
INDIANA ELECTION COMMISSION

ORDER 2022-154

WHEREAS, a complaint or grievance was filed by Neil S. Birkhimer with the Election Division of the Office of the Secretary of State of Indiana (Election Division) pursuant to [IC 3-6-4.5](#) (administrative complaints concerning the uniform and nondiscriminatory election technology and administrative requirements under Title III of the Help America Vote Act of 2002 (HAVA));

WHEREAS, pursuant to [IC 3-6-4.5-13](#), the Co-Directors of the Election Division (Co-Directors) have determined that even if the facts set forth in the complaint or grievance are assumed to be true, there is no violation of Title III of HAVA; and

WHEREAS, under [IC 3-6-4.5-13](#), the Co-Directors shall dismiss the complaint or grievance upon making either of these determinations and publish an order in the Indiana Register dismissing the matter;

IT IS THEREFORE ORDERED:

SECTION 1. That Co-Directors having determined that the complaint or grievance filed by Neil S. Birkhimer with the Election Division (and designated as COMPLAINT #2022-06) does not set forth a violation of Title III of HAVA, even if the facts set forth in the complaint or grievance are assumed to be true, hereby **DISMISS** the complaint or grievance.

SECTION 2. The Co-Directors note that the complaint or grievance, if true, may involve election fraud or other illegal acts with respect to the election process. The Election Division has documented this complaint or grievance and will, where appropriate, provide assistance or referral to other law enforcement agencies or officials depending upon the specific allegations and the evidence supporting the allegations.

SECTION 3. A copy of this Order shall be provided by certified mail to the person who filed the complaint or grievance; the person alleged to have committed the violation (if contact information was provided by the complainant); the members of the Indiana Election Commission; and the Attorney General.

SO ORDERED THIS 4th DAY OF AUGUST 2022:

THE INDIANA ELECTION DIVISION:

J. Bradley King
Co-Director, Indiana Election Division

Angela Nussmeyer
Co-Director, Indiana Election Division

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