

1 receive those in the mail at 4114 Butternut?

2 A Yes. I changed those on -- all the official --

3 afterwards, your credit cards and bank

4 statements go there, and insurance. I forgot to

5 add that.

6 Q Now, do you also own or maintain a post office

7 box in East Chicago?

8 A Yes, I do.

9 Q What's the purpose of that?

10 A That was created so I didn't have to have all

11 the mail come to the house, election campaign

12 related. Actually, it was suggested to me to

13 create a post office box and use as an address

14 to receive things.

15 Q Now, I'm going to hand you what we premarked

16 Respondent's Exhibit 4, and if you just give

17 that a glance, and tell me if you recognize that

18 exhibit, and I should say that that is Tab 5,

19 Tab 5 of the appendix?

20 A This is the candidate filing challenge by

21 Miss Rodriguez.

22 Q Okay. So now, if you will turn -- and I don't

23 think these pages are internally numbered on the

24 challenge, but if you will turn to, it looks

25 like physically the --

1 CHAIRMAN B. BENNETT: Counselor, my clock  
2 says you've used your ten minutes. Are you  
3 asking for most time?

4 MR. S. CHINN: I appreciate that. I think  
5 perhaps the Petitioner went a little over, too,  
6 and I would like the same latitude, if that's  
7 okay. I'll actually try to expedite the matter.

8 CHAIRMAN B. BENNETT: An extra five  
9 minutes.

10 MR. S. CHINN: That would be great. Thank  
11 you, Commissioner. I appreciate it.

12 BY MR. S. CHINN:

13 Q If you look at the -- about the seventh or  
14 eighth page of that exhibit, Mr. Harris, and  
15 I'll show you that document and show the  
16 Commission that I'm looking at something that is  
17 an official document.

18 CHAIRMAN B. BENNETT: Which tab is this?

19 MR. S. CHINN: This is Tab 5.

20 Q So do you recognize what this official document  
21 is?

22 A Yes. This is when I changed my voter  
23 registration.

24 Q Okay. So the Challenger has done us the favor  
25 of including your voter registration information

1 in the challenge; is that right?

2 A That is correct.

3 Q Okay. So what does this voter registration card  
4 say your address is?

5 A 4114 Butternut Street in East Chicago, Indiana.

6 Q So when you said earlier that you had moved back  
7 to East Chicago and that you had registered to  
8 vote there, is this the document that you were  
9 referencing?

10 A Uh-huh, yes, it is.

11 Q With regard to your voter registration change?

12 A Correct.

13 Q And that was when again?

14 A Dated -- I filled it out, as it's dated on here,  
15 4/25 of '15.

16 Q I'm going to hand you one more document, and  
17 it's Respondent's Exhibit 5, and for purposes of  
18 the appendix, it is Tab 8. You recognize that  
19 document, Mr. Harris?

20 A Yes, I do.

21 Q And what is it?

22 A This is when I changed my voter registration at  
23 the BMV in East Chicago.

24 Q So is that your receipt?

25 A Yes, it is.

1 Q So you told us that you saw the voter  
2 registration card reflecting your change of  
3 voter registration address, and this is the  
4 receipt that you got for that?

5 A Correct.

6 Q I'll take those back from you.

7 MR. S. CHINN: And at this time I would  
8 move to admit Exhibits 4 and 5.

9 MS. R. RODRIGUEZ: May I see the license?

10 MR. S. CHINN: I should have already done  
11 that, and I will hand you, Miss Rodriguez,  
12 copies of all the exhibits. Exhibits 1, 2, 3, 4  
13 and 5, so I would move for their admission.

14 CHAIRMAN B. BENNETT: Any objection?

15 MS. R. RODRIGUEZ: No, I'm fine with it. I  
16 just wanted to make sure on the date.

17 CHAIRMAN B. BENNETT: The exhibits are  
18 admitted.

19 MR. S. CHINN: Thank you, Mr. Chairman.

20 BY MR. S. CHINN:

21 Q Now, do you vote in East Chicago, or I should  
22 say did you vote in East Chicago in the  
23 municipal election in 2015?

24 A Yes.

25 Q And did you vote in East Chicago in the primary

1 election of 2016?

2 A Yes.

3 Q Now, there's been discussion about property that  
4 you own in Indianapolis. Do you still own  
5 property in Indianapolis?

6 A Yes, I do.

7 Q So you moved back to East Chicago, and that's  
8 your primary residence; right?

9 A Correct.

10 Q But you still own property in Indianapolis?

11 A Correct.

12 Q Okay. How do you use that property in  
13 Indianapolis?

14 A It is the primary address for the business. As  
15 I mentioned earlier, my mother was elected to  
16 replace my father as state representative, so  
17 she has to be here in Indianapolis for part of  
18 her time. As I've explained, I've done a lot of  
19 support backing her and working with her, so  
20 when we have to be in the City of Indianapolis,  
21 that's where we stay.

22 Q What's the address of that property?

23 A 1032 Selkirk Lane.

24 Q So that's the property that you had before you  
25 moved back to East Chicago?

1 A Correct.

2 Q And you still own it and maintain it?

3 A Correct.

4 Q Now, there was discussion from the Challenger  
5 about a homestead deduction on file. Did you  
6 hear that testimony and that information?

7 A Yes, I did.

8 Q Okay. And when you changed your residence -- I  
9 think you testified and the record will show --  
10 in April of 2015 to 4114 Butternut Street in  
11 East Chicago, did you notify the Marion County  
12 Auditor of your change in address?

13 A No.

14 Q Why didn't you notify them?

15 A With everything else that was going on, with my  
16 father's death, his estate, my mother running  
17 for a campaign, eventually, her health issues  
18 that had been going on, which transitioned into  
19 me running her campaign, it slipped through the  
20 cracks.

21 Q But your failure to notify the Marion County  
22 Auditor of your change in address from Marion  
23 County to Lake County, that wasn't an attempt to  
24 maintain the Indianapolis address as your  
25 primary residence; right?

1 A No.

2 Q And was the issue of your residency -- so the  
3 thing that you heard Miss Rodriguez testify to  
4 on her case-in-chief on the challenge, was that  
5 an issue raised during the campaign?

6 A That was an issue raised by all three of my  
7 opponents during the campaign.

8 Q Okay. So you identified those three opponents  
9 earlier; right, with respect to that exhibit?

10 A Yes.

11 Q And you're saying that that was an issue raised  
12 by them during the campaign?

13 A That's correct.

14 Q In the primary, an issue?

15 A Correct.

16 Q So it's not a new issue?

17 A No, it's not a new issue at all.

18 Q Now, is it your intent that your lawful  
19 permanent residence is and continues to be 14114  
20 Butternut Street in East Chicago?

21 A Yes, it is.

22 MR. S. CHINN: Having moved all the  
23 exhibits, I think I have no other questions for  
24 this witness, Mr. Chairman.

25 CHAIRMAN B. BENNETT: Any

1 cross-examination?

2 MS. R. RODRIGUEZ: Oh, definitely.

3 Mr. Harris has perjured himself, and I'll tell  
4 you why.

5 CHAIRMAN B. BENNETT: It's not your time to  
6 make a speech.

7 MS. R. RODRIGUEZ: Oh, oh.

8 CHAIRMAN B. BENNETT: No, no, no, it's your  
9 time, but only ask questions of the witness.

10

11 CROSS-EXAMINATION,

12 QUESTIONS BY MS. ROSA MARIA RODRIGUEZ:

13 Q Mr. Harris, where is that home your parents  
14 owned in Indianapolis, because when I went to  
15 get information from the auditor, they asked me  
16 do you want the information from the other Earl  
17 Harris' home. Don't they reside -- don't they  
18 have a home here in Indianapolis?

19 A No.

20 Q They don't?

21 A No.

22 MS. R. RODRIGUEZ: Then I'm going to make  
23 sure to go back to the auditor because they told

24 me there was a home that they owned that

25 Mr. Harris, when he was alive, would go to. And



1 that's fine. We'll leave that.

2 Q When did I challenge you or even question your  
3 challenge, because believe it or not, I believed  
4 you. When have you ever -- when have I ever  
5 said I don't believe that you live where you  
6 live at?

7 A Actually, I should modify that then. I had been  
8 told that you did. I didn't actually hear you,  
9 so I correct myself on that.

10 Q All right.

11 A I had been told during the campaign season  
12 saying that I did not live here.

13 Q Okay.

14 A So I guess that's hearsay, so I apologize.

15 Q How did you prove your residency for East  
16 Chicago? What did you use?

17 A All the information that has been handed in,  
18 voter registration.

19 Q How did you get your voter registration, because  
20 I know when we went to get our license, I had to  
21 have a NIPSCO bill. I mean, I had to have -- my  
22 husband couldn't even get a driver's license  
23 because he didn't have anything on his -- you  
24 know, on water bill, light and gas bill,  
25 everything was in my name so we had to look for

1 documents. So what did you use?

2 MR. S. CHINN: Mr. Chairman, I realize that  
3 the rules of evidence are relaxed here, but I'm  
4 going to object to the foundation of the  
5 question.

6 CHAIRMAN B. BENNETT: This is your chance  
7 to ask questions of the witness.

8 BY MS. R. RODRIGUEZ:

9 Q My question is: What documentation, business  
10 documentation did you use to receive your voter  
11 registration?

12 A There is a form, and I don't know the name of  
13 the form, I don't remember, but my mother, as  
14 the owner of the home, she can validate, verify,  
15 I don't know what term to use, that I am going  
16 to move into the house and be a resident.

17 Q So you're going to, so you never did move in?  
18 You haven't moved in yet?

19 A Yeah, I did. At the time of -- I moved in  
20 there.

21 Q When?

22 A I moved in March of 2015, which I've said  
23 already.

24 Q And yet, you continue in your Facebook, which I  
25 will submit for my evidence --

1 MS. R. RODRIGUEZ: That book is my bible,  
2 which I do use, but I want to submit that.  
3 These are inserts or postings from Mr. Harris  
4 admitting that he has been in Indianapolis --

5 MR. S. CHINN: Same objection,  
6 Mr. Chairman?

7 CHAIRMAN B. BENNETT: We need to frame your  
8 discussion and form a question for the witness.

9 MS. R. RODRIGUEZ: All right.

10 BY MS. R. RODRIGUEZ:

11 Q When did you actually change that residency?  
12 You said 4/23? When was it?

13 A Are you talking the official voter registration?

14 Q When did you officially move to East Chicago?

15 A Okay. Do you mean physically moved or when I  
16 filled out the paperwork?

17 Q When you said I moved out of Indianapolis to  
18 East Chicago, what day was that?

19 A I physically started moving -- began the moving  
20 process to East Chicago in March. I'm going to  
21 say approximately the 26th, 27th. My mother and  
22 I came to Indianapolis, picked up things, and I  
23 started the process of moving.

24 Q On the 26th?

25 A 26th or 27th. I don't remember the exact date.

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1 Q 26th or 27th, just to make sure?

2 A Yeah.

3 Q Because according to this, your voter  
4 registration, you put the 25th?

5 A So that's why I asked you --

6 Q So you weren't there for the 30 days that you  
7 said that you were supposed to be in order to  
8 qualify for the voter registration, you were  
9 past that day by two days?

10 A I'm sorry. Let me, once again, say --

11 Q You know what, you have changed it. You knew  
12 that I didn't challenge you. It's --

13 MS. R. RODRIGUEZ: You know, what, I'm  
14 done, because he's not being honest, and we can  
15 go back and forth and he can create this -- what  
16 he wants.

17 CHAIRMAN B. BENNETT: Do you have any other  
18 questions of this witness?

19 MS. R. RODRIGUEZ: No. No, I'm done.

20 CHAIRMAN B. BENNETT: You'll have an  
21 opportunity to summarize your position just a  
22 moment.

23 MR. S. CHINN: Mr. Chairman, I have one  
24 question on redirect.

25 CHAIRMAN B. BENNETT: Okay.

1 REDIRECT EXAMINATION,

2 QUESTIONS BY MR. SCOTT CHINN:

3 Q And my only question, Mr. Harris, on redirect,  
4 is -- just so the record is clear about this,  
5 but when you were talking about moving back to  
6 East Chicago in March, you didn't say the year?

7 A Oh, 2015.

8 MR. S. CHINN: That's it.

9 CHAIRMAN B. BENNETT: Any recross on that?

10 MS. R. RODRIGUEZ: No, because he's right,  
11 it was after the fact.

12 CHAIRMAN B. BENNETT: Any questions by the  
13 Commissioners?

14 COMMISSION MEMBER Z. KLUTZ: No.

15 CHAIRMAN B. BENNETT: I have one question,  
16 Mr. Harris. Have you notified the Marion County  
17 Auditor as of this date that the Indianapolis  
18 property is no longer your homestead?

19 THE WITNESS: Yes, I made contact with them  
20 yesterday. I had a telephone conversation,  
21 explained the situation, and was told the form  
22 to download. I downloaded the form, filled it  
23 out, and mailed it yesterday.

24 CHAIRMAN B. BENNETT: And that was the  
25 first time you've told them that you no longer

1 intended to use that as your homestead?

2 THE WITNESS: Yes.

3 CHAIRMAN B. BENNETT: Have you applied for  
4 a homestead credit in Lake County?

5 THE WITNESS: I don't believe I can because  
6 officially my mother is the owner of the home.

7 CHAIRMAN B. BENNETT: Any questions on  
8 that?

9 MR. S. CHINN: I just have one redirect  
10 question on the Commissioner's or Chairman's  
11 question -- on your question.

12 CHAIRMAN B. BENNETT: Go right ahead.

13

14 FURTHER REDIRECT EXAMINATION,

15 QUESTIONS BY MR. SCOTT CHINN:

16 Q Mr. Harris, you testified in response to the  
17 Chairman's question about contacting the Marion  
18 County Auditor's office, that you contacted and  
19 filled out the form and sent it yesterday; is  
20 that right?

21 A That is correct.

22 Q Did you previously seek advice from legal  
23 counsel with respect to that matter?

24 A Yes. I wasn't sure if I needed to provide that.

25 Q Without waiving the privilege of what you and

1 counsel talked about, we saved the record, but I  
2 want to phrase the question clearly: When did  
3 you seek advice from counsel about the homestead  
4 issue?

5 A Sometime in May 26. I don't remember the date.  
6 When things were beginning to talk -- talk about  
7 this issue coming up, I decided that it was time  
8 to have some conversation to find out if I  
9 needed to do and what I needed to do.

10 MR. S. CHINN: Thank you.

11 CHAIRMAN B. BENNETT: Was it in connection  
12 with your -- with this challenge? What was the  
13 reason why you --

14 THE WITNESS: Yeah, it slipped through the  
15 cracks. I started hearing there was going to be  
16 a challenge, it was discussed, and I decided it  
17 was something I should check on and work on.

18 CHAIRMAN B. BENNETT: Any other witnesses?

19 MR. S. CHINN: No, Mr. Chairman, no other  
20 witnesses.

21 CHAIRMAN B. BENNETT: At this time the  
22 public hearing in Cause No. 2016-14 is closed  
23 with respect to testimony, but I would permit  
24 the Challenger to make a closing statement, if  
25 you like, and we'll try to keep that to three

1 minutes, and then we'll have an opportunity for  
2 the candidate, another two minutes, and then  
3 maybe a one-minute rebuttal, if you choose.

4 MR. E. HARRIS, JR.: Do I stay here or do I  
5 get up?

6 CHAIRMAN B. BENNETT: You may be excused  
7 from the witness stand.

8 MS. R. RODRIGUEZ: I do want to submit this  
9 for evidence. I've taken the liberty for  
10 download. It's all here, all my evidence,  
11 everything that shows that Mr. Harris did not  
12 move to East Chicago. What he did was he took  
13 an opportunity to run for office for whatever  
14 reason.

15 I didn't ask Mr. Harris, but I should have,  
16 who his campaign manager was, his mother. His  
17 mother was his campaign manager. Now, I don't  
18 know about you guys, but I know y'all have  
19 mothers, and I know as a mother and being in the  
20 political arena -- I was campaign manager three  
21 mayors, and I'll tell you what, I knew where  
22 that individual was.

23 I knew that -- just like my children, I  
24 knew where they were. Right now, and I'm saying  
25 it here, both individuals knew that Mr. Harris



1 was not residing in East Chicago, Indiana. They  
2 found a opportunity. They have tried to make a  
3 monarchy of our system.

4 I'm from Lake County. Like I said earlier,  
5 four decades of being trashed in the political  
6 arena. We're tired of it. We're tired of  
7 carpetbaggers coming in thinking they have the  
8 answers in a little bag, and if you vote for me,  
9 this is what you're going to get.

10 We need individuals that are going to  
11 represent the community. We need people that  
12 are going to be present and know what's going on  
13 in our city and our county. Mr. Harris does not  
14 live here and the law is the law.

15 I don't care what other documentation that  
16 is being put before you, even mine, the law is  
17 the law. The homestead is a tax credit. If  
18 he's not in violation of taxes, then he's in  
19 violation of the voter registration, of our  
20 system.

21 Either way, this man is guilty and he  
22 should not be a representative for our  
23 community. We need people that live in our  
24 community that know the needs of our people.  
25 And again, I -- you saw him. He was going back

1 and forth, back and forth. Do you really think  
2 we're going to allow and want an individual like  
3 that, somebody that has lied and deceived from  
4 the very beginning and continues and -- and put  
5 up his right hand in front of God and said I  
6 tell the truth, and he lied.

7 I'm going to check about that home that I  
8 was told because they -- and if I'm wrong, I'm  
9 wrong, I'll apologize up front, but they did  
10 tell me that there was another residency of an  
11 Earl Harris in Indianapolis, and I will get that  
12 today. That's it. Thank you.

13 CHAIRMAN B. BENNETT: Thank you.

14 Mr. Chinn.

15 MR. S. CHINN: Yes, thank you,  
16 Mr. Chairman. Well, I'll start the end where I  
17 began, which is the statutes and case law that  
18 make it clear that residency in Indiana is based  
19 on intent and conduct or physical manifestations  
20 demonstrating that intent.

21 The Supreme Court has also told us, and  
22 this is, of course, is excerpted in the cases  
23 that I've committed to your review in a Ponts  
24 and Authorities memo. The Supreme Court has  
25 told us that residency laws must be construed to

1 give effect to Democratic values and not be read  
2 so technically so as to deprive candidates duly  
3 elected access to office.

4 Of course, you heard and know that Mr.  
5 Harris was, in fact, duly elected in the primary  
6 election and is set to be on the general  
7 election ballot. Courts and this commission  
8 have and routinely do provide therefore a  
9 presumption of residency where intent and  
10 conduct evidencing residency is present.

11 So what did we learn -- as a legal  
12 background, what have we learned in this case,  
13 about those two things, about intent, about  
14 physical manifestations or conduct. Well, with  
15 respect to the evidence of intent, for  
16 Mr. Harris to reside at 4114 Butternut in East  
17 Chicago, Mr. Harris is -- first, there is an  
18 unequivocal statement that he has intended and  
19 does intend to make 4114 Butternut Street his  
20 lawful permanent residence, and it's completely  
21 consistent with the law. Second, his changing  
22 of his voter registration to 4114 Butternut in  
23 April 2015, which is before you in evidence,  
24 which is well before the November 2015 deadline  
25 under Article IV, Section 7, of the Indiana

1 Constitution is before you as well. Third, his  
2 declaration of candidacy for District 2 State  
3 Representative is declaring his residence as  
4 4114 Butternut in East Chicago, and that is  
5 before you. His having voted forth in both  
6 municipal election in 2015 and the primary  
7 election in 2016 from his precinct in East  
8 Chicago is also recorded.

9           What about physical manifestations? What  
10 about conduct? Well, these things are clear in  
11 the record. He has the consent of his mother to  
12 live in his family home, which he does. He  
13 stays there and conducts business there. He  
14 receives mail there. He has credit cards,  
15 banking accounts, and other personal and  
16 commercial communications, all from 4114  
17 Butternut Street. He also maintains a Post  
18 Office Box elsewhere in East Chicago so it can  
19 be near to him so he can receive his political  
20 communications.

21           He moved his personal effects there after  
22 the death of his father in March of 2015 in  
23 order to assist for the care of his mother. He  
24 desires to continue to assist his mother and  
25 other family members in East Chicago as he

1 resides there and serve the district and the  
2 Statehouse, if he's elected in the fall.

3 And on those factual points -- I will just  
4 make one comparison to the authority that's  
5 before you, and that's that third case, the  
6 Lugar versus Marion County Election Board case  
7 as a way of comparing that set of physical  
8 manifestations to what was going on the Lugar  
9 case.

10 So, there, the issues were a little  
11 different, right, because it was about  
12 ultimately whether he could vote from a  
13 particular precinct in Indianapolis, a precinct  
14 that the Lugars, both Dick and Shirley Lugar  
15 used to live at but did not live at anymore,  
16 hadn't in like 17 years but had continued to  
17 vote from there.

18 It became an issue, of course, about that  
19 and a challenge -- actually, a notice of  
20 violation case was filed before the Marion  
21 County Election Board, and that case got  
22 resolved, including by the Marion County  
23 Election Board's opinion and the Lugars'  
24 opinion, and all of that is in the letter back  
25 and forth that were attachments to that

1 stipulation of dismissal, under the notion that  
2 the Lugars owned a family farm in the south part  
3 of Indianapolis.

4 They didn't reside in that family farm, by  
5 the way, but they had a physical manifestation  
6 because they had an ownership interest in that  
7 family farm. And the Lugars said under oath  
8 that they maintained a present intent to make  
9 that their domicile, their residence, and return  
10 to that family farm, or at least potentially  
11 return to that family farm when their duties in  
12 Washington were over.

13 I would similarly submit to you that if  
14 that is enough under the law, which it plainly  
15 is under the Bayh case, under the Charlie White  
16 case, and under the Lugar case, if that is  
17 enough of a physical manifestation in that  
18 situation -- the testimony and the documentary  
19 evidence that you have before you completely  
20 transcends the quantum and quality of evidence  
21 as necessary to demonstrate that conduct of  
22 physical manifestation and his intent to reside  
23 at 4114 Butternut Street in East Chicago is  
24 unchallenged.

25 And for those reasons, we respectfully ask

1 that the Commission deny the challenge.

2 CHAIRMAN B. BENNETT: Thank you. Anything  
3 further that you would like to add,  
4 Miss Rodriguez?

5 MS. R. RODRIGUEZ: I think one of the sad  
6 things is the word "intent." Again, I know I'm  
7 passionate, but we don't need a person that  
8 intended to come to our community that's going  
9 to make the laws and the decisions of our  
10 community. We need someone that knows the  
11 community that's been there.

12 You know, Mr. Harris is lying, he's lied  
13 right here in front of you, and the fact that he  
14 got a lawyer and it was told to him yesterday to  
15 go do the homestead, that's deceitful.

16 You know, in November, and I'll give you --  
17 in November, I moved. I had -- so when I went  
18 to register for my candidacy, I had to give my  
19 old address, and I went to the state, what do I  
20 need to do? I said I have a homestead here, and  
21 it's funny that -- the young man, I wish I would  
22 have found his name, I said I've got a homestead  
23 at my old building, I'm getting ready to move  
24 into another one, what do I do? He says Rose,  
25 keep the address as you have it right now. When

1 you move, then change it and then go from there.

2 As a candidate, you've got to know the  
3 laws. I'm not saying you have to know all the  
4 laws, but there's things in place that you have  
5 a responsibility. If he's going to do that with  
6 the homestead -- and the difference between the  
7 governor, he didn't have a homestead, he had an  
8 investment. Mr. Harris has a homestead that he  
9 intentionally -- many times that he was in the  
10 Statehouse, many times that he was in the  
11 vicinity, why didn't he change it, and that's my  
12 question? Why didn't you change it?

13 And for him to say yes, the challenge --  
14 the challenge of him not being a resident, it  
15 was out there. But maybe I'm naive, maybe I --  
16 I don't know. I believe in the system. I  
17 believe that if his -- his truth was on  
18 April 24th, he had moved, I believed him, and so  
19 I never challenged it. It wasn't until  
20 afterwards that there was an incident with a  
21 young woman that said Rose, I called Lake County  
22 and I asked and told them they don't live here,  
23 that he doesn't live here? And I said what did  
24 they say? Well, they said they'd look into it.

25 Why didn't that person give the individual



1 that information like they gave me when I called  
2 on how to do a challenge? It's very  
3 frustrating, and I apologize for being the way  
4 that I am right now, but it's an injustice, it's  
5 an injustice to our community, and I hope you do  
6 the right thing.

7 I hope you don't -- I hope that you see  
8 things for what they were. You couldn't see it  
9 better than right here when he sat here. Thank  
10 you.

11 CHAIRMAN B. BENNETT: Very well. Thank  
12 you. At this time the public hearing on Cause  
13 No. 2016-14 is closed. Is there any discussion  
14 by the commission members prior to the vote?

15 PROXY M. CLAYTON: Mr. Chairman, I would  
16 like to chastise the attorney for not bringing  
17 up a matter that I feel helps be determinative,  
18 and I believe, hopefully, counsel will back me  
19 up on this point.

20 I've done a lot of practice in the property  
21 tax arena and homestead deductions in Indiana  
22 are effective on a March 1st date, if I  
23 understand that correctly.

24 MS. R. RODRIGUEZ: Right.

25 PROXY M. CLAYTON: And taxes are due the

1 following year. So if someone was a resident on  
2 March 1st of 2015, that homestead deduction  
3 would be applied to the 2016 taxes, even if that  
4 individual moved away March 2nd.

5 Therefore, the fact that someone had a 2015  
6 homestead deduction on a property was completely  
7 legal, even if they moved away March 2nd, or has  
8 been said here, sometime in March, as long as  
9 they lived at that property on March 1st, 2015.

10 So that particular piece of evidence, I  
11 don't believe is relevant in this matter, and I  
12 just wanted to address that because that is a  
13 point that I have looked at that has been  
14 repeated several times, but I don't believe it  
15 has a bearing on the case.

16 The bearing in the case, the way I  
17 understand it and understand especially the Bayh  
18 case, it is intent and action, and those are the  
19 issues that should be before this body, not  
20 things such as a homestead deduction. So I just  
21 wanted to make that point. I don't know if our  
22 counsel will back me up on my March 1st date as  
23 far as that point.

24 CHAIRMAN B. BENNETT: Okay, very good.

25 Thank you.

1 COMMISSION MEMBER Z. KLUTZ: I just want to  
2 make a comment to that. Even if it were  
3 relevant, it's not a trump card, in my opinion.  
4 It's a totality of the facts.

5 MS. R. RODRIGUEZ: Sure.

6 COMMISSION MEMBER Z. KLUTZ: And so if we  
7 look at intent and conduct and we look at all  
8 the facts and not the trump card, it seems to me  
9 that the facts -- the conduct and the intent of  
10 Mr. Harris outweighs one fact, whether it's  
11 relevant or not, of his -- of establishing  
12 residency, and I don't feel based upon the  
13 evidence presented that your notion of the  
14 homestead credit trumps everything -- all the  
15 other evidence that was given.

16 So relevant or not, I just don't -- I don't  
17 think that makes up for the other facts on the  
18 conduct of Mr. Harris.

19 COMMISSION MEMBER S. OVERHOLT: If I may  
20 say, too, there hasn't been any evidence  
21 presented that really truly disputes, you know,  
22 what Mr. Harris has testified about his intent  
23 was. I mean, that's one of the other issues  
24 here, too, because there's a claim that  
25 Mr. Harris lied. There's nothing before us that

1 really -- you know, any, I think, valid evidence  
2 that gives question to what he has stated his  
3 intent was.

4 CHAIRMAN B. BENNETT: I want to compliment  
5 you, Miss Rodriguez, for your presentation, for  
6 your courage for bringing this to our attention  
7 and so eloquently advocating for your position.  
8 I think that you brought some very important  
9 facts to our attention and you presented your  
10 case very well.

11 I have to say that I'm feeling constrained  
12 by what I understand fairly clear Indiana law  
13 with regard to the wariness of the courts to  
14 overturn the will of the voters who have already  
15 voted in a free and voluntarily election.

16 Whether the candidate was appropriately  
17 certified or not, once the voters have spoken,  
18 Indiana law has demonstrated that the court  
19 should uphold the will of the voters to the  
20 extent that's possible.

21 We've had situations like this last spring,  
22 supporting the will of the voters, and in this  
23 situation where we've already had a primary  
24 election, it's very difficult for this body to  
25 overturn that. But that's my concern about the

1 case. Are there any other comments that the  
2 commissioners wish to make to that response?

3 (No response.)

4 CHAIRMAN B. BENNETT: Is there a motion?

5 PROXY M. CLAYTON: Mr. Chairman, I would  
6 move that we dismiss the complaint -- or I'm  
7 sorry, deny the complaint.

8 CHAIRMAN B. BENNETT: Deny the challenge.

9 PROXY M. CLAYTON: Motion to deny the  
10 challenge, is the right terminology.

11 CHAIRMAN B. BENNETT: Okay. There's a  
12 motion to deny the challenge, is there a second  
13 for that?

14 COMMISSION MEMBER S. OVERHOLT: Second.

15 CHAIRMAN B. BENNETT: Is there any further  
16 discussion?

17 (No discussion.)

18 CHAIRMAN B. BENNETT: All in favor of  
19 denying the challenge, say aye?

20 THE COMMISSION: Aye.

21 CHAIRMAN B. BENNETT: Those opposed, the  
22 same?

23 (No response.)

24 CHAIRMAN B. BENNETT: Challenge is denied.  
25 That draws this matter to a close, and looking

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1 at the agenda and realize that the Indiana  
2 Election Commission has finished its business  
3 for the day, is there a motion for the Indiana  
4 Election Commission to adjourn?

5 COMMISSION MEMBER Z. KLUTZ: So moved.

6 PROXY M. CLAYTON: Second.

7 CHAIRMAN B. BENNETT: Those in favor, say  
8 aye?

9 THE COMMISSION: Aye.

10 CHAIRMAN B. BENNETT: Those opposed, the  
11 same?

12 (No response.)

13 CHAIRMAN B. BENNETT: The ayes have it.  
14 The Indiana Election Commission meeting is  
15 adjourned. Thank you.

16 (At 2:09 p.m., the proceedings were  
17 adjourned.)

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1 STATE OF INDIANA )  
2 ) SS:  
3 COUNTY OF HENDRICKS )

4 I, Rhonda J. Hobbs, RPR, and a Notary Public  
5 and Stenographic Reporter within and for the County  
6 of Hendricks, State of Indiana at large, do hereby  
7 certify that on the 15th day of June, 2016, I took  
8 down in stenograph notes the foregoing hearing;

9 That the witnesses were duly sworn to tell the  
10 truth, the whole truth, and nothing but the truth;

11 That the transcript is a full, true and  
12 correct transcript made from my stenograph notes.

13 IN WITNESS WHEREOF, I have hereunto set  
14 my hand and affixed my notarial seal this \_\_\_\_\_  
15 day of July, 2016.

16  
17 

18 NOTARY PUBLIC  
19

20 My Commission Expires:  
21 August 24, 2017  
22 County of Residence:  
23 Hendricks County  
24  
25

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