

Indiana Election Commission

Minutes

July 25, 2006

Members Present: Thomas E. Wheeler, II, Chairman of the Indiana Election Commission (“Commission”); S. Anthony Long, Vice Chairman of the Commission; Dan Dumezich, member of the Commission; Sarah Riordan, Proxy for Butch Morgan, member of the Commission.

Members Absent: Butch Morgan

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

Also Attending: Mr. Arthur A. Anderson; The Honorable Bruce A. Borders, Indiana State Representative (Friends for Bruce Borders); Ms. Karen D. Cantou (Cantou for State Representative Committee); Mr. Timothy E. Chesna (Porter County Builders’ Association PAC, president); Mr. John C. Chuang (Office of the Secretary of State); Mr. Sean Clerget (Office of the Secretary of State); Mr. Steve Corey (Diebold Election Systems); Ms. Deborah Curran (Dann Pecar Newman & Klemian PAC); Mr. Dan Drexler (Libertarian Party of Indiana); Ms. Janet Ellis (Hamilton County Democratic Central Committee); Ms. Leona Grazebrooks (Committee to Elect Leona Grazebrooks); Mr. Steven L. Graves (SafePAC); Mr. Steven E. Henderson (Indiana State AFL-CIO); Captain Charles R. Hensley (Muncie Police Officers’ PAC, treasurer); Ms. Jamie Hignite (Indiana Motorcyclist PAC [IMPAC]); Ms. Bonnie B. Jagoditz (Indiana Republican Mayors PAC); Ms. Heather Johnson (Mishler for State Senate); Ms. Nicole Kelly (*Fort Wayne Journal Gazette*); Mr. Michael Kole (Committee to Elect Michael Kole); Ms. Angie Kuhn (Committee to Elect Carolene Mays); Ms. Dana LaLiberte (Indiana Licensed Beverage Association); Ms. Mary A. Massey (Indiana Multi Family Housing PAC); The Honorable Carolene R. Mays, Indiana State Representative (Committee to Elect Carolene Mays); Mr. Jeffrey McCoy (Committee to Elect Jeff McCoy); Mr. Mark A. Meadows (Campaign for Meadows); Mr. Kevin L. Mitschelton (Mitschelton for State Representative Committee); Ms. Sarah Nichols (Baker & Daniels); Mr. Marvin V. Pavlov; N.K. Hurst Company, Inc.; Mr. Steve Pearson (Election Systems & Software); Mr. Roger Poer (AFSCME CN 62 PAC); Mr. Randle B. Pollard (Citizens for a Unified Indianapolis); (Ms. Patricia K. Price (Indiana Orthopedic Society PAC); Ms. Sandra Ray (Indiana Orthopedic Society PAC); Mr. William N. Stant (also known as Bill Stant) (Citizens for Stant); Mr. J.A. Thomas (Committee to Elect Thomas); Ms. Connie Thurman (UAW Region 3 Victory Fund); Mr. Ray Tichenor (Trailways Properties Company); The Honorable Matthew D. Whetstone, Indiana State Representative (The Six PAC); Mr. S. Greg Zubek (N.K. Hurst Company, Inc).

1. Call to Order

The Chair called the July 25, 2006 meeting of the Commission to order at 1:00 p.m. in the Indiana Government Center South Conference Room A, at 402 West Washington Street Room E-204, Indianapolis, Indiana.

The Chair noted that proper notice of the meeting had been given, as required by state law, and that Ms. Riordan was present as the designated proxy for Mr. Morgan. 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.]*

The Chairman welcomed fellow Commission members, including Mr. Dumezich, who had just been sworn in as a member of the Commission. He said that Mr. Dumezich would be sympathetic during these campaign finance hearings because at the last enforcement meeting, the Commission heard a tale regarding Mr. Dumezich's committee and his mother-in-law

The Chairman welcomed Ms. Riordan, whose appointment as a member was not yet official, and who served today as a proxy for outgoing member Mr. Morgan. The Chairman said that Vice-Chairman Long was on his way up from Evansville, and had not yet arrived, but was expected shortly.

2. Approval of Commission Minutes

The Chair noted that members had received copies of the January 24, 2002, March 6, 2003, and May 5, 2006 minutes of the Commission, and asked if members had any questions or corrections.

Mr. Dumezich moved, seconded by Ms. Riordan, that the January 24, 2002, March 6, 2003, and May 5, 2006 Commission minutes be approved as submitted. There being no further discussion, the Chair called the question, and declared that with three members voting "aye" (Dumezich, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

3. Order 2006-97 Approving Forms

The Chair recognized Ms. Robertson, who explained that Order 2006-97 was to revise current forms that were needed for the 2006 general election. She said that these forms included the IEC-8, which is the form that counties complete when changing precinct boundaries. She noted that the Election Division had updated the IEC-8 to reflect current law and made other changes to make this form more user-friendly. She added that the Election Division wished to thank Ms. Bard and Mr. Stratton of the Office of Census Data for reviewing this form and offering their suggestions. She said that the Office of Census Data had developed an electronic version of the IEC-8 form so that counties will be able to fill this form out electronically.

Ms. Robertson stated that the VRG 4/12 form is a voter registration form that is used when a person moves within 30 days of the election to transfer their voter registration. She remarked that this form had been updated to add a couple of questions that are now required by federal law for transferring registration, and that the Election Division had also added space for the voter to indicate their current mailing address. She said that these

suggestions came from counties, who thought that this information would be helpful when this form is used at a general election.

Ms. Robertson noted that the Order would revise a series of CEB forms, which are used by the counties to certify their election results for a general election. She stated that the Election Division updates this forms periodically for use in a specific general election. She remarked that the CEB-11 is for local offices, the CEB-12 is for the Supreme Court and Court of Appeals retention questions which are on the 2006 general election ballot, and that the CEB-13 is for all other offices, such as federal, statewide, state legislative, and judicial offices, and for prosecuting attorney.

Mr. Domezich moved, seconded by Ms. Riordan, that Order 2006-97 be approved as submitted. There being no further discussion, the Chair called the question, and declared that with three members voting “aye” (Domezich, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

4. Ratification of Agreements for Payment of Civil Penalties Concerning Campaign Finance Enforcement Matters

The Chair recognized Mr. King, who noted that Commission members had received a memorandum concerning the ratification of agreements for payment of civil penalties concerning campaign finance enforcement matters, and that the details concerning those agreements are listed on the two pages attached to the memo. He stated that this procedure was in conformity with Indiana Code 3-9-4-20, which permits an individual or a committee to enter into an agreement to pay a proposed penalty, and to waive a hearing before the Commission. Mr. King said that these agreements were submitted for the Commission’s ratification,

The Chair noted that this procedure was enacted in 2005 to permit a person to pay a proposed campaign finance fine and not be required to attend a Commission enforcement hearing. He indicated that this list set forth 34 committees or individuals who had elected to do that.

Ms. Riordan moved, seconded by Mr. Domezich, that the Commission ratify the campaign finance agreements tendered to the Commission by the Election Division. There being no further discussion, the Chair called the question, and declared that with three members voting “aye” (Domezich, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

5. Campaign Finance Division Report Concerning Forms and Electronic Filing.

The Chair recognized Ms. Thompson, who stated that Campaign Finance Division staff had been in contact with all campaign finance software vendors. She said that all of these vendors now have their computer software in compliance with state law, with the exception of one vendor with minor EDI specification problems. She said that, other than this vendor, the situation looks very, very good. She added that she had been in contact

with the remainder during the last month, and expected that these problems would be corrected as well.

The Chair remarked that this effort is designed to solve problems that the Commission has encountered over the last year or so, where people filed reports on uncertified forms, or people using old software that did not comply with state law. Ms. Thompson responded that the vendors will be in compliance, but it will be up to the committees to make sure that the software used by the committee is in compliance, perhaps by software upgrade purchases from their vendor.

The Chair stated that the Commission had expressed a concern that a vendor was not selling outdated software. He said that he understood that the vendors had compliant software, and that it was up to the candidate or committee to obtain compliant software. Ms. Thompson responded that this was correct. The Chair said that he thought that as a consequence of this, the Commission will be less disposed to grant last-minute continuances or other special relief to these entities because their software is not compliant. He said that his own office had been using outdated software, and hoped that this had been taken care of.

In response to a question from Mr. Dumezich, Ms. Thompson responded that campaign finance software permitted committees to file electronically, without submitting a paper copy of a report.

The Chair recognized Mr. King, who said that the Co-Directors wished to thank the Campaign Finance staff for all the work that they had done to contact the campaign finance software vendors, and working with the vendors to bring this software into compliance. He added that the Campaign Finance Division provides free, compliant software to any committee that wishes to receive it.

6. Voting Systems Applications for Certification for Term Ending October 1, 2009

The Chair noted that for the Commission to reduce or waive campaign finance penalties, the presence of all four Commission members was required, and that since Mr. Long had not yet arrived, the Commission would proceed to consider voting system applications. Mr. King administered the oath to each vendor representative who planned to testify before the Commission at this hearing.

The Chair recognized Mr. King, who noted that Commission members had received a memorandum from the Co-Directors dated July 24, 2006, concerning the voting system applications pending before the Commission. A copy of this memorandum is incorporated by reference in these minutes.

A. ACCUVOTE-TSx DRE touchscreen (Model D Tablet), firmware version 4.6.4; GEMS (Global Election Management System) software version 1.18.24; with Key Card Tool version 4.6.1; Voter Card Encoder version 1.3.2; VC Programmer

version 4.6.1; ExpressPoll 4000 with Card Writer version 1.1.5; AccuView Printer Module (optional)

The Chair recognized Mr. King, who stated that the application referenced above was for approval of an upgrade to a previously certified direct record electronic voting system. He said that this system is currently certified for marketing, sale, lease, installation, and use in Indiana for a term expiring October 1, 2009, and that the upgrade concerning providing hardware designated as the "Model D Tablet." He added that the application has been filed and required application fee has been paid. He noted that since this application concerned a hardware upgrade, no escrow requirement was applicable. A copy of the application, which was received July 10, 2006, is incorporated by reference.

Mr. King indicated that the current system, except for the new hardware, had previously been demonstrated to the Commission. He said that the Election Division had received a complete report from Wyle Laboratories, which contains a statement that this voting system, including the AccuView Printer Module, which is optional in Indiana, "successfully met the qualification test requirements in the 2002 FEC Standards." A copy of this document is incorporated by reference. Mr. King stated that, based on this information, and the documentation provided in the independent testing authority report, the Co-Directors recommend that this voting system be approved for use marketing, sale, lease, installation, and use in Indiana, also for a term expiring October 1, 2009. Mr. King noted that the vendor's representative, Mr. Corey, was present, and might wish to speak to this agenda item.

In response to a question from the Chair, Mr. Corey confirmed that the firmware and software versions used in this voting system had been previously approved by the Commission, and that only the voting system hardware would be affected by this change. Mr. Corey added that Diebold would be replacing the screen currently certified for use on this model with an updated screen due to problems experienced in obtaining the current screen from their supplier. He said that the updated screen would not affect the outward appearance of the voting system. Mr. Corey said that Diebold believed that this change required testing by an independent testing authority, and then certification by the states.

Ms. Riordan moved, seconded by Mr. Dumezich, that the Commission approve the application for certification of the ACCUVOTE-TSx DRE touchscreen (Model D Tablet), firmware version 4.6.4; GEMS (Global Election Management System) software version 1.18.24; with Key Card Tool version 4.6.1; Voter Card Encoder version 1.3.2; VC Programmer version 4.6.1; ExpressPoll 4000 with Card Writer version 1.1.5; AccuView Printer Module (optional) be approved for marketing, sale, lease, installation, and use in Indiana for a term expiring October 1, 2009. There being no further discussion, the Chair called the question, and declared that with three members voting "aye" (Dumezich, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

B. Model 100 Optical Scan Ballot Card Voting System hardware version "number not assigned"; firmware version 5.2.0.2; software Unity 3.0.1.0

components: Audit Manager 7.3.0.0; Data Acquisition Manager (DAM), version 6.0.0.0; EDM version 7.4.4.0; Election Reporting Manager (ERM) version 7.1.2.0; ESSIM 7.4.2.0; Hardware Programming Manager (HPM) version 5.2.4.0. [Marion County only]

The Chair recognized Mr. King, who stated that the application for certification of the above referenced optical scan ballot card voting system had been filed on July 18, 2006. He said that the memo notes the Model 100 firmware version 5.2.0.0 is currently certified in Indiana until October 1, 2009. He indicated that the application provides for Model 100 firmware version 5.2.0.2 to be certified for use in Marion County only. Mr. King stated that the application had been properly filed, and the required application fee paid, and that there is documentation of escrow for version 5.2.0.2. A copy of this application, and a letter dated July 17, 2006 from Mr. Mark Manganaro of ES&S, are incorporated by reference. He noted that the Model 100 with the original firmware and software had been demonstrated to the Commission.

Mr. King stated that the Election Division had not yet received a complete report from an independent testing authority, but had received a letter from SysTest Labs, dated July 21, 2006, which stated that this voting system had all of its testing completed, and that the system was found to comply with 2002 FEC Standards. He noted that the letter indicated that the full report (or at least an amendment to the previous qualification report for Unity 3.0.1.0) would be forthcoming. A copy of this letter and a letter from SysTest dated July 14, 2006, are incorporated by reference.

Mr. King said that the Co-Directors recommend that (subject to ES&S committing to file a complete copy of the SysTest report within seven days after receipt by ES&S, and assuming that the full report also indicates that the voting system complies with 2002 FEC Standards), based on the documentation submitted by the independent testing authority and the vendor, that Model 100 Optical Scan Ballot Card Voting System hardware version "number not assigned"; firmware version 5.2.0.2; software Unity 3.0.1.0 components: Audit Manager 7.3.0.0; Data Acquisition Manager (DAM), version 6.0.0.0; EDM version 7.4.4.0; Election Reporting Manager (ERM) version 7.1.2.0; ESSIM 7.4.2.0; Hardware Programming Manager (HPM) version 5.2.4.0. be approved for use marketing, sale, lease, installation, and use in Marion County, Indiana only, for a term expiring October 1, 2009. Mr. King noted that representatives from ES&S were present.

The Chair asked if the only change from the previously approved version of this voting system was a firmware upgrade from 5.2.0.0 to 5.2.0.2. Mr. Pearson responded that this was correct. The Chair asked if this upgrade would be for Marion County only. Mr. Pearson stated that ES&S has a contractual commitment with Marion County to provide an integrated solution, which would allow Marion County to combine the zero printing reports with the iVotronic and the Model 100 so that the iVotronic systems would not have to have separate printers for both zero vote reports and the reports printed from the system at the end of election day. Mr. Pearson said that now these systems can be integrated, and can use one printer, (resident within the Model 100), which can be used to show combined zero reports with the iVotronic, as well as combined totals, and

this why the two voting system applications have been filed for approval by the Commission. In response to a question from the Chair, Mr. Pearson clarified that the additional application referred to was for the iVotronic voting system, which was next on the agenda.

The Chair asked for clarification as to whether this system would be installed in any other county besides Marion County. Mr. Pearson said that at this point, Marion County is the only county which has requested this system upgrade, and that this firmware upgrade has been developed to meet Marion County's specifications.

The Chair asked why ES&S was only asking for certification of this upgrade for use in Marion County, and if ES&S would be back at future meetings asked for approval of this voting system in other counties. Mr. Pearson responded that when ES&S asked for "Marion County only", it had intended to indicate that this voting system would be used in Marion County. He said that, at this point, no other counties intend to use this voting system, but that he could foresee that other counties might wish to use this voting system since under the Help America Vote Act, it would make sense for other counties to use the combined systems.

The Chair said that he was not criticizing ES&S, but in the most recent primary, ES&S customers had used uncertified voting systems, and it seemed to him that if every county was going to ask for this feature, that it might make more sense procedurally for the Commission to approve this voting system for use statewide. Mr. Pearson stated that this would be the preference of ES&S, should other counties choose to use this integrated system. In response to a question from the Chair, Mr. Pearson said that the application for approval was not intended to be limited to Marion County.

The Chair recognized Mr. King, who stated that the Co-Directors' memorandum noted that this application stated that the voting system had been developed to meet Marion County's specifications, and that therefore it might not be possible or appropriate to use the voting system in any other Indiana county. He added that if in fact, system version 5.2.0.2 as developed can be used in other counties in compliance with state law, then the Commission could approve the use of version 5.2.0.2. on a statewide basis. Mr. King said that information on this point was not available when the Co-Directors drafted the memo.

The Chair stated that it would make a lot of sense if this system could be approved on a statewide basis so that ES&S and the Commission would not have to deal with approving this system's use on a county-by-county basis. In response to a question from the Chair, Mr. King indicated that the voting system application stated under the heading "General System or Component", the application read "The Model 100 version 5.2.0.2 is an amended precinct-based optical scan component of Unity 3.0.1.0. Version 5.2.0.2 is specifically designed for use by Marion County, Indiana, and allows pollworkers to generate reports with both the Model 100 and iVotronic."

The Chair said that as he reads the application, the application explicitly limits itself to Marion County, but that if Mr Pearson thought that the firmware can be used in other

counties, the Chair would accept an oral motion from ES&S to amend its application to remove the phrase “specifically designed for use by Marion County, Indiana.” Mr. Pearson responded that this would be the preference of ES&S. In response to a question from the Chair, the Co-Directors said they had no objection. The amendment to the application was adopted by consent. In response to a question from the Chair, the Co-Directors stated that the Election Division staff’s recommendation would be to approve the amended application to permit the use of the voting system anywhere in Indiana, subject to the conditions referenced in the Co-Directors’ memo.

The Chair recognized Ms. Riordan, who stated that if the voting system firmware had been designed specifically for use in Marion County, it seemed to her that further changes to the firmware would be necessary for this voting system to be used in other counties. Mr. Pearson said no, he did not believe that any further changes would be required. He added that Marion County had specifically asked for a combined voting system, and that the changes made to previously certified systems in version 5.2.0.2 and iVotronic version 9.1.7.0 were implemented to allow the county to print combined precinct election results on a paper tape generated by the Model 100 optical scan voting system. He said that nothing would preclude this system from being used in other counties, and that this version was developed to fulfill a contractual commitment to Marion County.

Ms. Riordan said that this voting system still sounded like it was a customized job for Marion County, specifically designed to meet Marion County’s needs, and asked how ES&S could use this customized job elsewhere without tweaking it further. She said that she would be concerned about certifying this voting system for use on a statewide basis, if more work is required by ES&S before the system can actually be implemented. She added that if ES&S was telling the Commission that this voting system was basically interchangeable, then she did not have a problem with the certification.

Mr. Pearson responded that the voting system was developed at the request of Marion County to provide an integrated solution, but that any county in Indiana could use this system if the county chose to do so. He added that ES&S had not yet presented this voting system to any other county as an option.

In response to a question from the Chair, Mr. Pearson said that this voting system permits printing directly on the voting system. The Chair asked how this would differ from the current voting system. Mr. Pearson stated that the Model 100 has a printer which is resident in that unit, and that this feature would not change. He added that the iVotronic has an interface to a separate printer, so that the zero reports can be printed, and at the close of the polls, the vote totals can be printed out on the separate printer. Mr. Pearson said that it was therefore necessary to buy additional printers for the iVotronic, in addition to the printer in the Model 100. He indicated that by combining the two systems, it is possible to take the results captured off of the iVotronic Personal Electronic Ballot (PEB) and, working with the Model 100 R232 interface, allows the results from the PEB to be read into the Model 100. Mr. Pearson remarked that the results from both voting systems could then be printed using the Model 100. He said that the counties would save

money, and that all of the results would be printed on a single page. In response to a question from the Chair, Mr. Pearson said that if a county which currently used both the Model 100 and the iVotronic voting systems chose to have version 5.2.0.2 installed, the county could reduce costs by eliminating the separate iVotronic printer. The Chair stated that he thought other counties might be interested in this option.

Mr. Dumezich moved, seconded by Ms. Riordan that the Election Systems & Software Model 100 Optical Scan Ballot Card Voting System hardware version "number not assigned"; firmware version 5.2.0.2; software Unity 3.0.1.0 components: Audit Manager 7.3.0.0; Data Acquisition Manager (DAM), version 6.0.0.0; EDM version 7.4.4.0; Election Reporting Manager (ERM) version 7.1.2.0; ESSIM 7.4.2.0; Hardware Programming Manager (HPM) version 5.2.4.0, be approved for marketing, sale, leasing, and implementation in Indiana for a term expiring October 1, 2009

There being no further discussion, the Chair called the question, and declared that with three members voting "aye" (Dumezich, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

C. iVotronic DRE Voting System hardware version "number not assigned"; firmware version 9.1.7.0; software Unity 3.0.1.0 components: Audit Manager 7.3.0.0; Data Acquisition Manager (DAM), version 6.0.0.0; EDM version 7.4.4.0; Election Reporting Manager (ERM) version 7.1.2.0; ESSIM 7.4.2.0; Hardware Programming Manager (HPM) version 5.2.4.0; iVotronic Image Manager 2.0.1.0. [Marion County only]

The Chair recognized Mr. King, who stated that the application for certification of the above referenced direct record electronic voting system had been filed on July 18, 2006. He said that the memo notes the iVotronic voting system is currently certified in Indiana until October 1, 2009. He indicated that the application provides for iVotronic firmware version 9.1.7.0, with the same Unity software components. He stated that, based on the action taken on the previous application, ES&S intended for this voting system to be certified for use in any county in Indiana, and not in Marion County only.

Mr. King stated that the application had been properly filed, and the required application fee paid, and that there is documentation of escrow for version 9.1.7.0. A copy of this application, and a letter dated July 17, 2006 from Mr. Mark Manganaro of ES&S, are incorporated by reference. He noted that the iVotronic with the original firmware and software had been demonstrated to the Commission.

Mr. King stated that the Election Division had not yet received a complete report from an independent testing authority, but that the letter from SysTest Labs, referenced in the previous application, stated that iVotronic version 9.1.7.0 had all of its testing completed, and that the system was found to comply with 2002 FEC Standards. He noted that the letter indicated that the full report (or at least an amendment to the previous qualification report for Unity 3.0.1.0) would be forthcoming.

Mr. King said that the Co-Directors recommend that (subject to ES&S committing to file a complete copy of the SysTest report within seven days after receipt by ES&S, and assuming that the full report also indicates that the voting system complies with 2002 FEC Standards), based on the documentation submitted by the independent testing authority and the vendor, that iVotronic DRE Voting System hardware version "number not assigned"; firmware version 9.1.7.0; software Unity 3.0.1.0 components: Audit Manager 7.3.0.0; Data Acquisition Manager (DAM), version 6.0.0.0; EDM version 7.4.4.0; Election Reporting Manager (ERM) version 7.1.2.0; ESSIM 7.4.2.0; Hardware Programming Manager (HPM) version 5.2.4.0; iVotronic Image Manager 2.0.1.0 be approved for use marketing, sale, lease, installation, and use in Marion County, Indiana only, for a term expiring October 1, 2009.

The Chair asked what change was being made in the firmware version of the iVotronic voting system. Mr. Pearson responded that these were minor changes needed to provide a combined report, and specifically to summarize information concerning write-in candidates in a manner that the Model 100 would be able to print the combined report. He added that there had been no logic changes with regard to vote tabulation, and that this change was related to the formatting of the report.

In response to a question from the Chair, who asked if this change was related to changing a problem regarding school board candidates, Mr. Pearson responded that no, the changes to the firmware did not fix any errors, but were instead to provide a combined voting system solution.

The Chair asked why this change was only for Marion County. Mr. Pearson stated that this was based on the discussion that had occurred regarding the previous application. The Chair asked if this change was related to the printing situation previously discussed. Mr. Pearson responded yes, it related to the printing of reports through integrating of the two voting system components. He said that this change was nothing specific to Marion County.

Mr. Long joined the meeting, and noted that he had found it difficult to find a place to park in downtown Indianapolis.

The Chair recognized Ms. Riordan, who said that presumably this upgrade had come as the result of a specific request by Marion County, and is something additional beyond the voting system application that the Commission had just approved. She asked if ES&S representatives knew what Marion County's specific request was. Mr. Pearson responded that the Model 100 voting system upgrade approved by the Commission needed to have an interface with the iVotronic since that information had always been entered separately into the ES&S election reporting manager as separate units. He added that ES&S needed to generate an interface which would allow the Model 100 to read in the results, and that he did not know what the specific changes were which would permit the Model 100 to print the combined results. Mr. Pearson said that the change was made to permit the two voting systems to work together in a compatible fashion to print a combined report at the polling place.

The Chair recognized Ms. Robertson, who said that she understood that to make the two voting systems work together, it was necessary to change both the M100 (the optical scan voting system which the Commission had just approved) and the iVotronic (the direct record electronic voting system) to have the two voting systems read together. Mr. Pearson stated that this was correct.

The Chair noted that Mr. King had advised him that Marion County polling places use both the M100 optical scan voting system model and the iVotronic direct record voting system, which permits voters with disabilities to cast ballots, and that as a result, components in both voting systems would need to be changed for the two to work together. Mr. Pearson said that these voting systems were required under HAVA, and that this change would provide a more efficient method for printing precinct reports.

In response to a question from the Chair, Mr. Pearson stated that it was the intent of ES&S to amend this application to remove all specific references to permit this voting system to be used on a statewide basis. This oral amendment to the application was accepted by consent.

Mr. Dumezich moved, seconded by Ms. Riordan that the Election Systems & Software iVotronic DRE Voting System hardware version "number not assigned"; firmware version 9.1.7.0; software Unity 3.0.1.0 components: Audit Manager 7.3.0.0; Data Acquisition Manager (DAM), version 6.0.0.0; EDM version 7.4.4.0; Election Reporting Manager (ERM) version 7.1.2.0; ESSIM 7.4.2.0; Hardware Programming Manager (HPM) version 5.2.4.0; iVotronic Image Manager 2.0.1.0 be approved for marketing, sale, leasing, and implementation in Indiana for a term expiring October 1, 2009, subject to the same conditions referenced in the Co-Directors' memo regarding the previous application.

In response to a question from Mr. Long, the Chair stated that the Commission had not yet considered issues regarding the sale of uncertified equipment by ES&S.

There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted. Mr. Long said that he voted "aye" reluctantly.

7. Campaign Finance Enforcement Hearings

The Chair stated that the Commission would proceed to conduct campaign finance enforcement hearings. Mr. King administered the oath to each person who planned to testify before the Commission at these hearings.

The Chair recognized Ms. Thompson, who noted that Commission members had received the following: (1) a 39 page document from Campaign Finance staff dated Tuesday, July 25, 2006, titled "Late Committee Filings before the Indiana Election Commission;" (2) a two page document titled "2004 Corporations"; (3) a one page document entitled "2005

Corporations”; (4) Letters from the Election Division and responses to the Election Division from corporations concerning alleged excess corporate contributions; (5) a three page document titled “Political Action Committees Over \$50,000 filed on paper Annual Report 2005;” (6) A five page document entitled “Committee to Dissolve”; and (7) a four page document entitled “Attorney General List” These documents are incorporated by reference in these minutes.

A. Porter County Builders’ Association PAC (Cause 06-5031-121)

The Chair recognized Ms. Potesta, who stated that this committee had filed its 2006 pre-primary report on June 6, 2006, and therefore had a proposed civil penalty of One Thousand Two Dollars and Fifty Cents (\$1002.50). She added that this committee had not previously appeared before the Commission for a campaign finance enforcement hearing.

The Chair recognized Mr. Chesna, who identified himself as the president of this PAC. He stated that the committee had filed its year-end report in January 2006, and that following that date, the association’s executive officer had resigned, and the association went through the process of replacing its executive officer. He said that during this process, no one had been assigned the duty of preparing and filing this report, which he had formerly done with the assistance of the executive officer. Mr. Chesna testified that there had been no activity in this account (either fundraising or expenditures) during the period covered by the pre-primary report, and that as a result, the report had zero entered on each line when it was filed. He said that if there had been any committee activity, he would have been much more involved in the preparation of the report.

Mr. Chesna noted that the committee had not previously appeared before the Commission, and that the association ran on a pretty lean budget. He added that the proposed civil penalty would greatly affect the association’s budget for this year, and asked for the Commission’s favorable consideration in this matter by telling the committee not to do this again.

In response to a question from the Chair, Mr. Chesna said that the committee discovered that this report had not been filed after receiving a letter from the Election Division concerning the filing.

There being no further questions from Commission members, the Chair closed the hearing on this cause. Mr. Long said that because this was the committee’s first offense, and the committee had responded appropriately, he moved that the Commission tell the committee not to do this again, and to reduce the proposed civil penalty to Two Hundred Fifty Dollars (\$250), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs. Mr. Dumezich seconded the motion.

There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted, and the committee was admonished not to do this again..

B. Arthur Anderson for State Representative (Cause 06-5404-65)
C. Arthur Anderson for State Representative (Cause 06-5404-142)

The Chair recognized Ms. Potesta, who stated that this committee had filed its statement of organization on March 6, 2006, and therefore had a proposed civil penalty of Five Hundred Two Dollars and Fifty Cents (\$502.50). She added that this committee had not previously appeared before the Commission for a campaign finance enforcement hearing. She stated that the Commission had also received a letter from this committee on April 5, 2006, which is incorporated by reference.

After reviewing the letter, the Chair said he understood that Mr. Anderson had been relying on the White County Circuit Court Clerk to forward this statement of organization to the Election Division. Mr. Anderson responded that he thought that he had left this statement with the Election Division when he filed as a candidate, but that when he found this document with the material provided to him by the Election Division, he filled it out, and sent it in.

The Chair recognized Ms. Potesta, who stated that this committee had also filed a late pre-primary report in the second cause referenced above. Ms. Potesta stated that this committee had filed its pre-primary report at 3:16 p.m. on April 17, 2006, and therefore had a proposed civil penalty in this cause of Fifty Two Dollars and Fifty Cents (\$52.50). Mr. Anderson said that he had given this report to the White County Clerk before noon, and the Clerk had faxed the report to the Election Division. Ms. Potesta responded that the Election Division had received this fax after the noon deadline at 3:16 p.m.

Mr Anderson said that the proposed penalty was a little stiff, but that he acknowledged his mistake.

There being no further questions from Commission members, the Chair closed the hearing on these causes.

With regard to Cause 06-5404-65, Mr. Long said that because this was the committee's first offense, he moved to reduce the proposed civil penalty to One Hundred Twenty Five Dollars (\$125), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

With regard to Cause 65-5404-142, Mr. Long moved to reduce the proposed civil penalty to Twelve Dollars and Fifty Cents (\$12.50), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs. Ms. Riordan seconded these motions.

There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Domezich, Long, Riordan, and Wheeler), and no Commission member voting "no," these motions were adopted.

D. Mishler for State Senate Campaign (Cause 06-5034-39)

The Chair recognized Ms. Potesta, who stated that this committee had filed 2005 annual report on January 23, 2006, and therefore had a proposed civil penalty of Two Hundred Fifty Two Dollars and Fifty Cents (\$252.50). She added that this committee had not previously appeared before the Commission for a campaign finance enforcement hearing. She stated that the committee had submitted a four page document from United Parcel Services (UPS), which is incorporated by reference.

The Chair recognized Ms. Johnson, who stated that the UPS document indicates that the campaign report was delivered to the incorrect address, since the document was correctly addressed to the Election Division at Room E204 in Government Center South, but was delivered by UPS to Room E111 in that building. Ms. Robertson stated that Room E111 is the Securities Division of the Office of the Secretary of State.

The Chair closed the hearing on this cause. Mr. Long moved, seconded by Mr. Dumezich, to dismiss this cause. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

E. AFCSME Council #62 PAC (Cause 05-5202-125)

The Chair recognized Ms. Potesta, who stated that this committee had filed 2006 pre-primary report on April 27, 2006, and therefore had a proposed civil penalty of Five Hundred Two Dollars and Fifty Cents (\$502.50). She added that this committee had not previously appeared before the Commission for a campaign finance enforcement hearing. She stated that the committee had submitted a letter dated May 30, 2006, which is incorporated by reference.

The Chair recognized Mr. Poer, who stated that the report was filed late. In response to a question from the Chair, Mr. Poer stated that this was a very small PAC with no more than \$500 ever on deposit, that the PAC had no transactions during the reporting period, and that the total current balance was \$57. Mr. Poer added that he was the only individual who did anything with the PAC, had been hospitalized, and returned to work on the filing deadline date. He said that he had overlooked this report during the following two weeks after returning to work.

The Chair closed the hearing on this cause. Mr. Long moved, seconded by Mr. Dumezich, to reduce the proposed civil penalty to One Hundred Twenty Five Dollars (\$125), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

F. Muncie Police Officers Political Action Committee (Cause 06-3924-17)

The Chair recognized Ms. Potesta, who stated that this committee had filed 2005 annual report on February 9, 2006, and therefore had a proposed civil penalty of One Thousand Two Dollars and Fifty Cents (\$1002.50). She added that this committee had not previously appeared before the Commission for a campaign finance enforcement hearing.

The Chair recognized Captain Hensley, who stated that he had been reassigned from a street position to an administrative position, and that he got caught up in what he was doing and forgot to file the report. He said that this committee had not been late in filing a report during the last ten years, and was willing to pay the penalty that the Commission considered appropriate.

There being no further questions from Commission members, the Chair closed the hearing on this cause. Mr. Long moved that the Commission reduce the proposed civil penalty to Two Hundred Fifty Dollars (\$250), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs. Mr. Dumezich seconded the motion.

There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

G. Trailways Properties Company (Cause 06-160)

The Chair recognized Ms. Thompson, who stated that this corporation had made a contribution of \$2,500 to the Monroe County Republican Central Committee during 2004, and therefore had a proposed civil penalty of three times the excess contribution made by the corporation: One Thousand Five Hundred Dollars (\$1500.00). She added that the Monroe County Republican Central Committee had refunded the Five Hundred Dollars (\$500) in excess contributions.

The Chair recognized Mr. Tichenor, who stated that in June 2004, the corporation had given the Monroe County Republican Party \$500, and that in October 2004, the corporation gave the Party another \$2000. Mr. Tichenor said that the Party had never provided the corporation with any written notice that the corporation had exceeded its contribution limits, and that he did not find this out until August 2005, when he was contacted by the Chair of the County Republican Party. He stated that the County Chairman had indicated that the corporation would receive a letter concerning excess contributions, and the corporation received it. He asked that the Commission waive or reduce the proposed penalty.

In response to a question from Mr. Long, Ms. Robertson responded that this excess contribution had been caught by the Election Division’s audit. Mr. Long said that it had been a long time since the Commission had dealt with excess contribution causes, and that he was more familiar with the supplemental large contribution cases, such as the LaPlante cause. The Chair said he believed that Mr. Long was the only remaining

Commission member from that time. Mr. Long said that he was still hoping that the fine from that case would be collected.

The Chair noted that in the past, the Commission had imposed a penalty of ten percent (10%) of the proposed civil penalties for first-time violations concerning excess contributions.

There being no further questions from Commission members, the Chair closed the hearing on this cause. Mr. Long moved, seconded by Mr. Dumezich, that the Commission reduce the proposed civil penalty to One Hundred Fifty Dollars (\$150).

There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

H. Indiana Orthopedic Society PAC (Cause 06-4420-26)

The Chair recognized Ms. Potesta, who stated that this committee had filed 2005 annual report on July 25, 2006, and therefore had a proposed civil penalty of One Thousand Two Dollars and Fifty Cents (\$1002.50). She added that this committee had previously appeared before the Commission two other times for a campaign finance enforcement hearing.

The Chair recognized Ms. Price, the executive director of the society, and Ms. Ray. In response to a question from the Chair, Ms. Price stated that she had been the executive director for twelve years. Ms. Price said that when she received the campaign finance report form, she had forwarded it to the society’s accountant to be completed, and was not aware that the report had not been completed until she received a letter from the Election Division on June 27, 2006. She added that she immediately contacted the Election Division, who advised her that the Election Division had not received this report. Ms. Price stated that she then contacted Ms. Ray. Ms. Ray stated that she thought that she had prepared this report, and that as soon as she had completed the report, she faxed it to the Election Division.

The Chair noted that although the Election Division campaign finance spreadsheet indicated that this committee had appeared before the Commission on two previous occasions for campaign finance enforcement hearings, that Ms. Price was unaware of these previous hearings, despite having served as executive director for the past 12 years. Ms. Thompson said that the committee’s file had no records of these hearings from before 2000. Ms. Robertson noted that the Election Division archives its campaign finance committee records after a certain period of time.

Mr. Long moved, seconded by Ms. Riordan, that this cause be tabled until a future meeting so that campaign finance staff could further research this matter. He said that since the difference between a \$750 penalty and a \$250 penalty was significant, and since the Commission has taken prior offenses into consideration in determining the amount of

the civil penalty to be assessed in these cases, he believed it would be appropriate to table this cause. Ms. Price responded that she appreciated this, and that if there were past violations during the last 12 years, these must have involved the PAC's lobbyist.

The Chair asked campaign finance staff to research this issue, and to contact Ms. Price regarding its findings, so that she would be aware of the circumstances of the two previous enforcement hearings. There being no further questions from Commission members, the Chair closed the hearing on this cause

There being no further discussion on the motion to table, the Chair called the question, and declared that with four members voting "aye" (Domezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

I. UAW Region 3 Victory Fund (Cause 06-4728-30)

The Chair recognized Ms. Potesta, who stated that this committee had filed its 2005 annual report on January 19, 2006, and therefore had a proposed civil penalty in this cause of Fifty Two Dollars and Fifty Cents (\$52.50). She stated that this committee had not previously appeared before the Commission for a campaign finance violation.

In response to a question from the Chair, Ms. Thurman stated that she resided in Indianapolis. Ms. Thurman said that she was on the telephone that day with both Ms. Potesta and Ms. Thompson, and that she was having problems completing the report due to her computer skills. Ms. Thurman said that she thought that she had filed the report that day, but when she contacted the Election Division she learned that the report had not been filed, so she must have hit the wrong button when she attempted to file.

Mr. Long said he was very sympathetic to someone experiencing computer problems. There being no further questions from Commission members, the Chair closed the hearing in this cause. Mr. Long moved, seconded by Mr. Domezich, to reduce the proposed civil penalty to Twelve Dollars and Fifty Cents (\$12.50), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Domezich, Long, Riordan, and Wheeler), and no Commission member voting "no," these motions were adopted.

J. Marvin V. Pavlov for State Representative (Cause 06-5260-60)

The Chair recognized Ms. Potesta, who stated that this committee had filed its 2005 annual report by fax at 4:25 p.m. on January 18, 2006, and therefore had a proposed civil penalty in this cause of Fifty Two Dollars and Fifty Cents (\$52.50). She stated that this committee had not previously appeared before the Commission for a campaign finance violation. She noted that the Commission had received an eleven page letter, dated March 29, 2006, from this committee, which is incorporated by reference.

Ms. Potesta added that the Campaign Finance staff had provided the Commission with a list of committees potentially affected concerning the Election Division's problem with its fax machine on this date, and that this committee appears on that list. A copy of the list is incorporated by reference.

In response to a question from the Chair, Ms. Potesta stated that there were a number of committees who had experienced problems with the Election Division's fax. Ms. Potesta said that the Election Division's fax machine is quite busy on the deadline day for filings, and that the fax somehow malfunctioned, and that as a result, the campaign finance reports which were not printed out until the following day were file stamped as having been received one day late.

Ms. Robertson added that the Election Division does have a backup fax machine that is available for use when committees have problems faxing their reports to the ordinarily used machine. She said that the Election Division encourages committees to call to make certain that the Election Division has received a committee's faxed report. She stated that if a committee did call the Election Division that day, the Election Division provided the number for the backup fax machine to the committee.

Ms. Thompson added that the Election Division was able to have the fax machine repaired later on the afternoon of January 18, which was why many of these causes referred to filing times near 4:30 p.m. on that date.

In response to a question from the Chair, Mr. Pavlov stated that since the issue had been addressed with regard to placing a telephone call, he did, at 10:45 a.m. on Monday, January 18, place a call to the 317-232-3939 number, which is the Commission's publicized number. He said that at 10:52 a.m. he faxed the document to 317-233-6793, and was not informed that there were any issues regarding the fax. He stated that after lengthy debate, he obtained an original document confirming this.

The Chair stated that he had a document showing a fax time-stamped 10:52 a.m. on January 18, 2006, and asked if this was the document Mr. Pavlov was referring to that he attempted to fax at that time. Mr. Pavlov responded that 10:52 a.m. was when the document was faxed to and received by the Election Division. He said that this document had been faxed back to him by someone at the Election Division to show that not only was his document received on January 18, but that the fax machine received it at 10:52 a.m. He added that this document showed that the number that the document was faxed from, which was Mr. Pavlov's fax number, and that the telephone record showed that he had faxed and called the Election Division at the times mentioned earlier.

In response to a question from the Chair, Mr. Pavlov stated that he attempted to fax the report on January 18, 2006 at 10:52 a.m. He said that he called the Election Division first since it is customary whenever faxing an agency a fax communication in any form to call first to confirm that the fax can be accepted because he understands that filing deadline day is a busy day. Mr. Pavlov said he was told "yes" and provided with the number (317-233-6793), and that he proceeded to fax his report to that number.

In response to a question from the Chair, Ms. Potesta confirmed that there were several other committees in the same situation.

Mr. Long said that as he read the fax, the Election Division had received this document at 10:52 a.m. on January 18, 2006. Ms. Potesta added that the faxed report goes into the memory of the fax at that time, but the fax did not produce this paper copy until later. In response to a question from the Chair, Ms. Thompson said that although the faxed report was in the fax's memory, the Election Division's receipt time was when she had physically file-stamped the report.

The Chair recognized Mr. Simmons, who noted that the Commission had dealt with this filing issue before, and that the Election Division had brought cases like this one to the Commission and pointed out the problem on the Election Division's end. He noted that Indiana Code 3-5-2-24.5, the statute defining "filing" requires three things: (1) presentation of a document; (2) receipt of the document by the Election Division; and (3) for the Election Division to record the date and time that the document was received. He added that because the filing was not completed until the recording of the date and time that the document was received, and the document was "in hand", he believed that the Election Division was required to bring these cases before the Commission. He added that the Election Division also provided the Commission with information concerning the receipt of this report in the fax's memory so that the Commission could take this information into account in determining whether to mitigate any civil penalty.

Mr. Long stated that he believed that the Commission had dealt with this issue before and had a standing order relating to faxed reports. He added that he did not like the statute concerning the filing of reports, and had criticized it before. He said that he thought certified mail filing should be acceptable, but that the legislature had not agreed with him on this. Mr. Long said that these filings were not valid until received by and physically in the hands of the Election Division, and does not reference the Election Division's fax machine malfunctioning.

The Chair noted that Mr. Long had correctly identified Commission Order 1999-87, which indicates that a report or statement sent by facsimile transmission is not considered "filed" under IC 3-5-2-24.5 until the Election Division has recorded the date and time that the report or statement has been received by the Election Division. The Chair added that he was not inclined to hold committees responsible for errors on the Election Division's part, particularly when a report printed off by the Election Division shows that the committee intended to fax the report to the Election Division before the deadline.

Mr. Dumezich moved to waive the civil penalty in this cause. Mr. Long said that he understood that the motion was simply to waive the fine. The Chair responded that this was the current motion on the table.

The Chair recognized Mr. Pavlov, who requested permission to address the Commission regarding the waiver of the fine as opposed to dismissal of the cause. Mr. Pavlov said that there is still a punitive effect if the Commission merely waives the fine, because the

violation will count against the committee since the committee appeared before the Commission in a campaign finance enforcement matter, even though the committee was not required to pay a fine. Mr. Pavlov said that indirectly, the committee was still being found guilty of violating a vague (at least) statute.

There being no further questions from Commission members, the Chair closed the hearing in this cause. Ms. Riordan seconded Mr. Dumezich's motion to waive the civil penalty in this cause.

There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted. In response to a question from Mr. Pavlov, the Chair indicated that Election Division staff would provide the correct paperwork for appealing this decision.

K. Committee to Elect Thomas (Cause 06-5341-79)

The Chair recognized Ms. Potesta, who stated that this committee had filed its 2006 pre-convention report on April 17, 2006, which was due April 11, 2006, and therefore had a proposed civil penalty in this cause of Three Hundred Two Dollars and Fifty Cents (\$302.50). She stated that this committee had not previously appeared before the Commission for a campaign finance violation.

The Chair recognized Mr. Thomas, who said that the person he had selected to prepare the campaign finance report while he was campaigning for the nomination had a serious health problem concerning her oldest son, who was hospitalized at Riley Children's Hospital. Mr. Thomas stated that he was unaware of this problem at the time, and when he found out about this problem later through a casual telephone conversation with her, he asked about this filing, and she advised him that she had not filed this report. He said that he had mistakenly believed that there was grace period for filing after April 10, and that this was his error. Mr. Thomas said that he filed the report, and when he contacted Election Division staff, he was advised that his report would be considered late.

Mr. Thomas remarked that since his campaign has raised zero dollars in funds, and does not intend to be fundraising, that any civil penalty assessed by the Commission in this matter will be coming out of his personal funds. He asked the Commission for a little leniency and understanding. In response to a question from the Chair, Mr. Thomas indicated that he was running for state representative as a Libertarian Party candidate, and therefore was nominated by party convention. Mr. Thomas added that the convention process was equally confusing for him.

There being no further questions from Commission members, the Chair closed the hearing in this cause. Mr. Long noted that in deference to this committee's not having appeared before the Commission previously, that he moved to reduce the proposed civil penalty to Seventy Five Dollars (\$75), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs. Mr. Dumezich seconded the motion.

There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” these motions were adopted.

L. Committee to Elect Mike Kole (Cause 05-5204-85)

The Chair recognized Ms. Potesta, who stated that this committee had filed its 2004 annual report on February 7, 2005, and therefore had a proposed civil penalty in this cause of One Thousand Two Dollars and Fifty Cents (\$1002.50). She stated that this committee had not previously appeared before the Commission for a campaign finance violation.

The Chair recognized Mr. Kole, who said that this was a simple oversight on his own part. He stated that at that point, his committee was in its infancy, and that he had been handling the committee’s paperwork. He stated that he left on January 20 (after the January 19 deadline) to visit his son, who was overseas, and that his visit to his son was the first thing on his mind, instead of the committee’s paperwork. Mr. Kole said that he arrived back in the United States on January 27, and discovered when he was in the process of catching up on things that he had not filed, and so he got his committee’s report filed on February 7. In response to a question from the Chair, Mr. Kole said that he had visited his son in Spain and in Portugal.

There being no further questions from Commission members, the Chair closed the hearing on this cause. Mr. Long moved that the Commission reduce the proposed civil penalty to Two Hundred Fifty Dollars (\$250), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs. Mr. Domezich seconded the motion.

There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

The Chair recessed the Commission meeting for fifteen minutes. The Chair then reconvened the meeting with all four Commission members present.

The Chair stated that the Commission would hear each of the causes concerning a committee which had experienced the fax machine problem reported by staff.

- M. Committee to Elect Carolene Mays (Cause 06-4708-29)**
- N. Committee to Elect John Smith (Cause 06-5062-45)**
- O. Friends for Bruce Borders (Cause 06-4796-31)**
- P. Committee to Elect Connie Basham (Cause 06-5028-38)**
- Q. Hoosiers Helping Home Care (Cause 06-4228-21)**
- R. Friends of Karen Buyer Burkhardt (Cause 06-4269-23)**
- S. Floyd County Young Democrats (Cause 06-4962-33)**
- T. Campaign to Elect Rick Ryfa (Cause 06-5057-43)**
- U. WWW.VoteFagen.com (Cause 06-5058-44)**
- V. Citizens to Elect Jerry Baffa (Cause 06-5090-48)**

W. Brian C. Thomas for House District 70 (Cause 06-5166-52)

The Chair recognized Ms. Potesta, who stated that the Committee to Elect Carolene Mays had filed its 2005 annual report by fax at 4:19 p.m. on January 18, 2006, and therefore had a proposed civil penalty in this cause of Fifty Two Dollars and Fifty Cents (\$52.50). She stated that this committee had not previously appeared before the Commission for a campaign finance violation. She noted that the Commission had received a one page letter dated May 10, 2006, from this committee, which is incorporated by reference.

The Chair recognized Ms. Kuhn, who stated that she had faxed this committee report to the Election Division at 10:42 a.m., and had called the Election Division to verify receipt of the fax. In response to a question from the Chair, Ms. Potesta said that Campaign Finance staff had identified this report as one of those affected by the fax machine problem.

The Chair recognized Ms. Mays, who said that her committee's concern regarding having this caused dismissed was a greater concern than the proposed fine. She said she understood that the Commission was considering waiving the fine, but that she was very concerned with this violation (or "ding") being on her record. The Chair responded that "ding" was a fair statement.

Mr. Long said that Ms. Mays had heard the previous Commission discussion regarding the problem that resulted from the way in which the filing statute was written, and that this was a real problem for the Commission. Mr. Long stated that sending a report by fax or by certified mail is good enough for the courts, but that is not good enough for the Commission because of the wording of the statute. He remarked that the fact that these committees had representatives personally attend the Commission meeting, and how the committees have approached this matter was important to him. He said that the committee which had previously appeared before the Commission did not approach this matter in a manner which warranted this consideration. He stated that he was more inclined to grant relief in the causes currently pending before the Commission than in the previous cause.

The Chair stated that he was inclined to grant relief to all of the committees which staff had certified as having experienced the fax machine problem discussed earlier. Mr. Long moved to dismiss all of the causes listed above. Ms. Riordan seconded the motion.

The Chair recognized Mr. Dumezich, who said that he felt the Commission should treat all of these cases consistently, and that the gentleman who had appeared earlier had a dispute which had occurred after the filing. He stated that the factual predicate in that case was precisely the same as the one for these committees. He said that based on the prior treatment, he would have to vote against the motion to dismiss these causes.

The Chair said that he understood Mr. Dumezich's comments to be a request to amend the motion to dismiss to include Marvin V. Pavlov for State Representative (Cause 06-5260-60). Mr. Long said that he would accept this amendment to his motion. The Chair noted that this would involve a change in the Commission's prior ruling in this cause

from a waiver to a dismissal. Mr. Long moved, seconded by Ms. Riordan, to adopt the amended motion.

There being no further questions from Commission members, the Chair closed the hearing in these causes.

Mr. Long noted that Representative Borders was also present, and asked him to help the Commission avoid an inequity in these situations as a result of the filing statute. There being no further discussion on the motion, the Chair called the question, and declared that with four members voting “aye” (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion to dismiss was adopted.

X. N. K. Hurst Company (Cause 06-163)

The Chair recognized Ms. Thompson, who stated that this corporation had made contributions of \$2,500 to the Jeff Drozda for State Senate and Citizens for Merritt during 2005, and therefore had a proposed civil penalty of three times the excess contribution made by the corporation: One Thousand Five Hundred Dollars (\$1500.00). She added that the two candidate committees had refunded a total of Five Hundred Dollars (\$500) in excess contributions. She noted that this corporation had not previously been before the Commission for a campaign finance violation.

In response to a question from Mr. Long, Ms. Thompson clarified that the Drozda and Merritt committees were two distinct candidate committees, and called the Commission’s attention to a memorandum from staff concerning N.K. Hurst dated July 25, 2006, which is incorporated by reference in these minutes. Ms. Potesta added that this memo showed the sequence of events, which involved two different contributions.

The Chair recognized Mr. Zubek, who said that he was the attorney representing N. K. Hurst Company, and that he was accompanied by Mr. Jim Hurst, who is an officer of the corporation. Mr. Zubek said that he wished to raise a procedural issue; he stated that the notice that the corporation had received provided that the hearing is called to determine if there should be a civil penalty assessed concerning excess contributions made in 2005. Mr. Zubek remarked that on this basis, the corporation would make a motion to dismiss, since there is no evidence regarding any excess corporate contributions made in 2005.

The Chair said that he appreciated the motion to dismiss, and the due process implications of having the date changed. He noted that the Commission could grant the motion to dismiss, but then the same charges would be refiled. Mr. Zubek asked if the alternative would be to amend the notice sent regarding the hearing on this cause to show that these violations were alleged to have occurred in 2006.

The Chair asked if the Commission accepted this amendment to the notice if the corporation was waiving any objection to procedural defects as a result. Mr. Long said that if proceeding with this matter would in any way inconvenience the corporation, that he saw merit in the motion to dismiss, and would be fine with returning to this cause at

another time to ensure procedural due process. Mr. Long said that under the Trial Rules, everyone gets one free shot at an amendment.

Mr. Zubek responded that he did not want to waive anything for the corporation, and that if there is a motion for an oral amendment to this notice at this meeting, the corporation would be silent, but that if the corporation must meet the issue head-on, then it would meet the issue head-on. Mr. Zubek said that his motion was for a dismissal with prejudice, and that he hoped to obtain that today, but that if he could not do so, he would not oppose an amendment to this notice.

The Chair said that since there was no objection from staff to this motion to amend, the motion to amend was granted by consent of the Commission.

The Chair recognized Mr. Zubek with regard to the 2006 alleged excess contributions. Mr. Zubek stated that contributions were made in 2006 to two candidates for the state senate, and that in fact Two Thousand Five Hundred Dollars (\$2,500) was contributed to these candidates. He said that Hurst was not aware that the limit was Two Thousand Dollars (\$2,000) in the aggregate to members of one particular legislative chamber. He noted that Two Thousand Dollars (\$2,000) had been contributed to one candidate and Five Hundred Dollars (\$500) to another, which would be Five Hundred Dollars (\$500) over the limit. He stated that Hurst has made mitigating efforts by going to each of the candidate committees and obtaining Two Hundred Fifty Dollars (\$250) in return from each of those committees. Mr. Zubek said that Hurst had copies of the checks in this amount from the two committees and was prepared to offer them into the record.

In response to a question from the Chair, Ms. Potesta stated that information concerning a committee's refund of an excess contribution would come to the Election Division on the committee's report. She said that, at this time, the Election Division has not been notified how this refund was divided up by the two committees. The Chair noted that there was a letter dated June 14, 2006, from Mr. Jim Hurst, Vice-President of Hurst, setting forth the facts as presented by Mr. Zubek. Mr. Zubek offered to present copies of the two refund checks into evidence, but withdrew his offer after the Chair noted that the Commission already had the facts regarding these refunds in the memorandum before it.

Mr. Zubek states that Indiana Code 3-9-2-4 provides for a Two Thousand Dollars (\$2,000) contribution limit per chamber. He added that Indiana Code 3-9-4-16(e) provides for potential penalties and that the Commission *may* assess a penalty of not more than three times the excess, plus costs. He said that the legislature had carefully chosen the word "may", which was a word of discretion, not a word of mandate.

Mr. Zubek stated that he wished to present some mitigating factors to the Commission in this cause. He said that first, there was a misunderstanding of the law in that Hurst did not understand that there was a limit of Two Thousand Dollars (\$2,000) per contribution per legislative chamber (as opposed to contributions per candidate). He stated that he understood that a mistake regarding the law was not a defensive, but wished to bring that to the Commission's attention. He noted that secondly, the N. K. Hurst Company had not

been involved in any previous violations. He added that thirdly (at this time and from before December when one of the checks was tendered to a candidate's committee, and through March and April), that N.K. Hurst was involved in a certain legal battle concerning an eminent domain proceeding against its property.

Mr. Zubek said that N. K. Hurst had been concerned with the legislation that existed in that area, and was pleased to support legislators who were concerned with the sanctity of private property rights. He noted that these legislators had been involved in committee hearings in 2005 regarding this statutory reform, and had continued their efforts in 2006 when legislative change was enacted.

Mr. Zubek remarked that another mitigating factor is that N.K. Hurst had obtained refunds from the candidates to alleviate the situation to the greatest extent possible. He said that Hurst is now aware of the limits, and can promise that there will be no further violations. He added that the contribution was not substantially over the limit, and was a slight transgression, rather than some egregious activity.

Mr. Zubek said that lastly there was some confusion here in that different people wrote these checks. He noted that the Five Hundred Dollars (\$500) check was made out in December 2005, but was not delivered or cleared until 2006, and that the other check was made out in 2006 by a different person at Hurst, who did not know that the first check had been made out at the end of 2005, and had not been cleared or tendered. He said that the first check had been written in 2005 and held for some time, and so both checks had come across in 2006.

In response to a question from Mr. Long, Mr. Zubek responded that the first check had been signed in 2005, and held for some time before being delivered in 2006. In response to a question from the Chair, Mr. Zubek stated that the 2005 check had been mailed in 2006 as a contribution to a fundraising event.

Mr. Zubek said that N.K. Hurst regrets this misunderstanding and respectfully asks that the Commission not to assess a penalty in this cause. He said that Hurst believes that the case should be decided on its own merits, and on mitigating factors, and that this was why the legislature provided discretion to the Commission by using the word "may", rather than the word "shall" in the statute.

In response to a question from Mr. Dumezich, Mr. Zubek said that the check for Five Hundred Dollars (\$500) was delivered in either late February or early March. He said that Mr. Hurst had planned to hold the check until he happened to see Mr. Merritt. Mr. Long asked if the first transaction, apart from delivery by Mr. Hurst, had been completed in 2005, and that Mr. Hurst thought that with the second transaction was a contribution made in 2006. Mr. Hurst responded that this was correct. Mr. Long added that if Mr. Hurst had looked in his checking records, he would have thought that there was a 2005 contribution for Five Hundred Dollars (\$500), and would not have known that it had been delivered after the fact. Mr. Hurst responded that this was correct. Mr. Dumezich added that the corporation was testifying that Mr. Hurst did not know what the law was in this

case. Mr. Hurst said that if he had understood the statute correctly, he might have asked himself a couple more questions regarding the contributions.

There being no further questions from Commission members, the Chair closed the hearing in these causes.

Mr. Long noted that this situation an honest one that could have happened to anyone, and moved to waive the penalty in this cause. Mr. Dumezich seconded the motion. Upon further discussion, Mr. Long and Mr. Dumezich withdrew the motion and second. Mr. Long moved, seconded by Mr. Dumezich, to dismiss this cause. There being no further discussion on the motion, the Chair called the question, and declared that with four members voting “aye” (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion to dismiss was adopted.

In response to a question from the Chair, Mr. Zubek stated that there had been agreement that would permit N.K. Hurst Company to remain on about two-and-one half acres of its property, but that financial issues remained unresolved.

Y. Indiana Multi-Family Housing PAC (Cause 06-776-163)

Z. Indiana Multi-Family Housing PAC (Cause 06-776-85)

The Chair recognized Ms. Potesta, who stated with regard to Cause 06-776-123, this committee had filed its 2005 annual report by fax at 3:04 p.m. on January 18, 2006, and therefore had a proposed civil penalty in this cause of Fifty Two Dollars and Fifty Cents (\$52.50). She stated that this committee had previously appeared before the Commission on five occasions for a campaign finance violation. Ms. Massey stated that the previous occasions must have occurred more than nine years ago, since she did not believe that the committee had any violations after she began serving as chairman.

The Chair recognized Ms. Massey, who said that her committee had used a vendor (IcePic)’s software packet, and that the committee had recently changed computers. She stated that the committee had never been able to submit the report electronically using this vendor, and could only print the report and deliver the paper copy to the Election Division. She remarked that there was a dongle toggle in the box that only allowed one machine to print. She stated that when the committee changed computers, the committee called IcePic) about not being able to print, and so the computer tech person came and repaired the machine during January.

Ms. Massey said that when she went to submit all the data, she was able to print the report, but found a mistake. She remarked that when she corrected the mistake and went to print the report again that morning, she discovered that the machine would not print again. Ms. Massey stated that when she tried calling IcePic, she could not reach anyone, but eventually a gentleman came in and was able to help fix the problem. She said that the committee then contacted the Election Division to advise that the report would be late, and were told to bring down the report anyway, so that the report was filed at about 3 p.m.

The Chair closed the hearing on this cause. In response to a question from Mr. Long, Ms. Thompson confirmed that all committee records from before 2000 had been archived. Mr. Long said that he would propose tabling this cause until staff could conduct research concerning these prior violations, and that Ms. Massey would not be required to come back to the Commission for another hearing on this cause. Ms. Massey said that would be fine.

Mr. Long asked if the same issues existed regarding the committee's pre-primary report (Cause 06-776-85). Ms. Massey said that the issues were similar. She stated that the committee usually received a packet showing the dates when the reports were due, but did not receive the packet on this occasion. She said that the first notice that she had received that the report was late was on Monday, and that, due to many problems with the previous vendor, she called down to the Election Division and was advised that the committee could file on line. Ms. Massey said that the Election Division enabled her to file on line, and she entered all of the data, and electronically submitted the report the following day. She said that she had no notice that the report was due.

Mr. Long moved to table both of these causes. The Chair noted that the amount of the penalty assessed by the Commission would be affected by the number of previous enforcement actions concerning the committee, and that tabling these causes would allow Election Division staff time to research this further. Ms. Massey said that she had documentation concerning all of the committee's previous reports. Mr. Dumezich seconded the motion.

There being no further discussion on the motion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion to table was adopted.

AA. Indiana Multi-Family Housing PAC (Cause 06-116-169)

The Chair stated that the third cause on the agenda concerning this committee reflected efforts by the state legislature to discourage certain committees with large contributions from filing their reports on paper.

In response to a question from the Chair, Ms. Massey indicated that the IcePic reports had been filed on paper. The Chair recognized Mr. King, who said that Indiana Code 3-9-4-4(d) stated that after December 31, 2005, a political action committee that has received more than Fifty Thousand Dollars (\$50,000) in contributions since the close of the previous reporting period must file the required report with the Election Division using a standardized software program or another format approved by the Election Division that does not require manual re-entry of the data. He added that Indiana Code 3-9-4-16(a)(15) permits the Commission to impose a penalty against a committee that violates this requirement. He noted that under Indiana Code 3-9-4-16(j), the Commission may assess a civil penalty equal to the costs incurred by the Election Division for the manual entry of this data.

The Chair recognized Ms. Potesta, who stated with regard to Cause 06-116-169, the Election Division had incurred One Hundred Ninety Nine Dollars and Sixty Seven Cents (\$199.67) in data entry costs, and that the committee had received Fifty Nine Thousand Three Hundred Thirty Seven Dollars and Fifty Cents (\$59,377.50) in contributions during the reporting period.

Ms. Massey requested a continuance in this matter. Mr. Long moved, seconded by Mr. Dumezich, to continue this cause pending additional research by staff regarding the number of the committee's previous violations. There being no further discussion on the motion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion for continuance was adopted.

BB. SafePAC (Cause 06-3756-15)

The Chair recognized Ms. Potesta, who stated that this committee had filed its 2005 annual report on January 30, 2006, and therefore had a proposed civil penalty in this cause of Six Hundred Two Dollars and Fifty Cents (\$602.50). She stated that this committee had appeared before the Commission on four previous occasions for a campaign finance violation.

The Chair recognized Mr. Graves, who said that he had not personally appeared before the Commission four times. He stated that he began working as the executive director of this committee four years ago, and that before he was hired, a young lady had worked in the office for fourteen years and had prepared these reports. Mr. Graves remarked that at the end of 2005, this lady found a job closer to her home, which left him with this responsibility. He said that he prepared the report and sent it to his treasurer, with a stamped envelope addressed to the Election Division, but that unknown to Mr. Graves, the treasurer was in China at that time. He stated that when he was notified that this report was twelve days late, he contacted the treasurer, who advised Mr. Graves that he had been in China. Mr. Graves said that he was unaware for twelve days that the report was late. In response to a question from Mr. Long, Ms. Thompson stated that the committee's file showed a delinquent pre-primary report for 2002, and a delinquent pre-election report for 2003.

Mr. Graves asked if the report required the signature of the treasurer, because the report was filed electronically. He said that when he contacted the Election Division he was told to just send the report without a signature and that when the treasurer returns from China, to get the treasurer's signature and amend the report. He remarked that this would be the smartest way for the committee to handle these types of problems when the treasurer is out of the country. Ms. Thompson responded that if a committee files electronically, the Election Division already has the committee treasurer's signature on file. Mr. Graves said that the problem all along had been that the committee is located in Muncie, and must send the report to the treasurer, who is in Indianapolis, with the hope that the treasurer will sign the report and forward it on.

The Chair closed the hearing on this cause. Mr. Long moved, seconded by Ms. Riordan, to impose the proposed civil penalty of Six Hundred Dollars (\$600), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

CC. Indiana Licensed Beverage Association PAC Fund (Cause 06-4381-105)

The Chair recognized Ms. Potesta, who stated that this committee had filed its 2006 pre-primary report on April 24, 2006, and therefore had a proposed civil penalty in this cause of Three Hundred Fifty Two Dollars and Fifty Cents (\$352.50). She stated that this committee had not appeared before the Commission on any previous occasion for a campaign finance violation.

The Chair recognized an unidentified individual, who said that the office had gone through two changes during the past year, and so it was the committee’s oversight. He said that as soon as the committee found out about the late report, the committee took care of it.

The Chair closed the hearing on this cause. Mr. Long moved, seconded by Ms. Riordan, to reduce the proposed civil penalty to Eighty Seven Dollars and Fifty Cents (\$87.50), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

DD. Indiana Motorcyclists Political Action Committee (Cause 06-3472-93)

The Chair recognized Ms. Potesta, who stated that this committee had filed its 2006 pre-primary report on April 26, 2006, and therefore had a proposed civil penalty in this cause of Four Hundred Fifty Two Dollars and Fifty Cents (\$452.50). She stated that this committee had appeared before the Commission on two previous occasions for a campaign finance violation.

The Chair recognized Ms. Hignite, who said that she became treasurer of this committee in February 2005, and that she had been informed by the past treasurer that the committee had been late in filing a report on one previous occasion. She stated that the committee’s mail went to a post office box in Bargersville, but that Ms. Hignite lives in Plainfield. She remarked that she did not get out to Bargersville that often. Ms. Hignite said that she had requested from the association’s board that all mail be sent to her as treasurer. She added that she had filed a change of address, and had mailed in the report, but should have sent the report with return receipt requested. She said that she had assumed that the report was received. Ms. Hignite said that her director picked up the mail, which had been at the post

office box for about thirty days, and that was when she learned that the report was late. She added that she filed the report with the Election Division immediately that day.

The Chair closed the hearing on this cause. Mr. Long moved, seconded by Mr. Dumezich, to reduce the proposed civil penalty to Three Hundred Thirty Seven Dollars and Fifty Cents (\$337.50), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

EE. Citizens for Stant (Cause 06-5259-132)

The Chair recognized Ms. Potesta, who stated that this committee had filed its first 2006 quarterly report on April 19, 2006, which was due on April 17, 2006, and therefore had a proposed civil penalty in this cause of One Hundred Two Dollars and Fifty Cents (\$102.50). She stated that this committee had not appeared before the Commission on any previous occasion for a campaign finance violation.

The Chair recognized Mr. Stant, who stated that he had never been a candidate for public office before, nor had anyone who had worked on the Citizens for Stant committee been involved in a campaign for public office before. He said his mother, who was 76 years old, had volunteered to be the treasurer for the committee before the imposition of the electronic filing requirement, which was effective December 31, 2005. He remarked that the committee was aware of this quarterly report, and had every intention of filing on time, and requested that the Commission dismiss this enforcement action.

Mr. Stant said that on Friday, March 24, 2006, in the weeks prior to the due date for the report, which he was aware of, and expected to have to file, he received mail from the Election Division. He stated that this mailing was a memorandum, and that none of these memoranda were ever signed by any particular individual so that the committee could call to ask what the memo meant. He noted that the headline at the top of the memorandum said “Candidates not on the primary ballot: please disregard this notice.” He said that since the Green Party does not have a primary, and he was not a candidate on any primary ballot, he thought that this was odd, since the document mentioned in bold type in the following paragraph that there was a filing deadline coming up on noon, April 17, 2006. Mr. Stant stated that he knew that he had a report to file by that time, but that this memo seemed to be telling him that he did not have to file a report since he was not on the primary ballot.

Mr. Stant said that on April 5, 2006, he received a notice that the committee was required to file its reports electronically, but this notice also contained the language that candidates who are on the ballot in this election year must file a quarterly report from January 1, 2006 through March 31, 2006, which was due in the Election Division by noon, April 17, 2006. He said that since whether he would get on the general election ballot was subject to question, he was not certain if this applied to him. Mr. Stant said that 30,000 signatures

were necessary to be certified for his name to be listed on the general election ballot at all. He said that as a result, he was confused as to whether he had to file a report or not.

Mr. Stant stated that he called the Election Division, and the person whom he spoke to when he referenced the first memorandum said that if he was not on the primary ballot, then the committee was not required to file a report. He said he responded that if this was so, he was relieved that he did not have to do that.

Mr. Stant remarked that on the last business day before the deadline, which he believed was Good Friday, he decided that there must be a misunderstanding, and was told that yes, his committee did have to file this report. He added that this was the first occasion when candidates for statewide office were required to file electronically. Mr. Stant said that he and his mother regrouped, got out all of the committee's financial records, and started trying to file the report. He remarked that he encountered problems with the software for the on-line electronic filing system, which he said was next to impossible to use. He stated that he spoke with Ms. Thompson on the telephone, and had the impression from her that because so many people were having to file electronically for the first time, that many people were having difficulty trying to understand how to work the new electronic system, and that it was unlikely that the Election Commission would seriously impose the late fee since so many people were struggling to meet the deadline, particularly in his case, since there had been confusing correspondence, which had given him the impression that he did not have to file at all.

Mr. Stant said that the committee finally did get the report filed, and it was two days late, but that was because the committee had to struggle with the computer several days to make the computer take the input that the committee was trying to give it. He stated that one of the things the legislature apparently did not take into consideration was that in rural areas in Indiana, there is no high speed Internet access available. He said that when you put one piece of data into the screen that it asks for, that you must sit and wait several minutes while it digests that piece of data and pops up with the next screen. He remarked that it took his mother at least an hour to figure that out since she is not particularly good with computers.

Mr. Stant stated that the confusing nature of the communications that came to him, the fact that the committee made every reasonable effort before the deadline to get the report filed, and the committee had worked on the report diligently until the report was filed, due to factors completely beyond the committee's control, such as the software for the electronic filing requirement is impossible to use. Mr. Stant said with regard to the most recent report, the report subsequent to the report at issue here, he struggled with the Election Division's electronic filing system until midnight before the report was due, and realized that the system would not let him enter the data that he needed to put in. He said that as a result, he could not file an electronic report, but faced another \$50 fine if he did not file the report on time, and that as a result, his most recent report will need to be amended because he filed what he had, just to get something filed. He stated that the program wants data concerning the address of a person that the committee had written a check to of One Hundred Dollars (\$100) or more, for expenditures, but will not let the

information stating the town of the address to be entered. He noted that when the committee does not enter the town, the system will not accept the entry. He said that he did not design the software, or impose the electronic filing requirement, but just took very seriously his obligation to file the report on time, and did so as soon as he could.

In response to questions from Mr. Long, Ms. Thompson stated that most of the committees who had contacted the Election Division had not experienced serious problems using the software, and just needed to be walked through it. She added that the Election Division's software had been designed by Quest Information Systems.

The Chair recognized Ms. Robertson, who stated that the Election Division has both on-line filing, which is provided through this vendor, and that different versions of software can be purchased from other vendors to permit a committee to file a report. In response to a question from Mr. Long regarding which software this committee had used, Mr. Stant said that he had attempted to download software from the Election Division's website, but that this software had not worked. He said that he just went to the Election Division website, logged in, and then started entering the data, and that he had not installed any software on his laptop. Mr. Long said that he was troubled to hear about the committee's attempting to enter address data including a town and not being able to do so, but then having the report not be accepted due to the missing town data. Mr. Stant responded that if the legislature had not imposed a requirement on candidates for statewide office, such as Mr. Stant who is a candidate for Secretary of State, to file electronically, the committee could have faxed in the report, and the report would not have been late. He said that the software was so difficult to use that the committee could not meet the deadline.

The Chair closed the hearing on this cause. Mr. Long stated that he recognized that there had been non-compliance here, but was impressed by the evidence offered by Mr. Stant, and moved to waive the proposed civil penalty and costs. Ms. Riordan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted. Mr. Long added that the software for filing needed to be as user-friendly as possible.

FF. Mitschelen for State Representative Committee (Cause 06-5403-64)

The Chair recognized Ms. Potesta, who stated that this committee had filed its statement of organization on March 3, 2006, and therefore had a proposed civil penalty in this cause of Three Hundred Fifty Two Dollars and Fifty Cents (\$352.50). She stated that this committee had not appeared before the Commission on any previous occasion for a campaign finance violation.

The Chair recognized Mr. Mitschelen, who said that he had come down to Indianapolis from South Bend, with his wife, on February 10, 2006, which was before the February 24, 2006 deadline. He stated that he was a first-time candidate for state representative.

Mr. Mitschelen said that they had gone to the Secretary of State's office in the capitol building, spoken to an individual in the lobby there, and was advised that he first had to file papers with the House of Representatives. He said that he had a receipt indicating that he had filed this document with the House on February 10, 2006 and that after doing so, returned to the Secretary of State's office and asked the gentleman in the lobby what additional paperwork that office needed. Mr. Mitschelen stated that this was probably where his error was, since he had trusted that particular individual to tell him what paperwork was needed. He said that he did not have a file-stamped copy of any campaign finance form, but did have a copy of another document establishing that he had been present at the office on February 10, 2006. He added that as he was preparing to leave, this individual had said "congratulations, you are a candidate."

Mr. Mitschelen remarked that he left thinking that he was a candidate, and was ready to go. He said that it was not until he received a letter dated February 28, 2006 from the Secretary of State's office that he was in violation of campaign finance laws. He added that on March 3, 2006, he telephoned Ms. Thompson, and got the faxed statement of organization in to the Election Division as soon as he possibly could. He said that he was not sure what he had done wrong, and he apologized for any wrongdoing that he had done. He remarked that he did take a day off of work to come down to file early, and that he had taken another day off, which he was happy to do, to see that his name was cleared.

Mr. Long asked if Mr. Mitschelen had filed the CFA-1 statement of organization form in some office on February 10, 2006. He responded that he had already filed the CFA-1 form with someone at the Secretary of State's office by physically giving the document to that person before he faxed this document to the Election Division following receipt of the notice of violation. In response to a question from Mr. Long, Mr. Mitschelen stated that he had previously filed his statement of economic interests with the Clerk of the House. He added that this document had a file stamp indicating that he was not lying when he said that he had been come down on February 10.

The Chair recognized Mr. Kendall, who asked if Mr. Mitschelen had presented a form titled "Declaration of Candidacy" at the Secretary of State's office. He responded that he had been a bit naïve, and that if he was going through the process again, he would know to ask exactly which forms were needed, and to ask the individual to accept those forms.

In response to a question from the Chair, Mr. Mitschelen stated that on February 10, 2006, he had come to the Secretary of State's office in the State House, and not to the Election Division office. The Chair recognized Ms. Robertson, who said that the Election Division has two file stamps to receive documents, one of which is loaned to the Secretary of State's office during primary filing periods for the convenience of candidates who are already in the State House. The Chair noted that the Declaration of Candidacy was filed stamped as received at 12:30 p.m. on February 10, 2006 by the Election Division. Ms. Robertson noted that the Declaration of Candidacy form can be filed either with the Election Division or with the main office of the Secretary of State, but that campaign finance statements and reports can only be filed with the Election Division

office. She noted that some candidates file both their declaration of candidacy and campaign finance statement of organization forms at the same time.

In response to a question from the Chair, Mr. Mitschelen said he was of the understanding that his CFA-1 form had been left with the Secretary of State's office. He said that he did not want to lie to the Commission, but since he was new to the process, he was not 100% sure that this form had been left with the Secretary of State's office. He added that at that point, they were so confused by how the state capitol building is, that they were under the impression that the gentleman had received all of the paper work that was needed, and had taken him at his word.

Mr. Long said it looked like Mr. Mitschelen had taken every effort, and had his paperwork all prepared, but could have filed documents in the wrong place. The Chair said that he was sympathetic since Mr. Mitschelen was a first-time candidate, and that he appreciated his participation in the political process.

The Chair closed the hearing on this cause. Mr. Long moved, seconded by Ms. Riordan, that this cause be dismissed. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

GG. Committee to Elect Jeff McCoy (Cause 06-5353-137)

The Chair recognized Ms. Potesta, who stated that this committee had filed its 2006 pre-primary report on May 1, 2006, and therefore had a proposed civil penalty in this cause of Seven Hundred Two Dollars and Fifty Cents (\$702.50). She stated that this committee had not appeared before the Commission any previous campaign finance violation.

The Chair recognized Mr. McCoy, who said that the committee had faxed in the report three days before, after he discussed this matter with the committee's treasurer and wanted to beat the filing rush for the Monday, April 17 deadline. He stated that he had faxed this report on April 14, 2006, thought that the report had been filed, and then was notified by mail that the report had not been filed. He added that after making telephone calls to confirm this, the report was then filed on May 1. He said that he had obtained the fax number on April 12, completed the report on April 13, and then faxed the report on April 14.

The Chair asked if Mr. McCoy had a fax receipt or other documentation. He responded that he did not. In response to a question from Mr. Long, Ms. Thompson responded that this committee had not been included on the list of committees considered by the Commission earlier who had experienced fax problems on the morning of April 17. In response to a question from the Chair, Mr. McCoy stated that he lived in the Terre Haute area. The Chair asked if Mr. McCoy had any records showing that this report had been faxed. He responded that the report had been faxed from H&R Block, where his committee treasurer worked, to the Election Division. The Chair said that there was no

record that the Election Division had received this committee's fax. Mr. McCoy said that he had no evidence other than his testimony that he had faxed this report on April 14.

In response to a question from Ms. Riordan, Mr. Kendall responded that in a civil proceeding the standard of proof would be the preponderance of the evidence, and that the state had the burden of proof. In response to a question from the Chair, Ms. Thompson responded that the Election Division has no proof of receipt of this fax.

Mr. Dumezich asked if the Election Division had any information concerning any other failed fax attempts on that day. Ms. Thompson responded that no, there was no such evidence.

The Chair recognized Mr. King, who noted that in past causes, the Commission had also asked in the case of candidates for state legislative office if there was proof of timely filing of a report in the county where the candidate resided. In response to a question from Mr. Dumezich, Mr. McCoy said that he had hand delivered that report to Vermillion County on the morning of April 17, but that he did not have that documentation with him.

The Chair noted that the copy of the report filed with the Commission showed that the document had been previously filed with the Vermillion County Circuit Court Clerk on April 17, 2006. In response to a question from the Chair, Mr. McCoy said that he had faxed this document to the Election Division on April 14, 2006, and recalled speaking with Ms. Thompson, who told him that there would be a big rush on the Monday filing deadline. The Chair noted that this report had been dated April 14, the day that Mr. McCoy testified that the report had been faxed to the Election Division. The Chair noted that the file stamp from the Vermillion County Circuit Court Clerk's office did not include a time, so it was impossible to determine from the face of the document if the report had been filed before noon or not.

The Chair closed the hearing on this cause. Mr. Long moved to reduce the civil penalty in this cause to 25% of the proposed civil penalty. Mr. Dumezich said that based on the conversation regarding burden of proof that the committee had met its burden of proof and met his standard of moving forward with evidence with respect to that. He said that at that point, the burden of proof has been met. In response to a question from Ms. Riordan, Mr. Dumezich responded that there was a burden of evidence and a burden of moving forward, and that the committee had met the burden of moving forward. He added that the burden of evidence is alive and kicking, for purposes of the state.

Mr. Long said that his main concern was that the candidate did not have any evidence or receipt from the fax machine showing that the report had been faxed, and said that this did not mean that he did not believe Mr. McCoy's testimony, but that he should present as much evidence as possible to overcome that burden. He said that the Election Division would never be able to prove a negative, and that the Election Division can only prove that the office does not have a document that a statute requires to be on file with the office.

The Chair recognized Mr. Kendall, who said that it was just hearsay that that the report had been filed, so that the Commission's whole ruling would be based on hearsay, which would not be permitted under the Administrative Orders and Procedures Act.

Mr. Dumezich said that the committee had presented circumstantial evidence regarding the filing of this report, and the date on the report being April 14. He stated that he would feel differently if there was contradictory evidence, such as the report being dated April 15, which would be inconsistent.

The Chair stated that he believed that in the past when the Commission was faced with a timely local filing and testimony from a candidate had either waived or dismissed the cause. Ms. Robertson said that she recalled that the Commission had done both. The Chair said that he believed that this was the same situation. Mr. Long withdrew his previous motion.

Mr. Dumezich moved, seconded by Ms. Riordan, to dismiss this cause. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

HH. The Six Pac (Cause 06-4895-61)

The Chair recognized Ms. Potesta, who stated that this committee had filed its 2004 pre-primary report on January 18, 2006, and therefore had a proposed civil penalty in this cause of One Thousand Two Dollars and Fifty Cents (\$1,002.50). She stated that this committee had not appeared before the Commission any previous campaign finance violation, and had brought this late filing to the attention of the Election Division. Ms. Potesta said that this late filing had been missed by Election Division staff, and that when the committee found out that the filing was late, the committee telephoned the Election Division to inform them of this problem.

The Chair recognized Mr. Whetstone, who said that the committee was filing electronically and thought that the report had been e-mailed the day that the report was due in 2004. He stated that when the committee was preparing its next report, and had gone back to double check its balances, the committee noted that the 2004 pre-election report was not there and immediately contacted the Election Division and forwarded the report to that office on the same day.

The Chair closed the hearing in this cause. Mr. Long said he felt strongly that this cause should be dismissed since the committee had brought the matter to the Election Division's attention, and that word should go out that honesty would be rewarded. Mr. Long moved, seconded by Ms. Riordan, that this cause be dismissed. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

In response to a question from the Chair, Mr. Whetstone said that The Six Pac consists of six state legislators who were each elected to office in 1996, and that he was the chairman of this committee. Mr. Long thanked the committee for doing the right thing.

The Chair placed the Commission in recess for ten minutes, and reconvened the meeting with the same Commission members present.

II. Citizens for a Unified Indianapolis (Cause 06-5275-134)

The Chair recognized Ms. Potesta, who stated that this committee had filed its 2006 pre-primary report on May 23, 2006, and therefore had a proposed civil penalty in this cause of One Thousand Two Dollars and Fifty Cents (\$1,002.50). She stated that this committee had not appeared before the Commission any previous campaign finance violation.

The Chair recognized Mr. Pollard, who said that he was requesting a waiver or reduction of the proposed penalty in this cause. He stated that unfortunately he did not have a good story to tell about why this report was late. He said that he made a mental error, and that when he reviewed the correspondence from the Election Division regarding pre-primary reports, he stopped reading when he saw the reference about not having a candidate on the ballot, and did not read the entire document. Mr. Pollard said that this was unexcusable behavior for someone in his profession, a lawyer, although he was serving as a volunteer for this committee. He stated that it was due to his mental error that this report was filed so late.

Mr. Pollard said that he apologized to the Commission and had apologized to the chair of the PAC, and was really embarrassed that he did not catch this filing requirement. He stated that the report would have been filed on time, but he did not catch it. He remarked that since that time, he had made certain that all correspondence regarding the committee is sent to his office, rather than to his home. He said that he had put every single campaign finance report filing date on his calendar, and told his assistant to do so also.

In response to a question from the Chair, Mr. Pollard stated that the purpose of the PAC was to support city-county council members running for re-election.

The Chair closed the hearing in this cause. Mr. Long said that he appreciated Mr. Pollard's candor. Mr. Long moved, seconded by Ms. Riordan, to reduce the proposed civil penalty to Two Hundred Fifty Dollars and Fifty Cents (\$250.50), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted. Mr. Pollard expressed his appreciation for the Commission's consideration.

JJ. Campaign for Meadows (Cause 06-5364-139)

The Chair recognized Ms. Potesta, who stated that this committee had filed its 2006 pre-primary report on April 25, 2006, and therefore had a proposed civil penalty in this cause of Four Hundred Two Dollars and Fifty Cents (\$402.50). She stated that this committee had not appeared before the Commission any previous campaign finance violation.

The Chair recognized Mr. Meadows, who said that he was well aware of the Friday filing deadline date, but on Monday or Tuesday was called away to work for a project for the Department of Natural Resources in Southern Indiana, which would usually be a day or two project, but which took almost two weeks. He said that his wife had completed his paperwork, but was unclear about where exactly to file the report. He stated that the campaign had no contributions and no expenditures, but his wife was reluctant to fill out a legal document. He noted that this report was filed as soon as he returned. Mr. Meadows said that he agreed that the report was late, and asked for some leniency.

The Chair closed the hearing in this cause. Mr. Long moved, seconded by Ms. Riordan, to reduce the proposed civil penalty to One Hundred Dollars (\$100), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

KK. United Steelworkers of America Local 115 (Cause 05-2045-26)

The Chair recognized Ms. Potesta, who stated that this committee had filed its 2004 annual report on February 2, 2005, and therefore had a proposed civil penalty in this cause of Seven Hundred Two Dollars and Fifty Cents (\$702.50). She stated that this committee had not appeared before the Commission any previous campaign finance violation, that the committee had filed its final report on October 16, 2005, and that this cause had been continued from a previous Commission meeting.

The Chair recognized Mr. Henderson, who stated that the committee had no activity, except making a contribution for \$200 in a local race, and had been advised to dissolve the committee. In response to a question from Mr. Long, Ms. Potesta confirmed that this committee had been dissolved. Mr. Henderson added that he understood that there were no committee funds remaining.

The Chair closed the hearing in this cause. Mr. Long moved, seconded by Mr. Dumezich, to waive the proposed civil penalty and costs in this cause. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

LL. Dann Pecar Newman & Kleiman PAC (Cause 06-4845-118)

The Chair recognized Ms. Potesta, who stated that this committee had filed its 2006 pre-primary report on May 1, 2006, and therefore had a proposed civil penalty in this cause of

Seven Hundred Two Dollars and Fifty Cents (\$702.50). She stated that this committee had appeared before the Commission for one previous campaign finance violation.

The Chair recognized Ms. Debbie Curran, who identified herself as the controller at Dann Pecar Newman & Kleiman. She stated that she believed that the person who had appeared before the Commission at the previous hearing regarding this committee was probably Jonathan Pollock, who was an attorney with the firm who handled most transactions regarding the committee. She said that Mr. Pollock left the firm on January 31, 2006, and that Ms. Curran did not receive the packet concerning this report, and completely forgot that the report was due. She added that she had filed campaign finance reports in the past, but that she did not have this filing deadline on her calendar since it was the first for the new year. Ms. Curran stated that when she receives the election calendar from the Election Division, she always puts the campaign finance filing dates on her calendar.

Ms. Curran stated that the packet concerning the pre-primary report was sent to Mr. Pollock, and that the firm had forwarded all of Mr. Pollock's mail to him. She said that Mr. Pollock sent this packet to the firm on Friday, April 28, and called Ms. Curran that day to advise her that he was sending the packet to her on that date, and that the report needed to be turned in. Ms. Curran noted that she filed the report on the following Monday, May 1, with the help of Ms. Thompson, who walked her through the procedures for changing the treasurer and the chairperson of the committee, since the committee had not done that either. She said that since Mr. Pollock was still listed as the treasurer, she did not have anyone authorized to sign the report. She remarked that as soon as she realized that the report was late, the committee got the report in.

The Chair closed the hearing in this cause. Mr. Long moved, seconded by Ms. Riordan, to reduce the proposed civil penalty to Three Hundred Fifty Dollars (\$350), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

MM. Cantou for State Representative Committee (Cause 06-5409-70)

The Chair recognized Ms. Potesta, who stated that this committee had filed its statement of organization on March 10, 2006, and therefore had a proposed civil penalty in this cause of Seven Hundred Two Dollars and Fifty Cents (\$702.50). She stated that this committee had not appeared before the Commission for any previous campaign finance violation.

The Chair recognized Ms. Cantou, who said that she ran for office rather naively, and did not understand the procedures. She said that she knew that there was a campaign finance report which would be due at the end of the campaign, but was somewhat disengaged from the campaign for personal and professional reasons, and did not realize that as she was raising money that she needed to turn this report in. She stated that she did receive a

notice that this statement was late, but that the notice was “in the black hole” of her daughter’s room for awhile since her daughter does not clean her room as often as she probably should. Ms. Cantou said that once she found out that the statement was late, she filed this document. She asked for a reduction in the proposed penalty.

Mr. Long asked if this committee was also delinquent on any other reports. Ms. Cantou responded that she did not know if she had missed any other reporting deadlines. Ms. Thompson responded that the committee had timely filed its pre-primary report. In response to a question from Mr. Long, Ms. Cantou said that she was unsuccessful as a primary candidate, but also successful in that she learned something. Mr. Long asked if she intended to remain active in the process, and Ms. Cantou responded no. Mr. Long then asked if she had filed a final report to disband this committee. Ms. Cantou said no, and thanked Mr. Long for his suggestion that she work with Ms. Potesta and Ms. Thompson to close out this committee so that the committee would not have any further campaign finance violations.

The Chair closed the hearing in this cause. Mr. Long moved, seconded by Ms. Riordan, to reduce the proposed civil penalty to One Hundred Seventy Five Dollars (\$175), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

NN. Indiana Republican Mayors Political Action Committee (Cause 06-4989-35)

The Chair recognized Ms. Potesta, who stated that this committee had filed its 2005 annual report on January 26, 2006, and therefore had a proposed civil penalty in this cause of Four Hundred Two Dollars and Fifty Cents (\$402.50). She stated that this committee had not appeared before the Commission for any previous campaign finance violation. She added that the committee had submitted a two page affidavit and appearance form from Ms. Jagoditz of Bingham McHale LLP on July 25, 2006, which are incorporated by reference in these minutes.

After Commission members reviewed these documents, the Chair recognized Ms. Jagoditz, who identified herself as the treasurer of this committee. She stated that the attorney at her firm who had served as treasurer of this committee had left the firm, in a situation where she had given two weeks’ notice, but was sent home that day. Ms. Jagoditz said that she had received the committee’s records, and was told not to worry because she would be informed of any committee filing deadlines. She stated that she had become the treasurer of the committee, and had filed this report by fax and hand delivery as soon as she learned that the report was late. She added that the committee has had no activity to report.

Mr. Long said that before the Commission proceeded in this matter he needed to make a disclosure that Bingham McHale served as counsel for his professional corporation in a

real estate matter in Indianapolis. He asked Election Division Counsel if he should disqualify himself in this matter or not.

Mr. Kendall recommended that Mr. Long disqualify himself in this matter. Ms. Robertson noted that four votes from Commission members were needed to reduce the proposed civil penalty in a cause. Mr. Long responded that he would be happy if the Commission chose to table this matter, and he would then arrange for a proxy to act for him in this cause.

Mr. Long said that he and a member of Bingham McHale served as co-counsel in this matter, and that he did not think he was required to disqualify himself since he was serving in this matter as the attorney for the municipality, but felt that it was important to disclose his status in any event.

The Chair said that he was not convinced that this was a reason for Mr. Long to disqualify himself in this cause. He said that since four votes were necessary to reduce any proposed civil penalty, the alternative would be table this cause until another Commission meeting, or to find a proxy for purposes of hearing the cause at this meeting.

The Chair stated that Mr. King had advised him that the committee could waive any objection it had to Mr. Long participating in this hearing. Ms. Jagoditz said that since this was her error, she would be more than happy if this cause were tabled to return for another Commission meeting so that the Commission could follow procedural requirements and have a designated proxy. The Chair suggested that Ms. Jagoditz waive any objection to the conflict and have the Commission proceed, since he did not think that the result would be any different if the matter were tabled to another meeting.

Ms. Jagoditz agreed to waive any objection to the conflict. The Chair said that he was not convinced that there was a conflict since any penalty would be against the committee, and Bingham McHale's representation of the committee would not create a conflict. After further Commission discussion, Mr. King and Ms. Robertson waived any objection to this conflict on behalf of the Election Division.

The Chair closed the hearing in this cause. Mr. Domezich moved, seconded by Ms. Riordan, to reduce the proposed civil penalty to One Hundred Dollars (\$100), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Domezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

00. Glazebrooks for State Representative (Cause 06-5416-77)

The Chair recognized Ms. Potesta, who stated that this committee had filed its statement of organization on March 7, 2006, and therefore had a proposed civil penalty in this cause of Five Hundred Fifty Two Dollars and Fifty Cents (\$552.50). She stated that this committee had not appeared before the Commission for any previous campaign finance

violation. In response to a question from the Chair, Ms. Thompson said that this statement was due February 24, 2006.

The Chair recognized Ms. Glazebrooks and Mr. Mark Reynold to speak regarding this matter. Ms. Glazebrooks said that on February 9, 2006, she filed documents with the Marion County Election Board and then visited the Election Division. She remarked that she had provided Election Division staff with a copy of her economic interest statement which had been filed with the Clerk of the House, and was told that only the receipt for this document was necessary. The Chair noted that the committee's file showed a CFA-1 statement of organization which had been filed with the Marion County Election Board on February 9, 2006.

After reviewing the Election Division's files, the Chair stated that the files indicated that Ms. Glazebrooks had originally filed a statement of organization with Marion County on January 11, 2006, but that the Election Division had not received this document until March 7, 2006. Ms. Glazebrooks responded that the first filing was for her exploratory committee. She said that, to her knowledge, she believed that she had filed all of the required documents with the Election Division on February 9 when she officially became a candidate. She stated that she then received the letter concerning this matter from the Election Division on March 7, 2006, and faxed all of these documents, including the CFA-1 form, to the Election Division after that office was closed.

After reviewing the CFA-1 document filed with the Election Division, the Chair asked if a clearer copy showing the date and time of filing was available. The Chair recognized Mr. King and Ms. Robertson, who stated that the Election Division had purchased a new file stamp for the Election Division earlier in 2006, and that when the stamp arrived from the vendor, the Election Division staff noted that the device only included a date and time stamp, but no indication that the document had been received by the Division. Mr. King added that the Election Division had returned this file stamp and had it replaced with a file stamp which did show that the document had been received by the Election Division, but that in the meantime, the Election Division staff had used an inked hand stamp to also show that the document had been received by the Division. Ms. Robertson and Mr. King noted that the document being reviewed by the Commission was Ms. Glazebrooks's declaration of candidacy, not her committee's statement of organization.

In response to a question from the Chair, Ms. Glazebrooks said that she had first gone to the Clerk of the House and filed her economic interest statement there. She said that she had then filed these documents with the Election Division, and that when she saw her name appear two days later on the Secretary of State's website, she assumed that she had done everything required. She stated that after she was notified that she had not filed her committee's campaign finance statement of organization with the Election Division, she had responded that she had filed this document on February 9.

The committee submitted into evidence a two page affidavit signed by Leslie A. Barnes and John F. Barnes, dated July 24, 2006, and a notarized document dated July 25, 2006,

from Mr. Reynold. These documents were accepted into evidence by the Commission and incorporated by reference in these minutes.

Ms. Glazebrooks stated that at the Democratic slating convention, she had physically shown John Barnes and his wife the forms that she had filed. She added that she noticed that another candidate for office in Warren Township had not filed his CFA-1. She said that if she was telling other candidates to file their CFA-1s, she would have filed a CFA-1 herself. Ms. Glazebrooks said that she was checking to make sure that other candidates had filed, and noticed that Mr. Reynold had not filed his CFA-1.

The Chair recognized Mr. Reynold, who said that Ms. Glazebrooks was a schoolteacher, and a “den mother”, who is always reminding other people about filing dates and deadlines. He said that his notarized letter states that she had contacted him the day before to remind him that he was required to file the CFA-1 form, had given him detailed directions about where to file in the State House, and was very knowledgeable. He said that he would be surprised if Ms. Glazebrooks had not filed the documents then also.

In response to a question from the Chair, Ms. Potesta stated that Ms. Glazebrooks had faxed a copy of the CFA-1 file stamped by Marion County on January 11, and that upon receipt of this fax, the Election Division had file stamped the document on March 7, 2006. After reviewing the committee’s file, the Chair added that the documents faxed to the Election Division on March 7 included both Ms. Glazebrooks’s original CFA-1 statement, and her amended CFA-1 form.

In response to a question from Mr. Domezich, Ms. Thompson indicated that this cause did not involve the pre-primary campaign finance report, which had been timely filed with the Election Division, only the statement of organization for the committee.

The Chair said that the Election Division had no record that Ms. Glazebrooks’s CFA-1 statement of organization had been filed on time with the Election Division, but that the statement had been filed on time with Marion County. Mr. Domezich noted that the committee’s pre-primary report had been filed on time. Mr. Long noted that Ms. Glazebrooks had been present at the Election Division on the same day, February 9, to file her declaration of candidacy.

The Chair said that he was concerned that the Election Division had not received either the original CFA-1 or amended CFA-1 from this committee until March 7, 2006. He said that if Ms. Glazebrooks is correct, she made two filings with the Election Division that the Election Division has no record of. In response to a question from the Chair, Ms. Glazebrooks responded that she had not filed her original CFA-1 with the Election Division on January 11, 2006, but had instead filed everything with the Election Division on February 9. The Chair asked Ms. Glazebrooks why she had not filed her original CFA-1 with the Election Division in January 11, 2006. She responded that she was told that she did not have to do so because the committee was only exploratory. She added that when she officially filed as a candidate and opened her candidate’s committee, she

brought all of her committee filings to the Election Division because this was her first time as a candidate.

The Chair closed the hearing in this cause. Mr. Long moved to dismiss this cause, stating that Ms. Glazebrooks had met her burden of proof in this matter with regard to her committee's filings, and that she appeared to be very knowledgeable regarding campaign finance requirements. Mr. Dumezich seconded the motion. The Chair said that the Commission thanked Ms. Glazebrooks for running for office, and making this effort. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

PP. Hamilton County Democratic Party Central Committee (Cause 06-5419-148)

The Chair recognized Ms. Potesta, who stated that this committee had filed its pre-primary report on April 26, 2006, and therefore had a proposed civil penalty in this cause of Four Hundred Fifty Two Dollars and Fifty Cents (\$452.50). She stated that this committee had not appeared before the Commission for any previous campaign finance violation.

The Chair recognized Ms. Ellis, who said that she served as the vice-chairman of this committee, and was here representing the treasurer. She stated that both she and the treasurer were out of town, and the treasurer, who was brand-new, realized that he had a report to file, and told her that he had filed the report to the Hamilton County Clerk's office, and asked if he needed to file the report with the state. Ms. Ellis said that the treasurer had believed that he was told no.

In response to a question from the Chair, Ms. Ellis said that she did not have a copy of that filing. The Chair recognized Ms. Robertson, who said that this requirement could be confusing, since county political party committees who were only active locally were not required to file a report with the state, but a county political party committee was required to file a campaign finance report with the state if the committee was making contributions or expenditures in state level campaigns. Mr. Long said that he had advised his county committee to limit its activity after the committee had paid several fines for late reports.

Ms. Ellis stated that as soon as the committee learned that the report was late, the committee filed the report. After examining the committee's file, Mr. Long noted that the Election Division records showed that this report had filed with the Hamilton County Circuit Court Clerk's office but the filing date was not indicated, and that the report had been faxed to the Election Division on April 25, 2006, and stamped on April 26, 2006.

Mr. Long said that in reviewing the committee's receipts and disbursements, it did not appear that the committee had made any contributions or expenditures concerning state-level candidates, and that the only activity was to reimburse the county chairman for an expense of \$168.14.

After reviewing the committee's file, the Chair noted that this committee's treasurer had previously filed documents including the committee's statement of organization with the Election Division.

In response to a question from Mr. Long, Ms. Robertson stated that a committee may not be required to file campaign finance reports with the Election Division, but once the committee files a statement of organization with the Election Division, the committee is then required to file these reports.

The Chair closed the hearing in this cause. Mr. Long moved, seconded by Mr. Dumezich, to reduce the proposed civil penalty to One Hundred Twelve Dollars and Fifty Cents (\$112.50), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

8. Campaign Finance Enforcement Hearings – Excess Corporate Contributions

- A. Schilli Transportation Services, Inc. (Cause 06-154)**
- B. Indiana Dimension, Inc. (Cause 06-155)**
- C. Christopher B. Burke Engineering, LTD (Cause 06-156)**
- D. MacAllister Machinery Company (Cause 06-157)**
- E. Data Trucking, Inc. (Cause 06-158)**
- F. PTS Electronic Corporation (Cause 96-159)**
- G. The Corradino Group (Cause 06-161)**

The Chair noted that each of these committees (except for PTS Electronic Corporation) had filed a motion for a continuance in their respective causes. The Chair added that he had been informed that an individual involved in the PTS Electronic Corporation matter was suffering from a very serious illness, and that he wished to continue this matter as well. Mr. Long asked if any of these corporations were represented by counsel in these causes. He stated that he had wanted to make certain that he did not have any conflict issues regarding these matters.

Ms. Riordan moved, seconded by Mr. Dumezich, to continue the causes listed above. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

9. Campaign Finance Enforcement Hearings – Political Action Committee Reports with more than \$50,000 in contributions filing on paper

A. Greater Indianapolis Republican Finance Committee (Cause 06-116-168)

The Chair recognized Ms. Potesta, who stated with regard to Cause 06-116-168, the Election Division had incurred Two Hundred Seventy Dollars and Seventeen Cents (\$270.17) in data entry costs, and that the committee had received Two Hundred Thirty Seven Thousand Five Hundred Eighty Eight Dollars and Fifteen Cents (\$237,588.15) in contributions during the reporting period.

The Chair asked if anyone was present from the committee to speak to the Commission regarding this matter. There was no response.

Mr. Long asked how the data entry costs in these matters were computed. Ms. Thompson responded that the Election Division received a statement of work from its data entry contractor, billing the Election Division for that amount of money. In response to a question from the Chair, Ms. Thompson responded that these funds would be deposited in the same non-reverting campaign finance enforcement account as campaign finance civil penalties.

Mr. Long moved, seconded by Ms. Riordan, assess costs against the committee in this matter to recoup the Election Division's data entry costs of Two Hundred Seventy Dollars and Seventeen Cents (\$270.17). There being no further discussion on the motion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

10. Campaign Finance Enforcement Hearings – Administrative Dissolution of Committees

A. Committee to Elect Mark Duwe State Representative (File #99-4766)

B. Kinser for State Representative (File #99-4831)

The Chair recognized Ms. Thompson, who stated that both the chairman and treasurer of these committees had been notified of the proposed administrative dissolution of the committees. She submitted a copy of the most recent reports filed by these committees with the Election Division (a three page CFA-4 report filed by the Duwe committee with the Election Division on October 22, 2002, and a one page CFA-4 report filed by the Kinser committee with the Election Division on April 19, 2002). These documents are incorporated by reference in these minutes.

Mr. Long moved, seconded by Mr. Dumezich, that the Committee to Elect Mark Duwe State Representative (File #99-4766) and Kinser for State Representative (File #99-4831) be administratively dissolved. There being no further discussion on the motion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long,

Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

11. Campaign Finance Enforcement – Attorney General List

The Chair recognized Ms. Thompson, who noted that the Commission had been provided with a list of the committees which the Election Division was turning over to the Office of the Attorney General for collection. A copy of this list is incorporated by reference in these minutes. In response to a question from the Chair, Ms. Thompson stated that the Commission had already imposed civil penalties against these committees, but that the penalties had not been paid.

12. Campaign Finance Enforcement – Complaint by Mr. Mayfield concerning Mr. Woodruff

The Chair stated that Mr. Long had asked that the Commission and Division institute an investigation into a situation where State Representative Troy Woodruff had failed to include an appropriate disclaimer on an advertisement in the *Princeton Daily Clarion* of May 19, 2006.

Ms. Robertson submitted an original copy of this newspaper, and apologized that she could not reduce this document on the photocopier. A copy of this document is incorporated by reference in these minutes.

Mr. Long said that to be correct, he would state that he had received a request from Mr. Charles Mayfield, the Gibson County Democratic Party chairman, who was aware that Mr. Long serves on the Commission, and by a note or letter to Mr. Long, had filed a complaint. Mr. Long said that he forwarded this complaint on to the Election Division for action. A copy of Mr. Long’s letter dated July 6, 2006 and the enclosed note from Mr. Mayfield are incorporated by reference in these minutes. Mr. Long said that as far as he was concerned, it was an issue that he would like to proceed with in accordance with the wishes of other members.

The Chair asked Ms. Robertson and Mr. King what the appropriate procedure would be in a case like this when the Election Division receives a complaint, and if the Division investigates.

Ms. Robertson stated that the only situation she recalled that was similar to this one was had been disclaimer complaints involving candidates for local office, and that the only thing she could find in her research of the records was that the complaint had been forwarded back to the appropriate county election board for action. She said that she was not aware of any previous complaint concerning disclaimers and state level candidates. Mr. King said that this was his recollection as well.

In response to a question from Mr. Long, Ms. Robertson stated that a violation of the disclaimer statute was a possible Class A misdemeanor. Mr. Long asked if there was a

penalty that the Commission could assess for disclaimer violations. Ms. Robertson responded that there was not.

Mr. Long said that a disclaimer violation in this case would then need to be certified back to the local prosecuting attorney in Gibson County, which is where this newspaper was published. He said that he would appreciate Mr. Mayfield receiving a copy of the certified transmittal to that office if this was the proper procedure.

The Chair recognized Mr. Simmons, who said that the procedure depends on the level of formality that the Commission wishes to engage in. He noted that Indiana Code 3-6-4.1-21 envisions a two-stage process. He indicated that IC 3-6-4.1-21(b) states that if the Commission determines that there is a substantial reason to believe that an election law violation has occurred, it shall expeditiously make an investigation, which would be the first step. He added that IC 3-6-4.1-21(c) states that if, in the judgment of the commission, after affording due notice and an opportunity for a hearing, a person has engaged or is about to engage in an act or practice that constitutes or will constitute a violation of this title (IC 3), then the commission shall take the action it considers appropriate under the circumstances, including referring the matter to the attorney general (which would be most likely for things for which the Commission would want injunctive relief to stop a continuing violation), or to the appropriate prosecuting attorney if the case concerns a criminal violation of this title (IC 3).

Mr. Simmons said that if the complaint is correct and this is proven as a criminal violation, that the only violation here would be a Class A misdemeanor. In response to a question from the Chair, Ms. Robertson stated that the disclaimer statute was found at Indiana Code 3-9-3-2.5. Mr. Simmons added that the criminal penalty is set forth in Indiana Code 3-14-1-3, which states that if a disclaimer is not included required under IC 3-9-3-2.5, it is a Class A misdemeanor.

Mr. Simmons said that IC 3-6-4.1-21(b) indicates that there are requirements for notice and an opportunity to be heard before the Commission would take any action under IC 3-6-4.1-21(c). The Chair stated that this statute requires due process prior to referral to a prosecuting attorney.

The Chair said that it seemed the way the Commission should handle this would be to provide notice of the situation to Mr. Woodruff, and give him the opportunity to respond. The Chair said that the Commission would then be required to act under the Administrative Orders and Procedures Act (AOPA) at that point, place this matter on the agenda, and the Commission would convene an AOPA hearing.

The Chair stated that the standard seems to be pretty low, which is just that in the judgment of the Commission, there is an act which constitutes a violation, which in this case is pretty straightforward, in that a disclaimer would be required.

The Chair said that Mr. Woodruff should have the opportunity to respond at the next Commission meeting. Mr. Long said that this was certainly fine with him. Mr. Long said

that he was not trying to make any issue of this, and that he had simply received a letter from a county chairman in his district, and had forwarded it on.

The Chair asked, in terms of Commission action, what formal action must be taken now to provide for this notice. Mr. Simmons responded that the first step would be for the Commission to find a substantial reason to believe that an election law violation has occurred, and that the Commission wants an investigation, or at least that there be an investigation with notice and opportunity to be heard.

The Chair said to meet that standard, first the issue is whether a disclaimer is required in this situation. Mr. Long said that it was. The Chair stated that the required disclaimer does not appear to be on the newspaper, at least on the copy that he had seen.

The Chair said that the Commission would then make an investigation. Mr. Dumezich said that the Commission would call Mr. Woodruff in and take testimony. The Chair agreed, and added that the Commission would see what happens, and then go from there. Mr. Long said that the complainant should also be notified. The Chair agreed that both parties should be notified to let them appear, and that the Commission would then proceed under AOPA at its next meeting.

The Chair asked if there any Commission meetings would be required in the near future. Ms. Robertson responded yes, if candidate challenges were required to be heard. Mr. King noted that the Commission would be required to rule on any candidate challenges by September 8. Mr. Long responded that he was leaving on September 4 for about three weeks, and that late August would be fine for him.

The Chair asked if the Commission was required to take action to initiate the investigation and direct the Election Division to provide notice. Mr. Simmons responded that directing the Election Division to provide notice was sufficient action to take. The Chair asked if it was necessary to have something on the record stating that there is substantial reason to believe that election law violations occurred and direct the Division to make an investigation. Mr. Simmons stated that a Commission motion would probably be appropriate.

The Chair asked for motion. Mr. Long said he would make that motion to move forward. Ms. Riordan seconded the motion. The Chair stated that the motion was “Based on the initial information received that there is substantial reason to believe that an election law violation has or may have occurred, and directing the Division to expeditiously make an investigation, which would include providing notice, and setting this for a hearing at the Commission’s next meeting.”

There being no further discussion on the motion, the Chair called the question, and declared that with four members voting “aye” (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

13. Campaign Finance Enforcement Hearings – Motions to Reconsider, and Additional Delinquent Reports

The Chair asked if there were any individuals were present to speak to the Commission regarding any of the following causes. There was no response

A. Committee to Elect Randy Plew State Representative (Cause 05-4775-46)

The Chair noted that a one page letter from this committee had been received by the Election Division on March 28, 2006, noting that the committee had been closed and requesting that the Commission reconsider the civil penalty previously imposed against this committee. A copy of this letter is incorporated by reference.

After reviewing this document, Mr. Long moved to waive the fine in this case since the committee had been closed out. The Chair noted that this committee was not one of the committees whom the Commission had advised to disband so that a proposed fine would be waived, but instead that this committee had failed to file an annual report in addition to another late report for which the committee had previously been fined. Mr. Long withdrew his motion, and moved to deny the committee's motion to reconsider. Ms. Riordan seconded the motion.

There being no further discussion on the motion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

B. Citizens for Jay Lynn (Cause 05-3558-29)

The Chair noted that this committee had filed its 2004 annual report on January 24, 2005, and therefore had a proposed civil penalty in this cause of Two Hundred Fifty Two Dollars and Fifty Cents (\$252.50). He also noted that this committee had not appeared before the Commission for any previous campaign finance violation.

The Chair recognized Ms. Thompson, who stated that this was one of several committees whose causes had been continued, with the Commission advising the committee to disband so that the Commission would then be disposed to waive the civil penalty. She said that while this committee had not responded and remained open, that the other committees listed on pages 2-3 of the spreadsheet had disbanded.

The Chair closed the hearing in this cause. Mr. Long moved, seconded by Ms. Riordan, to impose the proposed civil penalty of Two Hundred Fifty Dollars (\$250), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

- C. Citizens for Sally (Cause 05-3828-32)**
- D. Committee to Elect Marsha Abell (Cause 05-4812-49)**
- E. Duncan for State Representative (Cause 05-5064-63)**
- F. Newell 2004 (Cause 05-5070-65)**
- G. White for State Senator (Cause 05-5086-67)**

The Chair recognized Ms. Thompson, who stated that each of the above named committees had been closed. She noted that the Election Division had received a one page letter dated July 14, 2006 from Citizens for Sally, a five page letter with enclosures dated July 6, 2006 from the Committee to Elect Marsha Abell; and a voice mail from White for State Senator concerning this matter. The documents described above are incorporated by reference in these minutes.

The Chair closed the hearing in these causes. Mr. Long moved, seconded by Ms. Riordan, that the proposed civil penalties and mailing costs in each of these causes be waived. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

H. The Victory Project Pac (Cause 05-4972-16)

In response to a question from Mr. Long, Ms. Thompson stated that this committee had previously been granted a continuance, but that this committee had requested another continuance since a committee representative could not be present at the Commission meeting due to a death in the family. Mr. Long moved, seconded by Mr. Domezich, to grant the motion for continuance and set the cause for the next meeting. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

I. Regions Financial Corporation State Political Action Committee (Cause 05-5235-3)

The Chair recognized Ms. Thompson, who stated that the Election Division had received a three page letter dated June 9, 2006, from this committee, which is incorporated by reference.

Ms. Thompson said that in this matter, the Election Division was unaware of the delinquent filing of the statement of organization until this was brought to the Division’s attention by this committee. In response to a question from the Chair, Ms. Thompson said that this corporation had closed its state PAC, and had opened up a PAC on the federal level with the Election Division.

After reviewing this document, Mr. Long moved, seconded by Mr. Domezich, to dismiss this cause. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

J. Gividen for Governor Committee (Cause 05-5115-93)

The Chair recognized Ms. Thompson, who stated that Mr. Gividen was a Libertarian Party candidate for Governor, and had since closed this committee and filed a final report. In response to a question from the Chair, Ms. Thompson said that the previously imposed fine was for a delinquent July 2005 semiannual report, and that the Commission had already continued this matter once before. The Chair stated that he believed that this might have been another of the committees which had been advised to disband with the anticipation that the Commission would then waive the civil penalty.

Mr. Long moved, seconded by Ms. Riordan to waive the proposed fine and costs in this cause. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

K. Johnson for State Senate Committee (Cause 06-1587-11)

L. Jones for State Representative (Cause 06-1728-12)

M. Kokomo Firefighters Political Action Committee (Cause 06-1822-13)

N. Citizens for Robert D. Green (Cause 06-3689-14)

O. Sandra Dempsey for Indiana Senate (Cause 06-3777-16)

After reviewing the information set forth on the spreadsheet concerning these committees, Mr. Long moved, seconded by Ms. Riordan, that the full proposed civil penalty and costs be imposed against each committee as follows:

Johnson for State Senate Committee (Cause 06-1587-11): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Jones for State Representative (Cause 06-1728-12): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Kokomo Firefighters Political Action Committee (Cause 06-1822-13): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Citizens for Robert D. Green (Cause 06-3689-14): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Sandra Dempsey for Indiana Senate (Cause 06-3777-16): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

P. Michigan City Firefighters PAC (Cause 06-3957-19)

The Chair noted that this committee had submitted a letter which was received by the Election Division on July 10, 2006, which is incorporated by reference in these minutes. After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Ms. Riordan, that the full proposed civil penalty of One Thousand Dollars (\$1,000) and Two Dollars and Fifty Cents (\$2.50) in mailing costs, be imposed against this committee.

There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

Q. Friends of Steve Johnson (Cause 06-3996-20)

In response to a question from the Chair, Ms. Thompson stated that the Friends of Steve Johnson committee still had a balance, and as a result could not be administratively dissolved. After reviewing the information set forth on the spreadsheet concerning this committee, Mr. Long moved, seconded by Ms. Riordan, that the full proposed civil penalty and costs of One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs be imposed against this committee.

There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

R. Indiana Democratic Women PAC (Cause 06-4413-25)

Commission members reviewed the information set forth on the spreadsheet concerning this committee. In response to a question from Mr. Domezich about whether a civil penalty would automatically be imposed against a committee if a motion was not made regarding the proposed penalty, Mr. Long stated that the Commission had had this argument before, and that he and the esteemed Republican Co-General Counsel had discussed this in a rather lively manner one day. He added that he believed that unless the civil penalty is reduced, the civil penalty is imposed automatically.

Mr. Domezich moved that the full proposed civil penalty and costs of One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs be imposed against this committee. Mr. Long asked what would happen if the motion was not seconded. The Chair said that the committee could move to reconsider. Mr. Simmons responded that Commission action takes three votes. The Chair then seconded the motion.

There being no further discussion, the Chair called the question, and declared that with three members voting “aye” (Domezich, Riordan, and Wheeler), no Commission member voting “no,” and one member (Long) abstaining, the motion was adopted. Mr. Long said that he abstained because he believed that the fine was imposed automatically unless the

Commission voted to reduce the civil penalty. The Chair noted that this committee could file a motion to reconsider if it so chose.

S. Hoosier Osteopathic Political Action Committee (Cause 06-4431-27)

The Chair noted that this committee had submitted a letter dated July 7, 2006, to the Election Division, which is incorporated by reference in these minutes. After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Mr. Domezich, that the full proposed civil penalty of One Thousand Dollars (\$1,000) and Two Dollars and Fifty Cents (\$2.50) in mailing costs, be imposed against this committee.

There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

T. Indiana Stonewall Democrats (Cause 06-4707-28)

After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Ms. Riordan, that the full proposed civil penalty of Fifty Dollars (\$50) and Two Dollars and Fifty Cents (\$2.50) in mailing costs, be imposed against this committee. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

U. The Committee to Elect Thomas Cavanaugh (Cause 06-4904-32)

The Chair noted that this committee had submitted a letter dated February 15, 2006 to the Election Division, which is incorporated by reference in these minutes. After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, the Chair noted that this committee had expressed a willingness to dissolve, and so perhaps should be treated the same as the other committees in that category.

Mr. Long moved to table this cause, and to contact Mr. Cavanaugh about dissolving this committee with the anticipation that the Commission would then waive the proposed vicil penalty. Ms. Riordan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

V. Committee to Elect Ron Cooper (Cause 06-5005-36)

The Chair noted that this committee had submitted a letter dated July 24, 2006, to the Election Division, which is incorporated by reference in these minutes. After reviewing

the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Ms. Riordan, that this cause be continued, and that the committee be contacted regarding the possibility of disbanding the committee with the expectation that the Commission would waive the proposed civil penalty. Mr. Domezich stated that he believed that Mr. Cooper was currently running as the Republican Party candidate for Lake County Sheriff.

There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

W. Committee to Elect Thomas Keister (Cause 06-5012-37)

After reviewing the information set forth on the spreadsheet concerning this committee, Mr. Long moved, seconded by Ms. Riordan, that the full proposed civil penalty and costs of One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs be imposed against this committee. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

X. Black Indiana Political Action Committee (Cause 06-5041-40)

Y. Committee to Elect Barry Siegers (Cause 06-5051-41)

After reviewing the information set forth on the spreadsheet concerning these committees, Mr. Long moved, seconded by Ms. Riordan, that the full proposed civil penalty and costs be imposed against each committee as follows:

Black Indiana Political Action Committee (Cause 06-5041-40): One Hundred Fifty Dollars (\$150), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Committee to Elect Barry Siegers (Cause 06-5051-41): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

Z. Committee to Elect Catherine Campbell (Cause 06-5055-42)

The Chair noted that this committee had submitted a letter dated July 25, 2006, to the Election Division, which is incorporated by reference in these minutes. After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Mr. Domezich, that the full proposed civil penalty of Fifty Dollars (\$50) and mailing costs of Two Dollars and Fifty Cents (\$2.50) be imposed against this committee.

There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

**AA. Committee to Elect David Uzelac State Representative
(Cause 06-5077-47)**

The Chair noted that this committee had submitted a letter dated March 16, 2006, to the Election Division, which is incorporated by reference in these minutes.

In response to a question from the Chair, Ms. Thompson stated that the abbreviation “S/A-1” on the spreadsheet indicated that the committee had entered into a settlement agreement with the Commission concerning a previous proposed enforcement action. Ms. Thompson confirmed that this committee had paid the full amount of the proposed penalty as part of the settlement agreement.

The Chair said that this committee sounded like it should be contacted regarding the possibility of dissolution. He asked Commission members whether the Commission should count a settlement agreement as a previous violation in determining the amount of reduction, if any, in a proposed civil penalty. Ms. Thompson explained that in settlement agreement cases, the committee paid the full proposed civil penalty, but there was no cause number assigned and no hearing before the Commission. The Chair and Mr. Long indicated that in their views, this would be treated as a previous enforcement action. The Chair said that he was not trying to establish this as a Commission policy at this time, but wanted to bring the matter to the Commission’s attention for future consideration.

The Chair asked Mr. King and Ms. Robertson to provide the Commission with their suggestions regarding a policy that the Commission could adopt regarding these matters. Mr. Long suggested that this policy be comprehensive to ensure that all committees be treated consistently. The Chair agreed. The Chair noted that some people would be very concerned if this settlement agreement would be treated as an enforcement action and penalty against the committee. Mr. Long said that the Commission might consider whether only to include a violation if the violation occurred within the last five-year period, for example.

After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Ms. Riordan, that this cause be continued, and that the committee be contacted regarding the possibility of disbanding the committee with the expectation that the Commission would waive the proposed civil penalty. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

BB. Jessen for State Representative Committee (Cause 06-5101-49)

After reviewing the information set forth on the spreadsheet concerning this committee, Mr. Long moved, seconded by Ms. Riordan, that the full proposed civil penalty and costs

of One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs be imposed against this committee. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

- CC. Grant County GOP Victory Committee (Cause 06-5218-56)**
- DD. 21st Century Democrats (Cause 06-5238-58)**
- EE. Jackson County Republican Central Committee (Cause 06-3750-81)**
- FF. 5th District Democratic Central Committee (Cause 06-4278-82)**
- GG. Committee to Elect Adrienne Dunlap (Cause 06-5401-62)**
- HH. Childress for State Senate Committee (Cause 06-5402-63)**
- II. Timberlake for State Representative Committee (Cause 06-5406-67)**
- JJ. Majid for State Representative Committee (Cause 06-5414-75)**
- KK. McClure for State Representative Committee (Cause 06-5415-76)**
- LL. American Party of Indiana (Cause 06-372-83)**
- MM. Kokomo Firefighters Political Action Committee (Cause 06-1822-90)**
- NN. Republican Sixth Congressional District Committee (Cause 06-3350-92)**
- OO. Jackson County Republican Central Committee (Cause 06-3750-96)**
- PP. Indiana Family and Freedom Committee (Cause 06-4231-102)**
- QQ. Gary Firefighters Political Action Committee (Cause 06-4261-103)**
- RR. Hoosier Osteopathic Political Action Committee (Cause 06-4431-108)**
- SS. Indiana’s Finest Political Action Committee (Cause 06-4568-110)**
- TT. Indiana Stonewall Democrats (Cause 06-4707-114)**
- UU. Indiana Growth Political Action Committee (Cause 06-4968-120)**
- VV. Grant County GOP Victory Committee (Cause 06-5218-126)**
- WW. Coalition of United Professionals (Cause 06-5239-127)**
- XX. Local Families for Local Values (Cause 06-5249-128)**
- YY. Hoosier Women Working for Education, Community, and Affordable Needs (Cause 06-5253-130)**
- ZZ. Smith2006.com (Cause 06-5291-135)**
- AAA. Committee to Elect Jeff McCoy (Cause 06-5353-137)**
- BBB. Democratic Legislative Campaign Committee (Cause 06-5361-138)**
- CCC. Timberlake for State Representative Committee (Cause 06-5406-143)**
- DDD. Majid for State Representative Committee (Cause 06-5414-146)**
- EEE. McClure for State Representative Committee (Cause 06-5415-147)**
- FFF. Indiana Pro-Life Alliance (Cause 06-5421-150)**
- GGG. Caterpillar Committee for Effective Government (Cause 06-1312-170)**

After reviewing the information set forth on the spreadsheet concerning these committees, Mr. Long moved, seconded by Ms. Riordan, that the full proposed civil penalty and costs be imposed against each committee as follows:

Grant County GOP Victory Committee (Cause 06-5218-56): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

21st Century Democrats (Cause 06-5238-58): Nine Hundred Fifty Dollars (\$950), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Jackson County Republican Central Committee (Cause 06-3750-81): Six Hundred Dollars (\$600), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

5th District Democratic Central Committee (Cause 06-4278-82): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Committee to Elect Adrienne Dunlap (Cause 06-5401-62): Fifty Dollars (\$50), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Childress for State Senate Committee (Cause 06-5402-63): Five Hundred Fifty Dollars (\$550), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Timberlake for State Representative Committee (Cause 06-5406-67): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Majid for State Representative Committee (Cause 06-5414-75): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

McClure for State Representative Committee (Cause 06-5415-76): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

American Party of Indiana (Cause 06-372-83): Four Hundred Dollars (\$400), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Kokomo Firefighters Political Action Committee (Cause 06-1822-90): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Republican Sixth District Committee (Cause 06-3350-92): Fifty Dollars (\$50), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Jackson County Republican Central Committee (Cause 06-3750-96): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Indiana Family and Freedom Committee (Cause 06-4231-102): Fifty Dollars (\$50), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Gary Firefighters Political Action Committee (Cause 06-4261-103): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Hoosier Osteopathic Political Action Committee (Cause 06-4431-108): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Indiana's Finest Political Action Committee (Cause 06-4568-110): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Indiana Stonewall Democrats (Cause 06-4707-114): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Indiana Growth Political Action Committee (Cause 06-4968-120): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Grant County GOP Victory Committee (Cause 06-5218-126): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Coalition of United Professionals (Cause 06-5239-127): Fifty Dollars (\$50), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Local Families for Local Values (Cause 06-5249-128): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Hoosier Women Working for Education, Community, and Affordable Needs (Cause 06-5253-130): Four Hundred Dollars (\$400), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Smith2006.com (Cause 06-5291-135): Fifty Dollars (\$50), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Committee to Elect Jeff McCoy (Cause 06-5353-137): Six Hundred Dollars (\$600), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Democratic Legislative Campaign Committee (Cause 06-5361-138): Fifty Dollars (\$50), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Timberlake for State Representative Committee (Cause 06-5406-143): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Majid for State Representative Committee (Cause 06-5414-146): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

McClure for State Representative Committee (Cause 06-5415-147): One Thousand Dollars (\$1,000), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Indiana Pro-Life Alliance PAC (Cause 06-5421-150): Fifty Dollars (\$50), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

Caterpillar Committee for Effective Government (Cause 06-1312-170): Fifty Dollars (\$50), plus Two Dollars and Fifty Cents (\$2.50) in mailing costs.

There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

- HHH. Committee to Elect Doug Edge (Cause 06-5150-51)**
- III. McGlothen for Indiana (Cause 06-5200-54)**
- JJJ. Balance Pac- Indiana (Cause 06-5214-55)**
- KKK. Center Township Victory Fund (Cause 06-5191-124)**

The Chair noted that these committees had submitted the following letters to the Election Division: (1) a letter from Committee to Elect Doug Edge, dated July 24, 2006; and (2) a letter from BalancePac-Indiana, dated March 22, 2006. These letters are incorporated by reference in these minutes.

In response to a question from Mr. Long, Ms. Thompson stated that each of these committees had been closed.

After reviewing the information set forth on the spreadsheet concerning this committee, and the letters submitted by these committees, Mr. Long moved, seconded by Ms. Riordan, that the proposed civil penalties and costs against these committees be waived. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

- LLL. Local Families for Local Values (Cause 06-5249-59)**
- MMM. Meyer for State Senate (Cause 06-5410-71)**

Mr. Long noted that these committees had requested continuances in the causes listed above. After reviewing the information set forth on the spreadsheet concerning these committees, Mr. Long moved, seconded by Ms. Riordan, that the causes listed above be continued. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

- NNN. Indiana Third Congressional District Democratic Committee (Cause 06-2082-80)**

The Chair noted that this committee had submitted a two page letter dated July 18, 2006 to the Election Division, which is incorporated by reference in these minutes.

In response to a question from Mr. Long, Ms. Potesta stated that this report had been due March 1, 2006. Mr. Long noted that the report had been sent by FedEx, and that there had been attempted delivery. The Chair observed that this had occurred at 10:11 a.m. on that date.

After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Ms. Riordan, that this cause be dismissed. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

OOO. Winning Edge (Cause 06-5407-68)

The Chair noted that this committee had submitted a two page undated letter to the Election Division, which is incorporated by reference in these minutes. In response to a question from Mr. Long, Ms. Thompson responded that this committee was Mr. Mullikan’s candidate committee. Commission members noted that Mr. Mullikin had died on June 30, 2006.

After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Ms. Riordan, that this cause be dismissed. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

PPP. Howell for State Representative Committee (Cause 06-5408-69)

QQQ. Howell for State Representative Committee (Cause 06-5408-144)

The Chair noted that this committee had submitted a letter to the Election Division, dated July 21, 2006, which is incorporated by reference in these minutes.

The Chair noted that Cause 06-5408-69 concerned a statement of organization for the committee. In response to a question from Mr. Long, Ms. Thompson confirmed that this committee has never filed its statement of organization.

After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Ms. Riordan, that the full proposed civil penalty in Cause 06-5408-69 of One Thousand Dollars (\$1,000) and Two Dollars and Fifty Cents (\$2.50) in mailing costs, and that the full proposed civil penalty in Cause 06-5408-144 of Five Hundred Dollars (\$500) and Two Dollars and Fifty Cents (\$2.50) in mailing costs be imposed against this committee.

Mr. Long said that this committee could file a motion for reconsideration in these causes if it filed its statement of organization and its final report and took appropriate action.

There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

RRR. Friends of Dilworth (Cause 06-5411-72)

The Chair noted that this committee had submitted a letter dated July 24, 2006 to the Election Division, which is incorporated by reference in these minutes.

In response to a question from the Chair, Ms. Thompson confirmed that this committee had since filed its statement of organization.

After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Ms. Riordan, that the full proposed civil penalty of One Thousand Dollars (\$1,000) and Two Dollars and Fifty Cents (\$2.50) in mailing costs be imposed against this committee. Mr. Long said that the committee should be advised that this penalty could be waived if the committee acts to disband. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

SSS. Gough for State Representative (Cause 06-5417-78)

The Chair noted that this committee had submitted a letter dated July 21, 2006 to the Election Division, which is incorporated by reference in these minutes.

In response to a question from Mr. Long, Ms. Potesta confirmed that Mr. Gough remained an active candidate.

After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Ms. Riordan, that the full proposed civil penalty of Five Hundred Fifty Dollars (\$550) and Two Dollars and Fifty Cents (\$2.50) in mailing costs be imposed against this committee.

The Chair asked if campaign finance staff would contact this candidate to see if there was some compelling reason for this statement of organization being filed late. Mr. Long said that he was not certain that committees who had written letters to the Commission concerning their cause should not be given some consideration. He said that this should be an element in the campaign finance enforcement policy of the Commission. Mr. Long added that he thought the Commission might reconsider this matter if the candidate appeared to talk to the Commission. Mr. Long said that he would be willing to listen to a representative of any committee who had a compelling story to tell regarding their cause.

There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting "no," the motion was adopted.

TTT. Indiana Society for Legislative Action for Psychologists (Cause 06-1543-89)

The Chair noted that this committee had submitted a letter dated June 29, 2006 to the Election Division, which is incorporated by reference in these minutes.

In response to a question from the Chair, Ms. Thompson confirmed that the committee had not filed this report until receiving notice of the delinquency, and had been before the Commission three prior times for campaign finance enforcement hearings and had an entered into a settlement agreement regarding an additional campaign finance matter.

After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Ms. Riordan, that the full proposed civil penalty of One Thousand Dollars (\$1,000) and Two Dollars and Fifty Cents (\$2.50) in mailing costs be imposed against this committee. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

UUU. LaSalle Bank Corporation (Cause 06-3992-97)

The Chair noted that this committee had submitted a letter dated June 5, 2006 to the Election Division, which is incorporated by reference in these minutes.

After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Ms. Riordan, that the full proposed civil penalty of One Thousand Dollars (\$1,000) and Two Dollars and Fifty Cents (\$2.50) in mailing costs be imposed against this committee, and that this penalty be reconsidered if the committee disbands.

The Chair asked how the committee would know that. The Chair recognized Mr. King, who stated that the Co-Directors could prepare a standard letter advising these committees of their options, and direct the campaign finance staff to send out to this letter to these committees. He added that the committee might even receive this letter concerning the Commission’s action today in this cause before receiving the Commission’s order imposing this civil penalty. Mr. Long suggested setting a time limit in the letter such as 20 days, or before the next Commission meeting, by which the committee must act to disband, and to move for reconsideration or amendment of the order imposing the penalty.

There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Dumezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

VVV. Floyd E. Burroughs – Political Action Committee (Cause 06-4137-98)

The Chair noted that this committee had submitted a letter dated July 5, 2006 to the Election Division, which is incorporated by reference in these minutes.

After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Ms. Riordan,

that the full proposed civil penalty of Three Hundred Fifty Dollars (\$350) and Two Dollars and Fifty Cents (\$2.50) in mailing costs be imposed against this committee. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

WWW. Hoosiers Helping Home Care (Cause 06-4228-101)

The Chair noted that this committee had submitted a letter received on July 25, 2006 to the Election Division, which is incorporated by reference in these minutes.

Mr. Long noted that this committee had appeared before the Commission four previous times for campaign finance enforcement hearings.

After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Ms. Riordan, that the full proposed civil penalty of One Thousand Dollars (\$1,000) and Two Dollars and Fifty Cents (\$2.50) in mailing costs be imposed against this committee. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

XXX. Sixth District Republican Committee (Cause 06-4693-113)

The Chair noted that this committee had submitted a two page letter dated July 18, 2006 to the Election Division, which is incorporated by reference in these minutes.

After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Ms. Riordan, that the full proposed civil penalty of Four Hundred Dollars (\$400) and Two Dollars and Fifty Cents (\$2.50) in mailing costs be imposed against this committee. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

YYY. Brian C. Thomas for House District 70 (Cause 06-5166-123)

The Chair noted that this committee had submitted a letter dated July 25, 2006 to the Election Division, which is incorporated by reference in these minutes.

The Chair noted that another of the causes concerning this committee had been dismissed earlier in this meeting due to faxing problems, but that the committee accepted full responsibility for the late fax filing in this cause.

After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Mr. Domezich,

that the full proposed civil penalty of Fifty Dollars (\$50) and Two Dollars and Fifty Cents (\$2.50) in mailing costs be imposed against this committee. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

ZZZ. Builders Association of Elkhart County Build PAC (Cause 06-5251-129)

The Chair noted that this committee had submitted a letter dated July 7, 2006 to the Election Division, which is incorporated by reference in these minutes. After reviewing the letter, the Chair asked the campaign finance division staff send an informational packet to the treasurer of this committee.

After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Mr. Long moved, seconded by Mr. Domezich, that the full proposed civil penalty of Five Hundred Dollars (\$500) and Two Dollars and Fifty Cents (\$2.50) in mailing costs be imposed against this committee. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

AAAA. Princeton Area Firefighters Local #1634 PAC (Cause 06-5273-133)

The Chair noted that this committee had submitted a letter received on July 20, 2006 to the Election Division, which is incorporated by reference in these minutes.

After reviewing the information set forth on the spreadsheet concerning this committee, and the letter submitted by the committee, Ms. Riordan moved, seconded by Mr. Domezich, that the full proposed civil penalty of One Thousand Dollars (\$1,000) and Two Dollars and Fifty Cents (\$2.50) in mailing costs be imposed against this committee. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Domezich, Long, Riordan, and Wheeler), and no Commission member voting “no,” the motion was adopted.

14. Adjournment

There being no further items on the Commission’s agenda, the Chair entertained a motion to adjourn. Mr. Long moved, seconded by Ms. Riordan, that the Commission do now adjourn. The Chair called the question, and declared that with four members voting “aye” (Mr. Domezich, Mr. Long, Ms. Riordan, and Mr. Wheeler), and no Commission member voting “no,” the motion was adopted. The Commission then adjourned at 6:15 p.m.

Respectfully submitted,

J. Bradley King
Co-Director

Kristi Robertson
Co-Director

APPROVED:

Thomas E. Wheeler, II
Chairman