

Indiana Election Commission
Minutes
January 4, 2022

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

Members Absent: Litany A. Pyle, Member.

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.

Others Attending: Ms. LeAnn Angerman; Ms. Michelle Fajman; Mr. C.J. Gilsinger; The Hon. Destry Richey, Cass County Circuit Court Clerk; The Hon. Mike Stajduharm Cass County Commissioner; Mr. John Tritt; Ms. Cynthia White.

1. Call to Order:

The Chair called the January 4, 2022 meeting of the Commission to order at 1:30 p.m. EST in Conference Room A, Indiana Government Center South, 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 following scrivener’s error is corrected:

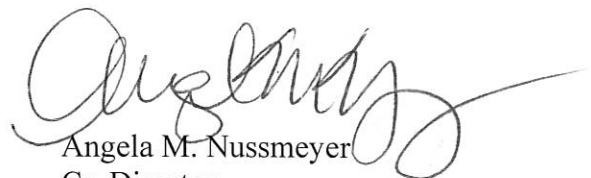
Page 34, line 11, replace “goes” with “does”.

The Commission adjourned its meeting at 2:09 p.m. EST.

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

January 04, 2022

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2 INDIANA ELECTION COMMISSION
3 PUBLIC SESSION
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7 Conducted on: January 4, 2022
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11 Conducted at: Indiana Government Center South
12 302 West Washington Street, Conference Room A
13 Indianapolis, Indiana
14

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

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APPEARANCES

INDIANA ELECTION COMMISSION:

Paul Okeson - Chairman

Suzannah Wilson Overholt - Vice Chairman

Stephanie Beckley, as Proxy for 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

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1 CHAIRMAN OKESON: All right. Noting it's
2 1:30, I'm going to call the Indiana Election
3 Commission public session to order. Today is
4 Tuesday, January 4, 2022, 1:30, Conference Room A
5 here in Government Center South. Noting that we
6 have a full commission present: Myself, Chairman
7 Paul Okeson; Vice-Chair Suzannah Wilson Overholt;
8 Member Karen Celestino-Horseman; and proxy for
9 Litany Pyle, Stephanie Beckley.

10 I also note that the Indiana Election Division
11 co-directors, Brad King and Angie Nussmeyer, are
12 both present as well as co-counsel Matthew Kochevar
13 and Valerie Warycha.

14 Our court reporter again is Maria Collier from
15 Stewart Richardson. And before we go on, if you're
16 going to come up and make any presentations to the
17 Commission, I'll ask that you state your name and
18 spell it for the court reporter so we have an
19 accurate record in the minutes.

20 Moving on, I would ask that the compliance
21 with the Open Door Law has been verified and
22 confirm with the co-director.

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

1 meeting was given in accordance with the Indiana
2 Open Door Law.

3 CHAIRMAN OKESON: Thank you.

4 With that, we move on to administration of the
5 oath. If you're planning on providing any
6 information to the Commission today, please rise
7 and follow the direction of Co-Counsel Kochevar.

8 MR. KOCHEVAR: If you plan to give testimony
9 before the Indiana Election Commission, please
10 raise your right hand and please say "I do" after
11 recitation of the oath.

12 Do you solemnly swear or affirm that the
13 testimony you are about to give to the Indiana
14 Election Commission is the truth, the whole truth,
15 and nothing but the truth? Please say "I do."

16 ALL: I do.

17 CHAIRMAN OKESON: Moving on, we have adoption
18 of county precinct establishment orders by the
19 Commission. The Commission has received a request
20 from the co-directors for the Commission to conduct
21 a hearing today under Indiana Code 3-11-1.5-18 to
22 consider the approval of county precinct
23 establishment orders for Lake County, whose
24 proposed precinct changes have been reviewed by the
25 Election Division and Office of Census Data of the

1 Legislative Services Agency, and been found to be
2 in compliance with state law, but for which the
3 county was unable to provide sufficient time for
4 publication of legal notice of these proposed
5 changes so that a voter of the county would have
6 the right to file an objection to the proposed
7 changes and request a hearing by the Commission
8 regarding the matter.

9 I understand that there are representatives of
10 Lake County present for the meeting today. Any of
11 those who would like to speak on behalf of Lake
12 County, please step forward.

13 As we consider any conversation or testimony,
14 we'll first look at the proposed order, which is
15 2022-6. Is there a motion to approve the order?

16 VICE CHAIRMAN OVERHOLT: So moved.

17 CHAIRMAN OKESON: Is there a second?

18 MS. BECKLEY: Second.

19 CHAIRMAN OKESON: Having a motion and a
20 second, we'll now proceed to any testimony.

21 Go ahead. State your name for the record.

22 MS. ANGERMAN: LeAnn Angerman. I'm the
23 assistant director for Lake County Board of
24 Elections and Registration.

25 CHAIRMAN OKESON: Can you spell your name for

1 us.

2 MS. ANGERMAN: LeAnn, L-e-A-n-n, Angerman,
3 A-n-g-e-r-m-a-n.

4 CHAIRMAN OKESON: Thank you.

5 MS. FAJMAN: I am Michelle Fajman,
6 M-i-c-h-e-l-l-e. Fajman is F-a-j-m-a-n. I am the
7 director of the Lake County Board of Elections and
8 Registration.

9 CHAIRMAN OKESON: Go ahead.

10 MS. FAJMAN: Our submission has now gone
11 through OCD, and I believe it's been approved by
12 both of them. It was not done in order for us to
13 meet the legal requirements of doing the legal
14 notice, but I went ahead and posted it anyway in a
15 way that would be transparent for the voters of
16 Lake County. So it was posted on the 24th, but at
17 that point in time, it had not passed their
18 approval, but, again, just thought I'd be a little
19 proactive and if it came in at the last minute,
20 that it would be ready. So voters of Lake County
21 have been notified of our changes, and we would
22 request approval.

23 CHAIRMAN OKESON: Any questions? Anyone want
24 to add anything?

25 So we have a motion to accept Order 2022-6 and

1 a second. Hearing nothing further, all those in
2 favor signify by saying "Aye."

3 VICE CHAIRMAN OVERHOLT: Aye.

4 MS. CELESTINO-HORSEMAN: Aye.

5 MS. BECKLEY: Aye.

6 CHAIRMAN OKESON: Aye.

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

8 Thank you.

9 MS. FAJMAN: Thank you very much.

10 MS. ANGERMAN: Thank you very much for your
11 time.

12 CHAIRMAN OKESON: Appreciate you coming all
13 this way to be with us.

14 MS. ANGERMAN: Happy to do so.

15 CHAIRMAN OKESON: Next item on the agenda,
16 yesterday an objection to proposed precinct
17 establishment orders from Cass County was filed
18 with the Indiana Election Division. A copy of the
19 objection, which consists of two documents, is
20 included in our binder under the Cass County tab.

21 Before proceeding, I move the Commission adopt
22 the following procedures for consideration of the
23 matter, which are based on the procedures we've
24 used for conducting candidate challenge hearings
25 previously.

1 The hearing will begin by recognizing Election
2 Division staff to provide information about the
3 documents provided to the Commission members,
4 including the orders issued by the Cass County
5 Commissioners, the Election Division co-directors,
6 and notice of this meeting given to the county and
7 the objector, Ms. Cynthia White. Unless there is
8 objection, the documents provided to the Commission
9 by the Election Division will be entered into the
10 record of this meeting.

11 After the Election Division staff completes
12 its presentation, the challenger, Ms. White, will
13 be recognized first. The challenger or challengers
14 or authorized representative may present their case
15 for not more than seven minutes, unless the
16 Commission votes to allow additional time to the
17 presenter. Commission members may ask questions
18 during the presentation, but the time spent
19 answering those questions will not count against
20 the seven minutes allocated. The Election Division
21 may signal the Chair, myself, when the presenter's
22 time is up.

23 If any presenter offers additional documents
24 or physical evidence not previously received by the
25 Commission, then the original must be provided to

1 the Election Division, and I'd ask that you hand it
2 to our co-counsel, Valerie Warycha, down here on my
3 right to preserve for the record.

4 A representative for Cass County Commissioners
5 will be recognized following the presentation of
6 the objector. The county representative may also
7 present their case for not more than seven minutes,
8 unless the Commission votes to allow additional
9 time for the presenter from Cass County.

10 Following the presentation by the objector,
11 the county representatives may cross-examine the
12 objector. Following the presentation by the county
13 representative, the objector may cross-examine the
14 county representative. The cross-examination in
15 all cases will be limited to two minutes, unless
16 the Commission votes to allow additional time.
17 Cross-examination must be limited to questions
18 regarding statements made by either presenter.
19 Following the presentation by the county
20 representative, the objector may present a rebuttal
21 of no more than two minutes.

22 The Commission may dismiss the cause of any
23 challenger who has failed to appear and testify
24 before the Commission.

25 Is there any objection from the Commission

1 members or any individual present to these
2 procedures?

3 VICE CHAIRMAN OVERHOLT: No.

4 CHAIRMAN OKESON: Hearing none -- do I need a
5 second?

6 VICE CHAIRMAN OVERHOLT: Do you want a motion
7 to approve instead of just asking if there's an
8 objection?

9 CHAIRMAN OKESON: Well, I moved it, so is
10 there a second?

11 VICE CHAIRMAN OVERHOLT: Sorry. Second.

12 CHAIRMAN OKESON: There's a second. Any
13 discussion on the proposed?

14 Hearing none, all those in favor.

15 VICE CHAIRMAN OVERHOLT: Aye.

16 MS. CELESTINO-HORSEMAN: Aye.

17 MS. BECKLEY: Aye.

18 CHAIRMAN OKESON: Aye.

19 These are the procedures.

20 We'll now begin with consideration of this
21 matter. The Election Division has provided copies
22 of the documents from Cass County, the Election
23 Division, and the Office of Census Data and
24 Legislative Services Agency in this matter, and a
25 copy of the notice to the president of the Cass

1 County Commissioners in this matter is in your
2 binders.

3 We now recognize Cynthia White or her
4 representative to make the first presentation.

5 MS. WHITE: May I read my objection?

6 MS. CELESTINO-HORSEMAN: May I ask a question?

7 CHAIRMAN OKESON: Sure.

8 MS. CELESTINO-HORSEMAN: Is it the same
9 objection that you filed with us?

10 MS. WHITE: Yes, it is.

11 VICE CHAIRMAN OVERHOLT: You need to state and
12 spell your name.

13 MS. WHITE: Go ahead and ask your question.

14 MS. CELESTINO-HORSEMAN: I'm sorry. Yeah.
15 You need to state and spell your name for the
16 record.

17 MS. WHITE: Oh, excuse me. My name is Cynthia
18 White, C-y-n-t-h-i-a, White, W-h-i-t-e.

19 MR. TRITT: Yes. And I'm John Tritt, J-o-h-n,
20 T-r-i-t-t.

21 MS. CELESTINO-HORSEMAN: Mr. Chairman?

22 CHAIRMAN OKESON: Sure. Go ahead.

23 MS. CELESTINO-HORSEMAN: One point of order.
24 Since we have had this and I have reviewed this and
25 Suzannah has reviewed it and I'm sure you have, I

1 don't know if our other person has had the
2 opportunity, but I would like to forego reading of
3 it unless someone here thinks it's necessary. It's
4 already made part of the record.

5 CHAIRMAN OKESON: Yeah. I'm inclined to
6 agree, with the exception that they seem to have
7 driven quite a distance to be here.

8 MS. CELESTINO-HORSEMAN: I think she can add
9 other comments.

10 CHAIRMAN OKESON: We're offering them
11 seven minutes, so --

12 MS. WHITE: Honestly, as she pointed out,
13 what's in my objection, I don't really have
14 anything else to add to it, if that's acceptable.
15 If not, I would be glad to go ahead and read it.

16 CHAIRMAN OKESON: Have you had a chance to
17 review it?

18 MS. BECKLEY: She's welcome to read it, as far
19 as I'm concerned.

20 CHAIRMAN OKESON: You've got your
21 seven minutes. Go ahead.

22 MS. WHITE: You would like me to go ahead and
23 read it?

24 CHAIRMAN OKESON: Sure, if you would like to.

25 MS. WHITE: Honestly, what I would prefer to

1 do is answer questions, if that's okay. I don't
2 have to read it.

3 CHAIRMAN OKESON: That's completely fine.

4 Does anyone have any questions?

5 MS. CELESTINO-HORSEMAN: I have a question.

6 CHAIRMAN OKESON: Sure. Go ahead.

7 MS. CELESTINO-HORSEMAN: So I found some stuff
8 interesting in your complaint that I don't know if
9 we can necessarily do anything about it, but it's
10 bothersome. The proposed ward and county district
11 boundary changes, you say those were not filed.
12 How would an everyday citizen go about getting a
13 copy to review to see what the new boundaries are?

14 MS. WHITE: I appreciate that question. That
15 is a big part of my problem. We were supposed to
16 have ten days, the voters, to review this
17 information. Six of those days the county
18 courthouse was closed, so we only -- and it was
19 during a major holiday and a pandemic. I don't
20 believe that the voters of Cass County were allowed
21 the amount of time in order to look at those
22 documents and also -- and to understand them.

23 I'd like to show you something right here.
24 This was part of what was available. There were
25 seven pages of these numbers. These are census

1 ward numbers. I had no idea what they were.
2 They're not labeled. I don't think that the
3 average voter would understand what these are, nor
4 would they have had the time, even if they did
5 understand them, to --

6 CHAIRMAN OKESON: Is that a document you
7 brought with you?

8 MS. WHITE: Yes, it is.

9 CHAIRMAN OKESON: Would you please give the
10 original to Ms. Warycha.

11 MS. WHITE: Sure. I'll give you all of them,
12 if that would be helpful. I think there's even
13 more of them. I apologize for not having them all
14 separated out for you.

15 MR. TRITT: There's one precinct with two
16 active voters listed.

17 MS. WHITE: There may be duplicates in there
18 because John is also going through there, but there
19 are seven pages total.

20 MS. WARYCHA: I'll give these to you all to
21 review them now.

22 VICE CHAIRMAN OVERHOLT: We can just pass them
23 along.

24 MR. KING: And, Mr. Chairman, we'll direct
25 those to be labeled as Objector's Exhibit No. 1.

1 MS. CELESTINO-HORSEMAN: So do you want to go
2 ahead and explain the significance, then, of No. 1
3 again now that we have a reference number for the
4 record.

5 MS. WHITE: For those?

6 MS. CELESTINO-HORSEMAN: Yes.

7 MS. WHITE: As I said, those are census ward
8 numbers, which I've never heard of before. I'm
9 just here for the voters of Cass County. This is
10 not something -- these pages, these numbers are not
11 labeled. It does not indicate what they are or
12 what they represent. And, again, there were only
13 four days that the public had access to the county
14 courthouse to even look at these. I believe it
15 would probably take a special kind of software in
16 order to determine exactly what these numbers
17 meant. It would take an extremely long time. As
18 you saw, there's seven pages, and you can see how
19 many numbers are on each page.

20 MR. TRITT: It begs the question, is it easier
21 for whom? This came from the county commissioners,
22 but it's not easier for the voters, I would
23 propose. I'm a voter in Cass County. It's not
24 easier for me.

25 VICE CHAIRMAN OVERHOLT: Were the maps -- so

1 in our binders we've got, I think, what looks like
2 it's the same documents as are in Exhibit 1, and
3 then with those, so it looks like for each precinct
4 there's that list that you've provided and then a
5 map of the proposed precinct. When you went to
6 look at the documents, were you able to see kind of
7 that list and then also what that translated to in
8 terms of the proposed precinct boundaries?

9 MS. WHITE: Actually, I was out of town
10 because it was the holiday, and I did not have an
11 opportunity to actually go to the courthouse on the
12 days that they were open. Another voter got access
13 to those and made copies of them for me.

14 One of the things that I think is lacking here
15 as far as the maps go, there's no overlay to show
16 people what the exact changes are, and I think that
17 would have made things much easier to understand by
18 the voters.

19 MS. CELESTINO-HORSEMAN: When did the county
20 commissioners vote on this?

21 MS. WHITE: I don't know.

22 MS. CELESTINO-HORSEMAN: Was there a meeting
23 noticed where they sent it out and said it's on the
24 agenda?

25 MS. WHITE: Not that I'm aware of, not that

1 was made to the public. It was probably on their
2 agenda which they had there at the meeting.

3 MR. TRITT: I don't see it.

4 MS. CELESTINO-HORSEMAN: So the only way,
5 though, that the public could get these to look at
6 them is, number one, they'd get it in the form of
7 census data and, number two, they'd have to go down
8 to the seat of county government to be able to get
9 them? They weren't available on the Internet or
10 were they published in the newspaper?

11 MS. WHITE: No, just the notice that it was
12 going -- that they had been proposed, the boundary
13 changes, and where they could be seen and what
14 dates they could be seen, the ten-day period, and
15 that if you had an objection, it had to be filed by
16 June 3rd -- or January 3rd at noon.

17 MS. CELESTINO-HORSEMAN: So I notice that
18 they -- I've just been handed documents that on
19 December 20th they did do a notice of proposed
20 precinct boundary changes, and they do list the
21 precincts that were getting the boundary changes.

22 MS. WHITE: Do you know where that was posted?

23 MS. CELESTINO-HORSEMAN: Indiana Media Group
24 in Greensburg. Oh, what is it?

25 VICE CHAIRMAN OVERHOLT: We can address

1 questions to the county. I think some of these are
2 more appropriate probably to the county.

3 MS. CELESTINO-HORSEMAN: I would agree.

4 Okay. So you have the problem with the
5 notice.

6 MS. WHITE: Correct.

7 MS. CELESTINO-HORSEMAN: Now, moving that
8 issue aside, your next issue?

9 MS. WHITE: My next issue is that the newly
10 proposed precincts for Deer Creek East, West, Eel
11 North, Eel East, Noble North, Logansport 4,
12 Washington South may have familiar names, but it's
13 not easily found by the voters. And also --

14 MS. CELESTINO-HORSEMAN: Okay. My question
15 is: What do you mean by that? Because once these
16 precincts are adopted and everything, you can go
17 to -- there's various software out there, probably
18 for the county and for the state, where you type in
19 your address and it will tell you the precinct and
20 it will give you the location where you're going to
21 go vote.

22 MS. WHITE: Okay.

23 MS. CELESTINO-HORSEMAN: And if you register
24 to vote for the first time, the county clerk will
25 figure out what precinct and everything you belong

1 into.

2 MS. WHITE: All right.

3 MS. CELESTINO-HORSEMAN: So I did have a
4 question as to why that was a concern.

5 MS. WHITE: Well, the other part of my concern
6 with those is that I see 3-11-1.5-3.1 states that
7 precincts may not be established after June 30,
8 2019, with fewer than 600 active voters. Some of
9 these altered precincts only have four voters, six
10 voters, or 27 voters.

11 MS. CELESTINO-HORSEMAN: And, you know, I too
12 thought that's ridiculous. It is ridiculous. But
13 I also understand that, the way it's been explained
14 to me -- and if I'm incorrect, please let me know.
15 But the way it's been explained to me is, if you
16 have a precinct with less than 600 voters, you
17 can't do it unless that precinct crosses, like, a
18 congressional district line, a township boundary.
19 Then you can have less than. And I think the
20 problem that probably played a role in here in some
21 part -- and you live there, I don't -- but they
22 drew new congressional districts which basically
23 split your county down the middle, which changed
24 the ball game, so to speak. So they can't cross
25 over that.

1 So even though you have -- and I don't know
2 whether you have vote centers there or not, but if
3 you have -- you do? Well, that will make it
4 somewhat easier, but having to keep track of a
5 precinct with four voters and to deal with that,
6 and 27 voters, I'm sure the clerk would probably
7 not want to have to worry about that either, but
8 those do take the priority.

9 Now, do you understand the law to be something
10 different?

11 MS. WHITE: Yeah. I think I understand
12 exactly what you're saying.

13 MS. CELESTINO-HORSEMAN: Okay. So I think
14 that that was the problem. I mean, I think you're
15 right. I think it's ridiculous. And I do agree
16 with you on your -- and this is something I will
17 ask the county about, is that the reason why they
18 drew new things was to make it easier to draw the
19 city council districts. That's not a reason that's
20 in the statutes either.

21 MS. WHITE: Exactly.

22 MS. CELESTINO-HORSEMAN: So we'll find out
23 what that means.

24 So let's see here. You have "Altered precinct
25 Logansport 1 under 'General Precinct Information'

1 does not indicate whether this is a new precinct."

2 MS. WHITE: Uh-huh.

3 MS. CELESTINO-HORSEMAN: I think -- was that a
4 new precinct, Director Nussmeyer? Oh, no. I got
5 it.

6 MR. TRITT: This map.

7 MS. CELESTINO-HORSEMAN: Yeah. They don't --
8 a new precinct becomes one -- the way the change is
9 interpreted is, if you move the precinct boundary
10 line, you're basically drawing a brand-new
11 precinct. But when you change the name only, then
12 that's not a new precinct. It's just the same
13 precinct with a different name. Am I correct?

14 CHAIRMAN OKESON: I'm going to recognize
15 Co-Director King.

16 MR. KING: Oh, I'm sorry. Mr. Chair, members
17 of the Commission, I was just mentioning that since
18 the witness presented the map, it would now need to
19 be provided for the record.

20 CHAIRMAN OKESON: Would you please provide
21 that to Valerie Warycha.

22 MR. TRITT: Yes. It appears that wards were
23 drawn instead of majority population.

24 CHAIRMAN OKESON: And for the record, will we
25 make that Exhibit 2?

1 MR. KING: Yes.

2 MS. NUSSMEYER: If I might, Mr. Chairman.

3 CHAIRMAN OKESON: Please.

4 MS. NUSSMEYER: So at least in my view, the
5 IEC-8 form, which is a form created by both
6 co-directors of the Election Division which asks
7 for a number of things from the county, including
8 which precincts may be impacted by altering
9 precinct boundaries, what the census blocks are and
10 how those are -- what census blocks compose, if it
11 is a split census block, that there's aerial
12 imagery attached to it, the form itself asks a
13 number of things that aren't necessarily required
14 in statute.

15 The term "new precinct," at least from my
16 perspective, means there's been some sort of change
17 to the precinct. But as I understand from the
18 Office of Census Data, if the precinct name has not
19 changed, it is not a new precinct. They only want
20 to know if it is a new precinct because it is
21 wholly new. So that term, if it's a new precinct,
22 whether it's marked or not, to me, is not a fatal
23 flaw with the IEC-8 submission because that's
24 somewhat subjective, depending on who is completing
25 the form and their understanding of it.

1 MR. KING: Mr. Chairman, members of the
2 Commission, I agree entirely with Co-Director
3 Nussmeyer with regard to the legal requirements of
4 the IEC-8 and the fact that "new precinct" is
5 somewhat ambiguous because different entities use
6 it in different ways.

7 CHAIRMAN OKESON: Some of this seems to be
8 spelled out in this memo from the Cass County
9 clerk; correct?

10 VICE CHAIRMAN OVERHOLT: That's the memo,
11 yeah, that sets forth the rationale.

12 CHAIRMAN OKESON: Yeah, about how these
13 changes, including the renaming of some districts
14 or some precinct boundaries --

15 VICE CHAIRMAN OVERHOLT: Right.

16 MS. CELESTINO-HORSEMAN: Have you seen this
17 memo? Wait a minute. Yeah. Have you been
18 provided a copy of this memo from the clerk of the
19 Cass County courts?

20 MS. WHITE: I have not.

21 MS. CELESTINO-HORSEMAN: I'm going to give you
22 a copy of it. It was apparently -- was it filed on
23 the 1st?

24 MS. NUSSMEYER: That's my understanding, yes.
25 So the counties have to submit certain

1 documentation to the State as part of our review,
2 along with the Office of Census Data, so they would
3 have filed it at the time of the initial submission
4 and worked with their assigned staff person to
5 perfect the filing until it got to a point where
6 the co-directors could agree it was in good shape
7 enough to -- it met the legal requirements to have
8 published notice.

9 CHAIRMAN OKESON: Would you reflect in the
10 record that she handed the memo to Ms. White.

11 Any other questions?

12 MS. CELESTINO-HORSEMAN: Just a minute,
13 Mr. Chair. I started to call you "Your Honor."

14 MS. WHITE: I've had a chance to read it.
15 Thank you.

16 MS. CELESTINO-HORSEMAN: I think we've pretty
17 much covered it.

18 CHAIRMAN OKESON: Did you have anything else
19 you'd like to offer?

20 MS. WHITE: I don't think so at this time.

21 MS. CELESTINO-HORSEMAN: Is the complainant
22 provided time for rebuttal?

23 CHAIRMAN OKESON: Yeah, as established in the
24 rules.

25 MS. CELESTINO-HORSEMAN: Yeah. That's what I

1 thought.

2 So you understand that?

3 MS. WHITE: Yes.

4 MS. CELESTINO-HORSEMAN: Once you sit down,
5 then the county will come forward and speak --

6 CHAIRMAN OKESON: Well, prior to that, the
7 county will have an opportunity to cross-examine.

8 MS. CELESTINO-HORSEMAN: Okay, okay. Yeah,
9 cross-examine.

10 CHAIRMAN OKESON: So you may be asked some
11 questions.

12 MS. WHITE: Okay.

13 CHAIRMAN OKESON: Okay. Would members of the
14 county step forward. State and spell your names
15 for the record, please.

16 MR. STAJDUHAR: My name is Mike Stajduhar, and
17 I definitely need to spell that name,
18 S-t-a-j-d-u-h-a-r. Cass County commissioner.

19 MS. RICHEY: My name is Destry Richey. It's
20 D-e-s-t-r-y, last name Richey, R-i-c-h-e-y. And
21 I'm the Cass County clerk.

22 MR. GILSINGER: My name is C.J. Gilsinger.
23 It's C.J., and Gilsinger is G-i-l-s-i-n-g-e-r. And
24 I'm the IT director for Cass County.

25 CHAIRMAN OKESON: So prior to giving us your

1 presentation, do you have any cross-examination or
2 questions for the objectors?

3 MS. RICHEY: Did any of you call the Cass
4 County clerk or the commissioner's office?

5 MS. WHITE: None of the three of us did.

6 MS. RICHEY: Did any of you send an email to
7 the commissioner or Cass County clerk's office?

8 MS. WHITE: I believe Lita Rouser did. As I
9 said, there were several people that were
10 concerned, and I know Lita had taken it upon
11 herself to email.

12 MS. RICHEY: And Lita is the --

13 MS. WHITE: She is the chairman of the Cass
14 County Democrats.

15 CHAIRMAN OKESON: Would you mind spelling her
16 name?

17 MS. WHITE: Lita Rouser, L-i-t-a, R-o-u-s-e-r.

18 CHAIRMAN OKESON: Thank you.

19 MS. RICHEY: Did any of you actually come in
20 to the courthouse to view the documents that we had
21 in the binder that was made available to the
22 public?

23 MS. WHITE: No. As I stated earlier, I was
24 out of town because of the holiday on the days that
25 the courthouse was open. I don't know that -- I

1 don't know for sure if anybody else was there.

2 MS. RICHEY: We only had two people ask
3 questions and come in to look, and they were
4 already working in the government building. I
5 spent an hour with each one of them explaining
6 everything, and they did not have any questions
7 afterwards.

8 CHAIRMAN OKESON: Okay. Do you want to just
9 move into your presentation?

10 MR. STAJDUHAR: Yes, yes. Let's go ahead and
11 do that. Thank you for hearing our side of this
12 matter. I'd like to mention, first of all, that
13 not only did we, of course, approve this in a duly
14 called meeting of the Commission on December 20th,
15 but we also had discussed this at a prior meeting
16 of the Commission, I believe, back in either late
17 September or early October.

18 I think, as many of you are aware, Cass County
19 had particularly difficult problems redistricting
20 because not only were we split between the 2nd and
21 4th congressional districts, but the lines did not
22 respect township lines and were extremely
23 convoluted, which caused us immense problems. We
24 tried to make good faith effort to equalize
25 districts within our council, for example. That

1 resulted in having to shift a precinct from one
2 council district to another.

3 There was just a lot of complications. We
4 made our best faith effort. Even with regard to
5 the county commissioner districts, which we are not
6 required to equalize because of population, we
7 actually made a change there to try to make that a
8 little more equal. So we made every possible good
9 faith effort to do the right thing for the county
10 voters.

11 I'd like to turn it over now to Destry.

12 MS. RICHEY: In regards to some of the
13 townships, the reason why there's only four or six
14 or 27 is that they only took one census block out
15 of the township, and we had to turn that into its
16 own precinct because of congressional lines. Now,
17 where Deer Creek was concerned, they did sort of
18 divide that one a little bit better but not by
19 much. But we've tried to work with what we had.

20 We also know that the problem was that you
21 have to have, at maximum, a 10 percent population
22 discrepancy between your largest council district
23 and your lowest council district. Ours was over
24 20 percent. So we had to redo the precincts to be
25 able to get every -- the council districts in

1 compliance with that 10 percent.

2 As Mike stated on the commissioners, we tried
3 to make -- yes, it has to be condensed and
4 confined, but we did try to divide as best as we
5 could by population also. So we actually took one
6 whole township out of one of the districts and
7 stuck it in another district to try and make it as
8 fair as possible.

9 MR. STAJDUHAR: And I believe, with regard to
10 council districts, I think we got our variation
11 down to 6 percent. Am I correct on that?

12 MS. RICHEY: It's almost at 10 percent, but,
13 remember, we had that new housing addition coming
14 in --

15 MR. STAJDUHAR: That's right.

16 MS. RICHEY: -- so we made that low one the
17 housing addition, so once that goes in in one or
18 two years, we're still in compliance.

19 MS. CELESTINO-HORSEMAN: Just a note. What we
20 have been finding here in our commission is that
21 the public really seems to be -- transparency is
22 the new buzzword, especially for the political
23 process. And so it doesn't matter whether they're
24 Republicans; it doesn't matter whether they're
25 Democrats. They come together in unity on that

1 particular issue.

2 So I can understand the concern. I mean, I
3 understand the difficulty you had in putting this
4 all together because of the change in the
5 congressional districts. But I would just say for
6 the future, as we're finding, if you want to avoid
7 this kind of thing, if you can put it on your
8 websites and tell people to go to the website and
9 just be honest and say we're dealing with this; if
10 you have a map, put it up there; if you don't have
11 a map, tell them we don't have a map but this is
12 what we have.

13 MS. RICHEY: I'm going to defer to C.J. We do
14 have a GIS on our website that they can look at and
15 put in their address and --

16 MS. CELESTINO-HORSEMAN: But I'm talking about
17 the process beforehand. If you're going to tell
18 them in the middle of a pandemic over a holiday
19 that you've got ten days to file a question or
20 complaint, you need to give them access to it. I
21 mean, there are people -- even though the
22 courthouse would have been open for four of those
23 ten days, there's still people out there that don't
24 want to, because they're immunocompromised or
25 whatever, that do not want to have to go somewhere.

1 MS. RICHEY: And I did -- back in October,
2 when I sent everything in to the Election
3 Department -- Commission, I also emailed the county
4 chairs all those IEC-8s and all the maps and
5 everything, and I do have the emails to prove it.

6 I then redid it last week per Lita's -- Lita
7 Rouser's emails to me, and at 3:00 a.m., I received
8 the last one. So I went in early at 6:30 and
9 scanned it all back in and sent it back out to
10 everybody so that we could be as transparent,
11 because I understand that people are scared to come
12 out, we're in a pandemic. And we have tried
13 everything possible that we could to make it as
14 transparent as possible. And I would have taken
15 the time out, Mike would have taken the time out,
16 C.J. would have taken the time out to talk to
17 people. I even gave my cell phone number out.

18 CHAIRMAN OKESON: And I note too for the
19 record in her cross-examination asking if they
20 reached out, other than the email, which you sound
21 like you've been quite responsive to, from
22 Ms. Rouser, there has been nothing.

23 MS. RICHEY: Yes, correct.

24 MS. CELESTINO-HORSEMAN: So the maps were done
25 in October?

1 MS. RICHEY: That's when we submitted all of
2 the proposals to the Indiana Election Division. We
3 actually sent it in October 14th.

4 MS. CELESTINO-HORSEMAN: But after they come
5 in, they have to be approved by the census group
6 and they have to be approved by our co-directors.

7 MS. RICHEY: Right, right.

8 MS. CELESTINO-HORSEMAN: And then you finally
9 get the word back that it's okay.

10 MS. RICHEY: That it's okay to put it in the
11 paper. And we received notice -- I think it was
12 signed on the 14th by the Election Commission, and
13 we received it about that time.

14 CHAIRMAN OKESON: The 14th of December?

15 MS. RICHEY: December. Sorry. And then we
16 had to wait for the weekend. The commissioners met
17 on the 20th to sign the order, the ordinance, and
18 then to give the okay to put it in our paper. Our
19 paper requires three days before they'll even put
20 it in. So they were going to put it on
21 December 24th, and our auditor worked some magic
22 and got it in on December 23rd.

23 MR. STAJDUHAR: In summary, we basically, we
24 believe, made good faith effort not only in terms
25 of the notification and the procedure, but also in

1 terms of the substance. We did everything
2 possible, given what I think was a very difficult
3 situation for Cass County.

4 CHAIRMAN OKESON: Yeah.

5 MS. CELESTINO-HORSEMAN: I'll ask one question
6 because I said I would, the thing about where the
7 reason you gave was that it was --

8 MS. RICHEY: It was easier.

9 MS. CELESTINO-HORSEMAN: -- easier.

10 MS. RICHEY: We worked with Lori, and we're,
11 like, there's this little-bitty line, and she goes
12 try to be as precise as possible. Because we knew
13 we were going to have to do major reprecincting, we
14 did reach out to the city because it was going to
15 affect their wards. And we knew if we didn't take
16 care of it all this year, we were going to have to
17 go back again next year when they redid their wards
18 and do this all over again. So we did contact
19 them, and that's why it says easier to help with
20 the city wards.

21 MS. NUSSMEYER: Mr. Chairman, if I could, just
22 to help provide a little more context.

23 CHAIRMAN OKESON: Please.

24 MS. NUSSMEYER: The redistricting standards
25 are different than our reprecincting standards in

1 3-11-1.5. So the county has to look at too when
2 they need to recertify or redraw their commissioner
3 and council districts in 2021. In nearly all
4 cases, when they draw those districts, they cannot
5 cross a precinct boundary.

6 So if they had population issues, the real
7 option for the county is to bust up the precincts
8 to create what they need in order to achieve their
9 equal population, which is a requirement. When
10 they're drawing county council districts, it will
11 be a requirement of municipalities in nearly all
12 cases but not every. There's exceptions to the
13 statute when they redraw next year in 2022 -- well,
14 this year when they are commanded to also redraw or
15 recertify those municipal district boundaries.

16 MR. STAJDUHAR: So that issue kind of
17 conflicted with our other goal of trying to reduce
18 the number of precincts, so it was a balancing act,
19 and we did the best we could to allow the city some
20 flexibility and also reduce the number of precincts
21 in the city.

22 CHAIRMAN OKESON: Co-Director King.

23 MR. KING: Mr. Chairman, members of the
24 Commission, I concur entirely with Co-Director
25 Nussmeyer's description of the various processes

1 involved here. It is one that involves several
2 moving parts and different levels of government,
3 and so it's extremely complicated to achieve all of
4 the steps necessary to comply with each of the
5 constitutional or statutory requirements.

6 CHAIRMAN OKESON: Seems like a little bit of
7 gymnastics.

8 MR. STAJDUHAR: Surely.

9 CHAIRMAN OKESON: Anything else? Any other
10 questions?

11 MS. CELESTINO-HORSEMAN: Thank you for being
12 so forthright.

13 CHAIRMAN OKESON: You have an opportunity to
14 cross-examine, if you'd like it.

15 MS. WHITE: I really don't have any
16 cross-examination. I do have a question, though.
17 Is there a way, if the situation -- this type
18 situation comes up, is there not a way that those
19 ten days could have been extended because of the
20 holiday to allow for that?

21 CHAIRMAN OKESON: Well, I think in terms of
22 our procedures here, you're really limited to ask
23 them questions about comments they made on the
24 record in terms of the presentation, so I'll have
25 to limit you to that.

1 MS. WHITE: Okay.

2 MS. CELESTINO-HORSEMAN: Mr. Chair, if I may
3 say something.

4 CHAIRMAN OKESON: Sure.

5 MS. CELESTINO-HORSEMAN: That ten days is
6 prescribed by statute, so we cannot change the
7 statute. That's up to the legislature. It does
8 seem odd that they put that ten days to run
9 including Christmas and New Year's in that, but
10 they did.

11 MS. WHITE: Correct. Thank you.

12 CHAIRMAN OKESON: And then in addition to your
13 cross-examination, if you'd like a rebuttal to
14 anything that was said, you're offered that for
15 two minutes.

16 Thank you.

17 MS. RICHEY: Thank you.

18 MS. WHITE: I think I've stated everything
19 that I had -- I felt needed to be addressed.

20 CHAIRMAN OKESON: Well, I'm going to close the
21 hearing on this matter at this point in time. And
22 for purposes of discussion, I move that the
23 objection filed in this matter be denied and that
24 the Commission adopt Order 2022-7 to approve the
25 Cass County precinct establishment order.

1 Is there a second?

2 VICE CHAIRMAN OVERHOLT: Second.

3 CHAIRMAN OKESON: Any further discussion?

4 MS. CELESTINO-HORSEMAN: I just want to say
5 thank you for taking the time out to read the maps,
6 and thank you for deciding to participate in the
7 process. You know, I mean, it's good the county
8 got to explain it. You can go back now and tell
9 people there what the problems were. They
10 obviously were operating under an onerous time.
11 The legislature split your county, and then you had
12 census data running late and everything else. So,
13 you know, it was just the perfect storm, so to
14 speak.

15 MS. WHITE: Yeah. Well, I appreciate you
16 listening to what I had to say, and I also
17 appreciate everything that the commissioners -- all
18 the hoops you had to jump through.

19 MR. STAJDUHAR: Thank you.

20 CHAIRMAN OKESON: Anything else under
21 discussion?

22 So we have a motion and a second to approve
23 2022-7. Hearing no further discussion, all those
24 in favor signify by saying "Aye."

25 VICE CHAIRMAN OVERHOLT: Aye.

1 MS. CELESTINO-HORSEMAN: Aye.

2 MS. BECKLEY: Aye.

3 CHAIRMAN OKESON: The "ayes" have it. The
4 motion carries.

5 By consent, can we use signature stamps for
6 the orders?

7 MR. KING: For both orders.

8 CHAIRMAN OKESON: For both orders.

9 VICE CHAIRMAN OVERHOLT: Yes, consent.

10 MS. CELESTINO-HORSEMAN: Consent.

11 MS. BECKLEY: Consent.

12 CHAIRMAN OKESON: With that, I believe we've
13 finished our business for the day. I'll take a
14 motion to adjourn.

15 VICE CHAIRMAN OVERHOLT: So moved.

16 CHAIRMAN OKESON: Second?

17 MS. CELESTINO-HORSEMAN: Second.

18 CHAIRMAN OKESON: All those in favor.

19 VICE CHAIRMAN OVERHOLT: Aye.

20 MS. CELESTINO-HORSEMAN: Aye.

21 MS. BECKLEY: Aye.

22 CHAIRMAN OKESON: Thank you.

23 (The Indiana Election Commission Public
24 Session was adjourned at 2:09 p.m.)

25

1 STATE OF INDIANA

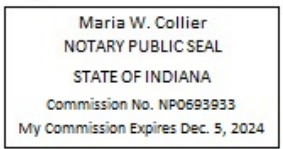
2 COUNTY OF HAMILTON

3 I, Maria W. Collier, a Notary Public in and
4 for said county and state, do hereby certify that the
5 foregoing public session was taken at the time and
6 place heretofore mentioned between 1:30 p.m. and
7 2:09 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 12th day of
14 January, 2022.

15
16 *Maria W. Collier*



21 My Commission expires:
22 December 5, 2024

23 Job No. 168495
24
25

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