

**INDIANA STATE RECOUNT COMMISSION**

**MINUTES OF THE APRIL 29, 2016 MEETING**

**MEMBERS PRESENT:** The Honorable Connie Lawson, Chairman of the Indiana State Recount Commission (“the Commission”); Gordon Durnil, Member; Pat Terrell, Member

**MEMBERS ABSENT:** None

**STAFF ATTENDING:** J. Bradley King, Majority Counsel; Matthew Kochevar, Minority Counsel

**OTHERS ATTENDING:** Ms. Jennifer Gauger, Indiana State Board of Accounts; Ms. Angela Nussmeyer, Indiana Election Division Co-Director; Mr. Philip A. Sicuso, Recount Director; Major Mike Snider, Indiana State Police.

**1. CALL TO ORDER:**

The chair called the meeting of the Commission to order at 11: 00 a.m. at Room 431 of the Indiana State House, 200 West Washington Street, Indianapolis, Indiana.

**2. COMMISSION BUSINESS:**

The Commission transacted the business and took the official actions set forth in the Transcript prepared by Elizabeth Summers Long, Connor Reporting, which is incorporated by reference into these minutes.

The Commission approves the Transcript, with the following corrections:

In each instance where it occurs, replace “Election Commission Recount Division” with “Recount Commission”.

Page 3, line 4, replace “coroner” with “quorum”.

Page 3, line 22, replace “O’Banin” with “O’Bannon”.

Page 4, line 7, replace “given” with “giving”.

Page 4, line 19, replace “Sisuso” with “Sicuso”.

Page 4, line 25, replace “Daniels” with “Daniels’s”.

Page 5, line 1, replace “over” with “about”.

Page 6, line 5, replace “co-chairman” with “co-general”.

Page 7, line 10, replace “ballads” with “ballots”.

Page 8, line 1, delete “the”.

Page 8, line 4, replace “he’s” with “is”.

Page 8, line 22, replace “bid” with “adopt”.

Page 9, line 18, replace “state to order” with “State Board of Accounts to conduct”.

Page 10, line 4, replace “center” with “centers”.

Page 10, line 7, replace “requalified by” with “recodified at”.

**3. ADJOURNMENT:**

There being no further business before the Commission, the Commission adjourned at 11:15 a.m.

**APPROVED:**

A handwritten signature in cursive script that reads "Connie Lawson".

**Connie Lawson, Chair**  
**000001The Indiana State Recount Commission**

COPY

*In the Matter Of:*

IN ELECTION COMMISSION RECOUNT DIVISION

PUBLIC SESSION AGENDA

April 29, 2016



**CONNOR REPORTING**

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Public Session Agenda  
April 29, 2016

1 Indiana Election Commission  
Indiana Recount Division  
2 Public Session Agenda

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6 Conducted on: April 29, 2016

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9 Location: Indiana State House  
Room 431  
10 200 West Washington Street  
Indianapolis, IN 46204

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15 A STENOGRAPHIC RECORD BY:

16 Elizabeth Summers Long  
Notary Public  
17 Stenographic Reporter

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Public Session Agenda  
April 29, 2016

2

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APPEARANCES:

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INDIANA RECOUNT COMMISSION:

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Ms. Connie Lawson - Chairwoman

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Mr. Gordon Durnil - Commission Member

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Mr. Pat Terrell - Commission Member

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INDIANA RECOUNT DIVISION STAFF:

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Mr. Brad King - Majority Counsel

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Mr. Matthew Kochevar - Minority Counsel.

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Public Session Agenda  
April 29, 2016

3

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1 CHAIRMAN LAWSON: So my name is Indiana  
2 Secretary of State Connie Lawson. And I would  
3 like to call this meeting to order. I do  
4 determine that there is a coroner present for  
5 the meeting. And we have with us Gordon Durnil  
6 and Pat Terrell are both here. Mr. Durnil and  
7 Mr. Terrell we would like for you to just tell  
8 us where you're from and how long you've served  
9 on the Recount Commission and what your  
10 background is please. And we will be speaking  
11 into the mics.

12 COMMISSION MEMBER DURNIL: I'm from  
13 Indianapolis, went to the University of High  
14 School a while back. I've been a Republican  
15 state chairman and a number of things. Been on  
16 the Recount Commission since '94 or '95,  
17 something like that. It's been a while.

18 CHAIRMAN LAWSON: Mr. Terrell?

19 COMMISSION MEMBER TERRELL: I'm originally  
20 from Indiana. I've lived in the Indianapolis  
21 area for almost 30 years and my background is I  
22 worked for Lieutenant Governor O'Banin, Governor  
23 O'Banin for ten years during his term. So, been  
24 on the Recount for -- since about 2009.

25 CHAIRMAN LAWSON: And this meeting is

1 subject to the Open Door Law, so I'm going to  
2 ask Majority Counsel, Brad King, to document the  
3 compliance with the Open Door Law.

4 MAJORITY COUNSEL KING: Thank you, madame  
5 chair, members and the Commission.

6 In your binder is the notice that was  
7 posted on April 25, given the date, time and  
8 place for this meeting. The meeting is in  
9 compliance with the Open Door Law.

10 CHAIRMAN LAWSON: Any questions regarding  
11 the Open Door compliance? Okay. All right.

12 Next I'd like to introduce our Recount  
13 Director. As chair of the Recount Commission, I  
14 do appoint the Recount Director who helps with  
15 the recount. So I'd like to introduce to you  
16 Phil Sicuso. If you'd like to the come to the  
17 mic here and say where you're from and what your  
18 experience is on the Recount.

19 MR. SICUSO: Sure. My name is Phil Sisuso.  
20 I'm currently at Bingham Greenebaum Doll in our  
21 Indianapolis office, been there about five  
22 years. Originally from Massachusetts, came up  
23 here for law school and never left. Love  
24 Indiana, great serving on Governor Mitch  
25 Daniels' administration at the Indiana Gaming

1 Commission for over six years. And I've been at  
2 a private practice for about that time now.  
3 I've been -- I originally became the Recount  
4 Director in 2012, I believe. I have not had to  
5 perform an actual recount in that time. We came  
6 close one year, and we had some late nights,  
7 Brad and I. But since then it's been pretty  
8 quiet. We'll see what happens this year. It's  
9 a pleasure serving.

10 CHAIRMAN LAWSON: Thank you.

11 MR. SICUSO: If you have any questions,  
12 just let me know.

13 CHAIRMAN LAWSON: Now, I'd like to  
14 introduce to you the Election Division staff  
15 that served on the Recount Commission. We  
16 already had our Majority Counsel, Brad King,  
17 speak. But Brad, could you just talk a little  
18 bit about your background. I'd appreciate it.

19 MAJORITY COUNSEL KING: Thank you, Madame  
20 Chair. I'm a native of Omega, Indiana, which  
21 has a population of about 50 people. But have  
22 been involved in the Indiana election process  
23 most recently as co-director of the Indiana  
24 Election Division since 2002. I have served as  
25 Majority Counsel of this commission since that

1 time. -

2 CHAIRMAN LAWSON: And Matthew Kochevar.

3 MR. KOICHEVAR: Madam chair, thank you. I  
4 am from Merrillville, Indiana, on the northwest  
5 corner and have been the Democratic co-chairman  
6 counsel on the Indiana Election Division since  
7 January of 2015.

8 CHAIRMAN LAWSON: And I see some other  
9 Election Division staff here. Where did Angie  
10 go? Oh, I'm sorry. Angie Nussmeyer is also  
11 with us and she's the co-director of the  
12 Election Division. We also have Dale Simmons  
13 who is the attorney for the Republican side of  
14 the Election Division. I see Ryan Mann, or did,  
15 where did he go?

16 UNIDENTIFIED AUDIENCE MEMBER: He may have  
17 stepped out.

18 CHAIRMAN LAWSON: Okay. He also works in  
19 the Election Division. Are there any other  
20 Election Division staff here? Okay. Very good.

21 Now, I'd like for the State Board of  
22 Accounts representative and the Indiana State  
23 Police representative just to come to the mic  
24 and introduce yourself and tell a little bit  
25 about your background as well.

Public Session Agenda

April 29, 2016

7

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1 MS. GAUGER: Hello, Madam Secretary. My  
2 name is Jennifer Gauger and I'm General Counsel  
3 for the State Board of Accounts and I oversee  
4 our recount group and very happy to be here  
5 today and if you need anything let me know.

6 MR. SNIDER: Morning, I'm Mike Snider,  
7 major with the Indiana State Police for our  
8 special investigations division. And my role to  
9 the recount is to provide security for the  
10 ballads.

11 CHAIRMAN LAWSON: Both of you are very  
12 essential to our process and we appreciate you  
13 being here today. Thank you.

14 So first order of business is order  
15 2016-01, which is the employment of the  
16 counsels. And I would like for our Majority  
17 Counsel, Brad King, to present that. And  
18 members, if you turn to the -- to your --  
19 section of your binder that has the order,  
20 you'll be able to see what we're voting on.

21 MAJORITY COUNSEL KING: Thank you, Madam  
22 Chair and Members of the Commission. Order  
23 2016-01 provides for the employment of counsels  
24 to the Recount Commission. The Recount  
25 Commission has procured the services of counsel

1 throughout its the existence. I have served  
2 since 2002. However, the Democratic Counsel,  
3 who was named in the last order of this body,  
4 2008-04, he's no longer employed by the Election  
5 Division and so order 2016-01 provides that  
6 Matthew R. Kochevar is to be employed as counsel  
7 to the Democratic member of the commission. It  
8 sets the salary for both our employments at  
9 \$0.00. And provides that it takes effect  
10 immediately and continues until otherwise  
11 ordered by the commission. I'll be happy to  
12 answer any questions.

13 CHAIRMAN LAWSON: So I would turn to  
14 Members Durnil and Terrell, see if you have any  
15 questions regarding this recount employment of  
16 Counsels to commission order.

17 COMMISSION MEMBER DURNIL: No objection.

18 CHAIRMAN LAWSON: We need Terrell to  
19 second.

20 COMMISSION MEMBER TERRELL: Second.

21 CHAIRMAN LAWSON: We have a motion and a  
22 second that we bid this order 2016-01. All  
23 those in favor say aye.

24 COMMISSION MEMBER TERRELL: Aye.

25 COMMISSION MEMBER DURNIL: Aye.

1 CHAIRMAN LAWSON: All those opposed?

2 Motion is adopted unanimously.

3 Back to my -- our next order of business is  
4 2016-02, which is the adoption of the Amendment  
5 to Recount Guidelines, and again, I would turn  
6 to Majority Counsel, Brad King, to present that  
7 order.

8 MAJORITY COUNSEL KING: Thank you, Madame  
9 Chair, and Members of the Commission.

10 Order 2016-02 concerns a publication used  
11 in recounts by the State of Recount Commission,  
12 titled Agency Manual For Conduct Of Recount By  
13 The State Recount Commission. It consists of  
14 three parts. The first are the guidelines  
15 adopted by the commission itself for conducting  
16 its business.

17 The second part are the forms and  
18 procedures used by state to order recounts and  
19 making the initial review of ballots.

20 And then the third piece is an excerpt of  
21 the state statutes that concern recounts.

22 Since the publication was last released in  
23 2012, there have been a number of changes in the  
24 statutes. Those are reflected in the material  
25 in your binder today. They were prepared by

1 State Board Of Accounts.

2 There has also been a change in a legal  
3 citation in the commission's own guidelines to  
4 vote center. When these guidelines were last  
5 published, the Indiana code and chapter  
6 governing vote centers was 3-11-18, that has now  
7 been requalified by 3-11-18.1. And so the order  
8 proposes an amendment to the guidelines to  
9 reflect that new citation with regard to vote  
10 center counties. The order will take effect  
11 immediately. And I believe State Board of  
12 Accounts may have a presentation of copies  
13 available for commission members at this time.

14 CHAIRMAN LAWSON: I'd like to turn to the  
15 Democratic Counsel for the recount. Did you  
16 have any other comments, Mr. Kochevar?

17 MR. KOCHEVAR: No, not at this time.

18 MS. GAUGER: If I may approach?

19 MAJORITY COUNSEL KING: And I would be  
20 happy to answer any further questions.

21 CHAIRMAN LAWSON: Mr. Terrell, any  
22 questions?

23 COMMISSION MEMBER TERRELL: I have no  
24 questions.

25 CHAIRMAN LAWSON: Mr. Durnil?

Public Session Agenda  
April 29, 2016

11

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1 COMMISSION MEMBER DURNIL: No questions.

2 CHAIRMAN LAWSON: Do I have a motion on  
3 this 2016 order?

4 COMMISSION MEMBER TERRELL: No objection.

5 COMMISSION MEMBER DURNIL: Second.

6 CHAIRMAN LAWSON: I have a motion and a  
7 second. All those in favor say aye.

8 COMMISSION MEMBER TERRELL: Aye.

9 COMMISSION MEMBER DURNIL: Aye.

10 CHAIRMAN LAWSON: Opposed, no? Motion is  
11 adopted unanimously. I would now turn to any  
12 other order of business that any member of the  
13 Recount Commission would like to bring up? I  
14 have none.

15 COMMISSION MEMBER TERRELL: I have none.

16 CHAIRMAN LAWSON: Could I have a motion to  
17 adjourn?

18 COMMISSION MEMBER TERRELL: Motion.

19 COMMISSION MEMBER DURNIL: Second.

20 CHAIRMAN LAWSON: We're adjourned. Thank  
21 you all.

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Public Session Agenda  
April 29, 2016

12

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1 STATE OF INDIANA )  
2 COUNTY OF MARION ) SS:

3 I, Elizabeth Summers Long, a Notary Public in  
4 and for the County of Marion, State of Indiana at  
5 large, do hereby certify that on the 29th day of  
6 April, 2016, I took down in stenographic notes the  
7 foregoing hearing;

8 That the transcript is a full, true and  
9 correct transcript, to the best of my ability, made  
10 from my stenographic notes.

11 IN WITNESS WHEREOF, I have hereunto set my  
12 hand and affixed my notarial seal this \_\_\_\_\_ day  
13 of \_\_\_\_\_, 2016.

14 *Elizabeth Summers Long*

15 NOTARY PUBLIC

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18 My Commission Expires:  
19 April 2, 2022

20 County of Residence:  
21 Marion

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