

1 going to be progress, it has to be at the judicial  
2 level.

3 MR. S. EICHOLTZ: Members of the  
4 Commission, I appreciate your -- your  
5 thoughtfulness in this matter and the dilemma  
6 you feel yourself faced with here today. I want  
7 to go back -- I wasn't here then, but this  
8 commission originally decided to proceed with  
9 this matter. I believe it was a 4-0 vote.  
10 There's been a motion to dismiss the case which  
11 has not passed.

12 The current order of this court -- of this  
13 commission by a 4-0 vote needs to go forward.  
14 There was also a determination by this commission  
15 to allow discovery. Having handled numerous  
16 administrative reviews, judicial reviews from the  
17 other side of the bench over the years, I think  
18 it's important that we be allowed to go forward in  
19 this jurisdiction, because once we go up on  
20 judicial review, we're going to be bound by the  
21 evidence that we've presented here, and we've not  
22 had the opportunity to present evidence.

23 I will go up to the Court of -- if you dismiss  
24 this today, which is our complaint and we need to  
25 go forward and develop evidence on the issues of

1 coordination, you won't be able to argue that issue  
2 on administrative or judicial review because we  
3 won't have the opportunity to present evidence to  
4 you.

5 The other thing is I'm -- this was a difficult  
6 vote, and I don't think this vote was based on  
7 political lines. It was based on division of what  
8 you believe the law is in this matter, and that's  
9 fine. I don't expect and anticipate we're going to  
10 have 2-2 votes on simple procedural matters.

11 I think this board has stated in the past, it  
12 wants to have an opportunity to investigate these  
13 matters, and I believe that on procedural matters,  
14 we will be able to go forward and we will not have  
15 deadlock votes.

16 If in the end, after we've had an opportunity  
17 to do our discovery and to present our evidence to  
18 you and you're still unable, then your deadlocked  
19 and you decide well, we're deadlocked, we're going  
20 to go ahead and make a decision granting or denying  
21 the case so it can go forward, I wouldn't have a  
22 problem because then I would forward it off my case  
23 and my record for judicial review.

24 So I encourage you to allow this matter to go  
25 forward as you've already decided by a four to

1 nothing vote to do it, to allow us to do discovery  
2 and to then present evidence to you for your  
3 careful consideration. Thank you.

4 VICE CHAIR A. LONG: An objection that I  
5 would have is that while this may happen a lot  
6 on other commissions, our obvious state of  
7 confusion is that this doesn't happen very much  
8 here, and I likewise don't -- I don't think -- I  
9 know in my heart that my decision wasn't made  
10 for political reasons because I wished it were  
11 the other way so I wouldn't have to feel that  
12 thought or concern and I don't believe that my  
13 fellow commissioners made their comments or  
14 their votes for political reasons.

15 When I was first appointed to this board, I  
16 thought my, God, how can it possibly be that we'll  
17 ever get anything done? I remember one 2-2 vote,  
18 the infamous --

19 COMMISSION B. MORGAN: Bobby Hidalgo.

20 VICE CHAIR A. LONG: -- Bobby Hidalgo and  
21 Kern decision, and I think to -- with that one  
22 exception and this today, we've worked through  
23 that, and I -- I applaud that, and I say that  
24 for the record because I don't leave here today  
25 thinking that either of you gentlemen voted.

1 politically, and you know, we come from  
2 different philosophies and ideologies, but I  
3 think we have to do something, and this is the  
4 time for the -- I guess maybe I have a question  
5 of our counsel. I mean, it's been alluded that  
6 we have a vote, and I don't -- I'll defer to the  
7 minutes, but is our present status to go  
8 forward, is that where we were? I mean, what's  
9 the legal interpretation?

10 MR. D. SIMMONS: The way to characterize it  
11 is Mr. Kirby, as simply no action, there has  
12 been no action taken.

13 VICE CHAIR A. LONG: No, I'm talking about  
14 before that, when we -- when we first started,  
15 we started --

16 MR. D. SIMMONS: We had a complaint.

17 VICE CHAIR A. LONG: We had a complaint --

18 MR. D. SIMMONS: We had a complaint filed.

19 VICE CHAIR A. LONG: -- and as Mr. Eicholtz  
20 alluded, that we voted to move forward -- if  
21 that's the status we're in, I mean, it would  
22 seem to me that we owe to any complainant the  
23 ability to fully litigate to the point that they  
24 have a record to take on to court, because at  
25 this point in time, if I were in their shoes, I

1 would be thinking as an option if we stop here,  
2 their action to the court would maybe to mandate  
3 us to take action, and dispose, and in some  
4 dispositive fashion to dispose of this matter as  
5 opposed to a deadlock, and an ultimate decision  
6 may be a deadlock, but we have to go through the  
7 procedures necessary to get there.

8 I mean, I think if we say today, as maybe the  
9 FEC would do, we're hopelessly deadlock, can't do  
10 anything, I think the courts -- we would be very  
11 vulnerable to an action by the complainant here to  
12 mandate us to discharge our duties, and I think we  
13 need to bring this -- if it was not dismissed to a  
14 decision on the merits, or after having heard the  
15 merits, say we can't decide it, and then at that  
16 point there's a record and someone wiser and  
17 justifiably called his honor can...

18 MR. D. SIMMONS: I think it defers to the  
19 question in my mind, and certainly, Kristie, I  
20 think she should have an opportunity to weigh in  
21 on that, too, is that did the commission had  
22 decided to go forward early on in this case, I  
23 think every time a complaint is filed in court,  
24 and haven't heard from the other side, the judge  
25 is going to allow the case to go forward. I

1 can't -- I can't imagine the judicial system  
2 acting in any other way.

3 But since that period of time, and we were --  
4 at that time had several presentations by the  
5 Democratic Party without the benefit of Mr. Kirby,  
6 a representative from the U.S. Chamber make any  
7 comments. Since that time we have had a motion to  
8 dismiss filed. That's what is at issue, I think,  
9 before the commission today. I guess as to your  
10 latter comments, you know, I think that those are  
11 addressed by the fact that other boards of similar  
12 makeup and similar situations have disposed of the  
13 matter in a way that I indicated before.

14 I understand some commission may -- members  
15 feel like that may be punting the issue. Another,  
16 I guess, aspect of the whole problem here or maybe  
17 part of the analysis here is what are we punting?  
18 Are we punting factual issues or legal issues? I  
19 think to a great extent what the parties are asking  
20 us to decide here today are purely legal issues,  
21 and a court of law is as well equipped as I think  
22 the commission to decide legal issues.

23 That may not be the case, there may be factual  
24 issues, and you're right, a court of law may say  
25 well, wait a minute, we do -- I do see that there

1 are factual issues you need to look into,  
2 commission you need to develop a record. But I  
3 think what the argument -- the argument on the  
4 motion to dismiss and what they're putting to us  
5 today is that as a legal matter, the commission  
6 should not go forward, and maybe that's a threshold  
7 question that is appropriate for a court. I don't  
8 know.

9 MR. S. EICHOLTZ: Thank you, Mr. Chairman.  
10 I'd like to bring to the attention of the  
11 commission its prior order because we believe it  
12 helps provides some guidance in terms of what  
13 your posture was.

14 You'll recall that you had previously ordered  
15 the process to go forward with the voluntary  
16 exchange of information. The discovery process and  
17 you, specifically, outlined an opportunity for the  
18 filing of pleadings, motions and objections with  
19 the commission, if necessary, in a position to, and  
20 I quote, monitor the progress of this cause, may  
21 schedule hearings as necessary to rule on pending  
22 motions, requests for discovery orders, or any  
23 other procedural matters, that's a prior order.

24 And rather than prejudging that you may be  
25 deadlocked on every single procedural issue, we

1 prefer to believe that each of these motions should  
2 be looked at and weighed on its merits and an  
3 individual decision made before any determine is  
4 made -- determination is made that you're  
5 hopelessly deadlocked. We don't believe in it.

6 We're here on a 4-0 vote which at least  
7 initialed the proceeding, plus you have 2-2 today,  
8 but you did set out in your prior order a process  
9 that we'd like to follow and be allowed to proceed  
10 with discovery, and if necessary, if there's  
11 impasse on particular discovery, bring those  
12 particular motions before you for determination.

13 But to assume that we're going to be  
14 hopelessly deadlocked on every procedural motion, I  
15 think maybe gets -- gets ahead of the game. And  
16 we'd like to perhaps have you follow the process  
17 that you previously laid out in this order.

18 COMMISSION B. MORGAN: Mr. Chairman, you  
19 alluded earlier to the fact that we should urge  
20 the legislature to reinstate some of the things  
21 that were in there before -- I agree with you on  
22 that, and I think that if we abide by our  
23 original 4-0 vote on the guidelines that we set  
24 up and allow more facts to be brought in so that  
25 once we're finished with it in whatever fashion,



1           they're the ones more in tuned with the next  
2           step, then that would be more -- a case for the  
3           other body that might be involved in this,  
4           whether the court it may go to or even  
5           legislators that may want to come in during our  
6           commission meetings or have representatives here  
7           from different committees that will be more  
8           impacted by this so that's my thoughts on the  
9           information that Mr. Friedman just brought to  
10          bear.

11           MR. T. KIRBY: Mr. Chairman, I'll be brief.  
12          The matter of the previous decision which of  
13          course was made with -- by an ex-parte basis --  
14          we weren't present or involved at that time,  
15          said that there was room for future motions, and  
16          the commission would consider it.

17           I don't think that indicated one way or the  
18          other how anybody planned to vote on either of  
19          those future motions. And I think the point that I  
20          would just try and indicate, and I hope I've stated  
21          our position clearly before, whereas I mean -- I  
22          mean, with all respect to this body, our position  
23          is that this is not express advocacy, and  
24          therefore, is not within this body's jurisdiction,  
25          and in any event there has been no threshold

1 showing of a likely violation, which is the First  
2 Amendment, as well as local procedural law, will be  
3 necessary to impose any further (indiscernible).

4 And so I would simply like this  
5 commission -- so that nobody's surprised, so we  
6 don't have a future meeting and people say why did  
7 Mr. Kirby bring us here, I just want to be clear  
8 that if you just let it drop here, I have no doubt  
9 demands will be made on -- on my client. With all  
10 respect, I think our position is going to be for  
11 the reasons previously stated. There is no basis  
12 for us to turn over anything and provide any  
13 information. This is simply not a matter that can  
14 in this proceeding.

15 I presume at that point a motion will be made,  
16 tell Mr. Kirby this is within the (indiscernible),  
17 the body's jurisdiction. This is something where  
18 we've got threshold showing and he does have to  
19 provide us with jurisdiction. And I thought the  
20 matters or the issues at that point would be  
21 precisely the issues that have already been  
22 argued -- I thought they were argued fully  
23 extensively and very capably and everybody would  
24 simply have come back to another meeting.

25 So I'm not trying -- I have no expertise in

1           this body's procedure. I'm not trying to tell you  
2           how you should proceed. But I just want to make it  
3           clear how from our perspective things will play out  
4           if we proceed on that path.

5           MS. K. ROBERTSON: Mr. Chairman, I just  
6           have a few comments to add to what Mr. Simmons  
7           alluded to. He spoke a little bit about the  
8           FEC. I just want to make a historical comment  
9           about the kind of way -- the Indiana Campaign  
10          Finance Act. This was passed after the Federal  
11          Campaign Finance Act was passed at the federal  
12          level.

13          What we've done -- in fact at the last meeting  
14          when you all passed an advisory opinion on the  
15          salary and reimbursement, the way this body's  
16          operated in the past when the Indiana code does not  
17          specifically address a campaign finance issue or  
18          enforcing campaign finance law, we often look to  
19          the Federal Campaign Finance law, as well as the  
20          FEC's actions for guidance, since our law is very  
21          closely based on that. So Mr. Simmons's remarks on  
22          that would -- is similar to what we have done in  
23          the past as far as guidance from the FEC.

24          We have had other 2-2 votes on the  
25          commission -- it was prior to Commissioner Long's

1 term, but we have done that in the past. The way  
2 that has basically operated is if that action has  
3 failed, there is no action. If there is a cause  
4 before us, it goes forward depending on whatever is  
5 before us at the time. Of course, we have had  
6 other action in between so you probably would need  
7 to make some type of motion to determine whether  
8 you're going to continue. (End of Tape.)

9 CHAIRMAN D. CRUEA: We have come to a --  
10 really a no action vote on that -- on that  
11 motion and so it seems that the objective of our  
12 4 to 0 vote -- 4-0 vote has been met, which was  
13 to give the parties an opportunity to proceed in  
14 an orderly fashion before the commission.

15 Now that this motion to dismiss has -- has had  
16 the outcome that we've come to today, I think that,  
17 you know, that indicates where this board -- well,  
18 let me back up for a second. I think that is --  
19 that bring us to a point in the proceedings where  
20 it would be appropriate to recommend that this  
21 action be taken from this administrative process,  
22 and if either party wants to proceed in the court  
23 system, we would be willing to certify that the  
24 matter be taken there so that's -- that's kind of  
25 where I come in.

1           MR. D. SIMMONS: Mr. Chairman, I just  
2           wanted to concur with what Kristi said, we  
3           would -- unless otherwise directed by the  
4           commission, go forward. We are at this stage  
5           expecting that the parties will drive that  
6           process if there's nothing that ties this up  
7           today.

8           I just want to make clear and throw that out  
9           just so that nobody expects that staff is going to  
10          engage in some kind of investigation or do  
11          something proactively -- I know that's -- that's  
12          been suggested, and I don't know if the commission  
13          wants to consider that or the parties want to weigh  
14          in on that but I...

15          CHAIRMAN D. CRUEA: Well, that's a good  
16          point. I mean, you know, you may as well get  
17          that out there. I'll just say it as plainly as  
18          I can, we're not staffed to handle this; right,  
19          and so -- and you know, the commission, which  
20          is -- a staff which is facing precinct boundary  
21          changes in 92 counties so their plate is full.

22          And so if this -- if the commission did vote  
23          to let the matter proceed based on the fact that we  
24          have taken no action on this motion, then you know,  
25          I would want to make it very clear to all of the

1           counsel that in very much the way that federal  
2           district court judges expect counsel to cooperate  
3           with each other in the discovery process will  
4           work -- try their best to work out issues amongst  
5           them, this commission would expect the same.

6           And -- because the staff, as Mr. Simmons said,  
7           would not be doing investigative work, would not be  
8           doing those kinds of things because I just don't  
9           think that what this commission or the election  
10          division is supposed to be doing. I mean, we're  
11          not an investigative body but we do interpret  
12          Indiana election law so I guess that's -- just  
13          throw that out there.

14          VICE CHAIR A. LONG: Mr. Chairman, I agree  
15          with Commissioner Perkins for different reasons  
16          but the same result. I think that if we say  
17          we're not going to do anymore with this, that's  
18          tantamount to saying a 2-2 vote, grant the  
19          motion to dismiss. I think to say to our staff  
20          go out and investigate this, it's tantamount to  
21          saying we're granting the Indiana Democratic  
22          Party's complaint which is that's what it asked  
23          to be done so I agree with that. I think the  
24          reasons are different, the level of the plate  
25          does not come into -- to bear in my thought

1 process, but the end result is the same.

2 I don't think that that's where we are, if we  
3 would ever get there. I agree with Dale's comment,  
4 this is a party driven process, and it's my belief  
5 that if nothing happens today, if we leave here  
6 today after having had this, what I believe, to be  
7 an informative and insightful and certainly very  
8 educating arguments that we've had before us, that  
9 the Indiana Democratic Party, based on the earlier  
10 motion, would file discovery requests of the  
11 Chamber.

12 Based upon Mr. Kirby's anticipated response,  
13 depending -- I think -- and again, I don't believe  
14 he would want to say there's nothing we would ever  
15 give you. They may find a Democrat in the -- a  
16 member of the Chamber and come under another guise  
17 to get it, but not close to any imagination that  
18 the counsel might use, there will be an impasse  
19 between the parties that will be back before us,  
20 and at that point in time, I think we would be  
21 right to see are we going to face impasse after  
22 impasse or are we going to go forward and be able  
23 to resolve some of our issues?

24 So I mean, I think today, in all candor, we  
25 don't need to do anything else, other than allow

1 Mr. Kirby to hopefully get back to Washington D.C.  
2 before the weekend. They only have one plane going  
3 east today, and certainly, none going west so...

4 CHAIRMAN D. CRUEA: Okay. Then we will  
5 consider the discussion on this over. We'll  
6 move onto report by --

7 VICE CHAIR A. LONG: It's nice meeting you,  
8 sir. You really did a superb job on your  
9 presentation.

10 MR. T. KIRBY: Thank you.

11 CHAIRMAN D. CRUEA: Okay, report by  
12 co-directors.

13 MR. S. VALENTINE: In your packets, you'll  
14 find a letter from Chairman Steve Stiglich, Lake  
15 County Democratic Central Committee, who's  
16 writing us for an extension of time beyond the  
17 approved October 15th date we established, or at  
18 least the commission established for  
19 presentation of the Lake County Districts. We  
20 haven't received no proposals and that time has  
21 passed and they are asking for more time to  
22 finish that up which is logical as well because  
23 the precincts in Lake County has not been  
24 submitted as of yet. The precinct committee,  
25 obviously, should not necessarily move forward



1 with redistricting so I would ask that you  
2 extend that to the next meeting.

3 VICE CHAIR A. LONG: Are they on today for  
4 precincts?

5 MS. L. CHRISTIE: No.

6 MR. S. VALENTINE: No.

7 VICE CHAIR A. LONG: Well, then that  
8 means --

9 MR. S. VALENTINE: I expect that they'll...

10 VICE CHAIR A. LONG: -- if they get their  
11 precincts done by next meeting, we're at  
12 December and...

13 MR. S. VALENTINE: I expect that the  
14 attention that has been expressed to me both by  
15 Chairman Stiglich and by Michelle --

16 MS. L. CHRISTIE: Fajman of Lake County.

17 MR. S. VALENTINE: -- Fajman of Lake County  
18 is to bring both proposals in for the November  
19 meeting.

20 VICE CHAIR A. LONG: Then don't we have to  
21 have our other members?

22 MR. S. VALENTINE: We'll have to...

23 VICE CHAIR A. LONG: We've got -- we've got  
24 two other members to their redistricting board,  
25 wouldn't they have to be brought in and wouldn't

1 that have to be noticed for a meeting?

2 MR. S. VALENTINE: For a vote of that, yes.

3 MS. L. CHRISTIE: Yes, on redistricting,  
4 that they at least be there or at least notify  
5 of the opportunity to come.

6 VICE CHAIR A. LONG: Notify?

7 MS. L. CHRISTIE: Yes.

8 CHAIRMAN D. CRUEA: Okay.

9 MR. S. VALENTINE: Beyond that...

10 CHAIRMAN D. CRUEA: Do you need a motion on  
11 that?

12 MS. L. CHRISTIE: Well, I do think we do on  
13 extension of time because I do think that you  
14 voted on the October 15th deadline, if I recall  
15 correctly.

16 VICE CHAIR A. LONG: Is that all right with  
17 you?

18 CHAIRMAN D. CRUEA: Yeah.

19 VICE CHAIR A. LONG: I'll move to extend  
20 their time to the -- when is it, November 15th,  
21 isn't it? Is that when our meeting is?

22 MS. L. CHRISTIE: Yes.

23 MR. S. VALENTINE: Our next meeting is  
24 November 15th.

25 VICE CHAIR A. LONG: On the Lake County --

1 COMMISSION B. MORGAN: Second.

2 VICE CHAIR A. LONG: -- precincting -- I'm  
3 going to have to get it all out here first,  
4 precincting and to submit their proposal for  
5 their redistricting.

6 COMMISSION B. MORGAN: Second.

7 CHAIRMAN D. CRUEA: 1:00 p.m.?

8 VICE CHAIR A. LONG: 1:00 p.m.

9 COMMISSION MEMBER J. PERKINS, JR.: Is  
10 there a ruling on that motion or...

11 CHAIRMAN D. CRUEA: Oh, did you make that  
12 motion?

13 VICE CHAIR A. LONG: I made the motion,  
14 yes.

15 CHAIRMAN D. CRUEA: Oh, okay.

16 VICE CHAIR A. LONG: Butch seconded it.

17 CHAIRMAN D. CRUEA: Any discussion?

18 (No response.)

19 CHAIRMAN D. CRUEA: All those in favor,  
20 signify by saying aye?

21 THE COMMISSION: Aye.

22 MR. S. VALENTINE: And beyond that, I'll  
23 pass it off to Laurie. You've heard enough  
24 discussion...

25 MS. L. CHRISTIE: Well, it probably lead to

1           this very well. Spencer says if you write the  
2           memo, I'll nod vigorously, so here's the  
3           memo -- start nodding. Given the fact -- I  
4           think Kristi --

5                   MS. K. ROBERTSON: Thank you.

6                   MS. L. CHRISTIE: Given the fact that we've  
7           had a motion for an extension for Lake County  
8           and we're trying desperately to get all of these  
9           counties in before the filing deadline of  
10          January 23rd. We also have the election  
11          conference before us and some things like that.  
12          Spencer and I spoke and I think it's probably a  
13          good idea for us to plan on individual needs.

14                   While we will have our November 15th meeting  
15          at 1:00 o'clock, we'll have a lot of precinct  
16          boundary proposals before us. We'll also have some  
17          voting equipment, some vendor business before us,  
18          so that'll -- that'll be a fairly full afternoon.

19                   Our meeting on December 4th in conjunction  
20          with our commission meeting has typically been a  
21          very quick meeting just to have an opportunity to  
22          introduce you to the local election officials and  
23          to do some last minute form approval and we'd only  
24          anticipate taking under advisement lots of precinct  
25          changes at that time since that will be the start

1 of our commission meeting.

2 So I have put forth to you some dates that I  
3 would like you to look at -- you don't have to say  
4 anything necessarily to it today, but we're looking  
5 at a date in early December, and then two in  
6 January, which hopefully not New Year's week and  
7 also the week before the deadline so that we can  
8 get those out to the counties that their precinct  
9 boundaries indeed have been approved and that they  
10 have an opportunity to go forward with their  
11 filing.

12 CHAIRMAN D. CRUEA: They have to submit  
13 them by December 31st but we don't have to  
14 approve them by December 31st?

15 MS. L. CHRISTIE: Well, actually our  
16 deadline -- we've been saying December 31st for  
17 their behalf because we need to get them working  
18 so that they won't come in on January 22nd.

19 VICE CHAIR A. LONG: January 31st.

20 CHAIRMAN D. CRUEA: Oh, okay.

21 MS. L. CHRISTIE: Our true deadline is the  
22 candidate filing deadline which is nothing can  
23 be changed after January 23rd.

24 VICE CHAIR A. LONG: Oh, the 23rd. I told  
25 you 31st.

1 CHAIRMAN D. CRUEA: Okay.

2 MS. L. CHRISTIE: That's when the precinct  
3 committeemen file, and we have to -- they have  
4 to know what their districts are at that time.  
5 The other deadline, it is December 31st --  
6 certainly, it's the county commissioner and  
7 county council districting that the county  
8 executive performs and they have to have that  
9 done by the end of the year so that they know  
10 which districts they're going to have.

11 VICE CHAIR A. LONG: The 12th and 13th are  
12 impossible for me. The trial that I took off  
13 that was set for today went to them --

14 CHAIRMAN D. CRUEA: In December?

15 VICE CHAIR A. LONG: -- and I just can't  
16 look at judge in the eye again and say the  
17 Indiana Election Commission...

18 COMMISSION B. MORGAN: I might point out  
19 that on December the 12th, the Legislative  
20 Insight Bingham Summers' Conference is that  
21 date.

22 MS. L. CHRISTIE: Well, you don't have to  
23 make a decision today, but we'd like to go ahead  
24 and we can talk of our difficulties this  
25 morning. Getting a room is extremely difficult.

1 VICE CHAIR A. LONG: I mean, I can go  
2 over --

3 MR. S. VALENTINE: Especially, all the  
4 sessions we've got.

5 MS. L. CHRISTIE: Yeah.

6 VICE CHAIR A. LONG: -- the next week -- I  
7 mean, and I like the idea of doing it. We're  
8 all on the 20th, aren't we? Has that meeting  
9 gone away?

10 MS. L. CHRISTIE: Well, that's been our --  
11 that's been a traditional date and we can try to  
12 go ahead and incorporate that, if you'd like.  
13 We've not scheduled -- we've not prepared an  
14 order for the 2002 meeting date at this time.

15 VICE CHAIR A. LONG: I'm talking about the  
16 December 20th?

17 MS. L. CHRISTIE: Oh, the December 20th?

18 VICE CHAIR A. LONG: I have December 20th  
19 on my calendar as...

20 COMMISSION B. MORGAN: I don't have that.

21 CHAIRMAN D. CRUEA: I do, too.

22 COMMISSION B. MORGAN: Commission meeting?

23 VICE CHAIR A. LONG: Yeah, I guess you  
24 probably were late when we set that.

25 CHAIRMAN D. CRUEA: Yeah. So I think we

1 should try to keep that, if we can -- at least  
2 three of us have that on our calendars.

3 VICE CHAIR A. LONG: Yeah.

4 MR. D. SIMMONS: At least three.

5 MS. L. CHRISTIE: Well, then we delete one  
6 of the meetings in January then.

7 CHAIRMAN D. CRUEA: Okay.

8 VICE CHAIR A. LONG: I mean, wouldn't --  
9 can't we use that instead of the 12 or 13th of  
10 December?

11 CHAIRMAN D. CRUEA: Yes.

12 MS. L. CHRISTIE: Yeah.

13 VICE CHAIR A. LONG: And the meetings, if  
14 you set them quickly and let us know, I can work  
15 around both of your dates, all four of your  
16 proposed dates in January. I mean, I have  
17 things set but they're not anything,  
18 that they're not movable.

19 MS. L. CHRISTIE: All right. Why don't we  
20 plan on doing that, and if you could just give  
21 Spencer and I the preferences on the January  
22 dates.

23 VICE CHAIR A. LONG: I mean, let's do  
24 it -- why don't we do it now and let's get it  
25 locked in?



1 MS. L. CHRISTIE: That'll be great. Well,  
2 the 12th is no good, the 12th and 13th and that  
3 leaves us...

4 CHAIRMAN D. CRUEA: Well, but Thursdays  
5 work best for me, the 10th and the 17th work for  
6 me. How's the 10th and 17th work?

7 VICE CHAIR A. LONG: Thursday, I thought  
8 was bad -- oh, the 16th was bad for you?

9 CHAIRMAN D. CRUEA: Right, the 16th is bad  
10 for...

11 VICE CHAIR A. LONG: So the 16th's out and  
12 the -- I can -- I think I can work the 10th or  
13 the 9th so...

14 COMMISSION MEMBER J. PERKINS, JR.: I can  
15 do either one. That's...

16 MS. L. CHRISTIE: January 10th.

17 VICE CHAIR A. LONG: Is the 10th best for  
18 you?

19 CHAIRMAN D. CRUEA: 10th is best for me.

20 MS. L. CHRISTIE: Okay. And what about the  
21 following date, that next week, somebody said  
22 the 17th?

23 CHAIRMAN D. CRUEA: Uh-huh.

24 COMMISSION MEMBER J. PERKINS, JR.: Yeah,  
25 the 16th, I cannot at all.

1 CHAIRMAN D. CRUEA: Joe can't do the 16th  
2 so -- is the 17th okay?

3 VICE CHAIR A. LONG: You can the 17th?

4 COMMISSION MEMBER J. PERKINS, JR.: Yes.

5 CHAIRMAN D. CRUEA: Okay.

6 MS. L. CHRISTIE: The 17th look okay?

7 CHAIRMAN D. CRUEA: Yes.

8 MS. L. CHRISTIE: Why don't we plan then on  
9 December 20th, January 10th and 17th,  
10 (indiscernible) and plan on those dates unless  
11 we hear differently.

12 VICE CHAIR A. LONG: Let's get that room  
13 that's got that post in the middle.

14 MS. L. CHRISTIE: Does 1:00 o'clock still  
15 work?

16 CHAIRMAN D. CRUEA: Yeah.

17 VICE CHAIR A. LONG: 1/10 and 1/17; right?

18 CHAIRMAN D. CRUEA: Yes.

19 VICE CHAIR A. LONG: All at 1:00 p.m.?

20 CHAIRMAN D. CRUEA: Yeah.

21 COMMISSION B. MORGAN: I'm not sure -- I  
22 mean, what's going to be our work load?

23 MS. K. ROBERTSON: Precincts.

24 MS. L. CHRISTIE: It all be precincts.

25 VICE CHAIR A. LONG: I mean, is that -- do

1 we need to come earlier?

2 MR. S. VALENTINE: I think 1:00 o'clock  
3 would be good.

4 MS. L. CHRISTIE: Yeah.

5 MR. S. VALENTINE: We've expedited, I  
6 think, fairly...

7 MS. L. CHRISTIE: We've worked out a system  
8 now so we're good.

9 VICE CHAIR A. LONG: I mean, are we going  
10 to be -- are we going to be knocking out 23  
11 counties that day? I mean, what we got -- is  
12 there seven done now, does that mean 85 to go?

13 MS. L. CHRISTIE: On the November meeting.  
14 I'll have quite a few.

15 CHAIRMAN D. CRUEA: Yeah.

16 VICE CHAIR A. LONG: How many do we have  
17 today?

18 MS. L. CHRISTIE: Half of that, seven.

19 VICE CHAIR A. LONG: Seven so that's 14.

20 MS. L. CHRISTIE: But we move a lot faster  
21 so we'll be...

22 MR. S. VALENTINE: Trust me.

23 MS. L. CHRISTIE: November will be big.

24 CHAIRMAN D. CRUEA: 1:00 o'clock.

25 VICE CHAIR A. LONG: Okay.

1 MS. L. CHRISTIE: If we would see a need to  
2 change, we'll...

3 CHAIRMAN D. CRUEA: Okay.

4 MS. L. CHRISTIE: Thank you.

5 CHAIRMAN D. CRUEA: Okay, forms approval.

6 MS. L. CHRISTIE: In your packets, I  
7 actually have two orders, (indiscernible), but I  
8 think there are actually about one. Order No.  
9 2001-81, we have two -- our candidate forms  
10 ready. The CAN-2 form which is the Declaration  
11 of candidacy the Democrats and Republicans have  
12 filed for the primary nomination.

13 That form -- basically what -- it looks a lot  
14 different because what we are doing now is we're  
15 actually able at the staff level to design and  
16 develop our own forms so we don't have to rely on  
17 forms management, and they still review them to  
18 make sure that we meet the statutory requirements  
19 for forms, but we've substantially made it a little  
20 more intuitive, a little bit clearer for candidates  
21 to understand.

22 Also, we have added -- made it more explicit  
23 in the candidate name information to accommodate  
24 the candidate name designation which was a change a  
25 couple of, or three sessions ago, I guess it was,

1 to make that more explicit for the candidates, and  
2 also this will include all the other requirements.

3 As you may recall, the general assembly  
4 requested that they have two separate  
5 certifications so that's basically general  
6 information, and (indiscernible) campaign finance,  
7 they're also required to put the campaign finance  
8 information on filing dates and so forth and it has  
9 to be notarized. So it is a two-sided form and I  
10 think we got it all on there.

11 The other form -- actually, I've combined two  
12 forms. It used to be the CAN-37 and the CAN-38,  
13 Declaration of Candidacy for Precinct Committeeman  
14 and State Convention Delegate. So the precinct  
15 committeeman are also of this year as well, or in  
16 2002, a combined report, made it -- the changes on  
17 the CAN-2 form and got it on one side.

18 The reason I bring this to you now is because  
19 I have had special requests from some groups that  
20 would like to include it in a publication and so  
21 I'd like to get that approved, get you all ready to  
22 do that.

23 I had hoped that we would have an opportunity  
24 to approve Order 2001-82 which is the campaign  
25 finance statement of organization, CFA-1, 2 and 3

1 for candidates, PACs, and regular parties. The  
2 only -- again, the designs a little bit different,  
3 but really the only substantive changes made to  
4 this is to add is section for e-mail address and  
5 also instructions.

6 Basically, beginning with the annual report in  
7 January, the Election Division will be able to  
8 accept electronic filings, so if someone does it by  
9 meeting our specifications, or we will have a disk  
10 that we can give to committees, and they will be  
11 able to file -- to e-mail it to us. So in order  
12 for us to do that, we need their e-mail address, if  
13 they have one, and they would like to file it  
14 electronically.

15 So that's really the only substantive change.  
16 These were just finished yesterday so staff is  
17 still -- give staff an opportunity to review and  
18 make sure we don't have any other changes so I  
19 would ask that we look at this and hold it and we  
20 can -- if you don't have any other problems or  
21 questions, we can approve it in November.

22 CHAIRMAN D. CRUEA: Okay. I -- oh.

23 VICE CHAIR A. LONG: Go ahead.

24 CHAIRMAN D. CRUEA: I've got a question on  
25 the declaration of candidacy. I know the

1 statute's been changed. If a person called for  
2 a different primary ballot in the election  
3 before, they can run for the opposite party  
4 without the chairman's approval?

5 MS. L. CHRISTIE: Uh-huh.

6 CHAIRMAN D. CRUEA: Does the chairman just  
7 give a letter to them to take to the clerk's  
8 office or what?

9 MS. L. CHRISTIE: They can. Basically, the  
10 statute says that the chairman certification --

11 CHAIRMAN D. CRUEA: Okay.

12 MS. L. CHRISTIE: -- so a letter would  
13 suffice.

14 CHAIRMAN D. CRUEA: Because I wondered if  
15 it would be on the form for the chairman...

16 MS. L. CHRISTIE: It's not on the form.  
17 It's not -- it's not in the section that -- I  
18 don't -- I think it's in the declaration of  
19 candidacy section so it's not something that's  
20 required on the form. We currently don't have a  
21 form for that. If it's the Election  
22 Commission's decision, we could create a form.

23 CHAIRMAN D. CRUEA: Well, I wondered --  
24 with 92 different clerks, they're going to have  
25 92 different --

1 MS. L. CHRISTIE: Right.

2 CHAIRMAN D. CRUEA: -- requirements, and I  
3 think maybe we ought to look at that and maybe  
4 creating a form for the...

5 MS. L. CHRISTIE: We can do that.

6 MR. D. SIMMONS: It is a good point and we  
7 haven't discussed that. We -- we just run out  
8 of room --

9 CHAIRMAN D. CRUEA: Yeah.

10 MR. D. SIMMONS: -- and -- but I think  
11 maybe we can come up with something that...

12 VICE CHAIR A. LONG: Shouldn't we put  
13 something in there if that -- we're not telling  
14 that on the front page of that, request my name  
15 is placed on the ballot, etc., etc. I am  
16 affiliated with the Democratic Party. Should we  
17 not have a parenthetical that's there, in the  
18 last primary, if I voted, and the other party  
19 county chairman's certification must be affixed  
20 or attached or...

21 MS. L. CHRISTIE: Well, if you look under  
22 CAN -- yeah, I think that's a good suggestion.  
23 If you look under CAN-37 in the previous law,  
24 existing law, if you look at No. 3, that is  
25 already required.



1 CHAIRMAN D. CRUEA: Yes, it is on that one.

2 MS. L. CHRISTIE: We could do something  
3 similar to that.

4 CHAIRMAN D. CRUEA: Yeah, I think that...

5 MS. L. CHRISTIE: It looks like -- I  
6 believe we could do that because --

7 CHAIRMAN D. CRUEA: Okay.

8 MS. L. CHRISTIE: -- that would alert the  
9 candidates and then we could do a certain -- a  
10 separate certification for them, but yeah, I can  
11 add that.

12 MR. D. SIMMONS: Let me -- let me see if  
13 I've got this right. The statute itself has  
14 sort of reoffered this; is that right?

15 MS. L. CHRISTIE: Right.

16 MR. D. SIMMONS: And either you voted in  
17 the last primary or your county chairman  
18 certified you or you have never voted in a  
19 primary?

20 CHAIRMAN D. CRUEA: Right.

21 MS. L. CHRISTIE: Uh-huh, right, and on the  
22 candidate --

23 MR. D. SIMMONS: In which case, it's what  
24 you say is your party, is your party?

25 MS. L. CHRISTIE: Right. But on the CAN-37

1 all we have to do is add the county chair  
2 certification. We already have voted in the  
3 most recent primary unless they haven't voted in  
4 any previous primary and I can -- certification,  
5 I think I can probably do that in a way  
6 that -- it looks like I've got a little bit of  
7 room here.

8 So I think -- yeah, I think that would  
9 probably be a good idea. This is a new change and  
10 a lot of people will not be aware of that. So why  
11 don't I take another stab at it and bring it back  
12 to another meeting.

13 CHAIRMAN D. CRUEA: Okay.

14 MS. L. CHRISTIE: If your -- the CAN-37, if  
15 you don't have any other changes on that, that's  
16 the one I really would like to at least have  
17 your -- we can prepare an order for the next  
18 time, but that would -- I would like to be able  
19 to get that out to the people...

20 CHAIRMAN D. CRUEA: I don't have any  
21 problem with the CAN-37.

22 VICE CHAIR A. LONG: No, I think -- you  
23 want a motion to approve? I move we approve the  
24 tendered CAN-37.

25 COMMISSION MEMBER J. PERKINS, JR.: Second.

1           CHAIRMAN D. CRUEA: Do you want -- if I can  
2           interject, do you want that order 2001-81 just  
3           approved with the CAN-2 stricken out?

4           MS. L. CHRISTIE: No. I just need the -- I  
5           just need your vote --

6           CHAIRMAN D. CRUEA: Okay.

7           MS. L. CHRISTIE: -- and that'll be enough  
8           and then I can prepare the order if we  
9           actually...

10          CHAIRMAN D. CRUEA: Okay. Any discussion?

11          (No response.)

12          CHAIRMAN D. CRUEA: All those if favor,  
13          signify by saying aye?

14          THE COMMISSION: Aye.

15          CHAIRMAN D. CRUEA: Okay.

16          MS. L. CHRISTIE: That's all on this and I  
17          expect to have a number of forms for you in  
18          November.

19          CHAIRMAN D. CRUEA: Okay. Thank you.  
20          Litigation update -- since we've got people in  
21          here for the precincts, --

22          MR. D. SIMMONS: Yeah, why don't we go...

23          CHAIRMAN D. CRUEA: -- let's go to the  
24          precinct boundary and get those done and then we  
25          can do the boring stuff afterwards.

1 MS. L. CHRISTIE: You made one person  
2 happy.

3 COMMISSION MEMBER J. PERKINS, JR.: They  
4 weren't bored during that stuff.

5 CHAIRMAN D. CRUEA: No, the litigation  
6 update.

7 VICE CHAIR A. LONG: I can't vote on that  
8 thing if she don't project up on the wall.  
9 Aren't you going to project them up on the wall?

10 MS. M. BRZYCKI: Not this time.

11 VICE CHAIR A. LONG: Oh, darn.

12 MS. M. BRZYCKI: Sorry.

13 VICE CHAIR A. LONG: You did a great job  
14 with those last time. You educate -- we can  
15 just envision them now.

16 MS. M. BRZYCKI: I can bring it straight to  
17 you, though.

18 VICE CHAIR A. LONG: You can just describe  
19 each precinct for us. God, these are all done  
20 on my birthday.

21 MS. M. BRZYCKI: Chairman and Members of  
22 the Commission, today I have six new counties  
23 for you and one county that we're revisiting.  
24 I'm going to start with Delaware county, since  
25 they've come here today. I have all the

1 counties that I'm presenting today on the  
2 computer so if there's anything that you'd like  
3 to see, please just ask. Delaware County has 75  
4 proposed precinct orders. That will give them  
5 735 voting precincts and 0 non-voting precincts.  
6 The Office of Census Data has reviewed this.  
7 They have worked really closely with the county  
8 and with us and I really appreciate their work.  
9 The Democrat and Republican chairman have been  
10 notified and the map is being submitted as a  
11 file on the GIS system.

12 VICE CHAIR A. LONG: Is there a Libertarian  
13 Party in the county?

14 MS. M. BRZYCKI: I'm sorry?

15 VICE CHAIR A. LONG: Is there a Libertarian  
16 Party in Delaware County?

17 MS. M. BRZYCKI: Yes, there is. We didn't  
18 get the list of the Libertarian counties so what  
19 I did was I called Brad and I told him all of  
20 the counties that would go in front of the  
21 commission today and he contacted the chairs.

22 CHAIRMAN D. CRUEA: Were there any  
23 objections?

24 MR. B. KLOPPENSTEIN: No.

25 CHAIRMAN D. CRUEA: Okay.

1 MS. M. BRZYCKI: From now on, I'll make  
2 sure that I have the list of where they're  
3 organized and I will make sure that they're  
4 okay.

5 CHAIRMAN D. CRUEA: Okay.

6 VICE CHAIR A. LONG: Just show them here  
7 and we want to -- you know, we appreciate your  
8 input.

9 CHAIRMAN D. CRUEA: How many precincts do  
10 they have now?

11 MS. M. BRZYCKI: Currently, they have a lot  
12 more.

13 CHAIRMAN D. CRUEA: A 175.

14 MS. M. BRZYCKI: She did a really great job  
15 of combining the ones that they could.

16 CHAIRMAN D. CRUEA: Okay.

17 MS. M. BRZYCKI: I think, if I'm not  
18 mistaken, only one original precinct, that's how  
19 it was?

20 UNIDENTIFIED SPEAKER: Not very many.

21 MS. M. BRZYCKI: Almost every single one  
22 has changed.

23 VICE CHAIR A. LONG: Are you all  
24 recommending approval?

25 MS. M. BRZYCKI: Yes, both the co-directors

1 have recommended approval.

2 MS. L. HERSHBERGER: Just a quick side,  
3 your -- you may have already noticed, we do have  
4 the form that the co-directors have filled out  
5 after reviewing the paperwork, and we'll also  
6 have order -- we do have orders that -- for your  
7 signature from the last meeting and then any  
8 that you approve today.

9 MS. M. BRZYCKI: I'll second that.

10 VICE CHAIR A. LONG: I move we approve  
11 Delaware County.

12 CHAIRMAN D. CRUEA: Do we want to vote on  
13 each one individually or do you want to go  
14 through every one of them and vote on...

15 MS. M. BRZYCKI: Mr. Chairman, it probably  
16 wouldn't hurt to vote on them individually at  
17 this time.

18 CHAIRMAN D. CRUEA: Okay.

19 MS. M. BRZYCKI: However, in the future, we  
20 may --

21 CHAIRMAN D. CRUEA: When we have a lot.

22 MS. M. BRZYCKI: -- concur with that.

23 CHAIRMAN D. CRUEA: Okay. Sorry, go ahead  
24 with your motion.

25 VICE CHAIR A. LONG: I move we approve the

1 precinct boundary changes for Delaware County.

2 COMMISSION MEMBER J. PERKINS, JR.: Second.

3 CHAIRMAN D. CRUEA: Any discussion?

4 (No response.)

5 CHAIRMAN D. CRUEA: All those in favor,  
6 signify by saying aye?

7 THE COMMISSION: Aye.

8 CHAIRMAN D. CRUEA: Okay. Next one.

9 VICE CHAIR A. LONG: Thank you. Good job.  
10 You convinced us.

11 UNIDENTIFIED SPEAKER: It only took two  
12 trips.

13 MS. M. BRZYCKI: Next up is Daviess County.

14 VICE CHAIR A. LONG: That's one of mine.  
15 That's Owensboro.

16 CHAIRMAN D. CRUEA: Okay.

17 VICE CHAIR A. LONG: I mean, with all these  
18 others -- no one else is here.

19 CHAIRMAN D. CRUEA: No. I think let's  
20 just...

21 VICE CHAIR A. LONG: I say we can do them  
22 all at once.

23 CHAIRMAN D. CRUEA: We've got the forms and  
24 they've all been approved. I'd say -- I'd say  
25 let's just do them all.



1 COMMISSION MEMBER J. PERKINS, JR.: Yeah,  
2 that's a good...

3 MS. M. BRZYCKI: That'd be fine.

4 CHAIRMAN D. CRUEA: That's what we've done  
5 before.

6 VICE CHAIR A. LONG: Unless Michelle, you  
7 feel a need to speak. If you do, we'll  
8 certainly afford you the floor.

9 MS. M. BRZYCKI: You have all the stuff  
10 that I want to say right now in front of you.

11 CHAIRMAN D. CRUEA: Okay. Let's just --  
12 let's just go through...

13 MS. M. BRZYCKI: If you want to  
14 review it, I have all the paperwork and I could  
15 put anything on the computer that you need to  
16 see.

17 CHAIRMAN D. CRUEA: Okay.

18 VICE CHAIR A. LONG: Do you have any  
19 comments from the Libertarian, we notified you  
20 all?

21 UNIDENTIFIED SPEAKER: Yep.

22 VICE CHAIR A. LONG: Any objections?

23 UNIDENTIFIED SPEAKER: No.

24 CHAIRMAN D. CRUEA: Carroll County.

25 VICE CHAIR A. LONG: I move we approve the

1 precinct boundary changes for Carroll County,  
2 Daviess County, Hendricks County, Martin County,  
3 Pulaski County, Putnam County and Vanderburgh  
4 County.

5 MS. M. BRZYCKI: If I can talk about  
6 Vanderburgh for one second.

7 CHAIRMAN D. CRUEA: Okay.

8 VICE CHAIR A. LONG: Oh, oh. Let me  
9 except -- exercise Vanderburgh from my motion.

10 MS. M. BRZYCKI: Okay.

11 CHAIRMAN D. CRUEA: Okay.

12 COMMISSION B. MORGAN: Second.

13 CHAIRMAN D. CRUEA: Any discussion?

14 VICE CHAIR A. LONG: Exercise or excise.

15 (No response.)

16 CHAIRMAN D. CRUEA: All those in favor,  
17 signify by saying aye?

18 THE COMMISSION: Aye.

19 CHAIRMAN D. CRUEA: Okay. Vanderburgh  
20 County.

21 VICE CHAIR A. LONG: Now, Vanderburgh.

22 MS. M. BRZYCKI: Okay. Vanderburgh, you  
23 approved at last month's meeting. There is a  
24 slight change that occurred, as we took what we  
25 approved on paper, and the Office of Census Data

1           within the county put it onto the computer GIS  
2           system. What you approved on paper was correct,  
3           all the changes that you recommended, or I'm  
4           sorry, that I recommended today are just  
5           technical corrections of moving little slivers  
6           from one precinct to another, making sure  
7           everything is good on the computer just like it  
8           was on the paper.

9           So what you approved last time was correct.  
10          This time, it's being a little more precise, a  
11          little more detailed, and you're actually going to  
12          be approving what's on the computer.

13          VICE CHAIR A. LONG: What's our motion, to  
14          approve the technical corrections or to approve  
15          the resubmission or...

16          MR. D. SIMMONS: Chairman and Members of  
17          the Commission, the way we phrased the order is  
18          that the approval as specified at the last  
19          meeting, the paper map -- maps that were  
20          submitted but it would include approval of the  
21          more accurate maps submitted on GIS at this  
22          meeting so I suppose a motion to the extent that  
23          approval is of the more accurate maps submitted  
24          electronically at this meeting and amends the  
25          prior order.

1           CHAIRMAN D. CRUEA: Okay. I missed the  
2 last meeting. Can you clarify, what's this  
3 Non-Voting Precincts Propose 3?

4           MS. M. BRZYCKI: A non-voting precinct is a  
5 precinct in which there needs to be -- is an  
6 area of land where there needs to be a separate  
7 precinct because it either breaches a house  
8 congressional senate line, a township boundary,  
9 a corporate boundary, one of those boundaries  
10 that you can't cross.

11           Well, it crosses one of those and it contains  
12 population but nobody's registered to vote. So  
13 it's a non-voting precinct because it's a piece of  
14 land that needs its own precinct because it would  
15 have a different ballot if someone did register to  
16 vote there, but since no one's registered to vote,  
17 there's no need for a polling place, there's no  
18 need for a ballot, there's no need for poll records  
19 so it's non-voting.

20           CHAIRMAN D. CRUEA: But if we have one  
21 person registered to vote, then we're going to  
22 have a voting place there --

23           MS. M. BRZYCKI: Yes.

24           CHAIRMAN D. CRUEA: -- for that one person?

25           MS. M. BRZYCKI: That one person. They

1 could combine polling places with a -- you know,  
2 represents.

3 CHAIRMAN D. CRUEA: Okay.

4 VICE CHAIR A. LONG: We could.

5 MS. M. BRZYCKI: And now there -- that's  
6 also -- there -- it doesn't necessarily have  
7 three people there, you can defer a piece of  
8 land that no one lives there, but you expect  
9 people, like a subdivision --

10 CHAIRMAN D. CRUEA: A subdivision, okay.

11 MS. M. BRZYCKI: -- that they map out.

12 VICE CHAIR A. LONG: We've got precincts  
13 now in some that we've got a piece over here and  
14 then we've got another piece here and a piece  
15 down there and they're all in one precinct.  
16 That's one of the modern 21st Century  
17 precincting.

18 COMMISSION MEMBER J. PERKINS, JR.: Okay.

19 Mr. Chairman, if I could -- if I could ask a  
20 question of maybe counsel: Does it take the  
21 commission's action for that non-voting precinct  
22 to become a voting precinct or is that something  
23 that the county would do on their own?

24 MS. M. BRZYCKI: Yeah.

25 CHAIRMAN D. CRUEA: Okay. A motion on

1 Vanderburgh County then?

2 VICE CHAIR A. LONG: I move to approve.

3 COMMISSION B. MORGAN: Second.

4 CHAIRMAN D. CRUEA: Any discussion?

5 (No response.)

6 CHAIRMAN D. CRUEA: All those in favor,  
7 signify by saying aye?

8 THE COMMISSION: Aye.

9 CHAIRMAN D. CRUEA: All right. Thanks,  
10 Michelle.

11 COMMISSION MEMBER J. PERKINS, JR.: Good  
12 work.

13 MS. M. BRZYCKI: I think we need a vote on  
14 this, Mr. Chairman, is it's -- we had prepared  
15 orders -- Order No. 2001-83. These were the  
16 counties that you all approved at the last  
17 meeting; Order 2001-84 are the ones that you  
18 just approved today; and Order 2001-86 is  
19 Vanderburgh. We just made you aware of the  
20 situation in the order. That's it.

21 VICE CHAIR A. LONG: What happened to 85  
22 here, it's in my book?

23 MS. M. BRZYCKI: 85 -- I'm sorry, 85 is  
24 Spencer County, and we still have some work to  
25 do on that. That will be after November.

1 CHAIRMAN D. CRUEA: Okay.

2 UNIDENTIFIED SPEAKER: And just -- just as  
3 an FYI, the forms that you see that you've been  
4 approving based on there that have an organized  
5 signature on, we did it verbally last time,  
6 you'll remember. We have gone ahead and  
7 executed some of those just in the file.

8 VICE CHAIR A. LONG: Well, I remembered the  
9 last time. It was like pulling teeth to get  
10 them to -- to admit that they...

11 MS. L. HERSHBERGER: The problem we hadn't  
12 had a chance to review them but this time we  
13 have so we've worked it out. We've worked it  
14 out real well so I think we'll -- in the future,  
15 these will go much quicker and we hope this form  
16 helps you, like Michelle said, (indiscernible)  
17 is somewhat skeptical.

18 COMMISSION MEMBER J. PERKINS, JR.: See,  
19 those meetings aren't so bad.

20 MS. L. HERSHBERGER: I just want to let you  
21 know that in the tab line on my side of the  
22 counties, I have some big ones coming -- St.  
23 Joe, Porter and Elkhart are all just about  
24 finished.

25 VICE CHAIR A. LONG: And Lake?

1 MS. L. HERSHBERGER: And Lake. Lake has  
2 pretty much did it themselves with our  
3 assistance, but those three used our equipment  
4 and everything and are right about on the verge  
5 of being done. So at the November meeting,  
6 we'll probably have some big counties that we'll  
7 probably get a lot accomplished.

8 CHAIRMAN D. CRUEA: Okay.

9 COMMISSION B. MORGAN: Maureen and Mark, do  
10 you guys have anything to add?

11 (No response.)

12 VICE CHAIR A. LONG: You all did a --

13 CHAIRMAN D. CRUEA: Good work.

14 VICE CHAIR A. LONG: -- good job last time.  
15 That was -- that was really informative. I'm  
16 sorry Dudley missed it.

17 CHAIRMAN D. CRUEA: Okay. Any other  
18 business?

19 MS. M. BRZYCKI: Just to approve Orders  
20 2001-83, 84 and 86.

21 VICE CHAIR A. LONG: So moved.

22 COMMISSION MEMBER J. PERKINS, JR.: Second.

23 CHAIRMAN D. CRUEA: All those if favor,  
24 signify by saying aye?

25 THE COMMISSION: Aye.



1           VICE CHAIR A. LONG: Now there's -- oh,  
2 litigation.

3           MR. D. SIMMONS: You think you can skip  
4 over it entirely.

5           CHAIRMAN D. CRUEA: Why did you have to  
6 mention that? Okay, litigation.

7           MR. D. SIMMONS: I just want to report  
8 nothing much going on here. There's nothing  
9 more going on (indiscernible) challenges;  
10 mainly, the two cases that challenge the  
11 campaign finance law filed by Libertarian  
12 candidates that they are not -- though they  
13 haven't reached the \$100 threshold, there's  
14 nothing going on in that except that the  
15 Williamson case -- there are two, the Majors and  
16 Williamson case.

17           The Williamson case, our counsel filed a  
18 motion to dismiss the appeal part of it because the  
19 administrative record hadn't been filed -- that was  
20 heard yesterday, taken under advisement.

21           The only thing that happened on the Hawkins'  
22 case which is the challenge to the statute that  
23 challenges how we order the candidates of the same  
24 party on a primary ballot now, that it order --  
25 they want to impose a lottery system. Due to the

1 retirement of Judge S. Hugh Dillon from the U.S.  
2 District, Southern District Court, that has been  
3 transferred to Judge McKinney.

4 There has been also nothing new on Toth versus  
5 Gilroy, the case that seeks to have the use of  
6 punch card systems in Indiana prohibited -- there's  
7 nothing new on that, and that's all there is to  
8 report.

9 VICE CHAIR A. LONG: That wasn't boring.

10 CHAIRMAN D. CRUEA: Okay.

11 VICE CHAIR A. LONG: That was not as boring  
12 at all.

13 CHAIRMAN D. CRUEA: Boring is probably a  
14 poor choice of words but -- okay, any other  
15 business?

16 (No response.)

17 CHAIRMAN D. CRUEA: Move to adjourn.

18 VICE CHAIR A. LONG: Move to adjourn.

19 (At this time the proceedings were adjourned.)  
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