Indiana Election Commission
Minutes
August 24, 2018

Members Present: Bryce H. Bennett, Jr., Chairman of the Indiana Election Commission ("Commission"); Michael Claytor, 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; Abbey Taylor, campaign finance staff, Election Division; Michelle Thompson, campaign finance staff, Election Division.

Others Attending: Mr. Kyle Babcock; Mr. Steven Bartels; Ms. Mary Beaver; Ms. Patricia Boy; Ms. Melissa Bruhn; Ms. Raju Chinthala; Mr. Jerry Coverstone; Mr. Jim Crews; Mr. Ryan Davis; Mr. Sylvester Coach Edwards; Ms. Estela Espinosa; Mr. Graham Fishell; Mr. Russell Flagle; Ms. Anna Foster; The Hon. Aaron Freeman; Mr. Kevin Gipson; Mr. Daniel Guthrie; Mr. Michael A. Harkness; Ms. Regan Hatcher; Mr. Louis Hickman; Mr. Todd Hiday; Ms. Suzanne Jaworowski; Mr. Thomas John; Mr. Charles Johnson; Mr. Jason Kline; Ms. Mary Lake; Mr. Norm Loudermilk; Ms. Thomasina Marsili; Mr. Trent McCain; Dr. Deanna McMillan; Ms. Deanne Mechling; Mr. Shelby Melvan; Mr. Kevin Mory; Mr. Clyde Myers; Mr. Elijah Neal, Jr.; Ms. Tasha Phelps; Mr. Felipe Rios; Ms. Lisa Seng Shadday.

1. Call to Order:

The Chair called the August 24, 2018 meeting of the Commission to order at 1:00 p.m. EDT in Conference Center Room B, Indiana Government Center South, 402 West Washington Street, 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 Deanne S. Hutson of Connor Reporting, which is incorporated by reference into these minutes.

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

Page 9, line 23, after “IEC” insert “MEMBER”.
Page 19, line 14, replace “$1,000.50” with “$100.50”.
Page 20, line 16, replace “HARKNESS” with “HARKNESS”.
Page 26, line 22, replace “MR.” with “MS.”
Page 27, line 17, replace “MR.” with “MS.”
Page 30, line 21, replace “3915” with “3-9-1-5”.
Page 35, line 18, replace “2007” with “2017”.
Page 35, line 19, replace “2007” with “2017”.
Page 44, line 1, replace “3522.5” with “3-5-2-2.5”.
Page 45, line 19, replace “personal” with “personally”.
Page 49, line 6, replace “Zaffy” with “Zapfe”.
Page 52, line 25, replace “make” with “take”.
Page 91, line 10, replace “Aaron Houchins” with “Erin Houchin”.
Page 91, line 12, replace “Aaron Houchins” with “Erin Houchin”.
Page 96, line 25, replace “bare” with “bear”.
Page 106, line 21, replace “4” with “24”.
Page 107, line 6, replace “Chittister” with “Chidester”.
Page 120, line 3, replace “121” with “3-13-1-21”.

Respectfully submitted,

J. Bradley King
Co-Director

Angela M. Nussmeyer
Co-Director

APPROVED:

Bryce H. Bennett, Jr., Chairman
In the Matter Of:

Indiana Election Commission Public Session

TRANSCRIPT OF PROCEEDINGS
August 24, 2018
TRANSCRIPT OF PROCEEDINGS

INDIANA ELECTION COMMISSION

PUBLIC SESSION

Friday, August 24, 2018
1:00 p.m. EDT

Indiana Government Center South
402 West Washington Street
Conference Center Room B
Indianapolis, Indiana

A Stenographic Record By:
Deanne S. Hutson
Notary Public
Stenographic Reporter
INDIANA ELECTION COMMISSION:

Bryce H. Bennett
Chairman

Michael Claytor
Proxy for Vice-Chairman Anthony Long

Suzannah Wilson Overholt
Member

Zachary E. Klutz
Member

INDIANA ELECTION DIVISION STAFF:

J. Bradley King
Co-Director

Angela M. Nussmeyer
Co-Director

Dale R. Simmons
Co-General Counsel

Matthew R. Kochevar
Co-General Counsel
## INDEX

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call to Order and Determination of Quorum</td>
<td>4</td>
</tr>
<tr>
<td>Documentation of Compliance with Open Door Law</td>
<td>5</td>
</tr>
<tr>
<td>Campaign Finance Settlement Agreements</td>
<td>5</td>
</tr>
<tr>
<td>Campaign Finance Enforcement Actions</td>
<td>7</td>
</tr>
<tr>
<td>Requests for Continuance</td>
<td>99</td>
</tr>
<tr>
<td>Administrative Dissolutions</td>
<td>103</td>
</tr>
<tr>
<td>Candidate Challenge Withdrawal</td>
<td>107</td>
</tr>
<tr>
<td>Candidate Challenge Hearings:</td>
<td></td>
</tr>
<tr>
<td>Christina M. Espar</td>
<td>110</td>
</tr>
<tr>
<td>Felipe Jesus Rios</td>
<td>148</td>
</tr>
<tr>
<td>Staff Report</td>
<td>106</td>
</tr>
</tbody>
</table>
CHAIRMAN BENNETT: The Indiana Election Commission Public Session for Friday August 24, 2018, is called to order.

I would like to determine a quorum and introduce members of the Staff. The following members of the Commission are present: Myself, Chairman Bryce Bennett. We have Michael Claytor, proxy for Vice-Chairman Anthony Long. Member Suzannah Overholt is here with us and Member Zachary Klutz.

The Indiana Election Division Staff consists of co-director Brad King and co-director Angie Nussmeyer, co-general counsel Matthew Kochevar and Dale Simmons.

The court reporter today is Deanne Hutson from Circle City Reporting.

Before we begin, I want to remind everyone on behalf of the court reporter to identify yourself when beginning to speak, spell your name when identifying yourself, speak clearly and do not speak at the same time as others.

I would request that the co-directors confirm that the commission meeting has been properly noticed as required under the Open Door
MR. KING: Mr. Chairman, Members of the Commission, notice of this meeting was properly posted in accordance with the Indiana Open Door Law.

CHAIRMAN BENNETT: Thank you. For the benefit of those present for a specific campaign finance matter or a candidate challenge hearing, I'd like to announce that we do plan to take a 15-minute recess after the Commission finishes the campaign finance portion of the agenda and before returning to meet to hear the candidate challenges. It's difficult to estimate how much time will be required to finish our campaign finance business, but from past experience I think it's safe to say we will not be taking up candidate challenges until at least 3:00 o'clock p.m. today. So please feel free to plan your schedules accordingly.

At this time I would like to ask for a presentation by Ms. Taylor and Ms. Thompson regarding ratification of campaign finance settlement agreements.

MS. THOMPSON: Mr. Chairman, Members of the Commission, in your packet there you have a
list of committees that are to ratify, that have agreed to pay the settlement agreement and waive the hearing.

CHAIRMAN BENNETT: Is there a motion to ratify the campaign agreements as presented to us?

IEC MEMBER CLAYTOR: So moved.

CHAIRMAN BENNETT: Is there a second?

MR. KLUTZ: Second.

CHAIRMAN BENNETT: We have a motion and a second. Is there any discussion? Hearing none, all in favor say aye.

All opposed say nay.

The ayes have it. Motion to ratify the agreements is adopted.

At this time we'd like to administer the oath of individuals testifying before the Commission. Would everyone present who plans to testify at today's meeting on any matter please stand for the administration of the oath. I would recognize Brad King to administer the oath.

(All prospective people intending to testify before the Indiana Election Commission stood and were jointly sworn in.)
CHAIRMAN BENNETT: Before proceeding with campaign finance enforcement actions, we want to give any committee present a final opportunity to pay a reduced civil penalty by waiving the right to present evidence and arguments to the Commission today. Any committee is welcome to present evidence and arguments regarding the proposed penalty, but this is an opportunity for those who want to waive that presentation and accept a reduced penalty without making any arguments or presentations today.

I move the adoption of the following arrangements. If this is the committee's first violation the arrangement is for the committee to agree to pay 25 percent of the proposed fine plus mailing costs. If this is the committee's second violation, the arrangement is for the committee to agree to pay 50 percent of the proposed fine plus mailing costs. If this is the committee's third violation, the committee would agree to pay 75 percent of the proposed violation plus mailing costs.

Is there a second to this motion?

IEC MEMBER CLAYTOR: Second.

CHAIRMAN BENNETT: Any discussion?
Hearing no discussion, all in favor say aye.

Opposed say nay.

The ayes have it. The motion is adopted.

Are there any committees who want to accept this arrangement? If so, come forward now and state your name, the committee's name and the cause number. Go ahead and line up there in front.

If we could have conversations at a minimum so we can hear ourselves conduct these hearings, we'd appreciate it.

Those of you who are in line, we'll take you in the order that you're standing right now. When it's your turn, state your name, the cause number which is found on your hearing notice and indicate that you are willing to accept the applicable penalty without further discussion.

If you want to present evidence to the Commission or ask for a waiver of the proposed penalty, please do not come forward at this time. Instead, wait until the other committees who are willing to enter into this arrangement have been heard and dismissed.

In the past the Commission has followed certain procedures for conducting campaign
finance hearings, and I move that the Commission
use the following procedures today. When each
campaign finance matter is called, hearing will
begin with recognizing campaign finance staff to
provide information about the documents in this
matter provided to the Commission Members,
including letters from committees and notice to
the given campaign committee.

I'm going to wait on the rest of these
procedures until we hopefully clear the room of
some of the people who are already standing. So
if you would please come forward, state your
name and cause number.

MS. SHADDAY: My name is Lisa Seng Shadday. I am here for the Friends of Lisa Seng Shadday. The cause number is 2018-6565-61.
CHAIRMAN BENNETT: Are you willing to
accept the proposed penalty?

MS. SHADDAY: Yes, sir.
CHAIRMAN BENNETT: Very well. You're
free to go. Let me make that clear that you
will not pay today; you'll receive a bill later.

IEC OVERHOLT: I'm sorry, Mr. Chairman.
Should we confirm that it is the first violation
and what they're actually agreeing to do? I
thought we at least usually had some sort of -- made a record as to what the violation was.

CHAIRMAN BENNETT: I think we should confirm that.

IEC MEMBER KLUTZ: Mr. Chairman, I propose that each person in line check in with this table first before you proceed up.

CHAIRMAN BENNETT: You want give us a report on this?

MS. THOMPSON: Mr. Chairman, you'll find this one on page 56. This is Change for the People, Cause No. 2018-7042-115. This committee has never been before the Commission before and has a civil penalty of $1,000.47.

CHAIRMAN BENNETT: Are you willing to accept 25 percent of that penalty?

MS. MARSILI: Yes. My name is Thomasina Marsili. I am the candidate in question. This is my committee. I am the president and treasurer. I am willing to accept this fine.

CHAIRMAN BENNETT: Very well. You're free to go.

MS. MARSILI: Thank you.

CHAIRMAN BENNETT: I'd ask the staff to give us information on the next one.
MS. THOMPSON: Mr. Chairman, Members of the Commission, page 34. This is the Asian American Indiana Political Action Committee, Cause No. 2018-6697-70. Has never been before the commission before. Has a civil penalty of $350.47.

CHAIRMAN BENNETT: Would you state your name, please?

MS. CHINTHALA: My name is Raju Chinthala. I'm the president of the Asian American Indiana Political Action Committee and I accept the offer to pay the 25 percent of fines.

CHAIRMAN BENNETT: Very good. Thank you. You're free to go.

MS. THOMPSON: Mr. Chairman, the next one is on page 57. Daniel Guthrie for Indiana State Senate No. 49, Cause No. 2018-7048-117. Has never been before the commission before. Has a civil penalty of $300.47.

CHAIRMAN BENNETT: State your name, please.

MR. GUTHRIE: My name is Daniel Guthrie. CHAIRMAN BENNETT: Are you willing to accept the penalty?

MR. GUTHRIE: Yes, sir.
CHAIRMAN BENNETT: All right. Thank you.

You're free to go.

MS. THOMPSON: Mr. Chairman, this is on page 71. Committee to Elect Pat Boy, Cause No. 2018-7100-1486. Has never been before the Commission before. Has a civil penalty of $50.50.

MS. BOY: Good afternoon. Thank you for hearing me today. My name is Patricia Boy. It's a dumb name, but somebody's got to have it. Yes, I'm willing to accept the fine and I apologize for not getting my form in. Thank you.

CHAIRMAN BENNETT: Very well.

MS. THOMPSON: Mr. Chairman, this is on page 50. GOP 43, Cause No. 2018-6895-101. Has never been before the Commission before. Has a civil penalty of $300.47.

MR. BABCOCK: I'm Kyle Babcock. I'm here to accept the 25 percent penalty. I'm the treasurer of the PAC. My wife is not here. I have the form. She's the chairman of the PAC and so I'm eagerly ready to settle.

CHAIRMAN BENNETT: Very good. Thank you.

MS. THOMPSON: Mr. Chairman, the next one
is on page 59. Committee to Elect Kevin Gipson, Cause No. 2018-7075-119. Has never been before the Commission before and has a civil penalty of $1,000.50.

MR. GIPSON: My name is Kevin Gipson, and I accept the 25 percent.

CHAIRMAN BENNETT: Very good. Thank you.

MS. THOMPSON: Mr. Chairman, this is on page 61. Life Underwriters Indiana Political Action Committee, Cause No. 2018-3451-123. Has never been before the Commission before and has a civil penalty of $1,000.50.

MS. BEAVER: My name is Mary Beaver. I'm here on behalf of Sandy Gray. I have a letter authorizing me to speak for her. I would like to accept the penalty.

CHAIRMAN BENNETT: Very good. You're free to go.

MS. THOMPSON: Mr. Chairman, bottom of page 50. Jerry Coverstone, Cause No. 2018-6902-102. This is her second time before the Commission.

MS. COVERSTONE: I've never been before the Commission before. This is my first time.

MS. THOMPSON: So she has paid one
settlement agreement and has a civil penalty of $300.47.

CHAIRMAN BENNETT: State your name, please.

MS. COVERSTONE: Jerry Coverstone, independent candidate. I plead no contest.

CHAIRMAN BENNETT: You're willing to accept the penalty?

MS. COVERSTONE: Yes, I am.

CHAIRMAN BENNETT: Thank you. You're free to go.


MS. THOMPSON: She has one settlement agreement before this. She paid a settlement agreement.

CHAIRMAN BENNETT: First time before the Commission but --

MS. THOMPSON: First time before the Commission but has had one --

MS. COVERSTONE: I've never been before the Commission before.

CHAIRMAN BENNETT: You understand that
the penalty would be 50 percent of the fine?

MS. COVERSTONE: Right. How much is the fine?

MS. THOMPSON: $300.

MS. COVERSTONE: That's okay.

CHAIRMAN BENNETT: Thank you.

MS. THOMPSON: Mr. Chairman, this is on page 73. Friends of Charles Johnson, Cause No. 2018-7135-149. Has never been before the Commission before. Has a civil penalty of $900.50.

CHAIRMAN BENNETT: State your name, please.

MR. JOHNSON: Charles Johnson.

CHAIRMAN BENNETT: Do you accept the 25 percent as penalty?

MR. JOHNSON: Yes.

CHAIRMAN BENNETT: Thank you.

MR. JOHNSON: How to, where to?

CHAIRMAN BENNETT: You will get information in the mail.

MS. THOMPSON: Mr. Chairman, page 53. Friends of Nate LaMar, Cause No. 2017-6958-107. Has never been before the Commission before. Has a civil penalty of $450.47.
MR. HIDAY: My name is Todd Hiday. I’m here as the campaign treasurer and on behalf of Friends of Nate LaMar and we accept this.

CHAIRMAN BENNETT: You accept the 25 percent penalty?

MR. HIDAY: Yes, sir.

CHAIRMAN BENNETT: Thank you.

MS. THOMPSON: Mr. Chairman, page 59. Committee to Elect Clyde Myers, Cause No. 2018-6997-120. Has never been before the Commission before. Has a civil penalty of $1,000.50.

MR. MYERS: My name is Clyde Myers and I’d like to settle on 25 percent of the proposed fine.

CHAIRMAN BENNETT: Very good. Thank you. You’re free to go.

MS. THOMPSON: Mr. Chairman, this is on page 34. Tasha Phelps for Senate, Cause No. 2018-6694-69. Has paid one settlement agreement before and has a proposed civil penalty of $450.47.

CHAIRMAN BENNETT: Would you state your name, please.

MS. PHELPS: Yes, sir. Tasha Phelps.
CHAIRMAN BENNETT: You are willing to accept the 50 percent reduction in the penalty?

MS. PHELPS: I am, sir.

CHAIRMAN BENNETT: Thank you.

MS. THOMPSON: Mr. Chairman, page 37. Committee to Elect Suzanne Jaworowski, Cause No. 2018-6759-77. Has paid a settlement agreement before. Has a proposed civil penalty of $750.47.

MS. JAWOROWSKI: My name is Suzanne Jaworowski and I accept the settlement agreement.

CHAIRMAN BENNETT: Thank you. You're free to go. You under that is 50 percent?

MS. JAWOROWSKI: Yes, sir.

MS. THOMPSON: Mr. Chairman, this is on page 53. Angola Professional Firefighters, Political Action Committee, Cause No. 2018-6960-108. Has never been before the Commission before. Has a civil penalty of $300.47.

MR. MORY: Ladies and gentlemen, my name is Kevin Mory and I am the treasurer for the Angola Professional Firefighters PAC, and we would like to accept your offer of 25 percent.
CHAIRMAN BENNETT: Very well. You're free to go.

MS. TAYLOR: Mr. Chairman, on page 71, Loudermilk for State Representative, Cause No. 2018-7077-145. First time before the Commission and a proposed civil penalty of $250.50.

MR. LOUDERMILK: My name is Norm Loudermilk and I accept the proposed 25 percent.

CHAIRMAN BENNETT: Thank you. You're free to go.

MS. THOMPSON: Mr. Chairman, this is on page 54. Committee to Elect Jamie Overdeer Kline, Cause No. 2018-6989-110. Has never been before the Commission before. Has a civil penalty of $1,000.47.

MR. CLINE: My name is Jason Cline. I'm appearing for Jamie Overdeer Cline and I accept the proposed penalty.

CHAIRMAN BENNETT: 25 percent. Thank you. You're free to go.

MR. FISHELL: My name is Graham Fishell. I'm appearing on behalf of Citizens for Mara Candelaria Reardon.

CHAIRMAN BENNETT: Wait for her.

MS. THOMPSON: Page 81. This is Cause
No. 2018-5378-163. They have paid a settlement agreement before. Has a civil penalty of $1,000.50.

CHAIRMAN BENNETT: We've got you as far as your name.

MR. FISHELL: Graham Fishell appearing on behalf of Citizens for Mara Candelaria Reardon.

MS. THOMPSON: Mr. Chairman, they have a civil penalty of $100.50 and they have had one settlement agreement.

MS. TAYLOR: This is their third.

CHAIRMAN BENNETT: So you're willing to accept the penalty of 75 percent of the $1,000.50?

MR. FISHELL: Yes.

CHAIRMAN BENNETT: Very well. You're free to go.

MS. TAYLOR: Page 72 and 79. The first on page 72 is Cause No. 2018-7115-147. Proposed civil penalty of $50.50. The second on page 79, Cause No. 2018-7115-160. Proposed civil penalty of $1,000.50. This is their first time before the Commission.

CHAIRMAN BENNETT: Can you state your name then with respect to each cause number?
MR. FISHELL: Graham Fishell.


CHAIRMAN BENNETT: You're willing to settle at 25 percent of the fine for both?

MR. FISHELL: Correct.

CHAIRMAN BENNETT: Very well. You're free to go.

MS. TAYLOR: Mr. Chairman, the first one is on page 5. Committee to Elect Michael A. Harkness for State Representative of District 73, Cause No. 2017-6724-57. Proposed civil penalty of $1,000. The second one --

CHAIRMAN BENNETT: Let's do the first one first. Are you willing to accept the 25 percent penalty?

MR. HARKENESS: Do you want me to state my name first?

CHAIRMAN BENNETT: Yes, thank you.

MR. HARKENESS: Michael Harkness.

CHAIRMAN BENNETT: Are you willing to accept the 25 percent penalty on Cause No. 2017-6724-57?

MR. HARKENESS: Would this be a bundle since it's the first time I've been here or each one separate?
CHAIRMAN BENNETT: Should we look at the other one?

MS. THOMPSON: On page 36.

MS. TAYLOR: The second one is Cause No. 2018-6724-74 with a proposed civil penalty of $150.47.

IEC MEMBER OVERHOLT: This looks to me like it's the second violation for each of these?

MS. TAYLOR: This is the first time he's been before the Commission. There's two violations before you right now.

IEC MEMBER OVERHOLT: Because each one is showing two delinquent reports.

MS. TAYLOR: And those are the two we're hearing today. 2016 annual which is on page 5 and the 2017 annual on page 37.

CHAIRMAN BENNETT: Which one was first?

The thousand dollars?

MS. TAYLOR: Yes, that was the 2016 annual.

CHAIRMAN BENNETT: So he would be eligible for 25 percent on that one and then the second one would be 50 percent? Will you accept 25 percent on each?
MR. HARKNESS: On each, yes.

CHAIRMAN BENNETT: The remaining committees will be called to present evidence in these matters.

Before doing so, I want to note that in the past the Commission has followed procedures for conducting campaign finance hearings, and I move that the Commission use the following procedures today.

When each campaign finance matter is called, the hearing will begin with recognizing campaign finance staff to provide information about the documents in this matter provided to Commission Members, including letters from committees and the notice given to the campaign committee. Unless there is an objection, the documents provided to the Commission by the Election Division will be entered into the record of this meeting.

After campaign finance staff completes presentation, a representative of the committee will be recognized first and may present their case for no more than five minutes. Commission Members may ask questions during the presentation, but the time spent answering these
questions will not be counted against a presenter's time. The Election Division may signal the Chair when a presenter's time is up. If a presenter offers additional documents or other physical evidence not previously received by the Commission, then the original must be provided to the Election Division, Mr. Simmons or Mr. King, to preserve for the record.

If the Commission finds that a committee has violated the campaign finance statutes, state law requires unanimous vote of all four commissioners to waive or reduce the amount of the penalty set by law. If the Commission makes a decision at this meeting to either fine a committee or dismiss the case against the committee, then the Election Division will prepare a final order for the Commission to approve at a later meeting. If a committee is fined today, the committee will receive a notice from the Election Division to pay the fine after the Commission adopts the final order. So it may be some time after today before a committee will be required to actually pay the fine.

The Commission generally begins at the front of the room and asks those persons present
to come forward to have their matter heard. It is very helpful if you could speak up and say the cause number on your hearing material so that the Commission and Staff can quickly look it up on the spreadsheet. Remember to identify yourself when you start speaking.

Is there a second to this motion?

IEC MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: Any questions or objections from Commission Members or any committee to these proceedings? Are there any questions? Is there any discussion?

Is there a motion to accept these proceedings?

MR. BARTELS: As far as you mentioned finance committees, what about businesses in the same aspect of violation? Is this part of the same procedure?

CHAIRMAN BENNETT: Same thing. And would you state your name, please?

MR. BARTELS: Stephen Bartels.

CHAIRMAN BENNETT: I think we have a motion to adopt the procedures on the table. We have a motion and a second.

All in favor say aye. All opposed say
nay.

The ayes have it. Motion carried.

Before we proceed, I wanted to go back and ask the staff if you have the identity of the first woman who took the deal?

MS. TAYLOR: Yes, her name was Lisa Seng Shadday.

CHAIRMAN BENNETT: Can you identify the page number?

MS. TAYLOR: She was on page 30. Did not get her cause number read in either. Her cause number was 2018-6565-61 and her proposed civil penalty was $1,000.47.

CHAIRMAN BENNETT: And she agreed to accept the deal at 25 percent?

MS. TAYLOR: Yes.

CHAIRMAN BENNETT: Can you raise your hand if you're here for a campaign finance enforcement action. We'll start the first row farthest left. Have you all taken the oath?

MS. BRUHN: I came in late. I'm sorry.

CHAIRMAN BENNETT: You want to administer the oath.

(All prospective people intending to testify before the Indiana Election Commission
stood and were jointly sworn in.)

MS. THOMPSON: Page No. 57, Elect Bruhn, Cause No. 2018-7044-116. Has never been before the Commission before. Has a civil penalty of $1,000.47 and is now closed.

CHAIRMAN BENNETT: Were you here when we announced the opportunity to settle a case at no contest and waive the hearing?

MS. BRUHN: I was. No, I came a few minutes late, but someone explained that the first time was 25 percent.

CHAIRMAN BENNETT: Are you willing to accept that deal?

MS. BRUHN: I would prefer not to.

CHAIRMAN BENNETT: Okay, go ahead. I'd ask the staff to tell us anything more you can about this.

MS. THOMPSON: The committee is closed right now and they do have a proposed civil penalty of $1,000.47.

CHAIRMAN BENNETT: You may proceed.

MR. BRUHN: I am a first-time candidate. Not that that's an excuse. I spent time with Matthew Kochevar learning the process. I don't have any campaign employees. I never took a
dime from a single person. I was primarily
running to highlight some issues. I had a
whopping total of twelve dollars in my account
just to hold it open.

Due to some personal things and also just
the aggressive nature of running for office and
what you try to do, I didn't go by my P.O. box
and didn't realize that that's where it would be
coming. It just became something that fell off
the docket of things to do. I would
respectfully request that I not have to pay this
fine.

CHAIRMAN BENNETT: Any questions from the
Commission Members? Is there a motion?

IEC MEMBER CLAYTOR: I assume there's no
funds in your account?

MR. BRUHN: Yes, sir. I just want to
make one point, if allowed. I was running as an
Independent so I had the extra additional burden
of gathering signatures, which was what I was
really focused on. I gathered about 200
signatures and was spending time doing that as
the only person doing that.

Yes, the account is closed. There's no
funds in it. The most it ever had was twelve
dollars. I'm mostly running to highlight
women's issues. My county doesn't have a single
woman's shelter, and we've been begging for
years -- as a physical therapist and working in
a hospital, I saw the issues with this that, and
also as a survivor of sexual assault and
domestic violence, I have concerns. That was my
main reason for running, as well as gun issues.
I got to talk to a lot of people and educate a
lot of people, and that was my goal.

CHAIRMAN BENNETT: Motion?

IEC MEMBER CLAYTOR: Can I ask what kind
of report this was?

MS. TAYLOR: This was the 2017 annual.

MS. BRUHN: It was the very first one
that I was supposed to file, and then I
definitely dutifully, once I realized I had a
$1,000 fine, put the next filing if I would have
stopped running in July.

IEC MEMBER KLUTZ: It seemed that
settlement offer was particularly designed for
this situation. Your issues of running a
campaign and the difficulty you had is no
different than other candidate that runs for
office and has to comply with Indiana code and
Indiana statute. So I really wish you would have taken that settlement offer because now I feel like it's difficult to say, okay, let's not fine you or let's just fine you 25 percent. I will say that in my mind -- I don't know about the other commissioners -- that the mitigating factor here is that you didn't raise any money or much money.

MS. BRUHN: I deposited solely my funds. I didn't raise any money. That's not -- that wasn't the point of my running. I also was dealing with respectfully -- I'm sorry. I don't mean to be interrupting you.

IEC MEMBER KLUTZ: I guess I see that as a mitigating factor but not enough to say, okay, you shouldn't have any penalty for not following Indiana code. So my motion would be that the fine be 25 percent of the proposed fine.

CHAIRMAN BENNETT: I'll second the motion. Is there any discussion?

MS. BRUHN: I spoke with a couple of attorneys. They said it would cost more to have an attorney represent me here than to actually do this, and they said they know plenty of people that have stood before the Commission
before and have just been honest and have not
had to pay a single dime.

CHAIRMAN BENNETT: I think you made a
very nice presentation.

MS. BRUHN: I also was dealing with a
situation in my county as a peaceful protester
having a Hamilton County deputy sheriff assault
me, and that's been adjudicated, but that was
again for the same issue, House Bill 1071,
domestic violence and guns.

CHAIRMAN BENNETT: The hearing is closed
at this point. We have a motion on the table
with a second. Is there any discussion?

IEC MEMBER CLAYTOR: I wonder if I could
ask counsel a stupid question. For campaign
finance purposes, we have to open a committee
once we have either raised or spent $100. If
she never raised or spent $100, did she have to
open this account at all?

MR. SIMMONS: Commissioner Claytor, the
answer is, yes, it's triggered in 3915 by
actually filing for office. So you have to open
a committee within seven days of filing for
office, and then once you have an open
committee, 3-9-5-6 requires regular reports,
whether you raise or spend money or not.

IEC MEMBER CLAYTOR: Thank you.

CHAIRMAN BENNETT: Any further discussion? All in favor aye. Opposed say nay. Is there another motion?

IEC MEMBER CLAYTOR: Mr. Chairman, I move we waive the penalty in this matter. Is there a second?

IEC MEMBER OVERHOLT: Second.

CHAIRMAN BENNETT: Any discussion?

IEC MEMBER OVERHOLT: For purposes of discussion, I would say that my recollection is that in the past, especially when someone comes before us and they have closed their committee already, we have waived or significantly reduced the penalty, regardless of whether the person appeared when we were offering the deal that we offered in the beginning. So I think there's precedent from our past actions to do something less than the full amount.

CHAIRMAN BENNETT: When did you close the committee?

MS. BRUHN: Several months ago.

CHAIRMAN BENNETT: Why did you close it?

MS. BRUHN: Because I was no longer
IEC MEMBER OVERHOLT: Did you file a Petition of Nomination with the Election Division?

MS. BRUHN: I filed a CFA-1. Is that what you're talking about? I'm sorry. I filed everything I was told to file and then the finance portion of it.

IEC MEMBER OVERHOLT: The Declaration of Candidacy with the signatures you would have collected.

MS. BRUHN: I did not get to that point because I needed to have 2.5 percent of the Secretary of State's 2014 numbers and I needed to have 255 plus additional in case some were from other counties.

IEC MEMBER OVERHOLT: Okay, thank you.

MS. TAYLOR: She closed her committee July 30, 2018.

IEC MEMBER OVERHOLT: So under the law she didn't necessarily have to even open it.

MR. KOCHEVAR: Correct. We've never received any filings from the person before us today to run as an independent candidate for any office that we would accept filings for.
MS. BRUHN: So I didn't file the correct paperwork?

MR. KOCHEVAR: What I'm trying to say is that the person before us never filed for office as an independent candidate. She has stated she opened this committee to run as an independent candidate. We have never received petition filings for signatures nor a consent form which is required by state law.

CHAIRMAN BENNETT: What is the impact?

MR. KOCHEVAR: The impact would be that she, at least from my perspective legally speaking, never became a candidate -- never filed to become a candidate for which the campaign finance code requiring that a CFA-1 Statement of Organization be filed was never implemented for this candidate. She said that she's never raised $100 or more in a calendar year. She did not file to become a candidate, but do remember that a CFA-1 was filed. When a person files a CFA-1, our reading of the Campaign Finance Act is that they become subject to the Campaign Finance Act. I also speak from personal experience having been a candidate for local office before.
CHAIRMAN BENNETT: I would ask Mr. Simmons for his view of this.

MR. SIMMONS: Mr. Chairman, Members of the Commission, I agree with Matthew. If those are the facts, she never filed and she never raised or spent $100, she was never required to open a committee in the first place, but she did open a committee, and as Matthew explained, once you do that, then campaign finance laws attach and requires open committees to file campaign finance reports.

CHAIRMAN BENNETT: We have a motion to waive and a second. All in favor of that motion say aye. All opposed say nay.

IEC MEMBER KLUTZ: Nay.

CHAIRMAN BENNETT: The ayes have it. Motion carries. Thank you very much.

IEC MEMBER OVERHOLT: I'll make another motion. Can we entertain a new motion?

CHAIRMAN BENNETT: Think we have to.

IEC MEMBER OVERHOLT: I hereby move to dismiss this cause.

IEC MEMBER CLAYTOR: Second.

CHAIRMAN BENNETT: Any discussion? All in favor say aye. All opposed say nay.