

# Indiana Election Commission Minutes September 9, 2022

**Members Present:** Paul Okeson, Chairman of the Indiana Election Commission (“Commission”); Suzannah Wilson Overholt, Vice Chair of the Commission; Karen Celestino-Horseman, member; Litany A. Pyle, Member.

**Members Absent:** None.

**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; Valerie Warycha, Co-General Counsel of the Election Division; Ms. Abbey Taylor, Campaign Finance; Ms. Michelle Thompson, Campaign Finance.

**Others Attending:** Mr. Stephen Crawford; Mr. Douglas Drummond; Mr. Sean Fitzpatrick; Ms. Laura Fredsmith; Mr. Michael Hagedorn; Mr. Chad Harmon; Mr. Jason Hoch; Ms. Samantha Hurst; Ms. Katherine Kritsch; Mr. Mario Massillamany; Mr. Evan McMahon; Mr. Rodney Meyerholtz; Mr. Andy Miller; Mr. Dave Rinehart; Mr. Michael Schultheiss; Mr. Frank Short; Ms. Julie Snyder; Mr. Patrick Thurston; Ms. Bianka Tinklenberg; Mr. Johnny Vaughn; Mr. Nick White; Ms. Nicki Whiteman; Mr. Gregory Wolf

## 1. Call to Order:

The Chair called the September 9, 2022 meeting of the Commission to order at 11:15 a.m. EDT in the Indiana Government Center South Auditorium, 402 West Washington Street, Indianapolis.

## 2. Transaction of Commission Business:

The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Maria W. Collier, RPR, CRR, of Stewart Richardson and Associates, which is incorporated by reference into these minutes.

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

Page 48, line 23, delete “Fred Short” and insert “Frank Short”.

Page 49, line 23, delete “Fred” and insert “Frank”.

Page 58, line 3, delete “MASSILLANANY” and insert “MASSILLAMANY”.

Page 58, line 3, delete “Massillanany” and insert “Massillamany”.

Page 69, line 14, delete “MASSILLANANY” and insert “MASSILLAMANY”.

Page 69, line 15, delete “Massillanany” and insert “Massillamany”.

Page 69, line 16, delete “M-a-s-s-i-l-l-a-n-a-n-y” and insert “M-a-s-s-i-l-l-a-m-a-n-y”.

Page 70, line 8, delete “MASSILLANANY” and insert “MASSILLAMANY”.

Page 70, line 22, delete “MASSILLANANY” and insert “MASSILLAMANY”.

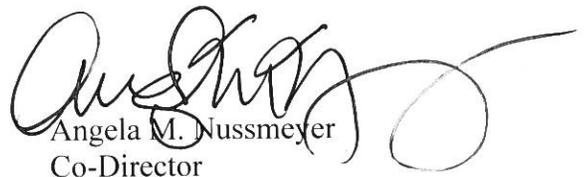
Page 70, line 24, delete "MASSILLANANY" and insert "MASSILLAMANY".  
Page 71, line 6, delete "MASSILLANANY" and insert "MASSILLAMANY".  
Page 71, line 25, delete "MASSILLANANY" and insert "MASSILLAMANY".  
Page 72, line 4, delete "MASSILLANANY" and insert "MASSILLAMANY".  
Page 72, line 12, delete "MASSILLANANY" and insert "MASSILLAMANY".  
Page 72, line 24, delete "MASSILLANANY" and insert "MASSILLAMANY".  
Page 73, line 5, delete "MASSILLANANY" and insert "MASSILLAMANY".  
Page 74, line 22, delete "MASSILLANANY" and insert "MASSILLAMANY".  
Page 75, line 1, delete "MASSILLANANY" and insert "MASSILLAMANY".  
Page 76, line 7, delete "MASSILLANANY" and insert "MASSILLAMANY".  
Page 76, line 21, delete "Massillanany" and insert "Massillamany".  
Page 77, line 22, delete "MASSILLANANY" and insert "MASSILLAMANY".  
Page 80, line 23, delete "MASSILLANANY" and insert "MASSILLAMANY".  
Page 81, line 1, delete "MASSILLANANY" and insert "MASSILLAMANY".

The Commission adjourned its meeting at 2:48 p.m. EDT.

Respectfully submitted,



J. Bradley King  
Co-Director



Angela M. Nussmeyer  
Co-Director

**APPROVED:**



**Paul Okeson, Chairman**

**In the Matter Of:**  
*INDIANA ELECTION COMMISSION PUBLIC SESSION*

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**Transcript of Proceedings**

*September 09, 2022*

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1  
2 INDIANA ELECTION COMMISSION  
3 PUBLIC SESSION  
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7 Conducted on: September 9, 2022  
8  
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11 Conducted at: Indiana Government Center South  
12 Auditorium  
13 402 West Washington Street  
14 Indianapolis, Indiana  
15  
16

17 A Stenographic Record by:  
18 Maria W. Collier, RPR, CRR  
19  
20  
21  
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23

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APPEARANCES

INDIANA ELECTION COMMISSION:

Paul Okeson - Chairman

Suzannah Wilson Overholt - Vice Chairman

Litany Pyle - Member

Karen Celestino-Horseman - Member

INDIANA ELECTION DIVISION STAFF:

Angela M. Nussmeyer - Co-Director

J. Bradley King - Co-Director

Matthew Kochevar - Co-Counsel

Valerie Warycha - Co-Counsel

Michelle Thompson - Campaign Finance Director

Abbey Taylor - Campaign Finance Director

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1           CHAIRMAN OKESON: We'll call the meeting to  
2 order. This is a meeting of the Indiana Election  
3 Commission, Public Hearing Session, Friday,  
4 September 9, 2022, not quite 11 o'clock. We'll  
5 call it 11:15. We're here at Auditorium,  
6 Government Center South, 402 West Washington  
7 Street.

8           The following members of the Commission are  
9 present: Myself, Chairman Paul Okeson; my  
10 vice-chair, Suzannah Wilson Overholt; Member Karen  
11 Celestino-Horseman; and here shortly, we hope, is  
12 Member Litany Pyle.

13           I recognize the Indiana Election Division  
14 staff, Co-Directors Brad King and Angie Nussmeyer,  
15 along with Co-General Counsels Matthew Kochevar,  
16 and Valerie will be sitting to Brad's right.  
17 Perfect timing.

18           I also recognize our court reporter, Maria  
19 Collier, from Stewart Richardson Deposition  
20 Services. Before we continue, if you are going to  
21 be providing any comments or testimony or inquiry  
22 today, please make sure that you state your name  
23 and spell it for the court reporter and speak  
24 clearly so that we get that effectively on the  
25 record.

1 MR. KING: And, Mr. Chairman, on behalf of  
2 myself and Ms. Nussmeyer, the Election Division  
3 certifies that notice of this meeting was given in  
4 compliance with the Indiana Open Door Law.

5 CHAIRMAN OKESON: Thank you.

6 So we have a couple other items of business,  
7 but we're going to cruise past that, since we  
8 started a little bit behind, so we can get to the  
9 important matter at hand. It's of a time-sensitive  
10 nature. With that, any person who plans to testify  
11 today, please stand and allow Matthew Kochevar to  
12 administer the oath.

13 MR. KOCHEVAR: Good morning, everyone. If you  
14 plan on testifying before the Indiana Election  
15 Commission, please rise, raise your right hand, and  
16 say "I do" after recitation of the oath.

17 Do you solemnly swear or affirm, under the  
18 penalties of perjury, that the testimony you are  
19 about to give to the Indiana Election Commission is  
20 the truth, the whole truth, and nothing but the  
21 truth? Please say "I do."

22 ALL: I do.

23 CHAIRMAN OKESON: Thank you. With that, we'll  
24 move to the adoption of the hearing procedures.  
25 These are procedures that we have used in the past

1 so they're consistent. In the past, we have  
2 followed these procedures for conducting the  
3 candidate challenge hearings. I move that the  
4 Commission use the following procedures today:

5 When the candidate challenge is called, the  
6 hearing will begin by recognizing Election Division  
7 staff to provide information about the documents  
8 provided to the Commission members, including  
9 candidate challenge forms, and the notice given to  
10 the challenge -- I'm sorry -- to the candidate and  
11 the challenger.

12 Unless there is objection, the documents  
13 provided to the Commission by the Election Division  
14 will be entered into the record of this meeting.

15 After the Election Division staff completes  
16 its presentation, the challenger will be recognized  
17 first, or their representative if written  
18 authorization has been filed with the Election  
19 Division. They may present their case for no more  
20 than 7 minutes, unless the Commission votes to  
21 allow additional time for the presenter.

22 Commission members may ask questions during  
23 that presentation, but the time spent answering  
24 those questions will not be counted against the  
25 presenter's time. The Election Division may signal

1 the Chair when the presenter's time is up.

2 If the presenter offers additional documents  
3 or other physical evidence not previously received  
4 by the Commission, the original must be provided to  
5 the Election Division -- I would direct you to  
6 Valerie Warycha here at the end -- to preserve for  
7 the record. So if you have anything, please don't  
8 give it to us directly; give it to Valerie seated  
9 to Brad's right.

10 The candidate, or a candidate's authorized  
11 representative if written authorization has been  
12 filed with the Election Division, will be  
13 recognized following that last presentation by the  
14 challenger, and the candidate may present their  
15 case also for no more than 7 minutes, unless the  
16 Commission votes to allow additional time as well.

17 Following the presentation by a challenger,  
18 the candidate may cross-examine the challenger.  
19 Following the presentation by a candidate, the  
20 challenger may cross-examine the candidate. The  
21 cross-examination in all cases is limited to  
22 2 minutes, unless the Commission votes to allow  
23 additional time. The cross-examination must be  
24 limited to questions regarding the statements made  
25 during the presentation. Following the

1 presentation by a candidate, the challenger may  
2 present a rebuttal of no more than 2 minutes.

3 The Commission may dismiss the cause of any  
4 challenger who has failed to appear or testify  
5 before this Commission.

6 Is there a second to this motion?

7 VICE CHAIRMAN OVERHOLT: Second.

8 CHAIRMAN OKESON: Any discussion?

9 Hearing none, all those in favor signify by  
10 saying "Aye."

11 VICE CHAIRMAN OVERHOLT: Aye.

12 MS. CELESTINO-HORSEMAN: Aye.

13 MS. PYLE: Aye.

14 CHAIRMAN OKESON: Hearing no opposition, those  
15 are the rules.

16 So we will now begin the hearing on Cause  
17 No. 2022-232 in the matter of challenge to Samantha  
18 Hurst, candidate for the Republican Party  
19 nomination for Perry County prosecuting attorney.  
20 The Election Division has provided all the  
21 documentation in the binders.

22 We recognize the Election Division staff  
23 first; correct?

24 MR. KING: Mr. Chairman, I think counsel can  
25 speak to the documentation that was filed that the

1 Election Division provided.

2 MS. WARYCHA: Yeah. Matthew, feel free to  
3 jump in. Valerie Warycha, co-general counsel for  
4 the Election Division.

5 We received a candidate challenge from  
6 Mr. Jason -- I'm not sure --

7 MR. HOCH: Hoch.

8 MS. WARYCHA: -- Hoch, and he's represented by  
9 counsel and has entered an appearance. Both  
10 parties were provided with notice and are here  
11 today, and all of the documentation is there for  
12 you. And we also have recognized this meeting, as  
13 Brad said previously, where we've complied with  
14 public records law with notice.

15 MS. CELESTINO-HORSEMAN: Just along the lines  
16 of what you just said, Valerie, have copies of the  
17 documents you gave us this morning regarding UPS  
18 been provided to the parties?

19 MS. WARYCHA: They have not, but they can be.

20 MS. CELESTINO-HORSEMAN: Yeah. I think we  
21 should give them to them.

22 MS. WARYCHA: Sure. What Commissioner Karen  
23 Celestino-Horseman is referring to is, earlier this  
24 morning the Democratic members of the Commission  
25 had asked me about notice to both parties, so I got

1 on our UPS website, which we use -- it's UPS.  
2 United Parcel Service, I think, is what it stands  
3 for. Anyway, that's what we use to mail notice.

4 Notices were mailed on August 26th to both  
5 parties, and then these are the documentation of  
6 the delivery that I have given to the commissioners  
7 and I will give to both parties as well. There's  
8 proof of delivery for both here.

9 I would say that with the challenged  
10 candidate, we did get hers back in the mail  
11 yesterday afternoon, but we were able to reach her  
12 by phone and provide it to her by email. So I'll  
13 give both parties these documents that we gave to  
14 the Commission members earlier.

15 And that's all I have, Matthew.

16 MR. KOICHEVAR: I have nothing further to add.  
17 That is accurate what's in our binder.

18 CHAIRMAN OKESON: Okay. Thank you. So with  
19 that, we'll recognize -- you said it's Hoch;  
20 correct?

21 MR. HAGEDORN: Yes.

22 CHAIRMAN OKESON: -- Jason Hoch, challenger,  
23 for presentation.

24 And if you would, sir, if you would state your  
25 name for us and the spelling.

1 MR. HAGEDORN: My name is Michael Hagedorn.  
2 The last name is spelled H-a-g-e-d-o-r-n. I'm an  
3 attorney. I practice in Tell City, Indiana. My  
4 bar number is 736362. My office is located at  
5 419 Main Street in Tell City.

6 I have the pleasure of representing Mr. Jason  
7 Hoch, who is the current prosecuting attorney in  
8 Perry County, Indiana. Jason is running for  
9 reelection this fall. He has filed a candidate  
10 challenge indicating that Ms. Samantha Hurst is not  
11 qualified as a candidate to run for that office.  
12 He is challenging her residential address as she  
13 listed it in her candidate declaration as  
14 15635 Attic Road, Tell City, Indiana 47586.

15 In order to assist you in the decision in this  
16 case, we have assembled a number of documents that  
17 we would like to submit for the record.

18 Ms. Hurst, here's a copy for you.

19 MS. HURST: Thank you.

20 MR. HAGEDORN: You're welcome.

21 And we have a copy for each Commission member  
22 and an original for the record.

23 May I continue?

24 CHAIRMAN OKESON: Please.

25 MR. HAGEDORN: The reason that we're

1 submitting the documents is to support factually  
2 the statements made by Mr. Hoch in his petition  
3 challenging Ms. Hurst's candidacy for this office.  
4 And I arranged this presentation chronologically so  
5 that you can follow along with me. And don't be  
6 intimidated by the amount of documents because  
7 they're actually very simple.

8 The first document is Ms. Hurst's registration  
9 history. And you can see that she registered to  
10 vote in Perry County on June 28 of this year.  
11 Prior to that, she had been registered at  
12 10438 Eastgate Drive in Mt. Vernon, Indiana. And  
13 prior to that, she was registered in Owensville,  
14 Evansville, and then again in Mt. Vernon.

15 The second document that I have submitted to  
16 you is her voting history. And it's highlighted in  
17 the title of the document. You will see that in  
18 the primary election in 2022, that she  
19 registered -- or pulled a Republican ballot in  
20 Posey County, Indiana. So a few months before  
21 registering in Perry County, she actually voted in  
22 Posey County.

23 The next document is her registration form  
24 that she signed under oath with Perry County  
25 Clerk's Office. You can see that her declared

1 residence in that registration form is 15635 Attic  
2 Road, Perry County, Indiana. She signed that  
3 declaration on June 27, 2022, under oath.

4 The next document is her husband's, Caleb  
5 Hurst's registration and voting history in Posey  
6 County, Indiana. You can see that he has not  
7 changed his residence, and he is still registered  
8 to vote in Posey County, Indiana, where their home  
9 is located.

10 The next document is the Perry County  
11 treasurer tax card for the residence that's located  
12 on Attic Road that Ms. Hurst claims is her  
13 residence. You can see at the top of the form that  
14 the premises is actually owned by her parents,  
15 Vincent Schu and Julia Schu.

16 You can see further that there is a structure  
17 located on that tract of land. That structure is  
18 16 feet by 30 feet in dimensions. It has 480  
19 square feet of livable area. The floors are wood  
20 floors, unfinished. The walls are unfinished. It  
21 has a metal roof. It has no bathroom, has no  
22 kitchen sinks, has no water heater, has no fixtures  
23 at all, has no bedroom, no living room, no dining  
24 room, no family room, and is virtually unlivable.  
25 It is not a habitable premises. You can see by the

1 third page of that tax bill that there is a  
2 photograph of a heavily wooded area.

3 And then going to the next document, you can  
4 see the colored photograph of the structure and its  
5 location in the wooded area. There is no septic  
6 tank system. There is no plumbing in the premises.  
7 The premises has no electric service. The premises  
8 has no water service.

9 The next document is the Perry County planning  
10 and zoning ordinance. I have taken the liberty of  
11 tabbing what we believe is the important part of  
12 that ordinance.

13 CHAIRMAN OKESON: I want to stop you and ask  
14 you a question, if I could.

15 MR. HAGEDORN: Yes, sir.

16 CHAIRMAN OKESON: You made a couple of  
17 statements there regarding utility service.

18 MR. HAGEDORN: Yes.

19 CHAIRMAN OKESON: Is that verified anywhere,  
20 certified in any of the documents that you've  
21 provided? And you further made the statement that  
22 you stated the property is uninhabitable. Is there  
23 anything that certifies that?

24 MR. HAGEDORN: Well, yes, sir. The tax record  
25 actually contains the information. There is no --

1 CHAIRMAN OKESON: The tax record calls it  
2 uninhabitable?

3 MR. HAGEDORN: I'm sorry?

4 CHAIRMAN OKESON: Does the tax record refer to  
5 the property as uninhabitable?

6 MR. HAGEDORN: That is a conclusory statement  
7 that I have made. I apologize for that. But you  
8 can see on the second page of the tax records that  
9 there's no plumbing, there's no water, and there's  
10 no electricity service. Does that clarify the  
11 issue, sir?

12 CHAIRMAN OKESON: Well, somewhat on page 2 of  
13 what you've provided. This is the tax record?

14 MR. HAGEDORN: Yes, sir.

15 CHAIRMAN OKESON: Parcel record?

16 MR. HAGEDORN: Yes.

17 CHAIRMAN OKESON: At the bottom, it says  
18 "Description: Single family," and I assume "RES,"  
19 residentially eligible, it says, 100 percent.

20 MR. HAGEDORN: I'm about to get to that in the  
21 presentation.

22 CHAIRMAN OKESON: Fair enough. I took about a  
23 minute there.

24 MS. WARYCHA: And I paused it.

25 MR. HAGEDORN: Should I continue?

1 CHAIRMAN OKESON: Yeah. Even though I added  
2 to your time, you're running short.

3 MR. HAGEDORN: I understand. The page that I  
4 tabbed on page 3 of the zoning ordinance requires  
5 every residential structure in Perry County to have  
6 a sewage disposal system. If you page to page 31,  
7 the definition, a dwelling unit is defined in  
8 Indiana -- or in Perry County as requiring a  
9 minimum of 800 square foot of residential living  
10 space. This structure has 480 square foot, not 800  
11 square foot, as required by ordinance.

12 The last ordinance is the zoning commission  
13 ordinance, and if you turn to page 19, which is  
14 tabbed once again, a dwelling unit is defined in  
15 that ordinance as requiring 800 square feet minimum  
16 living space, not 480 square feet, as indicated in  
17 the tax bill -- the tax card. Sorry.

18 That concludes the presentation, sir.

19 MS. WARYCHA: Mr. Chairman, members of the  
20 Commission, just so that you're aware, we did  
21 afford them an extra 2 minutes of time with your  
22 question.

23 CHAIRMAN OKESON: Any questions?

24 VICE CHAIRMAN OVERHOLT: I'd like to let them,  
25 I guess, proceed. I'd like to hear the evidence

1 before asking questions.

2 CHAIRMAN OKESON: Well, according to  
3 procedures, you have an opportunity to  
4 cross-examine for 2 minutes, if you'd like.

5 MS. HURST: To cross-examine?

6 CHAIRMAN OKESON: That testimony. So you have  
7 2 minutes to ask any questions pertaining to what  
8 was just presented.

9 MS. HURST: Honestly, I don't have any. I  
10 would rather just --

11 CHAIRMAN OKESON: Will you for the record  
12 state your name and spell it, please.

13 MS. HURST: It's Samantha Hurst,  
14 S-a-m-a-n-t-h-a, H-u-r-s-t.

15 CHAIRMAN OKESON: Sorry. Did you have  
16 anything that you wanted to ask?

17 MS. HURST: I do not. I just have documents  
18 to present and a presentation to make.

19 CHAIRMAN OKESON: With that, we'll move to  
20 your presentation.

21 MS. HURST: Thank you. Good morning. I am  
22 sure that most of you are more well versed in what  
23 is required to show residency as far as what the  
24 law requires for candidates, and I will be brief  
25 with this.

1           But from the In Re: Evrard case, it's a  
2 Supreme Court case from Indiana, August 22nd of  
3 1975, actually out of Perry County. The overview  
4 and the gist of this case is that a judge filed for  
5 his candidacy while he was in Virginia, while he  
6 lived in Virginia with his wife, and he began  
7 looking for a house. He used his parents' address  
8 for purpose of residency while he looked for a  
9 house, and he took steps to establish his  
10 residence. And in particular, he made -- he had an  
11 intent to make a particular place his permanent  
12 residence, and he acted upon that intention in good  
13 faith. And that is what the Indiana Code requires  
14 to be able to establish a residency. It requires  
15 an intent and a good-faith effort to manifest that  
16 intent.

17           The code for the Indiana residency is mostly  
18 listed under 3-5-5. There are a number of sections  
19 within that code. One of those sections is  
20 3-5-5-18, and it refers to nontraditional  
21 residence. Nontraditional residence are still  
22 considered residence for being considered a  
23 resident of the precinct, and those residence do  
24 not have to be permanent and they do not have to be  
25 fixed in one location.

1 Another section -- and that applies because  
2 the current residence at 15635 Attic Road is  
3 actually currently a camper as a temporary measure  
4 because a pole barn that has been -- the deposit  
5 was made in November of 2021. It has been delayed  
6 based on weather, based on the pole barn company's  
7 labor, and their unfortunate lack of workers at the  
8 time. So that has been delayed, but we have a  
9 witness who can testify about signing the contract  
10 for that.

11 So currently there is a camper. It does have  
12 electricity. I have a witness that can testify as  
13 to when he went and got the electric service, when  
14 he paid the deposit, when the water was hooked up,  
15 and when the water deposit was paid. And the  
16 camper has everything that was mentioned as to how  
17 this place is not a residence. It has a water  
18 heater, it has a kitchen, has a bathroom, and it  
19 has storage tanks for using the restroom and the  
20 showers.

21 CHAIRMAN OKESON: Note that I'm asking a  
22 question.

23 How long has the camper been there?

24 MS. HURST: The camper has been there since  
25 sometime in July. I do not believe --

1           CHAIRMAN OKESON: July of this year?

2           MS. HURST: July of this year. I do not  
3 believe I know the exact date that the camper was  
4 put in. It may have even been the end of June  
5 based on when the water and the electric were  
6 requested at that residence, and these receipts  
7 have dates of late June. So those receipts have  
8 dates of late June to show when those were  
9 requested at that location.

10          As far as the --

11          CHAIRMAN OKESON: Have you submitted any of  
12 that information as part of the --

13          MS. WARYCHA: We do not have it.

14          MS. HURST: I have copies of it that I can --  
15 well, I have a copy. Unfortunately -- just to  
16 address why the piece of mail was returned, I  
17 honestly have no idea why it was returned. I have  
18 multiple pieces of mail that I can provide that has  
19 that address on it. I have a picture from just the  
20 other day with the mail lady actually putting mail  
21 in the mailbox.

22          My only -- I've never gotten anything from UPS  
23 at that address. There's also a witness that's  
24 going to testify about how sometimes UPS in Tell  
25 City specifically, if your address is not easy to

1 find or easy to understand for UPS, how they may  
2 not be able to deliver to you and they return it.  
3 So I have --

4 MS. CELESTINO-HORSEMAN: Can we save some  
5 time? Does the witness work for UPS?

6 MS. HURST: No.

7 MS. CELESTINO-HORSEMAN: So it's just someone.  
8 Okay. And can you give us these documents, then?

9 VICE CHAIRMAN OVERHOLT: Because you're going  
10 to run out of time.

11 MS. HURST: I apologize. I thought we had --

12 MS. CELESTINO-HORSEMAN: Is it something we  
13 have or don't have?

14 MS. WARYCHA: We don't have it.

15 MS. HURST: This is the unfortunate thing  
16 about finding out last night at 8 o'clock that --  
17 here's the pictures that have the camper and then  
18 the receipts for --

19 CHAIRMAN OKESON: And I would say this  
20 shouldn't eat into her time when she's --

21 MS. WARYCHA: I paused it for the moment.

22 MS. HURST: This is something I haven't talked  
23 about yet but I will. This is the contract for the  
24 barn, and it has the date at the bottom. This will  
25 also be talked about.

1 MS. WARYCHA: When you're done, just pass them  
2 down and I'll put them in for the record.

3 MR. HAGEDORN: Mr. Chairman, I have an  
4 objection to make for the record with respect to  
5 those documents.

6 CHAIRMAN OKESON: I don't think that's  
7 permissible under the procedures.

8 Are they, Brad?

9 MR. KING: Mr. Chairman, certainly a party to  
10 an AOPA proceeding may make an objection, but I  
11 think that's at a moment subsequent unless it's  
12 with regard to what the Commission is currently  
13 reviewing.

14 CHAIRMAN OKESON: Can your objection wait  
15 until she's completed?

16 MR. HAGEDORN: Surely.

17 CHAIRMAN OKESON: Okay. Thank you.

18 MS. CELESTINO-HORSEMAN: Can I ask a question  
19 about some of these documents?

20 CHAIRMAN OKESON: Sure.

21 MS. CELESTINO-HORSEMAN: Okay. So I'm looking  
22 at the Southern Indiana Power, which says  
23 electricity was turned on there October 27th of  
24 2021 by Vincent Schu, which I think is your father.

25 MS. HURST: That's correct.

1 MS. CELESTINO-HORSEMAN: All right. It says  
2 here that this is for the pole barn because we have  
3 documentation that was submitted that said you  
4 wanted to build a pole barn. It also says it's  
5 temporary. Did you bring in any electric bills or  
6 anything to show that it's currently connected and  
7 you're paying?

8 MS. HURST: I did not bring any current  
9 electric bills. There are photos that I have that  
10 show that lights are on if you would like to see  
11 that there are lights that work out at the  
12 property.

13 MS. CELESTINO-HORSEMAN: Sure, at the  
14 property. But in the trailer? Is this electricity  
15 connected to the trailer?

16 MS. HURST: Yes. You can see in this picture  
17 that the light is on in the camper. It shows that  
18 there's a light in the backside that is on in the  
19 camper.

20 CHAIRMAN OKESON: Let's let her finish, just  
21 noting the time, so we can -- go ahead.

22 MS. HURST: Another issue that was brought up  
23 was that my husband's residence is still in  
24 Mt. Vernon. My husband was in the Marine Corps for  
25 five years. When he got out in 2019, he began

1 school at the University of Southern Indiana for a  
2 civil engineering degree. He will graduate in May  
3 of 2023. At this time he is staying in Mt. Vernon  
4 because he goes to school five minutes from where  
5 that address is. So he has an intent to move to  
6 Perry County whenever he graduates.

7 And under 3-5-5-14, the law clearly states  
8 that you can have a separate residence from your  
9 spouse. If any of you are familiar with military  
10 families, I'm in the National Guard, my husband was  
11 in the Marine Corps, being separated from your  
12 spouse is not an uncommon thing for us.

13 And then under 3-5-11, immediate family  
14 residence is also a code that is addressed, and my  
15 father is an immediate family member. Parents are  
16 considered immediate family under 3-5-5-0.5. So  
17 all of those go to address the residency.

18 I have every intent to reside in Perry County.  
19 I have in front of you -- some of you have may have  
20 seen it, some of you may not. I have changed my  
21 address to the Attic Road address. I have a voter  
22 registration card for the Attic Road address. That  
23 was delivered to my mailbox out at 15635 Attic  
24 Road, and whenever it was delivered, I received it,  
25 I went with the chairperson for the Republican

1 Party to the clerk's office. At the clerk's office  
2 they can manually input you as a registered voter  
3 if the card -- otherwise, it happens automatically  
4 after seven days if the registration is not  
5 returned.

6 So the day that it came in was a Thursday,  
7 July 1st or 2nd. It was a Thursday. On the next  
8 day, I took it in with the chairperson to the  
9 clerk's office, we had that verified by the clerk,  
10 and then I left from there to go to Indianapolis to  
11 file my candidacy.

12 There was also mention of the --

13 CHAIRMAN OKESON: One minute.

14 MS. HURST: There was also mention in the  
15 challenge that the property listed on the property  
16 card is different than the address that I have  
17 listed. It's different based on -- they have  
18 alleged that the address there is actually 15841.  
19 The GIS website doesn't always have the accurate  
20 information as far as what the address is based on  
21 the EMS or the EMA. So I had to contact the  
22 director of emergency services to find out what the  
23 actual address they had on file for that. I did  
24 that, completed that, and so that's the address  
25 that I was provided, that 15635, and that's the

1 address that USPS uses to deliver my mail there.

2 CHAIRMAN OKESON: Would that be the end of  
3 your testimony?

4 MS. HURST: Yes.

5 CHAIRMAN OKESON: Thank you. You have  
6 2 minutes.

7 MR. HAGEDORN: I have some questions on  
8 cross-examination.

9 CHAIRMAN OKESON: Directed at anything she  
10 provided in testimony.

11 MR. HAGEDORN: Isn't it true that the camper  
12 was moved to the location in mid July of this year?

13 MS. HURST: It was moved in July. I honestly  
14 don't remember when in July it was moved.

15 MR. HAGEDORN: Did you make a posting on  
16 Facebook, after the camper was moved to the  
17 location, that it was placed there in order for  
18 your parents to visit you?

19 MS. HURST: I made a posting saying that it  
20 was put there for visitors, so that I would have  
21 room for visitors.

22 MR. HAGEDORN: Your parents as well?

23 MS. HURST: I honestly don't remember if I  
24 said it was my parents or if it was for visitors.  
25 I said it's my parents' camper. The camper does

1 belong to my parents.

2 MR. HAGEDORN: So the camper is titled in your  
3 parents' names?

4 MS. HURST: Yes, it is.

5 MR. HAGEDORN: Do you have any ownership  
6 interest in the structure that is located at the  
7 premises?

8 MS. HURST: I do not own any of the  
9 structures. I do not own personally any of the  
10 property.

11 MR. HAGEDORN: How many overnights had you  
12 spent in that structure before you registered to  
13 vote in Perry County on June 28?

14 MS. HURST: I did not spend any nights in  
15 my -- in any structure overnight.

16 MR. HAGEDORN: How many overnights have you  
17 spent in the structure since the filing of your  
18 registration?

19 MS. HURST: I spend, on average, three to four  
20 nights a week in the camper.

21 MR. HAGEDORN: In the camper?

22 MS. HURST: In the camper.

23 MR. HAGEDORN: Not in the structure?

24 MS. HURST: Not in the structure.

25 MR. HAGEDORN: Have you ever spent an

1 overnight in the structure that you declared was  
2 your home when you filed your candidacy?

3 MS. HURST: I have not spent an overnight in  
4 the --

5 MR. HAGEDORN: Is it true that there's no  
6 plumbing in the structure?

7 MS. HURST: The structure does not have  
8 plumbing.

9 MR. HAGEDORN: Is it true that there's no  
10 water heater?

11 MS. HURST: There is no water heater in the  
12 structure.

13 MR. HAGEDORN: Is it true that there's no  
14 electricity?

15 MS. HURST: I don't believe the electricity  
16 has been run to the structure as of yet.

17 MR. HAGEDORN: Is it true that there is no  
18 septic system?

19 MS. HURST: The septic system is not currently  
20 in. My father has currently been working with a  
21 company to get a septic system put into the  
22 property for the pole barn and for a house.

23 MR. HAGEDORN: How do you explain --

24 MS. CELESTINO-HORSEMAN: Excuse me. If I  
25 could just tell you that with, if we don't get this

1 decided by noon, then it stands. So if you want us  
2 to get a decision, we need to get moving on.

3 MR. HAGEDORN: I have a few more questions. I  
4 understand.

5 VICE CHAIRMAN OVERHOLT: But I think your  
6 time --

7 CHAIRMAN OKESON: Yeah. You've hit it.

8 MR. HAGEDORN: The principal point is that the  
9 camper was not located on the premises --

10 CHAIRMAN OKESON: I understand, sir. I  
11 appreciate that, and, please, I'm not trying to be  
12 rude. We've got to keep on task here.

13 MR. HAGEDORN: All right.

14 CHAIRMAN OKESON: You have 2 minutes for  
15 rebuttal.

16 MS. HURST: I don't have any rebuttal. I'll  
17 let the documents that I've provided and the  
18 testimony I've provided.

19 CHAIRMAN OKESON: Okay. With that, I'll close  
20 the public hearing on Cause No. 2022-232. Any  
21 questions?

22 Do we have to take a motion first?

23 MR. KING: A motion for discussion.

24 CHAIRMAN OKESON: A motion in order to have  
25 discussion. Would anyone like to make a motion?

1 MS. CELESTINO-HORSEMAN: I'll move for  
2 discussion.

3 MS. PYLE: Second.

4 CHAIRMAN OKESON: I think what he's saying is  
5 we have to have a motion that allows for  
6 discussion.

7 VICE CHAIRMAN OVERHOLT: I thought that was  
8 odd.

9 CHAIRMAN OKESON: Do we have a move to uphold  
10 or move to reject the challenge?

11 MS. CELESTINO-HORSEMAN: I have some  
12 questions.

13 CHAIRMAN OKESON: That's in the discussion  
14 part of the motion.

15 MS. CELESTINO-HORSEMAN: Okay. So for  
16 purposes of discussion, I move to accept the  
17 challenge.

18 CHAIRMAN OKESON: Is there a second?

19 VICE CHAIRMAN OVERHOLT: Second.

20 CHAIRMAN OKESON: Having a second, any  
21 discussion? We have roughly 10 minutes to vote.

22 MS. CELESTINO-HORSEMAN: Okay. Great. So  
23 I'll make this fast. Do you have a sewer hookup to  
24 the trailer?

25 MS. HURST: We do not have a sewer hookup.

1 The camper has a holding tank and it has external  
2 holding tanks for the sewer currently while we're  
3 waiting for the septic system to be finalized.

4 MS. CELESTINO-HORSEMAN: Okay. So then do  
5 those require to be emptied and all that?

6 MS. HURST: Yes, they do.

7 MS. CELESTINO-HORSEMAN: And what company does  
8 that?

9 MS. HURST: We have not had to do that yet.

10 MS. CELESTINO-HORSEMAN: Okay. So you haven't  
11 filled up a tank that's on the external side of  
12 this trailer. Okay.

13 Secondly, whose name is the electric in?

14 MS. HURST: It would be in Vince Schu's name.

15 MS. CELESTINO-HORSEMAN: And whose name is the  
16 water in?

17 MS. HURST: It would be in Vince Schu's name.

18 MS. CELESTINO-HORSEMAN: So you don't have any  
19 bills to show that that's still going out there;  
20 correct? I mean, I saw this that looks like a  
21 light in the trailer, but I have no idea whether  
22 that's from electricity or what out there. So I  
23 have no idea whether the trailer is electrified.  
24 If that's just a safety light that's on there, I  
25 don't know. Was that taken with a camera?

1 MS. HURST: That is a security system.

2 MS. CELESTINO-HORSEMAN: And where does that  
3 security system go?

4 MS. HURST: The security system is inside the  
5 camper, and you can access it on your phone. I can  
6 bring it up for you.

7 MS. CELESTINO-HORSEMAN: No, that's okay. And  
8 so are you afraid that people are going to break  
9 into the trailer?

10 MS. HURST: We actually had somebody take mail  
11 out of our mailbox that our neighbor saw and left  
12 with it, so yes.

13 MS. CELESTINO-HORSEMAN: All right. Now, in  
14 In Re: Evrard, the candidate there -- which I just  
15 happened to write an appellate brief about all this  
16 stuff just this past week. So in In Re: Evrard,  
17 the issue there was -- you're right -- the judge,  
18 he filed for judge and he demonstrated his intent  
19 to move to the county. In this case, you're  
20 claiming that your intent is based upon driver's  
21 license and voter registration. What is the  
22 address for your banking purposes?

23 MS. HURST: It is also 15635 Attic Road.  
24 That's how I obtained my driver's license is I  
25 changed my banking and my credit cards. And the

1 credit card you received. There's a credit card  
2 statement that has my address, and that was mailed.  
3 And that is actually the mail that you saw being  
4 put in my mailbox in the picture.

5 MS. CELESTINO-HORSEMAN: Okay. And you say  
6 you spend out there three to four nights a week?

7 MS. HURST: Currently, yes.

8 MS. CELESTINO-HORSEMAN: Okay. And then if  
9 this election -- if you do not win this election,  
10 will you still be moving out there?

11 MS. HURST: Absolutely. And I also have --  
12 it's no further of a drive than my old residence to  
13 my job, and I also have a job offer with Walter  
14 Hagedorn in Perry County. He is a Perry County  
15 attorney.

16 MS. CELESTINO-HORSEMAN: Okay. So then  
17 basically, then, what the evidence has shown is  
18 that at the time you registered to vote you were  
19 not a resident and had done none of these things;  
20 correct?

21 MS. HURST: That is incorrect.

22 MS. CELESTINO-HORSEMAN: Okay. What had you  
23 done? Because the trailer wasn't located there,  
24 and you certainly couldn't have been living in that  
25 cabin -- structure.

1 MS. HURST: I had intent at the time that I  
2 filed --

3 MS. CELESTINO-HORSEMAN: But you had made no  
4 good-faith effort at that point.

5 MS. HURST: We had requested water. We had  
6 requested power.

7 MS. CELESTINO-HORSEMAN: That was requested  
8 before and it's in your father's name.

9 MS. HURST: Absolutely it's in my father's  
10 name.

11 MS. CELESTINO-HORSEMAN: He owns the property.

12 MS. HURST: I am a single income earner with a  
13 husband in college. It is absolutely my father's  
14 name.

15 MS. CELESTINO-HORSEMAN: Okay. And that was  
16 done well before. See, that's --

17 MS. HURST: There's also, if you saw it, I  
18 requested a transfer to the Kentucky National Guard  
19 from the Indiana National Guard based on my intent  
20 to move to that Attic Road address, and that is  
21 from May of 2022.

22 MS. CELESTINO-HORSEMAN: Okay. So that --

23 CHAIRMAN OKESON: Only one or two more  
24 questions. We've got to wrap this up.

25 MS. CELESTINO-HORSEMAN: Got it. So the

1 good-faith effort that you made at the time you  
2 registered to vote was that it was things your  
3 father had done, not that you personally had done  
4 because you hadn't put the water in, you didn't put  
5 the electric in, that kind of thing. So you did  
6 this thing about transferring to the Kentucky Guard  
7 at that time, which you said is to support your  
8 move. Is there anything else?

9 MS. HURST: No.

10 CHAIRMAN OKESON: Does anyone else have any  
11 questions?

12 VICE CHAIRMAN OVERHOLT: I have a question for  
13 counsel because I'm missing it. I know we're short  
14 on time. In terms of when -- so to be a  
15 candidate -- I just read the statute. So to be a  
16 candidate, it looks like you have to be registered  
17 to vote. And I know there's a residency issue too,  
18 but is the date of her change of registration at  
19 issue or is it just the residency?

20 MR. KOCHEVAR: Yes. Commissioner Overholt,  
21 for candidates running for prosecutor, the section  
22 on 3-8-1-1, the requirement is that they have to be  
23 registered to vote, which, looking at it from a  
24 technical side, meaning that their voter  
25 registration becomes active on the date of the

1 filing deadline. Since the candidate filled a  
2 ballot vacancy, that filing deadline would have  
3 been by noon, July the 5th, if I recall, because we  
4 had to take into consideration Independence Day.

5 VICE CHAIRMAN OVERHOLT: All right. So that's  
6 not an issue.

7 CHAIRMAN OKESON: Valerie, do you concur?

8 MS. WARYCHA: I do.

9 VICE CHAIRMAN OVERHOLT: Okay. I wanted to  
10 try to narrow it.

11 CHAIRMAN OKESON: Do you have any questions?

12 MS. PYLE: We keep talking about a pole barn.  
13 Is this what you're intending to live in?

14 MS. HURST: It is what I'm intending to live  
15 in. I'm intending to live there until I can afford  
16 to build a house.

17 MS. PYLE: Understood. Thank you.

18 CHAIRMAN OKESON: I will say working in the  
19 construction industry, I'm well aware of the delays  
20 to which you referred.

21 Valerie, there's been -- I just have a quick  
22 question. There's been a lot of information back  
23 and forth that could be persuasive in some way or  
24 another, but what does the statute say is required  
25 for effective residency in this situation?

1 MS. WARYCHA: Well, she is correct, 3-5-5 is  
2 the residency. And I think the one thing that's  
3 different for prosecutor, so many of the offices  
4 you're required to have a residency there one year  
5 prior. Prosecutor is a little different. It  
6 doesn't have that one year prior.

7 CHAIRMAN OKESON: Does it have any time frame  
8 at all?

9 MS. WARYCHA: It does not for prosecutor that  
10 I'm aware of. It's the registering to vote so  
11 that's the mail.

12 CHAIRMAN OKESON: Yeah. Okay.

13 MR. HAGEDORN: Mr. Chairman, can I voice that  
14 objection that I was going to make earlier?

15 CHAIRMAN OKESON: Be quick about it.

16 MR. HAGEDORN: Mr. Hoch would object to any  
17 consideration of the documentation Ms. Hurst has  
18 submitted that is subsequent to the date of her  
19 registration. Intent has to be established prior  
20 to the registration, not following the  
21 registration. So any conduct she has engaged in  
22 subsequent to June 28 of this year would not be  
23 relevant to any issue that is before this  
24 Commission today.

25 MS. WARYCHA: Mr. Chairman and members of the

1 Commission, under AOPA, you are allowed to hear  
2 what evidence you would like and give it the weight  
3 you determine as necessary.

4 CHAIRMAN OKESON: The objection is noted for  
5 the record.

6 MS. CELESTINO-HORSEMAN: I'm looking at the  
7 estimate for the project, this B&A estimate, but  
8 there's nothing about, like, installing for  
9 heating, ductwork, anything like that. There's  
10 nothing about leaving openings for plumbing or  
11 putting in plumbing or anything like that here.

12 MS. HURST: That's correct. My father-in-law  
13 is intending to complete the inside of the pole  
14 barn. He's a carpenter in Indiana -- or in  
15 Illinois. I'm sorry.

16 MS. CELESTINO-HORSEMAN: He's a carpenter, but  
17 what are you going to do about the plumbing and  
18 electrical and laying the framework for that?

19 MS. HURST: Like I said, my father-in-law  
20 intends to complete the inside of the pole barn.

21 MS. CELESTINO-HORSEMAN: So you don't know.  
22 Okay.

23 You're the construction guy. You tell me.  
24 Forty-five seconds.

25 MR. KOICHEVAR: Yes. That clock is off by a

1 minute and a half.

2 MS. CELESTINO-HORSEMAN: Okay. I move that we  
3 sustain the challenge.

4 CHAIRMAN OKESON: The motion's been made.

5 MS. CELESTINO-HORSEMAN: Oh, yeah.

6 CHAIRMAN OKESON: And it's been seconded.

7 MS. CELESTINO-HORSEMAN: Thank you.

8 CHAIRMAN OKESON: So all those in favor, we'll  
9 go by role call.

10 VICE CHAIRMAN OVERHOLT: A motion to sustain  
11 the challenge?

12 CHAIRMAN OKESON: The motion was made to  
13 uphold the challenge.

14 MS. CELESTINO-HORSEMAN: We move to uphold the  
15 challenge.

16 VICE CHAIRMAN OVERHOLT: Aye.

17 CHAIRMAN OKESON: Nay.

18 MS. PYLE: Nay.

19 CHAIRMAN OKESON: Okay. We've voted on it.  
20 The motion has failed to carry, which means that  
21 Samantha Hurst will remain on the ballot for the  
22 election. Thank you.

23 MR. KOCHEVAR: Mr. Chairman, I will note that  
24 it is now noon Eastern Time.

25 CHAIRMAN OKESON: And for the record, I do

1 apologize for the rapid nature of this, but thank  
2 you for your cooperation and thanks for coming.

3 MS. CELESTINO-HORSEMAN: Good luck to whoever  
4 wins.

5 (Discussion held off the record.)

6 CHAIRMAN OKESON: So if I could indulge your  
7 participation for just a few minutes, we'll go back  
8 to a couple of agenda items that we intended to,  
9 and rightfully so did not, sort of clear before we  
10 get to our recess.

11 I'd like to take care of the approval of  
12 March 25, 2022, Election Commission minutes. I  
13 recognize the co-directors to present the minutes.

14 MR. KING: Mr. Chairman, members of the  
15 Commission, on behalf of Co-Director Nussmeyer and  
16 myself, the March 25, 2022, minutes are presented  
17 to you with our recommendation for their approval.

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

20 VICE CHAIRMAN OVERHOLT: So moved.

21 CHAIRMAN OKESON: Second?

22 MS. PYLE: Second.

23 CHAIRMAN OKESON: Any discussion?

24 Hearing none, all those in favor signify by  
25 saying "Aye."

1 VICE CHAIRMAN OVERHOLT: Aye.

2 MS. CELESTINO-HORSEMAN: Aye.

3 MS. PYLE: Aye.

4 CHAIRMAN OKESON: Minutes are approved and  
5 signed.

6 And finally, for purposes of today's meeting  
7 before we recess, ratification of campaign finance  
8 settlement agreements. I recognize the Election  
9 Division -- did they leave?

10 MR. KING: Mr. Chairman, I can certainly  
11 address that, and then Ms. Nussmeyer can certainly  
12 add anything. As you know, we have a procedure in  
13 statute where committees which are subject to  
14 potential civil penalties for campaign finance law  
15 violations have the opportunity to enter into a  
16 settlement agreement where, on one hand, they agree  
17 to pay the full amount of the penalty that would be  
18 due; in return, they are not admitting that they  
19 have, in fact, committed a violation.

20 We bring these to you based on what we have  
21 received back from the committees that are listed  
22 in your packet, and in the past, the Commission has  
23 voted to ratify these proposed settlements.

24 CHAIRMAN OKESON: Yeah. So these are all  
25 agreed upon.

1           Is there a motion to ratify the campaign  
2 finance settlements as presented?

3           VICE CHAIRMAN OVERHOLT:   So moved.

4           CHAIRMAN OKESON:   Is there a second?

5           MS. PYLE:   Second.

6           CHAIRMAN OKESON:   Any discussion, questions?

7           Hearing none, all those in favor signify by  
8 saying "Aye."

9           VICE CHAIRMAN OVERHOLT:   Aye.

10          MS. CELESTINO-HORSEMAN:   Aye.

11          MS. PYLE:   Aye.

12          CHAIRMAN OKESON:   The "ayes" have it.  The  
13 settlement agreements are approved.  And with that,  
14 I'll take a motion to go into recess until -- oh,  
15 we can just declare a recess until 1:30?

16          MR. KING:   You can just recess.

17          CHAIRMAN OKESON:   Okay.  So we'll be in recess  
18 until 1:30 when we'll return to this room for the  
19 remainder of the meeting.

20          (Lunch recess taken.)

21          CHAIRMAN OKESON:   We're back in session, the  
22 Indiana Election Commission, Friday, September 9,  
23 2022, now 1:30-ish p.m., same location.  All the  
24 members are present:  Chair Paul Okeson; Suzannah  
25 Wilson Overholt, vice-chair; Karen

1 Celestino-Horseman, and Litany Pyle; as well the  
2 Election Division co-directors, Brad King and Angie  
3 Nussmeyer, and co-counsels Matthew Kochevar and  
4 Valerie Warycha.

5       Again, our court reporter, Maria Collier from  
6 Stewart Richardson, is here. And so before we kind  
7 of get underway, we'll ask that you address the  
8 podium if you're going to speak today. State your  
9 name and spell it for the purpose of the record to  
10 make sure that it's all accurate. And please do  
11 your best to speak clearly.

12       So we're going to shift things around on the  
13 agenda here a little bit in order to get through  
14 what seems to be a somewhat heavy campaign finance  
15 agenda. So opportunities for committees with  
16 representatives present today to accept a reduced  
17 penalty, Karen, this has been your show  
18 historically, if you'd like to walk us through  
19 this.

20       MS. CELESTINO-HORSEMAN: Sure. All right. So  
21 you have a once-in-a-lifetime deal as regards these  
22 plans here, and that is this: If you accept,  
23 you've never had a challenge before and you can now  
24 stand up and say, okay, I'll pay, you only have to  
25 pay 25 percent of the fine. If it's your second

1 one, you have to pay 50 percent of the fine. If  
2 it's your third one, then you have to pay  
3 75 percent of the fine.

4 So what kind of things are we looking at for  
5 this hearing? Well, if you come up and you tell us  
6 that we didn't know the law, we didn't understand  
7 this, my treasurer was out of town, you know, short  
8 of you being on life support, we have to follow the  
9 law and the law says that you have to pay.

10 So anyone, unless you just have an excuse that  
11 you think is going to rock our world, I strongly  
12 suggest that you accept and cut a deal now because,  
13 otherwise, we do not take lightly waiving this.  
14 You really have to have a very excellent reason.

15 CHAIRMAN OKESON: And I would add to that, you  
16 need not come up and make an argument, an excuse,  
17 or say anything. You can just simply accept it and  
18 we'll move on.

19 MS. CELESTINO-HORSEMAN: We can just say  
20 anybody want to accept it.

21 UNIDENTIFIED SPEAKER: I'll do it.

22 CHAIRMAN OKESON: Before you do that, though,  
23 I'm going to take that in the form of a motion as a  
24 procedural item.

25 Do we have a second?

1 MS. PYLE: Second.

2 CHAIRMAN OKESON: So those are the rules for  
3 taking the plea deal, as I'll call it. It's been  
4 motioned and seconded. Any discussion?

5 VICE CHAIRMAN OVERHOLT: Nope.

6 CHAIRMAN OKESON: Hearing none, all those in  
7 favor signify by saying "Aye."

8 VICE CHAIRMAN OVERHOLT: Aye.

9 MS. CELESTINO-HORSEMAN: Aye.

10 MS. PYLE: Aye.

11 CHAIRMAN OKESON: The "ayes" have it, so those  
12 are the rules.

13 So if you want to take that -- do we want to  
14 queue them up over off the edge of Michelle?

15 MS. CELESTINO-HORSEMAN: They can come up to  
16 the microphone and give their cause number.

17 CHAIRMAN OKESON: So if you'll line up, in a  
18 very civilized manner, in a single file line.  
19 State your name and, more importantly, your cause  
20 number so they can look your file up. We don't  
21 need to hear anything really other than that and  
22 accept the fine.

23 MS. CELESTINO-HORSEMAN: I'd like to make one  
24 more thing clear. If you don't take the deal at  
25 this time, it will not be offered to you should you

1 decide to come up here and argue. Then it will  
2 become an all or nothing.

3 CHAIRMAN OKESON: You're throwing yourself at  
4 the mercy of this Commission that's eating candy.  
5 Just one second before you proceed.

6 We'll have to do an oath. Do we have to then  
7 move on each or can we take them all?

8 (Discussion held off the record.)

9 CHAIRMAN OKESON: So with that, if you are  
10 planning on speaking here today, even if that's  
11 only to list your name and cause number, I will ask  
12 you to please follow Mr. Kochevar's guidance here  
13 on receiving the oath.

14 VICE CHAIRMAN OVERHOLT: Can I say one  
15 important thing?

16 MR. KOCHEVAR: They all arrived here, I  
17 assume, after 1:30. We need to swear them in.

18 CHAIRMAN OKESON: That's what I just said.

19 MR. KOCHEVAR: Oh, perfect. Sorry.

20 VICE CHAIRMAN OVERHOLT: And I was also going  
21 to say that, once you agree, which you all look  
22 like you're going to agree, we are not accepting  
23 payment today. You'll get a notice with respect to  
24 the payment. So don't expect to write a check or a  
25 credit card or whatever today.

1 CHAIRMAN OKESON: So with that, please,  
2 Mr. Kochevar.

3 MR. KOCHEVAR: All those who plan to testify  
4 before the Indiana Election Commission, please  
5 rise, raise your right hand, and say "I do" after  
6 recitation of the oath.

7 Do you solemnly swear or affirm, under the  
8 penalties of perjury, that the testimony you are  
9 about to give to the Indiana Election Commission is  
10 the truth, the whole truth, and nothing but the  
11 truth? Please say "I do."

12 ALL: I do.

13 CHAIRMAN OKESON: First up.

14 MR. HARMON: All right. My name is Chad  
15 Harmon, C-h-a-d, H-a-r-m-o-n, Cause  
16 No. 2022-7502-145.

17 MS. TAYLOR: On page 60, this is Cause  
18 No. 2022-7502-145. It's the first time before the  
19 Board, proposed civil penalty of \$450 and mail cost  
20 of 60 cents.

21 CHAIRMAN OKESON: So that is the proposed  
22 penalty as it stands and it will be first-time  
23 offense?

24 MS. TAYLOR: Correct.

25 CHAIRMAN OKESON: So 25 percent of that plus

1 any related administrative mailing costs.

2 MS. TAYLOR: Yes.

3 MR. HARMON: Yes, I do.

4 VICE CHAIRMAN OVERHOLT: That was Turner;  
5 right?

6 MS. TAYLOR: Harmon.

7 CHAIRMAN OKESON: So the Commission accepts.

8 MR. HARMON: Good to go? Thanks, everybody.

9 CHAIRMAN OKESON: Do we need to say what the  
10 actual amount is, the reduced amount?

11 MS. TAYLOR: We don't usually. We can. It's  
12 \$112.50 plus the 60 cents in mail costs.

13 CHAIRMAN OKESON: Okay. So as a matter of  
14 keeping the record, when they accept and we  
15 recognize it's 25, 50, or 75, will you just read  
16 off what the new amount will be?

17 MS. TAYLOR: I will do my best, yes. Yes, I  
18 will do that. I've got a calculator.

19 CHAIRMAN OKESON: All right.

20 VICE CHAIRMAN OVERHOLT: All right. Thank  
21 you.

22 CHAIRMAN OKESON: Yes, sir.

23 MR. SHORT: My name is Fred Short, and I'm the  
24 treasurer of Grassroots PAC. I have a file number,  
25 but I don't have a cause number. It's 99-7551.

1 MS. TAYLOR: This is on page 62, Cause  
2 No. 2022-7551-150. It's Grassroots PAC, has a  
3 proposed civil penalty of \$300, mail cost of  
4 60 cents. It's their first offense.

5 MS. CELESTINO-HORSEMAN: And, Fred, I'm sorry.  
6 I don't know what I was thinking. I should have  
7 said hello to you earlier.

8 MR. SHORT: Hi, Karen. How are you doing?

9 CHAIRMAN OKESON: So good on 25 percent?

10 MR. SHORT: Sold.

11 MS. TAYLOR: That's \$75 plus 60 cents mail  
12 cost.

13 CHAIRMAN OKESON: Thank you.

14 MR. SHORT: Thank you.

15 CHAIRMAN OKESON: Enjoy the rest of your day.

16 MR. SHORT: May make my tee time.

17 MS. SNIDER: My name is Julie Snider, and my  
18 number is 2022-7323-114.

19 MS. TAYLOR: This is on page 45, Committee to  
20 Elect Julie Snider, Cause No. 2022-7323-114. This  
21 is a proposed civil penalty of \$200 plus 60 cents.  
22 This is the first time before the Board, so it will  
23 be \$50.60.

24 MS. SNIDER: Sold.

25 CHAIRMAN OKESON: Great.

1 VICE CHAIRMAN OVERHOLT: Thank you.

2 MR. VAUGHN: Hi. My name is Johnny Vaughn,  
3 J-o-h-n-n-y, V-a-u-g-h-n. And I apologize to the  
4 Board and staff. I currently do not have my cause  
5 number on hand.

6 MS. TAYLOR: It's at the bottom of 59, top of  
7 60, Vaughn for State Representative, Cause  
8 No. 2022-7495-144. Proposed civil penalty of  
9 \$1,000 plus 60 cents. The committee is closed, and  
10 it's their first time before the Board, so that  
11 would be 250.60.

12 MR. VAUGHN: I accept.

13 CHAIRMAN OKESON: Excellent. Thank you.

14 MR. CRAWFORD: My name is Stephen Crawford,  
15 S-t-e-p-h-e-n, C-r-a-w-f-o-r-d, Libertarian Party  
16 of Jackson County. The cause number --

17 MS. TAYLOR: We got you.

18 MR. CRAWFORD: -- 2022-7581-161.

19 MS. THOMPSON: This is on page 67, Libertarian  
20 Party of Jackson County, Cause No. 2022-7581-161.  
21 It has a civil penalty of \$550.60, has not been  
22 before the Commission before.

23 MS. TAYLOR: So it will be 138.10.

24 MR. CRAWFORD: I accept. Thank you very much.

25 VICE CHAIRMAN OVERHOLT: Does that include

1 mailing?

2 MS. TAYLOR: That's plus the mail, so 137.50  
3 plus 60 cents mail.

4 VICE CHAIRMAN OVERHOLT: Just checking.

5 MR. CRAWFORD: Thank you very much.

6 MR. FITZPATRICK: Hi. Good afternoon. Sean  
7 Fitzpatrick, S-e-a-n, F-i-t-z-p-a-t-r-i-c-k, Cause  
8 No. 2022-7104-94.

9 MS. TAYLOR: At the bottom of 33, top of 34,  
10 Friends of Fitz for State Rep Committee, Cause  
11 No. 2022-7104-94. Proposed civil penalty of \$1,000  
12 plus 60 cents. It's the first time, so that will  
13 be 250 plus 60 cents.

14 MR. FITZPATRICK: I accept.

15 CHAIRMAN OKESON: Excellent. Thank you.

16 MR. MILLER: Andy Miller for State  
17 Representative, Cause No. 2022-7245-107.

18 MS. THOMPSON: This is on page 41, Andy Miller  
19 for State Representative, Cause No. 2022-7245-107.  
20 Has a proposed civil penalty of \$1,000.60 and has  
21 not been before the Commission before, so it would  
22 be \$250.60.

23 MR. MILLER: And I accept.

24 CHAIRMAN OKESON: Excellent. Thank you.

25 MR. THURSTON: Patrick Thurston,

1 T-h-u-r-s-t-o-n, treasurer for Vote Yes Benton  
2 Committee. I have a Cause No. 2022-7425-136. I  
3 don't know if this is considered two different  
4 offenses. I have two different cause numbers.

5 MS. TAYLOR: Oh, you have two of them?

6 MR. THURSTON: Yes.

7 MS. TAYLOR: What's the other one?

8 MR. THURSTON: The second one ends in 205.

9 MS. TAYLOR: Okay. It's on page 56 and 86.  
10 First one is Vote Yes Benton Committee. First one  
11 is 2022-7425-136, proposed civil penalty of \$300.  
12 And the second is 2022-7425-205, proposed civil  
13 penalty of \$600. Today is their first appearance  
14 before the Commission.

15 CHAIRMAN OKESON: Brad, have we consolidated  
16 these in the past?

17 MR. KING: Yes.

18 CHAIRMAN OKESON: So is it 900 total?

19 MS. TAYLOR: It's 900 total, yes, so it will  
20 be 225 plus 1.20, 226.20.

21 MR. THURSTON: So are they both considered the  
22 25 percent?

23 CHAIRMAN OKESON: Yeah. That's the total for  
24 both.

25 MR. THURSTON: Thank you. How do I change the

1 address for billing purposes?

2 MS. TAYLOR: Come on over here.

3 MR. THURSTON: I accept. Thank you.

4 CHAIRMAN OKESON: Thanks.

5 MS. TINKLENBERG: Bianka Tinklenberg,  
6 B-i-a-n-k-a, T-i-n-k-l-e-n-b-e-r-g, with Case  
7 No. 2022-7354-118.

8 MS. TAYLOR: It's on page 47. Tinklenberg for  
9 House of Representatives District 17, Cause  
10 No. 2022-7354-118, has proposed civil penalty of  
11 \$1,000. Today is the first day before the  
12 Commission, so that will be 250.60.

13 MS. TINKLENBERG: Yes. Thank you so much.

14 CHAIRMAN OKESON: Thank you.

15 MS. WHITEMAN: Nicki Whiteman, N-i-c-k-i,  
16 White-man, 2022-5900-55.

17 MS. TAYLOR: It's on page 13, Howard County  
18 Home Builders Association PAC, Cause  
19 No. 2022-5900-55, proposed civil penalty of \$1,000.  
20 And this is their second time before the  
21 Commission, so that will be \$500.60.

22 MS. WHITEMAN: I accept.

23 CHAIRMAN OKESON: Okay. Thank you.

24 MR. RINEHART: Dave Rinehart, 2022-7385-127.

25 MS. TAYLOR: It's at the bottom of 51, top of

1 52, Committee to Elect Dave Rinehart, Cause  
2 No. 2022-7385-127, proposed civil penalty of \$50.  
3 And it's their first time before the Commission, so  
4 that's 12.50 plus 60 cents so 13.10.

5 VICE CHAIRMAN OVERHOLT: Do you accept?

6 MR. RINEHART: I accept. Thank you.

7 CHAIRMAN OKESON: Okay. Thank you.

8 MS. FREDSMITH: Laura Fredsmith, last name is  
9 F-r-e-d-s-m-i-t-h. Cause number is 2022-7320-113.

10 MS. TAYLOR: The bottom of 44, top of 45,  
11 Laura for Senate, Cause No. 2022-7320-113, proposed  
12 civil penalty of \$150. And this is the first time  
13 before the Commission, so 38.10.

14 MS. FREDSMITH: I accept. Thank you.

15 MR. MEYERHOLTZ: Rodney Meyerholtz,  
16 R-o-d-n-e-y, last name M-e-y-e-r-h-o-l-t-z,  
17 treasurer for the Committee to Elect Bob Carmony,  
18 File No. 99-7576.

19 MS. TAYLOR: It's on page 95.

20 MS. THOMPSON: This is Committee to Elect Bob  
21 Carmony, 2022-7576-227. Has a proposed civil  
22 penalty of \$550, and this is the first time before  
23 the Commission.

24 MS. TAYLOR: So that will be \$138.10.

25 MR. MEYERHOLTZ: I accept.

1 CHAIRMAN OKESON: Thank you.

2 MR. MEYERHOLTZ: Thank you.

3 MR. WOLF: Good afternoon. Gregory Wolf,  
4 G-r-e-g-o-r-y, W-o-l-f, accompanied by Douglas  
5 Drummond, D-o-u-g-l-a-s, D-r-u-m-m-o-n-d,  
6 representatives for Gary Fraternal Order of Police  
7 Political Action Committee, Cause  
8 No. 2022-7540-149.

9 MS. TAYLOR: Bottom of 61, top of 62, Gary  
10 Fraternal Order of Police Political Action  
11 Committee, Cause No. 2022-7540-149, proposed civil  
12 penalty of \$1,000. It's their first time, so that  
13 will be \$250.60.

14 MR. WOLF: We accept.

15 CHAIRMAN OKESON: Thank you.

16 MR. SCHULTHEISS: Michael Schultheiss,  
17 S-c-h-u-l-t-h-e-i-s-s, treasurer for Maurer for  
18 Indiana, Cause No. 2022-7532-148.

19 MS. TAYLOR: It's on page 61, Maurer for  
20 Indiana, Cause No. 2022-7532-148, proposed civil  
21 penalty of \$450 plus 60 cents. It's their first  
22 time before the Commission so that will be -- no,  
23 that's wrong -- \$113.10.

24 MR. SCHULTHEISS: I accept.

25 MS. KRITSCH: Good afternoon. Katherine

1 Kritsch and my number code is 2022-7673-217.

2 CHAIRMAN OKESON: Could you spell your last  
3 name, please.

4 MS. KRITSCH: K-r-i-t-s-c-h.

5 MS. TAYLOR: The bottom of 92, top of 93, Cat  
6 for Senate District 26, Cause No. 2022-7673-217,  
7 proposed civil penalty of \$100.60. This is her  
8 first time before the Commission, so that is  
9 \$25.60.

10 MS. KRITSCH: I accept. But can I say one  
11 thing? I think it needs to be addressed. In my  
12 case, I was late because I tried to get a password,  
13 and there was nobody in the office, and you  
14 couldn't automatically reset it like you do your  
15 bank or anything. So I had to wait until that  
16 Monday to get ahold of you guys or the election  
17 people to get that password reset.

18 I don't know if maybe we can make that easier  
19 for us when we have tragedies in our family that we  
20 can't get places or something like that where we  
21 can automatically do it without having to call  
22 Indianapolis and have that reset through a human,  
23 especially where we are in technology today.

24 So thank you for allowing me to say that.  
25 Have a great day.

1 MS. CELESTINO-HORSEMAN: Thanks for letting  
2 our staff know that.

3 MS. KRITSCH: Thank you.

4 MR. WHITE: Good afternoon. I'm Nick White,  
5 Nick White for Indiana, Cause No. 2022-7296-111.

6 I do have a clarifying question first. We  
7 don't exist anymore, and the reason for being so  
8 late is we thought we were dissolved and we  
9 weren't. So we don't have any money either, and I  
10 understand that perhaps I have to pay that out of  
11 my pocket, but I just wanted to clarify and know  
12 where that payment needs to come from and all that  
13 good stuff.

14 MS. THOMPSON: This is Nick White for Indiana,  
15 Cause No. 2022-7296-111, has a proposed civil  
16 penalty of \$1,000.60. It's his first offense.

17 CHAIRMAN OKESON: Can you verify the committee  
18 is closed?

19 MS. TAYLOR: The committee is still open.

20 MR. WHITE: I got an email that says yep,  
21 you're good.

22 CHAIRMAN OKESON: Maybe you wait.

23 VICE CHAIRMAN OVERHOLT: Yeah. I'd suggest  
24 that maybe you wait. There are only two people  
25 behind you, and I would sit down and wait.

1 MR. WHITE: All right.

2 CHAIRMAN OKESON: Make your case.

3 MR. MASSILLANANY: Mario Massillanany. I  
4 don't believe I fit within the criteria. I'm a new  
5 treasurer this year, and I have two violations.  
6 And I just found out that I had a previous  
7 violation -- or our committee had a previous  
8 violation in 2012 and 2006. So I'm just throwing  
9 myself at the mercy of this Board. We have \$1,000  
10 in our account. We haven't had any money generated  
11 or spent in the last --

12 CHAIRMAN OKESON: Join him.

13 VICE CHAIRMAN OVERHOLT: Yeah. Sit down.  
14 Remember the rules. We say stand up, sit down.  
15 No, I shouldn't say that.

16 MR. McMAHON: My name is Evan McMahon,  
17 M-c-M-a-h-o-n, and I am the chairman for the  
18 Libertarian Party of Indiana. I'm here for 13  
19 different organizations, so it will be a minute.  
20 From the list, I can tell you that Jackson County  
21 just accepted theirs. Maurer for Indiana accepted  
22 theirs. Hancock County, I believe, made --

23 MS. TAYLOR: Hancock paid theirs. They're  
24 off.

25 MR. McMAHON: So there's no Hancock as well.

1           VICE CHAIRMAN OVERHOLT: So are you asking for  
2 a waiver or are you wanting to agree to the deals  
3 that we have?

4           MR. McMAHON: I would prefer a waiver. These  
5 are --

6           VICE CHAIRMAN OVERHOLT: Then you should sit  
7 down because what we're doing now is the deals.

8           MS. CELESTINO-HORSEMAN: And that's what I'm  
9 saying. If you want a waiver, got to go to full  
10 argument, but it will be all or nothing.

11          MR. McMAHON: Let's just take the deals for  
12 them.

13          VICE CHAIRMAN OVERHOLT: Wise choice.

14          MR. McMAHON: Two of the counties that don't  
15 even have officers right now, we're in the process  
16 of trying to organize new officers, so good luck  
17 for them. They will be inheriting a big fine  
18 because they're the two with the largest fines.

19          And, Abbey, I apologize. I do not have the  
20 cause numbers.

21          MS. TAYLOR: I've got them all.

22          CHAIRMAN OKESON: Yeah. So, Brad, do we have  
23 to go through these individually? Is that what we  
24 should do?

25          MR. KING: Mr. Chairman, if the authorized

1 representative of the committees is accepting the  
2 proposal adopted by the Commission, you'll want to  
3 have the cause numbers and the amounts read into  
4 the record.

5 VICE CHAIRMAN OVERHOLT: And also to verify  
6 that they're actually eligible for it.

7 MR. KING: Correct.

8 MR. McMAHON: There's also a committee that's  
9 on the list that was not on my list, which was the  
10 Tatgenhorst for --

11 MS. TAYLOR: He's got, like, 7,500  
12 delinquencies, so he's not --

13 MR. McMAHON: He doesn't live in Indiana  
14 anymore, so I don't think he's going to care.

15 MS. TAYLOR: I know.

16 CHAIRMAN OKESON: I take it he's not  
17 representing that particular committee in this.

18 MR. McMAHON: The Tatgenhorst? No, I am not.  
19 That committee was gone before I was chairman. I  
20 had no communication with --

21 CHAIRMAN OKESON: We'll just read that into  
22 the record for the proposed.

23 MS. TAYLOR: Do you also have Edgar for State  
24 Rep and Rigg for Liberty?

25 MR. McMAHON: I have Rigg for Liberty but not

1 Edgar.

2 MS. TAYLOR: Not Edgar?

3 MR. McMAHON: I don't even know who that is.

4 MS. TAYLOR: We're going to start on page 64.

5 MR. McMAHON: Hold on a second, Abbey. Edgar  
6 is a new one; right? That was the guy that  
7 couldn't walk in that had contacted you?

8 MS. TAYLOR: I thought Edgar was one of your  
9 convention candidates.

10 MR. McMAHON: Yeah, and he couldn't walk in.

11 MS. TAYLOR: I don't remember. He was a day  
12 late. I don't remember the --

13 MR. McMAHON: So for that one, I mean, I'll  
14 ask for a waiver on it because he wasn't --

15 VICE CHAIRMAN OVERHOLT: Wait, wait. Right  
16 now this is about you're accepting the deal,  
17 because then you're going to sit down.

18 CHAIRMAN OKESON: We're going to stick to  
19 those that are on this letter that you've  
20 written --

21 MR. McMAHON: Yes, yes, yes.

22 CHAIRMAN OKESON: -- minus the ones that have  
23 already --

24 MR. McMAHON: Correct.

25 MS. TAYLOR: Okay. I don't have that letter.

1 MS. WARYCHA: I'll let you use this one.

2 MS. TAYLOR: It's fine. I have a list. I  
3 know all of his committees. We're going to start  
4 on page 64.

5 MR. McMAHON: I would just like to say for the  
6 record, while she's looking all that up, that on  
7 both sides of the aisle the Election Division has  
8 been amazing with our county parties and candidates  
9 and worked with them diligently. We've had a few  
10 bad apples that haven't wanted to work with them,  
11 but by and large, both sides of the aisle have been  
12 absolutely amazing answering questions and actually  
13 spent two hours with me personally going over  
14 issues that we had. So thank you both sides of the  
15 aisle for that.

16 CHAIRMAN OKESON: I appreciate that.

17 MR. McMAHON: I've talked to Valerie and Abbey  
18 a lot.

19 CHAIRMAN OKESON: Well, Christmas is right  
20 around the corner. Don't forget about them.

21 VICE CHAIRMAN OVERHOLT: Is there any way we  
22 can help? Probably not.

23 MS. TAYLOR: We're all just flipping pages.  
24 I'm going in order of his letter.

25 MS. THOMPSON: Was Brooksbank late on the

1 preprimary or the annual?

2 MR. McMAHON: I'm sorry?

3 MS. THOMPSON: When was he late, Brooksbank?

4 MR. McMAHON: Brooksbank was in 2020. I  
5 believe it was postconvention, is my recollection.

6 MS. NUSSMEYER: Abbey, that would have already  
7 been decided; right?

8 MS. TAYLOR: Yeah. I don't know if there's a  
9 Brooksbank.

10 MR. McMAHON: I think it might have been  
11 annual. There's a lot of them.

12 MS. THOMPSON: An annual? Okay.

13 MR. McMAHON: Hopefully the previous  
14 Libertarian Party chair will just come in and talk  
15 and not have to read cause numbers or anything. I  
16 believe his name is Tim McGuire. You can send him  
17 an email if you want.

18 MS. TAYLOR: Okay. Page 55, Committee to  
19 Elect Russell Brooksbank, Cause No. 2022-7415-134,  
20 proposed civil penalty of \$300 plus 60 cents. It's  
21 their first time, so that is --

22 VICE CHAIRMAN OVERHOLT: \$75.60.

23 MS. TAYLOR: -- 75.60.

24 MR. McMAHON: Yes.

25 MS. TAYLOR: Okay. Now, Rigg for Liberty.

1 Page 69, Rigg for Liberty, Cause No. 2022-7411-165,  
2 proposed civil penalty of \$1,000.60. It's his  
3 first time before the Commission, so that will be  
4 250.60.

5 MR. McMAHON: Yes.

6 MS. TAYLOR: Page 64, Libertarian Party of  
7 Jennings County, Cause No. 2022-7474-154, proposed  
8 civil penalty of \$1,000 plus 60 cents, first time  
9 before the Commission. They are also on page 90 --  
10 sorry -- 89, Cause No. 2022-7474-210, proposed  
11 civil penalty of \$1,000. So that will be a total  
12 of \$501.20.

13 MR. McMAHON: Yes.

14 MS. TAYLOR: Page 64, Libertarian Party of  
15 Lawrence County, Cause No. 2022-7479-155, first  
16 time before the Commission, proposed civil penalty  
17 of \$100.60, so 25.60.

18 MR. McMAHON: Yes.

19 MS. TAYLOR: Howard County Libertarian Party,  
20 Cause No. -- sorry, page 65 and page 90. The first  
21 one is Cause No. 2022-7483-156, proposed civil  
22 penalty of \$1,000. Second is Cause  
23 No. 2022-7483-211, proposed civil penalty of  
24 \$1,000. So, again, that will be \$500.20.

25 VICE CHAIRMAN OVERHOLT: \$501.20.

1 MS. TAYLOR: \$501.20.

2 MR. McMAHON: Yes.

3 MS. TAYLOR: Page 65, Libertarian Party of  
4 Brown County, Cause No. 2022-7487-157, proposed  
5 civil penalty of \$450 plus 60 cents, so that's  
6 \$112 -- \$113.10.

7 MR. McMAHON: Yes.

8 MS. TAYLOR: And then 91 -- no, bottom of 90,  
9 Cause No. 2022-7487-212, proposed civil penalty of  
10 \$750 plus 60 cents, \$187.75.

11 MR. McMAHON: That's Shelby County?

12 MS. TAYLOR: That's Brown County. They had  
13 two.

14 MR. McMAHON: Oh, okay.

15 MS. NUSSMEYER: What was the amount again,  
16 Abbey?

17 MS. TAYLOR: 187.75 and 60 cents so 188.35.

18 MR. McMAHON: Yes.

19 MS. TAYLOR: Shelby is on 66. They have two,  
20 Cause No. 2022-7489-158, proposed civil penalty of  
21 \$150, so 37.50, 38.10; and page 91, Cause  
22 No. 2022-7489-213, proposed civil penalty of \$50,  
23 so 12.50 so 13.10.

24 MR. McMAHON: Yes.

25 MS. TAYLOR: Martin County, 66, Cause

1 No. 2022-7491-159 proposed civil penalty of \$1,000,  
2 so \$250.60.

3 MR. McMAHON: Is that the only one?

4 MS. TAYLOR: That's the only one for Martin  
5 County.

6 MR. McMAHON: Should be good after that. Yes.

7 MS. TAYLOR: Randolph is on 67, Libertarian  
8 Party of Randolph County, Cause No. 2022-7534-160,  
9 proposed civil penalty of \$50, so 12.50 so 13.10.

10 MR. McMAHON: Yes.

11 MS. TAYLOR: Jackson we already did; correct?

12 VICE CHAIRMAN OVERHOLT: Right, and Hancock so  
13 Wells is the --

14 MS. TAYLOR: And Hancock, so Wells is on  
15 page 92 -- 91, Cause No. 2022-7493-214, proposed  
16 civil penalty of \$200, so \$50.60.

17 MR. McMAHON: Yes.

18 CHAIRMAN OKESON: Okay.

19 VICE CHAIRMAN OVERHOLT: Thank you.

20 MR. McMAHON: Thank you. I'll be back in just  
21 a minute.

22 CHAIRMAN OKESON: Nice job.

23 VICE CHAIRMAN OVERHOLT: I won't say thank you  
24 13 times, but thank you.

25 CHAIRMAN OKESON: So that matter is closed.

1 So we'll move along to adoption of campaign finance  
2 hearing procedures. The remaining committees will  
3 be called to permit the presentation of evidence in  
4 these matters or testimony. Before doing so, I  
5 want to note in the past we've followed certain  
6 procedures for conducting campaign finance hearings  
7 and I move the Commission use the following for  
8 today:

9 When each campaign finance matter is called,  
10 the hearing will begin with recognizing campaign  
11 finance staff to provide information about the  
12 documents in this matter provided to the Commission  
13 members, including letters from committees, and  
14 notice given to the campaign committee.

15 Unless there is an objection, the documents  
16 provided to the Commission by the Election Division  
17 will be entered into the record of this meeting.

18 After campaign finance staff completes  
19 presentation, a representative of the committee  
20 will be recognized first and may present their case  
21 for no more than 5 minutes.

22 Commission members may ask questions during  
23 this time, but that will not be counted against the  
24 5 minutes, the time it takes for you to answer.

25 If the presenter offers additional documents

1 or other physical evidence not previously received  
2 by the Commission, then the originals must be  
3 provided to the Election Division. I'd direct you  
4 to Valerie Warycha down here to Brad King's right.

5 If the Commission finds that a committee has  
6 violated the campaign finance statutes, state law  
7 requires a unanimous vote of all four Commissioners  
8 to waive or reduce the amount of the penalty set by  
9 law.

10 If the Commission makes a decision at this  
11 meeting to either fine a committee or dismiss the  
12 case against the committee, then the Election  
13 Division will prepare a final order to the  
14 Commission for approval at a later meeting. If a  
15 committee is fined today, the committee will  
16 receive a notice from the Election Division to pay  
17 the fine after the Commission adopts that final  
18 order. So it may be some time after today before  
19 the committee will be required to pay the fine.

20 The Commission will recognize committees to  
21 make a presentation beginning with the committee  
22 seated at the very front of the room. And, again,  
23 please speak up, have your cause number ready for  
24 our convenience, and state your name and spell it  
25 for the court reporter. Everyone here has taken

1 the oath; correct?

2 So with that, is there a second to the motion  
3 I've offered for procedures?

4 VICE CHAIRMAN OVERHOLT: Second.

5 CHAIRMAN OKESON: Any discussion?

6 Hearing none, all those in favor signify by  
7 saying "Aye."

8 VICE CHAIRMAN OVERHOLT: Aye.

9 MS. CELESTINO-HORSEMAN: Aye.

10 MS. PYLE: Aye.

11 CHAIRMAN OKESON: The "ayes" have it. Those  
12 are the rules.

13 Who's up first?

14 MR. MASSILLANANY: I apologize for earlier.  
15 Again, my name is Mario Massillanany. It's long,  
16 M-a-s-s-i-l-l-a-n-a-n-y.

17 I'm not asking for a waiver. I'm just asking  
18 for mercy, throwing myself, you know, at the feet  
19 of you guys. I became the treasurer of this  
20 committee at the end of last year. Your staff is  
21 phenomenal. They actually helped me fill out my  
22 campaign finance report. It wasn't in time. I was  
23 5 minutes late for one of my violations.

24 I thought that that was the end of what I  
25 needed to file for the year because our campaign

1 committee has not raised any money or spent any  
2 money in a couple years, and so we have the exact  
3 same amount, which is a little over \$1,000, I  
4 believe, in our account. And so the fine, I  
5 believe, right now is \$1,100, which will come out  
6 of my pocket, because I don't want to --

7 CHAIRMAN OKESON: So what's the cause number?

8 MR. MASSILLANANY: The cause numbers are  
9 2022-4690-152 and Cause No. 2022-4690-174.

10 MS. THOMPSON: Mr. Chairman, this is on  
11 page 63 and page 71. This is the 5th Congressional  
12 District Republican Committee. Cause  
13 No. 2022-4690-152 is first one, and the second one  
14 is 2022-4690-174, and that's on page 71.

15 CHAIRMAN OKESON: 63 and 71?

16 MS. THOMPSON: Yes. This committee has a  
17 proposed civil penalty for the first one of \$50.60.  
18 This committee has been before the Commission --  
19 this will be his fourth time before the Commission.

20 CHAIRMAN OKESON: This is the committee's  
21 fourth?

22 MR. MASSILLANANY: My first.

23 MS. THOMPSON: The committee's fourth, yes.

24 MR. MASSILLANANY: My first. And I apologize.  
25 That's why I got up on the stage because I thought

1 maybe it was I get one bite at the apple, you know.

2 MS. CELESTINO-HORSEMAN: That's my question is  
3 so you've opted to have a hearing. What is your  
4 basis for relief? Because just throwing yourself  
5 on the mercy of us doesn't do it, unfortunately.

6 MR. MASSILLANANY: Well, and I understand  
7 that. I believe that there was a notice sent  
8 regarding one of the filings that I hadn't done.  
9 Unfortunately, I never received it because my  
10 office has a suite number, and it was just going to  
11 the building. And so I knew that I had one penalty  
12 because I filed it at 12:05, and that's the \$50  
13 one. So when I called them to find out how to pay  
14 it or what I needed to do, that's when I found out  
15 I had another filing that I had not done.

16 So I'm not really trying to use that as an  
17 excuse that it went to the building but I didn't  
18 get notice, but all I'm trying to really do is see  
19 if there's any mercy in me not having to put up  
20 \$1,050 and if I could get some sort of relief in  
21 that.

22 MS. CELESTINO-HORSEMAN: So you're saying that  
23 the one you didn't receive was a notice telling you  
24 that you had filed late.

25 MR. MASSILLANANY: Had not filed.

1 MS. CELESTINO-HORSEMAN: So you already had  
2 the penalty assessed; it was just a matter of  
3 telling you that.

4 MR. MASSILLANANY: I'm not sure. I think it's  
5 just that there was notice that I had not filed  
6 that report.

7 MS. CELESTINO-HORSEMAN: And if he had gotten  
8 that notice and had filed the report, would there  
9 have been -- that wouldn't have absolved him of  
10 being late; right?

11 MS. THOMPSON: No.

12 MR. MASSILLANANY: No. But it might have  
13 stopped me from having a \$1,000 penalty or maybe --  
14 I don't know -- a shorter penalty. That's all.

15 So, again, I'm not trying to make any excuses  
16 for that. I'm just asking if there's any  
17 possibility that this Board might not charge me the  
18 full amount for the 1,000 and the \$50 because  
19 that's more than the committee, and it's my fault,  
20 so I'm going to pay out of pocket.

21 MS. TAYLOR: Have we fixed your address? Do  
22 we have that corrected or was it not on the hearing  
23 notice?

24 MR. MASSILLANANY: It wasn't on the hearing  
25 notice. But I figured that would be a secondary

1 issue to solve. I was just hoping not to have to  
2 pay the 1,050.

3 MS. TAYLOR: No. I just wanted to get that  
4 cleared while I have you here.

5 MR. MASSILLANANY: Sure. And your staff has  
6 been phenomenal. They're amazing people. And I'm  
7 not trying to butter them up because I know that  
8 they don't impact my fine.

9 CHAIRMAN OKESON: Valerie, what are the  
10 abilities of the Commission? If we were to, say,  
11 treat him as a first-time appearance and reduce it  
12 to 25 percent, could we then also state that, if  
13 they were to come before the body again, the  
14 remainder of that 75 percent in addition to  
15 whatever new fees would be incurred would be  
16 required?

17 MS. WARYCHA: I think if you took a motion and  
18 voted on it. I'm looking at Brad for confirmation  
19 and his thoughts, and Matthew.

20 MS. TAYLOR: You guys have done -- maybe it  
21 wasn't you, Paul, but the Commission has done that  
22 before, let the new treasurer start with a clean  
23 slate. But I could not tell you what year that was  
24 or what cause that was. I can tell you it was  
25 sometime since March of 2005 is all I can tell you.

1           CHAIRMAN OKESON: I mean, I would be --

2           MR. KING: Just to supplement what Valerie has  
3 said, I think, in the absence of objection by the  
4 committee, the Commission has the authority under  
5 the statute to reduce or waive penalties if it  
6 makes a finding that imposing the full penalty  
7 would be unjust under the circumstances, and  
8 certainly in the past the Commission has set  
9 conditions of the sort that Abbey was referencing  
10 in individual cases. So I think generally, yes,  
11 you can do that if that is your position.

12           CHAIRMAN OKESON: I mean, I guess I would be  
13 of the mind-set, hearing you out, that we reduce  
14 the fine to 25 percent. So I would move that we  
15 reduce the fine to 25 percent; however, should the  
16 committee come before this body again, the full  
17 fine will be paid of that particular incident, and  
18 the remainder of this particular incident will be  
19 added to it.

20           MS. PYLE: Just to ask a question, when did  
21 you become treasurer?

22           MR. MASSILLANANY: I believe it was December  
23 of 2021. It was either December or January of this  
24 year. It was right around the holidays.

25           MS. PYLE: Okay.

1 MR. MASSILLANANY: So this was technically my  
2 first filing.

3 MS. PYLE: Right. I'm just looking at the  
4 other delinquencies.

5 VICE CHAIRMAN OVERHOLT: Wait. There's been a  
6 motion. I think there needs to be --

7 MS. CELESTINO-HORSEMAN: Point of order, then.  
8 Can we pass something that is effectively a  
9 suspended sentence? I mean, how are we going to  
10 keep track of this and know?

11 CHAIRMAN OKESON: Well, the remaining filings  
12 will be put into the record of this committee, and  
13 if it appears here in violation again --

14 MS. TAYLOR: We'll just add a note.

15 MS. CELESTINO-HORSEMAN: So if somebody sees  
16 the note.

17 MS. PYLE: I guess we've done it with PACs  
18 that are closed; right? If they get their stuff  
19 closed up and finished where they don't have  
20 filings and things like that, we've done that type  
21 of thing.

22 CHAIRMAN OKESON: I'm trying to avoid being  
23 unnecessarily punitive in light of your individual  
24 presence but also in recognition that this PAC has  
25 been here four times, and so this is sort of a last

1 chance. You're going to feel a little bit of pain,  
2 but at the end of the day, if you come back, it's  
3 going to be a lot more. So with the incentive to  
4 get on top of the filings, work with our amazing  
5 staff, and should you move on, pass that baton on  
6 to the next person.

7 MR. MASSILLANANY: And it will be passed on  
8 quickly.

9 MR. KING: Mr. Chairman, just to add to what's  
10 been said about the legal question posed by  
11 Commissioner Celestino-Horseman, of course, the  
12 transcript of this meeting will be part of the  
13 minutes that will be adopted and part of the  
14 permanent record, so there will be a record that  
15 this is the Commission's decision, along with any  
16 notes made by staff in the file. And so long as  
17 the committee's representative represents to this  
18 body that the committee will abide by that  
19 determination, I think you're within the parameters  
20 of the statute.

21 MS. CELESTINO-HORSEMAN: Mr. Massillanany,  
22 you're well-known and a good lawyer and all of  
23 that. I think we've had some dealings with some of  
24 the same stuff, so certainly this is not  
25 directed --

1           CHAIRMAN OKESON: So we have a motion. We  
2 need a second if we're going to continue to  
3 discuss.

4           VICE CHAIRMAN OVERHOLT: I'll second for  
5 purposes of discussion. Sorry. Should have done  
6 that earlier.

7           CHAIRMAN OKESON: All right. Go ahead.

8           MS. CELESTINO-HORSEMAN: Okay. But here's  
9 where my problem comes in: I just sat up here and  
10 told all those people that you can't have a deal.  
11 I appreciate the situation in which you're in, and  
12 now we're talking about taking -- I mean, if he had  
13 been on his third violation, it would have been  
14 75 percent of the fine. And this is because there  
15 have been more and probably because this  
16 organization is probably changing treasurers and  
17 all that, but the organization needs to get itself  
18 together.

19          CHAIRMAN OKESON: Sure.

20          MS. CELESTINO-HORSEMAN: And I just don't  
21 think it's fair to the other people.

22          MR. MASSILLANANY: Well, and I apologize if  
23 I'm interjecting at the wrong period of time, but  
24 it appears that our organization has been around a  
25 lot longer too. So one of our violations was in

1 2012, so that was ten years ago. And the other  
2 violation before that was 2006; right? So it's not  
3 like this happened in '18, '19, '20, '21, '22. Our  
4 organization has been around for a lot longer than  
5 what appears that these other organizations have  
6 been.

7 So I'm not, again, trying to make any excuses  
8 to you, ma'am. All I'm just trying to do is just  
9 ask for mercy.

10 CHAIRMAN OKESON: I hear what you're saying,  
11 but we have in the past considered similar stories.  
12 I'm trying to walk the tightrope here.

13 MS. CELESTINO-HORSEMAN: So what are you  
14 talking about, cutting it down to 25 percent?

15 CHAIRMAN OKESON: I was treating him like it  
16 was his first time before the Commission, giving  
17 him some grace of 25 percent, but should this PAC,  
18 irrespective of who is running it, if the treasurer  
19 at that time comes before this body, the remainder  
20 of this will be accrued up with whatever fine is  
21 assessed at the next violation.

22 VICE CHAIRMAN OVERHOLT: The thing that I just  
23 wanted to point out in response to Commissioner  
24 Celestino-Horseman's comment, I do think this is a  
25 bit distinguishable from the folks who were lined

1 up because what we determined is that you weren't  
2 actually eligible for the deal because your  
3 committee had more than three previous violations.  
4 So that was why we took you out of line or part of  
5 why we told you that you needed to get out of line.  
6 So I do think there's a distinction there.

7 MS. CELESTINO-HORSEMAN: I would make a motion  
8 to amend your motion.

9 CHAIRMAN OKESON: Well, why don't we just vote  
10 on my motion, and then we can proceed from there.

11 MS. CELESTINO-HORSEMAN: Okay.

12 CHAIRMAN OKESON: Because otherwise, I think  
13 we're going to enter into the land of confusion.

14 VICE CHAIRMAN OVERHOLT: What, us do that?  
15 Never.

16 CHAIRMAN OKESON: All right. So we have a  
17 motion and a second. Without hearing any further  
18 discussion, all those in favor signify by saying  
19 "Aye."

20 Aye.

21 MS. PYLE: Aye.

22 CHAIRMAN OKESON: All those opposed say "Nay."

23 MS. CELESTINO-HORSEMAN: Nay.

24 VICE CHAIRMAN OVERHOLT: Nay.

25 CHAIRMAN OKESON: So two to two, the motion

1 fails.

2 All right. Would you like to make another  
3 motion?

4 MS. CELESTINO-HORSEMAN: I'll make another  
5 motion. I will move that their fine be reduced by  
6 50 percent, and should they have another violation  
7 or failure to file timely, that the remainder of  
8 this \$1,000 fine shall be due and payable along  
9 with whatever amounts might be assessed.

10 VICE CHAIRMAN OVERHOLT: So \$1,050?

11 MS. CELESTINO-HORSEMAN: Yeah, 1,050.

12 CHAIRMAN OKESON: Is there a second?

13 VICE CHAIRMAN OVERHOLT: Second.

14 CHAIRMAN OKESON: Any discussion? Any  
15 questions?

16 Hearing none, we have a motion and a second.  
17 All those in favor signify by saying "Aye."

18 VICE CHAIRMAN OVERHOLT: Aye.

19 MS. CELESTINO-HORSEMAN: Aye.

20 MS. PYLE: Aye.

21 CHAIRMAN OKESON: Aye.

22 The "ayes" have it. The motion carries.

23 MR. MASSILLANANY: And I accept that penalty.

24 And, again, I apologize.

25 VICE CHAIRMAN OVERHOLT: You have no choice.

1 MR. MASSILLANANY: Thank you so much. I  
2 appreciate it.

3 CHAIRMAN OKESON: Who's next?

4 MR. WHITE: Hello.

5 MS. TAYLOR: We got you.

6 CHAIRMAN OKESON: Go ahead. State your name  
7 and spell it.

8 MS. TAYLOR: Okay. This is on 43 and 44.

9 MR. WHITE: Nick White, easy to spell.

10 CHAIRMAN OKESON: I'm sorry. What page?

11 MS. TAYLOR: 43 and 44, Nick White for  
12 Indiana, Cause No. 2022-7296-111, proposed civil  
13 penalty of \$1,000 plus 60 cents.

14 CHAIRMAN OKESON: So remind me --

15 MR. WHITE: Yeah. You had me step aside  
16 because we don't exist and have no money, gave it  
17 all away. Yeah, I know we need to figure that --  
18 because I filed at zero. So I did really well when  
19 I had a treasurer, obviously, and then we stopped  
20 existing, and I donated the money. We had some  
21 problems because we can't just use that money. We  
22 have to write checks, and candidates didn't file  
23 and didn't take their money out of our account. So  
24 it took about six months to get rid of the money,  
25 which you wouldn't think would be hard to do, but

1 it was. Other new candidates -- I won't take you  
2 guys there. But ended up finally donating it all  
3 away to two candidates running this year, and we  
4 don't exist.

5 So I'm happy to pay the 25 percent. I'm not  
6 happy, but I will pay the 25 percent.

7 CHAIRMAN OKESON: In your mind, when did you  
8 intend to dissolve the committee?

9 MR. WHITE: Well, we were running in 2020, so  
10 December 2020 really. But we tried to get rid of  
11 the money after some time. Without giving too many  
12 details, I was told to hold on to it, that I might  
13 want to run again. Then in 2021, I got a new job  
14 at Butler, and it doesn't really fit with that job  
15 right now to run for office. And then we proceeded  
16 to try to get rid of the money and go through the  
17 process. My treasurer has moved on, and I am bad  
18 at paperwork, which is why I'm willing to pay my  
19 \$250 to admit that I don't know how to do paperwork  
20 very well. I should have called Matt when people  
21 told me to call him.

22 CHAIRMAN OKESON: And your intention is to  
23 dissolve the committee?

24 MR. WHITE: Yes.

25 MS. CELESTINO-HORSEMAN: May I make a motion?

1 CHAIRMAN OKESON: Sure.

2 MS. CELESTINO-HORSEMAN: I would move that we  
3 instruct Mr. White that, if he can get this  
4 committee closed within the next 30 days, that the  
5 fine and moneys owed will be waived. If he  
6 doesn't, then he'll have to come back on the  
7 schedule to come back. That's something we have  
8 done in the past.

9 CHAIRMAN OKESON: Is there a second?

10 VICE CHAIRMAN OVERHOLT: Second.

11 CHAIRMAN OKESON: Any questions, discussion?

12 MS. PYLE: No questions.

13 CHAIRMAN OKESON: Hearing nothing further, all  
14 those in favor signify by saying "Aye."

15 VICE CHAIRMAN OVERHOLT: Aye.

16 MS. CELESTINO-HORSEMAN: Aye.

17 MS. PYLE: Aye.

18 CHAIRMAN OKESON: Aye.

19 The "ayes" have it.

20 MR. WHITE: Thank you very much. A lot  
21 different on this side than that side of the Board.

22 MR. McMAHON: Evan McMahon, chairman of the  
23 Libertarian Party of Indiana, on behalf of Edgar.

24 MS. TAYLOR: It's on page 68.

25 CHAIRMAN OKESON: So this was not on that

1 list?

2 MS. TAYLOR: No. Edgar for State Rep, Cause  
3 No. 2022-7700-164, proposed civil penalty of  
4 \$100.60, and this is their first delinquency.

5 CHAIRMAN OKESON: What page?

6 MS. TAYLOR: Sixty-eight.

7 MS. CELESTINO-HORSEMAN: Do you have  
8 authorization to represent this --

9 MR. McMAHON: The state party chair, under  
10 affiliation with the state party, they give  
11 authorization for the state central committee and  
12 the chairman to represent the county parties in all  
13 matters.

14 MS. CELESTINO-HORSEMAN: The state central  
15 committee gave the authorization or the candidate?

16 MR. McMAHON: No. The county parties and the  
17 candidates have to give that authorization.

18 MS. CELESTINO-HORSEMAN: Oh, okay. So you're  
19 representing to us that you're duly authorized.

20 MR. McMAHON: Yes.

21 So this was actually -- Abbey, if you  
22 remember, we had a final CFA-1 for multiple  
23 candidates in one day.

24 MS. TAYLOR: Yes.

25 MR. McMAHON: And there was a problem getting

1    them into the system.  And I sent you an email, and  
2    you called me back right away, and I was  
3    actually -- you weren't in the office that day.  
4    You called me from home.

5           MS. TAYLOR:  Okay.

6           MR. McMAHON:  And we talked about it, and that  
7    hiccup caused the delay and the candidate was  
8    unable to file in a timely manner because of that  
9    technical glitch.  So that would be --

10          MS. TAYLOR:  I do not remember the specific  
11    glitch, but I can assure you there are a million  
12    glitches to go around, so this one was one day  
13    late.  I'll fall on that sword.  I don't remember  
14    this one specifically, but there are enough of them  
15    that...

16          MR. McMAHON:  And I would never ask Abbey to  
17    throw herself on a sword.  She's amazing.

18          But this one, I did remember this.  This was  
19    actually -- I filed it.  I had come back the next  
20    day to see you.  The CFA-1, I filed a CFA-1 for all  
21    of our candidates as well as their nomination  
22    forms, their CAN-22s and now it's CAN-32s.  So as  
23    the state party chair, I filed all that.  I filed  
24    it with the clerks in the Statehouse as well.  So  
25    we handle all of that.

1           So when it got filed, there was a problem. I  
2           tried to come back. You weren't there. I sent you  
3           an email, and literally I had walked from the  
4           office up on the second floor and I was walking and  
5           I was in front of the far side of the Statehouse  
6           building getting ready to head to Starbucks when  
7           Abbey called me. So I stood right there for about  
8           15, 20 minutes. We were able to get the issue  
9           resolved for John Schick, who was our auditor  
10          candidate. Do you remember that?

11          MS. TAYLOR: Yes.

12          MR. McMAHON: But we weren't able to get it  
13          resolved for Edgar, so that was the issue.

14          VICE CHAIRMAN OVERHOLT: But what was the  
15          issue? I know you said it was a glitch, but what  
16          was it that was delaying the filing?

17          MR. McMAHON: There was no online account  
18          created for his committee. The physical paperwork  
19          was filed, but when he tried to file the electronic  
20          to set up the committee, it didn't go through.  
21          There was an issue with it. And you had sent me  
22          the credentials. Actually, I think you told it to  
23          me over the phone and I had to handwrite it down.  
24          It was a very difficult day. But it was a  
25          technical glitch. It wasn't the candidate's fault.

1           CHAIRMAN OKESON: Is there anything on the  
2 system side that shows that there was an attempt  
3 made at least for someone to file?

4           MS. TAYLOR: It doesn't work that way. And it  
5 does exist where, like, you can hit submit and it  
6 errors into the cyber world and it's gone. Like,  
7 that has happened.

8           CHAIRMAN OKESON: But even on the committee  
9 end they don't get a ding email that says your  
10 attempt to file has been rejected by the server?

11          MS. TAYLOR: No, no. And sometimes it will --  
12 I mean, if we want to talk about this, we can, but  
13 sometimes it will tell you there's an error and  
14 you've submitted it. So computers and technology  
15 are only good when they work, and none of them work  
16 a hundred percent of the time.

17          MR. McMAHON: I would just remind the  
18 committee that I was here for 13 others and I  
19 accepted payments.

20          CHAIRMAN OKESON: Yeah. That's where I was  
21 going.

22          MR. McMAHON: This would be a \$100 fine, but  
23 this is one -- every other one of them I can say  
24 that in some way, shape, or form -- even though the  
25 candidate guide is not really geared towards

1 Libertarian. We nominate all of our candidates at  
2 convention, which becomes problematic with filing  
3 preconvention, postconvention, becomes complicated  
4 as to when you were a candidate and when you  
5 weren't a candidate.

6 But we will own that, and we owned that for  
7 all of the other committees and county parties and  
8 candidates. This is one that I'm going to stand by  
9 and say I remember this situation, this issue, and  
10 as chair, I will speak up for him, and he shouldn't  
11 be fined for that technical glitch.

12 CHAIRMAN OKESON: Is there a motion?

13 VICE CHAIRMAN OVERHOLT: Yeah. I guess I  
14 would move to waive the fine.

15 CHAIRMAN OKESON: It's a \$100 fine?

16 MS. TAYLOR: Yeah.

17 CHAIRMAN OKESON: Is there a second?

18 MS. CELESTINO-HORSEMAN: Second.

19 CHAIRMAN OKESON: Any discussion or questions?

20 MS. PYLE: I guess my question would be, if  
21 this comes back, are we treating it as a second,  
22 this being the first time and then that would be  
23 the second time?

24 MS. TAYLOR: You can tell us which way you  
25 want us to go.

1 VICE CHAIRMAN OVERHOLT: It will show that  
2 they've been before us before.

3 MS. TAYLOR: It will show that there's been a  
4 hearing today unless you want us to clear it.

5 VICE CHAIRMAN OVERHOLT: So the record would  
6 reflect that he had been here before, so, yes, I  
7 think that would be the second.

8 CHAIRMAN OKESON: Anything else?

9 MS. PYLE: No.

10 CHAIRMAN OKESON: We have a motion and a  
11 second. All those in favor signify by saying  
12 "Aye."

13 VICE CHAIRMAN OVERHOLT: Aye.

14 MS. CELESTINO-HORSEMAN: Aye.

15 MS. PYLE: Aye.

16 CHAIRMAN OKESON: The "ayes" have it. The  
17 motion carries.

18 MR. McMAHON: Any other Libertarian candidates  
19 are on their own.

20 VICE CHAIRMAN OVERHOLT: Good.

21 MS. TAYLOR: I think I caught them all. You  
22 had a pretty good list of them.

23 MR. McMAHON: Thank you, everybody.

24 CHAIRMAN OKESON: Enjoy your weekend.

25 Anyone else?

1           Okay. Any continuances? Will the staff  
2 identify any matters for which a motion for  
3 continuance was received for today's meeting.

4           MS. TAYLOR: We have Cindy4Indiana 58, Cause  
5 No. 2022-7097-93, page 34, if you want to see  
6 those.

7           CHAIRMAN OKESON: So there's a request for a  
8 continuance?

9           MS. TAYLOR: Request for a continuance.

10          CHAIRMAN OKESON: Have they ever asked?

11          MS. TAYLOR: No. These are all first-time  
12 continuances?

13          VICE CHAIRMAN OVERHOLT: Go to the yellow tab.

14          CHAIRMAN OKESON: Mine is different.

15          MS. TAYLOR: Sorry. It's page 33. We had a  
16 settlement agreement paid and I didn't recalculate  
17 the pages.

18          MS. NUSSMEYER: What's the committee name  
19 again?

20          MS. TAYLOR: Cindy4Indiana 58, page 33.

21          VICE CHAIRMAN OVERHOLT: You're saying she  
22 paid it?

23          MS. TAYLOR: No. She asked for a continuance.  
24 These are all continuances.

25          CHAIRMAN OKESON: Okay. Anyone else? Can we

1 just do them all en masse?

2 MS. TAYLOR: Okay. Clark County Democrats  
3 Advance the Vote, Cause No. 2022-7450-140 and Cause  
4 No. 2022-7450-207; Indiana Federation of Republican  
5 Women, Cause No. 2022-321-166; Citizens for Unified  
6 Long Beach, Cause No. 2022-7262-201; Indiana  
7 Association of the IATSE PAC, Cause  
8 No. 2022-4573-38; and Lake and Porter County Young  
9 Democrats, Cause No. 2022-6681-72.

10 CHAIRMAN OKESON: Are these all first-time  
11 requests?

12 MS. TAYLOR: These are all first-time  
13 requests.

14 CHAIRMAN OKESON: Is there a motion to grant  
15 request for continuance for all those that have  
16 been identified?

17 VICE CHAIRMAN OVERHOLT: So moved.

18 CHAIRMAN OKESON: Is there a second?

19 MS. PYLE: Second.

20 CHAIRMAN OKESON: Any discussion or questions?

21 VICE CHAIRMAN OVERHOLT: I just want to  
22 recognize that one of the continuances was due to  
23 participation in a dragon boat race, which I think  
24 is an excellent reason for not attending. Sorry.  
25 I just read that.

1 CHAIRMAN OKESON: So we have a motion and a  
2 second. Any discussion?

3 Hearing nothing further, all those in favor  
4 signify by saying "Aye."

5 VICE CHAIRMAN OVERHOLT: Aye.

6 MS. CELESTINO-HORSEMAN: Aye.

7 MS. PYLE: Aye.

8 CHAIRMAN OKESON: The "ayes" have it. The  
9 continuances are granted.

10 Are there any administrative dissolutions?

11 MS. TAYLOR: Yes.

12 MS. THOMPSON: Mr. Chairman, it's the little  
13 red tab.

14 CHAIRMAN OKESON: Got it.

15 MS. THOMPSON: Mr. Chairman, members of the  
16 Commission, these committees can be  
17 administratively dissolved. They have not filed a  
18 report in three years, and they have a balance of  
19 less than \$1,000.

20 CHAIRMAN OKESON: I move the Commission do the  
21 following: Make a finding that there's no evidence  
22 that any of these committees continue to receive  
23 contributions, make expenditures, or otherwise  
24 function as a committee; make a finding that,  
25 according to the best evidence available to the

1 Commission, dissolving these committees will not  
2 impair any contract or impede the collection of a  
3 debt or judgment by any person; make a finding that  
4 the prudent use of public resources makes further  
5 efforts to collect any outstanding civil penalty  
6 imposed against these committees wasteful or  
7 unjust, and that therefore the Commission  
8 administratively dissolve each of these committees.

9 Is there a second?

10 VICE CHAIRMAN OVERHOLT: Second.

11 CHAIRMAN OKESON: Any discussion?

12 Hearing none, all those in favor signify by  
13 saying "Aye."

14 VICE CHAIRMAN OVERHOLT: Aye.

15 MS. CELESTINO-HORSEMAN: Aye.

16 MS. PYLE: Aye.

17 CHAIRMAN OKESON: The "ayes" have it. They  
18 are dissolved.

19 Is there anyone here to -- no. I believe that  
20 concludes our business for the day. Oh, sorry.

21 MS. NUSSMEYER: Do you have one more thing?

22 MS. TAYLOR: Everybody else who wasn't here.

23 CHAIRMAN OKESON: Defaults and then we also  
24 have the HAVA. Sorry.

25 All right. Here we go. Is there anyone to

1 testify? So if not, I declare the hearings on all  
2 remaining campaign finance matters that were  
3 scheduled for today closed. Is there a motion to  
4 impose the entire amount of proposed penalty, plus  
5 mailing costs, in all remaining campaign finance  
6 enforcement actions?

7 VICE CHAIRMAN OVERHOLT: So moved.

8 MS. PYLE: Second.

9 CHAIRMAN OKESON: Any discussion?

10 Hearing none, all those in favor signify by  
11 saying "Aye."

12 VICE CHAIRMAN OVERHOLT: Aye.

13 MS. CELESTINO-HORSEMAN: Aye.

14 MS. PYLE: Aye.

15 CHAIRMAN OKESON: The "ayes" have it. The  
16 motion carries. So --

17 MS. CELESTINO-HORSEMAN: Oh, can I make a  
18 motion that that resolution they be allowed to use  
19 the stamp for our signature?

20 CHAIRMAN OKESON: Yeah.

21 Is there a second?

22 VICE CHAIRMAN OVERHOLT: Second.

23 CHAIRMAN OKESON: Any conversation or  
24 discussion?

25 Hearing none, all those in favor signify by

1 saying "Aye."

2 VICE CHAIRMAN OVERHOLT: Aye.

3 MS. CELESTINO-HORSEMAN: Aye.

4 MS. PYLE: Aye.

5 CHAIRMAN OKESON: So I will now -- the Benham  
6 Help America Vote Act Grievance 2022-08, I will  
7 recognize the co-directors to submit a report from  
8 the Election Division regarding a grievance filed  
9 against the Ripley County Circuit Court Clerk  
10 alleging a potential violation of the Help America  
11 Vote Act and then recognize both our co-counsels to  
12 provide an overview of the federal and state laws  
13 that apply to our consideration of this grievance,  
14 and conclude with the next steps which may be taken  
15 by the Commission.

16 Brad.

17 MR. KING: Mr. Chairman, members of the  
18 Commission, I can begin and then I'll defer to  
19 Co-Director Nussmeyer. Behind me, for most of you  
20 I believe it's the orange tab labeled "HAVA  
21 Grievance" in your binder, is a report from the  
22 co-directors regarding a grievance filed under the  
23 Help America Vote Act with regard to Ripley County,  
24 the Ripley County Circuit Court Clerk's Office in  
25 particular, that alleged a variety of objections

1 and potential violations of law.

2 The particular process that involves the  
3 co-directors is if a violation, if true, would  
4 constitute an action under the Help America Vote  
5 Act, which is what the acronym HAVA stands for.  
6 The co-directors reviewed the violation and  
7 dismissed it, in part, because the actions alleged  
8 were not violations of the Help America Vote Act  
9 but, to summarize it, noted that the failure to  
10 offer a voter a provisional ballot when the voter  
11 could have requested one when their name did not  
12 appear on the registration rolls used with the  
13 polling place would constitute a violation.

14 The Ripley County Clerk, Ginger Bradford,  
15 prepared a response, which is set forth in the  
16 material, that I would summarize as saying yes, we  
17 admit the mistake occurred and that a provisional  
18 ballot was not offered and should have been.

19 The remainder of the document contains  
20 recommendations with regard to findings by the  
21 Commission regarding the complaint in  
22 Grievance 2022-04 essentially with regard to  
23 actions that the Commission would direct Ripley  
24 County's Election Board to follow with regard to  
25 training of its Circuit Court Clerk staff and poll

1 workers regarding the use of provisional ballots to  
2 make certain that they are made available to voters  
3 who are similarly situated on Election Day.

4 So with that summary, I'll defer to my  
5 counterpart for anything additional.

6 MS. NUSSMEYER: Mr. Chairman, members of the  
7 Commission, Co-Director King summarized the issue  
8 and the findings of fact before you as part of the  
9 state law; however, it does require you as a body  
10 to adopt a report so that then we can forward it on  
11 to the parties that we're required to under state  
12 law.

13 And I don't want to speak for Mr. King, but I  
14 know we're both happy to answer any questions you  
15 might have about the complaint or the process or  
16 how we came to the conclusions that you'll find in  
17 the report.

18 CHAIRMAN OKESON: Yeah. So I just want to  
19 understand. A provisional ballot was not offered;  
20 correct?

21 MS. NUSSMEYER: Yes, Mr. Chairman, you're  
22 correct.

23 MR. KING: That is correct, Mr. Chairman.

24 CHAIRMAN OKESON: But do I hear you saying it  
25 should have been offered?

1 MR. KING: Yes, Mr. Chairman. The provisional  
2 ballot, which actually predated the federal law in  
3 Indiana, would require a voter who is willing to  
4 sign an affidavit they are, in fact, a registered  
5 voter of a precinct to cast a ballot even though  
6 their name would not appear on the list of voters  
7 used by the Clerk's Office or in this case by the  
8 poll workers.

9 CHAIRMAN OKESON: So, in fact, Mr. Block was  
10 then not allowed to vote at all?

11 MR. KING: Yes. That was the finding that we  
12 came to based on the evidence submitted by the  
13 complainant and by Ripley County.

14 CHAIRMAN OKESON: Very unfortunate.

15 VICE CHAIRMAN OVERHOLT: I would move that we  
16 adopt the report, the report of the Indiana  
17 Election Division.

18 CHAIRMAN OKESON: Yeah. And that the Division  
19 maybe provide a copy by certified mail to the  
20 individuals and offices that are set forth in the  
21 appropriate code.

22 VICE CHAIRMAN OVERHOLT: What you said.

23 CHAIRMAN OKESON: Is there a second?

24 I'll second your motion.

25 Any discussion? Anything that should be noted

1 further than what we've discussed already from the  
2 co-directors or co-counsel?

3 MS. WARYCHA: The only thing I would note is,  
4 after we mail this out, there is a seven-day  
5 opportunity for someone to ask for a hearing,  
6 whether that be the challenged or really we have to  
7 mail it to you, which seems interesting that you  
8 could then ask for a Commission hearing as well.  
9 But I just want you to know that there is a  
10 seven-day window where someone could ask for a  
11 hearing.

12 CHAIRMAN OKESON: Okay. Well, I hope that the  
13 intended impact of this is received and we'll avoid  
14 this in the future.

15 VICE CHAIRMAN OVERHOLT: And I will say,  
16 having worked in various capacities in polling  
17 places and helping with elections, I know that the  
18 whole provisional ballot issue is, I think, one  
19 that causes some confusion, and I think it would be  
20 helpful to make sure that all the counties are --  
21 because I think some people have it drilled into  
22 them, oh, the provisional ballot is a last resort,  
23 and they want to not -- they kind of want to hold  
24 them back or something. But I think this is, if  
25 all else fails, give the provisional ballot, and I

1 think it's important to try to emphasize that.

2 CHAIRMAN OKESON: The findings of fact even  
3 say that they are reluctant to. And I would add to  
4 that thought, these are infrequent events run by --  
5 we're all imperfect -- run by citizens, right, and  
6 we're prone to confusion. But certainly we all, I  
7 think, want to avoid anyone being denied an  
8 opportunity to cast some sort of ballot in that  
9 situation.

10 So we have a motion and a second. Any further  
11 discussion or any questions?

12 All those in favor signify by saying "Aye."

13 VICE CHAIRMAN OVERHOLT: Aye.

14 MS. CELESTINO-HORSEMAN: Aye.

15 MS. PYLE: Aye.

16 CHAIRMAN OKESON: The "ayes" have it. The  
17 motion carries.

18 Now I believe that concludes our business for  
19 the day.

20 MS. WARYCHA: Mr. Chairman, the only other  
21 thing I would say is, do you want us to stamp these  
22 or would you guys like to sign?

23 MR. KING: They've already done a motion.

24 MS. WARYCHA: Oh, sorry. I missed that.

25 Thank you.

1 CHAIRMAN OKESON: Karen took care of that.

2 Can I get a motion to adjourn?

3 VICE CHAIRMAN OVERHOLT: So moved.

4 CHAIRMAN OKESON: Second?

5 MS. PYLE: Second.

6 CHAIRMAN OKESON: All those in favor.

7 VICE CHAIRMAN OVERHOLT: Aye.

8 MS. CELESTINO-HORSEMAN: Aye.

9 MS. PYLE: Aye.

10 CHAIRMAN OKESON: We're adjourned. Thank you.

11 (The Indiana Election Commission Public

12 Session was adjourned at 2:48 p.m.)

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1 STATE OF INDIANA

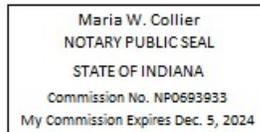
2 COUNTY OF HAMILTON

3 I, Maria W. Collier, a Notary Public in and  
4 for said county and state, do hereby certify that the  
5 foregoing public session was taken at the time and  
6 place heretofore mentioned between 11:14 a.m. and  
7 2:48 p.m.;

8 That said public session was taken down in  
9 stenograph notes and afterwards reduced to typewriting  
10 under my direction; and that the typewritten  
11 transcript is a true record of the public session.

12 IN WITNESS WHEREOF, I have hereunto set my  
13 hand and affixed my notarial seal this 22nd day of  
14 September, 2022.

15  
16 *Maria W. Collier*



21 My Commission expires:  
22 December 5, 2024

23 Job No. 174437  
24  
25

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