

Indiana Election Commission Minutes July 26, 2019

Members Present: Paul Okeson, Chairman of the Indiana Election Commission (“Commission”); Karen Celestino-Horseman, Proxy for S. Anthony Long, Vice Chairman of the Commission; Suzannah Wilson Overholt, member; Stephanie Beckley, Proxy for Zachary E. Klutz, member.

Members Absent: S. Anthony Long, Vice Chairman of the Commission; Zachary E. Klutz.

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 staff; Michelle Thompson, Election Division campaign finance staff.

Others Attending: Mr. John Aguilera; Mr. Dale Arnett; Dr. Jay Bagga; Mr. Jacob Bonifield; Ms. Evelyn Brown; Dr. Bryan Byers; Mr. Matt Calderon; Mr. John Paul Cosgrove; Ms. Tammy Davis; Mr. Cornell Feuston; Ms. Pam Fickle; Mr. Ron Gibson; The Honorable Ragen Hatcher, Indiana State Representative; Mr. Jan Hicks; Mr. Bernie Hirsch; Mr. Phillip Jackson; Mr. Jordan Jarnagin; Mr. Jesse Kharbanda; Mr. Mani Kilaru; Ms. Deanna McMillan; Mr. Kyle Miller; Mr. Alexander Mullenix; Ms. Anna Murray; Ms. Anita Overton; Mr. Zachary Payne; Mr. John Perkins; Ms. Jessica Renslow; Mr. Jason Schlatter; Mr. Ben Schoch; Mr. Steve Shamo; Mr. Roger Skinner; Mr. Douglas Stewart; Mr. Rockford Stites; Mr. Dennis Tedrow; Mr. Edward Uppole; Mr. John T. Young; Mr. Andy Zay.

1. Call to Order:

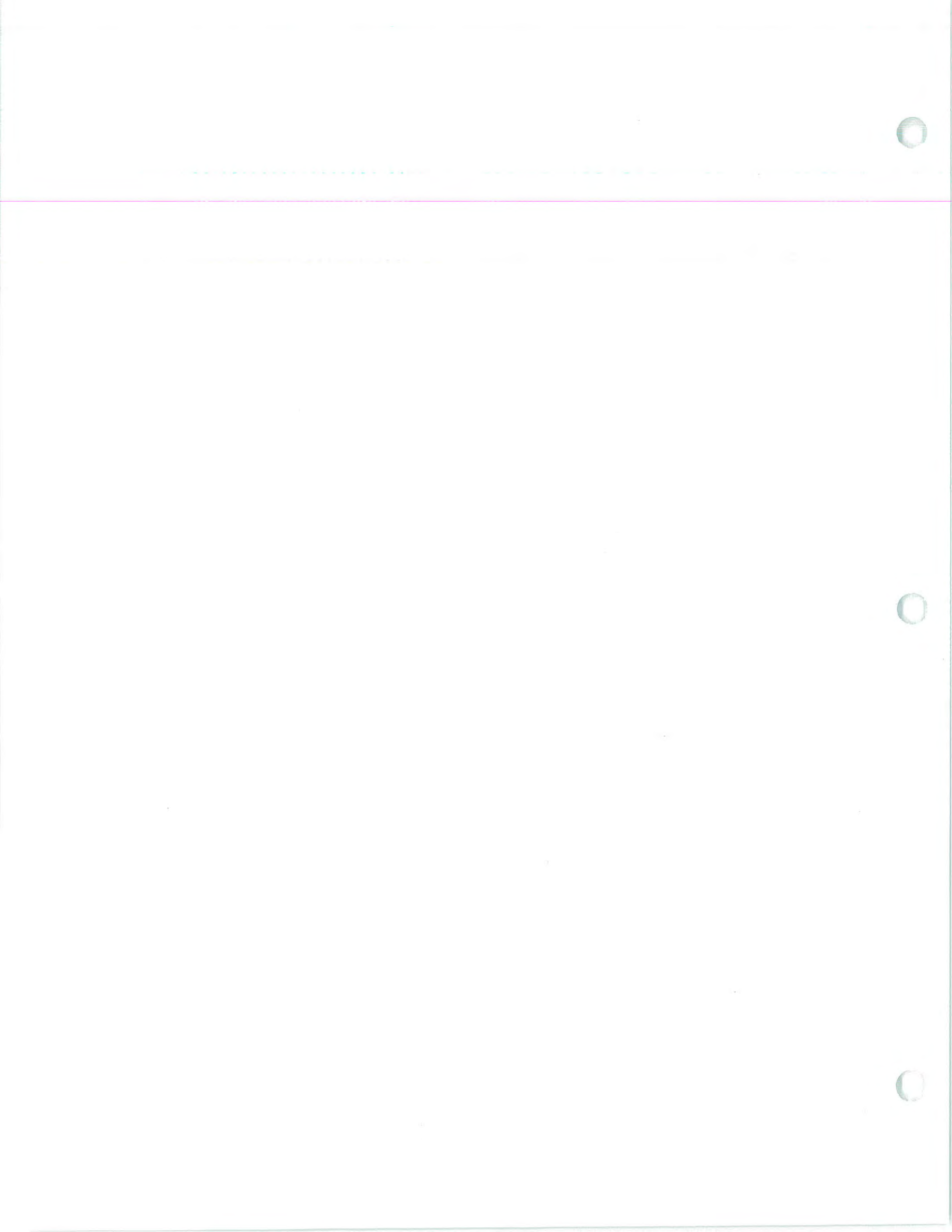
The Chair called the July 26, 2019 meeting of the Commission to order at 1:00 p.m. EDT in Conference Center Room A, 402 West Washington Street, Indianapolis, Indiana.

2. Transaction of Commission Business:

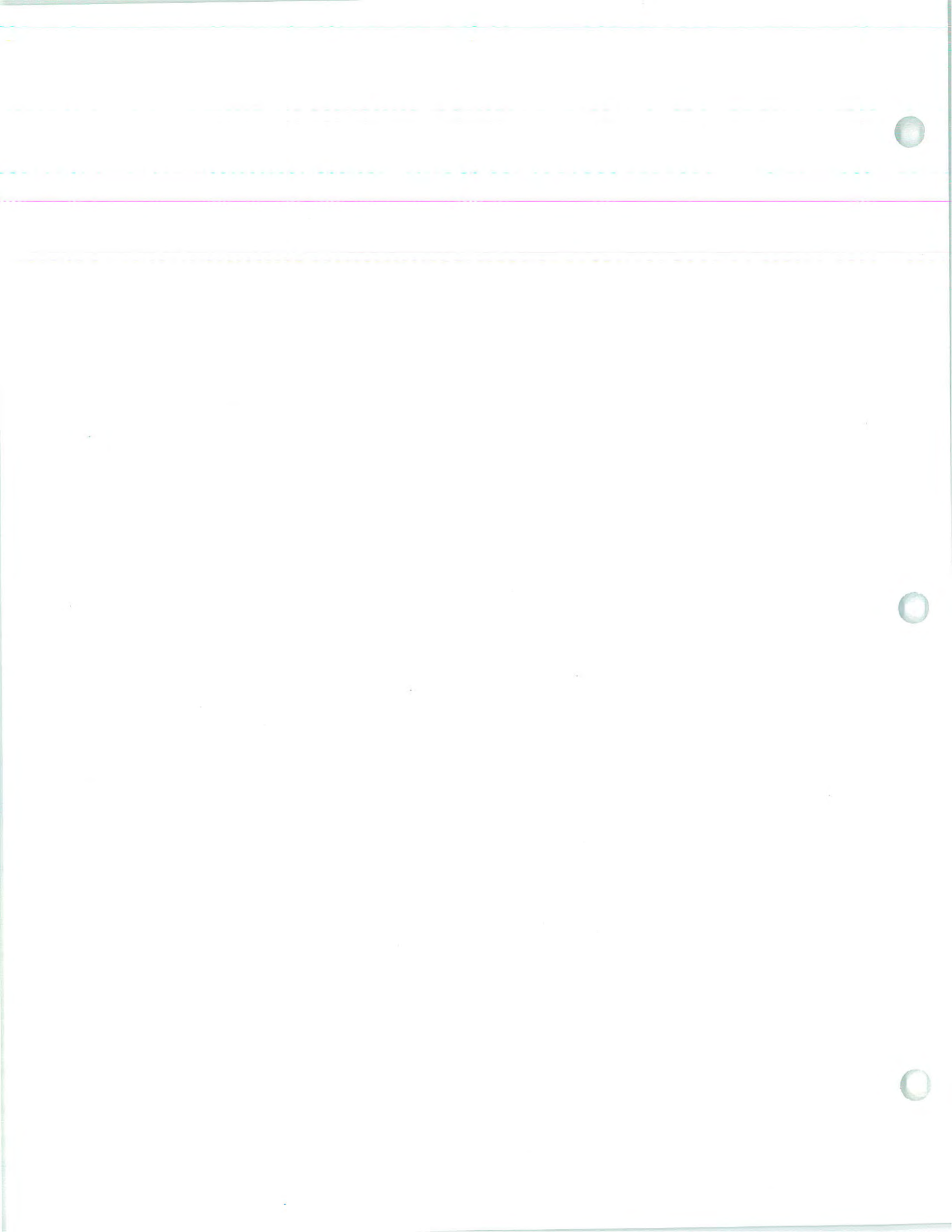
The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Ashley Guillermo of Connor Reporting, which is incorporated by reference into these minutes.

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

- Page 2, line 1, replace “In commission” with “The Commission is now in session.”
- Page 4, line 5, replace “SPEAKER 1” with “MS. BECKLEY”.
- Page 4, line 7, replace “SPEAKER 1” with “MS. CELESTINO-HORSEMAN”.
- Page 5, line 6, replace “SPEAKER 1” with “MS. BECKLEY”.
- Page 5, line 8, replace “SPEAKER 1” with “MS. CELESTINO-HORSEMAN”.
- Page 7, line 14, replace “SPEAKER 1” with “MS. BECKLEY”.



Page 8, line 11, replace "SPEAKER 1" with "MS. TAYLOR".
Page 8, line 14, replace "SPEAKER 2" with "MS. THOMPSON".
Page 9, line 11, replace "SPEAKER 2" with "MS. THOMPSON".
Page 9, line 13, replace "SPEAKER 2" with "MS. THOMPSON".
Page 10, line 2, replace "SPEAKER 2" with "MS. THOMPSON".
Page 10, line 14, replace "SPEAKER 2" with "MS. THOMPSON".
Page 10, line 16, replace "SPEAKER 2" with "MS. THOMPSON".
Page 11, line 8, replace "SPEAKER 2" with "MS. THOMPSON".
Page 11, line 14, replace "SPEAKER 3" with "MS. WILSON OVERHOLT".
Page 11, line 17, replace "SPEAKER 4" with "MS. CELESTINO-HORSEMAN".
Page 11, line 18, replace "SPEAKER 2" with "MS. THOMPSON".
Page 11, line 19, replace "SPEAKER 3" with "MS. WILSON OVERHOLT".
Page 12, line 7, replace "MR. BONIFELD" with "MR. SIMMONS".
Page 12, line 11, replace "SPEAKER 1" with "MS. TAYLOR".
Page 12, line 7, replace "MR. BONIFELD" with "MR. SIMMONS".
Page 12, line 14, replace "SPEAKER 3" with "MS. WILSON OVERHOLT".
Page 12, line 20, replace "pact" with "PAC".
Page 12, line 23, replace "SPEAKER 3" with "MS. WILSON OVERHOLT".
Page 13, line 19, replace "file" with "follow".
Page 14, line 2, replace "MR. SIMMONS" with "MR. KING".
Page 14, line 18, replace "SPEAKER 4" with "MS. CELESTINO-HORSEMAN".
Page 14, line 24, replace "SPEAKER 1" with "MS. TAYLOR".
Page 15, line 19, replace "SPEAKER 1" with "MS. TAYLOR".
Page 16, line 10, replace "Path" with "Pfaff".
Page 16, line 11, replace "SPEAKER 1" with "MS. TAYLOR".
Page 17, line 5, replace "SPEAKER 1" with "MS. TAYLOR".
Page 19, line 20, replace "SPEAKER 1" with "MS. TAYLOR".
Page 19, line 23, replace "SPEAKER 1" with "MS. TAYLOR".
Page 19, line 25, replace "SPEAKER 1" with "MS. TAYLOR".
Page 20, line 3, replace "SPEAKER 1" with "MS. TAYLOR".
Page 20, line 12, replace "AGUILERA" with "UPPOLE".
Page 20, line 14, replace "AGUILERA" with "UPPOLE".
Page 20, line 16, replace "SPEAKER 1" with "MS. TAYLOR".
Page 21, line 13, replace "SPEAKER 1" with "MS. TAYLOR".
Page 21, line 25, replace "SPEAKER 1" with "MS. TAYLOR".
Page 22, line 1, replace "relayed" with "were late on".
Page 22, line 3, replace "SPEAKER 1" with "MS. TAYLOR".
Page 22, line 5, replace "SPEAKER 1" with "MS. TAYLOR".
Page 24, line 5, replace "SPEAKER 1" with "MS. TAYLOR".
Page 24, line 9, replace "SPEAKER 1" with "MS. TAYLOR".
Page 24, line 19, replace "SPEAKER 1" with "MS. TAYLOR".
Page 26, line 1, replace "SPEAKER 1" with "MS. TAYLOR".
Page 26, line 8, replace "SPEAKER 1" with "MS. TAYLOR".
Page 26, line 14, replace "SPEAKER 1" with "MS. TAYLOR".
Page 26, line 20, replace "SPEAKER 1" with "MS. TAYLOR".
Page 27, line 5, replace "SPEAKER 1" with "MS. TAYLOR".



Page 27, line 24, replace "SPEAKER 1" with "MS. TAYLOR".
Page 28, line 25, replace "SPEAKER 3" with "MS. CELESTINO-HORSEMAN".
Page 30, line 7, replace "SPEAKER" with "MR. SCHOCH".
Page 30, line 25, replace "SPEAKER 5" with "MR. SCHOCH".
Page 31, line 10, replace "SPEAKER 1" with "MS. TAYLOR".
Page 31, line 21, replace "SPEAKER 4" with "MS. FICKLE".
Page 32, line 12, replace "SPEAKER 3" with "MS. FICKLE".
Page 32, line 24, replace "SPEAKER 3" with "MS. CELESTINO-HORSEMAN".
Page 33, line 1, replace "SPEAKER 4" with "MS. BECKLEY".
Page 35, line 18, replace "unison" with "unanimous".
Page 36, line 7, replace "general" with "generally".
Page 41, line 16, replace "rating" with "reading".
Page 43, line 2, replace "deposit it" with "deposited".
Page 46, line 8, replace "SPEAKER" with "MS. CELESTINO-HORSEMAN".
Page 47, line 9, replace "SPEAKER" with "MS. BECKLEY".
Page 49, line 11, replace "SPEAKER 3" with "MS. CELESTINO-HORSEMAN".
Page 49, line 19, replace "SPEAKER 2" with "MS. BECKLEY".
Page 51, line 24, replace "SPEAKER" with "MS. WILSON OVERHOLT".
Page 54, line 21, replace "lecture" with "election".
Page 57, line 25, replace "SPEAKER" with "MS. BECKLEY".
Page 58, line 13, replace "worked" with "work".
Page 59, line 13, replace "SPEAKER" with "MS. WILSON OVERHOLT".
Page 60, line 19, replace "precedence" with "precedent".
Page 61, line 16, replace "SPEAKER" with "MS. BECKLEY".
Page 63, line 6, replace "Grand" with "Graham".
Page 63, line 7, replace "Official" with "Fisher".
Page 63, line 13, replace "grand official" with "Graham Fisher".
Page 67, line 20, replace "glitch on" with "glitch on the".
Page 71, line 1, replace "SPEAKER" with "MR. KHARBANDA".
Page 85, line 20, replace ", ," with ", ".
Page 86, line 16, replace "candiate" with "candidate".
Page 93, line 17, replace "SPEAKER" with "MS. CELESTINO-HORSEMAN".
Page 94, line 24, replace "SPEAKER" with "MS. CELESTINO-HORSEMAN".
Page 95, line 3, replace "SPEAKER" with "MS. CELESTINO-HORSEMAN".
Page 95, line 12, replace "SPEAKER" with "MS. CELESTINO-HORSEMAN".
Page 95, line 24, replace "SPEAKER" with "MS. BECKLEY".
Page 98, line 23, delete "the code".
Page 98, line 24, replace "35224.5" with "Indiana Code 3-5-2-24.5".
Page 99, line 11, replace "SPEAKER" with "MS. CELESTINO-HORSEMAN".
Page 101, line 3, replace "pressed" with "present".
Page 103, line 6, replace "SPEAKER" with "MS. CELESTINO-HORSEMAN".
Page 103, line 13, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".
Page 103, line 16, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".



Page 103, line 22, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 104, line 12, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 104, line 19, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 104, line 23, replace "refer" with "defer".

Page 105, line 13, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 108, line 1, replace "SPEAKER 1" with "MS. WILSON OVERHOLT".

Page 108, line 7, replace "SPEAKER 1" with "MS. WILSON OVERHOLT".

Page 110, line 10, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 110, line 15, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 110, line 18, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 111, line 1, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 112, line 23, replace "SPEAKER" with "MS. BECKLEY".

Page 112, line 15, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 112, line 18, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 113, line 15, replace "MS. NUSSMEYER" with "MS. BECKLEY".

Page 113, line 18, replace "MS. NUSSMEYER" with "MS. BECKLEY".

Page 114, line 21, replace "SPEAKER" with "MS. WILSON OVERHOLT".

Page 115, line 6, replace "SPEAKER" with "MS. CELESTINO-HORSEMAN".

Page 115, line 9, replace "SPEAKER" with "MS. CELESTINO-HORSEMAN".

Page 115, line 11, replace "MS. CELESTINO-HORSEMAN" with "MS. WILSON OVERHOLT".

Page 116, line 2, replace "SPEAKER" with "MS. WILSON OVERHOLT".

Page 116, line 16, replace "SPEAKER" with "MR. OKESON".

Page 118, line 8, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 118, line 12, replace "MS. CELESTINO-HORSEMAN" with "MS. OVERHOLT WILSON".

Page 118, line 22, replace "SPEAKER" with "MS. BECKLEY".

Page 119, line 5, replace "Simmons" with "Simmons's".

Page 120, line 3, replace "SPEAKER" with "MS. CELESTINO-HORSEMAN".

Page 120, line 6, replace "SPEAKER" with "MS. CELESTINO-HORSEMAN".

Page 122, line 6, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

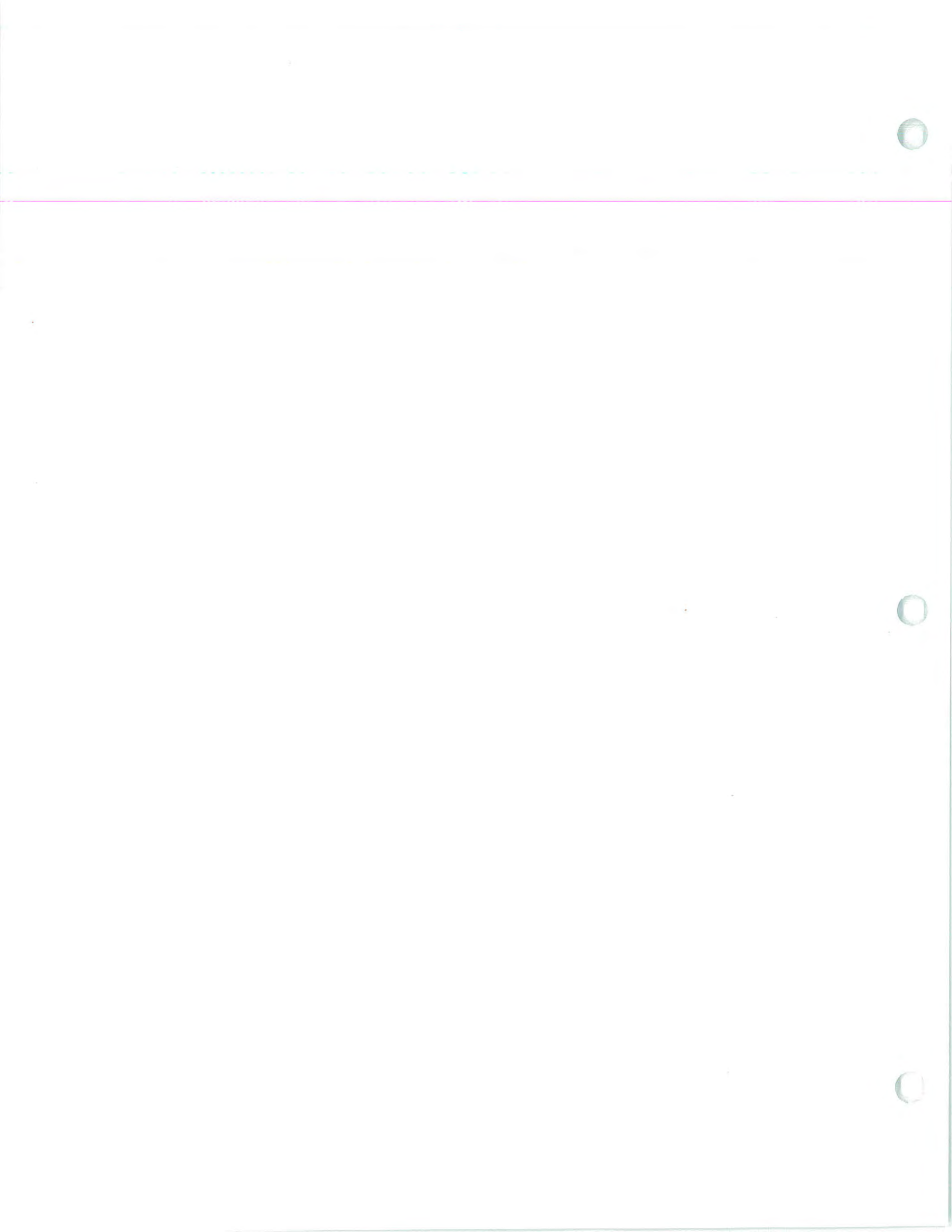
Page 122, line 15, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 123, line 7, replace "SPEAKER" with "MS. WILSON OVERHOLT".

Page 123, line 8, replace "SPEAKER" with "MS. CELESTINO-HORSEMAN".

Page 123, line 24, replace "MS. NUSSMEYER" with "MS. WILSON OVERHOLT".

Page 124, line 4, replace "SPEAKER" with "MS. WILSON OVERHOLT".



Page 125, line 15, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 125, line 22, replace "Talian" with "Tallian".

Page 126, line 4, replace "Kirovski" with "Korowski".

Page 126, line 5, replace "Edward" with "Edwards".

Page 126, line 9, replace "Link Meyer" with "Linkmeyer".

Page 126, line 14, replace "Laurie" with "Lori".

Page 126, line 20, replace "Laymon" with "Lehman".

Page 126, line 22, replace "Crews" with "Kruse".

Page 126, line 24, replace "Pens" with "Pence".

Page 127, line 6, replace "Lang Shot A" with "Seng Shaddey".

Page 127, line 21, replace "Kirovski" with "Korowski".

Page 127, line 25, replace "Link Meyer" with "Linkmeyer".

Page 129, line 17, replace "SPEAKER" with "MS. CELESTINO-HORSEMAN".

Page 129, line 25, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 130, line 7, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 131, line 8, replace "sorts" with "sort".

Page 131, line 11, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 131, line 19, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 132, line 14, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 132, line 24, replace "MS. CELESTINO-HORSEMAN" with "MS. WILSON OVERHOLT".

Page 133, line 2, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 133, line 4, replace "MS. CELESTINO-HORSEMAN" with "MS. WILSON OVERHOLT".

Page 135, line 25, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 136, line 7, replace "MS. NUSSMEYER" with "MS. CELESTINO-HORSEMAN".

Page 136, line 10, replace "SPEAKER" with "MS. BECKLEY".

Page 136, line 19, replace "SPEAKER" with "MS. CELESTINO-HORSEMAN".

Page 139, line 18, replace "EVS" with "ES&S".

Page 140, line 7, replace "VISTAL" with "VSTL".

Page 143, line 18, replace "SPEAKER" with "MS. BECKLEY".

Page 144, line 1, replace "SPEAKER" with "MS. BECKLEY".

Page 144, line 3, replace "SPEAKER" with "MS. WILSON OVERHOLT".

Page 146, line 3, replace "VISTAL" with "VSTL".

Page 147, line 6, replace "(indiscernible)" with "disability".

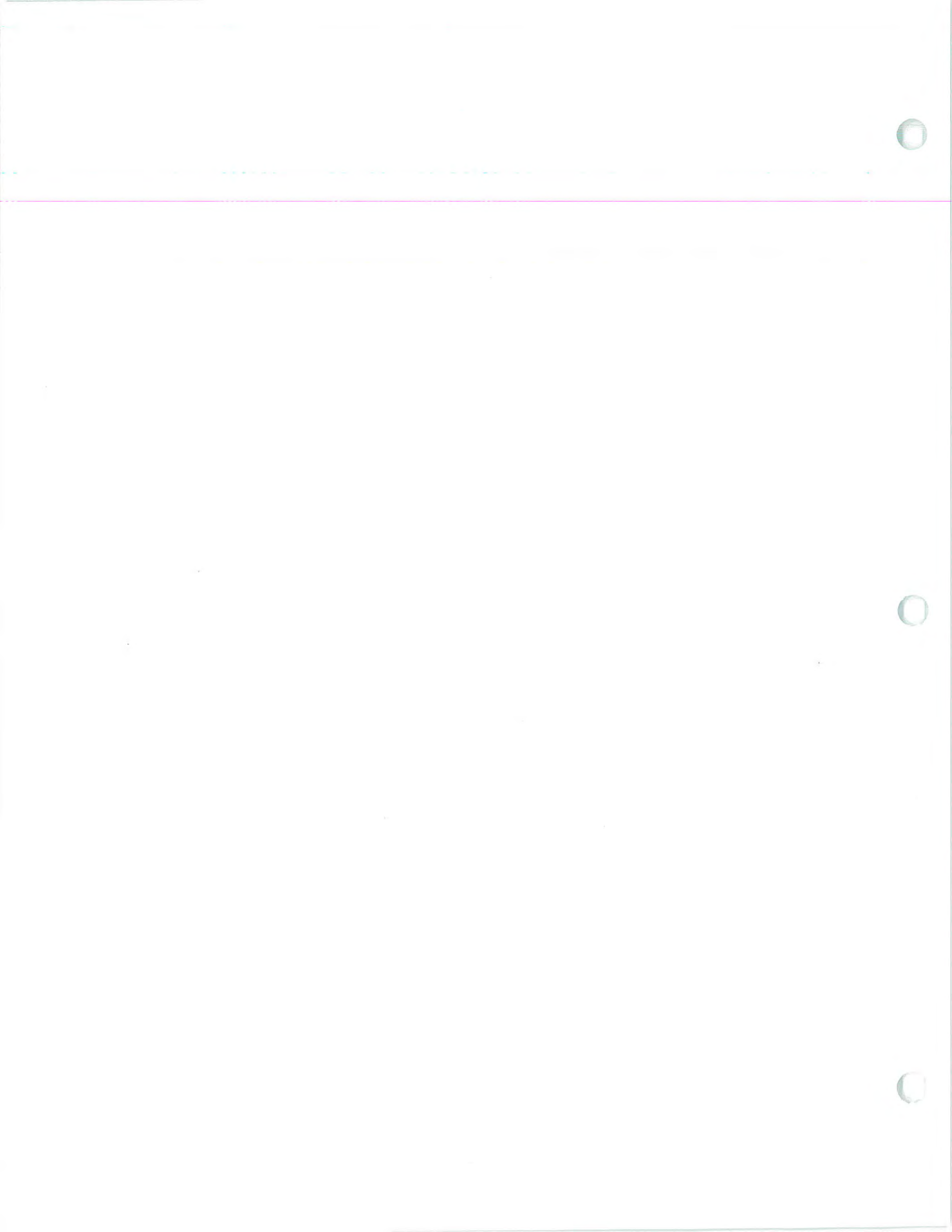
Page 149, line 7, replace "micro-vote" with "MicroVote".

Page 154, line 8, replace "SPEAKER" with "MS. WILSON OVERHOLT".

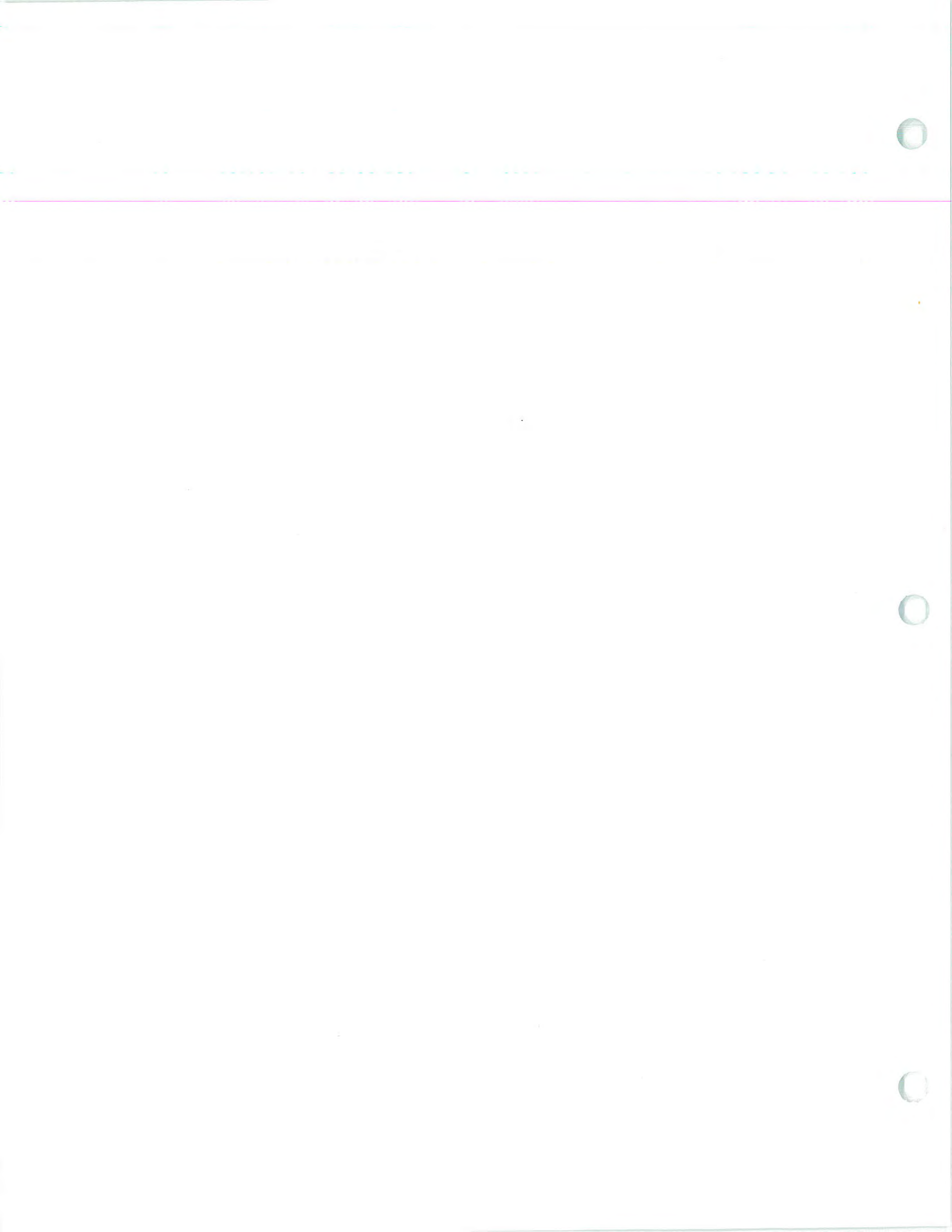
Page 156, line 7, replace "SPEAKER" with "MS. WILSON OVERHOLT".

Page 156, line 23, replace "SPEAKER" with "MS. BECKLEY".

Page 157, line 1, replace "SPEAKER" with "MS. NUSSMEYER".



Page 159, line 13, replace "SPEAKER" with "MS. WILSON OVERHOLT".
Page 159, line 21, replace "SPEAKER" with "MS. BECKLEY".
Page 160, line 12, replace "SPEAKER" with "MS. WILSON OVERHOLT".
Page 160, line 21, replace "SPEAKER 1" with "MS. WILSON OVERHOLT".
Page 161, line 3, replace "SPEAKER" with "MS. WILSON OVERHOLT".
Page 161, line 19, replace "SPEAKER 1" with "MS. WILSON OVERHOLT".
Page 162, line 23, replace "SPEAKER" with "MS. BECKLEY".
Page 163, line 11, replace "SPEAKER 1" with "MS. BECKLEY".
Page 163, line 21, replace "SPEAKER" with "MS. BECKLEY".
Page 163, line 24, replace "SPEAKER" with "MS. BECKLEY".
Page 164, line 11, replace "SPEAKER 1" with "MS. WILSON OVERHOLT".
Page 164, line 21, replace "SPEAKER 1" with "MS. WILSON OVERHOLT".
Page 165, line 22, replace "SPEAKER" with "MS. NUSSMEYER".
Page 166, line 9, replace "infinity" with "Infinity".
Page 166, line 14, replace "SPEAKER 1" with "MS. WILSON OVERHOLT".
Page 167, line 21, replace "SPEAKER" with "MS. NUSSMEYER".
Page 171, line 4, replace "SPEAKER" with "MS. NUSSMEYER".
Page 171, line 20, replace "SPEAKER 1" with "MS. WILSON OVERHOLT".
Page 173, line 2, replace "SPEAKER" with "MR. SHAMO".
Page 173, line 20, replace "SPEAKER" with "MR. SHAMO".
Page 173, line 25, replace "(inaudible)" with "voting".
Page 174, line 11, replace "SPEAKER" with "MS. BECKLEY".
Page 174, line 19, replace "SPEAKER 1" with "MS. WILSON OVERHOLT".
Page 175, line 10, replace "SPEAKER" with "MS. BECKLEY".
Page 175, line 14, replace "SPEAKER" with "MR. SHAMO".
Page 177, line 7, replace "SPEAKER" with "MS. BECKLEY".
Page 177, line 9, replace "SPEAKER" with "MS. BECKLEY".
Page 177, line 14, replace "past legislation authorized" with "passed legislation authorizing".
Page 178, line 8, replace "micro-vote" with "MicroVote".
Page 179, line 8, replace "SPEAKER" with "DR. BYERS".
Page 179, line 17, replace "VISTAL" with "VSTL".
Page 180, line 8, replace "SCA61" with "SEA 61".
Page 180, line 25, replace "verity" with "Verity".
Page 181, line 1, replace "verity" with "Verity".
Page 181, line 9, replace "verity" with "Verity".
Page 182, line 1, replace "verity" with "Verity".
Page 183, line 14, replace "verity" with "Verity".
Page 183, line 24, replace "verity" with "Verity".
Page 183, line 25, replace "verity" with "Verity".
Page 184, line 16, replace "SPEAKER" with "MR. SHAMO".
Page 185, line 1, replace "SPEAKER" with "DR. BYERS".
Page 185, line 3, replace "SPEAKER" with "DR. BYERS".
Page 186, line 3, replace "SPEAKER" with "DR. BYERS".
Page 186, line 6, replace "SPEAKER" with "DR. BYERS".
Page 187, line 1, replace "SPEAKER" with "DR. BYERS".



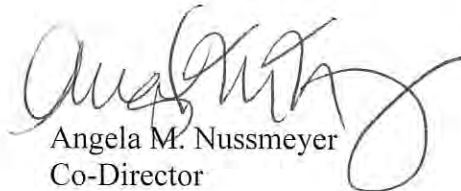
Page 187, line 18, replace "SPEAKER" with "MS. BECKLEY".
Page 187, line 20, replace "SPEAKER" with "MR. SHAMO".
Page 188, line 1, replace "SPEAKER" with "MS. BECKLEY".
Page 188, line 9, replace "Micro-vote" with "MicroVote".
Page 188, line 13, replace "SPEAKER" with "MS. NUSSMEYER".
Page 188, line 20, replace "SPEAKER" with "MS. BECKLEY".
Page 188, line 23, replace "SPEAKER" with "MS. NUSSMEYER".
Page 188, line 25, replace "SPEAKER" with "MR. KING".
Page 188, line 25, replace "." with ", and I'll defer to counsel to see if they have observations, just from a legal perspective."
Page 189, delete lines 1 through 3.
Page 189, line 4, replace "SPEAKER" with "MS. NUSSMEYER".
Page 189, line 8, replace "SPEAKER" with "MS. BECKLEY".
Page 190, line 11, replace "SPEAKER" with "MS. BECKLEY".
Page 190, line 13, replace "SPEAKER" with "MS. WILSON OVERHOLT".

In each instance where it occurs, replace "MR. BAGGA" with "DR. BAGGA".

The Commission adjourned its meeting at 4:45 p.m. EDT.

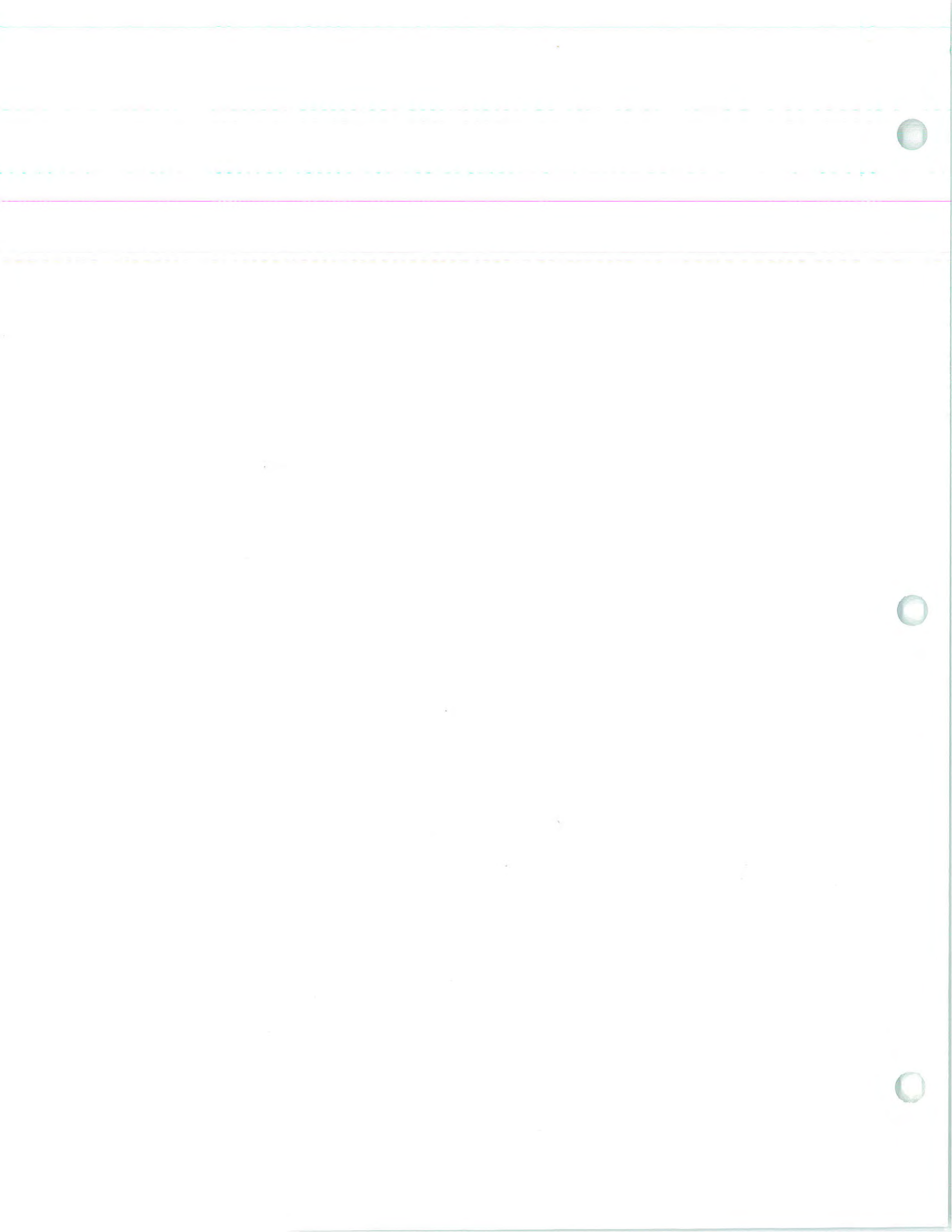
Respectfully submitted,


J. Bradley King
Co-Director


Angela M. Nussmeyer
Co-Director

APPROVED:


Paul Okeson, Chairman



1 STATE OF INDIANA
2 INDIANA ELECTION DIVISION

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INDIANA ELECTION COMMISSION
PUBLIC SESSION

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Friday

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July 26, 2019

16

Conference Center Room A

17

402 West Washington Street

18

Indianapolis, Indiana 46204

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Commencing at 1:00 p.m.

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1 MR. OKESON: In commission. Determine
2 we have a quorum. All are present. The
3 following members of the commission are
4 present. I'm Paul Okeson, chair of the
5 commission. I'm joined by Ms. Karen
6 Celestino-Horseman, who is a proxy for
7 Chairman -- Vice Chairman Anthony Long, as
8 well as members Suzannah Wilson Overholt and
9 Ms. Stephanie Beckley, who is a proxy for
10 Zachary Klutz, who is not here today.

11 Also joined by the Indiana election
12 division staff co-director Brad King and
13 co-director Angie Nussmeyer. Along with
14 co-general counsels Matthew Kochevar and Dale
15 Simmons.

16 I'd also like to recognize over here
17 to my right, in the purple shirt, our court
18 reporter [sic] Jonathan Hoyt, from Connor
19 Reporting.

20 This is my first meeting as chair.
21 And so as a point of personal privilege, I'll
22 just ask that you afford me a little bit of
23 latitude and maybe a couple mulligans along
24 the way, if necessary.

25 Before we continue the meeting, I just

1 want to remind everyone on behalf of our
2 court reporter that when you step up if
3 you're going to address the commission, that
4 you identify yourself when beginning to
5 speak. I don't -- will we be using a
6 microphone for folks?

7 There will be a microphone so speak
8 clearly into that, pronounce your name, spell
9 it for us. When identifying yourself, please
10 speak into the microphone and speak clearly.
11 And do not speak at the same time as others
12 are talking up here on the commission table.

13 With that, we'll move on. On the
14 agenda is the documentation of compliance
15 with the Open Door Law.

16 Mr. King?

17 MR. KING: Mr. Chairman, on behalf of
18 Ms. Nussmeyer and myself, we can confirm that
19 proper notice was given of this meeting under
20 the open door law.

21 MR. OKESON: Okay. Approval of the
22 June 21st, 2019 commission minutes.

23 MR. KING: Mr. Chairman, members of
24 the commission, Ms. Nussmeyer and myself have
25 reviewed the minutes for the June 21st, 2019

1 meeting and have provided them and recommend
2 them for your approval.

3 MR. OKESON: Is there a motion to
4 approve the minutes that's presented?

5 SPEAKER 1: I will approve.

6 MR. OKESON: Second?

7 Speaker 2: Second.

8 MR. OKESON: Any discussion? Hearing
9 none. All those in favor say "aye."

10 ALL TOGETHER: Aye.

11 MR. OKESON: Those opposed say "nay."

12 The ayes have it. Motion to approve the
13 minutes is adopted.

14 Let me fix my signature as such.

15 Thank you, Brad.

16 Next on the agenda is a ratification
17 of campaign finance settlement agreement
18 presentation by Ms. Taylor and Ms. Thompson.
19 Present the information concerning the
20 campaign finance settlement agreements
21 entered into on behalf of the commission.

22 Please go ahead.

23 MS. TAYLOR: Mr. Chairman, members of
24 the commission, underneath the campaign
25 finance tab, there's a list of the committees

1 to ratify that have agreed to pay the
2 settlement agreement and waive a hearing.

3 MR. OKESON: Is there a motion to
4 ratify the campaign finance settlement
5 agreements as presented?

6 SPEAKER 1: So moved.

7 MR. OKESON: Is there a second?

8 SPEAKER 2: Second.

9 MR. OKESON: Any discussion? Hearing
10 none. All those in favor say "aye."

11 ALL TOGETHER: Aye.

12 MR. OKESON: Opposed, "nay."

13 Ayes have it. And the motion to
14 ratify the agreements has been adopted.
15 Moving along.

16 Admission -- excuse me --
17 administration of oath to individuals
18 testifying before the commission.

19 Mr. Dale Simmons?

20 MR. SIMMONS: All of those who have
21 testified at today's meeting please stand,
22 raise your right hand, say "I do" after the
23 administration of the oath.

24 Do you solemnly swear or affirm under
25 the penalties and perjury that the testimony

1 you're about to give the Indiana election
2 commission at today's meeting is the truth,
3 the whole truth, and nothing but the truth?
4 Say, "I do."

5 ALL TOGETHER: I do.

6 MR. SIMMONS: Thank you.

7 MR. OKESON: Thank you, Mr. Simmons.

8 Moving past facility technical
9 difficulties here. Opportunity for
10 committees with representatives present today
11 to accept reduced penalty.

12 Before proceeding with campaign
13 finance enforcement actions, we want to give
14 any committee present a final opportunity to
15 pay a reduced civil penalty by waiving the
16 right to present evidence and arguments to
17 the commission.

18 Any committee is welcome to present
19 evidence and arguments for those -- for the
20 proposed penalty to be waived. This is an
21 opportunity for those who want to give --
22 want to waive that presentation, rather, and
23 accept the reduced penalty without making any
24 argument or presentation.

25 I move the adoption of the following

1 arrangements. If this is the committee's
2 first violation, the arrangement is for the
3 committee to agree to pay 25 percent of the
4 proposed fine, plus mailing costs.

5 If this is the committee's second
6 violation, the arrangement is for the
7 committee to agree to pay 50 percent of the
8 proposed fine, plus said mailing costs.

9 If this is the committee's third
10 violation, the committee would agree to pay
11 75 percent of the proposed violation, plus
12 mailing costs.

13 Is there a second to this motion?

14 SPEAKER 1: Second.

15 MR. OKESON: Any discussion? No
16 discussion. All those in favor say "aye."

17 ALL TOGETHER: Aye.

18 MR. OKESON: Any opposed say, "nay."
19 The ayes have it. And the motion is adopted.
20 Are there any committees who want to accept
21 this arrangement as I've outlined it?

22 If some, come forward. And we'll
23 start first with the front here and just kind
24 of come in order.

25 So come forward. Please take a seat.

1 Speak into the microphone, state -- so please
2 state your name and spell it for us.

3 MS. HICKS: Jan Hicks. J-a-n,
4 H-i-c-k-s.

5 MR. OKESON: And the committee's
6 name?

7 MS. HICKS: Daviess County Central
8 Committee.

9 MR. OKESON: And do we have a cause
10 number?

11 SPEAKER 2: Page 56. This is Davies
12 County Republican Committee?

13 MS. HICKS: Yes.

14 SPEAKER 2: Mr. Chairman, this is
15 cause number 2019-6139-82, has a proposed
16 civil penalty of \$1,000.50. And this
17 committee has never been before the
18 commission.

19 MR. OKESON: Okay. So, Ms. Hicks,
20 simply indicate that you are willing to
21 accept the applicable penalty without further
22 discussion.

23 MS. HICKS: I am willing to accept the
24 penalty without further discussion.

25 MR. OKESON: Thank you. We're good.

1 MS. HICKS: Okay. Thanks.

2 MR. OKESON: Who is next in line?

3 Okay, thank you.

4 MR. SKINNER: My name is Roger
5 Skinner, S-k-i-n-n-e-r, representing the
6 Indiana State Association of Health
7 Underwriters Political Action Committee.

8 MR. OKESON: Okay.

9 MR. SKINNER: And I've got the cause
10 number here. 2019-5130-148.

11 SPEAKER 2: 148?

12 MR. SKINNER: Yes.

13 SPEAKER 2: That's on page 92. This
14 is the Indiana State Association of Health
15 Underwriters PAC. Cause number
16 2019-5130-148, has a proposed civil penalty
17 of \$950.55. And this committee has never
18 been before the commission.

19 MR. OKESON: Simply indicate that you
20 are willing to accept the applicable penalty
21 without further discussion.

22 MR. SKINNER: I will accept the
23 penalty without further discussion.

24 MR. OKESON: Thank you.

25 MR. SKINNER: Thank you. What happens

1 next? How do we pay?

2 SPEAKER 2: We'll send you an order
3 when it's signed.

4 MR. SKINNER: Okay. Thank you.

5 MR. OKESON: We'll get you squared
6 away.

7 Next. State your name.

8 MR. BONIFIELD: Yeah, Mr. Chairman,
9 members of the commission, Jacob Bonifield of
10 Barnes and Thornburg. B-o-n-i-f-i-e-l-d.
11 Appearing on behalf of the Association
12 General Contractor of Indiana PAC. Cause
13 number 2019-317-133.

14 SPEAKER 2: It's on page 86.

15 MR. OKESON: I'm sorry. 86?

16 SPEAKER 2: Eighty-six.

17 Mr. Chairman, members of the
18 commission, this is cause number
19 2019-317-133. They have a proposed civil
20 penalty of \$950.55, and they've paid two
21 settlement agreements and not appeared before
22 the commission.

23 MR. OKESON: Simply indicate that
24 you're willing to accept the applicable
25 penalty without further discussion.

1 MR. SIMMONS: Mr. Chairman, would you
2 like me to --

3 MR. OKESON: Yes, Dale?

4 MR. SIMMONS: Well, I can tell you
5 what I recall for past precedent.

6 MR. OKESON: Sure.

7 MR. BONIFIELD: And if anybody has
8 different recollection, but I don't think
9 we've been counting those, have we? Campaign
10 finance staff and --

11 SPEAKER 1: They have, and they have
12 not.

13 MR. BONIFIELD: Okay.

14 SPEAKER 2: So -- I wish I could give
15 a better answer. Come on, guys.

16 MR. BONIFIELD: If it helps the
17 commission, I will say this was totally an
18 (inaudible) error owing to a staff change.
19 And there was no activity in the interim
20 period. And this is a pact with a balance of
21 only a little over \$4,000. This would amount
22 to something better than 25 percent of the --

23 SPEAKER 3: Can I ask here what's your
24 understanding of the practices?

25 MR. KOICHEVAR: Mr. Chairman, members

1 MR. BONIFIELD: Just to clarify,
2 Mr. Chairman, that applicable penalty would
3 be what percentage for us?

4 MR. OKESON: You said it was their
5 second?

6 MR. BONIFIELD: We've settled, but
7 no --

8 SPEAKER 2: They've paid settlement
9 agreements before on two delinquencies. And
10 this is the first time they've come before
11 the commission and not just paid the
12 settlement agreement. This is their third
13 delinquency.

14 SPEAKER 3: So if they're delinquent
15 before, then that's the thing that triggers
16 the step up.

17 SPEAKER 4: So this is the third?

18 SPEAKER 2: Right. Yes.

19 SPEAKER 3: So that would be under
20 rule 75 percent? What was the language of
21 the procedures that we adopted again?

22 MR. OKESON: This is based on the
23 committee's violations. And I think the
24 point being made is their past scenarios were
25 settlements and not therefore a violation.

1 of the commission, I have known in past
2 practice, at least in our past meetings, that
3 during regular parts of this hearing, where a
4 committee comes forward of which they bring
5 testimony that due to some reason they were
6 not able to file on time, and the commission
7 has taken steps to reduce that fine.

8 I do know in the past that you have
9 taken into consideration settlement
10 agreements from those committees in the past.
11 Given that there is not any consistent
12 precedence being used, I would just say that
13 the motion did say violation of a settlement
14 agreement of which I think in part the
15 committee when they accept these settlement
16 agreement says, "Yes. We did violate the
17 campaign finance law."

18 And so it would be at least my
19 recommendation that you file the motion as
20 it's plainly understood. Violation is a
21 violation. So in this case, I think it would
22 be the third violation for this committee for
23 which 75 percent of the total of the penalty
24 here in the hearing folder would be assessed.

25 That is just my thinking on that.

1 MR. OKESON: Thank you.

2 MR. SIMMONS: Mr. Chairman, my staff
3 concurs with Mr. Kochevar's analysis.

4 MR. OKESON: Okay. To clarify to your
5 question, this is would be a third violation
6 in which you would agree to pay 75 percent of
7 the proposed violation law.

8 MR. BONIFIELD: Sure. We appreciate
9 it, Mr. Chairman, I'm sorry to elongate the
10 process. We certainly accept that fully and
11 fairly.

12 MR. OKESON: So you are indicating
13 that you're willing to accept the applicable
14 penalty without further discussion.

15 MR. BONIFIELD: I am.

16 MR. OKESON: Thank you.

17 MR. BONIFIELD: Thank you.

18 Speaker 3: Thank you for helping us
19 clarify that.

20 MR. STEWART: Douglas Stewart,
21 D-o-u-g-l-a-s, S-t-e-w-a-r-t, Genesis Stewart
22 for State Representative. I'm sorry. I
23 don't have the cause number.

24 SPEAKER 1: It's okay. It's on page
25 49. Mr. Chairman, Genesis for State

1 without further discussion.

2 MR. CALDERON: I am willing to accept
3 the penalty without further discussion.

4 MR. OKESON: Thank you. Your next
5 cause number.

6 MR. CALDERON: 2019-7061 --

7 MR. OKESON: And would you please
8 state the committee.

9 MR. CALDERON: Oh, I'm sorry. Elect
10 Tonya Path. 2019-7061-126.

11 SPEAKER 1: This one's on page --
12 bottom of 82, top of 83. Cause number
13 2019-7061-126. A proposed civil penalty of
14 \$1,000.49. And they've paid one previous
15 settlement agreement.

16 MR. OKESON: Do you accept the
17 proposed civil penalty without further
18 discussion?

19 MR. CALDERON: I accept the proposed
20 penalty without further discussion.

21 MR. OKESON: Thank you.

22 MR. CALDERON: Thank you.

23 MR. FEUSTON: Do you want the
24 committee first?

25 MR. OKESON: Your name, please.

1 Representative. Cause number is
2 2019-7049-65, has a proposed civil penalty of
3 \$1,000.50. And has not been before this
4 commission before.

5 MR. OKESON: Simply indicate that you
6 are willing to accept the applicable penalty
7 without any further discussion.

8 MR. STEWART: I am willing to accept
9 the penalty without further discussion.

10 MR. OKESON: Thank you.

11 MR. STEWART: Thank you.

12 MR. OKESON: Next.

13 MR. CALDERON: Good afternoon. My name
14 is Matt Calderon, C-a-l-d-e-r-o-n. I am here
15 representing two committees. Fleming for
16 District 71. Cause number 2019-7089-131.

17 MR. OKESON: Let's take that one
18 first. And then we'll get to the second one.

19 SPEAKER 1: It's page 85. This is
20 Fleming for District 71. Cause number
21 2019-7089-131. The proposed civil penalty of
22 \$1,000.50. And they have paid one previous
23 settlement agreement.

24 MR. OKESON: Indicate that you are
25 willing to accept the applicable penalty

1 pre-election?

2 MR. UPPOLE: Preprimary.

3 SPEAKER 1: Page 89. This is the
4 Indiana Electrical Political Action
5 Committee. Cause number 2019-3990-140, has a
6 proposed civil penalty of \$750.55. And this
7 committee has been before the commission two
8 other times.

9 MR. OKESON: Are you willing to accept
10 the applicable penalty without further
11 discussion?

12 MR. AGUILERA: Yep.

13 MR. OKESON: Thank you.

14 MR. AGUILERA: Do you all have the
15 correct address now?

16 SPEAKER 1: You can check with him.

17 MS. BROWN: Evelyn Brown, for State
18 Representative District 42. E-v-e-l-y-n,
19 B-r-o-w-n. My number is 2019-7098-129.

20 MS. TAYLOR: It's on page 84. Cause
21 number 2019-7098-129, has a proposed civil
22 penalty of \$1,000.50. And this is the first
23 time before the commission.

24 MR. OKESON: Indicate that you accept
25 the penalty without further discussion.

1 MS. THOMPSON: Mr. Chairman, this is
2 on page 79. Aguilera for Indiana. Cause
3 number 2018-7160-168 and 2018-7160-169. The
4 first one has a proposed civil penalty of a
5 \$1,000.50, has never been before the
6 commission. And the second one has a
7 proposed civil penalty of \$250.50. And,
8 again, has not been before the commission.

9 MR. OKESON: Please indicate that you
10 are willing to accept the penalty without
11 further discussion.

12 MR. AGUILERA: I am.

13 MR. OKESON: Thank you.

14 MR. UPPOLE: Edward Uppole, with the
15 Indiana Electrical Pact.

16 MR. OKESON: Can you spell your name,
17 please.

18 MR. UPPOLE: U-p-p-o-l-e.

19 MR. OKESON: Thank you.

20 SPEAKER 1: Do you have a cause
21 number?

22 MR. UPPOLE: 99390. 99390.

23 SPEAKER 1: The last three?

24 MR. UPPOLE: 3990.

25 SPEAKER 1: Was it a preprimary or

1 MR. ZAY: Yes. I accept the penalty
2 without further discussion.

3 MR. OKESON: Next.

4 MR. YOUNG: Good afternoon.

5 MR. OKESON: Afternoon.

6 MR. YOUNG: John T. Young.

7 Representing the committee Dual Elect John T.
8 Young.

9 MS. TAYLOR: It's on page 78. Cause
10 number 2019-6822-118. Proposed civil penalty
11 of \$1,000.49. And they've paid one other
12 settlement agreement.

13 MR. OKESON: Do you accept the
14 applicable penalty without any further
15 discussion?

16 MR. YOUNG: I do.

17 MR. OKESON: Thank you.

18 MR. YOUNG: Thank you.

19 MR. AGUILERA: Good afternoon.

20 Mr. Chairman, John Aguilera for Indiana.
21 Cause number 2018-7160-168 and -169.

22 MR. OKESON: Would you kindly spell
23 your last name, please.

24 MR. AGUILERA: A-g-u-i-l-e-r-a.

25 MR. OKESON: Thank you.

1 MR. FEUSTON: Cornell Feuston.
2 F-e-u-s-t-o-n. The committee is Feuston for
3 Representative. Case number is
4 2019-7181-123.

5 SPEAKER 1: It's on page 81. Cause
6 number 2019-7181-123. A proposed civil
7 penalty of \$300.49. And this is their first
8 time before the commission.

9 MR. OKESON: Do you accept the
10 applicable penalty without further
11 discussion?

12 MR. FEUSTON: I do.

13 MR. OKESON: Thank you. Next.

14 MR. ZAY: Andy Zay, Z-a-y,
15 representing the Friends of Andy Zay, my
16 applicable committee. Cause number is
17 2019-6683-117.

18 MS. THOMPSON: He's on page 77.
19 Friends of Andy Zay. Cause number
20 2019-6683-117, has a proposed civil penalty
21 of a \$1,000.50. And has had one settlement
22 agreement.

23 MR. OKESON: Do you accept the
24 applicable penalty without further
25 discussion?

1 relayed on?

2 MR. COSGROVE: CFA-4.

3 SPEAKER 1: It was the annual?

4 MR. COSGROVE: Mm-hmm.

5 SPEAKER 1: Page 47. Cause number
6 2019-6999-63. A proposed civil penalty of
7 \$1,000.50. And this is their second time
8 before the commission.

9 MR. OKESON: Please indicate you are
10 willing to accept the penalty without further
11 discussion.

12 MR. COSGROVE: I do.

13 MR. OKESON: Thank you.

14 MR. COSGROVE: Thank you.

15 MR. PERKINS: My name is John Perkins,
16 P-e-r-k-i-n-s. The cause number is
17 2019-7157-122.

18 MR. OKESON: Can you state the
19 committee name, please?

20 MR. PERKINS: John for Indiana 45.

21 MR. OKESON: Thank you.

22 MR. PERKINS: Thank you. By the way,
23 you're doing a good job for your first time.

24 MS. THOMPSON: I'm sorry. This is on
25 page 80 and 81. There's three of them, so

1 MS. BROWN: I do.

2 MR. OKESON: Thank you.

3 MS. BROWN: Thank you.

4 MR. SCHLATTER: Jason Schlatter.

5 Hoosiers for Schlatter. Cause number

6 2019-7118-74.

7 MR. OKESON: Would you please spell
8 your last name?

9 MR. SCHLATTER: S-c-h-l-a-t-t-e-r.

10 MR. OKESON: Thank you.

11 MS. TAYLOR: The last two were 7-4?

12 MR. SCHLATTER: 7-4. Yes, ma'am.

13 SPEAKER 1: Okay. Page 52. Hoosiers
14 for Schlatter, 2019-7118-74, has a proposed
15 civil penalty of \$350.50. And has not been
16 before the commission.

17 MR. OKESON: Please indicate that you
18 are willing to accept the applicable penalty
19 without further discussion.

20 MR. SCHLATTER: Yes, sir, I do.

21 MR. OKESON: Thank you.

22 MR. COSGROVE: John Paul Cosgrove,
23 C-o-s-g-r-o-v-e, for Citizens to Elect John
24 Paul Cosgrove.

25 SPEAKER 1: Do you know what you

1 Hearing none. All those in favor signify by
2 saying, "Aye."

3 ALL TOGETHER: Aye.

4 MR. OKESON: Opposed? Matters are
5 dismissed. Thank you.

6 MR. STITES: Thank you.

7 MR. GIBSON: Thank you, Mr. Chairman
8 and members of the commission. My name is
9 Ron Gibson, last name G-i-b-s-o-n, for the
10 Committee to Elect Ron Gibson. That number
11 is 2019-7192-81.

12 MS. TAYLOR: It's on page 55. Cause
13 number 2019-7192-81. A proposed civil
14 penalty of \$350.50. This is the first time
15 before the commission.

16 MR. OKESON: Do you have any
17 information to offer?

18 MR. GIBSON: Yes. Well, first of all
19 I'm not a candidate for state or federal
20 office. PNC bank electronically filed this
21 form with the state commission. We were not
22 aware that they had filed with the state
23 commission until we got a letter from the
24 commission indicating that we had a penalty
25 dated January 16th. Postmarked January the

1 the other hand, I didn't know if this were
2 somehow waived. I basically don't want any
3 kind of judicial record black mark for the
4 PAC in public record.

5 MR. OKESON: And you did take an oath?

6 MR. STITES: Yes. I was here early.

7 MR. OKESON: Yeah. So, I mean, he's
8 presented compelling evidence on the record.
9 His sworn testimony says that, I mean --

10 MS. CELESTINO HORSEMAN: But that's
11 what I wanted to find out, is what he was
12 asking for.

13 MR. OKESON: No. I agree with you.

14 MS. CELESTINO HORSEMAN: So you want
15 this to be dismissed? Is what you're seeking
16 a dismissal?

17 MR. STITES: I would sincerely
18 appreciate that given the severe issues that
19 we had. No one literally had physical access
20 to the records.

21 MS. CELESTINO HORSEMAN: I would move
22 to dismiss this action.

23 MR. STITES: Thank you, ma'am.

24 SPEAKER: I would second that.

25 MR. OKESON: Any further discussion?

1 for Mr. Stites?

2 MR. STITES: I mean, I could
3 provide -- I suppose I could get medical
4 documentation from them. Either -- I don't
5 have any access to it currently. But, I
6 mean, there's all kinds of reports,
7 obviously, from Methodist Hospital and, you
8 know, all the hospitals and months that -- he
9 was airlifted, so I'm sure we could provide
10 records of his surgeries and whatnot.

11 MS. CELESTINO-HORSEMAN: So what are
12 you, then, specifically asking for? Because
13 under the settlement agreement, you would've
14 had to pay about \$25.

15 MR. STITES: I have no idea. I did
16 not physically receive that. Apparently,
17 this was going to her office and just with --
18 they have another --

19 MS. CELESTINO HORSEMAN: The settlement
20 agreements from when we were here at the
21 beginning of this meeting, when people were
22 stepping forward. So I'm asking you --

23 MR. STITES: Well, I guess on one
24 hand, this is our first interaction of any
25 sort, you know, with this commission. So on

1 had her sign those. And I faxed them in for
2 her.

3 I believe she sent a letter. I don't
4 know if you have those on file. I just now
5 got a copy of that from her this week,
6 basically just pleading her case that --

7 MR. OKESON: We have received that?

8 MS. TAYLOR: It's not in the packet.

9 MR. OKESON: You said it's not in the
10 packet?

11 SPEAKER 3: When was this report due?

12 MR. STITES: I think the 22nd.

13 MS. THOMPSON: The 22nd, I think it
14 was.

15 MR. STITES: Matter of fact, I found
16 it like the next morning and faxed it in
17 later that day when I got her signature on
18 it.

19 SPEAKER 2: Yes. The 22nd.

20 MR. STITES: I'm also in the process
21 of trying to find a volunteer to remove
22 her -- or, you know, remove her duties as the
23 treasurer. There's just no way she can
24 continue to help us with that.

25 MR. OKESON: Are there any questions

1 MR. STITES: Sure. So as you can see
2 from the records there, Ruth Ann Stites is
3 our treasurer. I'm the custodian of record.
4 She is my mother. We started this PAC last
5 fall. Essentially, you know, volunteer
6 basis. There's only two of us, really, that
7 run this.

8 On April 13th her husband, my father,
9 was in a near fatal car accident up in Parker
10 City where they live. Was medevaced down to
11 Methodist. And he was there for 33 days and
12 still is in a nursing home today as a result
13 of that.

14 During that process, we essentially
15 lived at the hospital that entire week.
16 There was no one else other than Ruth Ann who
17 even had the access to the documents, nor
18 were we even unfortunately considering, you
19 know, that this due date was approaching.

20 He had about five surgeries about
21 every other day for eight days. And on the
22 23rd, that morning I went up to their office
23 to get other records for their business and
24 that's when I saw her stack of documents to
25 report. So I brought that down to her and

1 this hearing?

2 MS. CELESTINO-HORSEMAN: -- and
3 postpone this hearing until a later date, if
4 necessary, pending the outcome of whatever
5 documentation's provided.

6 MS. HATCHER: Abbey gave me her
7 number. I think we'll be talking for sure.

8 MR. OKESON: Do we have a second?

9 SPEAKER: Second.

10 MR. OKESON: All those in favor say
11 "aye."

12 ALL TOGETHER: Aye

13 MR. OKESON: Opposed? The motion's
14 adopted. Let's go to the next one.

15 MS. HATCHER: Thank you.

16 MR. STITES: Good afternoon. Rockford
17 Stites, S-t-i-t-e-s, representing Fortville's
18 Future. 2019-7208-174.

19 MS. THOMPSON: Mr. Chairman, that's
20 page 104. Fortville's Future. Cause number
21 2019-7280-174, has a proposed civil penalty
22 of \$100.55. And they've not been before our
23 commission before.

24 MR. OKESON: Would you like to present
25 any information?

1 report. And then if it's resolved then --

2 MS. BECKLEY: To be clear, the
3 (inaudible) is the date that she deposited
4 the check in the bank?

5 MS. CELESTINO-HORSEMAN: Yes.

6 MR. OKESON: Does that successfully
7 constitute a motion?

8 SPEAKER: And I would also suggest
9 that you come -- because if it was after the
10 election -- because there's a difference
11 in the paperwork you have to file. So I
12 would contact back to the election division
13 here and ask them, once you determine the
14 date, what it is you should do.

15 MS. HATCHER: That's what I think -- I
16 think it's going to be after.

17 MS. CELESTINO-HORSEMAN: So my motion
18 would be that -- to clarify because I said
19 that you, Representative Hatcher, should
20 contact the State to determine what
21 documentation would be sufficient to
22 demonstrate when you had received the
23 contribution to trigger the filing deadlines
24 --

25 MR. OKESON: And therefore postpone

1 day I received it in my hand. Not the day it
2 was written because there was a lag time.

3 However, I had a bad habit of getting
4 maybe three or four checks before I would go
5 to the bank. So even though I reported it as
6 a supplemental on whatever date I reported
7 it, it could -- and I don't know what the
8 date is -- but it's not going to be the same
9 day that I did the supplemental report. It's
10 probably going to be well after that.

11 So I don't know if I'm still outside
12 of boundaries. I mean, I intended to keep it
13 the day I received it. However, it might not
14 have been deposited in my account.

15 MR. OKESON: I think there's enough
16 confusion here. We're inclined to maybe
17 continue this matter and allow the candidate
18 to file the necessary amendment and come back
19 with other evidence at a future-dated
20 meeting.

21 MS. CELESTINO-HORSEMAN: Yes,
22 Mr. Chairman. I was thinking of moving
23 that -- yes, that we allow Representative
24 Hatcher to work with the finance staff to
25 clarify the documentation regarding this

1 to statute, it's the day you receive and
2 manifest intent to keep the contribution.
3 Which we have always viewed as (inaudible).

4 MS. HATCHER: Oh, I see. So --

5 MS. NUSSMEYER: So the deposit date
6 would determine whether or not the CFA-11 was
7 even warranted. We're also at the end of
8 that reporting period. The last day for
9 large contribution was November 4th because
10 the election was on November 6th.

11 MS. WILSON OVERHOLT: I just wanted to
12 clarify something from what you just said.
13 I'm sorry. So when you filed (inaudible) the
14 date that you show as received in the
15 report -- I'm sorry -- is that the date that
16 you have it in your hands? Or the date --

17 MS. HATCHER: That's going to be the
18 date that the check was issued. That
19 would've been the date on the check.

20 MS. WILSON-OVERHOLT: I just wanted to
21 clarify that that's what you said the first
22 time. And when you just said it again, you
23 said when you received it.

24 MS. HATCHER: Well, the day I filed
25 the supplemental report would have been the

1 as to when the check was deposited in the
2 bank. Was it deposit it after the election?

3 MS. HATCHER: Oh, I'm sure it was.

4 MS. NUSSMEYER: The reason why I
5 mentioned that is if the check were received
6 and deposited -- you know, you manifested the
7 intent to keep the check, but not later than
8 48 hours before the day of the election,
9 there would still have needed to be a CFA-11
10 at large contribution report filed with the
11 commission. So amending that CFA-11 date may
12 or may not have an impact on the deadline
13 date, if you will.

14 MR. SIMMONS: Well, it would depend.
15 If it was filed before it was actually due,
16 then I would think amending and correcting
17 the date it was received would be fine.
18 Because it would be on file, but yeah. If it
19 was after --

20 MS. HATCHER: Okay. So are we talking
21 the date that I got it? Or the date that I
22 deposited it? Because those may be spaced
23 out. And I reported based on the date I
24 received it in my hand.

25 MS. NUSSMEYER: So, again, according

1 As for the current hearing right now, if the
2 committee has a bank statement or (inaudible)
3 a bank statement for the committee from that
4 particular date just showing when that check
5 was in fact deposited, I think that could be
6 evidence for this commission. Which would
7 then allow them to, if you wish, dismiss this
8 particular hearing and allow the committee to
9 amend everything to show accuracy. And we
10 can all move on to other matters.

11 MS. CELESTINO-HORSEMAN: Could it be
12 structured so that instead we say she be
13 allowed to file an amended report within
14 seven business days, five business days? And
15 once filed, the case would be dismissed. And
16 if not filed, then it stays on the docket to
17 be heard.

18 MR. OKESON: So I'm thinking I'd like
19 to propose a motion that we would dismiss
20 this case today pending a successful filing
21 in a receipt of a supplemental -- amended
22 campaign finance report.

23 MS. NUSSMEYER: Mr. Chairman, if I
24 may, what I was mentioning to my
25 commissioners is that I guess it would depend

1 return it before you deposit it. And it's
2 not received at that point.

3 But once you receive it and deposit
4 it, it is received. I'm sure we go on the
5 date they report. That's why we're here
6 today. If a committee has found they've made
7 a mistake on how they reported it, they can
8 amend that large contribution report to
9 reflect it was received according to the
10 statute within that 48 hours.

11 MR. OKESON: Mr. Kochevar, do you have
12 anything additional you'd like to add to
13 Dale's comments? Or weigh in from your
14 own --

15 MR. KOCHEVAR: So I do concur with
16 Mr. Simmons on his rating of definition of
17 received and accepted. That is what I
18 usually give committees when they call the
19 office and speak to me about the dates that
20 were put on their report.

21 In this particular matter, I would
22 agree that if the check was deposited at a
23 later date, or a date that is different than
24 what is on that supplemental report, then
25 that supplemental report should be amended.

1 But prior to that, I don't have,
2 like -- there's no statement or anything from
3 the person that gave it to me.

4 However, I was aware of the
5 requirement. And I felt like I satisfied it.

6 MR. SIMMONS: Can we see the report,
7 though?

8 MS. HATCHER: And just as you all are
9 reviewing that, just as a question for the
10 commission. I'm sure this isn't the first
11 time this has happened. And I'm wondering
12 normally do people -- I've just always used
13 the date on the actual check as the date.
14 But I guess some kind of direction to move
15 forward from here would be helpful.

16 MR. OKESON: Mr. Simmons, could you
17 recite the statute. Or tell us what the
18 definition according to law is on receiving.

19 MR. SIMMONS: The definition for
20 received in this context is in 3-9-1-25,
21 Subsection B. And it defines it as when the
22 committee has physical possession of the
23 contribution and manifests intent to keep the
24 contribution by depositing the contribution
25 subject to another section. Which you can

1 MS. HATCHER: So even with that
2 definition -- when I received -- I might not
3 have deposited it until after I sent the
4 supplemental report, actually. But I used
5 the date that -- the day I received it was
6 the time that I sent the supplemental report
7 in.

8 So even though the check had been
9 issued, I think even a month before I
10 actually got it in my hand in Gary because of
11 course I wasn't in Indianapolis. I was in
12 Gary. But by the time I received it in Gary,
13 there was a significant lag time. Which once
14 I looked at it -- because initially I didn't
15 even know I was being fined by the
16 commission. But once I looked at it, it did
17 make sense to me that there was such a
18 significant time between the two dates.

19 MS. CELSETION-HORSEMAN: Do you have
20 documentation of any kind that supports what
21 you're saying?

22 MS. HATCHER: No. The person who
23 delivered it to me happened to be in Gary at
24 the time and put it in my mailbox and just
25 sent me a message saying, "Hey. It's there."

1 I did send in a supplemental report by fax.
2 However, when I sent it in -- when I received
3 the check, the check had been issued
4 previously and brought to me from
5 Indianapolis by another person.

6 So when I received it in hand was when
7 I actually sent the supplemental report.

8 However, the date on the check is the
9 date that I reported in the report. So there
10 was a lag time between the check being issued
11 and me receiving the check.

12 However, once I received the check, I
13 sent in the supplemental report by fax to the
14 election board. So the discrepancy is in the
15 date and the date that I received it.

16 MS. CELESTINO-HORSEMAN: Okay. This
17 raises an issue that I have to deal with on
18 something else. And I think it raises a
19 little bit of a problem in our code in that
20 we don't really define what receive is.

21 MR. OKESON: We do.

22 MS. CELESTION-HORSEMAN: We do? It's
23 when you receive it. Or can it be when you
24 deposit it?

25 MR. SIMMONS: When you deposit it.

1 ALL TOGETHER: Aye.

2 MR. OKESON: Those opposed say, "Nay."
3 Motion carries. We'll move on.

4 Campaign finance enforcement actions.
5 The commission will proceed to open its
6 hearings on campaign finance enforcement
7 action members. The binders include a
8 campaign finance spreadsheet prepared by
9 Abbey and Michelle.

10 Who's first? We'll start over here.

11 MS. HATCHER: Good morning -- or
12 afternoon. Ragen Hatcher. Administrative
13 number 2019-7150-132. Ragen is R-a-g-e-n.
14 I'm here for a notice of a supplemental
15 report for a donation of \$1,000 or more.

16 MR. OKESON: Hold on just a moment,
17 please.

18 MS. HATCHER: Oh, I'm sorry.

19 MS. TAYLOR: This is on page 86.
20 Committee to Elect Ragen Hatcher. Cause
21 number 2019-7150-132. A proposed civil
22 penalty of \$450.49. And this is her second
23 time before the commission.

24 MS. HATCHER: So this is for a
25 supplemental report for donation over \$1,000.

1 If a committee is fined today, the
2 committee will receive a notice from the
3 election division to pay the fine after the
4 commission adopts the final order. So it may
5 be some time after today before a committee
6 will be required to pay that fine.

7 The commission general begins at the
8 front of the room and asks those persons
9 present to come forward to have their matter
10 heard. It's very helpful if you can speak up
11 and say the cause number on your hearing
12 material, so that the commission and staff
13 may quickly look it up on our spreadsheet.

14 Remember to identify yourself when you
15 start speaking, by name. And please spell
16 your name for the court reporter.

17 Is there a second to this motion?

18 ALL TOGETHER: Second.

19 MR. OKESON: Are there questions or
20 objections from commission members, or any
21 commission members as I've outlined these
22 procedures? Good?

23 If there's no discussion, we'll
24 proceed. Vote on the motion. All those in
25 favor signify by saying "aye."

1 committee will be recognized first and may
2 present their case for no more than five
3 minutes. I intend to be a stickler for that.

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

10 If the presenter offers additional
11 documents or other physical evidence not
12 previously received by the commission, then
13 the original must be provided to the election
14 division counsel to preserve the record,
15 Mr. Dale Simmons to my far right here.

16 If the commission finds that a
17 committee has violated the campaign finance
18 statute, state law requires a unison vote of
19 all four commissioners to waive or reduce the
20 amount of penalty set by state law.

21 If the commission makes a decision at
22 this meeting to either fine or dismiss the
23 case against the committee, then the election
24 division will prepare a final order for the
25 commission to approve at a later meeting.

1 Okay. So we're moving on to item 7 in
2 the agenda.

3 So now we're going to go to the
4 adoption campaign finance hearing procedures.

5 The remaining committees will be
6 called to permit the presentation of evidence
7 in these matters. Before doing so, I want to
8 note that in the past, the commission has
9 followed certain procedures for conducting
10 campaign finance hearings.

11 And I move the commission use the
12 following procedures today: When each
13 campaign finance matter is called, hearing
14 will begin with recognizing campaign finance
15 staff providing information about the
16 documents in this matter provided to the
17 commission numbers, including letters from
18 committees and the notice given to the
19 campaign committee.

20 Unless there is objection, the
21 documents provided to the commission by the
22 election division will be entered into the
23 record of this meeting.

24 After campaign finance staff completes
25 presentation, a representative of the

1 SPEAKER 4: Second.

2 MR. OKESON: Any discussion? Hearing
3 none. All in favor say "aye."

4 ALL TOGETHER: Aye.

5 MR. OKESON: Any opposed, "nay?." The
6 ayes have it. Thank you.

7 SPEAKER 5: Thank you.

8 MR. TEDROW: My name is Dennis Tedrow,
9 T-e-d-r-o-w. I'm representing Dennis Tedrow
10 for Local Indiana. Case number is
11 2019-7144-77.

12 MS. THOMPSON: This is on page 54.
13 Dennis Tedrow for Local Indiana. Cause
14 2019-7144-77, has a proposed civil penalty of
15 a \$1,000.50. And has not been before the
16 commission.

17 MR. OKESON: Please indicate you're
18 willing to accept that penalty without
19 further discussion.

20 MR. TEDROW: I do.

21 MR. OKESON: Thank you. Is there
22 anybody that's come in late that is unaware
23 of, kind of, where we are in the proceedings?
24 No? Going once. Going twice. No more
25 settlements.

1 Fickle, F-i-c-k-l-e. I'm with Citizens for
2 (inaudible) Rhodes. We have been before the
3 commission before. It's 2019-4284--

4 MS. TAYLOR: We got you.

5 MS. FICKLE: Okay. We have -- I don't
6 believe that we would qualify for any
7 discounts. So is it okay to just say, "Okay,
8 I accept the penalty?"

9 MR. OKESON: So I understand you're
10 just willing to accept the penalty without
11 any further presentation or discussion?

12 SPEAKER 3: What's the penalty?

13 MS. THOMPSON: \$650.49.

14 MR. OKESON: Do we need to have a
15 motion? What was the committee name again?

16 MS. TAYLOR: All right. It's on page
17 67. Cause number 2019-4284. A proposed
18 civil penalty of \$650.49. And they paid
19 three civil agreements and been late four
20 other times.

21 MR. OKESON: So do I have a motion to
22 accept -- to impose, sorry -- full penalty
23 plus mailing costs?

24 SPEAKER 3: So moved.

25 MR. OKESON: Second?

1 MR. OKESON: State your name. Spell
2 it into the microphone for us. And tell us
3 the committee.

4 MR. SCHOCH: My name is Ben Schoch,
5 S-c-h-o-c-h. I am for Ben Schoch for Indiana
6 House Representatives District 85. And do
7 you need my number?

8 MR. OKESON: If you have it.

9 MR. SCHOCH: Yeah. 2018-7002-112.

10 SPEAKER 1: It's on page 12. Ben
11 Schoch for Indiana House of Representatives
12 District 85. Cause number 2018-7002-112. A
13 proposed civil penalty of \$1,000.49. And he
14 has not been before the commission.

15 MR. OKESON: Please indicate you're
16 willing to accept that applicable penalty
17 without further discussion.

18 MR. SCHOCH: I do.

19 MR. OKESON: Thank you.

20 Anyone else?

21 SPEAKER 4: I have a question.

22 MR. OKESON: I'm sorry. If you'd like
23 to address the commission --

24 MS. FICKLE: We have been before the
25 commission before -- I'm sorry -- I'm Pam

1 MR. OKESON: Thank you.

2 MR. PAYNE: Thank you.

3 MR. OKESON: Anyone else?

4 And I have been told that there was a
5 car accident on I-69. So there may be some
6 people hung up, correct?

7 SPEAKER: That's what we understand.

8 MR. OKESON: So, Dale, would you
9 please?

10 MR. SIMMONS: Yeah. So anybody who
11 has not previously been sworn in, please
12 stand, raise your right hand, and say "I do"
13 after the administration of the oath.

14 Do you solemnly swear or affirm under
15 the penalties and perjury that the testimony
16 you're about to give the Indiana Election
17 Commission at today's meeting is the truth,
18 the whole truth, and nothing but the truth?
19 Say, "I do."

20 ALL TOGETHER: I do.

21 MR. SIMMONS: Thank you.

22 MR. OKESON: Again, we're here
23 (inaudible) opposed agreements and
24 settlements. Do you understand?

25 SPEAKER 5: Yes.

1 anybody who wants to go forward. I sat
2 through this last year I think it was. Tony
3 always managed to know when to leave, didn't
4 he? So if you are -- and I'll give you a
5 hint. If you think that you -- unless you
6 have a really, really good excuse, or you
7 have -- I mean some outstanding reason, if
8 you think before -- you come here and you
9 say, you know, my cat ate the papers, or
10 whatever. It's not going to cut it.

11 This is the best deal if you come
12 forward. You now face potentially having the
13 entire fine levied against you. So I just
14 want to remind you of that.

15 MR. OKESON: Well said there.

16 MR. PAYNE: Zachary Payne. P-a-y-n-e.
17 Friends of Zach Payne. It's 2019-7031-175.

18 MS. TAYLOR: It's on page 48. Cause
19 number 2019-7031-175. A proposed civil
20 penalty of \$1,000.50. And this is his first
21 time before the commission.

22 MR. OKESON: Please indicate that you
23 will accept the applicable penalty without
24 further discussion.

25 MR. PAYNE: I will.

1 MR. OKESON: Thank you.

2 MS. OVERTON: Is that it? Am I done?

3 MR. OKESON: That's it. You're done.
4 Any others? Anyone else?

5 MR. MULLENIX: My name is Alexander
6 Mullenix. I'm here representing Tippecanoe
7 County Young Democrats as the treasurer.
8 Cause number 2019-7013-101.

9 MR. OKESON: Can you please spell your
10 last name.

11 MR. MULLENIX: M-u-l-l-e-n-i-x.

12 MS. THOMPSON: Mr. Chairman, this is
13 on page 66. Tippecanoe County Young
14 Democrats. Cause 2019-7013-101, has a
15 proposed civil penalty of \$100.49. And they
16 have not been before the commission before.

17 MR. OKESON: Please indicate that you
18 accept the applicable penalty without further
19 discussion.

20 MR. MULLINEX: Yes.

21 MR. OKESON: Thank you. Next.

22 Anyone else? So for those remaining,
23 if you'd like to present -- I'm sorry. Go
24 ahead.

25 SPEAKER 3: I would just like to add,

1 MS. MURRAY: I do, thank you.

2 MR. OKESON: Thank you.

3 MS. MURRAY: And so you all will be
4 sending a bill for these exact amounts?

5 SPEAKER 1: Yes. We'll send an order.

6 MS. MURRAY: Perfect. Thank you so
7 much.

8 MS. OVERTON: Anita Overton.

9 A-n-i-t-a, O-v-e-r-t-o-n. Progressive
10 Democrats for Hendricks County. Cause number
11 2019-6969-170.

12 MS. TAYLOR: It's on page 102.
13 Progressive Democrats of Hendricks County.
14 It's the first one at the top. There's no
15 text above it. Cause number 2019-6969-170.
16 A proposed civil penalty of \$200.55. And
17 this is their first time before the
18 commission.

19 MR. OKESON: Please indicate you're
20 willing to accept the penalty without further
21 discussion.

22 MS. OVERTON: Yes. I have a question.
23 Is it at the 25 percent?

24 SPEAKER 1: Yes.

25 MS. OVERTON. Yes.

1 SPEAKER 1: The second one is on page
2 82. Cause number 2019-6984-125, has a
3 proposed civil penalty for \$250.49. First
4 time before the commission.

5 MR. OKESON: Do you accept the penalty
6 without further discussion?

7 MS. MURRAY: Yes.

8 SPEAKER 1: Next. Page 83. Cause
9 number 2019-6984-127, proposed civil \$450.49.

10 MR. OKESON: Do you accept that
11 penalty without further discussion?

12 MS. MURRAY: I sure do.

13 MR. OKESON: Thank you.

14 SPEAKER 1: Next. Page 84. Cause
15 number 2019-6984-128. Proposed civil penalty
16 of \$150.49.

17 MR. OKESON: Do you accept that
18 penalty without further discussion?

19 MS. MURRAY: Yes.

20 SPEAKER 1: And the last one on page
21 85. Cause number 2019-6984-130. The
22 proposed civil penalty of \$100.49. First
23 time before the commission.

24 MR. OKESON: Do you accept the penalty
25 without further discussion?

1 MS. MURRAY: But I do just want to
2 clarify -- because I have five. My name is
3 Anna Murray. And my campaign is Anna for
4 Indiana.

5 MR. OKESON: Can you spell your last
6 name?

7 MS. MURRAY: M-u-r-r-a-y.

8 MR. OKESON: You said you had a
9 question?

10 MS. MURRAY: Well, our -- so if I have
11 multiples, but this is my first time being
12 here, are they all going to be under the 25
13 percent or?

14 MS. TAYLOR: Yes.

15 MS. MURRAY: Okay. Great. Then, yes.
16 I definitely want to accept it.

17 MR. OKESON: Perfect.

18 MS. TAYLOR: Let's do them one at a
19 time first. The first one's on page 76.
20 Cause number 2019-6984-115. A proposed civil
21 penalty of \$1,000.49. And this is her first
22 time before the commission.

23 MR. OKESON: Do you accept the penalty
24 without further discussion?

25 MS. MURRAY: Yes.

1 MR. OKESON: They were all firsts,
2 right?

3 MR. PERKINS: Yeah. They were all
4 first times.

5 SPEAKER 1: They all have one
6 settlement agreement. So this is his second.

7 MR. OKESON: So one will be at 50
8 percent.

9 SPEAKER 1: No all three.

10 MR. OKESON: Oh, all three of these
11 are under second?

12 MS. THOMPSON: Yes. So it'd be three.

13 MR. OKESON: Sorry. So do you
14 understand this would be at 50 percent of the
15 proposed?

16 MR. PERKINS: What was the other
17 settlement agreement? I don't remember that.

18 MR. OKESON: I'm sorry?

19 SPEAKER 1: You had a late statement
20 of organization.

21 MR. PERKINS: All right. So that's
22 three times 500, is what I'm hearing? Okay.
23 Thank you.

24 MR. OKESON: Thank you. Next. Anyone
25 else?

1 I'm going to do them one at a time for you.

2 MR. OKESON: Oh, okay.

3 MS. THOMPSON: This is John for
4 Indiana 45. Cause number 2019-7157-121, has
5 a proposed civil penalty of \$1,000.49. And
6 does have one settlement agreement.

7 MR. OKESON: Please indicate you're
8 willing to accept that penalty without
9 further discussion.

10 MR. PERKINS: Yes.

11 MR. OKESON: Thank you. Next one.

12 MS. THOMPSON: The second one is
13 2019-7157-122, has another proposed civil
14 penalty of \$1,000.49. And has one settlement
15 agreement.

16 MR. OKESON: Indicate you're willing
17 to accept that penalty without further
18 discussion.

19 MR. PERKINS: Yes.

20 MS. THOMPSON: And the third one is
21 2019-7157-124, has a proposed civil penalty
22 of a \$1,000.49. And has one settlement
23 agreement.

24 MR. PERKINS: Yes, I agree. Is
25 that -- are those per the 25 percent?

1 it to the State.

2 MS. BECKLEY: Did he give any
3 admission of fault or?

4 MS. TAYLOR: The gentleman from the
5 bank?

6 MS. BECKLEY: Yeah, the gentleman from
7 the bank.

8 MS. TAYLOR: Yeah. He said that he
9 thought he did what he thought he was
10 supposed to do. He didn't have any local
11 candidates. He only had state candidates.
12 So his only frame of reference was to file it
13 with the State.

14 MS. BECKLEY: Is this your signature
15 at the bottom of this form, Mr. Gibson?

16 MR. GIBSON: If it is, it's implying
17 that I thought it was filing with the Marion
18 County Clerk. I'm not filing for anything
19 with the State. Never has been my intent.
20 Never would be my intent. I clearly
21 understand the lecture rules at the local
22 level. I've been a politician locally for
23 many years. So I would not have filed with
24 the state commission.

25 SPEAKER: I'd like to recognize Brad

1 18th.

2 We called the commission on January
3 22nd. And I guess they took a telephonic
4 report of a zero dollar in regards to the
5 account. We also have followed up with PNC
6 bank, and apparently they tried to make
7 contact with the commission to indicate that
8 the (inaudible) filing.

9 We've been in good standing with
10 Marion County Election Commission since 2009
11 on this particular committee. So we were
12 just a little taken back in regards to PNC
13 bank electronically filing with the
14 commission versus taking our current filing
15 action with the Marion County Commission.

16 MR. OKESON: Is there anything on file
17 to that effect?

18 MS. TAYLOR: I don't know that there's
19 anything written in the file. I know we
20 received a faxed statement of organization on
21 July 19th of 2018. I have talked to the
22 manager at the PNC Glendale branch, I
23 believe. And he said that he faxed it
24 because that was what he was accustomed to
25 doing per his candidate committee, was faxing

1 King for a statement.

2 MR. KING: Thank you. Mr. Chairman
3 and members of the commission, we were just
4 examining the file which the commission
5 members may want to review as well. This was
6 an exploratory committee, so there's no
7 office stated to indicate whether it would be
8 required to be filed at either Marion County
9 or with the Indiana Election Division.

10 As so that does raise a question as to
11 whether this committee was properly opened
12 with the election division in the first
13 place. And I'll defer to Mr. Kochevar if he
14 has anything further to add as legal counsel
15 on this.

16 MR. KOCHEVAR: Well, as Mr. King
17 indicated, if it's an exploratory committee
18 and there's no office listed on there, then
19 it is without further indication on what
20 office this particular committee is looking
21 at. It's nearly impossible to determine
22 where it's supposed to be filed.

23 I think that, at least from my
24 perspective, is that if it is filed with the
25 election commission -- or the election

1 division -- excuse me -- we can only reach
2 the conclusion that the candidate identified
3 in this CFA-1 is either looking at running
4 for state legislative office or statewide
5 office. The only two candidate committees
6 that the commission and election division has
7 jurisdiction over.

8 MR. BECKLEY: So the way I understand
9 it is that the same form whether you had sent
10 it in to Marion County or you would send it
11 in to the election division. What office
12 were you running for? Or were you exploring
13 --

14 MR. GIBSON: In 2009, it was candidate
15 for mayor.

16 MS. CELESTINO-HORSEMAN: So was
17 this -- Counselor Gibson, was this form sent
18 to the Marion -- did you send this to the
19 Marion County --

20 MR. GIBSON: Yes. I have a copy of it.
21 We filed it on January the 24th, 2019. And
22 again, we've been doing this on a consistent
23 basis since 2009.

24 MR. OKESON: Mr. Gibson, could you
25 present that to Mr. Simmons, please.

1 MR. OKESON: Any further discussion?

2 MS. CELESTINO-HORSEMAN: Well, could
3 we perhaps -- to clarify this, do we need to
4 dismiss it subject to the -- this erroneously
5 filed complaint -- not complaint -- committee
6 being closed?

7 MS. WILSON OVERHOLT: Can that be an
8 administrative thing where we instruct the
9 election division to take care of that?

10 MR. OKESON: Mr. King?

11 MR. KING: Mr. Chairman, yes. We
12 would have campaign finance staff that would
13 worked with the candidate and close the
14 committee. And if for some reason that
15 action was not taken, the commission could
16 bring the matter back for reconsideration.

17 MS. BECKLEY: So the motion is to
18 dismiss the charges upon stipulation that you
19 work with the staff to close the committee
20 within 30 days.

21 MR. OKESON: Does that work?

22 MR. CELESTINO-HORSEMAN: Yes.

23 MS. WILSON OVERHOLT: And I don't mean
24 to (inaudible) point, but I'm kind of
25 uncomfortable with it because he never opened

1 MR. GIBSON: Yes.

2 MS. CELESTINO-HORSEMAN: And to
3 clarify, if he were indeed just a candidate
4 for a local office, there wouldn't be any
5 requirements to file.

6 MR. OKESON: I'm inclined to accept
7 the motion to dismiss on the grounds that
8 this was an erroneous filing with the Indiana
9 Election Commission.

10 Mr. Kochevar?

11 MR. KOCHEVAR: My question is has
12 that committee been closed?

13 MR. GIBSON: I didn't want any
14 discrepancies. I didn't want it to happen
15 again. I mean, how do we close it?

16 MS. TAYLOR: You'll have to file it
17 online.

18 MR. OKESON: So I'm going to go ahead
19 and offer a motion that we dismiss this
20 action as an erroneous filing.

21 MR. GIBSON: Thank you, Mr. Chairman.
22 I appreciate that.

23 MR. OKESON: Hold on. It's just a
24 motion.

25 SPEAKER: I'll second the motion.

1 the committee. It wasn't him that sent it to
2 the State. It was the PNC. So my
3 inclination is to say that this body says
4 that the committee is closed and instructs
5 the division to correct the paperwork
6 accordingly or to say it's closed or say it's
7 never filed. Whatever kind of magic language
8 you guys use.

9 MS. CELESTINO-HORSEMAN: But I think
10 the thing is that it was filed, whether
11 erroneous or not, it was filed. And it's got
12 his name on it. So to have a clean --

13 SPEAKER: I mean, that means anybody
14 could come file it. Because basically what
15 we're saying is anybody who files anything
16 now gets to open it whether you intended it
17 or not.

18 MR. OKESON: Chair recognizes Dale
19 Simmons, co-counsel.

20 MR. SIMMONS: I'm assuming -- and I
21 don't know if the question has been directly
22 asked by the witness that the committee, not
23 either the treasurer or the candidate,
24 requested anyone to file this document with
25 the election division to open up the

1 committee.

2 If that -- you know, sort of like if
3 somebody finds a statement (inaudible)
4 randomly on a desk and takes it and then
5 faxes it off to us without the knowledge of
6 the candidate or anybody on the committee, I
7 think the commission would have the authority
8 to say this is not a filing by that
9 committee. And it shouldn't have been an
10 opened committee. I don't know if it's
11 dissolved. It was never (inaudible) from the
12 beginning.

13 MR. OKESON: No intention to open the
14 committee. Co-counselor, do you have
15 anything?

16 MR. KOICHEVAR: Yes. I would concur
17 with Mr. Simmons. Also, I would yield over
18 to Co-Director Nussmeyer. You just let me
19 know that we have that precedence in the past
20 where we have had -- where someone had made
21 an erroneous filing. And the commission has
22 taken similar action to essentially -- to
23 administratively close it. So as much as I
24 concur with Mr. Simmons on this, I concur.

25 MS. CELESTINO-HORSEMAN: Okay. So can

1 I modify the motion then?

2 MR. OKESON: Please do before we get
3 in a violent agreement.

4 MS. CELESTINO-HORSEMAN: I modify the
5 motion that we -- I move that we move to
6 administratively -- that this body
7 administratively closes that committee.

8 MR. OKESON: And dismiss any --

9 MS. CELESTINO-HORSEMAN: And dismiss
10 any --

11 MR. OKESON: Dismiss the cause.
12 Second?

13 MS. CELESTINO-HORSEMAN: Yes. Dismiss
14 the cause.

15 MR. OKESON: Second?

16 SPEAKER: I'll second.

17 MR. OKESON: All those in favor
18 signify by saying, "aye."

19 ALL TOGETHER: Aye"

20 MR. OKESON: Any opposed, "Nay." The
21 ayes have it.

22 MR. GIBSON: Thank you, Chairman and
23 members of the commission. Good seeing you.

24 MR. OKESON: Before you present
25 anything, will you please -- it's my first

1 day so I have to keep things procedurally
2 tight. State your name, please. Spell it
3 for us into the microphone.

4 MR. MILLER: My name is Kyle Miller.
5 I'm here with Friends of Kyle Miller. It's
6 K-y-l-e, M-i-l-l-e-r.

7 MS. TAYLOR: It's on page 67. Friends
8 of Kyle Miller. Cause number 2019-730-103.
9 Upper post civil penalty of \$350.49. And
10 this is his first time before the commission.

11 MR. OKESON: Do you want to present
12 anything? What have you handed to
13 Mr. Simmons?

14 MR. MILLER: These are emails. Emails
15 between myself and some members of the House
16 Democratic Caucus, between myself and Abbey
17 Taylor.

18 MR. OKESON: Yeah. So why don't you
19 present some information orally here and kind
20 of tell me where you're headed.

21 MR. MILLER: Absolutely. So let me
22 take you through a very brief timeline here
23 of how things transpired. On October 18th, I
24 received an email, which you should have,
25 from Matt Calderon, then finance director

1 from the house Democratic Caucus, who
2 informed us that our reports were due the
3 next day, Friday the 19th, at noon. And
4 stating that we could file them online, send
5 them to Matt himself, send them to then
6 political director of the House Caucus Grand
7 Official or send them to Abbey Taylor.

8 On the next day, Friday, October 19th,
9 at 9:49 as my emails also show, I sent an
10 email with my campaign finance report
11 attached directly to Abbey Taylor.

12 At roughly 10:30 that morning, Friday,
13 October 19th, got a call from grand official
14 about an unrelated campaign matter.

15 He said, "Oh, by the way, I got a list
16 of candidates from Abbey Taylor of candidates
17 who have not filed their campaign finance
18 reports yet."

19 I said, "No problem. I filed them
20 about 30 to 40 minutes ago."

21 He said, "Okay. I'll check with Abbey
22 and let you know."

23 Important to note, I'm not blaming
24 anybody in this situation. As you'll see, I
25 was failed by technology, not by any person.

1 So, again, at this point, I never
2 got -- I never received any response to the
3 email with the campaign finance report. No
4 bounce-back that it didn't go through. No
5 response. No confirmation from Abbey Taylor,
6 which was fine because I imagined that
7 everyone was trying to get their things in at
8 that point, and she was just bogged down.

9 So, again, I thought I was good until
10 October 24th -- Wednesday, October 24th, when
11 I got a letter in the mail stating that my
12 campaign finance report was delinquent.

13 As a first-time candidate, I went into
14 full-on panic mode. And I'm not sure what
15 she could have done, but I decided to call
16 Abbey Taylor's office at that point after
17 hours. Again, not sure why. But I panicked,
18 and I left her a voicemail because obviously
19 she wasn't in.

20 She got back with me the very next
21 morning. Very first thing. I can't remember
22 whether it was a phone call or an email. But
23 at 8:06 as my email shows, I resent -- after
24 talking with Abbey -- I resent my campaign
25 finance report. And she acknowledged, again,

1 that she did not get it, that the issue was
2 that the file was too large. That fact came
3 to light after trying faxing, emailing again.

4 What finally worked was we had to
5 break it into three separate emails in order
6 to get it to go through. So, again, given
7 all this information, I just -- I ask for
8 your mercy. It wasn't like -- it was not
9 laziness on my part. It wasn't -- my
10 campaign finance report -- I don't know
11 technically or legally -- I sent it in two
12 hours before the report was due in a fashion
13 that I was told I could.

14 Going forward obviously as now
15 required by law, I'll be putting them in
16 online. And after this incident with
17 supplemental reports and my annual report, I
18 felt like I became a little bothersome to
19 Abbey because I would send it, I would wait
20 about an hour, and I would send a
21 confirmation email, "Hey. Did you get
22 this?"

23 So, again, as with most people, no
24 malicious intent on my part.

25 MS. TAYLOR: Hey. We're good friends

1 now.

2 MR. MILLER: Yes, we are.

3 MR. OKESON: Just to clarify, your
4 contention is that you attempted to send it
5 in email.

6 MR. MILLER: Correct.

7 MR. OKESON: Your assumption was that
8 it successfully went through.

9 You did not receive it?

10 MS. TAYLOR: Correct.

11 MR. MILLER: Typically, you'll get --
12 if a file's too large or something, you'll
13 get a bounce-back email saying never
14 received.

15 MS. NUSSMEYER: Mr. Chairman, if I
16 may, I looked at the emails and that is
17 Abbey's email address, abtaylor@iec.in.gov.
18 And I don't know if it got caught up in a
19 spam filter or what have you --

20 MR. OKESON: Well, I was going to
21 ask --

22 MS. TAYLOR: I think the file size was
23 too big. It never did come through. I don't
24 remember having to --

25 MR. OKESON: You reviewed your spam

1 folder?

2 MS. TAYLOR: Yeah.

3 MS. NUSSMEYER: Generally speaking,
4 25,000 is where it starts to come back. So
5 it's possible.

6 MR. OKESON: Is there precedence
7 for -- Mr. King -- the Chair recognizes
8 Mr. King to make a statement on that, please.

9 MR. KING: Mr. Chairman and members
10 of the commission, just to mention that as
11 the committee did just now allude to there
12 has been a change in law effective July 1st
13 so that from this point going forward, all
14 candidates for legislative office will be
15 required to file online. And so we will not
16 have problems in the future regarding faxes,
17 attachment sizes not making it through.

18 And there is precedence in the
19 commission's prior proceedings where a
20 technical glitch on commission's end has been
21 grounds for the commission to adopt a motion
22 to dismiss.

23 MR. OKESON: Would anyone care to make
24 a motion to that effect?

25 MS. CELESTINO-HORSEMAN: I would move

1 to dismiss this proceeding on the basis of
2 the technical failures that seemed to have
3 occurred at this time.

4 MR. OKESON: Do I have a second?

5 MS. WILSON OVERHOLT: Second.

6 MR. OKESON: All those in favor
7 signify by saying, "Aye."

8 ALL TOGETHER: Aye.

9 MR. OKESON: Any opposed, "Nay."
10 The ayes have it. Dismissed.

11 MR. MILLER: Thank you.

12 MR. OKESON: Next.

13 Go ahead and state your name, please,
14 and spell it into the microphone.

15 MR. KHARBANDA: Mr. Chairman and
16 members of the commission, and I'm Indiana
17 Election Committee. My name is Jesse
18 Kharbanda, J-e-s-s-e, K-h-a-r-b-a-n-d-a. And
19 I was a first-time candidate for public
20 office in 2016. And this is my first
21 appearance before the commission. The
22 cause --

23 MR. OKESON: What was the committee
24 name?

25 MR. KHARBANDA: JK All the Way. And

1 the cause number is 2018-6793-85.

2 MS. THOMPSON: Mr. Chairman, this is
3 on page 9. It's JK All the Way. Cause
4 number 2018-6793-85. This is a motion to
5 reconsider. This committee was before the
6 board last August. And he's bringing it as a
7 motion to reconsider.

8 MR. OKESON: Is there anything that
9 would be left from that particular meeting
10 that would provide any information on this?

11 MS. TAYLOR: He was not present at
12 that meeting. So he was just assessed the
13 fine at the time.

14 MR. OKESON: Got you.

15 MS. CELESTINO-HORSEMAN: Did you
16 receive notice of the last meeting?

17 MR. KHARBANDA: I did. But let me
18 explain the context as to timing of receiving
19 that notice.

20 MS. CELESTINO-HORSEMAN: Let's
21 shorthand it here.

22 MR. KHARBANDA: Sure.

23 MS. CELESTINO-HORSEMAN: You
24 weren't -- you weren't here at the last
25 meeting. Why was it? Was it because the

1 notice came too late?

2 MR. KHARBANDA: No. I didn't realize
3 that I had received a notice. The notice
4 doesn't come to my home address. It goes to
5 a PO Box. And I had a series of health
6 issues that I wanted to spell out to kind of
7 explain why that's the case.

8 MS. CELESTINO-HORSEMAN: Before you do
9 that, do we have a time limit after judgment
10 is entered, or an order entered for someone
11 to speak to appeal those?

12 MR. OKESON: Mr. Simmons, do you care
13 to address that?

14 MR. SIMMONS: Mr. Chairman, members of
15 the commission, we actually addressed the
16 question to attorney general on that whether
17 there would be any limit to that that makes
18 it whatever commission policy is on that is
19 fine with us. So --

20 MR. OKESON: Right back at you. So
21 we're reconsidering -- is there a file in
22 this matter?

23 MS. TAYLOR: Yes. This is the 2017
24 annual which was due January 2018. Right
25 now, I don't remember the exact date.

1 SPEAKER: January 17 of '18.

2 MS. CELESTINO-HORSEMAN: So
3 Mr. Kharbanda, if we were to reopen this,
4 would you be willing to pay the 25 percent
5 since you didn't have any prior violations?

6 MR. KHARBANDA: I would just like to
7 explain my -- my hope is that this can be
8 dismissed. That is my hope. And I want to
9 sort of lay it out. I've got
10 documentation --

11 MS. CELESTINO-HORSEMAN: Oh, as to why
12 you were late to filing?

13 MR. KHARBANDA: Yes. Exactly.

14 MR. OKESON: I'm having trouble
15 finding the order from the last meeting.

16 MS. TAYLOR: I looked and couldn't
17 find it.

18 MR. OKESON: So there's no copy of the
19 order?

20 MR. SIMMONS: Not that I can find.

21 MR. OKESON: Okay. Yeah. Go ahead.
22 While we're reviewing this, why don't you
23 present any information you'd like us to
24 considered in your matter.

25 MR. KHARBANDA: Thank you,

1 Mr. Chairman. I had filed my 2016 annual
2 report from my candidate committee on time in
3 January 2017. Furthermore, I filed my 2018
4 annual report on time in January of this
5 year.

6 However, I did not file a 2017 annual
7 report on time in January 2018. I did file
8 it in January this year. I had intended to
9 file my 2017 annual report on Saturday,
10 January 13, 2018, but ended up being in the
11 Methodist Hospital emergency room on
12 Thursday, January 11th and Friday, January
13 12th with an upper respiratory bacterial
14 infection and a situation of severe
15 dehydration.

16 I was still quite ill even after I was
17 discharged from Methodist Compounding that
18 infection was my contending with an original
19 emergency room bill of \$10,433, and an
20 original ambulance bill of \$1,939.
21 Documentation for both bills are attached,
22 which I would be happy to give to the
23 commissioners and the counsel.

24 MR. OKESON: Please present that to
25 Co-counsel Simmons.

1 MR. KHARBANDA: As you can imagine,
2 commissioners, the repercussions of my
3 emergency room visit threw off everything in
4 my life for a while, including my plan to
5 draft the 2017 annual report on January 13,
6 2018. My health challenges, furthermore,
7 were not restricted to my emergency room
8 visit.

9 In January 2018, I ended up being in
10 urgent care in South Bend on March 21, 2018.
11 And over the course of 2018, I ended up
12 having an additional ten different medical
13 appointments, largely, to deal with very
14 severe sinus, ear, and nose
15 inflammation-related issues.

16 I regret that all of these unexpected
17 issues led me to overlook filing the 2017
18 annual report in 2018. I did file the 2017
19 report in January 2019. Please do note that
20 I received no campaign contributions in 2017,
21 2018, or this present year.

22 I would be very grateful if you could
23 please dismiss this case and waive the
24 thousand-dollar penalty in light of the
25 considerable extenuating circumstances with

1 regard to my health in 2018. As well as
2 considerable unexpected medical expenses in
3 2018.

4 I assure you that I will diligently
5 file my campaign finance reports going
6 forward just as I have done this year. Thank
7 you very much.

8 MS. CELESTINO-HORSEMAN: Can I ask
9 when was this report due?

10 MS. TAYLOR: January 17, 2018.

11 MS. CELESTINO-HORSEMAN: Why did it
12 take you a year to file the report? I mean,
13 I understand if you were in the hospital at
14 the time. But why a year?

15 MR. KHARBANDA: Honestly, I was just
16 so consumed with health issues throughout
17 that year that it just left my radar. You
18 know, I've never had a year of this much
19 physical challenge, ten medical appointments,
20 one visit to the urgent care, two-day visit
21 to the emergency room. It just was a year of
22 real trial for my health. This year's much
23 better. I don't foresee anything serious
24 happening that would prevent me being very
25 diligent, very timely in the future. And I

1 just would appreciate your clemency given the
2 health and financial challenges I faced in
3 2018.

4 MS. CELESTINO-HORSEMAN: Did you have
5 a treasurer?

6 MR. KHARBANDA: I was the treasurer.
7 This reflects, again, as far as it's been
8 my -- you know, noviceness in running for
9 office.

10 MS. CELESTINO-HORSEMAN: But you're
11 keeping your committee open?

12 MR. KHARBANDA: I'm willing to close
13 my committee if that would move the
14 commission to dismiss this case.

15 SPEAKER 1: Do you have any balance in
16 your account?

17 MR. KHARBANDA: I do. I don't know
18 how much precisely, but it's fairly modest.

19 MS. TAYLOR: The last report showed a
20 balance of \$4,884.15.

21 MR. KHARBANDA: But I want to mention
22 that there are debts that I -- there are
23 expenses that I incurred that are debts to my
24 committee. So once those are reimbursed by
25 the committee, it will be a very small --

1 very modest amount of money. I would
2 think -- I don't know if you --

3 MS. TAYLOR: \$1400 in debts?
4 \$1,419.92.

5 MS. CELESTINO-HORSEMAN: That's a
6 balance of a \$2600 or so.

7 MS. TAYLOR: Yeah.

8 MR. OKESON: Counsel Simmons, I assume
9 there's precedence for financial and health
10 hardships in the past matters similar to
11 this?

12 MR. SIMMONS: Sure. That's within the
13 discretion of the commission.

14 MR. OKESON: Co-counsel Kochevar, do
15 you have anything you'd like to add?

16 MR. KOICHEVAR: No, I concur that it's
17 at the discretion of the commission. The
18 commission has considered health and official
19 hardships in the past.

20 MR. OKESON: Is there a motion of any
21 sort for anything?

22 MS. CELESTINO-HORSEMAN: You know, my
23 hesitation here is just that -- it kind of
24 puts us in a trick box. Because at what
25 point -- I mean, you were in the hospital on

1 the 11th and 12th. This report was due on
2 the 17th. It took the year to get it in.
3 And I understand we've all been there having
4 bad years. But what point do we say, "Okay.
5 This person's illness implicated that."

6 I mean, two days out, three days out,
7 five days out? I mean, that's the problem I
8 have here. So I'm going to go back to my
9 first question. Would you be willing to pay
10 25 percent of the penalty?

11 MR. KHARBANDA: Well, my hesitation is
12 simply that I have a sterling record in my
13 professional life, and I'd like that
14 reflected in my brief tenure in my political
15 life. I simply would like to not have the
16 black mark. It's not so much money. It's
17 just the desire to have a sterling record,
18 not to have a black mark.

19 MS. CELESTINO-HORSEMAN: You realize
20 that after you would pay it, which you could
21 use your campaign funds to pay it --

22 MR. KHARBANDA: Yes.

23 MS. CELESTINO-HORSEMAN: -- that you
24 could close the committee. And then any
25 subsequent committee you'll open, this will

1 not be reflected on it.

2 MR. KHARBANDA: I understand. I
3 understand. I'm not trying to be stubborn.
4 I appreciate your point. I think that the
5 distinction is -- if this was, you know, a
6 one-time illness, which we all have
7 throughout the year, you know, that would be
8 one matter.

9 But I think this is a qualitative
10 difference. You know, two days in the
11 emergency room. And then pretty much having
12 to take much of the next week off because of
13 illness. I mean, I remember missing a
14 meeting where we were presenting, in my
15 professional life, an opportunity to be
16 before foundations.

17 I mean, it was a rather consequential
18 health episode that lasted for several days
19 beyond that, including beyond the deadline of
20 -- for the report. And then, furthermore,
21 the ten medical appointments that I've had.
22 There's no comparison in my 40-plus years of
23 that type of health hardship. In my entire
24 life. I assure you.

25 And, you know, you have that

1 documentation that demonstrates it there.
2 You know, just the magnitude of the health
3 issue would not have been \$10,000 if it
4 weren't a serious health issue.

5 I just please ask for your -- one
6 time. This will be the only time I'll appear
7 before the commission because I pride myself
8 on being diligent. And I just, you know,
9 appreciate your clemency in a lot of the
10 health and financial circumstances.

11 MR. OKESON: Any other questions?

12 MS. BECKLEY: I guess as far as
13 discussion, I don't have a problem with that
14 he filed late. I think that would be, within
15 my view, something that's extenuating
16 circumstances. It's the ten months
17 afterwards where I'm struggling to get beyond
18 at least a 25 percent penalty.

19 You have the extra funds. It does not
20 seem like you're planning to use them. It
21 seems like you might be considering to close
22 the committee. I don't know. I kind of
23 defer to what you guys would think on that
24 matter.

25 MR. OKESON: Should we go for a motion

1 first before we get into discussion?

2 MS. CELESTINO-HORSEMAN: My motion
3 would be to impose the recommended percentage
4 of the proposed fine plus mailing costs.

5 MS. BECKLEY: So the \$1,000?

6 MS. CELESTINO-HORSEMAN: Yes.

7 MR. OKESON: So I have a motion to
8 impose the full fine plus mailing costs. Do
9 I have a second?

10 MS. BECKLEY: I'll second.

11 MR. OKESON: I have a second. Any
12 discussion?

13 MR. KHARBANDA: Could I please -- is
14 there an opportunity to speak?

15 MR. OKESON: You've had your chance to
16 present.

17 MS. BECKLEY: So I've seconded it.
18 Which means we can discuss this.

19 So maybe if -- maybe we can go less
20 than the full, which is why we advise people
21 in the beginning of this meeting because
22 that's what you face. So if you get anything
23 less than full, you should still be thankful.
24 And I would say that I would be willing to
25 consider less than full.

1 MR. OKESON: So correct me if I'm
2 wrong, Counsel Simmons. But we have a motion
3 and second. We would have to vote on that?

4 MS. BECKLEY: We can move to amend.

5 MR. SIMMONS: Any vote on a motion to
6 reduce has to be unanimous to reduce.

7 MR. OKESON: Correct. But we have a
8 motion and a second. Now, I think what I'm
9 hearing is entertaining -- yeah. I'm just
10 trying to think procedurally.

11 MR. SIMMONS: Well, the commission has
12 an unlimited amending pending motions. But I
13 think it's better to get rid of a motion
14 before you do --

15 MR. OKESON: Do I have to take a vote
16 to get rid of the previous motion?

17 MS. CELESTINO-HORSEMAN: I think
18 that's a better way to do it.

19 MR. OKESON: Can I get a vote to
20 dispose of the previously proposed motion?

21 MS. CELESTINO-HORSEMAN: Are we voting
22 on the motion or the --

23 MR. OKESON: Yeah. We can vote on its
24 passage, and then -- so I have a motion and a
25 second to impose the full penalty plus

1 mailing costs. All those in favor signify by
2 saying, "Aye."

3 MS. CELESTINO-HORSEMAN: Aye."

4 MR. OKESON: Any opposed?

5 ALL TOGETHER: Nay.

6 MR. OKESON: Motion fails. Okay.

7 MS. BECKLEY: So now we can reopen.

8 MR. OKESON: Can I entertain another
9 motion?

10 MS. BECKLEY: To my opinion, I think
11 -- if I could offer the 25 percent. Again,
12 it's not about the first medical issue. I
13 would be completely understanding of that.
14 It's the ten months after. So I would be
15 willing to make a motion if you're willing to
16 accept the 25 percent penalty for the
17 first-time offense, I would be willing to
18 accept that.

19 MS. CELESTINO-HORSEMAN: What's the
20 point of order over here for a minute
21 because -- so a part of this is we got a
22 motion to reconsider. So are we considering
23 -- so we have a motion to reconsider. And we
24 have the substance. So I guess -- I mean, so
25 I will -- maybe I'll try a motion that might

1 pass.

2 So I'll -- but I would move, I guess,
3 that we grant the motion to reconsider.
4 Which is only the procedural "yes, we will
5 hear this matter." I just want to make sure.
6 So I move that we grant the motion to
7 reconsider.

8 MR. OKESON: Do I have a second?

9 MS. WILSON OVERHOLT: Second.

10 MR. OKESON: All in favor say, "Aye."

11 ALL TOGETHER: Aye.

12 MR. OKESON: Opposed, "Nay."

13 Okay. All right. Now, motion.

14 MS. BECKLEY: I move that we impose a
15 fine of 25 percent of the original penalty.

16 MR. OKESON: Do you want mailing costs
17 on that?

18 MS. BECKLEY: And mailing costs.

19 MR. OKESON: Is there a second?

20 MS. CELESTINO-HORSEMAN: I will
21 second.

22 MR. OKESON: Any further discussion?

23 MS. WILSON OVERHOLT: I think my
24 further discussion is do we need to close the
25 committee? Or do we need to put a

1 stipulation to close it?

2 MS. CELESTINO-HORSEMAN: And that's
3 his choice. You'll have to keep -- as long
4 as it's opened, he has to keep filing reports
5 and everything.

6 MS. WILSON OVERHOLT: All right.

7 MR. OKESON: Any other discussion?
8 Having a motion and seconded. Take a vote.
9 All those in favor say, "Aye."

10 ALL TOGETHER: Aye.

11 MR. OKESON: Opposed? None. Motion
12 carries.

13 MR. KHARBANDA: . Okay. Thank you.

14 MR. OKESON: You'll be notified as to
15 when to pay your fine.

16 Will you state your name and spell it
17 for the us into the microphone.

18 MS. RENSLOW: It's Jessica Renslow,
19 J-e-s-s-i-c-a, R-e-n-s-l-o-w.

20 MR. OKESON: Committee name?

21 MS. RENSLOW: Friends of Jessica
22 Renslow.

23 MR. OKESON: Cause number?

24 MS. TAYLOR: This is on page 76.

25 MS. RENSLOW: 2019-7024-116.

1 So I have a letter from my treasurer.
2 Can I read that first? She wasn't able to
3 take off work today. This is my chairperson.

4 MR. OKESON: Go ahead.

5 MS. RENSLOW: On the evening of April
6 20, 2019, the Friends of Jessica Renslow
7 received two large contributions not more
8 than 25 days before convention, primary, or
9 general election. And ending 48 hours before
10 convention, primary, or general election, we
11 had filed our preprimary report that same
12 afternoon.

13 We took this to mean that we were
14 within the correct time to not have to file a
15 supplemental report as the contributions were
16 donated 19 days before the primary and less
17 than 48 hours after the primary.

18 Additionally, they were donated after
19 the preprimary report due date of April 20,
20 2018,, at noon. Primary filings for the
21 report went from January 1st to April 14th of
22 2018. We thought we were following the 2018
23 campaign finance manual correctly. It is
24 with great concern and our sincerest
25 apologies that we discovered that we were not

1 correctly interpreting this section of the
2 2018 campaign finance manual.

3 It was our intention to follow the
4 letter of the law. This is why we recorded
5 two contributions on our 2018 annual report.
6 We should have called the secretary of
7 state's office for clarification on this
8 matter. And it is with the very deepest of
9 regrets that we did not.

10 It is my hope your commission will
11 understand that the Friends of Jessica
12 Renslow is a new organization. And we know
13 that this was a terrible error, one we will
14 never repeat. I am unable to be there today
15 due to a previous commitment.

16 Jessica Renslow, our candiate, and
17 Gretchen Sip, the chairwoman of Jessica
18 Renslow, are here on my behalf and the behalf
19 of our organization. Please accept our
20 apologies and consider them when conducting
21 your assessment process. Sincerely, Rose
22 Lige, Treasurer. The Friends of Jessica
23 Renslow.

24 MR. OKESON: Question for me. So if I
25 could summarize the letter, what I hear you

1 stating is that you simply are asking for
2 mercy on missing --

3 MS. RENSLOW: Yeah. We're new to this
4 process. And the committee opened in 2017.
5 And with that, because I was not a candidate
6 in 2017, we had all of our large item
7 contributions due with our annual report.
8 And because I was not successful in my
9 primary, Representative Hatcher won it.

10 So with that, we thought because I was
11 not a candidate in the general, that it
12 wasn't due in October. And we were very
13 surprised to find out it was actually due in
14 April since we turned it in with the annual
15 report. It was not intentional.

16 MS. WILSON OVERHOLT: So in other
17 words, ignorance of the law.

18 MS. RENSLOW: Yeah. And
19 misinterpretation of it. Obviously.

20 MS. CELESTINO-HORSEMAN: I was just
21 asking -- what's confusing to me about the
22 information in front of us -- so what type or
23 report (inaudible) and how did --

24 MS. TAYLOR: This is for CFA-11. The
25 supplemental that's in that box there. She

1 did file the preprimary late and paid the
2 settlement agreement on that one.

3 This was a large contribution that was
4 reported on the annual report. The
5 contribution was received inside the
6 preprimary supplemental reporting period,
7 which is the 25 days before the primary
8 election. And it was not recorded on the 11
9 at that time.

10 MS. NUSSMEYER: Mr. Chairman, if I
11 may. So I'll let Abbey and Michelle correct
12 me if I'm wrong here.

13 But when annual reports are filed, our
14 campaign finance system is able to audit to
15 look for contributions of a thousand dollars
16 or more that would have been received within
17 the very distinct window of time before the
18 preprimary and before the preelection
19 reports.

20 And during those audits is when we
21 will then send notices to committees that it
22 appears that you've disclosed on your annual
23 report a large contribution during this
24 window of time that you should have filed the
25 CFA-11 or the 48-hour contribution notice.

1 And that's basically what I'm hearing from
2 Abbey is what happened here, is that through
3 our audit, we discovered that this large
4 contribution report was not filed. Does that
5 help you? I hope.

6 MS. RENSLOW: And I called immediately
7 as soon as we received it because I was,
8 like, very surprised.

9 MR. OKESON: Mr. King, do you have
10 anything you'd like to offer?

11 MR. KING: No, Mr. Chairman.
12 Co-director Nussmeyer very eloquently
13 summarized the procedures we take to identify
14 the large supplemental reports.

15 Just speaking in general, the purpose
16 is to give the public notice of large
17 contributions coming in shortly before the
18 election, but after the regular reporting
19 period has ended.

20 MS. CELESTINO-HORSEMAN: And so was
21 this ever filed or --

22 MS. RENSLOW: No. I did not realize
23 that I needed to file it because I was not
24 technically a candidate in the general
25 election, which we thought -- because it was

1 between the 25 days before the primary and
2 within the 48 hours after the primary that we
3 were in the correct window. But we did not
4 read it correctly.

5 SPEAKER: But you got the notice
6 telling you that you needed to file it,
7 that's why?

8 MS. RENSLOW: I got it this year in
9 the spring. And then I said is there
10 anything that I should do next? And they
11 said to show up at this hearing.

12 MR. OKESON: Is there a motion?

13 MS. BECKLEY: This is what violation?

14 MS. TAYLOR: Her second.

15 MR. OKESON: I'll make a motion. I'd
16 move to impose full plus mailing costs on
17 this matter. Is there a second?

18 MS. CELESTINO-HORSEMAN: I'll second.

19 MR. OKESON: There's a second. Any
20 discussion?

21 MS. BECKLEY: I guess -- to me, I
22 would not want to offer the 50 percent.
23 Because you had the opportunity to come up
24 and plead for the first time. And the way I
25 remember it in the past, we have precedent to

1 allow you to argue your case. And then back
2 down to the argument number.

3 But I don't know. 75 percent or
4 something would be like a third fine or
5 something like that. A little bit of a
6 break. But, I mean, frankly, the law's the
7 law. You're not entitled to not know the law
8 and use that as an excuse.

9 So I would be okay with doing a 75
10 percent fine. I don't know what this table
11 would be -- if anyone at this table that is
12 interested in the 75 percent.

13 MR. OKESON: We've offered that
14 opportunity at the beginning of the session
15 so --

16 MS. RENSLOW: I'm sorry. And I know
17 it was a gamble to come up here. But I
18 really wanted to make sure that everybody
19 knew that it was not intentional.

20 MR. OKESON: I understand. So we're
21 in discussion.

22 MS. BECKLEY: I hear exactly what you
23 all are saying. I mean, technically if she
24 would have accepted the offer, she would
25 qualify for 50 percent?

1 MS. TAYLOR: Yes.

2 MS. BECKLEY: So is your committee
3 still open?

4 MS. RENSLOW: It is, yeah.

5 MS. BECKLEY: Okay. So is there a
6 balance?

7 MS. RENSLOW: We are in the negative.

8 MS. BECKLEY: So 75 percent, 100
9 percent, it doesn't matter, right? So 75 --
10 I would go for 75 percent. Only because it
11 sends a message that, you know, take the deal
12 when you got a chance.

13 Because we warned you about having --
14 you have to have a really good excuse. I
15 mean, you can imagine. If everybody came up
16 here, people would've been doing it for a
17 while and said, "I didn't know the law." But
18 having said that, I would be willing to do 75
19 percent.

20 MR. OKESON: Okay. So we have a
21 motion for the full penalty and mailing
22 costs; a second. So we'll need to vote on
23 that.

24 All those in favor say "Aye."

25 Aye.

1 All those opposed, "Nay."

2 ALL TOGETHER: "Nay."

3 MR. OKESON: Motion fails.

4 MS. BECKLEY: I would move to impose a
5 fine 75 percent of the initial fine.

6 MR. OKESON: I think we have to reopen
7 procedurally. We can just offer another
8 motion? Okay. I'm sorry. Go ahead.

9 MS. BECKLEY: I would move that we
10 impose a fine of the 75 percent of the
11 original fine.

12 MR. OKESON: Mailing costs?

13 MS. BECKLEY: Plus mailing costs.
14 Thank you.

15 MR. OKESON: Having a motion. And a
16 second?

17 SPEAKER: I'll second.

18 MR. OKESON: All those in favor
19 signify by saying, "Aye."

20 ALL TOGETHER: Aye.

21 MR. OKESON: All those opposed?
22 Hearing none. The motion carries. Thank
23 you.

24 State your name for us.

25 MS. MCMILLAN: Deanna McMillan,

1 D-e-e-a-n-n-a, McMillan, M-c-M-i-l-l-a-n.

2 MR. OKESON: The committee name?

3 MS. MCMILLAN: Administrative cause
4 2018-6830-87.

5 MR. OKESON: What was the name of the
6 committee?

7 MS. MCMILLAN: Deanna McMillan
8 Director Path 2016.

9 MS. THOMPSON: Mr. Chairman, on
10 page 9. Cause number 2018-6830-87. This
11 committee was continued at the last hearing
12 for her to close the committee. The
13 commission at that time didn't give us
14 direction of whether once she closed it, if
15 she had to come back or not. So we suggested
16 she come back.

17 MS. TAYLOR: Because you told us on
18 the rest of them when they didn't need to
19 come back, and we felt like she might be
20 singled out. So we wanted to make sure she
21 was back.

22 MR. OKESON: Has she closed it?

23 MS. THOMPSON: She has closed it.

24 SPEAKER: So what was supposed to
25 happen?

1 MS. MCMILLAN: I was supposed to close
2 it.

3 SPEAKER: She was supposed to close
4 it. And she did.

5 MR. OKESON: I (inaudible) the
6 conditions for the dismissal.

7 MS. MCMILLAN: I didn't want to take
8 any chances.

9 MR. OKESON: Is there anything else,
10 Mr. King?

11 MR. KING: No.

12 SPEAKER: Sorry you had to come back.

13 MR. OKESON: Do I have a motion?

14 MS. MCMILLAN: I appreciate the
15 opportunity to not have to pay. In the last
16 60 days my husband passed away unexpectedly.
17 And I just didn't want to take any chances.

18 MR. OKESON: I thank you for being
19 here.

20 MS. MCMILLAN: Thank you.

21 MS. CELESTINO-HORSEMAN: I move to
22 dismiss.

23 MR. OKESON: Second?

24 SPEAKER: I'll second.

25 MR. OKESON: Any discussion? All

1 those in favor vote by saying, "aye."

2 All TOGETHER: "Aye."

3 MR. OKESON: "Nay?" Hearing none.
4 Motion carries. Thank you. Dismissed.

5 MR. JACKSON: Phillip Jackson,
6 J-a-c-k-s-o-n, on behalf of Labors Local 41
7 Political Fund. Cause number 2019-6463-95.

8 MS. TAYLOR: It's on page 63. Labors
9 Local 41 Political Fund. Cause number
10 2019-6463-95. This is the first time before
11 the commission, opposed civil penalty of
12 \$200.49.

13 MR. JACKSON: Our client, Labors Local
14 41 Political Fund, received correspondence
15 stating their form CFA-4 reported receipts
16 and expenditures of a political action
17 committee was received late by your office
18 for the reporting period referenced above.

19 The tracking and confirmation of the
20 United States Postal Service states the
21 following: The CFA-4 form arrived at the
22 location on Friday, October 19, 2018, prior
23 to noon filing deadline.

24 It was confirmed on delivery that the
25 form was attempted unsuccessfully on October

1 19, 2018, later that same day. The CFA-4 was
2 later accepted by your office early in the
3 morning of Monday, October 22, 2018. Based
4 upon the facts and circumstances outlined
5 above, the submitted form CFA-4 did arrive
6 timely as required by the filing deadline.

7 However, due to process administrative
8 reasons, the office did not acknowledge
9 receipt of these forms until Monday,
10 October 22, 2018.

11 Therefore, under Indiana code
12 3-9-4-16, subsection A, subsection 1, the
13 election division report should be deemed
14 timely filed as required under Indiana code
15 3-9-5. As (inaudible) to our client in this
16 matter and pursuant to Indiana code 3-9-4-19,
17 we respectfully request a waiver of any
18 potential penalty based upon circumstances
19 previously mentioned.

20 Additionally, in an attempt to resolve
21 this matter prior to the hearing scheduled
22 for July 26, 2019, was made. However, the
23 staff member of the agency confirmed that a
24 formal hearing must still occur.

25 And also we'd like to have this matter

1 dismissed as well.

2 SPEAKER: So let me ask you -- does it
3 say in the code as to how the campaign
4 finance reports are -- or I mean, they have
5 to be received? Is that just the governing
6 line? Which is not like it says it needs to
7 be by certified mailing or anything else?

8 MR. KOICHEVAR: Indiana code 3-9-5-7,
9 subsection B1, reports must be filed as
10 follows: Hand-delivered reports or reports
11 transmitted by mail must be filed with the
12 appropriate office during regular office
13 hours, not later than noon, seven days after
14 the date of the report.

15 I will also note, under 3-5-9, for
16 those reports to be filed an actual physical
17 copy either given by hand delivery or mail
18 must have a filed stamp on it to be
19 considered filed.

20 MR. OKESON: Counsel Simmons?

21 MR. SIMMONS: Just to add to the
22 citation that has already been made that we
23 have a definition of filing. And the code
24 35224.5. And certainly, with respect to
25 paper filings, it requires not only a

1 receipt, but a recording of the time/date
2 received by staff on the document itself.

3 MR. OKESON: So what I'm hearing is
4 between the two co-counsels consensus on the
5 fact that discussion of the filing is not
6 correct. The evidence offered here is not
7 accurate. It was not filed timely. Is that
8 what I'm hearing?

9 MR. SIMMONS: Yes. Not according to
10 the definition of filing.

11 SPEAKER: Okay. So now -- and it
12 wasn't received. You sent it FedEx?

13 MR. JACKSON: I sent it United States
14 Postal Service. We have the tracking number
15 and confirmation number here.

16 MS. CELESTINO-HORSEMAN: Okay. So
17 who's -- did someone have to sign for it?

18 MR. JACKSON: That's what it says. It
19 says on here as of -- it arrived here on
20 October 19, 2018, at 10:31 a.m. And then
21 unfortunately it says another attempt to
22 deliver later that day. It says, "Delivery
23 attempted. No access to deliver to
24 location."

25 MS. THOMPSON: What we believe

1 happened is it was delivered to our mailroom.
2 And then we didn't receive it that day. The
3 next -- which would have been Monday -- when
4 we went down and got the mail, it was signed
5 for and brought up to us and we file-stamped
6 it.

7 MS. NUSSMEYER: Mr. Chairman, if I
8 might. It's not our mailroom. It's the
9 division's mailroom.

10 MS. THOMPSON: Oh, sorry. Yeah.

11 MS. NUSSMEYER: It is the mailroom for
12 the entire government center complex. And
13 they receive mail, sort it, and then deliver
14 it to the agencies, you know, when they have
15 staff available to do that.

16 And our staff actually goes down and
17 checks mailboxes and other things too. So
18 maybe the mailroom staff was not there to
19 receive the mail when it arrived.

20 MR. OKESON: Co-director King, do you
21 have anything you would like to offer?

22 MR. KING: No, Mr. Chairman. Just to
23 add, again, that the critical factor under
24 the law is that for the benefit of the
25 public, the document has to be on file in the

1 election division for inspection and that
2 filing does not legally happen until it's
3 been filed-stamped and is pressed with our
4 office.

5 MR. OKESON: So U.S. Postal Service
6 notations about attempts to deliver are not
7 --

8 MR. KING: Or to phrase it another
9 way, in many other instances of the law,
10 there's a postmark rule that says filings are
11 timely postmarked but that --

12 MR. OKESON: Okay.

13 MS. CELESTINO-HORSEMAN: I guess I
14 would say if -- so was it -- the date of
15 delivery to the government center was what?

16 MR. JACKSON: It says 19th. At
17 10:30 a.m.

18 MS. CELESTINO-HORSEMAN: Which is the
19 due date?

20 MR. JACKSON: Yeah.

21 MS. CELESTINO-HORSEMAN: Okay. I
22 guess -- so my concern is that I feel like
23 this is because -- well, I mean, I know from
24 experience trying to get things to people and
25 the government center that, you know, things

1 literally can get lost in the mail in this
2 building. And I am concerned that we have
3 people from all over the state, obviously,
4 having to file these reports.

5 And so say that if you put something
6 in the mail, you get delivered, you got proof
7 of delivery that it was actually in this
8 building prior to the due date. But then it
9 depends on well, did election staff happen to
10 come down and check their mailbox? Or did
11 someone from the mail center happen to decide
12 to make a delivery?

13 That concerns me. That's what I
14 hear -- because the thing is that we don't
15 want to require people from Gary to drive
16 down to Indianapolis as a way to ensure that
17 their things are getting filed in the office
18 and stamped.

19 So I just -- I think -- so I think we
20 need to consider -- I understand what the
21 statute says. We're being confronted with
22 something that says that this item was
23 actually delivered in this building prior to
24 the due date. I don't know.

25 MR. OKESON: Is there evidence to that

1 effect? Is there U.S. Postal --

2 MS. CELESTINO-HORSEMAN: I thought
3 that's what you were looking at.

4 MR. JACKSON: I sent it also in an
5 email, too, just yesterday.

6 SPEAKER: Oh, I was looking at the
7 envelope.

8 MS. NUSSMEYER: Do you have a copy of
9 that that you could share with us?

10 MR. JACKSON: I do. Absolutely.

11 MR. OKESON: Could you please hand it
12 to co-counsel.

13 MS. NUSSMEYER: What made you think it
14 would get here before noon?

15 MR. JACKSON: What's that?

16 MS. NUSSMEYER: What made you think it
17 would be delivered before noon?

18 MR. JACKSON: Well, the other thing,
19 too, is our client is located in Munster,
20 Indiana. So it'd be a pretty large
21 (inaudible) for them to try and --

22 MS. NUSSMEYER: Right. But why --
23 well, they could have sent it by fax. They
24 could have filed it online. But what I'm
25 asking is, all right, so it wasn't delivered.

1 When you mailed it, what made them believe
2 that it was going to be delivered by noon on
3 that day?

4 MR. JACKSON: I honestly don't know
5 that I could answer that accurately. And
6 quite honestly, I mean, I think they were
7 making their best attempt to get it --
8 because we've actually -- as a CPA, we
9 actually prepared the form for them, sent it
10 to them, and then the transmission situation
11 of what I'm getting at.

12 MS. NUSSMEYER: Because I'm not aware
13 of the postal service having been Federal
14 Express.

15 MR. OKESON: Have they had any past
16 actions?

17 MS. TAYLOR: No. No. This is their
18 first.

19 MS. NUSSMEYER: You know, I mean, I
20 wouldn't know. I mean, whatever happens here
21 today, you need to go back and tell them --
22 when you're going to mail this certified
23 mail, you need it to get here by noon on a
24 certain day. That's not the way to go
25 because you can't have any guarantee that

1 MS. CELESTINO-HORSEMAN: Delivery,
2 you're right. Delivery wasn't attempted
3 until the 19th. What was the due date?

4 MR. JACKSON: The 19th.

5 SPEAKER: 19th. But by noon.

6 MR. OKESON: It's at noon, correct?

7 SPEAKER: Yes.

8 MR. OKESON: Co-director King --
9 Co-counsel Simmons, the statute -- will you
10 clarify what time it has to be received upon
11 again.

12 MR. SIMMONS: Well, it has to be noon.
13 Received and filed.

14 MR. OKESON: Received and filed by
15 noon?

16 MR. SIMMONS: Filed as per the
17 definition.

18 MS. CELESTINO-HORSEMAN: So that
19 wasn't timely.

20 MS. NUSSMEYER: Mr. Chairman, if I
21 may.

22 MR. OKESON: Sure.

23 MS. NUSSMEYER: I'll refer to Mr. King
24 and Co-counsel Simmons might have something
25 further. But I do recall, I believe it was

1 it's going to get here by noon.

2 MR. JACKSON: Sure.

3 MR. OKESON: Any other questions?

4 MS. BECKLEY: If I could just ask
5 Mr. Simmons. I think in the past we have
6 negated some of these because of mail issues.
7 But they were like a week-and-a-half issues,
8 correct? Is there precedent for a two-day
9 notice? I mean, he sent it two days before
10 it was due.

11 MR. JACKSON: Is there a day for a
12 two-hour notice because --

13 MS. NUSSMEYER: Oh, this didn't --
14 this says it arrived at unit -- so it arrived
15 at U.S. Postal Service on October 19th at
16 10:31 a.m.

17 And then was delivered here -- they
18 attempted to deliver it at 3:28 p.m. to here.
19 And then when they were unable to do that,
20 they delivered it on the 22nd. So that 10:31
21 time is just saying that it arrived at the
22 postal service here.

23 MR. JACKSON: Oh, my understanding was
24 10:30 was when it arrived in the building
25 here.

1 last year, where a motion was made and passed
2 where the commission did waive a penalty
3 where a piece of mail was delivered to this
4 building, and it arrived before noon.

5 But I believe the PAC had sent it by
6 overnight mail. And they had an expectation
7 that it would arrive and be in our office by
8 noon. And I believe that part of the
9 conversation was there was a reasonable
10 expectation that the mail would be delivered
11 to the government center and received by our
12 office before noon because they had asked for
13 express overnight delivery. And so I believe
14 that might be a similar issue here except for
15 this was not sent by overnight mail.

16 MR. KING: Mr. Chairman, I agree
17 entirely with Ms. Nussmeyer's recollection.
18 If the commission took into consideration the
19 fact that it was entirely reasonable to
20 expect U.S.P.S or private courier delivery by
21 noon if that's what the sender had paid for.
22 And if it was not -- U.S.P.S or the courier
23 failed in their duty, then that was an
24 extenuating circumstance.

25 MR. OKESON: Sure.

1 SPEAKER 1: As opposed to
2 communicating in a way that is not
3 guaranteed.

4 MR. OKESON: Is that the nature of
5 what this was? Was this paid for to be
6 overnighted?

7 SPEAKER 1: No. Certified.

8 MR. OKESON: Certified.

9 I'm going to offer a motion consistent
10 with my last motion that I would move to
11 impose the full fine plus mailing costs for
12 an untimely filing. Is there a second?

13 MS. CELESTINO-HORSEMAN: Second.

14 MR. OKESON: We have a motion to
15 second. Any discussion?

16 All those in favor signify by saying
17 "Aye."

18 ALL TOGETHER: Aye."

19 MR. OKESON: All those imposed, "Nay."
20 Hearing none, motion carries. Next.

21 MR. JACKSON: They have to pay the
22 full entire penalty?

23 MR. OKESON: Correct.

24 MR. JACKSON: Okay.

25 MR. OKESON: Thank you. Next.

1 MS. DAVIS: Good afternoon. My name
2 is Tammy Davis, D-a-v-i-s. And I have two or
3 three cause numbers, but don't hold that
4 against me, please.

5 The first one is 2019-6744-1. The
6 second is 2019-6744-2. And the last is
7 2018-6744-76.

8 MS. THOMPSON: Mr. Chairman, that's on
9 page 5 and page 8.

10 MR. OKESON: Five and eight?

11 MS. TAYLOR: Five, top of six, and
12 eight.

13 MS. THOMPSON: You want to do these
14 one at a time? This is a supplemental
15 report. 2019-6744-1, has proposed civil
16 penalty of \$1,000.50. This committee is --
17 this is the first time this committee has
18 come before the commission.

19 MS. TAYLOR: And it's closed.

20 MR. OKESON: What was that?

21 MS. THOMPSON: It's closed.

22 MR. OKESON: This is the first time
23 before the committee?

24 MS. THOMPSON: Yes.

25 MR. OKESON: Is there any information

1 you'd like to present?

2 MS. DAVIS: Other than the fact that
3 we know that we provided the information
4 late. And listening at how you audit the
5 supplemental or the annual reports to flag
6 it, we missed it.

7 This was our first time -- treasurer's
8 first time, my first time being candidate, we
9 missed it. I don't have any other excuses.

10 MS. NUSSMEYER: So why didn't you take
11 the 25 percent offer?

12 MS. DAVIS: Because I really wanted to
13 come before you and ask for a dismissal of
14 it. This was for --

15 MS. NUSSMEYER: On the grounds that
16 you just didn't know the law?

17 MS. DAVIS: I'm sorry?

18 MS. NUSSMEYER: On the grounds that
19 you just didn't know the law?

20 MS. DAVIS: I wouldn't say that we
21 didn't know it. We understood it after the
22 fact. So we made sure that all of our
23 contributions were filed and recorded and
24 accounted for. And with the large
25 contributions form --

1 MS. NUSSMEYER: But at the time that
2 this happened, what you're saying, the reason
3 why you didn't do it is because you didn't
4 know the law, right?

5 MS. DAVIS: In part. In part. At one
6 point -- and my treasurer and I -- we met
7 about this about two/three days ago.
8 Unfortunately, she had a family engagement
9 and could not be here today. And so there
10 was a point where we attempted to make the --
11 to file the report, and it was in red. It
12 did not allow her to click the submit button
13 or something.

14 And then we -- and I'll just say "we"
15 because I'm part responsible for that as
16 well -- forget to call down to the State to
17 say, "Hey. We tried to file the report.
18 It's in red. We're not able to submit it."

19 And it ended up being submitted after
20 the fact. And then we also had to correct
21 one of the addresses for one of the
22 contributors, Mr. Boyd.

23 MS. CELESTINO-HORSEMAN: Could I ask
24 you a question?

25 MS. DAVIS: Sure.

1 MS. CELESTINO-HORSEMAN: Were you -- I
2 want to make sure I understand something.
3 Were you here last year for the hearings? Or
4 was someone from your committee here?

5 MS. DAVIS: No.

6 MS. CELESTINO-HORSEMAN: So did you --
7 so I'm just looking because our records show
8 that it was continued. And I'm trying to
9 figure out if that was because a request --

10 MS. TAYLOR: She asked for a
11 continuance at that August 2018 hearing for
12 that delinquency. These two are new.

13 MS. CELESTINO-HORSEMAN: Okay. Okay.

14 MS. DAVIS: No, it's fine. I was
15 teaching at a conference.

16 MS. CELESTINO-HORSEMAN: Okay. I
17 understand. So there's no money in the bank
18 account?

19 MS. DAVIS: There is none. And we
20 closed it.

21 MR. OKESON: Is there a motion on this
22 matter?

23 SPEAKER: I would make a motion to --

24 SPEAKER: Yeah. I'll make a motion.
25 I don't see anything (inaudible) health

1 issues or anything like that. I wish you
2 would have come forward and taken the 25
3 percent. I will stay consistent with what
4 I've said before, and I'll offer 75 percent
5 fine for all three.

6 MR. OKESON: So I have a motion for 75
7 percent. Fine reduced to pay 75 percent of
8 that amount -- that penalty plus mailing
9 costs?

10 MS. BECKLEY: Plus mailing costs.

11 MR. OKESON: For all three causes?

12 MS. BECKLEY: Yes.

13 MR. OKESON: Do I hear a second? I'll
14 second it. Discussion?

15 MS. NUSSMEYER: Yes. Thank you. I'd
16 like to ask Mr. King a question.

17 MR. OKESON: Sure.

18 MS. NUSSMEYER: Mr. King, in the past
19 when the committee has been closed and
20 they've come forward, has it been the
21 practice to go ahead and impose? Or is it
22 since the committee is no longer in existence
23 do they go ahead and dismiss it?

24 MR. KING: Commissioner, both cases
25 have occurred based on the circumstances

1 involved. For example, earlier in this
2 meeting, a cause was dismissed because the
3 commission had already heard and asked the
4 commission to close, and they granted it. So
5 it was dismissed.

6 There have been other cases where,
7 even though a committee was closed, the
8 commission imposed a fine. Under Indiana
9 law, a court of appeals decision indicates
10 that a chairman or a treasurer of an
11 individual committee is personally liable for
12 any debts of the committee. And so it's not
13 entirely without legal impact for the
14 commission to take the other route and impose
15 penalty.

16 MR. OKESON: Co-counsel Simmons, can
17 you remind me of the necessary votes to pass
18 a reduced motion?

19 MR. SIMMONS: Four affirmative votes
20 of the commission.

21 SPEAKER: What did he say?

22 MR. OKESON: We require four votes on
23 the reduced -- so I have a motion and a
24 second. Any further discussion? All those
25 in favor vote by saying "Aye."

1 "Aye."

2 All those opposed, "nay."

3 ALL TOGETHER: Nay.

4 MR. OKESON: Motion fails. Is there
5 any further motions on the matter?

6 SPEAKER: I would move to dismiss this
7 matter. Committee is closed, correct?

8 MS. TAYLOR: Yes.

9 SPEAKER: I would move to dismiss.

10 MR. OKESON: Is there a second?

11 MS. CELESTINO-HORSEMAN: Second.

12 MR. OKESON: Motion and a second. Any
13 discussion?

14 SPEAKER: What is your reasoning for
15 dismissal?

16 MS. CELESTINO-HORSEMAN: Well just
17 based on the past proceedings before this
18 commission, I feel that my recollection is
19 that the manner in which maybe we have been
20 most consistent is that if a committee is
21 closed or if a candidate or treasurer or
22 whatever agrees to close the committee that
23 we have dismissed. Either as we saw today
24 continued it pending the closure and then we
25 dismissed. Or if it's already closed and we

1 dismissed the penalties.

2 SPEAKER: They were dismissing
3 penalties that way -- you remind me of that
4 -- at the last one, dismissing on the basis
5 that if he would close a committee, then the
6 charges would be dismissed.

7 MS. CELESTINO-HORSEMAN: I think it
8 is -- I mean, my recollection -- and I've
9 been on the commission a number of years that
10 -- I mean, I don't recall taking action where
11 they would end up with -- the treasurer or
12 the chair being subject to individual
13 liability for the penalty. I think, without
14 saying, that's what we've essentially been
15 drawn to.

16 SPEAKER: Mr. Simmons and
17 Mr. Kochevar, is that consistent with the
18 past?

19 MR. KOCHEVAR: That is how I remember
20 those things in my five years.

21 MS. CELESTINO-HORSEMAN: It's been
22 five years already?

23 MR. KOCHEVAR: It will be five this
24 January. So, yes. And that is what has been
25 done in the past. But I'll hand it over to

1 Mr. Simmons.

2 MR. SIMMONS: Well, I'm going on 20
3 years. So I have seen about everything I
4 think you could imagine. I have seen it both
5 ways. So it is a decision that is left to
6 the commission.

7 And I would just say while it takes
8 four votes -- and this is an issue the
9 commission, you know, has to deal with from
10 time to time -- to reduce a campaign finance
11 fine, if they do not reduce it, what happens
12 is -- and if no motion passes -- there's no
13 action taken by the commission because
14 there's a statute that applies to the
15 commission that it takes an affirmative vote
16 at least three commission members to take any
17 official action.

18 So we have had situations where the
19 commission took no action in a particular
20 case. So there is those two extremes. We've
21 seen it.

22 MR. OKESON: So when that happens, you
23 take a vote and vote the motion fails, then
24 what? Nothing.

25 MR. SIMMONS: Then nothing. That is

1 the way I've described it. Well, yeah. It
2 is potentially something that could be
3 recalled later, I suppose. It's just in
4 limbo, but no action is taken that day.
5 Nothing happens that day.

6 MR. OKESON: So kindly repeat your
7 motion for me.

8 MS. NUSSMEYER: Oh, I move to dismiss.
9 Don't you think?

10 MR. OKESON: And you seconded it,
11 correct?

12 MS. CELESTINO-HORSEMAN: And I
13 seconded it, yes.

14 MS. NUSSMEYER: Because the committee
15 was closed.

16 MR. OKESON: All right. All those in
17 favor signify by saying, "Aye."

18 ALL TOGETHER: "Aye."

19 MR. OKESON: All those opposed, say
20 "Nay."

21 Nay.

22 SPEAKER: Nay.

23 MR. OKESON: Motion fails.

24 MS. CELESTINO-HORSEMAN: Well, we
25 could do somewhere between the 75 percent.

1 MR. OKESON: Or we move on.

2 MS. CELESTINO-HORSEMAN: Or just move
3 on, yeah, I guess.

4 MR. KOICHEVAR: I would just like to
5 add on one other thing to Mr. Simmons'
6 comment. Yes, while I believe you could
7 continue, I think it would continue up until
8 a statute of limitations would apply.

9 I think in this case, and I will stand
10 corrected by Mr. Simmons, I believe the
11 statute of limitation on these cases since it
12 involves a potential penalty so a (inaudible)
13 before property from one person to the state,
14 that would be two years. But, again, I will
15 yield to Mr. Simmons.

16 MR. SIMMONS: We've had those
17 discussions in the past. And we actually --
18 prior co-counsel -- and I'll check with
19 attorney general on that question there.
20 Their best opinion -- although there was no
21 particular statute, their best (inaudible)
22 was that the two-year statute of limitation
23 would apply in this case.

24 MR. OKESON: Co-director King, do you
25 have anything you'd like to add?

1 MR. KING: No. I don't have anything.

2 MR. OKESON: Want to move on?

3 SPEAKER: Yeah. We can.

4 MR. OKESON: Are there any further
5 motions on this?

6 SPEAKER: No.

7 MR. OKESON: Next.

8 MS. DAVIS: Thank you. Thank you all.
9 Have a blessed weekend.

10 MR. OKESON: You too.

11 MR. ARNETT: My name is Dale Arnett.
12 That's spelled A-r-n-e-t-t. Dale for
13 Indiana. Cause number 2019-7177-109.

14 MS. TAYLOR: It's on page 70. Dale
15 Arnett for Indiana. Cause number
16 2019-7177-109. A proposed civil penalty of
17 \$300.50. And they paid one settlement
18 agreement. So this is the second time before
19 the commission.

20 MR. OKESON: Would you like to offer
21 anything for the record?

22 MR. ARNETT: Yes, I would. Actually,
23 the other one was -- I was late on my final
24 report. And I didn't say anything about that
25 because I had a granddaughter in the

1 hospital, who actually died. And I just went
2 ahead and paid that. And she died on her
3 birthday -- 24th birthday. And so I haven't
4 really been before the committee before.
5 I've never been involved in politics before.
6 I was a rookie.

7 I was going to run for state
8 legislator on a third party ticket because I
9 was disgusted with the way national politics
10 were going between democrats and republicans.
11 We're so divided, and so I ran on a third
12 party ticket. I didn't have a whole lot of
13 help because what I was supposed to do -- and
14 I got notice. I read the law. And in my
15 mind, I really thought I was supposed to file
16 this after the election and not the month
17 before the election.

18 And then when I got the notice, I
19 filed it immediately because I kept pretty
20 good records on what we've had. And I ran my
21 campaign on less than a thousand dollars.
22 And I've got zero left. I really didn't have
23 a campaign committee.

24 I will say I did get my message out.
25 I got the highest percentage of votes for any

1 libertarian candidate who ran for state
2 office. In the state, I got 5 percent.
3 Which doesn't seem like much, but I was able
4 to tell people I'm disgusted with the way
5 politics run.

6 MS. NUSSMEYER: So you were late on
7 filing?

8 MR. ARNETT: I was.

9 MS. TAYLOR: On the annual report. On
10 the preelection report, what this one is. He
11 was also late on the annual and paid that
12 settlement agreement.

13 The committee is also closed, and we
14 just missed putting it on here.

15 MS. NUSSMEYER: So what is it you
16 want, sir?

17 MR. ARNETT: I would ask to waive the
18 penalty. And if you don't do that, I'm
19 prepared to pay it out of my pocket. But I
20 would ask that you waive it because I did not
21 intend to not follow the code. I just -- I
22 made a mental error. And I really thought it
23 was right after the election. When I read
24 it, you know, I just -- I knew it was
25 October. But it just seemed like -- in my

1 mind after I, you know, done my original
2 filing, I was in my mind -- I still was
3 thinking it's right after the election. I
4 just messed up.

5 MR. OKESON: Why didn't you take the
6 opportunity for a 25 percent dismissal?

7 SPEAKER: He didn't have it.

8 SPEAKER: Oh, it is just one
9 violation?

10 MR. ARNETT: It was subsequent.

11 MS. TAYLOR: But, yes. This annual
12 that he paid the fine for was his second.

13 MR. OKESON: Okay.

14 MR. ARNETT: And when I called --

15 MS. TAYLOR: This would have been his
16 first if we had regular hearings, and we'd
17 held this before he got the second one and
18 paid that settlement agreement.

19 MS. CELESTINO-HORSEMAN: Really?

20 MS. TAYLOR: Yeah.

21 MR. ARNETT: Yeah.

22 MS. CELESTINO-HORSEMAN: I move that
23 we reduce it to the 25 percent then.

24 MS. NUSSMEYER: I second.

25 MR. OKESON: Sorry. Motion to reduce

1 it to 25 percent?

2 MS. CELESTINO-HORSEMAN: Yes.

3 MR. OKESON: And a second?

4 SPEAKER: Yes.

5 What?

6 Oh, plus mailing costs.

7 MR. OKESON: And plus mailing costs.

8 So I have a motion and a second. Hearing no
9 further discussion, all those in favor
10 signify by saying "aye."

11 ALL TOGETHER: Aye.

12 MR. OKESON: None imposed. Motion
13 carries. Thank you.

14 MR. ARNETT: Thank you.

15 MS. NUSSMEYER: Thank you for
16 representing your point of view.

17 MR. ARNETT: Thank you.

18 MR. OKESON: Are there any other cases
19 to be heard? All persons present in the
20 meeting room for campaign finance have been
21 heard. And we move on.

22 The campaign finance staff identifying
23 any matter for which a motion for continuance
24 was received for today's meeting.

25 MS. TAYLOR: Sure do. It's a long

1 one. First is Talian for Senate Committee.
2 Cause 2019- --

3 MR. OKESON: Where are these in the
4 binder?

5 MS. TAYLOR: -5301-15. I have a
6 written list. I could tell you the page
7 numbers they're on if you want to do them
8 that way. I usually just read the list. But
9 I can do it however you want me to do it.

10 MR. OKESON: Co-Director King?

11 MR. KING: Mr. Chairman, since this is
12 for the record, we'll need to have it
13 documented in some form. So if it's not in
14 the binder, it'll need to be read.

15 MS. TAYLOR: Right.

16 MS. THOMPSON: It's in the binder on
17 the page 23.

18 MS. TAYLOR: I mean, this one is on
19 page 20. I mean, you don't have a list, but
20 the continuances are documented in this
21 sheet.

22 Okay. The first is Talian for Senate
23 Committee. Cause 2019-5301-15. The second
24 is Fuller for State Representative Committee.
25 Cause number 2018-6612-62.

1 Next is Hoosiers for Action PAC.
2 Cause number 2018-6945-105.
3 Next is Committee to Elect Mark
4 Kirovski. 2018-7117-155 and 2018-7117-148.
5 Next is Edward for State
6 Representative Committee. Cause number
7 2018-7153-15. And cause number
8 2018-7153-151.
9 Next is Committee to Elect Link Meyer.
10 Cause number 2018-6836-90.
11 The next is Builders Political Action
12 Committee. Cause number 2019-812-135.
13 The next is the Committee to Elect
14 Laurie Sherman. Cause number 2019-6846-51.
15 Miami County Republican Central
16 Committee. Cause number 2019-6494-162.
17 Wabash Democratic PAC 2015-6645-91.
18 Wabash County Democrat. Cause number
19 2016-6873-166.
20 Laymon for State Representative
21 Committee. Cause number 2018-7156-17.
22 Citizens for Crews. Cause number
23 2019-3366-19.
24 Pens Must Go. Cause number
25 2019-6696-96. And cause number -- I didn't

1 write this one down -- cause number
2 2019-6996-164.

3 Committee to Elect Allen K. Smith for
4 State Representative. Cause number
5 2019-7105-70.

6 Friends of Lisa Lang Shot A. Cause
7 number 2019-6565-36.

8 Citizens for Responsible Government.
9 Cause number 2019-7202-110.

10 Heath for Hoosiers. Cause number
11 2019-7184-112.

12 And the Committee to Elect Linda
13 Brooks. Cause number 2019-7112-72 have all
14 asked for continuance.

15 MR. OKESON: Have any of those
16 committees asked for continuance previously?

17 MS. TAYLOR: Yes.

18 MR. OKESON: Which ones?

19 MS. TAYLOR: Fuller for State
20 Representative, this is his second.

21 Committee to Elect Mark Kirovski this
22 is his second.

23 Edwards for State Representative his
24 second.

25 Committee to Elect Link Meyer, their

1 second.

2 Wabash Democratic PAC, their fourth.
3 Wabash County Democrat, their fourth.
4 And everyone else, this is their
5 first.

6 MR. OKESON: Co-Director King, is
7 there any precedent -- Co-Counsel Simmons,
8 maybe, is there any precedent for granting
9 continuance on multiple --

10 MR. KING: Mr. Chairman, I think I can
11 say that the ordinary practice of the
12 commission is to grant a continuance as a
13 matter of courtesy. And if there's
14 documentation submitted by a committee for
15 subsequent continuances -- I think there are
16 some letters in the binder behind the first
17 of the blue tabs.

18 But I do recall, I believe, at least
19 one case where the commission felt there was
20 sufficient cause for a continuance knowing
21 that the committee could always ask the
22 commission to reconsider any judgment that
23 has been made in the absent of a continuance
24 being ran.

25 MS. CELESTINO-HORSEMAN: Did the

1 Wabash PAC over there, did they provide
2 anything supporting their --

3 MS. TAYLOR: It's under the blue tab.
4 And it should be the first one. The very
5 first one. It's from Chad Harris.

6 MS. CELESTINO-HORSEMAN: Is he the
7 same person whose (inaudible) in the past?

8 MS. TAYLOR: Yes.

9 MR. OKESON: Co-Director Nussmeyer,
10 did you have anything?

11 MS. NUSSMEYER: Mr. Chairman, thank
12 you. In my four years here, I don't recall
13 the commission not granting a continuance.
14 But that does not mean that the commission
15 couldn't consider the facts and circumstances
16 and decide to do something different.

17 SPEAKER: I have a problem with
18 denying a continuance because as I understand
19 it, these hearings are only held once a year.
20 You hold them every quarter?

21 MR. KING: No, not every quarter. So
22 there would be, for example, likely another
23 commission meeting to approve orders for the
24 decisions the commission made today.

25 MS. NUSSMEYER: But the last one was

1 in August of last year?

2 MR. KING: Yes. Frankly, it depends
3 on which year of the election cycle that
4 we're in. If it's a general election year,
5 meetings are more frequent than a non-general
6 election year.

7 MS. NUSSMEYER: Okay. So -- because I
8 mean, since August of last year -- when
9 they're held in the summer, I think it's hard
10 because I travel, everybody travels. You got
11 things with family. You've got all these
12 types of things.

13 Other thing I have a problem with
14 is -- even the court of appeals, or you know,
15 the courts will say, "Hey. You know what?
16 This is your final continuance."

17 And they will tell people that. So
18 that they know next time they can't ask and,
19 you know.

20 So I would -- rather than deny a
21 continuance, I would rather see us -- if we
22 have to -- say this is your final
23 continuance. And if you do not appear the
24 next time, the equivalent of a default will
25 be entered against you.

1 MR. OKESON: A motion to that effect,
2 then?

3 MR. KING: Mr. Chairman, if I could
4 respond. Commissioner, that's certainly
5 within the commission's discretion to grant
6 continuances without reservation in all
7 cases. And if you have a special case of the
8 sorts you described to have the continuance
9 be contingent upon the procedures you asked.
10 So, yes, that certainly is permissible.

11 MS. NUSSMEYER: I think that lets
12 everybody know there's a new baseball
13 commissioner in town.

14 MR. OKESON: Just to be clear, I'm
15 going to go ahead and ask this question.
16 What I hear you saying is for those that are
17 requesting on multiple occasions -- you're
18 kind of separating --

19 MS. NUSSMEYER: Separating them out.
20 Right. Right.

21 For today, I think the only ones that
22 we have to worry about are the -- this is the
23 fourth.

24 MS. TAYLOR: Yes. And they're both
25 Wabash County Democrats. They have two. One

1 PAC. One party.

2 MR. OKESON: So you have a significant
3 number that are first continuances -- I'm
4 just trying to understand. The first
5 continuance. You have a few that are on
6 their second. And a few that are on their
7 fourth. Is that what you're saying? Am I
8 correct?

9 MS. TAYLOR: Yes.

10 MR. OKESON: So do you want to --
11 should we make a motion to possibly accept
12 all -- permit -- grant all continuances of
13 any first-time requester.

14 MS. NUSSMEYER: I mean, you can come
15 up with a policy -- discuss it after this
16 meeting. For today, I would just say -- I
17 would move that we grant all continuances
18 except for the Wabash. And grant their
19 continuance but put language in there which
20 says this is your final continuance. And in
21 the event that you do not appear at the next
22 hearing, judgment, or whatever you call it,
23 will be entered against you.

24 MS. CELESTINO-HORSEMAN: Or maybe
25 judgment --

1 MR. OKESON: So is that your motion?

2 MS. NUSSMEYER: Yes.

3 MR. OKESON: Do I hear a second?

4 MS. CELESTINO-HORSEMAN: Second.

5 MR. OKESON: I have a motion and a
6 second. Any discussion? All those in favor
7 signify by saying "aye."

8 ALL TOGETHER: Aye.

9 MR. OKESON: Hearing no opposed,
10 motion carries. I guess we'll move on to
11 administrative dissolution of committees.

12 MS. THOMPSON: Yes. Mr. Chairman,
13 members of the commission, there's a green
14 tab in your binder there that has a list of
15 two committees that can be administratively
16 dissolved. They haven't filed a report in
17 three years. They have a balance of less
18 than a thousand dollars. And both chairman
19 and treasurer have been notified of this
20 meeting.

21 MS. NUSSMEYER: How were they
22 notified?

23 MS. THOMPSON: The hearing notice.

24 MS. NUSSMEYER: No, how?

25 MS. TAYLOR: By mail.

1 MS. NUSSMEYER: And it wasn't
2 returned?

3 MS. TAYLOR: I think Burns Harbor
4 comes back. I don't know about Michael
5 Stinfer.

6 MS. THOMPSON: I don't know if they've
7 came back or not. But we usually --

8 MR. OKESON: And you can confirm that
9 none of these committees have filed a report
10 of expenditures during the previous three
11 calendar years and the last reported cash on
12 hand was in an amount not exceeding a
13 thousand dollars?

14 MS. TAYLOR: Correct. Yes.

15 MR. OKESON: I move the commission do
16 the following: Make a finding that there's no
17 evidence that any of these committees
18 continues to receive contribution to make
19 expenditures or otherwise function as a
20 committee;

21 Make a finding that according to the
22 best evidence available to the commission the
23 dissolution of committees will not impair any
24 contract or impede the collection of any debt
25 or judgment by a person;

1 Make a finding that the prudent use of
2 public resources makes further efforts to
3 collect any outstanding civil penalty imposed
4 against these committees wasteful or unjust.
5 And administratively dissolve each of these
6 committees.

7 Is there a second?

8 MS. CELESTINO-HORSEMAN: Second.

9 MR. OKESON: Any discussion?

10 All those in favor please signify by
11 saying "aye."

12 ALL TOGETHER: Aye.

13 MR. OKESON: Hearing none, motion
14 carries.

15 Moving on to defaults. Is anyone
16 present today to testify on any remaining
17 campaign finance hearings scheduled for
18 today? Seeing none, I declare all hearings
19 on all remaining campaign finance committees
20 scheduled for today closed.

21 Is there a motion to impose the entire
22 amount of the proposed penalty plus mailing
23 costs in all remaining campaign finance
24 enforcement actions?

25 MS. NUSSMEYER: So these are the

1 people that -- can I ask -- so these would be
2 the people that haven't filed for
3 continuances, that haven't appeared here
4 today, that hadn't previously settled?
5 They're the ones we have heard nothing from?

6 MR. OKESON: Correct.

7 MS. NUSSMEYER: Okay.

8 MR. OKESON: So have a motion. Is
9 there a second?

10 SPEAKER: Okay. I'll second.

11 MR. OKESON: Any further discussion?
12 Hearing none, all those in favor signify by
13 "aye."

14 ALL TOGETHER: Aye.

15 MR. OKESON: Hearing no dissent,
16 motion carries. The ayes have it. The
17 motion to impose the penalty is adopted.

18 Do you want to take a quick break?

19 MS. NUSSMEYER: Yeah.

20 MR. OKESON: We're going to call the
21 meeting in recess for 10 minutes. Take a
22 quick break. We'll be back here at 3:45 to
23 continue with the next item on the agenda.

24 (A recess was taken.)

25 MR. OKESON: We're going to call this

1 committee back into session. I would like to
2 note for the record that my vice-chair proxy,
3 Karen Celestino-Horseman, has excused herself
4 from the proceedings taking care of some
5 other business.

6 So we still have a quorum. We're good
7 to go. We're going to continue on. Voting
8 System Technical Oversight Program report.

9 I now recognize Dr. Jay Bagga and
10 Dr. Bryan Byers of Ball State University,
11 which administers the voting system technical
12 oversight program, also known as VSTOP, for
13 presentation concerning voting systems.

14 Dr. Bagga and Dr. Byers, would you
15 like to make any general introductory remarks
16 before we proceed?

17 MR. BAGGA: Thank you. Mr. Chairman
18 and members of commission, we would like to
19 begin by introducing the VSTOP team. I'm Jay
20 Bagga, co-Director of the working system
21 technical oversight program, or VSTOP.

22 With me is Dr. Bryan Byers, also
23 co-Director of VSTOP.

24 To my far right Mr. Mani Kilaru. He's
25 the IT specialist for VSTOP.

1 And to my right is Mr. Jordan
2 Jarnagin, elections system certification
3 specialist for VSTOP. We are pleased to be
4 here.

5 MR. OKESON: Thank you. For the
6 purposes of the court reporter, would you
7 mind spelling your names.

8 MR. BAGGA: Jay Bagga. J-a-y,
9 B-a-g-g-a.

10 MR. OKESON: Thank you.

11 DR. BYERS: Bryan Byers. B-r-y-a-n,
12 B-y-e-r-s.

13 MR. KILARU: Mani Kilaru. M-a-n-i,
14 K-i-l-a-r-u.

15 MR. OKESON: Thank you.

16 MR. JARNAGIN: Jordan Jarnagin.
17 J-o-r-d-a-n, J-a-r-n-a-g-i-n.

18 MR. OKESON: Thank you.

19 MR. BAGGA: So we have a number of
20 reports that we presented to this commission.
21 And we would like to begin with the first
22 one, which is the approval to change orders
23 or ECUs for election systems and software.

24 And Dr. Byers reminds me that I
25 arrived late and I was not oathed.

1 MR. OKESON: Oh, sworn in. Co-Counsel
2 Simmons, would you.

3 MR. SIMMONS: Raise your right hand,
4 say "I do" after the administration of the
5 oath. Do you solemnly swear or affirm under
6 the penalties and perjury that the testimony
7 you're about to give the Indiana Election
8 Commission is the truth, the whole truth, and
9 nothing but the truth? Say "I do."

10 MR. BAGGA: I do.

11 MR. SIMMONS: Thank you.

12 MR. OKESON: And thank you for making
13 that a point.

14 MR. BAGGA: Thank you.

15 MR. OKESON: Proceed.

16 MR. BAGGA: So the first report is an
17 ECU report. And (indiscernible) change order
18 report for a number of components of EVS
19 voting systems.

20 In this first report, which was
21 submitted on March 11, 2019, there are four
22 ECUs in one report. ECU983, ECU996, ECU1004,
23 and ECU1005.

24 And all of these ECUs and
25 (indiscernible) change orders are de minimis

1 changes, which are minor changes which do not
2 affect materially the functionality of the
3 voting system. The determination that these
4 are de minimis is made by the voting system
5 testing lab.

6 And to your report, you will see
7 attached reports from VISTAL. These are de
8 minimis changes. The first change, 983,
9 applies to the voting system component DS200.
10 It has changed the texture of the housing
11 seams for applying security seams.

12 The other three ECUs, 996, 1004, and
13 1005, all have to do with switching from
14 printers to newer versions. The older
15 versions are going end-of-life.

16 In the VS450 component for 996, the
17 modification is to switch from Dell-S2810dn
18 printer to B431dn printers. But VSTOP notes
19 that in this ECU, the printers to which we
20 are moving on are also going to become
21 end-of-life.

22 So, therefore, we are placing some
23 limitations on the approval of the ECU.
24 VSTOP recommends that the approval of ECU
25 have the following limitations for ECU996,

1 that this approval be granted only to those
2 components which have current units of DS415
3 in Indiana. The replacement cannot be used
4 with future purchases of DC450s.

5 And also that this replacement be
6 allowed only for one year since the new
7 printers will, again, be going end-of-life.

8 They could continue to be used, but
9 they could not be used as replacement parts
10 after one year. VSTOP recommends that the
11 commission approve these ECUs.

12 MR. OKESON: Co-Director King.

13 MR. KING: Yes. Mr. Chairman, members
14 of the commission, in preparing the material
15 for this meeting, we understood that there
16 was another ECO1000.

17 MR. BAGGA: That will be coming
18 subsequent.

19 MR. KING: You may want to present so
20 that the commission can consider these.

21 MR. BAGGA: It looks like there is one
22 motion for all the ECUs. So it should all be
23 presented together. May I ask Dr. Byers to
24 present ECU1000?

25 MR. OKESON: Co-Director Nussmeyer, do

1 you have anything else to add?

2 MS. NUSSMEYER: I don't, Mr. Chairman.
3 Thank you.

4 MR. OKESON: Go ahead. Thank you.

5 DR. BYERS: Thank you, Chairman,
6 members of the commission. ES&S also
7 formally requested the approval of an ECO for
8 a specific voting system. This particular
9 ECO was submitted on February 1, 2019. It is
10 ECO1000.

11 It was deemed by the voting system
12 testing laboratory as de minimis. It affects
13 the voting system EVS5240 and the component
14 DC200, specifically. And what they are
15 wishing to do is to change the material for
16 the ballot box that is used with that
17 particular unit to -- from a corrugated
18 plastic to an ejection-molded ABS plastic to
19 increase rigidity.

20 The members of the VSTOP team have
21 reviewed this ECO. And the supporting
22 documents from the VISTAL, which are attached
23 to your report -- copies of your report. And
24 this -- the VSTOP team finds that this ECO is
25 in compliance with the requirements for de

1 minimis change to hardware components.

2 And it only applies to the specific
3 ES&S voting system notated earlier that is
4 the EVS5240 and DS200 component. The
5 ES&S voting system EVS5240 is certified.

6 And this ECO was approved by the
7 election assistance commission, EAC, on
8 February 19, 2019.

9 VSTOP recommends approval of this ECO.

10 MR. OKESON: Is there anyone present
11 who would like to speak on these matters?

12 DR. BYERS: We notified
13 representatives from ES&S that these were
14 going to be handled today. However, we are
15 not aware of -- that they are here.

16 MR. OKESON: So discussion. Any
17 questions? Is there a motion to pass these?

18 SPEAKER: I move to approve the ECOs.

19 MR. OKESON: I guess it would be is
20 there a motion to adopt these VSTOP
21 recommendations for approval of the
22 engineering change orders 983, 996, 1004,
23 1005 described in VSTOP's reports as
24 modifications to the EVS? All of those
25 numbers.

1 SPEAKER: Yes. In fact, I move that.

2 MR. OKESON: Thank you. Second?

3 SPEAKER: I'll second.

4 MR. OKESON: Is there any further
5 discussion? Any questions? Co-Director
6 King, do you have anything?

7 Having heard no further discussion, a
8 vote on the motion. All those in favor say
9 "aye."

10 ALL TOGETHER: Aye.

11 MR. OKESON: Hearing no opposed,
12 motion carried and is adopted.

13 What are we on? MicroVote next?
14 MicroVote EMS 4.3 direct recording voting
15 system application and report. Dr. Bagga and
16 Dr. Byers, please proceed with your comments
17 and any modification information.

18 MR. BAGGA: Thank you, Mr. Chairman
19 and members of commission. This report
20 concerns MicroVote EMS 4.3. A system that
21 VSTOP field-tested at Ball State University
22 on June 26, 2019.

23 VSTOP conducted tests on this
24 micro-vote EMS. There is a modification
25 that's being brought into this system as part

1 of this report. And that modification
2 concerns a VVPAT or a voter verifiable paper
3 audit trail component.

4 What that does is it's an attachment
5 that is attached to the (indiscernible) panel
6 and the VVPAT component produces a paper
7 trail. So it's a paper record of the vote
8 that the voter votes, and the voter is able
9 to see her paper record behind the glass
10 window.

11 And Mr. Chairman and members of the
12 commission, there are photographs in the
13 attached report where you would see -- you
14 would have seen copies of photographs of
15 VVPAT attachment and the paper component --
16 the paper record of the vote that appears.

17 Our test included verifications of all
18 the required elements of the Indiana code
19 regarding voting systems as well as ADA
20 compliance affirmation from the vendor.

21 We also conducted mock elections of
22 the system, which included the ID-approved
23 test case scenarios for straight party
24 voting. And other tests were conducted on
25 the VVPAT . And we verified that the VVPAT

1 paper record matches with the record that the
2 voter votes on.

3 VSTOP also reviewed the VISTAL lab
4 tests submitted by MicroVote. This system is
5 compliant with the VVSP or the voluntary
6 voting system guidelines 2005. So we
7 described the VVPAT attachment. The VVPAT
8 attachment also allows a voter to rectify her
9 record in case a voter finds that she has
10 made an error, and a voter can wipe that
11 paper record and go back and correct her
12 record, and then print another copy. And
13 that copy is then saved as the cast ballot.

14 So the VVPAT system consists of a
15 number of components, which of course include
16 the DI panel and the associated components.
17 And they're listed on page 2 of the report.
18 And also it is run by several pieces of
19 software. And the software versions are also
20 listed on page 2.

21 During our field test, there was a
22 number of findings that we would like to
23 report on. When we did the test on June
24 26th, one of those findings is that -- let me
25 go to that page. That the line of sight for

1 VV pack equipment was not clearly visible in
2 case of some voters who would vote in a
3 standing position.

4 So a voter can vote while standing.
5 Or a voter can also vote while sitting on a
6 chair, especially for the (indiscernible)
7 compliance voters. And we tested it in both
8 scenarios. So we made a recommendation to
9 MicroVote, and we asked a question whether
10 this VVPAT unit can be adjusted or tilted so
11 that the voter has a better line of sight to
12 see the paper record.

13 And we heard that onset of the
14 affirmative that the unit can be tilted.
15 What we would recommend in our recommendation
16 is that there be proper training of the poll
17 records and election officials to the proper
18 functioning of the VVPAT and making sure that
19 the VVPAT is installed appropriately. And
20 that the poll records and election officials
21 are aware in case there's a refill needed for
22 the paper roll on which paper rolls are
23 printed.

24 We've been informed by VSTOP that
25 there are a sufficient number of paper votes

1 that can be printed to last an election day.
2 But if the paper roll were to run out,
3 there's an easy process that VSTOP has solved
4 where the roll can be changed.

5 As the last part of our report, we
6 also mention that a number of de minimis
7 modifications have been made to this system.
8 And when we tested the system, we tested the
9 prototype system. We did not see those
10 modifications. But then we received the
11 report from the lab that those modifications
12 are de minimis.

13 And I will describe those di minimis
14 modifications next. One is finger grips on
15 the VVPAT enclosure, which will help poll
16 workers to handle this VVVPAT component
17 easily.

18 And the second modification is a
19 slight repositioning of the security bracket
20 which is underneath the bottom of the RJ45
21 port so that the wire ties security seal
22 would better cover the RJ45 connector and
23 prevent it from possible removal during
24 voting. That's an adjustment to where the
25 wire port is located.

1 So with these two de minimis changes
2 and with the test that we have done, and with
3 the recommendation including training and the
4 proper adjustment of the VVPAT unit, VSTOP
5 recommends that the system be approved.

6 MR. OKESON: Is there anybody from
7 micro-vote here?

8 DR. BYERS: Yes.

9 MR. OKESON: Would you like to offer
10 any testimony on this matter?

11 MR. HIRSCH: Not unless there's a
12 question that you have.

13 MR. OKESON: I have a couple
14 questions. If I might.

15 MR. HIRSCH: Yeah, sure.

16 MR. OKESON: Number one, I heard
17 Dr. Byers -- you state that the -- sorry.
18 Before you answer my question, will you state
19 your name and spell it.

20 MR. HIRSCH: My name is Bernie Hirsch.
21 B-e-r-n-i-e, H-i-r-s-c-h. I'm the CIO for
22 MicroVote. And I was sworn in at the
23 beginning of the meeting.

24 MR. OKESON: Dr. Byers mentioned that
25 you have an opportunity to review the paper

1 on the vote. And if it is incorrect, you can
2 go back and vote again -- vote again may not
3 be the right way to say it -- but go back and
4 make a correction to that vote. How many
5 times can you do that?

6 MR. HIRSCH: So you can actually make
7 corrections to your ballot an indefinite
8 amount of times until you're satisfied with
9 it before you print it out.

10 MR. OKESON: Co-Director King.

11 MR. KING: Mr. Chairman, yeah, let me
12 clarify. Indiana law effective July 1st of
13 this year does place some limitations on
14 that. But what Mr. Hirsch has testified to
15 is what the system is capable of doing.

16 But what's permitted by law is for a
17 voter to have one opportunity in most cases
18 to correct their ballot and see a new paper
19 trail. But there is no limitation if a voter
20 is disabled and maybe having trouble
21 operating the system or casting their ballot
22 or if there is a technological problem with
23 the system.

24 MR. OKESON: Is there any way to
25 monitor that, or to -- enforce it is not the

1 right word -- is there anything that would
2 keep someone from continually correcting
3 their vote inside the box?

4 MS. HIRSCH: So the way the system
5 works is you have the ability to void that
6 paper ballot. The voter does one time. It
7 can actually be set up to five times. But
8 because of the Indiana law, we limit to one
9 time. And then they can print out another
10 copy. And then if they need to print more
11 copies because they're disabled and
12 they're -- so they do have the opportunity to
13 make corrections to any errors before they
14 print out their copy. And then, again, but
15 if they need to do more than two actual
16 printouts, then the poll worker can
17 reactivate the machine to help them do more.

18 MS. NUSSMEYER: How do you void a
19 paper ballot?

20 MR. HIRSCH: How do you vote a paper
21 ballot?

22 SPEAKER: How do you void?

23 MR. HIRSCH: So the machine -- the
24 voting process works just the way it has
25 before, where you make all of your selections

1 and then when you come to the last page, it
2 used to be that you -- the cast vote button
3 lights up, you push that, then you're done.

4 Now when you come back to that last
5 page, you push a button and the paper prints
6 out with your choices on it, and you're asked
7 to verify that. But it has not yet printed
8 anything at the bottom of that ballot.

9 It's just showing your selections.
10 And then if you want to review your ballot,
11 you can do that and you're warned that if you
12 make any changes to your ballot, then that
13 will void the paper.

14 So if you go back and you're reviewing
15 your ballot and you decide to make a change,
16 then when you come back to that last page, it
17 will print "ballot void" at the bottom,
18 scroll it off and print a new one for you and
19 then ask you to verify that one. And the
20 cast vote button is sitting there waiting to
21 be pushed. Or you can void your ballot a
22 second time. And then you have to get it
23 reactivated to do it a third time.

24 MS. NUSSMEYER: So there's two papers?
25 One would be the first time that I printed it

1 off, and then I'd have a second paper that
2 voids it?

3 MR. HIRSCH: Yes. It's on one roll.
4 So at the bottom of each ballot that's
5 printed, it's either "ballot void" or it's
6 "ballot cast." And that doesn't happen until
7 the voter decides that they want to verify.

8 MR. OKESON: So it's like a refund,
9 like, a point of sales receipt? You ring it
10 up once and you refund it back? So it
11 reconciled at the end that there's only one
12 vote cast.

13 MS. NUSSMEYER: Mr. Chairman, if I
14 may, just to clarify a little more. The
15 ballot -- the electronic ballot that is
16 stored in the system -- the actual tabulation
17 that's occurring -- until they hit that cast
18 vote button, it is not stored electronically
19 as a cast ballot on the DRE, and it's not
20 cast as a completed ballot on the VV pack,
21 that paper receipt roll?

22 MR. HIRSCH: Correct.

23 MS. NUSSMEYER: So if you make a
24 change, you go back in the ballot, you're
25 essentially -- it's like editing a Microsoft

1 Word document until you hit, you know, submit
2 final. You submit it through like an online
3 system, if you will.

4 So even though you may have two paper
5 records, only one of those two paper records
6 is the final ballot that would align with
7 what was saved and recorded within the DRE.

8 SPEAKER: And the law's written to
9 keep all paper ballots. Both the voids and
10 the casts, correct?

11 MS. NUSSMEYER: And that's
12 substantially similar to what you would do in
13 a ballot card voting system, that if a person
14 wanted to spoil their ballot, they write
15 "spoil." That's retained with the election
16 materials. But only the ballot card itself
17 that's counted through the standard
18 tabulation gets stored.

19 MR. OKESON: My second question is
20 relative to the running out of paper, if you
21 will. Is it like a retail point of sale roll?
22 That there's some color stripe? Something
23 that comes up that would indicate or a
24 notification electronically that says, "Hey.
25 You're about to run out of paper," so it

1 doesn't happen in the middle of a vote?

2 MR. HIRSCH: Yeah. So when I designed
3 this project, we had an entire chapter in the
4 (indiscernible) on the VVPAT. And that was
5 my guideline. And so one of the requirements
6 is there be a sensor to detect low paper and
7 paper out.

8 So there is constant communication
9 between the voter machine and the printer.
10 And if there's any interruption of the
11 communication, then that stops the process
12 and poll workers have to become involved. If
13 the paper runs low, the current voter -- we
14 have enough paper left so that the current
15 voter can continue voting and cast their
16 ballot.

17 And then when you try and activate it
18 for the next voter, it'll tell you that the
19 paper is low, it needs to be changed. If the
20 paper actually runs out, which we don't
21 anticipate it'll do because you already have
22 this paper low situation, but there is also a
23 sensor for paper out as well.

24 MR. OKESON: So would poll workers
25 then need to sort of continually peruse the

1 machines to ensure that they're not seeing a
2 low paper indicator? Is there some other
3 way that that gets communicated?

4 MR. HIRSCH: Yeah. That's not going
5 to happen. Because one of our design
6 criteria --

7 SPEAKER: We've got to assume
8 everything in the world is going to happen.

9 MR. HIRSCH: Yeah, yeah. Well one of
10 our designs was enough paper -- more than
11 enough paper -- to last at least one whole
12 day of voting, you know, every three minutes
13 or whatever. So we have over 600 feet of
14 paper on one roll.

15 MR. OKESON: But you make a
16 presumption about how many voids and --

17 MR. HIRSCH: Oh, yeah. And so we ran
18 a number of scenarios. The longest ballots
19 we've ever seen in Indiana; the shortest
20 ballots; voiding two times; all that. And we
21 couldn't come up with a scenario where we ran
22 out of paper in one day.

23 SPEAKER: This may not be a question
24 for you, but who would be in charge of
25 changing the paper?

1 SPEAKER: It would be ordinarily the
2 two judges. The bipartisan judges would --
3 or, if for some reason, a mechanic was
4 required. The county election board
5 designates people to perform the function.
6 But I would think it's ordinarily a poll
7 worker function.

8 MR. HIRSCH: We anticipated the
9 technicians would do the paper change at
10 night. However, I did put a chapter -- an
11 addendum in the poll worker manual on how to
12 change the paper. It is sealed and locked.

13 It's a little ballot box. It's a
14 metal ballot box with a printer inside. And
15 in order to open it, you have to unseal it,
16 the serial number, use a key, and then change
17 the paper and reseal it.

18 MR. OKESON: I lied. I have one third
19 question. If the printer were to fail in the
20 middle of the day on election day, does that
21 particular voting booth machine just have to
22 shut down until it can be repaired? Or can
23 you continue to vote on it? What happens?
24 Maybe that's a question for you, Brad. I
25 don't know.

1 MR. HIRSCH: So they're not dedicated
2 to one another. Whenever the printer is
3 moved to a different machine or different
4 printer is moved to that machine, the machine
5 recognizes that and will print a new header
6 on the roll.

7 So it could be a machine that was
8 used -- a printer that was used with a
9 different machine yesterday and still had
10 plenty of paper left on it. If you
11 disconnect one and connect one, it'll print a
12 roll header at the beginning to tell you when
13 that happened and what machine it's now
14 attached to.

15 Plus, every vote record that's printed
16 out, at the top of each ballot, it shows you
17 the actual serial number of the machine that
18 it was attached to. And there's a new unique
19 ID that's associated with the paper record.
20 And there's a matching ID on the electronic
21 record for purposes of risk limiting audit
22 afterwards.

23 And that number is unique to that
24 record for the whole state. So that
25 eliminates duplicates if we ever go to the

1 situation where we're counting those ballots,
2 especially the automated counting of the
3 paper ballots. We can tell if that paper
4 ballot has been counted more than once.

5 MR. OKESON: I presume there's a
6 pretty significant training program that's
7 involved with the counties that have this
8 machine?

9 MR. HIRSCH: Different procedures
10 for --

11 MR. OKESON: Well, just reloading
12 paper, managing printers.

13 SPEAKER: Significant training.

14 MR. HIRSCH: We have set up training
15 as part of our whole certification process.
16 We have planned various regions to do
17 training and then come back in and do
18 individualized training this fall. If we get
19 approval, our implementation schedule is
20 beginning immediately.

21 SPEAKER: And so for, like, early
22 votes, you have 28 days of early voting. The
23 printer locks down the same way as the voting
24 machines would lock down at night? So
25 there's no tampering with the --

1 MR. HIRSCH: So according to the
2 federal guidelines, if there's a malfunction
3 in terms of it's printing out the wrong
4 stuff, then the whole -- that whole unit
5 should be removed from service.

6 If it's a question of, you know, that
7 particular printer is just messing up
8 printing, the voting machine is fine. It can
9 be removed -- the voting machine can be
10 removed and reactivated with a different
11 printer.

12 SPEAKER: I have some questions if you
13 don't mind. So when you're talking about the
14 different scenarios to make sure you don't
15 run out of paper, are you also running on
16 assuming the high volume for early voting?
17 Like how those machine would need to have --

18 MR. HIRSCH: They just have every
19 ballot-style machine. But by Indiana law, we
20 still have to give them three minutes.

21 SPEAKER 1: Well, I was thinking in
22 terms of the paper. There will be plenty
23 of paper around, I take it?

24 MR. HIRSCH: Yes. There's over 600
25 feet of paper on a five-inch roll. And this

1 thing is fairly substantial in size.

2 Primarily because of the large --

3 SPEAKER: I'm talking about the early,
4 in-person -- we've got thousands of people
5 showing up.

6 MR. HIRSCH: Right, right. So we
7 anticipate replacing the paper nightly. We
8 just don't want to do it when the polls are
9 open.

10 MR. KOICHEVAR: Had you -- or does the
11 system have a built-in indicator that could
12 predict how much feet is left in that
13 printer? You said there's 600 feet fully
14 loaded. Is there a way -- or have you
15 contemplated that -- or is it even possible
16 to build a, like, a sensor or some type of
17 program or whatever that'll say --

18 MR. HIRSCH: There is a sensor.

19 SPEAKER 1: I want to know how much is
20 in there. Is there any way to do that?

21 MR. HIRSCH: They don't have that. A
22 county could decide to use less than
23 five-inch rolls. They could put a three-inch
24 roll in there. We actually have manufactured
25 special paper for this.

1 I mean, it's thermal paper. But we
2 put our logo on the backside so there would
3 be no confusion on which side goes out.
4 Because this type of paper has a coating on
5 one side of it. And we didn't want
6 technicians to accidentally load it backwards
7 and not understand why it's not printing.

8 There is a logo on the back. If you
9 see the logo, then you know it's backwards.
10 But there's no way -- there's no sensor to
11 say -- like a little meter, as you will.

12 What they do is they have a light
13 sensor on there that tells you when it gets
14 low. And it doesn't matter what size roll
15 you put in there. When it gets below a
16 certain level, that light sensor will detect
17 that.

18 And then so that's the load paper
19 sensor. The out paper sensor is the printer
20 mechanism itself. When the paper gets pulled
21 out and there's no more paper, then it sends
22 out a different signal to the voting machine.

23 SPEAKER: So also with the early
24 voting, the receipt -- the paper record or
25 whatever we're calling it, is there a -- some

1 sort of identifier on that that would
2 identify the voter for purposes of that voter
3 dies before election day or anything like
4 that. Is there any kind of tracking
5 information on that piece of paper?

6 MR. HIRSCH: We do the retractions in
7 the electronic record. And the electronic
8 record is linked to the paper record by the
9 unique ID. The paper record does not contain
10 any voter identifiable information on it.

11 SPEAKER 1: Yeah. I didn't mean like
12 actually identifiable. But there is a way to
13 trace it? So it does have some sort of
14 tracking information on it?

15 MR. HIRSCH: The tracking information
16 is the two that are linked together. The two
17 vote records are linked together. If we
18 retract one, we can -- we know which one was
19 the paper one because they have the matching
20 numbers.

21 SPEAKER: But is it a matching number
22 based on what --

23 MR. OKESON: Please. Go ahead.

24 SPEAKER: So it is stored within the
25 system, right? The person who cast it, whose

1 absentee in person, has a unique identifier
2 so that it can be retracted? So you would
3 pull up that individual's ballot then to be
4 able to go to the VVPAT and identify those
5 votes cast?

6 MR. HIRSCH: No. The way we do the
7 retractions is in the electronic record. And
8 we don't actually know how they voted when
9 we're doing that process or, like, while the
10 early votes are being --

11 SPEAKER 1: Right. Which you should
12 not. That (indiscernible) the whole point of
13 having a retraction number. But then how do
14 you tie that to the VVPAT in order to make
15 sure you know that's the ballot that you
16 should not be counting when you're performing
17 that work?

18 MR. HIRSCH: The only way to know is
19 with that unique number that's sent to the
20 electronic.

21 SPEAKER 1: So there is a unique
22 identifier in the VV pack that ties it to
23 that electronic ballot?

24 MR. HIRSCH: Correct. For every
25 voter. So there's a unique ballot -- it's a

1 new feature. It's a unique ballot
2 identification. It doesn't matter which
3 voter. Each unique ballot -- on the paper --
4 has a matching unique electronic ballot.

5 So whatever happens to that ballot --
6 so we extract ballots from the machines and
7 some of those might get retracted. The ones
8 that remain have unique numbers that need to
9 match the unique paper number.

10 We don't have, like, any sort of way
11 -- I don't know. Unwind the roll and mark it
12 off. The only way you would know is by
13 having the vote record from the cast ballots
14 and matching that up to the vote records on
15 the -- so in terms of future investment, what
16 I'm anticipating is perhaps coming out with
17 something where we'd be able to do automated
18 tabbing of those paper ballots.

19 And that software would be pretty good
20 at being able to detect what has been
21 rejected and what hasn't.

22 SPEAKER: Should there be a recount,
23 for instance, and they wanted to look at the
24 verified paper audit trail to do that
25 recount, then how would the parties know

1 which ballot on that VV pack was retracted?
2 Would they be able to find --

3 MR. HIRSCH: So there's not a cast
4 vote record for a retracted ballot because
5 it's not a ballot, right. It wasn't cast.
6 It was voided. So what we do have is a cast
7 vote record for the ones that were cast.

8 So what you will have, and we modified
9 the infinity print out as well so you have a
10 cast vote record that could be printed out of
11 the Infinity. Each cast vote record now has
12 that individual number on it, which has to
13 match up to the paper number.

14 SPEAKER 1: So you're saying is one is
15 retracted --

16 MR. HIRSCH: We have paper records
17 that do not have a matching cast vote record
18 on the machine because, like in the case of
19 that voided one, you know, so if it's voided
20 they only get that unique number when the
21 vote is cast.

22 MR. OKESON: Co-Director King.

23 MR. KING: Yeah, Mr. Chairman. Just
24 want to clarify with Mr. Hirsch following up
25 on Ms. Nussmeyer's questions about recounts

1 and other situations where the retraction
2 aspect of this becomes an issue.

3 I believe I'm correct in understanding
4 that individual ballots that have already
5 been cast prior to election date -- typically
6 we do have a record of those -- are retracted
7 individually.

8 So that if Ms. A is deceased after
9 casting that absentee ballot, or Mr. B moves
10 out of Indiana, that that ballot is retracted
11 individually as the facts become known to the
12 county election board. And they would have
13 an opportunity -- to the county board
14 election level to record the number of the
15 ballot that they retracted. Is that correct?

16 MR. HIRSCH: I'm not sure that we do
17 that. Do we do that? Do we record the
18 number of retracted ballots in our software?

19 MR. KING: I don't mean the total. I
20 mean the individual number.

21 SPEAKER: So if, like, Ms. A's ballot
22 was ballot number 1 and it's retracted, does
23 that mean in the paper record that ballot
24 number one is marked as retracted?

25 MR. KING: Correct. Or could be

1 counted when retracted, Ms. A's ballot vote
2 that ballot number one has been retracted.

3 MS. HIRSCH: Yeah. So the voter ID
4 part that's put in early voting, that's only
5 in the electronic record. And we're sort of
6 masking the way they voted from the normal
7 user.

8 MR. KING: I understand. But is it
9 receivable to the county election board?

10 MR. SHAMO: Not through the normal
11 interface. With the M software.

12 MR. KING: If you could repeat --

13 MR. OKESON: Will you stand up please
14 and just state your name.

15 MR. SHAMO: Steve Shamo with
16 micro-vote. S-t-e-v-e, S-h-a-m-o.

17 MR. KING: Again to continue our
18 scenario, we have Ms. A's absentee in-person
19 preelection date ballot. And you've
20 explained it will have an identification
21 number on both the electronic version of the
22 cast, as well as the VV pack ballot in the
23 system.

24 So if there's an intervening event and
25 Ms. A's is disqualified, death for example,

1 the county election board can respond by
2 retracting the ballot. My question was can
3 the county election board at that time record
4 the number of Ms. A's ballot? And so it has
5 a running list of the number of -- the ID
6 numbers of the ballots that have been
7 retracted prior to the final --

8 MR. SHAMO: Let me answer it by
9 explaining how we retract. I think maybe
10 that will give us -- close this gap here. So
11 when the voter walks in and issues their
12 ballot, the voter identification number is
13 entered into the voting machine first only
14 for absentee voting. The logic within the
15 Infinity does not attach that directly to
16 their ballot.

17 It creates an electronic envelope
18 which that ballot goes in and that number is
19 stamped on the outside of it. So when the
20 retraction process takes place, it takes
21 place prior to the summation of all the votes
22 cast. And so what we do is we physically
23 plug the voting machine itself into the
24 computer.

25 We don't see ballot information or

1 votes cast. We simply see the list of
2 ~~identifying numbers of voters that had voted.~~
3 In most cases, their voter ID number. What
4 we do, then, is we simply check that box of
5 that voter's ID number and do not include
6 that ballot in the electronic totals that
7 come out of that machine.

8 MR. HIRSCH: So I should point out
9 that I did modify that process. It now
10 includes that unique record ID on the same
11 line. So that as you're deciding "yes, I
12 want to void voter ID such and such," on the
13 same line you see the paper record identifier
14 on that line.

15 So you could record that number and
16 afterwards decide that's the one we're not
17 going to count.

18 MR. KING: So then in the event of a
19 recount, or a risk limiting audit, you would
20 be able to identify the specific paper trail
21 VV pack ballot that should not be
22 incorporated into the --

23 MR. HIRSCH: Correct. Because on that
24 particular screen, if you're looking at it to
25 do the retractions, it includes the paper

1 record ID.

2 MR. KING: Okay. I think that's what
3 we were generally getting at.

4 SPEAKER: And if I may. Just to refer
5 back to Mr. King's question to -- so in an
6 early voting context, you might have 25 DREs
7 with the VVPATm. Each one with their own
8 individual roll of paper. If Ms. A, you
9 know, voted on machine one, how would the
10 county election board know which roll of
11 paper to go back and pull to be able to view
12 and find that record to retract? Does it say
13 at the top of each day that this is July 1st,
14 you know, machine one?

15 MR. HIRSCH: It does. There's a roll
16 header. Every time the machine is powered
17 back up, it's printed. That's the first
18 thing that gets printed when it's reactivated
19 for voting.

20 SPEAKER 1: And we would know Ms. A
21 was --

22 MR. HIRSCH: But there would be
23 procedures on how you store those rolls.
24 That's beyond the scope of our certification.
25 So, you know, you pull it out of the machine

1 and where you put it -- I anticipated someone
2 would just put a rubber band around the roll
3 and write on the outside, you know, serial
4 number such and such on such and such date,
5 and put it on a shelf somewhere.

6 MR. KING: I want to invoke the Lake
7 County practices, how they handle the storage
8 of absentee ballots after we count them and
9 tabulate them on election day through an
10 envelope -- registered envelope number. And
11 basically signatures of date, like you
12 mentioned, day that roll was used, machine
13 that it was used upon, and that
14 (indiscernible) that we seal that envelope.
15 Therefore, we have a catalog running to go
16 back to that location.

17 MS. NUSSMEYER: And I don't believe
18 there is anything super specific in State law
19 that requires them each day to remove the
20 roll of paper and do this sort of reporting
21 that might be helpful on the back end
22 canvassing. But I do think that it's
23 probably worthy of conversation with the
24 counties for best practices.

25 MS. KING: I agree with Co-Director

1 Nussmeyer.

2 SPEAKER: And I believe that it's our
3 responsibility, too, as these practices
4 develop that we submit our procedures as part
5 of our VSTOP-certified system. You run it
6 through them so they verify the procedures
7 that we're doing then.

8 MR. HIRSCH: And we're continuing to
9 refine those as we gain more and more life
10 experience. We might not need to use
11 five-inch roll. You know, three-and-a-half
12 inch roll might be the optimum for certain
13 types of elections. And we'll find that out
14 over the years.

15 MS. NUSSMEYER: Is this supposed to be
16 used in the 2019 election?

17 MR. OKESON: I'm sorry?

18 MS. NUSSMEYER: Is this supposed to be
19 used in the 2019 general election?

20 SPEAKER: We will have approximately
21 100 units going out for pilot in counties
22 like -- the counties right now. Bartholomew
23 County is going to be our biggest focus.
24 They're going to use them in advanced
25 (inaudible) and for election date. And we've

1 contacted Boone County who's in agreement to
2 do it. And then depending on the remaining
3 numbers left, that we could put into Lake
4 County.

5 The only problem there is Lake County
6 wants to do it at all five of their satellite
7 locations. And that will pretty much take up
8 the inventory. So we're hoping that they
9 will focus on one or two of their satellite
10 absentee locations.

11 SPEAKER: The email exchange about the
12 office titles for the straight party
13 selections and -- so this paper ballot -- I'm
14 supposed to be able to look at this piece of
15 paper and have it and understand who they
16 voted for. And looking at it -- and this is
17 attachment five, I think.

18 MR. OKESON: Four or five.

19 SPEAKER 1: It doesn't seem to me to
20 be at all clear. And I don't know if this is
21 something that the county needs to work on or
22 who it's -- I see that it -- so it looks like
23 straight party selections is going to show
24 the public question of whether they answered
25 yes or no. And right below that it says

1 (inaudible) -- but it doesn't indicate the
2 office at all. And then if there isn't
3 straight party selection, it still doesn't
4 indicate --

5 MR. HIRSCH: The confusion is -- I
6 assume the confusion is what you're seeing is
7 the VSTOP test scenario election. So it
8 wouldn't say -- on this one it'd say,
9 President United States.

10 SPEAKER: Oh, so that helps. Because
11 when the titles are removed, I thought that
12 it meant it really was going to say office
13 one. I thought that really is not a --

14 SPEAKER: Yeah. In fact, one of the
15 modifications we made after we first fired it
16 it up is we realized we needed a more
17 significant indentation between the office
18 title and the candidates chosen. So it's
19 fairly clear when you see it with the actual
20 title.

21 MR. BAGGA: Mr. Chairman, members of
22 the commission, let me clarify that. When it
23 came out of the field test -- when we were
24 testing the paper record, we saw that the
25 public question was -- the label -- public

1 question was printed no matter whether the
2 voter has voted yes or no.

3 If it was an undervote in the public
4 question, the label will still be printed in
5 red. So that seemed to be confusing to a
6 voter. So the modification that they made,
7 now the label public question will only
8 appear if a voter votes yes or no.

9 Similarly, a straight party would only
10 appear if the voter chooses to vote straight
11 party. I would also like to add an element
12 to the previous discussion we had about
13 ballots and the number of tries and the
14 copies on the papers. And as reported on
15 page 1 that the official ballot is the real
16 ballot.

17 The paper record is just a copy and
18 that's not -- it's our understanding is the
19 official is the ballot in the DRE and not the
20 paper ballot. That's just a copy of that
21 form of identification.

22 MR. OKESON: Thank you for clarifying
23 that. Any other questions? And this is
24 expiring October 21st, 2021. So is there a
25 motion to approve the application for

1 modification on the micro-vote EMS 4.3
2 voting system of the recommendation of VSTOP
3 and subject to any restrictions or additional
4 requirement in that recommendation for a term
5 expire October 21st, 2021? Is there a
6 second?

7 SPEAKER: I'll second.

8 MR. OKESON: Any discussion?

9 SPEAKER: Real quick. Is there any,
10 like, statute and state laws that says we can
11 do this? Or is it a concern of outside
12 influence? Or what is the --

13 MR. SIMMONS: The 2019 statute of
14 general assembly past legislation authorized
15 the use of systems that do do that. So that
16 would be the first time in Indiana. It also
17 provided for phasing out over a ten-year
18 period the use of all electronic voting
19 systems that do not do that.

20 MR. OKESON: Any other discussion?

21 MR. BAGGA: We would also like to add
22 for the record question numbers that are
23 listed on page 2 for the components, the
24 Microsoft Windows 10 --

25 MR. OKESON: Before you go down that

1 road -- we have a motion. And we have a
2 second. We need to vote on that before he
3 continues on the record, correct?

4 MR. SIMMONS: I think you basically
5 close discussion. And take the vote on the
6 motion.

7 MR. OKESON: Yeah. So we have a
8 motion and a second to approve the micro-vote
9 voting system upgrades. End of discussion.
10 So take a vote. All those in favor signify
11 by saying "aye."

12 ALL TOGETHER: "Aye."

13 MR. OKESON: Hearing no nays, the
14 motion carries. And is adopted. Do you have
15 any additional comments?

16 MR. BAGGA: For the purpose of record,
17 we would like to add that the question
18 numbers that are shown on page 2 of the
19 report, in particular for component Microsoft
20 Windows 10 Professional, it lists the build
21 number of that question as 1809.

22 Those build number can change based on
23 when Microsoft decides to do security
24 updates. So that's the version number that
25 was tested for the build when we did the

1 field test with the lab test. That can
2 change.

3 MR. OKESON: Is that the 1809?

4 MR. BAGGA: Yes, Mr. Chairman.

5 MR. OKESON: Okay. Thank you. Moving
6 on to Hart InterCivic Verity 2.3 Voting
7 System application and report.

8 SPEAKER: Thank you. Mr. Chairman and
9 members of the commission, this is a
10 recommendation report for Hart InterCivic
11 Verity Voting 2.3. Which is an application
12 for a -- and evaluation of a new voting
13 system and for subsequent certification by
14 the Indiana Election Commission.

15 Hart InterCivic applied for this
16 certification on January 1, 2019. The system
17 went to the lab for testing -- the VISTAL lab
18 for testing and was found to be in compliance
19 with the VVSG version 1.0.2005. And the
20 system was also certified by the U.S.
21 Election Assistance Commission on March 15,
22 2019.

23 This particular voting system was
24 tested at Ball State University over a
25 two-day period on May 21st and 22nd of 2019

1 by the VSTOP team. And the field test
2 included verification of all the required
3 elements of the Indiana statutes as
4 applicable regarding voting systems as well
5 as an ADA compliance examination.

6 Mock elections including the
7 IED-approved test scenarios for straight
8 party voting or SCA61 were conducted on the
9 voting system. Verity Voting 2.3 is a
10 comprehensive voting system that includes
11 software/hardware components to support
12 paper-based, electronic, and by-mail voting.

13 These components allow election
14 officials to accomplish a variety of high
15 level tasks. The components of this system
16 are listed in the tables within the
17 recommendation report from VSTOP, which
18 includes a list of hardware, corresponding
19 firmware, corresponding software and a list
20 of COTS or commercial off-the-shelf
21 components that are used by the system.

22 The components that Hart InterCivic is
23 seeking certification on with their
24 corresponding software and firmware include
25 the Verity scan, the verity touch writer, the

1 Verity touch writer duo, and the verity
2 controller.

3 Based on our tests and our review of
4 the materials, we'd like to talk a little bit
5 about the findings of our examination of the
6 documentation, as well as correspondence with
7 Hart InterCivic with regard to this system
8 and our own on-campus test.

9 The verity touch writer duo is a
10 component which is -- consists of a series of
11 up to 12 ballot-marking devices that are
12 connected by a daisy chain network.

13 And what we found is that this
14 particular network is a closed network. And
15 it's just a connection of up to 12 voting
16 systems that could be controlled by a
17 controller, poll worker, in order to identify
18 specific ballot styles on each machine in
19 that 12 -- up to 12-machine daisy chain.

20 And this closed network -- and we
21 spent quite a bit of time researching this.
22 We believe it doesn't impose any additional
23 vulnerabilities or threats even though it's a
24 network without a person having direct
25 physical access to the hardware.

1 The verity print features were
2 ~~determined to not be on the scope of~~
3 certification. And that was actually part of
4 the original application. The Verity printer
5 is a device that prints a ballot that is
6 unmarked. It's essentially a ballot that
7 would be marked.

8 And it wasn't under the scope of
9 certification for Indiana so it was removed
10 from the original application. And you'll
11 see an amended application in the packet of
12 materials, which was provided to us this
13 month.

14 As I mentioned earlier, on May 21
15 during the mock election, on the Ball State
16 University campus, we did experience an issue
17 with straight party voting. That affected
18 at-large races. The predetermined vote
19 tallied -- vote tallies -- for the at-large
20 races did not match the tabulated results
21 from the Hart system.

22 The representative from Hart
23 InterCivic was there for the test, was very
24 responsive to this and explained that the
25 reason for this was due to an improper

1 selection of a setting in the system. And he
2 discovered this later in the day through
3 correspondence with Hart InterCivic
4 technicians.

5 So they were able to correct this
6 problem, identify the problem, troubleshoot
7 the problem, and correct it so we could
8 repeat the mock election on the following day
9 on May 22nd, 2019. And everything turned out
10 fine with all of the vote tallies matching.

11 So our recommendation is that on the
12 bases of your review and evaluation, we find
13 that this particular voting system -- the
14 verity 2.3 referenced in the report -- meets
15 all of the requirements of the Indiana code
16 for the use of voting in the State of
17 Indiana.

18 And this finding includes compliance
19 with the legal requirements for the voters
20 with disabilities. Included in this
21 recommendation, VSTOP advises Hart InterCivic
22 to be sure to train poll workers to instruct
23 voters to verify their cast ballots printed
24 on the verity touch writer before scanning
25 with the verity scan.

1 VSTOP also recommend that the Hart
2 InterCivic company properly train election
3 personnel creating and validating election
4 setup to be in compliance with Indiana
5 requirements to make sure that proper
6 settings are made in the system prior to
7 deployment.

8 Therefore, on the basis of our review,
9 and our review of the laboratory test and our
10 own test on campus and our discussions with
11 Hart InterCivic, VSTOP is recommending the
12 certification of this particular system.

13 MR. OKESON: I'm not seeing anyone.
14 But I don't assume there's anybody around
15 back there from Hart InterCivic.

16 SPEAKER: They're not here.

17 MR. BAGGA: The vendors were notified
18 they were being heard. And they did not
19 respond to whether they were going to be
20 attending or not. So we don't have anybody
21 here.

22 MR. OKESON: I don't have an -- I
23 can't picture it in my mind, this software
24 setup. And you didn't even use the word
25 software --

1 SPEAKER: Daisy chain?

2 MR. OKESON: Not that. But just this
3 set up.

4 SPEAKER: Oh, the settings in the
5 system?

6 MR. OKESON: Yeah. Is that done -- is
7 that an internal mechanism?

8 MR. BAGGA: That's a process, if I
9 may. During the election setup, there's a
10 check box. So there's a series of check
11 boxes. And Indiana straight party
12 regulations, as we know, in Indiana the
13 at-large races must choose, if more than one
14 person can be elected, the voter -- the
15 straight party voter does not filter down to
16 those races.

17 A voter must choose those candidates
18 that she wants to vote. So when we did the
19 test on the first day, that wasn't happening.
20 The at-large bases were also being populated,
21 . Which we found in testing of course.

22 So there's an election programming for
23 Indiana setup where that box needed to be
24 check. And they had not checked that box.

25 MR. OKESON: But that wasn't a known

1 thing until there's an audit done,
2 essentially, at the end of the day, correct?

3 SPEAKER: Once we saw the results, we
4 realized something was wrong.

5 MR. BAGGA: We realized that.

6 SPEAKER: And we brought that to their
7 attention. Then they troubleshooted the
8 problem. And they discovered that was the
9 reason was that a check box was not checked
10 in the election definition settings within
11 the system.

12 MR. OKESON: So when you go out to the
13 counties with the system, right -- I mean, is
14 this tested in some manner before -- I guess
15 what I'm saying is you wouldn't know about
16 this until after the election, right? Until
17 the end of the day and you go -- and you
18 have -- can you speak to that?

19 MR. KING: Yeah, Mr. Chairman, there
20 are safeguards, most prominently a public
21 test that's required for all voting systems
22 prior to election date and actually prior to
23 the start of early voting. So any anomaly
24 should be identified and corrected by then.

25 MR. OKESON: Okay.

1 SPEAKER: Mr. Chairman, if I may.
2 This issue with Hart is not unique to Hart.
3 But was it just two-ish years ago when the
4 law changed about straight party and that it
5 would not be applied to at-large races and
6 all of the voting system vendors in Indiana
7 had to come before the commission to request
8 changes in their software to do straight
9 party voting in accordance with Indiana law?

10 So the fact that Hart has a special
11 Indiana setting is not unique to Hart, other
12 voting system vendors do it. And then it
13 would not be available on an ES&S system.
14 For example, at the county level as Mr. King
15 indicated, that would pop up in a public
16 test, or (indiscernible) inaccuracy testing
17 leading up to the public test.

18 SPEAKER: How many systems are
19 certified -- do we use in the state?

20 SPEAKER: Three or four?

21 Mr. King: There are five vendors.
22 Some of whom have more than one model type
23 that are certified. And so the number of
24 potential models out there is somewhere in
25 the 10 to 12 area.

1 SPEAKER: And I guess, all of you
2 guys, is it normal for someone from the
3 organization to appear?

4 MR. HIRSCH: It depends. Sometimes
5 they do, sometimes they don't.

6 MR. KING: I would say it is not
7 expected. Especially in the case of vendors
8 from out of state. Not because of the travel
9 that's involved. Micro-vote happens to be a
10 locally located company. But we don't
11 necessarily see others from Colorado, for
12 example.

13 SPEAKER: And Commissioner, I went to
14 both field tests actually. And
15 (indiscernible) had representatives there to
16 be there to troubleshoot and work with VSTOP
17 so they have had communication with
18 (indiscernible) leading up to the field test
19 and results afterward.

20 SPEAKER: And does it hit the same
21 marks that the other vendors have hit? Are
22 you guys comfortable with it?

23 SPEAKER: I would say yes from an
24 administrative perspective.

25 SPEAKER: I would agree.

1 internal tests that vendors do with their
2 clients with this set of elections so those
3 tests should catch any of this.

4 MR. OKESON: Okay. Is there a motion
5 to approve the application for certification
6 of Hart InterCivic 2.3 voting system in
7 accordance with the recommendations of VSTOP
8 and subject to any restriction or additional
9 requirements in that recommendation for term
10 October 21st, 2021?

11 SPEAKER: So moved.

12 MR. OKESON: Second?

13 SPEAKER: Second.

14 MR. OKESON: Any discussion? Hearing
15 none. All those in favor say, "aye."

16 ALL TOGETHER: Aye.

17 MR. OKESON: Hearing none, the ayes
18 have it. The motion is adopted. I think
19 that wraps it up.

20 The Indiana Election Commission has
21 finished its business for the day. Is there
22 a motion for the Indiana Election Commission
23 to adjourn? All those in favor say, "aye."

24 ALL TOGETHER: "Aye."

25 MR. OKESON: We're adjourned. Thank

1 MR. KING: And I'll defer to counsel,
2 to see if they have -- Officer Bates, just
3 from a legal perspective.

4 SPEAKER: I will note that the report
5 from VSTOP is in the same form as in the --
6 their provided state recommendation as other
7 previous voting systems.

8 SPEAKER: Okay.

9 MR. BAGGA: If I may. In response to
10 your question, there are 11 different voting
11 systems. So, Brad, you are in the range
12 there.

13 And going back to Ms. Nussmeyer's
14 remarks about other voting system vendors
15 having similar settings. Yes, VSTOP has come
16 across other voting systems when the state
17 party laws in Indiana changed. Most all
18 vendors had to make modifications to comply
19 with the new state party requirements. And
20 they came up with these Indiana settings.
21 And vendors who do business and who have
22 certified systems in Indiana are aware of
23 those settings, and there are other
24 safeguards. In addition to Mr. King's
25 mention of the public tests, there are

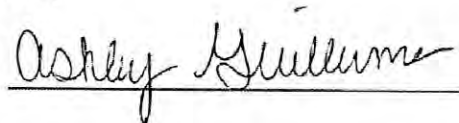
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C E R T I F I C A T I O N

I, ASHLEY GUILLERMO, hereby certify the report of proceedings; that said audio-recording was taken down from the electronic sound recording of the proceedings in the above-entitled matter and transcribed by me, and that the typewritten record was transcribed to the best of my ability.

I do further certify that I am a disinterested person in this cause of action, that I am not a relative or attorney of either party or otherwise interested in the event of this action, and that I am not in the employ of the attorneys for any party.

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



Ashley Guillermo
Notary Public

My Commission Expires:
December 10, 2026
County of Residence:
Lake County, Indiana

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