

Indiana Election Commission

Minutes

March 28, 2002

Members Present: Dudley Cruea, Chairman of the Indiana Election Commission (the Commission); Ryan Soultz as proxy for S. Anthony Long, Vice Chairman of the Commission; Butch Morgan, member of the Commission; Joseph M. Perkins, Jr., member of the Commission.

Members Absent: S. Anthony Long.

Staff Attending: J Bradley King, Co-Director, Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); Kristi Robertson, Co-General Counsel to the Commission and Election Division; Dale Simmons, Co-General Counsel to the Commission and Election Division; Michelle Thompson, Co-Director, Campaign Finance, Election Division; Pam Potesta, Co-Director, Campaign Finance, Election Division.

Also Attending: Jeff Coyne, Indiana Democratic Party; Charles W. Bourne, Committee to Elect Charlie Bourne; Terry Jungels, Jungels for State Representative Committee; Darin Kinser, Kinser for State Representative 65th; Mike Patton, Patton For State Representative; Donald O. Patton, Donald O. Patton for State Representative; Mark Gidley, Gidley for State Representative; Joseph Schnipp, Franklin Township Firefighters PAC; Brad Klopfenstein, Indiana Libertarian Party.

1. Call to Order

The Chair called the March 28, 2002 meeting of the Indiana Election Commission to order at 1:00 p.m. at the Indiana Government Center South, Room 6, 302 West Washington Street, Indianapolis, Indiana. He noted that proper notice of the meeting had been given, as required by state law, and that a quorum of the Commission members was present.

A copy of the meeting notice and agenda is incorporated by reference in these minutes. *[Copies of all documents incorporated by reference are available for public inspection and copying at the Election Division office.]*

2. Approval of the March 13, 2002 Regular Meeting Minutes

The Chair recognized Ms. Robertson who noted that the March 13, 2002 minutes were completed that morning, and that the Commission members could review the minutes and adopt them at the next meeting. The Chair agreed and asked that this item be placed on the agenda for the next meeting.

3. Campaign Finance Enforcement

A. Delinquent 2001 Annual Campaign Finance Reports for Regular Party Committees

The Chair indicated that the Commission would begin with the hearings on delinquent 2001 annual campaign finance reports for regular party committees. The Chair requested all persons present to testify in such hearings to stand for the administration of the oath. Ms. Robertson then administered the oath.

The Chair recognized Ms. Potesta who reported that there were no delinquent 2001 annual reports for regular party committees.

B. Continued Causes

(1) Franklin Township Firefighters District PAC, Cause No. 02-4716-52

The Chair recognized Joseph Schnipp who identified himself as the representative of the Franklin Township Firefighters District PAC.

The Chair recognized Ms. Potesta who stated that the cause number on this case was 02-4716-52. She stated that this Committee requested a continuance at the last Commission meeting, the Committee had not been before the Commission before, and that the committee has a proposed civil penalty of One Thousand Three Dollars and Ninety Four Cents (\$1,003.94).

The Chair recognized Mr. Schnipp who stated that their report accidentally was included in the Indianapolis Firefighters Political Action Committee report as explained in the letter made part of the record. Mr. Schnipp also stated that this PAC should not have been separately created since it is a part of the Indianapolis Firefighters PAC and that they intended to close this Committee.

The Chair then closed the hearing. The Chair moved that the cause be dismissed since this Committee should not have been a separate political action committee and that the money was reported under the Indianapolis Firefighters political action committee provided that within thirty (30) days, the Franklin Township Firefighters PAC is closed with the Election Division. Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Morgan, Mr. Perkins, and Mr. Soultz), and no member voting "nay", the motion was adopted.

(2) Northeast Indiana Political Action Committee for Better Government, Cause No. 02-4683-51

The Chair recognized Ms. Potesta who stated that the cause number on this case was 02-4683-51. She stated that this Committee requested a continuance at the last Commission meeting, the Committee had not been before the Commission before, and that the committee has a proposed civil penalty of One Thousand Three Dollars and Ninety Four Cents (\$1,003.94). Ms. Potesta also indicated that there were two letters in the Commission packets.

The Chair asked if the Committee had provided any proof that the Committee had filed with the Allen County Clerk's Office. Ms. Thompson, after reviewed the Committee's file answered that the Committee did not offer that proof.

The Chair then closed the hearing. Mr. Morgan moved that the proposed fine be reduced to Two Hundred Fifty Dollars (\$250.00) plus the investigative costs in the sum of Three Dollars and Ninety Four Cents (\$3.94) for a total of Two Hundred Fifty Three Dollars and Ninety Four Cents (\$253.94). Mr. Perkins seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Morgan, Mr. Perkins, and Mr. Soultz), and no member voting "nay", the motion was adopted.

C. Delinquent 2002 Statements of Organization for Candidates

(1) Carlin for State Representative Committee, Cause No. 02-4828-61

The Chair recognized Jay Carlin who identified himself as the representative of the Carlin for State Representative Committee.

The Chair recognized Ms. Potesta who stated that the cause number on this case was 02-4828-61. She stated that this Committee's report was filed on March 6, 2002, the committee has not been before the Commission before, and that the committee has a proposed civil penalty of Two Hundred Fifty Three Dollars and Ninety Four Cents (\$253.94).

The Chair recognized Mr. Carlin indicated that he was late on filing the report because of personal problems, and upon receiving notice of the late filing, filed the report the next day. Mr. Carlin also acknowledged that he had filed the report late and understood the responsibility of filing the campaign finance reports.

The Chair then closed the hearing. Mr. Perkins moved that the proposed fine be reduced to Sixty Two Dollars and Fifty Cents (\$62.50) plus the investigative costs in the sum of Three Dollars and Ninety Four Cents (\$3.94) for a total of Sixty Six Dollars and Forty Four Cents (\$66.44). Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Morgan, Mr. Perkins, and Mr. Soultz), and no member voting "nay", the motion was adopted.

(2) Gidley for State Representative, Cause No. 02-4824-57

The Chair recognized Mark Gidley who identified himself as the representative of the Gidley for State Representative Committee.

The Chair recognized Ms. Potesta who stated that the cause number on this case was 02-4824-57. She stated that this Committee's report was filed on March 4, 2002, the committee has not been before the Commission before, and that the committee has a proposed civil penalty of One Hundred Fifty Three Dollars and Ninety Four Cents (\$153.94).

The Chair recognized Mr. Gidley who indicated that he filed on the last day of filing and was not given a calendar of reporting dates, and he asked for the Commission's leniency in this matter. He also stated that he has set up his calendar so he will not miss future campaign finance reporting deadlines.

The Chair then closed the hearing. Mr. Perkins moved that the proposed fine be reduced to Thirty Seven Dollars and Fifty Cents (\$37.50) plus the investigative costs in the sum of Three Dollars and Ninety Four Cents (\$3.94) for a total of Forty One Dollars and Forty Four Cents (\$41.44). Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Morgan, Mr. Perkins, and Mr. Soultz), and no member voting "nay", the motion was adopted.

(3) Committee to Elect Charlie Bourne, Cause No. 02-4829-62

The Chair recognized Charles Bourne who identified himself as the representative of the Committee to Elect Charlie Bourne.

The Chair recognized Ms. Potesta who stated that the cause number on this case was 02-4829-62. She stated that this Committee's report was filed on March 4, 2002, the committee has not been before the Commission before, and that the committee has a proposed civil penalty of One Hundred Fifty Three Dollars and Ninety Four Cents (\$153.94).

The Chair recognized Mr. Bourne who explained that he misread the CAN-2 Declaration of Candidacy form that states a candidate may be required to file campaign finance reports, and that he received the calendar of reporting dates and realized he was late. Mr. Bourne also stated that he contacted the staff at the Election Division and confirmed that he did need to file a campaign finance report and faxed it to the Division immediately.

The Chair then closed the hearing. Mr. Perkins moved that the proposed fine be reduced to Thirty Seven Dollars and Fifty Cents (\$37.50) plus the investigative costs in the sum of Three Dollars and Ninety Four Cents (\$3.94) for a total of Forty One Dollars and Forty Four Cents (\$41.44). Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Morgan, Mr. Perkins, and Mr. Soultz), and no member voting "nay", the motion was adopted.

(4) Jungels for State Representative Committee, Cause No. 02-4834-67

The Chair recognized Terry Jungels who identified himself as the representative of the Jungels for State Representative Committee.

The Chair recognized Ms. Potesta who stated that the cause number on this case was 02-4834-67. She stated that this Committee's report was filed on March 11, 2002, the committee has not been before the Commission before, and that the committee has a proposed civil penalty of Five Hundred Three Dollars and Ninety Four Cents (\$503.94).

The Chair recognized Mr. Jungels who explained that he filed his declaration of candidacy on the last day to file and was not aware that he had to file campaign finance reports until he received the letter from the Election Division on March 4, 2002. Mr. Jungels stated that he filled the campaign finance report out and faxed it to the Division on March 5, 2002. Mr. Jungels presented a copy of the faxed report to the Commission. Ms. Thompson presented the Committee's file to the Commission for review. The Chair noted that the file only contained a report date stamped March 11, 2002, not one on March 4, 2002. The Chair asked Mr. Jungels if his fax machine shows when the Election Division's fax machine would have received the fax. Mr. Jungels indicated that his fax would only show when he faxed the report not when the Election Division received it.

The Chair recognized Mr. Perkins who, after reviewing the campaign finance report in the Election Division's file, indicated that it appeared from the date printed on the form that the form had originally been faxed to Mr. Jungels on March 5, 2002 and that the form was faxed back to the Division on March 9, 2002, a Saturday, and the Division staff file-stamped the report on March 11, 2002 a Monday, when the staff were back in the office.

The Chair then closed the hearing. Mr. Morgan moved that the proposed fine be reduced to One Hundred Twenty Five Dollars (\$125.00) plus the investigative costs in the sum of Three Dollars and Ninety Four Cents (\$3.94) for a total of One Hundred Twenty Eight Dollars and Ninety Four Cents (\$128.94). Mr. Perkins seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Morgan, Mr. Perkins, and Mr. Soultz), and no member voting "nay", the motion was adopted.

(5) Kinser for State Representative 65th, Cause No. 02-4831-64

The Chair recognized Darin Kinser who identified himself as the representative of Kinser for State Representative 65th.

The Chair recognized Ms. Potesta who stated that the cause number on this case was 02-4831-64. She stated that this Committee's report was filed on March 5, 2002, the committee has not been before the

Commission before, and that the committee has a proposed civil penalty of Two Hundred Three Dollars and Ninety Four Cents (\$203.94).

The Chair recognized Mr. Kinser who stated that he thought he had to file by the April 12, 2002 deadline, and apologized for getting the report in late. Mr. Kinser stated that he filed the report with the Election Division as soon as he received notice of the filing.

The Chair then closed the hearing. Mr. Morgan moved that the proposed fine be reduced to Fifty Dollars (\$50.00) plus the investigative costs in the sum of Three Dollars and Ninety Four Cents (\$3.94) for a total of Fifty Three Dollars and Ninety Four Cents (\$53.94). Mr. Perkins seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Morgan, Mr. Perkins, and Mr. Soultz), and no member voting "nay", the motion was adopted.

(6) Patton for State Representative, Cause No. 02-4832-65

The Chair recognized Mike Patton who identified himself as the representative of the Patton for State Representative Committee.

The Chair recognized Ms. Potesta who stated that the cause number on this case was 02-4832-65. She stated that this Committee's report was filed on March 6, 2002, the committee has not been before the Commission before, and that the committee has a proposed civil penalty of Two Hundred Fifty Three Dollars and Ninety Four Cents (\$253.94).

The Chair recognized Mr. Patton who indicated that his letter included in the Commission members' packets explained his case.

The Chair then closed the hearing. Mr. Perkins moved that the proposed fine be reduced to Sixty Two Dollars and Fifty Cents (\$62.50) plus the investigative costs in the sum of Three Dollars and Ninety Four Cents (\$3.94) for a total of Sixty Six Dollars and Forty Four Cents (\$66.44). Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Morgan, Mr. Perkins, and Mr. Soultz), and no member voting "nay", the motion was adopted.

(7) Donald O. Patton for State Representative, Cause No. 02-4830-63

The Chair recognized Donald O. Patton who identified himself as the representative of the Donald O. Patton for State Representative Committee.

The Chair recognized Ms. Potesta who stated that the cause number on this case was 02-4830-63. She stated that this Committee's report was filed on March 7, 2002, the committee has not been before the Commission before, and that the committee has a proposed civil penalty of Three Hundred Three Dollars and Ninety Four Cents (\$303.94).

The Chair recognized Mr. Patton who explained that the Secretary of State's Office indicated to him that he only had to file a campaign finance report with the county in which he lived, therefore he only filed with the county. Mr. Patton stated that he did not know that he needed to file with the Election Division. The Chair stated that it is state law that the campaign finance report for a state legislative candidate must be filed both with the State and with the county in which the candidate resides.

The Chair then closed the hearing. Mr. Morgan moved that the proposed fine be reduced to Seventy Five Dollars (\$75.00) plus the investigative costs in the sum of Three Dollars and Ninety Four Cents (\$3.94) for a total of Seventy Eight Dollars and Ninety Four Cents (\$78.94). Mr. Perkins seconded the motion. There being no further discussion, the Chair called the question, and declared that with four

members voting “aye” (Mr. Cruea, Mr. Morgan, Mr. Perkins, and Mr. Soultz), and no member voting “nay”, the motion was adopted.

There being no other individuals present to offer testimony, and after Commission members reviewed all documents submitted by the parties, the Chair proposed to make one motion to dispose of the remainder of the cases. The Chair then moved that the fines of the following committees be reduced to 25% of the proposed fine plus costs of mailing: (1) Committee to Elect Del Cathey, Cause Number 02-4820-53; (2) Richard W. Thornburg for State Representative District 33, Cause Number 02-4821-54; (3) Elect Roach – A Sure Bet, Cause Number 02-4822-55; (4) Medina for State Representative Committee, Cause Number 02-4823-56; (5) Collins for State Senate Committee, Cause Number 02-4825-58; (6) Bennington for State Representative Committee, Cause Number 02-4826-59; (7) Phegley for State Representative Committee, Cause Number 02-4827-60; and (8) Howell for State Representative Committee, Cause Number 02-4833-66. Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Mr. Cruea, Mr. Morgan, Mr. Perkins and Mr. Soultz), and no member voting “nay”, the motion was adopted.

These cases were disposed as is set forth in more detail hereinbelow:

a. Committee to Elect Del Cathey, Cause Number 02-4820-53

The record showed that the Committee to Elect Del Cathey, Cause Number 02-4820-53, filed its report March 1, 2002, that this committee has not previously appeared before the Commission, and that the proposed fine for this committee is Fifty Dollars (\$50.00)

The Chair moved that a fine of Twelve Dollars and Fifty Cents (\$12.50) and mailing costs in the amount of Three Dollars and Ninety Four Cents (\$3.94), for a total of Sixteen Dollars and Forty Four Cents (\$16.44), be imposed on the Committee to Elect Del Cathey, Cause Number 02-4820-53. Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Mr. Cruea, Mr. Morgan, Mr. Perkins and Mr. Soultz), and no member voting “nay”, the motion was adopted.

b. Richard W. Thornburg for State Representative District 33, Cause Number 02-4821-54

The record showed that the Richard W. Thornburg for State Representative District 33 Committee, Cause Number 02-4821-54, filed its report March 1, 2002, that this committee has not previously appeared before the Commission, and that the proposed fine for this committee is Fifty Dollars (\$50.00)

The Chair moved that a fine of Twelve Dollars and Fifty Cents (\$12.50) and mailing costs in the amount of Three Dollars and Ninety Four Cents (\$3.94), for a total of Sixteen Dollars and Forty Four Cents (\$16.44), be imposed on the Richard W. Thornburg for State Representative District 33 Committee, Cause Number 02-4821-54. Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Mr. Cruea, Mr. Morgan, Mr. Perkins and Mr. Soultz), and no member voting “nay”, the motion was adopted.

c. Elect Roach – A Sure Bet, Cause Number 02-4822-55

The record showed that the Elect Roach – A Sure Bet Committee, Cause Number 02-4822-55, filed its report March 1, 2002, that this committee has not previously appeared before the Commission, and that the proposed fine for this committee is Fifty Dollars (\$50.00)

The Chair moved that a fine of Twelve Dollars and Fifty Cents (\$12.50) and mailing costs in the amount of Three Dollars and Ninety Four Cents (\$3.94), for a total of Sixteen Dollars and Forty Four Cents (\$16.44), be imposed on the Elect Roach – A Sure Bet Committee, Cause Number 02-4822-55. Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Mr. Cruea, Mr. Morgan, Mr. Perkins and Mr. Soultz), and no member voting “nay”, the motion was adopted.

d. Medina for State Representative Committee, Cause Number 02-4823-56

The record showed that the Medina for State Representative Committee, Cause Number 02-4823-56, filed its report March 27, 2002, that this committee has not previously appeared before the Commission, and that the proposed fine for this committee is One Thousand Dollars (\$1,000.00)

The Chair moved that a fine of Two Hundred Fifty Dollars (\$250.00) and mailing costs in the amount of Three Dollars and Ninety Four Cents (\$3.94), for a total of Two Hundred Fifty Three Dollars and Ninety Four Cents (\$253.94), be imposed on the Medina for State Representative Committee, Cause Number 02-4823-56. Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Mr. Cruea, Mr. Morgan, Mr. Perkins and Mr. Soultz), and no member voting “nay”, the motion was adopted.

e. Collins for State Senate Committee, Cause Number 02-4825-58

The record showed that the Collins for State Senate Committee, Cause Number 02-4825-58, filed its report March 25, 2002, that this committee has not previously appeared before the Commission, and that the proposed fine for this committee is One Thousand Dollars (\$1,000.00)

The Chair moved that a fine of Two Hundred Fifty Dollars (\$250.00) and mailing costs in the amount of Three Dollars and Ninety Four Cents (\$3.94), for a total of Two Hundred Fifty Three Dollars and Ninety Four Cents (\$253.94), be imposed on the Collins for State Senate Committee, Cause Number 02-4825-58. Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Mr. Cruea, Mr. Morgan, Mr. Perkins and Mr. Soultz), and no member voting “nay”, the motion was adopted.

f. Bennington for State Representative Committee, Cause Number 02-4826-59

The record showed that the Bennington for State Representative Committee, Cause Number 02-4826-59, filed its report March 8, 2002, that this committee has not previously appeared before the Commission, and that the proposed fine for this committee is Three Hundred Fifty Dollars (\$350.00)

The Chair moved that a fine of Eighty Seven Dollars and Fifty Cents (\$87.50) and mailing costs in the amount of Three Dollars and Ninety Four Cents (\$3.94), for a total of Ninety One Dollars and Forty Four Cents (\$91.44), be imposed on the Bennington for State Representative Committee, Cause Number 02-4826-59. Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Mr. Cruea, Mr. Morgan, Mr. Perkins and Mr. Soultz), and no member voting “nay”, the motion was adopted.

g. Phegley for State Representative Committee, Cause Number 02-4827-60

The record showed that the Phegley for State Representative Committee, Cause Number 02-4827-60, filed its report March 12, 2002, that this committee has not previously appeared before the Commission, and that the proposed fine for this committee is Five Hundred Fifty Dollars (\$550.00)

The Chair moved that a fine of One Hundred Thirty Seven Dollars and Fifty Cents (\$137.50) and mailing costs in the amount of Three Dollars and Ninety Four Cents (\$3.94), for a total of One Hundred Forty One Dollars and Forty Four Cents (\$141.44), be imposed on the Phegley for State Representative Committee, Cause Number 02-4827-60. Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Morgan, Mr. Perkins and Mr. Soultz), and no member voting "nay", the motion was adopted.

h. Howell for State Representative Committee, Cause Number 02-4833-66

The record showed that the Howell for State Representative Committee, Cause Number 02-4833-66, filed its report March 11, 2002, that this committee has not previously appeared before the Commission, and that the proposed fine for this committee is Five Hundred Dollars (\$500.00)

The Chair moved that a fine of One Hundred Twenty Five Dollars (\$125.00) and mailing costs in the amount of Three Dollars and Ninety Four Cents (\$3.94), for a total of One Hundred Twenty Eight Dollars and Ninety Four Cents (\$128.94), be imposed on the Howell for State Representative Committee, Cause Number 02-4833-66. Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Morgan, Mr. Perkins and Mr. Soultz), and no member voting "nay", the motion was adopted.

Adoption of Campaign Finance Orders 2002-16 through 2002-62

The Chair recognized Ms. Robertson who indicated that the staff had prepared Orders reflecting the Commission's action at its March 13, 2002 meeting regarding delinquent campaign finance reports for the 2001 Annual Report. The Chair moved that Orders 2002-16 through 2002-62 be approved. Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Morgan, Mr. Perkins and Mr. Soultz), and no member voting "nay", the motion was adopted.

D. Excess Corporate and Labor Organization Contributions

The Chair recognized Ms. Thompson who explained that the Indiana Democratic Party had brought to the Election Division's attention that the Bonar Group exceeded the corporate contribution limit for the year 2001 by \$1,500.00. Ms. Thompson also explained that the Indiana Democratic Party stated in their letter to the Division that the Party had returned the \$1,500.00 contribution to Bonar Group.

The Chair then asked for the Election Division's proposal for how to proceed with this case. Ms. Thompson explained that she had not yet spoken with the Bonar Group on this issue to determine if the contribution was returned to them. Ms. Thompson stated that she would contact the Bonar Group regarding the contribution and will report to the Commission at its next meeting.

The Chair recognized Ms. Thompson who stated that, in response to the Commission's request, the Campaign Finance Division is in the process of conducting an audit to determine if there have been any excess contributions by corporations or labor organizations. Ms. Thompson indicated that she and Ms. Potesta hoped to complete the audit and report their findings to the Commission at a future meeting.

4. Voting Systems

Pending Application

ES&S Model 100 Precinct Counter Base, ver. 4.7.6

The Chair recognized Mr. King who stated that in the Commission members' packets is a letter from Election Systems and Software (ES&S) confirming that ES&S has escrowed the source code for Version 4.7.6. Mr. King also stated that the Co-Directors anticipate they will have a recommendation regarding approval of this voting system at the next Commission meeting.

5. Report by Co-Directors

The Chair recognized Mr. King who informed the Commission that Mr. Valentine was currently in the Ukraine observing a parliamentary election under the auspices of the State Department along with election officials from other states. Mr. King also stated that the Election Division did not foresee a need for a Commission meeting in April. Mr. King also noted that the Election Division anticipated having postcards for the Duplicate Voter Registration Elimination Project ready for Commission approval at the next meeting, and the voter registration submission from the counties had been compiled and the Project is under way.

6. Litigation Update

The Chair recognized Mr. Simmons who stated that the only activity to report to the Commission was on the *Hawkins v. Indiana Election Commission* case. Mr. Simmons explained that this is the case that seeks to impose a lottery upon counties requiring the counties to determine the ballot order of candidates by a lottery rather than listing the candidates alphabetically. Mr. Simmons explained that the Plaintiff in this case has filed a Motion for Summary Judgment, which is included in the Commission members' packets. Mr. Simmons stated that the Response to that Motion was due next week, and he had spoken with the Attorney General's Office and they are prepared to file their Response next week.

7. Other Business

Candidate Challenge Orders

The Chair recognized Ms. Robertson who indicated that the Election Division has prepared Orders to reflect the Commission's action at the March 13, 2002 Commission meeting determining candidate challenges. The Chair moved that Orders 2002-63 and 2002-64 be approved. Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Morgan, Mr. Perkins and Mr. Soultz), and no member voting "nay", the motion was adopted.

8. Adjournment

The Chair asked if there was any further business. There being no response, Mr. Perkins moved, seconded by Mr. Morgan, that the Commission adjourn. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Morgan, Mr. Perkins, and Mr. Soultz), and no member voting "nay", the motion was adopted. The Commission then adjourned at 1:50 p.m.

Respectfully submitted,

J. Bradley King
Co-Director

Spencer Valentine
Co-Director

Approved,

Dudley Cruea, Chair