

1 VICE CHAIR A. LONG: That was directed to
2 all of them.

3 CHAIRMAN D. DUMEZICH: Each and all.
4 Hearing a second, I open it for discussion?

5 (No discussion.)

6 CHAIRMAN D. DUMEZICH: No discussion. From
7 my standpoint, once Marion County Board of
8 Voter's Registration has come out with a final
9 number and certified it, that to me is prima
10 facie evidence that Mr. Santorum has the
11 required signatures.

12 And once again -- I mean, I think the
13 documentation is there. Obviously, you can go and
14 take a look at the records if you feel there's been
15 some error. There is a remedy past this. But at
16 this point in time I would be inclined to let
17 Mr. Santorum on the ballot, even though I am
18 Romney's state chair. So hearing a second, any
19 more discussion?

20 (No response.)

21 CHAIRMAN D. DUMEZICH: I don't believe -- I
22 don't believe that Mr. Romney really even
23 thought about this proceeding today, would be my
24 guess. I certainly know I haven't discussed it
25 with him. So with that in mind, all in favor of

1 the motion to dismiss the challenges by the
2 individuals --

3 VICE CHAIR A. LONG: Actually, it's a
4 motion to deny.

5 CHAIRMAN D. DUMEZICH: It's a motion to
6 deny the challenges -- all in favor, indicate by
7 saying aye?

8 THE COMMISSION: Aye.

9 CHAIRMAN D. DUMEZICH: All opposed,
10 indicate nay?

11 (No response.)

12 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
13 it. The Election Division is directed to
14 include the name of the candidate on the
15 certified list of candidates to be printed on
16 the ballot.

17 Okay, the matter of the challenge to Patricia
18 Inez Sandifer, Candidate for the Republic Party
19 Nomination for the President of the United States.
20 It is Cause No. 2012-158 and 2012-159. Will the
21 challenger in this matter please come forward?

22 MR. B. PRICKEL: My name is Ben Prickel.
23 It's P-R-I-C-K-E-L. I am just challenging on
24 the basis that Patricia does not have the
25 required number of signatures to be on the

1 ballot?

2 CHAIRMAN D. DUMEZICH: And how many
3 signatures does she have?

4 MR. B. PRICKEL: By her own admission, she
5 has one, her own signature, and I don't believe
6 she is here today.

7 CHAIRMAN D. DUMEZICH: Is Laura J. Dennen
8 here -- Laura J. Dennen, who is a challenger to
9 Miss Sandifer as well, Cause No. 2012-559?

10 (No response.)

11 CHAIRMAN D. DUMEZICH: Is Patricia Inez
12 Sandifer present -- Sandifer, Sandifer,
13 Sandifer, Sandifer, calling you down front?

14 (No response.)

15 CHAIRMAN D. DUMEZICH: Okay. Staff, do you
16 have any report on this?

17 MR. B. KING: Mr. Chairman and Members of
18 the Commission, the documents concerning the
19 challenge and notice in this cause have been
20 included in the commission's binders and under
21 the procedural rules have been admitted into
22 evidence.

23 VICE CHAIR A. LONG: Do you have any
24 petitions anywhere at all with regard to this?

25 CHAIRMAN D. DUMEZICH: Apparently, there's

1 only one petition with no signature on it.

2 MR. B. KING: And Mr. Chairman and
3 Commissioners, yes, there is a copy of a single
4 document right here in the...

5 CHAIRMAN D. DUMEZICH: With that, I would
6 like to close the hearing on Cause No. 2012-158
7 and 159.

8 VICE CHAIR A. LONG: I would move to
9 sustain the challenges.

10 CHAIRMAN D. DUMEZICH: There is a motion on
11 the floor to sustain the challenge.

12 COMMISSION MEMBER B. BENNETT: I second
13 that motion.

14 CHAIRMAN D. DUMEZICH: Hear a second, any
15 discussion?

16 (No response.)

17 CHAIRMAN D. DUMEZICH: Hearing none, all in
18 favor of the motion to sustain the challenges,
19 please indicate by saying aye?

20 THE COMMISSION: Aye.

21 CHAIRMAN D. DUMEZICH: Opposed, indicate
22 nay?

23 (No response.)

24 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
25 it. The Election Division is directed not to

1 include the name of this candidate on a
2 certified list of candidates to be printed on
3 the ballot.

4 No. 13, Newt Gingrich challenge. The next
5 proceeding will be in consideration of Cause No.
6 2012-160 which has been filed in the matter of the
7 challenge to Newt Gingrich, Candidate for Republic
8 Party Nomination for the President of the United
9 States. Sir, you are?

10 MR. S. KAINRATH: It's Scott Kainrath,
11 K-A-I-N-R-A-T-H. I have filed my appearance on
12 behalf of Newt Gringrich.

13 MR. B. KING: He needs to turn the
14 microphone on.

15 CHAIRMAN D. DUMEZICH: You need to turn the
16 microphone on and give your name and spell it,
17 please?

18 MR. S. KAINRATH: Sorry. My name is cott
19 Kainrath. It's K-A-I-N-R-A-T-H. I have filed
20 my appearance on behalf of Newt Gingrich.

21 CHAIRMAN D. DUMEZICH: And the
22 challenger -- Jason Sharp, Jason Sharp, Jason
23 Sharp -- do you have any objection to me
24 presiding over this in light of the fact that
25 I'm the Chair for Romney for the State of

1 Indiana?

2 MR. S. KAINRATH: I'd rather you not -- or,
3 no, no, I'm sorry. No objection. No objection.
4 I didn't mean it that way. No objection.

5 CHAIRMAN D. DUMEZICH: Well, let me tell
6 you, that wasn't going to happen anyway.

7 VICE CHAIR A. LONG: I think he meant he'd
8 rather you not disqualify him. I believe that's
9 what he meant.

10 CHAIRMAN D. DUMEZICH: There is no
11 challenger. So since the challenge --

12 MR. B. KING: They need to present their
13 case.

14 CHAIRMAN D. DUMEZICH: Present the case or
15 make a motion to dismiss?

16 MR. S. KAINRATH: Mr. Chairman, I'd like to
17 make a motion to dismiss the challenge.

18 VICE CHAIR A. LONG: Staff report on the
19 notice.

20 MR. B. KING: Mr. Chairman and Members of
21 the Commission, notices were sent to the
22 challenger and to the candidate in this matter.

23 VICE CHAIR A. LONG: And we have some
24 petitions on file?

25 MR. B. KING: Yes, Commissioner, there are

1 petitions on file.

2 VICE CHAIR A. LONG: I move to sustain the
3 motion to dismiss.

4 COMMISSION MEMBER B. BENNETT: Second.

5 CHAIRMAN D. DUMEZICH: There is a motion on
6 the floor for a motion to dismiss the Cause No.
7 2012-160 in the matter of challenge to Newt
8 Gingrich, Candidate for Republican Party
9 Nomination for President of the United States.
10 There's a second, any discussion?

11 (No response.)

12 CHAIRMAN D. DUMEZICH: All in favor of the
13 motion, indicate by saying aye?

14 THE COMMISSION: Aye.

15 CHAIRMAN D. DUMEZICH: All opposed,
16 indicate with nay?

17 (No response.)

18 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
19 it. Thank you.

20 MR. S. KAINRATH: Thank you, Mr. Chairman.

21 VICE CHAIR A. LONG: I have voted for so
22 many Republicans this morning, I need to take a
23 short break.

24 CHAIRMAN D. DUMEZICH: I assume you're not
25 feeling nauseous.

1 VICE CHAIR A. LONG: No, no, no.

2 CHAIRMAN D. DUMEZICH: Well, the Election
3 Division is directed to include the name of this
4 candidate on the certified list of candidates to
5 be printed on the ballot, and we will take a
6 ten-minute recess, to reconvene in this chamber.

7 (A recess was taken.)

8 CHAIRMAN D. DUMEZICH: I hereby reconvene
9 the Indiana Election Commission Public Hearing
10 Meeting. The next proceeding will be
11 consideration in Cause Nos. 2012-161, 162, 163
12 and 176, which have been filed in the matter of
13 the challenge to Barack Obama, Candidate for the
14 Democratic Party Nomination for President of the
15 United States.

16 Since more than one individual has filed a
17 challenge for this candidate, we'll begin at the
18 front of the room, and you recognize yourself as
19 the first challenger, who wish to present, identify
20 yourself to the court reporter, and again, after
21 that first -- after that first challenger, just add
22 anything you have in addition. Mr. King, can you
23 report on the documents in the record?

24 MR. B. KING: Mr. Chairman and Members of
25 the Commission, the challenges, notices and

1 documents submitted by parties have been
2 included in the Commission's binder and pursuant
3 to the procedural rules are admitted into
4 evidence.

5 COMMISSION MEMBER S. RIORDAN: Could you
6 repeat that last sentence, Mr. King?

7 MR. B. KING: I think the last sentence I
8 stated was and pursuant to the procedural rules
9 adopted, the documents are admitted into
10 evidence.

11 COMMISSION MEMBER S. RIORDAN: I don't want
12 to admit them until somebody goes through them,
13 if we could consider that as a Commission.

14 CHAIRMAN D. DUMEZICH: Certainly.

15 COMMISSION MEMBER S. RIORDAN: So I would
16 ask that the Commission wait before admitting --
17 all of these exhibits have been submitted until
18 we have some sense of their province.

19 CHAIRMAN D. DUMEZICH: Let's just say
20 they've been lodged with the Commission.

21 COMMISSION MEMBER S. RIORDAN: Fair enough.

22 CHAIRMAN D. DUMEZICH: Okay. Keep that in
23 mind.

24 MR. E. KESLER: My name is Edward Kesler,
25 K-E-S-L-E-R. The four of us who have lodged the

1 CAN-1 will be represented by Dr. Orly Taitz, and
2 that's T-A-I-T-Z, and our issues are concerning
3 identity issues, passport issues, Social
4 Security number issues and education issues, and
5 with that, I'd turn it to Dr. Taitz.

6 VICE CHAIR A. LONG: I've got a question
7 before with you take any witnesses. Can you
8 cite us to some law in Indiana or the United
9 States that makes the candidacy on our ballot,
10 that's the only issue here, is the President of
11 the United States is an eligible candidate to be
12 on our ballot; are there any laws, anything, any
13 reference to a Social Security number and any
14 requirement -- I'm asking you a question.

15 MR. E. KESLER: The Constitution of the
16 United States.

17 VICE CHAIR A. LONG: Does it require a
18 Social Security number?

19 MR. E. KESLER: No, but...

20 VICE CHAIR A. LONG: Okay, that's my
21 question: Is there any law that you can cite us
22 to that requires a Social Security number valid
23 or otherwise as a prerequisite of being a
24 candidate for the United States of America other
25 than the president?

1 MR. E. KESLER: No, sir, there's not, and
2 with that kind of reasoning, an illegal alien
3 from Mexico wouldn't have to have one either.

4 VICE CHAIR A. LONG: Surely, you're not
5 contending that the President is an illegal
6 alien from Mexico?

7 MR. E. KESLER: No, sir, I did not say
8 that.

9 VICE CHAIR A. LONG: All right.

10 MS. O. TAITZ: Perhaps from Indonesia.

11 MR. E. KESLER: Perhaps from Indonesia
12 but...

13 VICE CHAIR A. LONG: And are you aware that
14 the Indiana courts have ruled that President
15 Obama is a citizen of the United States?

16 MS. O. TAITZ: No.

17 MR. E. KESLER: I have not been made aware
18 of that, and the fact of being a citizen of the
19 United States still does not qualify one to run
20 for the highest office.

21 VICE CHAIR A. LONG: All I'm -- all I'm
22 going to say to you today is we've come here,
23 and my position is very simple, the evidence
24 you're offering is under oath.

25 MR. E. KESLER: Yes, sir.

1 VICE CHAIR A. LONG: And you best well have
2 proof, because to offer testimony under oath can
3 be a crime in this state and it may well -- and
4 your testimony may well be certified to the
5 prosecutor of this county for review.

6 We have been for four years hearing people
7 nationwide talking about the birth and
8 misstatements all over -- all over the news on this
9 issue, and I'm just telling you I don't think
10 that's an issue in this thing here today.

11 MR. E. KESLER: Sir, with having listened
12 to you, I'm not concerned about the birth
13 certificate, whether it's valid or not -- I'm
14 really am not, but what I am concerned about is
15 that none of us were really given a proper
16 chance to vet this gentleman the last time
17 around. I want to make sure he's vetted this
18 time. With than, I'll turn it over to Miss
19 Taitz.

20 COMMISSION MEMBER S. RIORDAN: Miss Taitz,
21 Dr. Taitz, are you and you member of the bar of
22 the State of Indiana?

23 MS. O. TAITZ: I am not here as an a
24 attorney. I'm here as a witness to authenticate
25 the evidence and all of the documents that you

1 want authenticated. The research -- I have done
2 all the research.

3 VICE CHAIR A. LONG: And Mr. Kesler said
4 that you're here representing him so...

5 MS. O. TAITZ: He misspoke. I'm here only
6 as a witness and not as an attorney.

7 VICE CHAIR A. LONG: As far as I'm
8 concerned procedurally you will be asked
9 questions and you will answer them as a witness.
10 We're not here to hear a five-minute
11 dissertation as to where you wish -- on things
12 you wish to speak to. That's at least my
13 position. I'm certainly not the chair. But I
14 don't --

15 CHAIRMAN D. DUMEZICH: Agreed. Your
16 witness, start asking her chances.

17 MS. O. TAITZ: Mr. Obama --

18 CHAIRMAN D. DUMEZICH: Let's stop for a
19 second? Sir, are you done? Have you -- because
20 what I want to do is we exhaust every challenger
21 so they have an opportunity to ask their
22 question and then we can get done with it?

23 MR. E. KESLER: I have explained what I had
24 brought forward as a challenger to this issue.

25 CHAIRMAN D. DUMEZICH: So then at this

1 point your challenge is done and have turned it
2 over. So please, whatever you do -- don't
3 implicate anything the prior challenger has
4 said, only bring forth new evidence, and
5 remember you're limited to five minutes.

6

7 ORLY TAITZ, M.D.

8 QUESTIONS BY MR. CARL SWIHART:

9 Q My is Carl Swihart, S-W-I-H-A-R-T. Orally, what
10 evidence do you have to bring forth today?

11 A With that, I will provide and authenticate the
12 evidence. According to Indiana Code 3-8 --
13 3-8-1-6 and 3-8-2-14, the candidate for the U.S.
14 President has to be a natural born citizen.
15 According to Article 2, Section 1, Paragraph 4
16 of the U.S. constitution.

17 VICE CHAIR A. LONG: Tell me what evidence
18 you have that he was not born in the United
19 States?

20 MS. O. TAITZ: Yes, sir. First of all,
21 what does natural born citizen mean? According
22 to my --

23 VICE CHAIR A. LONG: Ma'am, we're all -- I
24 think we know what a natural born citizen means.

25 MS. O. TAITZ: First of all, the evidence

1 shows that Obama is not his legal name, and I
2 brought forward a declaration that was obtained
3 on the Freedom of Information Act showing that,
4 and you have it in your packets, that in Mr.
5 Obama's mother passport records, he is listed
6 under the last name of Soebarka, who lived in
7 Indonesia, and in his school records, he's
8 listed under the last name of Soetoro.

9 You have no legal right to put on the ballot
10 an individual whose last name is not even his. Who
11 are you putting on the ballot, Mr. Obama or Mr.
12 Soetoro or Soebarka?

13 VICE CHAIR A. LONG: Do you have -- show me
14 evidence.

15 MS. O. TAITZ: Sir.

16 VICE CHAIR A. LONG: We're going to -- I
17 will treat you with the respect that you deserve
18 and I expect to be treated the same. Show me
19 the evidence that you have that this person
20 you're identifying in Indonesia is Barack Obama,
21 and I want you offering that certified --
22 properly certified, authenticated records from
23 Indonesia that you're identifying --

24 MS. O. TAITZ: Sir, first of all, this is
25 from the United States Department of Justice.

1 You received two Federal Express packages with
2 the records of the Freedom of Information Act
3 that were received, passport records of Stanley
4 Ann Dunham, deceased mother of Mr. Obama,
5 showing, and you have it in your packets that in
6 her passport records, he is listed on under last
7 name Soebarkah so this is not the last name of
8 Mr. Obama.

9 He was supposed to be here and rebut this
10 evidence, and first of all, with prior candidates
11 you have issued a default ruling when the candidate
12 did not show up to rebut any evidence, and before
13 we even go into this, I would like to know why a
14 default is not being issued against Mr. Obama; is
15 there preferential treatment against somebody who
16 is --

17 CHAIRMAN D. DUMEZICH: You are a witness.
18 You are a witness.

19 MS. O. TAITZ: Okay, Mr. Situate will ask.

20 MR. C. SWIHART: Okay. I'll ask why there
21 isn't a default?

22 VICE CHAIR A. LONG: I'm going to object to
23 it. That question is totally irrelevant. You
24 don't ask questions to us.

25 MR. C. SWIHART: Okay. Why isn't there a

1 default against Mr. Obama?

2 VICE CHAIR A. LONG: We're not here --

3 we're not witnesses and...

4 MR. C. SWIHART: Okay. I demand a default
5 judgment.

6 MS. O. TAITZ: Default ruling.

7 MR. C. SWIHART: Ruling, I mean -- excuse
8 me, ruling.

9 VICE CHAIR A. LONG: I move to deny your
10 motion for default. There you go. I'll make
11 that motion.

12 CHAIRMAN D. DUMEZICH: Do I hear a second?

13 COMMISSION MEMBER S. RIORDAN: Second.

14 CHAIRMAN D. DUMEZICH: Okay. All in favor
15 of the motion to deny a default judgment,
16 indicate by saying aye?

17 THE COMMISSION: Aye.

18 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
19 it. So let's do the opposite side of this, and
20 that way...

21 COMMISSION MEMBER S. RIORDAN: So now we're
22 going to turn to whether you meet your burden,
23 and so far, I don't think anything -- any of
24 these documents have be properly authenticated.
25 I don't know where they came from. I don't know

1 why they should even be admitted by the
2 Commission.

3 MS. O. TAITZ: Ma'am, I have presented --

4 CHAIRMAN D. DUMEZICH: Excuse me. Just so
5 you understand what happened, he asked for a
6 motion; right, and at that point the motion was
7 denied, okay. Now...

8 MS. O. TAITZ: I wonder why.

9 CHAIRMAN D. DUMEZICH: Yeah, it's denied.
10 Now here's the other part of this, now you can
11 make -- because he did that, because he started
12 it off, they have now made a motion going in the
13 opposite -- they're going to make a motion going
14 in the opposite direction which is going to be
15 to leave him on the ballot, okay?

16 MS. O. TAITZ: Yeah.

17 CHAIRMAN D. DUMEZICH: And the case will be
18 closed, okay.

19 MS. O. TAITZ: The evidence that I provided
20 in this 300-page packet presents testimony. I
21 as a attorney conducted a court hearing in the
22 State of Georgia and I provided you with court
23 records from the State of Georgia where several
24 witnesses testified under oath, under penalty of
25 perjury, and there is nothing to rebut by Mr.

1 Obama.

2 CHAIRMAN D. DUMEZICH: But they're not here
3 to testify in front of us, so we can only hear
4 testimony given in front of us.

5 MS. O. TAITZ: So you have some 300 pages
6 in the packets that were sent to you of sworn
7 testimony from the Administrative Court in the
8 State of Georgia. You also have evidence --
9 exhibits that were admitted in evidence in the
10 State of Georgia.

11 So I'm here to authenticate, yes, what you
12 have is indeed the -- a court transcript and
13 evidence from the court hearing in the State of
14 Georgia where I was an attorney.

15 VICE CHAIR A. LONG: You're offering this
16 into evidence?

17 MS. O. TAITZ: Yes, I do.

18 VICE CHAIR A. LONG: I would move that we
19 deny this evidence because it is not properly
20 certified. And you hold yourself out as an
21 attorney. You're not -- you would know that
22 you're not the person to certify court records.
23 So these are not certified records. You've sent
24 a packet of several hundred pages of whatever it
25 is, and it's not certified, so you're offering

1 it into evidence as records of another court, or
2 of a court in the State of Georgia, among other
3 things, and I do not believe it meets any
4 standard for admissibility as evidence under
5 either the Administrative Adjudication Act or
6 any of the rules and procedures that we are
7 familiar with. So my motion is to deny these
8 documents as exhibits.

9 MS. O. TAITZ: Okay. I will continue.

10 COMMISSION MEMBER S. RIORDAN: I'll second
11 that so that we can discuss that just very
12 briefly, Mr. Chairman.

13 CHAIRMAN D. DUMEZICH: Sure.

14 COMMISSION MEMBER S. RIORDAN: I've taken a
15 look through these 300 pages and they're
16 actually not --

17 CHAIRMAN D. DUMEZICH: Make sure I get this
18 right.

19 COMMISSION MEMBER S. RIORDAN: Sure.

20 CHAIRMAN D. DUMEZICH: There's a motion on
21 the floor, I've heard a second, and now move for
22 discussion .

23 COMMISSION MEMBER S. RIORDAN: Okay.

24 CHAIRMAN D. DUMEZICH: Commissioner Member
25 Riordan.

1 COMMISSION MEMBER S. RIORDAN: Thank you,
2 Mr. Chairman. I've reviewed these materials,
3 and actually they're not 300 pages of sworn
4 testimony. There are several un-numbered pages
5 of proposed findings of fact and conclusions of
6 law which is a so-called legal document that you
7 drafted -- no grounds for admission, 100 percent
8 hearsay.

9 And then we have several pages of typed
10 transcript, which I've read some of, and it's
11 actually pretty ridiculous, but again, 100 percent
12 hearsay, inadmissible. And then there are a number
13 of many illegible documents, totally unclear where
14 they came from, whether they were printed off the
15 internet or just some random other source. Nothing
16 that is appropriately before the Commission.

17 There's been no personal authentication or
18 certification or any reason put forth why this body
19 should be taking the public's time to even review
20 these documents for a minute. And so with that, I
21 would ask that, unless there's any more discussion,
22 I'd like to call the question on the motion to deny
23 the admission of this evidence so that we can move
24 forward to looking at this on the merits.

25 MS. O. TAITZ: I have more evidence aside

1 from what was provided.

2 CHAIRMAN D. DUMEZICH: We are in the
3 discussion phase of the Commission at this point
4 in time. The way -- the way that I look at this
5 is you've submitted these documents, these
6 documents are lodged with the Commission.
7 Regardless of what happens today, you have a
8 remedy, which is a judicial remedy, which would
9 be more appropriate than -- frankly, I would get
10 an attorney in Indiana, okay, who's licensed
11 here to put together a case, because what I see
12 in front of me and I believe those -- I've
13 reviewed these documents, and believe me, I'm
14 not a fan of Barack Obama, but he is the
15 President of the United States and he should not
16 be subjected to this sort of evidence because
17 it's not substantiated -- that's a problem and
18 it's also hearsay.

19 MS. O. TAITZ: Sir, it's not hearsay. I
20 have evidence here. You're not willing to
21 listen because you have decided and this lady
22 has her decision and her mind made before this
23 even started just by saying this was ridiculous.

24 What is ridiculous? I personal -- I provided
25 my affidavit. I'm here to authenticate my

1 affidavit. Can you explain to me as an attorney
2 what is ridiculous in me authenticating my own
3 affidavit? Can you explain what is ridiculous in
4 that?

5 CHAIRMAN D. DUMEZICH: Do you want to
6 address her or...

7 COMMISSION MEMBER S. RIORDAN: I'm not
8 going to.

9 CHAIRMAN D. DUMEZICH: Do we have a motion
10 on the floor.

11 UNIDENTIFIED SPEAKER: (Indiscernible.)

12 CHAIRMAN D. DUMEZICH: Whoa, whoa, whoa
13 you're out of order.

14 UNIDENTIFIED SPEAKER: No, you're out of
15 order.

16 COMMISSION MEMBER S. RIORDAN: Wow.

17 MS. O. TAITZ: You're all out of order.

18 VICE CHAIR A. LONG: I would ask that this
19 gentleman be removed from the chamber.

20 UNIDENTIFIED SPEAKER: You're going to have
21 me removed from the chamber?

22 VICE CHAIR A. LONG: You're disrupting the
23 meeting. Can we have security come in, please?

24 UNIDENTIFIED SPEAKER: (Indiscernible.)

25 CHAIRMAN D. DUMEZICH: Absolutely, and if

1 you're a challenger, you take your time and you
2 come up and you do it.

3 UNIDENTIFIED SPEAKER: But then you
4 attacked them first.

5 CHAIRMAN D. DUMEZICH: I didn't attack
6 anybody.

7 MS. O. TAITZ: Yes, you did. You wouldn't
8 let us speak.

9 UNIDENTIFIED SPEAKER: (Indiscernible.)

10 MS. O. TAITZ: And you don't let us speak.
11 You made your mind before I even started. Why
12 don't you let me speak and provide
13 authentication for my own affidavit? Let the
14 people of the State of Indiana and me see the
15 evidence.

16 MR. E. KESLER: Mr. Chairman, may I --
17 before you speak before you finish up, I would
18 say that you were very cordial when I first sat
19 down. You, sir, were not. Ma'am, you were not.
20 Whatever you do with the challenge is entirely
21 up to you, and we accept that.

22 However, the fact that you instantly jump down
23 my case over something like the Social Security
24 number, do you realize if a man uses the wrong
25 Social Security number -- wait a minute, wait a

1 minute.

2 VICE CHAIR A. LONG: So what?

3 MR. E. KESLER: It's fraud, that's so what.

4 VICE CHAIR A. LONG: And take it to the
5 House of Representatives and seek to have him
6 impeached.

7 MR. E. KESLER: And you know what they will
8 say, well, we can't impeach him because, gosh,
9 he's probably not the president. What would you
10 do then?

11 MS. O. TAITZ: Sir, we need to provide
12 evidence.

13 CHAIRMAN D. DUMEZICH: This has turned into
14 a -- you know what, let's go to the recess.
15 Let's take a five-minute recess.

16 (A recess was taken.)

17 CHAIRMAN D. DUMEZICH: I let a dialogue
18 start that I shouldn't have, okay. I'm not
19 going to make that mistake again. You'll have
20 your opportunity to present, Members of this
21 Commission will question you when that's up,
22 when that time is up, and then we'll go to a
23 ruling, but your documents will be lodged with
24 the Commission. I want to clock, a five-minute
25 clock.

1 MS. O. TAITZ: I'm sorry, because four
2 individuals agreed to give me their time, and
3 you stated that you allowed five minutes per
4 person so I...

5 CHAIRMAN D. DUMEZICH: Five minutes, and
6 then anything that's not duplicative, so in
7 total, the most you can go is ten minutes under
8 any circumstance.

9 MS. O. TAITZ: Okay. Thank you. The
10 challenge for Mr. Obama is due to following
11 evidence. In 2008, when Mr. Obama got into the
12 Whitehouse, we did not have sufficient evidence.
13 Today, we have sufficient evidence, certified
14 records with a signature on the penalty of
15 perjury from the Department of State showing
16 that in his mother's passport records, Mr. Obama
17 is listed under last name Soebarkah.

18 Even if you were to disregard anything, it
19 shows that he is trying to get on the ballot on the
20 name that is not his. We don't know who this man
21 is. He is not here to provide any evidence of
22 legal change of name Soebarkah -- from Soebarkah or
23 Soetoro.

24 Next, in Indonesia, in his registration for
25 school in Indonesia, Mr. Obama was listed under the

1 last name Soetoro, citizenship, Indonesia. There
2 is no evidence -- Mr. Obama is not providing any
3 evidence to show that his citizenship is not
4 Indonesian.

5 Furthermore, Mr. Obama, personally, posted
6 online his tax returns. Even though the
7 Constitution does not state that you have to have a
8 valid Social Security number, the question is
9 Indiana Constitution states that you have to be a
10 naturally born citizen. How due prove that you're
11 naturally born? You can prove it by having valid
12 identification papers, and the basis for this
13 challenge is that Mr. Obama does not have any valid
14 identification papers.

15 The records show that he's using a stolen
16 Social Security number that was issued in 1977 in
17 the State of Connecticut to an individual born in
18 1890. This man is a criminal, ma'am, and
19 gentlemen, and you are covering up forgery and
20 Social Security --

21 CHAIRMAN D. DUMEZICH: Whoa, whoa, whoa.
22 Let's stop. Stop right there. Present your
23 case.

24 MS. O. TAITZ: Okay.

25 CHAIRMAN D. DUMEZICH: We're not covering

1 anything up. We're allowing you to speak your
2 mind and putting it before the Commission. If
3 you're disrespectful like that one more time,
4 you're butt's going to be gone.

5 MS. O. TAITZ: Okay.

6 CHAIRMAN D. DUMEZICH: You got that?

7 MS. O. TAITZ: Okay. Mr. Obama has
8 posted -- he, personally, posted online his tax
9 returns. In 2008 he posted online his tax
10 returns. I'm testifying that I, personally, saw
11 his tax returns and saw them through Adobe
12 Illustrator and thousands of U.S. citizens could
13 see those tax returns through Adobe Illustrator.
14 When you --

15 CHAIRMAN D. DUMEZICH: Do you understand
16 what you're holding in your hand? That is not a
17 income tax return. That is a Form 709. Do you
18 know what that is?

19 MS. O. TAITZ: This is a page from the
20 income tax return of Mr. Obama that he,
21 personally, posted online. I did not bring the
22 whole tax return. I brung -- brought just one
23 page to show that on his tax return, that when
24 you open it in Adobe Illustrator, his full
25 Social Security number is visible, and I also

1 provided in the packet information showing that
2 the Social Security --

3 CHAIRMAN D. DUMEZICH: Please give me that.

4 MS. O. TAITZ: Okay.

5 CHAIRMAN D. DUMEZICH: Okay. This goes to
6 quality of evidence. This is not a form from an
7 income tax return. This is a United States Gift
8 Tax Return -- quiet, I'm talking.

9 MS. O. TAITZ: I didn't say a word.

10 CHAIRMAN D. DUMEZICH: You just did.

11 MS. O. TAITZ: What?

12 CHAIRMAN D. DUMEZICH: So this form is not
13 what she purports it to be. She's just wrong,
14 okay.

15 MS. O. TAITZ: May I respond?

16 CHAIRMAN D. DUMEZICH: No, because you're
17 wrong. You can respond to it. This is not
18 filed with the federal income return. I mean,
19 you can slap the desk all you want, but the fact
20 of the matter is when someone represents that
21 this is an income return that the president
22 filed, it's wrong on its face.

23 This goes to the creditability -- this goes to
24 the credibility of everything somebody says when
25 there's -- she's going to tell us that this is an

1 income tax return, and it's just not accurate. So
2 if this isn't accurate, it calls into the question
3 the rest of the evidence.

4 MS. O. TAITZ: Sir, this is one of the
5 pages that was filed -- let me correct myself,
6 one of the pages that was filed by Mr. Obama on
7 April the 15th, 2010. It was a packet of Mr.
8 Obama's tax returns. With it, there was this
9 page, gift return.

10 CHAIRMAN D. DUMEZICH: You're now
11 describing it differently than you did in the
12 past.

13 COMMISSION MEMBER B. BENNETT: Is your
14 point that there is a Social Security number on
15 this document?

16 MS. O. TAITZ: Yes.

17 COMMISSION MEMBER B. BENNETT: All right.
18 Pick it up from there.

19 MS. O. TAITZ: This was posted by Mr. Obama
20 itself on whitehouse.gov. I, personally, saw
21 it. This is his Social Security number. In the
22 United States of America, until last year, when
23 Mr. Obama changed it, the Social Security
24 numbers were assigned by states. The first
25 three digits signify the state. 042 is the

1 state of Connecticut. Mr. Obama was never a
2 resident of the State of Connecticut. That
3 shows fraud on its face.

4 Moreover, I have my own affidavit that I
5 provided you in your packets. I'm here to
6 authenticate my own affidavit. That states that I,
7 personally, went to Selective Service online, those
8 are Selective Service records showing -- when you
9 go online verification, you enter a person's last
10 name, Social Security number, and date of birth.

11 I entered the Social Security number that
12 Mr. Obama posted himself -- 042-68-4425, and I
13 entered -- I, personally, entered his last name,
14 Barack Obama, and date of birth, to see that he is
15 indeed using this number, and I got the result, and
16 it is in your packets showing that he is indeed
17 using this Social Security number which is a
18 Connecticut Social Security number.

19 If it would have been somebody who is a
20 Latino, who came from Mexico, and the Commission or
21 anybody else would have seen this evidence, you
22 would have stated this is circumstantial evidence
23 of identity fraud, of identity theft. The only
24 reason not to come to this conclusion is being
25 biased in favor of Mr. Obama, and here I would like

1 to present this for you.

2 Next, I have a self-check E-verify where
3 Mr. Obama's name was entered, and it says SSA
4 record does not verify. Next I have Social
5 Security number verification systems where Mr.
6 Obama's -- the number that he's using, 042-68-4225,
7 his name, Barack Obama, and his date of birth
8 8/4/61 was entered, and it says failed. That's yet
9 another governmental agency. The social Security
10 number verification systems shows that he fails yet
11 another check.

12 CHAIRMAN D. DUMEZICH: Where are we on
13 time?

14 COMMISSION MEMBER B. BENNETT: Five minutes
15 have expired.

16 MS. O. TAITZ: Next.

17 CHAIRMAN D. DUMEZICH: Wrap on up in 30
18 seconds, please.

19 MS. O. TAITZ: This is Mr. Obama's -- Mr.
20 Obama never showed up to show a valid birth
21 certificate. He doesn't have it. He posted
22 online a piece of garbage and he's posting it on
23 mugs and T-shirts claiming that to be a copy of
24 his birth certificate. Where is the certified
25 copy to show it? I am just a citizen. I have

1 no access. I on my own dime traveled to the
2 State of Hawaii in order to check the original.
3 The State of Hawaii is stonewalling and refusing
4 to show the original to verify that what Mr.
5 Obama posted online is indeed a true and correct
6 copy of his birth certificate. What was posted
7 online when --

8 CHAIRMAN D. DUMEZICH: Ma'am, your 30
9 seconds are up. Put the stuff -- lodge it with
10 us and we'll go from there. Close the record in
11 the matter of -- what's the number -- in the
12 matter of Cause No. 2012-161, 2012-162,
13 2012-163, and Cause No. 2012-176. The record's
14 been closed. Your documents have not been
15 admitted into evidence. They have been lodged
16 with the Commission. I will entertain a motion.

17 VICE CHAIR A. LONG: I would move that we
18 deny the challenges.

19 CHAIRMAN D. DUMEZICH: Do I hear a second?

20 COMMISSION MEMBER S. RIORDAN: Second.

21 CHAIRMAN D. DUMEZICH: Is there any
22 discussion?

23 (No response.)

24 CHAIRMAN D. DUMEZICH: Hearing none, all in
25 favor of the motion to deny the challenges,

1 please indicate by saying aye?

2 THE COMMISSION: Aye.

3 CHAIRMAN D. DUMEZICH: All opposed, nay?

4 (No response.)

5 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
6 it. In the matter of challenge to Mark Callahan
7 Republican Party Nomination for President of the
8 United States. Mr. Callahan, please come down,
9 and Laura Dennen is the challenger in Cause No.
10 2012-164. Do we have a report from the
11 commission's members -- from staff, excuse me?

12 MR. B. KING: Mr. Chairman, and Members of
13 the Commission, in this matter notices were
14 provided to the challenger and to the candidate.
15 However, in this case, there were no petitions
16 filed with the Secretary of State or the
17 Election Division for Mr. Callahan for
18 president.

19 VICE CHAIR A. LONG: Legal question that
20 doesn't even make --

21 CHAIRMAN D. DUMEZICH: Not on the ballot.

22 VICE CHAIR A. LONG: Not on the ballot at
23 all, so if we agree to dismiss this, that person
24 is not going to be on the ballot anyway?

25 CHAIRMAN D. DUMEZICH: That's correct.

1 VICE CHAIR A. LONG: Since no one's here, I
2 move to dismiss it.

3 CHAIRMAN D. DUMEZICH: Motion to dismiss on
4 the floor, do I hear a second?

5 COMMISSION MEMBER B. BENNETT: Second.

6 COMMISSION MEMBER S. RIORDAN: Second.

7 CHAIRMAN D. DUMEZICH: Hearing a second,
8 any discussion?

9 (No response.)

10 CHAIRMAN D. DUMEZICH: In this instance the
11 candidate did not file the required petitions
12 with the office, with the Commission. In light
13 of that, all in favor of the motion to dismiss,
14 indicate by saying aye?

15 THE COMMISSION: Aye.

16 CHAIRMAN D. DUMEZICH: Opposed, nay?

17 (No response.)

18 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
19 it. In the Matter of the Challenge to Richard
20 Lugar, Candidate for the Republican Party
21 Nomination for United States Senate, Cause No.
22 2012-165, 2012-166, 2012-167. Mr. Stockdale and
23 Mr. Smith and Mr. Kilpatrick are the
24 challengers.

25 VICE CHAIR A. LONG: Is that you all?

1 UNIDENTIFIED SPEAKER: Yes.

2 CHAIRMAN D. DUMEZICH: And you are -- are
3 you the three challengers?

4 UNIDENTIFIED SPEAKER: Yes.

5 CHAIRMAN D. DUMEZICH: And what we'll do is
6 we'll take this challenge and then anything you
7 want to add to it, and then we'll follow the
8 same procedure that we've used before. Please
9 state your name for the record?

10 MR. E. BOHNET: My name is Eric Bonnett.

11 CHAIRMAN D. DUMEZICH: You need the mike in
12 front of you to speak.

13 MR. E. BOHNET: Okay. My name is Eric
14 Bohnet, and I am an attorney representing Paul
15 Kilpatrick, who is the guy to my right here. We
16 are here challenging --

17 CHAIRMAN D. DUMEZICH: Can you spell your
18 name for the record just to make sure that we
19 have it.

20 MR. E. BOHNET: It's B-O-H-N-E-T. I also
21 have a written appearance, if you'd like.

22 CHAIRMAN D. DUMEZICH: No, that's fine.
23 You're good. Please proceed, sir.

24 MR. E. BOHNET: Okay. We are here to
25 challenge Mr. Lugar's candidacy on the grounds

1 that he has ceased to be an inhabitant of the
2 State of Indiana and therefore lacks the
3 Constitutional qualifications for the Office of
4 the United States Senate.

5 Although there is, you know, some Indiana case
6 law and statute that's relevant, really this is
7 ultimately a federal issue because the U.S. Supreme
8 Court has ruled that the qualification clauses of
9 the U.S. constitution in our exclusive. The state
10 can't add to them. They can't subtract. So that
11 was then. U.S. Term Limits, Inc. v. Thorn 514 U.S.
12 779. So this is a federal issue --

13 CHAIRMAN D. DUMEZICH: Just out of
14 curiosity, I think the State can add to them,
15 can't they, because for example, you have to get
16 500 signatures per congressional district.
17 That's merely an Indiana requirement.

18 MR. E. BOHNET: Well, they can set rules on
19 how you get on the ballot, but we're
20 challenging -- I mean, we acknowledge he got
21 enough signatures and those things.

22 CHAIRMAN D. DUMEZICH: No, I was just...

23 MR. E. BOHNET: It's just the qualification
24 actually so...

25 CHAIRMAN D. DUMEZICH: I was just pushing

1 back on your premise because I saw it as an
2 inconsistency with what I know to be existing
3 law but that's fine.

4 MR. E. BOHNET: Just the actual
5 qualifications on who can be a United States
6 Senator from Indiana. That's ultimately set by
7 government law. There's not a tremendous amount
8 of case law about it, but there was a pretty
9 good analysis of the issue.

10 In Jones v. Bush which is the case out of the
11 Northern District of Texas in 2000. That was a
12 case where someone was challenging the candidacy of
13 Dick Cheney on the grounds that he was an
14 inhabitant in the same state as George W. Bush.

15 The court had found that he had changed his
16 inhabitancy in Wyoming based on having -- you know,
17 sold his house in Texas and a number of things, but
18 the key provision there is the court in that case
19 found that word "inhabitant" in the qualification
20 clause is closely parallel to modern concept of
21 domicile which is established -- quote, established
22 by physical presence in a place in connection with
23 a certain state of mind concerning one's intent to
24 remain there. I think that kind of sets up the
25 fact issue. They focus --

1 VICE CHAIR A. LONG: Would you restate
2 that? I'm interested in the difference between
3 resident and inhabitant.

4 MR. E. BOHNET: They are very close --
5 well, I think that court also broke it down as,
6 you know, you're an inhabitant if you 1) have a
7 physical presence within the state, and 2)
8 intends that it be a place of habitation. So
9 there's two prongs to it. You have to have some
10 sort of physical presence and you have to have
11 an intent to stay here.

12 So if you're just here as a -- you know, as a
13 student or on a temporary thing, and I mean, a
14 senator would typically be a good example. A
15 senator may spend the majority of his time in
16 Washington but most of them have a house or
17 something back in their state, too. And so the
18 rule is, I believe, that you have to have some sort
19 of physical residence in the state which you intend
20 to be as your permanent residence.

21 VICE CHAIR A. LONG: What if you were an
22 Indiana student and went to the School of,
23 heaven forbid, the University of Kentucky, while
24 you're down there as a student, are you still an
25 inhabitant of Indiana?

1 MR. E. BOHNET: Generally, yes, you would
2 be. I think in that case they would look to
3 your parents' address -- I actually had that
4 situation in reverse. I went to college here
5 and was a resident of Illinois at the time.

6 VICE CHAIR A. LONG: Good choice.

7 MR. E. BOHNET: You know -- and I mean, the
8 Indiana residency law, I think, spell out some
9 of those things. But in this case, it's not a
10 case where gee, he's temporarily between houses
11 here. For 35 years he has lived in a house
12 which he bought in Virginia. That has been, you
13 know, where he gets his mail, where he goes home
14 most of the time, that's the only home he owns.
15 He has not maintained any sort of residence here
16 in Indiana.

17 CHAIRMAN D. DUMEZICH: Are you speaking
18 from personal knowledge?

19 MR. E. BOHNET: We attached a number of
20 documents to our challenge, including Mr.
21 Lugar's voter registration records and a bill of
22 sale saying that he sold the house, and I don't
23 think there's going to be any dispute as to the
24 facts on this matter.

25 VICE CHAIR A. LONG: You need to offer your

1 documentation.

2 CHAIRMAN D. DUMEZICH: Into evidence,
3 that's where I was going with it.

4 MR. E. BOHNET: Okay.

5 VICE CHAIR A. LONG: I don't care if you --
6 for simplicity because we -- and I copy things
7 on two sides to a page. I don't know how you
8 done them. If you submit your challenge as an
9 exhibit, just as long you get them in the
10 record.

11 MR. E. BOHNET: Okay. I just move to make
12 the exhibits that were attached to the challenge
13 exhibits for the record. I think my copy was
14 actually faxed a few times so...

15 CHAIRMAN D. DUMEZICH: Do you have a copy,
16 Dale?

17 MR. D. SIMMONS: Yeah.

18 CHAIRMAN D. DUMEZICH: So Dale does have a
19 copy for the record.

20 MR. D. SIMMONS: Yes.

21 CHAIRMAN D. DUMEZICH: Okay. Good.

22 MR. E. BOHNET: Okay -- yeah, and I think
23 the fact issue here -- I don't think there's
24 really a dispute as to what the facts are. His
25 home -- his house has been in Virginia. He has

1 not maintained a residency here. He's continued
2 to lists as a forwarding address a home which
3 was sold in 1997, shortly after he took office
4 as a senator.

5 And obviously, he's been back, a few times
6 since then -- you know, maintained some association
7 with the state, but he has not had a physical
8 residence, and I think that is required under, you
9 know, the interpretations that have been made of
10 the United States Constitution.

11 COMMISSION MEMBER B. BENNETT: How do you
12 respond to the letters from three attorney
13 generals who have opined that he is -- that this
14 is not a problem for the Senator?

15 MR. E. BOHNET: Well, we disagree. Of
16 course, they're not a controlling authority.
17 They're looking at state law. You know, I think
18 if you -- you know, the lead federal case, the
19 one in -- the case I cited earlier, the Bush
20 case, Bush v. Jones, I think is the lead federal
21 case on the subject.

22 And even Indiana law, the lead case here is
23 the Bayh case when he was -- when Evan Bayh was
24 running for Secretary of State, and at that time I
25 guess we had a law that you had to have been an

1 inhabitant or something for five years, and he had
2 been here for three years. Before that, he had
3 been, I think, in Washington as a lawyer and a law
4 student, and you know, they ultimately ruled that
5 he couldn't -- couldn't run.

6 But they distinguish between rules setting
7 requirements for being a resident prior to running
8 for office and those that apply when you're
9 actually in office. They said the first one was,
10 you know, just to make sure you got some connection
11 to the state.

12 But once you're in office, those rules are to
13 make sure you're keeping -- you know, you're
14 accountable to the voters. You're accessible to
15 them. There's a place there where, you know, you
16 can be reached where you live, and that's not the
17 situation, you know, that Mr. Lugar has had. He
18 hasn't had a residence here.

19 He could have -- there's probably been places
20 that he could have designated, but he hasn't done
21 that. And finally, I would like to just point
22 out --

23 CHAIRMAN D. DUMEZICH: You said there are
24 probably places he could have designated.

25 MR. E. BOHNET: Well, there may have -- I

1 mean, there may have been places he could have
2 designated -- I don't have that information,
3 but -- and then finally, I point out that I
4 think it's very critical that this -- you know,
5 the issue be fully addressed at this time so
6 that we don't end up with a situation like we
7 have, like we're going through with the Charlie
8 White case, where one candidate, you know, is
9 nominated, gets -- you know, gets by far the
10 most votes in the election, and then after the
11 election, the other party's coming in and saying
12 oh, he's not qualified. He's been -- you know,
13 in that case, wasn't a registered voter in this
14 case -- hey, he's not qualified. That's to be
15 resolved now.

16 CHAIRMAN D. DUMEZICH: Have you stated your
17 case, sir?

18 MR. E. BOHNET: Yes.

19 CHAIRMAN D. DUMEZICH: Okay. I take it
20 you're also a challenger, sir?

21 MR. D. STOCKDALE: Yes.

22 CHAIRMAN D. DUMEZICH: Could you pass the
23 microphone down, and just add anything -- don't
24 be duplicative, but just add anything that you
25 have to say as well.

1 MR. D. STOCKDALE: My name is David
2 Stockdale, S-T-O-C-K-D-A-L-E. In addition to
3 that, I would just use the information that we
4 received, the opposition of the challenges that
5 we received from the lawyers that indicated that
6 Indiana's not attempted to define the term
7 "inhabitant" as used in the federal
8 constitution, and then it goes on to speaking
9 how Indiana has defined residency.

10 I believe residency and inhabitancy to be two
11 different things. If we go back to when the
12 founding fathers created the Constitution, Madison
13 purposely ask that residency not be in the
14 Constitution, that it be replaced with inhabitancy.
15 That was so that people could go on with the
16 business as the state or of the country. I would
17 argue that 35 years or more is longer than
18 occasional, which is the wording that was used.

19 In addition to that, in the opposition that
20 they gave us, it says that they're comparing a
21 senator going to Washington similar to a soldier
22 going off to serve their country. The difference
23 to me is that that's not a good comparison. A
24 soldier does not have any Constitutional
25 requirement to have residency or to prove that

1 they're an inhabitant. They don't even have to
2 prove that they're a citizen. And when they file
3 for citizenship after serving in the military, they
4 still don't have to provide evidence that they're a
5 resident.

6 So I think the evidence that they're providing
7 the attorneys general which are not the extreme, or
8 the Supreme law of the land, in comparison to a
9 soldier going off to war is not a fair comparison,
10 and the -- just the simple fact that Indiana has
11 not attempted to define the term "inhabitant" as
12 used in the Federal Constitution, I would ask the
13 Commission to take extreme caution in today trying
14 to define for the founding fathers and the U.S.
15 Constitution the term "inhabitant." That's all I
16 have.

17 CHAIRMAN D. DUMEZICH: Sir, you want to
18 come up -- did you identify yourself, I'm sorry?

19 MR. D. STOCKDALE: Yes, I did.

20 CHAIRMAN D. DUMEZICH: Have a seat, sir.

21 MR. P. SMITH: My name is Philip Smith, and
22 basically my complaint is that Dick Lugar wrote
23 down as his address as being 3200 Highwoods
24 Court, 46228. He hasn't been there since 1997.
25 In my idea, he's a liar and we don't need liars

1 in the senate.

2 CHAIRMAN D. DUMEZICH: Whoa, whoa, whoa --
3 it was going so well. People -- people were
4 being pleasant and presenting their case and
5 then we got the name calling. It's amazing how
6 that happens. That's called a lack of judgment.
7 Do you have anything else to add?

8 MR. P. SMITH: No.

9 MR. W. TURNER: Mr. Chairman, and Members
10 of the Commission, I'm Wayne Turner with the law
11 firm of Bingham Greenebaum Doll and I represent
12 Senator Richard Lugar. Thank you for your time
13 today. Let me respond to each of three
14 challenges, which all of them cite the same
15 statute, Indiana Code 3-8-1-7. That defers to
16 the federal qualifications clause in the
17 Constitution. It's Article 1, Section 3, Clause
18 3, and that says that a candidate for the Senate
19 "must, when elected, be an inhabitant of that
20 state for which he shall be chosen."

21 And from there the challenges that I've seen
22 sort of go off on the wrong theories of what it is
23 to be an inhabitant and what it is to be a
24 resident. And yes, we have a difference between --
25 there's no definition of inhabitant that's supplied

1 in the Constitution. Initially, there are very few
2 court opinions on that. The reason is -- on under
3 Article 1, Section 5 of the United States
4 Constitution, the question of the qualification of
5 a United States Senator is reserved to the Senate
6 itself. That's why federal courts don't litigate
7 the question. That's why state courts haven't
8 litigated the question.

9 In Indiana -- actually, that question was
10 called in the Handley against the Superior Court of
11 Marion County case that was cited in the papers we
12 gave you where Sitting Governor Handley wanted to
13 run for Senate. There was a statute that said a
14 sitting governor or lieutenant governor cannot run
15 for another office. The court said -- the Indiana
16 Supreme Court said we have no jurisdiction to
17 decide that question. So that's why we have case
18 law on this point.

19 Mr. Bohnet has -- in fact, there are a couple
20 of cases that actually address a little bit of the
21 history of the term "inhabitant" -- Jones versus
22 Bush is one of them, Schaefer v.
23 Thompson -- Townsend is the other, the 9th Circuit
24 case that we've cited to you. Each time, to the
25 extent there's a discussion of James Madison's

1 comment about inhabitant, the notion is that
2 inhabitant is actually broader than resident.

3 And so Mr. Stockdale makes my point when he
4 says, you know, the Indiana -- the attorneys
5 general who have said residency is satisfied by
6 Senator Lugar. That's a more restrictive term than
7 inhabitant is, to the extent we have guidance on
8 that point.

9 Interestingly, the original term in the
10 qualifications clause was resident and they moved
11 it to inhabitant for that very concern, that it
12 might have been too rigid and it might have been
13 misinterpreted that way.

14 So Indiana law doesn't look at the term
15 "inhabitant." It does look at residency in various
16 ways, and the key provision, which no one mentions
17 here is Article 2, Section 4 of the Indiana
18 Constitution which says that no person shall be
19 deemed to have lost his residence in the state by
20 reason of his absence either on business of the
21 state or of the United States, no person shall be
22 deemed not to have lost his residence by service in
23 the Senate as Senator Lugar has done.

24 Now that's been in our constitution since
25 1816. That's one of the first things the framers

1 did was to provide that protection for those
2 seeking public office. And the effect of that
3 200-year old provision is to fix the residency, to
4 freeze it, if you will, as of the time the person
5 leaves here to serve their state, to serve their
6 country, and the Senate.

7 And no one, no one can or does dispute that
8 Senator Lugar was a resident and an inhabitant of
9 Indiana the time he was first elected in '76. No
10 one can dispute that since that election the
11 Senator has been away on business of this state and
12 the business of this country, and under the plain
13 terms of the federal and state law that apply then,
14 he is an inhabitant and he is eligible to run for
15 the Senate again.

16 More importantly than that, Senator Lugar is a
17 Hoosier. He's always been a Hoosier. He's shown
18 his intent. He's come back here. He's never
19 showed an intent to go anywhere else. We've
20 supplied some of the materials to you that are just
21 the basic -- a letter from the accountant that says
22 every year he's filed an Indiana tax return, never
23 filed for another state. He has an Indiana
24 driver's license. He has Indiana plates on his
25 car. He -- we showed you the attorney general

1 opinions about what that means under Indiana law.

2 So there is no question about -- under the
3 Bayh case, for example, an intent to return to
4 Indiana -- clearly, there's no evidence that's been
5 presented from the other side that there's any
6 shaking of that resolve or intent to come back to
7 Indiana at the end of his service as a senator.

8 It may -- it may -- well, first, let me say
9 the only thing they point to is the sale of the
10 house. There was a house he had at 3200 Highwoods
11 Court in Indianapolis at the time he was elected in
12 '76. He doesn't own the house anymore.

13 That's undisputed, that's undisputed, but
14 there is no legal requirement anywhere in federal
15 law or state law that a person elected to federal
16 office has to stay in the same house from which
17 they were elected, has to own real estate, has to
18 own residential real estate.

19 There is no requirement like that. And we
20 shouldn't be -- we shouldn't impose on candidates
21 the requirement to have multiple homes -- it's just
22 not there, so it's irrelevant that that house is no
23 longer owned.

24 It may seem odd to some that under Article 2,
25 Section 4 of the Indiana Constitution, that's that.

1 The residency is frozen as of that time and you
2 might have an address of a house that you might not
3 use anymore, but the point is not the ownership or
4 the real estate, the point is protecting public
5 servants.

6 That's what our constitution secures and
7 protects, and that's the legal provision that
8 controls here, and that's why the three Indiana
9 attorneys general have said in writing in the
10 papers that we submitted to you that Senator Lugar
11 is a resident -- more restrictive term than
12 inhabitant -- certainly, he is an inhabitant and
13 remains an inhabitant of Indiana and he is
14 certainly eligible to run again for the office of
15 Senate.

16 So we ask first that you admit the materials
17 that we supplied to you. Second, that you deny, or
18 because of the jurisdictional issue, you may deem
19 it necessary to dismiss the challenges, the three
20 challenges that have been made to you. I'm
21 available for any questions.

22 CHAIRMAN D. DUMEZICH: Do you have any
23 questions of counsel?

24 MR. E. BOHNET: No questions.

25 MR. P. SMITH: I have questions. How can

1 you prove that he didn't lie about the address
2 being 3200 Highwoods Court where he put it down
3 as being his address?

4 MR. W. TURNER: I don't think that's a
5 factual question.

6 COMMISSION MEMBER B. BENNETT: How would
7 you respond to the allegation that he put the
8 wrong address on the application?

9 MR. W. TURNER: Member Bennett, the
10 response is that -- the one that I made under
11 the constitution that the residency is fixed at
12 that time. Someone might choose to move and
13 adopt a different address -- he didn't do that.

14 The only address available for him to list was
15 3200 Highwoods Court so that's what the lat -- it
16 may be a little strange, but that's what it
17 requires him to do, and that's the address that he
18 properly and legally uses.

19 MR. E. BOHNET: Does that give him the
20 right to vote in that district for the rest of
21 his life as long as he's senator -- in my mind,
22 no. He doesn't live there so he should not have
23 a right to vote in that district.

24 VICE CHAIR A. LONG: This whole thing, and
25 it's in preface to my question here -- first of

1 all, I preface all of this that no one respects
2 Senator Lugar more than I do. He's served
3 Indiana well. Although, he's not in the same
4 party as I'm in, he has distinguished himself
5 and has been an able representative of Indiana.

6 One thing that troubles me here, and it's
7 really an interesting question -- I mean, we've
8 got -- for example, you have a driver's license
9 submitted. There's requirements -- okay, I work
10 at the Bureau of Motor Vehicles to help pay my
11 way through law school so I have a little bit of
12 knowledge, not to be dangerous, probably of a
13 driver's license law, and that was a long time
14 ago, it's probably changed multiple times since
15 then, but the requirements of residency and a
16 legal requirement for getting a driver's license
17 in a jurisdiction is probably not connected to
18 or particularly helpful in telling us whether or
19 not he meets residency requirements under Title
20 III or under the constitution for holding public
21 office. I think that has more to do with
22 driver's license.

23 And if you get a ticket where they can fine
24 you at, but -- inhabitant to me, and maybe you
25 can differentiate this, but it seems to me to

1 require a physical presence more so than
2 residence does. To inhabit something in my
3 mind, and I'm not suggesting that Senator Lugar
4 doesn't meet the qualification -- I mean, I'm
5 trying to get clarity in my mind as to how you
6 would see if inhabitance, and that's the word
7 the constitution uses, and apparently, from the
8 history that we got on it, which was
9 informative, I appreciated that, that they had
10 thought about residence and then they changed it
11 to inhabitant.

12 Do you believe that inhabitant requires
13 physical presence more so than residence does?

14 MR. W. TURNER: I believe it would require
15 it less so, Mr. Long. The reason why, if one
16 looks -- again, there's a very thin legal
17 analysis by the courts on this question.
18 There's the James Madison quote. Similar to --
19 I'll look at Jones v. Bush, and the court
20 basically said -- now Indiana deals with that
21 constitutional provision, Article 2, Section 4
22 that I gave you and other states may not, and in
23 Jones v. Bush the court says the framers
24 selected the term "inhabitant" rather than
25 resident because inhabitant would not exclude

1 persons absent on the business of their state or
2 of the country. And so there is an intention,
3 since the court interpreted it, to say it is
4 more broad than the term "resident."

5 Now in Indiana, I think perhaps we have more
6 of an equalization because of our constitutional
7 provision that says the same thing, but I think
8 it's the counter of what you were suggesting,
9 respectfully.

10 VICE CHAIR A. LONG: And that would be my
11 read. I haven't done any research on it. It's
12 my understanding that Senator Lugar does not own
13 property in Indiana himself?

14 MR. W. TURNER: Yeah. His family owns a
15 600-acre farm.

16 VICE CHAIR A. LONG: It's a corporation, as
17 I understand it?

18 MR. W. TURNER: That's right.

19 VICE CHAIR A. LONG: And what little I know
20 of this, I picked up in the newspaper, and
21 heavens, I don't want to be accused of taking
22 that as evidence, but generally, as I understand
23 it, so that I get a gist of where we are, the
24 family farm is an incorporated entity. He
25 manages it -- him and I have got that in

1 common -- I trim my walnut trees, but his are
2 older than mine -- he's older than I am, but I
3 don't think it's disputed in my mind whether or
4 not there's a house or a residence on that farm.

5 I mean, I saw one place that the Senator was
6 quoted saying his son lives there, unless he's
7 living in a car or something, that would indicate
8 to me that there's some sort of residence on the
9 place; do you know whether there is?

10 MR. W. TURNER: There's a house on the
11 farm. It's not one Senator Lugar occupies.
12 It's leased out, I believe.

13 VICE CHAIR A. LONG: Okay.

14 MR. W. TURNER: And my point to you as a
15 legal matter, there's no legal requirement --
16 the large legal point here, there's no legal
17 requirement to own a house in the state, a
18 complete residence.

19 VICE CHAIR A. LONG: Differentiate, if you
20 will, the right to leave your home in 1977,
21 which I understand that he did, and I think the
22 only thing we're looking at is the issue of the
23 qualification to be a candidate. I see a big
24 difference between qualification to be a
25 candidate and perhaps a qualification to vote.

1 Do you?

2 COMMISSION MEMBER S. RIORDAN: I have a
3 question about that, if I can jump in.

4 VICE CHAIR A. LONG: I don't think that's
5 an issue that would disqualify him, whether or
6 not he's qualified to vote there. I think
7 that's for another day, another forum, but go
8 ahead and ask your question.

9 MR. W. TURNER: I agree with you, by the
10 way. The question of voting is not...

11 CHAIRMAN D. DUMEZICH: Nor should it -- nor
12 should it be.

13 COMMISSION MEMBER S. RIORDAN: The Senator
14 is registered to vote, however, at the 3200
15 Highwoods Court address; is that accurate?

16 MR. W. TURNER: That is correct.

17 COMMISSION MEMBER S. RIORDAN: And he lists
18 3200 Highwoods Court on his current Indiana
19 driver's license?

20 MR. W. TURNER: Yes.

21 COMMISSION MEMBER S. RIORDAN: But he
22 doesn't live there or stay there or --

23 MR. W. TURNER: He does not own the house
24 and does not stay there.

25 COMMISSION MEMBER S. RIORDAN: -- have a

1 relationship with the folks who do?

2 MR. W. TURNER: That's right.

3 VICE CHAIR A. LONG: And his only place of
4 abode is in Virginia?

5 MR. W. TURNER: That's right, the house
6 that he and his wife own is in Virginia.

7 VICE CHAIR A. LONG: I believe it's
8 Virginia.

9 MR. W. TURNER: Yeah. I think last year he
10 was in the state almost 90 days out of the year
11 but --

12 VICE CHAIR A. LONG: Where does he stay?

13 MR. W. TURNER: At the homes of others and
14 in hotels.

15 VICE CHAIR A. LONG: You know, it seems
16 Indiana -- to me, my mind is somewhat unique.
17 We have two United States Senators from Indiana,
18 and one of them, as I understand it, lives in
19 Virginia, and the other one in North Carolina,
20 but I think that's an issue for the voters to
21 decide. I'm just making an observation on it.

22 Do you differentiate Senator Coates' situation
23 because he left the Senate and established a
24 residence somewhere other than Indiana, Virginia
25 maybe, and then to run for Senate, he had to take

1 some -- and that's why he came here and rented an
2 apartment because he had to re-establish a
3 residence; do you see what I'm -- where I'm coming?

4 MR. W. TURNER: I'd be speculating, sir.
5 The only thing I know is that Senator Lugar
6 has -- the reason we gave you the driver's
7 license is he's always kept all of his intention
8 to be a Hoosier and remain a Hoosier and come
9 back here at the end of his service. Maybe it
10 distinguishes him from other situations, but
11 it's clear to me under the law that applies to
12 this situation, that he is an inhabitant, he is
13 a resident of the State of Indiana.

14 CHAIRMAN D. DUMEZICH: How much is his
15 turns on intent, intent to return?

16 MR. W. TURNER: That's why I gave you the
17 driver's license -- I mean, that shows it. It's
18 an indicator of that.

19 VICE CHAIR A. LONG: The case we had years
20 ago, probably before anybody else was here but
21 me, the prosecutor was moving from one county
22 into Crawford, I think, and wasn't that the
23 county, and he lived in another county and said
24 I had a contract to live in a mobile home or
25 bought a mobile home that was put on a lot over

1 there and went ahead on the strength of that and
2 registered and then he became a resident when he
3 manifested that intent to make that home in
4 Crawford County, even though he was physically,
5 in my opinion, an inhabitant of Floyd County, I
6 think, and that's -- we've dealt with this issue
7 in the past, and it's a little troublesome.

8 I think this is really a narrow question here,
9 and as I read the constitution, he only has to be
10 an inhabitant on the day that he's elected, and it
11 says when he is elected, period. It doesn't say he
12 has to be a registered voter. It doesn't say he
13 has to have a home. It doesn't say he has to have
14 a driver's license. It doesn't say his wife has to
15 have a driver's license. It doesn't say anything.
16 You've got to be so old -- 30 to be a senator or
17 whatever it is.

18 CHAIRMAN D. DUMEZICH: Twenty-eight.

19 VICE CHAIR A. LONG: I met that requirement
20 so many years ago, I forgot. I don't think
21 they're going to ask me to run.

22 CHAIRMAN D. DUMEZICH: You're in your third
23 running at 28.

24 VICE CHAIR A. LONG: Yeah. I just -- other
25 than paying taxes, coming back, extra time a

1 year to visit and maybe have constituents at
2 meetings, having a driver's license here,
3 trimming his walnut trees, what -- what other
4 intent to maintain Indiana as his place of
5 inhabitation do you have to offer?

6 MR. W. TURNER: I did omit one item. If I
7 may approach, there's another document I
8 intended to put into the packet, and I refer to
9 the license plate photo; do you have a photo?

10 VICE CHAIR A. LONG: You did mention that
11 his vehicle was registered in Indiana and I
12 haven't seen any evidence of that but I took
13 your word for it.

14 MR. W. TURNER: At least folks under my
15 supervision took that photo for you so -- and
16 it's really a matter -- it's one of those things
17 that there's been no proof whatsoever, I would
18 suggest to you in the challenger's case, that
19 there was any intent whatsoever to abandon
20 Indiana as a residence or his inhabitanacy, and
21 these are things to show you that to the
22 contrary, that there are many indications that
23 he's...

24 VICE CHAIR A. LONG: I think his reason was
25 he had four kids when he moved and he wanted to

1 establish a basis, and I can appreciate the
2 expense of trying to maintain two homes, but
3 that was -- I'm assuming those kids are gone,
4 but that reason -- they're not all still home,
5 are they, his children?

6 MR. W. TURNER: I don't know that we can
7 call them children anymore.

8 VICE CHAIR A. LONG: That's what I'm
9 saying. I'm closer to your age, I imagine, but
10 they could still be at home. That is not the
11 basis. That has gone away. He no longer has a
12 family other than he and his wife.

13 MR. W. TURNER: That's what I understand.
14 That's not something that I've heard from
15 anyone.

16 CHAIRMAN D. DUMEZICH: With that...

17 MR. E. BOHNET: I just had one question.
18 On the candidacy -- you know, the declaration of
19 candidacy, I believe you have to list a
20 residence -- you know, your residential address,
21 what address did Mr. Lugar lists this time, if
22 you know?

23 VICE CHAIR A. LONG: I don't have it.

24 MR. E. BOHNET: I don't have it either.

25 MR. D. STOCKDALE: I guess my next question

1 would be -- it says here in their opposition
2 that Indiana has not intended to defined the
3 term "inhabitant" as used in the federal
4 constitution.

5 They then go on to talk about how Indiana has
6 defined the term "residency". However, how Indiana
7 defines residency has nothing to do with the
8 Constitution of the United States of America.

9 In addition to that, the fact that he has a
10 license plate or a driver's license or anything
11 else does not, therefore, prove that that is
12 sufficient to satisfy the term "inhabitant" of the
13 U.S. Constitution, so the state has not defined it.
14 Having a driver's license or a license plate does
15 not prove that you're an inhabitant of a particular
16 state.

17 CHAIRMAN D. DUMEZICH: I think right now
18 we're probably going to define it today.

19 MR. D. STOCKDALE: And that's why I said
20 earlier, and I'll say it again, I would ask you
21 to take great caution in defining a word in the
22 U.S. Constitution when the State of Indiana has
23 not yet done it.

24 CHAIRMAN D. DUMEZICH: Well, for the
25 purposes of putting him on or keeping him off

1 the ballot, we have to, so we're going to.

2 VICE CHAIR A. LONG: And I think I would
3 agree with that observation, Mr. Chairman. This
4 is one that it would be nice to have a
5 definition of inhabitant, either judicial or
6 legislative, but it still falls back to the
7 question -- and I think -- I agree with your
8 observation, the qualifications of each house, I
9 assume under the various separations of power
10 decides the qualifications that their members
11 meet within the purview of the constitution as
12 far as those qualifications.

13 And it's an interesting question, again,
14 whether or not a court would have the authority to
15 make a definition that would apply to the Senator.
16 We -- in the 8th District, we have a congressional
17 candidate that's running that lives in New York.
18 Never lived in Indiana, to my knowledge, and I
19 guess plans to come -- not registered here, but
20 hopefully -- I don't think he'll win, but if he
21 does, I hope he's here on the day of election
22 but -- and so we did look at that a little bit as
23 far as qualifications, in terms of the
24 constitution.

25 CHAIRMAN D. DUMEZICH: Okay. I believe

1 you're next. Don't use the "L" word again.

2 MR. P. SMITH: You guys say you've got
3 documentation of his driver's license. I just
4 request that they check the address on that,
5 too.

6 CHAIRMAN D. DUMEZICH: Brad, was -- Mr.
7 King, was this properly noticed -- I believe I
8 forgot to ask you that?

9 MR. B. KING: Thank you, Mr. Chairman and
10 Members of the Commission, yes, the challenge in
11 this matter on the notices of the hearing were
12 properly provided in accordance with the law and
13 are in the Commission's binder, therefore,
14 pursuant to the procedural rules, will be
15 admitted into evidence.

16 CHAIRMAN D. DUMEZICH: With that, I would
17 like to close the record.

18 MR. E. BOHNET: Can I make just a very
19 brief rebuttal?

20 CHAIRMAN D. DUMEZICH: Sure.

21 MR. E. BOHNET: Just briefly, they're
22 relying significantly on the Indiana provision,
23 you know, about you can't lose residence based
24 on absence for service, you know, for another
25 state.

1 I would point out he has not been absent. He
2 has had reason to be away a lot, but he has not
3 been absent. I mean, I think you said he's been
4 here 90 days last year. You know, our other
5 representatives are able to maintain homes and they
6 do live in them sometimes, you know, when they come
7 back to campaign or visit, etc.

8 Certainly, you know, situations are when
9 you've got military personnel, when they're gone
10 for years, abroad or elsewhere in the country, I
11 think that's where that applies, or way back when,
12 when it was really hard to travel from here to
13 Washington -- you know, maybe -- you know, maybe
14 that would be applicable.

15 But he could come back all the time, the
16 taxpayers pay for him to travel back, and he does
17 it. He hasn't really been absent so I don't think
18 that provision really applies. And the last thing
19 is that, again, he pointed out there hasn't been --
20 haven't been very much cases, because ultimately,
21 the Senate decides the qualifications.

22 I think that's true to a point, and the cases
23 that are there are mostly candidates trying to get
24 off the ballot, or one was the Tom Delay case was
25 where he resigned his house seat after -- you know,

1 the primary down in Texas and the Republican Party
2 was trying to replace a spot on the ballot, and I
3 think there was a similar case out of New York.

4 But this is a primary, and you know, if he's
5 determined to be, you know, disqualified now, the
6 Republican Party has the chance to nominate
7 somebody else. If this comes up later, I think you
8 get a much bigger problem.

9 And again, we have the backdrop of the Charlie
10 White case -- you know, we don't want to be
11 fighting, arguing in October, November, December,
12 next year that oh, yeah, you know, Senator Lugar
13 got the most votes, but Joe Donnelly has actually
14 got -- is the most qualified candidate, and those
15 arguments are out there in the Secretary of State's
16 position now. We don't need to have another
17 election like that.

18 CHAIRMAN D. DUMEZICH: Okay.

19 MR. D. STOCKDALE: Out of their paperwork
20 as well in what they submitted, it states James
21 Madison's conclusion that neither term should
22 exclude a person absent occasionally for
23 considerable time on public or private business.

24 I would remind the Commission that Senator
25 Lugar didn't just run for office once, and this

1 would have been a lot easier conversation if we
2 were discussing after the first time he ran for
3 office, but he's had to abide by the U.S.
4 Constitution as being an inhabitant multiple times
5 that he's run for office or every time that he's
6 ran for office.

7 And I'm not sure that that -- as well, I can't
8 say what James Madison was trying to say, but he
9 did say occasionally for a considerable time. That
10 seems like a little bit of a oxymoron to me. I
11 don't know what he meant by that, but occasionally
12 is probably not multiple elections over a period of
13 more than 35 years.

14 CHAIRMAN D. DUMEZICH: At this point I
15 would like to close up the record on Cause Nos.
16 2012-165, 166 and 167.

17 VICE CHAIR A. LONG: I move that we deny
18 the challenges.

19 CHAIRMAN D. DUMEZICH: There's a motion on
20 the floor to deny the challenges, do I hear a
21 second?

22 COMMISSION MEMBER B. BENNETT: Second.

23 CHAIRMAN D. DUMEZICH: I hear a second, is
24 there any discussion?

25 VICE CHAIR A. LONG: (Indiscernible.)

1 UNIDENTIFIED SPEAKER: Microphone.

2 VICE CHAIR A. LONG: Thank you. I wouldn't
3 want anybody to miss a word I said. I'm sure
4 that that's not a unanimous thought. This is
5 very narrow in my mind. It does not -- I don't
6 think it's a precedent, whether or not he's got
7 a valid driver's license, whether or not he's a
8 resident paying his income taxes and whether or
9 not he can even vote at that residence -- I
10 think those are not at all incumbent here.

11 I think in my mind, when we get to the United
12 States Constitution, it says you have to be an
13 inhabitant of the state, and there's a similar one
14 for -- Section 3 is the Senate and 2 is the House
15 or 3 is the House and 4 is the Senate, or vice
16 versa, and I think that's all that has to be
17 decided, is he an inhabitant, and we don't have
18 anything to define it. I think he's clearly
19 claimed himself to be a Hoosier. He roots for IU
20 when they play Kentucky and the things that go
21 along with it.

22 I can't see -- I mean, this -- I'd feel a
23 whole lot more comfortable if he had some kind of
24 living unit here in the state, but I don't -- I
25 just do not think that we have no evidence that

1 he's ever been challenged to vote. We have no
2 evidence that he's ever not voted, or that he's
3 continuously voting there, or anybody's made any
4 claim that they weren't fully aware of where he
5 lived.

6 Whether or not he stays in the State of
7 Indiana enough to satisfy the requirements of the
8 Indiana citizens, we'll know when we have the
9 Primary in maybe the fall, but the net result is I
10 don't think that there's enough here to disqualify
11 Senator Lugar from being on the ballot.

12 CHAIRMAN D. DUMEZICH: Sarah.

13 COMMISSION MEMBER S. RIORDAN: Thank you,
14 Mr. Chairman. I'd also like to thank the
15 advocates. This is much more -- much better,
16 the tone of the discussion, and most of our
17 discussions are like this, aren't they?

18 CHAIRMAN D. DUMEZICH: Oh, yeah.

19 VICE CHAIR A. LONG: I'd like to join in
20 that. You guys did a nice job presenting this
21 and I appreciate that.

22 CHAIRMAN D. DUMEZICH: Very professional.

23 COMMISSION MEMBER S. RIORDAN: Mr. Bohnet
24 to a great law school with me. We had a great
25 class. I've been thinking about this a lot,

1 too, and trying to weigh all of the arguments
2 and positions that have been presented and
3 considering the facts that are relevant.

4 My sense of the law is the standards for being
5 on the ballot to be a candidate for the United
6 States Senate are met by the Senator. There are a
7 couple of facts that are troubling to me. He's
8 registered to vote, and there's no dispute, he's
9 registered to vote in a place where he doesn't live
10 and where he hasn't lived for a very long time.

11 That's not for us to examine and not for us to
12 pass judgment upon because that's not one of the
13 criteria for being a candidate for the United
14 States Senate. That's an issue that somebody else
15 or some other body is going to have to look at, so
16 that's troubling, because you have to live in the
17 precinct where you're registered to vote.

18 And I think there's no argument that he
19 doesn't live in the place where he's registered to
20 vote, but because of the facts that have been
21 presented and because the law is the way that is, I
22 would have to also vote denying the challenge.

23 COMMISSION MEMBER B. BENNETT: I think I'm
24 most persuaded by Article 2, Section 4 of the
25 Indiana Constitution, it says you can't lose

1 your residence when you're in the service of the
2 state, and I don't think there's any doubt that
3 Senator Lugar has served the State of Indiana
4 very well for a long period of time and it would
5 not be appropriate to deny him the right to run
6 for re-election because of that service.

7 CHAIRMAN D. DUMEZICH: And here are my
8 thoughts -- let me tell you some of the things
9 that I didn't consider: 1) I didn't consider
10 the quality of Senator Lugar's service in coming
11 to the decision that I'm going to make. It has
12 absolutely no bearing on it whatsoever. I think
13 he's been a sensational senator and that has no
14 bearing whatsoever.

15 I've been a supporter of Senator Lugar for a
16 very long time, and I'm very happy that I
17 contributed to his campaign. I'd also like to
18 point out that I've contributed to the campaign of
19 Richard Murdock, in his attempts to hold public
20 office prior to this, and I think Richard is a fine
21 person as well.

22 None of that bears any weight in my decision.
23 I think that -- let me tell you what I did look at,
24 what I did think about: 1) it was apparent to me
25 that Senator Lugar was thinking about this and he

1 went to the best source he could, the attorney
2 general, and he said explain the rules to me, and
3 he intended to comply with those rules, and he has,
4 as he understood them.

5 And I think residency, looking at the Bayh
6 case and other things, turn on one's intent, and
7 it's an intent to live in the state, it's intent to
8 return to the state, and I think every action that
9 Senator Lugar has taken along those lines
10 requesting the opinions from the attorney general,
11 continuing to have a license in the state, putting
12 the State of Indiana's license on the back of his
13 car, all those things indicate that he intends to
14 be a resident of this state. So that's -- that is
15 the tailspin for me, with regard to this, that it's
16 his intent, and I think the Bayh case established
17 that intent is important so that's...

18 COMMISSION MEMBER B. BENNETT: Call a
19 question.

20 CHAIRMAN D. DUMEZICH: There's a motion on
21 the floor to dismiss the complaint, the
22 challenge to Senator Lugar --

23 VICE CHAIR A. LONG: To deny.

24 CHAIRMAN D. DUMEZICH: To deny -- that's
25 right, to deny the challenges to Senator Lugar's

1 candidacy, all in favor of that motion, please
2 indicate by saying aye?

3 THE COMMISSION: Aye.

4 CHAIRMAN D. DUMEZICH: All opposed,
5 indicate with nay?

6 (No response.)

7 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
8 it.

9 VICE CHAIR A. LONG: Thank you all very
10 much. Nice job, both sides.

11 CHAIRMAN D. DUMEZICH: You also want to
12 talk about one matter that's not on the agenda,
13 Tony, with respect to this?

14 VICE CHAIR A. LONG: There was a -- if I
15 can just add to the record here -- thank you.
16 There was some communication --

17 UNIDENTIFIED SPEAKER: (Indiscernible).

18 VICE CHAIR A. LONG: Being a participant of
19 this proceeding is the way they're supposed to
20 work. I mean, people come in and make their
21 presentations artfully, obviously, well thought
22 out, and we appreciate that, and they're
23 bringing things before us that add jurisdiction
24 to deal with as opposed to some other times that
25 we get things that we probably don't...

1 CHAIRMAN D. DUMEZICH: Let's talk for a
2 second about this because this has come up,
3 Tony.

4 VICE CHAIR A. LONG: Yeah, we had
5 received -- Trent, did you guys bring those
6 other letters -- I've got them right here
7 someplace challenging the registration issues on
8 Lugar -- we received some communication for the
9 Commission, or the Division did, which they
10 shared with the Commission, that were addressing
11 challenges as to the eligibility to vote for not
12 only Senator Lugar but Mrs. Lugar as well, and
13 lest anyone thinks that we just ignore those
14 things, that is not the case.

15 It is my belief that those are -- are issues
16 that should not -- are not before us. They're not
17 decisions that we make. Those are challenges that
18 have to be made at the time that the person votes
19 and then they're dealt with in a separate statutory
20 procedure as opposed to just sending a letter to
21 the Commission or the Division saying we challenge
22 an individual's right to vote because -- that's an
23 issue that has to be done in a different fashion.

24 And I didn't -- because there may be people
25 here today that filed those or would hear some

1 report of this, and it's my position, as I
2 expressed to the chairman earlier, they were
3 properly, I think, not put on the agenda because
4 they're not things that we would have jurisdiction,
5 and that's why they're not. And I thought the
6 record would -- I wanted the record to be clear
7 that it wasn't something that we were ignoring. It
8 was just something that we don't have jurisdiction,
9 and it's not right before us, even if we did.

10 CHAIRMAN D. DUMEZICH: Tony felt compelled
11 to address those documents that were filed. I
12 found no such need. Let's adjourn for --

13 MR. B. KING: Recess.

14 CHAIRMAN D. DUMEZICH: Excuse me, recess
15 for ten minutes.

16 (A recess was taken.)

17 CHAIRMAN D. DUMEZICH: The Indiana Election
18 Commission now reconvenes its hearing. The next
19 proceeding in consideration is Cause No.
20 2012-170, which has been filed In the Matter of
21 the Challenge of Stephen Aichner, A-I-C-H-N-E-R,
22 Candidate for District -- Candidate for the
23 Republican Party Nomination for the State
24 Representative, District 13. Stella Kurtz or
25 her representative -- Stella Kurtz, Stella

1 Kurtz.

2 (No response.)

3 CHAIRMAN D. DUMEZICH: Report from
4 commission staff on this matter.

5 MR. B. KING: Mr. Chairman and Members of
6 the Commission, notices and copies of the
7 challenge were properly provided in this matter.
8 In addition, the Election Division has received
9 a candidate withdrawal form from Mr. Aichner as
10 a candidate for State Representative, District
11 13.

12 VICE CHAIR A. LONG: Was it timely filed?

13 MR. B. KING: Yes, sir, it was timely
14 filed, to my knowledge.

15 VICE CHAIR A. LONG: I move we dismiss it.

16 CHAIRMAN D. DUMEZICH: Motion on the floor
17 to dismiss?

18 COMMISSION MEMBER B. BENNETT: Second.

19 CHAIRMAN D. DUMEZICH: Second, any
20 discussion?

21 (No response.)

22 CHAIRMAN D. DUMEZICH: Hearing none, all in
23 favor of the motion to dismiss, indicate by
24 saying aye?

25 THE COMMISSION: Aye.

1 CHAIRMAN D. DUMEZICH: Opposed, nay?

2 (No response.)

3 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
4 it. The Election Division is instructed not to
5 include the name of this candidate on the
6 certified list of candidates to be printed on
7 the ballot.

8 Randy Conner -- the next proceeding in
9 consideration will be Cause No. 2012-171, which has
10 been filed In the Matter of the Challenge to Randy
11 Conner, Candidate for the Republican Party
12 Nomination for the State Representative, District
13 21. Dale Stickel is his representative, please
14 come forward, sir?

15 (Mr. Stickel complied.)

16 CHAIRMAN D. DUMEZICH: Sir, please indicate
17 your name and spell it for the record?

18 MR. D. STICKEL: My name is Dale Stickel,
19 S-T-I-C-K-E-L.

20 CHAIRMAN D. DUMEZICH: Sir, you are?

21 MR. R. CONNER: Randy Conner.

22 MR. D. STICKEL: Okay. I'm challenging --

23 CHAIRMAN D. DUMEZICH: Wait a second. Do
24 we have any report from our staff?

25 MR. B. KING: Mr. Chairman and Members of

1 the Commission, copies of the challenge and
2 notice of the hearing were properly provided to
3 the candidates in this matter, the challenger
4 and pursuant to the procedural rules, are
5 admitted into evidence.

6 CHAIRMAN D. DUMEZICH: Mr. Stickel?

7 MR. D. STICKEL: Yes, I'm challenging this
8 candidacy because the clerk certified that's in
9 your files that the last time this individual
10 voted, he voted as a Democrat. Also, on his
11 form he claimed he had voted as a Republican.

12 He never did contact me so I had never met the
13 man prior to filing the challenge. I did attempt
14 to contact him. I left a phone message with him,
15 and I never got a call back, so there's been no
16 communication between us.

17 Since then, I've got some records -- I can't
18 verify that it's him, but Randy L. Conner in 1990s
19 twice filed to run as a state representative as a
20 Democrat.

21 CHAIRMAN D. DUMEZICH: Give the original to
22 Mr. Simmons.

23 MR. D. STICKEL: That's basically the case
24 I've got to represent right now.

25 VICE CHAIR A. LONG: May I ask, are you the

1 Republican candidate?

2 MR. D. STICKEL: Yes. I failed to mention
3 that I am the Republican Party Chairman and
4 that's why I indicated that had he did not
5 attempt to contact me and that I did not grant a
6 waiver to him and I attempted to contact him.

7 VICE CHAIR A. LONG: That's fine.

8 MR. D. STICKEL: I'm sorry.

9 VICE CHAIR A. LONG: I wanted you to say it
10 on the record. I don't like to assume things.

11 MR. D. STICKEL: Thank you very much.

12 CHAIRMAN D. DUMEZICH: Mr. Conner, do you
13 have any questions for Mr. Stickler?

14 MR. R. CONNER: It's my misfortune here. I
15 did not contact Mr. Stickel and I didn't think
16 it was necessary, and for that, I owe him an
17 apology because there's nothing wrong with being
18 courteous. I hope he would accept my apology
19 for that.

20 MR. D. STICKEL: Certainly. I guess my
21 point there is we, as other chairman, have had
22 this issue coming up Republicans having voted
23 Democrat, and I have given some waivers and some
24 I have refused. So it was not an automatic open
25 and shut decision before a conversation, and

1 unfortunately, was not able to have it, so
2 apology accepted.

3 MR. R. CONNER: Thank you.

4 CHAIRMAN D. DUMEZICH: Anything else,
5 either of you would like to add to the record?

6 MR. D. STICKEL: I don't have anything else
7 to offer.

8 CHAIRMAN D. DUMEZICH: I will close the
9 record in Cause No. 2012-171, and I'll entertain
10 a motion.

11 VICE CHAIR A. LONG: Motion to sustain the
12 challenge.

13 CHAIRMAN D. DUMEZICH: Motion on the floor
14 is to sustain the challenge, do I hear a second?

15 COMMISSION MEMBER B. BENNETT: Second.

16 CHAIRMAN D. DUMEZICH: Any discussion?

17 (No response.)

18 CHAIRMAN D. DUMEZICH: Hearing none, all in
19 favor of the motion, indicate by saying aye?

20 THE COMMISSION: Aye.

21 CHAIRMAN D. DUMEZICH: Opposed, nay?

22 (No response.)

23 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
24 it. The challenges have held and the Election
25 Division is instructed not to include the name

1 of this candidate on the certified list of
2 candidate to be printed on the ballot.

3 Next proceeding will be in consideration of
4 Cause Nos. 2012-172 and 173, which have been filed
5 in the Matter of the Challenge for Maurice O.
6 Fuller, Candidate for the Democratic Party
7 Nomination for Indiana State Representative,
8 District 24. Who are the challengers?

9 MS. C. GRASS: My name is Candace Grass,
10 spelled G-R-A-S-S. I am the Chairman for the
11 County Democratic Party.

12 MR. C. HONS: My name is Chris Hons,
13 H-O-N-S, and I'm from Eagle Township.

14 CHAIRMAN D. DUMEZICH: And you both have
15 challenged?

16 MR. C. HONS: Yes.

17 CHAIRMAN D. DUMEZICH: Well, why don't you
18 present it, and anything you have to add, we'll
19 take after.

20 MS. C. GRASS: I filed a challenge to Mr.
21 Fuller's candidacy to represent District 24 in
22 the State of Indiana based on he does not live
23 in District 24, and he has to according to,
24 Article 4, Section 7 of the Indiana
25 Constitution. I hope you have copies of his

1 filing. I'm not sure.

2 MR. B. KING: We do.

3 CHAIRMAN D. DUMEZICH: We do.

4 MS. C. GRASS: It shows where he is
5 registered, where he filed. He did register to
6 vote -- it says I'm a registered voter in
7 Precinct 24; however, his address is in
8 Logansport, Indiana, which is in Cass County.

9 District 24 includes a portion of Boone County
10 and a portion of Hamilton County but not Cass
11 County. It doesn't take in Cass County at all.

12 MR. C. HONS: Mr. Chairman.

13 CHAIRMAN D. DUMEZICH: Identify yourself,
14 please.

15 MR. C. HONS: Chris Hons. I have --

16 CHAIRMAN D. DUMEZICH: And how do you spell
17 your last name?

18 MR. C. HONS: H-O-N-S.

19 CHAIRMAN D. DUMEZICH: H-O-N-S, thank you.

20 MR. C. HONS: I have of a copy of the House
21 and Rule Act in 2011 that set the new
22 assignments, and it does not include Cass County
23 in District 24.

24 MS. C. GRASS: Just one more thing. I do
25 have a copy of his voter address history, which

1 just shows that he has lived in Logansport in
2 Cass County for quite a few years, and also
3 there is a voter overview that shows he has
4 voted in Cass County for many years.

5 CHAIRMAN D. DUMEZICH: You've stated your
6 case.

7 MS. C. GRASS: Yes.

8 CHAIRMAN D. DUMEZICH: Sir, any questions
9 for them?

10 MR. M. FULLER: Yes, are you complaining on
11 me because I live in the county, is that what
12 your complaint is?

13 A No sir, not at all. We're just stating that you
14 no longer live in District 24. That district
15 has been changed. Excuse me, sorry about that.

16 CHAIRMAN D. DUMEZICH: That's all right.

17 MR. M. FULLER: Rich McQueen (Phonetic),
18 that's where I got the number, he lives in
19 Logansport. Mr. Ed, he lives in Logansport so I
20 don't know what you're getting at.

21 CHAIRMAN D. DUMEZICH: You have to live
22 within the district and they're saying you don't
23 live within the district.

24 MR. M. FULLER: Within the district, you
25 mean the town or...

1 CHAIRMAN D. DUMEZICH: This chamber is
2 comprised of 100 members. Each of those 100
3 members come from a district that comprises,
4 approximately, 61,000 people, okay, and it's set
5 forth by boundaries, and every ten years they
6 redo those districts.

7 So what happened was in 2011, they redid the
8 district, and you are no longer -- the way I
9 understand the challenge, you are no longer
10 residing within the boundary of the 24th District,
11 which means you can't represent it. You've deposit
12 to live in it to represent it.

13 MR. M. FULLER: What are the boundaries
14 you've got to live in? Do you have to live
15 directly in the town or...

16 COMMISSION MEMBER S. RIORDAN: No I. Think
17 he now lives in 25, as a result of the
18 redistricting.

19 MR. M. FULLER: Me?

20 COMMISSION MEMBER S. RIORDAN: Yeah. Even
21 though you didn't move, the district boundaries
22 did, and so you don't live in 24 anymore, you
23 live in House District 25.

24 MR. M. FULLER: Can't we correct this with
25 a little pen, like draw a 2 and a 5 -- I mean,

1 what is the...

2 CHAIRMAN D. DUMEZICH: No, what you have to
3 do is move into the district.

4 MR. M. FULLER: Pardon?

5 CHAIRMAN D. DUMEZICH: Rather than move the
6 district around you, I suggest you move into the
7 district that's...

8 VICE CHAIR A. LONG: Or run in 25.

9 COMMISSION MEMBER S. RIORDAN: Or run in 25
10 the next time.

11 CHAIRMAN D. DUMEZICH: But it'll be a
12 little late for that.

13 COMMISSION MEMBER S. RIORDAN: It's too
14 late for that now.

15 MR. M. FULLER: It's too late so you're
16 saying you can't change the number?

17 CHAIRMAN D. DUMEZICH: No.

18 COMMISSION MEMBER S. RIORDAN: I think it's
19 too late.

20 MR. M. FULLER: I didn't know that. Too
21 bad, huh?

22 CHAIRMAN D. DUMEZICH: Yeah. Thank you for
23 playing.

24 MR. M. FULLER: So I'm out; right?

25 CHAIRMAN D. DUMEZICH: Yeah -- well, not

1 until we vote on it.

2 MR. M. FULLER: Pardon?

3 CHAIRMAN D. DUMEZICH: Not until we vote on
4 it, but I've got a pretty good feeling which way
5 it's going to go.

6 MR. M. FULLER: There's no way to correct
7 this because I didn't know.

8 CHAIRMAN D. DUMEZICH: There is a way to
9 correct it. We're going to vote and you're
10 going to be off the ballot.

11 MR. M. FULLER: Well, I mean, not on my
12 part.

13 CHAIRMAN D. DUMEZICH: You've got to live
14 in the district you're running for. So anyway,
15 let me close the record here. I'll entertain a
16 motion.

17 VICE CHAIR A. LONG: I move to sustain the
18 challenge.

19 CHAIRMAN D. DUMEZICH: Motion on the floor
20 to move to sustain the challenge.

21 COMMISSION MEMBER B. BENNETT: Second.

22 CHAIRMAN D. DUMEZICH: Okay. Any
23 discussion?

24 (No response.)

25 CHAIRMAN D. DUMEZICH: Hearing none, all in

1 favor of the motion to sustain the challenge,
2 indicate by saying aye?

3 THE COMMISSION: Aye.

4 CHAIRMAN D. DUMEZICH: All opposed, nay?

5 (No response.)

6 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
7 it. The challenge is upheld and the Election
8 Division is directed not to include the name of
9 this candidate on the certified list of
10 candidates to be printed on the ballot.

11 MR. M. FULLER: So I'm out?

12 CHAIRMAN D. DUMEZICH: Yes, sir.

13 COMMISSION MEMBER S. RIORDAN: Next time,
14 run in 25.

15 CHAIRMAN D. DUMEZICH: It's nothing against
16 you, personally.

17 COMMISSION MEMBER S. RIORDAN: Run in 25
18 next time.

19 MR. M. FULLER: I didn't think I did
20 anything wrong but whatever.

21 VICE CHAIR A. LONG: You didn't do anything
22 wrong, except make a mistake on the district.

23 MR. M. FULLER: So if I would have
24 initially put the correct number, it would have
25 been all right?

1 VICE CHAIR A. LONG: If you had put 25 in
2 there, you would have been fine.

3 COMMISSION MEMBER S. RIORDAN: I think that
4 would have been an honest mistake.

5 MR. M. FULLER: You don't pay for any gas
6 going back home, do you?

7 CHAIRMAN D. DUMEZICH: Just ours.

8 MR. M. FULLER: There you go. How about
9 McDonalds?

10 COMMISSION MEMBER S. RIORDAN: What?

11 MR. M. FULLER: How about McDonalds?

12 VICE CHAIR A. LONG: No.

13 MR. M. FULLER: Thank you very much.

14 CHAIRMAN D. DUMEZICH: Take care of
15 yourself. Campaign finance settlement
16 agreements. I'd recognize Miss Taylor and Miss
17 Thompson to present information regarding
18 campaign finance settlements listed in your
19 binders.

20 MS. M. THOMPSON: Mr. Chairman, the new
21 list that I just gave you is a list of
22 committees that have agreed to ratify, pay the
23 settlement agreement and waive the hearing.

24 VICE CHAIR A. LONG: Good deal. Thank you
25 all.

1 CHAIRMAN D. DUMEZICH: Is there a motion to
2 ratify the campaign settlement agreements as
3 presented?

4 VICE CHAIR A. LONG: So moved.

5 CHAIRMAN D. DUMEZICH: Is there a second?

6 COMMISSION MEMBER B. BENNETT: Second.

7 CHAIRMAN D. DUMEZICH: Any discussion?

8 (No response.)

9 CHAIRMAN D. DUMEZICH: Since there's no
10 discussion, all in favor say aye?

11 THE COMMISSION: Aye.

12 CHAIRMAN D. DUMEZICH: All opposed, nay?

13 (No response.)

14 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
15 it. The motion is adopted. Campaign finance
16 referrals to the attorney general for
17 collection. I recognize Miss Taylor and Miss
18 Thompson to present to the Commission regarding
19 the referral of committees to the attorney
20 general for collection of the fines.

21 I understand that is a record of the
22 Commission but no further action by this body is
23 required; is that correct -- is that correct, no
24 further action is required?

25 MR. B. KING: Yes.

1 CHAIRMAN D. DUMEZICH: You're going to
2 present some information for us.

3 MS. M. THOMPSON: Mr. Chairman, it's just a
4 list in your packet of the ones we are turning
5 over to the attorney general.

6 CHAIRMAN D. DUMEZICH: Okay.
7 Administration of the oath of the individuals
8 testifying before the Commission today. Anyone
9 present that plans to testify regarding any
10 matter coming before the Commission today,
11 including campaign finance or voter systems
12 matters, please stand for administration of the
13 oath. I recognize Dale Simmons to administer
14 the oath.

15 MR. D. SIMMONS: Please raise your right
16 hand and say I do after administration of the
17 oath?

18 (Participants complied.)

19 MR. D. SIMMONS: Do you solemnly swear or
20 affirm under the penalties for perjury that
21 testimony you are about to give Indiana Election
22 Division, or Indiana Election Commission is the
23 truth, the whole truth, and nothing but the
24 truth, say I do?

25 THE PARTICIPANTS: I do.

1 CHAIRMAN D. DUMEZICH: We're going to give
2 the opportunity to committees with
3 representative present today to accept reduced
4 penalties. Before proceeding on to enforcement
5 action, we want to give the committee present a
6 final opportunity to pay a reduced civil fine by
7 waiving the right to present evidence and
8 arguments before the Commission.

9 Any committee is welcomed to present evidence
10 and arguments for the proposed penalty to be
11 waived, but this is solely an opportunity for those
12 who want to waive that presentation and accept a
13 reduced penalty.

14 The arrangements are as follows: If this is
15 the committee's first violation, the arrangement is
16 for the committee to pay 25 percent of the proposed
17 fine, plus mails costs. If it is the committee's
18 second violation, the arrangement is for the
19 committee to agree to pay 50 percent of the
20 proposed fine, plus mailing costs. If this is the
21 committee's third violation, the committee would
22 agree to pay 75 percent of the proposed violation,
23 plus mailing costs.

24 Are there any committees that want to accept
25 this arrangement, and if so, come forward and state

1 your name, and we're going to do this by rows,
2 again. Please indicate that you're willing to
3 accept the applicable penalty without further
4 discussion. If you want to present evidence to the
5 Commission or ask for a complete waiver of the
6 proposed filing fee penalty, do not come forward at
7 this time; instead, wait until the other committees
8 that are wanting into enter an agreement have been
9 heard.

10 Is there anybody in the second row that would
11 like to take the arrangement as described?

12 (No response.)

13 CHAIRMAN D. DUMEZICH: Third row -- that's
14 the fourth row -- no, you're coming. That's
15 fine. Come on down. Please, sir, state your
16 name and spell it for the record, and do you
17 have the cause number?

18 MR. D. REEVES: Dennis Reeves, R-E-E-V-E-S.

19 CHAIRMAN D. DUMEZICH: Is your microphone
20 on, sir?

21 MR. D. REEVES: Yes, it is.

22 VICE CHAIR A. LONG: Do you have a cause
23 number?

24 MR. D. REEVES: No. I have the names of
25 the political action committee. It's Teamsters

1 Educational Political Action Committee and Local
2 135 D.R.I.V.E. I believe --

3 CHAIRMAN D. DUMEZICH: Could you just hand
4 that to her first?

5 MR. D. REEVES: Yes.

6 MS. A. TAYLOR: Mr. Chairman and Members of
7 the Commission, these are on Pages 65 and 66 in
8 the packet, I think is at the back of your
9 binder. These are Cause No. 2012-3916-108,
10 Teamsters Educational Political Action
11 Committee, proposed fine of \$300 and a mail cost
12 of 44 cents. The second is Local 135 D.R.I.V.E.
13 Fund, Inc. cause No. 2012-3917-109, proposed
14 fine of \$300 and mailing cost of 44 cents, and
15 Indiana D.R.I.V.E., Inc., Cause No.
16 2012-3918-110, proposed fine of \$330 and mailing
17 cost of 44 cents.

18 CHAIRMAN D. DUMEZICH: This is the first
19 violation?

20 MS. A. TAYLOR: This is the first violation
21 of the committee?

22 CHAIRMAN D. DUMEZICH: Do you accept 25
23 percent?

24 MR. D. REEVES: Yeah. We just forgot to
25 submit them. They were done and we just forgot

1 to push the button.

2 CHAIRMAN D. DUMEZICH: Do we have a motion
3 to reduce fines to a quarter on all first
4 offenses?

5 VICE CHAIR A. LONG: I make a motion.

6 CHAIRMAN D. DUMEZICH: I hear a motion to
7 reduce fines by 25 percent, plus mailing costs,
8 do I hear a second?

9 COMMISSION MEMBER B. BENNETT: Second.

10 CHAIRMAN D. DUMEZICH: Any discussion?

11 (No response.)

12 CHAIRMAN D. DUMEZICH: Hearing none, all in
13 favor of the reduction of fines for these three
14 causes of action, please indicate by saying aye?

15 THE COMMISSION: Aye.

16 CHAIRMAN D. DUMEZICH: Opposed, nay?

17 (No response.)

18 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
19 it, and you'll get a bill in the mail.

20 MR. D. REEVES: Thank you.

21 CHAIRMAN D. DUMEZICH: And what's the
22 estimated time to...

23 MS. A. TAYLOR: At the next meeting.

24 CHAIRMAN D. DUMEZICH: At the next meeting,
25 so it'll be a while. Anybody else in the fourth

1 row -- how you doing, sir, please state your
2 name for the record?

3 MR. M. HARRISON: Michael Harrison,
4 president of the Kokomo Fire Fighters PAC. My
5 question is if I'm eligible for this deal, I
6 mean, because...

7 MS. M. THOMPSON: No.

8 CHAIRMAN D. DUMEZICH: You're not. Fourth
9 row on the left side, as I'm facing the right
10 side as you're sitting?

11 (No response.)

12 CHAIRMAN D. DUMEZICH: Fifth row?

13 MR. J. LEICH: I'm also not sure if I'm
14 supposed to be up here now. I'm James Leich,
15 L-E-I-C-H, and treasurer of the Indiana
16 Association Homes & Services for the Aging
17 Political Action -- no?

18 CHAIRMAN D. DUMEZICH: No. Too many
19 violations. Fifth row -- anybody else in the
20 fifth row?

21 (No response.)

22 CHAIRMAN D. DUMEZICH: Sixth row -- anybody
23 else in the sixth row?

24 (No response.)

25 CHAIRMAN D. DUMEZICH: Seventh row?

1 (No response.)

2 CHAIRMAN D. DUMEZICH: Anybody else that's
3 here for campaign finance that would like to
4 take advantage of our wonderful discount
5 program?

6 (No response.)

7 CHAIRMAN D. DUMEZICH: Adoption of campaign
8 finance hearing procedure, so the remaining
9 committees will be called to present evidence in
10 these matters. Before doing so, I want to note
11 that in the past the Commission has followed
12 certain procedures for conducting campaign
13 finance hearings, and I move that the Commission
14 use those procedures today.

15 When each campaign finance matter is called,
16 the hearing will begin with recognizing campaign
17 finance staff to provide information about the
18 documents in the matter and provide it to the
19 commission members, including letters from the
20 committee and notices given to the campaign
21 committee.

22 Unless there's objection, the documents
23 provided to the Commission by the Election Division
24 will be entered into a record of the meeting.

25 After the campaign finance staff completes the

1 presentation, a representative of the committee
2 will be recognized first and may present their case
3 for no more than five minutes.

4 The commission members may ask questions
5 during the presentation, but the time spent
6 answering these questions will not be counted
7 against the presenter's time. The Election
8 Division may signal the chair when the presenter's
9 time is up.

10 If the presenter offers official documents or
11 other evidence that's not been previously received
12 by the commission, than the original must be
13 provided to the Election Division -- to Dale, Mr.
14 Simmons to preserve for the record.

15 If the Commission finds that the committee has
16 violated the campaign finance statute, the state
17 law requires unanimous vote of all four
18 commissioners to waive or reduce the amount of
19 penalties set by law.

20 If the Commission makes a decision at this
21 meeting to either fine a committee or dismiss a
22 case against a committee, then the Election
23 Division will prepare a final order for the
24 Commission to approve at a later meeting.

25 If a committee is fined today, the committee

1 will receive notice from the Election Division to
2 pay the fine after the Commission adopts the final
3 order at its next meeting, so there may be sometime
4 after today before the committee will be required
5 to pay the fine.

6 The Commission generally begins at the front
7 of the room and ask those persons to present to
8 come forward and have their matter heard. It is
9 very helpful that you speak up and say the case
10 number on your hearing material so the commission
11 staff and members can quickly look up your
12 violation on their internal documents.

13 Remember to identify yourself when you start
14 speaking and to spell your name. Is there a
15 motion -- is there a second to this?

16 VICE CHAIR A. LONG: Second.

17 CHAIRMAN D. DUMEZICH: All in favor of
18 adopting these procedures, say aye?

19 THE COMMISSION: Aye.

20 CHAIRMAN D. DUMEZICH: All opposed, nay?

21 (No response.)

22 CHAIRMAN D. DUMEZICH: Any objection from
23 the floor about using these procedures?

24 (No response.)

25 CHAIRMAN D. DUMEZICH: Okay. Hearing none,