

Indiana Election Commission
Minutes
August 17, 2018

Members Present: Bryce H. Bennett, Jr., Chairman of the Indiana Election Commission (“Commission”); Trent Deckard, Proxy for S. Anthony Long, Vice Chairman of the Commission; Suzannah Wilson Overholt, member; Zachary E. Klutz, member.

Members Absent: S. Anthony Long, Vice-Chairman of the Commission.

Staff Attending: J. Bradley King, Co-Director, Indiana Election Division of the Office of the Secretary of State (Election Division); Angela M. Nussmeyer, Co-Director of the Election Division; Matthew R. Kochevar, Co-General Counsel of the Election Division; Dale Simmons, Co-General Counsel of the Election Division.

Others Attending: Mr. Andrew Horning; Mr. Daniel Layden.

1. Call to Order:

The Chair called the August 17, 2018 meeting of the Commission to order at 11:00 a.m. EDT in offices of the Election Division, 302 West Washington Street Room E-204, Indianapolis, Indiana.

2. Transaction of Commission Business:

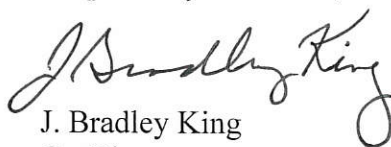
The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Susan L. Plunkett of Associated Reporting, which is incorporated by reference into these minutes.

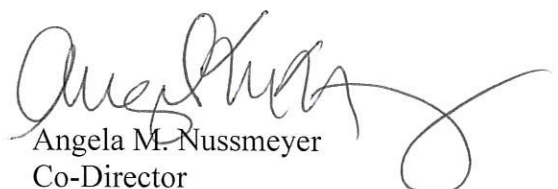
The Commission corrects the following scrivener’s errors in these documents:

- Page 3, line 13, replace “Suzanna” with “Suzannah”.
- Page 15, line 15, replace “supercede” with “supersede”.
- Page 20, line 12, replace “selection” with “election”.
- Page 21, line 13, replace “three” with “four”.
- Page 25, line 10, replace “KING” with “CLAYTOR”.

The Commission adjourned this meeting on August 17, 2018 at 11:30 a.m.

Respectfully submitted,


J. Bradley King
Co-Director


Angela M. Nussmeyer
Co-Director

APPROVED:



Bryce H. Bennett, Jr., Chairman

**STATE OF INDIANA
BEFORE THE INDIANA ELECTION COMMISSION**

TRANSCRIPT OF PROCEEDINGS

August 17, 2018

11:00 a.m.

Indiana Government Center
Indiana Election Division
302 West Washington Street, Room E204
Indianapolis, Indiana

ASSOCIATED REPORTING, INC.
251 East Ohio Street, Suite 940
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APPEARANCES**INDIANA ELECTION COMMISSION:**

Mr. Bryce Bennett, Chairman
Suzannah Wilson-Overholt
Zachary E. Klutz
Trent Deckard, Proxy of Record For S. Anthony Long

INDIANA ELECTION DIVISION:

J. Bradley King, Co-Director
Matthew R. Kochevar, Co-Legal Counsel
Angela M. Nussmeyer, Co-Director
Michelle Thompson, Campaign Finance

(11:03 a.m. EST)

1
2 CHAIRMAN BENNETT: We will now bring the
3 Indiana Election Commission Public Session for
4 Friday, August 17, 2018, to order.

5 At this time I would note that the
6 following commission members are present: myself,
7 Chairman Bryce Bennett; Trent Deckard, proxy for
8 Vice Chairman Anthony Long; Member Suzanna Overholt;
9 and Member Zachary Klutz. Indiana Election Division
10 Staff Co-Director Brad King and Co-Director
11 Angie Nussmeyer, General Counsel Matt Kochevar; and
12 Co-General Counsel Dale Simmons is absent on
13 vacation today.

14 Our court reporter today is Susan Plunkett
15 from Associated Reporting. And before we begin, I
16 want to remind everyone on behalf of the court
17 reporter to identify yourself when beginning to
18 speak, spell your name when identifying yourself,
19 speak clearly, and do not speak at the same time as
20 others.

21 At this time I'd request that the
22 co-directors confirm that the commission meeting has
23 been properly noticed as required under the open
24 door law.

25 MR. KING: Mr. Chairman, members of the

1 commission, notice of this meeting was posted in
2 accordance with the Indiana Open Door Law.

3 CHAIRMAN BENNETT: Thank you, Mr. King.

4 At this time we will ask that there be a
5 presentation of the July 31, 2018, commission
6 minutes.

7 MR. KING: Mr. Chairman, members of the
8 commission, Co-Director Angela Nussmeyer and myself
9 have reviewed the minutes of July 31st and recommend
10 them to you for approval.

11 CHAIRMAN BENNETT: Thank you.

12 Is there a motion to approve the July 31,
13 2018, minutes?

14 MR. KLUTZ: So moved.

15 CHAIRMAN BENNETT: We have a motion. Is
16 there a second?

17 MS. OVERHOLT: Second.

18 CHAIRMAN BENNETT: A motion and a second.
19 Is there any discussion? Hearing none, all in favor
20 say "aye."

21 THE COMMISSION: (Chorus of ayes.)

22 CHAIRMAN BENNETT: All opposed say "nay."
23 The "ayes" have it, and the motion to
24 approve the minutes is adopted.

25 CHAIRMAN BENNETT: At this time we would

1 ask for a presentation by staff with regard to the
2 ratification of campaign finance settlement
3 agreements.

4 MS. THOMPSON: Mr. Chairman, members of the
5 commission, in your binder is a list of committees
6 to ratify that have agreed to pay the settlement
7 agreement and waive the hearing. Michelle Thompson,
8 T-H-O-M-P-S-O-N.

9 CHAIRMAN BENNETT: Thank you. Is there a
10 motion to ratify the Campaign Finance Settlement
11 Agreements as presented?

12 MR. KLUTZ: So moved.

13 CHAIRMAN BENNETT: Motion. Is there a
14 second?

15 MS. OVERHOLT: Second.

16 CHAIRMAN BENNETT: Is there any discussion?
17 Hearing none, all in favor say "aye."

18 THE COMMISSION: (Chorus of ayes.)

19 CHAIRMAN BENNETT: Opposed say "nay."

20 The "ayes" have it. The motion to ratify
21 the agreements is adopted.

22 CHAIRMAN BENNETT: At this time I would ask
23 everyone present who plans to testify at today's
24 meeting to, please, stand for the administration of
25 the oath.

1 Okay. And I would recognize Co-Director
2 King to administer the oath.

3 MR. KING: Please, rise, raise your right
4 hand, and respond "I do" at the conclusion.

5 I do solemnly swear or affirm that the
6 testimony I give to the Indiana Election Commission
7 today will be the truth, the whole truth, and
8 nothing but the truth.

9 MR. HORNING: I do.

10 CHAIRMAN BENNETT: Thank you. In the past
11 the commission has followed certain procedures for
12 conducting candidate challenge hearings, and I move
13 that the commission use the following procedures
14 today. After the candidate challenge is called, the
15 hearing will begin by recognizing Election Division
16 staff to provide information about the documents
17 provided to the commission members, including
18 candidate challenge forms and the notice given to
19 the candidate and challenger. Unless there is
20 objection, the documents provided to the commission
21 by the Election Division will be entered into the
22 record of this meeting.

23 After the Election Division staff completes
24 its presentation, the challenger will be recognized
25 first. The challenger or the challenger's

1 representative may present their case for no more
2 than ten minutes, unless the commission votes to
3 allow additional time for the presenter.

4 Commission members may ask questions during
5 a presentation, but the time spent answering those
6 questions will not be counted against the
7 presenter's time. The Election Division may signal
8 the chair when the presenter's time is up.

9 If the presenter offers additional
10 documents or other physical evidence not previously
11 received by the commission, then the original must
12 be provided to the Election Division staff,
13 Mr. King, to preserve for the record.

14 The candidate or the candidate's authorized
15 representative will be recognized following the last
16 presentation by a challenger. The candidate may
17 present their case for no more than ten minutes,
18 unless the commission votes to allow additional time
19 for the presenter.

20 Following presentation by a challenger, the
21 candidate may cross-examine the challenger.

22 Following the presentation by a candidate, a
23 challenger may cross-examine the candidate. The
24 cross-examination in all cases is limited to two
25 minutes, unless the commission votes to allow

1 additional time. The cross-examination must be
2 limited to questions regarding statements made by
3 the presenter. Following presentation by a
4 candidate, the challenger may present a rebuttal of
5 no more than two minutes. The commission may
6 dismiss the cause of any challenger who has failed
7 to appear or testify before the commission.

8 Is there a second to my motion for the
9 commission to adopt these procedures for today's
10 candidate challenge hearings?

11 MR. KLUTZ: Second.

12 CHAIRMAN BENNETT: We have a second. Is
13 there any discussion on these procedures? Hearing
14 none, the question is on the adoption of the motion.
15 All in favor say "aye."

16 THE COMMISSION: (Chorus of ayes.)

17 CHAIRMAN BENNETT: All opposed say "nay."

18 "Ayes" have it, and the motion is
19 approved.

20 We will begin with a consideration of Cause
21 No. 2018-124: In the Matter of the Challenge to
22 Connie Lawson, Candidate For Indiana Secretary of
23 State. The Election Division has provided a copy of
24 the Candidate Filing Challenge Form, a copy of
25 notice given to the candidate and challenger in this

1 matter. The challenge and related documents are
2 found behind the yellow sticker in the member's --
3 commission member's binder.

4 An appearance has been entered in this
5 matter by Mr. Bill Barrett and Mr. Dan Layden of
6 Williams Barrett & Wilkowski, LLP, on behalf of the
7 candidate and is also included in your binder.

8 Before proceeding to consider the merits of
9 this challenge, I note that the candidate has filed
10 a motion to dismiss in this matter alleging that the
11 challenge is not within the jurisdiction of the
12 commission under Indiana Code 3-8-8-2. The motion
13 to dismiss with Exhibits A through H are found
14 behind the blue sticker in the binder.

15 I recognize the candidate's counsel to
16 speak for up to ten minutes regarding the motion to
17 dismiss.

18 MR. LAYDEN: Yes, sir. Thank you.
19 Daniel Layden, L-A-Y-D-E-N, on behalf of the
20 candidate.

21 We have filed a motion to dismiss, as the
22 chairman noted, with respect to this challenge; and
23 specifically the grounds that we assert are
24 implicated are Indiana Code 3-8-8-2.

25 Many of us in this room were here in July,

1 specifically July 17 of 2018, with respect to a
2 challenge that was filed by Mr. Horning, who's also
3 here, with respect to the candidacy of
4 Connie Lawson. The bases for that challenge were to
5 assert that under Article 6, Section 1, Ms. Lawson
6 was ineligible to be on the ballot because she was
7 subject to the limitations of the term limits under
8 that article and section.

9 The challenge was heard on that date.
10 Mr. Horning did not appear, to my knowledge. He
11 sent an authorized representative, Mr. Horton, to
12 appear on July 17. The hearing was held. The
13 issues were considered and ultimately resolved in
14 favor of Ms. Lawson.

15 At that hearing as a part of that
16 proceeding the current challenger, Mr. Tackitt, was
17 identified through press reports or otherwise as an
18 authorized secondary representative for Mr. Horning.
19 He was a part of -- it's clear based on the reports
20 that he was a part of that July challenge. All of
21 these issues were considered at the July hearing and
22 ultimately rejected, meaning Article 6, Section 1,
23 was read in conjunction with Article 2, Section 11,
24 and those exceptions to find that Ms. Lawson was
25 eligible to be on the ballot.

1 With respect to the CAN-1 that was filed in
2 this challenge, a perfect illustration of why
3 Indiana Code 3-8-8-2 applies is the description of
4 the challenge. It says, "Jerold A. Bonnet was the
5 pro tempore secretary of state before Lawson was the
6 permanent replacement." That's the characterization
7 of the challenge.

8 The import of that is that this is
9 essentially a rebuttal or a response to the
10 commission's determination that because Ms. Lawson
11 was a pro tempore appointment in March of 2012, she
12 was not subject to the limitations of Article 6,
13 Section 1.

14 So what we have here, Commission, is we
15 have a challenge brought now in August of 2018 by
16 Mr. Horning -- Mr. Horning's associate with
17 Mr. Horning now appearing and now arguing
18 essentially why the determination made by the
19 commission in July was incorrect. That's not
20 allowed under 3-8-8-2.

21 Specifically, I want to go through the
22 elements just so it's clear. Under that -- under
23 that code provision, a candidate may not be
24 challenged -- may not be challenged if all of the
25 following apply: 1, the candidate's qualification

1 was previously challenged under this chapter or
2 other applicable law. That applies in the previous
3 challenge. 2, this challenge would be based on
4 substantially the same grounds as the previous
5 challenge to the candidate.

6 What we have here is we have an argument in
7 this challenge that now it wasn't a pro tempore
8 appointment of Ms. Lawson in March of 2012. It was
9 a, quote/unquote, "permanent appointment." And so
10 they're saying that, nope, the Article 6, Section 1,
11 provisions apply, thus making Ms. Lawson ineligible.
12 We certainly disagree with the merits of that
13 argument; but again, we're delving into the same
14 argument that was made back in July with respect to
15 Mr. Horning's petition.

16 Section 3, the commission conducted a
17 hearing on the challenge and made a final
18 determination in favor of the candidate. It's
19 undisputed. We have attached as part of the
20 exhibits of the motion the transcript of the
21 July 17, 2018, hearing. That makes it abundantly
22 clear and is part of the record of this commission
23 that all of these issues were discussed and
24 ultimately addressed at that July 2018 hearing and
25 resolved in favor of the candidate.

1 The other important part I think -- and
2 I'll stop because I want the commission to consider
3 this -- is these are arguments that could have been
4 made on July 17, 2018. And that's the very purpose
5 of 3-8-8-2, to avoid repeated piecemeal arguments on
6 issues that have already been resolved in favor of
7 the challenge -- the candidate.

8 Mr. Horning or Mr. Horning's representative
9 or Mr. Tackitt, for that matter, could have made the
10 argument in July of 2018 that it was not a
11 pro tempore appointment; that Section 2, Section --
12 Article 2, Section 11, did not apply because it was
13 a, quote/unquote, "permanent appointment." They did
14 not make that argument. They're now trying to make
15 it in August of 2018, and we believe they're barred
16 by virtue of this statutory provision. So we'd ask
17 the commission not to consider the merits of this
18 petition but rather dismiss it based on this
19 authority.

20 CHAIRMAN BENNETT: Very good. Thank you.

21 At this time I would ask if the challenger
22 or representative of the challenger wishes to speak
23 to the motion to dismiss?

24 MR. HORNING: I do. Do I need to stand or?

25 CHAIRMAN BENNETT: It's up to you, whatever

1 you're comfortable with.

2 MR. HORNING: Okay. The ad hominem
3 implications aside --

4 CHAIRMAN BENNETT: As long as you state
5 your name.

6 MR. HORNING: I'm sorry, Andrew Horning,
7 H-O-R-N-I-N-G, is my last name, A-N-D-R-E-W, first
8 name.

9 The ad hominem implications aside, the fact
10 is that these issues were not addressed in the
11 original hearing. Jerold Bonnet -- is it Bonnet or
12 Bonnet? -- his name did not appear in the original
13 discussion, as far as I know. I was not here. And
14 I do know, however, that the arguments that I
15 actually had written down were not read, and they
16 were not heard by the commission.

17 And so I'd like it to be understood that
18 I'm here not representing so much any single person
19 as I am representing the Constitution of the
20 United States of America and Indiana, under which
21 both say that we have equal provision for -- we
22 should be treated equally under the law, no matter
23 whether it's citizens or politicians. So there
24 shouldn't be any special exceptions for anybody at
25 any time.

1 And so what I'm doing here is I'm going to
2 first have to assert that the Indiana Constitution
3 itself kind of dismisses much of his argument
4 insomuch as Article 1, Section 25, says that no law
5 shall be passed, the taking effect of which shall be
6 made to depend upon any authority, except as
7 provided in this constitution. So the constitution
8 takes priority over Indiana Code.

9 And Indiana Code has over the years
10 introduced an awful lot of stuff. For instance, the
11 major political party provisions, which are clearly
12 unconstitutional by state and federal constitution.
13 So when I'm making this argument, I want to make it
14 plain, first of all, that the whole idea of
15 precedent and Indiana Code should not supercede the
16 Indiana Constitution.

17 I'm going to be arguing from the
18 Indiana Constitution that there are only two ways to
19 appoint or fully qualify an Indiana Secretary of
20 State. One is by election, and one is by the
21 governor actually naming someone. And so in this --
22 in the argument -- and I don't know if I should be
23 presenting it now or whether I'm just refuting his
24 motion to dismiss.

25 CHAIRMAN BENNETT: Well, I'd like you to

1 stick to the merits of the motion to dismiss --

2 MR. HORNING: Okay.

3 CHAIRMAN BENNETT: -- rather than the
4 merits of your underlying --

5 MR. HORNING: Right.

6 CHAIRMAN BENNETT: -- challenge.

7 MR. HORNING: So -- so in addressing his
8 motion to dismiss, first of all, the argument was
9 never made that I'm going to be making today. It
10 just wasn't made. It just didn't happen. In fact,
11 the person who represented me because I was out of
12 the state at the time told me that he did not. He
13 did not present everything that I even have on the
14 blog today that I had already posted on
15 wedeclare.wordpress.com. So that didn't make it
16 into the -- into the record.

17 And when the second -- when the second
18 CAN-1 was submitted, it was also kind of unfortunate
19 that the person who submitted it, Ben Tackitt,
20 couldn't make it here today. He's got significant
21 personal issues, and I was the last-minute
22 replacement.

23 I really did not expect to come here today. So
24 the fact that he's trying to make this sound like
25 this has been my -- I've been cooking up this whole

1 idea for some time is really not entirely true
2 either. I have been talking to Ben; but, you know,
3 we're not here to represent ourselves. We --
4 neither one of us has anything to gain by this case.
5 In fact, I'm not, you know, in any way associated
6 with a political party at present. I don't like
7 political parties. I made that plain many times.

8 And so the point of this is to represent the
9 Constitution of Indiana and to avoid the
10 entrenchment of power that I see taking place by the
11 Republican Party, and that is something that I think
12 is unfair. It's unconstitutional. And the fact
13 that we see a lineage of passing power from one to
14 the next by appointment as opposed by democratic
15 elections, it kind of inverts the whole idea of
16 having a constitution which is supposed to be a
17 leash on politicians and the whole idea of having
18 elections which is supposed to avoid entrenchment of
19 power as we see here.

20 So I'm here really fighting cronyism and
21 fighting, you know, unconstitutional provisions made
22 in Indiana Code and precedent. And I would also
23 like to dismiss the idea that precedent is even law
24 because, of course, it's not. The separation of
25 powers makes it very plain that only legislators can

1 write law. And there is no law. There is no
2 constitutional provision for the passing of the
3 throne from one to the next the way we've seen
4 happen lately.

5 CHAIRMAN BENNETT: Very good. Thank you.

6 MR. HORNING: Thank you.

7 CHAIRMAN BENNETT: Any questions from the
8 commission? I -- I have a question.

9 MR. HORNING: Um-hum. (Indicating
10 Affirmatively)

11 CHAIRMAN BENNETT: Did I hear you correctly
12 to say that Tackitt when he made his presentation
13 did not present this argument, even though you
14 had --

15 MR. HORNING: Well, Tackitt --

16 CHAIRMAN BENNETT: -- asked him to do it
17 before the July hearing?

18 MR. HORNING: To be clear, Tackitt was not
19 sworn in. So that part of his statement was also
20 incorrect. So Tackitt was here, but he was not
21 representing me. He was not sworn in to speak, and
22 it was -- he did not speak at the hearing at all.

23 CHAIRMAN BENNETT: But you had told him or
24 at least identified this issue as something that he
25 should have made at his --

1 MR. HORNING: Well, not him.

2 CHAIRMAN BENNETT: -- presentation?

3 MR. HORNING: I did talk to Mr. Horton
4 about that. And so whether it's a combination of
5 nerves or whatever, the idea that we should have is
6 not really even relevant to this because we should
7 be talking about facts, should be talking about the
8 rule of law, as opposed to procedure.

9 CHAIRMAN BENNETT: I understand that. But
10 the point is this issue was known to you and whoever
11 was behind the first challenge. It just didn't come
12 to light as it was intended to at the July hearing;
13 is that correct?

14 MR. HORNING: I -- I don't believe the name
15 Bonnet was ever actually -- was ever actually passed
16 between us. We did discuss the idea that she was
17 not the pro tempore and that I -- well, actually,
18 let me back up a minute.

19 I sent him a -- an email saying that I did
20 want him to address the idea of pro tempore. He
21 told me later that he did not even read that because
22 I sent it, like, the night before the hearing. So
23 even though I had that on my blog, he did not read
24 it and he did not present it to this group.

25 CHAIRMAN BENNETT: And you agree that it

1 could have been and believed that it probably should
2 have been discussed at the July hearing; is that
3 correct?

4 MR. HORNING: Insomuch as I only gave it to
5 him the night before, it's hard to actually say that
6 for sure. And I understand that we're trying to get
7 to a disqualification of the whole hearing; but, you
8 know, I'm hoping you're not going to take priority
9 of that argument over the constitution itself
10 because that's what it was.

11 CHAIRMAN BENNETT: Okay. Do you have any
12 authority that would indicate that the selection
13 commission has the jurisdiction to determine the
14 constitutionality of a state statute?

15 MR. HORNING: Well, insomuch as everybody
16 who's in politics pretty much, all officeholders,
17 have to swear an oath to uphold and defend the rule
18 of law. And insomuch as all of the appointees of
19 this group are under that same sort of stricture to
20 follow the Constitution of Indiana, I would hope
21 that that would be something that would be key on
22 everybody's mind. I mean, all officeholders, all
23 new citizens, all police officers, have to swear an
24 oath to the constitution, not to Indiana code, not
25 to procedure.

1 CHAIRMAN BENNETT: Okay. Are you
2 challenging the constitutionality of IC 3-8-8-2?

3 MR. HORNING: Insomuch as I don't know what
4 that actually says, I can't specifically say that I
5 am. But I am saying that the constitution does take
6 priority over Indiana code; and that is clear in
7 Article 1, Section 25.

8 CHAIRMAN BENNETT: Any other questions?

9 MS. OVERHOLT: I'm going to go about this a
10 different way. Am I correct in understanding that
11 your challenge is based on the fact that Secretary
12 of State Lawson has served in the capacity of
13 secretary of state for more than a single three-year
14 term?

15 MR. HORNING: Yes.

16 MS. OVERHOLT: Am I -- okay.

17 MR. HORNING: In fact, she said so herself.
18 I mean, when she was sworn in --

19 MS. OVERHOLT: I didn't -- I didn't -- you
20 answered my question. Thank you.

21 CHAIRMAN BENNETT: Any other questions from
22 the commissioners? Any rebuttal from the
23 candidate's counsel?

24 MR. LAYDEN: No, Chairman. We would rest
25 on the argument and on the motion we filed.

1 CHAIRMAN BENNETT: Very good. Is there a
2 motion by a commission member to grant or deny the
3 motion to dismiss?

4 MR. KLUTZ: Well, Mr. Chairman, I'll --
5 I'll make a motion. The testimony today in my mind
6 makes it clear that this challenge is at a minimum
7 substantially similar, if not identical. We are
8 splitting hairs. The testimony seemed to be
9 splitting hairs as to whether certain testimony made
10 it into the record or not, which tells me that the
11 argument is substantially similar to the argument
12 that was made at the July 17th hearing. I was at
13 the hearing, although the record's here for the
14 benefit of those who were not.

15 Each element in my mind of 3-8-8-2 has been
16 satisfied. So I will make a motion -- that a motion
17 to dismiss be granted or the candidate challenge be
18 denied, however it should be worded.

19 CHAIRMAN BENNETT: Just for clarity,
20 let's -- let's word it this way; that your motion
21 would be to grant the motion to dismiss --

22 MR. KLUTZ: Correct.

23 CHAIRMAN BENNETT: -- and dismiss the
24 appeal -- or dismiss --

25 MR. KING: The challenge.

1 CHAIRMAN BENNETT: -- the challenge, I'm
2 sorry.

3 MR. KLUTZ: Correct. Yes.

4 CHAIRMAN BENNETT: We have a motion. Is
5 there a second?

6 MS. OVERHOLT: I would second for purposes
7 of discussion.

8 CHAIRMAN BENNETT: Any further discussion?

9 MS. OVERHOLT: I would -- I would concur
10 with what Commissioner Klutz stated and point out
11 that there is an avenue for appealing decisions from
12 this commission that is set forth in 3-8-8-6. And
13 it seems that the arguments being made today by
14 Mr. Horning would be more appropriately put forth in
15 that type of appeal, which is to the court of
16 appeals, not to the commission.

17 MR. DECKARD: And, Mr. Chairman, I would
18 add that having had some service in this agency and
19 having seen this, we're talking about the process by
20 which a person goes on the ballot. We're also
21 talking about a candidate challenge by which a
22 person is removed from a ballot. A person entering
23 office has to be well-prepared and do their research
24 and timely file.

25 There's some substan -- substantial

1 similarities between what we just did on July 17,
2 which is a month ago, to now. And for me, people
3 not necessarily reading things from the night before
4 and not having that all together, this is serious
5 business when this day comes together to adjudicate
6 these things. This costs money. This costs
7 resources. This is removing someone from our
8 ballot. It is very serious. And I -- as I look
9 through the transcript, I don't see things glaringly
10 different than what is being challenged today. And
11 I -- I wish the challenger who made the actual
12 challenge was here because I'd like to hear from the
13 challenger why they put this forth.

14 CHAIRMAN BENNETT: Very well. Anything
15 further before we call for a vote? All those in
16 favor of Commissioner Klutz's motion to deny the
17 motion and --

18 MR. KING: No, to grant.

19 CHAIRMAN BENNETT: -- to grant the motion
20 and deny the challenge say "aye."

21 THE COMMISSION: (Chorus of ayes.)

22 CHAIRMAN BENNETT: All opposed say "nay."

23 "Ayes" have it unanimously. The motion to
24 dismiss is granted. The challenge is dismissed.

25 MR. HORNING: Can I ask a question?

1 Can I say that administrative remedies are then
2 over?

3 MR. KING: It's not in order for you to --

4 CHAIRMAN BENNETT: Yeah, we're not in a
5 position to answer any questions from you at this
6 time. The question would not -- not be in order.

7 The Indiana Election Commission has
8 finished its business for today. Is there a motion
9 for the Indiana Election Commission to adjourn?

10 MR. KING: So moved.

11 MR. DECKARD: So moved.

12 CHAIRMAN BENNETT: Those in favor say
13 "aye."

14 THE COMMISSION: (Chorus of ayes.)

15 CHAIRMAN BENNETT: Opposed say "nay."

16 "Ayes" have it. The Election Commission
17 meeting is adjourned. Thank you all.

18 (11:30 a.m. EST)

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