Indiana Election Commission Minutes October 29, 2019

Members Present: Paul Okeson, Chairman of the Indiana Election Commission ("Commission"); Lauren Ganapini, 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 Kochevar, Co-General Counsel of the Election Division; Dale Simmons, Co-General Counsel of the Election Division; Abbey Taylor, Election Division campaign finance director; Michelle Thompson, Election Division campaign finance director.

Others Attending: Ms. Sherry Raber.

1. Call to Order:

The Chair called the October 29, 2019 meeting of the Commission to order at 1:30 p.m. EDT in the Indiana Election Division offices at 302 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 Beverly Evans Elliot of Stewart Richardson Deposition Services, which is incorporated by reference into these minutes.

The Commission corrects the following scrivener's errors in this document:

Page 5, line 6, before "present" insert "to".

Page 5, line 9, replace "Miss" with "Ms".

Page 6, line 20, replace "roles' with "rules".

The Commission adjourned its meeting at 1:46 p.m. EDT.

Respectfully submitted,

J. Bradley King

Co-Director

Angela M. Nussmeyer

Co-Director

In the Matter Of:

INDIANA ELECTION COMMISSION PUBLIC SESSION AGENDA

Committee Meeting

October 29, 2019

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1	INDIANA ELECTION COMMISSION PUBLIC SESSION AGENDA
2	POBLIC SESSION AGENDA
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6	Conducted on: October 29, 2019
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10	Conducted at: Indiana Government Center South
11	302 West Washington Street Room E-204
12	Indianapolis, IN 46204
13	
14	
15	
16	
17	
18	
19	A Stenographic Record By:
20	Beverly Evans Elliott, RPR
21	
22	STEWART RICHARDSON & ASSOCIATES
23	Registered Professional Reporters One Indiana Square
24	Suite 2425 Indianapolis, IN 46204
25	(317)237-3773

1	APPEARANCES	
2	INDIANA ELECTION COMMISSION:	
3	Mr. Paul Okeson - Chairman Ms. Lauren Ganapini - Proxy for Vice Chairman Anthony S. Long	
5	Ms. Suzannah Wilson Overholt - Commission Member Mr. Zachary E. Klutz - Commission Member	
6 7	INDIANA ELECTION DIVISION STAFF:	
8	Mr. J. Bradley King - Co-Director Ms. Angela M. Nussmeyer - Co-Director Mr. Dale Simmons - Co-Legal Counsel Mr. Matthew R. Kochevar - Co-Legal Counsel	
10	Ms. Michelle Thompson - Election Division Campaign Finance Director Abbey Taylor - Election Division Campaign	
11	Campaign Finance Director	
12	ALSO PRESENT: Ms. Sherry Raber	
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14		
15 16		
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23		
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CHAIRMAN OKESON: Calling this meeting to order of the Indiana Election Commission. The following Commission members are present: Chairman Paul Okeson, Lauren Ganapini, proxy for Vice Chairman Anthony Long, Member Suzannah Wilson Overholt, Member Zack Klutz.

2.1

Indiana Election Division staff, Co-director
Brad King and Co-director Angie Nussmeyer.
Co-general counsels Matthew Kochevar and Dale
Simmons. And the court reporter, Beverly Elliott,
from Stewart Richardson Deposition Services.

I want to remind everyone on behalf of the court reporter when speaking please identify yourself before speaking. Spell your name when identifying yourself and speak clearly and do not speak at the same time as others, please.

I request that the co-directors confirm the Commission meeting has happen properly noticed as required under the Open Door Law.

MR. KING: Mr. Chairman, members of the Commission, on behalf of Co-director Nussmeyer and myself, we confirm that notice of both this public session meeting of the Commission and the previous executive session were given in accordance with the Open Door Law.

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1
          CHAIRMAN OKESON: Moving on to the agenda, the
 2.
     approval of the October 10th, 2019, Commission
     minutes and the October 29th, 2019, executive
 3
     session Commission minutes.
 4
 5
          MR. KING: Mr. Chairman, members of the
     Commission, the minutes for October 10th, 2019, and
 6
     the minutes of the executive session conducted on
 7
     October 29th, 2019, have been reviewed by
 8
     Co-director Nussmeyer and myself. And we recommend
 9
     them both to you for your approval.
10
11
          CHAIRMAN OKESON: Is there a motion to approve
12
     the minutes as presented?
13
          MR. KLUTZ: So moved.
14
          CHAIRMAN OKESON:
                            Second?
15
          MS. OVERHOLT: Second.
16
          CHAIRMAN OKESON: Any discussion?
17
          (No response.)
18
          CHAIRMAN OKESON: Hearing none, all those in
19
     favor say "aye."
20
          THE COMMISSION: Aye.
2.1
          CHAIRMAN OKESON:
                            Those opposed.
2.2
          (No response.)
23
          CHAIRMAN OKESON:
                            Having none, the ayes have
          The minutes and the motion to approve the
24
25
    minutes are adopted.
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1 Want me to go ahead and send this around, 2 Brad? 3 MR. KING: Yes, if you would, please. 4 CHAIRMAN OKESON: Moving on, adoption of 5 Campaign Finance orders, I recognize the 6 co-directors present Campaign Finance enforcement 7 orders prepared for adoption by the Commission. 8 MR. KING: Mr. Chairman and members of the 9 Commission, Miss Taylor and Miss Thompson are here 10 and can speak if there are any questions. 11 have been drafted designated 2019-187 through 12 2019-208 that reflect the determinations made by 13 the Commission at the October 10th, 2019, meeting. 14 These include the assessment of civil penalties, 15 dismissals, and continuances. 16 And we would also request authorization to use the members' signature stamps to process those 17 18 orders if they're approved. 19 CHAIRMAN OKESON: Okay. Is there a motion to 20 adopt orders 2019-187 through 2019-208 and to 21 authorize the Election Division staff to use our 22 signature stamps to indicate the adoption? 2.3 MR. KLUTZ: So moved. 2.4 Is there a second? CHAIRMAN OKESON: 25 MS. OVERHOLT: Second.

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1
                            Is there any discussion on
          CHAIRMAN OKESON:
 2
     the matter?
 3
          (No response.)
 4
          CHAIRMAN OKESON:
                            Hearing none, all those in
 5
     favor signify by "aye."
 6
          THE COMMISSION:
                           Aye.
 7
          CHAIRMAN OKESON:
                            Those opposed.
 8
          (No response.)
 9
          CHAIRMAN OKESON:
                            The ayes have it.
10
          MR. KING:
                    Mr. Chairman, there were two items
     that were continued at the last Commission meeting.
11
12
     One was the matter concerning Mr. Fuller's
13
     candidate committee.
                           He does not appear to be
14
     present. However, we do have a representative
     present for one other committee. And so if you
15
16
     would proceed, we can bring that matter before the
17
     Commission in a presentation by Ms. Taylor and
18
     Ms. Thompson.
19
          MS. OVERHOLT: Are we going to also adopt our
     regular roles that we usually adopt?
20
21
          CHAIRMAN OKESON:
                            If necessary. We might not
2.2
     get to that point.
23
          MS. OVERHOLT: All right. Just asking.
          CHAIRMAN OKESON: Everyone who plans to
24
25
     testify at today's meeting on any matter, please
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stand and recognize the administration of the oath by Mr. Dale Simmons.

MR. SIMMONS: Will you raise your right hand. Say "I do" after the administration of the oath.

Do you solemnly swear or affirm under the penalties of perjury the testimony you're about to give the Commission is the truth, and whole truth, and nothing but the truth? Say "I do."

(Consent by all.)

2.2

2.4

MR. SIMMONS: Thank you.

CHAIRMAN OKESON: Before proceeding with Campaign Finance enforcement actions we want to give any committee present the final opportunity to pay reduced civil penalty by waiving the right to present evidence and arguments to the Commission. Any committee is welcome to present evidence and arguments for the proposed penalty to be waived, but this is an opportunity for those who want to waive that presentation and accept a reduced penalty without making any argument or presentation.

And I will read off sort of the following arrangements and please ask for someone to move adoption of these. If this is the committee's first violation, the arrangement is for the

1 committee to agree paying 25 percent of the proposed fine plus mailing costs. 2 If this is the 3 committee's second violation, the arrangement is for the committee to agree to pay 50 percent of the 4 5 proposed fine plus mailing costs. 6 If this is the committee's third violation, the committee would agree to pay 75 percent of the 7 8 proposed fine plus mailing costs. For purposes of 9 this arrangement a previous settlement agreement 10 entered into by the committee will be counted as 11 one violation. Likewise, if more than one alleged violation occurred on the same calendar day, that 12 group of violations shall be counted as one 13 14 violation. 15 Is there a second to this motion? 16 MR. KLUTZ: Second. 17 Any discussion? CHAIRMAN OKESON: 18 (No response.) 19 CHAIRMAN OKESON: No further discussion. All 20 those in favor say "aye." 2.1 THE COMMISSION: Aye. 2.2 CHAIRMAN OKESON: Those opposed? 23 (No response) 2.4 CHAIRMAN OKESON: The ayes have it. Motion is

25

ordered.

1	MS. RABER: I'll take it.		
2	CHAIRMAN OKESON: Would you please stand.		
3	State your name.		
4	MS. RABER: Sherry Raber. Spell it too?		
5	CHAIRMAN OKESON: Please.		
6	MS. RABER: S-H-E-R-R-Y, last name R-A-B-E-R.		
7	CHAIRMAN OKESON: And do we have a cause		
8	number?		
9	MS. THOMPSON: Mr. Chairman, this is Miami		
10	County Republican Central Committee Cause No.		
11	2019-6494-162. This is a continuance from the last		
12	meeting. They have been before the Board one other		
13	time, and the proposed civil penalty is \$1,000.55.		
14	CHAIRMAN OKESON: And you said it was the		
15	first?		
16	MS. THOMPSON: This is their second. They've		
17	been before the Board once.		
18	CHAIRMAN OKESON: Okay. And did I hear you,		
19	ma'am, state that you would accept the penalty as		
20	proposed?		
21	MS. RABER: Yes.		
22	CHAIRMAN OKESON: What was the name of the		
23	committee again? Will you read the name of the		
24	committee again.		
25	MS. THOMPSON: Miami County Republican Central		

1 Committee. CHAIRMAN OKESON: So the chair recognizes 2 they've accepted the penalty? 3 4 MS. THOMPSON: I'm sorry. Say again. 5 CHAIRMAN OKESON: The chair recognizes that the committee has accepted the penalty? 6 7 MS. RABER: Yes, sir. 8 MS. OVERHOLT: At 50 percent; right? 9 MS. RABER: Yes. 10 CHAIRMAN OKESON: At 50 percent plus mailing 11 costs. 12 Thank you. No further business. 13 MS. NUSSMEYER: Mr. Chairman, if I might. 14 Miss Thompson, we did not receive any request from Maurice Fuller or any information from him at 15 16 all? 17 MS. THOMPSON: Correct. We did not hear from him. 18 19 MS. NUSSMEYER: Okay. Thank you. 20 CHAIRMAN OKESON: Would the Campaign Finance staff identify any matters for which a motion for 21 continuance was received before today's meeting. 22 2.3 MS. THOMPSON: No. 24 CHAIRMAN OKESON: Hearing none, we move to 25 default.

1 Is anyone present to testify on any remaining 2 Campaign Finance hearings scheduled for today? 3 (No response.) Seeing none, I declare all 4 CHAIRMAN OKESON: 5 the hearings on all remaining Campaign Finance 6 matters scheduled for today closed. 7 Is there a motion to impose the entire amount 8 of proposed penalty plus mailing costs in all 9 remaining Campaign Finance enforcement actions? 10 MR. KLUTZ: So moved. 11 CHAIRMAN OKESON: Is there a second? 12 MS. OVERHOLT: Second. 13 CHAIRMAN OKESON: Any discussion? 14 (No response) CHAIRMAN OKESON: Hearing none, all those in 15 16 favor say "aye." 17 THE COMMISSION: Aye. 18 CHAIRMAN OKESON: Those opposed. 19 (No response.) 20 CHAIRMAN OKESON: The ayes have it. 21 Moving on to administrative complaint, for the 2.2 record, a Complaint has been filed with the Indiana 23 Civil Rights Commission against the Indiana 24 Election Commission. A copy of the Complaint and 25 the following documents are included in the

1 Commission Members' binders: 1. Documents related to the service of the Complaint; 2. Proposed answer 2 to the Complaint; and 3. A proposed motion to 3 4 dismiss. I will recognize members for the discussion of 5 the proposed answer motion. So we don't have any. 6 7 So we need to form a motion. 8 MS. OVERHOLT: Is that where we are now, for a motion to be made? 9 10 I would move that we request that the Office of the Indiana Attorney General represent the 11 12 Election Commission with respect to the defense of this Complaint and authorize that office, upon 13 14 their hopeful acceptance of representation, 15

authorize that office to take all appropriate action to respond to defend against the Complaint with the first step to be asking for additional time to file the response, to prepare and file the response on behalf of the Commission.

> I'll second the motion. MR. KLUTZ:

CHAIRMAN OKESON: Is there any discussion?

(No response.)

16

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CHAIRMAN OKESON: Hearing none, all those in favor of the motion signify by saying "aye."

THE COMMISSION: Aye.

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1
          CHAIRMAN OKESON:
                             Those opposed.
 2
          (No response)
          CHAIRMAN OKESON: Hearing none, the motion
 3
 4
     carries.
 5
          Anything else on that front?
 6
          MR. SIMMONS:
                        No.
 7
          CHAIRMAN OKESON: Move for adjournment.
     have finished our business for today. Is there a
 8
     motion for the Indiana Election Commission to
 9
     adjourn?
10
11
          MR. KLUTZ: So moved.
12
          MS. OVERHOLT: So moved.
          CHAIRMAN OKESON: All those in favor say
13
     "aye."
14
15
          THE COMMISSION: Aye.
16
          CHAIRMAN OKESON: We're adjourned.
17
18
19
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21
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23
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STATE OF INDIANA 1 2 COUNTY OF HANCOCK I, Beverly Evans Elliott, a Notary Public in 3 4 and for said county and state, do hereby certify that the foregoing hearing was taken at the time and place 5 heretofore mentioned between 1:30 p.m. and 2:15 p.m.; 6 7 That said hearing was taken down in stenograph notes and afterwards reduced to typewriting under my 8 9 direction; and that the typewritten transcript is a 10 true record of the testimony given; 11 I do further certify that I am a disinterested 12 person in this cause of action; that I am not a relative of the attorneys for any of the parties. 13 IN WITNESS WHEREOF, I have hereunto set my 14 hand and affixed my notarial seal this 12th day of 15 16 November, 2019. 17 Beverly Evano-Illiott 18 NOTARY PUBLIC SEAL 19 STATE OF INDIANA Commission No. NP0657992 My Commission Expires Sept. 20, 2022 20 21 My Commission expires: 22 September 20, 2022 23 Job No. 146928 2.4 25

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APPROVED:

Paul Okeson, Chairman