

Indiana Election Commission
Minutes
January 31, 2023

Members Present: Paul Okeson, Chairman of the Indiana Election Commission (“Commission”); Suzannah Wilson Overholt, Vice Chair of the Commission; Karen Celestino-Horseman, member; Aaron Minnich, Proxy for Litany A. Pyle, Member.

Members Absent: Litany Pyle.

Staff Attending: J. Bradley King, Co-Director, Indiana Election Division of the Office of the Secretary of State (Election Division); Angela M. Nussmeyer, Co-Director of the Election Division; Matthew Kochevar, Co-General Counsel of the Election Division; Valerie Warycha, Co-General Counsel of the Election Division; Ms. Abbey Taylor, Campaign Finance; Ms. Michelle Thompson, Campaign Finance; Ms. Stephanie Davidsen, Special Projects.

Others Attending: Mr. Mike Smith.

1. Call to Order:

The Chair called the January 31, 2023 meeting of the Commission to order at 1:30 p.m. EST in the Indiana Election Division offices in Room E-204, Indiana Government Center South, 302 West Washington Street, Indianapolis.

2. Transaction of Commission Business:

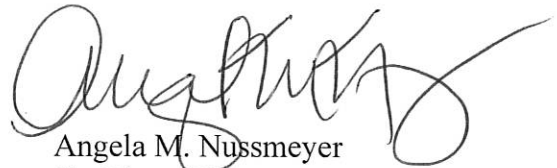
The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Maria W. Collier, RPR, CRR, of Stewart Richardson and Associates, which is incorporated by reference into these minutes.

The Commission adjourned its meeting at 1:53 p.m. EST.

Respectfully submitted,

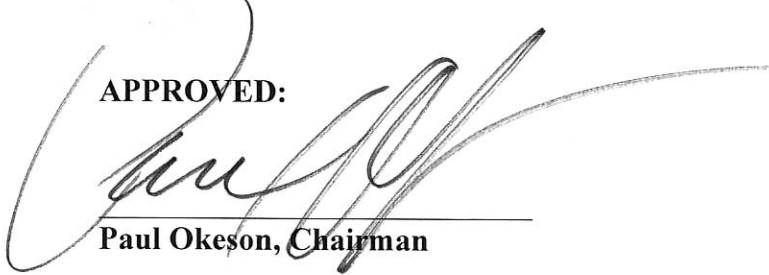


J. Bradley King
Co-Director



Angela M. Nussmeyer
Co-Director

APPROVED:



Paul Okeson, Chairman

In the Matter Of:
INDIANA ELECTION COMMISSION PUBLIC SESSION

Transcript of Proceedings

January 31, 2023

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2 INDIANA ELECTION COMMISSION
3 PUBLIC SESSION
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7 Conducted on: January 31, 2023
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11 Conducted at: Indiana Government Center South
12 302 West Washington Street, Room E-204
13 Indianapolis, Indiana
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16 A Stenographic Record by:
17 Maria W. Collier, RPR, CRR
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APPEARANCES

INDIANA ELECTION COMMISSION:

Paul Okeson - Chairman

Suzannah Wilson Overholt - Vice Chairman

Aaron Minnich, Proxy for Litany Pyle - Member

Karen Celestino-Horseman - Member

INDIANA ELECTION DIVISION STAFF:

Angela M. Nussmeyer - Co-Director

J. Bradley King - Co-Director

Matthew Kochevar - Co-Counsel

Valerie Warycha - Co-Counsel

Michelle Thompson - Campaign Finance Director

Abbey Taylor - Campaign Finance Director

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1 CHAIRMAN OKESON: All right. Calling to order
2 the Indiana Election Commission, Tuesday
3 January 31, 2023, 1:30, here at the Election
4 Division room in E-204 of the Government Center.

5 All those in attendance, noting myself,
6 Chairman Paul Okeson; Vice Chair Suzannah Wilson
7 Overholt; Member Karen Celestino-Horseman; and
8 Aaron Minnich, who is proxy for Litany Pyle. I
9 also recognize the Election Division Co-Directors,
10 Brad King and Angie Nussmeyer; along with
11 Co-Counsel Matthew Kochevar and Valerie Warycha;
12 and our good friend Maria Collier from Stewart
13 Richardson Deposition Services. Reminding any of
14 those present who are going to provide any
15 testimony to speak clearly, state your name and
16 spell it for the court reporter. We'd appreciate
17 it.

18 With that, moving on, could I ask the
19 co-directors to document compliance with the Open
20 Door Law, please.

21 MR. KING: Mr. Chairman, on behalf of myself
22 and Co-Director Nussmeyer, we confirm that proper
23 notice was given of this meeting under the Indiana
24 Open Door Law.

25 CHAIRMAN OKESON: Thank you.

1 We'll go ahead and approve the January 5th
2 meeting minutes. I recognize the co-directors to
3 present the minutes.

4 MR. KING: Mr. Chairman, members of the
5 commission, Co-Director Nussmeyer and myself have
6 reviewed the minutes of the January 5, 2023,
7 meeting and recommend them to you for your
8 approval.

9 CHAIRMAN OKESON: Can I have a motion to
10 approve?

11 VICE CHAIRMAN OVERHOLT: So moved.

12 CHAIRMAN OKESON: Second?

13 MR. MINNICH: Second.

14 CHAIRMAN OKESON: Any discussion?

15 Hearing none, all those in favor signify by
16 saying "Aye."

17 VICE CHAIRMAN OVERHOLT: Aye.

18 MS. CELESTINO-HORSEMAN: Aye.

19 MR. MINNICH: Aye.

20 CHAIRMAN OKESON: The "ayes" have it.

21 Ratification of campaign finance settlements.
22 I recognize the Election Division staff, Ms. Taylor
23 and Ms. Thompson, to present any information on
24 campaign finance settlement agreements.

25 MS. THOMPSON: Yes. Mr. Chairman and members

1 of the Commission, behind the Campaign Finance tab
2 in your binders is a list of committees ready to
3 ratify that have agreed to pay the settlement
4 agreement and waive a hearing.

5 CHAIRMAN OKESON: Is there a motion to ratify
6 the settlement agreements as presented?

7 VICE CHAIRMAN OVERHOLT: So moved.

8 CHAIRMAN OKESON: Second?

9 MR. MINNICH: Second.

10 CHAIRMAN OKESON: Any discussion or questions?
11 Hearing none, all those in favor signify by
12 saying "Aye."

13 VICE CHAIRMAN OVERHOLT: Aye.

14 MS. CELESTINO-HORSEMAN: Aye.

15 MR. MINNICH: Aye.

16 CHAIRMAN OKESON: The "ayes" have it. The
17 motion carries.

18 So motion to amend the agenda for
19 consideration of campaign finance cause. We've
20 been provided with a copy of a motion filed
21 January 26, 2023, by Andrew Straw for Secretary of
22 State Committee requesting the Commission amend its
23 agenda, today's agenda, referred to in the motion
24 as its docket, and reconsider the Commission's
25 previous enforcement order against this committee.

1 For the purposes of having discussion, I'll go
2 ahead and move to deny the motion to amend the
3 agenda. Is there a second?

4 MR. MINNICH: Second.

5 CHAIRMAN OKESON: Is there any conversation?

6 MS. CELESTINO-HORSEMAN: So we're going to
7 hear this at a later time then?

8 CHAIRMAN OKESON: We've already dispensed with
9 the matter, and as I understand it, Mr. Straw has
10 written the Commission asking to reconsider its
11 previous finding. Correct, Brad?

12 MR. KING: Yes. Mr. Chairman, members of the
13 Commission, customarily, a committee can file a
14 motion to reconsider at any point following the
15 issuance of the order, so, yes, it presumably would
16 be on your next campaign finance enforcement
17 agenda.

18 MS. CELESTINO-HORSEMAN: A future docket.
19 Okay. Thank you.

20 CHAIRMAN OKESON: Any other questions?

21 Hearing none, all those in favor of denying
22 the motion signify by saying "Aye."

23 VICE CHAIRMAN OVERHOLT: Aye.

24 MS. CELESTINO-HORSEMAN: Aye.

25 MR. MINNICH: Aye.

1 CHAIRMAN OKESON: The "ayes" have it. The
2 motion carries. The motion regarding this matter
3 has been denied.

4 Next, here with the reason we've gathered
5 today, adoption of county precinct establishment
6 orders. The Commission has received a request from
7 the co-directors for the Commission to conduct a
8 hearing today under Indiana Code 3-11-1.5-18 to
9 consider the approval of a county precinct
10 establishment order for Tippecanoe County whose
11 proposed precinct changes have been reviewed by the
12 Election Division and the Office of Census Data of
13 the Legislative Services Agency and been found to
14 be in compliance with state law, but for which the
15 county was unable to provide sufficient time for
16 publication of sufficient legal notice of these
17 proposed changes so that a voter of the county
18 would have the right to file an objection to the
19 proposed changes and request a hearing by the
20 Commission regarding this matter.

21 I understand we have representatives from
22 Tippecanoe County here to present.

23 MR. SMITH: Yes, sir.

24 CHAIRMAN OKESON: If you'll step forward.

25 And, Matthew Kochevar, if you wouldn't mind.

1 MR. KOCHEVAR: All right. It's been a while,
2 so I have to remember.

3 MR. SMITH: Yes, it's been a while.

4 MR. KOCHEVAR: Please say "I do" after
5 recitation of the oath. Do you solemnly swear or
6 affirm that the testimony you are about to give to
7 the Indiana Election Commission is the truth, the
8 whole truth, and nothing but the truth? Please say
9 "I do."

10 MR. SMITH: I do.

11 MS. CELESTINO-HORSEMAN: Would you like a
12 chair?

13 MR. SMITH: No. I'm fine. Thank you very
14 much, Karen.

15 Mr. Chairman, Commissioners, I'm Mike Smith.
16 I don't know if I should spell that. M-i-k-e,
17 S-m-i-t-h.

18 CHAIRMAN OKESON: Thank you.

19 MR. SMITH: Tippecanoe County, and I'm board
20 staff for our Board of Elections Administration
21 there. Being from Boilermaker country, hope
22 everybody is following our bandwagon. I was
23 reminiscing with Brad a little earlier, last time
24 we had to publicly appear before the Commission I
25 was 50 pounds less, had hair, and Sue Anne Gilroy

1 was Secretary of State.

2 MS. CELESTINO-HORSEMAN: Been a while.

3 MR. SMITH: But I want to preface my remarks
4 by saying something about your staff, which you
5 probably already know how wonderful they are.
6 Particularly, Stephanie Davidsen has been working
7 with me on this, and just prompt, courteous,
8 professional, helpful in any matter any time I pick
9 up the phone and call down here.

10 Matthew and I are frequent buddies. You know,
11 we're opposite parties, and what really strikes me
12 is that, when I call down here or I ask a question
13 by email, I don't get a Republican answer, I don't
14 get a Democratic answer, I get an answer. And
15 they're all servants to the people here, and I just
16 want to commend them to you because they don't get
17 enough praise.

18 I just want to say out here in the field, in
19 the 92 counties -- and I was on the ramp-up with
20 Brad when the Election Division was starting. You
21 had Dale's job, well, Valerie's job.

22 MR. KING: It's been a while.

23 MR. SMITH: And we're miles ahead of
24 everybody. Some people's Election Divisions came
25 around the last 20 years after all the Bush/Gore

1 stuff, but we're really ahead of the game, and we
2 set the pace for people.

3 I apologize for having to be here today.
4 West Lafayette had some difficulty drawing council
5 lines, and they went back and forth several times
6 with some different proposals and they fractured
7 precincts. In an effort to help them, we sat down
8 with them again, and clear up until the wee hours
9 of January 3rd in the morning, right before filing,
10 they settled on a plan, and we figured out the
11 precincts from there.

12 Our advertisement we did make was deficient
13 because, after further review after we went to bed,
14 we realized that we didn't have all the precincts
15 listed that were going to be touched by this. So
16 we double-checked everything with GIS in that week
17 and got down here. So nobody was impacted by the
18 filing, everything was in order, and we had the
19 maps and everything like that from that and they
20 had approved it, but it was just too late to give
21 sufficient notice and correct the error that we had
22 made.

23 So I'm going to have to ask for your
24 indulgence in approving the plan as we've submitted
25 it and hopefully -- and I've been there 40 years,

1 so hopefully it doesn't happen again. But it's an
2 experience sometimes because West Lafayette just
3 recently moved to a second class city, which
4 increased the number of council seats they had.
5 And we kind of gave them a pass last time, and they
6 made some really odd lines which caused some
7 administrative difficulties. They had one precinct
8 cut four ways. And with the students, you have
9 some density issues. And some people don't
10 understand the law. The law is by number of
11 registered voters, not by population, so on the
12 west side we had a little misconception when they
13 drew their maps.

14 But everything is great. We worked together
15 very well, and Stephanie was always around for us,
16 so I appreciate that. So if you have any
17 questions, I'm able to answer them.

18 There were just a few technical -- what I call
19 technical corrections in Perry Township where, from
20 the last flood, Wildcat Creek moved 500 feet. And
21 so we used that as a definition of metes and
22 bounds. We had to get that corrected, and things
23 like that happened, some natural occurrences. And
24 we corrected one roadway that somehow juttet out in
25 the center of Lafayette's heart. But those were

1 just minor, minor things that didn't actually
2 impact any voters that lived there. There were no
3 voters impacted by that.

4 So I'll entertain any questions you have, if
5 you have any.

6 CHAIRMAN OKESON: I think before we get to
7 that, maybe recognize Co-Director King. You have a
8 proposed order?

9 MR. KING: Yes. Mr. Chairman, members of the
10 Commission, in the past, you may recall last year
11 with Howard County when they had a similar
12 newspaper publication problem. Order 2022-9 is
13 drafted for the Commission to formally approve the
14 proposal, which ordinarily is done through the
15 co-directors and, if no objection is made, the
16 precinct changes take effect. But because of the
17 circumstances described by Mr. Smith, it comes to
18 you as a body for a decision.

19 The recitals basically convey the information
20 about the compliance with the statutes for review.
21 I would just call your attention, on the next page,
22 that the proposed precinct changes for Tippecanoe
23 County be approved and that the order and all
24 documents entered into the record, which would
25 include the work that Stephanie Davidsen had

1 prepared for myself and Co-Director Nussmeyer to
2 review, would need to be copied and put into the
3 minutes of this meeting, as we did last year with
4 Howard County's case. So the binder will be a lot
5 thicker than the minutes for this meeting.

6 Be happy to answer any questions.

7 VICE CHAIRMAN OVERHOLT: Should this be a 2023
8 order, not a 2022 order, or is there some sort of
9 rationale behind having it be 2022?

10 MR. KING: The only rationale is that -- I say
11 this with some degree of chronological confusion.
12 We did several orders in December 2022 that I
13 drafted, but the numbering system is entirely
14 arbitrary and for convenience. And so if you or
15 other members are more comfortable in saying 2023,
16 I'd have to think of the right number.

17 VICE CHAIRMAN OVERHOLT: I just thought it
18 reflected the year the order was issued.

19 MR. KING: Yes, it ordinarily would, but
20 because of the time, change of the year is what's
21 throwing us off there.

22 MR. KOICHEVAR: Mr. Chairman, if I may, so I
23 did see this, and luckily all my files are on my
24 phone, so I have been able to do some research. In
25 your binders is the last Election Division order

1 that was passed in regards to reprecincting. On
2 that one, I believe the model we've used is that we
3 start off with the basic numbering system of 1, 2,
4 3, 4 for this particular topic. We also share that
5 numbering system with any orders or advisory
6 opinions that this Commission also adopts. So
7 2023-9, I believe, would be the next appropriate
8 order if we use what I think we've used in the past
9 that, once we cross into a new calendar year, we
10 restart from scratch.

11 But if you were to keep this order right here,
12 it is my belief, subject to anything our campaign
13 finance staff may have, I believe the last order
14 using the single digits that you used in 2022
15 stopped at 2022-8, which was an advisory opinion.
16 I don't have any evidence in my files that you ever
17 did a 9 or beyond. So I think whatever you decide
18 to stick with should be fine, but, of course, what
19 we've done in the past is that we've usually
20 started with, since we're in 2023, it's been 2023
21 dash whatever the next number is in order.

22 MR. KING: And, Mr. Chairman, if I may add to
23 that, I think Mr. Kochevar has admirably set forth
24 our system for trying to keep all these orders
25 intact, and I think it would be entirely

1 appropriate if there's a motion to amend the order
2 to title it 2023-9, that it should not cause any
3 problems.

4 MS. CELESTINO-HORSEMAN: Which will make it
5 easier? Somebody has to go back and try and find
6 this order.

7 MR. KING: Oh, this is very easy. It's just
8 making a change in a Word document and printing it
9 off.

10 MS. CELESTINO-HORSEMAN: Okay. So it doesn't
11 matter whether it's 2022 or 2023.

12 MR. KING: It doesn't matter.

13 CHAIRMAN OKESON: But they are in
14 chronological order; correct?

15 MR. KOCHEVAR: Yes.

16 MR. KING: Correct.

17 CHAIRMAN OKESON: I, for one, don't see the
18 need to change it, but I'm certainly fine if
19 someone wants to.

20 VICE CHAIRMAN OVERHOLT: I guess it seems
21 nitpicky. I guess, well, like here we've got --
22 well, wait. So here we've got a 2023-8 order in
23 the binder. That's from the Election Division.

24 MR. KING: Right.

25 VICE CHAIRMAN OVERHOLT: So its numbering

1 system is different from the Election Commission,
2 or is it the same?

3 MR. KING: Same.

4 VICE CHAIRMAN OVERHOLT: If there's been an
5 order issued already this year with a 2023, then,
6 to me, this ought to be a 2023.

7 MS. CELESTINO-HORSEMAN: Yeah. So we don't
8 belabor it, let's do it 2023 because it is also
9 dated on the second page as being issued in 2023.
10 So I move to amend the order and say 2023-9.

11 VICE CHAIRMAN OVERHOLT: Should we hear from
12 staff first, though, to see if there are any other
13 amendments?

14 MR. KING: We need a second.

15 CHAIRMAN OKESON: Well, we have an order to
16 amend a proposed order.

17 MS. CELESTINO-HORSEMAN: He says we need a
18 second.

19 CHAIRMAN OKESON: I understand. Did you make
20 a motion?

21 MR. KING: I think actually, Mr. Chairman, to
22 back us up parliamentary fashion, we need an
23 initial motion to adopt.

24 CHAIRMAN OKESON: That's what my point is, is
25 we haven't adopted anything to amend.

1 MR. KING: You don't have a motion.

2 MS. CELESTINO-HORSEMAN: Oh, yes. That's
3 right.

4 CHAIRMAN OKESON: There's no motion to amend
5 yet, I guess is what I'm saying.

6 MS. CELESTINO-HORSEMAN: Okay. Thank you,
7 Judge.

8 VICE CHAIRMAN OVERHOLT: But do we want to
9 hear from staff?

10 CHAIRMAN OKESON: I did sleep at a Holiday
11 Inn.

12 So can we get a motion to approve Order 2022-9
13 as presented, and then you would take that motion
14 and amend it.

15 MS. CELESTINO-HORSEMAN: So I'll move that we
16 adopt Order 2022-9.

17 CHAIRMAN OKESON: Is there a second?

18 MR. MINNICH: Second.

19 CHAIRMAN OKESON: Now is there a motion to
20 amend?

21 MS. CELESTINO-HORSEMAN: Now I move to amend
22 Order 2022-9 to be titled Order 2023-9.

23 VICE CHAIRMAN OVERHOLT: Second.

24 CHAIRMAN OKESON: We have a second. Any
25 discussion? Any questions?

1 VICE CHAIRMAN OVERHOLT: We vote on the
2 amendment, but then we can still have discussion
3 about it?

4 CHAIRMAN OKESON: Yes. So we'll vote on the
5 amendment first.

6 VICE CHAIRMAN OVERHOLT: It's been a while
7 since we've done this.

8 CHAIRMAN OKESON: All those in favor signify
9 by saying "Aye."

10 VICE CHAIRMAN OVERHOLT: Aye.

11 MS. CELESTINO-HORSEMAN: Aye.

12 MR. MINNICH: Aye.

13 CHAIRMAN OKESON: The "ayes" have it. The
14 order is amended.

15 Now we have a motion to approve Order -- so
16 what do I call it?

17 MR. KING: Order 2023-9.

18 CHAIRMAN OKESON: -- Order 2023-9 as amended.
19 Is there a second? Or do we already have a second?

20 MR. KING: You've got it.

21 CHAIRMAN OKESON: We already have a second.
22 So you wanted more discussion.

23 VICE CHAIRMAN OVERHOLT: Yes. I wanted to
24 hear what -- since Stephanie worked hard on this,
25 I'd like to hear from staff if they've got any

1 comment about this.

2 CHAIRMAN OKESON: Sure.

3 MS. DAVIDSEN: Hello, Mr. Chairman, members of
4 the Commission. My name is Stephanie Davidsen,
5 S-t-e-p-h-a-n-i-e, D-a-v-i-d-s-e-n.

6 I worked with Mike Smith and the rest of the
7 Election Board in Tippecanoe County on their
8 precinct proposal. All of us worked diligently to
9 try and get all of the reviews necessary done
10 before the publication deadline of Saturday,
11 January 21st, and, unfortunately, were just a day
12 or two short of that. So we have no issues with
13 the proposal. Everything is in order as reviewed
14 by myself as well as the Office of Census Data and
15 the co-directors.

16 VICE CHAIRMAN OVERHOLT: Thank you.

17 CHAIRMAN OKESON: Anyone else have any
18 questions or comments or input?

19 I just want to thank you for your comments.

20 MR. SMITH: I apologize for having to put you
21 through all this parliamentary procedure.

22 VICE CHAIRMAN OVERHOLT: As you can tell, we
23 needed a little refresher. We're a little bit
24 rusty.

25 MR. SMITH: Thank you so much.

1 CHAIRMAN OKESON: Keeps us honest.

2 MS. CELESTINO-HORSEMAN: Did we vote?

3 CHAIRMAN OKESON: We haven't voted yet, but if
4 there is no further discussion...

5 Hearing none, all those in favor of
6 Order 2023-9 as amended signify by saying "Aye."

7 VICE CHAIRMAN OVERHOLT: Aye.

8 MS. CELESTINO-HORSEMAN: Aye.

9 MR. MINNICH: Aye.

10 CHAIRMAN OKESON: The "ayes" have it. The
11 motion is carried. We'll go ahead and send this
12 around for signature.

13 And I believe that concludes our business for
14 the day. So with that, if there's a motion to
15 adjourn.

16 VICE CHAIRMAN OVERHOLT: So moved.

17 MR. MINNICH: Second.

18 CHAIRMAN OKESON: All those in favor signify
19 by saying "Aye."

20 VICE CHAIRMAN OVERHOLT: Aye.

21 MS. CELESTINO-HORSEMAN: Aye.

22 MR. MINNICH: Aye.

23 CHAIRMAN OKESON: We're adjourned.

24 (The Indiana Election Commission Public
25 Session was adjourned at 1:53 p.m.)

1 STATE OF INDIANA

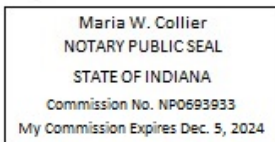
2 COUNTY OF HAMILTON

3 I, Maria W. Collier, a Notary Public in and
4 for said county and state, do hereby certify that the
5 foregoing public session was taken at the time and
6 place heretofore mentioned between 1:30 p.m. and
7 1:53 p.m.;

8 That said public session was taken down in
9 stenograph notes and afterwards reduced to typewriting
10 under my direction; and that the typewritten
11 transcript is a true record of the public session.

12 IN WITNESS WHEREOF, I have hereunto set my
13 hand and affixed my notarial seal this 6th day of
14 February, 2023.

15
16 *Maria W. Collier*



21 My Commission expires:
22 December 5, 2024

23 Job No. 179038
24
25

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