

Indiana Election Commission

Minutes

May 24, 2001

Members Present: Dudley Cruea, Chairman of the Indiana Election Commission (the Commission); S. Anthony Long, Vice Chairman of the Commission; Butch Morgan, member of the Commission; Joseph M. Perkins, Jr., member of the Commission.

Members Absent: None.

Staff Attending: Laurie P. Christie, Co-Director, Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); Spencer Valentine, Co-Director of the Election Division; Kristi Robertson, Co-General Counsel to the Commission and Election Division; Dale Simmons, Co-General Counsel to the Commission and Election Division; Michelle Thompson, Co-Director, Campaign Finance, Election Division, Pam Postesta, Co-Director, Campaign Finance, and Michelle Misiukiewicz, Special Projects Coordinator, Election Division.

Also Attending: Mark W. Rutherford, Libertarian Party of Indiana; Robbin Stewart, Libertarian Party of Indiana, and Michael Davis, Indiana Chamber of Commerce.

1. Call to Order

The Chair called the May 24, 2001 meeting of the Indiana Election Commission to order at 1:20 p.m. at the Indiana Government Center South, Room E204, 302 West Washington Street, Indianapolis, Indiana. He noted that proper notice of the meeting had been given, as required by state law, and that a quorum was present. He also noted that the Commission had met in executive session prior to the regular meeting to discuss pending litigation.

A copy of the meeting notice and agenda is incorporated by reference in these minutes. *[Copies of all documents incorporated by reference are available for public inspection and copying at the Election Division office.]*

2. Approval of the March 2, 2001 Executive Session and Regular Meeting Minutes

The Chair noted that the Commission members had received a copy of the March 2, 2001 executive session and regular meeting minutes.

After Commission members reviewed these documents, Mr. Long moved, seconded by Mr. Perkins, that the March 2, 2001 executive session and regular meeting minutes be approved as presented. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Long, Mr. Morgan and Mr. Perkins), and no member voting "nay", the motion was adopted.

Indiana Election Commission

Executive Session Minutes

May 24, 2001

Members Present: Dudley Cruea, Chairman of the Indiana Election Commission (the Commission); S. Anthony Long, Vice Chairman of the Commission; Butch Morgan, member of the Commission; Joseph M. Perkins, Jr., member of the Commission.

Members Absent: None.

Others Attending: Laurie P. Christie, Co-Director, Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); Spencer Valentine, Co-Director of the Election Division; Kristi Robertson, Co-General Counsel to the Commission and Election Division; Dale Simmons, Co-General Counsel to the Commission and Election Division.

1. Call to Order

The Chair called the May 24, 2001 executive session of the Indiana Election Commission to order at 12:30 p.m. in the Indiana Government Center South, 302 West Washington Street, Room E204, Indianapolis, Indiana. The Chair noted the presence of a quorum and that all the Commission members were present.

2. Remarks by the Chair

As required by Indiana Code 5-14-1.5-6.1(d), the Chair noted that this executive session had been called under IC 5-14-1.5-6.1(b)(2)(B) for the discussion of strategy with respect to the initiation of litigation or litigation that was pending. The chair added that the required public notice for this executive session had been given under the Indiana Open Door Law.

3. Executive Session Business

The Commission proceeded to conduct the business for which this executive session was called.

4. Adjournment

The Chair moved, seconded by Mr. Long, that the Commission do now adjourn its executive session. The Chair called the question and declared the motion adopted unanimously. The Commission then adjourned at approximately 1:00 p.m.

Respectfully submitted,

Laurie P. Christie
Co-Director

Spencer Valentine
Co-Director

Approved:

Dudley Cruea, Chairman

Certification

As required by Indiana Code 5-14-1.5-6.1(d), we, the undersigned members of the Indiana Election Commission certify that no subject matter was discussed in this executive session other than the subject matter specified in the public notice.

Dudley Cruea, Chairman

S. Anthony Long, Vice Chairman

Butch Morgan, Member

Joseph M. Perkins, Jr., Member

3. Campaign Finance Enforcement

A. Motion to Reconsider filed by Michael W. Patton Committee, Case Number 01-4538-253

The Chair recognized Michelle Thompson, co-director of campaign finance for the Election Division. Ms. Thompson indicated that Michael W. Patton had filed a Motion to Reconsider a campaign finance order issued in case number 01-4538-253. Ms. Thompson directed the attention of the Commission to the Motion to Reconsider in the packet of materials provided to the Commission. Ms. Thompson explained that the Commission previously voted to reduce the fine imposed upon Mr. Patton from Seven Hundred Three Dollars and Seventy Four Cents (\$703.74) to One Hundred and Seventy Eight Dollars and Seventy Four Cents (\$178.74). Ms. Thompson further explained that since the last meeting she spoke with the circuit court clerk from Mr. Patton's home county and discovered that Mr. Patton filed a campaign finance report on time with the clerk. Ms. Thompson explained that the clerk felt bad, since she had only been in office for a couple of weeks, that she didn't mention to Mr. Patton that he needed to send this report to the Election Division. She indicated that the clerk also felt bad that she didn't fax the report to the Election Division. Ms. Thompson then referred the Commission to three letters submitted on Mr. Patton's behalf, one from Mr. Patton's mother, another from the clerk, and one from Mr. Patton's treating physician.

The chair recognized Ms. Robertson who stated that she remembered Mr. Patton when he came in to the office to file for the primary. Ms. Robertson stated that, at that time, Mr. Patton didn't appear to understand what office he was filing for and then later, after talking to his parents, he stated that he wanted to withdraw his candidacy. Ms. Robertson explained, however, at the point he wanted to withdraw, the deadline to do so had passed. She indicated that after the primary, Mr. Patton simply failed to close his campaign finance committee and then was fined for failing to file the annual report required of all open committees.

Mr. Long asked whether Mr. Patton's campaign finance committee has been closed at this time. Ms. Thompson indicated that it was now closed. Mr. Long stated that, from a review of the materials, there was some question as to Mr. Patton's competency. Mr. Long stated that he felt, based upon the submissions, that Mr. Patton deserved reconsideration of the penalty assessed. The Chair, Mr. Morgan and Mr. Perkins indicated their agreement.

Mr. Long then moved that the Commission grant Mr. Patton's Motion to Reconsider and dismiss all penalties and costs previously assessed against Mr. Patton. Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Long, Mr. Morgan and Mr. Perkins), and no member voting "nay", the motion was adopted.

B. Adoption of Final Orders 2001-01 through 2001-70

The Chair recognized Ms. Thompson who indicated that staff had prepared Orders 2001-01 through 2001-70, with the exception now of Order 2001-53 that was prepared for Mr. Patton's case, that reflect the Commission's rulings on the campaign finance cases heard by the Commission at its March 2, 2001 meeting. Ms. Thompson indicated that these Orders were ready for approval by the Commission at their pleasure.

Mr. Perkins moved that Orders 2001-01 through 2001-70, except Order 2001-53, be adopted and approved as the orders of the Commission. Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Mr. Cruea, Mr. Long, Mr. Morgan and Mr. Perkins), and no member voting “nay”, the motion was adopted.

C. Administrative Dissolution of Campaign Finance Committees

The Chair recognized Pam Potesta, co-director of campaign finance, who indicated that staff had four committees to recommend for dissolution: Wilson for State Representative, Campaign for Hoosier Families, Reynolds for State Representative and Committee to Elect Dan Steward. She stated that there was no evidence that these committees have had any activity, in the form of contributions or expenditures, in the last three years. She also stated that there is no evidence in reports submitted to the election division that any committee has cash on hand that exceeds One Thousand Dollars (\$1,000.00). Ms. Potesta indicated that the Campaign for Hoosier Families Committee had never filed a campaign finance report. Ms. Potesta stated that she placed the last campaign finance report received by the other three committees in the Commission’s packet. She stated that she also placed the CFA-2 (statement of organization) received from the Campaign for Hoosier Families Committee in the Commission’s packet, since that is the only information that the Election Division has received from this committee. She requested the Commission to consider issuing an order administratively dissolving these four committees.

Mr. Long asked about the kind of motion was required.

Ms. Robertson stated that staff had prepared orders for the administrative dissolution of these committees, Orders 2001-71 through 2001-74, in anticipation that the Commission may take action to dissolve the committees at this meeting. Ms. Robertson suggested that the Commission could approve those orders.

Mr. Long indicated that his orders contained a “2000” prefix instead of “2001.” Ms. Robertson stated that she could change the year on the proposed orders prior to signature.

Mr. Long moved that the Commission administratively dissolve the committees Wilson for State Representative, Campaign for Hoosier Families, Reynolds for State Representative and Committee to Elect Dan Steward and approve Orders 2001-71 through 2001-74. Mr. Perkins seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting “aye” (Mr. Cruea, Mr. Long, Mr. Morgan and Mr. Perkins), and no member voting “nay”, the motion was adopted.

The Chair then indicated that he had a question on how the new congressional district lines will impact the regular party committees who have organized based upon the old congressional district lines. He asked whether the committees would file amended statements of organization.

Ms. Thompson indicated that staff had discussed the issue. She indicated that the best way to accomplish the transition from the old congressional committees to the new congressional committees would be a transfer in and a transfer out, with the money that goes out of the old district committee being a transfer out and the money coming into the new district committee being a transfer in.

The Chair asked whether, since territory in the prior seventh district went part to the new fourth district boundaries and part to the new eighth district, it made since to split the money in the prior seventh district committee, half to the fourth district and half to the eighth district.

Ms. Robertson suggested a proposed solution based on keeping the same officers from the old to the new committees. The Chair indicated that there would be new officers elected to the new committees. Ms. Robertson indicated that the committees would have to file an amended report anyway. She stated that if the treasurer is changing the treasurer would have to file an outgoing treasurer's report and on that report the treasurer can show the transfer out of any money. Ms. Robertson indicated that if the party officers are going to be the same from an old committee to a new committee you could keep the existing committees and simply amend the statement of organization to change the name of the committee.

The Chair inquired as to the effect that losing a congressional district had on these committees. Ms. Robertson indicated that the district committee representing the district that was eliminated could transfer its money to one or several of the other committees and then close the committee.

Mr. Morgan asked how the parties were approaching their committee reorganizations. He indicated that the Democratic Party was facing this problem as well and will be reorganizing in the fall. Ms. Thompson stated that the transfer in and transfer out approach should work and that staff was available to work through any specific problems that may arise in these reorganizations.

D. U.S. Chamber of Commerce (Brought by the Indiana Democratic Party)

The Chair recognized Dale Simmons, co-general counsel for the election division, who stated that staff is simply giving the Commission a report on the status of the Chamber case at the current meeting. Mr. Simmons indicated that, pursuant to the directive of the Commission at its last meeting, the co-directors established a scheduling order, a copy of which was provided to the Commission members in their packets. He said that, pursuant to that order, the Indiana Democratic Party was to submit an amended complaint. He explained that the Indiana Democratic Party requested, and received, a couple of extensions of time to file the amended complaint and that the Indiana Democratic Party timely filed its amended complaint on May 11, 2001. He further explained that, pursuant to the scheduling order, the U.S. Chamber of Commerce has thirty days from May 11 to file its response to the amended complaint and that this would make the Chamber's response due June 11. He stated that the only further action taken on the case was the appearance of counsel for the Chamber by attorney Thomas Kirby.

Mr. Long asked counsel whether the Commission should rule on Mr. Kirby's request to appear pro hac vice since he was not a member of the Indiana bar.

Mr. Simmons stated that, under Indiana Code 4-21.5, Mr. Kirby is not even required to be an attorney to represent a party before the Commission and, therefore, he did not think that the Chamber's chosen counsel had to be admitted in Indiana pro hac vice.

Mr. Long asked whether the Commission should advise the Chamber's counsel accordingly since counsel had made an inquiry about how to proceed on this issue. Mr. Simmons asked whether a letter from staff would be sufficient. The members of the Commission indicated that a letter from staff advising counsel that counsel may proceed to represent the Chamber without pro hac vice status was sufficient.

The Chair asked both co-general counsels to advise the Commission about what lie ahead with respect to this case. Ms. Robertson stated that the Chamber now has an opportunity to respond to the amended complaint. Ms. Robertson further stated that she believed that the Democratic Party sent a

request for some information to the Chamber and that this request would put the matter in the Chamber's court for the time being as to how to respond to that request. Ms. Robertson indicated that, once the Commission receives the Chamber's response to these matters, staff will have a better idea about whether the matter needs to come back before the Commission.

Mr. Simmons stated that the order approved by the co-directors requested that the parties attempt to voluntarily engage in the exchange of information but the order also stated that, in the event they could not agree, the parties were directed to the provisions of the Administrative Adjudication Act that provide a procedure to bring disputed discovery issues before the Commission. He said that the scheduling order directs the parties to proceed with the case, and if they unable to proceed by agreement, then they will have to seek the Commission's involvement.

Ms. Robertson stated that both she and Mr. Simmons have served as agency contacts for the parties and that the co-directors have served as administrative law judges on some scheduling matters.

E. Sustain: The Environmental Information Group (Brought by Gene Koprowski)

The Chair recognized Ms. Robertson who stated that the Sustain matter began with the filing of a campaign finance complaint. She stated that, at the Commission's last meeting, staff advised the Commission that the notice of hearing sent to the complainant Koprowski was returned by the U.S. Postal Service with an odd notation on the envelope. She indicated that staff followed up on the returned mail with a representative of the post office who indicated that the address was a "Mail Boxes, etc." account. She stated that either Koprowski had closed the "Mail Boxes, etc." account or Koprowski marked the envelope return to sender.

Ms. Robertson indicated that this complaint was never assigned a formal case number so there is no case to dismiss at this point. She stated that the election division has received no other information on this case other than the complaint and the response. She indicated that if staff received any further information on the complaint then staff could bring the matter back before the Commission for further consideration.

4. Report by Co-Directors

The Chair recognized Laurie Christie, co-director of the election division, who advised the Commission that she and Spencer Valentine, co-director of the election division, were preparing a memo for the Commission outlining the many tasks, including the new tasks resulting from this year's legislative session, facing the election division and the Commission in the coming months. She mentioned that Commission involvement includes its responsibilities associated with the newly created voting system improvement fund, the on-line statewide voter file project and approval of forms made necessary by changes in state law. She indicated that staff needs some direction from the Commission to accomplish these tasks. She stated that she tried to keep the memo short but it still ended up being seven pages long.

Ms. Christie indicated that staff was receiving many calls on the voting system improvement fund. She stated that the legislature did not make a direct appropriation for the fund but designated 4 million dollars from the Build Indiana Funds. She explained that the fund has yet to be created and that there was some confusion out in the counties about how the fund will be administered and, at some point, the Commission will have to be involved in the overall process. She also indicated that her memo seeks the Commission's input on establishing priorities among the many tasks assigned to the Election Division and the Commission. She explained that the memo will outline all of the deadlines established

by this new legislation and it will also outline the projects that the Election Division will have to complete in order to be ready for the primary in 2002, including new forms, election related manuals and voter-education pamphlets. She said that the election division is creating a form that may be filled out on line. She clarified that this form may not be submitted on line, but that it may be filled out, downloaded and printed locally, signed and then mailed to the appropriate registration office. She indicated that one area that staff is requesting some assistance from the Commission is in establishing priorities. She added that the Election Division is also involved in staffing the Bi-Partisan Task Force on Election Integrity. She stated that some staff members were attending a task force subcommittee meeting that was being conducted at the same time of this Commission meeting. She stated that she felt that it was important to keep the Commission abreast of all these activities and to include the Commission in establishing priorities for the accomplishment of them. She also wanted to create the memo for the benefit of others not as intimately involved in the election process so that they appreciated the many tasks necessary to accommodate the new legislation and the coming election cycle. She stated that she thought it was important to point out that the Election Division has limited resources and is being pulled in a lot of directions right now and it was her hope that expectations could be managed in light of all of these demands.

The Chair then recognized Mr. Valentine who joined in Ms. Christie's concerns especially with respect to the counties who are expecting immediate financial assistance for voting systems. He stated that there were a lot of hoops to jump through for reimbursement from the voting system improvement fund, including approvals from the State Budget Committee. He indicated that many of the issues involving the administration of this fund still need to be sorted out.

Mr. Valentine stated that new form creation is one of the many tasks the Election Division will be engaged in and that he would like to take this opportunity to introduce to the Commission the Election Division's new forms manager, Michelle Misiukiewicz. He advised the Commission not to learn the spelling of Michelle's last name just yet because she will be getting married soon and her new married name will be even more difficult to spell. He indicated that her new last name will be Bryzycki and that he has been trying to talk her into hyphenating her name after she gets married so that it will be Misiukiewicz-Bryzycki. He indicated that in Michelle's first week with the Election Division she started and finished the National Voter Registration Act report and it was commendable that she finished this report in such a short amount of time. He advised Commission members that Michelle would also address the NVRA report under the "other business" item on the agenda. He asked the Commission to welcome Michelle as the new projects coordinator. He indicated that Michelle would also serve as the Election Division's forms coordinator. He stated that she will also be working on voter registration and precincting issues.

Mr. Valentine also explained that Pam Potesta could not attend the last Commission meeting since she was on sick leave and had some surgery. He stated that would like to welcome Pam back at this time.

Mr. Valentine stated that he would like to give Commission members as much information as possible about the status of the voting system improvement fund since Commission members may be asked about the fund. He stated that he has prepared a draft of a Request for Information, which he expects to finish up this week. He explained that, once finished, the Department of Administration will disseminate it to prospective vendors. He indicated that he hoped that the Election Division could receive information about the true costs of the different voting systems from this process so that the state can get voting systems that are certified for use in Indiana put on the state's quantity purchase agreement (QPA) list so that these systems can be bought by counties at a lower cost. He explained that the legislation mandates that a voting system be bought off of the QPA to qualify for reimbursement from the voting system improvement fund.

The Chair asked what happens if the legislature does not designate 5 million dollars in the voting system improvement fund by the July 1, 2003 deadline. He wanted to know if the counties would be able to continue using the punch card system. Mr. Valentine indicated that the Commission would have to meet and determine that. Ms. Christie stated that the Commission would have the discretion to do allow counties to use the punch card system if the 5 million trigger is not reached, however, if there is 5 million dollars in the fund by that date the legislation indicates that the Commission shall prohibit the use of punch card voting systems by January 1, 2006. Ms. Christie said that this provides the Commission and the counties some time to adjust, however, the counties are, at this time, very anxious about what is going to happen. She further stated that this is why she was preparing a memo to the Commission so that the Commission was clear about its obligations under the new legislation. Ms. Christie then suggested that the Commission proceed next with an explanation of the new legislation on the agenda.

The Chair recognized Ms. Robertson who indicated that before the Commission proceeded to a discussion of new legislation, she wished to direct the Commission's attention to the upcoming redistricting in Lake County. She stated that she included in the Commission's packet some information that shows how the State Election Board approached Lake County redistricting in 1991. She indicated that she also included in the packet the relevant statutes describing the Commission's responsibility with respect to the redistricting in Lake County. She said it looks like, in general, the Commission should ask for proposals from Lake County. She stated that, in 1991, it appears as though Lake County created its own redistricting commission comprised of different community entities. She stated that this commission made proposals that were eventually adopted by the State Election Board. She indicated that she has provided the minutes of the relevant State Election Board meetings to inform the Commission how this task was performed in the past.

Mr. Long asked Ms. Robertson whether anyone in Lake County was engaged in any redistricting activity now. Ms. Robertson indicated that she believed that they were waiting to see how the Commission would handle redistricting. Mr. Morgan stated that he was aware of some people working on maps that they intended to submit to the Commission. Ms. Robertson said that, in 1991, it looked like various entities submitted proposed maps. Mr. Morgan stated that Lake County is compiling information, looking at census data, and is engaged in the process of preparing something to submit to the Commission. Ms. Robertson said that it looked like, in 1991, the work was done at the County level and submitted to the Commission, however, it also looked like David Maidenburg, who was director of the Election Division at that time, submitted his own analysis of the plans submitted by the parties.

5. Legislation Update

The Chair recognized Ms. Robertson who indicated that staff had finished the Legislative Summary thanks to the efforts of Mr. Simmons who worked through the many bills quickly. She advised that the Legislative Summary is included in the Commission's packets. She indicated that the highlights are the voting systems and the statewide voter file legislation. She said that there were some other important changes that affect candidate filing that will affect forms and filing deadlines. She indicated that staff will have plenty of forms to prepare for Commission approval probably starting at the next Commission meeting.

Mr. Simmons indicated that the legislature had pretty much adopted the Commission's advisory opinion on scheduling of candidate challenges. Ms. Robertson said that this should give candidates and challengers firm deadlines to work with. Mr. Long indicated that the new legislation will make it a lot easier for the Commission to deal with those issues.

The Chair asked for additional information as to how the funding for new voting systems works. Ms. Christie said that the fund has to be established through the auditor. She also said that the State Budget Agency has indicated that, before a request may go to the State Budget Committee, a fair and equitable process for the counties has to be devised. She emphasized that the legislation only authorizes reimbursement, which means the counties will have to purchase their new systems and then ask for reimbursement from the fund. She stated that the legislation does not provide for any seed money for the purchase of new voting systems, only reimbursement.

The Chair asked about the percentage of reimbursement, since the statute says 50%, what happens if you receive requests for reimbursement in the amount of, for example, 9 million dollars. Ms. Christie agreed that this is an unresolved issue and the potential difficulty is illustrated by the fact that there are several large counties at this time that anticipate changing over to a new voting system very soon. She stated that this could wipe the fund out based upon a strict 50% reimbursement scheme. She added that the State Budget Agency is charged with creating the voting system reimbursement application, however, she was sure that the agency would seek the assistance of the Election Division. She added that the State Budget Committee must review the application before the State Budget Agency can approve it. She said that the legislation raises a lot of questions and that we would have to sort through it all.

The Chair indicated that a county commissioner for Vanderburg County indicated that their voting system would cost at least 2.5 million just for their county. Mr. Morgan indicated that St. Joseph County would cost 2 to 3 million.

Mr. Valentine added that the new legislation does not limit reimbursement to counties with punch card systems. Ms. Christie added that the legislation authorizes reimbursement to counties who have already purchased new voting systems back to January 1, 1998 with any federal funds that have been placed in the fund. Ms. Christie indicated that the deadline to apply for reimbursement from the fund is January 1, 2003 but that payment may be made from the fund until January 1, 2006. Mr. Valentine indicated that, in his opinion, the lag time was created so that the State Budget Agency could ascertain the full cost of the 50% matching scheme so that the legislature could be designate the funds necessary to meet the state's obligations under the legislation.

Mr. Long asked whether the Commission should attempt to establish priorities for reimbursements from the voting system improvement fund. He indicated that he thought it would make more sense to give the punch card counties priority in any reimbursement scheme since these are the counties under the threat of having their systems outlawed at some point. Mr. Long indicated that the Commission should think about reporting to those responsible for the state budget that the fund doesn't have enough money at this point to provide a 50% reimbursement for all counties who need new voting systems. Ms. Christie indicated that she agreed. She stated that she felt that part of the application process should consider the counties that have punch card systems and counties that have the oldest voting systems. She added that there might be other things you need to take into consideration in establishing priorities as well.

Mr. Long asked whether the legislation simply outlawed punch card voting systems by 2005. Ms. Christie stated that the legislation requires the Commission to examine whether the voting systems improvement fund has a total of 5 million dollars appropriated to it by July 1, 2003, and if it does, then the legislation requires the Commission to outlaw punch card voting systems effective December 31, 2005. The Chair asked whether, under that situation, the county could continue to use a punch card system in 2002, 2003 and 2004, and then 2005 would be a year with no elections. The Chair observed that this would give counties some time to build some money up to buy a new voting system.

Mr. Valentine indicated the part that we don't have is the total cost information since the vendors have never really made the price of their systems clear, and the price appears to fluctuate. Mr. Valentine stated that, to do a quantity purchase agreement, the vendors will be required to pin down those numbers a lot better. The Chair also suggested that the election division survey the clerks to determine what they have paid, and what they are considering paying, for voting systems to assist in determining total costs. Ms. Christie indicated that the Legislative Services Agency did a survey something similar to what the Chair had suggested. Mr. Valentine indicated that the price also fluctuates based upon the type of voting system that a county buys.

6. Litigation Update

The Chair recognized Mr. Simmons who stated that there were four cases listed under litigation on the agenda. He explained that there has been no additional court action taken on the *LEAF v. Abell* and the *Toth v. Gilroy* cases. He indicated that the only thing new happening on these cases has been the settlement proposals that were discussed as part of the Commission's executive session on litigation strategy.

Mr. Simmons explained that in the *Hawkins v. Indiana Election Commission* case the plaintiff has served requests for admissions upon the Commission. He added that the only other activity on this case involved the settlement proposals that were discussed as part of the Commission's executive session on litigation strategy.

Mr. Simmons indicated that the other case pending against the Commission, the case titled *Majors v. Indiana Election Commission*, has had no further action taken on it and is still pending in Marion County Superior Court. He stated that this is the case that involves challenges to campaign finance fines imposed against Libertarian candidates. He advised that the Commission has a pending motion to dismiss in this case.

7. Other Business

The Chair recognized Ms. Misiukiewicz who indicated that the Election Division's National Voter Registration Act report had been submitted to the Federal Election Commission (FEC). She added that when the FEC submits its report to Congress, she will provide a copy of that report to Commission members.

The Chair inquired about the agenda item titled "Adoption of Final Order 2001-75." The Chair recognized Ms. Robertson who indicated that the order was prepared to schedule Commission meetings every month on the fourth Thursday at 1:00 p.m. She stated further that rooms had been arranged for the meetings. She noted that a couple of meetings might need to be rescheduled since they are scheduled close to holidays.

The Chair indicated that there was a scheduling order set last year, however, if the Commission members do not feel there is enough business to have a meeting then the meeting can be cancelled or rescheduled. Mr. Long asked the other Commission members if the fourth Thursday would work with their schedules and the other members indicated that it would.

The Chair recognized Ms. Christie who stated that the Commission might need to modify its meeting schedule account for the annual election administrator's conference on December 4 and 5, 2001. She stated that it was typical to hold a Commission meeting during the conference.

Mr. Valentine indicated that, for 2002, a modification should be made to the Commission's schedule to account for carburetion day. Ms. Christie indicated that the Commission could meet at the track for carburetion day.

The Chair asked whether there was a motion on the proposed order. Mr. Long moved that proposed Order 2001-75 be approved and adopted by the Commission. Mr. Morgan seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Long, Mr. Morgan and Mr. Perkins), and no member voting "nay", the motion was adopted.

8. Adjournment

The Chair asked if there was any further business. There being no response, Mr. Long moved, seconded by the Chair, that the Commission adjourn. The Chair then called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Long, Mr. Morgan and Mr. Perkins), and no member voting "nay", the motion was adopted. The Commission then adjourned at 3:10 p.m.

Respectfully submitted,

Laurie P. Christie
Co-Director

Spencer Valentine
Co-Director

Approved,

Dudley Cruea, Chair