

Indiana Election Commission
Minutes
January 19, 2010

Members Present: Thomas E. Wheeler, II, Chairman of the Indiana Election Commission ("Commission"); S. Anthony Long, Vice Chairman of the Commission; Daniel A. Dumezich, member of the Commission; Sarah Steele Riordan, member of the Commission.

Members Absent: None

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

Also Attending: The Honorable Ryan Dvorak, Indiana State Representative; The Honorable Craig Fry, Indiana State Representative; The Honorable Stephanie Burgess, Elkhart County Circuit Court Clerk; The Honorable Rita Glenn, St. Joseph County Circuit Court Clerk; Ms. Sally LaSota, Director, Lake County Board of Elections and Registration; Ms. Michelle Fajiman, Lake County Board of Elections and Registration; Ms. Patti Bacan, Lake County Board of Elections and Registration; Mr. Wayne Kramer, Elkhart County Election Board member; Ms. Marilyn Cage; Mr. Robert A. Pedzinski.

1. Call to Order

The Chair called the January 19, 2010 meeting of the Commission to order at 3:30 p.m. in the Indiana Government Center South Conference Center, Conference Room 14, at 402 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 and Associates, Inc. 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 8, line 23, the name "Barr (Phonetic)" is amended to read "Bard".

Page 8, line 24, the name "Stratan (Phonetic)" is amended to read "Stratton".

Page 10, line 3, the name "Bocca (Phonetic)" is amended to read "Bacan".

Page 12, line 9, the name "Gasprovic" is amended to read "Gasparovic".

Page 12, line 10, the name "(Phonetic)" is deleted.

Page 12, line 14, the name "Gasprovic" is amended to read "Gasparovic".

Page 17, line 2, the name "Roberta" is amended to read "Robert".

Page 20, line 22, the word "drown" is amended to read "drawn".

Page 22, line 2, the word "fort" is amended to read "forth".

Page 27, line 11, the name "Roberta" is amended to read "Robert".

Page 30, line 17, the word "actuality" is amended to read "actually".

3. Adjournment

There being no further items on the Commission's agenda, the Chair entertained a motion to adjourn. Mr. Long moved, seconded by Mr. Dumezich, that the Commission do now adjourn. The Chair called the question, and declared that with four members voting "aye" (Mr. Wheeler, Mr. Long, Mr. Dumezich and Ms. Riordan), and no Commission member voting "no," the motion was adopted. The Commission then adjourned at 4:05 p.m.

Respectfully submitted,



J. Bradley King
Co-Director



Pamela Potesta
Co-Director

APPROVED:



~~Thomas E. Wheeler, H~~ Daniel A. Dumezich
Chairman

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INDIANA ELECTION COMMISSION
PUBLIC MEETING AGENDA

Date: Tuesday, January 19, 2010

At: Indiana Government Center South
302 West Washington Street
Indianapolis, Indiana 46204

A STENOGRAPHIC RECORD BY:
Rhonda J. Hobbs, RPR
Notary Public
Stenographic Reporter

Connor + Associates, Inc.
1650 One American Square
Indianapolis, IN 46282
(317) 236-6022

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INDIANA ELECTION COMMISSION

- Mr. Thomas E. Wheeler, II (Chairman)
- Mr. S. Anthony Long, (Vice Chair)
- Mr. Daniel A. Dumezich, Commission Member
- Ms. Sarah Steele Riordan, Commission Member

INDIANA ELECTION DIVISION

- Mr. Dale Simmons - Co-General Counsel
- Ms. Leslie Barnes - Co-General Counsel
- Mr. Bradley King - Co-Director
- Ms. Pamela Potesta - Co Director

1 CHAIRMAN T. WHEELER: Occasionally, I get a
2 gavel but I do not have a gavel for this
3 particular meeting. I'm going to go ahead and
4 call the meeting of the Indiana Election
5 Commission to order. This is a public session.
6 We're meeting in the Indiana Government Center
7 South, Conference Room 14, pursuant to notice
8 that has previously been posted. I note that
9 all commission members are here and present for
10 the meeting.

11 I would issue a slight apology for those of
12 you who had to wait. We had a fairly lengthy
13 executive commission session relating to
14 litigation and the AG's office was kind enough
15 to advise us regarding that litigation so it
16 went a little bit longer than anticipated, so I
17 apologize to individuals who are here for the
18 public meeting.

19 MR. B. KING: Mr. Chairman, staff has
20 prepared minutes of the executive session for
21 certification by the members of the commission
22 that only matters discussed in the executive
23 session were those subject to the posting so the
24 minutes are prepared for approval.

25 CHAIRMAN T. WHEELER: I'll accept a motion

1 to approve the minutes.

2 VICE CHAIR A. LONG: So moved.

3 CHAIRMAN T. WHEELER: Do I have a second?

4 COMMISSIONER D. DUMEZICH: Second.

5 CHAIRMAN T. WHEELER: Motion's made and
6 seconded, any further discussion?

7 (No response.)

8 CHAIRMAN T. WHEELER: Hearing none, all in
9 favor of the motion, signify by saying aye?

10 COMMISSION MEMBERS: Aye.

11 CHAIRMAN T. WHEELER: Those opposed, same
12 sign?

13 (No response.)

14 CHAIRMAN T. WHEELER: Motion carries. Now,
15 I will accept a motion with respect to a
16 signature of interrogatory responses?

17 VICE CHAIR A. LONG: Chairman, I'm not -- I
18 have two motions, if I may, with regard to the
19 pending litigation. The first motion would be
20 with regard to execution of the interrogatories
21 and requests for production, if necessary, that
22 the commission approve your signing those on our
23 behalf and verifying them as chairman of the
24 commission and with our approval.

25 CHAIRMAN T. WHEELER: Do I have a second to

1 the motion?

2 COMMISSIONER D. DUMEZICH: Second.

3 CHAIRMAN T. WHEELER: Motion's made and
4 seconded, any further discussion?

5 (No response.)

6 CHAIRMAN T. WHEELER: Hearing none, all in
7 favor signify by saying aye?

8 COMMISSION MEMBERS: Aye.

9 CHAIRMAN T. WHEELER: Those opposed, same
10 sign?

11 (No response.)

12 CHAIRMAN T. WHEELER: Motion carries.

13 VICE CHAIR A. LONG: And with regard to the
14 second motion, it's my understanding that the
15 court may require attendance of members of the
16 commission at a settlement conference subject to
17 approval of the court, and I would move that you
18 and Commissioner Riordan appear on behalf of the
19 commission and participate in any settlement
20 conference that would be required by the court
21 with the authority to negotiate on our behalf
22 with final approval subject to the commission.

23 CHAIRMAN T. WHEELER: I have a motion, do I
24 have a second?

25 COMMISSIONER D. DUMEZICH: Second.

1 CHAIRMAN T. WHEELER: Motion's made and
2 seconded, any further discussion?

3 (No response.)

4 CHAIRMAN T. WHEELER: Hearing none, all in
5 favor signify by saying aye?

6 COMMISSION MEMBERS: Aye.

7 CHAIRMAN T. WHEELER: Those opposed, same
8 sign?

9 (No response.)

10 CHAIRMAN T. WHEELER: Motion carries.
11 Commissioner Riordan and I will represent the
12 commission, if and when a settlement conference
13 is necessary for the pending litigation.

14 VICE CHAIR A. LONG: That's always subject
15 to your own schedules, of course.

16 CHAIRMAN T. WHEELER: I live for settlement
17 negotiations. Now with respect to those
18 specific items, is there -- before I move onto
19 the precincts, is there anything else from any
20 of the commissioners?

21 (No response.)

22 CHAIRMAN T. WHEELER: All right. Now
23 moving onto precincts, what I'm going to do is
24 ask for comment from the staff on the precincts
25 and then comments from representatives for the

1 counties. Given the hour and the desire to get
2 people back to various -- several people have to
3 head back to Lake County so what I'm going to do
4 is limit presentation to ten minutes for
5 individuals interested in this. I won't hold
6 questions from the commissioners against your
7 ten minutes, but it'll be roughly ten minutes,
8 but try to stay within that time frame so we can
9 try to get people back to where they need to be.

10 I will go in the order of Lake, St. Joe and
11 Elkhart, which I think the order you guys are
12 seated to my left; is that correct -- St. Joe
13 and Elkhart -- all right, and at this point in
14 time I'm going to ask Brad King, Co-director of
15 the Division, to administer an oath to everyone
16 who will be speaking to the precinct issues.

17 MR. B. KING: Thank you, Mr. Chairman.
18 Those who will be testifying, please raise your
19 right hand and respond I do at the conclusion of
20 the oath?

21 (Witness complied.)

22 MR. B. KING: I do solemnly swear that the
23 testimony I will give the commission today will
24 be the truth, the whole truth, and nothing but
25 the truth, so help me, God?

1 THE WITNESSES: I do.

2 CHAIRMAN T. WHEELER: All right. Now
3 beginning with Lake County -- Pam, Brad who's
4 doing Lake County?

5 MR. B. KING: Mr. Chairman, Pam Potesta and
6 I, as co-directors, assigned precinct work to
7 members of our respective staffs and so we'll be
8 making presentations regarding those that are
9 involved. In the case of Lake County, Pam
10 Potesta assigned the appropriate staff member,
11 but I'm prepared to answer questions regarding
12 that work as well.

13 CHAIRMAN T. WHEELER: All right, Pam.

14 MS. P. POTESA: Mr. Chairman, I have on my
15 desk here Lake County and we have three people
16 from Lake County here to address the
17 commissioners, and my employee, Ryan, seated
18 over there is available for any questions. Lake
19 County is before you today to, hopefully, get
20 their precincts approved.

21 Ryan has worked many long, hard hours with
22 the three people from Lake County to get this
23 effort done, as well as Maureen Barr (Phonetic)
24 and Mark Stratan (Phonetic) have put in many
25 long hours also with Ryan to get this

1 accomplished, so any questions you have should
2 be addressed to Ryan or Lake County or Maureen
3 or Mark.

4 MR. B. KING: Mr. Chairman, and Members of
5 the Commission, I'll just add that we as
6 co-directors have received communication from
7 the Office of Census Data stating that their
8 review of the Lake County precinct boundary
9 changes have been closed.

10 Pam and I both have reviewed the Lake
11 County file, and although we're not required as
12 part of this particular process to certify it,
13 we find it in compliance with state law. I have
14 reviewed it and see no violation of state law in
15 the proposal that was submitted.

16 CHAIRMAN T. WHEELER: Anything else from
17 the staff?

18 MS. P. POTESTA: No.

19 CHAIRMAN T. WHEELER: Commission members,
20 any questions?

21 (No response.)

22 CHAIRMAN T. WHEELER: All right. We have
23 representatives from Lake County. Could you
24 introduce yourselves, please, or whoever is
25 going to be speaking?

1 MS. S. LaSOTA: I'm Sally LaSota, the
2 director, Michelle Fajman is the election
3 administrator, and Patty Bocca (Phonetic) is our
4 mapper, she's the one -- I do apologize, I
5 thought I shut this off -- she is our mapper and
6 we she will address any questions the commission
7 may have.

8 CHAIRMAN T. WHEELER: Sally, you're the
9 director of?

10 MS. S. LaSOTA: County Board of Elections
11 Administration. We're a combined board. The
12 clerk does not have elections. My counterpart
13 is Republican, he is not here today, he didn't
14 have any issues with this, and they're preparing
15 tomorrow to finally open, so we've got a staff
16 that's -- we had reduction of four people so
17 everybody's trying to get ready for tomorrow
18 morning and everybody coming in to file for
19 offices plus campaign finance is due by noon, so
20 Nick, Jenny, and Dan are up at Lake.

21 CHAIRMAN T. WHEELER: Just make sure they
22 file in the right office, otherwise, we'll hear
23 about it.

24 MS. S. LaSOTA: Yeah.

25 CHAIRMAN T. WHEELER: Okay. Who's speaking

1 to the...

2 MS. S. LaSOTA: Well, we have no issues if
3 the board has approved our maps; is that my
4 understanding, the co-directors have reviewed
5 and approved and there's no issue?

6 VICE CHAIR A. LONG: May I ask a question?

7 UNIDENTIFIED SPEAKER: Yes, sir.

8 VICE CHAIR A. LONG: How many precincts are
9 involved?

10 UNIDENTIFIED SPEAKER: A total of 27, plus
11 more is due to annexations from various cities
12 and towns, as well as Lake Station redrew their
13 city-council lines based on we had a lot of
14 split precincts, whereas in one precinct, they
15 may have had a difference in council members, so
16 they had come in and redrew their city district
17 lines and we were trying to clean up precinct
18 lines to help accommodate to produce those split
19 precincts. So it's pretty much mostly just
20 annexations and some...

21 COMMISSIONER D. DUMEZICH: I'd like to --
22 Tony, are you done?

23 VICE CHAIR A. LONG: Go ahead.

24 COMMISSIONER D. DUMEZICH: Okay. I happen
25 to be a precinct committeeman in Lake County in

1 the -- in Schererville 27. My polling place was
2 taken and moved so we now have to travel into a
3 different town and come back into the town to
4 vote.

5 It's been represented to me several times
6 that the polling place would be put back in the
7 location where it was prior to 2005. That has
8 not occurred yet. This makes me extraordinarily
9 unhappy and I would like to have Mr. Gasprovic
10 (Phonetic) show up at any time you have any
11 proposed changes.

12 In the alternative, we can put my polling
13 place back where it belongs, at the country
14 club, if Mr. Gasprovic doesn't care to come.

15 UNIDENTIFIED SPEAKER: Well, I...

16 COMMISSIONER D. DUMEZICH: That's -- that's
17 just a comment that I wanted to make. Thank
18 you.

19 VICE CHAIR A. LONG: You all realize as
20 soon as we complete the census this year, this
21 will all have to be redone probably next year.
22 That's one of the negatives in my mind with
23 regard to any reprecincting efforts in the year
24 preceding or in the beginning of the year of the
25 census because it's tough enough for people to

1 learn precinct lines, and then they get changed,
2 and then ten months later they get changed
3 again. That's just an observation.

4 CHAIRMAN T. WHEELER: And an obligation
5 placed on all the precincts.

6 VICE CHAIR A. LONG: Again, that's just a
7 general feeling I have about all the
8 precincting, but during the census year, I've
9 never understood the reason for it, absent a
10 catastrophic occurrence.

11 UNIDENTIFIED SPEAKER: Again, most of ours
12 is due to the annexation. Lake Station, their
13 thought is going into next year, in terms of the
14 municipal election, there was so much confusion
15 as to who the representatives were.

16 So they understand there is a lot of work
17 still to be done, but there were some major
18 issues in regards to their district lines that
19 they wanted to clean up from ten years ago or
20 nine years ago, so this was a nice way for them
21 to get started.

22 And again, there will be some tweaks along
23 the way after the census which they are well
24 aware of for their district lines. Again, we
25 are trying to follow and clean up some of those

1 things. In one precinct they had three
2 different city-councilmen representing them
3 and...

4 CHAIRMAN T. WHEELER: When you refer to
5 tweaks, those are people getting switched and
6 getting switched again?

7 UNIDENTIFIED SPEAKER: No, that means there
8 were some school corporation lines. So when we
9 say tweak, it will be coming in and making sure
10 there are no splits on the lines for the school
11 corporation.

12 When I say tweak it will be -- as the
13 census numbers come in -- of course, the numbers
14 will have fluctuated from some of the census
15 data that they were going off of. So coming
16 into the next year, they will revisit those
17 numbers, but overall, most of this is
18 annexations that they had to deal with, and
19 those were out of our control.

20 Different cities and towns are grabbing up
21 township land and we just want to ensure that
22 going into the 2010 election that people are in
23 their correct locations.

24 COMMISSIONER S. RIORDAN: Do you have
25 (indiscernible)?

1 UNIDENTIFIED SPEAKER: Yes, we do.

2 COMMISSIONER S. RIORDAN: You have the

3 townships?

4 UNIDENTIFIED SPEAKER: We have the

5 townships running across the entire county, we

6 also have some town council races, and that's

7 why it's so important for the annexed territory

8 to be addressed at this point in time because

9 they came from townships and now they've been

10 incorporated into towns, and we do have

11 staggered terms running in 2010, so therefore,

12 it's very important to ensure that these voters

13 who have now been annexed into a town be

14 eligible to vote for their council

15 representatives.

16 CHAIRMAN T. WHEELER: Anything else from

17 Lake County?

18 (No response.)

19 CHAIRMAN T. WHEELER: Any other questions

20 from the commissioners?

21 (No response.)

22 CHAIRMAN T. WHEELER: All right. I'll

23 accept a motion on the Lake County's

24 reprecincting request.

25 VICE CHAIR A. LONG: I would move for the

1 reasons I stated earlier, that we deny it.

2 CHAIRMAN T. WHEELER: Is there a second?

3 COMMISSIONER D. DUMEZICH: Second.

4 CHAIRMAN T. WHEELER: Any further
5 discussion?

6 (No response.)

7 CHAIRMAN T. WHEELER: All in favor of the
8 motion, signify by saying aye?

9 COMMISSION MEMBERS: Aye..

10 CHAIRMAN T. WHEELER: Those opposed, same
11 sign?

12 (No response.)

13 CHAIRMAN T. WHEELER: Motion passes. St.
14 Joe County.

15 MR. B. KING: Mr. Chairman and Members of
16 the Commission, St. Joe County submitted
17 proposed precinct changes to the Election
18 Division. These were reviewed by the Office of
19 Census Data who has advised us that their review
20 of the proposal has been completed.

21 In this situation, legal notice was
22 published more than ten days ago, I believe on
23 January the 8th, and under statute this matter
24 comes before the commission as a result of an
25 objection that has been filed, and I believe all

1 the commission members have copies, the
2 objection filed by Mr. Roberta A. Pedzinski --
3 did I misstate it?

4 MR. R. PEDZINSKI: Yeah.

5 VICE CHAIR A. LONG: No, that's Elkhart.

6 COMMISSIONER S. RIORDAN: That's Elkhart.

7 MR. B. KING: Oh, I'm sorry,
8 Representative. I beg -- I beg your pardon.

9 VICE CHAIR A. LONG: It's Fry, I believe.

10 MR. B. KING: I beg your pardon, by the
11 Honorable Representative Craig Fry -- thank
12 you -- with regard to the proposed precinct
13 changes for St. Joseph County, and again, I'd
14 like -- the division staff can discuss the
15 particulars, and I'll, of course, defer to those
16 making presentations to discuss the content of
17 those objections.

18 CHAIRMAN T. WHEELER: Any other comments
19 from staff?

20 MS. P. POTESTA: No, Mr. Chairman.

21 CHAIRMAN T. WHEELER: All right. At this
22 point we have precinct changes, then we have an
23 objection; correct?

24 MR. B. KING: That's correct.

25 CHAIRMAN T. WHEELER: What I'll do is -- as

1 I understand, since there's been -- we've got
2 the precinct, then we've got an objection.
3 We'll start with -- who's going to speak on the
4 precinct?

5 MS. R. GLENN: My name is Rita Glenn and
6 I'm the Clerk for the Circuit Court of St.
7 Joseph County.

8 COMMISSIONER D. DUMEZICH: I'm sorry, could
9 you restate your name?

10 MS. R. GLENN: Rita Glenn, Clerk from the
11 Circuit Court of St. Joseph County.

12 VICE CHAIR A. LONG: It's two N's?

13 MS. R. GLENN: I beg your pardon?

14 VICE CHAIR A. LONG: It's two N's?

15 MS. R. GLENN: Two N's, yes.

16 THE COURT REPORTER: I'm having trouble
17 hearing her.

18 MR. D. SIMMONS: She can't hear Rita.

19 THE COURT REPORTER: Because I'm over here
20 and she's...

21 CHAIRMAN T. WHEELER: Okay. Rita, can you
22 stand up or...

23 MS. R. GLENN: Sure, I can do that.

24 CHAIRMAN T. WHEELER: Okay.

25 MS. R. GLENN: Anyway, I was notified on

1 January 4th that the reason that we were asked
2 to make a change in our precincts was because of
3 the fact that we were over the population of
4 1,200 voters. We had five precincts that were
5 notified that were over 1,200.

6 We spoke with the State, and in an easy
7 fix, we were suggested and followed their
8 direction of making an A and B, and what this
9 has done has cost more money to the county but
10 we did not change any boundaries.

11 We are now having to put additional polling
12 books and polling workers and things like that
13 but we did not change any district boundaries,
14 and that was signed off by both parties.

15 VICE CHAIR A. LONG: You created five new
16 precincts?

17 MS. R. GLENN: Right, which means we don't
18 have enough machines so...

19 CHAIRMAN T. WHEELER: Any questions from
20 the commission members?

21 (No response.)

22 CHAIRMAN T. WHEELER: And then there's an
23 objection from Representative Fry.

24 REPRESENTATIVE C. FRY: Thank you. Last
25 Friday, Representative Ryan Dvorak and I looked

1 over his map and it appears that there's some --
2 when you look at these maps that the commission
3 gave us, there's multiple lines, and they're not
4 in alignment in St. Joseph County, and back to
5 your point, Mr. Long, that we are literally the
6 day before filing and months before the first
7 primary of the new decade and all of this is
8 going to be done again after we redistrict in
9 2011.

10 I don't see the need for these changes in
11 St. Joseph counties. We weren't provided
12 adequate information on time. We found out
13 about this from a legal notice in Elkhart, from
14 the Elkhart Truth, that this was going on, and
15 I'll speak on the Elkhart objection later, but
16 it appears that the lines are different, our
17 district lines are different and Representative
18 Dvorak can speak to that.

19 CHAIRMAN T. WHEELER: When you say they're
20 different, they're different from what?

21 REPRESENTATIVE C. FRY: Well, they're
22 different from when they were drawn, in my case,
23 20 years ago, and in his case, ten years ago,
24 the red lines on the map, so that's our concern
25 that the lines have been changed, and while

1 there may not be anybody living there today,
2 there might be tomorrow.

3 And I guess my biggest gripe about this
4 whole thing is nobody told us, nobody was
5 notified, and I don't understand how this
6 process works and maybe it's my fault that I
7 didn't know but this whole process has been like
8 in the dark for us in my district.

9 If you understand, I won an election once
10 by 35 votes so I'm a little nervous about trying
11 to change any kind of lines. I'll answer any
12 questions.

13 CHAIRMAN T. WHEELER: As I understand it,
14 you guys didn't get notification from the county
15 chairs, for example?

16 REPRESENTATIVE C. FRY: No.

17 VICE CHAIR A. LONG: I understand that the
18 county chair may not have been aware of it
19 either, that's what I hear through the
20 grapevine.

21 CHAIRMAN T. WHEELER: What's the process
22 from the Division's standpoint, in terms of
23 notification -- Brad or Pam?

24 MR. B. KING: I can address this. There
25 are two processes for notification, one is the

1 publication of newspaper legal notice, which is
2 set fort in the statute, and the other, which as
3 I said occurred more than ten days ago pursuant
4 to that statute, the other process is not by
5 statute but informal, it's notification of the
6 two county chairs and major political parties
7 through generally the county clerk's office who
8 usually is the one submitting that precinct
9 submission.

10 I believe in this case we have documents on
11 file that indicate the communications that were
12 sent to the county chairs from St. Joe County.

13 MS. R. GLENN: If I may state that yes, I
14 did notify both party chairs, along with what we
15 submitted to the State -- not what these
16 gentlemen are talking about, but what we
17 submitted was the A and B precinct maps that we
18 sent down and the district maps that we sent
19 back down in August and then added the
20 annexations, which all that did was move people
21 from the county into the city, so there were no
22 boundary changes at all.

23 COMMISSIONER S. RIORDAN: That you
24 submitted -- who submitted the boundary changes?

25 REPRESENTATIVE R. DVORAK: I'm Ryan Dvorak,

1 State Representative from the 8th District, and
2 as Representative Fry said, we were aware of
3 these changes just a couple of days ago.

4 Going over what the counties submitted, and
5 basically, it was just dividing up the five
6 precincts that were over 1,200 into two
7 precincts, (indiscernible). On the maps we were
8 given by the Election Division, there are a
9 couple of instances, in St. Joseph and in
10 Elkhart counties, where other precinct
11 boundaries were redrawn.

12 Those other precincts that were going to be
13 redrawn, I guess, presumably by someone in the
14 State, do affect district boundary lines.

15 There's an area in my district and an industrial
16 park that I didn't have before. In
17 Representative Fry's district, there are lots
18 that are added in and taken out in a residential
19 community in Elkhart, and we're not really clear
20 on why those changes were made or who requested
21 that.

22 COMMISSIONER S. RIORDAN: So the
23 reprecincting plan generally originates from the
24 county; right, and then it comes up to us, and
25 then we look at it and analyze it, or the

1 Division staff looks at it and analyzes it and
2 tweaks it further so that it makes sense with
3 the census and should also make sense along
4 legitimate political boundaries, like house
5 districts, senate districts, council districts,
6 so on and so forth; right?

7 MS. P. POTESTA: With the census data
8 during that process.

9 COMMISSIONER S. RIORDAN: So here the St.
10 Joe clerks submitted a plan and then we worked
11 further on the plan and now you are objecting
12 because you're saying our further work on the
13 plan isn't consistent with political
14 boundaries; --

15 REPRESENTATIVE R. DVORAK: Correct.

16 COMMISSIONER S. RIORDAN: -- is that what
17 we're looking at here?

18 REPRESENTATIVE R. DVORAK: Correct.

19 REPRESENTATIVE C. FRY: That's what I
20 believe has happened.

21 CHAIRMAN T. WHEELER: Have you looked at
22 what Representative Dvorak has in front of him?
23 Did your stuff get changed? Does that look
24 foreign to you or...

25 MS. R. GLENN: I'm going to be real honest

1 with you, I don't draw the lines because we have
2 our own voter registration. All this was
3 verified through our voter registration and John
4 Carlson who is the -- does the precincts, but
5 again, when I notified the State, after they
6 notified me on January 6th, I said this will not
7 change any of the congressional, district,
8 council, commissioner, any -- anybody's lines,
9 and they said absolutely not.

10 COMMISSIONER D. DUMEZICH: And I'd like to
11 make a motion to deny the change in these
12 precincts in St. Joe County.

13 VICE CHAIR A. LONG: Second it.

14 CHAIRMAN T. WHEELER: Motion's made and
15 seconded, any further discussion?

16 (No response.)

17 CHAIRMAN T. WHEELER: And I'll just comment
18 that I have the same concerns that I expressed
19 with Lake County, and I'll express the same
20 concerns with Elkhart as well, which is -- it's
21 for the same reasons as Commissioner Long says
22 after redistricting. Now this one has a little
23 extra kicker than Lake County does, that it
24 sounds like there's not consistency as well.

25 And I'm a little bit -- and I'd like to

1 follow up with you guys, if you don't mind, on
2 the notification process because I'm real
3 concerned on the notification process, and spend
4 a little bit of time of where it broke down --
5 if it broke down with the division or the
6 chairman or the clerk -- I just want to figure
7 out what happened because we need to make sure
8 that, you know, you don't find out four days
9 before and go oh, my God, where's my district --
10 that doesn't make any sense. Any further
11 discussion on the motion?

12 (No response.)

13 CHAIRMAN T. WHEELER: Hearing none, all in
14 favor of the motion, signify by saying aye?

15 COMMISSION MEMBERS: Aye.

16 CHAIRMAN T. WHEELER: Those opposed, same
17 sign?

18 (No response.)

19 CHAIRMAN T. WHEELER: Motion carries. All
20 right, we're onto Elkhart County.

21 MR. B. KING: Mr. Chairman and Members of
22 the Commission, in this case the proposal
23 submitted by Elkhart County was prepared by an
24 employee of Pam Potesta so I'll defer to her in
25 a moment, but the same basic procedure was

1 followed as with St. Joe County.

2 The proposal was submitted and reviewed by
3 the Office of Census Data which reported its
4 review and then closed. A legal notice of the
5 proposed changes was published more than ten
6 days ago or exactly ten days ago. An objection
7 was filed earlier today with regard to the post
8 changes, and again, my apology, Representative,
9 this time, I'll -- I'll get it right.

10 MR. R. PEDZINSKI: It's Pedzinski.

11 MR. B. KING: By Mr. Roberta A. Pedzinski.

12 CHAIRMAN T. WHEELER: And Pam, did you want
13 to follow up on that?

14 MS. P. POTESTA: I just want to say that my
15 employee, Ryan Kruse, worked on Elkhart County,
16 and the county did notify both county chairs as
17 they're required to.

18 CHAIRMAN T. WHEELER: And do we have a
19 representative here from Elkhart County?

20 MS. S. BURGESS: Stephanie Burgess. I'm
21 the clerk in the circuit court.

22 COMMISSIONER D. DUMEZICH: Would you state
23 your name again?

24 MS. S. BURGESS: Stephanie Burgess.

25 CHAIRMAN T. WHEELER: And who's with you?

1 MR. W. KRAMER: Wayne Kramer, Chairman of
2 the Election Board.

3 CHAIRMAN T. WHEELER: Clerk Burgess.

4 MS. S. BURGESS: The changes in Elkhart
5 County, the proposed changes, we have the same
6 two issues that St. Joe County has, one being we
7 have 34 precincts that are over the 1,200 voter
8 allowed -- voter, what do you call that, limit,
9 and the other is, again, we have several
10 annexations in the City of Elkhart as well that
11 will affect next year's elections, so those were
12 the two main reasons in Elkhart County.

13 VICE CHAIR A. LONG: How many precincts did
14 you create?

15 MS. S. BURGESS: Actually, we are separate
16 from voter registration as well in Elkhart
17 County. They did the work on this. I was just
18 here for the hearing today. I believe there are
19 around 28 -- that may not be an exact number,
20 but it's around 28.

21 VICE CHAIR A. LONG: That costs a thousand
22 dollars a precinct to run an election in our
23 area, is that consistent in your area?

24 MS. S. BURGESS: A thousand dollars per
25 precinct -- it really varies.

1 VICE CHAIR A. LONG: This is our proposed
2 budget for the county -- it costs about \$60,000
3 to run an election?

4 MS. S. BURGESS: Yes.

5 VICE CHAIR A. LONG: To pay your workers
6 and your advertising, machines and rent, and all
7 the staff in the clerk's office and voter
8 registration office, somewhere in the vicinity,
9 that's another reason I'm not overly excited
10 about new precincts.

11 COMMISSIONER D. DUMEZICH: I'd like to make
12 a motion.

13 CHAIRMAN T. WHEELER: I was going to pipe
14 in and tell Commissioner Long how pleased I am
15 to see that he's taking the governor's stance on
16 conserving public funds.

17 VICE CHAIR A. LONG: We've got to save.

18 COMMISSIONER S. RIORDAN: Ryan, do you have
19 a comment or question?

20 MR. R. KRUSE: I have a comment. There's
21 some confusion on the geography of the lines
22 that our representatives are looking at. In
23 2000, when they first starting using the GIS
24 system, it was based on census drawn maps, and
25 as time has progressed, the geography has gotten

1 better, and so they start -- they overlay on
2 aerial photographs and start drawing lines.

3 As of 2008, the geography has gotten -- is
4 pretty much spot on, but there's still instances
5 where the -- the red lines they're speaking of
6 are off -- off centered. They're not exactly
7 running straight down the streets, they're off
8 to the left or to the right, but today's lines
9 are right on the streets.

10 So what they're seeing could possibly be or
11 more than likely are discrepancies in the way
12 the geography has changed over time and there
13 could be confusion within that, that they see.

14 In Elkhart instances, it took us probably
15 about five months to -- really to go through and
16 distinguish between what was error in geography
17 to what was actuality and -- just to clear that
18 up to make sure that we did not cross house
19 lines, any type of legislative line as we were
20 supposed to by statute.

21 If you -- and each precinct or each
22 legislative district is built by precincts or by
23 census blocks, and that's where the Office of
24 Census Data comes in because they make sure we
25 do not breach those district boundaries. We do

1 not redraw district boundaries, we only deal
2 with the precincts.

3 I think there's some confusion there
4 where it comes -- where there's a difference
5 between redrawing district lines and precinct
6 lines and we do not mess with district lines
7 whatsoever, and so everything is -- if you take
8 our number, if you take the census blocks of
9 these proposed precincts and you map them and
10 you put them in the list, it's going to be the
11 same list of precincts or census blocks that are
12 now currently within that district. No
13 population shifts. No voter changes.
14 Everything stays the same. It's just some of
15 the precincts have been split in half or...

16 CHAIRMAN T. WHEELER: Representative
17 Dvorak, what you're looking at is off our
18 system; right?

19 REPRESENTATIVE R. DVORAK: Yeah, I'm
20 looking at.

21 CHAIRMAN T. WHEELER: You're just logged
22 into our site; right?

23 REPRESENTATIVE R. DVORAK: I'm looking at
24 digital versions here, and these are provided by
25 the Election Division, and there are cases on

1 the maps that we can see along the roads where
2 GIS map is off by a slight amount by the
3 original election map and their lines sort of
4 cross over each other.

5 But what we're referring to are areas that
6 are, you know, 20 acres in size difference that
7 wouldn't be a GIS change or weird lots that were
8 carved out there -- obvious changes, so I've
9 seen the slight deviation that he's referring to
10 and I certainly assume that's what was
11 occurring. We're looking at a couple of
12 different areas.

13 CHAIRMAN T. WHEELER: Representative Fry.

14 REPRESENTATIVE C. FRY: The other thing is
15 that I know there -- there was a corner on
16 County Road 16 and State Road 19 that was not --
17 was not in my district, but now is, according to
18 that drawing, and Ryan can correct me if I'm
19 wrong, but it's clearly a change. Right now,
20 it's a commercial building. I -- he says nobody
21 lives there, I don't know, but tomorrow, that
22 could be a 10-story high rise and...

23 COMMISSIONER D. DUMEZICH: We just want to
24 put 38 voters in there.

25 REPRESENTATIVE C. FRY: I appreciate that.

1 CHAIRMAN T. WHEELER: That was nice.

2 REPRESENTATIVE C. FRY: Elkhart County is a
3 very Republican county and Democrats have a hard
4 time filling the voids, and I imagine the
5 Republicans do, too -- it costs more money, and
6 I don't -- I don't understand the timing and I
7 think it's just totally inappropriate and I'd
8 appreciate the rejection of the Elkhart
9 redistricting.

10 CHAIRMAN T. WHEELER: And you're speaking
11 on behalf of...

12 REPRESENTATIVE C. FRY: Mr. Pedzinski.

13 CHAIRMAN T. WHEELER: Let me ask one other
14 question. Representative Fry, have you talked
15 with Ryan about that corner?

16 REPRESENTATIVE C. FRY: We -- we met last
17 week.

18 CHAIRMAN T. WHEELER: So what was the
19 conclusion?

20 REPRESENTATIVE C. FRY: That nobody lived
21 there.

22 CHAIRMAN T. WHEELER: But what was the
23 conclusion, in terms of why that change
24 happened?

25 MR. R. KRUSE: There was no change -- I

1 mean, the block numbers -- we run by census
2 blocks, our maps are drawn by census blocks.
3 We -- the only time we're allowed to split a
4 census block is if there is -- if it's a large
5 block where you can't split -- you know, you
6 have to make a split if it's a huge field and so
7 forth, but like I said before, all those census
8 numbers stayed the same within his district.

9 They do not go across it nor anything like
10 that or they would be in violation -- OCD would
11 pick it up, the Office of Census Data would pick
12 it up and reject it and tell us to correct it
13 and so would our co-chairs.

14 COMMISSIONER D. DUMEZICH: I would like to
15 make a motion; is that okay?

16 CHAIRMAN T. WHEELER: Sure.

17 COMMISSIONER D. DUMEZICH: I would like to
18 make a motion to deny the change in Elkhart
19 County, the district changes in Elkhart County.

20 VICE CHAIR A. LONG: Second.

21 CHAIRMAN T. WHEELER: Motion's made and
22 seconded, any further discussion?

23 (No response.)

24 CHAIRMAN T. WHEELER: Hearing none, all in
25 favor signify by saying aye?

1 COMMISSION MEMBERS: Aye.

2 CHAIRMAN T. WHEELER: Those opposed, same
3 sign?

4 (No response.)

5 CHAIRMAN T. WHEELER: Motion carries. Is
6 there any further business for the Commission?

7 (No response.)

8 CHAIRMAN T. WHEELER: I'll accept a motion
9 to adjourn?

10 VICE CHAIR A. LONG: Moved.

11 COMMISSIONER D. DUMEZICH: Second it.

12 CHAIRMAN T. WHEELER: All in favor, signify
13 by saying aye?

14 COMMISSION MEMBERS: Aye.

15 CHAIRMAN T. WHEELER: Those opposed, same
16 sign?

17 (No response.)

18 (Time noted: 4:05 p.m.)

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25

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

3

4 I, Rhonda J. Hobbs, RPR, and a Notary Public
 5 and Stenographic Reporter within and for the County
 6 of Hendricks, State of Indiana at large, do hereby
 7 certify that the transcript is a full, true and
 8 correct transcript made from my stenograph notes.

9 IN WITNESS WHEREOF, I have hereunto set
 10 my hand and affixed my notarial seal this _____
 11 day of February, 2010.

12

13

14

 N O T A R Y P U B L I C

15

16 My Commission Expires:
 August 24, 2017
 17 County of Residence:
 Hendricks County

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