

1 MS. THOMPSON: Yes.

2 MR. BAUGHN: And I will be responsible for
3 them going forward. Also for fear of having to
4 come back here, I will make sure that I get it
5 taken care of.

6 CHAIRMAN BENNETT: The Petroleum Marketers
7 have been before us three times. This is their
8 fourth.

9 VICE CHRMN PRO TEM CLAYTOR: The last one
10 was nine years --

11 MR. BAUGHN: Yeah. I was going to say, for
12 our current executive director's tenure, I don't
13 think we've been -- been before you on either
14 association, actually.

15 CHAIRMAN BENNETT: Propane is the same?

16 VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman,
17 to jump out on a branch and see if you want to
18 cut it off, I'll make a motion on the first
19 entity, Indiana Petroleum Marketers and
20 Convenience Stores PAC. Because it's not the
21 first time -- however, the last time was some
22 time ago -- I would recommend that we do a
23 50 percent penalty.

24 CHAIRMAN BENNETT: I suppose we should take
25 these one at a time.

1 Okay, there's a motion. Is there a second?

2 COMMISSION MEMBER OVERHOLT: I'm sorry.

3 That's for the Petroleum Marketers?

4 VICE CHRMN PRO TEM CLAYTOR: Yes.

5 CHAIRMAN BENNETT: Petroleum Marketers.

6 Did I hear a second?

7 COMMISSION MEMBER OVERHOLT: I'll second.

8 CHAIRMAN BENNETT: We have a motion and a
9 second. Any discussion?

10 (No response.)

11 CHAIRMAN BENNETT: All in favor say aye.

12 THE COMMISSION: Aye.

13 CHAIRMAN BENNETT: All opposed say nay.

14 (No response. Motion carried.)

15 CHAIRMAN BENNETT: Motion carried. Fine
16 reduced by 50 percent for Petroleum.

17 MR. BAUGHN: Thank you, Mr. Chairman.

18 CHAIRMAN BENNETT: Now, with regard to
19 Indiana Propane?

20 VICE CHRMN PRO TEM CLAYTOR: And then,
21 Mr. Chairman, on the Indiana Propane Ed. PAC,
22 similarly, it's been nine years. Although there
23 were violations prior to that, I would recommend
24 that we reduce the penalty by 50 percent.

25 I move that we reduce the penalty by 50

1 percent.

2 CHAIRMAN BENNETT: Is there a second for
3 that motion?

4 COMMISSION MEMBER KLUTZ: Second.

5 CHAIRMAN BENNETT: We have a motion and a
6 second. Any discussion?

7 (No response.)

8 CHAIRMAN BENNETT: Hearing none, all in
9 favor say aye.

10 THE COMMISSION: Aye.

11 CHAIRMAN BENNETT: All opposed say nay.

12 (No response. Motion carried.)

13 CHAIRMAN BENNETT: Motion carried. Fifty
14 percent reduction for Indiana Propane PAC.

15 MR. BAUGHN: Thank you, Mr. Chairman,
16 Members of the Committee.

17 CHAIRMAN BENNETT: Thank you.

18 (Discussion off the record.)

19 MR. KAZMIERCZAK: Hello. Kyle Kazmierczak,
20 K-A-Z-M-I-E-R-C-Z-A-K. I'm here representing
21 the Michigan City Firefighters Political Action
22 Committee Local 475 in reference to
23 Administrative Cause No. 2015-3957-4.

24 MS. THOMPSON: Mr. Chairman, that's on
25 page 28.

1 CHAIRMAN BENNETT: Anything from the
2 Division on this?

3 MS. THOMPSON: No.

4 CHAIRMAN BENNETT: You may proceed.

5 MR. KAZMIERCZAK: I'm sorry. I didn't know
6 how many members there were, so I only have a
7 couple of copies.

8 Inside this package you'll find a letter
9 that was sent to the Indiana Election Division
10 in reference to this penalty, and also the
11 administrative cause.

12 This is in reference to -- I believe it was
13 an annual report that was not submitted in
14 proper time. When I found out that the annual
15 report was due, I immediately contacted these
16 two young ladies here and corrected the problem.

17 However, the treasurer that was active at
18 the time retired abruptly, because he had kidney
19 failure, from the fire department. He was a
20 captain. And in doing so, there was a lapse and
21 a gap in obtaining the correspondence from him
22 and filing the proper paperwork in time.

23 If I could refer to the -- the third page
24 is the email correspondence between Ms. Taylor,
25 Ms. Tomkins, and myself.

1 The fourth page is off of your website. As
2 of Monday morning, you'll see that our reports
3 were current, minus the 2014 annual report.

4 And then on the fifth and sixth pages
5 inside your packet here, I -- and there might be
6 an additional one in there, so I apologize. I
7 would also like to point out that when filing,
8 the box was checked, "If this is a new address."
9 On the last two filings it was checked to put
10 down my individual address, because
11 everything -- all the correspondence had been
12 going to a P.O. Box, which Jack Van Etten, the
13 previous, had set up. So we would have been
14 delinquent again had I not been diligent in
15 trying to go to the P.O. Box and getting that.

16 So at this time I would ask the Board's
17 approval or Commission's approval to waive the
18 fee, or reduce it, but more on the waiver side.

19 CHAIRMAN BENNETT: Questions by the
20 Commission?

21 MR. KAZMIERCZAK: And I would like to say I
22 do apologize for any inconvenience we've caused.
23 Not that that matters, but I'm just throwing
24 that out there.

25 CHAIRMAN BENNETT: Any reply by the

1 Division? The reports are all -- are all the
2 reports up to date?

3 MS. THOMPSON: Yes.

4 CHAIRMAN BENNETT: The PAC is still active?

5 MR. KAZMIERCZAK: Yes, sir.

6 CHAIRMAN BENNETT: And the accounts are
7 open?

8 MR. KAZMIERCZAK: Yes, sir.

9 VICE CHRMN PRO TEM CLAYTOR: And when was
10 the illness of the individual that ...

11 MR. KAZMIERCZAK: I can't give you an exact
12 date. The filing that was not done was on -- he
13 was -- I believe he left in October. Therefore,
14 I believe the annual report was not due.

15 And then there was another report on top of
16 that one, because it was the October to
17 December, and then the annual that was not done
18 because he had left the department.

19 And I didn't -- I've been the chairman
20 since 2008. And I know ignorance is not an
21 excuse, but I was -- Jack was the one that was
22 handling all that. I did not know that those
23 were even to be done. But as soon as we
24 found out, I did it immediately.

25 VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman,

1 in an act of being totally inconsistent with
2 everything I've done yet today, I would move
3 that we reduce the fine to 25 percent.

4 CHAIRMAN BENNETT: Is there a second for
5 purposes of discussion?

6 COMMISSION MEMBER KLUTZ: I'll second.

7 CHAIRMAN BENNETT: We have a motion and a
8 second.

9 What about the four previous times?

10 VICE CHRMN PRO TEM CLAYTOR: That's why I
11 said I'm totally inconsistent with what I've
12 done so far today.

13 COMMISSION MEMBER KLUTZ: Well, I would
14 support it because it sounds like, since he's
15 become treasurer -- that was after -- right
16 after 2008?

17 MR. KAZMIERCZAK: Jack? No, that's -- I
18 became chairman in 2008. Jack's been the
19 treasurer for --

20 COMMISSION MEMBER KLUTZ: Was there a
21 change in 2008 in the structure, or not?

22 MR. BAUGHN: I became chairman, yes.
23 That's the only structural change. He was
24 always the treasurer -- secretary/treasurer,
25 excuse me.

1 COMMISSION MEMBER KLUTZ: So since 2008,
2 have there been any reports late under your
3 watch?

4 MR. KAZMIERCZAK: None to my knowledge.

5 MS. THOMPSON: No.

6 COMMISSION MEMBER KLUTZ: That's why I was
7 asking.

8 MR. KAZMIERCZAK: Except this -- well, the
9 two, the combined, the October to December, and
10 then the annual report.

11 MS. THOMPSON: That's just the same.

12 MR. KAZMIERCZAK: Or, yeah, it's the same
13 one. I'm telling you I'm naive today.

14 COMMISSION MEMBER OVERHOLT: But it's the
15 secretary/treasurer who retired?

16 MR. KAZMIERCZAK: Yes. He was the one that
17 was doing all the reporting.

18 COMMISSION MEMBER OVERHOLT: So when did --
19 so now you're -- who's doing the reporting now?

20 MR. KAZMIERCZAK: I am now.

21 COMMISSION MEMBER OVERHOLT: And you
22 started doing that in 2014?

23 MR. KAZMIERCZAK: I took it over at the end
24 of -- where are we? In '15? Yes, in '14,
25 because as soon as he left, once we found out,

1 we made correspondence, and I took it over and
2 handled it from there.

3 CHAIRMAN BENNETT: Do we have any further
4 discussion or questions?

5 (No response.)

6 CHAIRMAN BENNETT: We have a motion and a
7 second for a 25 percent fine. All in favor say.

8 THE COMMISSION: Aye.

9 CHAIRMAN BENNETT: All opposed say nay.

10 (No response. Motion carried.)

11 CHAIRMAN BENNETT: Motion carried. Reduced
12 to 25 percent.

13 MR. KAZMIERCZAK: Thank you.

14 MS. TAYLOR: This is Friends to Elect Debra
15 S. Jenkins, on page 84.

16 Cause No. 2015-6581-111. Proposed civil
17 penalty of \$1,000.49, and it's a late CFA-11
18 supplemental report.

19 MS. JENKINS: Good afternoon, Mr. Chairman
20 and Commission. My name is Debra Jenkins. I
21 stand before you. I filed my annual report, and
22 at that time my report included all
23 correspondence and funds that had been received
24 during the calendar year prior.

25 I received a letter in March from Elaine

1 and Abbey's office stating that I did not file a
2 supplemental report.

3 I made a copy of my supplemental report and
4 went to the office and said, "Yes, I did."

5 And they said, "No, you didn't, this other
6 report." What that other report was was an
7 in-kind contribution that I did not know until
8 January, when I filed my report, that that was
9 paid on October 16. So immediately when they
10 told me, I filed it in their office.

11 So I stand before you. I am a
12 county-elected official. First time running for
13 state office. I'm not used to the 24-hour
14 reporting. I've been in office, my seventh
15 year.

16 So I stand before you and ask for your
17 forgiveness and a dismissal of this, and a
18 lesson well-learned.

19 CHAIRMAN BENNETT: Okay. Any reply by the
20 Division?

21 (No response.)

22 CHAIRMAN BENNETT: Any questions?

23 VICE CHRMN PRO TEM CLAYTOR: What was the
24 in-kind?

25 MS. JENKINS: It was a mailing done by a

1 local mayor in the district -- the house
2 district that I ran. He did a mailing, and he
3 paid for that. And I didn't know until January
4 when he paid and how much he paid.

5 VICE CHRMN PRO TEM CLAYTOR: Okay. So he
6 did not --

7 MS. JENKINS: He did not let me know when
8 and how much until January. He was going to get
9 with his treasurer. It went on and on and on.
10 I did it in my annual report, there again, you
11 know, putting October 16. You know, yeah, it
12 was done. So ...

13 COMMISSION MEMBER KLUTZ: Mr. Chairman, I'm
14 not sure how you would report an in-kind
15 contribution if you didn't know you received it.

16 I'd make a motion to waive the proposed
17 penalty.

18 VICE CHRMN PRO TEM CLAYTOR: Second.

19 CHAIRMAN BENNETT: We have a motion and a
20 second. Any discussion?

21 (No response.)

22 CHAIRMAN BENNETT: All in favor say aye.

23 THE COMMISSION: Aye.

24 CHAIRMAN BENNETT: All opposed say nay.

25 (No response. Motion carried.)

1 CHAIRMAN BENNETT: Penalties waived. Case
2 dismissed.

3 MS. JENKINS: Thank you so much.
4 Thank you, ladies.

5 MS. TAYLOR: You're welcome.
6 (Pause.)

7 MR. NARLA: Hi. This is regarding
8 Administrative Cause 2015-6623-58 and 157, two
9 of them.

10 My name is Om Narla, spelled as N-A-R-L-A,
11 last name. First name Om, spelled as O-M.

12 I started this --

13 CHAIRMAN BENNETT: Hang on. Let us get the
14 file first.

15 MR. NARLA: Sure.

16 MS. TAYLOR: It's on page 53. This is
17 Victory Hoosier, Cause No. 2015-6623-58,
18 proposed civil penalty of \$50.49.

19 And the second on page 105,
20 Cause No. 2015-66-23-157, with a proposed civil
21 penalty of \$1,000.49. And the committee is
22 closed.

23 CHAIRMAN BENNETT: Okay. You may proceed.

24 MR. NARLA: I formed this company last
25 year. I used an outside consultant. We formed

1 it. There was no activity. We never started --
2 we never opened a bank account.

3 And because this is new to me, I was not
4 aware of all the rules. I did -- I did receive
5 notification that I should file the notice, I
6 should file the annual report. But -- I told my
7 consultant, but obviously they did not file it,
8 and I did not know.

9 But when I saw this, I thought I would come
10 here. I would like to request you to waive it
11 since we closed the committee and we never had
12 any activity on this.

13 CHAIRMAN BENNETT: Any reply by the
14 Division?

15 (No response.)

16 CHAIRMAN BENNETT: Questions from the
17 Commission?

18 COMMISSION MEMBER KLUTZ: No contributions
19 received?

20 MR. NARLA: No, no --

21 COMMISSION MEMBER KLUTZ: No expenditures
22 made or --

23 MR. NARLA: -- no, no --

24 COMMISSION MEMBER KLUTZ: -- or no
25 contributions made to the candidates?

1 MR. NARLA: No.

2 CHAIRMAN BENNETT: Motion?

3 VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman,
4 I move we dismiss.

5 CHAIRMAN BENNETT: Second?

6 COMMISSION MEMBER KLUTZ: Second.

7 CHAIRMAN BENNETT: We have a motion and a
8 second. Any discussion?

9 (No response.)

10 CHAIRMAN BENNETT: All in favor say aye.

11 THE COMMISSION: Aye.

12 CHAIRMAN BENNETT: All opposed say nay.

13 (No response. Motion carried.)

14 CHAIRMAN BENNETT: Motion carried. Case
15 dismissed.

16 MR. NARLA: Thank you. Thank you very
17 much.

18 CHAIRMAN BENNETT: Is anyone left for
19 campaign finance?

20 (No response.)

21 MS. THOMPSON: We have some cleanup to do.

22 CHAIRMAN BENNETT: I would ask the Campaign
23 Finance Staff to identify any matters for which
24 a motion for continuance was received for
25 today's meeting.

1 MS. THOMPSON: Yes. On page 38, we have a
2 continuance. Friends of Andrew Wilson has filed
3 a motion to continue, Cause No. 2015-5928-16.
4 He has a proposed civil penalty of \$1,000.49 and
5 couldn't be here today. That was it.

6 CHAIRMAN BENNETT: There's only one?

7 MS. THOMPSON: Well, that's one.

8 And then I have one on page 57. This is
9 the Constitution Party of Indiana. They've
10 asked for a telephonic hearing. In case this
11 was denied, they asked for a continuance.

12 CHAIRMAN BENNETT: Did they say why they
13 needed a continuance?

14 MS. THOMPSON: They just -- I don't ...

15 MR. KING: Mr. Chairman, Members of the
16 Committee, I had some correspondence with the
17 chair of this committee who filed a motion for a
18 telephonic hearing, which the Commission has
19 never conducted before.

20 And counsel may have thoughts about what is
21 appropriate and possible under AOPA. But I did
22 advise the chair that if the Commission denied
23 the motion for telephonic hearing, that the
24 committee might wish to request a continuance.

25 CHAIRMAN BENNETT: Okay. Are there any

1 others?

2 MS. THOMPSON: That's it.

3 COMMISSION MEMBER KLUTZ: Mr. Chairman, I
4 may have messed up a little. When I walked in,
5 I saw a representative of Friends of Jim Banks,
6 which I have a conflict with. So I told him
7 that I would be recusing myself, and that it
8 would be addressed when a proxy could be
9 appointed.

10 But I mean the person didn't seek a
11 continuance, but I guess I inferred that it
12 would be continued by my statement.

13 So I guess I would make a motion that this
14 matter be continued until I can have a proxy at
15 the next meeting.

16 CHAIRMAN BENNETT: All right. So we'll
17 add Friends of Jim Banks to the list of
18 continuances.

19 COMMISSION MEMBER KLUTZ: Yeah.

20 CHAIRMAN BENNETT: Any objection?

21 VICE CHRMN PRO TEM CLAYTOR: No.

22 COMMISSION MEMBER OVERHOLT: No.

23 CHAIRMAN BENNETT: Okay. So we have three
24 motions for continuance. I guess I would
25 entertain motions for all three of them.

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1 VICE CHRMN PRO TEM CLAYTOR: So moved.

2 CHAIRMAN BENNETT: Is there a second?

3 COMMISSION MEMBER OVERHOLT: Second.

4 CHAIRMAN BENNETT: We have a motion and
5 second to continue the three cases that we've
6 discussed.

7 Hearing no further discussion, all in favor
8 say aye.

9 THE COMMISSION: Aye.

10 CHAIRMAN BENNETT: All opposed say nay.

11 (No response. Motion carried.)

12 CHAIRMAN BENNETT: The ayes have it. The
13 three cases are continued.

14 VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman,
15 just a technical point. Do we need to actually
16 deny the telephonic hearing for Constitution
17 Party of Indiana since we've already continued
18 them?

19 CHAIRMAN BENNETT: That's an excellent
20 segue to the next item on our agenda.

21 Committee has filed a motion requesting the
22 Commission to conduct a hearing by telephone and
23 an enforcement action, which was scheduled for
24 today.

25 I'll ask the Campaign Finance Staff to

1 identify the action from which the motion was
2 received, and to refer the Commission to the
3 text of this motion for review.

4 So do you have that motion to continue that
5 was filed by ...

6 MS. THOMPSON: Is this what you're looking
7 for (indicating)?

8 CHAIRMAN BENNETT: So I have a motion for a
9 telephonic hearing in the matter of the
10 Constitution Party of Indiana from Evansville,
11 Indiana. And due to the shortness of time --
12 it's simply a motion for telephonic hearing.

13 I think this might be an appropriate time
14 to recognize counsel to discuss for us briefly
15 the AOPA requirements, or lack thereof, with
16 regard to telephonic hearings.

17 Is there any provision for such a thing?

18 MR. SIMMONS: Mr. Chairman, and Members of
19 the Commission, I looked at both what I thought
20 would be applicable to Open Door Law, which was
21 amended in 2013 to permit certain members of a
22 state commission to participate telephonically,
23 but it provides no provision for parties to a
24 matter before a commission to appear
25 telephonically.

1 In AOPA, Administrative Orders and
2 Procedures Act, the only mention I found in
3 those series of statutes was with respect to if
4 the Commission were to hold a pretrial
5 conference, for instance, it could allow the
6 parties to participate by telephone.

7 CHAIRMAN BENNETT: Okay. But there's
8 nothing to indicate that a campaign finance
9 matter could or should be held by telephone?

10 MR. SIMMONS: I never found anything.

11 CHAIRMAN BENNETT: Any other thoughts on
12 that, counsel?

13 MR. KOICHEVAR: The only other thought I
14 have is that in AOPA, Section 15, which is
15 titled Participation in Proceedings, which
16 essentially states that any party can
17 participate in person or through counsel.

18 And I will also note, as Mr. Simmons has
19 pointed out, that while telephonic conferences
20 are afforded under statute to preliminary
21 hearings, no such statute is found in hearings
22 before administrative law judges, as you're
23 acting as now, during regular hearings.

24 So I would say that statute does not speak
25 on it, and may go so far as to say that it is

1 not allowed under statute.

2 CHAIRMAN BENNETT: Okay. Thank you,
3 counsel.

4 Is there a motion to either grant or deny
5 the request for hearing by telephone?

6 COMMISSION MEMBER OVERHOLT: I'd move to
7 deny the request.

8 CHAIRMAN BENNETT: Is there a second?

9 COMMISSION MEMBER KLUTZ: Second.

10 CHAIRMAN BENNETT: We have a motion and
11 second. All in favor say aye.

12 THE COMMISSION: Aye.

13 CHAIRMAN BENNETT: All opposed say nay.

14 (No response. Motion carried.)

15 CHAIRMAN BENNETT: The ayes have it.

16 Motion for telephonic hearing denied.

17 The Campaign Finance Staff has received
18 correspondence from some committees which have
19 not appeared at today's meeting. I guess I'd
20 like to give the members an opportunity to
21 review that correspondence, which is included in
22 the binders, to identify any matters which may
23 require Commission consideration, other than
24 having a default entered against the committee
25 for failing to appear.

1 So if you can direct the Commissioners'
2 attention to which tab?

3 MS. THOMPSON: The blue one, the dark blue.

4 CHAIRMAN BENNETT: The dark blue one. It
5 appears that many of them were here today.

6 MS. THOMPSON: Some of them were here
7 today, yes.

8 CHAIRMAN BENNETT: We're just looking at
9 the ones who were not here.

10 COMMISSION MEMBER KLUTZ: I guess I thought
11 it was our past practice that we did not
12 consider requests made in correspondence to
13 continue, as opposed to their personal
14 attendance.

15 CHAIRMAN BENNETT: How was a motion for
16 continuance -- these aren't motions for
17 continuances. They're ...

18 I tend to agree with Commissioner Klutz.
19 You either file a motion to continue, or you
20 show up.

21 COMMISSION MEMBER KLUTZ: When you file a
22 continuance, you show up at the scheduled
23 hearing date. But we can't go through all these
24 letters, paragraph by paragraph, and make their
25 arguments for them or try to interpret what's on

1 this paper. I mean that's just my feeling.

2 CHAIRMAN BENNETT: I concur with that.

3 Well, does anyone want to make a motion
4 generally on this, or should we just deal with
5 what we have in front of us and say there's no
6 reason not to default?

7 (Discussion off the record.)

8 CHAIRMAN BENNETT: Well, there's no one
9 present to testify on any remaining campaign
10 finance hearings scheduled for today, and I
11 declare that the hearings on all the remaining
12 campaign finance matters scheduled for today
13 closed.

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

18 VICE CHRMN PRO TEM CLAYTOR: So move.

19 MS. THOMPSON: Well, we have a couple more
20 that we need to address before you do a mass --

21 CHAIRMAN BENNETT: Okay, okay.

22 MS. THOMPSON: We had two committees from
23 the last meeting, Green, Citizens for Robert
24 Green, who's on like the first 10 pages or so.
25 He was to close his committee. If he closed his

1 committee, we would dismiss these, was what was
2 on the table last time, which he has closed.

3 CHAIRMAN BENNETT: Wasn't he here today?

4 MS. THOMPSON: He was not here.

5 CHAIRMAN BENNETT: So that should be added
6 to the list.

7 MS. THOMPSON: And I have one more,
8 page 75, which is Richard Mourdock for State
9 Treasurer, was another one that was asked to be
10 continued to close, and he did close it.

11 And page 18 is Columbus Firefighters. That
12 was a continued to close, and they did close it.

13 CHAIRMAN BENNETT: Any others?

14 MS. THOMPSON: Those were the only ones
15 that -- I do have one other one on page 18. No,
16 page 26. This is Committee to Re-elect Sue
17 Landske. Mr. Landske could not make it today.
18 I did work with him to get the senator's report
19 closed, and we did get it closed.

20 And so I told him that I would bring this
21 before the Commission this afternoon.

22 CHAIRMAN BENNETT: For dismissal, along
23 with the three others that you mentioned?

24 MS. THOMPSON: Yeah.

25 CHAIRMAN BENNETT: So we have four:

1 Columbus Firefighters, Robert Green, Richard
2 Mourdock, Sue Landske who we were waiting for
3 closure. Those closures have occurred.

4 And I guess I would ask if there's a motion
5 to dismiss those cases.

6 COMMISSION MEMBER KLUTZ: So move.

7 CHAIRMAN BENNETT: We have a motion. Is
8 there a second?

9 VICE CHRMN PRO TEM CLAYTOR: Second.

10 CHAIRMAN BENNETT: All in favor say aye.

11 THE COMMISSION: Aye.

12 CHAIRMAN BENNETT: All opposed say nay.

13 (No response. Motion carried.)

14 CHAIRMAN BENNETT: Motion carried. Those
15 four are dismissed.

16 Now we're back to the default issues. And
17 those are in the royal blue tab in your binder.

18 We've all had an opportunity to look at
19 those. And I would ask if there's a motion to
20 impose the entire amount of the proposed
21 penalty, plus mailing costs, in those remaining
22 campaign finance enforcement actions.

23 VICE CHRMN PRO TEM CLAYTOR: Did none of
24 those letters ask for continuance?

25 MS. TAYLOR: That's correct.

1 VICE CHRMN PRO TEM CLAYTOR: Those have all
2 been handled?

3 MS. TAYLOR: Yes.

4 CHAIRMAN BENNETT: As a motion for
5 continuance.

6 COMMISSION MEMBER KLUTZ: As a follow-up to
7 that question, when we receive these letters, do
8 we send them anything back to say that we don't
9 accept these as testimony? Or I mean ...

10 MS. TAYLOR: We preemptively try to tell
11 them, "You can send a letter," because I can't
12 tell them they can't send a letter.

13 COMMISSION MEMBER KLUTZ: Right.

14 MS. TAYLOR: But we say, "The Commission
15 generally doesn't consider letters, but you are
16 welcome to send them."

17 COMMISSION MEMBER KLUTZ: I wonder if we
18 should be more --

19 MS. TAYLOR: I believe we've changed the
20 hearing notice to kind of reflect that from the
21 last time, because we used to say, "Go ahead and
22 send a letter."

23 And now we say, "You can send a letter to
24 supplement your in-person testimony."

25 CHAIRMAN BENNETT: Now it says that?

1 MS. TAYLOR: I believe so.

2 CHAIRMAN BENNETT: "The letter can be used
3 to supplement your in-person testimony"?

4 "Letters will not be accepted as testimony.
5 You have to appear in person"?

6 MS. THOMPSON: It doesn't quite say that.

7 COMMISSION MEMBER KLUTZ: I think we should
8 say that. I mean I just don't want somebody to
9 send a letter and -- thinking that it's going to
10 be considered, and then therefore, they don't
11 show up.

12 COMMISSION MEMBER OVERHOLT: Well, should
13 we even just be more clear and say, "You either
14 have to appear in person or specifically request
15 a continuance"?

16 CHAIRMAN BENNETT: Well, that's ...

17 MR. KING: Mr. Chairman, Members of the
18 Commission, we'd be happy to revise the letter
19 to read however you'd like it to read.

20 CHAIRMAN BENNETT: I think that makes
21 sense. It makes it very clear. Those are the
22 only options. We will not consider their case
23 on the merits based on a letter.

24 COMMISSION MEMBER KLUTZ: I guess that may
25 be -- if -- affirmatively that they could

1 request a continuance if -- if that's all they
2 have to do, and they -- they're constantly
3 continuing these --

4 CHAIRMAN BENNETT: Well, the continuance
5 can be denied.

6 COMMISSION MEMBER KLUTZ: Yeah, that's
7 true, that's true.

8 CHAIRMAN BENNETT: They have no assurances
9 that it won't be denied, particularly after the
10 second one or something.

11 So we still need a -- a motion, or -- did
12 we get a second to the motion to impose the
13 entire amount of the proposed penalty, plus
14 mailing costs on the remaining campaign finance
15 enforcement actions?

16 COMMISSION MEMBER KLUTZ: Second.

17 CHAIRMAN BENNETT: We have a motion and a
18 second. Any further discussion?

19 VICE CHRMN PRO TEM CLAYTOR: Can I ask a
20 question again? I'm sorry I'm such a rookie at
21 this. I'm sorry to throw wrenches in.

22 But it's come up a couple times today on
23 addresses and issues. And I noticed one of the
24 very last things in here is someone filing an
25 appearance, and then there's a notice sent to

1 the entity again.

2 Are we also sending notice to attorneys who
3 file appearances before us, or do we just send
4 it to the entity?

5 CHAIRMAN BENNETT: I think we should
6 communicate with counsel directly. Do we do
7 that?

8 MS. THOMPSON: We usually do that.

9 VICE CHRMN PRO TEM CLAYTOR: Okay. So in
10 addition to the person we're asking to appear,
11 we do send it to their attorney of record.

12 MS. TAYLOR: I think this one in the back
13 is, "I appointed you attorney. You sent your
14 appearance, but you included your appearance
15 with the notice of hearing."

16 And then we ask for an appearance by the
17 attorney. We won't then send the attorney
18 another hearing notice because they've sent us
19 their appearance, I think is what this last one
20 is. If we have the attorney on file, we will
21 absolutely send them the hearing notice ahead of
22 time.

23 VICE CHRMN PRO TEM CLAYTOR: So the notice
24 of appearance was sent as a result of the
25 hearing notice being sent to the client?

1 MS. TAYLOR: Yeah.

2 VICE CHRMN PRO TEM CLAYTOR: Okay. That's
3 good.

4 CHAIRMAN BENNETT: So we still have a
5 motion and a second.

6 VICE CHRMN PRO TEM CLAYTOR: I'm sorry.

7 CHAIRMAN BENNETT: No, that was a good
8 discussion. Any further discussion?

9 (No response.)

10 CHAIRMAN BENNETT: All in favor of the
11 motion as stated signify by saying aye.

12 THE COMMISSION: Aye.

13 CHAIRMAN BENNETT: All opposed say nay.

14 (No response. Motion carried.)

15 CHAIRMAN BENNETT: Motion carried.

16 Penalties imposed.

17 At the Commission's September 3, 2014
18 meeting, we received a status report from the
19 Election Division concerning certain campaign
20 finance complaints filed as of that date.

21 And I understand that the Election Division
22 has since received additional complaints which
23 may allege violations of certain campaign
24 finance requirements.

25 I would ask that the Co-directors inform us

1 about the status of these complaints, beginning
2 with the first set of documents in our binders.

3 MR. KING: Mr. Chairman, Members of the
4 Commission, Ryan and myself will defer to our
5 counsels to address them. So I will yield to
6 them at this time.

7 MR. SIMMONS: Matthew and I had a
8 discussion about presenting those, and I took a
9 couple and he took a couple. And then if we had
10 anything to add to each other's comments, we
11 proposed to chime in on that, if that's okay.

12 CHAIRMAN BENNETT: Okay. Very good.

13 MR. SIMMONS: Did you want to start with
14 any particular one?

15 CHAIRMAN BENNETT: Well, Carmichael is
16 first on my list.

17 MR. SIMMONS: Prior to the September 3
18 meeting, Mr. Carmichael, as president of the
19 Indiana Beverage Association, had complained by
20 letter dated August 4, and sent that to all
21 Commission members, that there was a violation
22 of campaign finance law committed by Vision
23 Concepts, which is an LLC, and Monarch Beverage,
24 a company which is a corporation.

25 And more specifically, they're saying that

1 Vision Concepts is making contributions in the
2 name of Monarch, which is a violation that's
3 both a fineable offense and a class B
4 misdemeanor.

5 And they're also saying if you properly
6 attribute contributions made by Vision Concepts,
7 LLC to Monarch, the corporation, Monarch has
8 exceeded its corporate contribution limits.
9 And that's both a civil fineable offense and a
10 class B misdemeanor as well.

11 And not to repeat what's in the
12 correspondence, but there's several factors that
13 Mr. Carmichael presents in support of his
14 allegations, some sharing of space, sharing of
15 personnel. He questions the legitimacy of
16 transactions made between Vision Concepts and
17 Monarch.

18 But after that meeting, and I think at that
19 meeting, the Commission said, "Well, let's send
20 the -- have the Co-directors send both Vision
21 Concepts, LLC and Monarch the complaint." And
22 that was done after the meeting.

23 And then, on August 7 -- and I think those
24 letters are in your materials as well -- in
25 response to that forwarding of that complaint,

1 Ice Miller responded on behalf of Monarch. And
2 that's in your materials. It's a letter dated
3 August 15. That has several arguments
4 regarding, "We are separate. Monarch and Vision
5 are separate legal entities." There's no --
6 there's kind of a legal argument about there's
7 no law that you can attribute contributions made
8 by one to the other, these separate legal
9 entities.

10 And then on September 12, Baker & Daniels
11 responded on behalf of Vision Concepts, LLC,
12 essentially repeating the same legal arguments.

13 But it also addressed a factual issue
14 raised by the original complaint letter, and
15 indicated that, "Well, Monarch isn't our only
16 account. We have 1,200 accounts." So there's
17 some both some legal and some factual responses.

18 So those responses were forwarded to
19 Mr. Carmichael at Indiana Beverage Alliance,
20 who, again, responded with an October 24 letter.
21 I think that one was addressed to the chairman.

22 And then a February 27, 2015 letter was
23 sent by Mr. Carmichael. And that letter
24 enclosed draft subpoenas in case, and it
25 suggested that the Commission may not have

1 sufficient resources to draft discovery, but
2 requested that no hearing be called until
3 information asked in those subpoenas was
4 provided by Monarch, Vision, and another entity
5 called EF Transit.

6 And then there was yet another May 7 letter
7 from Mr. Carmichael inquiring as to the status
8 of the claim.

9 Then, Mr. Chairman, there's your letter in
10 the materials of June 1, indicating that
11 consistent with Mr. Carmichael's request, no
12 hearing had been set, and then advising that for
13 the Commission to issue subpoenas, it would take
14 a meeting of that Commission and affirmative
15 vote. And a majority of the Commission members,
16 after a hearing, properly noticed to have those
17 subpoenas issued.

18 That's the last of the correspondence and
19 the status currently.

20 CHAIRMAN BENNETT: So we haven't heard back
21 from them, anyone, in response to the letter?

22 MR. SIMMONS: Right.

23 CHAIRMAN BENNETT: Matthew, do you have
24 anything to add to that?

25 MR. KOCHEVAR: I have nothing to add to the

1 facts. But if I'm called upon for analysis of
2 how to move forward, I'll be happy to answer
3 questions then.

4 CHAIRMAN BENNETT: Very well. Thank you.
5 I guess we can move on to Kolbe.

6 MR. SIMMONS: Kolbe. There was a letter
7 dated August 17, 2014, and I believe that was
8 brought to the Commission's attention at that
9 time, complaining that the Elkhart Circuit Court
10 clerk's website contained a logo for C-Tech
11 Solutions, and that the logo was a live link
12 that if you clicked on it, it transferred you to
13 the C-Tech Solutions website.

14 C-Tech Solutions happened to be owned by a
15 candidate for legislature, Kurt Nisly. And at
16 some point there was some election -- what I
17 call electioneering material on that company
18 website.

19 And then, let's see. There was also an
20 allegation that there may have been a defect in
21 the campaign finance report of Mr. Nisly in that
22 it did not properly indicate that he received --
23 or he paid C-Tech or his campaign website. So
24 those were basically -- well, actually, the
25 third concern was that C-Tech had access to

1 voter registration information from the clerk
2 that he, as a candidate -- Mr. Kolbe was a
3 candidate for House District 22, as well as
4 Mr. Nisly -- didn't have access to, and that he
5 raised concern about Mr. Nisly having access to
6 vote center technology as well.

7 After the September 3 hearing, those were
8 forwarded to the circuit court clerk. That
9 complaint was forwarded to the circuit court
10 clerk of Elkhart County, as well as Candidate
11 Nisly, and we received responses from both of
12 them.

13 Wendy Hudson, who's the clerk of the
14 circuit court, responded by letter -- and I
15 believe this is in your materials -- dated
16 September 10, acknowledging that the C-Tech
17 company had designed the website, but had
18 designed it before Mr. Nisly became a candidate,
19 and that the website was -- indeed had a logo
20 that was a live link to the company website.

21 And when she learned of it, she demanded
22 the link be disabled. And by all accounts from
23 everyone, even the complainant, it was disabled
24 on or about August 13, before August 14,
25 somewhere around there.

1 Then Mr. Nisly responded by letter dated
2 September 18, indicating much of what Wendy had
3 contained in her letter, and indicating, as well
4 as Wendy did, that he has no access to voter
5 registration information any more than any other
6 candidate does, and that he had no access to the
7 vote center technology. Both Wendy and he said
8 the same thing on that matter.

9 And then he explained the campaign
10 expenditure was properly entered on his report
11 because it was actually invoiced by a
12 subcontractor of C-Tech, who actually provided
13 the services. So he indicated that as why it
14 was reported that way.

15 So that brings us up to date.

16 CHAIRMAN BENNETT: Okay. Very good. What
17 about Heitzman? Do we have a report on that?

18 MR. KOICHEVAR: Yes. I refer to it as the
19 Royal Tiger PAC, the PAC that was complained
20 against.

21 As you see in your materials, just to
22 reiterate the fact, it's that a number of emails
23 were first sent to the Hamilton County Election
24 Board alleging or making complaints against the
25 Royal Tiger PAC. These complaints were alleging

1 that this PAC was charging membership to people
2 in Hamilton County, of which they would be
3 invited to events hosted by that PAC, the
4 organization that founded it. And at that --
5 those meetings, they would be able to speak to
6 public officials for the then Town of Fishers,
7 now the City of Fishers, as well as members of
8 the Hamilton County government.

9 The Hamilton County Election Board
10 considered the complaint. Since the PAC was
11 filed as a statewide PAC with the Division, they
12 forwarded it to us. A similar complaint was
13 also filed with the Co-directors, with the same
14 information as the complaint that was filed with
15 Hamilton County.

16 I will note that through reading the
17 correspondence, I've not been able to find
18 either a particular reference to a violation of
19 Title III, nor in the references by the
20 complainant to anything that would help me
21 pinpoint an exact section of the Code, either a
22 crime listed in 314, or other acts throughout
23 Title III.

24 Unless I'm missing something in the facts,
25 that's what I have so far. And I'll defer to

1 Mr. Simmons.

2 CHAIRMAN BENNETT: Anything else?

3 (No response.)

4 CHAIRMAN BENNETT: Okay. What about Barry?

5 MR. KOICHEVAR: Yes. The next complaint was
6 filed by the chairman of the state Republican
7 party, Mr. Barry, against the Beth White
8 Campaign for Secretary of State. They are
9 alleging that on one of her mailers, it did not
10 include the disclosure that is required by
11 Indiana Code 3-9-3-2.5.

12 They also included in their materials the
13 mailer referenced to, as well as a Twitter post
14 by Beth White of her campaigning in Clark
15 County, and I believe apparently handing out
16 that brochure to a voter.

17 I will also note that my records show that
18 we, the Division, have not reached out to the
19 Beth White Campaign or Ms. White about this
20 complaint. I do know from previous Commission
21 meetings that has been asked by the Commission
22 as a step forward.

23 And if wished by the Commission, we can
24 send out that notification. That complaint was
25 filed against her and her campaign.

1 CHAIRMAN BENNETT: Okay. And the last one
2 is Cooley?

3 MR. KOICHEVAR: Yes. The last one is a
4 complaint filed by Mr. Tyler Cooley. He alleges
5 that -- four different complaints.

6 The first one is that Governor Pence's
7 campaign committee had received an in-kind
8 contribution of signs during the 2013
9 legislative session. That would be a violation
10 of Indiana Code 3-9-2-12.

11 The second complaint is that the
12 organization that produced these signs, Indiana
13 Coalition to Protect Religious Freedom, was
14 acting as a PAC, campaigning for a presumed
15 candidate or public question -- that has not
16 been made clear in the complaint -- of which,
17 then, they did not file their CFA-2 to form a
18 PAC, which is a violation of 3-9-1-3, and
19 carries a civil penalty under 3-9-4-16(a)(2),
20 and Subsection (b), and also carries a criminal
21 penalty under 3-14-1-14.

22 The last two complaints are similar. They
23 state that both the governor's campaign
24 committee and the Indiana Coalition to Protect
25 Religious Freedom did not include a disclaimer

1 on the signs in question. They're included in
2 your packet as Exhibit 2. The sign is Protect
3 Religious Freedom, and under that is Hoosier
4 Rights of Conscience, Indiana Constitution,
5 Article I, Section 3.

6 I will also make note that there was no
7 public question regarding religious freedom, or
8 anything that would be close to that subject,
9 that was on a ballot in 2013, as there was no
10 election, nor in 2014, as public records would
11 show.

12 CHAIRMAN BENNETT: Okay.

13 MR. KOICHEVAR: I would defer to Mr. Simmons
14 if I've missed anything.

15 MR. SIMMONS: No.

16 CHAIRMAN BENNETT: Well, thank you for
17 those reports. They were very helpful.

18 MR. KOICHEVAR: I'm sorry. I have one last
19 addendum to that.

20 As with the previous complaint against Beth
21 White, both the governor's campaign committee
22 nor the Indiana Coalition for Religious Freedom,
23 I don't have any correspondence that we sent to
24 them saying that a claim was filed against them.

25 And I --

1 MR. SIMMONS: March 23.

2 MR. KING: There is.

3 MR. KOCHEVAR: There is? Okay. I'm sorry.
4 I didn't have those in my materials, so I
5 apologize.

6 MR. KING: Mr. Chairman, Members of the
7 Commission, these are the last two pieces of
8 paper in the binder in front of the advisory
9 opinion.

10 MR. KOCHEVAR: My apologies.

11 MR. KING: No problem.

12 CHAIRMAN BENNETT: Okay. Is there any
13 discussion from the Commission on these reports?

14 (No response.)

15 CHAIRMAN BENNETT: I think that you both
16 covered all of the correspondence up to date; is
17 that correct? Is there anything further, or has
18 it already been discussed?

19 MR. KOCHEVAR: Yes.

20 MR. SIMMONS: Yes.

21 CHAIRMAN BENNETT: So those are all up to
22 date, real time, okay.

23 Well, hearing no discussion or motion on
24 those reports, let's move to the next item on
25 the agenda, which is the Campaign Finance

1 Advisory Opinion 2015-1, Impersonation of an
2 Officeholder.

3 At the Commission's September 3, 2014
4 meeting, we received an inquiry regarding the
5 requirements of Indiana Code 3-9-3-5, the state
6 law which prohibits an individual from falsely
7 representing, in paid political advertising or
8 campaign material, that the candidate in any
9 election is or has been an officer -- I'm
10 sorry -- an officeholder, meaning a person who
11 holds elective office.

12 The Co-directors had agreed to submit a
13 draft advisory opinion on this issue for further
14 consideration by the Commission.

15 At this point I would recognize our
16 Co-directors to present the document titled
17 Advisory Opinion 2015-1 to the Commission for
18 its consideration.

19 MR. KING: Mr. Chairman, Members of the
20 Commission, in your binders behind the tab
21 labeled Advisory Opinion 2015-1 are a number of
22 documents.

23 The first is a draft advisory opinion. Let
24 me begin by noting that on a couple of
25 occasions, although not in the recent past, the

1 Commission has adopted advisory opinions where
2 campaign finance legislation did not provide
3 sufficient clarity, but the Election Division
4 received frequent inquiries from committees,
5 parties, and others about how to comply with the
6 requirements of the law.

7 Following that is an excerpt of the
8 transcript from the September 3, 2014 meeting
9 which describes in more detail what the chairman
10 has just summarized. We indicated, Mr. Deckard
11 and I, that we would come back to the Commission
12 with a draft opinion, which is what you have
13 before you.

14 The principal issue addressed in this
15 advisory opinion is whether there are magic
16 words like "for," F-O-R, or "elect" that are
17 necessary to prevent a violation of the statute.

18 The final set of documents behind this tab
19 shows some bumper stickers, some car tire wheel
20 covers that contain a candidate's name and an
21 office, but do not contain the word "for" or
22 "elect," or anything else.

23 And so the advisory opinion as drafted
24 would specify that in terms of giving guidance
25 to individuals who make inquiry about this law,

1 that the Commission directs us to indicate that
2 it is not necessary to include the word "for" or
3 the word "elect" on its own, to avoid a
4 violation of the statute.

5 I'll be happy to answer questions.

6 CHAIRMAN BENNETT: Is the concept that the
7 average person would, by reading a sign that
8 says, for example, "Chip Perfect Indiana State
9 Senate," would know that he's not necessarily a
10 senator, but he's a candidate? Is that ...

11 MR. KING: Mr. Chairman, I think that is a
12 fair summary.

13 The core behavior that the statute is
14 apparently designed to prevent occurred from a
15 campaign several years ago in Howard County,
16 where a candidate used the word "re-elect"
17 followed by their name, when they were not, in
18 fact, the officeholder. And ironically, that
19 did involve a former state senator. So I think
20 it's fairly clear in our understanding what does
21 constitute a violation of the statute.

22 This is more of the gray area where we
23 certainly received a good number of questions
24 about it, including the one that was presented
25 to the Commission at the September meeting, as

1 to whether it's necessary to be explicit in
2 adding the words "for" or "elect," or similar
3 words.

4 CHAIRMAN BENNETT: Any other questions or
5 comments on this issue?

6 (No response.)

7 CHAIRMAN BENNETT: Then as I understand the
8 procedure, then the -- well, tell us what
9 happens from here.

10 MR. KING: Mr. Chairman, if the Commission
11 and its members are willing to proceed, we have
12 an order drafted for your approval and would
13 circulate it for signatures.

14 CHAIRMAN BENNETT: So we need a motion to
15 adopt the advisory opinion?

16 MR. KING: If that's the pleasure of the
17 Commission.

18 COMMISSION MEMBER KLUTZ: I've reviewed the
19 advisory opinion. I mean it appears to be
20 fairly narrow. It says that campaign material
21 does not have -- we do not have to -- or
22 candidates do not have to use the word "elect"
23 or "for" in order to not be in violation of this
24 section.

25 I mean there are still ways to violate it.

1 I'm not saying -- you know, we still have a
2 second look at certain things.

3 But in terms of these specific questions,
4 does a candidate sign have to have "elect" or
5 "for," or say no --

6 MR. KING: That's correct.

7 COMMISSION MEMBER KLUTZ: I agree with
8 that. I would be in support of this advisory as
9 drafted.

10 CHAIRMAN BENNETT: Is that a motion to
11 adopt?

12 COMMISSION MEMBER KLUTZ: Yes. I make a
13 motion to adopt as drafted.

14 CHAIRMAN BENNETT: Is there a second?

15 VICE CHRMN PRO TEM CLAYTOR: I'll second
16 for the purpose of asking a question.

17 Is it clear enough that it is not a
18 violation if it happens to be the office you're
19 running for? Because, you know, I -- I
20 shouldn't have spent all that money putting
21 "for" on my yard signs.

22 But it's obvious, John Doe, County
23 Assessor. But could he put John Doe, County
24 Assessor, Running for County Auditor? And would
25 that be violative of the statute if he was not,

1 in fact, county assessor? Are we giving him a
2 sneaky little out?

3 MR. KING: Mr. Chairman, Mr. Commissioner,
4 that would be a peculiar situation.

5 But even in that peculiar situation, I
6 don't think it would be a violation. But it's
7 something where we can certainly add language to
8 further clarify, if that's the will of the
9 Commission, or address it in a subsequent
10 opinion, whatever your preference would be.

11 VICE CHRMN PRO TEM CLAYTOR: My only
12 question is do you feel, and do our attorneys
13 feel, that this is clear enough for what we're
14 talking about? And I'd certainly yield to them.

15 MR. SIMMONS: Yeah. It came about because
16 this is consistent with the way we were
17 interpreting it. Because it is a penal statute,
18 we thought it should be narrowly construed. You
19 know, is -- John Doe Sheriff. Is he advertising
20 he holds the office of sheriff here in October
21 before the November election, or does he want
22 you to vote for him? That kind of thing.

23 And we were of the opinion that well before
24 you penalize somebody for exercising a first
25 amendment conduct, we think you need a clear

1 violation.

2 No, I think we would read it, if John Doe
3 is not the sheriff, John Doe Sheriff, as
4 indicating he wants you to vote for him. It's
5 around election time. We don't need the magic
6 words "for," and it's not a violation of that
7 particular statute.

8 But I had not thought of the scenario you
9 thought of. So I mean if you think there's
10 additional language -- I've not heard of that
11 sign.

12 I mean it does come up with "re-elect" in a
13 different context. If you've not been the
14 sheriff for a while, but you were 20 years ago,
15 and you say Re-elect Sheriff, is that indicating
16 you're the current officeholder? Well, nothing
17 dishonest about that, really.

18 But I've not thought about your scenario.
19 But I think it answers 99.9 percent of the
20 questions I've dealt with.

21 COMMISSION MEMBER KLUTZ: So you're getting
22 specific questions, "Do signs need or campaign
23 literature need the words, 'Elect, vote, or
24 for?'"

25 And what we're doing is trying to prepare

1 an advisory opinion to point them to, to give
2 them comfort that, "No, it doesn't"?

3 MR. SIMMONS: Right. Does it need to
4 contain that magic word in order to avoid the
5 application of 3-9-3-5, yes, that's what we're
6 trying to do.

7 CHAIRMAN BENNETT: Do you have any comments
8 on this?

9 MR. KOCHVAR: You've raised an interesting
10 question that I also have not considered. So I
11 would follow with what -- I will agree with
12 everything that Mr. Simmons has said on this
13 point.

14 To risk sounding like I -- you know, to
15 bumble through an answer, I think that it's
16 best that I -- I would have nothing to add on
17 this.

18 But I will say one thing, though, is that
19 we do have 92 different counties with 92
20 different election boards. They also consider
21 the same statutes and rules that we do.

22 And so as time goes on -- and I've only
23 been here at the Division for six months. I've
24 seen many things. And I suspect, as we go on,
25 there may be a complaint along your lines or

1 along the lines that we haven't thought of,
2 which, then, will more inform of us of how the
3 statute can be stretched, interpreted, and used
4 in the future.

5 But I do think that this advisory opinion
6 is a good first step. It's logical, moving
7 forward. And as more facts become available, as
8 the statute gets used more, then we can adjust
9 as-needed.

10 VICE CHRMN PRO TEM CLAYTOR: I also like
11 the fact that you're asking the legislature to
12 re-look at the statute. I think that's a very
13 good idea.

14 CHAIRMAN BENNETT: It is a matter of
15 Sheriff John Doe, who's not a sheriff, or John
16 Doe, Sheriff, you know, that's not what you
17 usually --

18 COMMISSION MEMBER OVERHOLT: Although that
19 does lead to confusion. I mean --

20 CHAIRMAN BENNETT: But that doesn't
21 really -- it's not addressed one way or the
22 other here, except you couldn't say that it was
23 wrong because it doesn't have those other words.

24 COMMISSION MEMBER OVERHOLT: Right, right.

25 CHAIRMAN BENNETT: So we have a motion and