

Indiana Election Commission
Minutes
January 5, 2023

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

Members Absent: None.

Staff Attending: J. Bradley King, Co-Director, Indiana Election Division of the Office of the Secretary of State (Election Division); Angela M. Nussmeyer, Co-Director of the Election Division; Matthew Kochevar, Co-General Counsel of the Election Division; Valerie Warycha, Co-General Counsel of the Election Division; Ms. Abbey Taylor, Campaign Finance; Ms. Michelle Thompson, Campaign Finance.

Others Attending: Mr. Kenneth Jones; Ms. Julia Vaughn.

1. Call to Order:

The Chair called the January 5, 2023 meeting of the Commission to order at 1:30 p.m. EST in the Indiana Government Center South Conference Room B, 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 2:06 p.m. EST.

Respectfully submitted,

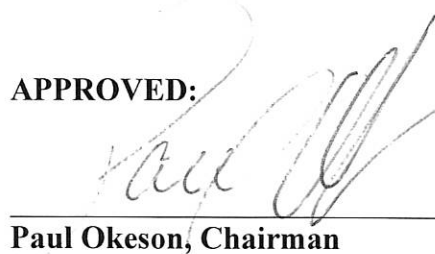


J. Bradley King
Co-Director



Angela M. Nussmeyer
Co-Director

APPROVED:



Paul Okeson, Chairman

In the Matter Of:
INDIANA ELECTION COMMISSION PUBLIC SESSION

Transcript of Proceedings

January 05, 2023

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2 INDIANA ELECTION COMMISSION
3 PUBLIC SESSION
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7 Conducted on: January 5, 2023
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11 Conducted at: Indiana Government Center South
12 402 West Washington Street, Conference Room B
13 Indianapolis, Indiana
14

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16 A Stenographic Record by:
17 Maria W. Collier, RPR, CRR
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APPEARANCES

INDIANA ELECTION COMMISSION:

Paul Okeson - Chairman

Suzannah Wilson Overholt - Vice Chairman

Litany Pyle - Member

Karen Celestino-Horseman - Member

INDIANA ELECTION DIVISION STAFF:

Angela M. Nussmeyer - Co-Director

J. Bradley King - Co-Director

Matthew Kochevar - Co-Counsel

Valerie Warycha - Co-Counsel

Michelle Thompson - Campaign Finance Director

Abbey Taylor - Campaign Finance Director

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1 CHAIRMAN OKESON: I'd like to call to order
2 the Indiana Election Commission public session for
3 Thursday, January 5, 2023, 1:30, Conference Room B
4 here at the Government Center South.

5 The following members of the Commission are
6 present: Myself, Chairman Paul Okeson; Vice-Chair
7 Suzannah Wilson Overholt; Member Karen
8 Celestino-Horseman; and Member Litany Pyle.

9 I also recognize the Indiana Election Division
10 staff, Co-Director Brad King and Co-Director Angie
11 Nussmeyer along with Co-Counsels Matthew Kochevar
12 and Valeria Warycha.

13 Our friend and court reporter Maria Collier
14 from Stewart Richardson Deposition Services is also
15 here. And I just want to remind anyone who might
16 be speaking here today to follow the rules and
17 announce yourself and spell your name for the court
18 reporter.

19 I recognize the co-directors to confirm Open
20 Door compliance.

21 MR. KING: Mr. Chairman, members of the
22 Commission, notice of this meeting was given in
23 accordance with the requirements of the Indiana
24 Open Door Law.

25 CHAIRMAN OKESON: Thank you.

1 Next on the agenda we have the approval of the
2 September 9, 2022, Indiana Election Commission
3 meeting minutes. I recognize the co-directors for
4 presentation of the minutes.

5 MR. KING: Mr. Chairman, members of the
6 Commission, the September 9, 2022, Commission
7 minutes have been prepared, reviewed by
8 co-directors, and recommended for the Commission's
9 approval.

10 CHAIRMAN OKESON: Is there a motion to approve
11 the minutes as presented?

12 VICE CHAIRMAN OVERHOLT: So moved.

13 MS. PYLE: Second.

14 CHAIRMAN OKESON: Having a motion and a
15 second, is there any discussion?

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

18 VICE CHAIRMAN OVERHOLT: Aye.

19 MS. CELESTINO-HORSEMAN: Aye.

20 MS. PYLE: Aye.

21 CHAIRMAN OKESON: The "ayes" have it. The
22 minutes are approved.

23 Moving on, I think we have ratification of
24 campaign finance settlement agreements. I
25 recognize the Division's campaign finance staff,

1 Mr. Taylor and Ms. Thompson, to present the
2 information.

3 MS. THOMPSON: Mr. Chairman, members of the
4 Commission, behind the Campaign Finance tab is a
5 list of committees that are ready to ratify that
6 have agreed to pay the settlement agreement and
7 waive a hearing.

8 CHAIRMAN OKESON: Is there a motion to ratify
9 the campaign finance settlements as presented?

10 VICE CHAIRMAN OVERHOLT: So moved.

11 CHAIRMAN OKESON: Is there a second?

12 MS. PYLE: Second.

13 CHAIRMAN OKESON: Having a motion and a
14 second, is there any discussion?

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

17 VICE CHAIRMAN OVERHOLT: Aye.

18 MS. CELESTINO-HORSEMAN: Aye.

19 MS. PYLE: Aye.

20 CHAIRMAN OKESON: The "ayes" have it. The
21 ratification of agreements is adopted. Thank you.

22 Adoption of campaign finance enforcement
23 orders, again, I recognize the Division staff,
24 Ms. Taylor and Ms. Thompson, to present the
25 information on campaign finance enforcement.

1 MS. THOMPSON: Mr. Chairman, members of the
2 Commission, Orders 2022-08 through 2022-274 have
3 been prepared from the actions taken at the
4 September 9th meeting, and these orders are ready
5 for adoption.

6 CHAIRMAN OKESON: Is there a motion to adopt
7 the Orders 2022-8 through 2022-274 as presented?

8 VICE CHAIRMAN OVERHOLT: So moved.

9 MS. PYLE: Second.

10 CHAIRMAN OKESON: A motion and a second. Is
11 there any discussion?

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

14 VICE CHAIRMAN OVERHOLT: Aye.

15 MS. CELESTINO-HORSEMAN: Aye.

16 MS. PYLE: Aye.

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

19 Can we take by consent the use of signatures?

20 VICE CHAIRMAN OVERHOLT: Consent.

21 MS. CELESTINO-HORSEMAN: Consent.

22 MS. PYLE: Consent.

23 CHAIRMAN OKESON: The motion is adopted.

24 Moving on, next we have the Jones Help America
25 Vote Act Grievance 2022-08. I now recognize the

1 co-directors to submit a draft of the report from
2 the Election Division regarding the grievance that
3 was filed against certain members and employees of
4 the Tippecanoe County Board of Elections and
5 Registration alleging a potential violation of the
6 Help America Vote Act and then recognize both our
7 counsels to provide an overview of federal and
8 state laws that apply to our consideration of this
9 grievance and conclude with the next steps which
10 may be taken by our Commission.

11 MS. CELESTINO-HORSEMAN: Mr. Chair, point of
12 order.

13 CHAIRMAN OKESON: Yes.

14 MS. CELESTINO-HORSEMAN: What is the
15 procedural process? I understand that our
16 co-directors had to get together and do a report,
17 investigate, do a report, which they then present
18 to us. But I'm noticing that the Tippecanoe County
19 clerk is not present. So does this -- I mean, if
20 this were a hearing in a court of law, it would be
21 they're not here, so, therefore, they've waived
22 everything and you win. How does that work in this
23 instance?

24 CHAIRMAN OKESON: This is not a hearing, I
25 don't believe, so those aren't the ground rules.

1 Valerie?

2 MS. WARYCHA: Sure. I'd be happy to take
3 that. So under the Help America Vote Act, the way
4 it works is that a complainant submits a complaint
5 to the co-directors of the Election Division. From
6 there, the co-directors review and see if it is a
7 violation of HAVA. If it is, then they will ask
8 for more facts from both parties, determine if
9 there has been some sort of violation, do an
10 investigation, and then the co-directors submit to
11 the Commission their findings for the Commission to
12 decide to issue a report. And if there were
13 violations, the Commission would recommend how to
14 correct those errors.

15 MS. CELESTINO-HORSEMAN: Okay. So our
16 decision is based solely on the report.

17 MS. WARYCHA: Correct.

18 MS. CELESTINO-HORSEMAN: Okay. Great.

19 CHAIRMAN OKESON: So should I make a motion
20 or, Brad, do you want to...

21 MR. KING: Mr. Chairman, I can start and then
22 yield to Ms. Nussmeyer to add. As you referenced,
23 counsels can provide information on the procedural
24 steps here, and Valerie has already done part of
25 that.

1 In your binders, behind the blue tab is the
2 report from the co-directors dated December 1,
3 2022, to the members of the Election Commission. I
4 won't obviously read it into the record in its
5 entirety but to say that this concerns the federal
6 Help America Vote Act, which requires grievance
7 procedures be administered at the state level with
8 regard to certain violations of the Help America
9 Vote Act. The memo spells out the requirements for
10 the HAVA complaint procedures.

11 When the co-directors receive a complaint,
12 under either the Help America Vote Act or a
13 parallel provision under the National Voter
14 Registration Act, there's an initial determination
15 made as to whether or not -- if the facts are
16 correct and accurate, whether or not a violation
17 has occurred. And so the co-directors made the
18 determination that, if the facts as alleged in the
19 complaint were found to be true, then it would be a
20 violation that would lead to further proceedings in
21 accordance with the federal legislation.

22 I can, as I say, briefly summarize it. This
23 is set forth in the section beginning "State Voter
24 Registration Law and HAVA Grievance 2022-8." I'll,
25 with your indulgence, just read the first two or

1 three paragraphs in the interest of efficiency.

2 "Ken Jones and Julia Vaughn (complainants)
3 filed a state voter registration law complaint on
4 July 25, 2022, and subsequently filed a Help
5 America Vote Act Grievance with the Election
6 Division on August 8, 2022." Copies of the
7 complaint and grievance are found in Exhibit A and
8 B, which are included in the binder.

9 "Federal and state law require a first-time
10 voter in Indiana who registers to vote by mail to
11 provide proof of residency prior to voting.
12 However, a first-time voter whose registration form
13 is submitted by hand-delivery or through
14 alternative delivery methods such as the state
15 online voter registration application or
16 registration through a full-service agency does not
17 need to provide proof of residency documentation."
18 We summarize this in our Indiana Voter Registration
19 Guidebook. The summary is provided in Exhibit K.
20 The complainants allege the Tippecanoe County Board
21 of Elections and Registration incorrectly applied
22 the proof of residency requirement to voter
23 registration forms that were hand-delivered to the
24 Board.

25 We note the co-directors met to discuss the

1 grievance and note the complaint alleges that the
2 board in Tippecanoe County has been applying the
3 requirement to individuals whose registration
4 applications were not submitted by mail and that
5 this "appears to have resulted in at least one
6 newly registered voter whose paper voter
7 registration form was hand-delivered to be required
8 to cast a provisional ballot, that was not counted.
9 At its May 13, 2022, meeting, the Board refused to
10 open and count a voter's provisional ballot,
11 apparently solely because the voter did not produce
12 the proof of residency required of first-time
13 voters who submit their form by mail, in spite of
14 the fact that this voter did not in fact submit
15 their registration application by mail."

16 The co-directors sent letters to the
17 Tippecanoe County Board and two individual
18 employees requesting information about their voter
19 registration practices and a response to the
20 complaint. Copies of the letters sent to the Board
21 and the employees are found in Exhibit C. And at
22 this point, again, rather than read the entire
23 response, I'll summarize, and then I'll again defer
24 to Ms. Nussmeyer to add additional detail.

25 The Tippecanoe County Clerk, Julia A. Roush,

1 who is also a member of the Board of Elections and
2 Registration, sent a response, Exhibit D, that is
3 set forth in detail in the material before you.
4 But I think I can fairly summarize it by saying
5 that, due to an incorrect understanding by at least
6 one employee of the Tippecanoe County Board of
7 Elections and Registration, that a registration was
8 flagged as requiring proof of additional residence.

9 We followed up also and received responses on
10 September 6th of 2022 from attorney Douglas Masson,
11 whose response, Exhibit E, gives a similar response
12 to the complaint. And I think to summarize the
13 first part of this, the Board, in its cumulative
14 responses, indicated that, no, in fact, that was
15 not the policy of the board and that, in fact,
16 individual employees were not directed to require
17 proof of residency in those cases.

18 So I think that's a convenient point for me to
19 defer to Ms. Nussmeyer to continue the presentation
20 of the information we have for you.

21 MS. NUSSMEYER: Thank you, Mr. King.

22 So as he stated, the county provided
23 additional information, sworn affidavits from their
24 staff and the members of the Board. This all was,
25 as Mr. King noted, generated from a request from

1 Mr. Jones just advising or asking about the
2 residency requirements for first-time voters who
3 register to vote by mail and whether or not proof
4 of residency was required if the form was, in fact,
5 hand-delivered.

6 Exhibit B in your binder walks through the
7 Tippecanoe County, at least their initial response
8 as it relates to requiring proof of residency for
9 voters whose form is hand-delivered, and I believe
10 it stemmed from a misunderstanding of what it means
11 to have a mailed in voter registration form. Both
12 state and federal law colloquially use the term
13 "mail in" for a paper registration form, but that
14 mail-in form can, in fact, be used to either
15 hand-deliver or be mailed in to the registration
16 offices, as Mr. King noted.

17 The County set forth a pretty specific
18 understanding of how they viewed IC 3-7-22
19 generally and that it allowed them to ask for proof
20 of residency and to go as far as asking the school
21 for documentation that the student was, in fact, a
22 resident of the county to then confirm whether or
23 not the person was a resident. And Exhibit C has
24 my response to that email saying that was a
25 misunderstanding of the state law.

1 What the County also provided in their sworn
2 statements and information provided to the Election
3 Division was a verified ID report. That is a
4 report that is generated from the Statewide Voter
5 Registration System that shows, in that moment in
6 time, if the verify ID flag is present on a
7 person's record. The verify ID flag is for that
8 small universe of voters who registered to vote by
9 mail and happen to be first-time voters in Indiana.
10 And that's created automatically by our Statewide
11 Voter Registration System when specific data is
12 entered into the system that the registration form
13 was received by mail, and then it determines if the
14 person is a first-time voter and that verify ID
15 flag is added to the record.

16 At the time that the County provided that
17 information to us, there was only a page or two of
18 voters that had a verify ID flag. But the one
19 thing I think the County misunderstood, again, what
20 the use of the report is, and that is to identify
21 people at that moment who have that verify ID flag
22 on their registration record. And I asked Civix,
23 who is our Statewide Voter Registration System
24 database manager, to look at the first quarter of
25 2022 and identify whether or not there were verify

1 ID flags added to registration records and then
2 subsequently removed.

3 And so that is the information and these are
4 just generally my notes in Exhibit G that walk
5 through going through the Statewide Voter
6 Registration System and looking specifically at
7 each individual registration using the data that
8 the County provided as part of their regular data
9 entry activities and entering voter registration
10 data into it. And so there were a few instances
11 where the submission method was noted as walk-in
12 but the received by method was mail, where those
13 two things should be the same, right? There were
14 instances where it was clear the verify ID flag was
15 removed on or around March 18th.

16 And so Mr. Kochevar reached out on my behalf
17 to their attorney, Doug Masson, to request more
18 information from the County, which you can find in
19 Exhibit I. The County had a general response to
20 ask whether or not those ID flags still existed on
21 those records. Mr. Kochevar responded by saying
22 no, it does not appear to be, and there was no
23 additional follow-up by the County in order to
24 provide additional information as requested by
25 myself.

1 So the information that's summarized in this
2 report kind of walks through that Exhibit G,
3 identifies where there are potential HAVA
4 violations, and then Mr. King and I agreed to some
5 corrective actions being made by the Board. It's
6 at least clear, based on our review of the
7 information presented by the County and the
8 additional documentation that our vendor provided
9 to us, that the Board has made corrective action
10 and appears to have adjusted their policy. And
11 when registering first-time voters in Indiana who
12 register to vote by mail and/or those first-time
13 voters who register to vote by hand-delivery and
14 understand now the distinction, that those who have
15 their applications hand-delivered, even if it's not
16 hand-delivery by the voter themselves, that they do
17 not have to provide proof of residency.

18 And then if you look in Section 4 of your
19 report, there are some additional recommended
20 actions. And, Mr. King, I don't know if you want
21 to go into that now, if you want the attorneys to
22 walk through other procedural items within the
23 report or just within statute.

24 MR. KING: Mr. Chair, I think it would be
25 perfectly appropriate to go through the remedy that

1 we have agreed to suggest, and I'll probably have a
2 couple just additional statements. But I'm in
3 agreement with Ms. Nussmeyer's presentation of the
4 situation as it stands.

5 CHAIRMAN OKESON: Okay.

6 MS. NUSSMEYER: So Section 4 are
7 recommendations that Mr. King and I had to share
8 with you in order to recommend to the County to
9 update all of their training materials and other
10 information that the County uses to register people
11 to vote who are first-time voters who have their
12 registrations received by mail or by hand-delivery.
13 We have the Voter Registration Guidebook that has
14 information in it that walks through these
15 procedures pretty explicitly, as does our 2023
16 Election Administrator's Manual.

17 And then we're asking that the County also
18 work with Civix -- again, Civix is our Statewide
19 Voter Registration System database manager who also
20 provides proficiency management or training to
21 County users -- to walk through the data entry
22 screens in the voter registration module to ensure
23 that the data being entered into the system is
24 accurate, accurately reflects what the voter has
25 presented and how that form was delivered to the

1 County.

2 And we noted in Section 5 that the corrective
3 action needs to be taken during this period of time
4 in which registration has reopened for the next
5 election, which happens to be the May 2023 primary
6 election. So once and if this report is adopted by
7 the Commission, then the County needs to take those
8 corrective action steps this spring.

9 MR. KING: Mr. Chairman, if I can add again.

10 CHAIRMAN OKESON: Please.

11 MR. KING: I agree with Ms. Nussmeyer's
12 characterization of our recommendations and report.
13 I wanted to address a couple of specific items.

14 One, in our review and gathering of
15 information from both the complainants and the
16 County, we reached the understanding that there
17 was, in fact, a case where a voter was denied the
18 opportunity to have their provisional ballot
19 counted because of lack of residence. That was a
20 misunderstanding that was subsequently corrected.

21 And, secondly, this was an active omission by
22 staff for which I'll take my share of
23 responsibility. We had a very large conference in
24 December along with a House District 62 recount
25 that engaged our attention, so as a result, we did

1 not give sufficient notice to Clerk Roush regarding
2 the meeting today. We did contact her and send her
3 a copy of this, and she replied with a letter that
4 she asked be entered into the record with her
5 response. But I wanted to explain that her absence
6 was simply due to our oversight and not any
7 omission on her part.

8 CHAIRMAN OKESON: Duly noted. Does the letter
9 you referenced need to be read into the record or
10 simply published in some format?

11 MR. KING: If you wish, I can read it into the
12 record, whatever the Commission prefers.

13 MS. CELESTINO-HORSEMAN: Okay. Here's my
14 question: If we allow them to submit additional
15 materials, do we not then have to offer the other
16 side the same opportunity? And, I mean, does it
17 change your report?

18 MR. KING: Mr. Chairman, no, it does not
19 change my report that Ms. Nussmeyer and I agreed to
20 and the recommendations. This might be the
21 opportunity for counsel to address the next steps
22 because I think that is part of the answer to your
23 question.

24 MS. WARYCHA: I believe that -- are you
25 Mr. Jones? I believe Mr. Jones was here, so if the

1 Commission wanted to provide him an opportunity to
2 give some oral remarks, you could. There's nothing
3 in statute requiring --

4 MS. CELESTINO-HORSEMAN: Well, if we're not
5 going to take --

6 CHAIRMAN OKESON: This not being a hearing,
7 that doesn't seem appropriate.

8 MS. CELESTINO-HORSEMAN: Yeah. We're not
9 going to consider their thing.

10 CHAIRMAN OKESON: My question -- and maybe it
11 needs to be reserved for the discussion after a
12 motion -- is whether or not this letter, as
13 submitted, should be read into the record as
14 requested given what we've just discussed. I
15 certainly don't have an objection to it. I just
16 want it to be appropriate and, I think to your
17 point, in fairness with what we're doing here.

18 MS. CELESTINO-HORSEMAN: Yeah. If it comes
19 in, then we have to offer them the opportunity to
20 speak. If it doesn't come in, then we can just
21 decide this based upon the report we have in front
22 of us.

23 MS. WARYCHA: Correct. So the way that the
24 HAVA complaint violation reads is you've got the
25 report. It's up for the Commission. You are

1 welcome to accept the report, adopt the report that
2 the --

3 MR. KING: Issue.

4 MS. WARYCHA: Issue it -- thank you, Brad --
5 that the Election Division gave you. There is a
6 provision where you could have a hearing later upon
7 request. Go ahead, Brad.

8 CHAIRMAN OKESON: A hearing could be
9 requested, so I guess --

10 MS. WARYCHA: Yeah.

11 MS. CELESTINO-HORSEMAN: Go ahead.

12 CHAIRMAN OKESON: One, we have a motion to
13 approve the report; right?

14 MR. KING: To issue.

15 CHAIRMAN OKESON: Or to issue the report.
16 Sorry. But then, secondarily, we have a request
17 from County Clerk Roush to read this into the
18 record, I believe.

19 MR. KING: Enter it.

20 CHAIRMAN OKESON: Enter it into the record.

21 MR. KOICHEVAR: Mr. Chairman, I do want to make
22 note of one thing, that the letter, since it's been
23 sent to our office, is a matter of public record.
24 Our recordkeeping process has been that, once it is
25 in your binder or we put the official copy in our

1 library, it is part of that. So whenever someone
2 would make a public records request, if they ever
3 do so, for this --

4 CHAIRMAN OKESON: So what I hear you saying,
5 it's part of the record.

6 MS. WARYCHA: I agree with that. Thank you,
7 Matthew.

8 CHAIRMAN OKESON: So with that, I'll forego
9 the reading.

10 VICE CHAIRMAN OVERHOLT: I think, to me, that
11 would mean, in my mind, that we are considering --
12 regardless of the fact that the letter has been
13 attached or has been put in the binder with the
14 report, that the matter before us today is purely
15 the report, the exhibits that are referenced in the
16 report, whether the report should be issued, and
17 that that letter has absolutely nothing to do with
18 our action today, would be my characterization of
19 the situation.

20 CHAIRMAN OKESON: Co-counsel?

21 MS. WARYCHA: I agree that the letter from
22 Clerk Roush would not change anything we're doing
23 today. As Matthew said, it would just become a
24 matter of public record that it was submitted to
25 the Division if anyone was to ask since it's in the

1 binder now. And Matthew wanted to add on to that.

2 MR. KOCHEVAR: I do. I agree on this. I do
3 have one other point to mention that Co-Director
4 Nussmeyer has just pointed out to me that we just
5 want to make clear for you all. So this is the
6 second time that the Commission as all four of you
7 have taken up a HAVA report. There's a subtle
8 difference in this report as opposed to the last
9 one you did a couple months ago, and that has to do
10 with Section 7.

11 It is noted in our findings in the first part
12 of the document under the Division's letterhead
13 that the complainants filed this both under the
14 HAVA administrative complaint procedure as well as
15 the administrative complaint procedure that is for
16 alleged NVRA violations and state voter
17 registration law violations, so violations are
18 things found in IC 3-7.

19 Now, this part, the Election Division's
20 investigative review and this hearing -- or this
21 meeting today follow the same track. It's nearly
22 the identical law on this review and the creation
23 of the report except for a key piece of the items
24 that have to be in the report. Section 7 is only
25 found in the statewide voter registration -- or the

1 state voter registration law complaint, so we want
2 to point that out to you.

3 We are -- I'll say this: It at least was my
4 recommendation, helping draft this report, that
5 Section 7 be put in here so that, if it is
6 approved, we can say as both the Election Division
7 and Commission that you've heard both complaints
8 under both procedures, and if this report is
9 adopted, everything is resolved, and at least this
10 part for this body is completed. And the
11 complainants, if they need to follow other --
12 pursue other remedies that are afforded them under
13 law, at least this part and our part is done.

14 MS. WARYCHA: Agreed.

15 CHAIRMAN OKESON: Do you concur with that?

16 MS. WARYCHA: I do.

17 CHAIRMAN OKESON: Well, we've had a fair
18 amount of discussion without a motion.

19 VICE CHAIRMAN OVERHOLT: I was just going to
20 say I would move that -- we're moving to issue the
21 report?

22 CHAIRMAN OKESON: Yeah. The Commission signed
23 and issued a written report prepared by the
24 Election Division concerning this potential
25 violation of HAVA and that the Election Division

1 provide a copy of the report along with the
2 transcript of this meeting by certified mail to the
3 entities set forth in Indiana Code 4-6-4.5-16.

4 VICE CHAIRMAN OVERHOLT: So moved. Were you
5 moving that?

6 CHAIRMAN OKESON: I'll second.

7 MS. CELESTINO-HORSEMAN: So that's motion to
8 adopt this thing?

9 CHAIRMAN OKESON: To issue. So now discussion
10 on the motion, further discussion.

11 MS. CELESTINO-HORSEMAN: Yeah. So in looking
12 at this, I notice that there is nothing in here
13 that requires Tippecanoe County to get back to us
14 to tell us what they've done or that they've
15 completed this.

16 MS. WARYCHA: That was part of the initial
17 investigation, that both parties were given the
18 opportunity to get back to the Election Division.

19 MS. CELESTINO-HORSEMAN: No, no, no, but to
20 correct the action.

21 VICE CHAIRMAN OVERHOLT: Just to confirm.

22 MS. WARYCHA: Oh, I'm with you. I'm sorry.

23 MS. CELESTINO-HORSEMAN: So can we add some
24 language in there that just says upon completion of
25 your corrective action, please submit something to

1 us to let us know you've done what we've asked you
2 to do?

3 CHAIRMAN OKESON: Brad, can you weigh in on
4 that.

5 MR. KING: Yes, Mr. Chairman, certainly the
6 Commission has the authority -- the Commission is
7 the body issuing this report, and so if you wish to
8 have an amendment added to the text that, in
9 essence, says the Tippecanoe County Board of
10 Elections and Registration shall provide a response
11 to the Election Division regarding the completion
12 of the actions recommended in the report.

13 MS. CELESTINO-HORSEMAN: Yeah. I mean --

14 VICE CHAIRMAN OVERHOLT: I would just amend
15 Section 5 at the end to just add at the end of that
16 that the Board shall provide a report of completion
17 of these recommended actions to the IED no later
18 than, and what's the date? I don't know what the
19 date is. Because this says as soon as -- what does
20 it say? Yeah, as soon as practicable, which is a
21 bit wishy-washy. So what's the date?

22 CHAIRMAN OKESON: So we have a motion to issue
23 the report as it is, so we should vote on that.

24 VICE CHAIRMAN OVERHOLT: Yeah. I think
25 we're --

1 MS. CELESTINO-HORSEMAN: Well, your next
2 election is in 117 days, so presumably we would
3 want it before their next election; right?

4 MS. NUSSMEYER: April 4, 2023, is the
5 registration deadline ahead of the May primary
6 election, which seems to correspond with what
7 Section 5 is sort of inferring.

8 MR. KING: I would agree with Ms. Nussmeyer
9 that April 4, 2023, is a logical date to pick.

10 VICE CHAIRMAN OVERHOLT: But is that the
11 deadline for -- that's the deadline for voter
12 registration?

13 MS. NUSSMEYER: Correct.

14 MR. KING: To submit an application.

15 VICE CHAIRMAN OVERHOLT: So prior to that. So
16 I would say we want it at least 30 days prior to
17 that, so March --

18 CHAIRMAN OKESON: So between today and
19 March 4th?

20 VICE CHAIRMAN OVERHOLT: Yeah. The deadline
21 would be -- so they have to do it and provide us
22 the confirmation they've done it by March 4th,
23 would be my thought.

24 MS. NUSSMEYER: If I might, Mr. Chairman,
25 March 4th is a Saturday, so March 3rd is a Friday.

1 CHAIRMAN OKESON: So maybe make it the 6th?

2 MS. NUSSMEYER: You could do Monday, the 6th,
3 or Friday, the 3rd.

4 CHAIRMAN OKESON: Any different?

5 VICE CHAIRMAN OVERHOLT: If it were court, a
6 deadline falling on a Saturday, they'd have until
7 Monday.

8 CHAIRMAN OKESON: Well, so what --

9 MR. KING: You currently have a motion to
10 amend a pending motion, so you need to consider the
11 amendment first.

12 CHAIRMAN OKESON: Okay.

13 VICE CHAIRMAN OVERHOLT: Would it make things
14 easier if I withdrew my original motion so that we
15 could just amend the report first and then --

16 MS. CELESTINO-HORSEMAN: No. It's the same
17 thing.

18 MR. KING: Same thing.

19 MS. CELESTINO-HORSEMAN: I move to amend the
20 report in the language that Mr. King has just
21 outlined and giving them a completion date of
22 March 6, 2023. And you can second that.

23 CHAIRMAN OKESON: Is there a second?

24 VICE CHAIRMAN OVERHOLT: I'll second that.

25 CHAIRMAN OKESON: Any further discussion on

1 the motion as amended?

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

3 VICE CHAIRMAN OVERHOLT: Aye.

4 MS. CELESTINO-HORSEMAN: Aye.

5 MS. PYLE: Aye.

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

8 MR. KING: And now you have the main motion.

9 CHAIRMAN OKESON: The main motion is still
10 floating out there. So we vote that motion down?

11 MR. KING: No.

12 CHAIRMAN OKESON: So the original motion now
13 as amended.

14 VICE CHAIRMAN OVERHOLT: Right. So the
15 original motion is amended to require that language
16 be inserted in Section 5.

17 CHAIRMAN OKESON: Yes.

18 VICE CHAIRMAN OVERHOLT: All right. There we
19 go.

20 MS. CELESTINO-HORSEMAN: So discussion of
21 another question now.

22 CHAIRMAN OKESON: Was that seconded already?

23 MR. KING: That was seconded.

24 MS. CELESTINO-HORSEMAN: So, now, Mr. Jones,
25 Ms. Vaughn, I presume, have been provided with

1 copies of this proposed --

2 CHAIRMAN OKESON: This report?

3 MS. CELESTINO-HORSEMAN: Of this report.

4 CHAIRMAN OKESON: They will be.

5 MS. WARYCHA: Mr. Jones has.

6 MR. KOCHEVAR: For the record, Mr. Jones did
7 ask for a copy of the draft. Once it was shared
8 with you, essentially that draft became a matter of
9 public record. That has been provided to him. I
10 believe he just lifted it up. So, yes, he is aware
11 of this document.

12 MS. CELESTINO-HORSEMAN: Because I noted in
13 the original complaint they said that they were
14 ready to pursue litigation if necessary, so I would
15 like to ask, does this satisfy --

16 VICE CHAIRMAN OVERHOLT: You're making this a
17 public hearing then.

18 MS. CELESTINO-HORSEMAN: No.

19 VICE CHAIRMAN OVERHOLT: Well, procedurally, I
20 think, so the Division has drafted this report for
21 us to issue. I think we have to issue -- I think
22 the action in question is whether we issue the
23 report or not.

24 CHAIRMAN OKESON: The ball is back in their
25 court.

1 VICE CHAIRMAN OVERHOLT: Right. And then they
2 decide what they want to do.

3 MS. NUSSMEYER: And the one thing I don't
4 believe we have addressed to the Commission at
5 least today, and Valerie alluded to it, is once
6 this report is adopted by this body and then we
7 mail it to the entities that we're required to mail
8 it to, within seven days of mailing the report, a
9 member of this body or the complainant can request
10 that a hearing be -- requesting a hearing on this
11 matter.

12 MS. CELESTINO-HORSEMAN: All right.

13 MS. NUSSMEYER: At that point we would have a
14 formal hearing if, again, a member of the
15 Commission or the complainant wants to request a
16 formal hearing with the Commission.

17 MS. CELESTINO-HORSEMAN: All right.

18 CHAIRMAN OKESON: So there's the option.

19 MS. CELESTINO-HORSEMAN: Yeah.

20 CHAIRMAN OKESON: So we have a motion and a
21 second on the original motion as amended. Any
22 further discussion?

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

24 VICE CHAIRMAN OVERHOLT: Aye.

25 MS. CELESTINO-HORSEMAN: Aye.

1 MS. PYLE: Aye.

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

4 And I believe that was it for the day.

5 MS. CELESTINO-HORSEMAN: Signature consent?

6 CHAIRMAN OKESON: We already did that.

7 MS. NUSSMEYER: That was just for the campaign
8 finance, though.

9 CHAIRMAN OKESON: Signature by consent.

10 VICE CHAIRMAN OVERHOLT: For everything.
11 Everything needs to be signed.

12 CHAIRMAN OKESON: Second.

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

14 VICE CHAIRMAN OVERHOLT: Aye.

15 MS. CELESTINO-HORSEMAN: Aye.

16 MS. PYLE: Aye.

17 CHAIRMAN OKESON: The Commission has finished
18 its business for the day. Can I entertain a motion
19 for adjournment?

20 VICE CHAIRMAN OVERHOLT: So moved.

21 MS. CELESTINO-HORSEMAN: Second.

22 CHAIRMAN OKESON: All those in favor signify
23 by saying "Aye."

24

25

1 VICE CHAIRMAN OVERHOLT: Aye.

2 MS. CELESTINO-HORSEMAN: Aye.

3 MS. PYLE: Aye.

4 CHAIRMAN OKESON: Adjourned.

5 (The Indiana Election Commission Public
6 Session was adjourned at 2:06 p.m.)

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1 STATE OF INDIANA

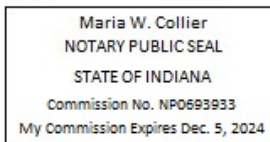
2 COUNTY OF HAMILTON

3 I, Maria W. Collier, a Notary Public in and
4 for said county and state, do hereby certify that the
5 foregoing public session was taken at the time and
6 place heretofore mentioned between 1:30 p.m. and
7 2:06 p.m.;

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

12 IN WITNESS WHEREOF, I have hereunto set my
13 hand and affixed my notarial seal this 13th day of
14 January, 2023.

15
16 *Maria W. Collier*



21 My Commission expires:
22 December 5, 2024

23 Job No. 178101
24
25

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