Indiana Election Commission
Minutes
July 21, 2015

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

Members Absent: S. Anthony Long, Vice-Chairman of the Commission.

Staff Attending: J. Bradley King, Co-Director, Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); Ryan E. Mann, Acting Co-Director of the Election Division; Matthew Kochevar, Co-General Counsel of the Election Division; Dale Simmons, Co-General Counsel of the Election Division; Abbey Taylor, Campaign Finance staff; Michelle Thompson, Campaign Finance staff.

Others Attending: Mr. Chris Alexander; Dr. Jay Bagga, VSTOP; Mr. Brad Baughn; Mr. Matthew Bell; Mr. Paul Clark; Mr. Kevin Comerford; Mr. Jeff Cooke; Mr. Kelly Fogelsong; Mr. Ralph Foley; The Honorable Bill Friend, Indiana State Representative; Ms. Claudia Fuentes; Mr. Parvin Gillim; The Honorable Ronald Grooms, Indiana State Senator; Mr. Joe Hauptmann; Mr. Greg Holden; Ms. Debra S. Jenkins; Mr. Kyle Kazmierczak; Mr. Steve Keltner; The Honorable Dennis Kruse, Indiana State Senator; Dr. Joseph Losco, VSTOP; Mr. Bill McDonald; Ms. Anna Melcher; Mr. Stephen Melcher; Ms. Leslie Murphy; Ms. Om Narla; Mr. Kristopher Owens; Mr. Greg Parsley; The Honorable Gregory W. Porter, Indiana State Representative; Ms. Martha Rardin; Ms. Sarah Riordan; Dr. Raymond Scheele; Mr. Michael Scott; Ms. Glenna Shelby; Mr. Karl Tatgenhorst; Mr. Andrew Thomas; Ms. Patricia Walton; Ms. Tanisha Willoughby; Ms. Ashira Young; Mr. Richard Young.

1. Call to Order

The Chair called the July 21, 2015 meeting of the Commission to order at 1:00 p.m. EDT in Conference Room A, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana.

The Chair proceeded to conduct the business set forth in Transcript of Proceedings prepared by Jenny L. Reeve, CSR-RPR, of Connor Reporting, which is incorporated by reference in these minutes, and approves the correction of the following scrivener’s errors in that document. [Copies of all documents incorporated by reference are available for public inspection and copying at the Election Division Office.]

Page 5, line 17, replace “on” with “or”.

Page 12, line 25, replace “committee” with “commission”.

Page 92, line 6, replace “Kurt” with “Kirk”.

Page 143, line 8, replace “A.B.” with “Abbey”.


Page 154, line 25, replace “Tomkins” with “Thompson”.

Page 187, line 22, replace “314” with “3-14”.

Page 188, line 4, replace “Barry” with “Berry”.

Page 188, line 7, replace “Barry” with “Berry”.

Page 201, line 17, replace “draw” with “call”.

Page 205, line 17, replace “3-11-7.55” with “3-11-7.5-5”.

2. Adjournment

The Commission meeting adjourned at 5:27 p.m.

Respectfully submitted,

J. Bradley King
Co-Director

Ryan E. Mann
Acting Co-Director

APPROVED:

Bryce H. Bennett, Jr.
Chairman
INDIANA ELECTION COMMISSION
PUBLIC SESSION AGENDA

Conducted on: July 21, 2015

Location: Indiana Government Center South
402 West Washington Street
Conference Center
Conference Room A
Indianapolis, Indiana 46204

A STENOGRAPHIC RECORD BY:

Jenny L. Reeve, CSR-RPR
Notary Public
Stenographic Reporter
APPEARANCES

INDIANA ELECTION COMMISSION:

Mr. Bryce Bennett - Chairman
Mr. Michael Claytor - Vice Chairman Pro Tem
Ms. Suzannah Overholt - Commission Member
Mr. Zachary Klutz - Commission Member

INDIANA ELECTION DIVISION STAFF:

Mr. Bradley King - Co-Director
Mr. Ryan Mann - Co-Director
Mr. Dale Simmons - Co-Legal Counsel
Mr. Matthew Kochevar - Co-Legal Counsel
Ms. Michelle Thompson - Campaign Finance
Ms. Abbey Taylor - Campaign Finance
CHAIRMAN BENNETT: Good afternoon, everyone. My clock says we're after 1:00, so we want to get started here. It's about 1:05. We have a commissioner on the way.

But we can cover a few preliminaries before that, like calling the meeting to order and introducing the following members of the Commission who are present.

I'm Bryce Bennett, Chairman. We have Michael Claytor who's a proxy for Vice Chairman Anthony Long. We have Member Suzannah Wilson Overholt, who just joined us, and we have Member Zachary Klutz at the end of the table on the right.

The Indiana Election Division staff consists of the Co-director Brad King, who is here, and the Acting Co-director, Ryan Mann.

The Co-general Counsels are Matthew Kochevar and Dale Simmons.

The Court Reporter today is Jenny Reeve.

And before we begin, I want to remind everyone on behalf of the court reporter to identify yourself before you begin speaking. Spell your name when you are identifying yourself, and speak clearly. Do not speak at the same time as
others so the court reporter can take down all
of the testimony in this proceeding, in this
meeting.

We need documentation of compliance with
the Open Door Laws, and I request that the
Co-directors confirm that the Commission meeting
has been properly noticed as required under the
Open Door Law.

MR. KING: Mr. Chairman, Members of the
Commission, this meeting was properly noticed in
accordance with the requirements of the Open
Door Law.

CHAIRMAN BENNETT: Thank you. At this
point we'll look for approval of the April 24,
2015 commission minutes. And I would ask for a
presentation of those by Mr. King and Mr. Mann.

MR. KING: Mr. Chairman, Members of the
Commission, the April 24, 2015 minutes were
previously circulated to the members. Then
Co-director Trent Deckard and myself signed them
and recommended them for your approval.

CHAIRMAN BENNETT: Is there a motion to
approve the April 24 minutes as presented?

COMMISSION MEMBER KLUTZ: So move.

CHAIRMAN BENNETT: We have a motion. Is
there a second?

VICE CHRMN PRO TEM CLAYTOR: Second.

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

(No response.)

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: Opposed say nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: The ayes have it, and the motion is approved. The minutes have been signed as approved.

At this time we will proceed with ratification of campaign finance settlement agreements. And I would ask for a presentation by Ms. Taylor on Ms. Thompson.

MS. THOMPSON: Mr. Chairman, Members of the Commission, under your Settlement Agreement tab is a list of committees that have agreed to pay the settlement agreement and waive the hearing.

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

COMMISSION MEMBER KLUTZ: So move.
CHAIRMAN BENNETT: We have a motion. Is there a second.

COMMISSION MEMBER OVERHOLT: Second.

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

(No response.)

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: The ayes have it, and the motion to ratify the agreements is adopted.

I understand that there are referrals of committees to the attorney general for collection of fines, and that the campaign finance staff can provide information regarding those referrals.

At this point, I call on Abbey and Michelle to present that.

MS. THOMPSON: Mr. Chairman and Members of the Commission, under your Attorney General tab there, these are just a list of committees that haven't paid their fines, and we are turning them over to the attorney general for
collection.

CHAIRMAN BENNETT: Very well. I note that no further commission action is necessary, and these referrals will be made to the attorney general. Thank you.

At this point, we will administer the oaths to individuals testifying before the Commission today. And I would ask Mr. Simmons to do that.

Everyone present who plans to testify regarding any matter coming before the Commission today, including campaign finance or voting system matters, please stand for the administration of the oath by Mr. Simmons.

MR. SIMMONS: Please stand and raise your right hand. Say "I do" after the administration of the oath.

(At this time, the oath is administered.)

MR. SIMMONS: Thank you.

CHAIRMAN BENNETT: We have an opportunity to offer today for committees with representatives who are present and would like to accept a reduced penalty without waiting for a hearing.

Now, before proceeding with these actions, we're offering this opportunity to present a
final opportunity to pay a reduced civil penalty
by waiving the right to present evidence and
arguments to the Commission.

Any committee is welcome to present
evidence and arguments for the proposed penalty
to be waived. But this is an opportunity for
those who want to waive the presentation and
accept a reduced penalty without making any
arguments or presentation.

The arrangements are as follows: If this
is a committee's first violation, the
arrangement is for the committee to agree to
pay 25 percent of the proposed fine, plus
mailing costs.

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

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

Is there a motion from the Commission to
approve this arrangement?

COMMISSION MEMBER KLUTZ: So move.

CHAIRMAN BENNETT: We have a motion. Is
there a second?

VICE CHRMN PRO TEM CLAYTOR: Second.

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

(No response.)

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: Okay. Are there any committees who want to accept this arrangement?

Very well. Come forward and state your name, the committee's name, the cause number, which you will find in your hearing notes.

MR. SCOTT: My name is Michael Scott. I am the Committee to Elect Michael S. Scott, Cause No. 2015-6357-97.

CHAIRMAN BENNETT: And are you willing to accept the applicable penalty without further discussion?

MR. SCOTT: Yes.

CHAIRMAN BENNETT: Is this the first?

MR. SCOTT: 2012 was the first, so this would be the second.
CHAIRMAN BENNETT: Campaign Finance, will you confirm that?

MS. THOMPSON: Yes. This Committee to Elect Michael Scott, Cause No. 2015-6357-97.
And he has a proposed civil penalty of $1,000.49.

MS. TAYLOR: And is his second violation.

CHAIRMAN BENNETT: And it's the second violation. You would pay 50 percent of that amount, plus mailing costs. Is that agreed?

MR. SCOTT: Yes.

COMMISSION MEMBER OVERHOLT: Where is that in our binder, what page?

MS. THOMPSON: Oh, I'm sorry. Page 77.

COMMISSION MEMBER OVERHOLT: Thank you.

CHAIRMAN BENNETT: Very well. We have an agreement. You're free to go. Thank you.

MR. SCOTT: Thank you.

CHAIRMAN BENNETT: Is there anyone else who wishes to accept the agreement, the proposed agreement?

MR. McDONALD: Bill McDonald, for Bill McDonald for Senate Campaign.

CHAIRMAN BENNETT: Would you spell your name, please.
MR. MCDONALD: M-C-D-O-N-A-L-D.


CHAIRMAN BENNETT: Give us just a minute to find that. Maybe the campaign finance staff will tell us where to locate it.

MS. TAYLOR: It's on page 87. No, that's the wrong one. Sorry.

(Pause.)

MS. THOMPSON: I can't find it.

CHAIRMAN BENNETT: Is this it on page 75 at the top?

Would you mind saying the cause number again so we can make sure we have the right one?

MS. THOMPSON: Yeah, that's it.


CHAIRMAN BENNETT: Which violation is this for you?

MR. MCDONALD: First one.

CHAIRMAN BENNETT: First one?

MS. THOMPSON: Yes.

CHAIRMAN BENNETT: All right. And to confirm, are you willing to accept the penalty proposed, 25 percent plus mailing costs.

MR. MCDONALD: Yes.

CHAIRMAN BENNETT: Very well. You're free.
MR. MCDONALD: Thank you.

CHAIRMAN BENNETT: Anyone else?

MS. WILLOUGHBY: Yes. Tanisha Willoughby.


CHAIRMAN BENNETT: And could you tell us your cause number?

MS. WILLOUGHBY: It is 2015-6528-155.

CHAIRMAN BENNETT: And the committee name?

MS. WILLOUGHBY: Concerned Creditors Bar of Indiana.

MS. TAYLOR: It's on page 104. And this is their second violation.

CHAIRMAN BENNETT: Are you willing to accept the penalty for the second violation.

MS. WILLOUGHBY: Yes.

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

MS. WILLOUGHBY: Thank you.

MS. RARDIN: Martha Rardin, R-A-R-D-I-N.

It's Case No. 2015-6404-153. Indiana Dietetic Association Political Action Committee.

MS. THOMPSON: Page 103.

CHAIRMAN BENNETT: This is your second time before the committee?
MS. RARDIN: Correct.

CHAIRMAN BENNETT: Are you willing to accept the agreement as proposed?

MS. RARDIN: Yes.

CHAIRMAN BENNETT: Very well. Thank you.

You're free to go.

MS. RARDIN: Thank you.

CHAIRMAN BENNETT: Next?

MR. BELL: How are you, sir?

CHAIRMAN BENNETT: Good afternoon.


CHAIRMAN BENNETT: Okay. This is your first time before the Commission.

MR. BELL: Correct, sir.

CHAIRMAN BENNETT: And you're willing to accept the penalty?

MR. BELL: Correct.

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

MR. BELL: Thank you.

CHAIRMAN BENNETT: Anybody else? Anyone else willing to accept the penalty?

(No response.)

CHAIRMAN BENNETT: Very well. Then we will
move on. The remaining committees will be called to present evidence in these matters.

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

(A) When each campaign finance matter is called, the hearing will begin with recognizing campaign finance staff to provide information about the documents in this matter provided to the Commission members, including letters from the committees and the notice given to the campaign committee.

(B) Unless there is an objection, the documents provided to the Commission by the election division will be entered into the record of this meeting.

(C) After campaign finance staff completes presentation, a representative of the committee will be recognized first and may present their case for no more than five minutes. Commission members may ask questions during a presentation, but the time spent answering these questions will not be counted against a presenter's time.
The election division may signal the chair when a presenter's time is up.

(E) If a presenter offers additional documents or other physical evidence not previously received by the Commission, then the original must be provided to the election division, Dale Simmons, to preserve for the record.

If the Commission finds that a committee has violated the campaign finance statute, state law requires a unanimous vote of all four commissioners to waive or reduce the amount of the penalty set by state law.

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

If a committee is fined today, the committee will receive a notice from the election division to pay the fine after the commission adopts the final order. So it may be sometime after today before a committee will be required to pay the fine.

The Commission generally begins at the
front of the room and asks those persons present
to come forward to have their matter heard.

It is very helpful if you can speak up and
say the cause number on your hearing material so
that the Commission and staff can quickly look
it up on our spreadsheet. Remember to identify
yourself when you start speaking.

Is there a second to this motion?

COMMISSION MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: We have a motion and a
second.

Are there any questions or objections from
the Commission members or any of the committees
to these procedures?

(No response.)

CHAIRMAN BENNETT: Seeing and hearing none,
all in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed, say nay.

(No response.)

CHAIRMAN BENNETT: The ayes have it, and
the motion and procedures are approved.

The Commission will proceed to open its
hearings on campaign finance enforcement
actions.
For the hearings for those present, we'll start with Senator Kruse.

SENATOR KRUSE: I don't have my action number here, but Senator Dennis Kruse, Citizens for Kruse.

CHAIRMAN BENNETT: When the matter is found, I would ask the campaign finance staff to identify the page on the spreadsheet and provide information about the documents and notice given in this cause.

MS. THOMPSON: Mr. Chairman, it's on page 78.

MS. TAYLOR: And 86.

CHAIRMAN BENNETT: Thank you. Please present.

MS. THOMPSON: This is for a large supplemental report. It's Committee to Re-elect Richard D. Young, Jr.

Oh, sorry. Still supplemental report.


CHAIRMAN BENNETT: Do you have any documents to present to the Commission?

MS. THOMPSON: These were for large supplemental reports that were filed. One was
not filed.

MS. TAYLOR: And the other was filed March 17 of 2015.

CHAIRMAN BENNETT: And what is the proposed fine?

MS. THOMPSON: Cause No. 2015-3366-99 is for $1,000.49. And 2015-3366-115 is also $1,000.49.

CHAIRMAN BENNETT: Senator, would you like to make a presentation?

SENATOR KRUSE: Yes. I've been running for office here for 25 years, and have filed all my things on time.

And I was under the impression that when you were unopposed for campaign in elections, you didn't have to do these supplemental large contribution forms. So I'm at fault in not knowing the law, but I did not intentionally not file this on purpose.

So at a later time, I discovered that we are supposed to file these, even if we are unopposed. And so I failed to do that.

I would ask the Commission if they would be willing to waive a fine. And I had no misintent, and I want to be accurate and on
time. I failed to do that properly, so I would just ask for consideration to waive the fines.

CHAIRMAN BENNETT: Are you asking that for both cause numbers?

SENATOR KRUSE: Yes.

COMMISSION MEMBER KLUTZ: The staff said that one was filed late and one was not filed late. Are they both --

MS. THOMPSON: I misspoke. They were both filed March 17, 2015.

COMMISSION MEMBER KLUTZ: Oh, okay.

CHAIRMAN BENNETT: Any further questions or discussion from the Commission?

VICE CHRMN PRO TEM CLAYTOR: Were these filed as a correction, or were these filed as a result of the Commission notifying the ...

MS. TAYLOR: I suspect they were filed as a result of receiving a settlement agreement.

We noticed late CFA-11s when we were manually data-entering the annual campaign finance reports, and then sent out settlement agreements. I'm guessing they were filed after they received notice that it was not filed.

CHAIRMAN BENNETT: Does that meet with your memory, Senator?
SENATOR KRUSE: I actually don't remember exactly. But I do know that when I found out, I did file this in March. So as soon as I did discover it, I did file it right away.

CHAIRMAN BENNETT: Is there a motion to reduce the proposed penalty?

COMMISSION MEMBER KLUTZ: Mr. Chairman, it's my recollection that while some candidates may not have elected to enter the settlement agreement, we typically recognize the similar or same settlement parameters with respect to leniency or waiving of fines. But I'm not sure if we actually ever waived fines unless certain circumstances exist.

I guess I don't necessarily see that here. But I would make a motion that we apply the settlement standards with respect to each violation similar to a -- I don't think he's had any prior violations, so this would be a 25 percent.

I would make a motion that he be fined 25 percent for the violation.

CHAIRMAN BENNETT: Is there a second?

VICE CHRMN PRO TEM CLAYTOR: Can I ask a question of the person making the motion?
CHAIRMAN BENNETT: We need a second for purposes of discussion, and then you can ask the question.

I'll second the motion for purposes of discussion.

You can ask your question.

VICE CHRMN PRO TEM CLAYTOR: Since there are two violations here, even though they both happen to be the first violation, once the first violation has happened, then the second would be a second violation. So that doesn't quite comport with the parameters that we used on the voluntary ...

COMMISSION MEMBER KLUTZ: I think there's two violations within one filing period. It's not like some who have been here on multiple occasions, or twice, and said, "Oh, now I understand I have to do this." I don't view it as two -- it's two violations within one filing period, but I don't view this as a second time here, which would trigger a 50 percent.

CHAIRMAN BENNETT: Let me ask this question, Senator. Did the second violation occur after you were aware of the first?

SENATOR KRUSE: No. These were October --
the original checks were October 15 and October 21. So they were six days apart.

And I became aware of this in March and filed the report in March, then, late.

CHAIRMAN BENNETT: Does that help with your concerns?

VICE CHRMN PRO TEM CLAYTOR: I think it helps; the issue being that a filing period for a 10-K supplemental is seven days. So I don't see this as the same filing period. But since it happened within six days, I'm a little more comfortable with that being called a seven-day filing period.

CHAIRMAN BENNETT: Can I ask the staff about that time period? Is it a seven-day or two days or ...

MS. TAYLOR: This was in the 48-hour reporting period in the 25 days before the general election.

CHAIRMAN BENNETT: Does that help?

VICE CHRMN PRO TEM CLAYTOR: This wasn't the 10-K?

MS. TAYLOR: Right. That's only statewide candidates. State candidates have the 48 hours in October.
VICE CHRMN PRO TEM CLAYTOR: Okay. So this is the thousand dollar, 48-hour ...

MS. TAYLOR: Yes.

CHAIRMAN BENNETT: Any further questions or discussion?

(No response.)

CHAIRMAN BENNETT: Hearing none, all in favor of the motion made by Commissioner Klutz say aye?

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say nay.

COMMISSION MEMBER OVERHOLT: Nay.

CHAIRMAN BENNETT: That motion failed because it was not unanimous. Are there any other motions?

COMMISSION MEMBER OVERHOLT: Well, I would think that in the two -- there are actually two different reporting periods here because there's two different dates of the contributions. So I would move to apply the 25 percent rule to the first, and the 50 percent rule to the second. So the first cause, the 2015-3224-98, would be the 25 percent, pay 25 percent of the proposed penalty.

And then for 2015-336-611 -- sorry. That's
the wrong one.

So 2015-336-99, apply the 25 percent.

CHAIRMAN BENNETT: Is there a second to that motion?

VICE CHRMN PRO TEM CLAYTOR: Second.

CHAIRMAN BENNETT: We have a motion and a second for discussion purposes. Any discussion?

(No response.)

CHAIRMAN BENNETT: All in favor of the second motion say aye.

COMMISSION MEMBER OVERHOLT: Aye.

VICE CHRMN PRO TEM CLAYTOR: Aye.

CHAIRMAN BENNETT: All opposed, same.

COMMISSION MEMBER KLUTZ: Aye.

CHAIRMAN BENNETT: Aye.

Motion fails. Any further motions?

(No response.)

CHAIRMAN BENNETT: Hearing none, it appears that the Commission has not passed any motions, so we'll move on to the next case.

SENATOR KRUSE: What do I do now?

CHAIRMAN BENNETT: Counsel, what is the procedure at this point?

MR. SIMMONS: Well, it certainly takes four members of the Commission to reduce a fine. It
still takes three members, an affirmative vote
of three members of the Commission to take any
official action.

So basically, the status of the case is the
Commission has taken no official action either
way on your case.

SENATOR KRUSE: What do I do next? What
happens?

MR. SIMMONS: Well, we have another case to
call, so I think you're done today.

SENATOR KRUSE: Thank you.

CHAIRMAN BENNETT: You're free to go.

SENATOR KRUSE: Thank you.

CHAIRMAN BENNETT: We'll work our way
across that row. The next gentleman?

MR. KELTNER: Steve Keltner, K-E-L-T-N-E-R.

Cause No. is 2014-5459-36.

MS. TAYLOR: It's on page 20. This is
Cause No. 2014-5459-36. It was a late 2013
annual report, and it was filed September 26,
2014. And this is at least the fifth time
before the Commission.

CHAIRMAN BENNETT: Anything else from the
Division?

(No response.)
CHAIRMAN BENNETT: You may present your case.

MR. KELTNER: Thank you. I was actually with you last on September 3 of last year, where I had found out that my treasurer was no longer filing reports, and I had missed deadlines.

And at that time we had agreed upon getting -- I had three years of previous filings to bring up to speed, and I had been asked by one of the committee members to also update my CFA-1 as well. And we went ahead and got all of that done by September 26.

Michelle was very helpful in making sure I was filling these out correctly, and got me -- I think -- I had to get ahold of my treasurer, my past treasurer, and get all the banking and everything back in order, and we filed that relatively quickly.

At that time the charge from the committee was, we had said three things we'd like to do as soon as possible: Bring up to date the CFA-1, file all past CFA-4s, and then work to close the committee.

And at that time you were very gracious to offer me the opportunity to get the committee
closed, and then you said we'd meet at the next meeting and discuss fines.

I may be behind the 8-Ball, but I did not realize until you mentioned it today that you had a meeting in April, because I was not invited to that one to discuss with you.

What I have done is bring everything up to speed that I could. But what I found out was, as we established at the last meeting of this Commission, that the money that was outstanding -- or in my account still, could be used to pay the fines.

In order to close my committee, I have to -- we can donate the money, and then I can show a zero balance. I can close the committee, which is my sole intent, and I gave that directive at the last meeting. I just want to close the committee. Then I could ...

But the problem was, an act of kindness -- not knowing how much the fine would be was the stumbling block, because if I gave all the money away, then, when I came back, it would be upon my family to pay for it. And my wife and I were kind of in agreement that a penalty that could be up to a thousand dollars could be kind of
hard to take, especially when the money's already in the account that could be used to pay for that.

So I no means was not -- I tried to do everything I could, short of gambling my own family's money to pay the fine.

All that's left from all of this -- and I don't know if -- because I wasn't at the last meeting and I didn't know about it. I don't know if that meant that you guys have already ruled on this and were turning it over to the attorney general's office. I don't know.

But this is -- I have waited every day since September of last year for the letter. And I did get the one for today, but I didn't get one for the last meeting.

But I was coming, hoping today to ask you to extend your kindness just a few more weeks so that I could go ahead and whatever fine would be determined today, I could -- once I get that letter, I could get a check for that amount of money. All the rest of the money, which is still $1,656, whatever is not used by fines, may be turned -- 100 percent, whatever's left, is going to go to Gleaners Food Bank.
And so I'm not -- I just -- I guess I came today -- maybe I'm asking the wrong thing, because I don't know if I'm on the same page.

As far as this, those September 26 filings, we filed everything the same day. Michelle was able to come -- she sat down with me, and we filed everything and got it all up to speed that day, so that's why it was late. But it was up to speed.

And then when it came to the following one that we -- we filed the 2014 ones before the deadline in January. So that one was up to date. I've been up to date with everything, but it was just a matter of -- from the last one that we're trying to solve that problem.

And I knew I couldn't just call and ask, "What would that fine be?" I knew that I had to come back. And I was under the impression that today was the first meeting that you've had.

So that's why I'm here today, to ask if we could come up with a fee schedule for that so I could pay it, and then pay the two checks, close my committee, and then you never have to look at me again.

CHAIRMAN BENNETT: Well, just so you know,
we didn't have campaign finance on the agenda for the previous meeting, so --

MR. KELTNER: Okay, okay.

CHAIRMAN BENNETT: And so you need us to assess a fine so you can close --

MR. KELTNER: Yes, sir. I just need your help. I desperately wish to do that.

CHAIRMAN BENNETT: Is there a motion?

COMMISSION MEMBER KLUTZ: I have a question for the staff. So in the 2014 meeting, we addressed reports from 2013 back, but we couldn't take action because he hadn't done certain things, and --

MS. THOMPSON: Right.

COMMISSION MEMBER KLUTZ: -- came in and he did all of those --

MS. THOMPSON: Right.

COMMISSION MEMBER KLUTZ: And those were all addressed in the 2014 -- September 3, 2014 reporting violations from 2008, '09, '11, '12, and '13?

MS. THOMPSON: No. It was just this one, wasn't it?

COMMISSION MEMBER KLUTZ: No, our last meeting, 2014.
MS. TAYLOR: I think it was just the cause
from --

COMMISSION MEMBER KLUTZ: Oh, just this
cause?

MS. TAYLOR: Yes.

COMMISSION MEMBER KLUTZ: I make a motion
that we fine the committee $1,000.49.

CHAIRMAN BENNETT: Is there a second?

VICE CHRMN PRO TEM CLAYTOR: Second.

CHAIRMAN BENNETT: We have a motion and
second. Any further discussion?

(No response.)

CHAIRMAN BENNETT: All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carries. The
fine is $1,000.49. You may go forward and close
the account.

MR. KELTNER: And I'll receive a letter
from you that I can just remit back with the
payment?

MS. THOMPSON: Yes.

CHAIRMAN BENNETT: That's correct.

MR. KELTNER: And I just -- to close the
account, I'll get a cashier's check, or
something along those lines. Those are only
good for about 60 days. Will this -- I know
before then?

MS. THOMPSON: You'll get an order from us
when the Commission signs them.

MR. KELTNER: Okay. And it should be less
than 60 days?

MS. THOMPSON: Well, wait until you get the
order.

MR. KELTNER: Okay, okay, and then we can
close the account. Thank you very much.

CHAIRMAN BENNETT: Thank you. The next,
sir?

MR. ALEXANDER: Hi. My name is Chris
Alexander. I'm with the Portage Firefighters
Local 3151 Political Action Committee. I have a
file number.

MS. THOMPSON: 5543?

MR. ALEXANDER: Yes. I received a
delinquent notice.

MS. TAYLOR: It's on page 63.

Cause No. 2015-5543-75, Portage Firefighters
Local 3151 Political Action Committee, their
2014 pre-elect before it was filed October 31.
And this is their fifth violation, with a proposed civil penalty of $750.49.

CHAIRMAN BENNETT: Sir, do you wish to respond?

MR. ALEXANDER: Yes. I recently took this over on January of 2014, so I did not know of any prior violations.

I have a fax sheet sent October 15 with a resulting okay stating that my fax was sent and everything was fine.

I received this letter on I believe the 20th or 23rd of October, which I was away for a family issue. So I -- as soon as I received -- or came home and got my mail, I re-sent faxes with the reports.

But I do have the initial fax report from October 10 stating everything was fine when I sent it.

COMMISSION MEMBER KLUTZ: What was the due date of the report?

CHAIRMAN BENNETT: Is that in the campaign finance staff's material?

Could I see what you have?

MR. ALEXANDER: Absolutely. That's the initial one, and the following pages are the
ones I sent (indicating).

MS. THOMPSON: The report was due October 17.

MS. TAYLOR: We only have one we received on October 31.

CHAIRMAN BENNETT: I'll return your documents to you.

MR. ALEXANDER: Thank you. I've also sent my -- all my other documents through the same fax machine, so the fax machine does work.

And I have -- ever since this incident happened, anytime I send a fax down state, 30 minutes later I actually call the committee and confirm that it has arrived. So that mistake will never happen again.

COMMISSION MEMBER OVERHOLT: I take it we usually accept faxes for filing?

MS. TAYLOR: Yes.

CHAIRMAN BENNETT: Is there a motion from the Commission to reduce the proposed penalty or dismiss the action?

VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman, he appears to have a receipt that shows he made some fax to the IEC fax number on October 10.

There's no way to prove what it was since we
don't have receipt of it, but he faxed something
on that date. And I would move that we waive
the penalty in this matter.

CHAIRMAN BENNETT: Is there a second?

COMMISSION MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: We have motion with a
second. Any further discussion?

(No response.)

CHAIRMAN BENNETT: All in favor of the
motion say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carries. The
fine's waived.

MR. ALEXANDER: Thank you. Do I make
copies of that, or is that yours to keep?

MR. SIMMONS: It was handed to me. I
assumed it would be evidence.

COMMISSION MEMBER KLUTZ: We're going to
keep those for the record. Then can we get
copies back to him?

MS. THOMPSON: I can send you copies.

MR. ALEXANDER: Thank you so much. Thank
you very much.
CHAIRMAN BENNETT: Thank you. Next?

MR. THOMAS: Mr. Chairman and members of the Commission, Administrative Cause No. 2015-4802-8, Committee to Elect Andrew Thomas.

MS. THOMPSON: Page 30. This is Committee to Elect Andrew Thomas, Cause No. 2015-4802-8. Has a proposed civil penalty of $1,000.49. Has been before the Commission before, and he has recently closed this committee.

MR. THOMAS: Mr. -- I'm sorry.

CHAIRMAN BENNETT: Go ahead and proceed.

MR. THOMAS: Mr. Chairman, members of the Commission, there are -- I'm asking you to dismiss this case here today and to waive the fines because there are unusual circumstances which should be considered.

In 2006 -- my health has been an issue. In 2006, I had two stents put in my heart; in 2008, three stents put in my heart; in 2010, two more stents. And then two years ago, two and a half years ago, I had six bypasses on my heart.

I've been in the hospital three times. And I'm hesitant to say this on a public record, but this is what I'm asking for, for the unusual circumstances.
Since January 1 of this year, I've been in the hospital three times for extended periods of time, and I was getting mail in three different places.

And when I received the notice from the Commission, I immediately filed it. I'm not sure what date that was. But I filed it --

The total amount of money in my fund -- I should have closed it long before -- is $42.19.

And that's been exactly that for over 10 years.

And there's been no money coming in, no money coming out. And so I haven't had an opponent.

It hasn't affected an opponent. There's been no activity.

So that's my presentation. I'm asking just to dismiss the cause. And I've just -- I've terminated the -- my committee, and so there won't be an issue anymore, and I apologize.

CHAIRMAN BENNETT: What would you do with the $42.19?

MR. THOMAS: Whatever you advise.

CHAIRMAN BENNETT: Any questions from the Commission? Anyone have a motion to make?

COMMISSION MEMBER KLUTZ: How many times has this committee been before the Commission?
MS. THOMPSON: He's been before twice, and he has one settlement agreement.

MR. THOMAS: I think those were quite a while ago, maybe 10-plus years ago.

VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman,

I'd like to make a motion that we reduce the fine to $42, and whatever the heck the cents were.

MR. THOMAS: Nineteen cents.

VICE CHRMN PRO TEM CLAYTOR: $42.19.

CHAIRMAN BENNETT: Is there a second?

COMMISSION MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: We have a motion and a second. Any further discussion?

(No response.)

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. Fine reduced. Thank you.

MR. THOMAS: Thank you.

CHAIRMAN BENNETT: Next?

MR. GROOMS: Good afternoon. My name is
Ronald Grooms, Candidate Grooms for State Senate Committee.

Administrative Cause No. 2015-5892-104.

Grooms, G-R-O-O-M-S. First name Ronald.

MS. THOMPSON: That's on page 81.

This is Grooms for State Senate. And there's a few causes. Cause No. 2015-5892-104, 105, 106, 107, 108, 109, 110. And these are for large supplemental reports.

CHAIRMAN BENNETT: These are all for different reports, different dates?

MS. THOMPSON: All different dates for a large supplemental, the ones that are due within 48 hours.

CHAIRMAN BENNETT: Anything else from the Division?

MS. THOMPSON: No.

CHAIRMAN BENNETT: Mr. Grooms, any presentation from you?

MR. GROOMS: Thank you. October 16 and October 20 seem to be the dates that ...

MS. THOMPSON: October 20 is when it was due, yes.

MR. GROOMS: It was due on October 20?

MS. THOMPSON: Yeah.
MR. GROOMS: In these type of campaign activities -- October 16 was on a Thursday. I picked up some checks from the senate majority caucus when I was up here that day. That was the 16th.

They were put on a deposit slip that had been started on October 16, which is actually not deposited until Monday, the 20th.

My treasurer and person who filed the report cautioned me that that report should have been filed within 48 hours of the day on Thursday when I received those checks.

They were deposited Monday, and I informed her at that time that that's when I made the actual deposit. And I have the deposit slips to show that the date's on the 16th.

So I guess the question is, should I be assessed a penalty, technically, probably 48 hours from the 16th to when I actually picked those checks up to the time they got to the bank? The treasurer assumed that the actual receipt was the day I told her they were deposited, which was the 20th, which would have made the report due on the -- actually, the 16th. If I picked them up on the 16th, which I
1 did, I would have had to file that report by
2 Saturday. Is that correct?
3 MS. THOMPSON: Right.
4 MR. GROOMS: But it wasn't filed until
5 Monday.
6 MS. TAYLOR: Monday, which is the 20th.
7 MR. GROOMS: Wasn't filed until Monday.
8 MS. TAYLOR: Yeah.
9 MR. GROOMS: And I think the email was sent
10 in, or a fax was sent in on Monday, according to
11 my treasurer.
12 MS. THOMPSON: We'll pull your file to see.
13 MR. GROOMS: And the accounts -- all the
14 administrative codes refer to the six -- I
15 believe there were six checks. Is that the
16 reason there are six?
17 MS. THOMPSON: Right. There's seven.
18 MR. GROOMS: There were six checks that
19 were picked up on Thursday, but actually weren't
20 deposited on Thursday, which should have been
21 reported, I guess, Saturday. But they weren't
22 deposited until Monday. Is that correct? I'm
23 trying to...
24 MS. THOMPSON: Right.
25 MR. GROOMS: I don't have that. She has
them on the 16th, which was the date on the
deposit slip. But the deposit wasn't made until
Monday, which she assumed that since that's what
I had been doing, I notified her when the
deposit was made as the day that I thought was
the receipt date. But it's -- and it's the
actual day I guess I got them in my hands.

CHAIRMAN BENNETT: Anything else,

Mr. Grooms?

MR. GROOMS: No. There's absolutely no
intent to mislead or misinform or deny
information. It's not -- not on our part.

I got caught on the weekend. And probably
if that had been on Monday or Tuesday, it would
have probably not become an issue.

But because -- if you get involved in
campaigns, and you're campaigning 24/7,
sometimes the weekends fly by and you don't even
know when Monday gets here or when Thursday was.

CHAIRMAN BENNETT: I will ask counsel to
clarify the law on this in terms of the timing.

MR. SIMMONS: Well, we certainly go based
on the report. But there's a definition of when
a contribution is received and accepted by a
committee. And, you know, that's the date you
really should report from.

So if you received on one date and
deposited on another date, it would actually be
when you deposited, when you should report when
it was received.

And if you want to check this in your code
books, this is the definition of acceptance in
3-9-1-25(b). It says, "A contribution is
considered received and accepted when the
committee has physical possession and manifests
an intent to keep the contribution by depositing
the contribution."

So there's two steps to that acceptance.

CHAIRMAN BENNETT: And that is what your
treasurer told you, that you should have
deposited the day they were received? Did I
hear your testimony correctly?

MR. GROOMS: I just assumed that when I got
back from Indianapolis on the 16th, on Thursday,
they were added to a deposit slip that had been
started on the 16th. And that was the day I
actually took possession, was that afternoon.
But the deposit was not actually made until the
20th.

COMMISSION MEMBER KLUTZ: Mr. Chairman --
MR. GROOMS: And then the -- but the report -- I mean the report is correct. It says that they were received on the 16th, which is technically, I guess, the day I took possession of them.

They were not deposited until Monday, which is when I told my treasurer, "This is when I put these in the bank," which is what we had been doing with most transactions, was the date they were deposited, not the date on the deposit slip.

CHAIRMAN BENNETT: Mr. Klutz, did you have a motion?

COMMISSION MEMBER KLUTZ: Mr. Chairman, it appears that the manifestation of intent to keep the checks and the contributions was made when they were deposited on the 20th. They may have put the 16th or 17th on the report, which then triggered a notice that there was a violation, but it doesn't appear that that's what actually occurred. It appears that it was filed on the 22nd, and filed within the timeline.

So I would make a motion that no fine be assessed.

CHAIRMAN BENNETT: Is there a second?
I will second the motion.

Any discussion?

VICE CHRMN PRO TEM CLAYTOR: I just have a question for either counsel, I guess, that the statute that you referenced indicates acceptance, receipt and acceptance in a manner.

But acceptance is not defined in the Indiana Code. And that seems to indicate a manner of acceptance, not the only manner of acceptance.

MR. SIMMONS: We've always interpreted it that way because there's another reporting section, 3-9-5-14, that indicates you have an opportunity -- if you receive a check and you don't deposit it, you can return the check to the giver and not have to report it.

So there, together with this section, we've kind of interpreted that as meaning that you receive it when you actually have taken possession and deposited, because you don't have to report it if you receive a check and you return it to the giver.

VICE CHRMN PRO TEM CLAYTOR: No, I understand that. I understand your interpretation. I understand that's in the
publications. I don't think it's an exclusive
definition of acceptance the way it's written in
the Code.

So the other question that I have is that
in this instance, a single CFA-11 was required
to be filed because all checks were either
received, accepted, deposited, or whatever the
heck they were, on the same day. And does that
actually generate nine violations?

MR. SIMMONS: Well, the way I would
interpret that would be that you have 48 hours
from when you deposit to file your report. Your
report may contain one. It may contain multiple
contributions received, large contributions
received on the same day.

It would make sense, if you received and
deposited a bunch of large contributions on the
same day, to put them all on the same CFA-11.
And they often do that.

CHAIRMAN BENNETT: Mr. Kochevar, do you
have any input on these issues?

MR. KOCHEVAR: No. I actually concur with
everything that Mr. Simmons has said.

The only other thing I will note is the
Commission's powers that are listed in 3-6-4.2,
if I'm getting the correct citing of the Indiana
Code, your powers of interpretation, along with
the other responsibilities that have been given
to you by the state legislature.

So the decision is ultimately yours to
determine if a violation has occurred and make
the necessary findings and assess the necessary
penalties.

CHAIRMAN BENNETT: Okay. Thank you. So we
have a motion and a second, a motion to dismiss
and a second. Any further discussion?

(No response.)

CHAIRMAN BENNETT: All in favor of the
motion say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carries. Case
dismissed. You're free to go.

MR. GROOMS: Thank you very much.

CHAIRMAN BENNETT: Next?

SENATOR YOUNG: Richard Young. Let's see.

My case is 99-3224. And it's the Committee to
Re-elect Richard Young State Senator.

CHAIRMAN BENNETT: Thank you, Senator.
Give us a minute to find that.

MS. THOMPSON: Page 84. Just one?

MS. TAYLOR: There were actually three.

MS. ASHIRA YOUNG: There were three.

My name is Ashira Young, A-S-H-I-R-A.

MS. THOMPSON: The first one is on page 78.

And this is Committee to Re-elect Richard D. Young State Senator. This, again, is for a supplemental report. Cause No. 2015-3224-98, 103 on page 80, and page 84, 112.

CHAIRMAN BENNETT: Any other presentation by the Election Division?

MS. THOMPSON: No. Again, these were supplemental reports that were due in the 48-hour period.

CHAIRMAN BENNETT: Senator Young?

SENATOR YOUNG: Yes. Mr. Chairman, members of the committee, this is my eighth election that I've participated in, the first time I've had any cause to appear before you. So I've always tried to be very diligent in my paperwork in keeping campaign finance laws.

I believe that I did in this case as well.

That's why I ask for a dismissal. At least I think I did as much as I could.
During the election, it was a very busy election. And there were a number of supplementals filed. This came to the Election Commission's attention, my understanding, from my annual report, when they looked through it and found that they couldn't find a corresponding supplemental for three particular checks.

Now, all of the others -- all of the supplementals I faxed in. And although I didn't think to keep a receipt of the fax, they -- apparently, all other ones went through fine. For some reason, this one didn't.

So when I was notified of these three, we pulled our files. And it turns out they're all on the same report.

I've got a report of what I faxed in, although I have no receipt to prove that. I didn't think about that.

CHAIRMAN BENNETT: So this is the report, and it's your testimony that this was faxed to the Election Division.

SENATOR YOUNG: Yes, yes, it was, as all of the rest of them were.

And all the other ones were received. I
just assumed that this one was as well.
So on my annual reports, other reports, I
always bring them over and get them stamped.
But I didn't really have any way of doing that,
so ...

CHAIRMAN BENNETT: Is it not your practice
to keep receipts from faxes?
SENATOR YOUNG: No.
MS. ASHIRA YOUNG: No.
SENATOR YOUNG: Never thought about that.
This was an unusual election. It was a
very busy election. In fact, I think more money
was spent in this election than all my elections
over 8 years.
MS. ASHIRA YOUNG: And campaigns.
SENATOR YOUNG: And campaigns. So we were
doing a lot of supplementals.
And they all appeared to get through, and I
assume that that one did.
And clearly there was no intention to
confuse anyone, because it was on my annual
report, is where it came to your attention.
CHAIRMAN BENNETT: Do we as the Election
Division have any explanation for why --
MS. THOMPSON: We don't have that.