Indiana Election Commission
Minutes
January 3, 2022

Members Present: Paul Okeson, Chairman of the Indiana Election Commission ("Commission"); Suzannah Wilson Overholt, Vice Chairman 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; Abbey Taylor, Campaign Finance staff, Election Division; Michelle Thompson, Campaign Finance staff, Election Division.

Others Attending: The Hon. Karyn Douglas, Montgomery County Circuit Court Clerk; The Hon. Linda Freeman, Vanderburgh County Surveyor; Mr. Scott Lewis; Mr. Ryan Mann.

1. Call to Order:

The Chair called the January 3, 2022 meeting of the Commission to order at 1:30 p.m. EST in Conference Room A, Indiana Government Center South, 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 adjourned its meeting at 1:55 p.m. EST.

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

Transcript of Proceedings

January 03, 2022

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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
<table>
<thead>
<tr>
<th>INDEX OF AGENDA ITEMS</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call to Order and Determination of Quorum</td>
<td>4</td>
</tr>
<tr>
<td>Documentation of Compliance with Open Door Law</td>
<td>4</td>
</tr>
<tr>
<td>Approval of December 6, 2021, Commission Minutes</td>
<td>4</td>
</tr>
<tr>
<td>Approval of Campaign Finance Enforcement Order</td>
<td>6</td>
</tr>
<tr>
<td>County Precinct Boundary Establishment Orders</td>
<td>7</td>
</tr>
</tbody>
</table>
CHAIRMAN OKESON: I'm going to call the Election Commission public session to order, noting that we have a quorum. Today's date, Monday, January 3rd, 2022, 1:30, Conference Room A. Noting the following members are present: Myself, Chairman Paul Okeson; Vice Chair Suzannah Wilson Overholt; Member Karen Celestino-Horseman; and Member Litany Pyle.

I also note that both co-directors, Brad King and Angie Nussmeyer, as well as co-counsel, Matthew Kochevar and Valerie Warycha, are also present.

Our court reporter, Maria Collier, is here. When you speak, if you are speaking today, I'd remind you to please come forward, state your name and spell it for the court reporter so we can get accuracy for the minutes.

And with that, we'll move on. I seek to notice documentation of proper public meeting, recognizing Co-Director King.

MR. KING: Mr. Chairman, members of the Commission, on behalf of myself and Co-Director Nussmeyer, I certify that proper notice of this meeting was given in accordance with Indiana's Open Door Law.

CHAIRMAN OKESON: Thank you.
Moving on, approval of the December 6, 2021, Commission meeting minutes. I recognize the co-directors to present the meeting minutes.

MR. KING: Mr. Chairman, members of the Commission, on behalf of myself and Co-Director Nussmeyer, we have reviewed the proposed minutes and recommend them to you for your approval.

CHAIRMAN OKESON: Can I get a motion to approve?

VICE CHAIRMAN OVERHOLT: So moved.
CHAIRMAN OKESON: Second?
MS. PYLE: Second.
CHAIRMAN OKESON: Any discussion or questions on that?

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

VICE CHAIRMAN OVERHOLT: Aye.
MS. CELESTINO-HORSEMAN: Aye.
MS. PYLE: Aye.
CHAIRMAN OKESON: The "ayes" have it. Minutes are approved.

Moving on, if you're planning on speaking or addressing the Commission today, will you please rise and take the oath provided by Co-Counsel Kochevar.
MR. KOCHEVAR: All those who will testify before the Indiana Election Commission, please rise, raise your right hand, please say "I do" after recitation of the oath.

Do you solemnly swear or affirm the testimony you are about to give to the Indiana Election Commission is the truth, the whole truth, and nothing but the truth? Please say "I do."

ALL: I do.

CHAIRMAN OKESON: Thank you, Mr. Kochevar. Moving on, we have approval of a campaign finance enforcement order from a previous meeting, Order 2022-1. I recognize the Election Division's campaign finance staff, Ms. Taylor and Ms. Thompson, to present the information and the documents and penalties assessed by the Commission to campaign finance proceedings on December 6th.

MS. THOMPSON: Yes. Mr. Chairman, members of the Commission, Order 2022-1 has been prepared from the actions taken at the December 6th meeting, and this order is ready for adoption.

CHAIRMAN OKESON: Is there a motion to adopt?

VICE CHAIRMAN OVERHOLT: So moved.

CHAIRMAN OKESON: Second?

MS. PYLE: Second.
CHAIRMAN OKESON: Any discussion or questions? I think we've been through this pretty thoroughly before.

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

VICE CHAIRMAN OVERHOLT: Aye.
MS. CELESTINO-HORSEMAN: Aye.
MS. PYLE: Aye.
CHAIRMAN OKESON: The "ayes" have it. The motion carries. Thank you.

Moving on -- I'm sorry?

VICE CHAIRMAN OVERHOLT: Signature stamps.
CHAIRMAN OKESON: Oh, by consent, can we authorize the use of signature stamps?

VICE CHAIRMAN OVERHOLT: Consent.
MS. CELESTINO-HORSEMAN: Consent.
MS. PYLE: Consent.
CHAIRMAN OKESON: Thank you. Appreciate it.
MR. KING: Mr. Chairman, may I clarify that consent applies to any order adopted by the Commission today.

CHAIRMAN OKESON: That would be great, yes.

Moving on, we have adoption of the county precinct establishment orders by the Commission.
The Commission has received a request from the
co-directors for the Commission to conduct a hearing today under Indiana Code 3-11-1.5-18 to consider the approval of county precinct establishment orders for certain counties whose proposed precinct changes have been reviewed by the Election Division and the Office of Census Data of the Legislative Services Agency, and been found in compliance with state law, but for which the county was unable to provide sufficient time for publication of legal notice of these proposed changes so that a voter of the county would have the right to file an objection to the proposed changes and request a hearing by the Commission regarding the matter.

I understand that representatives from several of these counties are present at the meeting today. Beginning in the front row and working back, please identify yourself and the county and the individuals who will speak on behalf of your county. Please remember to spell your name, again, for the court reporter so we can have accuracy for the record.

Who's first?

MS. FREEMAN: Vanderburgh County. Linda Freeman, Vanderburgh County surveyor.
CHAIRMAN OKESON: Go ahead.

MS. FREEMAN: Basically I missed putting two of the precincts in. We originally had Center Precinct 11, Center Precinct 14, Center Precinct 16, Center Precinct 17, Scott Precinct 1, Scott Precinct 2. I inadvertently omitted Ward 1, Precinct 18; Ward 1, Precinct 19.

The original publication went in the paper December 18th minus the two precincts, Ward 1, 18; Ward 1, Precinct 19. The second publication went in the paper December 26, 2021. It was just with everything, the compression of time and some other issues that we were dealing with, I just missed it.

CHAIRMAN OKESON: Okay.

MR. KING: Mr. Chairman, members of the Commission, behind the yellow tab in your binders is Order 2022-5, which is the order for the approval of the establishment precinct boundaries in Vanderburgh County.

CHAIRMAN OKESON: Okay.

MS. FREEMAN: This is my first time with this type of thing, so if you have any questions. Like I said, it was just an inadvertent oversight, and as soon as I noticed it, I let Stephanie Davidsen know. And then we tried to get it in the paper,
but our paper wasn't publishing New Year's Eve, New Year's Day -- or not New Year's Eve, Christmas Eve and Christmas Day, so we got it in as soon as we could. And the whole thing had been posted in the clerk's office with all of them because it was just -- like I said, the entire posting that you guys approved -- that was approved was posted in the clerk's office. It was just a matter of not listing those two precincts.

CHAIRMAN OKESON: Yeah. I understand. I probably should take a motion on this first. So I appreciate your comment.

MS. CELESTINO-HORSEMAN: I move that we adopt it.

CHAIRMAN OKESON: Yeah. Sorry. Thank you. Is there a second?

MS. PYLE: Second.

CHAIRMAN OKESON: Any further discussion or any questions? Please, go ahead.

MS. CELESTINO-HORSEMAN: There is a typo. In the second paragraph, it says "Montgomery County." I think that was supposed to be Vanderburgh County.

CHAIRMAN OKESON: Yeah.

MS. CELESTINO-HORSEMAN: And also, it says on page 2, under Section 1, "The proposed precinct
establishment order." What is that?

CHAIRMAN OKESON: Where are you?

MS. CELESTINO-HORSEMAN: It says that Vanderburgh County submitted a proposed precinct establishment order, and that's what we're passing the order for. So what is that? There's an email that's attached. Is that it?

MS. NUSSMEYER: If I might, Mr. Chairman --

CHAIRMAN OKESON: Please.

MS. NUSSMEYER: -- since Stephanie is my staff person and managed the Vanderburgh County, the Marion County, Montgomery County for purposes of today's discussion. She has a very large accordion file -- well, Vanderburgh County was smaller -- a file folder. Counties are required to submit what we call an IEC-8 form, which outlines which precincts are being combined or slivers taken off of it, just whatever the adjustments might be for the precinct boundaries, along with census blocks, name of the polling location, maps, split census block, aerial photography.

That documentation has been reviewed by myself and Mr. King, and we signed an order allowing the county to move forward with their public notice, which, as Ms. Freeman -- right?
MS. FREEMAN: Yes.

MS. NUSSMEYER: -- mentioned, was not published timely for the second publication to add in those two precincts. So Mr. King and myself have already approved the precinct establishment order, if you will. This hearing is just the opportunity for someone from Vanderburgh County to come forward to present an objection to the proposed plan, which, if you would like to look at it, Stephanie can share with you --

MS. CELESTINO-HORSEMAN: No, I trust you. Okay. So that's what's been designated. Anything that they have submitted is designated as the precinct establishment order.

MS. NUSSMEYER: The commissioners actually draft and write the ordinance to create the precinct establishment order, and so a copy of that has been provided to Stephanie as well. So once the Commission -- if the Commission approves the request today, then the commissioners' order will go into effect.

MS. CELESTINO-HORSEMAN: Okay. Well, that's what I was just asking because it says that this order that we're submitting is incorporating this proposed precinct establishment order that was
submitted by Vanderburgh. And what you're telling me is that what you all have labeled as the proposed precinct establishment order that we're adopting is in that file folder over there.

MS. NUSSMEYER: All of the documentation for it, correct. And your order, at least in my mind, replaces the order that Brad and I signed off on because they missed their publication notice.

MR. KING: And, Mr. Chairman, if I can add, I agree with Co-Director Nussmeyer's characterization of the actions that the co-directors have engaged in in this matter.

MS. CELESTINO-HORSEMAN: So I'm just curious. When you file this, then, will you attach what the order is that you two signed that sets forth all the precincts and that material? Does that all go in a file together?

MS. NUSSMEYER: Yes.

MS. CELESTINO-HORSEMAN: Perfect. I should have known it would be perfect.

VICE CHAIRMAN OVERHOLT: Can I ask a question?

CHAIRMAN OKESON: Absolutely.

VICE CHAIRMAN OVERHOLT: I'm -- and maybe -- what, do we do this once every ten years or so? Is that what it is, or so?
MS. NUSSMEYER: Every few years.

VICE CHAIRMAN OVERHOLT: Every few years.

Okay. The thing that is confusing to me is that in the very first "whereas" clause, so it looks -- so the ten days for a voter to object is after January 4th. So we're sitting here today on January 3rd, so are we -- so does that mean that voters -- I mean, is the whole purpose of this to have it so voters -- I'm trying to say this in a delicate manner.

CHAIRMAN OKESON: So they have something to object to?

VICE CHAIRMAN OVERHOLT: To shorten the objection period or something? I guess I don't understand because it's not January 4th yet.

MS. NUSSMEYER: Right. So the hearing replaces the ten-day public comment period. So there are instances -- and you'll hear from other counties as well -- where they didn't have time to publish notice because their request was approved after the publication deadline.

Let me take a step back. In order for a county to hit the January 4th deadline, which is the day before candidate filing, notice must have been published in the newspaper not later than
Christmas Day. So in Vanderburgh County's particular instance, their revised notice was published on December 26th, which would put them after January 4th.

So our office posts notice about a hearing regarding a precinct establishment order so that folks who might have a complaint can attend the hearing and lodge those complaints and have their questions answered by the county. And then the Commission would take all of the facts and evidence and determine whether or not to approve the precinct establishment order.

VICE CHAIRMAN OVERHOLT: And so however that was posted by law is deemed to be sufficient to kind of notify folks in Vanderburgh County that, if they want to say something, they've got to be here today?

MS. NUSSMEYER: Yes.

MR. KING: And, Mr. Chairman, I would add again my concurrence with Co-Director Nussmeyer. And as the vice chair indicated, this is a process the Commission has engaged in in the past, most recently several years ago with Howard County where they had a problem with the legal notice actually getting published in the paper. And so the
Commission conducted a hearing on or about this day to provide the opportunity for objection and approval that we've discussed.

CHAIRMAN OKESON: Okay. Thank you. What do we need to do relative to the correction of --

MR. KING: Mr. Chairman, members of the Commission, you could have a motion to correct the scrivener's error and take that by consent, if you wish.

MS. CELESTINO-HORSEMAN: I'll move to amend my motion regarding the order, that in paragraph 2, first full paragraph 2, the word "Montgomery" be removed and the word "Vanderburgh" be put in its place.

CHAIRMAN OKESON: Is that correct as a point of order? Can we do that?

MR. KING: Yes.

CHAIRMAN OKESON: All right. So we have a motion to amend. Need a second.

MS. PYLE: Second.

CHAIRMAN OKESON: Any discussion about that motion to amend?

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

VICE CHAIRMAN OVERHOLT: Aye.
MS. CELESTINO-HORSEMAN: Aye.

MS. PYLE: Aye.

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

MR. KING: You need a motion on the main order.

CHAIRMAN OKESON: And we have a motion on the main order, so what do we do with that?

MR. KING: You can have a motion to approve Order 2022-5, if that's the wish of the Commission, as amended.

CHAIRMAN OKESON: As amended. Okay. So now a motion to adopt Order 2022-5 as amended. Is there a motion?

VICE CHAIRMAN OVERHOLT: So moved.

CHAIRMAN OKESON: Second?

MS. PYLE: Second.

CHAIRMAN OKESON: Any discussion?

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

VICE CHAIRMAN OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MS. PYLE: Aye.

CHAIRMAN OKESON: The "ayes" have it. The motion carries.
MS. FREEMAN: Thank you.

CHAIRMAN OKESON: Who's next?

MR. LEWIS: Yes. My name is Scott Lewis from Clark County, Indiana. I'm the county attorney.

CHAIRMAN OKESON: Clark is which tab?

MR. KING: Mr. Chairman, that would be the white tab, second tab.

CHAIRMAN OKESON: Do we need to start with a motion before we hear testimony?

MR. KING: Sure.

CHAIRMAN OKESON: Just give us one quick second.

MR. LEWIS: Okay.

CHAIRMAN OKESON: So we have Clark County, Order 2022-2. Would anyone like to offer a motion to approve the order?

VICE CHAIRMAN OVERHOLT: So moved.

CHAIRMAN OKESON: Second?

MS. PYLE: Second.

CHAIRMAN OKESON: Now, please.

MR. LEWIS: Okay. So I think this is a little different where we didn't make a mistake or it wasn't because we didn't timely publish our notice. Our notice was published timely on December 23rd, so that was two days before the December 25th
deadline. There were no errors in the notice that was published in the newspaper. So we timely published it, and we also had a signed order from the Election Division signed on December 22nd approving our precinct changes. So I'm a little confused why Clark County was asked to be here, with all due respect I mean.

CHAIRMAN OKESON: Sure.

MS. NUSSMEYER: Certainly. If I might, Mr. Chairman, because I was the second person to sign it. I didn't, I guess, review the date. I didn't have that -- I left the office on December 22nd after 5 o'clock, and the 23rd and 24th was a state holiday. And I returned to the office on December 27th, and that's when I had the opportunity to review and sign off on the Clark County filing.

So the county, although they may have published on December 23rd, did not have authorization from the Election Division to move forward with that notice because they require a signed order from both Mr. King and myself in order to move forward with that notice. And so in that regard, Clark County, as I understand, would be present because they didn't have an order in which
to actually move forward with publishing their notice. And I'll defer to Mr. King because this was Ms. Clark's county to manage.

MR. KING: Mr. Chairman, members of the Commission, again, I agree with Co-Director Nussmeyer. This is a situation where the county's newspaper notice was published prematurely because Co-Director Nussmeyer signed on the date she indicated, not the date indicated in the order. So to remove any question regarding the validity of the proposed precinct changes, this matter was scheduled for hearing today.

CHAIRMAN OKESON: Okay. Any questions? Sounds pretty --

All right. So we have a motion and a second. Hearing no further discussion, all those in favor signify by saying "Aye."

VICE CHAIRMAN OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MS. PYLE: Aye.

CHAIRMAN OKESON: Aye.

The "ayes" have it. The motion carries.

MR. LEWIS: Thank you.

CHAIRMAN OKESON: Thank you for being here.

MR. LEWIS: You're welcome.
CHAIRMAN OKESON: Who's next? Which county is this?

MS. DOUGLAS: I'm Karyn Douglas from Montgomery County. It's K-a-r-y-n.

CHAIRMAN OKESON: Give us just a second.

MR. KING: Mr. Chairman, members of the Commission, that's behind the orange tab in your binder.

MS. DOUGLAS: So the complaint has been made --

CHAIRMAN OKESON: Just one second. We'll have to get a motion here and open the floor for some discussion.

Okay. So we have Order 2022-4. Is there a motion to approve the order?

VICE CHAIRMAN OVERHOLT: So moved.

CHAIRMAN OKESON: Second?

MS. PYLE: Second.

CHAIRMAN OKESON: Thank you. Okay. Please.

MS. DOUGLAS: So the complaint was made about our ten days on our publication. I miscalculated when I published. I gave it within plenty of notice to our paper. It actually went in and was published the first day on the 20th, and I had they have until the 29th in order to be able to file a
complaint with the Election Commission -- or the Division. And if you count the 20th as day 1, then the 29th would be day 10, but it's not ten full days because of that new deadline.

So I'm not sure if that's what I was, honestly, and I'm kind of with Vanderburgh County. The rush this year -- I did this ten years ago. It was nothing like it was this year. But we actually have passed review with the U.S. Bureau of Census Data, and we also have our signed order from the Election Division saying that everything was good. If my date was correct, you wouldn't be seeing me. I'd already be done by now.

VICE CHAIRMAN OVERHOLT: Happy New Year.

MS. DOUGLAS: Exactly.

CHAIRMAN OKESON: Any questions? Any comments?

Hearing none, we have a motion and a second to approve Order 2022-4. All those in favor signify by saying "Aye."

VICE CHAIRMAN OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MS. PYLE: Aye.

CHAIRMAN OKESON: The "ayes" have it. The motion carries.
MS. DOUGLAS: Thank you guys.
CHAIRMAN OKESON: Thank you. Thanks for coming.

Which county?
MR. MANN: Marion.
CHAIRMAN OKESON: Blue tab. All right. We have Order 2022-3. Can I get a motion to approve?
VICE CHAIRMAN OVERHOLT: So moved.
MS. PYLE: Second.
CHAIRMAN OKESON: We have a second.
Please, go ahead.
MR. MANN: Mr. Chairman, members of the Commission, my name is Ryan Mann. I'm here representing Indianapolis and Marion County.
CHAIRMAN OKESON: Spell your last name.
MR. MANN: M-a-n-n.
CHAIRMAN OKESON: Thanks.
MR. MANN: So first, I want to thank the co-directors but also direct a lot of thanks to Stephanie Davidsen. There's a heavy lift that comes with reviewing Marion County. We had a lot of back-and-forth, but we were able to receive our sign-off from the co-directors the afternoon of the 27th, and noon of -- sorry -- the 20th, and noon of the 20th would have been when we would have had to
have notice sent in.

    CHAIRMAN OKESON: Okay. Any questions?

Nothing to add?

    We have a motion.

    MS. CELESTINO-HORSEMAN: I have a question.

    CHAIRMAN OKESON: Sure. Go ahead.

    MS. CELESTINO-HORSEMAN: Is there any pertinence to this memorandum that's attached to this proposed order?

    CHAIRMAN OKESON: I didn't see it.

    MS. NUSSMEYER: If I might. So that is the memo that Marion County submitted along with all of their IEC-8s and maps and all the other -- that is in the large accordion file over there that you're welcome to look at, but we saved a few trees instead of making 4,000 pages of copies for you to look at today.

    So their memo is just outlining some of the trickier precincts, if you will, in that some were under-600 precincts, which state law allows for some exceptions, explaining why those exceptions are, in fact, allowable when referring to the IEC-8 and the precinct there, but also talks a little bit about how they calculated inactive voters and active voters for purposes of creating new
precincts and what their methodology was behind that so, if Mr. King or myself had questions as we were reviewing all of their IEC-8s, we would have something to refer back to to make sure that our understanding and their understanding aligned.

And so Mr. King and I both approved Marion County. It just so happened it was on Christmas Eve, I think was when Mr. King was able to sign the order over the holiday, but not enough time for Marion County to get notice published in their newspaper since they weren't publishing, I think, on Christmas Eve or Christmas Day in Marion County.

MR. KING: And, Mr. Chairman, members of the Commission, I concur with the information provided by Co-Director Nussmeyer.

CHAIRMAN OKESON: Okay. Any other questions? We have a motion and a second. All those in favor signify by saying "Aye."

VICE CHAIRMAN OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MS. PYLE: Aye.

CHAIRMAN OKESON: The "ayes" have it. The motion carries. Thank you.

Do we have anybody else? Is that it for the day?
Having no others, I believe we are scheduled
tomorrow at this same time, same location, for
1:30 -- yeah, please.

MS. FREEMAN: Linda Freeman, Vanderburgh
County surveyor. I would like to give kudos to
Ms. Davidsen because I know we were -- it was
difficult, crazy, crazy this year.

MS. DOUGLAS: The whole state's Election
Division.

MS. FREEMAN: Yes. You guys, thank you,
because trying to cram six months worth of work in
six weeks was just -- you know, we had some
commissioners that wanted to do some more things,
and I said we're barely going to have time to do
what we really kind of need to do to come into
compliance with the over-2,000 active voter.
Luckily, we only had the three precincts that were
actually that, and then we just needed to do the
one census line to make things a little easier
rather than going through some homes to try to
figure out, oh, this one should be here or there,
because, like I said, we had lines going through
homes. But I want to give kudos to everyone.
Thank you.

CHAIRMAN OKESON: Well, thank you for that.
It's an often unnoticed job on both sides, and they do it exceptionally well. I wouldn't sit here if these folks weren't here. I can tell you that certainly. But thank you for that, and I'm sure it's noted for the record as well. Thank you.

With that, we've finished our business for the day. Can I get a motion to adjourn?

MS. CELESTINO-HORSEMAN: I move we adjourn.

CHAIRMAN OKESON: Second?

MS. PYLE: Second.

CHAIRMAN OKESON: All those in favor. We're adjourned.

(The Indiana Election Commission Public Session was adjourned at 1:55 p.m.)
STATE OF INDIANA

COUNTY OF HAMILTON

I, Maria W. Collier, a Notary Public in and for said county and state, do hereby certify that the foregoing public session was taken at the time and place heretofore mentioned between 1:30 p.m. and 1:55 p.m.;

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 12th day of January, 2022.

[Signature]

My Commission expires: December 5, 2024

Job No. 168494
approve 5:9 15:11 17:9 18:16
21:15 22:19
approved 5:21 10:7 12:5 14:20
approves 12:19
approving 19:5
assessed 6:16
attach 13:14
attached 11:7
attend 15:7
attorney 18:4
authorization 19:20
authorize 7:14
Aye 5:16,17,18,19 7:5,6,7,8
16:24,25 17:1,2,20,21,22,23
20:17,18,19,20,21 22:20,21,22,23
ayes 5:20 7:9 17:3,24 20:22
22:24
back 8:17 14:22
Basically 9:2
Beginning 8:17
behalf 4:21 5:5 8:19
binder 21:8
binders 9:16
block 11:21
blocks 11:19
boundaries 9:18 11:19
Brad 4:9 13:7
Bureau 22:9
C

call 4:1 11:16
campaign 6:11,14,17
candidate 14:24
carries 7:10 17:4,25 20:22 22:25
Celestino-horseman 4:7 5:18
7:7,16 10:13,20,24 11:3 12:11,22
13:13,19 16:10 17:1,22 20:19
instance 15:2
instances 14:18
issues 9:13

J
January 4:4 14:6,7,15,23 15:4

K
Karen 4:7
Karyn 21:3
kind 15:15 22:6
King 4:9,19,20 5:4 7:19 9:15
17:5,9 18:6,10 19:22 20:2,4 21:6
know 9:25
Kochevar 4:11 5:25 6:1,10

L
labeled 13:2
large 11:13
law 4:24 8:8 15:14
left 19:12
legal 8:10 15:24
Legislative 8:7
Lewis 18:3,13,21 20:23,25
Linda 8:24
listing 10:9
Litany 4:8
location 11:20
lodge 15:8

M
made 21:10,20
main 17:5,8
make 18:22
manage 20:3
managed 11:11
manner 14:10
maps 11:20
Maria 4:12
Marion 11:12
material 13:16
matter 8:14 10:8 13:12 20:11
Matthew 4:10
meeting 4:18,23 5:2,3 6:12,20
8:16
Member 4:7,8
members 4:5,20 5:4 6:18 9:15
16:6 20:4 21:6
mentioned 12:2
mind 13:6
minus 9:9
minutes 4:16 5:2,3,6,20
miscalculated 21:21
missed 9:2,13 13:8
mistake 18:22
Monday 4:3
Montgomery 10:21 11:12 16:12
21:4
motion 5:8 6:22 7:10 10:11 16:7,
11,19,22 17:4,5,7,9,13,14,25
18:9,15 20:15,22 21:12,15 22:18,
25
move 4:17 10:13 11:24 16:10
19:20,23 20:1
moved 5:10 6:23 17:15 18:17
21:16
Moving 5:1,22 6:11 7:11,23

N
newspaper 14:25 19:2 20:7
note 4:9
notice 4:18,22 8:10 11:24 13:8
14:20,24 15:2,5,24 18:23,24 19:1,
21,23 20:2,7 21:23
noticed 9:24
notify 15:15
noting 4:2,4
Nussmeyer 4:10,22 5:6 11:8,10 12:2,15 13:5,18 14:1,16 15:18,20 19:9 20:8,8
Nussmeyer's 13:10

O

oath 5:24 6:4
object 14:5,12
objection 8:12 12:8 14:14 16:2
offer 18:15
office 8:6 10:5,8 15:5 19:12,15
omitted 9:6
open 4:23 21:12
opportunity 12:7 16:2 19:16
orange 21:7
orders 7:24 8:4
ordinance 12:16
original 9:8
originally 9:3
outlines 11:16
oversight 9:23

P

paragraph 10:21 16:11,12
passed 22:9
passing 11:5
past 15:22
Paul 4:6
penalties 6:16
perfect 13:19,20
period 14:14,17
person 11:19,10
photography 11:21
place 16:14
plan 12:9
planning 5:22
plenty 21:22
point 16:15
polling 11:20
posted 10:4,7 15:14
posting 10:6
posts 15:5
precincts 9:3,9 10:9 11:17 12:4 13:16
prematurely 20:7
prepared 6:19
present 4:5,11 5:3 6:15 8:16 12:8 19:25
pretty 7:2 20:14
previous 6:12
problem 15:24
proceedings 6:17
process 15:21
proper 4:18,22
proposed 5:6 8:5,10,12 10:25 11:4 12:9,25 13:3 20:11
provide 8:9 16:2
provided 5:24 12:18
public 4:2,18 11:24 14:17
publication 8:10 9:8,10 12:3 13:8 14:21 21:21
publish 14:20 18:23
publishing 10:1 20:1
purpose 14:8
purposes 11:12
put 15:3 16:13
putting 9:2

Q

question 13:21 20:10
quick 18:11
quorum 4:3

R

raise 6:3
ready 6:21
received 7:25
recently 15:23
recitation 6:4
recognize 5:2 6:13
recognizing 4:19
recommend 5:7
record 8:22
regard 19:24
relative 16:5
remember 8:20
remind 4:14
remove 20:10
removed 16:13