

1 So people asked me if I would run, so I did.
2 I filled out the reports. Instead of with the
3 federal government, I filled it out with you guys
4 here. I sent in all the reports I was supposed to
5 send in for December. I sent in, and I sent a
6 certified letter to you for the January port. I
7 tried to fax it, but it was always busy, so anyway,
8 I just put it in the mail.

9 I'm here today because I haven't worked in
10 three years. I used to be a construction
11 superintendent downtown Chicago. I used to build
12 some of the biggest high rises in the city, and now
13 I've been reduced to picking up cans along the side
14 of the road and refrigerators and freezers and
15 things like that.

16 My wife has to support me. I do not have the
17 \$300. I had to put my gas on a credit card for
18 today and I have no money. So I'm just asking if
19 you just forget about it -- I closed my committee
20 and I'm pretty much fed up with politics and I'm
21 done so you're not going to see me or hear from me
22 ever again. That's just what I'm asking, if you
23 could?

24 CHAIRMAN D. DUMEZICH: Any questions of
25 Mr. Barman?

1 VICE CHAIR A. LONG: We've got it on the
2 24th and it was six days, is that -- am I
3 reading this right, six days delinquent.

4 MS. A. TAYLOR: Uh-huh.

5 MR. C. BARMAN: I mailed it, and then once
6 again, like they were saying -- my wife has a
7 post office box and that's how all this --
8 otherwise, we would have got here sooner.

9 CHAIRMAN D. DUMEZICH: And this committee
10 is closed, sir?

11 MR. C. BARMAN: Yes, thank you.

12 VICE CHAIR A. LONG: I have one other
13 question, if I might? Did you mail it in by
14 certified mail or just regular mail?

15 MR. C. BARMAN: No. All the other ones I
16 did by certified mail, which they should have
17 the receipt.

18 VICE CHAIR A. LONG: It doesn't make a
19 difference. I disagree with the law on that
20 point and I live with the certified mail date of
21 filing life, and we don't here and I don't --
22 but everything, he's filed everything?

23 MS. A. TAYLOR: Yes.

24 VICE CHAIR A. LONG: The committee is now
25 closed?

1 MS. M. THOMPSON: Yes.

2 CHAIRMAN D. DUMEZICH: Okay. I'd entertain
3 a motion to dismiss.

4 COMMISSION MEMBER S. RIORDAN: So moved.

5 VICE CHAIR A. LONG: I would second that, I
6 agree.

7 CHAIRMAN D. DUMEZICH: Motion to dismiss is
8 moved and seconded, all in favor of dismissing
9 the case against Barman Against Illiana, please
10 indicate by saying aye?

11 COMMISSION MEMBERS: Aye.

12 CHAIRMAN D. DUMEZICH: Opposed?

13 (No response.)

14 CHAIRMAN D. DUMEZICH: Hearing none, motion
15 carries 4-0. There you go, Mr. Barman.

16 MR. C. BARMAN: Thank you.

17 VICE CHAIR A. LONG: Say one thing, don't
18 give up on the system.

19 MR. C. BARMAN: Well, I've had enough.
20 Thank you for hearing me. I've got to book. I
21 didn't bring my phone or nothing. My -- we're
22 trying to get my son out of jail right now so I
23 appreciate you letting me...

24 VICE CHAIR A. LONG: Good luck with you.

25 COMMISSION MEMBER S. RIORDAN: Good luck.

1 MR. C. BARMAN: Thank you.

2 VICE CHAIR A. LONG: This gentleman right
3 back here.

4 CHAIRMAN D. DUMEZICH: Oh, in the purple.

5 VICE CHAIR A. LONG: We're going to
6 boycott. He doesn't get to go.

7 CHAIRMAN D. DUMEZICH: Mr. Purple.

8 MR. T. WOODRUFF: Thank you, Mr. Chairman,
9 members of the committee. My name is Troy
10 Woodruff, W-O-O-D-R-U-F-F, and I would have to
11 ask.

12 VICE CHAIR A. LONG: He's down in my neck
13 of the woods. He keeps my state highways down
14 there in good shape.

15 CHAIRMAN D. DUMEZICH: Is he doing a good
16 job?

17 MR. T. WOODRUFF: I would have to ask
18 Michelle --

19 VICE CHAIR A. LONG: Reasonably well.

20 MR. T. WOODRUFF: -- for my cause number.
21 I do not have that.

22 MS. M. THOMPSON: Yes. Mr. Chairman, it's
23 on Page 11 and Page 14, Woodruff for State
24 Representative, Cause No. 2009-5025-14, it's a
25 motion to reconsider his 2007 annual fine of

1 \$1,003.45, and Cause No. 2009-5025-96, it's
2 motion to reconsider his 2008 annual fine of
3 \$1,003.53, and Mr. Woodruff has a letter.

4 CHAIRMAN D. DUMEZICH: Mr. Woodruff, one
5 second, did you realize you had two of these
6 outstanding?

7 MR. T. WOODRUFF: I did not, and that's why
8 I wanted the notice of reconsideration.

9 CHAIRMAN D. DUMEZICH: Reconsideration of
10 ruling against Woodruff for State Rep and
11 delayed filing of campaign finance reports for
12 '07 and '08. Mr. Woodruff, this is a letter you
13 sent dated April 7th, 2009.

14 MR. T. WOODRUFF: Yes, April 7th, 2009.

15 VICE CHAIR A. LONG: What were the page
16 numbers again, Michelle.

17 MS. M. THOMPSON: Page 11 and Page 14.

18 VICE CHAIR A. LONG: Oh, okay. Thank you.

19 CHAIRMAN D. DUMEZICH: For the record,
20 could you state your address -- it seems like we
21 may have a address problem here, that could be
22 part of the problem?

23 MR. T. WOODRUFF: I'm at 106 Harrison
24 Drive, Vincennes, Indiana.

25 CHAIRMAN D. DUMEZICH: We'll make sure that

1 all future communications get delivered to you
2 at that location.

3 MR. T. WOODRUFF: I appreciate it.

4 CHAIRMAN D. DUMEZICH: Okay, sir.

5 MR. T. WOODRUFF: Thank you. I appreciate
6 the opportunity to come before you. When I last
7 ran in 2006, once the campaign had ended, you
8 know, filed my paperwork appropriately on time,
9 make sure everything was, you know, taken care
10 of, we had just a little bit money left in the
11 campaign account at that time. I had taken
12 another job in Indianapolis.

13 The CPA that was handling the campaign finance
14 reports -- you know, I went on the assumption that
15 she was going to take care of that. During that
16 period, between December and that filing that ended
17 in January, we closed out the campaign address, the
18 P.O Box -- you know, I thought, again, that we
19 probably had taken care of, you know, changing our
20 address, our mailing address, all those types of
21 things, and that final campaign, because there was
22 no money that the campaign account would have been
23 closed out in 2007, so I never received any
24 notification from that point forward.

25 So I assumed we had taken care of business and

1 had gotten that done, then the gentleman that was
2 my campaign treasurer received a notice back in --
3 well, on March 9th of 2009, and said that I was to
4 appear before the committee.

5 I checked with Michelle to find out what had
6 occurred? Once I realized what had happened, I
7 quickly took care of it. I went back and called
8 the person that was supposed to be in charge of it,
9 found out it didn't get filed, took care of that,
10 cleaned that up, closed it all up, so I certainly
11 apologize.

12 CHAIRMAN D. DUMEZICH: So your campaign
13 account is closed completely?

14 MR. T. WOODRUFF: Everything is closed out.
15 Obviously, \$2,000 would be a big chunk of change
16 I would have to pay. You know, I'm not trying
17 to absolve my responsibility, because clearly,
18 it's -- at the of the day I'm where the buck
19 stops, and I understand that, but I would ask
20 for some leniency, in terms of -- you know,
21 every filing I ever did prior to that was on
22 time. I do believe very passionately that we
23 should have open campaign finance reports, and I
24 try to uphold that and I certainly apologize for
25 the inconvenience.

1 CHAIRMAN D. DUMEZICH: Any questions?

2 VICE CHAIR A. LONG: No.

3 CHAIRMAN D. DUMEZICH: Hearing none, close
4 the hearing. We'll entertain a motion with
5 respect to Mr. Woodruff's fines and his
6 committee's fines.

7 VICE CHAIR A. LONG: Let me make sure I'm
8 clear on the filing. We've got a 2007 report
9 that was filed the 23rd of January of 2008, for
10 seven days, and...

11 MS. A. TAYLOR: No.

12 MS. M. THOMPSON: No.

13 VICE CHAIR A. LONG: I'm sorry, I'm looking
14 at the wrong one, 200_

15 CHAIRMAN D. DUMEZICH: '07 and '08 weren't
16 filed?

17 MR. T. WOODRUFF: Correct, I filed them
18 both at the same time.

19 VICE CHAIR A. LONG: March the 7th?

20 MR. T. WOODRUFF: Yes.

21 VICE CHAIR A. LONG: Okay, March the 7th,
22 '09.

23 CHAIRMAN D. DUMEZICH: So he doesn't
24 realize that he missed the filings for two
25 years. He files -- as soon as he does, he files

1 them all right then and the campaign is closed.

2 VICE CHAIR A. LONG: I think --
3 understanding the situation, I would be inclined
4 on the -- and I have a hard time reading these
5 cause numbers. The one that relates to the
6 filing of the 2007 to reduce that one, grant the
7 reconsideration and reduce that to 25 percent,
8 and the one that relates to the 2008, to dismiss
9 it.

10 CHAIRMAN D. DUMEZICH: We have a motion to
11 reconsider both causes and a motion to reduce
12 the first cause by 75 percent to 25 percent and
13 dismiss the second, do I have a second?

14 COMMISSION MEMBER J. MEYER: Second.

15 CHAIRMAN D. DUMEZICH: Hearing the second,
16 any discussion?

17 (No response.)

18 CHAIRMAN D. DUMEZICH: Hearing no
19 discussion, the motion that we're considering
20 would reopen the hearing, have the first fine
21 reduced to 25 percent, plus mailing costs, and
22 have the second fine eliminated, all in favor of
23 that, indicate by saying aye?

24 COMMISSION MEMBERS: Aye.

25 CHAIRMAN D. DUMEZICH: All oppose, nay?

1 (No response.)

2 CHAIRMAN D. DUMEZICH: 4-0, and your
3 rehearing is granted. Your fine is now
4 25 percent of the initial violation plus mailing
5 costs.

6 MR. T. WOODRUFF: I certainly appreciate
7 that. Thank you.

8 VICE CHAIR A. LONG: For the record, I made
9 the comment earlier, he's down in my neck of the
10 woods, and he is. I don't think Mr. Woodruff
11 and I are personally acquainted. Although, I
12 know who he is, I don't -- I don't believe -- if
13 we've met before, it's been a long time ago. I
14 just wanted to let the record reflect that and
15 take the lead on making the motion because of
16 our prior acquaintance.

17 CHAIRMAN D. DUMEZICH: Is it because you
18 didn't want to do it for a Republican?

19 VICE CHAIR A. LONG: No, I -- there's a few
20 Republicans.

21 MR. T. WOODRUFF: I appreciate all the
22 members of the committee for your
23 reconsideration.

24 VICE CHAIR A. LONG: Thank you.

25 CHAIRMAN D. DUMEZICH: Thank you very much.

1 Sir, you are second to the last, and I apologize
2 for that, sir.

3 MR. E. ROWE: My name is Ernest Rowe,
4 R-O-W-E. On this filing that I --

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

7 MR. E. ROWE: Oh, I'm sorry.

8 CHAIRMAN D. DUMEZICH: Quite all right.

9 MR. E. ROWE: 2009-5727-297.

10 MS. M. THOMPSON: Mr. Chairman and members
11 of the commission, Page 9, this is Rowe for
12 State Representative, Cause No. 2009-5727-29, is
13 a motion to reconsider his statement of
14 organization and his proposed civil penalty is
15 \$1,003.45. Since then, he has closed the
16 committee. There's a letter with it.

17 CHAIRMAN D. DUMEZICH: Okay. While they're
18 getting the letter ready, tell us your side of
19 it and what's going on?

20 MR. E. ROWE: All right. When I was
21 supposed to file at, I'll just say I didn't get
22 a notice right away, and when I got a notice,
23 the notice read that I was being charged \$50 a
24 day for being late, and the letter read \$1,000,
25 which would have been 20 days.

1 And I talked to a friend of mine about
2 that -- I can't remember the date, but I did file
3 through the word fax, sent all the information down
4 on a fax machine and I talked to a friend of mine
5 and he was going to talk to Pat Bauer about the
6 fine.

7 CHAIRMAN D. DUMEZICH: Sir, do you want to
8 sit down.

9 MR. E. ROWE: Well...

10 CHAIRMAN D. DUMEZICH: It might be better.
11 I see you're...

12 MR. E. ROWE: Well, I was diagnosed by the
13 Veterans in December with neuro -- it's a hard
14 word to say neuropathy, or however you pronounce
15 it, and carpal tunnel and skin cancer, so that's
16 my problem right now, and I -- I -- get a little
17 nervous, sir.

18 CHAIRMAN D. DUMEZICH: Don't worry.

19 COMMISSION MEMBER S. RIORDAN: Don't worry.

20 MR. E. ROWE: I can't help myself, but
21 anyhow, he -- a friend talked to Pat Bauer and
22 my friend just told me that -- he said Pat was
23 going to take care of it --

24 CHAIRMAN D. DUMEZICH: Okay, that's fine.

25 MR. E. ROWE: -- and I thought it is taken

1 care of.

2 CHAIRMAN D. DUMEZICH: I think we're going
3 to close the hearing.

4 VICE CHAIR A. LONG: I move to dismiss.

5 CHAIRMAN D. DUMEZICH: I would like to hear
6 second.

7 COMMISSION MEMBER S. RIORDAN: Second.

8 COMMISSION MEMBER J. MEYER: Second.

9 CHAIRMAN D. DUMEZICH: Motion to dismiss,
10 heard a second, all in favor, say aye?

11 COMMISSION MEMBERS: Aye.

12 CHAIRMAN D. DUMEZICH: All opposed?

13 (No response.)

14 CHAIRMAN D. DUMEZICH: Hearing none, 4-0,
15 motion carries -- dismissed, sir. Take care.
16 Let's have someone give him a hand.

17 MR. E. ROWE: So then it has been --

18 CHAIRMAN D. DUMEZICH: You're done.

19 VICE CHAIR A. LONG: Over.

20 CHAIRMAN D. DUMEZICH: You're done.

21 MR. E. ROWE: It's dismissed?

22 VICE CHAIR A. LONG: Yep.

23 CHAIRMAN D. DUMEZICH: Yep.

24 MR. E. ROWE: Okay.

25 MR. D. TEKIPPE: I picked the lucky seat.

1 CHAIRMAN D. DUMEZICH: Yep, second to last.

2 MR. D. TEKIPPE: Oh, second to last, okay.

3 VICE CHAIR A. LONG: Oh, yeah, he came in
4 later.

5 CHAIRMAN D. DUMEZICH: Yep, he came in
6 last. Here we go. Name and number sir?

7 MR. D. TEKIPPE: My name is Dale Tekippe.
8 It's T-E-K-I-P-P-E. I'm representing the Clark
9 Dietz, Pac. Our company, Clark Deitz decided
10 about six or eight years ago to.

11 CHAIRMAN D. DUMEZICH: The number?

12 MR. D. TEKIPPE: Oh, the number -- No.
13 2011-4943-159.

14 MS. M. THOMPSON: Page 43. This is Clark
15 Dietz, Pac, Cause No. 2011-4943-159, has never
16 been before the commission before and has a
17 proposed civil penalty of \$1,004.

18 CHAIRMAN D. DUMEZICH: Excuse me, Steve?

19 UNIDENTIFIED SPEAKER: Yes.

20 CHAIRMAN D. DUMEZICH: Help this gentleman
21 to his car. Here, my son will give you a hand
22 to the car, sir. Help him and makes sure he
23 gets to the car, wherever he's going, unless
24 it's back to South Bend. You can stop before
25 that, Steve. It's like Forrest Gump. Okay,

1 there you go, sir.

2 MR. D. TEKIPPE: Okay. I'm here to
3 represent the Clark Dietz, Pac. Did you have
4 all your...

5 MS. M. THOMPSON: I got through the
6 proposed civil penalty -- okay, yes, I was
7 finished.

8 MR. D. TEKIPPE: Our company decided to
9 create a Pac about six or eight years ago to
10 allow some of us to aggregate our funds, and
11 more openly, support political candidates of our
12 choice.

13 We've been very diligent about our responses
14 to all the reports and had them all in on time, I
15 think the records will show, to date. This
16 particular report for the end of the year report,
17 our treasurer, in fact, was early, so he compiled
18 the report and sent it in on January 10.

19 Since he was early, he chose to send it in by
20 regular mail rather than FedEx, which we normally
21 do. We did not know that it had not been received
22 here. I received my file copy from him, and I have
23 that here, if you need.

24 CHAIRMAN D. DUMEZICH: If you'll put it in
25 evidence, please hand it to Dale.

1 MR. D. TEKIPPE: I'll put it in evidence.

2 CHAIRMAN D. DUMEZICH: Mr. Simmons, I
3 should say.

4 MR. D. TEKIPPE: So we thought everything
5 was okay until we received a notice from your
6 office on March 2nd that we may be subject to a
7 civil penalty because the report had never been
8 received.

9 Our treasurer immediately within minutes filed
10 the report again by fax and called your office and
11 left a voice mail on your answering machine that
12 they were doing such.

13 A day or so later, the 4th of March, we
14 received a notice to appear at this hearing to
15 testify as to whether we would be receiving a civil
16 penalty or not. I think we've done everything that
17 we thought was correct and we've always done
18 everything that was correct with the Pac. We'd ask
19 that the penalty be waived.

20 CHAIRMAN D. DUMEZICH: Are you sure they
21 didn't send it to you to file?

22 MR. D. TEKIPPE: No. We keep -- our
23 treasury and the Pac checks and all that are cut
24 in the separate office, so we kind of got some
25 control over how things get done and I kind of

1 manage the out flow of money here, when people
2 request it for certain candidates, but I don't
3 have the authority to cut checks.

4 CHAIRMAN D. DUMEZICH: Any questions of the
5 witness?

6 VICE CHAIR A. LONG: Let me see it.

7 CHAIRMAN D. DUMEZICH: Yes, sir.

8 VICE CHAIR A. LONG: When was the committee
9 formed originally?

10 MR. D. TEKIPPE: You know what, I didn't
11 look that up. I think it's been six and eight
12 years ago.

13 VICE CHAIR A. LONG: Okay, that's -- that's
14 good enough.

15 CHAIRMAN D. DUMEZICH: Six or eight years,
16 and have they always been compliant?

17 MS. M. THOMPSON: Yes, they've never been
18 before the commission.

19 MR. D. TEKIPPE: It's a good process. We
20 chose -- a lot of people do not have Pacs and do
21 individual contributions and that's just not a
22 good process. We just think the Pac is a better
23 process.

24 CHAIRMAN D. DUMEZICH: Any questions of the
25 witness?

1 VICE CHAIR A. LONG: No, you can close.

2 I'm ready to move.

3 CHAIRMAN D. DUMEZICH: Hearing closed,
4 entertain a motion?

5 VICE CHAIR A. LONG: I would move to
6 dismiss it.

7 CHAIRMAN D. DUMEZICH: Motion to reconsider
8 dismiss?

9 VICE CHAIR A. LONG: Yes.

10 CHAIRMAN D. DUMEZICH: There's a motion to
11 reconsider dismiss on the floor, do I hear a
12 second?

13 COMMISSION MEMBER J. MEYER: Second.

14 CHAIRMAN D. DUMEZICH: Hearing a second,
15 all in favor of reconsidering dismissing the
16 cause at issue, indicate by saying aye?

17 COMMISSION MEMBERS: Aye.

18 CHAIRMAN D. DUMEZICH: All opposed?

19 (No response.)

20 CHAIRMAN D. DUMEZICH: 4-0.

21 MR. D. TEKIPPE: Thank you.

22 VICE CHAIR A. LONG: Send it by fax. Send
23 them all by fax.

24 MR. D. TEKIPPE: It does pay to wait
25 sometimes. Thank you very much.

1 CHAIRMAN D. DUMEZICH: Sir, this is the
2 last fella and then we'll go to the next
3 hearing -- yes, sir.

4 MR. J. PATTERSON: Yes, sir. My name is
5 James Patterson and it's Cause 2011-5683-1333.

6 MS. M. THOMPSON: Page 30, Committee to
7 Elect James Patterson to the State Senate, Cause
8 No. 2011-5683-133, has never been before the
9 commission, has a proposed civil penalty of
10 \$304.02. He has closed his committee.

11 VICE CHAIR A. LONG: And you've got a
12 letter?

13 MS. M. THOMPSON: I've got a letter.

14 CHAIRMAN D. DUMEZICH: I have a letter
15 dated March 8th, 2011, from James Patterson,
16 with a report attached to a letter. Sir?

17 MR. J. PATTERSON: Yes, sir. First of all,
18 I want to apologize for coming in late and
19 rattling the doors. I did not mean to do
20 that --

21 CHAIRMAN D. DUMEZICH: Quite all right.

22 MR. J. PATTERSON: -- and I'm sorry about
23 that. I just thought you were going in line so
24 I apologize for -- for speaking out.

25 CHAIRMAN D. DUMEZICH: Fair enough.

1 MR. J. PATTERSON: When I received this
2 letter, I really wasn't aware that I was in
3 violation because I thought I had taken care of
4 it and didn't know that it hadn't been resolved
5 yet so I looked back through my records and
6 found that I had faxed to Miss Thompson about
7 five days after I received the letter, and I'm
8 not sure you had that because this letter is
9 dated January 21st, 2010, and then my response
10 is dated January 26th. May I give that to you?

11 CHAIRMAN D. DUMEZICH: Yeah, please do.

12 MR. J. PATTERSON: Just to wrap it up here,
13 because I know you're running out of time, but
14 it was a first-time run for office. I failed to
15 file the finance report on time and did not
16 check the box.

17 CHAIRMAN D. DUMEZICH: For filing?

18 MR. J. PATTERSON: Yes, sir.

19 CHAIRMAN D. DUMEZICH: Okay, very good.

20 MR. J. PATTERSON: And so that was it, I...

21 CHAIRMAN D. DUMEZICH: Any questions of the
22 former candidate?

23 (No response.)

24 CHAIRMAN D. DUMEZICH: Hearing none --

25 MR. J. PATTERSON: Oh, one other thing, it

1 wasn't -- that was sent to you about 13 months
2 ago so should it -- should I have come before
3 the committee before now or should that have
4 been resolved at that time?

5 CHAIRMAN D. DUMEZICH: It all depends when
6 you get your notification. If you were noticed
7 up to be here earlier, you should have been. If
8 this is the first time you've had the
9 opportunity to be here, --

10 MR. J. PATTERSON: Yeah, this is the first
11 time.

12 CHAIRMAN D. DUMEZICH: -- then this is it.
13 We're just that far -- yep, that's what it is --
14 okay, the hearing is closed.

15 VICE CHAIR A. LONG: Six days late.

16 CHAIRMAN D. DUMEZICH: Yeah, first time.

17 COMMISSION MEMBER S. RIORDAN: It's \$50 a
18 day. The committee is closed. I'm going to
19 move to dismiss it.

20 VICE CHAIR A. LONG: Second.

21 CHAIRMAN D. DUMEZICH: We have a motion to
22 dismiss and a second, all in favor, say aye?

23 COMMISSION MEMBERS: Aye.

24 CHAIRMAN D. DUMEZICH: All opposed?

25 (No response.)

1 CHAIRMAN D. DUMEZICH: Hearing none, 4-0,
2 the ayes have it. You are dismissed, sir.

3 MR. J. PATTERSON: Thank you and thank you
4 to the committee.

5 VICE CHAIR A. LONG: Thank you for coming
6 in. I appreciate it.

7 CHAIRMAN D. DUMEZICH: Is everybody here
8 for voting systems right now -- anybody here not
9 here for voting systems?

10 UNIDENTIFIED SPEAKER: Voting systems, what
11 does that mean?

12 CHAIRMAN D. DUMEZICH: Are you for the 4:00
13 hearing?

14 UNIDENTIFIED SPEAKER: Yeah.

15 CHAIRMAN D. DUMEZICH: Okay, 4:00
16 hearing -- everybody's here for the 4:00
17 hearing -- okay, anybody going to testify in the
18 hearing we're going to -- the continuation of
19 the hearing on voting systems, please stand and
20 raise your right hand and -- Dale, swear them
21 in -- Dale will swear you in. I would
22 administer the oath myself, if that's okay.

23 MR. D. SIMMONS: Stand and raise your right
24 hand, say I do after administration of the oath.

25 (The participants complied.)

1 MR. D. SIMMONS: Do you solemnly swear or
2 affirm under the penalties of perjury that the
3 testimony you're about to give today at the
4 commission's meeting is the truth, the whole
5 truth, and nothing but the truth, say I do?

6 THE PARTICIPANTS: I do.

7 VICE CHAIR A. LONG: This gentleman had a
8 question, I think, Mr. Chairman.

9 MR. R. WARREN: Yeah. My name is Rick
10 Warren and I'm supposed to be here -- it said
11 for the 4:00 hearing but it's for a late filing.

12 CHAIRMAN D. DUMEZICH: Yeah, that's at
13 4:00.

14 MR. R. WARREN: Okay, I'm sorry.

15 CHAIRMAN D. DUMEZICH: That's -- that's the
16 beauty of this.

17 VICE CHAIR A. LONG: For once, we're
18 running pretty close to being on time.

19 COMMISSION MEMBER S. RIORDAN: There you
20 go. I recognize Dr. Ray Scheele and other
21 representatives from Ball State to present the
22 Voting Systems Oversight Program Report.
23 Gentleman, start your engines.

24 MR. R. SCHEELE: Thank you. Again, my name
25 is Ray Scheele. I co-direct the VSTOP Program.

1 With me is my co-director, Dr. Jay Bagga, and
2 also our other team member, Dr. Joe Losco
3 Following the agenda, we will, first off,
4 address the report on the voting system
5 application of the Unisyn Voting Systems, the
6 optical scan ballot card system, and give you an
7 update on where we're at with that application.

8 We field tested that system on campus on
9 February 23rd. I believe if you have not received
10 video disks yet of that, you will be receiving it
11 shortly -- it's about 8 hours, I think, for your
12 viewing pleasure, if you want to see exactly what
13 we do all day with the vendors on campus and their
14 voting system.

15 We are currently -- one of the things we do is
16 we conduct mock elections on the voting system.
17 That's the final part of the day. We run several
18 different versions of ballots, and we are now
19 consequently verifying the election returns, as we
20 would say.

21 This same system from this vendor is being
22 considered in three other states -- about three
23 states, and Indiana is one. We are -- once we
24 verify our information, our final verification, we
25 will be coordinating our results from some findings

1 from other states as well.

2 We do have some questions that we are pursuing
3 with anything that comes out of the field tests and
4 we will be following up on those. We talked to the
5 co-directors of the Election Division about some
6 interpretation of the Indiana Code, likewise, that
7 came to our attention, and if we have further
8 questions, we will be getting back to them with
9 respect to that interpretation. So that's where
10 we're at with respect to the Unisyn System.

11 They are not certified in any state yet, so
12 this is a new system that they are seeking to
13 market across the country. Questions?

14 (No response.)

15 MR. R. SCHEELE: If not, we'll move on then
16 to the report on the ES&S Unity 3.2.0.0 Voting
17 System. I think all of you have in front of you
18 a report that we prepared that is dated -- I
19 think it left our desk on March 3rd, and you
20 have it before you, I hope.

21 This provides a background of the ES&S 3.2.0.0
22 voting system. It was approved by the commission
23 here on December 1st, 2009. You asked for this
24 report at the last IEC meeting.

25 We provide a time line of events in this

1 report, starting with the receipt on June 30th of
2 2009 of the iBETA test report from the Voting
3 System Testing Lab, the VSTL, as it's referred to,
4 and we marked in all the different dates of current
5 happenings at that current time with respect to
6 what happened in Indiana.

7 The EAC on their web site also has a very
8 similar time line that includes some events that
9 affected just them. For example, last time we were
10 talking about one of anomalies that occurred with
11 this system in Ohio, Cuyahoga County in Cleveland,
12 Ohio, that the EAC learned about via news reports
13 that was caught really in the pretests to the
14 primary election of May 2010.

15 CHAIRMAN D. DUMEZICH: That was the 19-inch
16 ballot issue; is that it?

17 MR. R. SCHEELE: Yes. And consequently,
18 that is pinpointed in their EAC report -- I
19 think that's right.

20 MR. J. LOSCO: It's the intermittent
21 freeze.

22 MR. R. SCHEELE: That's the intermittent
23 freeze and shutdown issue that came out on the
24 bulletin later. The 19-inch ballot was later,
25 was a few days later -- it's in our time line

1 there. At any rate, you can go through -- you
2 can take a look at that entire time line and we
3 can answer any questions on that.

4 Down to March 1st, just a few lines down, the
5 EAC issued on March 1st a notice of initiation of
6 formal investigation into the 3.2.0.0. Last
7 meeting, we talked about two different phases of
8 the election systems commission hearings. One is
9 the informal phase, that has now passed and they
10 have now called for a formal investigation of the
11 system, and since March 1st, that has been ongoing.
12 As to how long that will take at the federal
13 commission level, we have no idea yet, but they are
14 going through it.

15 The discussion starts on Page 8 there of the
16 time line, and there's some significant events
17 there that we cover in that particular discussion,
18 such as the change of the VSTL, the Voting System
19 Testing Lab, for -- iBETA moved over -- when iBETA
20 lost their certification or gave up their
21 certification and Wyle Labs then took over the
22 final testing of that system.

23 The conclusion and suggestions then, we give
24 some examples there of what the labs did -- over on
25 Page 12 of the report, we talk about the three

1 counties that are affected by the 3.2.0.0 voting
2 system here in Indiana. They are Jackson County,
3 Monroe County and Newton County.

4 We have our database, and as part of the VSTOP
5 Program, it pulls up the machines, voting systems
6 that are in use in all of the counties that we've
7 got populated, which is close to three-fourths of
8 them now, and we give a little report there. For
9 example, in Jackson County they do have backup
10 machines, depending on what the commission decides,
11 that they could use in this upcoming primary
12 instead of the 3.2.0.0.

13 VICE CHAIR A. LONG: Is this current data,
14 Ray?

15 MR. R. SCHEELE: Yes. On Page 13, it
16 continues with Monroe, they do not have voting
17 machines. This system is on order from ES&S but
18 has not yet been taken into inventory or
19 received by Monroe, and it was scheduled for
20 March 2nd, 2011 delivery, but I think ES&S who's
21 here may have more information on that.

22 Newton does not have a primary on May 4th of
23 this year, and so consequently, they are in
24 possession of their 3.2.0.0 machines. They used
25 those last year in Newton County and there were

1 no -- there were no problems with the machines
2 themselves with the voting system -- they did have
3 problems with the printing of ballots, but they've
4 gone to a different printer for that particular
5 function Newton County.

6 That was information we received from the
7 clerk of Newton County. That's the status as of
8 the date of this report and a little bit of update
9 since then.

10 Our conclusions and suggestions then are on
11 Pages 14 and 15 of the report, and I'll just
12 quickly summarize these. Currently, there is no
13 requirement that vendors seeking to market sell
14 their systems in Indiana distribute their technical
15 advisories and bulletins to the Indiana Election
16 Division.

17 This point was brought up in the last
18 commission meeting. We suggest strongly that this
19 should be required of all applicants for
20 certification and should pertain to all voting
21 systems and components in the state throughout the
22 entire life and use of the voting system.

23 Complete and thorough testing by certified
24 labs is no guarantee that anomalies will not appear
25 in voting systems once they've been fully deployed.

1 In fact, in the case of 3.2.0.0 malfunctions
2 occasionally will occur. This fact calls for
3 continual monitoring of events, and obviously, full
4 disclosure of any anomalies as they're uncovered.

5 No. 2, and we'll come to that here in a moment
6 in more detail, the engineering change orders are a
7 major concern in monitoring the voting systems.
8 Vendors should be required to immediately notify
9 and distribute to the Indiana Election Division and
10 all ECOs being proposed for systems that under
11 consideration for certification, as well as systems
12 that are currently in Indiana's inventory.

13 The vendor should be responsible for providing
14 a complete description of the ECOs providing the
15 Election Division with the ECO test data from the
16 voting system technical labs -- testing labs as
17 soon as it is available.

18 No. 3, changes in personnel in the various
19 firms doing business in Indiana have created a
20 situation where several different persons from the
21 same firm are in contact with their customers at
22 the county level, that is the county clerk, the
23 Election Division and the VSTOP Team, often
24 providing different information and data.

25 The vendor should be required to clearly

1 specify the title and position of the persons
2 making contact and showing the lines of
3 responsibility within the firm so that we know
4 exactly the reporting relationships.

5 The IEC-11 form requires a signature from the
6 authorized representative of the vendor and that
7 document should serve as the official contact
8 unless and the vendor formally notifies the
9 Division of a change.

10 No. 4, provide sufficient review time for all
11 systems in ECOs, reasonable deadlines should be
12 established for vendors to submit all documentation
13 and data relevant to their application.

14 Finally, the IEC and the Indiana Election
15 Division should discuss the possibility of using a
16 federally certified testing lab to conduct the
17 tests of voting systems applied for in Indiana. At
18 least one of these labs, the leading lab, Wyle, is
19 willing to test the Indiana standards as required
20 by the Indiana Code.

21 Those are suggestions that we have for your
22 consideration and we'll be glad to answer any
23 questions.

24 VICE CHAIR A. LONG: We don't require -- we
25 don't require a federally certified testing lab

1 at the present time?

2 MR. D. SIMMONS: We require a report from a
3 lab, and Ray, I think is suggesting that
4 additional testing the Indiana standards,
5 specifically, could be done by those labs.

6 VICE CHAIR A. LONG: I've been here a long
7 time and I've voted for some of these -- you
8 know, we've been -- we dealt with some problems.
9 When I read these when they came through, I
10 thought they were excellent moves in that
11 direction.

12 CHAIRMAN D. DUMEZICH: Do you have any
13 questions for the members of Ball State?

14 COMMISSION MEMBER S. RIORDAN: Not now.

15 VICE CHAIR A. LONG: Do I understand, from
16 what reading I've done and I've had some
17 communication with our staff, that we don't have
18 an emergency at the present time -- we've got no
19 primary out here that we're faced with a
20 situation?

21 MR. R. SCHEELE: This May?

22 VICE CHAIR A. LONG: This May?

23 MR. R. SCHEELE: That's correct, and that's
24 our understanding as well.

25 CHAIRMAN D. DUMEZICH: Do we have anyone

1 from the counties that...

2 VICE CHAIR A. LONG: What was that?

3 CHAIRMAN D. DUMEZICH: Let's hear from the
4 counties so we can...

5 VICE CHAIR A. LONG: Yeah, I was going to
6 ask that question.

7 CHAIRMAN D. DUMEZICH: Is any of the
8 counties that have this system, are they here to
9 testify?

10 MR. K. DOGAN: I can testify. I'm from
11 Monroe County.

12 CHAIRMAN D. DUMEZICH: Did you take the
13 oath?

14 MR. K. DOGAN: No, I haven't.

15 CHAIRMAN D. DUMEZICH: Okay.

16 VICE CHAIR A. LONG: What about other
17 counties?

18 CHAIRMAN D. DUMEZICH: Any other counties
19 here -- yep, where you from?

20 MS. A. LOWERY: Jackson.

21 CHAIRMAN D. DUMEZICH: Did you take the
22 oath?

23 MS. A. LOWERY: I did not.

24 CHAIRMAN D. DUMEZICH: Okay. Any other
25 counties -- two out of three -- Newton?

1 VICE CHAIR A. LONG: Newton is here.

2 CHAIRMAN D. DUMEZICH: Newton's here, did
3 you take the oath?

4 UNIDENTIFIED SPEAKER: No, I did not.

5 CHAIRMAN D. DUMEZICH: Why don't the three
6 of you take the oath -- Dale, give them the
7 oath? Let's bring them in to have them talk to
8 us.

9 VICE CHAIR A. LONG: Get them to move up a
10 little closer so we can hear them, if you could,
11 Mr. Chairman?

12 CHAIRMAN D. DUMEZICH: Well, they're going
13 to come -- they're going to come up here one at
14 a time and talk to us.

15 VICE CHAIR A. LONG: Okay.

16 CHAIRMAN D. DUMEZICH: Take the oath.

17 MR. D. SIMMONS: Stand up and raise your
18 right hand and say I do after the administration
19 of the oath?

20 (The participants complied.)

21 MR. D. SIMMONS: Do you solemnly swear or
22 affirm under the penalties of perjury that the
23 testimony you are about to give at today's
24 commission meeting is the truth, the whole
25 truth, and nothing but the truth, say I do?

1 THE PARTICIPANTS: I do.

2 CHAIRMAN D. DUMEZICH: Sir, come up on.

3 Tell us your name, spell it, and the county
4 you're from and give us your testimony as it
5 relates to this ES&S System.

6 MR. K. DOGAN: My name is Kevin Dogan. The
7 last name is spelled D-O-G-A-N. I am one of the
8 Monroe County attorneys. I heard of the
9 decision of the Indiana Election Commission at
10 its February 21st meeting to consider
11 decertification of the DS200 equipment from
12 staff of the election division offices a day or
13 two later.

14 I have been in discussions, communications
15 with the ES&S attorney since that time to work to
16 ensure that the interests of Monroe County were
17 protected in this situation. We have worked out an
18 amendment to our purchase agreement from December
19 of last year for equipment from ES&S and that
20 amendment covers several concerns of the county and
21 puts us in a situation where feel like we do --
22 that our interests are protected, and I can go into
23 the specifics of our agreement if you want to hear
24 that.

25 CHAIRMAN D. DUMEZICH: I don't.

1 MR. K. DOGAN: Okay.

2 CHAIRMAN D. DUMEZICH: What we would like
3 to hear is do you need to use the machines for
4 this May?

5 MR. K. DOGAN: No.

6 CHAIRMAN D. DUMEZICH: And you as the
7 attorney are representing that you believe your
8 county is protected vis-a-vis whatever
9 amendments to contracts you have?

10 MR. K. DOGAN: I do believe we have covered
11 ourselves for the elections this year.

12 VICE CHAIR A. LONG: You are on notice that
13 there's an issue we're dealing with, and I
14 assume you appreciate in Monroe County that
15 we're here to do what we can do to protect your
16 interests also.

17 MR. K. DOGAN: I understand that, and we
18 don't want to in any way interfere with what
19 you're doing, we feel that we needed to take
20 care of our concerns and we feel that we've
21 addressed those.

22 VICE CHAIR A. LONG: That's one of the
23 reasons we table a motion so we can get -- so
24 everybody could be track with where we were.

25 CHAIRMAN D. DUMEZICH: Okay, thank you,

1 sir.

2 VICE CHAIR A. LONG: Thank you very much.

3 CHAIRMAN D. DUMEZICH: Would the
4 representative from Jackson County come forward,
5 please, and give us a status report -- hello.

6 MS. A. LOWERY: Hi.

7 CHAIRMAN D. DUMEZICH: Please state your
8 name and spell it for the record?

9 MS. A. LOWERY: Amanda Lowery, L-O-W-E-R-Y.

10 VICE CHAIR A. LONG: First name?

11 MS. A. LOWERY: Amanda Lowery, Jackson
12 County Clerk.

13 CHAIRMAN D. DUMEZICH: And are you going to
14 use these machines this May?

15 MS. A. LOWERY: We currently have old
16 machines available. We have Eagle and IvoTronic
17 machines in storage.

18 CHAIRMAN D. DUMEZICH: So you do not --

19 COMMISSION MEMBER S. RIORDAN: Is that what
20 you -- is that what you had planned to use in
21 May or did you plan to use the new system?

22 MS. A. LOWERY: No, we had planned to use
23 the new system.

24 COMMISSION MEMBER S. RIORDAN: And where
25 does that...

1 MS. A. LOWERY: When I was notified about
2 the motion for decertification, I opted not to
3 take possession of the machines until everything
4 was sorted out so...

5 VICE CHAIR A. LONG: Are you on track with
6 your county attorney as far as protecting the
7 county's interests in this situation?

8 MS. A. LOWERY: Yes.

9 VICE CHAIR A. LONG: Have y'all taken some
10 steps to do that?

11 MS. A. LOWERY: I'm meeting with
12 commissioners tomorrow.

13 VICE CHAIR A. LONG: Maybe have your
14 lawyers call Mr. Dogan there.

15 MS. A. LOWERY: Okay.

16 VICE CHAIR A. LONG: He seems to -- that's
17 how I -- when I represented the county, I always
18 called other county lawyers that were maybe out
19 ahead of me sometimes.

20 MS. A. LOWERY: Okay. So...

21 CHAIRMAN D. DUMEZICH: Okay. Thank you.
22 You're protected?

23 VICE CHAIR A. LONG: You're protected
24 through the spring for sure?

25 MS. A. LOWERY: We have machines available

1 for use if...

2 CHAIRMAN D. DUMEZICH: And you have not
3 taken possession of the new machines that may be
4 decertified?

5 MS. A. LOWERY: We have not taken
6 possession of the new machines.

7 COMMISSION MEMBER S. RIORDAN: And if
8 things worked out okay here today and they're
9 not decertified, would you still have time to
10 take possession of the new machines and be ready
11 for May or not?

12 MS. A. LOWERY: No. No, I don't believe
13 so.

14 COMMISSION MEMBER S. RIORDAN: Okay.

15 CHAIRMAN D. DUMEZICH: Okay.

16 VICE CHAIR A. LONG: Thank you for coming
17 down.

18 MS. A. LOWERY: No problem.

19 CHAIRMAN D. DUMEZICH: All right. Newton
20 County, the fine county of Newton which I used
21 to represent many years ago.

22 VICE CHAIR A. LONG: Fine Southern Indiana
23 County.

24 CHAIRMAN D. DUMEZICH: It was to me.
25 Everything south of 30.

1 MR. K. ANDERSON: We're still south.

2 CHAIRMAN D. DUMEZICH: Absolutely.

3 MR. K. ANDERSON: Hi, my name is Kimberly
4 Anderson. We do not have an election this year.

5 VICE CHAIR A. LONG: Your first name,
6 please?

7 MR. K. ANDERSON: Excuse me?

8 VICE CHAIR A. LONG: Your first name?

9 MR. K. ANDERSON: Kimberly.

10 CHAIRMAN D. DUMEZICH: Kimberly, and last
11 name.

12 MS. K. ANDERSON: I'm sorry, Anderson.

13 CHAIRMAN D. DUMEZICH: And can you spell it
14 for us, E-N or O-N?

15 MR. K. ANDERSON: O-N.

16 VICE CHAIR A. LONG: And you are?

17 MR. K. ANDERSON: Newton County clerk.

18 VICE CHAIR A. LONG: You're the clerk?

19 MR. K. ANDERSON: Yes.

20 VICE CHAIR A. LONG: Okay.

21 CHAIRMAN D. DUMEZICH: Can you give us a
22 status report of where you are vis-a-vis the
23 ES&S system?

24 MR. K. ANDERSON: Well, we don't have an
25 election this year, and the first incident I had

1 to actually look at this was on February 14th,
2 which was a letter sent by e-mail to me on the
3 possibility of decertification of the 3.2.0, and
4 so in our general election, we had some -- some
5 problems -- not so much with the machines but
6 with tapes backing up in them and beeping of the
7 machines and a few things that just caused
8 people to ask way too many questions.

9 We had then some problems with ballots, the
10 printing -- there was a lot of printing issues and
11 time issues or ballot issues, and we obviously had
12 some problems, and it's well known, because I had
13 contacted folks throughout the state, of different
14 personnel to operate the ER on the system.

15 And I'm not here to cause problems with ES&S,
16 I just want to make it clear that we had an awesome
17 primary but our general election was a nightmare --
18 again, not so much with equipment but we did have
19 some issues.

20 So what I was coming here for, actually, is my
21 main question, which is a county question right now
22 and I've been sent also by the commissioners of the
23 county, if there is decertification of this
24 version, since the county has signed agreements
25 with this company, would that allow us to get out

1 of this contract?

2 CHAIRMAN D. DUMEZICH: Have your county
3 attorney contact people that are working through
4 it, okay?

5 MR. K. ANDERSON: Okay.

6 CHAIRMAN D. DUMEZICH: And this is a
7 question for any of the three county
8 representatives we have: Are you having any
9 problem getting ES&S to support the current
10 system the way it is; are there any issues with
11 that -- spare pieces, parts, does ES&S continue
12 to support that -- sir?

13 MR. K. DOGAN: We do not have any ES&S
14 equipment yet so I wouldn't be able to answer
15 that.

16 MS. A. LOWERY: They've been more than
17 helpful.

18 CHAIRMAN D. DUMEZICH: They've been more
19 than helpful?

20 MS. A. LOWERY: Uh-huh.

21 CHAIRMAN D. DUMEZICH: Okay. Is that your
22 experience as well?

23 MR. K. ANDERSON: Yes.

24 CHAIRMAN D. DUMEZICH: Simply, when you've
25 asked for support, you've received it?

1 MR. K. ANDERSON: Yes.

2 CHAIRMAN D. DUMEZICH: Okay.

3 VICE CHAIR A. LONG: For your
4 commissioner's message, we're working through
5 this step-by-step too. This commission is -- I
6 mean, your county and all the other counties
7 similarly situated and we would --
8 decertification is a major issue. It would have
9 to be something -- it's irreversible.

10 MR. K. ANDERSON: I understand.

11 VICE CHAIR A. LONG: But it's a very
12 serious situation we had with the integrity of
13 the voting system, and it's not our intention to
14 leave you all hanging out there, and we will not
15 take a step here until we consider those
16 factors, and hopefully, you all will be in the
17 loop of our communications in this as it goes
18 forward.

19 MR. K. ANDERSON: And in Newton County, we
20 ended up -- because of the ballot issues, we
21 ended up spending almost \$10,000 to have a
22 special election for a whole of 91 voters, so
23 there is some...

24 VICE CHAIR A. LONG: Paranoia?

25 MR. K. ANDERSON: Right, for the next

1 election.

2 VICE CHAIR A. LONG: But please keep in
3 touch with our staffs here because the county
4 situation and dealing with the voters and the
5 integrity of the system and the confidence of
6 the voters are the utmost importance to us.

7 MR. K. ANDERSON: Absolutely.

8 VICE CHAIR A. LONG: We don't you to be out
9 any more money than is absolutely necessary as
10 well.

11 CHAIRMAN D. DUMEZICH: Thank you, Kim.

12 MR. K. ANDERSON: Thank you.

13 CHAIRMAN D. DUMEZICH: Is anyone here --
14 anyone else here that would like to testify with
15 respect to this?

16 MR. T. McCLAMROCH: Yes.

17 CHAIRMAN D. DUMEZICH: Please identify
18 yourself for the record?

19 MR. T. McCLAMROCH: Mr. Chairman, my name
20 is Toby McClamroch. I'm an attorney with
21 Bingham McHale. I represent ES&S.

22 MS. K. ROGERS: Kathy Rogers, vice
23 president of government affairs for ES&S.

24 MR. S. PEARSON: Steve Pearson, vice
25 president of certification for ES&S.

1 MR. T. McCLAMROCH: Mr. Chairman, I don't
2 know if this is appropriate, but I want to make
3 sure before we make a presentation, that we
4 understand -- I wasn't at the last meeting so I
5 just want to make sure I understand context,
6 because it may, you know, make a difference in
7 terms of how we make a presentation.

8 For instance, just from a procedure
9 standpoint, what we would really like is for Steve
10 Pierson, who's the vice president of certification
11 of ES&S to make just an oral presentation about the
12 steps that we've taken since the last meeting, if
13 that's -- if that's appropriate?

14 CHAIRMAN D. DUMEZICH: It'd be appropriate.
15 It'd be appropriate.

16 MR. T. McCLAMROCH: Thanks.

17 CHAIRMAN D. DUMEZICH: Mr. Pearson.

18 MR. S. PEARSON: Thank you for the
19 opportunity to meet with you again. I
20 thought -- there's a number of topics that I
21 would like to brief you on today to get you up
22 to speed. There's been a lot of activities
23 since we last met.

24 First, I thought I would touch on the status
25 of the May elections for both Jackson and Monroe

1 Counties, and I won't need to go into that now.
2 We've been working with the counties to come up
3 with a solution that did not require them to
4 upgrade or use -- or install the 3.2.0.0 system
5 that is in question here.

6 I also wanted to answer any questions you may
7 have regarding the Ball State report. We do agree
8 with, you know, a number of the items that are --
9 and conclusions that are in there. We would be
10 more than happy to work directly with Ball State
11 and with this commission in any...

12 CHAIRMAN D. DUMEZICH: Do you disagree with
13 any of them?

14 MR. S. PEARSON: Yeah, I think that there's
15 some information in there that I could further
16 clarify, and I would be happy to do, if there's
17 questions regarding some of that, if necessary,
18 but I also would like to update you on the work
19 we're doing with EAC regarding the formal
20 investigation of the Unity 3.2.0.0 and the
21 solution to bring closure to that.

22 There's been a number of meetings in the past
23 week with the EAC, and I can update you on that,
24 and then the last thing was to -- I would like to
25 discuss the importance of obtaining the

1 commission's approval of the engineering change
2 orders that are necessary for ES&S to continue to
3 be able to maintain the equipment for our current
4 county customers.

5 One of the things and both -- from the last
6 meeting, the IEC meeting, you had asked me to give
7 a machine count, and I'd be happy to do that. I
8 did provide that in a letter to the Division, as
9 well as to Ball State, kind of gave a breakdown of
10 that, and I think they both testified in the May
11 election that they won't be using the system, and
12 Newton has no election, as you know.

13 On March 3rd, we also submitted our revised
14 application for the certification of 3.2.1.0. We
15 provided copies of -- all of the technical
16 bulletins that were issued with 3.2.0.0 in that --
17 along with that letter to both the Division and to
18 Ball State, as well as any technical bulletins that
19 pertain to the Unity 3.2.1.0 release that will
20 be -- that we are applying for certification for.

21 I'm also -- we've followed through on your
22 request to make the technical bulletins available
23 to the Division and the Ball State team -- to, in
24 effect, treat you the same as we would a customer
25 when it comes to customer advisories s.

1 I did look into that. We have been providing
2 the co-election directors, since the 2004-2005 time
3 frame, access to the customer portal so -- and
4 generally, that's restricted only to customers, but
5 in this case we had provided the co-election
6 directors, and I think we probably need to revisit
7 that and maybe take away some accesses because
8 there has been some changes.

9 We would need to give Mr. Deckard access, as
10 well as -- I believe Brad King, your access is
11 still active, but I think it would be good for us
12 to meet with you and the Ball State members to
13 determine exactly how I would -- maybe how you
14 would like to access that information, but also
15 maybe work with you on the understanding of how to
16 use the system a little more useful for you.

17 CHAIRMAN D. DUMEZICH: That would be very
18 helpful to us because we're looking to
19 promulgate rules that would apply to all
20 vendors.

21 MR. S. PEARSON: Okay.

22 CHAIRMAN D. DUMEZICH: So having -- having
23 your input in that, any other vendors that are
24 willing to give input with respect to that
25 process, would be greatly appreciated, and in

1 that case, contact -- let's make you the contact
2 person.

3 MR. B. KING: Okay.

4 CHAIRMAN D. DUMEZICH: Brad King the
5 contact person, and Mr. Deckard, and that way,
6 we can make sure we get plenty of input. So
7 whatever ends up coming out of it in rule and
8 something reflective of what's meaningful to the
9 parties.

10 MR. S. PEARSON: Okay. With respect to
11 3.2.1.0, we did request an examination as early
12 as March 10th. From ES&S's perspective, we are
13 ready at any time. I did talk as of 3:00 p.m.
14 this afternoon with the EAC, had no comments
15 remaining from their internal review. All
16 comments by their technical reviewers for the
17 final test report for the Unity 3.2.1.0 release
18 have been received.

19 The final draft, or the document's in final
20 stage, and Masterson indicated at 5:00 p.m., if
21 there were no more comments internally, that they
22 would consider it a final approve and they would
23 post the final test report either tomorrow or
24 Wednesday, so that's the status on 3.2.1.0 in
25 relation to our readiness to move forward for

1 certification.

2 As I mentioned, we've continued to work with
3 the EAC on the formal investigation for the
4 decertification of Unity 3.2.0.0. This week, Kathy
5 Rogers and I held meetings with the EAC and we
6 discussed the options to essentially bring closure
7 to the 3.2.0.0 investigation.

8 Without waiting for their final investigation
9 and their final report, we will be submitting what
10 we discussed as the potential cure or closure for
11 that investigation which they would incorporate
12 that into their final report.

13 All indications from the EAC were positive,
14 and at this point, we are confident that we should
15 be or will be able to avoid a decertification by
16 the action that we discussed, when following
17 through with that.

18 We also participated in a call on Thursday
19 afternoon that the EAC hosted. It involved the EAC
20 staff, all of the EAC's technical reviewers, state
21 representatives from the States of Ohio, Florida,
22 Wisconsin and Indiana were all invited and
23 participated.

24 Dr. Bagga from Ball State was, as far as I
25 know, the Indiana representative. I don't know if

1 there were other members on the -- if they were,
2 they didn't identify themselves. There were also
3 all of the county users that use the DS200, not
4 necessarily certified on the same version, were
5 invited, so even Florida counties, there was large
6 participation by the Florida counties.

7 The purpose of the call was for the EAC to
8 explain the investigation process to all the folks
9 that were on the call and give them an opportunity
10 to ask questions and to clarify any concerns they
11 had. We thought the meeting was real positive. We
12 actually discussed what we understand to be our,
13 what would you say, the ability to hear the
14 investigation with that group, and there were
15 really very few questions at the conclusion of that
16 call and I think we all thought it was a good call.
17 Anything, Kathy, you'd like to add to that?

18 MS. K. ROGERS: No, and just in case -- I
19 don't know if you're following that or not -- I
20 see some glazed eyes like mine would be, but
21 basically, the path that we were on when we were
22 here at the last meeting was for us to remove
23 3.2.0.0 from the field with the EAC and put
24 3.2.1.0 in its place.

25 We are taking an alternate path now with the

1 EAC. We're still going forward with 3.2.1.0. We
2 expect that's the version that customers here will
3 want, as well as Ohio and Wisconsin, but we're
4 going to modify 3.2.0.0 to allow it not to have to
5 go through a decertification with the EAC.

6 That sort of gives those folks who have used
7 that system a very long time, the ability to have
8 some confidence on modifying that. We recognize
9 you might not wish to move forward with the
10 modified version, but will eliminate the need to be
11 certified at the EAC level.

12 CHAIRMAN D. DUMEZICH: So it would be your
13 intent to provide people that ordered 3.2.1.0s,
14 the model that we're looking to certify,
15 continue to provide them with those models and
16 they would -- under the modified format?

17 MS. K. ROGERS: 3.2.1.0 has a number of
18 enhancements that we know people may want, but
19 this will be another option if someone wanted to
20 keep 3.2.0.0 and just modify that, they'd have
21 that ability.

22 CHAIRMAN D. DUMEZICH: And you're going to
23 continue to support 3.2.0.0 and do all the
24 things that...

25 MS. K. ROGERS: Yes, absolutely.

1 CHAIRMAN D. DUMEZICH: Okay.

2 MR. S. PEARSON: And then on the last
3 topic, on Friday of last week I provided the
4 co-election directors and Ball State University
5 a summary listing of the 56 engineering change
6 orders that are pending approval, which is a
7 process that we had started back on September
8 23rd of 2008.

9 There has been a number of submissions of
10 engineering change orders that have been on the
11 table; and these are -- these are hardware
12 modifications to the Model 650s, M100s, ES200s,
13 Ivotronics and AutoMarks.

14 VICE CHAIR A. LONG: There are how many of
15 them?

16 MR. S. PEARSON: There's 56, I believe, on
17 the list, the summary list that I have provided
18 to the Division, as well as Ball State. All of
19 these were previously VSTL, approved by an EAC
20 VSTL accredited lab to meet either the 2002 or
21 2005 standards, and they were either -- in
22 addition, either NASED or EAC approved. NASED
23 only -- they approved the Ivotronic ECOs because
24 the Ivotronic is not under the EAC's test
25 purview.

1 All have been approved and in use in other
2 states. In the case of the AutoMark ECOs, 26 other
3 states have approved these and these changes have
4 been in use some -- for as many as two years. So
5 we're asking the commission to approve these
6 primarily to enable us to service the machines and
7 fulfill any new orders for any of our customers in
8 the State of Indiana.

9 CHAIRMAN D. DUMEZICH: Okay, thank you.
10 Mr. McClamroch, anything to add, sir?

11 MR. T. McCLAMROCH: If it's appropriate,
12 I'd rather wait and reserve my comments -- and
13 to respond to any motion that might be made by
14 the commission.

15 CHAIRMAN D. DUMEZICH: Okay. Well, at this
16 time what I'm going to do is I'm going to ask
17 Mr. Scheele -- Dr. Scheele, excuse me, and the
18 people from Ball State to do two things: One,
19 I'd like at our next hearing a report on 3.2.1.0
20 and where it is and a report on the change
21 orders.

22 MR. R. SCHEELE: Fair enough. I can give
23 you a very quick summary of both right now.

24 CHAIRMAN D. DUMEZICH: No, thank you.

25 MR. R.. SCHEELE: All right. We'll save it

1 til next time.

2 CHAIRMAN D. DUMEZICH: That's what we'll do
3 then.

4 VICE CHAIR A. LONG: I'd like to have that
5 in advance.

6 MR. R. SCHEELE: Sure.

7 CHAIRMAN D. DUMEZICH: That's what I was
8 saying. That way, we can it -- submit it
9 written before so we can see it.

10 MR. R. SCHEELE: Of course, just like this
11 time?

12 CHAIRMAN D. DUMEZICH: Just like this time.

13 MR. R. SCHEELE: What's your tentative
14 meeting time, have you set one?

15 CHAIRMAN D. DUMEZICH: I haven't, but I was
16 going to propose June 27th.

17 VICE CHAIR A. LONG: That works with me.

18 CHAIRMAN D. DUMEZICH: June 27th at 11:00,
19 and that way we can spend the full day playing
20 with this so all these finance people wouldn't
21 have to sit and listen to it.

22 VICE CHAIR A. LONG: Could I ask ES&S, does
23 that work with your plan?

24 MR. S. PEARSON: Yes, or sooner.

25 CHAIRMAN D. DUMEZICH: Or sooner?

1 MR. S. PEARSON: Or sooner. Typically,
2 with respect to the ECOs that we submitted on
3 September 23rd, 2008, and May 14th, 2009, and
4 November 23rd, 2010, and this would be my fourth
5 commissioners' meeting that I've attended in
6 seeking review and approval of these ECOs.

7 VICE CHAIR A. LONG: I would ask that Ball
8 State let us -- give us a history on these as
9 to -- I mean, why we're at this point in time,
10 and we've got 2008 application, and I've got to
11 expect 56 of them, there's going to be a lot of
12 them that are pretty simple?

13 MR. J. LOSCO: I can do that. As you may
14 recall --

15 VICE CHAIR A. LONG: Not today.

16 CHAIRMAN D. DUMEZICH: Yeah, not today.
17 We've got a lot of people we've got to move out
18 now.

19 MR. J. LOSCO: Absolutely. And I'm going
20 to confer with staff and with the other
21 commission members and maybe we will hold
22 something earlier and solely for you, but I want
23 to make sure everybody has the information
24 disseminated ahead of time and it's a date
25 that's set that makes you comfortable so you can

1 present everything you need to and give Ball
2 State enough time. In the meantime, we'll be
3 working on our promulgation of order as well,
4 okay -- that's the game plan.

5 MS. K. ROGERS: Thank you.

6 MR. T. McCLAMROCH: Will you want further
7 evidence on the 2_ -- did you say June 27th?

8 CHAIRMAN D. DUMEZICH: Well, if I
9 understood correctly, you guys would like to
10 come in before June 27th?

11 MS. K. ROGERS: If I may, part of the
12 problem we're experiencing with the engineering
13 change orders is that -- a basic example, these
14 AutoMarks that we're providing to one of the
15 counties to help them run their election, it's a
16 certified AutoMark in the state -- we have a
17 warehouse full of AutoMarks, but we had to like
18 go down to the bottom of the pile to the oldest
19 generation there because all of the newer
20 generation, these engineering change orders are
21 still lagging. So we want to be able to pull
22 from the newer than the older and make sure we
23 have enough equipment to...

24 CHAIRMAN D. DUMEZICH: We'll see if we can
25 facilitate a schedule that will allow that to

1 happen.

2 MS. K. ROGERS: That'd be great.

3 VICE CHAIR A. LONG: And if something is in
4 there that you all coordinate with our advisers,
5 maybe we can have an earlier, shorter meeting,
6 that we can come in and be briefed on. I'd like
7 to move to continue on the table the previously
8 tabled motion until the 27th meeting.

9 CHAIRMAN D. DUMEZICH: I don't think we --
10 we don't need a motion.

11 MR. T. McCLAMROCH: It's still on the
12 table.

13 CHAIRMAN D. DUMEZICH: It's still tabled.

14 VICE CHAIR A. LONG: It's still on the
15 table, all right.

16 CHAIRMAN D. DUMEZICH: It's still tabled.

17 VICE CHAIR A. LONG: And I would ask the
18 staff -- if you want a motion, I'll make it a
19 motion that they start drafting, for
20 promulgation purposes, these recommendations
21 that are made.

22 CHAIRMAN D. DUMEZICH: Okay, I hear a
23 motion on the floor to promulgate --

24 VICE CHAIR A. LONG: Start the process.

25 CHAIRMAN D. DUMEZICH: Start the process of

1 promulgation of rules and regulations.

2 COMMISSION MEMBER S. RIORDAN: So in
3 that -- in that vein, I think we'd be
4 interested -- I'd be interested in hearing from
5 ES&S how you feel about the five VSTOP
6 recommendations, and if those are things you can
7 live with or whether they're feasible or -- not
8 that -- not that you get to decide that, of
9 course, but you know.

10 VICE CHAIR A. LONG: The other -- the other
11 vendors also, I'd like to have -- that's -- I
12 envision that in my motion, that we invite --

13 CHAIRMAN D. DUMEZICH: Everybody talk to
14 these guys and they'll sort out the dead and
15 give it to us.

16 COMMISSION MEMBER S. RIORDAN: Got it.

17 CHAIRMAN D. DUMEZICH: So campaign finance
18 enforcement, Part 2 for the day. We're done
19 with ES&S.

20 MS. K. ROGERS: Thank you.

21 MR. T. McCLAMROCH: Thank you very much.

22 MR. S. PEARSON: Thank you.

23 VICE CHAIR A. LONG: Nice seeing you again.

24 MR. S. PEARSON: Good to see you.

25 (A discussion was held off the record.)

1 CHAIRMAN D. DUMEZICH: If anyone present
2 plans to testify regarding the matters coming
3 before the commission today, which is campaign
4 finance enforcement, Part 2, and has not already
5 been sworn in, please stand for administration
6 of the oath? I recognize Dale Simmons to
7 administer the oath.

8 MR. D. SIMMONS: Stand and raise your right
9 hand and say I do after the administration of
10 the oath?

11 (Participants complied.)

12 MR. D. SIMMONS: Do you solemnly swear or
13 affirm under the penalties of perjury that the
14 testimony you are about to give the commission
15 at today's meeting is the truth, the whole
16 truth, and nothing but the truth, say I do?

17 THE PARTICIPANTS: I do.

18 CHAIRMAN D. DUMEZICH: Kip, please come
19 down with your client. State your name and
20 spelling?

21 MR. K. TEW: My name is Kip Tew, K-I-P,
22 T-E-W.

23 CHAIRMAN D. DUMEZICH: Is there a matter
24 number?

25 MR. K. TEW: Matter No. 11-317.

1 CHAIRMAN D. DUMEZICH: Okay.

2 MS. M. THOMPSON: Mr. Chairman, that's the
3 little orange tab in your -- it's in
4 corporations. Which corporation is this with?

5 MR. K. TEW: SEIU.

6 MS. M. THOMPSON: SEIU Corporation?

7 MS. A. TAYLOR: No, statement of
8 organization.

9 VICE CHAIR A. LONG: It's the service
10 employees, is that what you're talking about?

11 MS. M. THOMPSON: Service Employees
12 International Union or the Pac.

13 CHAIRMAN D. DUMEZICH: It's not the
14 T-Mobile -- is this T-Mobile or...

15 VICE CHAIR A. LONG: Service Employees.

16 MR. K. TEW: Service Employees
17 International Union.

18 MS. M. THOMPSON: Filed a motion for a
19 continuance.

20 MR. K. TEW: We're seeking a motion of
21 continuance. We filed -- we filed it with you
22 last week. If you desire, we can talk about the
23 motion for continuance, why the reason we want
24 it or...

25 CHAIRMAN D. DUMEZICH: Can I hear a motion?

1 VICE CHAIR A. LONG: I move to grant the
2 continuance until the next meeting, and as I had
3 indicated during a brief break, that I've asked
4 for some information from our staff so I can be
5 a little more verse indeed this situation.

6 CHAIRMAN D. DUMEZICH: Okay. I hear a
7 motion to continue, do I hear a second?

8 COMMISSION MEMBER S. RIORDAN: Second.

9 MR. J. MEYER: Second.

10 CHAIRMAN D. DUMEZICH: Hearing a second,
11 any discussion?

12 (No discussion.)

13 CHAIRMAN D. DUMEZICH: Hearing none, all in
14 favor of the motion to continue, indicate by
15 saying aye?

16 COMMISSION MEMBERS: Aye.

17 CHAIRMAN D. DUMEZICH: All opposed,
18 indicate with nay?

19 (No response.)

20 CHAIRMAN D. DUMEZICH: Motion carries 4-0.

21 MR. K. TEW: Thank you.

22 VICE CHAIR A. LONG: Do you have another
23 one, Kip?

24 MR. K. TEW: Yeah, but we're okay.

25 COMMISSION MEMBER S. RIORDAN: Mr. Chairman?

1 CHAIRMAN D. DUMEZICH: Yes.

2 COMMISSION MEMBER S. RIORDAN: I need a
3 proxy. My proxy's here (indiscernible).

4 CHAIRMAN D. DUMEZICH: Okay. Who's the
5 proxy?

6 COMMISSION MEMBER S. RIORDAN: Jennifer
7 Wagner.

8 CHAIRMAN D. DUMEZICH: I'd like to have
9 Jennifer Wagner come forward as a proxy for
10 Commissioner Riordan. For the record, the
11 application for the proxy has been filed with
12 the commission.

13 COMMISSION MEMBER S. RIORDAN: Kevin Murray
14 is my law partner and it's his client who's
15 coming forward and so I have to be disqualified
16 and replaced by a proxy.

17 CHAIRMAN D. DUMEZICH: That's fine, but
18 what's the case?

19 COMMISSION MEMBER S. RIORDAN: I don't
20 know.

21 CHAIRMAN D. DUMEZICH: Okay.

22 VICE CHAIR A. LONG: Kernan for Indiana.

23 CHAIRMAN D. DUMEZICH: Kernan for Indiana.

24 MS. M. THOMPSON: Mr. Chairman, that's on

25 Page 20.

1 VICE CHAIR A. LONG: On the four o'clocks?

2 MS. M. THOMPSON: On the four o'clocks,

3 yes.

4 VICE CHAIR A. LONG: Hi, Kevin.

5 MR. K. MURRAY: Mr. Long.

6 CHAIRMAN D. DUMEZICH: State your name,

7 sir?

8 MR. K. MURRAY: My name is Kevin Murray

9 from Frost Brown Todd, counsel to Governor Joe

10 Kernan.

11 CHAIRMAN D. DUMEZICH: Can you spell your

12 name, sir?

13 MR. K. MURRAY: M-U-R-R-A-Y.

14 CHAIRMAN D. DUMEZICH: Okay, report.

15 MS. M. THOMPSON: Mr. Chairman, Ken for

16 Indiana, cause No. 2011-4146-246. This one is

17 for a semiannual report that was for July 15th.

18 He has a proposed civil penalty of \$1,004.36.

19 The committee has never been before the

20 commission and it's now closed.

21 MR. K. MURRAY: Mr. Chairman, the facts and

22 circumstances are that the chairman, or the

23 treasurer of the committee, Michael Claytore

24 (Phonetic), was instructed to close the

25 committee and filed the necessary reports, and

1 we thought that was done in July of 2010.
2 Received notice from the commission in September
3 that it was not and immediately filed the
4 closing document.

5 Mr. Claytore relocated to Florida and I've
6 been trying to reach him for the last week. I have
7 no explanation for the failure to file. In view of
8 the fact that the committee is now closed and there
9 is no dollars on hand and that there have been no
10 prior violations, we would ask for a waiver of the
11 fine.

12 CHAIRMAN D. DUMEZICH: Any questions?

13 VICE CHAIR A. LONG: It's been filed now?

14 MR. K. MURRAY: Yes.

15 MS. M. THOMPSON: Yes.

16 MR. K. MURRAY: It was filed immediately in
17 September.

18 CHAIRMAN D. DUMEZICH: Close the hearing,
19 entertain a motion?

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

21 CHAIRMAN D. DUMEZICH: There's a motion on
22 the floor to dismiss?

23 PROXY J. WAGNER: Second.

24 CHAIRMAN D. DUMEZICH: Hearing a second,
25 any discussion?

1

(No response.)

2 CHAIRMAN D. DUMEZICH: Hearing no
3 discussion, I'd like to call a vote on dismissal
4 against the committee, or excuse me, Kernan for
5 Indiana -- all in favor of the motion, indicate
6 by saying aye?

7 COMMISSION MEMBERS: Aye.

8 CHAIRMAN D. DUMEZICH: All opposed, nay?

9 (No response.)

10 CHAIRMAN D. DUMEZICH: Hearing none, 4-0,
11 motion carries.

12 MR. K. MURRAY: Thank you. I appreciate
13 it.

14 CHAIRMAN D. DUMEZICH: Okay. What we're
15 going -- we have started a new process here, and
16 it's the opportunity for committees with
17 representatives present today to accept a
18 reduced penalty, and it's not that we're doing
19 it in mass but there are very specific
20 procedures here, okay, so pay attention.

21 If you decide that you want to accept the
22 penalty, it's your first offense, it's 25 percent;
23 second offense, it's 50 percent; third offense,
24 it's 75 percent plus mailing costs of each one of
25 those.

1 I'm going to read the procedures. Here's the
2 deal, though, if you want to do this, you are
3 waiving a hearing. That means very little talking.
4 What we want is your name, spelling, and the number
5 of the complaint, that's what you say, okay.
6 That's it. If you want to give an explanation, if
7 you want a different deal, you don't come up.

8 UNIDENTIFIED SPEAKER: I have a question.
9 Let me ask a question.

10 CHAIRMAN D. DUMEZICH: Yes, and it's not
11 even going to count against you.

12 UNIDENTIFIED SPEAKER: For clarification
13 purposes, is that 25 percent with regard to what
14 was sent out to us or what is trouble damages or
15 what is the original -- what the original fine
16 would be?

17 VICE CHAIR A. LONG: The recommended fine.

18 CHAIRMAN D. DUMEZICH: The recommended
19 fine.

20 UNIDENTIFIED SPEAKER: Thank you. Did.

21 CHAIRMAN D. DUMEZICH: Here are the
22 instructions. We want to give any committee
23 present a final opportunity to pay a reduced
24 civil penalty by waiving the right to present
25 evidence and arguments to the commission.

1 Any committee is welcomed to present evidence
2 and arguments for the proposed penalty to be
3 waived, but this is an opportunity solely for those
4 who want to waive that presentation and accept a
5 reduced penalty.

6 The arrangements are as follows: If it is the
7 committee's first violation, the arrangement would
8 be for the committee to agree to pay 25 percent of
9 the proposed fine, plus mailing costs. If it is
10 the committee's second violation, the arrangement
11 would be for the committee to agree to pay
12 50 percent of the proposed fine, plus mailing
13 costs. If it is the committee's third violation,
14 the committee would agree to pay 75 percent of the
15 proposed violation, plus mailing costs.

16 Again, if you decide that you want to come up
17 and give a presentation, we welcome that, just
18 you're going to have to wait until everybody else
19 is cleared out of the room, okay.

20 So starting at the front of the room on the
21 right at this table.

22 MS. M. THOMPSON: This gentleman has a
23 question.

24 CHAIRMAN D. DUMEZICH: Who has a question?

25 UNIDENTIFIED SPEAKER: I have a question,

1 25 percent of -- I have no proposed fine yet.

2 CHAIRMAN D. DUMEZICH: He has no proposed
3 fine?

4 UNIDENTIFIED SPEAKER: No.

5 VICE CHAIR A. LONG: While they're looking
6 that up, can I make a motion that your
7 procedures be adopted as the procedures for the
8 hearing, at this phase of the hearing, since
9 these folks weren't here before?

10 UNIDENTIFIED SPEAKER: Unless the fine is
11 the amount of the infraction, is that what it
12 is?

13 MS. M. THOMPSON: Right.

14 UNIDENTIFIED SPEAKER: So the proposed fine
15 in my case is \$3,000, so 25 percent of that?

16 CHAIRMAN D. DUMEZICH: Is \$750.

17 UNIDENTIFIED SPEAKER: And then I pay
18 25 percent of that?

19 CHAIRMAN D. DUMEZICH: No.

20 MS. M. THOMPSON: No.

21 UNIDENTIFIED SPEAKER: No, I'm a
22 politician. I'm trying.

23 CHAIRMAN D. DUMEZICH: You're very trying
24 but what's your point?

25 UNIDENTIFIED SPEAKER: Well, I didn't

1 understand the \$3,000 -- okay, all right.

2 CHAIRMAN D. DUMEZICH: Okay, let me finish
3 this. I've got to read the rest of this in the
4 record. At our campaign finance hearing
5 conducted earlier today, the Commission agreed
6 to use the following procedures for conducting
7 these hearings, and I propose the Commission use
8 the following procedures for the hearing
9 scheduled for 4:00 p.m. today:

10 I) When each campaign finance matter is
11 called, the hearing will begin with the recognized
12 campaign finance staff to provide the information
13 about the documents in this matter to the
14 commission members, including letters from the
15 committee and the notice given to the campaign
16 committee;

17 J) Unless there's objection the documents
18 provided to the commission by the election division
19 are to be entered into the record of this meeting;

20 K) After the finance -- after the campaign
21 finance staff completes the presentation, a
22 representative of the committee will be recognized
23 first and may present their case for no more than
24 five minutes.

25 Commission members may ask questions during

1 the presentation, but at that time, the time spent
2 answering the questions will not be counted against
3 the presenter's time. The Election Division may
4 signal the chair when the presenter's time is up,
5 and if the presenter offers additional documents or
6 other physical evidence not previously received by
7 the commission, then the original must be provided
8 to the Election Division person to preserve the
9 record, and that will be Dale Simmons, who's seated
10 at the far my right hand of the table.

11 If the commission finds that the committee has
12 violated the campaign finance statutes, state law
13 requires a unanimous vote of four commission
14 members to waive or reduce the amount of the
15 penalties set by state law.

16 If the commission makes a decision at this
17 meeting to either fine a committee or dismiss a
18 case against a committee, then the Election
19 Division will prepare a final order for the
20 commission to approve at a later meeting.

21 If the committee is fined today, the committee
22 will receive a notice from the Election Division to
23 pay the fine after the commission adopted the final
24 order, which would be sometime in the future, so it
25 may be a while before you get that from the -- from

1 our committee or from us to determine when that
2 fine will be paid;

3 P) The commission generally begins at the
4 front of the room and ask those persons present to
5 come forward to have their matter heard, and it's
6 very helpful that you speak up and say the cause
7 number on your hearing so that the commission staff
8 can quickly look it up on the spreadsheet.
9 Remember, identify yourself when you start
10 speaking.

11 Are there any objections or questions from the
12 commission members or any committee to these
13 procedures?

14 VICE CHAIR A. LONG: None.

15 CHAIRMAN D. DUMEZICH: Hearing none, the
16 commission will proceed.

17 UNIDENTIFIED SPEAKER: I do have a
18 question, the fines on -- it's like \$50 a day
19 that these are late, is that -- is that correct?

20 CHAIRMAN D. DUMEZICH: Yes.

21 VICE CHAIR A. LONG: You want a motion to
22 adopt it?

23 CHAIRMAN D. DUMEZICH: Yeah, I'll entertain
24 a motion to adopt it.

25 VICE CHAIR A. LONG: Since we're rejoining

1 with another noticed group, I'll move that the
2 procedures that you read be adopted and again
3 used as the procedures for the hearings this
4 afternoon.

5 CHAIRMAN D. DUMEZICH: Hearing a motion to
6 adopt the procedures, do I hear a second?

7 MR. J. MEYER: Second.

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

10 (No response.)

11 CHAIRMAN D. DUMEZICH: Hearing none,
12 there's a motion on the floor to adopt these,
13 the procedures as read into the record -- all in
14 favor, say aye?

15 COMMISSION MEMBERS: Aye.

16 CHAIRMAN D. DUMEZICH: All opposed?

17 (No response.)

18 CHAIRMAN D. DUMEZICH: Hearing none, 4-0
19 carries, the motion carries. So we are going to
20 start with people who do not want to have the
21 hearing. You come up, you state your fame and
22 you give us the number. First offenses at this
23 table right here -- anybody that's a first
24 offender -- no, sit -- first table here, this
25 table, that's it, not in the back of the room,

1 we're going to start here.

2 UNIDENTIFIED SPEAKER: I'm a first offender
3 but I need to find my...

4 CHAIRMAN D. DUMEZICH: Okay. Are you a
5 first offender, sir?

6 UNIDENTIFIED SPEAKER: Yes, sir.

7 CHAIRMAN D. DUMEZICH: Come on up, state
8 your name.

9 UNIDENTIFIED SPEAKER: This is if we accept
10 the reduced...

11 CHAIRMAN D. DUMEZICH: The 25 percent fine.

12 UNIDENTIFIED SPEAKER: I'd rather explain
13 my case.

14 CHAIRMAN D. DUMEZICH: Okay. Where you
15 from, where were you sitting?

16 UNIDENTIFIED SPEAKER: I'm...

17 CHAIRMAN D. DUMEZICH: Whoa, whoa, sit
18 down.

19 UNIDENTIFIED SPEAKER: Okay.

20 CHAIRMAN D. DUMEZICH: This table, anybody
21 else -- no. The first row, this table, first
22 time fines, come on up.

23 UNIDENTIFIED SPEAKER: I would like to just
24 state my case.

25 CHAIRMAN D. DUMEZICH: Then you're -- are

1 you sure you're a politician?

2 UNIDENTIFIED SPEAKER: I am. I am. I
3 would like to talk to the panel about my fine.

4 CHAIRMAN D. DUMEZICH: Well, and that's
5 fine. You just -- you'll get your chance, just
6 not now.

7 UNIDENTIFIED SPEAKER: Okay.

8 CHAIRMAN D. DUMEZICH: Second row -- second
9 row here, come on up.

10 MR. M. SHUBLAK: Chairman Dumezich, members
11 of the committee, Mark Shublak representing
12 Cause No. 11-314.

13 CHAIRMAN D. DUMEZICH: Mr. Shublak, would
14 you please spell your name?

15 MR. M. SHUBLAK: It's spelled
16 S-H-U-B-L-A-K.

17 CHAIRMAN D. DUMEZICH: Okay.

18 MS. M. THOMPSON: Mr. Chairman, it's under
19 your orange tab under corporations, 2008 excess,
20 it's the third page back. This is Indiana
21 Railroad Company, Cause 11-314, contributed to
22 the House Republican Campaign in the amount of
23 \$3,000. The House Republican Campaign refunded
24 a thousand dollars and their proposed civil
25 penalty is three times the excess corporate