

Indiana Election Commission Minutes August 24, 2018

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

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

Staff Attending: J. Bradley King, Co-Director, Indiana Election Division of the Office of the Secretary of State (Election Division); Angela M. Nussmeyer, Co-Director of the Election Division; Matthew R. Kochevar, Co-General Counsel of the Election Division; Dale Simmons, Co-General Counsel of the Election Division; Abbey Taylor, campaign finance staff, Election Division; Michelle Thompson, campaign finance staff, Election Division.

Others Attending: Mr. Kyle Babcock; Mr. Steven Bartels; Ms. Mary Beaver; Ms. Patricia Boy; Ms. Melissa Bruhn; Ms. Raju Chinthala; Mr. Jerry Coverstone; Mr. Jim Crews; Mr. Ryan Davis; Mr. Sylvester Coach Edwards; Ms. Estela Espinosa; Mr. Graham Fishell; Mr. Russell Flagle; Ms. Anna Foster; The Hon. Aaron Freeman; Mr. Kevin Gipson; Mr. Daniel Guthrie; Mr. Michael A. Harkness; Ms. Regan Hatcher; Mr. Louis Hickman; Mr. Todd Hiday; Ms. Suzanne Jaworowski; Mr. Thomas John; Mr. Charles Johnson; Mr. Jason Kline; Ms. Mary Lake; Mr. Norm Loudermilk; Ms. Thomasina Marsili; Mr. Trent McCain; Dr. Deanna McMillan; Ms. Deanne Mechling; Mr. Shelby Melvan; Mr. Kevin Mory; Mr. Clyde Myers; Mr. Elijah Neal, Jr.; Ms. Tasha Phelps; Mr. Felipe Rios; Ms. Lisa Seng Shadday.

1. Call to Order:

The Chair called the August 24, 2018 meeting of the Commission to order at 1:00 p.m. EDT in Conference Center Room B, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana.

2. Transaction of Commission Business:

The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Deanne S. Hutson of Connor Reporting, which is incorporated by reference into these minutes.

The Commission corrects the following scrivener’s errors in these documents:

Page 9, line 23, after “IEC” insert “MEMBER”.

Page 19, line 14, replace “\$1,000.50” with “\$100.50”.

Page 20, line 16, replace “HARKENESS” with “HARKNESS”.


Page 26, line 22, replace “MR.” with “MS.”

Page 27, line 17, replace “MR.” with “MS.”

Page 30, line 21, replace "3915" with "3-9-1-5".
Page 35, line 18, replace "2007" with "2017".
Page 35, line 19, replace "2007" with "2017".
Page 44, line 1, replace "3522.5" with "3-5-2-2.5".
Page 45, line 19, replace "personal" with "personally".
Page 49, line 6, replace "Zaffy" with "Zapfe".
Page 52, line 25, replace "make" with "take".
Page 91, line 10, replace "Aaron Houchins" with "Erin Houchin".
Page 91, line 12, replace "Aaron Houchins" with "Erin Houchin".
Page 96, line 25, replace "bare" with "bear".
Page 106, line 21, replace "4" with "24".
Page 107, line 6, replace "Chittister" with "Chidester".
Page 120, line 3, replace "121" with "3-13-1-21".

Respectfully submitted,


J. Bradley King
Co-Director


Angela M. Nussmeyer
Co-Director

APPROVED:



Bryce H. Bennett, Jr., Chairman

In the Matter Of:

Indiana Election Commission Public Session

TRANSCRIPT OF PROCEEDINGS

August 24, 2018



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Transcript of Proceedings
August 24, 2018

2 TRANSCRIPT OF PROCEEDINGS
3 INDIANA ELECTION COMMISSION
4 PUBLIC SESSION

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7
8

9 Friday, August 24, 2018
10 1:00 p.m. EDT

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Indiana Government Center South
402 West Washington Street
Conference Center Room B
Indianapolis, Indiana

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16
17

18 A Stenographic Record By:
19 Deanne S. Hutson
20 Notary Public
21 Stenographic Reporter

22
23
24
25

1 INDIANA ELECTION COMMISSION:

2 Bryce H. Bennett
Chairman

3 Michael Claytor
4 Proxy for Vice-Chairman Anthony Long

5 Suzannah Wilson Overholt
6 Member

7 Zachary E. Klutz
Member

8

9

10 INDIANA ELECTION DIVISION STAFF:

11 J. Bradley King
Co-Director

12 Angela M. Nussmeyer
13 Co-Director

14 Dale R. Simmons
Co-General Counsel

15 Matthew R. Kochevar
16 Co-General Counsel

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1 CHAIRMAN BENNETT: The Indiana Election
2 Commission Public Session for Friday August 24,
3 2018, is called to order.

4 I would like to determine a quorum and
5 introduce members of the Staff. The following
6 members of the Commission are present: Myself,
7 Chairman Bryce Bennett. We have Michael
8 Claytor, proxy for Vice-Chairman Anthony Long.
9 Member Suzannah Overholt is here with us and
10 Member Zachary Klutz.

11 The Indiana Election Division Staff
12 consists of co-director Brad King and
13 co-director Angie Nussmeyer, co-general counsel
14 Matthew Kochevar and Dale Simmons.

15 The court reporter today is Deanne
16 Hutson from Circle City Reporting.

17 Before we begin, I want to remind
18 everyone on behalf of the court reporter to
19 identify yourself when beginning to speak, spell
20 your name when identifying yourself, speak
21 clearly and do not speak at the same time as
22 others.

23 I would request that the co-directors
24 confirm that the commission meeting has been
25 properly noticed as required under the Open Door

1 Law.

2 MR. KING: Mr. Chairman, Members of the
3 Commission, notice of this meeting was properly
4 posted in accordance with the Indiana Open Door
5 Law.

6 CHAIRMAN BENNETT: Thank you. For the
7 benefit of those present for a specific campaign
8 finance matter or a candidate challenge hearing,
9 I'd like to announce that we do plan to take a
10 15-minute recess after the Commission finishes
11 the campaign finance portion of the agenda and
12 before returning to meet to hear the candidate
13 challenges. It's difficult to estimate how much
14 time will be required to finish our campaign
15 finance business, but from past experience I
16 think it's safe to say we will not be taking up
17 candidate challenges until at least 3:00 o'clock
18 p.m. today. So please feel free to plan your
19 schedules accordingly.

20 At this time I would like to ask for a
21 presentation by Ms. Taylor and Ms. Thompson
22 regarding ratification of campaign finance
23 settlement agreements.

24 MS. THOMPSON: Mr. Chairman, Members of
25 the Commission, in your packet there you have a

1 list of committees that are to ratify, that have
2 agreed to pay the settlement agreement and waive
3 the hearing.

4 CHAIRMAN BENNETT: Is there a motion
5 ratify the campaign agreements as presented to
6 us?

7 IEC MEMBER CLAYTOR: So moved.

8 CHAIRMAN BENNETT: Is there a second?

9 MR. KLUTZ: Second.

10 CHAIRMAN BENNETT: We have a motion and a
11 second. Is there any discussion? Hearing none,
12 all in favor say aye.

13 All opposed say nay.

14 The ayes have it. Motion to ratify the
15 agreements is adopted.

16 At this time we'd like to administer the
17 oath of individuals testifying before the
18 Commission. Would everyone present who plans to
19 testify at today's meeting on any matter please
20 stand for the administration of the oath. I
21 would recognize Brad King to administer the
22 oath.

23 (All prospective people intending to
24 testify before the Indiana Election Commission
25 stood and were jointly sworn in.)

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1 CHAIRMAN BENNETT: Before proceeding with
2 campaign finance enforcement actions, we want to
3 give any committee present a final opportunity
4 to pay a reduced civil penalty by waiving the
5 right to present evidence and arguments to the
6 Commission today. Any committee is welcome to
7 present evidence and arguments regarding the
8 proposed penalty, but this is an opportunity for
9 those who want to waive that presentation and
10 accept a reduced penalty without making any
11 arguments or presentations today.

12 I move the adoption of the following
13 arrangements. If this is the committee's first
14 violation the arrangement is for the committee
15 to agree to pay 25 percent of the proposed fine
16 plus mailing costs. If this is the committee's
17 second violation, the arrangement is for the
18 committee to agree to pay 50 percent of the
19 proposed fine plus mailing costs. If this is
20 the committee's third violation, the committee
21 would agree to pay 75 percent of the proposed
22 violation plus mailing costs.

23 Is there a second to this motion?

24 IEC MEMBER CLAYTOR: Second.

25 CHAIRMAN BENNETT: Any discussion?

1 Hearing no discussion, all in favor say aye.

2 Opposed say nay.

3 The ayes have it. The motion is adopted.

4 Are there any committees who want to
5 accept this arrangement? If so, come forward
6 now and state your name, the committee's name
7 and the cause number. Go ahead and line up
8 there in front.

9 If we could have conversations at a
10 minimum so we can hear ourselves conduct these
11 hearings, we'd appreciate it.

12 Those of you who are in line, we'll take
13 you in the order that you're standing right now.
14 When it's your turn, state your name, the cause
15 number which is found on your hearing notice and
16 indicate that you are willing to accept the
17 applicable penalty without further discussion.
18 If you want to present evidence to the
19 Commission or ask for a waiver of the proposed
20 penalty, please do not come forward at this
21 time. Instead, wait until the other committees
22 who are willing to enter into this arrangement
23 have been heard and dismissed.

24 In the past the Commission has followed
25 certain procedures for conducting campaign

1 finance hearings, and I move that the Commission
2 use the following procedures today. When each
3 campaign finance matter is called, hearing will
4 begin with recognizing campaign finance staff to
5 provide information about the documents in this
6 matter provided to the Commission Members,
7 including letters from committees and notice to
8 the given campaign committee.

9 I'm going to wait on the rest of these
10 procedures until we hopefully clear the room of
11 some of the people who are already standing. So
12 if you would please come forward, state your
13 name and cause number.

14 MS. SHADDAY: My name is Lisa Seng
15 Shadday. I am here for the Friends of Lisa Seng
16 Shadday. The cause number is 2018-6565-61.

17 CHAIRMAN BENNETT: Are you willing to
18 accept the proposed penalty?

19 MS. SHADDAY: Yes, sir.

20 CHAIRMAN BENNETT: Very well. You're
21 free to go. Let me make that clear that you
22 will not pay today; you'll receive a bill later.

23 IEC OVERHOLT: I'm sorry, Mr. Chairman.
24 Should we confirm that it is the first violation
25 and what they're actually agreeing to do? I

1 thought we at least usually had some sort of --
2 made a record as to what the violation was.

3 CHAIRMAN BENNETT: I think we should
4 confirm that.

5 IEC MEMBER KLUTZ: Mr. Chairman, I
6 propose that each person in line check in with
7 this table first before you proceed up.

8 CHAIRMAN BENNETT: You want give us a
9 report on this?

10 MS. THOMPSON: Mr. Chairman, you'll find
11 this one on page 56. This is Change for the
12 People, Cause No. 2018-7042-115. This committee
13 has never been before the Commission before and
14 has a civil penalty of \$1,000.47.

15 CHAIRMAN BENNETT: Are you willing to
16 accept 25 percent of that penalty?

17 MS. MARSILI: Yes. My name is Thomasina
18 Marsili. I am the candidate in question. This
19 is my committee. I am the president and
20 treasurer. I am willing to accept this fine.

21 CHAIRMAN BENNETT: Very well. You're
22 free to go.

23 MS. MARSILI: Thank you.

24 CHAIRMAN BENNETT: I'd ask the staff to
25 give us information on the next one.

1 MS. THOMPSON: Mr. Chairman, Members of
2 the Commission, page 34. This is the Asian
3 American Indiana Political Action Committee,
4 Cause No. 2018-6697-70. Has never been before
5 the commission before. Has a civil penalty of
6 \$350.47.

7 CHAIRMAN BENNETT: Would you state your
8 name, please?

9 MS. CHINTHALA: My name is Raju Chinthala.
10 I'm the president of the Asian American Indiana
11 Political Action Committee and I accept the
12 offer to pay the 25 percent of fines.

13 CHAIRMAN BENNETT: Very good. Thank you.
14 You're free to go.

15 MS. THOMPSON: Mr. Chairman, the next one
16 is on page 57. Daniel Guthrie for Indiana State
17 Senate No. 49, Cause No. 2018-7048-117. Has
18 never been before the commission before. Has a
19 civil penalty of \$300.47.

20 CHAIRMAN BENNETT: State your name,
21 please.

22 MR. GUTHRIE: My name is Daniel Guthrie.

23 CHAIRMAN BENNETT: Are you willing to
24 accept the penalty?

25 MR. GUTHRIE: Yes, sir.

1 CHAIRMAN BENNETT: All right. Thank you.
2 You're free to go.

3 MS. THOMPSON: Mr. Chairman, this is on
4 page 71. Committee to Elect Pat Boy, Cause No.
5 2018-7100-1486. Has never been before the
6 Commission before. Has a civil penalty of
7 \$50.50.

8 MS. BOY: Good afternoon. Thank you for
9 hearing me today. My name is Patricia Boy.
10 It's a dumb name, but somebody's got to have it.
11 Yes, I'm willing to accept the fine and I
12 apologize for not getting my form in. Thank
13 you.

14 CHAIRMAN BENNETT: Very well.

15 MS. THOMPSON: Mr. Chairman, this is on
16 page 50. GOP 43, Cause No. 2018-6895-101. Has
17 never been before the Commission before. Has a
18 civil penalty of \$300.47.

19 MR. BABCOCK: I'm Kyle Babcock. I'm here
20 to accept the 25 percent penalty. I'm the
21 treasurer of the PAC. My wife is not here. I
22 have the form. She's the chairman of the PAC
23 and so I'm eagerly ready to settle.

24 CHAIRMAN BENNETT: Very good. Thank you.

25 MS. THOMPSON: Mr. Chairman, the next one

1 is on page 59. Committee to Elect Kevin Gipson,
2 Cause No. 2018-7075-119. Has never been before
3 the Commission before and has a civil penalty of
4 \$1,000.50.

5 MR. GIPSON: My name is Kevin Gipson, and
6 I accept the 25 percent.

7 CHAIRMAN BENNETT: Very good. Thank you.

8 MS. THOMPSON: Mr. Chairman, this is on
9 page 61. Life Underwriters Indiana Political
10 Action Committee, Cause No. 2018-3451-123. Has
11 never been before the Commission before and has
12 a civil penalty of \$1,000.50.

13 MS. BEAVER: My name is Mary Beaver. I'm
14 here on behalf of Sandy Gray. I have a letter
15 authorizing me to speak for her. I would like
16 to accept the penalty.

17 CHAIRMAN BENNETT: Very good. You're
18 free to go.

19 MS. THOMPSON: Mr. Chairman, bottom of
20 page 50. Jerry Coverstone, Cause No.
21 2018-6902-102. This is her second time before
22 the Commission.

23 MS. COVERSTONE: I've never been before
24 the Commission before. This is my first time.

25 MS. THOMPSON: So she has paid one

1 settlement agreement and has a civil penalty of
2 \$300.47.

3 CHAIRMAN BENNETT: State your name,
4 please.

5 MS. COVERSTONE: Jerry Coverstone,
6 independent candidate. I plead no contest.

7 CHAIRMAN BENNETT: You're willing to
8 accept the penalty?

9 MS. COVERSTONE: Yes, I am.

10 CHAIRMAN BENNETT: Thank you. You're
11 free to go.

12 IEC MEMBER OVERHOLT: I'm sorry. Is it
13 clear what penalty she's accepting? I want to
14 make sure she understands what penalty she's
15 accepting.

16 MS. THOMPSON: She has one settlement
17 agreement before this. She paid a settlement
18 agreement.

19 CHAIRMAN BENNETT: First time before the
20 Commission but --

21 MS. THOMPSON: First time before the
22 Commission but has had one --

23 MS. COVERSTONE: I've never been before
24 the Commission before.

25 CHAIRMAN BENNETT: You understand that

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15

1 the penalty would be 50 percent of the fine?

2 MS. COVERSTONE: Right. How much is the
3 fine?

4 MS. THOMPSON: \$300.

5 MS. COVERSTONE: That's okay.

6 CHAIRMAN BENNETT: Thank you.

7 MS. THOMPSON: Mr. Chairman, this is on
8 page 73. Friends of Charles Johnson, Cause No.
9 2018-7135-149. Has never been before the
10 Commission before. Has a civil penalty of
11 \$900.50.

12 CHAIRMAN BENNETT: State your name,
13 please.

14 MR. JOHNSON: Charles Johnson.

15 CHAIRMAN BENNETT: Do you accept the 25
16 percent as penalty?

17 MR. JOHNSON: Yes.

18 CHAIRMAN BENNETT: Thank you.

19 MR. JOHNSON: How to, where to?

20 CHAIRMAN BENNETT: You will get
21 information in the mail.

22 MS. THOMPSON: Mr. Chairman, page 53.
23 Friends of Nate LaMar, Cause No. 2017-6958-107.
24 Has never been before the Commission before.
25 Has a civil penalty of \$450.47.

1 MR. HIDAY: My name is Todd Hiday. I'm
2 here as the campaign treasurer and on behalf of
3 Friends of Nate LaMar and we accept this.

4 CHAIRMAN BENNETT: You accept the 25
5 percent penalty?

6 MR. HIDAY: Yes, sir.

7 CHAIRMAN BENNETT: Thank you.

8 MS. THOMPSON: Mr. Chairman, page 59.
9 Committee to Elect Clyde Myers, Cause No.
10 2018-6997-120. Has never been before the
11 Commission before. Has a civil penalty of
12 \$1,000.50.

13 MR. MYERS: My name is Clyde Myers and
14 I'd like to settle on 25 percent of the proposed
15 fine.

16 CHAIRMAN BENNETT: Very good. Thank you.
17 You're free to go.

18 MS. THOMPSON: Mr. Chairman, this is on
19 page 34. Tasha Phelps for Senate, Cause No.
20 2018-6694-69. Has paid one settlement agreement
21 before and has a proposed civil penalty of
22 \$450.47.

23 CHAIRMAN BENNETT: Would you state your
24 name, please.

25 MS. PHELPS: Yes, sir. Tasha Phelps.

1 CHAIRMAN BENNETT: You are willing to
2 accept the 50 percent reduction in the penalty?

3 MS. PHELPS: I am, sir.

4 CHAIRMAN BENNETT: Thank you.

5 MS. THOMPSON: Mr. Chairman, page 37.
6 Committee to Elect Suzanne Jaworowski, Cause No.
7 2018-6759-77. Has paid a settlement agreement
8 before. Has a proposed civil penalty of
9 \$750.47.

10 MS. JAWOROWSKI: My name is Suzanne
11 Jaworowski and I accept the settlement
12 agreement.

13 CHAIRMAN BENNETT: Thank you. You're
14 free to go. You under that is 50 percent?

15 MS. JAWOROWSKI: Yes, sir.

16 MS. THOMPSON: Mr. Chairman, this is on
17 page 53. Angola Professional Firefighters,
18 Political Action Committee, Cause No.
19 2018-6960-108. Has never been before the
20 Commission before. Has a civil penalty of
21 \$300.47.

22 MR. MORY: Ladies and gentlemen, my name
23 is Kevin Mory and I am the treasurer for the
24 Angola Professional Firefighters PAC, and we
25 would like to accept your offer of 25 percent.

1 CHAIRMAN BENNETT: Very well. You're
2 free to go.

3 MS. TAYLOR: Mr. Chairman, on page 71,
4 Loudermilk for State Representative, Cause No.
5 2018-7077-145. First time before the Commission
6 and a proposed civil penalty of \$250.50.

7 MR. LOUDERMILK: My name is Norm
8 Loudermilk and I accept the proposed 25 percent.

9 CHAIRMAN BENNETT: Thank you. You're
10 free to go.

11 MS. THOMPSON: Mr. Chairman, this is on
12 page 54. Committee to Elect Jamie Overdeer
13 Kline, Cause No. 2018-6989-110. Has never been
14 before the Commission before. Has a civil
15 penalty of \$1,000.47.

16 MR. CLINE: My name is Jason Cline. I'm
17 appearing for Jamie Overdeer Cline and I accept
18 the proposed penalty.

19 CHAIRMAN BENNETT: 25 percent. Thank
20 you. You're free to go.

21 MR. FISHELL: My name is Graham Fishell.
22 I'm appearing on behalf of Citizens for Mara
23 Candelaria Reardon.

24 CHAIRMAN BENNETT: Wait for her.

25 MS. THOMPSON: Page 81. This is Cause

1 No. 2018- 5378-163. They have paid a settlement
2 agreement before. Has a civil penalty of
3 \$1,000.50.

4 CHAIRMAN BENNETT: We've got you as far
5 as your name.

6 MR. FISHELL: Graham Fishell appearing on
7 behalf of Citizens for Mara Candelaria Reardon.

8 MS. THOMPSON: Mr. Chairman, they have a
9 civil penalty of \$100.50 and they have had one
10 settlement agreement.

11 MS. TAYLOR: This is their third.

12 CHAIRMAN BENNETT: So you're willing to
13 accept the penalty of 75 percent of the
14 \$1,000.50?

15 MR. FISHELL: Yes.

16 CHAIRMAN BENNETT: Very well. You're
17 free to go.

18 MS. TAYLOR: Page 72 and 79. The first
19 on page 72 is Cause No. 2018-7115-147. Proposed
20 civil penalty of \$50.50. The second on page 79,
21 Cause No. 2018-7115-160. Proposed civil penalty
22 of \$1,000.50. This is their first time before
23 the Commission.

24 CHAIRMAN BENNETT: Can you state your
25 name then with respect to each cause number?

1 MR. FISHELL: Graham Fishell.

2 2018-7115-147 and 2018-7115-160.

3 CHAIRMAN BENNETT: You're willing to
4 settle at 25 percent of the fine for both?

5 MR. FISHELL: Correct.

6 CHAIRMAN BENNETT: Very well. You're
7 free to go.

8 MS. TAYLOR: Mr. Chairman, the first one
9 is on page 5. Committee to Elect Michael A.
10 Harkness for State Representative of District
11 73, Cause No. 2017-6724-57. Proposed civil
12 penalty of \$1,000. The second one --

13 CHAIRMAN BENNETT: Let's do the first one
14 first. Are you willing to accept the 25 percent
15 penalty?

16 MR. HARKNESS: Do you want me to state
17 my name first?

18 CHAIRMAN BENNETT: Yes, thank you.

19 MR. HARKNESS: Michael Harkness.

20 CHAIRMAN BENNETT: Are you willing to
21 accept the 25 percent penalty on Cause No.
22 2017-6724-57?

23 MR. HARKNESS: Would this be a bundle
24 since it's the first time I've been here or each
25 one separate?

1 CHAIRMAN BENNETT: Should we look at the
2 other one?

3 MS. THOMPSON: On page 36.

4 MS. TAYLOR: The second one is Cause No.
5 2018-6724-74 with a proposed civil penalty of
6 \$150.47.

7 IEC MEMBER OVERHOLT: This looks to me
8 like it's the second violation for each of
9 these?

10 MS. TAYLOR: This is the first time he's
11 been before the Commission. There's two
12 violations before you right now.

13 IEC MEMBER OVERHOLT: Because each one is
14 showing two delinquent reports.

15 MS. TAYLOR: And those are the two we're
16 hearing today. 2016 annual which is on page 5
17 and the 2017 annual on page 37.

18 CHAIRMAN BENNETT: Which one was first?
19 The thousand dollars?

20 MS. TAYLOR: Yes, that was the 2016
21 annual.

22 CHAIRMAN BENNETT: So he would be
23 eligible for 25 percent on that one and then the
24 second one would be 50 percent? Will you
25 accept 25 percent on each?

1 MR. HARKNESS: On each, yes.

2 CHAIRMAN BENNETT: The remaining
3 committees will be called to present evidence in
4 these matters.

5 Before doing so, I want to note that in
6 the past the Commission has followed procedures
7 for conducting campaign finance hearings, and I
8 move that the Commission use the following
9 procedures today.

10 When each campaign finance matter is
11 called, the hearing will begin with recognizing
12 campaign finance staff to provide information
13 about the documents in this matter provided to
14 Commission Members, including letters from
15 committees and the notice given to the campaign
16 committee. Unless there is an objection, the
17 documents provided to the Commission by the
18 Election Division will be entered into the
19 record of this meeting.

20 After campaign finance staff completes
21 presentation, a representative of the committee
22 will be recognized first and may present their
23 case for no more than five minutes. Commission
24 Members may ask questions during the
25 presentation, but the time spent answering these

1 questions will not be counted against a
2 presenter's time. The Election Division may
3 signal the Chair when a presenter's time is up.
4 If a presenter offers additional documents or
5 other physical evidence not previously received
6 by the Commission, then the original must be
7 provided to the Election Division, Mr. Simmons
8 or Mr. King, to preserve for the record.

9 If the Commission finds that a committee
10 has violated the campaign finance statutes,
11 state law requires unanimous vote of all four
12 commissioners to waive or reduce the amount of
13 the penalty set by law. If the Commission makes
14 a decision at this meeting to either fine a
15 committee or dismiss the case against the
16 committee, then the Election Division will
17 prepare a final order for the Commission to
18 approve at a later meeting. If a committee is
19 fined today, the committee will receive a notice
20 from the Election Division to pay the fine after
21 the Commission adopts the final order. So it
22 may be some time after today before a committee
23 will be required to actually pay the fine.

24 The Commission generally begins at the
25 front of the room and asks those persons present

1 to come forward to have their matter heard. It
2 is very helpful if you could speak up and say
3 the cause number on your hearing material so
4 that the Commission and Staff can quickly look
5 it up on the spreadsheet. Remember to identify
6 yourself when you start speaking.

7 Is there a second to this motion?

8 IEC MEMBER KLUTZ: Second.

9 CHAIRMAN BENNETT: Any questions or
10 objections from Commission Members or any
11 committee to these proceedings? Are there any
12 questions? Is there any discussion?

13 Is there a motion to accept these
14 proceedings?

15 MR. BARTELS: As far as you mentioned
16 finance committees, what about businesses in the
17 same aspect of violation? Is this part of the
18 same procedure?

19 CHAIRMAN BENNETT: Same thing. And would
20 you state your name, please?

21 MR. BARTELS: Stephen Bartels.

22 CHAIRMAN BENNETT: I think we have a
23 motion to adopt the procedures on the table. We
24 have a motion and a second.

25 All in favor say aye. All opposed say

1 nay.

2 The ayes have it. Motion carried.

3 Before we proceed, I wanted to go back
4 and ask the staff if you have the identity of
5 the first woman who took the deal?

6 MS. TAYLOR: Yes, her name was Lisa Seng
7 Shadday.

8 CHAIRMAN BENNETT: Can you identify the
9 page number?

10 MS. TAYLOR: She was on page 30. Did not
11 get her cause number read in either. Her cause
12 number was 2018-6565-61 and her proposed civil
13 penalty was \$1,000.47.

14 CHAIRMAN BENNETT: And she agreed to
15 accept the deal at 25 percent?

16 MS. TAYLOR: Yes.

17 CHAIRMAN BENNETT: Can you raise your
18 hand if you're here for a campaign finance
19 enforcement action. We'll start the first row
20 farthest left. Have you all taken the oath?

21 MS. BRUHN: I came in late. I'm sorry.

22 CHAIRMAN BENNETT: You want to administer
23 the oath.

24 (All prospective people intending to
25 testify before the Indiana Election Commission

1 stood and were jointly sworn in.)

2 MS. THOMPSON: Page No. 57, Elect Bruhn,
3 Cause No. 2018-7044-116. Has never been before
4 the Commission before. Has a civil penalty of
5 \$1,000.47 and is now closed.

6 CHAIRMAN BENNETT: Were you here when we
7 announced the opportunity to settle a case at no
8 contest and waive the hearing?

9 MS. BRUHN: I was. No, I came a few
10 minutes late, but someone explained that the
11 first time was 25 percent.

12 CHAIRMAN BENNETT: Are you willing to
13 accept that deal?

14 MS. BRUHN: I would prefer not to.

15 CHAIRMAN BENNETT: Okay, go ahead. I'd
16 ask the staff to tell us anything more you can
17 about this.

18 MS. THOMPSON: The committee is closed
19 right now and they do have a proposed civil
20 penalty of \$1,000.47.

21 CHAIRMAN BENNETT: You may proceed.

22 MR. BRUHN: I am a first-time candidate.
23 Not that that's an excuse. I spent time with
24 Matthew Kochevar learning the process. I don't
25 have any campaign employees. I never took a

1 dime from a single person. I was primarily
2 running to highlight some issues. I had a
3 whopping total of twelve dollars in my account
4 just to hold it open.

5 Due to some personal things and also just
6 the aggressive nature of running for office and
7 what you try to do, I didn't go by my P.O. box
8 and didn't realize that that's where it would be
9 coming. It just became something that fell off
10 the docket of things to do. I would
11 respectfully request that I not have to pay this
12 fine.

13 CHAIRMAN BENNETT: Any questions from the
14 Commission Members? Is there a motion?

15 IEC MEMBER CLAYTOR: I assume there's no
16 funds in your account?

17 MR. BRUHN: Yes, sir. I just want to
18 make one point, if allowed. I was running as an
19 Independent so I had the extra additional burden
20 of gathering signatures, which was what I was
21 really focused on. I gathered about 200
22 signatures and was spending time doing that as
23 the only person doing that.

24 Yes, the account is closed. There's no
25 funds in it. The most it ever had was twelve

1 dollars. I'm mostly running to highlight
2 women's issues. My county doesn't have a single
3 woman's shelter, and we've been begging for
4 years -- as a physical therapist and working in
5 a hospital, I saw the issues with this that, and
6 also as a survivor of sexual assault and
7 domestic violence, I have concerns. That was my
8 main reason for running, as well as gun issues.
9 I got to talk to a lot of people and educate a
10 lot of people, and that was my goal.

11 CHAIRMAN BENNETT: Motion?

12 IEC MEMBER CLAYTOR: Can I ask what kind
13 of report this was?

14 MS. TAYLOR: This was the 2017 annual.

15 MS. BRUHN: It was the very first one
16 that I was supposed to file, and then I
17 definitely dutifully, once I realized I had a
18 \$1,000 fine, put the next filing if I would have
19 stopped running in July.

20 IEC MEMBER KLUTZ: It seemed that
21 settlement offer was particularly designed for
22 this situation. Your issues of running a
23 campaign and the difficulty you had is no
24 different than other candidate that runs for
25 office and has to comply with Indiana code and

1 Indiana statute. So I really wish you would
2 have taken that settlement offer because now I
3 feel like it's difficult to say, okay, let's not
4 fine you or let's just fine you 25 percent. I
5 will say that in my mind -- I don't know about
6 the other commissioners -- that the mitigating
7 factor here is that you didn't raise any money
8 or much money.

9 MS. BRUHN: I deposited solely my funds.
10 I didn't raise any money. That's not -- that
11 wasn't the point of my running. I also was
12 dealing with respectfully -- I'm sorry. I don't
13 mean to be interrupting you.

14 IEC MEMBER KLUTZ: I guess I see that as
15 a mitigating factor but not enough to say, okay,
16 you shouldn't have any penalty for not following
17 Indiana code. So my motion would be that the
18 fine be 25 percent of the proposed fine.

19 CHAIRMAN BENNETT: I'll second the
20 motion. Is there any discussion?

21 MS. BRUHN: I spoke with a couple of
22 attorneys. They said it would cost more to have
23 an attorney represent me here than to actually
24 do this, and they said they know plenty of
25 people that have stood before the Commission

1 before and have just been honest and have not
2 had to pay a single dime.

3 CHAIRMAN BENNETT: I think you made a
4 very nice presentation.

5 MS. BRUHN: I also was dealing with a
6 situation in my county as a peaceful protester
7 having a Hamilton County deputy sheriff assault
8 me, and that's been adjudicated, but that was
9 again for the same issue, House Bill 1071,
10 domestic violence and guns.

11 CHAIRMAN BENNETT: The hearing is closed
12 at this point. We have a motion on the table
13 with a second. Is there any discussion?

14 IEC MEMBER CLAYTOR: I wonder if I could
15 ask counsel a stupid question. For campaign
16 finance purposes, we have to open a committee
17 once we have either raised or spent \$100. If
18 she never raised or spent \$100, did she have to
19 open this account at all?

20 MR. SIMMONS: Commissioner Claytor, the
21 answer is, yes, it's triggered in 3915 by
22 actually filing for office. So you have to open
23 a committee within seven days of filing for
24 office, and then once you have an open
25 committee, 3-9-5-6 requires regular reports,

1 whether you raise or spend money or not.

2 IEC MEMBER CLAYTOR: Thank you.

3 CHAIRMAN BENNETT: Any further
4 discussion? All in favor aye. Opposed say
5 nay. Is there another motion?

6 IEC MEMBER CLAYTOR: Mr. Chairman, I move
7 we waive the penalty in this matter. Is there a
8 second?

9 IEC MEMBER OVERHOLT: Second.

10 CHAIRMAN BENNETT: Any discussion?

11 IEC MEMBER OVERHOLT: For purposes of
12 discussion, I would say that my recollection is
13 that in the past, especially when someone comes
14 before us and they have closed their committee
15 already, we have waived or significantly reduced
16 the penalty, regardless of whether the person
17 appeared when we were offering the deal that we
18 offered in the beginning. So I think there's
19 precedent from our past actions to do something
20 less than the full amount.

21 CHAIRMAN BENNETT: When did you close the
22 committee?

23 MS. BRUHN: Several months ago.

24 CHAIRMAN BENNETT: Why did you close it?

25 MS. BRUHN: Because I was no longer

1 running.

2 IEC MEMBER OVERHOLT: Did you file a
3 Petition of Nomination with the Election
4 Division?

5 MS. BRUHN: I filed a CFA-1. Is that
6 what you're talking about? I'm sorry. I filed
7 everything I was told to file and then the
8 finance portion of it.

9 IEC MEMBER OVERHOLT: The Declaration of
10 Candidacy with the signatures you would have
11 collected.

12 MS. BRUHN: I did not get to that point
13 because I needed to have 2.5 percent of the
14 Secretary of State's 2014 numbers and I needed
15 to have 255 plus additional in case some were
16 from other counties.

17 IEC MEMBER OVERHOLT: Okay, thank you.

18 MS. TAYLOR: She closed her committee
19 July 30, 2018.

20 IEC MEMBER OVERHOLT: So under the law
21 she didn't necessarily have to even open it.

22 MR. KOICHEVAR: Correct. We've never
23 received any filings from the person before us
24 today to run as an independent candidate for any
25 office that we would accept filings for.

1 MS. BRUHN: So I didn't file the correct
2 paperwork?

3 MR. KOCHEVAR: What I'm trying to say is
4 that the person before us never filed for office
5 as an independent candidate. She has stated she
6 opened this committee to run as an independent
7 candidate. We have never received petition
8 filings for signatures nor a consent form which
9 is required by state law.

10 CHAIRMAN BENNETT: What is the impact?

11 MR. KOCHEVAR: The impact would be that
12 she, at least from my perspective legally
13 speaking, never became a candidate -- never
14 filed to become a candidate for which the
15 campaign finance code requiring that a CFA-1
16 Statement of Organization be filed was never
17 implemented for this candidate. She said that
18 she's never raised \$100 or more in a calendar
19 year. She did not file to become a candidate,
20 but do remember that a CFA-1 was filed. When a
21 person files a CFA-1, our reading of the
22 Campaign Finance Act is that they become subject
23 to the Campaign Finance Act. I also speak from
24 personal experience having been a candidate for
25 local office before.

1 CHAIRMAN BENNETT: I would ask Mr.
2 Simmons for his view of this.

3 MR. SIMMONS: Mr. Chairman, Members of
4 the Commission, I agree with Matthew. If those
5 are the facts, she never filed and she never
6 raised or spent \$100, she was never required to
7 open a committee in the first place, but she did
8 open a committee, and as Matthew explained, once
9 you do that, then campaign finance laws attach
10 and requires open committees to file campaign
11 finance reports.

12 CHAIRMAN BENNETT: We have a motion to
13 waive and a second. All in favor of that motion
14 say aye. All opposed say nay.

15 IEC MEMBER KLUTZ: Nay.

16 CHAIRMAN BENNETT: The ayes have it.
17 Motion carries. Thank you very much.

18 IEC MEMBER OVERHOLT: I'll make another
19 motion. Can we entertain a new motion?

20 CHAIRMAN BENNETT: Think we have to.

21 IEC MEMBER OVERHOLT: I hereby move to
22 dismiss this cause.

23 IEC MEMBER CLAYTOR: Second.

24 CHAIRMAN BENNETT: Any discussion? All
25 in favor say aye. All opposed say nay.