

*In the Matter Of:*

INDIANA ELECTION COMMISSION

TRANSCRIPT OF HEARING

March 09, 2018



**CONNOR REPORTING**

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Transcript of Hearing  
March 09, 2018

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INDIANA ELECTION COMMISSION  
COMMITTEE MEETING

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Conducted on: March 9, 2018

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Conducted at: Indiana Government Center  
Indiana Election Division  
302 West Washington Street  
Room E-204  
Indianapolis, Indiana 46204

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A Stenographic Record By:  
Lisa C. Pierce

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A P P E A R A N C E S

INDIANA ELECTION COMMISSION:

- Mr. Bryce Bennett - Chairman
- Mr. Adam Dickey - Proxy for  
Vice Chairman Mr. S. Anthony Long
- Mr. Zachary Klutz - Member
- Ms. Suzannah Overholt - Member

INDIANA ELECTION DIVISION STAFF:

- Mr. J. Bradley King - Co-Director
- Ms. Angela M. Nussmeyer - Co-Director
- Mr. Dale Simmons - Co-Legal Counsel
- Mr. Matthew Kochevar - Co-Legal Counsel

1 CHAIRMAN BENNETT: I'll call the meeting of  
2 the Indiana Election Commission back in session  
3 following the end of recess announced on  
4 February 23rd, 2018. The following members of the  
5 Commission are present today: Myself, Bryce  
6 Bennett, the Chairman; Adam Dickey, proxy for Vice  
7 Chairman, Anthony Long; member, Suzannah Overholt;  
8 member, Zachary Klutz.

9 The Indiana Election Division staff is here:  
10 Co-Directors Brad King and Angie Nussmeyer.  
11 Co-General Counsels, Dale Simmons and Matthew  
12 Kochevar. The court reporter today is Lisa Pierce  
13 from Connor & Associates.

14 We have only one item remaining to be  
15 discussed today, and that is the issue of how to  
16 proceed with the Lake County Precinct Consolidation  
17 Plan. And I want to commend everyone here today  
18 for their transparency and diligence in preparing  
19 and exchanging proposed plans for --

20 MS. OVERHOLT: Mr. Chair, if I might, before  
21 you go further, I have a point of order that I  
22 raised when we were last in session, which is that  
23 we actually don't have an agenda item. We  
24 concluded the agenda for the last meeting or for  
25 this meeting when we were last in session. And I

1 had raised at that time that if we're going to  
2 discuss this, I would assume the appropriate route  
3 would be to amend the agenda to include whatever  
4 topic it is we're discussing. You didn't entertain  
5 that motion. But it would seem today that it would  
6 be appropriate to do that.

7 So I would -- I would move that we amend the  
8 agenda to include I guess it's discussion about  
9 kind of next steps for the Lake County  
10 reprecincting.

11 CHAIRMAN BENNETT: Are you making it a motion?

12 MS. OVERHOLT: Yes, I said I was making that  
13 motion --

14 CHAIRMAN BENNETT: Okay.

15 MS. OVERHOLT: Yes.

16 MR. DICKEY: I'll -- I'll second that.

17 CHAIRMAN BENNETT: Okay. We have a motion and  
18 a second.

19 MR. KLUTZ: Open for discussion?

20 CHAIRMAN BENNETT: Yes.

21 MR. KLUTZ: So the purpose is just to amend  
22 the agenda and then have the discussion here during  
23 this meeting?

24 MS. OVERHOLT: Or then to talk about what -- I  
25 mean, I -- it appears that that's what the chair

1 wants to discuss. I'm raising the issue that  
2 there's -- as far as the agenda goes, we -- we have  
3 nothing in front of us. So I am trying to -- I'm  
4 just -- I'm concerned about our compliance with the  
5 open door law and the fact that it wasn't on the  
6 agenda, isn't on the agenda, and I feel that we  
7 should amend the agenda to include.

8 CHAIRMAN BENNETT: I would say this with  
9 regard to the open door law, I raised this issue as  
10 a point of personal privilege, and we had some  
11 discussion at the last meeting. And we recessed  
12 the meeting and sent a second notice out after  
13 that.

14 MS. OVERHOLT: With nothing on the agenda.

15 CHAIRMAN BENNETT: Well, the item that we  
16 already discussed was on the agenda. And,  
17 furthermore, we had -- I mean, the item we  
18 discussed was a -- was a carryover from my point of  
19 personal privilege. And we exchanged documents  
20 which indicated everyone understood what would be  
21 on the agenda. And in terms of legally complying  
22 with the open door law, I guess I would ask counsel  
23 if you have any thoughts, opinions on that.

24 MR. SIMMONS: Mr. Chairman, members of the  
25 Commission, just on a technical open door

1 violation, I did ask the Public Access Counselor,  
2 Luke Britt, a question about whether what -- I gave  
3 him the whole scenario on the Commission recessing  
4 and then reconvening two weeks later and then going  
5 ahead and posting open door law notice like we did.  
6 Witnesses of -- there's been a post -- posted open  
7 door law for this meeting, as I understand it.

8 And his view of the open door law was that  
9 because of the passage of time and the posting of a  
10 new notice, the Commission can proceed even without  
11 an agenda and discuss whatever -- whatever items.  
12 But -- but it certainly does no harm, you know, in  
13 my view, to, you know, pass a motion. But there's  
14 no -- I -- according to the open -- the Public  
15 Access Counselor anyway there's no open door law  
16 violation if you just proceeded with the business  
17 you suggested.

18 CHAIRMAN BENNETT: Yes. Thank you. Any --

19 MR. KOCHEVAR: Yeah. I will just say, I've  
20 not seen the -- if it was in correspondence between  
21 Mr. Simmons and Mr. Britt. But I will recognize,  
22 having read various official opinions from the  
23 Public Access Counselor, that it is certainly a  
24 right of a public agency, which this Commission is,  
25 to amend its agenda while it's in its meeting. But

1 the key thing that I noted -- or that I notice is  
2 that the public agency has to act to amend its  
3 agenda. And so my whole point is that I agree with  
4 Commissioner Overholt that a vote has to be taken  
5 so this can be added on and so it can be discussed.

6 And the only other point I will make is that I  
7 would -- I suggested to Commissioner Overholt and  
8 Mr. Dickey, just because on this particular issue  
9 is under adjudication in federal court. And I  
10 would just like to, with an abundance of caution,  
11 make sure that, you know, things are done as  
12 carefully as possible. 'Cause I think everyone  
13 around this table would desire to have that, you  
14 know, issue resolved as cleanly and as quickly as  
15 possible.

16 MS. OVERHOLT: And I guess I don't quite see  
17 it. 'Cause we're all clearly here for this  
18 meeting. And I guess to correct, the notice that  
19 is hanging up outside this door has nothing on it  
20 in terms of what's going to be discussed at this  
21 meeting. I -- I mean, we're all here. I guess I  
22 don't understand why it -- it seems like there is  
23 reluctance to take action to add this to the  
24 agenda. I just don't quite --

25 CHAIRMAN BENNETT: I guess --



1 MR. KLUTZ: I just want to be able to meet  
2 today and continue.

3 MS. OVERHOLT: Right.

4 MR. KLUTZ: I don't want this to mean that  
5 we're amending the agenda, we have to adjourn  
6 and -- you know.

7 CHAIRMAN BENNETT: I don't think you're  
8 suggesting that. And I think that's what we need  
9 to understand. You're suggesting that we do amend  
10 the agenda today to discuss this issue, and that --

11 MS. OVERHOLT: Right.

12 CHAIRMAN BENNETT: -- we proceed with  
13 discussions today, if that motion carries. Is  
14 that --

15 MR. KLUTZ: Yes.

16 MS. OVERHOLT: Yes.

17 MR. DICKEY: Yes.

18 CHAIRMAN BENNETT: Is that helpful to you,  
19 Commissioner?

20 MR. KLUTZ: Yeah.

21 CHAIRMAN BENNETT: So the motion has been made  
22 and it has a second. We've had our discussion.

23 (A discussion was held off the record between  
24 Mr. King and Chairman Bennett.)

25 CHAIRMAN BENNETT: I am reminded that if we do

1 amend the agenda, we need to post the agenda. And  
2 we can do that right outside the door here today.  
3 Is anyone going to object to that?

4 MS. OVERHOLT: Well, I -- I don't think that's  
5 right. I think we can amend the agenda during the  
6 meeting to dis -- but what -- if that's what  
7 you're -- we'll at let the actual official  
8 attorneys discuss that. But I don't think that's  
9 required.

10 MR. KOICHEVAR: I will just read that --

11 MS. OVERHOLT: But if you want to do that,  
12 that's fine at this point.

13 MR. KOICHEVAR: I don't think -- I don't  
14 actually think that is required. Again, I'm going  
15 off my notes, but this is from two weeks ago.  
16 That's either because an official opinion,  
17 12-FC-43, or formal complaint is before the Public  
18 Access Counselor. 05-SC-04 just states that even  
19 if you -- if you post an agenda, the public agency  
20 has a right to agenda at the meeting and then  
21 continue that meeting on.

22 I've never read anything into it that the  
23 public agenda had to have been reprinted and  
24 republished in order for the public agency to  
25 continue. Just merely the vote to add on an item

1 to the agenda and then, you know, act on it.

2 CHAIRMAN BENNETT: Thank you. Mr. Simmons,  
3 any comments on that?

4 MR. SIMMONS: Well, I can understand the  
5 Chairman's concern because the public -- or the  
6 open door law does say if the -- if the body  
7 operates from an agenda, the agenda has to be  
8 posted. So I'm not sure. I mean, I understand why  
9 you're saying that. Again, I guess it does no harm  
10 to post it. If -- if Mr. Kochevar's concerned  
11 about making sure we have no problems in litigation  
12 and we're in bad form, why not?

13 CHAIRMAN BENNETT: Yeah. Okay. So -- so the  
14 distinction here is that if we are going to go with  
15 an agenda, which it's our position is that's not  
16 necessary. But if we are going to go with an  
17 agenda, then it needs to be posted. That would be  
18 your opinion?

19 MR. SIMMONS: Right. And, as I mentioned, the  
20 open -- or the Public Access Counselor said you  
21 don't have to have an agenda, that you can --  
22 that's not something --

23 CHAIRMAN BENNETT: Right.

24 MR. SIMMONS: -- that's required.

25 CHAIRMAN BENNETT: I think we've had an

1 agreement to disagree on the issue of whether we  
2 need an agenda. So if we go with the agenda, then  
3 are you willing to go with posting that agenda?

4 MR. DICKEY: I mean, are we -- are we  
5 literally talking about taking two minutes to print  
6 it out on a computer and put it on the door?

7 CHAIRMAN BENNETT: Yes. The door is steps  
8 away from us.

9 MR. DICKEY: Yeah. I don't see an issue.

10 CHAIRMAN BENNETT: Okay. So can we amend the  
11 motion to put this item on the agenda and post that  
12 agenda on the door and continue our discussion of  
13 this matter today?

14 MS. OVERHOLT: Sure.

15 MR. DICKEY: Sure.

16 CHAIRMAN BENNETT: Okay. So that motion  
17 has -- I'll make that motion. Is there a second to  
18 that amended motion?

19 MR. KLUTZ: Second.

20 CHAIRMAN BENNETT: Okay. Any further  
21 discussion? All in favors say "aye."

22 THE COMMISSION: Aye.

23 CHAIRMAN BENNETT: All opposed, "nay." Motion  
24 carries. We will add this item to our agenda and  
25 take a few seconds to post it.

1 MR. KING: Take a minute or two.

2 CHAIRMAN BENNETT: A minute or two, okay.

3 MS. NUSSMEYER: Or could we handwrite it --

4 MS. OVERHOLT: Why don't we handwrite it on  
5 the piece of paper that's hanging up there right  
6 now.

7 MR. DICKEY: Sure.

8 MS. OVERHOLT: I mean, who's gonna' look at  
9 it, quite frankly.

10 CHAIRMAN BENNETT: Well --

11 MR. KING: Exhibit Number 1.

12 MR. KLUTZ: It'll just be handwritten.

13 CHAIRMAN BENNETT: Would you read for us the  
14 new agenda, please.

15 MR. KING: Pass it around --

16 CHAIRMAN BENNETT: Okay.

17 MR. KING: -- so everyone sees it.

18 MR. DICKEY: Looks good to me.

19 CHAIRMAN BENNETT: Should I read it for the  
20 record? Just read the agenda item for the record.

21 MR. KING: The agenda item Number 1, Lake  
22 County Precinct Consolidation.

23 CHAIRMAN BENNETT: Okay. And you will post it  
24 on the door.

25 MR. KING: I will scan it and I will post it

1 immediately.

2 CHAIRMAN BENNETT: Okay.

3 And has the agenda been posted, Mr. King?

4 MR. KING: Yes, Mr. Chairman, the agenda has.

5 CHAIRMAN BENNETT: This is precisely the kind  
6 of cooperation that gives me optimism that we may  
7 get something resolved. Thank you all.

8 Okay. I was saying that how much I appreciate  
9 everybody's work that went into exchanging these  
10 proposed plans prior to this meeting. And I think  
11 it would be appropriate for us to use these plans  
12 as a starting point for our discussions today. See  
13 if we can agree on a single plan that will move  
14 this matter forward in hopes of coming up with  
15 ultimate plan for the precinct consolidation in  
16 Lake County.

17 MS. OVERHOLT: I think for clarity -- so we're  
18 talking about the proposals regarding how the  
19 process to actually identify a plan for  
20 restructuring. I know what you're talking about.  
21 I'm thinking if someone tries to read this  
22 transcript --

23 CHAIRMAN BENNETT: I'm sorry.

24 MS. OVERHOLT: I said that I -- I am thinking  
25 in terms of if anyone tried to read this

1 transcript, they might get confused about what  
2 we're --

3 CHAIRMAN BENNETT: Yes, yes. Specifically I'm  
4 talking about the proposed plan of action for  
5 Indiana Election Commission and Indiana Election  
6 Division to prepare and adopt Lake County Precinct  
7 Consolidation Plan which was delivered to the  
8 Democratic co-director I believe it was Wednesday  
9 of this week?

10 MR. KING: I believe it's two days ago.

11 MS. NUSSMEYER: Two days ago.

12 CHAIRMAN BENNETT: Wednesday of this week.

13 And I'm also talking about the process  
14 recommendation for Lake County Precinct  
15 Consolidation Plan that was delivered Thursday. Or  
16 was it Wednesday also?

17 MS. NUSSMEYER: I --

18 MR. KING: Following day.

19 CHAIRMAN BENNETT: The following day?

20 MS. NUSSMEYER: Yeah.

21 CHAIRMAN BENNETT: On Thursday.

22 MS. NUSSMEYER: Yeah. I think yours may have  
23 came on Tuesday and ours came on Wednesday.

24 Because Thursday, yesterday, we were at the --

25 MR. KING: Successive days.

1 MS. OVERHOLT: Earlier this week.

2 CHAIRMAN BENNETT: Can -- can we all agree on  
3 that, or do we want to look up the dates?

4 MR. KING: No.

5 CHAIRMAN BENNETT: Okay. All right.  
6 Successive days. Does everyone have both of those  
7 documents in front of you?

8 MR. KLUTZ: Yes.

9 CHAIRMAN BENNETT: Okay. We have some  
10 comments to items one through four that we could go  
11 through here and discuss. I don't think any of  
12 them are particularly controversial.

13 MS. NUSSMEYER: Mr. Chairman, if I may, which  
14 plan are you referring to?

15 CHAIRMAN BENNETT: Actually referring to --  
16 let's -- let's label these as exhibits here.

17 MS. NUSSMEYER: Okay.

18 CHAIRMAN BENNETT: We have Exhibit 1 was the  
19 notice of agenda --

20 MR. KING: I'm speaking facetiously. Mark  
21 them in order. Exhibit 1.

22 MS. NUSSMEYER: Okay. And that would be the  
23 Republican plan?

24 MR. KING: Correct.

25 MS. NUSSMEYER: Yeah.



1 MR. KING: I'm doing this in the order which  
2 they were --

3 MS. NUSSMEYER: Perfect.

4 MR. KING: And I am giving this to Mr. Simmons  
5 as the usual practice for the record. Those.

6 MS. OVERHOLT: So could we refer to them maybe  
7 as, like, process plans or something. Just because  
8 I'm -- because we have two plans that we -- for  
9 consolidation that we received last summer. So  
10 should we maybe call these process plans just so --

11 MR. KLUTZ: I agree.

12 MR. DICKEY: Yeah.

13 CHAIRMAN BENNETT: Okay.

14 MS. OVERHOLT: The three of us just agreed  
15 that we could call them process plans.

16 MR. KLUTZ: Process plans.

17 MS. OVERHOLT: So if you agree then we can to  
18 that by consensus I think.

19 CHAIRMAN BENNETT: Yeah, okay. Exhibit 1  
20 or --

21 MR. DICKEY: I knew that's what you were  
22 looking for.

23 CHAIRMAN BENNETT: Okay. And maybe it would  
24 be good to start with maybe a discussion generally  
25 about what we had both hoped to accomplish with our

1 -- our plans. Is that the one or do you want me  
2 to?

3 MR. KLUTZ: Well, I mean it was simply I think  
4 an effort to create a structure that we could  
5 operate to ask the Election Division to work  
6 together and prepare a small precinct plan using  
7 this proposed process and a timeline and -- and  
8 dates and deadlines.

9 CHAIRMAN BENNETT: Okay.

10 MR. KLUTZ: Now, we -- we did that. I -- I  
11 would say it's a fairly basic structure where we  
12 kind of create, you know, deadlines and timelines  
13 for reporting. And then we have -- we received a  
14 much more detailed process proposal from the  
15 Democrat members or Democrat staff that we'd be  
16 happy to kind of walk through. And we could add  
17 comments to it. Maybe we could start from that and  
18 work from that.

19 CHAIRMAN BENNETT: Do you --

20 MS. OVERHOLT: -- Miss Nussmeyer to maybe  
21 present that plan before we start talking about it?  
22 Or how do you want to proceed then?

23 CHAIRMAN BENNETT: Are you talking about  
24 Exhibit 2?

25 MS. OVERHOLT: Yes. Since you all said you

1 wanted to start with questions about it. So I  
2 think it might make sense to have Miss Nussmeyer  
3 actually --

4 CHAIRMAN BENNETT: Talk about it then --

5 MS. OVERHOLT: -- present it.

6 CHAIRMAN BENNETT: That would be great.

7 MS. NUSSMEYER: Thanks, Mr. Chairman. If I  
8 may, I worked with Vice Chair Long and Commissioner  
9 Overholt on a process document which primarily  
10 recognizes the fact that we have an election coming  
11 up very soon. And I know my staff person, who  
12 would be would be assisting me in this process,  
13 will be tied up with election responsibilities like  
14 getting absentee applications scanned and sent to  
15 counties and answering voter registration calls and  
16 that sort of thing.

17 And so what we attempted to do was to at least  
18 get to a place where we were all in agreement which  
19 precincts should be consolidated or could be  
20 consolidated which had 600 or fewer active voters.  
21 And I actually recommended using the data that's  
22 current can and fresh, if you will, which would be  
23 on Monday's date which would be March 11th. It  
24 allows for all the -- any work the County may be  
25 doing now to process voter registrations, to be

1 fully incorporated in the Statewide Voter  
2 Registration System. And the report that is  
3 generated is what is named in that process plan.

4 And the co-directors would sit down with their  
5 team and identify which precincts had 600 or fewer  
6 precincts or active voters. And we should also  
7 look to see whether or not there was any sort of  
8 conflict with congressional or state legislative  
9 district boundaries. There would not be any  
10 conflict with congressional boundaries but there  
11 may be with state legislative district boundaries.

12 The thinking next was to actually get some  
13 feedback from the Lake County Board of Elections  
14 and Registration, understanding that we don't  
15 necessarily have to respect local office district  
16 boundaries; that what the County could do instead  
17 was would be to create splits so that when a voter  
18 came into precinct day there would be a split one  
19 and a split two.

20 I -- as a former County Election  
21 Administrator, I'm not a big fan of precinct  
22 splits. I think it invites some confusion at the  
23 local level with poll workers and with voters. And  
24 the intent of this, of course, is not to create  
25 obstacles to voters when they go vote on election

1 day.

2           There are some safeguards in place, that if we  
3 would not receive cooperation from the Lake County  
4 Board of Elections and Registration, there is some  
5 data that we have access to within the Statewide  
6 Voter Registration System. We would just not know  
7 how current the polling location data would be, for  
8 example, because the County may not have entered it  
9 into SVRS.

10           And then it would be a matter of just working  
11 together as -- as a staff to determine which  
12 precincts should be consolidated, and from there  
13 point out any disagreements that we would bring to  
14 the Commission for you all to decide. But the goal  
15 would be, of course, to get to a place where both  
16 sides of the office were in complete agreement so  
17 that you wouldn't have to decide those  
18 disagreements. But it also just makes note that if  
19 there were some, then the Commission would  
20 ultimately be responsible for deciding where --  
21 whether or not those precincts should be  
22 consolidating and, of course, updating -- adopting  
23 the plan.

24           And I will note too, I did not account for --  
25 and I thought about this on my drive back from

1 beautiful Lafayette last night, after our clerk's  
2 conference, that I did not include time for the  
3 Legislative Service -- Services Agency to review  
4 it, which they often do just to confirm that we're  
5 not breaching any state legislative district  
6 boundaries.

7 But I think there's plenty of time within  
8 this -- this timeline to be able to ask LSA oh to  
9 weigh in and provide their input. So I wouldn't  
10 expect that to derail the process by any means.  
11 But it is something that I did not account for in  
12 the timeline.

13 MR. DICKEY: Angie, where would you anticipate  
14 putting that in, just for --

15 MS. NUSSMEYER: Well, quite frankly, depending  
16 on the availability of LSA staff, we could go so  
17 far as to ask them to be part of this conversation  
18 the next week to determine whether there might be  
19 some breaches to State legislative district  
20 boundaries. Or if we get to a place where before  
21 the commission would sit down and meet, if we -- we  
22 allowed LSA two weeks, for example, to review the  
23 -- the information that they might be able to -- to  
24 do so before the commission meets.

25 And so I think we can invite LSA in the

1 conversation at any point once we're in a place for  
2 them to do their review. And that would be the  
3 Office of Census Data. I apologize, but the Office  
4 of Census Data within the Legislative Services  
5 Agency.

6 CHAIRMAN BENNETT: Thank you. You -- you  
7 mentioned cooperation from Lake County. Has there  
8 been any more discussion about Lake County or  
9 anyone else in the Democratic party that -- anyone  
10 in the Democratic party about preparing and  
11 proposing their own plan?

12 MS. NUSSMEYER: I haven't had those  
13 conversations with anyone in -- in Lake County, the  
14 Democratic party.

15 CHAIRMAN BENNETT: So nobody's currently  
16 working on a plan that you know of.

17 MS. NUSSMEYER: I'm not aware of them doing  
18 so. I have asked the -- the Elections Director in  
19 Lake County, Michelle Fajman, if -- if she would be  
20 interested in providing feedback on the local  
21 election district boundary conflicts. Because I  
22 think that's important to their team that we not  
23 create split precincts in Lake County. But that's  
24 the gist of -- the extent of my conversation with  
25 Lake County.

1 CHAIRMAN BENNETT: Okay. Well, I know that  
2 Lake County had submitted an objection last July to  
3 any plan that -- that did not comply with State law  
4 and the requirements of the -- of Indiana Code. Do  
5 you have any critique of the plans that the  
6 Republicans presented at our August hearing that  
7 would show what, if anything, in those plans fails  
8 to comply with the Indiana law?

9 MS. NUSSMEYER: What my concern would be is,  
10 one, the data for those plans now is more than a  
11 year-and-a-half old. And so I think it is  
12 important that the Commission consider where we're  
13 at with 600 or fewer active voters within Lake  
14 County.

15 And I don't want to speak for Commissioner  
16 Overholt or Mr. Dickey or even the Vice Chairman.  
17 But the other concern that I would have is that the  
18 polling location impact I don't believe is very  
19 well detailed in either one of those plans. And so  
20 we don't have a full appreciation or understanding  
21 about how consolidation may impact an individual's  
22 ability to go to the polling location on election  
23 day.

24 MR. KLUTZ: But we -- we have no say in  
25 polling locations.



1 MS. NUSSMEYER: Other than the law requires us  
2 to not create obstacles to voters. And so  
3 transportation: Having your polling location moved  
4 from one mile from your house to ten miles may  
5 create an obstacle for voters in that type of  
6 analysis. I don't recall it being part of their  
7 plan. And I do think that is something that is --  
8 the Commission is required to look at. Whether  
9 you're looking at current statute or what is  
10 proposed in House Bill 1383, that I suspect will be  
11 going to the governor for signature soon.

12 MR. KLUTZ: So precinct locations are  
13 determined by the County?

14 MS. NUSSMEYER: By the County executive. But  
15 in Lake County that would be the Board of Elections  
16 and Registration.

17 MR. KLUTZ: Okay. And those could change at  
18 any time, right? I mean, they could decide this  
19 location no longer works; we're gonna' have it  
20 here, the -- the voting location here, voting  
21 location?

22 MR. KING: Right.

23 MS. NUSSMEYER: Certainly. But --

24 MS. OVERHOLT: Right. So --

25 MS. NUSSMEYER: -- we're --

1 MS. OVERHOLT: I mean, they could do that.  
2 But I think -- I think the point though that we've  
3 been trying to make is that if you -- I mean, part  
4 of this issue is looking at, first of all, you  
5 know, consolidating the number of precincts that  
6 are in the County. And the question that is a  
7 subsidiary of that is if you decide to combine  
8 precincts A through E in this particular area, what  
9 is that likely to do for the -- in terms of the  
10 voters.

11 You can look at, you know, precinct A is all  
12 voting at this church and, yes, it could -- that  
13 church could move at any time. But every single  
14 voter might be within a mile of the polling  
15 location. And if there's a consolidation of four  
16 precincts -- and I'm just making this up 'cause I  
17 don't know. But if there's a consolidation of four  
18 precincts, you know, what is that likely to do in  
19 terms of, you know, those people living in precinct  
20 A right now? You know, what's likely to happen to  
21 them in terms of where they vote?

22 We wouldn't be decide -- I don't -- none of us  
23 would want to decide, 'cause we can't, that, you  
24 know, church, you know, whoever is gonna' be a  
25 polling location. But you can get an idea of the

1 impact.

2 MR. KLUTZ: Yeah. So I guess the impact in my  
3 mind would be that the local County Election Board  
4 would say, Here's our new consolidated precinct.  
5 We have to move to this voting location.

6 MS. NUSSMEYER: Except that it's often not  
7 that easy. I mean, I can speak from a local -- my  
8 local level experience that it is very difficult to  
9 find polling locations, especially in larger areas;  
10 that churches and other places don't often want  
11 to --

12 MR. KLUTZ: No, I -- not to interrupt. But  
13 I -- I know. I mean, I was on the Allen County  
14 Election Board for several years. I was the  
15 president of it so I understand that. I mean, to  
16 me it's not that difficult. But it -- it just  
17 doesn't seem to be part of our -- we -- we can't  
18 let that get in the way of this.

19 CHAIRMAN BENNETT: Any other objections to the  
20 proposed plan that you can think of? The plan that  
21 was proposed by the Republicans at the August  
22 meeting?

23 MS. OVERHOLT: Well, I think the primary  
24 objection to that plan was that it did not come  
25 from a small precinct, Reconsolidate, whatever that

1 group was called, that was supposed to have formed  
2 and presented a plan; that that group, that actual  
3 group that was created by statute did not present a  
4 plan for this board, for this commission to  
5 consider.

6 MR. KLUTZ: But then we unanimously created a  
7 structure to allows others to --

8 MS. OVERHOLT: Well, are we -- so are we  
9 rehashing that discussion now? 'Cause, I mean, we  
10 try -- I mean, you all kept voting in favor of  
11 those two plans last September, August, whenever  
12 that meeting was.

13 CHAIRMAN BENNETT: Right.

14 MS. OVERHOLT: And we voted against those  
15 plans. Are -- I mean, is -- is -- I thought what  
16 we were trying to do was to come up with a  
17 structure that would -- that -- so I didn't think  
18 that today we were actually trying to decide again  
19 if we're gonna' adopt those two plans. Because I  
20 think we could probably end that discussion --  
21 well, I won't speak for Mr. Hickey -- for  
22 Mr. Hickey.

23 But, anyway, I mean, I thought we were trying  
24 to -- I thought we were coming up with a process  
25 where at a future date we would hopefully be

1 considering new proposals that the staff of the  
2 commission had developed. Or is all you want to do  
3 have another discussion about the two plans that  
4 were submitted by the Republicans?

5 CHAIRMAN BENNETT: Well, I -- I thought a  
6 discussion about the plans which have been  
7 submitted would help to inform our discussions  
8 going forward about a plan that we might be able to  
9 agree on.

10 MS. OVERHOLT: Well, I haven't reviewed those  
11 plans in preparation for this meeting that didn't  
12 have an agenda item on it. So --

13 CHAIRMAN BENNETT: Okay.

14 MS. OVERHOLT: I thought we were talking about  
15 a process based on your comment at the last --

16 MR. DICKEY: Yeah. I -- I would -- I would  
17 echo that. I -- I did not have a in-depth  
18 conversation before today with Anthony about the  
19 particular proposals. So I would feel a little bit  
20 hesitant to wade into those waters without a little  
21 bit more review.

22 CHAIRMAN BENNETT: Any other discussion on  
23 that issue?

24 MR. DICKEY: But, you know, I -- I guess from  
25 my standpoint, I mean, I think the paramount piece

1 to this is, you know, we've got a fluid population.  
2 You know, I know, for example, that there's a -- a  
3 site up in Lake County that, you know, has toxicity  
4 in terms of environmental pollution, contamination.  
5 Several people are being moved out of that area.  
6 So I don't know how that's affected things.  
7 Populations move. We have deaths; we have births.  
8 You know, more people are being registered. I -- I  
9 think we would want to have the newest data. And I  
10 think that -- that would be the paramount concern  
11 of the deliberation of this body is to start from  
12 the standpoint of fresh data.

13 You know, I -- I think going back and looking  
14 at plans, you know, I -- you know, we could -- we  
15 could talk about what the -- the maps looked like  
16 in 1800 too. But I'm relatively certain that they  
17 looked a heck of a lot different than they do  
18 today.

19 MS. OVERHOLT: They may have looked better  
20 then. But --

21 CHAIRMAN BENNETT: Do you think we'll get  
22 cooperation from Lake County on the data, our  
23 request for the data?

24 MS. NUSSMEYER: Mr. Chairman, if I may. So we  
25 at the Division can run this report out of SVRS,

1 the Statewide Voter Registration System, to get the  
2 active voter counts in each precinct within Lake  
3 County. And then the additional step was to  
4 provide it to both the Director and Deputy Director  
5 of the Lake County Board of Elections and  
6 Registration to identify precincts where they have  
7 concerns about consolidation due to local election  
8 district boundaries.

9 If that conversation doesn't happen, I don't  
10 think that derails our process. You know, asking  
11 them for a current list of polling locations,  
12 because they may not have yet entered them into the  
13 Statewide Voter Registration System, would be  
14 beneficial to us. But, again, if they don't  
15 provide that data to us, we can go into the  
16 statewide registration system and at least pull the  
17 polling location data down, as it is entered on X  
18 date.

19 We could certainly work with the Lake County  
20 County government to see if they have GIS  
21 shapefiles of local election district boundaries if  
22 that was a concern of the Commission. And so the  
23 idea of inviting the Lake County Board of Elections  
24 and Registration into the conversation, at least as  
25 it relates to the local election district

1 boundaries, is that they understand their -- their  
2 local offices way better than we do at the  
3 Division. And they could identify potential  
4 problems and consolidation before we even discuss  
5 consolidating.

6 And so I think that is good information to  
7 have, and that we would have a universal list of  
8 agreed-upon precincts, if you will, to begin the --  
9 the conversation with consolidation. That's all  
10 that was truly endeavoring to do.

11 CHAIRMAN BENNETT: Uh-huh. So you would agree  
12 that -- go ahead.

13 MR. KING: I was just going to say,  
14 Mr. Chairman, members of the Commission, if I  
15 could. I share Co-Director Nussmeyer's view that  
16 we are better served if we start with a universally  
17 agreed-upon base of information. And that's one  
18 reason why I think Number 5 on the Exhibit 2,  
19 process plan, is particularly important.

20 Although Number 4 references asking both the  
21 Democratic director and the Republican assistant  
22 director to provide a report, Number 5 refers to  
23 staff generically. And my initial concern would be  
24 as we -- we have seen in different forums, whether  
25 it's at a meeting at the Commission or in the



1 legislature, there have been questions and disputes  
2 raised regarding the simple definition of active  
3 voters.

4 And so it -- we might find ourselves in a  
5 position where one or more of the interested  
6 parties disagrees about which precinct should be  
7 included because of the question they've raised on  
8 that particular issue. And so we would -- and so,  
9 from my perspective, it's important, to the  
10 greatest extent possible, to nail down exactly what  
11 the universe is. And having Lake County's input is  
12 essential, in my view, to prevent questions from  
13 being raised later about the validity of the entire  
14 plan and the process that's already been referred  
15 to.

16 MS. NUSSMEYER: And if I may add to Mr. King's  
17 comments, and perhaps I was inelegant in the  
18 description here. It would be that you and I pull  
19 this report down, agree that these are the  
20 precincts with 600 or fewer active voters, as  
21 defined in SVRS. Because the report provides an  
22 active voter column, an inactive voter column, a  
23 canceled voter column.

24 So we could quick -- pretty quickly identify  
25 where there were 600 or fewer. And so 600 or

1 fewer, that would be the initial list that we would  
2 then give to Lake County and say, Look at this  
3 initial list; and please let us know if there are  
4 any conflicts with your boundaries.

5 And so perhaps calling it the final active  
6 voter list in step four is not the most elegant  
7 term. Perhaps it's the revised active voter list.  
8 But I wasn't trying to imply that we were asking  
9 Lake County to create their own report; that  
10 instead they would be working from our data that we  
11 would be giving -- providing to them to further  
12 define where potential conflicts may be with those  
13 local election district boundaries.

14 MR. KING: I -- I appreciate that information.  
15 I think what -- the issue I was getting at was the  
16 legislation refers to a specific definition of  
17 active voters that's in Indiana Code 3-6-5.2 to be  
18 used in this process --

19 MS. NUSSMEYER: Uh-huh.

20 MR. KING: -- which is different than the  
21 definition of active voters used for other precinct  
22 purposes.

23 MS. NUSSMEYER: Uh-huh.

24 MR. KING: And so the issue that was raised in  
25 the legislature, and I believe was raised during

1 the Commission hearing --

2 MS. NUSSMEYER: Uh-huh.

3 MR. KING: -- on some of the initial plans,  
4 was the objection that some parties had to the use  
5 of that definition of active voter.

6 MS. NUSSMEYER: Hm.

7 MR. KING: And so I'm -- I want -- I want to  
8 be -- I want to be particularly careful that if we  
9 provide information to the Commission that we're  
10 clear on the basic definition that determines --

11 MS. NUSSMEYER: Uh-huh.

12 MR. KING: -- which precincts fall into the  
13 list and which don't.

14 MS. NUSSMEYER: Uh-huh. Well, arguably we're  
15 working under potentially two sets of different  
16 standards. We are currently operating under a  
17 standard that defines what active voter is. But  
18 when, or if, House Enrolled Act 1383 is signed by  
19 the governor, there is no such definition for the  
20 work the Commission does.

21 What it commands the Commission, at least the  
22 way that I understand it after conversations with  
23 my attorney, Mr. Kochevar, is that the Commission  
24 has to adopt a plan by July 1st that doesn't create  
25 an obstacle for voters, and that is it -- what's

1 the other second piece? Doesn't create an  
2 obstacle, and it realizes cost savings for the  
3 County. And in that it doesn't really discuss what  
4 the Commission is obligated to do in order to  
5 definitive active voters.

6 So, I mean, I understand your position: Which  
7 definition do we use? If it's important to this  
8 process plan that we identify the right definition,  
9 so be it. But I don't -- I don't think we're held  
10 to an active voter definition should 1383 become  
11 law.

12 CHAIRMAN BENNETT: But as far as the  
13 Commission's work on this issue, we are held to  
14 some definition of active voter.

15 MS. NUSSMEYER: Well, the Statewide Voter  
16 Registration System uses a definition of active  
17 voter or else this report could not be generated.  
18 And so is that the -- do we say that we just rely  
19 on the active voter definition within the Statewide  
20 Voter Registration System?

21 MR. KING: That -- that expresses the -- the  
22 concern I have about confusion. Because I know  
23 that there are different reports that can be run in  
24 SVRS.

25 MS. NUSSMEYER: Uh-huh.

1 MR. KING: And I understand it's possible to  
2 run a report that would identify the precinct  
3 subject to this requirement using that definition  
4 in current law, which will be in effect until, I  
5 believe -- I don't have it in front of me.

6 MS. NUSSMEYER: It's effective --

7 MR. KING: Until -- until the governor signs  
8 it anyway.

9 MS. NUSSMEYER: Signs it, yeah.

10 MR. KING: Yeah. And it's been -- and it's  
11 been the definition that's been used throughout  
12 this entire process so far.

13 MS. NUSSMEYER: Uh-huh.

14 MS. OVERHOLT: And does that meet the  
15 definition -- is that the same that is the  
16 definition under the SVRS in terms of -- or we  
17 don't know?

18 MS. NUSSMEYER: I -- I --

19 MR. KING: That's -- that's -- excuse me.

20 MS. OVERHOLT: Well, what about -- what  
21 about -- in terms -- 'cause we're actually -- I  
22 mean, our goal is to solve a problem, right, and to  
23 try to fix the problem that Lake County hasn't  
24 wanted to fix for us.

25 So it would seem that if -- I mean, if -- so

1 we've got a current database that is set up to run  
2 certain queries using certain terms of art. Seems  
3 to me it would make sense to have the work move  
4 forward, to use, you know, to use the query within  
5 the SVRS that pulls -- you know, has a column that  
6 is labeled active voter.

7 And if that needs to be revised or -- I mean,  
8 it seems like it's a good start to kind of pull  
9 that report and start working based on that, given  
10 the fact that we've got two sets of laws that are  
11 going back and forth. And, I mean, that is the  
12 term -- the term that's in SVRS controls the  
13 report. So why not use what's in SVRS. And if  
14 someone wants to challenge -- I mean, I don't know.  
15 Maybe we pull it and see what is.

16 CHAIRMAN BENNETT: I guess -- I guess from my  
17 perspective I'm a little bit reluctant to have this  
18 Commission embark on a -- a fool's errand of -- of  
19 spending a lot of time to come up with a process  
20 and plan that is only going to be challenged and  
21 put into question about its validity over this  
22 issue. That's not to say we can't make some  
23 progress. We can certainly agree on the processes  
24 up to this point.

25 But it seems to me that the input from Lake

1 County is -- is critically important to get -- to  
2 get their buying in, that they're willing to  
3 cooperate with us in the development of a plan that  
4 they're not going to challenge out of hand. And  
5 the only -- only way to do that is to assure some  
6 cooperation from -- from Lake County as early in  
7 our process as we can so we don't feel like we're  
8 wasting our time and spinning our wheels.

9 MS. NUSSMEYER: Mr. Chairman, if I may.  
10 Patrick is printing off a couple pages out of the  
11 report that we've mentioned here. But then there's  
12 an additional report that we could also use too to  
13 look at.

14 And if it makes sense, we could attempt to  
15 call Sean Fahey with Quest to see if he happens to  
16 know somewhere in the business rules if they can  
17 determine which defining active voter is used by.  
18 Or we could report back to the Commission if we can  
19 stipulate to something today.

20 MR. KING: Mr. Chairman, I can say I made  
21 inquiries of Quest and determined that a report  
22 could be run using the definition of active voter  
23 set forth in the current law.

24 MS. NUSSMEYER: Okay. Did Quest tell you  
25 which report that would be?

1 MR. KING: I believe it was an ad hoc report.

2 CHAIRMAN BENNETT: Well, I think -- any other  
3 comment on that? 'Cause it seems to me we have an  
4 consensus that we could start to go through. And  
5 we can start with Exhibit 2, the plan that --  
6 consolidated plan -- consolidation plan that the  
7 Democrats proposed. And we have some comments and  
8 questions we can talk through on that.

9 And then maybe if we need to take a -- take a  
10 breath and maybe even a recess, reschedule another  
11 meeting, we could -- we could go a little further  
12 down the list and talk about the active voter list  
13 issue after that. Any objections to that  
14 procedure?

15 MR. KLUTZ: Suggesting kind of bifurcating  
16 this and trying to get down -- as far down the list  
17 as we can today and coming back and --

18 CHAIRMAN BENNETT: Yeah.

19 MR. KLUTZ: I'm --

20 CHAIRMAN BENNETT: Where we left off and maybe  
21 have additional information available to us at that  
22 time.

23 MR. KLUTZ: There are some things on here that  
24 seems like we could get in motion --

25 MS. NUSSMEYER: Uh-huh.



1 MR. KLUTZ: -- subject to just a couple  
2 comments that we have.

3 CHAIRMAN BENNETT: Right.

4 MR. KLUTZ: And, I don't know, come back and  
5 see if Lake County's on board with doing these  
6 reports or assisting us.

7 MS. NUSSMEYER: Uh-huh.

8 CHAIRMAN BENNETT: Yeah. We --

9 MR. KLUTZ: I -- I'm not optimistic that they  
10 are. We've asked them for help before.

11 MS. OVERHOLT: Well, see, and that's why --  
12 the thing I think we were trying to accomplish here  
13 is that while we were providing Lake County with  
14 the courtesy of seeking their input, that it wasn't  
15 gonna' stop this process from moving forward. Lake  
16 County --

17 MR. DICKEY: Yeah. What --

18 MS. OVERHOLT: -- yeah, Lake County had its  
19 chance.

20 CHAIRMAN BENNETT: But maybe things have  
21 changed in their minds, given some of the  
22 developments, including the statute that I  
23 understand -- House -- House Enrolled Act  
24 Number 1383 is moving along through -- through the  
25 process --

1 MS. NUSSMEYER: Uh-huh.

2 CHAIRMAN BENNETT: -- being implemented.

3 Maybe their thoughts about cooperation will soften.

4 MR. DICKEY: Well, I'm -- I'm curious. What  
5 are the other -- you mentioned some of the other  
6 points.

7 CHAIRMAN BENNETT: Yeah, let's talk about --

8 MR. DICKEY: Let's talk about them real quick.

9 CHAIRMAN BENNETT: Let's talk about them. So  
10 if we were just going from an editorial standpoint,  
11 the Election Division. I mean, we can just --

12 MS. OVERHOLT: You guys want to share with us  
13 the proposed order you've already written up?

14 MR. KLUTZ: It's just yours.

15 CHAIRMAN BENNETT: It is -- it is basically  
16 yours. And number one has just a couple of redline  
17 issues here. We were talking about striking out  
18 Indiana election -- Indiana elections to shorten  
19 this up. Co-directors of the Division shall, we  
20 insert the word "shall," shall direct staff.

21 MS. OVERHOLT: Well, what -- okay. Can we  
22 talk about -- why don't we talk about this overall  
23 as a concept as opposed to -- 'cause if you guys  
24 have created a document that you've put into a more  
25 formal proposal, why don't we talk about the

1 general items that are here. And then in terms of  
2 wordsmithing -- 'cause it'll take us forever if  
3 we're trying to wordsmith. Why don't -- I mean,  
4 are there -- are there --

5 CHAIRMAN BENNETT: Not -- not really. I mean,  
6 number -- in Number 1, I mean, Mar -- Sunday -- or,  
7 I'm sorry, March 11th is a Sunday. So we suggested  
8 changing that to March 12th which is a Monday.

9 MS. NUSSMEYER: Mr. Chairman, if I may, here  
10 too. If -- if Brad has spoken to Quest, and they  
11 believe it is an ad hoc report, can we at least be  
12 somewhat generic in the term of art here? Because  
13 it's -- it could be an ad hoc report or we may --  
14 there may be other reports within the system that  
15 would satisfy the active voter definition.

16 Because there are -- there are several reports  
17 within the system that we can pull without doing  
18 something that's ad hoc, which would take a little  
19 longer for them to pull.

20 MR. KING: If I may.

21 CHAIRMAN BENNETT: Yeah.

22 MR. KING: Yeah. I -- I can say I would agree  
23 with the idea that it's better not to specify a  
24 particular report. But, frankly, it took less than  
25 a day. It takes less than a day to generate this

1 particular ad hoc report.

2 MS. NUSSMEYER: I --

3 MR. KING: So we're not talking about any  
4 significant delays.

5 MS. NUSSMEYER: I haven't had those  
6 conversations with Quest, so I can't speak to --

7 MR. KING: Yeah. I -- I --

8 MS. NUSSMEYER: -- whether or not a day is  
9 correct or not. But --

10 CHAIRMAN BENNETT: You're talking about the  
11 voter status count --

12 MR. KING: To pull a report.

13 CHAIRMAN BENNETT: Okay. Pull a report from  
14 the Indiana Statewide Voter Registration System on  
15 Monday, March 12th, 2018. Are we all okay so far?

16 MS. NUSSMEYER: Could we say, if I may, a  
17 report of active voters as defined by the statute,  
18 that I am not recalling the specific number, so  
19 it's more clear? Do you recall the statutory --

20 MR. SIMMONS: 365.210.

21 MS. NUSSMEYER: Three --

22 MR. KING: No, no. It's -- actually it's  
23 3-11-18.1-2, I think.

24 MR. SIMMONS: I thought you were using the one  
25 at 352. You're using a different one?

1 MR. KING: Here it's in the current statute, I  
2 think.

3 MS. NUSSMEYER: I think we had this  
4 conversation at the last Commission meeting when we  
5 were discussing the plans, that they used a  
6 definition of active voters as it relates to vote  
7 center counties? And that was --

8 MR. KING: 3-11-18.1.

9 MS. NUSSMEYER: Yeah.

10 MR. KING: I believe it's -2.

11 MS. OVERHOLT: 1383 is --

12 CHAIRMAN BENNETT: Okay. So it would be a  
13 report from 3-11 --

14 MR. KING: Mr. Chairman, if I could -- could  
15 read what I understand the -- the consensus to be  
16 is, one, Co-Directors of the Division shall direct  
17 staff to pull a report from the Indiana Statewide  
18 Voter Registration System on Sunday, March 12th,  
19 2018.

20 CHAIRMAN BENNETT: Monday.

21 MR. KING: Monday.

22 CHAIRMAN BENNETT: Uh-huh.

23 MR. KING: To ensure that the most current  
24 vote count is -- vote count data is used for  
25 analysis. This report must use the definition of

1 active voter set forth in IC 3-11-18.1-2.

2 MS. NUSSMEYER: Uh-huh.

3 MR. KING: Which reads, just for the record,  
4 active voter means a voter who is not an inactive  
5 voter under 3-7-38.2 which refers to voter --

6 MS. NUSSMEYER: Uh-huh.

7 CHAIRMAN BENNETT: Any concerns? Any  
8 objections to that?

9 MS. NUSSMEYER: Huh-uh.

10 CHAIRMAN BENNETT: Okay. We'll move on to  
11 Paragraph 2. Indiana Election Division staff will  
12 identify those precincts with 600 or fewer active  
13 voters. And then do we want to change the  
14 definition --

15 MR. KING: No. Mr. Chairman, the definition's  
16 already been set forth in Section -- or in  
17 Section 1 of that process at this point. If I  
18 could suggest that just adding in Number 2 the  
19 Election Division staff shall identified those  
20 precincts in the report, that nails that.

21 CHAIRMAN BENNETT: In the report, period?

22 MR. KING: No. In the report --

23 CHAIRMAN BENNETT: In the report where 600 or  
24 fewer active voters in Lake County, Indiana. Is  
25 that a period?

1 MR. KING: Period.

2 CHAIRMAN BENNETT: You want to read that again  
3 or --

4 MR. DICKEY: Just to be clear, are we  
5 striking -- we're striking the parentheses, right?

6 MR. KING: Mr. Chairman, if I can respond.

7 CHAIRMAN BENNETT: Yeah.

8 MR. KING: I -- I don't think it's necessary  
9 to strike it since we've redefined what's going to  
10 be in it. Just --

11 MR. DICKEY: I'll consent to that. I just  
12 wanted to be clear.

13 CHAIRMAN BENNETT: So we are gonna' strike  
14 the --

15 MR. KING: No, no, you don't need to.

16 CHAIRMAN BENNETT: Leave it in. Okay.

17 MR. DICKEY: 'Cause you've -- 'cause we've  
18 made a definition.

19 CHAIRMAN BENNETT: Yeah. Should I read it  
20 again or do you think we all -- we have it already  
21 memorized?

22 MR. KING: Just for the record.

23 CHAIRMAN BENNETT: For the record. All right.  
24 So -- go ahead.

25 MR. KING: I can read it.

1 THE REPORTER: Can you just all speak up a  
2 little bit?

3 MR. KING: Sure. Paragraph 2, Indiana  
4 Election Division staff will identify those  
5 precincts in the report with 600 or fewer active  
6 voters in Lake County, comma, Indiana, parentheses,  
7 quote, IED, active voter list, closed quote, closed  
8 paren, period.

9 CHAIRMAN BENNETT: Anybody have any objections  
10 to that? Hearing none, let's move to Paragraph 3.  
11 I guess the question is: Do we need  
12 "congressional" in there?

13 MR. KLUTZ: I don't believe so I think. It's  
14 on district one.

15 MS. NUSSMEYER: Yeah. It's a requirement that  
16 we have to follow, but there is only one  
17 congressional district in Lake County.

18 CHAIRMAN BENNETT: Okay. So we can strike  
19 "congressional or."

20 MS. OVERHOLT: Is someone going to claim we're  
21 not meeting the legal requirements?

22 MR. KING: Challenge them to produce an order.

23 MS. OVERHOLT: That's true.

24 CHAIRMAN BENNETT: It's -- it's a fact. Court  
25 could take judicial notice that Lake County is



1 entirely in Congressional District Four. Should be  
2 okay.

3 MS. NUSSMEYER: Uh-huh.

4 CHAIRMAN BENNETT: Any objections to changing  
5 Paragraph 3 as previously discussed?

6 MR. KING: Mr. Chairman, just to add because  
7 the paragraph has a Subsection A, which just reads  
8 the IED staff review must be completed by Friday,  
9 March 16th, 2018 by 12:00 p.m. Eastern Time.

10 CHAIRMAN BENNETT: Is that new?

11 MR. DICKEY: That's new.

12 MR. KING: That is new, yes.

13 MS. NUSSMEYER: But Lake County's on Central  
14 Time. And so --

15 CHAIRMAN BENNETT: It says noon Eastern Time.

16 MS. NUSSMEYER: Noon Eastern Time, yes, sir.

17 CHAIRMAN BENNETT: I think everybody knows  
18 that p.m. is noon, I guess? Okay? So take three  
19 by consensus as amended? Is there any objection?

20 So those are all things that the Election  
21 Division can do. Now, Number 4 we're providing  
22 information to Lake County and requesting that they  
23 provide information and documentation and data to  
24 us. Yeah, provide a -- a report to us. Which must  
25 include certain things.

1           Would it make sense for us to pause here and  
2           take some initiative to determine whether we can  
3           expect cooperation from Lake County in providing  
4           that information before we go further to try to  
5           establish an order?

6           MR. DICKEY: Doesn't the process  
7           hypothetically -- you know, the way that I think  
8           we're talking about it and laying it out, doesn't  
9           it continue regardless of what they do? So, I  
10          mean --

11          CHAIRMAN BENNETT: But then we've got these  
12          concerns about challenges because we didn't have  
13          all the information we should have had and relied  
14          upon in drafting our order.

15          MS. OVERHOLT: Well, but they had their  
16          chance. I mean, the reason we're doing this now is  
17          because they had their chance and they didn't do  
18          it.

19          CHAIRMAN BENNETT: They also had a chance to  
20          file a plan, and they didn't do that either.

21          MS. OVERHOLT: Right. No, I know. That's  
22          what I mean. They didn't do it. So why -- I mean,  
23          we're giving them a chance with this. But then if  
24          they don't do anything, we move forward.

25          MR. DICKEY: Under 1383, once that's signed by

1 the governor, we're going to be under an order by  
2 the legislature to -- to move forward. So, I mean,  
3 I'm -- I guess the way I'm looking at it is: We  
4 want to have that courtesy, but we're gonna' move  
5 forward.

6 MS. OVERHOLT: Uh-huh.

7 CHAIRMAN BENNETT: Look at 4B though. How --  
8 how are we going to determine what polling  
9 locations are anticipated to be used in the  
10 May 2018 election?

11 MS. NUSSMEYER: If I may, Mr. Chairman. This  
12 would be what Lake County anticipates will be the  
13 list of polling locations. Because the Lake County  
14 Board of Elections and Registration sets those  
15 locations, they may already know that their  
16 locations are set in stone for the May election.

17 What we at the State don't have visibility to  
18 is whether or not those -- that location data has  
19 actually been updated and is current within  
20 Statewide Voter Registration System. And so the  
21 goal here is to get them to provide a list that the  
22 Director and Deputy Director agrees are likely to  
23 be the polling locations for the May primary  
24 election. And if they fail to produce it, then we  
25 just pull the list out of the Statewide Voter