Indiana Election Commission
Minutes
January 4, 2022

Members Present: Paul Okeson, Chairman of the Indiana Election Commission ("Commission"); Suzannah Wilson Overholt, Vice Chairman of the Commission; Karen Celestino-Horseman, member; Stephanie Beckley, Proxy for Litany A. Pyle, Member.

Members Absent: Litany A. Pyle, Member.

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.

Others Attending: Ms. LeAnn Angerman; Ms. Michelle Fajman; Mr. C.J. Gilsinger; The Hon. Destry Richey, Cass County Circuit Court Clerk; The Hon. Mike Stajduharm Cass County Commissioner; Mr. John Tritt; Ms. Cynthia White.

1. Call to Order:

The Chair called the January 4, 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 following scrivener's error is corrected:

Page 34, line 11, replace “goes” with “does”.

The Commission adjourned its meeting at 2:09 p.m. EST.

Respectfully submitted,

J. Bradley King
Co-Director

Angela M. Nussmeyer
Co-Director
APPROVED:

[Signature]

Paul Okeson, Chairman
In the Matter Of:

INDIANA ELECTION COMMISSION PUBLIC SESSION

Transcript of Proceedings

January 04, 2022
INDIANA ELECTION COMMISSION

PUBLIC SESSION

Conducted on: January 4, 2022

Conducted at: Indiana Government Center South
302 West Washington Street, Conference Room A
Indianapolis, Indiana

A Stenographic Record by:

Maria W. Collier, RPR, CRR

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APPEARANCES

INDIANA ELECTION COMMISSION:
Paul Okeson - Chairman
Suzannah Wilson Overholt - Vice Chairman
Stephanie Beckley, as Proxy for 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
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CHAIRMAN OKESON: All right. Noting it's
1:30, I'm going to call the Indiana Election
Commission public session to order. Today is
Tuesday, January 4, 2022, 1:30, Conference Room A
here in Government Center South. Noting that we
have a full commission present: Myself, Chairman
Paul Okeson; Vice-Chair Suzannah Wilson Overholt;
Member Karen Celestino-Horseman; and proxy for
Litany Pyle, Stephanie Beckley.

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

Our court reporter again is Maria Collier from
Stewart Richardson. And before we go on, if you're
going to come up and make any presentations to the
Commission, I'll ask that you state your name and
spell it for the court reporter so we have an
accurate record in the minutes.

Moving on, I would ask that the compliance
with the Open Door Law has been verified and
confirm with the co-director.

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 the Indiana Open Door Law.

CHAIRMAN OKESON: Thank you.

With that, we move on to administration of the oath. If you're planning on providing any information to the Commission today, please rise and follow the direction of Co-Counsel Kochevar.

MR. KOCHER: If you plan to give testimony before the Indiana Election Commission, please raise your right hand and please say "I do" after recitation of the oath.

Do you solemnly swear or affirm that 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: Moving on, we have adoption of 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 Lake County, whose proposed precinct changes have been reviewed by the Election Division and Office of Census Data of the
Legislative Services Agency, and been found to be 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 there are representatives of Lake County present for the meeting today. Any of those who would like to speak on behalf of Lake County, please step forward.

As we consider any conversation or testimony, we'll first look at the proposed order, which is 2022-6. Is there a motion to approve the order?

VICE CHAIRMAN OVERHOLT: So moved.
CHAIRMAN OKESON: Is there a second?
MS. BECKLEY: Second.
CHAIRMAN OKESON: Having a motion and a second, we'll now proceed to any testimony.

Go ahead. State your name for the record.

MS. ANGERMAN: LeAnn Angerman. I'm the assistant director for Lake County Board of Elections and Registration.

CHAIRMAN OKESON: Can you spell your name for
CHAIRMAN OKESON: Thank you.

MS. FAJMAN: I am Michelle Fajman, M-i-c-h-e-l-l-e. Fajman is F-a-j-m-a-n. I am the director of the Lake County Board of Elections and Registration.
CHAIRMAN OKESON: Go ahead.

MS. FAJMAN: Our submission has now gone through OCD, and I believe it's been approved by both of them. It was not done in order for us to meet the legal requirements of doing the legal notice, but I went ahead and posted it anyway in a way that would be transparent for the voters of Lake County. So it was posted on the 24th, but at that point in time, it had not passed their approval, but, again, just thought I'd be a little proactive and if it came in at the last minute, that it would be ready. So voters of Lake County have been notified of our changes, and we would request approval.
CHAIRMAN OKESON: Any questions? Anyone want to add anything?

So we have a motion to accept Order 2022-6 and
a second. Hearing nothing further, all those in favor signify by saying "Aye."

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

The "ayes" have it. The motion carries.

Thank you.

MS. FAJMAN: Thank you very much.
MS. ANGERMAN: Thank you very much for your time.

CHAIRMAN OKESON: Appreciate you coming all this way to be with us.
MS. ANGERMAN: Happy to do so.

CHAIRMAN OKESON: Next item on the agenda, yesterday an objection to proposed precinct establishment orders from Cass County was filed with the Indiana Election Division. A copy of the objection, which consists of two documents, is included in our binder under the Cass County tab.

Before proceeding, I move the Commission adopt the following procedures for consideration of the matter, which are based on the procedures we've used for conducting candidate challenge hearings previously.
The hearing will begin by recognizing Election Division staff to provide information about the documents provided to the Commission members, including the orders issued by the Cass County Commissioners, the Election Division co-directors, and notice of this meeting given to the county and the objector, Ms. Cynthia White. Unless there is objection, the documents provided to the Commission by the Election Division will be entered into the record of this meeting.

After the Election Division staff completes its presentation, the challenger, Ms. White, will be recognized first. The challenger or challengers or authorized representative may present their case for not more than seven minutes, unless the Commission votes to allow additional time to the presenter. Commission members may ask questions during the presentation, but the time spent answering those questions will not count against the seven minutes allocated. The Election Division may signal the Chair, myself, when the presenter's time is up.

If any presenter offers additional documents or physical evidence not previously received by the Commission, then the original must be provided to
the Election Division, and I'd ask that you hand it to our co-counsel, Valerie Warycha, down here on my right to preserve for the record.

A representative for Cass County Commissioners will be recognized following the presentation of the objector. The county representative may also present their case for not more than seven minutes, unless the Commission votes to allow additional time for the presenter from Cass County.

Following the presentation by the objector, the county representatives may cross-examine the objector. Following the presentation by the county representative, the objector may cross-examine the county representative. The cross-examination in all cases will be limited to two minutes, unless the Commission votes to allow additional time. Cross-examination must be limited to questions regarding statements made by either presenter. Following the presentation by the county representative, the objector may present a rebuttal of no more than two minutes.

The Commission may dismiss the cause of any challenger who has failed to appear and testify before the Commission.

Is there any objection from the Commission
members or any individual present to these procedures?

   VICE CHAIRMAN OVERHOLT: No.

   CHAIRMAN OKESON: Hearing none -- do I need a second?

   VICE CHAIRMAN OVERHOLT: Do you want a motion to approve instead of just asking if there's an objection?

   CHAIRMAN OKESON: Well, I moved it, so is there a second?

   VICE CHAIRMAN OVERHOLT: Sorry. Second.

   CHAIRMAN OKESON: There's a second. Any discussion on the proposed?

   Hearing none, all those in favor.

   VICE CHAIRMAN OVERHOLT: Aye.

   MS. CELESTINO-HORSEMAN: Aye.

   MS. BECKLEY: Aye.

   CHAIRMAN OKESON: Aye.

   These are the procedures.

   We'll now begin with consideration of this matter. The Election Division has provided copies of the documents from Cass County, the Election Division, and the Office of Census Data and Legislative Services Agency in this matter, and a copy of the notice to the president of the Cass
County Commissioners in this matter is in your binders.

We now recognize Cynthia White or her representative to make the first presentation.

MS. WHITE: May I read my objection?

MS. CELESTINO-HORSEMAN: May I ask a question?

CHAIRMAN OKESON: Sure.

MS. CELESTINO-HORSEMAN: Is it the same objection that you filed with us?

MS. WHITE: Yes, it is.

VICE CHAIRMAN OVERHOLT: You need to state and spell your name.

MS. WHITE: Go ahead and ask your question.

MS. CELESTINO-HORSEMAN: I'm sorry. Yeah. You need to state and spell your name for the record.

MS. WHITE: Oh, excuse me. My name is Cynthia White, C-y-n-t-h-i-a, White, W-h-i-t-e.

MR. TRITT: Yes. And I'm John Tritt, J-o-h-n, T-r-i-t-t.

MS. CELESTINO-HORSEMAN: Mr. Chairman?

CHAIRMAN OKESON: Sure. Go ahead.

MS. CELESTINO-HORSEMAN: One point of order. Since we have had this and I have reviewed this and Suzannah has reviewed it and I'm sure you have, I
don't know if our other person has had the opportunity, but I would like to forego reading of it unless someone here thinks it's necessary. It's already made part of the record.

CHAIRMAN OKESON: Yeah. I'm inclined to agree, with the exception that they seem to have driven quite a distance to be here.

MS. CELESTINO-HORSEMAN: I think she can add other comments.

CHAIRMAN OKESON: We're offering them seven minutes, so --

MS. WHITE: Honestly, as she pointed out, what's in my objection, I don't really have anything else to add to it, if that's acceptable. If not, I would be glad to go ahead and read it.

CHAIRMAN OKESON: Have you had a chance to review it?

MS. BECKLEY: She's welcome to read it, as far as I'm concerned.

CHAIRMAN OKESON: You've got your seven minutes. Go ahead.

MS. WHITE: You would like me to go ahead and read it?

CHAIRMAN OKESON: Sure, if you would like to.

MS. WHITE: Honestly, what I would prefer to
do is answer questions, if that's okay. I don't have to read it.

CHAIRMAN OKESON: That's completely fine.

Does anyone have any questions?

MS. CELESTINO-HORSEMAN: I have a question.

CHAIRMAN OKESON: Sure. Go ahead.

MS. CELESTINO-HORSEMAN: So I found some stuff interesting in your complaint that I don't know if we can necessarily do anything about it, but it's bothersome. The proposed ward and county district boundary changes, you say those were not filed. How would an everyday citizen go about getting a copy to review to see what the new boundaries are?

MS. WHITE: I appreciate that question. That is a big part of my problem. We were supposed to have ten days, the voters, to review this information. Six of those days the county courthouse was closed, so we only -- and it was during a major holiday and a pandemic. I don't believe that the voters of Cass County were allowed the amount of time in order to look at those documents and also -- and to understand them.

I'd like to show you something right here. This was part of what was available. There were seven pages of these numbers. These are census
ward numbers. I had no idea what they were. They're not labeled. I don't think that the average voter would understand what these are, nor would they have had the time, even if they did understand them, to --

CHAIRMAN OKESON: Is that a document you brought with you?

MS. WHITE: Yes, it is.

CHAIRMAN OKESON: Would you please give the original to Ms. Warycha.

MS. WHITE: Sure. I'll give you all of them, if that would be helpful. I think there's even more of them. I apologize for not having them all separated out for you.

MR. TRITT: There's one precinct with two active voters listed.

MS. WHITE: There may be duplicates in there because John is also going through there, but there are seven pages total.

MS. WARYCHA: I'll give these to you all to review them now.

VICE CHAIRMAN OVERHOLT: We can just pass them along.

MR. KING: And, Mr. Chairman, we'll direct those to be labeled as Objector's Exhibit No. 1.
MS. CELESTINO-HORSEMAN: So do you want to go ahead and explain the significance, then, of No. 1 again now that we have a reference number for the record.

MS. WHITE: For those?

MS. CELESTINO-HORSEMAN: Yes.

MS. WHITE: As I said, those are census ward numbers, which I've never heard of before. I'm just here for the voters of Cass County. This is not something -- these pages, these numbers are not labeled. It does not indicate what they are or what they represent. And, again, there were only four days that the public had access to the county courthouse to even look at these. I believe it would probably take a special kind of software in order to determine exactly what these numbers meant. It would take an extremely long time. As you saw, there's seven pages, and you can see how many numbers are on each page.

MR. TRITT: It begs the question, is it easier for whom? This came from the county commissioners, but it's not easier for the voters, I would propose. I'm a voter in Cass County. It's not easier for me.

VICE CHAIRMAN OVERHOLT: Were the maps -- so
in our binders we've got, I think, what looks like it's the same documents as are in Exhibit 1, and then with those, so it looks like for each precinct there's that list that you've provided and then a map of the proposed precinct. When you went to look at the documents, were you able to see kind of that list and then also what that translated to in terms of the proposed precinct boundaries?

MS. WHITE: Actually, I was out of town because it was the holiday, and I did not have an opportunity to actually go to the courthouse on the days that they were open. Another voter got access to those and made copies of them for me.

One of the things that I think is lacking here as far as the maps go, there's no overlay to show people what the exact changes are, and I think that would have made things much easier to understand by the voters.

MS. CELESTINO-HORSEMAN: When did the county commissioners vote on this?

MS. WHITE: I don't know.

MS. CELESTINO-HORSEMAN: Was there a meeting noticed where they sent it out and said it's on the agenda?

MS. WHITE: Not that I'm aware of, not that
was made to the public. It was probably on their agenda which they had there at the meeting.

MR. TRITT: I don't see it.

MS. CELESTINO-HORSEMAN: So the only way, though, that the public could get these to look at them is, number one, they'd get it in the form of census data and, number two, they'd have to go down to the seat of county government to be able to get them? They weren't available on the Internet or were they published in the newspaper?

MS. WHITE: No, just the notice that it was going -- that they had been proposed, the boundary changes, and where they could be seen and what dates they could be seen, the ten-day period, and that if you had an objection, it had to be filed by June 3rd -- or January 3rd at noon.

MS. CELESTINO-HORSEMAN: So I notice that they -- I've just been handed documents that on December 20th they did do a notice of proposed precinct boundary changes, and they do list the precincts that were getting the boundary changes.

MS. WHITE: Do you know where that was posted?

MS. CELESTINO-HORSEMAN: Indiana Media Group in Greensburg. Oh, what is it?

VICE CHAIRMAN OVERHOLT: We can address
questions to the county. I think some of these are more appropriate probably to the county.

MS. CELESTINO-HORSEMAN: I would agree.

Okay. So you have the problem with the notice.

MS. WHITE: Correct.

MS. CELESTINO-HORSEMAN: Now, moving that issue aside, your next issue?

MS. WHITE: My next issue is that the newly proposed precincts for Deer Creek East, West, Eel North, Eel East, Noble North, Logansport 4, Washington South may have familiar names, but it's not easily found by the voters. And also --

MS. CELESTINO-HORSEMAN: Okay. My question is: What do you mean by that? Because once these precincts are adopted and everything, you can go to -- there's various software out there, probably for the county and for the state, where you type in your address and it will tell you the precinct and it will give you the location where you're going to go vote.

MS. WHITE: Okay.

MS. CELESTINO-HORSEMAN: And if you register to vote for the first time, the county clerk will figure out what precinct and everything you belong
MS. WHITE: All right.

MS. CELESTINO-HORSEMAN: So I did have a question as to why that was a concern.

MS. WHITE: Well, the other part of my concern with those is that I see 3-11-1.5-3.1 states that precincts may not be established after June 30, 2019, with fewer than 600 active voters. Some of these altered precincts only have four voters, six voters, or 27 voters.

MS. CELESTINO-HORSEMAN: And, you know, I too thought that's ridiculous. It is ridiculous. But I also understand that, the way it's been explained to me -- and if I'm incorrect, please let me know. But the way it's been explained to me is, if you have a precinct with less than 600 voters, you can't do it unless that precinct crosses, like, a congressional district line, a township boundary. Then you can have less than. And I think the problem that probably played a role in here in some part -- and you live there, I don't -- but they drew new congressional districts which basically split your county down the middle, which changed the ball game, so to speak. So they can't cross over that.
So even though you have -- and I don't know whether you have vote centers there or not, but if you have -- you do? Well, that will make it somewhat easier, but having to keep track of a precinct with four voters and to deal with that, and 27 voters, I'm sure the clerk would probably not want to have to worry about that either, but those do take the priority.

Now, do you understand the law to be something different?

MS. WHITE: Yeah. I think I understand exactly what you're saying.

MS. CELESTINO-HORSEMAN: Okay. So I think that that was the problem. I mean, I think you're right. I think it's ridiculous. And I do agree with you on your -- and this is something I will ask the county about, is that the reason why they drew new things was to make it easier to draw the city council districts. That's not a reason that's in the statutes either.

MS. WHITE: Exactly.

MS. CELESTINO-HORSEMAN: So we'll find out what that means.

So let's see here. You have "Altered precinct Logansport 1 under 'General Precinct Information'"
does not indicate whether this is a new precinct."

MS. WHITE: Uh-huh.

MS. CELESTINO-HORSEMAN: I think -- was that a new precinct, Director Nussmeyer? Oh, no. I got it.

MR. TRITT: This map.

MS. CELESTINO-HORSEMAN: Yeah. They don't -- a new precinct becomes one -- the way the change is interpreted is, if you move the precinct boundary line, you're basically drawing a brand-new precinct. But when you change the name only, then that's not a new precinct. It's just the same precinct with a different name. Am I correct?

CHAIRMAN OKESON: I'm going to recognize Co-Director King.

MR. KING: Oh, I'm sorry. Mr. Chair, members of the Commission, I was just mentioning that since the witness presented the map, it would now need to be provided for the record.

CHAIRMAN OKESON: Would you please provide that to Valerie Warycha.

MR. TRITT: Yes. It appears that wards were drawn instead of majority population.

CHAIRMAN OKESON: And for the record, will we make that Exhibit 2?
MR. KING: Yes.

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

CHAIRMAN OKESON: Please.

MS. NUSSMEYER: So at least in my view, the IEC-8 form, which is a form created by both co-directors of the Election Division which asks for a number of things from the county, including which precincts may be impacted by altering precinct boundaries, what the census blocks are and how those are -- what census blocks compose, if it is a split census block, that there's aerial imagery attached to it, the form itself asks a number of things that aren't necessarily required in statute.

The term "new precinct," at least from my perspective, means there's been some sort of change to the precinct. But as I understand from the Office of Census Data, if the precinct name has not changed, it is not a new precinct. They only want to know if it is a new precinct because it is wholly new. So that term, if it's a new precinct, whether it's marked or not, to me, is not a fatal flaw with the IEC-8 submission because that's somewhat subjective, depending on who is completing the form and their understanding of it.
MR. KING: Mr. Chairman, members of the Commission, I agree entirely with Co-Director Nussmeyer with regard to the legal requirements of the IEC-8 and the fact that "new precinct" is somewhat ambiguous because different entities use it in different ways.

CHAIRMAN OKESON: Some of this seems to be spelled out in this memo from the Cass County clerk; correct?

VICE CHAIRMAN OVERHOLT: That's the memo, yeah, that sets forth the rationale.

CHAIRMAN OKESON: Yeah, about how these changes, including the renaming of some districts or some precinct boundaries --

VICE CHAIRMAN OVERHOLT: Right.

MS. CELESTINO-HORSEMAN: Have you seen this memo? Wait a minute. Yeah. Have you been provided a copy of this memo from the clerk of the Cass County courts?

MS. WHITE: I have not.

MS. CELESTINO-HORSEMAN: I'm going to give you a copy of it. It was apparently -- was it filed on the 1st?

MS. NUSSMEYER: That's my understanding, yes. So the counties have to submit certain
documentation to the State as part of our review, along with the Office of Census Data, so they would have filed it at the time of the initial submission and worked with their assigned staff person to perfect the filing until it got to a point where the co-directors could agree it was in good shape enough to -- it met the legal requirements to have published notice.

CHAIRMAN OKESON: Would you reflect in the record that she handed the memo to Ms. White.

Any other questions?

MS. CELESTINO-HORSEMAN: Just a minute, Mr. Chair. I started to call you "Your Honor."

MS. WHITE: I've had a chance to read it.

Thank you.

MS. CELESTINO-HORSEMAN: I think we've pretty much covered it.

CHAIRMAN OKESON: Did you have anything else you'd like to offer?

MS. WHITE: I don't think so at this time.

MS. CELESTINO-HORSEMAN: Is the complainant provided time for rebuttal?

CHAIRMAN OKESON: Yeah, as established in the rules.

MS. CELESTINO-HORSEMAN: Yeah. That's what I
thought.

So you understand that?

MS. WHITE: Yes.

MS. CELESTINO-HORSEMAN: Once you sit down, then the county will come forward and speak --

CHAIRMAN OKESON: Well, prior to that, the county will have an opportunity to cross-examine.

MS. CELESTINO-HORSEMAN: Okay, okay. Yeah, cross-examine.

CHAIRMAN OKESON: So you may be asked some questions.

MS. WHITE: Okay.

CHAIRMAN OKESON: Okay. Would members of the county step forward. State and spell your names for the record, please.

MR. STAJDUHAR: My name is Mike Stajduhar, and I definitely need to spell that name, S-t-a-j-d-u-h-a-r. Cass County commissioner.

MS. RICHEY: My name is Destry Richey. It's D-e-s-t-r-y, last name Richey, R-i-c-h-e-y. And I'm the Cass County clerk.

MR. GILSINGER: My name is C.J. Gilsinger. It's C.J., and Gilsinger is G-i-l-s-i-n-g-e-r. And I'm the IT director for Cass County.

CHAIRMAN OKESON: So prior to giving us your
presentation, do you have any cross-examination or
questions for the objectors?

    MS. RICHEY: Did any of you call the Cass
County clerk or the commissioner's office?

    MS. WHITE: None of the three of us did.
    MS. RICHEY: Did any of you send an email to
the commissioner or Cass County clerk's office?

    MS. WHITE: I believe Lita Rouser did. As I
said, there were several people that were
concerned, and I know Lita had taken it upon
herself to email.

    MS. RICHEY: And Lita is the --
    MS. WHITE: She is the chairman of the Cass
County Democrats.

    CHAIRMAN OKESON: Would you mind spelling her
name?

    MS. WHITE: Lita Rouser, L-i-t-a, R-o-u-s-e-r.
    CHAIRMAN OKESON: Thank you.
    MS. RICHEY: Did any of you actually come in
to the courthouse to view the documents that we had
in the binder that was made available to the
public?

    MS. WHITE: No. As I stated earlier, I was
out of town because of the holiday on the days that
the courthouse was open. I don't know that -- I
don't know for sure if anybody else was there.

MS. RICHEY: We only had two people ask questions and come in to look, and they were already working in the government building. I spent an hour with each one of them explaining everything, and they did not have any questions afterwards.

CHAIRMAN OKESON: Okay. Do you want to just move into your presentation?

MR. STAJDUHAR: Yes, yes. Let's go ahead and do that. Thank you for hearing our side of this matter. I'd like to mention, first of all, that not only did we, of course, approve this in a duly called meeting of the Commission on December 20th, but we also had discussed this at a prior meeting of the Commission, I believe, back in either late September or early October.

I think, as many of you are aware, Cass County had particularly difficult problems redistricting because not only were we split between the 2nd and 4th congressional districts, but the lines did not respect township lines and were extremely convoluted, which caused us immense problems. We tried to make good faith effort to equalize districts within our council, for example. That
resulted in having to shift a precinct from one
council district to another.

There was just a lot of complications. We
made our best faith effort. Even with regard to
the county commissioner districts, which we are not
required to equalize because of population, we
actually made a change there to try to make that a
little more equal. So we made every possible good
faith effort to do the right thing for the county
voters.

I'd like to turn it over now to Destry.

MS. RICHEY: In regards to some of the
townships, the reason why there's only four or six
or 27 is that they only took one census block out
of the township, and we had to turn that into its
own precinct because of congressional lines. Now,
where Deer Creek was concerned, they did sort of
divide that one a little bit better but not by
much. But we've tried to work with what we had.

We also know that the problem was that you
have to have, at maximum, a 10 percent population
discrepancy between your largest council district
and your lowest council district. Ours was over
20 percent. So we had to redo the precincts to be
able to get every -- the council districts in
compliance with that 10 percent.

As Mike stated on the commissioners, we tried to make -- yes, it has to be condensed and confined, but we did try to divide as best as we could by population also. So we actually took one whole township out of one of the districts and stuck it in another district to try and make it as fair as possible.

MR. STAJDUHAR: And I believe, with regard to council districts, I think we got our variation down to 6 percent. Am I correct on that?

MS. RICHEY: It's almost at 10 percent, but, remember, we had that new housing addition coming in --

MR. STAJDUHAR: That's right.

MS. RICHEY: -- so we made that low one the housing addition, so once that goes in in one or two years, we're still in compliance.

MS. CELESTINO-HORSEMAN: Just a note. What we have been finding here in our commission is that the public really seems to be -- transparency is the new buzzword, especially for the political process. And so it doesn't matter whether they're Republicans; it doesn't matter whether they're Democrats. They come together in unity on that
particular issue.

So I can understand the concern. I mean, I understand the difficulty you had in putting this all together because of the change in the congressional districts. But I would just say for the future, as we're finding, if you want to avoid this kind of thing, if you can put it on your websites and tell people to go to the website and just be honest and say we're dealing with this; if you have a map, put it up there; if you don't have a map, tell them we don't have a map but this is what we have.

MS. RICHEY: I'm going to defer to C.J. We do have a GIS on our website that they can look at and put in their address and --

MS. CELESTINO-HORSEMAN: But I'm talking about the process beforehand. If you're going to tell them in the middle of a pandemic over a holiday that you've got ten days to file a question or complaint, you need to give them access to it. I mean, there are people -- even though the courthouse would have been open for four of those ten days, there's still people out there that don't want to, because they're immunocompromised or whatever, that do not want to have to go somewhere.
MS. RICHEY: And I did -- back in October, when I sent everything in to the Election Department -- Commission, I also emailed the county chairs all those IEC-8s and all the maps and everything, and I do have the emails to prove it.

I then redid it last week per Lita's -- Lita Rouser's emails to me, and at 3:00 a.m., I received the last one. So I went in early at 6:30 and scanned it all back in and sent it back out to everybody so that we could be as transparent, because I understand that people are scared to come out, we're in a pandemic. And we have tried everything possible that we could to make it as transparent as possible. And I would have taken the time out, Mike would have taken the time out, C.J. would have taken the time out to talk to people. I even gave my cell phone number out.

CHAIRMAN OKESON: And I note too for the record in her cross-examination asking if they reached out, other than the email, which you sound like you've been quite responsive to, from Ms. Rouser, there has been nothing.

MS. RICHEY: Yes, correct.

MS. CELESTINO-HORSEMAN: So the maps were done in October?
MS. RICHEY: That's when we submitted all of the proposals to the Indiana Election Division. We actually sent it in October 14th.

MS. CELESTINO-HORSEMAN: But after they come in, they have to be approved by the census group and they have to be approved by our co-directors.

MS. RICHEY: Right, right.

MS. CELESTINO-HORSEMAN: And then you finally get the word back that it's okay.

MS. RICHEY: That it's okay to put it in the paper. And we received notice -- I think it was signed on the 14th by the Election Commission, and we received it about that time.

CHAIRMAN OKESON: The 14th of December?

MS. RICHEY: December. Sorry. And then we had to wait for the weekend. The commissioners met on the 20th to sign the order, the ordinance, and then to give the okay to put it in our paper. Our paper requires three days before they'll even put it in. So they were going to put it on December 24th, and our auditor worked some magic and got it in on December 23rd.

MR. STAJDUHAR: In summary, we basically, we believe, made good faith effort not only in terms of the notification and the procedure, but also in
terms of the substance. We did everything possible, given what I think was a very difficult situation for Cass County.

CHAIRMAN OKESON: Yeah.

MS. CELESTINO-HORSEMAN: I'll ask one question because I said I would, the thing about where the reason you gave was that it was --

MS. RICHEY: It was easier.

MS. CELESTINO-HORSEMAN: -- easier.

MS. RICHEY: We worked with Lori, and we're, like, there's this little-bitty line, and she goes try to be as precise as possible. Because we knew we were going to have to do major reprecincting, we did reach out to the city because it was going to affect their wards. And we knew if we didn't take care of it all this year, we were going to have to go back again next year when they redid their wards and do this all over again. So we did contact them, and that's why it says easier to help with the city wards.

MS. NUSSMEYER: Mr. Chairman, if I could, just to help provide a little more context.

CHAIRMAN OKESON: Please.

MS. NUSSMEYER: The redistricting standards are different than our reprecincting standards in
3-11-1.5. So the county has to look at too when they need to recertify or redraw their commissioner and council districts in 2021. In nearly all cases, when they draw those districts, they cannot cross a precinct boundary.

So if they had population issues, the real option for the county is to bust up the precincts to create what they need in order to achieve their equal population, which is a requirement. When they're drawing county council districts, it will be a requirement of municipalities in nearly all cases but not every. There's exceptions to the statute when they redraw next year in 2022 -- well, this year when they are commanded to also redraw or recertify those municipal district boundaries.

MR. STAJDUHAR: So that issue kind of conflicted with our other goal of trying to reduce the number of precincts, so it was a balancing act, and we did the best we could to allow the city some flexibility and also reduce the number of precincts in the city.

CHAIRMAN OKESON: Co-Director King.

MR. KING: Mr. Chairman, members of the Commission, I concur entirely with Co-Director Nussmeyer's description of the various processes
involved here. It is one that involves several moving parts and different levels of government, and so it's extremely complicated to achieve all of the steps necessary to comply with each of the constitutional or statutory requirements.

CHAIRMAN OKESON: Seems like a little bit of gymnastics.

MR. STAJDURAR: Surely.

CHAIRMAN OKESON: Anything else? Any other questions?

MS. CELESTINO-HORSEMAN: Thank you for being so forthright.

CHAIRMAN OKESON: You have an opportunity to cross-examine, if you'd like it.

MS. WHITE: I really don't have any cross-examination. I do have a question, though. Is there a way, if the situation -- this type situation comes up, is there not a way that those ten days could have been extended because of the holiday to allow for that?

CHAIRMAN OKESON: Well, I think in terms of our procedures here, you're really limited to ask them questions about comments they made on the record in terms of the presentation, so I'll have to limit you to that.
MS. WHITE: Okay.

MS. CELESTINO-HORSEMAN: Mr. Chair, if I may say something.

CHAIRMAN OKESON: Sure.

MS. CELESTINO-HORSEMAN: That ten days is prescribed by statute, so we cannot change the statute. That's up to the legislature. It does seem odd that they put that ten days to run including Christmas and New Year's in that, but they did.

MS. WHITE: Correct. Thank you.

CHAIRMAN OKESON: And then in addition to your cross-examination, if you'd like a rebuttal to anything that was said, you're offered that for two minutes.

Thank you.

MS. RICHEY: Thank you.

MS. WHITE: I think I've stated everything that I had -- I felt needed to be addressed.

CHAIRMAN OKESON: Well, I'm going to close the hearing on this matter at this point in time. And for purposes of discussion, I move that the objection filed in this matter be denied and that the Commission adopt Order 2022-7 to approve the Cass County precinct establishment order.
Is there a second?

VICE CHAIRMAN OVERHOLT: Second.

CHAIRMAN OKESON: Any further discussion?

MS. CELESTINO-HORSEMAN: I just want to say thank you for taking the time out to read the maps, and thank you for deciding to participate in the process. You know, I mean, it's good the county got to explain it. You can go back now and tell people there what the problems were. They obviously were operating under an onerous time. The legislature split your county, and then you had census data running late and everything else. So, you know, it was just the perfect storm, so to speak.

MS. WHITE: Yeah. Well, I appreciate you listening to what I had to say, and I also appreciate everything that the commissioners -- all the hoops you had to jump through.

MR. STAJDHUAR: Thank you.

CHAIRMAN OKESON: Anything else under discussion?

So we have a motion and a second to approve 2022-7. Hearing no further discussion, all those in favor signify by saying "Aye."

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

MS. BECKLEY: Aye.

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

By consent, can we use signature stamps for the orders?

MR. KING: For both orders.

CHAIRMAN OKESON: For both orders.

VICE CHAIRMAN OVERHOLT: Yes, consent.

MS. CELESTINO-HORSEMAN: Consent.

MS. BECKLEY: Consent.

CHAIRMAN OKESON: With that, I believe we've finished our business for the day. I'll take a motion to adjourn.

VICE CHAIRMAN OVERHOLT: So moved.

CHAIRMAN OKESON: Second?

MS. CELESTINO-HORSEMAN: Second.

CHAIRMAN OKESON: All those in favor.

VICE CHAIRMAN OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MS. BECKLEY: Aye.

CHAIRMAN OKESON: Thank you.

(The Indiana Election Commission Public Session was adjourned at 2:09 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 2:09 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.

My Commission expires: December 5, 2024

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