Indiana Election Commission
Minutes
October 29, 2019

Members Present: Paul Okeson, Chairman of the Indiana Election Commission ("Commission"); Lauren Gnanipini, 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 Kochevar, Co-General Counsel of the Election Division; Dale Simmons, Co-General Counsel of the Election Division; Abbey Taylor, Election Division campaign finance director; Michelle Thompson, Election Division campaign finance director.

Others Attending: Ms. Sherry Raber.

1. Call to Order:

The Chair called the October 29, 2019 meeting of the Commission to order at 1:30 p.m. EDT in the Indiana Election Division offices at 302 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 Beverly Evans Elliot of Stewart Richardson Deposition Services, which is incorporated by reference into these minutes.

The Commission corrects the following scrivener’s errors in this document:

Page 5, line 6, before “present” insert “to”.
Page 5, line 9, replace “Miss” with ”Ms”.
Page 6, line 20, replace “roles’ with “rules”.

The Commission adjourned its meeting at 1:46 p.m. EDT.

Respectfully submitted,

J. Bradley King
Co-Director

Angela M. Nussmeyer
Co-Director
In the Matter Of:

INDIANA ELECTION COMMISSION PUBLIC SESSION AGENDA

Committee Meeting

October 29, 2019
INDIANA ELECTION COMMISSION
PUBLIC SESSION AGENDA

Conducted on: October 29, 2019

Conducted at: Indiana Government Center South
302 West Washington Street
Room E-204
Indianapolis, IN 46204

A Stenographic Record By:
Beverly Evans Elliott, RPR

STEWART RICHARDSON & ASSOCIATES
Registered Professional Reporters
One Indiana Square
Suite 2425
Indianapolis, IN 46204
(317)237-3773
APPEARANCES

INDIANA ELECTION COMMISSION:

Mr. Paul Okeson - Chairman
Ms. Lauren Ganapini - Proxy for Vice Chairman
    Anthony S. Long
Ms. Suzannah Wilson Overholt - Commission Member
Mr. Zachary E. Klutz - Commission Member

INDIANA ELECTION DIVISION STAFF:

Mr. J. Bradley King - Co-Director
Ms. Angela M. Nussmeyer - Co-Director
Mr. Dale Simmons - Co-Legal Counsel
Mr. Matthew R. Kochevar - Co-Legal Counsel
Ms. Michelle Thompson - Election Division
    Campaign Finance Director
Abbey Taylor - Election Division Campaign
    Campaign Finance Director

ALSO PRESENT: Ms. Sherry Raber
CHAIRMAN OKESON: Calling this meeting to order of the Indiana Election Commission. The following Commission members are present: Chairman Paul Okeson, Lauren Ganapini, proxy for Vice Chairman Anthony Long, Member Suzannah Wilson Overholt, Member Zack Klutz.

Indiana Election Division staff, Co-director Brad King and Co-director Angie Nussmeyer. Co-general counsels Matthew Kochevar and Dale Simmons. And the court reporter, Beverly Elliott, from Stewart Richardson Deposition Services.

I want to remind everyone on behalf of the court reporter when speaking please identify yourself before speaking. Spell your name when identifying yourself and speak clearly and do not speak at the same time as others, please.

I request that the co-directors confirm the Commission meeting has happen properly noticed as required under the Open Door Law.

MR. KING: Mr. Chairman, members of the Commission, on behalf of Co-director Nussmeyer and myself, we confirm that notice of both this public session meeting of the Commission and the previous executive session were given in accordance with the Open Door Law.
CHAIRMAN OKESON: Moving on to the agenda, the approval of the October 10th, 2019, Commission minutes and the October 29th, 2019, executive session Commission minutes.

MR. KING: Mr. Chairman, members of the Commission, the minutes for October 10th, 2019, and the minutes of the executive session conducted on October 29th, 2019, have been reviewed by Co-director Nussmeyer and myself. And we recommend them both to you for your approval.

CHAIRMAN OKESON: Is there a motion to approve the minutes as presented?

MR. KLUTZ: So moved.

CHAIRMAN OKESON: Second?

MS. OVERHOLT: Second.

CHAIRMAN OKESON: Any discussion?

(No response.)

CHAIRMAN OKESON: Hearing none, all those in favor say "aye."

THE COMMISSION: Aye.

CHAIRMAN OKESON: Those opposed.

(No response.)

CHAIRMAN OKESON: Having none, the ayes have it. The minutes and the motion to approve the minutes are adopted.
Want me to go ahead and send this around, Brad?

MR. KING: Yes, if you would, please.

CHAIRMAN OKESON: Moving on, adoption of Campaign Finance orders, I recognize the co-directors present Campaign Finance enforcement orders prepared for adoption by the Commission.

MR. KING: Mr. Chairman and members of the Commission, Miss Taylor and Miss Thompson are here and can speak if there are any questions. Orders have been drafted designated 2019-187 through 2019-208 that reflect the determinations made by the Commission at the October 10th, 2019, meeting. These include the assessment of civil penalties, dismissals, and continuances.

And we would also request authorization to use the members' signature stamps to process those orders if they're approved.

CHAIRMAN OKESON: Okay. Is there a motion to adopt orders 2019-187 through 2019-208 and to authorize the Election Division staff to use our signature stamps to indicate the adoption?

MR. KLUTZ: So moved.

CHAIRMAN OKESON: Is there a second?

MS. OVERHOLT: Second.
CHAIRMAN OKESON: Is there any discussion on
the matter?

(No response.)

CHAIRMAN OKESON: Hearing none, all those in
favor signify by "aye."

THE COMMISSION: Aye.

CHAIRMAN OKESON: Those opposed.

(No response.)

CHAIRMAN OKESON: The ayes have it.

MR. KING: Mr. Chairman, there were two items
that were continued at the last Commission meeting.
One was the matter concerning Mr. Fuller's
candidate committee. He does not appear to be
present. However, we do have a representative
present for one other committee. And so if you
would proceed, we can bring that matter before the
Commission in a presentation by Ms. Taylor and
Ms. Thompson.

MS. OVERHOLT: Are we going to also adopt our
regular roles that we usually adopt?

CHAIRMAN OKESON: If necessary. We might not
get to that point.

MS. OVERHOLT: All right. Just asking.

CHAIRMAN OKESON: Everyone who plans to
testify at today's meeting on any matter, please
stand and recognize the administration of the oath by Mr. Dale Simmons.

MR. SIMMONS: Will you raise your right hand. Say "I do" after the administration of the oath. Do you solemnly swear or affirm under the penalties of perjury the testimony you're about to give the Commission is the truth, and whole truth, and nothing but the truth? Say "I do."

(Consent by all.)

MR. SIMMONS: Thank you.

CHAIRMAN OKESON: Before proceeding with Campaign Finance enforcement actions we want to give any committee present the final opportunity to pay reduced civil penalty by waiving the right to present evidence and arguments to the Commission. Any committee is welcome to present evidence and arguments for the proposed penalty to be waived, but this is an opportunity for those who want to waive that presentation and accept a reduced penalty without making any argument or presentation.

And I will read off sort of the following arrangements and please ask for someone to move adoption of these. If this is the committee's first violation, the arrangement is for the
committee to agree paying 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 fine plus mailing costs. For purposes of this arrangement a previous settlement agreement entered into by the committee will be counted as one violation. Likewise, if more than one alleged violation occurred on the same calendar day, that group of violations shall be counted as one violation.

Is there a second to this motion?

MR. KLUTZ: Second.

CHAIRMAN OKESON: Any discussion?

(No response.)

CHAIRMAN OKESON: No further discussion. All those in favor say "aye."

THE COMMISSION: Aye.

CHAIRMAN OKESON: Those opposed?

(No response)

CHAIRMAN OKESON: The ayes have it. Motion is ordered.
MS. RABER: I'll take it.

CHAIRMAN OKESON: Would you please stand.
State your name.

MS. RABER: Sherry Raber. Spell it too?
CHAIRMAN OKESON: Please.
CHAIRMAN OKESON: And do we have a cause number?

MS. THOMPSON: Mr. Chairman, this is Miami County Republican Central Committee Cause No. 2019-6494-162. This is a continuance from the last meeting. They have been before the Board one other time, and the proposed civil penalty is $1,000.55.

CHAIRMAN OKESON: And you said it was the first?

MS. THOMPSON: This is their second. They've been before the Board once.

CHAIRMAN OKESON: Okay. And did I hear you, ma'am, state that you would accept the penalty as proposed?

MS. RABER: Yes.

CHAIRMAN OKESON: What was the name of the committee again? Will you read the name of the committee again.

MS. THOMPSON: Miami County Republican Central
CHAIRMAN OKESON: So the chair recognizes they've accepted the penalty?

MS. THOMPSON: I'm sorry. Say again.

CHAIRMAN OKESON: The chair recognizes that the committee has accepted the penalty?

MS. RABER: Yes, sir.

MS. OVERHOLT: At 50 percent; right?

MS. RABER: Yes.

CHAIRMAN OKESON: At 50 percent plus mailing costs.

Thank you. No further business.

MS. NUSSMEYER: Mr. Chairman, if I might. Miss Thompson, we did not receive any request from Maurice Fuller or any information from him at all?

MS. THOMPSON: Correct. We did not hear from him.

MS. NUSSMEYER: Okay. Thank you.

CHAIRMAN OKESON: Would the Campaign Finance staff identify any matters for which a motion for continuance was received before today's meeting.

MS. THOMPSON: No.

CHAIRMAN OKESON: Hearing none, we move to default.
Is anyone present to testify on any remaining Campaign Finance hearings scheduled for today?

(No response.)

CHAIRMAN OKESON: Seeing none, I declare all the hearings on all remaining Campaign Finance matters scheduled for today closed.

Is there a motion to impose the entire amount of proposed penalty plus mailing costs in all remaining Campaign Finance enforcement actions?

MR. KLUTZ: So moved.

CHAIRMAN OKESON: Is there a second?

MS. OVERHOLT: Second.

CHAIRMAN OKESON: Any discussion?

(No response)

CHAIRMAN OKESON: Hearing none, all those in favor say "aye."

THE COMMISSION: Aye.

CHAIRMAN OKESON: Those opposed.

(No response.)

CHAIRMAN OKESON: The ayes have it.

Moving on to administrative complaint, for the record, a Complaint has been filed with the Indiana Civil Rights Commission against the Indiana Election Commission. A copy of the Complaint and the following documents are included in the
Commission Members' binders: 1. Documents related to the service of the Complaint; 2. Proposed answer to the Complaint; and 3. A proposed motion to dismiss.

I will recognize members for the discussion of the proposed answer motion. So we don't have any. So we need to form a motion.

MS. OVERHOLT: Is that where we are now, for a motion to be made?

I would move that we request that the Office of the Indiana Attorney General represent the Election Commission with respect to the defense of this Complaint and authorize that office, upon their hopeful acceptance of representation, authorize that office to take all appropriate action to respond to defend against the Complaint with the first step to be asking for additional time to file the response, to prepare and file the response on behalf of the Commission.

MR. KLUTZ: I'll second the motion.

CHAIRMAN OKESON: Is there any discussion?

(No response.)

CHAIRMAN OKESON: Hearing none, all those in favor of the motion signify by saying "aye."

THE COMMISSION: Aye.
CHAIRMAN OKESON: Those opposed.

(No response)

CHAIRMAN OKESON: Hearing none, the motion carries.

Anything else on that front?

MR. SIMMONS: No.

CHAIRMAN OKESON: Move for adjournment. We have finished our business for today. Is there a motion for the Indiana Election Commission to adjourn?

MR. KLUTZ: So moved.

MS. OVERHOLT: So moved.

CHAIRMAN OKESON: All those in favor say "aye."

THE COMMISSION: Aye.

CHAIRMAN OKESON: We're adjourned.
STATE OF INDIANA
COUNTY OF HANCOCK

I, Beverly Evans Elliott, a Notary Public in and for said county and state, do hereby certify that the foregoing hearing was taken at the time and place heretofore mentioned between 1:30 p.m. and 2:15 p.m.;

That said hearing was taken down in stenograph notes and afterwards reduced to typewriting under my direction; and that the typewritten transcript is a true record of the testimony given;

I do further certify that I am a disinterested person in this cause of action; that I am not a relative of the attorneys for any of the parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 12th day of November, 2019.

Beverly Evans Elliott

My Commission expires:
September 20, 2022

Job No. 146928
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APPROVED:

Paul Okeson, Chairman