 law.

13 And I don't want to speak for Mr. King, but I
14 know we're both happy to answer any questions you
15 might have about the complaint or the process or
16 how we came to the conclusions that you'll find in
17 the report.

18 CHAIRMAN OKESON: Yeah. So I just want to
19 understand. A provisional ballot was not offered;
20 correct?

21 MS. NUSSMEYER: Yes, Mr. Chairman, you're
22 correct.

23 MR. KING: That is correct, Mr. Chairman.

24 CHAIRMAN OKESON: But do I hear you saying it
25 should have been offered?

1 MR. KING: Yes, Mr. Chairman. The provisional
2 ballot, which actually predated the federal law in
3 Indiana, would require a voter who is willing to
4 sign an affidavit they are, in fact, a registered
5 voter of a precinct to cast a ballot even though
6 their name would not appear on the list of voters
7 used by the Clerk's Office or in this case by the
8 poll workers.

9 CHAIRMAN OKESON: So, in fact, Mr. Block was
10 then not allowed to vote at all?

11 MR. KING: Yes. That was the finding that we
12 came to based on the evidence submitted by the
13 complainant and by Ripley County.

14 CHAIRMAN OKESON: Very unfortunate.

15 VICE CHAIRMAN OVERHOLT: I would move that we
16 adopt the report, the report of the Indiana
17 Election Division.

18 CHAIRMAN OKESON: Yeah. And that the Division
19 maybe provide a copy by certified mail to the
20 individuals and offices that are set forth in the
21 appropriate code.

22 VICE CHAIRMAN OVERHOLT: What you said.

23 CHAIRMAN OKESON: Is there a second?

24 I'll second your motion.

25 Any discussion? Anything that should be noted

1 further than what we've discussed already from the
2 co-directors or co-counsel?

3 MS. WARYCHA: The only thing I would note is,
4 after we mail this out, there is a seven-day
5 opportunity for someone to ask for a hearing,
6 whether that be the challenged or really we have to
7 mail it to you, which seems interesting that you
8 could then ask for a Commission hearing as well.
9 But I just want you to know that there is a
10 seven-day window where someone could ask for a
11 hearing.

12 CHAIRMAN OKESON: Okay. Well, I hope that the
13 intended impact of this is received and we'll avoid
14 this in the future.

15 VICE CHAIRMAN OVERHOLT: And I will say,
16 having worked in various capacities in polling
17 places and helping with elections, I know that the
18 whole provisional ballot issue is, I think, one
19 that causes some confusion, and I think it would be
20 helpful to make sure that all the counties are --
21 because I think some people have it drilled into
22 them, oh, the provisional ballot is a last resort,
23 and they want to not -- they kind of want to hold
24 them back or something. But I think this is, if
25 all else fails, give the provisional ballot, and I

1 think it's important to try to emphasize that.

2 CHAIRMAN OKESON: The findings of fact even
3 say that they are reluctant to. And I would add to
4 that thought, these are infrequent events run by --
5 we're all imperfect -- run by citizens, right, and
6 we're prone to confusion. But certainly we all, I
7 think, want to avoid anyone being denied an
8 opportunity to cast some sort of ballot in that
9 situation.

10 So we have a motion and a second. Any further
11 discussion or any questions?

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

13 VICE CHAIRMAN OVERHOLT: Aye.

14 MS. CELESTINO-HORSEMAN: Aye.

15 MS. PYLE: Aye.

16 CHAIRMAN OKESON: The "ayes" have it. The
17 motion carries.

18 Now I believe that concludes our business for
19 the day.

20 MS. WARYCHA: Mr. Chairman, the only other
21 thing I would say is, do you want us to stamp these
22 or would you guys like to sign?

23 MR. KING: They've already done a motion.

24 MS. WARYCHA: Oh, sorry. I missed that.

25 Thank you.

1 CHAIRMAN OKESON: Karen took care of that.
2 Can I get a motion to adjourn?
3 VICE CHAIRMAN OVERHOLT: So moved.
4 CHAIRMAN OKESON: Second?
5 MS. PYLE: Second.
6 CHAIRMAN OKESON: All those in favor.
7 VICE CHAIRMAN OVERHOLT: Aye.
8 MS. CELESTINO-HORSEMAN: Aye.
9 MS. PYLE: Aye.
10 CHAIRMAN OKESON: We're adjourned. Thank you.
11 (The Indiana Election Commission Public
12 Session was adjourned at 2:48 p.m.)
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1 STATE OF INDIANA

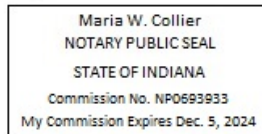
2 COUNTY OF HAMILTON

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 11:14 a.m. and
7 2:48 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 22nd day of
14 September, 2022.

15
16 *Maria W. Collier*



21 My Commission expires:
22 December 5, 2024

23 Job No. 174437
24
25

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