

# Indiana Election Commission Minutes August 26, 2013

**Members Present:** Daniel A. Dumezich, Chairman of the Indiana Election Commission (“Commission”); S. Anthony Long, Vice Chairman of the Commission; Bryce Bennett, member of the Commission; Suzannah Wilson Overholt, member of the Commission.

**Members Absent:** None

**Staff Attending:** Trent Deckard, Co-Director, Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); J. Bradley King, Co-Director of the Election Division; Leslie Barnes, Co-General Counsel of the Indiana Election Division; Dale Simmons, Co-General Counsel of the Election Division; Abbey Taylor, Indiana Election Division campaign finance staff; Michelle Thompson, Indiana Election Division campaign finance staff.

**Also Attending:** Mr. Theodore Adams; Mr. Tom Billings; Ms. Michelle Brzycki; Mr. George Fish; Ms. Debbie Hamm; Mr. Donnie Harris; Mr. Brian Inniger; Mr. Benjamin Jarvis; Mr. Kurt Johnson; Mr. Scott Keller; Mr. Cliff Kerce; Mr. Brooks Kirchgassner; Mr. Jake Lipinsky; Mr. Samuel Locke; Dr. Joseph Losco; Ms. Rhonda Malatestinic; Mr. Mark Manganaro; Ms. Connie Niemeyer; The Honorable Rick Niemeyer, Indiana State Representative; Ms. Sarah Riordan; Dr. Raymond Scheele; Mr. Eric Scott; Mr. Stephen Summitt; Mr. Karl Tatgenhorst; Ms. Danielle Taylor; The Honorable Greg Taylor, Indiana State Senator.

## 1. Call to Order

The Chair called the August 26, 2013 meeting of the Commission to order at 1:11 p.m. in the Indiana Government Center South Conference Center, Conference Room B, 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. Dianne Lockhart, CSR, CRR, RMR, 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:

Page 1, replace “August 31” with “August 26”.

Page 10, line 1, replace "proposal" with "propose".

Page 55, line 3, replace "on" with "or".

Page 64, line 21, replace "threes" with "three".

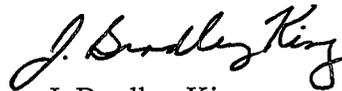
### 3. Adjournment

There being no further items on the Commission's agenda, the Chair entertained a motion to adjourn. Mr. Long moved, seconded by Mr. Bennett, that the Commission do now adjourn. The Chair called the question, and declared that with four members voting "aye" (Mr. Dumezich, Mr. Long, Mr. Bennett, and Ms. Overholt), and no Commission member voting "no," the motion was adopted. The Commission then adjourned at 3:09 p.m.

Respectfully submitted,



Trent Deckard  
Co-Director



J. Bradley King  
Co-Director

**APPROVED:**



Daniel A. Dumezich,  
Chairman

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDIANA ELECTION COMMISSION  
PUBLIC SESSION

Conducted On: Thursday, August 31, 2013  
1:00 p.m. - 3:09 p.m.

Indiana Government Conference Center  
Room B  
402 West Washington Street  
Indianapolis, IN 46204

A STENOGRAPHIC RECORD BY:  
Dianne Lockhart, CSR, CRR, RMR  
Notary Public

---

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S

INDIANA ELECTION COMMISSION:

- Mr. Daniel A. Dumezich - Chairman
- Mr. S. Anthony Long - Vice Chairman
- Mr. Bryce H. Bennett, Jr. - Commission Member
- Ms. Suzannah Wilson Overholt - Commission Member

INDIANA ELECTION DIVISION STAFF:

- Mr. J. Bradley King - Co-Director
- Mr. Trent Deckard - Co-Director
- Ms. Leslie Barnes - Co-Legal Counsel
- Mr. Dale Simmons - Co-Legal Counsel
- Ms. Michelle Thompson - Campaign Finance
- Ms. Abbey Taylor - Campaign Finance

I N D E X

	PAGE
Call to Order and Determination of Quorum . . .	3
Documentation of Compliance with Open Door Law .	4
Approval of Indiana Election Commission Minutes.	4
Order 2013-2 (Forms) . . . . .	5
Campaign Finance Enforcement . . . . .	29
Ratification of Campaign Finance Settlement Agreements . . . . .	29
Referrals to the Attorney General for Collection	32
Administration of the Oath to Individuals Testifying Before the Commission . . . . .	32
Campaign Finance Hearings and Determinations . .	32
Voting System Certification and Approval of Engineering Change Orders, Voting System Technical Oversight Program Report . . . . .	103
Adjournment. . . . .	112

1           (At 1:11 p.m., Thursday, August 29, 2013,  
2           the meeting of the Indiana Election Commission  
3           was called to order and proceeded as follows.)

4           CALL TO ORDER AND DETERMINATION OF QUORUM

5           CHAIRMAN DUMEZICH: This meeting of the  
6           Indiana Election Commission is called to order.

7           The following members of the Commission are  
8           present: Chairman Dan Dumezich. On my left is  
9           Vice Chairman Anthony Long, Member Bryce Bennett  
10          to my right, and Member Suzannah Overholt to my  
11          far left.

12          The Indiana Election staff, division staff,  
13          are Co-Directors Trent Deckard and Brad King.  
14          General Counsel is Leslie Barnes and Dale  
15          Simmons.

16          And the court reporter from Connor +  
17          Associates. And your name is?

18          THE REPORTER: Dianne Lockhart.

19          CHAIRMAN DUMEZICH: Just out of curiosity,  
20          when you answer, do you put that in?

21          THE REPORTER: Yes.

22          CHAIRMAN DUMEZICH: Two things at once, I  
23          could never accomplish that.

24          Before we begin, I want to remind everyone  
25          on behalf of the court reporter to identify

1           yourself when you're speaking, spell your name  
2           when you identify yourself, and speak clearly.  
3           Do not speak at the same time others are  
4           speaking because it makes it impossible for  
5           Ms. Lockhart to take it down.

6           At this time I request that Mr. Deckard and  
7           Mr. King confirm that the Commission meeting has  
8           been properly noticed as required under the Open  
9           Door Law.

10          DOCUMENTATION OF COMPLIANCE WITH OPEN DOOR LAW

11           MR. KING: Mr. Chairman, members of the  
12           Commission, the notice for this meeting was  
13           posted in compliance with the Open Door Law.

14          APPROVAL OF INDIANA ELECTION COMMISSION MINUTES

15           CHAIRMAN DUMEZICH: Approval of minutes. I  
16           recognize Mr. Deckard and Mr. King to present  
17           the minutes from the last Commission meeting of  
18           June 14, 2013.

19           MR. KING: Mr. Chairman, members of the  
20           Commission, the June 14, 2013, minutes were  
21           reviewed by Mr. Deckard and myself and are  
22           referred to this Commission for approval.

23           CHAIRMAN DUMEZICH: Trent, do you have  
24           anything to add?

25           MR. DECKARD: I would just mention,

1 Mr. Chairman, thank you, that we reported those  
2 to Commission members and agree with Mr. King  
3 that they appear to be in order.

4 CHAIRMAN DUMEZICH: Do I hear a motion to  
5 approve these minutes?

6 VICE CHAIRMAN LONG: So move.

7 CHAIRMAN DUMEZICH: Is there a second?

8 COMMISSION MEMBER BENNETT: Second.

9 CHAIRMAN DUMEZICH: Any discussion? After  
10 hearing a second, any discussion?

11 Hearing none, all in favor say aye.

12 (Chorus of ayes.)

13 All opposed, nay.

14 (No response.)

15 4-0 the ayes have it, and the motion to  
16 approve the minutes is adopted.

17 ORDER 2013-2 (FORMS)

18 CHAIRMAN DUMEZICH: Approval of forms. I  
19 recognize Mr. Deckard and Mr. King to present  
20 Order 2013-2 for the approval of election forms.

21 MR. KING: Mr. Chairman, members of the  
22 Commission, I'll begin and then I'll yield to  
23 Mr. Deckard to discuss this order further.

24 This is a particularly significant order  
25 regarding the approval of forms. It includes,

1 first of all, a number of candidate forms for  
2 the 2014 election, all of the ones that we will  
3 publish in our candidates' guide.

4 In addition, it includes a new Voter  
5 Registration Form for both counties to use, the  
6 VRG-11, and the state mail-in form, which is  
7 called the VRG-7.

8 The changes to the Voter Registration Form  
9 were prompted by legislation adopted during the  
10 2013 session that required a receipt be printed  
11 and made available on the top half of the form  
12 to be given to an individual who has applied to  
13 register and then has given that application to  
14 a third party such as a candidate or a party or  
15 community organization for that third party to  
16 then file at the county Voter Registration  
17 Office.

18 The second addition to the VRG-7 form on  
19 the bottom half is a certificate that's executed  
20 by that person when the form is filed with the  
21 county Voter Registration Office to document  
22 that that individual has had custody of the  
23 form.

24 The particular form involved is the one  
25 approved by the State of Indiana.

1           And the legislation specified that no  
2 previous forms would be grandfathered for use  
3 after December 31st of 2013, so, in other words,  
4 for state purposes, the form, if approved by  
5 this body, will be the exclusive state form used  
6 for voter registration beginning in 2014.

7           That being said, the federal forms  
8 prescribed by the Election Assistance  
9 Commission, the Department of Defense, can  
10 continue to be used and still be available for  
11 voters.

12           The final set of forms included are  
13 absentee applications and related forms. The  
14 legislature also required the addition of  
15 information on the absentee application to  
16 document when a third party takes custody of an  
17 application to vote an absentee ballot.

18           In reviewing the existing absentee form, we  
19 determined that we had run out of space to  
20 accommodate everything required to be on that  
21 particular form, and so the Election Division  
22 took the approach of dividing that existing form  
23 into additional ones to be used in specific  
24 circumstances, so that, for example, you'll see  
25 in the binder an absentee application that is

1 designed to be used strictly for in-person  
2 voting at a county office.

3 A different form will be used by a  
4 traveling board, a bipartisan board that visits  
5 and finds voters, and then, thirdly, a separate  
6 form for the Attorney General's confidentiality  
7 program.

8 These are new forms that we've developed in  
9 response to the legislation that required us to  
10 put the additional information regarding  
11 third-party custody.

12 Unlike the Voter Registration Form,  
13 previous versions of the absentee applications  
14 can continue to be used in 2014.

15 I'll conclude by saying that we've been  
16 very fortunate to work with Forms Management,  
17 the state agency that does the design work.  
18 They've been very accommodating for us. They  
19 have some last-minute cosmetic suggestions that  
20 they're getting to us that we'd like to, of  
21 course, have incorporated in the Commission's  
22 action today, but no change in text.

23 And with that, I'll be happy to yield to  
24 Mr. Deckard.

25 MR. DECKARD: Thank you very much, Mr. King

1 and Mr. Chairman, for the opportunity. Trent  
2 Deckard, Co-Director of the Election Division.

3 It has been a -- an enormous process  
4 working through the legislative changes related  
5 to the forms. And particularly today I would  
6 like to thank the counties -- and I believe we  
7 have some folks here today -- the counties that  
8 have provided input in this process for the  
9 Voter Registration Form. We've sent out two  
10 versions to the counties to get their input.

11 I also want to thank our party members who  
12 are also stakeholders who have also provided  
13 input, deal a lot with voter registration, as  
14 well as voters that have weighed in.

15 Many of the changes that you see, most of  
16 the changes you see reflect statute changes, and  
17 so while the -- the burden was great on those  
18 changes, we hope that the forms you see before  
19 you are ones that work in best following statute  
20 and in a good flow for those folks that are the  
21 actual applicant.

22 I also want to thank the members of my  
23 staff who have spent hours keeping us moving  
24 forward on this, as well as Mr. King in working  
25 in a bipartisan way to get a form that we --

1 proposal for the Commission to review today.

2 These changes, like any election law  
3 change, but with more emphasis, will require a  
4 great deal of education for our voters, for our  
5 stakeholders throughout the state, and so I've  
6 already begun that on my end. My staff has as  
7 well. And we will continue to do that as long  
8 as we can in order that folks know that there  
9 has been significant changes.

10 And so with that, I'll yield back to Mr. --  
11 to the Chair.

12 CHAIRMAN DUMEZICH: Okay. For purposes of  
13 discussion, is there a motion to approve these  
14 forms as presented?

15 COMMISSION MEMBER BENNETT: So moved.

16 CHAIRMAN DUMEZICH: Is there a second?

17 VICE CHAIRMAN LONG: Reluctantly I'll  
18 second it, with no reflection on the staff. If  
19 there's a reflection on any members of the  
20 legislature here, please be reflected.

21 CHAIRMAN DUMEZICH: Since I hear a second,  
22 I would ask if there's any discussion by the  
23 members?

24 COMMISSION MEMBER OVERHOLT: I actually had  
25 some -- the VRG-7 is what I have spent the most

1 time looking at, so it probably applies the most  
2 to the VRG-11 as well.

3 I'm not -- I guess while I -- the comments  
4 I'm going to make don't have to do with the  
5 statutory requirements. I disagree with those,  
6 but I thought some clarifications could be made  
7 on the forms. These are pretty technical  
8 suggestions. I don't know if -- do you want me  
9 to just --

10 CHAIRMAN DUMEZICH: Oh, absolutely.

11 COMMISSION MEMBER OVERHOLT: So I'm looking  
12 at -- well, actually starting with the  
13 certification at the top of the -- on the top  
14 half of the page, I guess I thought it could  
15 just be made more clear.

16 Right now it says, "Note: If you accept  
17 this form," and really it should be if you  
18 accept a completed form from another person.  
19 And then I would insert "in order to submit his  
20 or her registration, he must turn it in,"  
21 because I thought it wasn't -- I mean it could  
22 be read to mean if you take this form from  
23 another person, that you have to file it with  
24 the county, because I think we ought to try to  
25 make things as clear as possible, so I would ask

1           that that language be inserted.

2           Actually, also sticking to the top half of  
3           the page as well, on the first column on the  
4           left at the bottom, it has "(addresses on  
5           reverse side)" in parentheses after the  
6           reference to the Election Division, and it  
7           seemed that that parenthetical should actually  
8           come after "county registration office" because  
9           the Election Division address is actually on the  
10          front page and it's the county offices that are  
11          on the back.

12          Then moving to the -- the bottom part of  
13          the form, the actual form itself, I guess  
14          technically in box 12 where it refers to  
15          providing your 10-number Indiana issued driver's  
16          license number, it seemed that that should be  
17          your 10-digit Indiana issued driver's license  
18          number. And the same would apply to the last  
19          four digits of your social security number  
20          instead of last four numbers because the social  
21          security is a single number, so it'd be the last  
22          four digits of that.

23          And then over, I guess it's the second part  
24          of box 12 with the boxes that you check, and,  
25          again, instead of saying last four numbers of

1 social security number, I would think it'd be  
2 last four digits.

3 Then in box 14, under the signature of the  
4 applicant, where the line -- this is just a  
5 grammatical thing, but it says that, you know,  
6 if applicant is unable to sign, etc., then the  
7 second line of that, "above at the applicant's  
8 request, must provide," it says "their name and  
9 address below," but it should be a singular, so  
10 either his or her or, I mean, however you want  
11 to do it, but it shouldn't be plural.

12 CHAIRMAN DUMEZICH: His/her.

13 COMMISSION MEMBER OVERHOLT: Yeah. His/her  
14 instead of must provide their.

15 CHAIRMAN DUMEZICH: Must provide the  
16 applicant's.

17 VICE CHAIRMAN LONG: Oh, his/her.

18 CHAIRMAN DUMEZICH: How about that, must  
19 provide the applicant's?

20 COMMISSION MEMBER OVERHOLT: No, it's the  
21 assister's name. Is that even a word, the  
22 assister's.

23 VICE CHAIRMAN LONG: Don't put it in.

24 COMMISSION MEMBER OVERHOLT: Yeah, let's  
25 not. I would say his or her, yeah.

1 CHAIRMAN DUMEZICH: That's why God gave us  
2 spell check.

3 COMMISSION MEMBER OVERHOLT: Yeah, but  
4 spell check doesn't catch stuff.

5 And then in box 15, the Certified Statement  
6 of Acceptance, it seems like, again, the first  
7 line should be to -- say to be completed by a  
8 person who accepts custody of the completed  
9 application, and then also with the affirmation,  
10 the same insertion, that I accepted custody of  
11 this completed application from the applicant.

12 That may be getting overly picky, but.  
13 Those were my comments.

14 Then I had a question. Is there a penalty  
15 that applies if the assister, if that's the name  
16 we're using, does not complete their residence  
17 address?

18 MS. BARNES: No, there's not.

19 COMMISSION MEMBER OVERHOLT: There's not.

20 VICE CHAIRMAN LONG: Is that a ground to  
21 disqualify the applicant's registration?

22 MS. BARNES: No. And the statute is very  
23 clear that if either the certified statement is  
24 incomplete, and then the Voter Registration  
25 Office would have no way to know if the receipt

1 is incomplete, but the statute's very clear that  
2 the voter is not to be penalized for the  
3 failings of a third party.

4 VICE CHAIRMAN LONG: I have a question.  
5 The upper portion of receipt, maybe I'm -- to me  
6 a receipt would be if I'm registering to vote  
7 and Suzannah registers me, I get the upper  
8 portion.

9 COMMISSION MEMBER OVERHOLT: You do.

10 VICE CHAIRMAN LONG: And then I put my name  
11 on it and address, or is it her name and address  
12 that goes on there?

13 MS. BARNES: Her name and address.

14 VICE CHAIRMAN LONG: Suzannah's?

15 MS. BARNES: Suzannah's. She's the one  
16 who's taking custody of the form and is ensuring  
17 that it will be filed within ten days.

18 VICE CHAIRMAN LONG: How does anybody who  
19 might look at that receipt later know which  
20 voter it applied to?

21 MS. BARNES: That's a good question. We  
22 received that question from the counties as  
23 well, who wanted to -- recommended that we put  
24 the applicant's name on the receipt as well, but  
25 the statute was silent on that, and we tried to

1 keep at a bare minimum the items -- only include  
2 the items that the General Assembly required.

3 MR. DECKARD: Just to elaborate on that  
4 further. There is always a fear that if you ask  
5 more on an application than is statutorily  
6 required, someone at another level could  
7 perceive that something is missing, not  
8 statutorily required, is a penalty against  
9 either, in this case, the third party or the  
10 voter.

11 COMMISSION MEMBER OVERHOLT: It would  
12 seem -- I mean it would -- trying to speculate  
13 that there was some sort of rationale behind  
14 this that made sense is that --

15 VICE CHAIRMAN LONG: That would be a reach.

16 COMMISSION MEMBER OVERHOLT: I know, but  
17 trying to assume that, it seems to me that what  
18 might be contemplated, and knowing what often  
19 seems to happen around the time of election day  
20 is that you'll have a voter coming in saying,  
21 "Well, but I registered, I submitted my  
22 application, I gave it to this person," and it  
23 seems like this top half then is supposed to  
24 perhaps allow the voter to be able to say, "See,  
25 this is who I gave it to," I would guess. I

1 mean I don't know, that's my speculation. And  
2 then it's the bottom half that then links the  
3 actual voter to the person who took their  
4 registration.

5 VICE CHAIRMAN LONG: I perceived it as if  
6 it's not in the file, that it's proof that I  
7 registered. And I don't see that that's proof  
8 that I -- may be proof that you registered  
9 somebody, but maybe not me, or took somebody's  
10 completed form.

11 That's just a comment that I've got. And  
12 please be known that these are -- everything  
13 here has been mandated by the Indiana General  
14 Assembly and approved by the governor.

15 CHAIRMAN DUMEZICH: The points you've  
16 raised are valid. The only one that I had  
17 heard, digits apparently were on the form  
18 before, the use of the word digits, but the  
19 counties came back and said that they thought  
20 that the citizens of Indiana would be confused  
21 by that, so that's why -- that's why the change.  
22 That's why the change.

23 VICE CHAIRMAN LONG: If they're going to be  
24 confused by that, I suspect, Mr. Chairman, we're  
25 going to not have many more registered voters

1           because they'll be too confused to register.

2           CHAIRMAN DUMEZICH: I fear you're correct  
3           in that regard, but I guess the point is at this  
4           point I'd like to table this and take this form  
5           back and just reload with it, because I feel  
6           that many of the -- many of the comments that  
7           Commissioner Overholt made were, you know --  
8           should be something that should be considered  
9           and should be adopted into the form.

10          VICE CHAIRMAN LONG: I agree with you.

11          CHAIRMAN DUMEZICH: Okay. Do I hear a  
12          motion to table it?

13          VICE CHAIRMAN LONG: I'd move to table it  
14          and refer at least these -- we have other forms  
15          to deal with, but these two forms, the VRG-7 and  
16          11, be tabled for further consideration.

17          CHAIRMAN DUMEZICH: And what other forms do  
18          we have to review today, in terms of if you have  
19          issues with them, let's get them and put them  
20          all on the table.

21          VICE CHAIRMAN LONG: That's true. I'll  
22          withdraw my motion until we get to the point  
23          we've gone through them.

24          CHAIRMAN DUMEZICH: Yeah, then we can pass  
25          the forms that we don't have a problem with but

1 reload on the ones where there seem to be  
2 refinements required.

3 And the next time -- the next time we do  
4 this, let's put this at the end as the last item  
5 on the agenda so people don't have to sit  
6 through this, okay.

7 Do you have any other comments on any other  
8 forms at this time, guys, Commissioners?

9 VICE CHAIRMAN LONG: Those were the --  
10 obviously the ones that are the -- that were the  
11 most troublesome to me.

12 COMMISSION MEMBER OVERHOLT: Just that -- I  
13 didn't look at all the legislation really  
14 carefully, so I take it there's no standard set  
15 forth in the legislation -- I'm looking at --  
16 sorry, I'm looking at absentee mail, okay.  
17 Thank you.

18 And just down at the bottom where the  
19 affirmation -- and, I mean, this could have been  
20 on the old form too, but I figure if we're  
21 improving forms, we're opening everything up.

22 But "I swear or affirm under penalties of  
23 perjury that I have no knowledge or reason to  
24 believe that the individual submitting the  
25 application is ineligible," is there any

1 standard set forth in the legislation about --  
2 or the statutes that says what, you know -- I  
3 don't know, just any standard "for reason to  
4 believe" or is it kind of the standard common  
5 law definition of that?

6 MS. BARNES: I think there is a standard.  
7 Madam Commission Member, if you can give me just  
8 a moment.

9 COMMISSION MEMBER OVERHOLT: Sure.

10 MS. BARNES: This was on the old form, but  
11 I do believe --

12 CHAIRMAN DUMEZICH: Again, since we have  
13 staff here, I want to make sure that this  
14 approval of forms is last on the agenda so we  
15 can sit here for hours and these people do not  
16 have to bear through this.

17 MS. BARNES: Mr. Chairman, I've located the  
18 section.

19 CHAIRMAN DUMEZICH: Very good. Can you  
20 read it in the record, please.

21 MS. BARNES: Certainly. Indiana Code  
22 3-11-4-2(f)(4), it says that the person who  
23 assists an individual in filling out the  
24 absentee application, it says must state "that  
25 the person has no knowledge or reason to believe

1           that the individual submitting the application  
2           is ineligible to vote or cast an absentee ballot  
3           or did not properly complete and sign the  
4           application," and we've tried to track that  
5           language as close --

6           CHAIRMAN DUMEZICH: The form tracks the  
7           language of the statute as close as possible, so  
8           at that point I think it will just be a matter  
9           of --

10          COMMISSION MEMBER OVERHOLT: Yeah, someone  
11          figuring out what that means, but that's fine.

12          CHAIRMAN DUMEZICH: That's why we bill by  
13          the hour.

14          VICE CHAIRMAN LONG: In our offices, not  
15          here.

16          CHAIRMAN DUMEZICH: Yes. We do this for  
17          free.

18          COMMISSION MEMBER OVERHOLT: Mr. Chairman,  
19          nothing else is jumping out at me in looking at  
20          these forms.

21          VICE CHAIRMAN LONG: I don't have anything.  
22          The first two were the ones that -- I wasn't  
23          nearly as thorough with them as you were, so I  
24          applaud your diligence on that.

25          COMMISSION MEMBER BENNETT: It seems to me

1           that based on the time that's being required,  
2           may be required to go through all of this and  
3           the comments that have been made, it might be  
4           appropriate to table all of these at this point  
5           in time, and I would so move, so we can discuss  
6           these in good time and bring it up as the  
7           first -- as the last item on the next agenda.

8           VICE CHAIRMAN LONG: Before I second that,  
9           if there's anybody here that has come to speak  
10          to any of these for input, it might be good for  
11          the consideration, I question maybe we should  
12          afford that opportunity so that when we come  
13          back --

14          CHAIRMAN DUMEZICH: Yeah, get their input.

15          VICE CHAIRMAN LONG: Get input to the staff  
16          so that they can -- so they don't have to, if  
17          they come again, raise something that we should  
18          have considered, then we might have to table it  
19          again.

20          CHAIRMAN DUMEZICH: Okay. I have no  
21          problem with that. Let's limit it to three  
22          minutes a person who wants to testify. And,  
23          also, if the issue that you feel compelled to  
24          speak to has already been addressed here or in  
25          testimony prior to the time you give the

1 testimony, I would ask that you not be  
2 duplicative in that regard, so that when you get  
3 up to speak, you only get to talk about new  
4 stuff, not stuff people have already talked  
5 about, okay.

6 VICE CHAIRMAN LONG: One additional caveat.

7 CHAIRMAN DUMEZICH: Sure.

8 VICE CHAIRMAN LONG: Understand if you  
9 speak that the legislature has issued this,  
10 these changes, and not -- we don't have the  
11 authority to change probably the content or the  
12 direction of any of the forms, but to make these  
13 forms comply with legislation, whether you agree  
14 with it or disagree with it, as best we can.

15 CHAIRMAN DUMEZICH: Okay. Hands go up.  
16 We'll start in the front row and we'll work  
17 back. I see a man raising his hand. Sir, may I  
18 have --

19 MR. TATGENHORST: May I ask you a question  
20 before I make comment?

21 CHAIRMAN DUMEZICH: Before you do anything,  
22 you have to state your name and spell it for the  
23 record.

24 MR. TATGENHORST: Yes, sir. Karl, K-A-R-L,  
25 Tatgenhorst, T-A-T-G-E-N-H-O-R-S-T.

1                   CHAIRMAN DUMEZICH: Yes, sir.

2                   MR. TATGENHORST: My question would be  
3 if -- if my comment has to do with what I  
4 perceive as a flaw in the legislature, should it  
5 not be addressed? Because I would like it on  
6 the record.

7                   CHAIRMAN DUMEZICH: A flaw in the  
8 legislation?

9                   MR. TATGENHORST: A perceived flaw. I  
10 can't say whether it is a flaw, but it's a  
11 perception with regards to the receipt portion.  
12 As you were stating, if -- if the registration  
13 doesn't go through, the person could present the  
14 receipt, which means that if someone finds --  
15 some unregistered voter finds or just fills out  
16 that receipt portion with the information of  
17 someone like myself who's a candidate, they  
18 could register -- or they could vote using that  
19 as proof is how I perceive what I heard.

20                  CHAIRMAN DUMEZICH: Well, what I'd like you  
21 to do -- I think the issue you raise is  
22 something that I would -- I think that we should  
23 hear and maybe can be dealt with in a form in  
24 some manner, so I'd ask you to stand and give  
25 your -- give your position with respect to it.

1 MR. TATGENHORST: Up here?

2 CHAIRMAN DUMEZICH: Yep.

3 MR. TATGENHORST: My name again is Karl  
4 Tatgenhorst. I'm with the Libertarian Party of  
5 Indiana.

6 My issue is towards the receipt portion of  
7 the VRG-7 form, which as I understand it, in the  
8 case that a voter's registration has not gone  
9 through, when they're at the polling station  
10 they could present the receipt portion of the  
11 VRG-7 with a candidate's name and signature  
12 stating that they've received it.

13 There is nothing to identify who received  
14 it, which means that another voter could present  
15 the receipt, and I feel that a voter could  
16 potentially vote in error.

17 CHAIRMAN DUMEZICH: Okay. Thank you.

18 MR. TATGENHORST: Thank you.

19 CHAIRMAN DUMEZICH: Anybody else in the  
20 first row or second row, third row would like to  
21 speak, starting on the left, going to the right?

22 Fourth row, starting on the left, going to  
23 the right, my left, my right?

24 Fifth row, my left, my right? Sixth row?

25 You're in the seventh row, you're going to

1 have to wait.

2 (Laughter.)

3 Seventh row. Please come forward. Please  
4 state your name and spell it for the record.

5 MS. BRZYCKI: My name is Michelle Brzycki,  
6 it's B-R-Z-Y-C-K-I, and I am a member of the ED  
7 staff, but I'm actually speaking as just an  
8 individual.

9 I have concerns with the way that the  
10 Election Division has gone about changing the  
11 forms on our Web site. Through the years they  
12 have removed links from old forms, but they have  
13 not taken down the live link that takes you to  
14 the old form, and so now with this new round of  
15 form revisions that you will be either doing  
16 today or in the future, a lot of the old forms  
17 will not be grandfathered in anymore, and I  
18 would love to see the Commission direct our  
19 office to actually remove the hot links to the  
20 old forms, because right now if you Google you  
21 can get a lot of old forms that will no longer  
22 be valid.

23 CHAIRMAN DUMEZICH: Okay. Thank you for  
24 your comment.

25 MS. BRZYCKI: Thanks.

1           CHAIRMAN DUMEZICH:  Anyone else who would  
2           like to comment with respect to the forms?

3           With that, there's a motion on the floor to  
4           table.

5           Do I hear a second?

6           VICE CHAIRMAN LONG:  Second.

7           CHAIRMAN DUMEZICH:  Hearing a second, all  
8           in favor indicate by saying aye.

9           (Chorus of ayes.)

10          Opposed, nay.

11          (No response.)

12          4-0 the ayes have it.  This will be tabled  
13          for the last item the next time we meet.

14          And in case people want to know when the  
15          next time we meet is, the date that has been  
16          proposed is Thursday, September 26th.  That way  
17          anybody that's interested in that can leave now  
18          so they don't have to wait until the next  
19          meeting.

20          VICE CHAIRMAN LONG:  You don't want to  
21          leave before we see if we can do it then.

22          CHAIRMAN DUMEZICH:  Yeah.

23          VICE CHAIRMAN LONG:  That date's ringing a  
24          bell in my mind for some reason.

25          CHAIRMAN DUMEZICH:  September 27th is the

1 Mt. Carmel-St. Rita game, so we can't do it on  
2 the 27th.

3 (Laughter.)

4 VICE CHAIRMAN LONG: Well, the problem with  
5 the 26th, we might have to carry over.

6 CHAIRMAN DUMEZICH: Then I would call for  
7 an early morning session so I could make it  
8 back.

9 VICE CHAIRMAN LONG: I'm marked out that  
10 day and -- oh, wait, that's the 26th.

11 I have no problem with that date.

12 COMMISSION MEMBER OVERHOLT: Fine with me.  
13 Yeah, that's fine.

14 COMMISSION MEMBER BENNETT: That's fine.

15 CHAIRMAN DUMEZICH: Okay, so the next  
16 hearing will be the 26th of September and we  
17 will start at same time, one o'clock, so if you  
18 were here to talk about these forms, give  
19 testimony, please feel free to come back on  
20 September 27th at one o'clock when this will be  
21 the last item on the -- 26th, I'm sorry,  
22 September 26th, September 26th at one o'clock.  
23 This will be the last item on the agenda that  
24 day.

25 We will also be doing voting systems that

1 day I believe. Okay.

2 Use of signature stamps. Is there a motion  
3 to authorize the Election Division staff to  
4 affix the members' signature stamp to the final  
5 copy of this order and other orders approved by  
6 the Commission at this time meeting?

7 VICE CHAIRMAN LONG: I move.

8 CHAIRMAN DUMEZICH: Is there a second?

9 COMMISSION MEMBER BENNETT: Second.

10 CHAIRMAN DUMEZICH: Hearing a second, all  
11 in favor indicate by saying aye.

12 (Chorus of ayes.)

13 Opposed.

14 (No response.)

15 4-0 the ayes have it, and the motion is  
16 approved.

17 CAMPAIGN FINANCE ENFORCEMENT

18 RATIFICATION OF CAMPAIGN FINANCE

19 SETTLEMENT AGREEMENTS

20 CHAIRMAN DUMEZICH: Campaign finance and  
21 ratification of campaign finance settlement  
22 agreements.

23 I would recognize Ms. Taylor and  
24 Ms. Thompson to present information with regard  
25 to the campaign finance settlement agreements

1 listed in your binders.

2 MS. THOMPSON: Yes. Mr. Chairman, under  
3 your campaign finance tab there's one committee  
4 that has agreed to pay the settlement agreement  
5 and waive the hearing.

6 That's it.

7 CHAIRMAN DUMEZICH: Motion to ratify?

8 MS. THOMPSON: Yes.

9 CHAIRMAN DUMEZICH: Do I hear a motion to  
10 ratify?

11 COMMISSION MEMBER BENNETT: So moved.

12 VICE CHAIRMAN LONG: Second.

13 CHAIRMAN DUMEZICH: Hearing a motion and a  
14 second, is there any discussion?

15 No discussion.

16 All in favor of the motion indicate by  
17 saying aye.

18 (Chorus of ayes.)

19 Opposed, nay.

20 (No response.)

21 4-0 the ayes have it, and the motion is  
22 adopted.

23 Campaign finance adoption of Order 2013-3  
24 through 2013-141 from the hearings at the  
25 June 14, 2013, Commission meeting. I will ask

1 the campaign finance staff to present  
2 information to the Commission regarding these  
3 final orders which reflect decisions made by the  
4 Commission at its last meeting.

5 MS. THOMPSON: Yes, Mr. Chairman. Orders  
6 2013-3 through 2013-141 have been prepared from  
7 the actions taken at the June 14th meeting and  
8 these orders are ready for adoption.

9 CHAIRMAN DUMEZICH: Is there a motion to  
10 adopt Orders 2013-3 through 2013-141 as  
11 presented?

12 VICE CHAIRMAN LONG: So moved.

13 CHAIRMAN DUMEZICH: There's a motion. Do I  
14 hear a second?

15 COMMISSION MEMBER BENNETT: Second.

16 CHAIRMAN DUMEZICH: Okay. Hearing a  
17 second, is there any discussion?

18 Hearing none, all in favor of the motion to  
19 adopt Orders 2013-3 through 2013-141 indicate by  
20 saying aye.

21 (Chorus of ayes.)

22 Opposed, nay.

23 (No response.)

24 4-0 the ayes have it, and the motion is  
25 adopted.

1 REFERRALS TO THE ATTORNEY GENERAL FOR COLLECTION

2 CHAIRMAN DUMEZICH: Campaign finance  
3 referrals to Attorney General for collection.

4 MS. THOMPSON: Mr. Chairman, at this time  
5 we do not have any referrals to the Attorney  
6 General for collection.

7 ADMINISTRATION OF THE OATH TO INDIVIDUALS  
8 TESTIFYING BEFORE THE COMMISSION

9 CHAIRMAN DUMEZICH: Administration of the  
10 oath to individuals testifying before the  
11 Commission. It's going to be Mr. Simmons, okay.

12 Everyone present who plans to testify  
13 regarding any matter coming before the  
14 Commission today, including campaign finance or  
15 voting system matters, please stand for the  
16 administration of the oath.

17 And I would recognize Mr. Dale Simmons to  
18 administer the oath.

19 MR. SIMMONS: Stand and raise your right  
20 hand, say "I do" after the administration of the  
21 oath.

22 (Oath administered by Mr. Simmons.)

23 CAMPAIGN FINANCE HEARINGS AND DETERMINATIONS

24 CHAIRMAN DUMEZICH: Okay. We're going to  
25 give you the opportunity for committees with

1 representatives present today to accept reduced  
2 penalties, okay.

3 Before proceeding with the enforcement  
4 actions, we want to give any committee present  
5 the final opportunity to pay a reduced civil  
6 penalty by waiving the right to present evidence  
7 and arguments to the Commission.

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

13 So basically by coming up here and  
14 accepting the reduced penalty, you waive your  
15 right to speak. We do this to make sure  
16 everybody gets through.

17 If you want to speak and tell us why you  
18 are in violation or why you are not in violation  
19 or present mitigating circumstances, don't do it  
20 now. This is only for people that want to  
21 accept the -- accept the schedule I'm about to  
22 discuss.

23 The arrangements are as follows: If it is  
24 a committee's first violation, the arrangement  
25 is for the committee to agree to pay 25 percent

1 of the proposed fine, plus mailing costs.

2 If this is the committee's second  
3 violation, the arrangement is for the committee  
4 to agree to pay 50 percent of the proposed fine,  
5 plus mailing costs.

6 If this is the committee's third violation,  
7 the committee would agree to pay 75 percent of  
8 the proposed violation costs -- proposed  
9 violation plus mailing.

10 If you have multiple infractions or  
11 violations and you are here today, that would  
12 count as one, so all of the penalties associated  
13 to that -- with your presentation today would be  
14 reduced to 25 percent of the amount of the fine.  
15 So if you have multiple violations, one isn't  
16 treated as 25, the next one as 50 and the next  
17 one as 75, okay.

18 Is there a motion from the Commission to  
19 approve this arrangement?

20 VICE CHAIRMAN LONG: So moved.

21 CHAIRMAN DUMEZICH: Is there a second?

22 COMMISSION MEMBER BENNETT: Second.

23 CHAIRMAN DUMEZICH: Any discussion?

24 Hearing none, all in favor of the motion  
25 indicate by saying aye.

1 (Chorus of ayes.)

2 Opposed, nay.

3 (No response.)

4 4-0 the ayes have it, and the motion is  
5 adopted.

6 Okay. What we're going to do is for people  
7 who have a first violation, we're going to start  
8 and go down the rows and you come up. As you  
9 come up, you're going to state your name, spell  
10 it, and state the violation number. Okay.

11 So row one, anybody in row one that wants  
12 to come up and accept the fine? First  
13 violation, row one.

14 First violation in row two.

15 MR. TAYLOR: Are we row two?

16 CHAIRMAN DUMEZICH: Yes, you are, sir. By  
17 populated rows. Good question.

18 MR. TAYLOR: Can I ask a question first?

19 CHAIRMAN DUMEZICH: Well, yes.

20 MR. TAYLOR: Okay. I don't know what the  
21 proposed fines are. I haven't received a  
22 settlement letter or anything as far as I know.

23 CHAIRMAN DUMEZICH: You should have  
24 received the settlement letter.

25 UNIDENTIFIED SPEAKER: All we received was

1 the hearing information.

2 UNIDENTIFIED SPEAKER: Same with us.

3 UNIDENTIFIED SPEAKER: Same for us.

4 CHAIRMAN DUMEZICH: Which committee is it,  
5 and then we'll tell you what the fine is?

6 MR. TAYLOR: Greg Taylor for State Senate  
7 Committee.

8 MS. THOMPSON: Yes, he has two causes, and  
9 they're both a thousand dollars each, so.

10 CHAIRMAN DUMEZICH: And is it his first?

11 MS. ABBEY TAYLOR: This is not your first  
12 violation. This is the third.

13 CHAIRMAN DUMEZICH: So your reduction would  
14 be to 75 percent of \$2,000, or \$1,500, sir, if  
15 you want to accept it. If not, you want to talk  
16 about it, sit down and wait till that time comes  
17 about.

18 MR. TAYLOR: Yes.

19 CHAIRMAN DUMEZICH: Excellent. Anyone else  
20 in the third row on the left, first violation,  
21 or second row on the left, first violation? On  
22 the right?

23 MR. BILLINGS: Adkins, Michael Adkins.

24 MS. ABBEY TAYLOR: It's on page 19.

25 CHAIRMAN DUMEZICH: Sir, could you state

1 your name and spell it.

2 MR. BILLINGS: My name is Tom Billings,  
3 treasurer of the Adkins for Common Sense  
4 Government Committee.

5 CHAIRMAN DUMEZICH: Okay.

6 MS. THOMPSON: You have, Mr. Chairman, this  
7 is -- is he going to take the fine?

8 CHAIRMAN DUMEZICH: Well, we don't know  
9 because he doesn't know what the fine is,  
10 unfortunately.

11 MS. THOMPSON: It's a thousand dollars.

12 CHAIRMAN DUMEZICH: Two thousand?

13 MS. THOMPSON: One thousand.

14 MR. BILLINGS: One thousand? We'll accept  
15 the 25 percent.

16 CHAIRMAN DUMEZICH: Okay. Come on up, sir.  
17 State your name again and spell it. And then  
18 give us the cause number.

19 MR. BILLINGS: My name is Tom Billings,  
20 B-I-L-L-I-N-G-S. I'm the treasurer of the  
21 Adkins for Common Sense Government Committee.  
22 The number is 2013-6224-145.

23 MS. THOMPSON: Mr. Chairman, that's on  
24 page 19. It's Cause No. 2013-6224-145. Adkins  
25 for Common Sense Government has a proposed civil

1 penalty of \$1,000.45.

2 VICE CHAIRMAN LONG: Question. It's not  
3 filed yet?

4 MS. THOMPSON: No, huh-uh.

5 MR. BILLINGS: We filed the annual report  
6 that listed the amount. I was totally unaware  
7 that you had another form called the CFA-11.  
8 And we did report it, it just wasn't on your  
9 form and it wasn't filed within 48 hours.

10 VICE CHAIRMAN LONG: That VR requirement,  
11 is he current?

12 CHAIRMAN DUMEZICH: Would he be considered  
13 current at this time? I guess the problem is he  
14 can't file the form within 48 hours.

15 MS. THOMPSON: You are correct.

16 MR. BILLINGS: But we filed it on the  
17 annual report.

18 VICE CHAIRMAN LONG: Okay.

19 CHAIRMAN DUMEZICH: So it's 250 plus  
20 mailing costs, sir.

21 MR. BILLINGS: Uh-huh. Will I get a  
22 notice?

23 CHAIRMAN DUMEZICH: You will get a bill in  
24 the mail. When you get that bill --

25 MR. BILLINGS: Okay. Don't pay it today,

1           then, right?

2                   CHAIRMAN DUMEZICH: No, that's correct.  
3           Hard to believe people are actually refusing  
4           money, but that's the case.

5                   MR. BILLINGS: We appreciate that. And  
6           you'll let us know then and --

7                   CHAIRMAN DUMEZICH: You will get it in the  
8           mail, sir.

9                   MR. BILLINGS: And we send it in, that  
10          takes care of it?

11                   CHAIRMAN DUMEZICH: Yes, sir.

12                   VICE CHAIRMAN LONG: Thank you.

13                   MR. BILLINGS: All right. Thank you.

14                   CHAIRMAN DUMEZICH: First violation on the  
15          right.

16                   Come on up, sir. Do you know what your  
17          fine is?

18                   MR. LOCKE: I do not.

19                   CHAIRMAN DUMEZICH: There seems to have  
20          been an error in our procedures. Usually people  
21          are notified the amount of their fine in their  
22          letter, in the settlement agreement.

23                   MR. LOCKE: In fairness, Mr. Chairman, they  
24          may have done so and I have since forgotten.

25                   CHAIRMAN DUMEZICH: What is your name, sir?

1 MR. LOCKE: Samuel Locke, S-A-M-U-E-L  
2 L-O-C-K-E.

3 CHAIRMAN DUMEZICH: And the number?

4 MR. LOCKE: I am unprepared with my cause  
5 number.

6 MS. THOMPSON: I got it.

7 CHAIRMAN DUMEZICH: No wonder you didn't  
8 know what your fine is, you don't have the  
9 paperwork even.

10 MS. THOMPSON: That's on page 14, and his  
11 fine is \$350.44.

12 CHAIRMAN DUMEZICH: So 350.44, that's going  
13 to be a quarter of that, which is -- somebody  
14 help me.

15 VICE CHAIRMAN LONG: 175 and half of that.

16 CHAIRMAN DUMEZICH: 87.50.

17 VICE CHAIRMAN LONG: Close. Less than \$90.

18 CHAIRMAN DUMEZICH: Okay, less that \$90,  
19 plus mailing costs.

20 MR. LOCKE: I accept that.

21 CHAIRMAN DUMEZICH: Very good. Next.  
22 First violation in the third or fourth row.  
23 Third, fourth row, on the left, none, on my  
24 left.

25 On my right. Yes. Come on up.

1           Do you know what your fine is, the amount  
2           of your fine, sir?

3           MR. JOHNSON: Kurt, K-U-R-T, Johnson.

4           No, I don't know what my fine is.

5           VICE CHAIRMAN LONG: It's on page 8.

6           CHAIRMAN DUMEZICH: Sir, come over here,  
7           please. Are you with him or are you next?

8           UNIDENTIFIED SPEAKER: No, I'm separate.

9           MS. THOMPSON: His proposed civil penalty  
10          is \$1,000.45.

11          MR. JOHNSON: I'd be willing to accept  
12          that.

13          CHAIRMAN DUMEZICH: 25 percent of the fine  
14          and mailing costs.

15          MR. JOHNSON: Yes.

16          CHAIRMAN DUMEZICH: Very good, sir. You  
17          will get a bill in the mail.

18          VICE CHAIRMAN LONG: You withdraw your  
19          request for a continuance? Mine shows on his a  
20          request for a continuance.

21          MS. THOMPSON: You had a request to  
22          continue.

23          MR. JOHNSON: I'll withdraw that.

24          CHAIRMAN DUMEZICH: Okay. Very good.  
25          Next, sir.

1 MR. KERCE: Cliff Kerce, Indiana Industrial  
2 Political Committee.

3 CHAIRMAN DUMEZICH: Mr. Kerce, can you  
4 spell your last name, please.

5 MR. KERCE: K-E-R-C-E.

6 CHAIRMAN DUMEZICH: Please come in front of  
7 us, sir.

8 MS. THOMPSON: Your proposed civil penalty  
9 is \$900.45.

10 VICE CHAIRMAN LONG: Page?

11 MS. THOMPSON: Page 12.

12 MR. KERCE: I'll accept the 25 percent.

13 CHAIRMAN DUMEZICH: And this is your first  
14 violation?

15 MR. KERCE: Yes, sir.

16 CHAIRMAN DUMEZICH: Okay, very good, sir.

17 MR. KERCE: Thank you, sir.

18 CHAIRMAN DUMEZICH: 25 percent plus mailing  
19 costs, sir.

20 MR. KERCE: Okay. Thanks.

21 CHAIRMAN DUMEZICH: I can do the math on  
22 that. That's 225.

23 VICE CHAIRMAN LONG: That was the Indiana  
24 Industrial Political Committee, okay.

25 CHAIRMAN DUMEZICH: On the left, next row,

1 first violation.

2 On the right, next row, first violation.

3 On the left, again my left, next row, first  
4 violation.

5 On -- I think you have one more to wait,  
6 sir.

7 MR. NIEMEYER: Thank you.

8 CHAIRMAN DUMEZICH: You're welcome.

9 On the right, first violation. On the  
10 left, your turn, sir.

11 You know, how embarrassing that you would  
12 ask your wife to come up to take the heat for  
13 doing this.

14 MRS. NIEMEYER: It's my fault.

15 CHAIRMAN DUMEZICH: I understand that he  
16 instructed you to say that; is that true?

17 MR. NIEMEYER: Rick Niemeyer,  
18 N-I-E-M-E-Y-E-R.

19 MRS. NIEMEYER: Connie Niemeyer,  
20 N-I-E-M-E-Y-E-R.

21 CHAIRMAN DUMEZICH: And violations,  
22 violation?

23 MR. NIEMEYER: Violation number  
24 2013-6355-137.

25 VICE CHAIRMAN LONG: Page 22.

1 MRS. NIEMEYER: But there's more.

2 MS. THOMPSON: Starts on page 16.

3 VICE CHAIRMAN LONG: I got two more.

4 CHAIRMAN DUMEZICH: A serial violator  
5 apparently.

6 MRS. NIEMEYER: You should have five.

7 MS. THOMPSON: There are eight, and they're  
8 all a thousand dollars.

9 VICE CHAIRMAN LONG: They start on 17?

10 MS. THOMPSON: 16.

11 VICE CHAIRMAN LONG: And there's eight of  
12 them?

13 MS. THOMPSON: Yes.

14 CHAIRMAN DUMEZICH: So there are eight of  
15 them, divided by four or 25 percent, \$2,000 plus  
16 mailing costs.

17 MR. NIEMEYER: I think I want --

18 CHAIRMAN DUMEZICH: You accept that?

19 MR. NIEMEYER: No, I want to testify I  
20 guess.

21 CHAIRMAN DUMEZICH: Go ahead and sit down  
22 if you want to wait and testify.

23 MRS. NIEMEYER: What happens if we testify,  
24 what do we pay then?

25 CHAIRMAN DUMEZICH: Well, then we'll decide

1 based on that, but I don't imagine that it's  
2 going to be less than 2,000, but let's hear the  
3 facts.

4 MRS. NIEMEYER: Rick.

5 MR. NIEMEYER: I want to testify and give  
6 the facts, you know, of whatever it turns out to  
7 be because it's my first time in state office.

8 CHAIRMAN DUMEZICH: For the record, just so  
9 you know, I contributed to Mr. Niemeyer's  
10 campaign and he is a friend of mine. If anybody  
11 feels that that should cause me to recuse  
12 myself, please let me know.

13 VICE CHAIRMAN LONG: I don't.

14 CHAIRMAN DUMEZICH: Next row, on the right.  
15 Back there. Any other first violations?

16 Okay. Second violations, first row.

17 Second row. Or second violation, second  
18 row.

19 Third row, second violations.

20 Fourth row, second violations.

21 Fifth row, second violations.

22 Is there anybody in here that's been a  
23 second time violator that would like to come up  
24 and take the deal?

25 Okay, third time violations. Anybody that

1 is a third time violator that would like to come  
2 up and take the deal, please come forward.

3 Seeing none --

4 MR. KIRCHGASSNER: Were you on a particular  
5 row or were you --

6 CHAIRMAN DUMEZICH: Just any third time  
7 violator.

8 MR. KIRCHGASSNER: Okay.

9 CHAIRMAN DUMEZICH: Could you say your  
10 name, sir.

11 MR. KIRCHGASSNER: Brooks Kirchgassner.

12 CHAIRMAN DUMEZICH: And spell your last  
13 name, sir.

14 MR. KIRCHGASSNER: K-I-R-C-H-G-A-S-S-N-E-R.

15 CHAIRMAN DUMEZICH: Okay.

16 VICE CHAIRMAN LONG: Come on over.

17 MS. THOMPSON: What case are you here for?

18 MR. KIRCHGASSNER: Karlee D. Macer for  
19 State Representative.

20 MS. THOMPSON: Page 20. Mr. Chairman, he  
21 has a proposed civil penalty, or she, of  
22 \$1,000.45.

23 CHAIRMAN DUMEZICH: I'm sorry, can you  
24 repeat that?

25 MS. THOMPSON: The proposed civil penalty

1 is \$1,000.45.

2 CHAIRMAN DUMEZICH: You understand by  
3 accepting this you're accepting \$750 in fines  
4 plus mailing costs, sir?

5 MR. KIRCHGASSNER: Yeah.

6 CHAIRMAN DUMEZICH: Okay. Very good.  
7 Okay. What I'm going to do now is I'm  
8 going to read the campaign finance hearing  
9 procedures into the record.

10 The remaining committees will be called to  
11 present evidence in these matters. By doing so  
12 I want to note that in the past the Commission  
13 has followed certain procedures for conducting  
14 campaign finance hearings, and I move that the  
15 Commission use the following procedures today:

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

23 Unless there is an objection, the documents  
24 provided to the Commission by the Election  
25 Division will be entered into the record in this

1 meeting.

2 C. After the campaign finance staff  
3 completes its presentation, a representative of  
4 the committee will be recognized first and may  
5 present evidence and may present their case for  
6 no more than five minutes. Commission members  
7 may ask questions during the presentation, but  
8 the time spent answering these questions will  
9 not be counted against the presenter's time.  
10 The Election Division may signal the chair when  
11 the time is up.

12 If the -- if the presenter offers  
13 additional documents or other physical evidence  
14 not previously received by the Commission, then  
15 the original must be provided to the Election  
16 Division, and that will be to Dale on my  
17 right-hand side, to preserve for the record.

18 If the Commission finds that the committee  
19 has been -- has violated the campaign finance  
20 statute, state law requires unanimous vote of  
21 all four commissioners to waive or reduce the  
22 amount of the penalty set by state law.

23 If the Commission makes a decision at this  
24 meeting to either fine the committee or dismiss  
25 the case against the committee, then the

1 Election Division will prepare a final order for  
2 the Commission to approve at a later meeting.

3 If the committee is fined today, the  
4 committee will receive notice from the Election  
5 Division to pay the fine after the Commission  
6 adopts the final order, so it may be sometime  
7 after today before your committee will be  
8 required to pay the fine.

9 Last, the Commission generally begins in  
10 the front of the room and asks those present,  
11 people present to come forward to have their  
12 matter heard.

13 It's helpful if you speak up and say your  
14 cause number on your hearing material so that  
15 the Commission and staff can quickly look it up  
16 on the spreadsheet. Remember to identify  
17 yourself when you start speaking.

18 Is there a second to this motion?

19 VICE CHAIRMAN LONG: Second.

20 CHAIRMAN DUMEZICH: Okay. Are there any  
21 questions or objections from the Commission  
22 members or any members of the audience in this  
23 proceeding?

24 Hearing none, and no discussion, all in  
25 favor of the motion to adopt the -- the question

1 on the adoption of the motion, all in favor say  
2 aye.

3 (Chorus of ayes.)

4 Opposed, nay.

5 (No response.)

6 4-0 the ayes have it, and the motion's  
7 approved.

8 Okay. Campaign finance enforcement  
9 actions. The Commission will proceed to open  
10 its hearings on campaign finance enforcement  
11 actions. Okay.

12 Let's just go down the rows, same thing,  
13 let's start on the left and go down.

14 If at any time you decide that you want to  
15 take the deal that was offered before, you'll  
16 have to wait in line now and then you can come  
17 up and say that you want to take the deal, that  
18 is something that we will allow.

19 Okay.

20 MR. TATGENHORST: My name is Karl  
21 Tatgenhorst, K-A-R-L T-A-T-G-E-N-H-O-R-S-T. And  
22 I'm here on behalf of the Vanderburgh County  
23 Libertarian Party, as well as a courtesy  
24 notification on two individuals within the  
25 Libertarian Party.

1           The Vanderburgh County issue was that they  
2           had mistakenly opened the committee at the state  
3           level.

4           CHAIRMAN DUMEZICH: We need the cause  
5           number, sir.

6           MR. TATGENHORST: Dan Drexler was going to  
7           appear here today and he was unable, so I took  
8           this at the last minute, and I don't have the  
9           documentation.

10          MS. THOMPSON: Mr. Chairman, it's on  
11          page 4, Libertarian Party of Vanderburgh County,  
12          Cause No. 2013-6204-19, has a proposed civil  
13          penalty of \$300.45, and this committee was  
14          tabled at the last meeting or continued to  
15          close, and they did close it.

16          CHAIRMAN DUMEZICH: Okay.

17          VICE CHAIRMAN LONG: I think you fellows  
18          rest at this point. You don't have anything  
19          else to say is my counsel from up here. You  
20          certainly may talk us out of what we're planning  
21          on doing.

22          MR. TATGENHORST: No, but also I was asked  
23          to speak on behalf --

24          CHAIRMAN DUMEZICH: Let's dispose of this  
25          matter in particular first, okay.

1 MR. TATGENHORST: Okay. Thank you.

2 VICE CHAIRMAN LONG: I move to dismiss this  
3 cause.

4 CHAIRMAN DUMEZICH: I hear a motion to  
5 dismiss. Do I hear a second?

6 COMMISSION MEMBER BENNETT: Second.

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

9 Hearing none, all in favor of dismissing  
10 this cause indicate by saying aye.

11 (Chorus of ayes.)

12 Opposed, nay.

13 (No response.)

14 4-0 the ayes have it. This particular  
15 cause is dismissed.

16 MR. TATGENHORST: Thank you.

17 CHAIRMAN DUMEZICH: If you would like to  
18 speak on anything else, please do so at this  
19 time, sir.

20 MR. TATGENHORST: I believe from my notes  
21 that they were asked at the last one about two  
22 candidates who left their committees open and  
23 had fines, and I just wanted to make the Board  
24 aware that James Nease, and I don't have the  
25 cause number --

1 MS. THOMPSON: Mr. Chairman, that's on  
2 page 12, it's James Nease Election Committee,  
3 Cause No. 2013-6272-112, has a proposed civil  
4 penalty of 250.45. The committee was continued  
5 to close, and it did close.

6 VICE CHAIRMAN LONG: I think that was one  
7 we also, remind us, that we were inclined to  
8 dismiss if they were closed.

9 MS. THOMPSON: Yes.

10 VICE CHAIRMAN LONG: I move to dismiss.

11 COMMISSION MEMBER BENNETT: Second.

12 CHAIRMAN DUMEZICH: Hearing a second, any  
13 discussion?

14 I have a question for you. You've been  
15 asked to represent them. Are you an attorney?

16 MR. TATGENHORST: No, no. I didn't mean  
17 represent on -- on that behalf. I meant that  
18 Dan Drexler was going to come here and present  
19 that information, and so I'm coming on his  
20 behalf because he could not make it.

21 CHAIRMAN DUMEZICH: Okay. So you are a  
22 representative, but you're not an attorney.

23 MR. TATGENHORST: But not an attorney.

24 CHAIRMAN DUMEZICH: Okay. Motion on the  
25 floor to dismiss. And I hear a second.

1 All in favor of the motion, indicate by  
2 saying aye.

3 (Chorus of ayes.)

4 Opposed, nay.

5 (No response.)

6 4-0 the ayes have it. Okay.

7 And the same situation on this last one,  
8 this was a person that --

9 MR. TATGENHORST: Yes.

10 CHAIRMAN DUMEZICH: Okay. Can you give us  
11 the name and cause number, or the name is fine.

12 MR. TATGENHORST: The name is Ben Jarvis.  
13 I think he had a \$1,000 fine.

14 MS. THOMPSON: Committee to Elect Benjamin  
15 Jarvis. Okay. That's on page 2, Cause No.  
16 2012-6117-95, has a proposed civil penalty of  
17 \$1,000.44. This one was not continued to close,  
18 but he did close it.

19 CHAIRMAN DUMEZICH: So we did not tell him  
20 that if he closed it he would be --

21 MS. THOMPSON: He asked for a continuance  
22 at the last meeting.

23 VICE CHAIRMAN LONG: He has not been before  
24 us before.

25 MS. THOMPSON: Correct.

1 CHAIRMAN DUMEZICH: Do I hear a motion?

2 VICE CHAIRMAN LONG: Well, the other ones  
3 we heard evidence on had reasons. This one, if  
4 we're not going to hear any evidence and he's  
5 closed it, I would move that it's the standard  
6 fine for him. It's no different the fact that  
7 he closed it, 25 percent.

8 CHAIRMAN DUMEZICH: I hear a motion for  
9 25 percent fine plus mailing costs with respect  
10 to Cause No. --

11 MS. THOMPSON: 2012-6117-95.

12 COMMISSION MEMBER BENNETT: Second.

13 CHAIRMAN DUMEZICH: Hearing a second, all  
14 in favor of the reduction of the penalty to  
15 25 percent plus mailing costs, please indicate  
16 by saying aye.

17 (Chorus of ayes.)

18 Opposed, nay.

19 (No response.)

20 4-0 the ayes have it, and the motion is  
21 adopted. Very good.

22 MR. TATGENHORST: Mr. Chairman and the  
23 Board, thank you.

24 VICE CHAIRMAN LONG: Thank you.

25 CHAIRMAN DUMEZICH: Next row. Sarah.

1 MS. RIORDAN: Mr. Chairman, members of the  
2 Commission, my name is Sarah Riordan from the  
3 law firm of Frost Brown Todd. It's  
4 R-I-O-R-D-A-N.

5 I'm here on behalf of HOME PAC, and those  
6 are Cause Nos. 4220-119, 96 and 31.

7 MS. THOMPSON: Mr. Chairman, it's on  
8 page 5, 11 and 13. Do you want me to go ahead  
9 and start?

10 CHAIRMAN DUMEZICH: Yeah.

11 MS. THOMPSON: All right. This is HOME PAC  
12 Cause No. 2013-4220-31, 2013-4220-96 and  
13 2013-4220-119.

14 MS. RIORDAN: May I?

15 CHAIRMAN DUMEZICH: Yes, you may.

16 MS. RIORDAN: Thank you, Mr. Chairman.

17 The violations are for failure to file 2012  
18 pre-primary, pre-election and annual reports.  
19 My client is the Builders Association of Greater  
20 Indianapolis and HOME PAC is their PAC.

21 HOME PAC was formed in the late 1990s as a  
22 state PAC and has always filed as a state PAC.

23 Mr. Chairman, I have some binders with  
24 proposed exhibits that I would like to submit to  
25 the members of the Commission if I may.

1           CHAIRMAN DUMEZICH: Thank you. Do you have  
2 a copy for Dale as well to put in the record?

3           MS. RIORDAN: I can certainly provide one  
4 for him.

5           VICE CHAIRMAN LONG: He can have mine after  
6 we're done.

7           MS. RIORDAN: Thank you.

8           CHAIRMAN DUMEZICH: I just saw four. I  
9 thought I would ask.

10          MS. RIORDAN: If you'll refer to Exhibit A,  
11 you'll see the most recently filed CFA-2,  
12 Statement of Organization, which was filed in  
13 2009. And if you look down to line number 10,  
14 you'll see that there's no box checked there  
15 indicating whether this is a federal committee  
16 or a state committee, but it was -- it is a  
17 state committee, and it's always been a state  
18 committee.

19                 And you can see at Tab B that in 2011 HOME  
20 PAC filed all of its campaign finance reports  
21 for 2011 as a state PAC with the Election  
22 Division on a timely basis.

23                 We get to 2012, and certainly there were  
24 campaign finance reports due in 2012, as well as  
25 an annual report due in January of 2013.

1 I've brought with me Ms. Rhonda  
2 Malatestinic, who is the administrative  
3 assistant at the Builders Association of Greater  
4 Indianapolis and who has taken responsibility  
5 for campaign finance filings and administration  
6 for the organization since 2006.

7 Ms. Malatestinic is the person who is  
8 responsible for filing the reports, and she is  
9 prepared to tell you under oath today, should  
10 you ask her to, that in 2012 she went on to the  
11 Election Division Web site and checked to see  
12 what was due for her to file for the PAC.  
13 Nothing was due for her to file for the PAC.  
14 She thought that was strange, but she's used to  
15 going on to the Web site and seeing what  
16 upcoming deadlines there are so that she can  
17 fulfill on her obligations, but there was no  
18 indication of anything being due.

19 In early 2013, wondering why she could see  
20 no deadline listed on the Web site for her to  
21 file a 2012 annual report, she contacted  
22 Michelle Thompson, who has always assisted her  
23 and provided her with information concerning her  
24 campaign finance filing obligations.

25 You'll see from Tab C the email exchange

1           between the two women. And Ms. Malatestinic  
2           indicated or asked what filings do I have coming  
3           due, and Ms. Thompson, I think honestly, looked  
4           up the committee and saw that it was listed as a  
5           federal committee and that there were no  
6           campaign finance reports due in Indiana for the  
7           year 2012.

8                     And in order to -- to back that up, she  
9           faxed or emailed a copy of the CFA-2 from 2009  
10          that she had on file with the Division back to  
11          Ms. Malatestinic, and, lo and behold, the box  
12          for federal campaign committee is checked, which  
13          would indicate to the Division that this is  
14          actually a federal committee and not a state  
15          committee, and that would explain why, when  
16          Ms. Malatestinic went on last year at various  
17          times, she didn't see that she had any reports  
18          due to file.

19                    Well, this exchange between Ms. Thompson,  
20          who was very helpful, we got it all cleared up,  
21          now the committee is filed as a state law PAC.  
22          Within six days Ms. Malatestinic got everything  
23          together and filed all of the 2012s timely, as  
24          you can see from Tab D.

25                    And I think everything is as it should be.

1 MS. THOMPSON: It is.

2 MS. RIORDAN: I think the records of the  
3 Division have been fixed, I think everything's  
4 gotten straightened out. If you'll take a look  
5 at Tab E, you'll see that HOME PAC has been very  
6 diligent and timely in filing its reports in the  
7 years past.

8 I think that this was an instance of  
9 confusion. I think that HOME PAC helped to  
10 clear up the record, certainly had no intent to  
11 not file and meet its obligations under Indiana,  
12 and under these circumstances, we would ask that  
13 all three causes be dismissed.

14 And Ms. Malatestinic is available to answer  
15 any questions that you might have. Thank you.

16 CHAIRMAN DUMEZICH: Do we have any  
17 questions for Ms. Malatestinic?

18 VICE CHAIRMAN LONG: I have a couple. I  
19 don't know if I ever filed these things, so I  
20 want to make sure I'm reading them correctly.  
21 Wait a minute.

22 The -- in 2012, first of all, since I was  
23 open to that, the form that you filed in 2012,  
24 for 2012, the first one, January 1 to  
25 April 13th, shows no expenditures, is that what

1 I see? Am I interpreting that correctly?

2 MS. RIORDAN: Yes.

3 VICE CHAIRMAN LONG: And then in the second  
4 one, April to October, there was an expenditure  
5 of \$200.

6 MS. RIORDAN: Yes, sir.

7 VICE CHAIRMAN LONG: And no income.

8 MS. RIORDAN: That's correct.

9 CHAIRMAN DUMEZICH: So during the first of  
10 2012, only \$200 was given.

11 VICE CHAIRMAN LONG: No, then the annual  
12 report is -- there was expenditures, and that's  
13 what my confusion was. Is that accumulative  
14 from years gone by or is that -- it looks like  
15 you spent, in the period, \$10,500 in that  
16 period.

17 MS. RIORDAN: That was right, all during  
18 calendar year 2012. That would have been in the  
19 last quarter.

20 VICE CHAIRMAN LONG: In the last quarter?  
21 Okay. And all of that but one went to another  
22 PAC, all but \$500 went to a candidate and the  
23 rest went to another PAC.

24 MS. RIORDAN: That's correct.

25 CHAIRMAN DUMEZICH: So there would have

1           been \$700 in contributions.

2           VICE CHAIRMAN LONG: And the second  
3           question I have, I notice the -- I guess the  
4           fourth question. The -- under Tab A, the first  
5           one that has no PAC designation checked appears  
6           to be filed January 5th, and the second one  
7           which is under Tab --

8           MS. RIORDAN: It's the third page under  
9           Tab C.

10          VICE CHAIRMAN LONG: C? The one where it  
11          was checked as a federal, that's the one I'm  
12          looking for.

13          MS. RIORDAN: That's it.

14          VICE CHAIRMAN LONG: Under C?

15          MS. RIORDAN: Yes, it's under C.

16          VICE CHAIRMAN LONG: Oh, I'm sorry, I'm  
17          under B. That seems to have been filed at the  
18          same time. I'm not sure who I'm asking this  
19          question to.

20                 Does anybody have an explanation for one  
21                 file that shows it's filed January the 5th of  
22                 2009 at 3:34 with nothing designated and a  
23                 second one shows it was filed, looks to be the  
24                 same day, same -- same stamp, and this one's got  
25                 a mark on it?

1 MS. THOMPSON: This is what was in our  
2 office, the one that's got a stamp.

3 VICE CHAIRMAN LONG: Oh, this is the only  
4 one we had?

5 MS. THOMPSON: Right.

6 VICE CHAIRMAN LONG: I'm sorry. Then I  
7 guess --

8 MS. THOMPSON: Now, back in --

9 VICE CHAIRMAN LONG: Wait a minute. Can  
10 you all explain how this -- somebody brought  
11 this in and has taken this back file marked  
12 without the designation? I don't -- this is  
13 stamped by us.

14 MS. THOMPSON: 2007 they also were filed as  
15 a federal report, as a federal committee.

16 VICE CHAIRMAN LONG: Okay. So,  
17 irrespective, it appears that there was some  
18 confusion, a mistake as to what you all intended  
19 to have as a state PAC versus a federal PAC.

20 MS. RIORDAN: Right.

21 VICE CHAIRMAN LONG: Never filed federal  
22 forms.

23 MS. RIORDAN: No, sir. And as you can see,  
24 I think it's under Tab B, 2011, two years after  
25 the 2009 CFA-2 was filed, we filed state reports

1 and we were in the system as a state law PAC,  
2 and somehow, regardless of what may be checked  
3 on the box in the Division office, and the copy  
4 that we've provided under Tab A is -- is our  
5 copy, our file stamped copy of the form that has  
6 no box checked, so the only thing that could  
7 explain it from our point of view is that  
8 somehow in 2011, 2012, we were moved from being  
9 recorded as a state law PAC to a federal law  
10 PAC, don't know how the box got checked.

11 VICE CHAIRMAN LONG: Are our records  
12 complete now?

13 MS. THOMPSON: Our records, yes, we've got  
14 them back to --

15 VICE CHAIRMAN LONG: And they're logged in  
16 as a state PAC?

17 MS. THOMPSON: Yes, they are.

18 VICE CHAIRMAN LONG: I move to dismiss all  
19 three causes.

20 CHAIRMAN DUMEZICH: Hearing a motion to  
21 dismiss all threes causes, do I hear a second?  
22 Do I hear a second?

23 COMMISSION MEMBER OVERHOLT: Second.

24 CHAIRMAN DUMEZICH: Second. Any  
25 discussion?

1           Okay. Very sorry for the confusion, ma'am.  
2           We understand that you did everything you could  
3           to comply.

4           Based on that, all in favor of the motion  
5           to dismiss all three causes indicate by saying  
6           aye.

7           (Chorus of ayes.)

8           Opposed, nay.

9           (No response.)

10          4-0 the ayes have it, and all three causes  
11          are dismissed.

12          MS. RIORDAN: Thank you very much.

13          VICE CHAIRMAN LONG: Did a good job of  
14          presenting this, plus the fact you all have done  
15          a really good job of filing historically, and  
16          that certainly goes a long way to help.

17          MS. RIORDAN: Thank you very much.

18          MR. INNIGER: Good afternoon. I'm Brian  
19          Inniger, B-R-I-A-N I-N-N-I-G-E-R. And it's  
20          No. 2013-4995-37.

21          This should be much shorter. I will admit  
22          we screwed up. We completed -- and this is the  
23          annual report that was filed late. We did  
24          complete it on time, we FedEx'd it on time.

25          The unfortunate thing, when my secretary

1           was making copies, she put the Michigan PAC in  
2           the Indiana FedEx and the Indiana PAC in the  
3           Michigan FedEx. You know, I would be upset;  
4           however, she was going through -- she was  
5           putting her husband in hospice at the time who  
6           subsequently passed away. I think it's a kind  
7           of unusual case.

8                        We didn't find out until the -- we were  
9           notified by the Indiana Election Commission of  
10          the -- of the error. We sent our copy in  
11          immediately on February 15th of 2013.

12                      CHAIRMAN DUMEZICH: Can we just do the  
13          Cause number to get it in.

14                      MS. THOMPSON: Yes, Mr. Chairman. It's on  
15          page 6, Rieth-Riley Construction Company Indiana  
16          Political Action Committee, 2013-4995-37, has a  
17          proposed civil penalty of \$1,000.45.

18                      CHAIRMAN DUMEZICH: Okay. Hearing the  
19          extenuating circumstances, I'll entertain the  
20          motion.

21                      VICE CHAIRMAN LONG: So moved to dismiss.

22                      COMMISSION MEMBER BENNETT: Second.

23                      CHAIRMAN DUMEZICH: Hearing a second, any  
24          discussion?

25                      Because of the nature of the circumstances

1 here, dismissed.

2 MR. INNIGER: Thank you. I appreciate your  
3 understanding.

4 CHAIRMAN DUMEZICH: All in favor of the  
5 motion to dismiss indicate by saying aye.

6 (Chorus of ayes.)

7 VICE CHAIRMAN LONG: Do we have the  
8 Michigan one or did we send it back?

9 MS. THOMPSON: We sent it back to you, sir.

10 CHAIRMAN DUMEZICH: All opposed indicate  
11 nay.

12 (No response.)

13 4-0 the ayes have it, and the cause of  
14 action is dismissed.

15 MR. INNIGER: Thank you.

16 CHAIRMAN DUMEZICH: Next row, please. Yes,  
17 sir. Name.

18 MR. SUMMITT: Stephen Summitt,  
19 S-T-E-P-H-E-N S-U-M-M-I-T-T, and it's  
20 2013-6025-69. And this was Carter for State  
21 Representative, and I was here at the last  
22 meeting to testify and was given a continuance  
23 to fill out forms.

24 VICE CHAIRMAN LONG: Page 6 -- 7.

25 MS. THOMPSON: Carter for State

1 Representative Committee, it's on page 7, Cause  
2 No. 2013-6025-69. This committee was continued  
3 to close, and they did close.

4 CHAIRMAN DUMEZICH: Okay.

5 VICE CHAIRMAN LONG: Move to dismiss.

6 COMMISSION MEMBER BENNETT: Second.

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

9 Hearing none, all in favor of dismissing  
10 the motion in this cause please indicate by  
11 saying aye.

12 (Chorus of ayes.)

13 Opposed, nay.

14 (No response.)

15 4-0 the ayes have it, and indicate the  
16 cause is dismissed. Thank you.

17 MR. SUMMITT: Thank you.

18 CHAIRMAN DUMEZICH: Next person, please.

19 MR. TAYLOR: Greg Taylor, G-R-E-G

20 T-A-Y-L-O-R.

21 CHAIRMAN DUMEZICH: Cause number, sir?

22 MR. TAYLOR: 2013-5688-144.

23 MS. THOMPSON: Mr. Chairman, that's on  
24 page 17.

25 MS. DANIELLE TAYLOR: Do you want my name

1 as well?

2 CHAIRMAN DUMEZICH: If you're going to  
3 testify, absolutely.

4 MS. THOMPSON: 17 and 19, Greg Taylor for  
5 State Senate Committee, 2013-5688-139 and  
6 2013 -- oh, 5688-144. They're both proposed  
7 civil penalties of \$1,000.45.

8 VICE CHAIRMAN LONG: There's two cases;  
9 correct?

10 MS. THOMPSON: Yes, there is.

11 CHAIRMAN DUMEZICH: And what offense is  
12 this, because there seemed to be some contention  
13 earlier, Mr. Taylor believed this was the first  
14 time he was called here and then I believe you  
15 said it was the third time.

16 MS. THOMPSON: This is his third.

17 VICE CHAIRMAN LONG: He has a 2008  
18 pre-primary and annual and then this was a  
19 supplemental report 2012.

20 CHAIRMAN DUMEZICH: So this was a second or  
21 a third?

22 VICE CHAIRMAN LONG: This will be his  
23 third.

24 MS. THOMPSON: This will be his third.

25 MR. TAYLOR: There was a 2008 what?

1           VICE CHAIRMAN LONG: Pre-primary and  
2           annual, two reports that were delinquent in 2008  
3           for your prior cases, at least according to what  
4           records we've been given. We've not seen them.

5           MR. TAYLOR: All right.

6           CHAIRMAN DUMEZICH: Ma'am.

7           MS. DANIELLE TAYLOR: My name is Danielle,  
8           D-A-N-I-E-L-L-E, Taylor, T-A-Y-L-O-R, same  
9           cause.

10          MR. TAYLOR: Thank you, members of the --  
11          Mr. Chairman and members of the committee.

12          I didn't know that this was my third time.  
13          My wife is my treasurer now. And this is for  
14          failure to file I believe the supplemental form  
15          for receiving a thousand dollars or more prior  
16          to an election, during a certain period of time  
17          prior to an election, and we did not properly  
18          file the -- for the \$2,000 checks. We did file  
19          timely pre-primary, pre-election, but we did not  
20          file the supplemental form.

21          I'm going to have to check with my prior  
22          treasurer. 2008 was my first year. My prior  
23          treasurer, subsequently he -- he knew the law.  
24          I didn't know it, to be honest with you. And he  
25          filed.

1           And so my wife took on the responsibility  
2           of my treasurer, so I just had her here, not  
3           blaming her, because I should know exactly what  
4           to do when there's a thousand dollar check, but  
5           I didn't think it was during that time period.

6           MS. DANIELLE TAYLOR: And I did not know or  
7           I would have filed within 48 hours, of course.

8           MR. TAYLOR: She's very timely. We haven't  
9           been late on any reports since 2008, I can tell  
10          you that.

11          VICE CHAIRMAN LONG: Has this been reported  
12          on a subsequent report?

13          MS. ABBEY TAYLOR: It was filed on the 2012  
14          annual report in January.

15          VICE CHAIRMAN LONG: And that was timely  
16          filed?

17          MS. ABBEY TAYLOR: Yes.

18          CHAIRMAN DUMEZICH: So there wasn't proper  
19          reporting of it at the year end, it's just there  
20          was --

21          VICE CHAIRMAN LONG: And it was two \$1,000  
22          contributions?

23          MR. TAYLOR: Yes, sir.

24          VICE CHAIRMAN LONG: Could I see his annual  
25          report? They have your file here if you want to

1 check on your 2008. I think it should be here.  
2 The one in 2008, you had confusion about it.  
3 You were talking about checking it.

4 He's married to a lady that knows how to  
5 get things timely filed. I would move to  
6 dismiss this case.

7 CHAIRMAN DUMEZICH: She seems very  
8 responsible.

9 (Laughter.)

10 VICE CHAIRMAN LONG: Yeah. I would move to  
11 dismiss.

12 CHAIRMAN DUMEZICH: Move to dismiss. I  
13 hear -- there's a motion on the floor to  
14 dismiss.

15 Do I hear a second?

16 COMMISSION MEMBER OVERHOLT: Second.

17 COMMISSION MEMBER BENNETT: Your  
18 supplemental report has not been filed; is that  
19 right?

20 MR. TAYLOR: Yes, we -- I thought we  
21 complied, didn't we?

22 COMMISSION MEMBER BENNETT: What does the  
23 record show on that?

24 VICE CHAIRMAN LONG: I don't think the  
25 report's been filed. I think the donations have

1           been reported in their annual report, which is  
2           what we accepted on one earlier.

3           MR. TAYLOR: Yes, so we did not file the  
4           supplement.

5           CHAIRMAN DUMEZICH: Do I hear a second?

6           COMMISSION MEMBER BENNETT: Second.

7           CHAIRMAN DUMEZICH: We've got a second.

8           All in favor of dismissal of this cause of  
9           action, indicate by saying aye.

10           (Chorus of ayes.)

11           Opposed, nay.

12           (No response.)

13           4-0, ayes have it. Your causes will be  
14           dismissed.

15           And you understand your obligation to file  
16           for a thousand dollars and up; correct?

17           MR. TAYLOR: Yes, I do.

18           CHAIRMAN DUMEZICH: And I trust your wife  
19           will keep you in line on this.

20           MS. DANIELLE TAYLOR: Yes. He will show me  
21           the form to fill out.

22           MR. TAYLOR: I will have that taken care  
23           of. Thank you.

24           MS. DANIELLE TAYLOR: Thank you very much.

25           CHAIRMAN DUMEZICH: Sir, come on up. State

1 your name and spell it and give us your cause  
2 number.

3 MR. JARVIS: It's Benjamin Jarvis,  
4 J-A-R-V-I-S.

5 COMMISSION MEMBER BENNETT: Didn't we do  
6 him already?

7 MR. JARVIS: You did.

8 MS. THOMPSON: We did.

9 MR. JARVIS: I was not aware that anyone  
10 would be speaking on my behalf.

11 MR. TATGENHORST: I apologize, I didn't  
12 recognize you.

13 MS. THOMPSON: Mr. Chairman, that's on  
14 page 2.

15 CHAIRMAN DUMEZICH: When he was up here  
16 testifying, did you think that perhaps you  
17 should have mentioned it at that time?

18 MR. JARVIS: I raised my hand, but I didn't  
19 know the procedures at that time, so I  
20 apologize.

21 COMMISSION MEMBER BENNETT: Do you  
22 understand how your cause was disposed of?

23 MR. JARVIS: I do, yeah. Yeah. I would  
24 like to ask that the penalties be waived. I was  
25 a first-time candidate. I didn't know the

1 procedures properly. I didn't raise any money,  
2 and I'm currently --

3 CHAIRMAN DUMEZICH: First of all, we need  
4 to have a motion to reconsider.

5 VICE CHAIRMAN LONG: Well, I think since  
6 he's here and didn't authorize anybody to speak  
7 for him, I would move that we set aside the  
8 previous disposition and reopen this matter for  
9 reconsideration.

10 CHAIRMAN DUMEZICH: Hearing a motion --

11 COMMISSION MEMBER BENNETT: Second.

12 CHAIRMAN DUMEZICH: Hearing a second, all  
13 in favor of reconsidering the prior disposition  
14 indicate by saying aye.

15 (Chorus of ayes.)

16 Opposed, nay.

17 (No response.)

18 4-0 ayes have it.

19 Let's go to hearing on this  
20 reconsideration. Okay. State -- we have your  
21 name, we have your cause number. We know what's  
22 going on.

23 Do you care to give any testimony with  
24 respect to this, sir?

25 MR. JARVIS: Yeah. I simply forgot to

1 close the committee, and then subsequently I  
2 have closed the committee. I wasn't aware at  
3 the time that I needed to, and since then I  
4 have. I didn't raise any funds, so.

5 CHAIRMAN DUMEZICH: Do you have any idea  
6 why this gentleman thought he was representing  
7 you here today?

8 MR. JARVIS: No, I don't.

9 CHAIRMAN DUMEZICH: Not good. Okay.

10 VICE CHAIRMAN LONG: Were you a Libertarian  
11 candidate?

12 MR. JARVIS: I was.

13 VICE CHAIRMAN LONG: Okay.

14 CHAIRMAN DUMEZICH: Entertain a motion.

15 VICE CHAIRMAN LONG: Move to dismiss it.

16 CHAIRMAN DUMEZICH: I hear a motion to  
17 dismiss.

18 Do I hear a second?

19 COMMISSION MEMBER BENNETT: Second.

20 CHAIRMAN DUMEZICH: All in favor of  
21 dismissing, indicate by saying aye.

22 (Chorus of ayes.)

23 Opposed, nay.

24 (No response.)

25 4-0 ayes have it. \$250 fine plus mailing

1 costs is dismissed.

2 MR. JARVIS: Thank you.

3 MR. FISH: George Fish, F-I-S-H, Cause  
4 No. 2013-6454-2.

5 MS. THOMPSON: Mr. Chairman, that's on  
6 page 1. That's Harris-Fish for Indiana, Cause  
7 No. 2013-6454-2.

8 This committee was continued to close, and  
9 it closed.

10 VICE CHAIRMAN LONG: And those were the  
11 ones -- okay. We heard from them last time. I  
12 would move to dismiss.

13 COMMISSION MEMBER BENNETT: I second.

14 CHAIRMAN DUMEZICH: Hearing a motion to  
15 dismiss and a second, any discussion?

16 Hearing none, all in favor of dismissing  
17 indicate by saying aye.

18 (Chorus of ayes.)

19 Opposed, nay.

20 (No response.)

21 4-0 ayes have it, and your matter is  
22 dismissed.

23 VICE CHAIRMAN LONG: Thank you for  
24 concluding your records.

25 MR. FISH: Thank you. I'm sorry, as

1 treasurer I overlooked it. I should have been  
2 more careful.

3 CHAIRMAN DUMEZICH: Thank you, sir. Next  
4 person.

5 MS. THOMPSON: Mr. Chairman --

6 CHAIRMAN DUMEZICH: Oop, oop, oop.

7 MS. THOMPSON: You have a different cause  
8 number than this one.

9 MR. HARRIS: I do?

10 MS. THOMPSON: Uh-huh. Yours was also --  
11 yours is on the same page, and also page 14.

12 VICE CHAIRMAN LONG: Is he number 2?

13 MS. THOMPSON: He's number 1 on there.

14 MR. HARRIS: My name is Donnie Harris,  
15 D-O-N-N-I-E H-A-R-R-I-S. And it's I guess the  
16 same cause number.

17 MS. THOMPSON: He was Cause No. 6453-1, and  
18 he was continued to close. And he's also on  
19 page 14, Cause No. 2013-6453-131. This one also  
20 was continued to close, and they were closed.

21 VICE CHAIRMAN LONG: The next time they  
22 file two committees with the same name, these  
23 guys, we're going to have a new rule, double the  
24 fine.

25 (Laughter.)

1 I would move to dismiss both of his.

2 CHAIRMAN DUMEZICH: Okay. Hearing a motion  
3 to dismiss, do I hear a second?

4 COMMISSION MEMBER BENNETT: Second.

5 CHAIRMAN DUMEZICH: Hearing a second, any  
6 discussion?

7 Hearing none, all in favor of dismissing  
8 the motion -- dismissing the Cause  
9 No. 2013-6453-1 and 2013-6453-131 indicate by  
10 saying aye.

11 (Chorus of ayes.)

12 Opposed, nay.

13 (No response.)

14 4-0 the ayes have it. Those causes are  
15 dismissed.

16 I just wanted to read it because of the  
17 names.

18 MR. HARRIS: Thank you.

19 CHAIRMAN DUMEZICH: Please state your name.

20 MS. HAMM: Debbie, D-E-B-B-I-E, Hamm,  
21 H-A-M-M. I am the treasurer of Friends of  
22 Richard Hamm, Cause No. 2013-6281-3.

23 MS. THOMPSON: Mr. Chairman, it's on  
24 page 2, Friends of Richard Hamm. This is also  
25 for a supplemental filing, Cause No. 2013-6281-3

1 for a proposed civil penalty of \$200.45.

2 CHAIRMAN DUMEZICH: Okay. Please state  
3 your case.

4 MS. HAMM: Okay. I do have my receipt  
5 where I mailed my report, and I have the receipt  
6 where it was received on the 18th at 10:17 a.m.

7 CHAIRMAN DUMEZICH: Okay. Well, can we  
8 take a look at the receipts you have?

9 MS. HAMM: Sure, from the post office.

10 VICE CHAIRMAN LONG: Could we see the one  
11 that you have?

12 MS. HAMM: Sure.

13 CHAIRMAN DUMEZICH: What day was this due?  
14 What day was it due?

15 MS. THOMPSON: It was due the 19th.

16 VICE CHAIRMAN LONG: She mailed it --  
17 scheduled delivery, she mailed it on the 17th  
18 and it was Express Mail, scheduled delivery on  
19 the 18th of October by the Postal Service. Do  
20 we recognize the signature?

21 CHAIRMAN DUMEZICH: C. Metcalf.

22 MR. KING: That's a member of our staff.

23 CHAIRMAN DUMEZICH: Ask the staff, do we  
24 have any reason -- did we receive an envelope  
25 that was blank or empty at that time from the

1 U.S. Post Office?

2 MS. ABBEY TAYLOR: We have an envelope with  
3 that report postmarked October 18th.

4 VICE CHAIRMAN LONG: Express Mail?

5 MS. THOMPSON: Yeah. This is the envelope.

6 MS. HAMM: It would have been in another  
7 envelope.

8 MS. THOMPSON: Oh, no, then I don't have  
9 that one. It could have been a weekend, because  
10 Candy signed for it, it goes downstairs to our  
11 mailroom before it comes upstairs to us.

12 VICE CHAIRMAN LONG: I'm closing it out.  
13 She's clearly done this.

14 CHAIRMAN DUMEZICH: Motion to dismiss?

15 VICE CHAIRMAN LONG: Motion to dismiss.

16 CHAIRMAN DUMEZICH: I hear a motion to  
17 dismiss.

18 Is there a second?

19 COMMISSION MEMBER BENNETT: Second.

20 CHAIRMAN DUMEZICH: I hear a second. All  
21 in favor of dismissing this cause of action  
22 indicate by saying aye.

23 (Chorus of ayes.)

24 Opposed, nay.

25 (No response.)

1           4-0 ayes have it. The motion -- this cause  
2 of action is dismissed.

3           MR. LIPINSKI: Jake Lipinski,  
4 L-I-P-I-N-S-K-I. I'm here representing the  
5 Kokomo Fire Fighters PAC in lieu of Mike  
6 Harrison. He's out of state right now. He gave  
7 me a file with some information in it. I  
8 understand our cause number here is --

9           MS. ABBEY TAYLOR: It's on page 9.

10          CHAIRMAN DUMEZICH: Cause number?

11          MS. THOMPSON: 2013-1822-93. It's on  
12 page 9 there. It's Kokomo Fire Fighters  
13 Political Action Committee, and has a proposed  
14 civil penalty of \$1,000.45, and this is a motion  
15 to reconsider the 2012 pre-election report.

16          CHAIRMAN DUMEZICH: Okay, sir, testimony,  
17 if you would.

18          MR. LIPINSKI: Well, our PAC disbanded  
19 April 4, 2012. We thought we sent our final  
20 report in, which I believe you guys received,  
21 let me look here, the one marked the final  
22 report, was in January, the 14th, somewhere  
23 around that neighborhood, of '13 with our final  
24 report.

25           I guess we weren't aware that we were to do

1 a pre-elect within that time frame.

2 And then in regard to not being here for  
3 the hearing, we also don't have a P.O. Box  
4 anymore and it actually came through our union,  
5 somehow they received it, and Mike actually  
6 received it on July 20th, which was four days  
7 past the hearing.

8 CHAIRMAN DUMEZICH: Okay. And this PAC has  
9 been disbanded?

10 MR. LIPINSKI: Yes.

11 CHAIRMAN DUMEZICH: Okay.

12 VICE CHAIRMAN LONG: And they filed  
13 properly, it is closed now; right?

14 MS. THOMPSON: It is closed.

15 MR. LIPINSKI: And I believe we even filed  
16 the pre-elect report as well.

17 VICE CHAIRMAN LONG: I would move to  
18 dismiss this.

19 CHAIRMAN DUMEZICH: Hearing a motion to  
20 dismiss, do I hear a second?

21 COMMISSION MEMBER BENNETT: Second.

22 CHAIRMAN DUMEZICH: Hearing a second, all  
23 in favor of dismissing -- any discussion?

24 Hearing none, all in favor of dismissing  
25 this cause of action indicate by saying aye.

1 (Chorus of ayes.)

2 Opposed, nay.

3 (No response.)

4 4-0 ayes have it. It is dismissed, sir.

5 MR. LIPINSKI: Thank you very much.

6 MR. ADAMS: Good afternoon, Committee. My  
7 name is Theodore Adams, A-D-A-M-S, here for the  
8 Committee to Elect John Young, Cause Nos.  
9 2013-6379-10, -134, -135.

10 MS. THOMPSON: Okay. This was on page 3  
11 and page 15. This is the Committee to Elect  
12 John T. Young, Cause No. 2013-6379-10, Cause  
13 No. 2013-6379-134 and 2013-6379-135.

14 This committee has also added -- requested  
15 a continuance.

16 MR. ADAMS: That's correct, Your Honor --  
17 I'm sorry, Chairman. I am here to request that  
18 continuance in person. We had not heard how it  
19 was ruled upon, so that's why I'm here. I know  
20 Mr. Young wants to appear as well.

21 VICE CHAIRMAN LONG: He's not had one  
22 before, has he?

23 MS. THOMPSON: Huh-uh.

24 VICE CHAIRMAN LONG: I move to grant the  
25 continuance.

1 COMMISSION MEMBER BENNETT: I'll second  
2 that motion.

3 CHAIRMAN DUMEZICH: Hearing a motion to  
4 continue and a second, all in favor indicate by  
5 saying aye.

6 (Chorus of ayes.)

7 Opposed, nay.

8 (No response.)

9 4-0 ayes have it. This cause of action is  
10 continued.

11 VICE CHAIRMAN LONG: That'll be on for the  
12 September 26th?

13 CHAIRMAN DUMEZICH: Yes, sir.

14 VICE CHAIRMAN LONG: We've already set a  
15 meeting, so you can tell him when it is ahead of  
16 time.

17 MR. ADAMS: I appreciate that. Thank you.

18 CHAIRMAN DUMEZICH: Next person, please.

19 Next person. Come on down, sir.

20 MR. KELLER: Scott Keller, S-C-O-T-T  
21 K-E-L-L-E-R. I ran for the General Assembly  
22 last year.

23 CHAIRMAN DUMEZICH: Mr. Chairman, it's on  
24 page 3, this is Keller for House Committee,  
25 Cause No. 2013-6389-4, has a -- this was also

1 for a supplemental, and it's a -- penalty's  
2 \$1,000.45. And it's also closed, the committee  
3 is closed.

4 COMMISSION MEMBER BENNETT: Let me say in  
5 disclosure that I have been reminded recently  
6 that I have contributed to this campaign, so I  
7 raise that for the Commission's consideration as  
8 to whether there would be any conflict of  
9 interest in me voting.

10 CHAIRMAN DUMEZICH: I don't see one.

11 VICE CHAIRMAN LONG: I don't either.

12 COMMISSION MEMBER OVERHOLT: I don't  
13 either.

14 CHAIRMAN DUMEZICH: Do you have any issue  
15 with that?

16 MR. KELLER: No. It was a hundred dollars.

17 VICE CHAIRMAN LONG: Thought maybe it was  
18 the thousand that was in the report, that would  
19 have been --

20 CHAIRMAN DUMEZICH: Fairly cheap.

21 MR. KELLER: It was actually 50,000.

22 (Laughter.)

23 VICE CHAIRMAN LONG: Oh, 50,000. Maybe we  
24 ought to see the reports.

25 (Laughter.)

1           MR. KELLER:  When I created Keller for  
2           House, I went to the southeast corner of the  
3           Statehouse to file the ethics form with the  
4           clerk of the Indiana House of Representatives,  
5           which I did.  I came back and said, all right,  
6           now I've got my paperwork, where do I file it.

7           I was told incorrectly file it with the  
8           Marion County Clerk, which I did.  I would have  
9           been happy to walk across the street and file it  
10          with you, but that wasn't what I was told.  So  
11          that was what that \$350 fine was for.

12          So now I'm going to loan my committee  
13          12,000 bucks so I can pay the balance of my  
14          \$39,000 printing.  And I look up the  
15          instructions for the form, and at the top it  
16          says "Recent Contributions" and it says Indiana  
17          Code 3-9-5-20.1, and I look that up and it says  
18          large contribution.

19          Well, a loan is a loan and a contribution  
20          is a contribution, so not knowing what to do, I  
21          phoned the office, I said I'm going to put  
22          12,000 in my account, do I need the form.  And I  
23          was asked is it a loan or a contribution.  I  
24          said a loan, and I was told put it on the -- the  
25          CFA-4, which I did, it's on page 4 of 5 clearly

1           marked as a loan, and also back in the debts  
2           owed to the committee on page 1 of 1.

3           Had I been told to send in the form, I  
4           would have been happy to print it off and mail  
5           it in, but that wasn't what I was told. And it  
6           appeared, as a non-attorney, the best I could  
7           tell is that contributions weren't defined as  
8           including loans. And your form doesn't say, by  
9           the way, a loan is a contribution; hence, I  
10          didn't do it.

11          So I had no intent to violate the law, and  
12          I interpreted it as the phone call told me and  
13          as best I could read.

14          So I throw myself on your mercies.

15          CHAIRMAN DUMEZICH: Okay. Is anyone here  
16          prepared to address the definition of a loan  
17          versus contribution for the purposes of the  
18          statute?

19          MR. SIMMONS: Yes. Dale Simmons,  
20          co-general counsel of the Indiana Election  
21          Division.

22          Mr. Chairman, we have a definition in 3-5-2  
23          of contribution, it says it simply means a  
24          donation, whether characterized as advance  
25          deposit, a gift, a loan, a subscription or

1 contract or promise to make a donation of  
2 property.

3 Also, I think the actual where you report  
4 it on your form is the contribution schedule, is  
5 it not?

6 MS. THOMPSON: Yes.

7 MR. SIMMONS: Yeah, so it's listed on -- a  
8 loan is listed on a contribution schedule on the  
9 form.

10 MR. KELLER: It is. But the point is the  
11 instructions for the form refer you to this  
12 section of the law, which doesn't define it that  
13 way, so, you know, had it referred to your  
14 section, I would agree with you, I would have  
15 looked it up and --

16 CHAIRMAN DUMEZICH: And this is properly  
17 reflected on the year-end report?

18 MR. KELLER: Yes.

19 VICE CHAIRMAN LONG: I'd move to dismiss  
20 it.

21 CHAIRMAN DUMEZICH: We have a motion to  
22 dismiss.

23 Do I hear a second?

24 COMMISSION MEMBER OVERHOLT: Second.

25 CHAIRMAN DUMEZICH: Hearing a second, all

1 in favor of dismissing this cause of action  
2 please indicate by saying aye.

3 (Chorus of ayes.)

4 Opposed, nay.

5 (No response.)

6 4-0 ayes have it, and it is dismissed.

7 MR. KELLER: Thank you very much.

8 CHAIRMAN DUMEZICH: Thank you.

9 MR. KELLER: By the way, I'm a  
10 commissioner, too, of the Indianapolis Housing  
11 Agency, and sometimes our meetings run until  
12 five and six o'clock. I hope yours doesn't  
13 tonight. Thank you for your service.

14 CHAIRMAN DUMEZICH: Thank you very much.

15 Next. Any more campaign finance?

16 Representative Niemeyer. First of all, let  
17 me say I owe an apology to Mr. Niemeyer. I was  
18 entirely too flippant during the first part of  
19 this hearing when I was teasing him. The  
20 record, of course, will sound wooden and it will  
21 sound like I was actually admonishing  
22 Mr. Niemeyer, which is not my intent, as much to  
23 emphasize my friendship with him. And I do  
24 apologize for that.

25 MR. NIEMEYER: Thank you.

1           VICE CHAIRMAN LONG: I was in attendance at  
2           the meeting, I was able to hear the inflection,  
3           and I would concur with what he said. I don't  
4           want you to sound wooden.

5           CHAIRMAN DUMEZICH: I just know how humor  
6           can come across sometimes on the record.

7           MR. NIEMEYER: Rick Niemeyer,  
8           N-I-E-M-E-Y-E-R.

9           MS. NIEMEYER: Connie Niemeyer,  
10          N-I-E-M-E-Y-E-R.

11          MS. THOMPSON: Mr. Chairman, this is on  
12          pages 16, 17, 18, 20, 21 and 22.

13          MR. NIEMEYER: Thank you, Mr. Chairman,  
14          thank you for having me, and Members of the  
15          Board.

16                 This is the first time I ran for a state  
17                 office. I've been in local politics for a long  
18                 time, and I never dealt with some of the higher  
19                 contributions that I got during this campaign.

20                 These contributions, these eight  
21                 violations, all came in from the 16th of  
22                 October, where the first letter was violated, to  
23                 5th of November of '13, so they all came in the  
24                 last cycle.

25                 We did -- my wife did the annual report

1 online listing all of them, they were deposited  
2 when we got them, they were all listed, they  
3 were all deposited properly and designated.  
4 Didn't know about the form that we needed to  
5 send in for each one of those over a certain  
6 figure, so they all come in.

7 So we got red flagged on the report, so  
8 then all eight violations hit us because they  
9 all come in that last cycle. We had no  
10 understanding prior to that that we needed to do  
11 that, except we should have known about the form  
12 and we should have been able to do that.

13 But at that point we -- so that's why  
14 there's so many violations, because they were in  
15 that two- to three-week period in that last  
16 cycle, so once it -- and once they did get red  
17 flagged, they were turned in on the proper forms  
18 I believe.

19 MS. THOMPSON: Yes, they were.

20 MR. NIEMEYER: And they were red flagged.  
21 So that's -- that's my testimony today.

22 I appreciate the -- the first-time offense  
23 thing, but I wanted to testify here of why they  
24 were here and why there was eight of them,  
25 because that's a lot, and I wanted you to

1 understand that now we know the system, now we  
2 know what we must do, but at that point we  
3 didn't do the right form. We did them when we  
4 got red flagged on it, but they were within the  
5 last two or three months of the end of the  
6 campaign. So that's my testimony.

7 CHAIRMAN DUMEZICH: Do you have any  
8 testimony, Mrs. Niemeyer?

9 MS. NIEMEYER: I just wondered if there  
10 would be any consideration where they could all  
11 be one violation? It was all the same, you  
12 understand what I'm saying?

13 CHAIRMAN DUMEZICH: Absolutely.

14 MS. NIEMEYER: And it was my ignorance. I  
15 plead ignorant. I've done it for 23 years at  
16 the county -- township and county level. I've  
17 just never done it at the state level, and I  
18 apologize.

19 CHAIRMAN DUMEZICH: I'll entertain a  
20 motion.

21 VICE CHAIRMAN LONG: I would move on Cause  
22 No. 2013-6355-137 that we reduce the penalty to  
23 \$250 plus the costs of mailing, would be my  
24 first motion.

25 CHAIRMAN DUMEZICH: Hearing a motion on the

1 floor to reduce this cause of action to \$250  
2 plus the cost of mailing.

3 Do I hear a second?

4 COMMISSION MEMBER BENNETT: I'll second  
5 that.

6 CHAIRMAN DUMEZICH: Hearing a second, all  
7 in favor -- any discussion?

8 Hearing none, all in favor of reducing this  
9 cause of action to -- the cause of action stated  
10 by Commissioner Long to \$250 plus mailing costs,  
11 please indicate by saying aye.

12 (Chorus of ayes.)

13 Opposed, nay.

14 (No response.)

15 4-0 ayes have it. One cause of action has  
16 been reduced to \$250 plus mailing costs.

17 VICE CHAIRMAN LONG: I would move to  
18 dismiss Cause No. 2013-6355-140, -141, -143,  
19 -147, -151 and -152 and -153. It's my intention  
20 to get all of the rest of them, if I've  
21 misstated it, and move to dismiss those.

22 CHAIRMAN DUMEZICH: Motion on the floor to  
23 dismiss seven counts of a thousand dollars  
24 apiece.

25 Do I hear a second?

1 COMMISSION MEMBER OVERHOLT: Second.

2 CHAIRMAN DUMEZICH: Hearing a second,  
3 discussion?

4 Hearing none, all in favor of dismissing  
5 the seven causes of action for a thousand  
6 dollars apiece please indicate by saying aye.

7 (Chorus of ayes.)

8 Opposed, nay.

9 (No response.)

10 4-0 ayes have it. Seven counts have been  
11 dismissed.

12 MS. NIEMEYER: Thank you very much. It  
13 won't happen again.

14 CHAIRMAN DUMEZICH: And, again, I  
15 apologize.

16 MR. NIEMEYER: Dan, no need to. I didn't  
17 take anything from that at all. Thank you.

18 CHAIRMAN DUMEZICH: I saw you were mad.

19 (Laughter.)

20 CHAIRMAN DUMEZICH: Any more campaign  
21 violations?

22 MR. TATGENHORST: Mr. Chairman.

23 CHAIRMAN DUMEZICH: Yes.

24 MR. TATGENHORST: I would like to address  
25 the mix-up earlier with Benjamin Jarvis, please.

1                   CHAIRMAN DUMEZICH: Yes. Please come up,  
2 identify yourself.

3                   MR. TATGENHORST: Ma'am, the name again is  
4 Karl Tatgenhorst, K-A-R-L T-A-T-G-E-N-H-O-R-S-T.  
5 I'm here on behalf of the Indiana Libertarian  
6 Party.

7                   At the last meeting Chairman Drexler of the  
8 Libertarian Party had spoke about Ben Jarvis and  
9 James Nease, and both of those two were  
10 continued. And through his communications with  
11 the Elections Division, he determined that  
12 both -- both committees had been closed, and I  
13 was simply answering for that, because it was  
14 continued under Chairman Drexler, who I was  
15 coming here on his behalf this morning.

16                  CHAIRMAN DUMEZICH: We understand how the  
17 confusion occurred. Not a problem, sir. It's  
18 reflected in the record. Thank you for your  
19 time.

20                  MR. TATGENHORST: Thank you very much,  
21 Mr. Chairman.

22                  CHAIRMAN DUMEZICH: We have one more? I  
23 thought we were done.

24                  VICE CHAIRMAN LONG: I thought we were too.

25                  MR. SCOTT: Until he stood up, I didn't

1 realize. Eric Scott, Committee to Elect Nobody,  
2 Cause Nos. 2013-6452-155, 2013-6452-21,  
3 2013-6452-90.

4 MS. THOMPSON: Mr. Chairman, that is on  
5 page 9 -- no, it's on page 5, page 9 and  
6 page 22. This is the Committee to Elect Nobody.  
7 This was -- this committee was continued to  
8 close, and it's closed.

9 CHAIRMAN DUMEZICH: Apparently nobody was  
10 assigned to do the reports.

11 MR. SCOTT: I was assigned to do the  
12 reports.

13 CHAIRMAN DUMEZICH: Ah.

14 (Laughter.)

15 VICE CHAIRMAN LONG: All closed?

16 MS. THOMPSON: All closed, yes.

17 VICE CHAIRMAN LONG: Move to dismiss all  
18 three causes.

19 CHAIRMAN DUMEZICH: Motion on the floor to  
20 dismiss.

21 COMMISSION MEMBER BENNETT: Second.

22 CHAIRMAN DUMEZICH: Hearing a second, any  
23 discussion?

24 Hearing none, all in favor of dismissing  
25 these counts indicate by saying aye.

1 (Chorus of ayes.)

2 Opposed, nay.

3 (No response.)

4 4-0 the ayes have it. These counts are  
5 dismissed.

6 MR. SCOTT: Thank you.

7 CHAIRMAN DUMEZICH: Any more campaign  
8 finance?

9 Any more campaign finance?

10 Hearing none, I'd ask the campaign finance  
11 staff to identify any matters for which motion  
12 for continuance were received for today's  
13 meeting.

14 VICE CHAIRMAN LONG: That we've not acted  
15 on.

16 MS. ABBEY TAYLOR: Mr. Chairman, there are  
17 two causes that have asked for a continuance,  
18 Cause No. 2013-6407-88 and 2013-4495-136.

19 VICE CHAIRMAN LONG: Which pages are they  
20 on?

21 MS. ABBEY TAYLOR: That first is on page 8  
22 and the second is on 16.

23 VICE CHAIRMAN LONG: Brad Thompson for  
24 State Senate?

25 MS. ABBEY TAYLOR: Yes, and Broden for

1 State Senate.

2 VICE CHAIRMAN LONG: Have they had  
3 continuances before?

4 MS. ABBEY TAYLOR: I believe these were  
5 continued at the June 14th hearing.

6 COMMISSION MEMBER BENNETT: Did they state  
7 any reason in the motion?

8 MS. THOMPSON: Yes, I know Brad Thompson  
9 did.

10 CHAIRMAN DUMEZICH: I've been presented  
11 with an email from teamsterleader@yahoo.com  
12 dated Friday, August 23, 2013, at 9:30 a.m., to  
13 Thompson, Michelle, Subject: Continuance.

14 "I am asking that the Commission grant me a  
15 continuance of this hearing. I have just had a  
16 Achilles tendon surgery and have limited  
17 mobility. I also have a doctor's appointment  
18 that had to be rescheduled for this date at the  
19 doctor's request. The appointment is necessary  
20 for my recovery. Thank you in advance for your  
21 understanding. Brad Thompson," sent from Yahoo  
22 Mail for iPhone.

23 I've been given a second email from -- from  
24 John Broden, sent Monday, August 26th at --  
25 2013, at 2:06 p.m. to Trent Deckard -- or

1           actually Deckard, Trent. Conflict with  
2           August 29th hearing date.

3                       "Dear Mr. Deckard. I had very much hoped  
4           to attend the August 29th meeting of the Indiana  
5           Election to address the violation concerning the  
6           Brodan for State Senate campaign filing.  
7           However, because I'm a resident of South Bend, I  
8           must essentially block out an entire day in  
9           order for the hearing, and I have a conflict  
10          with my schedule on August 29th that precludes  
11          my attendance on this date. However, I would  
12          respectfully work with the Commission, I would  
13          very much like to attend a hearing on a  
14          rescheduled hearing date. Typically with enough  
15          notice, I can clear a calendar in order to  
16          travel to Indianapolis. Please allow this email  
17          to serve as my request for a continuance of the  
18          agenda item presently set for August 29th.  
19          Sincerely, John Broden, State Senator, D10."

20                      COMMISSION MEMBER BENNETT: I would move to  
21          grant both motions and reset them for the next  
22          hearing.

23                      VICE CHAIRMAN LONG: Second.

24                      CHAIRMAN DUMEZICH: Motion on the floor to  
25          grant continuances and reset them for the

1 September 26th hearing at one o'clock.

2 All in favor, indicate by saying aye.

3 (Chorus of ayes.)

4 Opposed, nay.

5 (No response.)

6 4-0 ayes have it. Both those causes of  
7 action will be continued until September 26th at  
8 one o'clock.

9 Okay. I'd ask the campaign finance staff  
10 to identify any cause which was previously  
11 granted a continuance until today's meeting to  
12 permit the committee to disband, if it so chose  
13 to do so.

14 MS. ABBEY TAYLOR: Mr. Chairman, all of  
15 those committees showed up at the hearing today.

16 CHAIRMAN DUMEZICH: I don't need to  
17 entertain any motions with respect to that,  
18 then.

19 Defaults. I note that no one -- that no  
20 one is present to testify on any remaining  
21 campaign finance matters scheduled for today,  
22 and declare the hearing on all remaining matters  
23 scheduled for today closed.

24 Is there a motion to impose the entire  
25 amount of proposed penalty, plus mailing costs,

1 on all remaining campaign enforcement actions?

2 VICE CHAIRMAN LONG: Yes.

3 CHAIRMAN DUMEZICH: Is there a second?

4 COMMISSION MEMBER BENNETT: Second.

5 CHAIRMAN DUMEZICH: Okay. Any -- hearing a  
6 second, is there any further discussion?

7 Hearing none, all in favor of the motion  
8 indicate by saying aye.

9 (Chorus of ayes.)

10 Opposed, nay.

11 (No response.)

12 4-0 the ayes have it, and the motion to  
13 impose the penalty is adopted.

14 Okay.

15 VICE CHAIRMAN LONG: Let's just adjourn  
16 now, I'm tired.

17 CHAIRMAN DUMEZICH: Yeah, me too.

18 (Laughter.)

19 VICE CHAIRMAN LONG: They sit so far back,  
20 I can hardly see them back there.

21 CHAIRMAN DUMEZICH: They just didn't want  
22 to get close to us.

23 VICE CHAIRMAN LONG: Afraid we might fine  
24 them.

25 CHAIRMAN DUMEZICH: Can we still do that?

1 VOTING SYSTEM CERTIFICATION AND APPROVAL OF  
2 ENGINEERING CHANGE ORDERS, VOTING SYSTEM  
3 TECHNICAL OVERSIGHT PROGRAM REPORT  
4 CHAIRMAN DUMEZICH: Voting System Technical  
5 Oversight Program (VSTOP) Report.

6 I would note that I've received a report  
7 from Ball State in our binders regarding voting  
8 system issues.

9 I would recognize Dr. Joseph Losco to  
10 provide us with more detailed -- more detailed  
11 information regarding the voting system issue.

12 DR. LOSCO: Thank you, Mr. Chairman,  
13 Members of the Commission.

14 My name is Joseph Losco, L-O-S-C-O. We're  
15 here to report on the application of -- of  
16 voting system from Election Systems & Software,  
17 the model number is ES&S Unity 3.4.0.0.

18 I'm part of the VSTOP program at Ball State  
19 with my colleague Dr. Scheele, who's here.

20 The voting system was tested on Thursday,  
21 July 25, 2013, by the VSTOP team. The  
22 application is for a new certification of a  
23 voting system that has never been certified yet  
24 in Indiana. The VSTOP project team conducted  
25 demonstration tests of the voting system on all

1 hardware, firmware and software components and  
2 features specified in the application.

3 The test also included verification of all  
4 required elements of the Indiana statutes  
5 regarding voting systems, as well as conducting  
6 mock elections on the voting system.

7 This system was certified also by the U.S.  
8 Election Assistance Commission on October 31st,  
9 2012. The test documents submitted with  
10 findings from certified national laboratories  
11 were reviewed by the VSTOP team.

12 And on the basis of this evaluation, we  
13 find the voting system referenced meets all the  
14 requirements of the Indiana Code for use in the  
15 state of Indiana. The finding includes  
16 compliance with the legal requirements for  
17 voters with disabilities.

18 CHAIRMAN DUMEZICH: Does that conclude your  
19 report with respect to the ES&S system?

20 DR. LOSCO: Yes, it does.

21 CHAIRMAN DUMEZICH: Is there a  
22 representative from ES&S present? If so, please  
23 identify yourself for the record and step  
24 forward.

25 MR. MANGANARO: Hi. Mark Manganaro,

1 M-A-N-G-A-N-A-R-O.

2 CHAIRMAN DUMEZICH: Very good. Is there  
3 anything you'd like to say on behalf of the  
4 system, sir?

5 MR. MANGANARO: No, I think Joe covered it.

6 CHAIRMAN DUMEZICH: Okay. Is there a  
7 motion to approve the application for  
8 certification of the voting system from Election  
9 Systems & Software with the components set forth  
10 in the VSTOP report and incorporating any  
11 restrictions set forth in the report?

12 VICE CHAIRMAN LONG: I would make that  
13 motion.

14 Isn't this a five-year certification? Is  
15 that still the case? We haven't certified one  
16 for so long.

17 CHAIRMAN DUMEZICH: Four years, four-year  
18 certification.

19 VICE CHAIRMAN LONG: Let me -- can I hold  
20 my motion for one question?

21 CHAIRMAN DUMEZICH: Yes, sir.

22 VICE CHAIRMAN LONG: This system creates a  
23 paper trail in the voting system?

24 DR. LOSCO: It is an op scan system.

25 VICE CHAIRMAN LONG: I mean on a recount,

1           there will be hard copy evidence of the voter's  
2           intention?

3           DR. LOSCO: There are two components of  
4           this. One is a -- an op scan which uses paper  
5           ballots.

6           VICE CHAIRMAN LONG: I speak only English.  
7           Does it use paper ballots?

8           DR. LOSCO: One component does. The  
9           disabilities component is totally electronic.

10          VICE CHAIRMAN LONG: Okay. That's  
11          understandable.

12          I move to approve.

13          CHAIRMAN DUMEZICH: Okay. So there is a  
14          motion to approve the application for  
15          certification for four years on the voting  
16          system from -- voting system from Election  
17          Systems & Software with the components set forth  
18          in the VSTOP report and incorporating any  
19          restrictions set forth in the report starting on  
20          the date of October 1st --

21          VICE CHAIRMAN LONG: That would be my  
22          motion, October 1st.

23          CHAIRMAN DUMEZICH: -- for a four-year  
24          period.

25          Do I hear a second?

1                   COMMISSION MEMBER BENNETT: I'll second  
2                   that motion.

3                   CHAIRMAN DUMEZICH: Hearing a second, any  
4                   discussion?

5                   Hearing none, all in favor of the motion to  
6                   approve the application for certification of the  
7                   voting system from ES&S please indicate by  
8                   saying aye.

9                   (Chorus of ayes.)

10                  Opposed, nay.

11                  (No response.)

12                  4-0 ayes have it, and the motion is  
13                  adopted.

14                  Do you have other items you'd like to talk  
15                  to us about, sir?

16                  DR. LOSCO: Yes. There are engineering  
17                  change orders from Unisyn Voting Solutions.  
18                  These were formally requested by Unisyn for  
19                  approval. They're listed in your packet, a  
20                  variety of items.

21                  The ECOs have been evaluated by the VSTOP  
22                  team according to the protocol approved by this  
23                  Commission and certified -- and the components  
24                  were also certified by the U.S. Election  
25                  Assistance Commission.

1           We, the VSTOP team, researched these,  
2           looked at the -- the test lab reports and find  
3           them in compliance with the requirements for  
4           de minimis or minor changes for use with the  
5           OpenElect Voting Systems that Unisyn supplies  
6           which are already certified in Indiana.

7           CHAIRMAN DUMEZICH: Okay. Is there a  
8           motion to approve the recommended Unisyn  
9           engineering change orders?

10          VICE CHAIRMAN LONG: Could I ask one  
11          question. These are on the first page of our  
12          report. I see ECOs starting at 16878 through  
13          16890, and then one, is that the CFA --

14          DR. LOSCO: Yes.

15          VICE CHAIRMAN LONG: -- C1102?

16          DR. LOSCO: Yes, and there's -- there  
17          should be a second page.

18          VICE CHAIRMAN LONG: Oh, I'm sorry.

19          DR. LOSCO: Starting at 60463 and ending at  
20          16897.

21          VICE CHAIRMAN LONG: So move.

22          CHAIRMAN DUMEZICH: Is there a second?

23          COMMISSION MEMBER BENNETT: Second.

24          CHAIRMAN DUMEZICH: Okay. Hearing a  
25          second, all in favor of the motion indicate by

1 saying aye.

2 (Chorus of ayes.)

3 Opposed, nay.

4 (No response.)

5 4-0 ayes have it, and the engineering  
6 change orders have been approved.

7 Do you have any other topics you'd like to  
8 cover, sir?

9 VICE CHAIRMAN LONG: Could I ask a  
10 question? I have a Hart InterCivic letter to  
11 Brad King in here and Trent Deckard. Would --  
12 can someone tell us what that is?

13 DR. LOSCO: I don't happen to have a copy  
14 of that.

15 VICE CHAIRMAN LONG: Okay. I wouldn't  
16 expect you to answer it, then. I'm not for sure  
17 what this is. "As per the Approved Protocol for  
18 Changes in Voting Systems," shows it was  
19 received. Yep.

20 Is that part of your program, your  
21 presentation?

22 DR. LOSCO: Not today. We're not -- no,  
23 this is -- we are still considering this change,  
24 but we're not prepared to act on it today.

25 VICE CHAIRMAN LONG: This is just a -- it's

1           been reported that this exists and you are  
2           working on it?

3           DR. LOSCO: And we are working on it, yes.

4           CHAIRMAN DUMEZICH: Do you plan on making a  
5           presentation at the September 26th meeting?

6           DR. LOSCO: We hope our investigation will  
7           be completed by then. If not, we'll do it as  
8           quickly as we can.

9           CHAIRMAN DUMEZICH: Okay. The final item  
10          on the agenda from VSTOP concerns our voting  
11          systems; correct? Specifically, recertification  
12          of currently certified voting systems whose  
13          certifications will expire on October 1, 2013.

14          DR. LOSCO: Yes. And VSTOP is actively  
15          working on the systems that are -- that have  
16          applied for recertification. They include the  
17          Unisyn systems and the Microvote systems to  
18          date. We're working on those. We hope to have  
19          a report to you by the September 26th meeting.

20          We're also working on developing a protocol  
21          for certifying ePoll Books. That's the extent  
22          of our report.

23          CHAIRMAN DUMEZICH: Okay. Thank you.

24          Co-Directors, do you have any report  
25          regarding vendors?

1 VICE CHAIRMAN LONG: There's a question.

2 COMMISSION MEMBER OVERHOLT: Oh, I wanted  
3 to ask a question about the ePoll Books. I mean  
4 I know that 2013 is one of the few years we  
5 don't have any elections in Indiana, but next  
6 year we get to go through that process again.

7 Are you going to have systems reviewed in  
8 time so that there's sufficient time to  
9 implement prior to any primary elections next  
10 year?

11 DR. LOSCO: Yes, we -- we plan to have that  
12 all completed in time.

13 CHAIRMAN DUMEZICH: Does this Commission  
14 have any jurisdiction over the ePoll Books? No,  
15 because all we have is the system, right, the  
16 system itself.

17 COMMISSION MEMBER OVERHOLT: What -- what  
18 about the systems, the voting systems that are  
19 set to -- their certifications expire on  
20 October 1, when are you going to be complete  
21 with the evaluation of those?

22 DR. LOSCO: Again, there are two  
23 applications in right now. We plan to have  
24 those completed by your next meeting for  
25 recertification of the voting systems.



1 Commission to adjourn?

2 VICE CHAIRMAN LONG: I move to adjourn.

3 CHAIRMAN DUMEZICH: Do we have a second?

4 COMMISSION MEMBER BENNETT: Second.

5 CHAIRMAN DUMEZICH: Hearing a second, all  
6 in favor of adjournment indicate by saying aye.

7 (Chorus of ayes.)

8 Opposed, nay.

9 (No response.)

10 4-0 ayes have it. This meeting is  
11 adjourned.

12 (At 3:09 p.m., Thursday, August 29, 2013,  
13 this meeting of the Indiana Election Commission  
14 was adjourned.)

15

16

17

18

19

20

21

22

23

24

25

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

3  
 4

5 I, Dianne D. Lockhart, a Notary Public and  
 6 Stenographic Reporter within and for the County of  
 7 Marion, State of Indiana at large, do hereby  
 8 certify that on the 29th day of August, 2013, I  
 9 took down in stenograph notes the foregoing Indiana  
 10 Election Commission meeting;

11 That the transcript is a full, true and  
 12 correct transcript made from my stenograph notes.

13 IN WITNESS WHEREOF, I have hereunto set my  
 14 hand and affixed my notarial seal this \_\_\_\_\_ day  
 15 of September, 2013.

16  
 17  
 18

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

19  
 20  
 21

22 My Commission Expires:  
 July 22, 2015

23 County of Residence:  
 24 Marion County

25