Indiana Election Commission
Minutes
August 9, 2017

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

Members Absent: None

Staff Attending: J. Bradley King, Co-Director of the Indiana Election Division of the Office of the Indiana 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 Division staff

Others Attending: Dr. Jay Bagga and Dr. Bryan Byers, Voting System Technical Oversight Program (VSTOP); Mr. Daniel Durnel; Ms. Dana Dumezich; Mr. Patrick Gabrowe; Mr. Randy Meyer; Mr. Ian Piper, Dominion Voting Systems; Mr. John Reed.

1. Call to Order:

The Chair called the August 9, 2017 meeting of the Commission to order at 1:32 p.m. EDT in State House Room 431, 200 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 Elizabeth Summers Long of Connor Reporting.

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

Page 5, delete line 17, and replace with “there of agreements with committees which have requested as of this date that you ratify”.

Page 13, line 7, before “Kochevar” insert “Mr.”.

Page 13, line 24, replace “.” with “,”.

Page 13, line 25, replace “Another employee” with “and any another employees before it is”.

Page 14, line 2, replace “parts and ballots” with “partisan balance.”

Page 14, line 21, after “12:00” insert “p.m.”.
Page 14, line 23, replace “adoptive” with “adopted”.

Page 15, delete lines 2 and 3, and replace with “This law also provides that if the Lake County Board of Elections and Registration did not”.

Page 15, line 9, after “on” insert “the”.

Page 15, line 11, replace “division” with “committee’s”.

Page 16, line 12, replace “commission” with “Commission’s”.

Page 16, line 14, replace “commission” with “Commission”.

Page 16, line 14, replace “Copy” with “A copy”.

Page 16, line 18, replace “Election” with “Elections”.

Page 16, line 22, replace “, plus” with “to place”.

Page 17, line 5, after “did”, insert “not”.

Page 19, line 25, replace “plans with “plan”.

Page 20, line 3, replace “representatives and” with “representative”.

Page 20, line 16, replace “it’s” with “its”.

Page 23, line 5, replace “Board” with “Party”.

Page 23, line 18, replace “Peg Ecrmon” with “Patrick Gabrione”.

Page 23, line 19, replace “Eleciton” with “Election”.

Page 23, line 24, after “Republican” insert “Party”.

Page 24, line 1, before “Reed” insert “Mr.”.

Page 25, line 22, replace “it’s” with “its”.

Page 25, line 22, replace “it’s” with “its”.

Page 26, line 25, replace “Journal” with “General Assembly”.

Page 27, line 7, replace “2016” with “2017”.

Page 28, line 9, replace “2016” with “2017”.

2
Page 159, line 1, replace "the commission" with "Commissioner Klutz".

Page 160, line 1, replace "commissions" with "commission's".

This document is incorporated by reference into these minutes. The Commission adjourned this meeting at 3:30 p.m.

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 HEARING

TRANSCRIPT OF HEARING

August 09, 2017

CONNOR REPORTING
111 Monument Circle, Suite 4350
Indianapolis, IN 46204
Phone: 317-236-6022
Fax: 317-236-6015
Toll Free: 800-554-3376
BEFORE THE INDIANA ELECTION COMMISSION

TRANSCRIPT OF HEARING

Hearing heard on the 9th day of August, 2017, in the offices of Indiana State House, 200 West Washington Street, Room 431, Indianapolis, Indiana.

A STENOGRAPHIC RECORD

By: Elizabeth Summers Long
Notary Public
Stenographic Reporter
APPEARANCES

INDIANA ELECTION COMMISSION:

Bryce H. Bennett, Jr. - Chairman
S. Anthony Long - Vice-Chairman
Suzannah Wilson Overholt - Member
Zachary E. Klutz - Member

INDIANA ELECTION DIVISION STAFF:

Bradley King - Co-Director
Angela M. Nussmeyer - Co-Director
Dale Simmons - Co-Legal Counsel
Matthew R. Kochvar - Co-Legal Counsel
(Time Noted: 1:32 p.m.)

CHAIRMAN BENNETT: Call to order the
meeting of the Indiana Election Commission
public session for Wednesday, August 9, 2017.
Time is 1:30 p.m., and the following members of
the commission are present; myself, Bryce
Bennett, Chairman, Vice-chairman, Anthony Long.
Member, Suzannah Wilson Overholt, and member
Zachary Klutz.

We have the Indiana Election Division Staff
with us, Co-Director Brad King. And Co-Director
Angela Nussmeyer, Co-General Counsel Dale
Simmons, and general -- and Co-General Counsel
Matthew Kochevar.

Our court reporter today is Elizabeth Long
with Connor Reporting. And before we begin, I
want to remind everyone of a couple of things.
Number one, if you are speaking, there is a
button at the bottom of the microphone nearest
you that needs to be pushed and the light needs
to be illuminated green so that your voice can
be amplified and recorded by the court reporter.

So please try to remember to hit that button
when we're speaking so your comments can be
recorded.
1 And, of course, identify yourself when you
2 begin to speak, spell your name and speak
3 clearly, and do not speak at the same time as
4 others.
5
6 At this time I will request the
7 co-directors confirm that the commission meeting
8 has been properly noticed as is required under
9 Indiana's Open Door Law.
10
11 CO-DIRECTOR KING: Mr. Chairman and members
12 of the commission, notice of this meeting was
13 posted in compliance with the Indiana Open Door
14 Law.
15
16 CHAIRMAN BENNETT: At this time, I would
17 ask for a presentation of the minutes of the
18 June 23, 2017 meeting.
19
20 CO-DIRECTOR KING: Mr. Chairman and members
21 of the commission, previously, copies of the
22 minutes of June 23, 2017 commission minutes
23 approved by Co-Director Nussmeyer and myself was
24 submitted to members, and we recommend them for
25 your approval.
26
27 CHAIRMAN BENNETT: Is there a motion to
28 approve the June 23, 2017 minutes?
29
30 VICE-CHAIRMAN LONG: Moved.
31
32 CHAIRMAN BENNETT: Is there a second?
MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: Is there any discussion?

Hearing none, all in favor, say aye.

VICE-CHAIRMAN LONG: Aye.

MEMBER KLUTZ: Aye.

MEMBER WILSON OVERHOLT: Aye.

CHAIRMAN BENNETT: Aye.

All opposed say nay.

Ayes have it, motion carried, minutes are adopted.

At this time we will move our attention to a ratification of the campaign finance settlement agreements. And I would ask for a presentation by Ms. Taylor and Ms. Thompson.

MS. TAYLOR: Mr. Chairman and members of the commission, there is a list in your binder there of committees that have to ratify to date, the settlement agreement and waive the hearing.

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

VICE-CHAIRMAN LONG: Moved.

CHAIRMAN BENNETT: Is there a second?

MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: Any discussion? Hearing
none, all in favor say aye.

VICE-CHAIRMAN LONG: Aye.

MEMBER KLUTZ: Aye.

MEMBER WILSON OVERHOLT: Aye.

CHAIRMAN BENNETT: Aye. All opposed say nay.

Ayes have it. Motion carried and the agreements are ratified.

VICE-CHAIRMAN LONG: Nice job, ladies.

CHAIRMAN BENNETT: I would ask that the oath be administered to individuals testifying before the commission this afternoon. And I would ask that Mr. Simmons present that oath and for everyone present who plans to testify at the meeting, please stand for administration of the oath.

CO-COUNSEL SIMMONS: Raise your right hand, say I do after the administration of the oath. Do you solemnly swear or affirm under the penalties of perjury that the testimony you're about to give the Indiana Election Commission at today's meeting is the truth, the whole truth, and nothing but the truth, say I do.

THE WITNESSES: I do.

CHAIRMAN BENNETT: Thank you. I now
recognize Dr. Jay Bagga and Dr. Bryan Byers from Ball State University, which administers the Voting System Technical Oversight Program, also known as VSTOP, for a presentation concerning voting systems. At the June 23 meeting, the commission approved all pending applications for recertification or engineering change orders with the exception of an application from Dominion Voting System. The binders for today's meeting include a report from VSTOP, behind the green tab, concerning its recommendations regarding the approval of certain documents concerning Dominion Voting Systems as part of the system recertification process.

Dr. Bagga and Dr. Byers, would you please discuss the status of Dominion Voting System's application for recertification of the Dominion Voting GEMS 1.18.24D1.0 system and VSTOP's recommendation regarding the documents provided to the commission today.

DR. BYERS: Thank you, Mr. Chairman and members of the commission. My name is Dr. Bryan Byers. My first name is spelled B-R-Y-A-N, last name B-Y-E-R-S.

This report describes the current status of
the Dominion Voting System's compliance with the
requirements of the Indiana Election Commission

VSTOP received the final revision --
revised revision of the Dominion Voting System's
test report from Pro V&V test lab on August 1,
2017.

VSTOP has reviewed the Pro V&V test plan
report. The report states that Dominion Voting
System's compliance evaluated, more specifically
GEMS Election Management System, AccuVote-OS,
optical scanner, and AccuVote-TSX, direct record
electronic device, as presented for evaluation,
meet the requirements for the voting systems of
the State of Indiana as prescribed by Senate
Enrolled Act 61. VSTOP agrees with this
conclusion.

DR. BAGGA: Mr. Chairman and members of the
commission, my name is Jay Bagga, J-A-Y,
B-A-G-G-A. I am the co-director of VSTOP.

VSTOP has also received from Dominion the
implementation plan. It is included in Appendix
C of the book for implementing the modified
SEA61 compliant motion, should the commission
approve that modification. VSTOP has reviewed
that implantation plan. VSTOP also asked the
lab, Pro V&V, to review the plan. Pro V&V
replies that the implementation plan is
acceptable, and VSTOP agrees with this
assessment.

Appendix D, in your folder, has copies of
the communications between Pro V&V, Dominion and
VSTOP. The commission also required Dominion to
provide EB updates, and Dominion did so, filing
a report every Friday since the last commission
meeting.

Therefore, VSTOP recommends the approval of
Dominion's Voting System's test report from Pro
V&V, and VSTOP also recommends Dominion Voting
System's implementation plan in that order.

Thank you.

CHAIRMAN BENNETT: Very good. Thank you.
Is there a representative of Dominion, or any
other person, present who wishes to testify
regarding this matter?

MR. PIPER: Yes, sir, I'm Ian Piper, I-A-N,
P-I-P-E-R. With the Dominion Voting Systems,
and the director of Federal Certification.

I just do want to thank VSTOP for their
efforts in this campaign and that we will try to
1 meet the implementation by the 17th, should the
2 commission approve the use of the system. Thank
3 you.
4
5 CHAIRMAN BENNETT: Thank you. Anyone else?
6
7 VICE-CHAIRMAN LONG: Question, Dr. Byers,
8 you -- this equipment that you talked about, the
9 ballot reader?
10
11 DR. BYERS: Yes.
12
13 VICE-CHAIRMAN LONG: I'm looking at your
14 summary, under which section of the equipment is
15 that? I don't see something that says ballot
16 reader on it?
17
18 DR. BYERS: The -- are you referring to
19 AccuVote-OS optical scanner?
20
21 VICE-CHAIRMAN LONG: I'm just -- you
22 outlined various parts and components --
23
24 DR. BAGGA: Yes, sir.
25
26 VICE-CHAIRMAN LONG: -- tested for. One of
27 which had to do with the ballot scanners. I
28 don't see a ballot scanner listed in the VSTOP
29 report, page 1 of your report.
30
31 DR. BYERS: So this commission -- on table
32 2-1, on page 5 of the report, is a table of the
33 equipment listed and it is AccuVote-OS, which is
34 the optical scanner.
MEMBER WILSON OVERHOLT: That's the scanner Mr. Long is talking about?

DR. BAGGA: Yes.

VICE-CHAIRMAN LONG: OS --

DR. BAGGA: OS is the optical scanner.

VICE-CHAIRMAN LONG: Okay. I don't talk that language. I call the operating system in my office OS. So that is an optical scanner?

DR. BAGGA: Several, yeah.

VICE-CHAIRMAN LONG: Okay.

DR. BAGGA: Usually -- has several implications, in this context, OS stands for optical scanner.

VICE-CHAIRMAN LONG: Keeping the -- excellence and computer work, I obviously took the wrong interpretation. Thank you.

CHAIRMAN BENNETT: Any other questions or comments from the commission members?

Is there a motion to approve the Dominion Voting System report of Pro V&V laboratories and Dominions Voting system's implementation plan?

VICE-CHAIRMAN LONG: Motion.

CHAIRMAN BENNETT: Motion? Is there a second?

MEMBER KLUTZ: Second.
CHAIRMAN BENNETT: We have a motion and a second. Is there any discussion? Very good. All in favor say aye.

VICE-CHAIRMAN LONG: Aye.

MEMBER KLUTZ: Aye.

MEMBER WILSON OVERHOLT: Aye.

CHAIRMAN BENNETT: Everyone opposed say nay. Ayes have it, motion carried. And we can go forward.

VICE-CHAIRMAN LONG: I think we need a motion to approve the -- the implementation schedule. I thought there were two motions that you requested?

CHAIRMAN BENNETT: Well, and I thought that the motion was to approve both.

VICE-CHAIRMAN LONG: That's -- I was wondering if we could do it all at one --

CHAIRMAN BENNETT: Yes.

VICE-CHAIRMAN LONG: Okay. For clarity, it covers both.

CHAIRMAN BENNETT: No further discussion or concerns from the commission?

Very well. We will now move to -- thank you very much.

DR. BYERS: Thank you.
DR. BAGGA: Thank you.

VICE-CHAIRMAN LONG: Thank you.

CHAIRMAN BENNETT: We will now turn to the Lake County Small Precinct Consolidation (P.L. 262-2017).

But before taking up this agenda, I think it would be helpful for Mr. Simmons or Kochevar to briefly describe the contents of Senate Bill 220-2017 to the commission members.

CO-COUNSEL SIMMONS: Mr. Chairman and members of the commission, I will start with that and Matthew can certainly jump in. I think this was covered last -- in the last meeting, but after each legislative session, the Election Division summarizes the legislation from that session.

So my presentation, basically, follows the summary in describing what we're doing in implementing senate election -- or Senate Enrolled Act 220, which is also known as Public Law 262-2017. The legislation established a small precinct committee in Lake County consisting of director and assistant director of Lake County Board of Elections and Registration.

Another employee, before it is approved by
unanimous vote of the entire membership of the board providing that parts and ballots is maintained. The committee was required to make findings with respect to three things.

Precincts in the county that have fewer than 600 active voters as defined in 3-11-18.1-2 as of November 1, 2016.

Number 2, whether compliance with the precinct boundaries standards set forth in Indiana Code 3-11-1.5-4 or 3-11-1.5-5 would prevent the combination of a precinct with fewer than 600 active voters with one or more adjoining precincts.

And number 3, the potential savings in the administration of elections resulting from the combination of precincts as just described.

The small precinct committee was required by this law to establish any proposed plan to consolidate a precinct within the county, that is consistent with these standards. And then not later than 12:00, June 1, 2017, the Lake County Board of Election Administration would require an adoptive proposed precinct establishment order implementing the findings of the small precinct committee and file that
proposed order with the election division no
later than August 1, 2017.

This view also provides that if the Lake
County Board Election Administration did not
file a proposed precinct establishment order,
then the Indiana Election Commission should
adopt a precinct establishment order for Lake
County, not later than September 1, 2017 based
on small precinct committee's proposed plan.

However, if the commission does not have
the small precinct division proposed plan and
findings, the commission shall adopt an order
that the commission determines will realize
savings for the county and not impose a
unreasonable obstacles on the ability of voters
of the county to vote at the polls.

A proposed precinct establishment order
that is adopted -- takes effect January 1, 2018.

However, if an objection is filed to the
proposed order, under 3-11-1.5-18, the order
takes effect January 1, 2018, unless at least
three members of the Indiana Election Commission
affirmatively vote to sustain the objection.

Thank you.

CHAIRMAN BENNETT: Thank you.
Mr. Kochevar, anything to add?

CO-COUNSEL KOCHEVAR: Mr. Chairman and
member of the commission, I will concur with
Mr. Simmons' summary of the Senate Enrolled Act.
I will also note that a summary, similar to what
Mr. Simmons has given, can be found in the
Indiana Election Legislative summary that was
produced by the Election Division. That can be
found on page 16 and 17 of that document. Thank
you.

CHAIRMAN BENNETT: Thank you. At the
commission's June 23rd meeting, we amended and
adopted procedures and deadlines for the
commissions towards this law. Copy of those
procedures is included in the commissioner's
binders behind the final tab. These procedures
set a deadline of noon, July 13, 2017 for a
member of the Lake County Board of Election and
Voter Registration and director or deputy
director of the Lake County Board, or for a
county chairman of any of the three political
parties currently entitled, plus candidates on
the general election ballot, to file a small
precinct consolidation plan.

Procedures set forth the requirements of
the contents of a plan, and provides that
Election Division will notify the commission of
a submission of any plan.

The procedures specified that the proposed
plan did contain the certain maps and forms and
that the proposed -- then the proposed plan
would not be further considered.

Procedures gave an extended deadline at
noon, August 1, 2017, for a submission of a
complete plan by the Lake County Board, and
further specified that a member of the
commission may also submit a plan without being
subject to the July 13th deadline.

No deadline is specified in the order for a
commission member to submit a plan.

Procedures also state that the commission
may modify plans submitted by -- submitted by
any of the entities entitled to submit a
proposed plan.

The Election Division was required to post
each plan on the website as soon as possible
after filing with the notes concerning the
opportunity for public comment, which may be
submitted in written form or in person at this
meeting.
The Election Division was also required to post a copy of these procedures on the website and to provide a copy of the procedures to each member of the Lake County Board.

Finally, the procedure set the time, date and location of this meeting, and indicated the meeting's purpose was to review and discuss proposed plans and indicate that the commission may adopt a final order establishing consolidation.

I will ask the Co-Directors to confirm that the following information is correct.

One, a document incorporated material designated as plan number one was filed with the Election Division on July 11, 2017 at 2:20 p.m. as a submission from the Lake County Republican party chair, Daniel Dernulc, and has been published on the Election Division website.

Commission members were notified shortly after the plan was filed.

Two, a document and incorporated material, designated as plan number two, was filed with the Election Division on July 11, 2017 at 12:28 p.m., as a submission from Patrick P. Gabrione, assistant director of the Lake County Board, and
has been published on the Election Division website. Commission members were notified shortly after this plan was filed.

Three, no other plans have been submitted by any person as of this time.

Four, the procedures and deadlines of the Indiana Election Commission, which contained another notice that the commission will provide the opportunity for public comment at this meeting, either in written form, or in person, at this meeting, has been published on the Election Division website.

Five, the Election Division provided a copy of these procedures to each member of the Lake County Board.

Six, the only written comment concerning any precinct consolidation plan is a letter, dated July 13, 2017, from James Weiser, chairman of the Lake County Democratic Central Committee.

The co-directors also received a memorandum, dated August 4, 2017, where the office of Census Data, Legislative Services Agency, provided results of independent review request by both co-directors regarding whether any precinct consolidation of either plans, plan number one.
or plan number two, crosses or breeches any
senate, state senate district, or statehouse
representatives and district.

These documents have been included in the
commissioner's binder.

Number seven, although the commission was
required to change the location of this meeting
to Room 431, other than Room 243 -- 233, excuse
me, at the Statehouse that notice of this change
has been published on the Election Division
website and posted outside of Room 233.

Co-directors, any response?

CO-DIRECTOR KING: Mr. Chairman and members
of the commission, the co-directors have
performed each of the duties set forth under the
procedures as adopted by the commission, at its
previous meeting. I will add for the record
that on June 26, 2017, both the co-directors did
send a letter to the director of the Lake County
Board of Elections and Registration setting --
that included enclosure of the procedures that
the Chair referred to, and copied the division's
requirements to receive this notice. I have
nothing further.

CHAIRMAN BENNETT: Thank you, Mr. King.
Mr. Kochevar, anything to add -- oh, I'm sorry.

Ms. Nussmeyer?

CO-DIRECTOR NUSSMEYER: No, Mr. Chairman, thank you. I agree with everything that Brad mentioned in his --

CHAIRMAN BENNETT: Thank you.

For purposes of the commission's deliberation today, I'll move for the following procedures to be followed:

Number one, the individual who submitted plan number one, or a person authorized to present the plan on his behalf, will be recognized for no more than five minutes to address the commission concerning this plan, unless the commission gives consent to additional time for presentation.

Any individual who wishes to testify concerning plan number one will be recognized for no more than five minutes to do so, unless the commission gives consent to additional time for testimony.

Three, the individual who submitted plan number two, or a person authorized to present the plan on behalf, will be recognized for no more than five minutes to address the commission
concerning this plan, unless the commission
gives consent to additional time for the
presentation.

Any individual who wishes to testify
concerning the plan number two will be
recognized for no more than five minutes to do
so, unless the commission gives consent for
additional time.

Finally, number five, time span for
questions from the commission members will not
be counted against the presenter. The Election
Division may alert the commission when a
presenter's time is about to expire.

Is there a second for these procedures?
VICE-CHAIRMAN LONG: I will second.
CHAIRMAN BENNETT: We have a motion and a
second. Is there any discussion?

Hearing none, all in favor say aye?
VICE-CHAIRMAN LONG: Aye.
MEMBER KLUTZ: Aye.
MEMBER WILSON OVERHOLT: Aye.
CHAIRMAN BENNETT: All opposed say nay.
The ayes have it. The motion to adopt
these procedures has been approved.

At this time, the commission proceeds to
recognize the presenter for plan number one.

MS. DUMEZICH: Well, my name is Dana Dumezich, D-A-N-A, Dumezich, D-U-M-E-Z-I-C-H.

I'm a member of the Lake County Election Board and Vice-Chairman of the Republican Board.

CHAIRMAN BENNETT: Thank you.

MS. DUMEZICH: Can you hear?

CHAIRMAN BENNETT: Just so I understand, will you be presenting for all the plans or just plan number one?

MS. DUMEZICH: All.

CHAIRMAN BENNETT: All?

MS. DUMEZICH: Chairman --

MR. DERNULC: I did want to introduce -- chairman and members of the commission, thank you very much for the time to present my plan and also the other plan. To let me -- we have Peg Ecrmon, our deputy-director of the Lake County Voter Registration Election Board, Dana Dumezich, our Vice-Chairman for the Lake County Republican. And to my right, I have John Reed, our attorney for the county and my name is Dan D, as in David, E-R-N-U-L-C, and I am the chairman of the Republican -- I will be handing it over to Dana, and she will be presenting for
myself and Reed.

VICE-CHAIRMAN LONG: I couldn't hear your
introducing of the gentleman at the table. I
didn't hear his name. This --

MR. GABRIONE: Patrick Gabrione. I'm the
Assistant Director with the Lake County Election
and Registration Board.

VICE-CHAIRMAN LONG: I just didn't hear it.
And we've not met before, that's why I --

MR. DERNULC: Sorry about that.

VICE-CHAIRMAN LONG: I know the guy sitting
by him.

CHAIRMAN BENNETT: So you will be
presenting plan number one at this point; is
that correct?

MS. DUMEZICH: I will. I'd also like to
point out Randy Meyer, Councilman from Cedar
Lake, who is also here today. Well, so I won't
take up too much of your time. I know -- thank
you very much, ladies and gentlemen. I know we
have flooded you with lots of information in
your inboxes with letters. We are sorry that we
have to bring this before you. We have tried to
ensure the integrity and manageability of our
county's elections. It is our goal to make our
precincts equally representative of our population, cost effective for our taxpayers, efficient and consistent. We believe in one person and one vote. There are large disparities and utilization of resources and taxpayer dollars within our county, and even within some of our communities.

In East Chicago 20, we have 182 active voters, and it costs $3.85 per voter with the processing time of 15 voters per hour.

Cedar Lake 2 has a 1,391 active voters, with the cost of .50 cents per voter, and processing time of 116 voters an hour.

In Hammond 2, we have 284 active voters in one precinct that costs $2.46 per voter.

Whereas in Hammond 33, we have 1,114 voters in the same time at a cost of .62 cents per voter.

I know you guys have heard some expressed concerns with moving polling locations and travel. In Gary, polling locations have moved 42 times since 2014. For it's 105 precincts it has 62 polling locations.

In Gary 4, there are two polling locations that are 1/10th of a mile apart. That we
have -- data and I could go on almost forever and ever until you're all rolling your eyes and I get into the -- and get lost.

So, I'll move on. Legislation was passed in 2014 and a Supreme Court opinion was issued on our legislation and still nothing was done. The legislation was again passed earlier this year, and still no plan was put forth other than the plans being presented to you today.

Ample time was given the legislation, and then again by this commission. The actions and history of our county proves that this will not be accomplished without the enforcement of legislation and your oversight.

Many other counties have decreased their number of precincts for the efficiencies created by the electronic election registration, electronic voting, and early voting without the need for legislation and oversight.

Marion County produced precincts in 2007 and again in 2011. These efficiencies have updated the need for small precincts. One out of every four voters are voting early, decreasing the stress on the polls. In 2015, the Indiana Journal realized these trends and
increased the maximum precinct size to 2,000 active voters from 1,200.

This plan on the -- plan one, now -- plan one is based on our original proposed plan, that was lodged at the Lake County Election Board in compliance with the Public Law 262 on May 30, 2016. This plan, plan one, does not result in any precinct being larger than the already existing precinct in Cedar Lake 2, of 1,391 active voters.

Okay. I'll move on to plan two quickly.

Plan two is almost exactly the same except for --

CHAIRMAN BENNETT: Just one second.

MS. DUMEZICH: Sure.

CHAIRMAN BENNETT: Would it be possible to keep discussions of the plans separate?

MS. DUMEZICH: Sure.

CHAIRMAN BENNETT: Is your discussion of one complete at this point?

MS. DUMEZICH: I can separate it. It's all --

VICE-CHAIRMAN LONG: Can she repeat what she just said on the 1,391 in one precinct?

MS. DUMEZICH: I'll start the paragraph
over and go a little bit slower. I do speak very fast.

VICE-CHAIRMAN LONG: Okay. I'd appreciate that. I don't spend a whole lot of time in Lake County.

MS. DUMEZICH: This plan, plan one, is based on the original proposed plan that we lodged at the Lake County Election Board in compliance with Public Law 262 on May 30, 2016. This plan, plan one, does not result in any precinct being larger than our already existing precinct in Cedar Lake 2 of 1,391 active voters. And in essence, we didn't find any precincts over our already existing precinct of 1,391.

So in plan one, we call it "Under 1,391," there is no precincts exceeding over that. We -- at no point get near 2,000.

There is not a single precinct in Lake County in plan one that's over 1,391 active voters. We currently have 11 precincts over 1,200 voters. And out of all of them the consolidation of any precinct we have of over 1,200 voters will be hard to explain to the voters in those precincts.
Plan one results in a consolidation of 154 precincts with neighboring precincts. Of the new 369 precincts only 34 of them will be over 1,200. The cost savings and polling location personnel alone are 1,000 -- or, $102,000.00 per election, $205,000.00 per election year, and $615,000.00 per election cycle. The law and procedures set forth by this commission are planning -- that active voters, lists of precincts with active voters under 600, legislative documentation, colored print maps of the appropriate size, completed IECA forms, census block information, and pay role statistics.

Does anyone have any questions?

VICE-CHAIRMAN LONG: I have one.

MS. DUMEZICH: Sure.

VICE-CHAIRMAN LONG: The 36 precincts that you have that exceed 1,200, is that the new consolidated precincts, 36 of them?

MS. DUMEZICH: It would be 34, yes.

VICE-CHAIRMAN LONG: 34, I'm sorry.

MS. DUMEZICH: Currently, we have 11, and that 34 includes the current 11.

VICE-CHAIRMAN LONG: So 34 is the total for
the county, 11 of those are not involved in the consolidation?

MS. DUMEZICH: Correct.

VICE-CHAIRMAN LONG: And that means 23 of them are over 1,200 as a result of the consolidation?

MS. DUMEZICH: Correct. And let me check --

MR. GABRIONE: Yeah, I could add that currently -- current precincts in the over 1,200 venue, there are 9 of them in the south and two of them in the north, okay? Which goes to the basis of these proposals. When we look at the future, we call over 1,391 -- nothing over 1,391. There will be an even rate. There will be 34, 16, and 18. So it does make a further balance when you look at it this way.

We also want to -- we were also suggesting that there would be only one explanation because between the two there is only one explanation. In those two books, everything is the same, from the mapping and coupling et cetera, except for that over 1,200 and under 1,200. And the result in payroll savings or the map couplings and the way the mapping is done.
When you're in the under 1,200, you don't have as many opportunities to merge. When you're over 1,200 you do.

So the sweet spot in all of the -- in all of the modeling we did, myself, and Michelle and my director, on the bottom -- we did back in 2014, we knew right away that 1,200 whichever way you go, favors either side.

So the original one we did, we put together a 154, which was proposal number one, but we were sensitive to your motion at your last meeting where you recommended under 1,200.

MS. DUMEZICH: Thank you, Mr. Gabrione.

MEMBER KLUTZ: In preparing plan one, did you attempt to consolidate any precincts that were under -- or were above -- sorry, under 600 voters? Above -- so if they already have 600 voters would those be consolidated at all?

MS. DUMEZICH: Okay. I don't know if I'm sure I understand your question. So let me --

MEMBER KLUTZ: You only consolidated precincts that included 600 or less voters?

MS. DUMEZICH: No, there are a couple of instances where when you compare the boundaries and the, you know, location of them, that the --
you would pick up a precinct that is, like, 698
and compare it -- combine that with a precinct
that is 284. There -- because, you know, you do
have all the way down to the school district
lines you have to stay within those boundaries.
And they have to be geographically -- you do not
want to cross, you know, railroads as much as
possible. You don't want to create, you know,
corners, for instance, you know, the ones here
and ones here. So there were a few of those in
there, not very many, but there were a few of
them. When I reviewed through all the documents
--

MEMBER WILSON OVERHOLT: Did -- in your
work with plan one, did any of that take into
account the instability of polling locations,
for example? And the impact that your
consolidation would have on polling locations
and the ability for voters to get to their
polling location? Public transportation,
whether there was a conceivable polling location
in the new consolidated precincts that would
make sense for voters? Was that part of your
analysis? Or was it strictly the numbers?

MS. DUMEZICH: We looked at -- we actually
have maps where we have labeled bus routes to
the new precincts. The way -- I'm not sure if
it's done for the rest of the State this way,
but in Lake County, the Democratic precinct
person and the inspector, which is democrat,
that's democrat -- they get to choose the
polling location. Okay? So they move it
wherever they like. We would like to be as
consistent as possible, but not always, as I
informed you in my speech, various -- moved it
62 times in 2014.

I did, personally, an in-depth analysis of
Area 44, to look and see and in some cases, by
consolidating it, it's going to make it closer
to a lot of voters. The bus routes, there's bus
routes there. I did point out that in Area 44,
there was a 10th of a mile difference between
one polling and another polling location.

MEMBER WILSON OVERHOLT: Right, but in
Gary, a 10th of a mile depending on what 10th of
a mile that is, that could actually be rather
significant.

MS. DUMEZICH: We do have -- in Lake County
where we have to drive 10 miles to get to our
polling location.
MEMBER KLUTZ: But again, this polling location is not the issue here.

MS. DUMEZICH: No.

MEMBER KLUTZ: It's precinct boundaries, right?

MS. DUMEZICH: Yes, it's precinct boundaries. Right.

MEMBER KLUTZ: We're not trying to change precinct location --

MS. DUMEZICH: No.

MEMBER KLUTZ: Let me ask a question. Did any of the precincts that are not combined in your proposing to consolidate, were they already at the same precinct location; do you know that or not?

MS. DUMEZICH: In some cases they were.

MEMBER KLUTZ: Some cases?

MS. DUMEZICH: In some cases they were.

And in some of them, and again, when I just did an in-depth analysis of Area 44, they were voting outside of their precinct. And as I pointed out, also, Gary has 105 precincts and only 60 polling locations. So there are people in Gary that travel outside of their precinct to combination sites. I know that's not the model
from the people I talked to here. That is
not -- they don't want vote centers. In the
south part of your county we do have vote
centers called combos, where we -- I think,
Michelle's hometown we have -- Michelle could
probably speak to that.

    We have a very large kind of vote, kind of,
like, plaza, little center we go to use. But
that's just not feasible in the north. But
still it's just not feasible to maintain 105
precincts for -- what is it? 48,000 active
voters.

    CHAIRMAN BENNETT: Any other questions?

    VICE-CHAIRMAN LONG: Maybe I should know
the answer to this, probably should, but I don't
so I'll ask it anyway.

    Did the small precinct committee in Lake
County ever meet?

    MS. DUMEZICH: Yes.

    VICE-CHAIRMAN LONG: How many times?

    MR. DERNULC: I think it may have -- I
can't recall the time we met. I can tell you
that we did not -- we were not able to meet more
than two -- the total time was about two and a
half hours. There were multiple requests for
meetings, and we weren't able to get our
counterparts to meet with us.

CHAIRMAN BENNETT: Any other questions?

Anything further that you would like to add with
regard plan number one?

MS. DUMEZICH: Thank you for your time.

VICE-CHAIRMAN LONG: Thank you for your
efforts. I do appreciate that.

CHAIRMAN BENNETT: Will you be presenting
plan number two?

MS. DUMEZICH: Plan two it's essentially
the same information as I said -- your inboxes
with emails.

CHAIRMAN BENNETT: Excuse me. I think
concurrent procedural issue that I --

MS. DUMEZICH: Okay.

CHAIRMAN BENNETT: I think we should ask if
there's any public comment on plan one before we
move to plan two. Hearing none, let's proceed
to plan two.

MS. DUMEZICH: My name is Dana Dumezich. I
spelled my name previously. And I represent on
plan number two. Plan number two is almost
exactly the same. We modified our original plan
that we lodged at the Lake County Election Board
to make it agree with what you had asked,
keeping the maximum consolidating precinct under
1,200. That, I can guess, are the exact same
information, the county stays the same, what the
difference actually results in is plan number
two results in a consolidation of 126 precincts,
neighboring precincts, and the cost savings in
polling location personnel alone, when I say
polling location personnel alone, I'm just
talking about paying the judge, the clerk, and
the inspector, that doesn't talk about rentals,
machines, transportation, nothing else besides
that. The polling location personnel alone is
$84,000.00 -- almost $85,000.00 per election.
And $509,000.00 four-year election cycle. With
that plan, we still have 11 precincts over 1,200
because they're currently existing. And I don't
believe we're going to be splitting them. It
just wouldn't make sense, especially in essence
of us coming down and asking for a larger
precinct size.

Does anyone else have anymore questions? I
mean, I really could throw out a bunch of
different data and you guys all rolling your
eyes at me.
MEMBER KLUTZ: Perhaps for the record we could have a statement of cost savings that you've calculated for the per election and election cycle basis, too?

MS. DUMEZICH: Could you say that again?

I'm sorry.

MEMBER KLUTZ: Yeah, perhaps you could give us the cost savings per election and for the election cycle that you predict for plan two?

MS. DUMEZICH: For plan two?

MEMBER KLUTZ: Thank you.

MS. DUMEZICH: Per election is $84,950.00. That's adding it together. Get that for each election here. And then $509,700.00 per four year election cycle. And that's just multiplying that three times because we only have election one year.

CHAIRMAN BENNETT: Can you contrast that with number one, again?

MS. DUMEZICH: Sure. Okay. We'll go to the basics, to the per election. So for election -- for plan one, which is under 1,391 active voters, it's $102,530.00 per election. For plan two, which is under 1,200 voters, it's $84,950.00 per election.
And then do you want me to give you a four-year election cycle?

CHAIRMAN BENNETT: Yeah.

MS. DUMEZICH: For the four-year election cycle plan one, which is under 1,391 active voters, it's $615,180.00. For plan two, which is under 1,200 active voters, it's $509,700.00.

CHAIRMAN BENNETT: Are there any other significant differences between the two plans except for the costs and the number of active -- number of active voters? Are those the two major differences?

MS. DUMEZICH: Those are the two major differences. I mean, there's a little bit of shuffling when we had to, like, take one that was at say 1,219 voters, and we couldn't combine that in plan two. We had to move it to another one, and then leave a precinct that is under 600 because there was no place else to put it. Because there are some precincts that we actually had no place else to put it because of legislative boundaries, mapping boundaries, school districts, et cetera.

CHAIRMAN BENNETT: Any other questions from the commissioners on either one of the plans?
MEMBER WILSON OVERHOLT: Was plan two ever submitted to the board?

MS. DUMEZICH: Yes.

MEMBER WILSON OVERHOLT: When did you do that?

MS. DUMEZICH: Pardon?

MEMBER WILSON OVERHOLT: When was that done?

MS. DUMEZICH: About the same time as plan one. I think it's on the website.

MEMBER WILSON OVERHOLT: I'm sorry. The county board, not us. The -- I'm just looking at the statutes that you presented plan one to the election board in May 2016. I'm wondering when you submitted plan two to the county board?

MR. REED: We did not -- it was submitted to the Indiana Election Division, not the county board.

MEMBER WILSON OVERHOLT: Okay. So that's what's confusing. Because you used the term board. Okay. So none of these were submitted at county level, then?

MS. DUMEZICH: We did lodge one at the county level. We lodged a report, it was not voted on.
VICE-CHAIRMAN LONG: Whose plan was submitted to the county? And I'm calling it the committee, that's what the statute called it. The small precinct committee, you met for two and a half hours? Was the plan submitted?

MR. REED: If I might clear that up. My name is John Reed. I'm an attorney for the Lake County Republican Party and also for the Republican election board.

The plan that was lodged with the Lake County Board of Elections and Registration was a plan that was derived from the republican side of the table. There was not a plan that was agreed upon in the small committee level. The small precinct committee never presented a plan, never could agree on getting together. I mean, it's like any other, I suppose, settlement or negotiation, once you reach -- no such plan came out of the small committee. The small committee failed to perform its given task.

VICE-CHAIRMAN LONG: My question is did the small precinct committee ever meet? That was my question.

MR. REED: Yes.

VICE-CHAIRMAN LONG: This gentleman said
two and a half hours.

MR. REED: I think there were two or three meetings that lasted over --

MR. GABRIONE: Over months.

VICE-CHAIRMAN LONG: Okay.

MR. GABRIONE: An hour here, a half hour there, 20 minutes.

VICE-CHAIRMAN LONG: And did the republican side of the aisle submit either plan to that committee in any one of those two or three meetings?

MR. GABRIONE: This republican at that committee, submitted what I had when we started at the first -- plan one, started on and I showed my numbers. We were complete. The other side said, "I don't have an answer yet. I don't have an answer yet." That was the sum total of those meetings.

VICE-CHAIRMAN LONG: So your plan, was it plan one that you submitted? Or was it plan two or something different?

MR. GABRIONE: It was -- we were working at that time before your recommendation of under 1,200. We were working on the what we would now call the under 1,399 -- 1,391, so we were
working on plan one.

VICE-CHAIRMAN LONG: Plan one? So you were working on plan one. My question --

MR. GABRIONE: I completed it.

VICE-CHAIRMAN LONG: I apologize because I'm a trial lawyer and I -- my question is pretty narrow, was the plan one that was submitted to this board ever laid in front of the small precinct committee?

MR. GABRIONE: The numbers of mergers were --

VICE-CHAIRMAN LONG: No, that's not --

MR. GABRIONE: The total plan of 900 pages? No.

VICE-CHAIRMAN LONG: Okay.

MS. DUMEZICH: May I --

VICE-CHAIRMAN LONG: Don't read anything into my question. I'm not real happy with the Democrat Party in Lake County. We're involved in something that in another forum, I'll register my feelings. But the fact that we have been called upon, as legislative, to do something. So I want to be precise in what exactly happened that has brought us here today. And that's -- I'm not challenging or questioning
your motive, your work, but I just don't want
you to think -- I'm not being a political
adversary here. Even though I'm on the democrat
side of the aisle. I want to find out what you
all did to further this process from the
legislation. And you've done that, and I
appreciate that.

MS. DUMEZICH: Thank you, sir.
CHAIRMAN BENNETT: Do you want to add
anything else?
Are there any public comment on plan two?
Hearing none at this point, I will close the
public hearing, in which we provided an
opportunity to the public time -- comment on
this plan in accordance to the procedures.
Having heard the presentation and testimony of
these plans is there any further commission
discussion?
VICE-CHAIRMAN LONG: I would like to
just -- first of all, point of personal
privilege that -- I said it before, and I
reiterate, for those -- for the Democrat Party
here, I'm personally not very happy with the way
this has been handled. That being said,
Commissioner Overholt and I spent some time
reading the statute, and we've -- as we
interpret it, and again, that's -- I guess, I
don't know if it's an advantage or a
disadvantage to have a lawyer on the commission,
but under -- well, I'm calling -- I'm reading
from the session one, paragraph F, and that
33651210, is that it?
MEMBER KLUTZ: Yes.
VICE-CHAIRMAN LONG: Okay. "If a proposed
precinct establishment order is not filed as
provided under subsection (e), the commission
shall adopt a precinct establishment order for
the county not later than September 1, 2017,
based on the committee's proposed plan." I
don't think that applies. Because the committee
has not submitted a plan. And there is a
significance that -- and I gave Commissioner
Overholt credit for helping me through this.
She employed her thoroughness.

So that first sentence doesn't apply. The
second sentence, I think stands alone and says,
"The commission -- if the commission does not
have the committee's plan and findings
available, the commission shall adopt an order
the commission considers will do both of the
following: (1) Realize the savings for the county, (2) Not impose unreasonable obstacles on the ability of the voters of the county to vote at the polls."

Keeping -- end quote -- keeping in mind that boundary standards set forth in the Indiana Code 3-11-1.54 and 5, in the same act are reiterated about the adjoining precincts and all the district requirements that had to be there. And it seems our interpretation of this, at least mine from our discussion, I guess I should only speak for myself, if there's a proposed plan that does -- is not accompanied by an established order, and they've got until August 1 of 2017 to file that. We are then given 30 days to accomplish what, from my experience on -- a couple of years that I've been on this commission, to have staff reviews for the compliance with the material and the statutory requirements that we -- that -- the division advised us on, and a submission over to the census data folks, the service agency, for their review and report. It gives us a 30-day window to do that. And that takes into consideration, from my perception of the
statute, a lot of work has been done by the
committee, we're just dotting the Is and
crossing the Ts, and see what we can find that
the statutes have. Not having that, then it
falls back on us to adopt an order that takes
certain steps to do and to find certain new
precincts and there's a timeline, and direct our
counsel to do that. But it's a timeline that
recognizes that the legislature seems to want
the county committee to adopt an order by June
the 1st, then they would have until August the
1st to submit it. That's their internal work, I
presume, and again, I've never done a precinct
work at county level, but I've been here a year
or two and I know it's a big job.

And then they draw their lines, and I think
there are may be notices, and hearings and
things that have to be had. And then they
submit their proposed plan and got two months to
do that. And I don't believe that the
September 1st deadline, under the scenario we're
in, applies to the fact situation that we have.
And I say that, and we've spent some time
thinking this through, how do we get this done
in such a way that discharges our duties as a
legislation? I know at one point there was a
quarrel between -- I don't know what number, but
it was go to 500 or 600, the legislature spoke
on that and that issue is closed in my mind.
It's 600 for you to work with.
I believe there's authority from the 1,200
recommendation that we recommended, and I
applaud what the Republicans in Lake County --
for giving us data on the savings and, you know,
I have no reason to dispute your findings. And
no one from the Democrat Party has chosen to
step up here today and dispute that. But I
think that we've got to undertake duties that
the small committee -- small precinct committee
was supposed to do in Lake County and didn't.
And to that end, we've asked our staff, we
talked at -- fairly significant length on this
to come up with a procedure, hand that out to
you.
That's yours.
And going through this it says, basically,
it reiterates that the code and what the
responsibilities were. But because we have
undertaken a responsibility of that committee to
follow all of these guidelines and have the
specific thing that we have to add, not impose
unreasonable obstacles on the ability -- that we
though, in our discussion, that the most fair
way to do that, would be to submit, basically,
in summary, to submit -- and I and my staff,
because I interpret what we said and what they
quantified here. We would submit this issue,
along with both of these plans that have been
submitted to the staffs, allow them to work on
this, work on -- to the extent necessary, and
census data, and we have for certain that we did
all their compliance. And then something that
has -- I don't think has been done in Lake
County, that we would actually go to Lake County
and have a public meeting and invite the
citizens who are going to be affected by this to
come in and talk to us. And we would do that
sometime in November -- actually, no later
than -- I think we were -- I asked and put
together -- we didn't discuss actual dates, but
I asked them to put together a schedule
requirements -- publication requirements so that
the voters in Lake County, north end, south end,
central part, can come -- and they don't have to
come to Indianapolis, we go up there. And, I
mean, this is fallen upon us by the legislature,
and I think it's our duty to listen to the
voters in Lake County.

And then after we do that, and we have the
input, with the publication that we are
suggesting, that we utilize that data and the
input from that hearing, the cost savings, as I
said, I have no reason to -- I guess, we'd have
to review it again and ask staff to do that.

But I'm -- I'm sure she presented reliable
numbers here today based on the calculation.

And listen on the issue of the obstacles
with the ability to vote, that we have the
citizens up there have an opportunity to come in
and talk to us. And then when we do that, we
have a meeting and -- I think it's early
December, as I recall. I believe that's what it
came down to, or was it 15th? Oh, whatever it
is, we would publish it. It would be effective.

This does not take -- and this doesn't -- we
don't think it affects anything and I asked
those specific questions to our staff.

Is there anything -- assuming we did this,
got it all done by September 1, would anything
happen immediately after that, it could have
happened just as easily by December 1st?

MS. DUMEZICH: Sir?

VICE-CHAIRMAN LONG: You will get it in a
minute.

And I -- and that's why they were not able
to tell me, our staff, was not able to tell me
anything that would affect this because it
doesn't apply until February 1, 2018.

We ask you -- we think that this discharges
our duty. I am not prepared to vote today on
something that I'm really uncomfortable and
history here -- it's been Lake County and I
know -- up there, and I have dear friends that I
consider on both side of the aisle there. That
we, at one time, the obstacle, or the railroad
that splits the precinct and people had trouble
traveling some considerable distance years ago
to get around and get across it and go 100 yards
from the polling place to get to vote.

I would like to have folks that are
affected by this, have an opportunity to weigh
in. And they say it's no problem, then we've
done our due diligence. But apart from that, we
then as a system that get it done, we'll
discharge our duties. I think the staff should
get considerable weight to the efforts of these
folks and come here and make these presentations
and making their decision. This is -- I can
tell you, all sincerity this is just not
something that I'm doing that I think is a leg
up to anybody. I think that to discharge -- I
can't vote on a reasonable obstacle issue
because I don't think we have adequate
information before us. That's all I have.

Thank you.

MEMBER KLUTZ: For clarification, you're
talking about the the process -- you're talking
about, with respect to staff review, census
review with respect to these two plans?

VICE-CHAIRMAN LONG: No with respect to the
staff, will make recommendations, get -- and I
wanted to use these plans --

MEMBER KLUTZ: Recommendation --

VICE-CHAIRMAN LONG: -- it may be the plan.

It may be something different that they find. I
just want to staff on both sides of the aisle to
weigh in on it. And I believe that our staff
are professional enough to take a couple of
weeks to plan to do that.

MEMBER WILSON OVERHOLT: And if I may
clarify, I mean, it's really, I think, what we are contemplating is that it's essentially staff stepping in to the role that the small precinct committee should have performed and since that committee didn't do that work, to have our staff, from both sides, do that work. They've got the benefit of having these two plans. If they have to -- if they feel the need to start from ground zero, they can start from ground zero. And then the timelines were meant to be basically consistent with the amount of time that was being granted to the small precinct committee and the statute.

MEMBER KLUTZ: Why we put the procedures in place to have --

COURT REPORTER: I'm sorry. Could you speak up a little bit?

MEMBER KLUTZ: I'm questioning why we put these procedures in place, which I think we have in the past, and ask these people to do all this work and anybody could have done it, anybody could have reviewed these online. And now we're saying, "We appreciate it, but I don't trust it."

VICE-CHAIRMAN LONG: I didn't say I didn't
trust it. I didn't say that.

MEMBER KLUTZ: So we're just going to fact check these two plans? Is that what you want to do?

VICE-CHAIRMAN LONG: I think Suzannah said it clearest. We think the staff should step into the role and I think we should get -- the efforts these people have done, I've said it many times, I'll repeat it again, the democrats have dropped the ball on this. And I don't want these plans carved out, I want them looked at, I'm most uncomfortable with the -- with the obstacle ability of voters, and I have not heard enough evidence today -- no one has -- the answer to that question has been, "Well, the Democrats picked the polling places, so we can't answer that."

MEMBER KLUTZ: They took those factors into consideration when they created this plan. And there was no evidence that said this plan creates obstacles.

MEMBER WILSON OVERHOLT: But the plan -- the thing is when you're talking about "the work that these people have done" yes, it's great that these folks did this work, but the statute
dictates who was supposed to do the work. It wasn't done by those people. And we're -- what we were tasked with was acting on a plan submitted by a small -- a small precinct committee. That plan does not exist.

MEMBER KLUTZ: We created procedures and asked people to put this together for our review today.

VICE-CHAIRMAN LONG: We didn't ask them to put it together. We created procedures that allowed people to submit plans to us. We actually --

MEMBER KLUTZ: Distinction --

VICE-CHAIRMAN LONG: -- recall a -- we wanted the small precinct committee, the two parties, to get together in Lake County and resolve this problem as they should, but they didn't.

CHAIRMAN BENNETT: Let me ask a question of the Election Division staff.

Is anyone on staff aware of any communications from anyone in Lake County who said that they couldn't be here today for any reason? That they couldn't prepare for any reason for today?
CO-DIRECTOR NUSSMEYER: Not from my perspective, Mr. Chairman.

CO-COUNSEL KOCHEVAR: No, not to my knowledge, Mr. Chairman.

CHAIRMAN BENNETT: So the opportunity for public comment was today, and duly noticed, and set for some time. I'm sensitive to the idea of hearing from the people of Lake County, but we've given that opportunity and they've elected not to take it. So I don't see that we need to send this commission up to Lake County if they're not interested in providing input on the plans.

MEMBER WILSON OVERHOLT: Well, if you're saying that it's reasonable for this commission to sit here and think that the voter in East Chicago, or Gary, or Hammond, who may be trying to figure out how they're going to get to their job, because they don't have meaningful transportation, is going to be able to get to Indianapolis to testify in front of this commission in the middle of a Wednesday afternoon, I think it's unreasonable for us to think that we're, you know, giving some meaningful opportunity for the average voter in
Lake County, who, from the areas that are most
affected by this consolidation, to actually
comment on this.

VICE-CHAIRMAN LONG: I think, also, there's
been no communications from any publications
that the average voter in Lake County had any
idea of what's going on with how they're being
affected. I have not heard a word of that.

CHAIRMAN BENNETT: I would hope that their
party's leaders would keep them informed and
maybe offer a ride or offer a computer terminals
to send an email or telephone lines to make a
call. There's a lot of communication options in
today's modern society that I don't know if
anyone has attempted in any way to let this
commission know of any objections to the two
plans that have been filed.

And I'm not going to go door to door and
ask every voter's opinion on this. I think
there's an obligation of voters and their party
to make their positions known. Today was the
day to do it, and the previous deadlines have
expired. I think we're in a position to make a
reasonable decision between the two plans
presented.
VICE-CHAIRMAN LONG: I move this forward --
I move that the option would be the
consolidation order that I -- the proposed order
that I submitted as the action of the committee
today established is the next step in
discharging the statutory duties.
CHAIRMAN BENNETT: You're not talking about
the consolidation order, you're talking about
the procedures --
VICE-CHAIRMAN LONG: Procedure order that I
submitted here today.
CHAIRMAN BENNETT: This is not an order of
consolidating --
VICE-CHAIRMAN LONG: No, it is not. It is
a procedure to start the process that I think
the legislature -- that we would have to do.
They didn't do it. These folks sitting here --
Lake County, the county did not do it. It then
becomes incumbent on the commission to do it.
And I am not prepared to adopt either plan one,
as my order, I'm not convinced that I can
discharge my responsibilities with the evidence
that we're heard today.
CHAIRMAN BENNETT: We have a motion on the
floor. Before I ask for a second, I would
suggest that because this was presented to
myself and counterparts on the commission today
for the first time at this hearing, that we be
permitted a short recess and opportunity to just
read --

VICE-CHAIRMAN LONG: I move we recess to
allow that.

CHAIRMAN BENNETT: Is there a second to
motion recess? I'll second.

(A short recess was taken off the record.)

CHAIRMAN BENNETT: The commission hearing
is now back in session. And we appreciate the
due diligence for an opportunity to review the
materials that were submitted here today.

Before we took a recess, I believe we had a
motion made by Commissioner Long to adopt
certain procedures, and that motion has not been
seconded.

Is there a second to Commissioner Long's
motion?

MEMBER WILSON OVERHOLT: Second.

CHAIRMAN BENNETT: We have a motion and a
second. Is there any discussion on that motion?

I guess for my own part, I would like to
say that I don't agree that the statute, which
contains the September 1 deadline, is not -- our
situation here today.

I think that the legislation intended for
this body to take over and legislate this issue
and establish a deadline of September 1. And
it's my belief that we have an obligation to
comply with that deadline.

Any other comments with regard to the
motion? Hearing none, all in favor of motion to
adopt the new procedures say aye.

VICE-CHAIRMAN LONG:  Aye.
MEMBER WILSON OVERHOLT:  Aye.
CHAIRMAN BENNETT:  All opposed say nay.
MEMBER KLUTZ:  Nay.
CHAIRMAN BENNETT:  Nay.
Motion is two-two, and thereby doesn't have
a pass.

Are there any other motions?

MEMBER KLUTZ:  Chairman, I'd like to make a
motion that we accept and adopt plan one as
submitted. I believe, when I review my notes
from the testimony, it appears that the
preparers took into account all reasonable
efforts to keep the precinct at approximately
1,200 active voters.
It appears they ensured the consolidation plan was savings for the county. It appears they took into account the consolidation plan didn't burden or create any obstacles for the voters in the consolidation plan. So I support plan A.

CHAIRMAN BENNETT: Plan one?

MEMBER KLUTZ: Plan one.

CHAIRMAN BENNETT: Is there a second for that motion?

I will second that motion.

Any further discussion?

Hearing none, all in favor of adoption of plan one say aye.

MEMBER KLUTZ: Aye.

CHAIRMAN BENNETT: Aye.

All opposed say nay.

VICE-CHAIRMAN LONG: Nay.

MEMBER WILSON OVERHOLT: Nay.

CHAIRMAN BENNETT: The vote is two-two, and the motion to adopt plan one does not carry.

Any other motions?

MEMBER KLUTZ: Mr. Chairman, while plan one was preferred, based on what I heard, the testimony I heard, I make a motion that
commission adopts plan two, similar to plan one,
I believe that all reasonable efforts were taken
to keep precincts at approximately 1,200 active
voters. It appears that the consolidated plan
realizes savings for the county. And it appears
that the preparers of the plan took into
consideration not to include or allow the plan
to create any unreasonable obstacles on the
active voters for the consolidated precincts.

CHAIRMAN BENNETT: Thank you. Is there a
second to the motion?

I will second the motion. Any discussion?

Hearing none. All in favor of adoption of
plan two say aye.

MEMBER KLUTZ: Aye.

CHAIRMAN BENNETT: Aye.

All opposed say nay.

VICE-CHAIRMAN LONG: Nay.

MEMBER WILSON OVERHOLT: Nay.

CHAIRMAN BENNETT: We have a two-two, due
to split motion to adopt plan two, does not
carry.

Any other motions?

VICE-CHAIRMAN LONG: I think to discharge
our responsibility -- move to refer this to
division staff to put their heads together and
better work out the predicament we're in and
report back to us.

MEMBER WILSON OVERHOLT: I would second
that motion.

CHAIRMAN BENNETT: We have a motion and
second. I'll offer this for discussions, I
believe that we have discharged our duties to
the best of our ability and we have three
deadline motions as a result of it. I think the
staff has done the job -- a very good job, I
think. A good job was done by the county
republicans in providing us with the information
we needed to make decisions today. I'm
disappointed that there were no evidence or
testimony on the democrat side, didn't have any
records, but it is what it is. And I'm not
inclined to request this staff to go any further
at this point in time.

Any other comments or discussion?

Hearing none, all in favor --

MEMBER WILSON OVERHOLT: Actually, I'd like
to add a comment.

I disagree. I don't think we have -- we
need to do something. We have not discharged
our duty. The small precinct committee did not
do its work. We need to pick up that work, you
know, we just letting -- I mean, now it looks as
if this commission is coming to a point that
apparently the small precincts committee in Lake
County came to, which in my mind is equally
unacceptable. This is -- this is about making
sure that voters are able to vote. They're able
to vote in locations that allow them to
reasonably cast their votes. And it feels to me
like we were now abdicating our role by just
saying, "Let's, you know, drop it because we
have failed votes." I think we now need to come
up with a solution.

VICE-CHAIRMAN LONG: For the record, I
would like to add on to that, is that we have an
obligation to adopt an order, the statute is
mandatory, it's not made, "Shall adopt an
order." And I think until we have exhausted
every reasonable possibility, we have not
discharged our duties, and that any action from
here today, walk away from here without -- is
directly not the proper thing, governmentally.
But I think it's -- the plan mandates in the
statute and directs us to do something that we
would adopt our own plan and we have not made an
effort to adopt our own plan. We've only
considered someone else's plan.

MEMBER KLUTZ: Let me ask this, then.

Maybe for the record, may it be clear that you
could tell us how long the Democrats want to
submit a plan for our consideration? How much
more time?

VICE-CHAIRMAN LONG: I'm not asking the
Democrats to submit a plan. I'm asking, as I
started in the beginning, to have our staff
prepare a plan for us to adopt that accomplishes
what our statutory -- are and credence and
consideration of what had been submitted by
others.

MEMBER KLUTZ: It's just contrary to our
original proposal and we spent a lot of time
preparing -- a lot of time asking people to put
a lot of time and work into it for us -- if this
was your position now, I don't know why it
wasn't your position when we put the proposal
together.

VICE-CHAIRMAN LONG: Actually, that
proposal was generated by us to supplement the
one that you all had put together. And I can't
see where we're not -- you keep saying you asked
people to do things. I don't see a thing in
here where we asked anybody to do anything. If
you could point me to something in that June 23
order that says, "We want somebody to do
something." Maybe I'm just --

MEMBER KLUTZ: These people here on
happenstance?

VICE-CHAIRMAN LONG: Where does it say --
where does it say in that order -- why did we
adopt an order if we're not going to follow it?
Where are we not following the order? Just
point it out to me.

MEMBER KLUTZ: What I'm saying is to
conclude this matter, we asked people to send in
plans and we created a policy and a proposal and
a structure to do that. These people did this,
and you wanted to hear their plan and we did.
And now you're saying, "Now, I want to hear
other plans. We want to create other plans. We
want to hear from people who could be testifying
now who are sitting in the crowd." Who didn't
want to say a thing about the plans. Who had a
chance to read them, if they have internet
access, because they've been posted on there.
Who could have submitted letters, who could have called. Nothing.

CHAIRMAN BENNETT: I would also add that there was a deadline in our order for commission members to submit a plan. Commission members are free to submit a plan as soon as -- as late as today, and that was the plan.

VICE-CHAIRMAN LONG: I see that none of us have submitted plans.

CHAIRMAN BENNETT: Correct.

VICE-CHAIRMAN LONG: And I'm trying to do that with the staff, and you don't want me to do that, that's your prerogative. You can block that, like everything else has been blocked today. I'm not willing to give up. If you are, so be it.

CHAIRMAN BENNETT: We have a motion and a second.

All in favor of the motion to have the staff construct a plan say aye?

VICE-CHAIRMAN LONG: Aye.

MEMBER WILSON OVERHOLT: Aye.

CHAIRMAN BENNETT: All opposed say nay.

MEMBER KLUTZ: Nay.

CHAIRMAN BENNETT: Nay.
Motion is deadlock in the same --

MR. REED: Mr. Chairman, I don't mean to interrupt. Would this body consider a brief comment from myself as the attorney for the Republicans on the election board party?

VICE-CHAIRMAN LONG: I think the hearing is concluded.

CHAIRMAN BENNETT: Yeah, I think at this point the public hearing has been concluded. We have a motion to adjourn on the table. Is there a second?

MEMBER KLUTZ: A second.

CHAIRMAN BENNETT: All in favor say aye.

VICE-CHAIRMAN LONG: Aye.

MEMBER WILSON OVERHOLT: Aye.

MEMBER KLUTZ: Aye.

CHAIRMAN BENNETT: All opposed say nay.

Ayes have the motion. Thank you.
STATE OF INDIANA  
COUNTY OF MARION  

I, Elizabeth Summers Long, a Notary Public in and for the County of Marion, State of Indiana at large, do hereby certify that on the 9th day of August, 2017, I took down in stenograph notes the foregoing proceedings, and that the foregoing transcript is a full, true and correct transcript made from my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 22 day of August, 2017.

Elizabeth Summers Long
NOTARY PUBLIC

My Commission Expires:
April 2, 2022

County of Residence:
Marion