Indiana Recount Commission Minutes July 2, 2024

Members Present: The Hon. Diego Morales, Secretary of State and Chairman of the Indiana Election Commission ("Commission"); Mr. Mark Wynn, Member; Mr. Michael A. Claytor, Member.

Members Absent: None.

Staff Attending: Philip Sicuso, Recount Director; J. Bradley King, Majority Counsel; Matthew R. Kochevar, Minority Counsel; Heather S. Orbaugh, Alliance Court Reporting.

Others Attending: Sgt. Jeffrey Coffey, Indiana State Police; Ms. Michelle Harter; Mr. Paul Joyce, State Examiner, State Board of Accounts.

1. Call to Order:

The Chair called the July 2, 2024 meeting of the Commission to order at 2:00 p.m. EDT in Wabash Hall 5 Conference Room, Indiana Government Center South, 402 West Washington Street, Indianapolis.

2. Transaction of Commission Business:

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

The following scrivener's errors in this document are corrected:

Page 1, line 13, delete "Commission" and insert "Division".

Page 3, line 19, delete "our" and insert "Our".

Page 5, line 13, delete "Posh" and insert "Paasch".

Page 5, line 16, delete "note" and insert "noted".

Page 5, line 20, delete "(B)" and insert "(b)".

The Commission adjourned its meeting at 2:15 p.m. EDT.

APPROVED:

Philip Sicuso, Recount Director

Pursuant to Order 2018-1

SECRETARY OF STATE STATE OF INDIANA INDIANA STATE RECOUNT COMMISSION

TRANSCRIPT of the proceedings held on the 2nd day of July, 2024, in Conference Room 5, Wabash Hall, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, before Heather S. Orbaugh, Notary Public in and for the County of Boone, State of Indiana, CCR: LA.

ALLIANCE COURT REPORTING
PO BOX 78261
INDIANAPOLIS, INDIANA 46278-0261
(317) 875-3914
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2:00 PM

JULY 2, 2024

CHAIR MORALES: Good afternoon,
everyone. This meeting of the Indiana State
Recount Commission is called to order. Since all
three members of the Recount Commission are here,
there is quorum for this meeting. My name is
Diego Morales, as Indiana Secretary of State I
serve as chair and a member of the Commission.

I am joined by Commissioner Mark Wynn and Commissioner Michael Claytor. The Indiana Election Commission of the Secretary of State's Office provides administrative support to the Recount Commission. Mr. Brad King serves as the majority party counsel to the Commission and Mr. Matthew Kochevar serves as the minority counsel.

our court reporter today is Heather

Orbaugh from as Alliance Court Reporting.

Welcome, Heather. Before we begin, I want to remind everyone on behalf of the court reporter to identify yourself when beginning to speak, spell your name when identifying yourself, speak clearly, and do not speak at the same time others

are speaking.

2.0

I will now ask Mr. Kochevar to administer the oath to any candidate in the recount, attorneys representing candidates in the recount, and persons involved in the recount. Please stand for the administration of the oath.

MR. KOCHEVAR: All those who will testify before the Indiana Recount Commission, please rise, raise your right hand, and say I do after recitation of the oath.

Do you solemnly swear under the penalties of perjury that the testimony you are about to give to the Indiana Recount Commission is the truth, the whole truth, and nothing but the truth? Please say I do.

(All responded I do.)

CHAIR MORALES: Thank you,

Matthew. The business of today's meeting agenda is to act on the Petition for Recount for the Republican Party Nomination for the Indiana House District 40. The agenda for today's meeting is limited to that business. The candidates in the recount or attorneys representing candidates will be allowed up to five minutes to address the Commission. Comments and arguments from the

public are not included on today's meeting's
agenda.

I will now recognize Mr. Brad King to review contents of the Commissioners' binders regarding the recount petition.

MR. KING: Thank you,

Mr. Chairman, Members of the Commission. Brack King, B-r-a-d K-i-n-g. At the May 22, 2024, Commission meeting I reported that a verified

petition for a recount in this election in ten identified precincts within House District 40 was

12 | filed with the Election Division by candidate

Brian Posh on May 15, 2024, which was prior to

14 | the filing deadline.

As the minutes for that meeting reflect,

I note that on its face the recount petition in
this matter appeared to include each of the
elements required by State statute; however, the
Commission noted that under Indiana Code
3-12-11-12(B), the Commission may only order a
recount in a case where not all precincts were
included in the recount petition when the period
for filing a cross petition in that election
district has passed.

That deadline, noon, Tuesday, May 28,

2024, has now passed without the filing of any cross petition in this matter, and as a result I am not aware of any statutory requirement which precludes the Commission from acting on this petition at today's meeting, and I would defer to my colleague, Mr. Kochevar, for any additional comments he may have.

MR. KOCHEVAR: Mr. Secretary

MR. KOCHEVAR: Mr. Secretary,

Members of the Commission, good afternoon. Of

course I concur with everything that Mr. King has

stated so far and have nothing further to add on

this point.

CHAIR MORALES: Thank you,

Matthew. Would the candidate filing the Recount

Petition or their attorneys like to address the

Commission? I don't see anyone. Would the

candidate being challenged or their attorneys

like to address the Commission? I don't see

anyone.

For purposes of discussion, is there a motion to accept the Recount Petition and Order for Recount Proceeding in this matter?

MR. CLAYTOR: So moved.

CHAIR MORALES: Is there a second?

MR. WYNN: Second.

2.4

1 CHAIR MORALES: Is there further 2 discussion? If there is no further discussion, 3 we will vote. Those in favor of the motion say 4 aye. 5 (All responded aye.) 6 CHAIR MORALES: Aye. And those 7 opposing, nay. 8 (No response.) 9 CHAIR MORALES: The ayes have it, 10 the Petition is accepted and the recount 11 proceeding is ordered. We will now move to a 12 report from the Recount Director. I will now 13 recognize Mr. Philip Sicuso to provide an update 14 regarding recount activities since we met on May 15 22nd. Philip? 16 MR. SICUSO: Thank you, Mr. Chair. 17 A couple things have happened since our last 18 meeting. In connection with the Order and Directive of the Commission, the State Board of 19 20 Accounts staff has been to Elkhart County and to 21 Hendricks County to follow through on 22 supplementing the -- the supplement to the Order 23 that was issued by me with respect to the

impoundment materials and to further sort through

some of the materials that were under impoundment

24

so that the staff of each county could proceed with certifying their results.

We have also in House District 49 spent two days on site in Elkhart County doing preview counts and for House District 49 as well as some sorting and advance work by the State Board of Accounts. That went quite well and we feel like materials are in order and prepared for the recount activities to begin next Monday. I issued an Order earlier this week with respect to that so that we can get under way Monday morning at 8:00 am in Elkhart County. So we expect that to be done in a period of two or three days, at which point we will have some more information to bring back to you for further discussion.

So we will prepare those materials with the State Board of Accounts and then once that's complete, move forward based on your order today for House District 40 quickly thereafter.

CHAIR MORALES: Do the

Commissioners have any questions for the recount director?

MR. WYNN: I do not.

MR. CLAYTOR: No.

CHAIR MORALES: Thank you, Phil.

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1
     Now an update from the Indiana State Police.
     would recognize Sergeant Jeff Coffey to provide
 2
 3
     an update regarding recount activities since we
 4
     met on May 22nd.
 5
                    SERGEANT COFFEY:
                                      Thank you,
 6
     Mr. Secretary. Jeffrey Coffey, J-e-f-f-r-e-y,
 7
     Coffey, C-o-f-f-e-y, Indiana State Police Special
 8
     Investigations Section. The Indiana State Police
 9
     has followed through with the impoundment orders
10
     and has maintained the security and integrity of
11
     the impoundment items. As of today, they were
12
     checked at the Hendricks County location this
     morning and when they access that information,
13
14
     the State Police will provide security while the
15
     Commission members are reviewing that
16
     information.
17
                    CHAIR MORALES: Do the
18
     Commissioners have any questions for Sergeant
19
     Coffey?
20
                    MR. CLAYTOR:
21
                    MR. WYNN: No.
22
                    CHAIR MORALES: Thank you,
23
     Sergeant.
24
                    SERGEANT COFFEY:
                                       Thank you.
25
                    CHAIR MORALES: Now an update from
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1 the Indiana State Board of Accounts. I will 2 recognize State Board of Accounts Mr. Paul Joyce 3 to provide an update regarding recount activities 4 since May 22nd. 5 MR. JOYCE: Thank you very much. 6 Paul Joyce, State Examiner, P-a-u-l J-o-y-c-e. I 7 will second what Phil said about the sorting 8 activities that took place in Elkhart County and 9 sorting activities that took place in Hendricks 10 County. We are willing and ready and ready to 11 start the recount Monday morning, and will be 12 ready to start the recount in Hendricks County 13 upon Order and at the completion of the recount 14 going on in Elkhart County. 15 CHAIR MORALES: Do the 16 Commissioners have any questions for Mr. Joyce? 17 MR. WYNN: No. 18 MR. CLAYTOR: No. 19 CHAIR MORALES: Thank you, Paul. 20 MR. JOYCE: Thank you. 21 CHAIR MORALES: Do the 22 Commissioners or the Recount Director have any 23 further business for the Commission to consider 24 or discuss today?

MR. SICUSO: No.

CHAIR MORALES: If not, there is motion that the Commission now adjourn. Do I have a second? MR. WYNN: Second. CHAIR MORALES: Those in favor say aye and those opposed say nay. (All responded aye.) CHAIR MORALES: The ayes have it, this meeting is adjourned. (Proceedings adjourned at 2:15 p.m.)

1	CERTIFICATE
2	STATE OF INDIANA)
3) ss: COUNTY OF BOONE)
4	
5	I, Heather S. Orbaugh, the undersigned Court
6	Reporter and Notary Public residing and maintaining offices in the City of Zionsville, Boone County, Indiana, do hereby certify:
7	
8	That I reported to the best of my ability in machine shorthand all of the words spoken by all parties in attendance during the course of the
9	ensuing proceedings, including objections, if any, made by all counsel present;
LO	That I later reduced my shorthand notes into
L1	the foregoing typewritten transcript form, which typewritten transcript is a true record to the
L2	best of my ability of the testimony given by the witness as stated above;
L3	•
L4	That I am not a relative or employee or attorney or counsel of any of the parties, nor am
L5	I a relative or an employee of such attorney or counsel, and that I am not financially interested
L6	in this action.
L7	IN_WITNESS HERETO, I have affixed my Notarial
L8	Seal and subscribed my signature below this 16th day of July, 2024.
L9	
20	
21	
22	
23	HEATHER S ORBAUGH Notary Public, State of Indiana Boone County
24	Notary Public SEAL Commission Number 0712173 My Commission Expires April 4, 2026
25	County of Residence: Boone (Seal) My Commission Expires on: April 4, 2026
	April 4, 2020

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