

Indiana Election Commission
Minutes
October 8, 2004

Members Present: Brian L. Burdick, Chairman of the Indiana Election Commission ("Commission"); S. Anthony Long, Vice Chairman of the Commission; Thomas A. John, member; Butch Morgan, member.

Members Absent: None

Staff Attending: J. Bradley King, Co-Director, Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); Kristi Robertson, Co-Director of the Election Division; Dale Simmons, Co-General Counsel of the Election Division.

Also Attending: Ms. Rose M. Amaro; Ms. Alicia Goldman-Rodriguez; Mr. Bruce Kotzan

1. Call to Order

The Chair called the October 8, 2004 meeting of the Commission to order at 8:30 a.m. in Indiana Government Center South Training Center Room 6, 302 West Washington Street, Indianapolis, Indiana.

The Chair noted that proper notice of the meeting had been given, as required by state law. A copy of the meeting notice, agenda, and designations of proxy are incorporated by reference in these minutes. *[Copies of all documents incorporated by reference are available for public inspection and copying at the Election Division Office.]*

2. Transaction of Business

The Commission transacted the business set forth in the Transcript of Proceedings prepared by Ms. Rhonda J. Hobbs, RPR, of Connor+Associates Reporting. A copy of this document is incorporated by reference in these minutes.

The following corrections of scrivener's errors in this document are approved by the Commission:

Page 105, line 10, replace "BRG." with "VRG 4/12"

Page 126, line 20, replace "add" with "act".

3. Adjournment

There being no further items on the Commission's agenda, the Chair entertained a motion to adjourn. Mr. Burdick moved, seconded by Mr. Long, that the Commission do now adjourn. The Chair called the question, and declared that with four members voting "aye" (Mr. Burdick, Mr. Long, Mr. John, and Mr. Morgan), and no Commission member voting "no," the motion was adopted. The Commission then adjourned at 1:15 p.m.

Respectfully submitted,

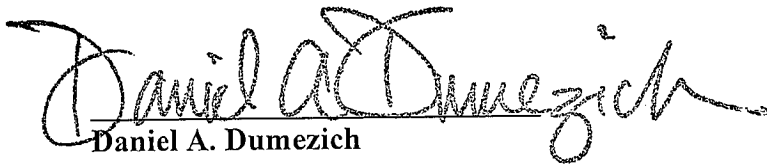


Trent Deckard
Co-Director



J. Bradley King
Co-Director

APPROVED:



Daniel A. Dumezich
Chairman

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INDIANA ELECTION COMMISSION
PUBLIC SESSION AGENDA

Conducted On: Friday, October 8, 2004

Location: Indiana Government Center South
Training Center Room 6
302 West Washington Street
Indianapolis, Indiana 46204

Rhonda J. Hobbs, RPR
Notary Public
Stenographic Reporter

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Indianapolis, IN 46282
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A P P E A R A N C E S

INDIANA ELECTION COMMISSION:

- Mr. Brian L. Burdick - Chairman
- Mr. Anthony Long - Vice Chairman
- Mr. Thomas A. John - Commission Member
- Mr. Butch Morgan - Commission Member

INDIANA ELECTION DIVISION STAFF:

- Mr. Dale Simmons - Co-Legal Counsel
- Mr. Bradley King - Co-Director
- Ms. Kristi Robertson - Co-Director

1 CHAIRMAN B. BURDICK: I'm going to go ahead
2 and call the meeting of the Indiana Election
3 Commission to order and recognize compliance
4 with the Open Door Law. We have one item and
5 one item only today, which is to consider Order
6 2004-135, and I thought to get to the purposes
7 of business here, I have spent some time trying
8 to go through and come up with a proposal order
9 which I know has been delivered to everybody. I
10 hope everybody's had a chance to look at
11 it -- it wasn't, too overwhelming, but in the
12 interest of time and the request of the court --
13 politely stated, request of the court, that I
14 would go ahead and move the adoption of this, of
15 order 2004-135 so that we can get on to
16 discussion of it and work from there and I
17 actually have a technical amendment to make
18 anyway of something, so I kind of move the
19 adoption of Order 2004-135.

20 COMMISSION MEMBER T. JOHN: Second.

21 CHAIRMAN B. BURDICK: Discussion?

22 (No discussion.)

23 CHAIRMAN B. BURDICK: Now I have a
24 technical amendment, guys. If you go to Page 9,
25 there's a typo. In No. 7, Line 4, you have No.

1 3 -- well, and it goes to Line 5 there, agents,
2 and then we pick it up again, the agents.

3 VICE CHAIR A. LONG: Yeah that's -- there's
4 another one in here, too.

5 CHAIRMAN B. BURDICK: Find that one.

6 VICE CHAIR A. LONG: Page 11, about one,
7 two, three, four, five, six, seven, eight, nine,
8 ten, 11, 12, 13 -- 15 lines down, on the far
9 right, it's 32, add to that series of numbers.

10 CHAIRMAN B. BURDICK: Yeah, I got you. I
11 make a motion that we amend proposed order
12 2004-135 to correct those two sentences;
13 correct?

14 VICE CHAIR A. LONG: Correct.

15 CHAIRMAN B. BURDICK: Any discussion?

16 (No discussion.)

17 CHAIRMAN B. BURDICK: All in favor, signify
18 by saying aye?

19 THE COMMISSION: Aye.

20 CHAIRMAN B. BURDICK: Okay. Now we're
21 dealing with the amended technical...

22 VICE CHAIR A. LONG: I would add so that
23 maybe the audience understanding what we're
24 doing here is to ask the co-directors to give a
25 thumbnail sketch while we're waiting for

1 Mr. Morgan, who should be here momentarily,
2 while we're doing this.

3 CHAIRMAN B. BURDICK: I'd ask -- I'd ask
4 Dale to kind of prepare a little -- you know,
5 just give a us 3- to 5-minute sketch here of the
6 litigation, and Kristi, if you'd like to chime
7 in as well, and Brad, if you guys have anything
8 to offer, but Dale, if you wouldn't mind --

9 MR. D. SIMMONS: Certainly.

10 CHAIRMAN B. BURDICK: -- giving us a
11 history lesson.

12 MR. D. SIMMONS: Mr. Chairman and members
13 of the commission, just like you say a thumb --
14 thumbnail sketch of how we got here. It started
15 with an August 13, 2003 judgment. That case was
16 a contest, election contest to the May 2003 East
17 Chicago Primary. The case is included in your
18 packet. It's the Pabey versus Pastrick contest.

19 It resulted in a judgment for Pastrick, that
20 is upholding the election. That was appealed to
21 the -- all the way to the Indiana Supreme Court who
22 reversed the trial court and ordered the trial
23 court to issue a writ of special election. The
24 appeal is not included in the packet but the trial
25 court's writ of August 24, 2004 is included in the

1 packet.

2 That writ set a special election for
3 October 26, 2004. We've also included a -- sort of
4 a related order in your packet. It is an order
5 from the U.S. District Court for the Northern
6 District of Indiana out of Judge Sharp's court.

7 That order authorized the Office of Personnel
8 Management to appoint federal examiners to serve in
9 the East Chicago election through December 31,
10 2004. And then finally, the order we have,
11 directed to us here today is Judge King's October
12 1, 2004 order that was in response to several
13 motions from the parties in that case, but the
14 order relevant, I guess, to our discussion today is
15 captioned in part order Directing Supervision of
16 the Election by Indiana Election Commission,
17 referring to the special election that will occur
18 on October 26, 2004 in East Chicago.

19 The order itself, the proposed order 2004-135,
20 summarizes the relevant aspects of that order for
21 discussion. That's in proposed order -- Paragraphs
22 7 through 13. The court in its October 1 order
23 authorizes and directs the commission to do a
24 number of things, starting with 27 -- Paragraph
25 27(a) of that order.

1 Subject to the provisions of Indiana code,
2 they authorize and respectfully directs the
3 commission to supervise the receipt and processing
4 of absentee ballot applications to prevent fraud in
5 the absentee voting application process.

6 Paragraph 27(b) of the court's order, the
7 judge authorized and respectfully directed the
8 commission to provide additional -- to provide an
9 additional agency to which Lake County citizens may
10 report on election fraud and criminal acts
11 occurring in absentee voting and election day
12 voting.

13 27(c) of the court's order, respectfully
14 directs the commission to provide at least two
15 persons trained in Indiana election law and the
16 functions of MicroVote voting machines to advise
17 and supervise Lake County Election Board in the
18 vote tabulation of both absentee ballots and votes
19 cast at the poll, to ensure accuracy of the
20 results.

21 27(d) of the court's order respectfully
22 directs the commission to provide at least four
23 persons trained in Indiana election law to serve as
24 needed during election hours of October 26 to
25 advise and supervise Lake County election officials

1 with respect to issues arising on election day at
2 the polling sites.

3 And then 27(e) was to direct the commission to
4 advise and supervise Lake County's preparation of
5 the MicroVote voting machines, which will be used
6 at the polling site, exercise supervision as deemed
7 necessary of the security of those voting machines
8 to ensure the integrity of those machines for use
9 in October 26.

10 And then finally 27(f), directed the
11 commission to establish a working relationship with
12 the Federal Election Day monitors or examiners
13 referred to in Judge Sharp's order, and assist, if
14 needed in administration of laws which are the
15 focus of those monitor's obligations as indicated
16 in that order. That will be a summary of the
17 order, Mr. Chairman.

18 CHAIRMAN B. BURDICK: Okay, thanks, Dale.

19 Any questions for Dale?

20 (No response.)

21 CHAIRMAN B. BURDICK: We welcome

22 Commissioner Morgan.

23 COMMISSION MEMBER B. MORGAN: Sorry, I'm

24 late, though.

25 CHAIRMAN B. BURDICK: No problem. I

1 understand. We -- we kind of delayed -- we sort
2 of had you in the ETA so we kind of delayed the
3 point we knew you would want to get here for
4 so...

5 VICE CHAIR A. LONG: Where we are is
6 technically we were down to the point that there
7 was a motion made and seconded for adoption so
8 we could have discussion of the order.

9 CHAIRMAN B. BURDICK: Two technical
10 amendments with just a correction of essentially
11 typos. They've already been adopted so what you
12 have to...

13 VICE CHAIR A. LONG: I didn't know a big
14 city lawyer in a big firm made typos of this.
15 I've never seen one before.

16 CHAIRMAN B. BURDICK: Well, if you're like
17 this all the time, it happens, but what we try
18 to do with this ordering directed by the court
19 to supervise the election's very specific --
20 very specific functions, just try to put
21 together a proposed order that would allow us to
22 functionally do that and to essentially
23 re-instill the confidence amongst the population
24 of Lake County that it will be a fair election
25 and that we'll meet the letter of what the court

1 has asked us to do.

2 We can walk through point by point of what the
3 order -- what the order says. If folks would
4 like -- I don't know if everybody had a chance to
5 review it. I have set up that -- the order is
6 drafted to -- in a similar way that I was
7 designated to kind of deal with the ES&S voting
8 machine matter to be the point person to deal with
9 this issue.

10 The Secretary of State has sent a letter to
11 all of us, which you all have seen a copy of.

12 VICE CHAIR A. LONG: Well, I haven't seen
13 it.

14 CHAIRMAN B. BURDICK: You haven't seen it.

15 VICE CHAIR A. LONG: And I'm kind of
16 curious -- Kristi, I don't think, has seen it
17 either. It seems that our bi-part of the
18 commission has sort of lost its bi -- bi the
19 partisan.

20 CHAIRMAN B. BURDICK: Well, you were copied
21 on it so...

22 VICE CHAIR A. LONG: Well, I didn't get it.

23 CHAIRMAN B. BURDICK: There you go. The
24 Secretary of State has offered to help pay for
25 the costs that we incur in doing this, since we

1 don't really have any money to do it -- we've
2 got to find it somewhere, and I appreciate that.
3 Whatever we collect in turn from whoever is
4 responsible for the expense, the Lake County
5 Election Board, I think we should
6 (indiscernible). So that came by fax to me the
7 other day and by mail to me yesterday so you
8 guys are all cc'ed on it.

9 VICE CHAIR A. LONG: Somebody's important.
10 It states right here in the letter or
11 (indiscernible), my memorabilia --

12 CHAIRMAN B. BURDICK: Save your memories.

13 VICE CHAIR A. LONG: -- for my -- for my
14 book that I'm going to write that's all I've got
15 to do.

16 CHAIRMAN B. BURDICK: So when there -- when
17 we need to appoint people, what I've proposed
18 here is that we make sure that there's an equal
19 number, not the same political party, to go
20 forward. Time is of the essence so -- which is
21 why we took such a quick effort of getting this
22 out here and getting -- getting it to you folks
23 to come prepared for a meeting today.

24 The order is on the table as amended. If
25 there's issues with it or discussion, let's kind of

1 deal them one at a time and go forward.

2 VICE CHAIR A. LONG: Okay. There are --
3 first of all, I would want someone, including
4 our Democratic Co-director of the Division to
5 check code cites. Some of -- as I read this
6 order, tried to read as detailed as I could,
7 some of the code cites were ones that I wasn't
8 familiar with so I read it with my book open,
9 and I found a couple or three there, I think,
10 are in error, and so before we issue an edict, I
11 want both of the co-directors signing off on the
12 cites.

13 For example, Page 6, Line 3 in the bottom
14 left, 3-10-4 -- 3-11-10-4(b) is incorrectly cited
15 there. I believe that should be 3-11-10-4.5(d),
16 and I didn't go through and check all the code
17 cites, so I think that is in there. On page 7 just
18 slightly below of the half on the left side,
19 there -- it starts 10-26(b), I think that should be
20 3-11-10-26(b) so that's the first observation I
21 make.

22 I -- and I don't mean to be critical. There's
23 probably not less than 150 code citations in here
24 and I applaud whoever took the time to get all
25 those set forth in this order, but I think they

1 have to be precise because of the nature of this.

2 That's the first observation I would make.

3 Finding of Fact No. 25, I think, is incorrect.

4 Under Indiana code 3-6-3.7-1, the Secretary of
5 State is the state's chief election official, and
6 then if it stopped there, I wouldn't have an
7 observation, but except for certain tasks related
8 to voter registration where the co-directors
9 perform this function, I think that is an
10 understatement of the Election Division's
11 responsibilities under the code, and there are
12 far -- far more duties that are assigned, and the
13 statute maybe should read Election Division other
14 than for certain tasks related to voter
15 registration.

16 CHAIRMAN B. BURDICK: How would you like to
17 change that, Commissioner Long? The language...

18 VICE CHAIR A. LONG: I would say except for
19 the tasks that are relegated to the Election
20 Division by Indiana law.

21 CHAIRMAN B. BURDICK: That's great. Let's
22 do that real quick -- except for -- delete
23 certain and insert the tasks, delete related and
24 insert relegated?

25 VICE CHAIR A. LONG: Well, that's what I

1 wrote. That's the -- that's the
2 (indiscernible), so with all the legalese, if
3 you got a better word, I'm...

4 CHAIRMAN B. BURDICK: No, I'm -- I mean,
5 I'm...

6 VICE CHAIR A. LONG: Delegated, assigned.

7 CHAIRMAN B. BURDICK: Let's use delegated.

8 VICE CHAIR A. LONG: To the Election
9 Division or the Election Commission, I guess,
10 maybe they've got some duties, too, but I
11 don't -- I don't believe either the division or
12 the Commission is subordinate to the Secretary
13 of State.

14 CHAIRMAN B. BURDICK: How about the new
15 language, picking up with a comma in Line 2,
16 where it says official, comma, we pick up -- it
17 reads like this, except for the tasks delegated
18 to the Election Division and the Indiana
19 Election Commission by law?

20 VICE CHAIR A. LONG: That'd be fine.

21 CHAIRMAN B. BURDICK: Okay.

22 VICE CHAIR A. LONG: Unfortunately, I
23 understand Kristi didn't get ya'll's draft of
24 this. I didn't get to chance to do -- to go
25 through this until last night -- it came to me

1 yesterday, and I drove up last night after court
2 and...

3 CHAIRMAN B. BURDICK: And we got it to you
4 as soon as possible.

5 VICE CHAIR A. LONG: And I -- well...

6 CHAIRMAN B. BURDICK: We were trying to
7 crank -- crunch in the work here.

8 VICE CHAIR A. LONG: I was a little bit
9 disappointed with the Republican co-director and
10 counsel were missing in action when this order
11 came down and Kristi not being involved in any
12 of the input to this, but never -- forgetting
13 that, finding of Fact No. 34. It says the
14 hiring, supervision and training of these
15 individuals to serve as agents of the Commission
16 requires an individual to act on behalf of the
17 Commission, and I do not agree with that.

18 CHAIRMAN B. BURDICK: Why is that.

19 VICE CHAIR A. LONG: Well, the Commission
20 has been asked to come here as a bipartisan
21 agency. The judge is -- is very precise in
22 that, that this commission does not
23 (indiscernible) any further comments. I'm not
24 willing to delegate my responsibility on the
25 commission to an individual to act on my behalf.

1 CHAIRMAN B. BURDICK: So you would like to
2 be a part of the hiring, supervising and
3 training of these individuals?

4 VICE CHAIR A. LONG: Yep.

5 CHAIRMAN B. BURDICK: And your -- your
6 trial calendar is such, that that will permit
7 that to occur?

8 VICE CHAIR A. LONG: Well, I may have. I
9 have some responsibilities to this office that
10 I --

11 CHAIRMAN B. BURDICK: I think it's --

12 VICE CHAIR A. LONG: Or rather the National
13 Guard, they -- you know, thought they were
14 signing up for something and I believe they got
15 something other than what they bargained for and
16 I have to vacate my calendar for this month to
17 discharge my duties, I'll do that.

18 CHAIRMAN B. BURDICK: Okay.

19 VICE CHAIR A. LONG: I'm not -- know that
20 I'm going to physically do it, but I am not
21 going to -- were you contemplating taking off
22 the whole month and going to Lake -- East
23 Chicago to...

24 CHAIRMAN B. BURDICK: No, I was
25 contemplating directed by the Commission as a

1 result of the ES&S thing I can go out and make
2 sure that we've got people appointed that
3 would -- with the bipartisanship of what the
4 commission was or train in these areas -- have
5 one person do the due diligence instead of
6 running it through four people who, you know,
7 combined, with 500 miles apart, it just sort of
8 seemed unwieldy what the court was asking us to
9 do, was to try to find an efficient way to do
10 it. I've worked well in the ES&S situation
11 before. I'm just trying to provide a solution
12 to that.

13 VICE CHAIR A. LONG: Well, the ES&S
14 situation was approving language to a bond that
15 we had established to cover certain -- around
16 parameters. This is a Democrat primary for a
17 single -- for a single office in the city of
18 East Chicago, and with all due respect to you,
19 I'm not prepared to delegate to a Republican the
20 oversight, that the court had put them on a
21 bipartisan commission for the selection of
22 Democrats to keep bipartisanship, I'm --
23 I'm -- I will not vote for that and I owe oh.

24 CHAIRMAN B. BURDICK: I just -- I
25 appreciate that. It seems to me that because of

1 the nature of it, I don't really have a dog in
2 the fight so I'd probably would be the most
3 objective in that, but we can work through that
4 issue. No problem.

5 VICE CHAIR A. LONG: I don't have a dog in
6 that fight either -- no, I don't, I guess, but I
7 hope a Democrat wins the primary. The --

8 COMMISSION MEMBER B. MORGAN: A little
9 philosophical this morning.

10 VICE CHAIR A. LONG: 35 -- well, I
11 acknowledge that. I don't see that that has
12 anything of relevance to this proceeding, as
13 regarding your distinguished service, and I say
14 that with all sincerity, you did a wonderful job
15 with that, and I just don't -- and I appreciate
16 your willingness to serve as a designee. I
17 think that we're delegating responsibility,
18 where the court has laid it upon us to do that,
19 and that gets me through the...

20 CHAIRMAN B. BURDICK: I want to get to the
21 delegation of responsibility. I think the court
22 has delegated this responsibility, has directed
23 us to do that, and I just want to make sure at
24 the end of the day, what we come up with is a
25 workable solution, where people are going to be

1 accessible and be a part of it and I'm open to
2 all those things. I don't -- I don't mind. I
3 mean, obviously, 35 is in there just to lay a
4 foundation for a justification of, you know,
5 hey, we've done this before. We've had
6 commission action.

7 VICE CHAIR A. LONG: And I appreciate that
8 very much, and I don't mean to -- my comments
9 are certainly in any way to degrade your
10 previous service. I just don't think it's
11 relevant to this issue.

12 CHAIRMAN B. BURDICK: Okay.

13 VICE CHAIR A. LONG: And I think that we
14 will get a workable solution today -- I hope we
15 will, but I think we'll get a whole lot closer
16 to it with a bipartisan approach in trying to
17 come up with this order.

18 You know, I know that you had extensive
19 assistance from the Republican side of the division
20 in preparing this, and we've done -- we've wasted
21 of talents of Kristi, who has been here a long
22 time.

23 CHAIRMAN B. BURDICK: She was sick.

24 COMMISSION MEMBER B. MORGAN: Commissioner,
25 my understanding is Kristi's been sick all week.

1 VICE CHAIR A. LONG: She --

2 MS. K. ROBERTSON: I haven't been sick all
3 week. I was out two days. I was in contact
4 before and after.

5 VICE CHAIR A. LONG: Okay. So that's -- I
6 mean, that's just an observation and maybe she
7 should have been asked if she was too ill to
8 help, but that's my comments on the findings of
9 fact.

10 CHAIRMAN B. BURDICK: Well, let's deal with
11 it -- well, Commissioner Morgan, do you have any
12 additional comments?

13 COMMISSION MEMBER B. MORGAN: Well, I
14 just -- one thing, Mr. Chairman, I would like to
15 find a way to inform those people that are
16 coming on the 26th of October that the following
17 Tuesday there's another election so that there's
18 no confusion, if we can work as a commission,
19 and work with the Secretary of State's office to
20 provide some type of signage, bilingual,
21 whatever it takes, to do our very best to remind
22 the folks that turn out for this October 26th
23 election that a week later there -- there's
24 another election so that they -- you know, it's
25 tough enough getting people to the polls, you

1 know, for one election. So I'm hoping that we
2 can find a way to add language or -- is that
3 they come up with a solution to find a way to
4 create an alert and notify people that may --
5 maybe in the form of some flyers that they can
6 take with them, along with signage somewhere
7 visible near the voting place.

8 COMMISSION MEMBER T. JOHN: Commissioner,
9 initially, I'd note that would seem to be
10 something that would go under the orders, not
11 finding of facts that we're in right now. But
12 that also seemed to me to be something that's
13 more in the privy of the parties and get out the
14 vote, rather than anything that we've been
15 delegated by the judge.

16 The judge asked us to do something very
17 complex but very simple in scope, which is to make
18 sure there's a fair election in this special
19 primary. The next week is the responsibility of
20 the parties, and you have hundreds of thousands of
21 people throughout the United States and thousands
22 throughout the State of Indiana who are going to be
23 exactly what you're talking about, and I applaud
24 that and that's a good thing, but that's up to the
25 political parties, not this commission to spend its

1 resources, it's finite resources and the finite
2 time of the individuals involved in doing something
3 that is not germane to the particular object of
4 what we're here for.

5 COMMISSION MEMBER B. MORGAN: So that's a
6 no, you don't think it's important?

7 COMMISSION MEMBER T. JOHN: I -- I think
8 it's important. I think it's important for the
9 parties to do it, that's what I think...

10 VICE CHAIR A. LONG: I'm not aware of any
11 other election in the State of Indiana on
12 October the 26th, nor anywhere else in the
13 United States of America, apparently.

14 So I can say that this happened all over the
15 country -- I think this is unique to this city and
16 this time, and this state, that it's the only
17 election in the United States on October 26, unless
18 it's EPA or something, and I'm -- I'm for sure what
19 the finite of our resources are.

20 CHAIRMAN B. BURDICK: We don't have any.
21 We have none and --

22 VICE CHAIR A. LONG: Apparently -- I've not
23 seen any restrictions on our expenses from the
24 Secretary of State's letter. Apparently, he
25 just told the Chair that he'll pick up the tab

1 and we'll let Lake County reimburse it, and I
2 appreciate that. That would just save us, I
3 think, from intervening, and trying -- the judge
4 or whatever -- I don't know who the judge is.

5 CHAIRMAN B. BURDICK: King.

6 VICE CHAIR A. LONG: King, to ask the Lake
7 County Election Board to mandate, to pay our
8 expenses in advance, but I don't disagree.
9 That's something we can talk about in the order
10 part of it, but we've got a couple of issues
11 that I think relate to this follow-up election
12 and this may be some give and take and some
13 compromises before we get to the end of the day.

14 CHAIRMAN B. BURDICK: I'll just say -- you
15 know, the point is you're right. Everyplace in
16 the country is having a general election.
17 People should be acutely aware of the general
18 election, and we'll put that off here for the
19 order portion of it. I want to make sure we
20 kind of take these things in order here.

21 Commissioner John, do you have anything
22 regarding the findings of fact?

23 COMMISSION MEMBER T. JOHN: I do not.

24 CHAIRMAN B. BURDICK: What I would suggest
25 we do here is let's go back to -- I don't think

1 I actually formally made a amendment on Finding
2 of Fact No. 25 that Commissioner Long wanted to
3 recognize the responsibilities of the Division
4 and the Commission. Can we agree to the
5 language there?

6 COMMISSION MEMBER T. JOHN: Second.

7 CHAIRMAN B. BURDICK: I would move that
8 Finding of Fact No. 25 be amended to read as
9 follows: Under Indiana Code 3-6-3.7-1, the
10 secretary of state is the state's chief election
11 official, comma, except for the tasks delegated
12 to the election division and the Indiana
13 election commission by law, period. Is there a
14 second.

15 VICE CHAIR A. LONG: I'm sorry?

16 COMMISSION MEMBER: Second.

17 VICE CHAIR A. LONG: Read that again.

18 CHAIRMAN B. BURDICK: Sure.

19 VICE CHAIR A. LONG: Delegate -- except for
20 the tasks delegated...

21 CHAIRMAN B. BURDICK: To the election
22 division and the Indiana Election Commission by
23 law, period.

24 VICE CHAIR A. LONG: Okay.

25 CHAIRMAN B. BURDICK: Is there a second?

1 COMMISSION MEMBER B. MORGAN: Second.

2 CHAIRMAN B. BURDICK: Okay. Any

3 discussion?

4 (No response.)

5 CHAIRMAN B. BURDICK: All in favor, signify

6 by saying aye?

7 THE COMMISSION: Aye.

8 CHAIRMAN B. BURDICK: Opposed?

9 (No response.)

10 CHAIRMAN B. BURDICK: The motion carries,
11 25 is taken care of. Finding of Fact 34, the
12 hiring, supervision and training of these
13 individuals to serve as agents of the Commission
14 requires an individual to act on behalf of the
15 Commission.

16 I imagine that -- 34 and 35 are together,
17 which is to provide sort of a foundational basis
18 for some portion of the order which was drafted
19 to -- direct me to act on behalf of the commission
20 in making appointments and that kind of stuff.

21 I would suggest that we hold 34 and 35 as
22 finding of fact for drafting when we finally figure
23 out what we're going to do as it relates to that
24 portion of the order, which that's sort of the
25 foundation basis for it.

1 VICE CHAIR A. LONG: 36.

2 CHAIRMAN B. BURDICK: Yeah, because if we
3 end up changing that, you know, to me that's
4 going to change, too. Is that okay with
5 everybody to put that off?

6 VICE CHAIR A. LONG: Take it off is fine.

7 CHAIRMAN B. BURDICK: Yeah, just hold
8 those, and I'm trying to keep track of this
9 stuff here, so 34, 35 and 36. Let's go to the
10 order. I'm happy to take whatever. If you want
11 to lay out all the issues on the table guys or
12 whatever -- how do you want to do this?

13 VICE CHAIR A. LONG: I don't mean if we go
14 right on down through them.

15 CHAIRMAN B. BURDICK: Okay, let's just
16 start at No. 1.

17 VICE CHAIR A. LONG: Unless anybody has got
18 a better idea.

19 CHAIRMAN B. BURDICK: I think it's fine.
20 It's the same document in my book. That's a way
21 to do it.

22 VICE CHAIR A. LONG: A large part of it, I
23 don't have any problem. The second sentence --

24 CHAIRMAN B. BURDICK: Are we at No. 1?

25 COMMISSION MEMBER T. JOHN: Excuse me, I'm

1 sorry.

2 CHAIRMAN B. BURDICK: Yeah, we're on the
3 second sentence.

4 VICE CHAIR A. LONG: Where it says the
5 Commission finds that its -- that that -- I
6 think that should be it instead of its.

7 CHAIRMAN B. BURDICK: That it is, yeah.

8 VICE CHAIR A. LONG: It is necessary to
9 have a Commission agent present at all times,
10 etc. I have no problem with the language, to
11 find that it is necessary to have Commission
12 Agents, plural, present at all times at the
13 office of Lake County board of elections and
14 registration is open to perform this
15 supervision.

16 CHAIRMAN B. BURDICK: You'd like to make
17 sure it reads plural here, Mr. Long; is that
18 what the idea...

19 VICE CHAIR A. LONG: I have another
20 one -- I think it should say each.

21 CHAIRMAN B. BURDICK: In No. 1, you mean?

22 VICE CHAIR A. LONG: Paragraph 2, or
23 Sentence 2 would read the Commission finds that
24 it is necessary to have Commission Agents
25 present during all times that each of the

1 offices of the Lake County board of elections
2 and registration is, slash, are open to perform
3 this supervision.

4 The point is I think that we need two people
5 in the office and the other is to cover the fact
6 that they may revisit the issue through satellite
7 offices, which they've, obviously, done at some
8 point -- I saw one of the orders -- I don't think
9 it's the one we're working on here where they had
10 suggested experimenting with satellite offices.

11 CHAIRMAN B. BURDICK: Yeah, but then the
12 judge...

13 VICE CHAIR A. LONG: Because of
14 (indiscernible), which they would revisit it,
15 create satellites, then I think we should have
16 that covered also.

17 CHAIRMAN B. BURDICK: And no question, the
18 order that we're subject to -- the Lake County
19 Election Board has agreed to do that. So I just
20 want to make sure I've got that sentence right.
21 Where we are guys No. 2 --

22 MR. B. KING: No. 1 says...

23 CHAIRMAN B. BURDICK: I'm sorry, Line --
24 Sentence 2 of No. 1 -- at the end of Line 3, it
25 begins the commission find that, change its to

1 it, it is necessary to have, delete a,
2 commission, change agent to plural, agents,
3 present during all times that, insert each of.

4 COMMISSION MEMBER T. JOHN: Yes.

5 CHAIRMAN B. BURDICK: And then change
6 office to plural, offices?

7 COMMISSION MEMBER T. JOHN: Yes.

8 CHAIRMAN B. BURDICK: I'm okay with that so
9 I will -- I'll move that -- what's that?

10 CHAIRMAN B. BURDICK: I'm sorry,
11 that -- oh, yeah, registration are, is/are;
12 right?

13 VICE CHAIR A. LONG: Yes, it is/are.

14 CHAIRMAN B. BURDICK: So this would be one
15 or more, is/are open to perform this
16 supervision. I move that the sentence be
17 amended to read as described. Is there is
18 second to that?

19 COMMISSION MEMBER B. MORGAN: Second.

20 CHAIRMAN B. BURDICK: Okay. Any
21 discussion?

22 (No response.)

23 CHAIRMAN B. BURDICK: All those in favor,
24 signify by saying aye?

25 THE COMMISSION: Aye.

1 CHAIRMAN B. BURDICK: Opposed?

2 (No response.)

3 VICE CHAIR A. LONG: Next sentence -- well,
4 skip a sentence -- believe it or not, I'm
5 through. The next one is -- this reads
6 therefore, the Commission directs its agents to
7 obtain the information that the Lake County
8 Board of Elections, etc., etc. I think we
9 should be provided copies of that. The way that
10 read -- when I read that the first time, it
11 seems to me we were directing our agents to take
12 their information, and I think that's to go to
13 their record, and copies would be there, in case
14 there's an ambiguity there.

15 CHAIRMAN B. BURDICK: Commission direct its
16 agents, so -- just for -- so let's see, how
17 about therefore, the Commission directs its
18 agents to obtain and insert the language copies
19 of all and we picked up -- probably delete the
20 copies of all information of Lake County, is
21 that okay?

22 VICE CHAIR A. LONG: Sure.

23 CHAIRMAN B. BURDICK: So we have a record.
24 Tom, do you have any issues there?

25 (No response.)

1 CHAIRMAN B. BURDICK: Butch, do you have
2 anything about that or...

3 COMMISSION MEMBER B. MORGAN: No, that's
4 good.

5 CHAIRMAN B. BURDICK: Okay. So that one's
6 going to read to obtain copies of all -- after
7 the word obtain, we're deleting the word the?

8 VICE CHAIR A. LONG: Take out the and add
9 copies of all.

10 CHAIRMAN B. BURDICK: Yeah. All right.

11 VICE CHAIR A. LONG: I'll move that.

12 CHAIRMAN B. BURDICK: All right, second.

13 COMMISSION MEMBER T. JOHN: Second.

14 CHAIRMAN B. BURDICK: Any discussion?

15 (No response.)

16 CHAIRMAN B. BURDICK: All in favor, signify
17 by saying aye?

18 THE COMMISSION: Aye.

19 CHAIRMAN B. BURDICK: Those -- all right.

20 VICE CHAIR A. LONG: No. 2, I'm not for
21 sure, and I don't have -- I'm not -- I don't
22 have an opinion. I'm an undecided voter on
23 rhetorical Paragraph or item 1 of that. Is that
24 something that is required statutorily to be
25 done, release a statistical summary of this

1 information to the media and to continue to
2 release a statistical summary of daily receipt
3 of absentee ballot applications received and
4 processed throughout absentee voting.

5 I assume we're saying that -- I believe what
6 that implies to me is that somebody releases --
7 giving a press release to everybody and say we
8 received 46 applications --

9 CHAIRMAN B. BURDICK: Right.

10 VICE CHAIR A. LONG: -- from the following
11 precincts or I don't -- however statistic -- it
12 doesn't say how statistically detailed it should
13 be -- I mean, I'm not necessarily opposed to
14 that, off the top of my head, but I'm not for
15 sure that -- what we're trying to accomplish
16 there.

17 CHAIRMAN B. BURDICK: Well, it was, kind of
18 my idea, just because so much of the underlying
19 litigation related to ballot -- absentee ballot
20 fraud and we're just trying to instill public
21 confidence so that the media has access, and
22 what they do with it, they can do with it, but
23 the public is very aware of absentee --
24 everything involved in the absentee ballot
25 process, what's -- you know...

1 VICE CHAIR A. LONG: Aren't those records
2 public records now?

3 MS. K. ROBERTSON: Yes.

4 VICE CHAIR A. LONG: I mean, can't the --
5 can't the -- East Chicago, do they have to go in
6 and say I want to see all the applications for
7 East, or absentee ballot if you got -- I mean,
8 I -- I don't have any problem with it. I guess
9 maybe we're going to be here a while and maybe
10 I'll just -- I don't have any problem.

11 MS. K. ROBERTSON: It's public record.
12 They're not -- there's not a state law that
13 requires a release of that to the media but it
14 is public record.

15 VICE CHAIR A. LONG: That's -- that's --
16 that was just my only thing. You've answered my
17 inquiry.

18 CHAIRMAN B. BURDICK: Yeah, I mean -- to
19 me, that's just -- you know, this is the issue
20 about the integrity of the process and trying to
21 (indiscernible). If we're going to have that
22 information, might as well summarize and make it
23 available.

24 VICE CHAIR A. LONG: And be affirmative in
25 the release as opposed to passive?

1 CHAIRMAN B. BURDICK: Right.

2 VICE CHAIR A. LONG: Under Item 4, agent
3 should be agents.

4 CHAIRMAN B. BURDICK: I'm okay with that.

5 VICE CHAIR A. LONG: And Item 5, document
6 the daily inventory of unused absentee ballots
7 and report any inexplicable discrepancies,
8 etc. -- to whom?

9 CHAIRMAN B. BURDICK: Well, let's do that.
10 Through here -- through here I have
11 (indiscernible) or anything, it seems out of the
12 ordinary to all those parties that have been
13 involved so I would suggest we put the Lake
14 County Prosecuting Attorney, State Police and
15 the AG just for internal consistency.

16 VICE CHAIR A. LONG: I think that the AG
17 has no standing in this for any purpose, in my
18 personal observation of the conduct of the
19 attorney general's office throughout the process
20 here is less than stellar, that the attorney
21 general be, specifically, excluded by the order
22 in accord with the process, with regard to
23 (indiscernible) and overseeing, I have no
24 problem reporting any discrepancies through
25 the -- I think we should -- the report should be

1 to the -- to the court, that there needs to be a
2 report to the court, or whom we're overseeing, I
3 think we should have a report to the commission
4 members, it says daily, if necessary, unless
5 we're the ones up there making those reports.

6 Somebody ought -- everybody's communicated,
7 and I don't have any problems with State Police. I
8 think they should be reported to the Lake County
9 Board -- I don't know what -- who else you had in
10 there.

11 CHAIRMAN B. BURDICK: Did I say Judge
12 Sharp?

13 VICE CHAIR A. LONG: The prosecutor and the
14 federal monitors. I'm sure they'll be real
15 cooperative with us. Most federal agents are
16 most helpful. But I don't -- I don't see what
17 the attorney general's got to do with this other
18 than indict somebody real quick and have a press
19 conference over it like he did down in Pike
20 County -- at least he got some free publicity
21 over it.

22 CHAIRMAN B. BURDICK: Well, the attorney
23 general (indiscernible) investigation, but I
24 mean, the purpose of this Section 5 for me is to
25 make sure that we notify as many people as

1 possible if there's anything that's inexplicable
2 going on. Again, it's an integrity thing so...

3 COMMISSION MEMBER B. MORGAN: So you put
4 together a list and you just vote on it,
5 that's...

6 CHAIRMAN B. BURDICK: You know, that's
7 something we could do, Commissioner Morgan.
8 That's not a bad -- bad idea.

9 VICE CHAIR A. LONG: I mean, I think there
10 needs to be a standardized reporting -- there
11 may be some things in here that -- I mean, as
12 far as us...

13 CHAIRMAN B. BURDICK: And that's what I
14 kind of tried to do, as you could see -- I mean,
15 I tried to make some internal consistency here.

16 VICE CHAIR A. LONG: I think any agents
17 we've got that they also give reports of their
18 daily activities to us which is not -- believe
19 it's necessary. I think you've got two kinds of
20 reporting -- administrative reporting, which is
21 internal for the Division, and we've got
22 discrepancy or illegality or things that --

23 CHAIRMAN B. BURDICK: Just abnormal --
24 abnormal of any type.

25 VICE CHAIR A. LONG: Abnormal reporting,

1 that should go on...

2 CHAIRMAN B. BURDICK: Well, you -- if I
3 have your list correct, Commissioner Long, you
4 would suggest that the Indiana Election
5 Commission, the court?

6 VICE CHAIR A. LONG: The court.

7 CHAIRMAN B. BURDICK: By that, would mean
8 Judge King.

9 VICE CHAIR A. LONG: Judge King, yes.

10 CHAIRMAN B. BURDICK: Judge King's court,
11 Lake County -- what's the official name -- Board
12 of Elections and Registration, the Lake County
13 prosecutor, the federal monitors.

14 VICE CHAIR A. LONG: Monitors, is that what
15 they call them?

16 CHAIRMAN B. BURDICK: Yeah, the federal
17 officials. We don't -- the State Police, each
18 of the campaigns.

19 VICE CHAIR A. LONG: If they designate
20 somebody, then yeah, I'd -- I don't know.

21 CHAIRMAN B. BURDICK: Each of the
22 candidates?

23 VICE CHAIR A. LONG: Each of the
24 candidates.

25 CHAIRMAN B. BURDICK: Each of the

1 candidates, that way they get a -- what about
2 Mr. VanBocklin, would that be -- kind of round
3 that out -- probably so, I would suggest.

4 VICE CHAIR A. LONG: Probably.

5 CHAIRMAN B. BURDICK: So he is officially
6 the US District of Attorney --

7 VICE CHAIR A. LONG: -- in the Northern
8 District -- the United States attorney --

9 CHAIRMAN B. BURDICK: The United States
10 attorney for the Northern District.

11 VICE CHAIR A. LONG: -- for the Northern
12 District of Indiana.

13 CHAIRMAN B. BURDICK: All right. So this
14 list, document the daily inventory of unused
15 absentee ballots or report any inexplicable
16 discrepancy between the number of absentee
17 ballots voted or sent to voters with the
18 remaining inventory of unused ballots -- all
19 right, so we can just tack on at the end to, and
20 what we could do maybe is create an addendum
21 here or something like that, that has...

22 VICE CHAIR A. LONG: Two lists.

23 CHAIRMAN B. BURDICK: Yeah, Distribution
24 List A and Distribution List B, does that seem
25 reasonable.

1 VICE CHAIR A. LONG: That would shorten it
2 up, is the saying (indiscernible).

3 CHAIRMAN B. BURDICK: So Distribution List
4 A -- all right, Distribution List A -- let's
5 call this or a non-abnormal event type stuff.

6 COMMISSION MEMBER T. JOHN: (Indiscernible)
7 supervisory or whatever.

8 CHAIRMAN B. BURDICK: Administrative maybe.
9 We'll call this for administrative. So that
10 list, I'll suggest per the election commission.

11 VICE CHAIR A. LONG: Members.

12 CHAIRMAN B. BURDICK: Yeah, members
13 exactly -- all individuals should get same draft
14 to all members -- Indiana Election members and
15 Judge King.

16 VICE CHAIR A. LONG: Co-directors.

17 CHAIRMAN B. BURDICK: Co-directors --
18 Indiana Election Division Co-directors; right?

19 VICE CHAIR A. LONG: Judge King,
20 (indiscernible).

21 CHAIRMAN B. BURDICK: Yeah, I agree, all
22 right. Judge King -- let's make sure we get
23 this exactly right, Steven King, Special Judge,
24 for LaPorte Superior Court No. 2 -- Judge Steven
25 King for Superior Court...

1 VICE CHAIR A. LONG: Is that the way he
2 sits in Superior Court 2?

3 MS. K. ROBERTSON: Yeah.

4 CHAIRMAN B. BURDICK: Then --

5 VICE CHAIR A. LONG: Is that the one in
6 Valpo or...

7 UNIDENTIFIED SPEAKER: Valpo and Porter
8 County.

9 VICE CHAIR A. LONG: Porter.

10 UNIDENTIFIED SPEAKER: Far away from...

11 CHAIRMAN B. BURDICK: Four would be each
12 of -- you know, the candidates, so we'd say
13 Mayor Pastrick and Mr. Pabey just by -- to Mr.
14 Pabey and Mr. Randolph then -- okay, and then
15 distribution -- that's who I got for A.

16 COMMISSION MEMBER T. JOHN: What about the
17 Lake County...

18 CHAIRMAN B. BURDICK: Oh, yeah, the Lake
19 County official over there, Board of Election
20 and Registration.

21 COMMISSION MEMBER T. JOHN: Individually.

22 CHAIRMAN B. BURDICK: Yeah, Members of the
23 Board of -- exactly -- and then for B,
24 Distribution List B, which is for.

25 COMMISSION MEMBER B. MORGAN: Irregularity

1 (indiscernible).

2 CHAIRMAN B. BURDICK: Abnormal event, you
3 know when you see it. It should be Distribution
4 List A, plus Lake County Prosecutor, federal
5 monitors -- let's see -- identified -- how
6 should we identify who these folks are?

7 VICE CHAIR A. LONG: (Indiscernible), but I
8 would suggest later on at our next meeting we
9 (indiscernible) Lake County, (indiscernible).

10 CHAIRMAN B. BURDICK: The federal monitors,
11 how should we describe these people so that...

12 COMMISSION MEMBER B. MORGAN: Indiscernible.

13 VICE CHAIR A. LONG: (Indiscernible)
14 Sharp -- is that Sharp's -- somebody is
15 (indiscernible) Sharp (indiscernible)?

16 UNIDENTIFIED SPEAKER: (Indiscernible).

17 VICE CHAIR A. LONG: Let's see while I get
18 your order out.

19 CHAIRMAN B. BURDICK: Is that accurate --
20 Brad, Dale, is that accurate, Judge Sharp?

21 VICE CHAIR A. LONG: I probably had that --
22 Alan Sharp?

23 MR. D. SIMMONS: Yeah, it's Sharp.

24 CHAIRMAN B. BURDICK: So the federal
25 monitors appointed by judge -- let's see, a

1 federal official.

2 VICE CHAIR A. LONG: Appointed by the
3 attorney general. During the...

4 MR. B. KING: Yeah, why don't we say
5 federal monitors appointed per Judge Sharp's
6 order.

7 CHAIRMAN B. BURDICK: Yeah, that's perfect.
8 That's perfect.

9 VICE CHAIR A. LONG: (Indiscernible).

10 UNIDENTIFIED SPEAKER: October 31st.

11 VICE CHAIR A. LONG: (Indiscernible).

12 UNIDENTIFIED SPEAKER: I'm sorry,
13 September 31st.

14 CHAIRMAN B. BURDICK: Pursuant no Judge
15 Sharp's order of what?

16 UNIDENTIFIED SPEAKER: September 13th.

17 CHAIRMAN B. BURDICK: Let's do that.

18 VICE CHAIR A. LONG: The title is examiners
19 under the...

20 CHAIRMAN B. BURDICK: Federal examiners?

21 UNIDENTIFIED SPEAKER: Yeah.

22 CHAIRMAN B. BURDICK: So it would be
23 federal examiners appointed pursuant to Judge
24 Sharp's order of September 13th, 2004. Indiana
25 State Police and the U.S. Attorney -- U.S.

1 Attorney for northern district of Indiana.

2 UNIDENTIFIED SPEAKER: Okay, what about
3 each campaign?

4 CHAIRMAN B. BURDICK: Well, they all get
5 it. I'm saying that Distribution List B is
6 just --

7 UNIDENTIFIED SPEAKER: In addition to A.

8 CHAIRMAN B. BURDICK: -- in addition to A
9 plus other interested parties.

10 MR. B. KING: But so long as when they're
11 actually put together, I think you should
12 outline them all so...

13 CHAIRMAN B. BURDICK: Yeah.

14 MR. B. KING: So there isn't a ministerial
15 mess-up.

16 CHAIRMAN B. BURDICK: So I'd like to make a
17 motion that we amend Proposed Order 2004-135 --
18 do you guys want to add Judge Sharp to A?

19 MR. B. KING: No. To B actually, I was
20 thinking.

21 CHAIRMAN B. BURDICK: Or to B?

22 MR. B. KING: I don't think he needs to be
23 on A but I think he should be on B if there is
24 an irregularity.

25 CHAIRMAN B. BURDICK: That's fine. Do you

1 guys care if we add Judge Sharp?

2 VICE CHAIR A. LONG: No problem.

3 CHAIRMAN B. BURDICK: So I'd move to admit
4 the Order 2004-135 and further amend it to
5 create an addenda to the proposed order which
6 identifies two distribution lists, Distribution
7 List A which will include the following: The
8 Indiana Election Commission Members
9 individually, Indiana election division
10 co-directors, Judge Steven King, LaPorte
11 Superior Court 2, Mayor Pastrick, Mr. Pabey,
12 Mr. Randolph and the Lake County Board of
13 Elections and Registration Members individually
14 and we also create Distribution List B, which
15 includes those -- all those names on
16 Distribution List A identified individually in
17 the amendment, plus -- gosh, I can't read my own
18 writing.

19 VICE CHAIR A. LONG: Prosecutor.

20 CHAIRMAN B. BURDICK: Lake County
21 Prosecutor, federal examiners appointed pursuant
22 to Judge Sharp's order of September 13th, 2004,
23 the Indiana State Police, the United States
24 Attorney for the Northern District of Indiana
25 and Judge Sharp.

1 VICE CHAIR A. LONG: Second.

2 CHAIRMAN B. BURDICK: Okay, any discussion?

3 (No response.)

4 CHAIRMAN B. BURDICK: All those in favor,
5 signify by saying aye?

6 THE COMMISSION: Aye.

7 CHAIRMAN B. BURDICK: Opposed?

8 (No response.)

9 CHAIRMAN B. BURDICK: Motion carries. Now
10 I make another amendment, move another amendment
11 here to No. 2 in our order, our proposed order,
12 and No. 4 within it, require that sealed
13 packages of unused absentee ballots be opened
14 only under the supervision of Commission, change
15 agent to the word agents, and then further in
16 No. 5 within No. 2 of the order, add --

17 VICE CHAIR A. LONG: Distribution List B?

18 CHAIRMAN B. BURDICK: Yeah, let's see, with
19 the remaining inventory to the very end of the
20 sentence, don't you agree, of unused ballots to
21 Distribution List B.

22 VICE CHAIR A. LONG: I'm sure everyone
23 would agree on (indiscernible) but I think you
24 have to put report to in Division List B any...

25 CHAIRMAN B. BURDICK: That's fine. That's

1 fine.

2 COMMISSION MEMBER: Any such irregularity.

3 VICE CHAIR A. LONG: That's where it has to
4 go.

5 CHAIRMAN B. BURDICK: Okay. So the
6 amendment on the table is changing agent to
7 plural agents, and adding to language No. 5
8 there between report any, the words to
9 Distribution List B.

10 VICE CHAIR A. LONG: Second.

11 CHAIRMAN B. BURDICK: All those in
12 favor -- is there any discussion?

13 (No response.)

14 CHAIRMAN B. BURDICK: Those in favor,
15 signify by saying aye?

16 THE COMMISSION: Aye.

17 CHAIRMAN B. BURDICK: Opposed?

18 (No response.)

19 CHAIRMAN B. BURDICK: All right, let's go
20 to 3.

21 VICE CHAIR A. LONG: Under Paragraph 1, I
22 think this goes beyond the requirements of the
23 law, and I'm going to defer to -- I had
24 discussions -- came over a little early this
25 morning, and took advantage of the extra time we

1 had to talk to Kristi about what the
2 requirements were, as I understood them, and
3 Kristi, will you enlighten me again of what the
4 requirements -- what are the statutory
5 requirements for an absentee ballot application
6 and the contents thereof?

7 MS. K. ROBERTSON: It's my understanding,
8 and Dale and Brad may comment as well,
9 there's not -- not everything is absolutely
10 required on the absentee ballot application when
11 you process it. For example, date of birth is
12 something that's helpful but not required.

13 There's some things that you have to have
14 when -- in order to process it. There are other
15 things that we don't necessarily have so -- for
16 example, signature would be an important thing that
17 we would need on that, but David Byrd, for example,
18 would not be.

19 So there's -- there's certain items on there
20 that probably mean more to accurately process the
21 absentee ballot application and that we would need
22 for a match from a signature and there are other
23 things that are helpful but not required.

24 I think you want to be careful about
25 saying -- if you're going to spell out what has to

1 be on the application, you want to be careful to
2 state what actually is required before, because
3 otherwise, it might be rejected for a reason that
4 (indiscernible).

5 CHAIRMAN B. BURDICK: Yeah, I think the
6 point of that is to make sure that -- as that
7 reads, that contain all required fields, we
8 identify them so it's not (indiscernible), which
9 you were correct. Dale and Brad, you...

10 MR. D. SIMMONS: Only the requirements have
11 to support a determination or 3-11-4-17, that
12 the voter is the voter of the precinct, that the
13 voter is qualified to vote absentee for specific
14 reasons. Of course, that is going to be a
15 decision of the board and this particular
16 provision just indicates document fields are
17 missing.

18 It would not prevent the board, again, from
19 making its decision under those sections of the
20 code. It would be document -- I suppose document
21 those instances where there are fields -- there are
22 fields missing.

23 MR. B. KING: Mr. Chair, and further, just
24 on a technical point. On Point 1 there's a
25 typo, I believe. It says document sure that, so

1 I think the phrase sure that should be deleted.

2 CHAIRMAN B. BURDICK: Shouldn't it be
3 document that such absentee ballots are further
4 processed?

5 MR. B. KING: Whatever you'd like to
6 propose is...

7 CHAIRMAN B. BURDICK: I haven't seen the...

8 MR. B. KING: But there is an extra word
9 there, is my point.

10 VICE CHAIR A. LONG: You have the word.

11 MS. K. ROBERTSON: (Indiscernible.)

12 CHAIRMAN B. BURDICK: Yeah, I would propose
13 that we amend it from sure that to that such
14 absentee ballot applications are being processed
15 further.

16 VICE CHAIR A. LONG: Yeah, that's...

17 COMMISSION MEMBER: That's fine. I'll
18 second that.

19 CHAIRMAN B. BURDICK: Any discussion?

20 (No response.)

21 CHAIRMAN B. BURDICK: Call the question,
22 all in favor of the amendment, signify by saying
23 aye?

24 THE COMMISSION: Aye.

25 CHAIRMAN B. BURDICK: Okay.

1 VICE CHAIR A. LONG: And I don't know
2 why -- I don't think that the registration
3 address for some reason is not required under
4 the statute. I think it should be.

5 CHAIRMAN B. BURDICK: Are you still on
6 Sub -- No. 1 there?

7 VICE CHAIR A. LONG: Yeah. I'm just trying
8 to sort out -- date of birth is not required.
9 Mailing address is only required if it's to be
10 mailed. And is there a requirement -- this is
11 (indiscernible) -- and I don't get involved in
12 these, is it required that the reason to inject
13 only if voting by mail, is that what...

14 MS. K. ROBERTSON: Yes.

15 VICE CHAIR A. LONG: Okay. That's
16 what -- otherwise, it's not required, and I
17 think that's -- traveling board reasons
18 checked -- now traveling board reasons checked,
19 what's that mean?

20 MS. K. ROBERTSON: If you're requesting --
21 if you go to another traveling board.

22 VICE CHAIR A. LONG: You got down why?

23 MS. K. ROBERTSON: You don't have
24 necessarily tell why. You just (indiscernible)
25 traveling board so they know it's traveling

1 board and you're not on here.

2 VICE CHAIR A. LONG: The reason is not
3 maybe the right word. I guess what I don't want
4 to get into is we over --

5 CHAIRMAN B. BURDICK: How about if we
6 put --

7 VICE CHAIR A. LONG: -- technical to the
8 point.

9 CHAIRMAN B. BURDICK: Yeah.

10 VICE CHAIR A. LONG: That we get I want as
11 many votes as can go to vote that want to vote.

12 CHAIRMAN B. BURDICK: That should legally
13 entitled to?

14 VICE CHAIR A. LONG: That should be
15 entitled to vote, correct.

16 CHAIRMAN B. BURDICK: How about we put the
17 language -- how about we put the word applicable
18 to all required, all applicable required,
19 because in the case of like the traveled board
20 versus somebody votes by mail, absentee, there
21 could be some things that are different and so
22 if something's listed there that's not required,
23 like a date of birth, then...

24 COMMISSION MEMBER T. JOHN: Well, that
25 leaves the decision with the county board which

1 is where it should be and it can be challenged
2 later, if you know what I mean.

3 CHAIRMAN B. BURDICK: And that kind of
4 takes us out of the issue.

5 VICE CHAIR A. LONG: We take all the
6 parenthetical out?

7 COMMISSION MEMBER T. JOHN: Yeah.

8 VICE CHAIR A. LONG: And just say all
9 applicable required fields semicolon.

10 COMMISSION MEMBER T. JOHN: Or we can
11 put...

12 VICE CHAIR A. LONG: I would have no
13 problem with that. We're going to have folks in
14 there that are trained. What troubled me when I
15 started reading it was I had to go back and
16 look, well, what is required and what isn't
17 and...

18 CHAIRMAN B. BURDICK: Yeah, let's stop.

19 (End of Tape.)

20 CHAIRMAN B. BURDICK: Okay.

21 VICE CHAIR A. LONG: Did you get it there
22 or...

23 MR. D. SIMMONS: Got it.

24 VICE CHAIR A. LONG: Thank you, Dale. But
25 I don't -- I think that would be a

1 good -- all --

2 CHAIRMAN B. BURDICK: Applicable --

3 VICE CHAIR A. LONG: -- applicable required
4 fields.

5 CHAIRMAN B. BURDICK: -- required fields.

6 Delete the parenthetical and then just pick up
7 and document fields that contain unusual
8 entries, if the date and the signature is
9 missing. These are just examples of the
10 application and maybe those are just...

11 VICE CHAIR A. LONG: Let's see,
12 (indiscernible).

13 CHAIRMAN B. BURDICK: We probably don't
14 need the for example.

15 VICE CHAIR A. LONG: We have two
16 parentheticals and I picked up the wrong -- the
17 wrong close, and document containing all
18 applicable.

19 CHAIRMAN B. BURDICK: You have the e.g.
20 You don't need the for example.

21 VICE CHAIR A. LONG: Document that
22 such at --

23 CHAIRMAN B. BURDICK: Yeah, if there's --
24 again, this is kind of...

25 VICE CHAIR A. LONG: Or versus only for the

1 application contain all required field --

2 CHAIRMAN B. BURDICK: The supervisor here
3 is sort of pointing attention to hey, take a
4 look at this, which I think is an appropriate
5 rule.

6 VICE CHAIR A. LONG: Can I -- can I do two?
7 I'm -- my -- the pause that I have here is not
8 the words that are there, it's how we get them
9 there. I think we should applicable
10 required -- required fields, period, then I
11 think we need to say -- start out another
12 sentence that --

13 CHAIRMAN B. BURDICK: Or do a semicolon --
14 yeah, a semicolon -- I got it.

15 VICE CHAIR A. LONG: Application -- for
16 applications that have document fields with
17 unusual entries are investigated, reviewed -- I
18 mean, I'm not trying to change, I think, what
19 you're attempting to accomplish, but if you put
20 it in the same sentence, it looks like, that
21 it's required...

22 COMMISSION MEMBER T. JOHN: So what about
23 splitting it in 1 and 2 and then actually have
24 an additional.

25 CHAIRMAN B. BURDICK: I think that's kind

1 of what he's saying. So we'll put -- so a
2 semicolon after fields?

3 VICE CHAIR A. LONG: Yeah, that's what we
4 do there.

5 CHAIRMAN B. BURDICK: And then -- and then
6 put two document fields that contain -- so
7 delete the parenthetical and the word and,
8 document fields that contain unusual entries. I
9 would suggest that we delete the comma, for
10 example, at the end of that parenthetical.

11 VICE CHAIR A. LONG: Yeah.

12 CHAIRMAN B. BURDICK: How about and at the
13 end, and report those notations or whatever to
14 Distribution List A which is the interested
15 administrative folks, not the law enforcement
16 folks. I want to make sure everybody has an
17 opportunity, regardless of who you are, to come
18 in and take a look if there's something that
19 seems out of abnormal or out of the ordinary.

20 VICE CHAIR A. LONG: Why don't -- taking
21 this here, document -- we're square on that,
22 we're picking up the word document, this is now
23 a 2; as I understand?

24 CHAIRMAN B. BURDICK: Right.

25 VICE CHAIR A. LONG: Put

1 document -- well...

2 CHAIRMAN B. BURDICK: You've got document
3 there.

4 VICE CHAIR A. LONG: Well, we got it there,
5 document application fields that contain
6 unusual -- what we're asking is to document an
7 application that has fields -- that have fields
8 that have unusual information, that we're asking
9 them to document that and report it to...

10 CHAIRMAN B. BURDICK: Distribution List A.

11 VICE CHAIR A. LONG: A, that's the...

12 CHAIRMAN B. BURDICK: Document applications
13 with fields that contain unusual -- applications
14 with fields...

15 VICE CHAIR A. LONG: Fields and report
16 to...

17 CHAIRMAN B. BURDICK: Delete the comma, for
18 example, in the parenthetical and add after the
19 parenthetical and report.

20 VICE CHAIR A. LONG: And report to List A.

21 CHAIRMAN B. BURDICK: And report such
22 findings to -- and report such findings to
23 Distribution List A semicolon.

24 VICE CHAIR A. LONG: And then to change
25 that 2 to a 3 next.

1 CHAIRMAN B. BURDICK: Anything else in
2 this -- so I just do amendment here.

3 VICE CHAIR A. LONG: Make that a motion and
4 I'll second it.

5 CHAIRMAN B. BURDICK: All right. So
6 move -- move that No. 1 within Point 3 of the
7 proposed order now be amended to read document
8 that such absentee ballot applications are being
9 processed further only where the applications
10 contain all applicable required fields,
11 semicolon -- further amend, will be adding a new
12 No. 2, which shall read document applications
13 with fields that contain unusual entries, paren,
14 e.g., E period, G period, if the date of the
15 applicant's signature is missing or the
16 application is dated before a special election
17 was ordered -- got to delete that comma, for
18 example, end parenthetical, and then we make a
19 corresponding change throughout for internal
20 consistency, all the numbers should be bumped up
21 one.

22 VICE CHAIR A. LONG: Yeah.

23 CHAIRMAN B. BURDICK: So we can get keep
24 doing this -- 3, 4, you know, that's my motion.

25 VICE CHAIR A. LONG: I -- I thought --

1 CHAIRMAN B. BURDICK: Clear as mud as it
2 is.

3 VICE CHAIR A. LONG: Well, no, I think that
4 we were going to -- under that -- the new No.
5 2, --

6 CHAIRMAN B. BURDICK: Oh, yeah, I forgot.

7 VICE CHAIR A. LONG: -- that was to be
8 reported.

9 CHAIRMAN B. BURDICK: And report such
10 findings to Distribution List A, --

11 VICE CHAIR A. LONG: Right. I second that.

12 CHAIRMAN B. BURDICK: -- semicolon. All
13 right, any discussion? No response?

14 UNIDENTIFIED SPEAKER: Well, what if
15 somebody asks -- I'm sorry, what if somebody
16 asks what are all the applicable criteria?

17 VICE CHAIR A. LONG: That's what they're
18 going to be training for.

19 CHAIRMAN B. BURDICK: Yeah, and on the
20 ground to make the determination.

21 UNIDENTIFIED SPEAKER: All right.

22 CHAIRMAN B. BURDICK: Somebody will have
23 to...

24 VICE CHAIR A. LONG: Election board up
25 there -- I mean, we don't want to presume --

1 presume their duties.

2 UNIDENTIFIED SPEAKER: Sure.

3 VICE CHAIR A. LONG: They make that --
4 that's the way I see it.

5 CHAIRMAN B. BURDICK: The supervisors that
6 we train will be there to say no, no, that's the
7 wrong interpretation of that here and whatever,
8 whatever says X, Y, Z. All right, anymore
9 discussion?

10 (No response.)

11 CHAIRMAN B. BURDICK: Okay. I call the
12 question. All those in favor, signify by saying
13 aye?

14 THE COMMISSION: Aye.

15 CHAIRMAN B. BURDICK: Opposed?

16 (No response.)

17 CHAIRMAN B. BURDICK: Motion carries.

18 VICE CHAIR A. LONG: (indiscernible).
19 Believe it or not -- in magic words, I don't
20 have any problems with No. 3.

21 CHAIRMAN B. BURDICK: Come on
22 (indiscernible). All right, anybody else --
23 Butch, you have anything?

24 COMMISSION MEMBER B. MORGAN: No.

25 CHAIRMAN B. BURDICK: Or Tom?

1 COMMISSION MEMBER T. JOHN: No.

2 MS. K. ROBERTSON: I think the only thing,
3 you might want to take out the extra for
4 example.

5 CHAIRMAN B. BURDICK: I think that was part
6 of the last -- you mean -- I hope that was part
7 of my last motion.

8 VICE CHAIR A. LONG: This is in 3, is there
9 a new one...

10 UNIDENTIFIED SPEAKER: Oh, there's another
11 one.

12 VICE CHAIR A. LONG: This is about voters
13 (indiscernible).

14 CHAIRMAN B. BURDICK: Oh, I see. You mean
15 3 within -- Point 3, I'm sorry, yeah -- yeah, I
16 see it.

17 VICE CHAIR A. LONG: Do you recommend that,
18 Kristi?

19 MS. K. ROBERTSON: I do recommend that.

20 VICE CHAIR A. LONG: Delete the
21 parenthetical after...

22 UNIDENTIFIED SPEAKER: Well, the for
23 example.

24 CHAIRMAN B. BURDICK: Yeah, delete comma,
25 for example.

1 VICE CHAIR A. LONG: Oh, what are you
2 talking about?

3 MS. K. ROBERTSON: Yep, that's the one I'm
4 talking about, in No. 3 in the parenthetical,
5 that we delete and for example.

6 VICE CHAIR A. LONG: Oh, delete for
7 example, okay.

8 CHAIRMAN B. BURDICK: Comma, for example.

9 VICE CHAIR A. LONG: Just take out comma,
10 for example.

11 CHAIRMAN B. BURDICK: I'll second that.

12 Any discussion?

13 (No response.)

14 CHAIRMAN B. BURDICK: All those in favor,
15 signify by saying aye?

16 THE COMMISSION: Aye.

17 CHAIRMAN B. BURDICK: Opposed?

18 (No response.)

19 CHAIRMAN B. BURDICK: Okay.

20 VICE CHAIR A. LONG: And then No. 4, the
21 statute just -- says anybody can drop them off.
22 Why do you want to put this requirement on
23 people, and it doesn't require the folks who
24 deliver absentee applications by themselves or
25 does it order, but it requires them to be

1 somehow handled differently.

2 CHAIRMAN B. BURDICK: Well, I think, again,
3 if the underlying subject of this -- the
4 litigation, series of litigation that's been
5 involved here -- why, it has to do with fraud,
6 as relates to the absentee ballot process.

7 So we want to do what we can to make sure that
8 people have confidence in the integrity of the
9 election process. That was my focus in doing that.
10 And we're just setting a side saying you came with
11 50 ballots and you drop them off and you're not
12 even -- and you're not going to say who you are,
13 all we're going say is -- we are just going to mark
14 the 50 ballots and refer to the criminal guys that
15 if there's allegations of fraud, maybe you could
16 start here with suspicious behavior, you know.

17 It doesn't do anything more than that -- that
18 was the thought anyway, and it's just really to
19 meet what the underlying purpose, I guess of what
20 the court is really getting at here is the absent
21 see ballot process.

22 VICE CHAIR A. LONG: I would like to keep
23 that open, I mean I'm -- if we could, just I'm a
24 little uncomfortable with that one, but --

25 CHAIRMAN B. BURDICK: I'll make a note.

1 VICE CHAIR A. LONG: -- I don't want to...

2 CHAIRMAN B. BURDICK: I'll make a note of
3 that. No problem.

4 VICE CHAIR A. LONG: I don't have any --
5 personally, any problem -- I'm using the new
6 numbers.

7 CHAIRMAN B. BURDICK: Yeah, I got you.

8 VICE CHAIR A. LONG: Five, 6, 7, 8, 9, 10,
9 11, 12, 13, 14, I don't have any problems with
10 any of those.

11 CHAIRMAN B. BURDICK: Okay.

12 VICE CHAIR A. LONG: With the new number
13 here.

14 CHAIRMAN B. BURDICK: Yeah, yeah, I got
15 you.

16 VICE CHAIR A. LONG: And new No. 15 -- God,
17 I hate that law. Enjoy you while you have --
18 you can, but it's going to be changed, if
19 anything changes, in terms of statute, that I've
20 ever dealt with.

21 The vote is if Santa clause delivers the
22 ballots, the ballot is still a valid ballot.
23 Nothing under that code affects the ballot. There
24 is an argument that that's a violation of the law
25 and I don't know that it is. I'm certainly wanting

1 to try it -- a special prosecutor of my county made
2 us an offer we couldn't refuse so there -- so I
3 don't care -- what happens if somebody brings -- if
4 would be foolish enough to bring a sealed valid
5 envelope in and leave it, somebody says are you a
6 member of the household, are you the voter, or do
7 you have a power of attorney and they say it's none
8 of your business, what do they do with that ballot?

9 CHAIRMAN B. BURDICK: I think they just
10 note it and go to -- that ties together with the
11 previous number, No. 4. We're just going to set
12 it aside and mark it. It doesn't affect what
13 you said, the reality of the ballot itself, but
14 it goes into a stack that if there's questions
15 that could arise, it certainly gets the
16 appropriate attention of the law enforcement
17 community.

18 VICE CHAIR A. LONG: I mean, I don't --
19 does it say -- what does it say in 15 that the
20 board does under the circumstance that I just
21 gave you? I mean, I think that they can -- if
22 we order a determination of documentation that
23 this person meets the criteria, and No. 1, plus
24 assume they don't meet the criteria or they
25 refuse to provide the information, I think it

1 just -- the sentence has to say valid
2 nonetheless -- otherwise, it appears to be
3 valid, somebody accepted it, and treat it as all
4 ballots are, and the facts are reported as
5 determined -- the facts are determined or the
6 lack thereof is important to the
7 (indiscernible).

8 That's -- I don't think you're telling them
9 here in the voter language to do anything other
10 than that, but I think we ought to specifically
11 tell them that ballot if it otherwise is
12 appropriate, must be handled as all other ballots.

13 And I -- from my -- and I do know more about
14 this section of the law than I do most of it. I
15 believe that's what the law is and I'd invite
16 somebody to oppose what I just (indiscernible).

17 COMMISSION MEMBER B. MORGAN: So at what
18 point are you saying that it should be treated
19 as other ballots are, I guess, is my one --

20 VICE CHAIR A. LONG: Once it's --

21 COMMISSION MEMBER T. JOHN: Because it
22 seems.

23 VICE CHAIR A. LONG: Once it's delivered
24 there, it's treated as all ballots. Once it's
25 in the office, however it gets there.

1 COMMISSION MEMBER T. JOHN: But I guess my
2 concern is that it seems to me our biggest
3 overarching goal of all others is transparency,
4 which I think has been lacking as documented in
5 Judge King's (indiscernible) page order, and to
6 make sure that everybody knows that this
7 election is conducted in a manner that is
8 completely fair and allows all the parties to
9 feel at the end of the day when they walk away
10 with this, that whoever wouldn't the election is
11 the right person who wouldn't the election.

12 So my concern is that you -- you further that
13 purpose. We -- and I'm not saying don't count the
14 ballot, but at least if you segregate it such that
15 if one of the parties later wants to challenge it,
16 it's not lost to the wind, you see what I'm saying?

17 VICE CHAIR A. LONG: It isn't. It's in an
18 envelope. It's documented. It's there -- I
19 mean, we've documented the fact. I think on
20 that you document that on this date X or
21 undisclosed dropped this ballot of Joe Smith in
22 and is either not -- is qualified, doesn't
23 meet -- refused to answer the -- all that,
24 whatever the facts are, documented. We know
25 which ballot it is and it's reported if there's

1 a violation, and if there's an apparent
2 violation, it gets reported to List B which is
3 everybody up there and then the ballot just goes
4 on its way.

5 Now if somebody wants to challenge that
6 ballot, they're free to do that. I'm not saying
7 that that ballot is automatically voted. It's got
8 to meet all the other qualifications as does every
9 other ballot, but it is treated, once it's
10 received, like all other ballots, period, even if
11 it's clearly illegally delivered.

12 CHAIRMAN B. BURDICK: How about we add the
13 language in here A, or after the code cite,
14 document the identity of all persons who deliver
15 ballots to the Lake County Board of the
16 Elections and Registration and the ballots
17 delivered -- specifically, the ballots delivered
18 in a report to be provided.

19 That way, they -- we know we have some cross
20 check. I think it's what you're saying; right?
21 You bring a bunch -- you know, you bring it
22 in -- we're going to say this is the one that
23 Anthony brought in, do you see what I mean, so then
24 we have -- and then it gets tossed in the...

25 VICE CHAIR A. LONG: This -- the last part

1 of the sentence is -- goes to exhibit -- is our
2 List B, provided to B, but all I wanted to
3 say -- I have no problem -- you know, I've
4 labored on this one a little bit, but I have no
5 problem with it saying exactly what it says, but
6 I think it has to say maybe --

7 COMMISSION MEMBER T. JOHN: Switch your
8 proposal.

9 VICE CHAIR A. LONG: -- the ballot shall be
10 thereafter processed -- handled and processed as
11 all other ballots are handled and processed.

12 CHAIRMAN B. BURDICK: All right. So let's
13 do this, determine and document a person who
14 delivers an absentee ballot is the voter, a
15 member of the voter's household or voter power
16 of attorney as required by, blah, blah, blah,
17 and document the identity of all persons who
18 deliver ballots, and insert the language and the
19 ballots --

20 VICE CHAIR A. LONG: Deliver such ballots.

21 CHAIRMAN B. BURDICK: Deliver such ballots.

22 VICE CHAIR A. LONG: I think that...

23 CHAIRMAN B. BURDICK: That may solve my
24 problem.

25 VICE CHAIR A. LONG: Such ballots.

1 CHAIRMAN B. BURDICK: And document
2 that -- it just goes to the it at this of the
3 persons who deliver such ballots and the
4 specific ballots; do you see what I mean, so on
5 the identity of the individual write and
6 specific ballots to the Lake County Board -- oh,
7 wait you don't want to --

8 VICE CHAIR A. LONG: You don't have give
9 them ballots.

10 CHAIRMAN B. BURDICK: Yeah, the Lake County
11 Board.

12 VICE CHAIR A. LONG: The only thing you do.

13 CHAIRMAN B. BURDICK: No, we're just
14 identifying them, then we're going to --

15 VICE CHAIR A. LONG: Okay.

16 CHAIRMAN B. BURDICK: -- put a new sentence
17 in that says upon receipt you have -- they get
18 treated like all others.

19 VICE CHAIR A. LONG: Upon receipt of the
20 ballot.

21 CHAIRMAN B. BURDICK: Our job is just to
22 identify the individual and the ballots and
23 anything --

24 VICE CHAIR A. LONG: The individual who
25 brought it, if we can.

1 CHAIRMAN B. BURDICK: Yep.

2 VICE CHAIR A. LONG: The name of the person
3 on the ballot, --

4 CHAIRMAN B. BURDICK: Yep.

5 VICE CHAIR A. LONG: -- the envelope.

6 CHAIRMAN B. BURDICK: I think that's
7 (indiscernible.)

8 VICE CHAIR A. LONG: And then -- and if
9 it's, you know, yes, I am the voter and they say
10 okay, go on, but I just want to say that the
11 ballot after the information is, or lack
12 thereafter is documented as a ballot and it's
13 processed as all other ballots.

14 CHAIRMAN B. BURDICK: All right, let's add
15 that after the information required by this
16 subsection, is documented, the -- what did you
17 say the ballot?

18 VICE CHAIR A. LONG: The ballot is --

19 CHAIRMAN B. BURDICK: Treated like all
20 other ballots?

21 VICE CHAIR A. LONG: Or processed.

22 CHAIRMAN B. BURDICK: Processed.

23 VICE CHAIR A. LONG: Is that -- what do you
24 call it, Kristi; is that the right word?

25 CHAIRMAN B. BURDICK: Processed is a

1 good...

2 MS. K. ROBERTSON: Yeah, that'll be fine.

3 CHAIRMAN B. BURDICK: Processed in the same
4 manner as all.

5 VICE CHAIR A. LONG: That's an easy -- I
6 mean, a tough question, to somebody
7 (indiscernible) -- you know, this is where we
8 get a crying victim in here while we're doing
9 the ballot, that is...

10 CHAIRMAN B. BURDICK: How about this, I've
11 got to a proposed amendment here for a new
12 section -- Subsection 15, it reads determine and
13 document -- excuse me, I move that Subsection 15
14 in Point 3 of the order be amended to read as
15 follows: Determine and document that the person
16 who delivers an absentee ballot was the voter,
17 comma, a member of the voter's household or the
18 voter's power of attorney as required by IC
19 3-11-10-1 Sub A and document the identity of all
20 persons who deliver such ballots and the
21 specific ballots to the Lake County Board of
22 Elections and Registration and a report to be
23 provided to Distribution List B, period. After
24 the information required by this subsection is
25 documented, comma, the ballot is processed in

1 the same manner as all other ballots, period;
2 agreed?

3 VICE CHAIR A. LONG: Tell me again, after
4 the code cite.

5 CHAIRMAN B. BURDICK: And document the
6 identity of all persons who deliver such ballots
7 and the specific ballots, so what I'm trying to
8 say you brought in Joe Smith, and we're just
9 going to identify you and Joe Smith.

10 VICE CHAIR A. LONG: Could I suggest after
11 such ballots and the information on the specific
12 ballot envelope?

13 CHAIRMAN B. BURDICK: Sure. And
14 information on the specific ballot envelope --
15 we'll put envelope paren, that's on the end, all
16 right, that's good.

17 VICE CHAIR A. LONG: And then with that, as
18 you read it, I'll second it.

19 CHAIRMAN B. BURDICK: So I'll accept that,
20 so that -- after the ballots, it now reads --
21 after the code cite it now reads and document
22 the identity of all persons who deliver such
23 ballots and the information on the specific
24 ballot envelope, paren, and S for plural, to the
25 Lake County Board of elections and registration

1 and a report to be provided to Distribution List
2 B, and we'll pick up the new sentence at the end
3 and processing...

4 VICE CHAIR A. LONG: I'll second that.

5 CHAIRMAN B. BURDICK: Okay. Any
6 discussion?

7 COMMISSION MEMBER B. MORGAN: Is it our
8 understanding that all these things will be
9 presented both in English and in Spanish?

10 CHAIRMAN B. BURDICK: Sure. I mean, I have
11 no...

12 COMMISSION MEMBER B. MORGAN: That's kind
13 of where we're having...

14 CHAIRMAN B. BURDICK: Yeah, I don't see why
15 we -- part of -- part of our order, you know, is
16 to provide an absentee ballot application in
17 Spanish --

18 COMMISSION MEMBER B. MORGAN: Right.

19 CHAIRMAN B. BURDICK: -- and I think our
20 intention is to make sure everybody knows.

21 COMMISSION MEMBER B. MORGAN: Okay.

22 VICE CHAIR A. LONG: If the
23 (indiscernible).

24 CHAIRMAN B. BURDICK: Yeah, Espanol. I
25 might have just exhausted my knowledge of that.

1 COMMISSION MEMBER B. MORGAN: Indiscernible
2 on local...

3 CHAIRMAN B. BURDICK: Yeah. Anyway --
4 anyway -- all right. All those in favor of the
5 motion to amend, signify by saying aye?

6 THE COMMISSION: Aye.

7 CHAIRMAN B. BURDICK: Opposed?

8 (No response.)

9 CHAIRMAN B. BURDICK: Motion carries.
10 We're on No. 4.

11 VICE CHAIR A. LONG: After the statutory
12 cite, it starts out the commission, that should
13 be agents.

14 CHAIRMAN B. BURDICK: Yep.

15 VICE CHAIR A. LONG: And this is the one I
16 think (indiscernible) that's got the wrong
17 (indiscernible).

18 CHAIRMAN B. BURDICK: Yeah, I got that one.
19 I'm just going to say at the end that we go
20 through and do a -- we'll approve it conditional
21 upon, everybody.

22 COMMISSION MEMBER B. MORGAN: Well, why
23 don't we just -- we got -- it is 3-11-10-4.5(b)
24 so we just change that.

25 CHAIRMAN B. BURDICK: All right.

1 VICE CHAIR A. LONG: Is that -- am I
2 correct on that, Dale.

3 MR. D. SIMMONS: Yeah.

4 VICE CHAIR A. LONG: I mean, that's...

5 CHAIRMAN B. BURDICK: It's Point 4,
6 3-11-10...

7 VICE CHAIR A. LONG: And I know this is a
8 Herculean process and my comment on...

9 CHAIRMAN B. BURDICK: All right, so we'll
10 correct that one.

11 VICE CHAIR A. LONG: I just couldn't find
12 it when I was looking for it -- I was like whoa,
13 wait a minute here. It actually says 4.5, maybe
14 that's what it was, and I move those two
15 corrections, agent to plural, and adding 4.5
16 after is that code section to finish up the
17 bottom -- to the bottom of Page 6.

18 COMMISSION MEMBER B. MORGAN: Second.

19 CHAIRMAN B. BURDICK: Any discussion?

20 (No response.)

21 CHAIRMAN B. BURDICK: All those in favor,
22 signify by saying aye?

23 THE COMMISSION: Aye.

24 CHAIRMAN B. BURDICK: Opposed?

25 (No response.)

1 CHAIRMAN B. BURDICK: Motion carries.

2 VICE CHAIR A. LONG: Paragraph, or Line 3,
3 I have no problem with; four only needs a plural
4 on agent after the cite, next line down five
5 well, I would -- I would move the adding of the
6 "S" to agents to Line --

7 CHAIRMAN B. BURDICK: Five.

8 VICE CHAIR A. LONG: -- 4.

9 CHAIRMAN B. BURDICK: Yeah, I got you.

10 COMMISSION MEMBER: Yeah, and also --

11 CHAIRMAN B. BURDICK: I'll just make --
12 let's --

13 COMMISSION MEMBER: -- amend 31 to 5.

14 CHAIRMAN B. BURDICK: (Indiscernible).

15 VICE CHAIR A. LONG: Okay. Let's -- I want
16 to discuss 5 just a second. You contemplate
17 under this that we have somebody going with the
18 traveling boards.

19 CHAIRMAN B. BURDICK: Not contemplated.
20 That would be the best scenario, but we
21 (indiscernible) that indicates that's an
22 unworkable situation, that if we come back
23 and...

24 VICE CHAIR A. LONG: All right.

25 CHAIRMAN B. BURDICK: So we have some

1 documented facts. You want to change agent to
2 agents there, too?

3 VICE CHAIR A. LONG: That's -- that's the
4 only change I've got so far and...

5 CHAIRMAN B. BURDICK: And does to do then;
6 right -- agents do not?

7 VICE CHAIR A. LONG: Yes.

8 CHAIRMAN B. BURDICK: Okay.

9 VICE CHAIR A. LONG: And the they can line
10 down (indiscernible).

11 CHAIRMAN B. BURDICK: Okay, got you.

12 VICE CHAIR A. LONG: I think we can just
13 say that can be done, do a search --

14 CHAIRMAN B. BURDICK: Okay.

15 VICE CHAIR A. LONG: -- and replace -- I
16 had one here under six.

17 COMMISSION MEMBER: Then why don't we do a
18 motion. I move that anywhere the Commission's
19 Agent is used, that it be changed to
20 Commission's Agents in this order.

21 CHAIRMAN B. BURDICK: And the
22 (indiscernible) changes?

23 COMMISSION MEMBER T. JOHN: And the
24 (indiscernible) changes.

25 CHAIRMAN B. BURDICK: I'll second that.

1 VICE CHAIR A. LONG: Yeah, I'll...

2 CHAIRMAN B. BURDICK: Any discussion?

3 VICE CHAIR A. LONG: No, that's -- that's
4 fine.

5 CHAIRMAN B. BURDICK: All those in favor,
6 signify by saying aye?

7 THE COMMISSION: Aye.

8 CHAIRMAN B. BURDICK: Opposed?

9 (No response.)

10 VICE CHAIR A. LONG: At the end of 6, that
11 shouldn't be listed, report to...

12 CHAIRMAN B. BURDICK: To delete everything
13 after the county; right?

14 VICE CHAIR A. LONG: Yeah, that's right.

15 CHAIRMAN B. BURDICK: To Distribution List
16 B.

17 VICE CHAIR A. LONG: And I think in 8,
18 right before the 9, Dale, am I right you -- that
19 should be D as in dog as opposed to B?

20 CHAIRMAN B. BURDICK: On the code cite?

21 MR. D. SIMMONS: Oh, yes.

22 VICE CHAIR A. LONG: Is that -- should that
23 be D?

24 MR. D. SIMMONS: Let me
25 double-check -- yes.

1 VICE CHAIR A. LONG: Okay. And I would --

2 CHAIRMAN B. BURDICK: I thought it was "D"
3 as in deputy...

4 VICE CHAIR A. LONG: That's the only part
5 (indiscernible).

6 CHAIRMAN B. BURDICK: Changing Sub B to D
7 is there, is that what you did?

8 VICE CHAIR A. LONG: Yeah, so those --
9 change out the -- after the county prosecutor at
10 the end of 6.

11 CHAIRMAN B. BURDICK: Yeah, I've got you.

12 VICE CHAIR A. LONG: It's supposed to be,
13 and we change that cite --

14 CHAIRMAN B. BURDICK: To 7; right.

15 VICE CHAIR A. LONG: It'd be D, small D
16 in --

17 CHAIRMAN B. BURDICK: 3-11-10-26.

18 VICE CHAIR A. LONG: In the clause
19 (indiscernible).

20 CHAIRMAN B. BURDICK: Yep.

21 VICE CHAIR A. LONG: I move that, and that
22 will take care of all I've got on Page 7.

23 CHAIRMAN B. BURDICK: Okay. Any -- any
24 discussion?

25 (No response.)

1 CHAIRMAN B. BURDICK: Okay. Call the
2 question for amendment, all those in favor
3 signify by saying aye?

4 THE COMMISSION: Aye.

5 CHAIRMAN B. BURDICK: Opposed?

6 (No response.)

7 VICE CHAIR A. LONG: Twenty-two, I believe
8 that should be document the fact for that, and
9 then precincts. See, I've been reading.

10 CHAIRMAN B. BURDICK: I'm with you.

11 COMMISSION MEMBER T. JOHN: I'll second
12 whatever's in motion, is that...

13 VICE CHAIR A. LONG: Yeah, that's the
14 only -- that's the only change I've got. The
15 rest of that paragraph is going to be --

16 CHAIRMAN B. BURDICK: Okay.

17 VICE CHAIR A. LONG: What do you call these
18 sections, Section...

19 CHAIRMAN B. BURDICK: We call them Point 4
20 of the order.

21 VICE CHAIR A. LONG: 1.4 -- 1.4,
22 that's -- yeah, that's good.

23 CHAIRMAN B. BURDICK: All right. There's a
24 motion and second, any discussion or anything?

25 (No response.)

1 CHAIRMAN B. BURDICK: Call the question,
2 all those in favor, signify by saying aye?

3 THE COMMISSION: Aye.

4 CHAIRMAN B. BURDICK: Opposed?

5 (No response.)

6 CHAIRMAN B. BURDICK: Okay. Point 5.

7 MS. K. ROBERTSON: Just for clarification,
8 I did check with Lake County and they don't have
9 any long-distance within the county.

10 CHAIRMAN B. BURDICK: Oh, great.

11 MS. K. ROBERTSON: (Indiscernible).

12 CHAIRMAN B. BURDICK: Great.

13 VICE CHAIR A. LONG: Then I thought that
14 was -- I was -- that was a great point, you
15 know. I would add to that -- I think we need --

16 CHAIRMAN B. BURDICK: Just log this as
17 (indiscernible).

18 VICE CHAIR A. LONG: They may calling, you
19 know. It's (indiscernible) where do I vote?
20 Since that was direct phone lines.

21 CHAIRMAN B. BURDICK: Yeah, telephone
22 lines.

23 VICE CHAIR A. LONG: I think just take for
24 calls -- well, I don't -- I think it's -- the
25 way it's ordered is fine.

1 MS. K. ROBERTSON: Yeah.

2 VICE CHAIR A. LONG: Toll-free calls.

3 CHAIRMAN B. BURDICK: It's going to be
4 toll-free anyway so...

5 VICE CHAIR A. LONG: Right. I think we
6 need to do -- we need to say something else
7 here. I think we need to say that these numbers
8 are published. We need to have some publication
9 of that.

10 COMMISSION MEMBER T. JOHN: Established and
11 published.

12 VICE CHAIR A. LONG: Established and, you
13 know...

14 COMMISSION MEMBER: (Indiscernible).

15 VICE CHAIR A. LONG: I mean, I think we've
16 got to get the number out. I think it needs to
17 be brought to the public, establish and -- and
18 broadly published direct -- you know, direct
19 telephone lines.

20 CHAIRMAN B. BURDICK: You mean, do you want
21 to be -- what's it about? What do you put in
22 the papers?

23 VICE CHAIR A. LONG: I mean, I'm not for
24 sure what -- I don't live there and I don't know
25 what the best means of communication

1 (indiscernible).

2 COMMISSION MEMBER B. MORGAN: Open a window
3 and shout.

4 VICE CHAIR A. LONG: Holler, yeah, that's
5 a -- tell my wife, and that's -- it's done then,
6 but (indiscernible).

7 COMMISSION MEMBER T. JOHN: The newspaper
8 and (indiscernible)?

9 VICE CHAIR A. LONG: You know --

10 CHAIRMAN B. BURDICK: Just establish and
11 broadly publish direct telephone.

12 VICE CHAIR A. LONG: I think if we just --
13 I think we use the adjective broadly, we're
14 indicating our desire that to be done
15 extensively so that people can genuinely know if
16 there's a problem with calls that we were
17 involved.

18 CHAIRMAN B. BURDICK: So we'll add the
19 language after establish and broadly publish?

20 VICE CHAIR A. LONG: Yes, just to
21 (indiscernible). In five, refer alleged
22 violations to List --

23 CHAIRMAN B. BURDICK: To List B.

24 VICE CHAIR A. LONG: -- B.

25 CHAIRMAN B. BURDICK: Distribution list B.

1 VICE CHAIR A. LONG: And I would move those
2 two changes in 5, Point 5.

3 COMMISSION MEMBER B. MORGAN: Second.

4 CHAIRMAN B. BURDICK: Any discussion?

5 (No response.)

6 COMMISSION MEMBER T. JOHN: I just have one
7 comment. First, this is (indiscernible) by the
8 Chair and Commissioner Long or whomever, we
9 should actually collaboratively and quickly get
10 with the radio stations and newspapers up there
11 because this seems in the order of a public
12 service announcement that really shouldn't
13 necessarily cost us as a commission of the
14 state, that it has been publicized.

15 CHAIRMAN B. BURDICK: That's a good point.
16 Will be noted. Okay. I'll call the question on
17 the -- those amendments. All those in favor,
18 signify by saying aye?

19 THE COMMISSION: Aye.

20 CHAIRMAN B. BURDICK: Opposed?

21 (No response.)

22 CHAIRMAN B. BURDICK: Okay.

23 VICE CHAIR A. LONG: No. 6, okay, let's see
24 here -- we'll talk about 1 in just a second. In
25 a technical -- I think No. 4, not only should

1 they receive notice of but they should also
2 attend.

3 CHAIRMAN B. BURDICK: Of -- after notice of
4 and a comma, and attend, comma?

5 VICE CHAIR A. LONG: Right. And you know,
6 other than dealing with No. 1, I would move --

7 CHAIRMAN B. BURDICK: On No. 4 there -- I'm
8 sorry, go ahead.

9 VICE CHAIR A. LONG: On Point 6 -- oh,
10 you've got another one?

11 CHAIRMAN B. BURDICK: Well, I'm just saying
12 that that...

13 VICE CHAIR A. LONG: We've got more people
14 to notify?

15 CHAIRMAN B. BURDICK: And attend, it kind
16 of doesn't make sense so we'll change it. The
17 agents acting under this paragraph shall receive
18 notice of all meetings, and I think we ought to
19 say in the same manner as the media, and
20 comma -- at the end maybe after open door law,
21 put a comma, and the agents --

22 VICE CHAIR A. LONG: Shall attend.

23 CHAIRMAN B. BURDICK: -- shall attend.

24 VICE CHAIR A. LONG: Right. That's fine,
25 just -- however it works out. I just -- I think

1 we need to have our folks there.

2 CHAIRMAN B. BURDICK: And the agents shall
3 attend these meetings --

4 VICE CHAIR A. LONG: (Indiscernible).

5 CHAIRMAN B. BURDICK: -- how's
6 that -- okay.

7 VICE CHAIR A. LONG: I don't have any --
8 other than Paragraph 1, I'm -- I'm saying with
9 regard to sections 2 through the rest of it,
10 that's the only change I've got.

11 CHAIRMAN B. BURDICK: Okay. So
12 we'll -- anything else? Butch, you got
13 anything?

14 COMMISSION MEMBER B. MORGAN: No.

15 CHAIRMAN B. BURDICK: Tom.

16 COMMISSION MEMBER T. JOHN: No.

17 VICE CHAIR A. LONG: Kristi, is there
18 anything in there?

19 MS. K. ROBERTSON: No.

20 CHAIRMAN B. BURDICK: All right. So the
21 motion is to amend Point 6 of the order, section
22 4 of it, to add language at the end of that
23 section, comma, and the agents shall attend
24 these meetings.

25 VICE CHAIR A. LONG: If you want to deal

1 with 1.

2 CHAIRMAN B. BURDICK: Do you want to take
3 this and then deal with 1 real quick -- is there
4 a motion out there?

5 VICE CHAIR A. LONG: Yeah.

6 CHAIRMAN B. BURDICK: There's a motion, is
7 there is second.

8 COMMISSION MEMBER T. JOHN: Second.

9 CHAIRMAN B. BURDICK: Any discussion?

10 (No response.)

11 CHAIRMAN B. BURDICK: All those in favor,
12 signify by saying aye?

13 THE COMMISSION: Aye.

14 CHAIRMAN B. BURDICK: Opposed?

15 (No response.)

16 VICE CHAIR A. LONG: In 1) I'd suggest that
17 you name one and I'll name one.

18 CHAIRMAN B. BURDICK: How about the Chair
19 and Vice Chair?

20 VICE CHAIR A. LONG: That leaves one person
21 each.

22 COMMISSION MEMBER T. JOHN: Well, should we
23 say the Chair and Vice -- and Vice Chair rather
24 than use the...

25 CHAIRMAN B. BURDICK: Well, let's

1 just settle it. If you want to do that, Chair
2 and Vice Chair or...

3 VICE CHAIR A. LONG: Sure. And all we're
4 doing here is designating two people.

5 CHAIRMAN B. BURDICK: The Chair and Vice
6 Chair shall secure at least -- add in Vice Chair
7 shall for the two persons or do you want to just
8 say you name one and I name one?

9 VICE CHAIR A. LONG: I think that would
10 probably be easier than...

11 CHAIRMAN B. BURDICK: The Chair shall
12 name -- the Chair shall name at least one person
13 and the Vice Chair shall name at least one
14 person -- the Chair and Vice Chair shall
15 individually name at least one person, how's
16 that?

17 VICE CHAIR A. LONG: Insert the -- insert
18 the agents.

19 CHAIRMAN B. BURDICK: The Chair and Vice
20 Chair shall individually name or keep the
21 language secure?

22 VICE CHAIR A. LONG: I think name is
23 better.

24 CHAIRMAN B. BURDICK: Name at least one
25 person trained in Indiana election law and the

1 functions of MicroVote voting systems to be used
2 in the City election. Then the next No. 2, I'm
3 going to say these two --

4 VICE CHAIR A. LONG: The agents.

5 CHAIRMAN B. BURDICK: These two agents or
6 whatever so they recognize that that means
7 two -- I don't know if that's clear or not.

8 MR. B. KING: I think it should say these
9 agents.

10 CHAIRMAN B. BURDICK: These agents, that's
11 cool. Is that a problem with you guys?

12 VICE CHAIR A. LONG: These agents other
13 than these?

14 CHAIRMAN B. BURDICK: Yeah, and they
15 recognize that we have plural there.

16 COMMISSION MEMBER T. JOHN: Because that
17 gives you...

18 VICE CHAIR A. LONG: These agents of the
19 commission.

20 COMMISSION MEMBER B. MORGAN: Didn't we say
21 at least, because you may well find that you...

22 COMMISSION MEMBER: (Inaudible.)

23 VICE CHAIR A. LONG: Name at least one,
24 then we're saying these agents of the commission
25 contact, to request training etc., and they

1 contact the co-directors and then follow on
2 through.

3 CHAIRMAN B. BURDICK: Shall we -- shall
4 we -- we need to put something in here that's
5 probably -- we need to put something in here.

6 COMMISSION MEMBER B. MORGAN: Indiscernible.

7 CHAIRMAN B. BURDICK: Conceivably, the way
8 it's written, you know.

9 VICE CHAIR A. LONG: All I was -- I don't
10 think we ought to name more than one apiece
11 until the end of the commission, it says -- I
12 mean, authorizes additional ones, do you see
13 what I'm saying -- I mean, the -- the number
14 will always be equal, additional ones additional
15 agents authorized by the commission will always
16 be equal in number specifically appointed.

17 CHAIRMAN B. BURDICK: Do you want to add
18 that language, is that a...

19 COMMISSION MEMBER T. JOHN: I was going to
20 say, do you want to hamstring hey, and say we've
21 got to have the Commission to appoint those
22 extra people -- I mean, I guess I'd rather put
23 it in here to say that they're appointed evenly
24 and allow -- I mean, the point of designating
25 this is to allow some flexibility.

1 VICE CHAIR A. LONG: If you want to put
2 upon the concurrence of the chair and advise
3 chair an equal number or additional agents may
4 be appointed.

5 CHAIRMAN B. BURDICK: That's great. Let's
6 do that.

7 VICE CHAIR A. LONG: Let's do that.

8 COMMISSION MEMBER B. MORGAN: Indiscernible.

9 COMMISSION MEMBER T. JOHN: And yeah, you
10 disagree into it, then that it has to come back
11 to the Commission and we'll deal with it that
12 way, but I hate to hamstring you where you're
13 going -- gee, we'd like people and so
14 (indiscernible) the process. We don't have like
15 25 days (indiscernible).

16 VICE CHAIR A. LONG: I was going to say if
17 we had this meeting earlier -- I mean,
18 (indiscernible).

19 CHAIRMAN B. BURDICK: Tony, you had some
20 language -- you had some language up there,
21 Tony -- Tony, you had something -- you had some
22 good language there a second ago.

23 VICE CHAIR A. LONG: Upon the concurrence
24 of the Chair and Vice Chair, additional -- an
25 equal number -- well, additional agents may be

1 appointed -- additional agents, comma, equal --
2 equally appointed may be -- may be selected
3 (indiscernible).

4 CHAIRMAN B. BURDICK: May be named. All
5 right, here we go. Let's see here -- okay,
6 let's start out to -- so I have a proposed
7 amendment to Point 6 of the order, No. 1, shall
8 read now the Chair and Vice Chair shall
9 individually name at least one person trained in
10 Indiana election law and the functions of
11 MicroVote voting systems to be used in the City
12 election, period. Upon the concurrence of the
13 Chair and Vice Chair, this is where it gets
14 fuzzy, additional persons.

15 VICE CHAIR A. LONG: You have to put
16 equality at this in it because we're going to
17 concur on the appointments.

18 CHAIRMAN B. BURDICK: You know, you're
19 right.

20 VICE CHAIR A. LONG: So if we concur --

21 CHAIRMAN B. BURDICK: Additional,
22 additional individuals...

23 VICE CHAIR A. LONG: -- we need four
24 more --

25 COMMISSION MEMBER: Concurring Chair and

1 Vice chair issuing, that's exactly right.

2 CHAIRMAN B. BURDICK: Additional

3 individuals -- additional persons can be named.

4 VICE CHAIR A. LONG: To carry the...

5 CHAIRMAN B. BURDICK: This function.

6 VICE CHAIR A. LONG: The function, yeah.

7 CHAIRMAN B. BURDICK: And then we change

8 the --

9 VICE CHAIR A. LONG: Let me see.

10 CHAIRMAN B. BURDICK: -- the to these.

11 VICE CHAIR A. LONG: Just -- I think if you

12 said to appoint -- if you put the word as agents

13 in one, you don't have to change any -- then the

14 agents covers everybody then. You don't have to

15 change it, because other than that, you're going

16 to look through each one of these.

17 CHAIRMAN B. BURDICK: Yeah, I've got you.

18 I got you.

19 VICE CHAIR A. LONG: The agents starts out

20 the others.

21 CHAIRMAN B. BURDICK: Between persons and

22 trained?

23 VICE CHAIR A. LONG: Yeah.

24 CHAIRMAN B. BURDICK: Yeah. All right,

25 I'll accept that as a friendly amendment, how's

1 that motion?

2 VICE CHAIR A. LONG: Second.

3 CHAIRMAN B. BURDICK: Okay. Now we have a
4 motion on the table, any discussion?

5 (No response.)

6 CHAIRMAN B. BURDICK: All those in favor of
7 the motion, signify by saying aye?

8 COMMISSION MEMBER T. JOHN: Who's the
9 original -- I think Tony was originally -- I
10 just wanted to make sure it got accepted.

11 CHAIRMAN B. BURDICK: Yeah. What we just
12 voted on was both. I accepted the friendly
13 amendment to the original amendment.

14 COMMISSION MEMBER T. JOHN: So the original
15 (indiscernible). That's fine.

16 CHAIRMAN B. BURDICK: All right. Onward,
17 Page 9.

18 VICE CHAIR A. LONG: I think it was Point
19 7, I think -- of 6 -- I had no other changes in
20 6. I think we dealt with all that.

21 CHAIRMAN B. BURDICK: Yep.

22 VICE CHAIR A. LONG: And I propose the same
23 amendment to 1, Point 7(1) as we just did, but I
24 want to discuss the -- this tier of --

25 CHAIRMAN B. BURDICK: Just make sure I

1 understand, you want to say -- you want to do
2 the Chair and the Vice Chair?

3 VICE CHAIR A. LONG: Yeah.

4 CHAIRMAN B. BURDICK: Okay. I got it.

5 VICE CHAIR A. LONG: At least two each.

6 I'm not for sure that's -- the way this is
7 worded that this -- there are 36 precincts, as I
8 understand it in -- in East Chicago, and we've
9 got four people. It seems to me the -- the
10 two -- the two agents that we've just done in
11 Point 6 are primarily technical agents.

12 CHAIRMAN B. BURDICK: Yeah, voting
13 machines.

14 VICE CHAIR A. LONG: Voting machines.

15 CHAIRMAN B. BURDICK: Right. Right.

16 VICE CHAIR A. LONG: So they're not
17 field...

18 CHAIRMAN B. BURDICK: Right.

19 VICE CHAIR A. LONG: These are agents that
20 are law.

21 CHAIRMAN B. BURDICK: Yeah, that's what I
22 was going to say. I'm not for sure that number
23 right now is -- accomplished what we're wanting
24 because -- do you know how many poll cites or
25 how many precincts are consolidated?

1 UNIDENTIFIED SPEAKER: Thirty-six.

2 CHAIRMAN B. BURDICK: Because that's the
3 other thing, were any of them consolidated that
4 you could...

5 VICE CHAIR A. LONG: How many voting places
6 do you have?

7 MR. B. KING: How many voting places?

8 UNIDENTIFIED SPEAKER: They're all
9 separate, all separate.

10 CHAIRMAN B. BURDICK: How about if we say
11 we appoint the equal --

12 COMMISSION MEMBER: All 36?

13 UNIDENTIFIED SPEAKER: All 36 are separate.

14 COMMISSION MEMBER: One per precinct.

15 CHAIRMAN B. BURDICK: One per precinct, I
16 mean...

17 MS. K. ROBERTSON: No, you don't need one.

18 CHAIRMAN B. BURDICK: You just need one if
19 you three precincts voting in the same place.

20 VICE CHAIR A. LONG: But I don't believe
21 they...

22 UNIDENTIFIED SPEAKER: They're all
23 separate. They're all in separate place.

24 COMMISSION MEMBER T. JOHN: There are no
25 consolidated voting places.

1 CHAIRMAN B. BURDICK: Okay.

2 UNIDENTIFIED SPEAKER: (Indiscernible).

3 VICE CHAIR A. LONG: I appreciate you
4 coming down here to give us that because we
5 don't know and that's very helpful.

6 UNIDENTIFIED SPEAKER: I don't think you
7 need one per precinct.

8 VICE CHAIR A. LONG: No, and I don't -- I
9 mean, it just seems...

10 CHAIRMAN B. BURDICK: Can you -- I'm sorry,
11 could you guys identify yourselves for the
12 record since you're giving us this information?

13 MS. A. GOLDMAN-RODRIQUEZ: Yeah, I'm Alicia
14 Goldman-Rodriguez from East Chicago.

15 MS. R. AMARO: Rose Amaro from East
16 Chicago.

17 MS. A. GOLDMAN-RODRIQUEZ: And there are 36
18 separate areas.

19 VICE CHAIR A. LONG: Polling places?

20 MS. A. GOLDMAN-RODRIQUEZ: Polling places;
21 right, all 36.

22 CHAIRMAN B. BURDICK: That the Chair and
23 Vice Chair shall secure...

24 VICE CHAIR A. LONG: I mean, there are
25 things throughout here -- throughout this whole

1 thing that require on-site work and I don't
2 think we could accept two people.

3 MS. A. GOLDMAN-RODRIQUEZ: Good luck.

4 VICE CHAIR A. LONG: I may withdraw that
5 down there. I think that the mechanics of it is
6 we may need to see -- this is going to be pretty
7 closely scrutinized by a boatload of folks in
8 this community, and rightfully so. It seems to
9 me these are going to be floating boards and we
10 may have to discuss between now -- because I
11 think we're going to have to go up there and
12 meet with them and get the logistics of this.

13 We may have -- instead of four, we may need
14 ten people to be able to float around and be
15 contacted -- I mean, I'm want to talk mechanics, if
16 we need phones or Blackberrys or whatever it is so
17 they could communicate readily to address the
18 issue.

19 CHAIRMAN B. BURDICK: How about we put at
20 least 12, that way we can have people assigned
21 three -- just mathematically, people be assigned
22 to three precincts.

23 MS. A. GOLDMAN-RODRIQUEZ: 96, there is no
24 phones at the voting place. There is no
25 accessibility of phones.

1 COMMISSION MEMBER: In all 36?

2 MS. A. GOLDMAN-RODRIQUEZ: In none of them
3 none of them.

4 VICE CHAIR A. LONG: Cell phones.

5 MS. A. GOLDMAN-RODRIQUEZ: They're not
6 accessible to the inspectors or to anybody in
7 the polling area.

8 VICE CHAIR A. LONG: And they don't -- cell
9 phones then?

10 MS. A. GOLDMAN-RODRIQUEZ: Well, I mean, I
11 don't know about -- well, they might let their
12 cell phones in. I don't think there's any
13 stipulation about that.

14 CHAIRMAN B. BURDICK: How about we change 4
15 to 12, that's what I -- there will be enough
16 (indiscernible).

17 COMMISSION MEMBER T. JOHN: If you go to
18 12, and you know, the campaign --

19 VICE CHAIR A. LONG: If we had people up
20 here.

21 COMMISSION MEMBER: -- should have
22 watchers.

23 VICE CHAIR A. LONG: If we had 12 teams --
24 six teams -- six -- you're talking about six
25 teams; right?

1 CHAIRMAN B. BURDICK: Yeah.

2 VICE CHAIR A. LONG: Twelve people?

3 CHAIRMAN B. BURDICK: Yeah. Yeah.

4 VICE CHAIR A. LONG: That would be --

5 CHAIRMAN B. BURDICK: I'm sorry, yeah.

6 VICE CHAIR A. LONG: Would six teams, if we
7 added, would provide the coverage from this
8 commission to assist you all?

9 MS. A. GOLDMAN-RODRIQUEZ: Districts,
10 because we have six districts.

11 CHAIRMAN B. BURDICK: If you had 8 people.

12 COMMISSION MEMBER B. MORGAN: Would you be
13 able to go to six precincts?

14 MS. A. GOLDMAN-RODRIQUEZ: We have six
15 districts so that would be fine.

16 COMMISSION MEMBER B. MORGAN: Well, that
17 works then.

18 MS. A. GOLDMAN-RODRIQUEZ: That would be
19 one.

20 MS. R. AMARO: One per district.

21 MS. A. GOLDMAN-RODRIQUEZ: Well, I don't
22 know.

23 VICE CHAIR A. LONG: And they overlap
24 if -- we wouldn't be assigning them just -- they
25 might be -- their base of operation is per