Indiana Election Commission Minutes May 12, 2020

Members Present: Paul Okeson, Chairman of the Indiana Election Commission ("Commission"); S. Anthony Long, Vice Chairman of the Commission; Suzannah Wilson Overholt, member; Zachary E. Klutz, member.

Staff Attending: Angela M. Nussmeyer, Co-Director of the Election Division; Matthew Kochevar, Co-General Counsel of the Election Division; Andrew Lang, Co-General Counsel of the Election Division; Abbey Taylor, Election Division campaign finance director; Michelle Thompson, Election Division campaign finance director.

1. Call to Order:

The Chair called the May 12, 2020 meeting of the Commission to order at 1:00 p.m. EST online via a Zoom virtual meeting room that was moderated by Stewart Richardson.

2. Transaction of Commission Business:

The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Maria Collier 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 3, line 23, replace "conn" with "call".

The Commission adjourned its meeting at 1:37 p.m. EST.

Respectfully submitted,

J. Bradley King

Co-Director

Angela M. Nussmeyer

Co-Director

APPROVED:

Paul Okeson, Chairman

In the Matter Of:

INDIANA ELECTION COMMISSION PUBLIC SESSION

Transcript of Proceedings

May 12, 2020

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2	INDIANA ELECTION COMMISSION
3	PUBLIC SESSION
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7	Conducted on: May 12, 2020
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11	Conducted Remotely via Videoconference
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15	A Stenographic Record by:
16	Maria W. Collier, RPR, CRR
17	
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19	
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21	
22	STEWART RICHARDSON DEPOSITION SERVICES
23	Registered Professional Reporters One Indiana Square
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25	(317)237-3773

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1	APPEARANCES
2	INDIANA ELECTION COMMISSION:
3	Paul Okeson - Chairman
4	S. Anthony Long - Vice Chairman
5	Suzannah Wilson Overholt - Member
6	Zachary E. Klutz - Member
7	
8	INDIANA ELECTION DIVISION STAFF:
9	Angela M. Nussmeyer - Co-Director
10	Matthew Kochevar - Co-Counsel
11	Andrew Lang - Co-Counsel
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CHAIRMAN OKESON: Okay. We'll go ahead and get started, unless there's any objections. Today is Tuesday, May 12, 2020. I call to order the Indiana Election Commission meeting, seeing that there's a quorum. Myself present, Chairman Paul Okeson, Vice Chairman Anthony Long, Member Suzannah Wilson Overholt, and Member Zachary Klutz are all in attendance, as well as Election Division staff, Co-Director Angie Nussmeyer and Andrew Lang, standing in as co-director and co-counsel, as well as Co-General Counsel Matthew Kochevar.

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We welcome again our court reporter, Maria Collier, from Stewart Richardson Deposition Services.

Once again, we are doing this meeting via Zoom obviously, and I want to remind everyone to please state your name, although she will be able to see the screen as you are speaking, and please refrain from speaking at the same time as others.

Again, just to remind everyone, even though this meeting is open to the public and it is a virtual meeting, Stewart Richardson will sort of keep control of the conn and keep everybody muted so that we can hear the participants of the commission. So unless you are recognized to speak

by us, please refrain from doing so.

2.0

I'd like now for the Election Division staff to confirm that proper public notice was given for this meeting.

MR. LANG: Yes, it has, Chair.

CHAIRMAN OKESON: Okay. So the meeting was posted on the 8th outside the Election Division for public edification. We have a couple things on the agenda today. I don't suspect we'll get into great detail. Most of this is cleanup work.

We have, I believe, the last four Election

Commission meeting minutes that have yet to be

approved, so with that, we'll get started on those.

I recognize the co-director to present the meeting

minutes from February 21, 2020.

MS. NUSSMEYER: Good afternoon, Mr. Chairman, members of the commission. As Chair Okeson mentioned, we do have four sets of meeting minutes. I know that I have been able to review all of those, and I believe my counterpart, Mr. Lang and Mr. King, have also had the opportunity to review. Any scrivener's errors we have noted, and that was primarily in the February 21st meeting. The other minutes we found no scrivener's errors. And with that, I would recommend approval of all four sets

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of minutes when you reach those points in the
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 2.
     agenda today.
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          CHAIRMAN OKESON: Point of order. Can we just
     make a motion to approve all four sets or do we
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     need to do them individually?
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          MS. NUSSMEYER:
                          I believe you can do all four
     sets collectively. I would defer to counsel if
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     they feel differently.
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          CHAIRMAN OKESON: Co-Counsel Kochevar?
          MR. KOCHEVAR: I concur with Angie on that.
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          CHAIRMAN OKESON: Co-Counsel Lang, you good
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     with that?
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          MR. LANG:
                     I concur as well.
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          CHAIRMAN OKESON: Just as a matter of keeping
     things moving, is there a motion to approve all of
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     the minutes from February 21st, March 25th,
     April 17th, and April 22nd?
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          VICE CHAIRMAN LONG: So moved.
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          MR. KLUTZ:
                      So moved.
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          CHAIRMAN OKESON: Is there a second?
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                      I'll second.
          MR. KLUTZ:
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          CHAIRMAN OKESON: Any discussion on the
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     matter?
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          (No response.)
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          CHAIRMAN OKESON: Hearing none, all those in
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1 favor? I'll go down the list just so we can make 2 Stewart Richardson capture this easily. Vice Chairman Long? 3 4 VICE CHAIRMAN LONG: Aye. 5 CHAIRMAN OKESON: Commissioner Overholt? 6 MS. OVERHOLT: Aye. 7 CHAIRMAN OKESON: Commissioner Klutz? 8 MR. KLUTZ: Aye. 9 CHAIRMAN OKESON: I am aye as well. 10 "ayes" have it and the motion to approve all four 11 of the past meeting minutes is approved. 12 Next on the agenda, we have sort of some 13 cleanup from some past orders as it relates to

Next on the agenda, we have sort of some cleanup from some past orders as it relates to expiration of dates, as we all know, due to the ongoing COVID-19 pandemic. We're readopting some past orders, 2020-37 and 2020-40, to extend them for an additional 30 days from their current expiration dates. So as a reminder, these orders pertain to matters surrounding the moving of primary election from May 5th to June 2nd.

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I move that we adopt what is now called Order 2020-44, which has been posted at the Indiana Election Commission's web page and can be found on the Secretary of State's website for those of you who are interested. For purposes of discussion, is

1 there a second to my motion? 2 VICE CHAIRMAN LONG: Second. 3 CHAIRMAN OKESON: Noting a second. Any 4 discussion? Do we need to review any of the finer 5 points of what this does? I think it's pretty clear. Section 1 extends --6 Yes. Go ahead. 8 MS. OVERHOLT: Sir, before you review the 9 sections, there were some -- I was hoping to have 10 perhaps an update from staff regarding absentee 11 applications. But if you want to go through the 12 provisions first, I could ask those questions 13 later. CHAIRMAN OKESON: Yeah. If it doesn't pertain 14 to the vote on this order, we'll give you an 15 16 opportunity to talk about that after we vote on 17 this. Is that okay? 18 MS. OVERHOLT: Sure. 19 CHAIRMAN OKESON: Are you hearing me okay? 20 I'm getting an unstable connection on my end. 2.1 MS. OVERHOLT: Yeah. People are going in and 22 out. Can you hear me pretty well? 23 CHAIRMAN OKESON: Yeah. 24 Any other discussion? We have a motion and a

second on adoption of Order 2020-44.

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1 (No response.) 2 CHAIRMAN OKESON: Hearing none, all those in 3 favor please signify by "aye." 4 Vice Chairman Long? 5 VICE CHAIRMAN LONG: Aye. CHAIRMAN OKESON: Vice Chairman -- excuse me. 6 7 Commissioner Overholt? 8 MS. OVERHOLT: Aye. 9 CHAIRMAN OKESON: Commissioner Klutz? 10 MR. KLUTZ: Aye. 11 CHAIRMAN OKESON: And I have an aye as well. 12 The "ayes" have it and the order is adopted 13 unanimously. 14 Can I get consent by the commission members 15 for the Election Division staff to sign this order 16 with our stamps? 17 MR. KLUTZ: I consent. 18 VICE CHAIRMAN LONG: I give my consent. 19 MS. OVERHOLT: Yes. 20 CHAIRMAN OKESON: Before we move on, 21 Commission Member Overholt, if you wanted to ask 22 some questions, please feel free to do so. MS. OVERHOLT: Sure. I was just wondering if 2.3 24 the staff had any statistics regarding the number 25 of absentee ballot applications that had been

requested so far.

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CHAIRMAN OKESON: Co-Director Nussmeyer, do you want to respond first?

MS. NUSSMEYER: Oh, sure, Mr. Chairman, glad to. So this morning I get a daily report on absentee statistics. And so at midnight, we had roughly 275,000 absentee applications requested in the state, and I'm sure the number continues to grow as counties work through and approve applications today. So that is a sizable number of absentee ballot requests in the state of Indiana, and it's not been -- it's not typical volume in most election cycles, I will just say, at least since 2008.

And just a reminder to those who are listening on the call today, that is, if you have an absentee ballot application -- well, if you want to request a ballot to vote by mail, you have until May 21st, which is next Thursday, to apply, which you can do through a paper application or now use the online application found on Indianavoters.com.

And we heard today from our vendor that roughly 10 percent or so of all the applications coming through right now are through the online module, which is pretty sizable considering we've

only had it out for about ten days or so. And then if you do have an absentee ballot, it needs to be in your county election board's hands by noon on election day. So just to make sure that folks are aware of those deadlines coming up.

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But the volume is pretty significant, and it will be a fairly large shift in the way that many counties will do business on election day with their central count. So I suspect that election results probably won't be readily available election night, depending on how much absentee traffic the counties are seeing.

So I hope that's helpful information to everybody.

CHAIRMAN OKESON: Do you -- quick question from my end. I'm sorry, Suzannah. I'm sure you'll have some more.

Do you post the statistics on the Election
Division website or are they available to the
public to kind of track absentee ballot activity?

MS. NUSSMEYER: I'm not aware of anything we do on a daily basis. After the election, we'll have statistics that sort of break out absentee versus election day voting, but that absentee number is everything all grouped together, which

would be walk-in traffic, travel board, mail, and then for our military and overseas voters fax and email. But I'm not aware of anything that provides those stats on a daily basis.

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If you are a voter who has requested an absentee ballot, you can go to Indianavoters.com and log back in to your My Voter Portal, and you can see that your application has been received and then the date the ballot was mailed or at least the label was created to mail the absentee ballot out and then also when the county receives your ballot back in. So the voter has that individualized, tailored experience, but there's not, that I'm aware of, any sort of cumulative number posted anywhere in real time.

CHAIRMAN OKESON: And, again, the number you quoted, 275,000, was purely those requested? That doesn't include those that were voluntarily mailed out on behalf of county clerks or county parties or anything like that? We have no way of knowing, right?

MS. NUSSMEYER: Right. We only know what is received by the counties when they enter the data into the system. So the system doesn't know if there are applications sitting on someone's desk to

be processed, for example.

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But they would know once things coming through online they're able to review and approve. Those applications and things that come through email, fax, or mail in terms of the absentee applications, once they get the data entry and attach it to that voter, then that's when it appears in the system as either a count in the report that I'm referring to or, if you're a voter going to the website, you're able to see if that application has been received and if the ballot's been mailed.

CHAIRMAN OKESON: Thank you.

Sorry. Commissioner Overholt, please proceed with any questions you might have.

MS. OVERHOLT: Thank you. Well, I think that, based on these numbers, I'm just -- I just raise this because I think this is something we need to keep an eye on, and I continue to be concerned about the ability of the system actually to ensure that -- you know, with the number of requests coming in, to get them mailed out to people and to get the requests processed.

And perhaps, you know, I think something we really should continue to think about is extending the application for -- the application deadline for

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the absentee ballots. You know, we've talked about
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     this before, but perhaps moving, shortening --
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     well, I guess it's -- sorry -- keep making it
     closer to the election, but to really think about
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     having that deadline be six days before the
     election instead of the current election because,
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     with the number coming in and, I think, people --
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     just with what's going on, it seems like people are
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     going to continue to be assessing their situation
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     and perhaps, you know, feel the need to vote
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     absentee more at the last minute.
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          So I just think that is something that we
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     should give some serious thought to. I quess I
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     could put that in the form of a motion.
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     was interested in hearing, you know, thoughts about
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     it, but if you want me to make a motion, I can do
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     that.
          CHAIRMAN OKESON: Well, exactly what would
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     your motion be, then?
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          MS. OVERHOLT: Well, it would be to change the
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     deadline for submitting absentee ballot
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     applications to six days before the election as
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     opposed to -- what is it, 12 now?
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          MS. NUSSMEYER: Correct. It's 12 days before
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the election.

1 | CHAIRMAN OKESON: I guess I --

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MR. KLUTZ: Mr. Chairman, I've not heard -CHAIRMAN OKESON: Sure. Commissioner Klutz,
go ahead.

MR. KLUTZ: I guess, you know, it's something we could keep an eye on, but I've not heard of any election administrators having difficulty yet or at least had it come to my attention. I guess before I would be willing to consider a motion like that or another change of deadline I'd want to know that there is a problem before we try to fix something. I'm not interested in fixing a problem if there's not a problem.

CHAIRMAN OKESON: My concern would be that that may increase the volume of stress that's put on the county clerks, but I'd defer to -- maybe, Co-Counsel Lang, you might want to chime in on that.

VICE CHAIRMAN LONG: Could I step in and second her motion so we get it on the floor for discussion?

CHAIRMAN OKESON: Well, I don't think she's actually made the motion yet. I asked her what the motion would be.

MS. OVERHOLT: How about can I make the

motion? 1 2 VICE CHAIRMAN LONG: And then I'll second it. 3 MS. OVERHOLT: So my motion would be that we 4 shorten -- that we change the deadline for 5 absentee -- for applications for absentee ballots 6 to be submitted so that they can be submitted up to six days before the June 2nd primary election. CHAIRMAN OKESON: Okay. So there's a motion. 8 9 And, Vice Chairman Long, would you like to formally 10 second it? 11 VICE CHAIRMAN LONG: Yes, I do. I second 12 that. 13 CHAIRMAN OKESON: So even though I didn't have this on the agenda, we'll go ahead and entertain it 14 15 for discussion. Is there any? 16 Commissioner Klutz, do you have anything to 17 offer? 18 MR. KLUTZ: Well, I just -- I don't have 19 enough information to know whether this is a good 20 I'd want to talk to election administrators. I know that before the election that they have 21 these deadlines so they can pivot to other tasks 22 2.3 and responsibilities for conducting an election, 24 and putting this even closer to administration of

elections in person, I don't know the impact.

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And so I'm not in favor of this unless I have more information that, one, there's a problem or, two, the county administrators think that they can handle a shortened time frame.

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CHAIRMAN OKESON: Yeah. I certainly don't -- I understand the logic behind your motion,

Commissioner Overholt. You know, but it's sort of brought up here ad hoc, and having not had time to consider it and to consider the impact of movement of that date on the counties and the administrators and, to Commission Member Klutz's point, not knowing if there's an urgent need to fix anything at this point, unfortunately, I would vote no on this motion. But that doesn't mean we couldn't bring it up in the future should we need another meeting prior to the primary.

VICE CHAIRMAN LONG: Mr. Chairman, if I might, this is the kind of a motion that I don't think we're fixing a problem that exists, but we're anticipating a problem that is realistic to anticipate. I see, in my mind, giving the voters an additional six days in which to file their applications, given the fact that the Secretary has started the advertisements and the encouragements -- and I know all of us have been

doing the same -- for people to take advantage of this because of the risk that the voter exposes themselves to and, of course, in deference to other voters and most certainly the workers at the polls -- this has been one of my biggest concerns are the health aspects of it -- that even if this motion -- I think it's a good idea to do. supported it back before. I did not anticipate this, like you, Mr. Chairman, coming up today, but at the same token, I think the fact that we're discussing it is important and, from what you said, that I think we have to -- however this motion goes, if it passes, number one, the issue, that's settled. If it does not pass, then I think from your comments, Mr. Chairman, that we have to be -have our finger on the pulse here and be prepared before the 21st or as we approach the 21st to have another meeting wherein we can further discuss this and see if there's empirical data that would support it that would satisfy anybody's uncertainty at this point in time. Or if, as Commissioner Klutz has indicated he'd like to have some input from the election administrators, you know, I think those are things -- any concern that anybody would have that would precipitate a no vote, that would

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certainly afford you the opportunity to assuage those concerns.

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CHAIRMAN OKESON: Sure. I appreciate your comments, and, again, I think they're -- I don't find them -- they're on point certainly. But, again, I think, as a largely volunteer board as we are, we both rely heavily on the counsel and advisement of co-directors and co-counsel, and having not had opportunity to consider this motion and having just, again, voted unanimously on a previous order that locks and affirms many of these dates in, it doesn't seem prudent to me to vote on a motion to sort of modify or change orders that we've previously voted unanimously to approve without some further data and discussion.

But, you know, I recognize we're growing closer to the dates where these discussions are relevant. But as I said, based on it primarily being brought up for the first time in this meeting after having just voted on Order 2020-44, I would tend to vote no on this today. And I think we will continue to, as we have all along, rely on good co-counsel and co-directors on both sides here, keep our fingers on the pulse, and monitor this closely.

1 And certainly that means, if you wanted, you 2 could withdraw the motion and we could continue to consider it or we can simply vote on it and 3 reconsider it at another time. But as of now, we 4 5 have a motion and a second. Any further 6 discussion? VICE CHAIRMAN LONG: May I ask a question of 8 Commissioner Overholt? 9 CHAIRMAN OKESON: Sure. Go ahead. 10 VICE CHAIRMAN LONG: Suzannah, I'm thinking 11 out loud, but procedurally -- and I agree with the 12 spirit of your motion. Understanding that there's 13 some concern here and the possibility of this not being successful, what would your feeling be if a 14 motion to lay this motion on the table were made 15 16 along with a commitment for a meeting sometime before the filing deadline and request that the 17 18 staff --(Dogs barking.) 19 2.0 CHAIRMAN OKESON: Somebody didn't like what 21 you had to say. 22 VICE CHAIRMAN LONG: Bring your dog along with 23 them.

CHAIRMAN OKESON: Well, Co-Counsel Lang, could you chime in. So we have a motion and a second.

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My knowledge of Robert's Rules say that we have to vote on it. Is there a process by which, as Vice Chairman Long has offered, that maybe that motion could be set aside or tabled or withdrawn in some way?

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And if I'm mischaracterizing your statements, Vice Chairman, please correct me.

VICE CHAIRMAN LONG: My question was what her feeling would be about a motion to lay the motion on the table, in accordance with Robert's Rules of Order, that it has to then come up at the next meeting, as I understand them. I'm no expert on them, but I had occasion to read them, and I even ordered the updated book. I haven't read it since I got it, but I was concerned on another discussion we had about how we had to do things within our party, and that was my -- I wasn't researching for this meeting. I want to make sure everybody knows that. It was for a central committee meeting of the Democratic party.

CHAIRMAN OKESON: Too bad Robert isn't around to consult on his rules.

Co-Director Lang, could you weigh in on that, please.

MR. LANG: The motion certainly could be

tabled for consideration at a subsequent meeting, if so desired.

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CHAIRMAN OKESON: Correct me if I'm wrong. We do not have, as of current, a meeting scheduled prior to the primary; is that correct?

MR. LANG: That is correct, Chairman.

VICE CHAIRMAN LONG: That was a part of my question, that we would -- as a part of laying it on the table, we would agree to have a meeting before the 21st in order to consider extending the deadline if there appears to be a need for the same.

CHAIRMAN OKESON: So moving on the motion as you suggested it requires a meeting prior to the 21st; correct?

VICE CHAIRMAN LONG: I haven't made a motion, but that would be an integral part of it. This is a part of the discussion on this to move us through an area of possible disagreement to a vehicle to put us in a position to research further, receive input as we would desire, and then make a decision which would be in the best interest of the citizens of Indiana.

CHAIRMAN OKESON: Co-Counsel Lang, if we voted on this motion and it failed, would there be

anything precluding the motion from being brought forth in a future meeting?

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MR. LANG: I believe if the motion was tabled, it could be brought up again at a subsequent meeting, but I would also defer to my counterpart on that matter.

CHAIRMAN OKESON: I'm saying if it's voted on and it fails, can a similar motion be brought again in a future meeting?

MR. KOCHEVAR: Mr. Chairman, I have some knowledge in Robert's Rules of Order. To answer your more immediate question, if the main motion that we have that was brought by Commissioner Overholt were to fail, it's my belief that at a future meeting that would be called by yourself, a similar motion could be made again. I think that -- I think in the history of this commission that has happened before, a motion failed at one meeting, then there was reconsideration, the motion was made again, and it passed.

And then also, in addition, if Vice Chair Long were to make a motion to table, the actual terminology he would want to use is a motion to postpone to a certain time. Motions to table are just to table something to a future part of the

meeting. If you want to continue a matter into another future meeting, you want to use a motion to postpone.

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MR. KLUTZ: Mr. Chairman, my only concern with this is creating some kind of uncertainty or expectation by election administrators that this decision has not been determined and that the deadline for returning these absentees is somehow in flux and will be determined at another date. I don't think that's the case.

The case is we have not extended the deadline, and if circumstances require it, we would be willing to meet. But the way this is being teed up is that there's, to me, uncertainty as to the deadline. And I would rather have this motion be voted upon and then, if facts necessitate, we meet again and vote on it again. But I'm very hesitant to create uncertainty with 92 county administrators thinking there is another meeting, thinking that there is either a likelihood or possibility or not of when these absentee ballot applications are due.

CHAIRMAN OKESON: I'm thinking the same thing.

I think we need to leave this meeting with the certainty that's been unanimously voted on in the previous orders. And to your well-made point,

Commission Member Klutz, if there's a need to revisit it, we certainly can do so without locking in any confusion today.

So with that, I will go ahead and take a vote on the motion offered by Commission Member Overholt and seconded by Long. All those in favor?

VICE CHAIRMAN LONG: Aye.

MS. OVERHOLT: Aye.

CHAIRMAN OKESON: Commission Member Klutz?

MR. KLUTZ: Nay.

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CHAIRMAN OKESON: I'm a nay as well. The motion fails. I will, before moving on to the next matter on the agenda, do, though -- really more towards Co-Counsel Kochevar's comments, in the spirit of working through this, should we have another meeting before the primary and need to bring this up, I'll certainly entertain a motion again if we need one.

With that, we have some remaining campaign finance settlement agreements. We need to ratify some settlement agreements. I recognize the Election Division's campaign finance staff, Ms. Taylor and Ms. Thompson, to present the information concerning, I guess, at least one campaign finance agreement entered into on behalf

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of the commission. Ms. Taylor --
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          MS. THOMPSON:
                        Mr. Chairman --
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          CHAIRMAN OKESON:
                           Yes.
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         MS. THOMPSON: Can you hear me?
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          CHAIRMAN OKESON: Yes, I can.
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          MS. THOMPSON:
                        Okay. Mr. Chairman, members of
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    the commission, Michelle Thompson here.
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    sent a list of committees to ratify that have
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    agreed to pay a settlement agreement and waive a
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    hearing.
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          CHAIRMAN OKESON:
                            Is there a motion to ratify
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    those? Well, is Ms. Taylor present? Would she
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     like to offer anything in addition?
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          (No response.)
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          CHAIRMAN OKESON:
                            Okay. Is there a motion to
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     ratify those campaign finance settlement agreements
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     as they are presented?
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          VICE CHAIRMAN LONG: Mr. Chairman, may I make
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     a disclosure?
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          CHAIRMAN OKESON:
                            Sure.
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          VICE CHAIRMAN LONG: I'm a member of the State
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    Bar Association, which I believe is on the
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     settlement list. It was sent to me earlier with
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    the CBA conflicts. If they are settlements, I
    don't think that it creates a conflict for me, but
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I wanted to make the disclosure if anybody has any objection.

As I say, I think I'm a member of the State
Bar. My wife takes care of those memberships. I
may or may not be. Those dues may have resulted in
a new tree or something at the house. But
notwithstanding, I make that disclosure and
indicate I don't intend to disqualify myself unless
someone propose that I do so.

CHAIRMAN OKESON: I certainly do not. Do any other members have any issues with Vice Chairman's disclosure?

MR. KLUTZ: No.

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MS. OVERHOLT: No. Well, and I would say I think I am -- I'm not sure, but I think I am also a member of the State Bar Association. So I would make the same disclosure, and I don't think that it is reason to disqualify myself.

CHAIRMAN OKESON: I appreciate the disclosures.

VICE CHAIRMAN LONG: I think we'll probably get an award for outstanding members. But with that comment, I'll make a motion we approve the agreement.

CHAIRMAN OKESON: Thank you. Is there a

1 second? MR. KLUTZ: Second. 3 CHAIRMAN OKESON: Thank you, Commissioner 4 Klutz. 5 All those in favor please signify by "aye." Vice Chairman Long? 6 7 VICE CHAIRMAN LONG: Aye. 8 CHAIRMAN OKESON: Commissioner Overholt? 9 MS. OVERHOLT: Aye. 10 CHAIRMAN OKESON: Commissioner Klutz? 11 MR. KLUTZ: Aye. 12 CHAIRMAN OKESON: I am too an aye. The motion 13 passes and the agreements have been ratified -- or 14 adopted. Excuse me. 15 Next we have approval of campaign finance Orders 2020-5 and 2020-36. I again recognize 16 17 Ms. Thompson and Ms. Taylor of the Election 18 Division to present the information concerning several finance orders. 19 2.0 MS. THOMPSON: Mr. Chairman, members of the 21 commission, Orders 2020-5 through 2020-36 have been 22 prepared from the actions taken at the 23 February 21st meeting, and these orders are ready 24 for adoption. CHAIRMAN OKESON: Is there a motion to adopt 25

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the campaign finance orders as presented by
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     Ms. Thompson?
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          MR. KLUTZ: So moved.
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          VICE CHAIRMAN LONG: I --
 5
          CHAIRMAN OKESON: We've got a motion from
     Commission Member Klutz. I'll take a second from
 6
 7
     Vice Chairman Long.
 8
          VICE CHAIRMAN LONG:
                              Okay.
 9
          CHAIRMAN OKESON: Any discussion?
10
          (No response.)
11
          CHAIRMAN OKESON: Hearing the desire for none,
12
     all those in favor signify by "aye."
13
          Vice Chairman Long?
14
          VICE CHAIRMAN LONG: Aye.
15
          CHAIRMAN OKESON: Commission Member Overholt?
16
          MS. OVERHOLT: Aye.
17
          CHAIRMAN OKESON: Commissioner Klutz?
18
          MR. KLUTZ: Aye.
19
          CHAIRMAN OKESON: I too am aye. The "ayes"
20
     have it. The motion is adopted.
2.1
          I believe that wraps up our business for
2.2
     today.
23
          VICE CHAIRMAN LONG: Mr. Chairman.
24
          MR. KOCHEVAR: Mr. Chairman.
25
          CHAIRMAN OKESON:
                            Yes.
```

MR. KOCHEVAR: Oh, I'm sorry. I'll defer to Vice Chairman Long first, but I do have a point to make about signatures.

CHAIRMAN OKESON: Yeah. Vice Chairman Long, go ahead.

VICE CHAIRMAN LONG: We have -- this isn't on the agenda. I think I did communicate with you earlier that it's an issue that I think we might want to address today, and that's the fact that we have litigation pending regarding the fall election.

CHAIRMAN OKESON: Yeah.

2.0

VICE CHAIRMAN LONG: I don't want you to take my comments as indicating I favor it. I personally believe it's an untimely lawsuit, with all due respect to the participants and the parties in it. I think their motivation is not improperly placed.

But I think it might be an order that we consider having an executive session regarding pending litigation with our staff and the counsel from the Attorney General's Office to allow them our thoughts and the benefit of our thoughts as to how they might consider proceeding in this matter.

CHAIRMAN OKESON: Yeah. I apologize I didn't make mention of that. But I'd like an opportunity

1 to confer with Co-Counsel Lang and some others

2 | first just to see sort of what ground we're on.

There may be some question as to our

representation, whether that remains with the

5 Attorney General or we go out. There's some

6 questions there that I want to confer with.

But your point is well made, and my presumption is at this point that we probably would. Again, I would have to check with Co-Counsel Kochevar and Lang as to whether and how an executive session might work in this environment but may very well seek to do so here in the next day or so.

VICE CHAIRMAN LONG: It's just information, and that's all I was asking for, the thoughts on it --

CHAIRMAN OKESON: I agree.

VICE CHAIRMAN LONG: -- since I have a little bit of an advantage over everyone else in that I've been here a lot longer. We've had these a number of times in the past, and they're completely appropriate for nonpublic executive sessions with regard to litigation issues. And that's one of the key words to them is "pending litigation."

CHAIRMAN OKESON: Yeah.

1 VICE CHAIRMAN LONG: That's why I used those 2 words. 3 CHAIRMAN OKESON: You've been there and done 4 that, huh? 5 VICE CHAIRMAN LONG: Yeah. It's not my first 6 rodeo. MS. NUSSMEYER: Mr. Chairman, if I might, though, even with an executive session, we have to 8 9 give 48-hour public notice of the session, so just something to keep in the back of your brain as you 10 kind of move forward in thinking about when this 11 12 might happen. 13 CHAIRMAN OKESON: Okay. So Co-Counsel Lang and I discussed briefly, prior to this meeting, 14 15 connecting on that, and your point is well made, 16 Co-Director Nussmeyer. So we'll rally on each side 17 of this and figure out the right timing of it and may very well then issue a notice for intention as 18 19 such. 2.0 VICE CHAIRMAN LONG: All right. That's all I 21 had. CHAIRMAN OKESON: Perfect. And then, 22 Co-Counsel Kochevar, did you have something you 23 24 needed to cover? 25 MR. KOCHEVAR: Yes, sir. Your asking for

```
1
     consent to apply signatures, if I remember
     correctly, only applied to Order 2020-44, so I
 2
 3
     think you need to ask for consent to apply the
    members of the commission's signatures to
 4
     Orders 2020-5 through 36 as well as your signature
 5
 6
     to the meeting minutes.
          VICE CHAIRMAN LONG: I give mine.
 8
          CHAIRMAN OKESON: Did I not give mine to the
     meeting minutes? I apologize. I do consent.
 9
     You're saying we only recognized -- so we need
10
11
     consent for signatures on Orders 2020-5 and
12
     2020-36? Is that it, Co-Counsel Kochevar?
13
          MR. KOCHEVAR: 5 through 36.
14
          CHAIRMAN OKESON:
                            Yes. Sorry. 5 through 36.
15
          MR. KOCHEVAR: All of the orders.
16
          CHAIRMAN OKESON:
                            Yeah. I certainly consent
17
     to mine.
18
          VICE CHAIRMAN LONG:
                              I consent.
19
          MR. KLUTZ: I consent.
2.0
          MS. OVERHOLT: I consent.
21
          CHAIRMAN OKESON:
                            Perfect.
                                      Okay.
                                             Now I
22
     believe we're done for the day.
23
          VICE CHAIRMAN LONG:
                               I move we adjourn.
24
          CHAIRMAN OKESON: I second. All those in
25
     favor?
```

VICE CHAIRMAN LONG: Aye. MR. KLUTZ: Aye. CHAIRMAN OKESON: Thank you very much. Enjoy the rest of your week. VICE CHAIRMAN LONG: Stay safe, my friends. CHAIRMAN OKESON: You too, sir. (The Indiana Election Commission Public Session was adjourned at 1:37 p.m.)

1	STATE OF INDIANA							
2	COUNTY OF HAMILTON							
3	I, Maria W. Collier, a Notary Public in and							
4	for said county and state, do hereby certify that the							
5	foregoing public session was taken at the time and							
6	place heretofore mentioned between 1:00 p.m. and							
7	1:37 p.m.;							
8	That said public session was taken down in							
9	stenograph notes and afterwards reduced to typewriting							
10	under my direction; and that the typewritten							
11	transcript is a true record of the public session;							
12	IN WITNESS WHEREOF, I have hereunto set my							
13	hand and affixed my notarial seal this 14th day of							
14	May, 2020.							
15								
16	Mai W. Cari							
17	Maria W. Collier							
18	NOTARY PUBLIC SEAL STATE OF INDIANA Constitution No. NODESTATE							
19	Commission No. NPOS93933 My Commission Expires Dec. 5, 2024							
20								
21	My Commission expires:							
22	December 5, 2024							
23	Job No. 152869							
24								
25								

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Zachary 3:7				
Zoom 3:15				