

**LAKE COUNTY ELECTIONS AGENDA
COMMISSIONER'S COURTROOM
TUESDAY, MAY 20, 2025**

Notice is given to the news media pursuant to I.C. 5-14-1.5-5(a)
LCBER YouTube Link: <https://www.youtube.com/@LCBER45>

1. CALL TO ORDER

1. Pledge of Allegiance

2. ROLL CALL

1. Clerk Michael Brown
2. Ms. Mara Candelaria Reardon
3. Mr. Michael Mellon
4. Mr. John Reed
5. Chairman Kevin Smith

3. APPROVAL OF MINUTES

Board Meetings Minutes - April 15, 2025

Board Meeting Minutes - May 3, 2025 (Inspector Saturday)

Board Meeting Minutes - May 6, 2025 (Election Day)

4. OLD BUSINESS

Election Equipment Bid Process

Complaint Tracking Procedure

Jostes v. Allende - Cont.

5. NEW BUSINESS

CFA Matters - James Piggee for Calumet TWP Board Member

2025 Election Certification

6. CORRESPONDENCE

7. COUNSEL REPORTS

8. PURCHASE ORDERS

PO 2505174

PO 2505925

PO 2505861

9. NEXT MEETING

- **June, 17, 2025 at 10:00 AM in the Commissioner's Courtroom**

10. PUBLIC COMMENT

11. ADJOURNMENT

Item Cover Page

ELECTIONS AGENDA ITEM REPORT

DATE: May 20, 2025

SUBMITTED BY: Jessica Messler,Elections

ITEM TYPE: Minutes

AGENDA SECTION: APPROVAL OF MINUTES

SUBJECT: **Board Meetings Minutes - April 15, 2025**

SUGGESTED ACTION:

ATTACHMENTS:
[2025 04 15 Board Meeting Minutes](#)

In the Matter of:

LAKE COUNTY BOARD OF ELECTIONS AND REGISTRATION

BOARD MEETING

April 15, 2025

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STATE OF INDIANA)
COUNTY OF LAKE)SS:
)

BEFORE THE LAKE COUNTY BOARD OF
ELECTIONS AND REGISTRATION
CROWN POINT, INDIANA

REPORT OF PROCEEDINGS had at the meeting
before the Lake County Board of Elections and
Registration, reported by Beth A. Barnette, CSR and
Notary Public, Illinois License No. 084-004727, at
the Lake County Government Center, 2293 North Main
Street, Crown Point, Indiana, on the 15th day of
April, 2025, at 10:11 o'clock, in the morning.

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(219) 769-9090

APPEARANCES:

Kevin Smith, Board Chairman

Mike Brown, Board Member

Michael Mellon, Board Member

John Reed, Board Member

Mara Candelaria Reardon, Board Member

Michelle Fajman, Director

Jessica Messler, Assistant Director

Jerry Schmitt, Election Administrator

Genny Gasparovic, Assistant Election Administrator

Lori O'Dea, Campaign Finance Clerk

Kelley DiPirro, Campaign Finance Clerk

Michael Tolbert, Board Attorney

Carly Brandenburg, Board Attorney

and

Members of the Public

* * *

1	I N D E X			
2	ITEM	DESCRIPTION	PAGE/LINE	
3	Call to Order		4	1
4	Roll Call		4	9
5	Approval of Minutes	03-18-25 & 03-25-25	5	8
6	Old Business	Equipment Bid Process	6	1
		Complaint Tracking	6	5
7		Complaint 2024-10	6	13
8	New Business	2024 Annual Reports	115	8
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9		Legal Notice	128	7
		VVSTOP Audit Update	129	3
10		C/A Remove Entry SVRS	130	22
11	Correspondence	None	131	25
12	Counsel Report	None	132	2
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15	Public Comment		134	12
16	Adjournment	12:03 p.m.	135	11

* * *

1 CHAIRMAN SMITH: I'm going to call
2 the Lake County Board of Elections and
3 Registration Board meeting of April 15th to
4 order. If you could all please rise, if
5 you're able, for the Pledge of Allegiance.

6 (Pledge of Allegiance recited.)

7 CHAIRMAN SMITH: Thank you, and
8 welcome, everyone. Michelle, can you please
9 take Roll Call.

10 MS. FAJMAN: John Reed?

11 MR. REED: Present.

12 MS. FAJMAN: Mike Mellon?

13 MR. MELLON: I am here.

14 MS. FAJMAN: Mike Brown?

15 MR. BROWN: Present.

16 MS. FAJMAN: Our new Board member,
17 Mara Candelaria Reardon?

18 MS. CANDELARIA REARDON: Present.

19 MS. FAJMAN: And Kevin Smith?

20 CHAIRMAN SMITH: I am here. I
21 will note for the record we have a quorum. I
22 want to welcome our newest Board member, Mara
23 Candelaria Reardon. Congratulations and
24 welcome.

25 MS. CANDELARIA REARDON: Thank

1 you.

2 CHAIRMAN SMITH: Also, I do want
3 to recognize we have both chairmen here today.
4 So, hello to Chairman Niemeyer and hello to
5 Chairman Repay, and welcome.

6 (Inaudible; talking in unison.)

7 The next matter on the agenda is
8 Approval of the Minutes. I'll entertain a
9 motion to approve the March 18th and the
10 March 25th minutes.

11 MR. BROWN: Motion to approve,
12 Mr. Chair.

13 MR. MELLON: I'll second.

14 CHAIRMAN SMITH: We have a motion
15 by Clerk Brown, seconded by Mr. Mellon, to
16 approve the minutes. Is there any discussion?
17 Hearing none. All those in favor signify by
18 saying aye.

19 (Board members saying "aye" in
20 unison.)

21 CHAIRMAN SMITH: Any opposed?

22 (No immediate response.)

23 CHAIRMAN SMITH: That motion
24 carries.

25 The next matter of business on the

1 agenda is Old Business. Election Equipment
2 Bid Process. It's indicating no major
3 updates. Jessica, is that correct?

4 MS. MESSLER: That is correct.

5 CHAIRMAN SMITH: And Complaint
6 Tracking Procedure?

7 MS. MESSLER: Also no major
8 updates.

9 CHAIRMAN SMITH: All right. Thank
10 you. Are there any questions for our staff
11 regarding those matters by the Board? Okay.
12 Hearing none.

13 Moving on, the next is Complaint
14 2024-10, which is entitled Jostes versus
15 Allande, if I'm saying that correct. Do we
16 have the complainant, or petitioner, here,
17 Ms. Jostes? Hi. Come on up. And then also,
18 Mr. Allande, you're here with Mr. Vis, I
19 believe, as your representative. Ms. Jostes,
20 if you could come over to this side, please.
21 And then, Mr. Allande, you're here with
22 Mr. Vis.

23 Okay. Let me just set the record,
24 and just ask the parties if they have any
25 other potential witnesses with them today that

1 will be testifying on your behalf?

2 MS. JOSTES: I don't think so.

3 MR. VIS: No.

4 CHAIRMAN SMITH: All right. So if
5 you two could just please raise your right
6 hand to be sworn in.

7 (Whereupon, parties were sworn in
8 by Chairman Smith.)

9 CHAIRMAN SMITH: We will show you
10 both duly sworn. Just for the record, I just
11 want to place on the record that I do have
12 before me a complaint form that's dated
13 November 5, 2024, in the name of Madison
14 Jostes. It lists the respondent as Jason
15 Allande, and she's also included an email. We
16 have notice to Mr. Allande dated January 2nd
17 and I think we had a subsequent notice, based
18 on failure to attend by the parties, and we're
19 here today for that.

20 Ms. Jostes, do you have anything
21 besides your email that you'd like to present
22 to the Board? Obviously, you're going to get
23 a chance to speak.

24 MS. JOSTES: Yes, that's it.

25 CHAIRMAN SMITH: Okay. And then I

1 understand that we also have a recording by
2 Ms. Jostes that's been given to the attorneys
3 for the Board?

4 MS. BRANDENBURG: I believe
5 Michelle has it -- or Jessica has it and can
6 play it, if the Board likes. It wasn't
7 attached with the complaint. So Officer
8 Allande hasn't received it prior.

9 CHAIRMAN SMITH: So, Mr. Vis, you
10 don't have a copy of that?

11 MR. VIS: I do not. I'm unaware
12 of that until just now.

13 CHAIRMAN SMITH: All right. So I
14 want to make sure you are aware of it and so
15 now you are and, obviously, we want to get you
16 a copy of that. And then, Mr. Vis, I'll ask
17 you the same thing. Do you have any other
18 documents that you want to present to the
19 Board or any testimony outside of Mr. Allande?

20 MR. VIS: Just for the record, I
21 was retained as of yesterday. So, fairly new,
22 didn't even have enough time to assemble
23 witnesses. I do have a picture of the shirt
24 at issue, in case that's relevant. That would
25 be the only additional item. And then I would

1 want to reserve, based upon the fact that I've
2 just learned that there is a recording that I
3 was unaware of, to continue this hearing to a
4 future date, if necessary, to bring rebuttal
5 witnesses.

6 CHAIRMAN SMITH: Okay. I know
7 that there's been some difficulty getting
8 everybody here. I think I remember somebody
9 from the Cedar Lake Democratic Party coming
10 and indicating that Ms. Jostes works out of
11 town. Is that accurate?

12 MS. JOSTES: Yes.

13 CHAIRMAN SMITH: Where do you
14 work?

15 MS. JOSTES: It's a company in
16 Wisconsin. So I'm there and I'm here at
17 different times. So the last two times I was
18 up in Wisconsin.

19 CHAIRMAN SMITH: Okay.

20 MS. BRANDENBURG: To be fair, I
21 don't believe it's a recording of the
22 incident. It's a recording of Ms. Jostes
23 reporting -- yes, a voice mail, reporting the
24 incident to the Election Board. So it's not a
25 contemporaneous recording, or anything of that

1 nature. It would, essentially, be similar to
2 the complaint.

3 CHAIRMAN SMITH: Got it.

4 MR. MELLON: Mr. Chairman, I don't
5 know if -- even if it did record the incident,
6 I mean, I don't know if -- what we're trying
7 to determine is whether or not electioneering
8 was taking place. Whether or not
9 electioneering was taking place, I don't know
10 if the video itself would even potentially
11 reveal that.

12 Now there's also the argument that
13 there was an argument that took place and
14 there was some rude behavior that took place.
15 Now, that may show something along those
16 lines, but I don't know if that necessarily
17 rises to the level of an election law
18 violation. So, I mean, I'm not sure what the
19 video is. I don't know that I want to
20 postpone this to --

21 MR. REED: It's not a video. It's
22 a tape-recording; right?

23 MS. FAJMAN: Audio.

24 MS. BRANDENBURG: A voice mail.

25 MR. REED: Audio, voice mail, that

1 was saved for reporting the incident itself;
2 right?

3 MS. BRANDENBURG: Right.

4 CHAIRMAN SMITH: What's the date
5 of it?

6 MS. FAJMAN: It is Election Day.
7 The way this all came about, I had forgotten
8 all about it. I was checking my voice mail
9 because it was saying I couldn't leave voice
10 mails, cleaning them out, and it said I had
11 five in there from Election Day. Some were
12 just problems with machines, and so forth.
13 Hers was like the fourth one in, and it was
14 just her calling in to report it.

15 CHAIRMAN SMITH: And it was done
16 on Election Day.

17 MS. FAJMAN: On Election Day. I
18 believe it was like 8:23 a.m., somewhere in
19 that vicinity. It appeared she stepped
20 outside, maybe the wind blowing a little bit.
21 She probably just stepped outside the doors
22 right there, maybe, to make a phone call to us
23 to report it and to let us know what was going
24 on.

25 MR. MELLON: Well, Mr. Chairman, I

1 mean, she's going to report what took place.
2 She's under oath. Let's just eliminate that.

3 MS. FAJMAN: Okay.

4 MR. REED: Well, let me ask you
5 this.

6 CHAIRMAN SMITH: Mr. Reed.

7 MR. REED: If we're going to
8 listen to this, I think Mr. Vis should get the
9 opportunity to listen to it, even if it's a
10 few minutes, to determine if it's
11 objectionable or not on any level. If it is
12 or it isn't, I just don't like the idea of
13 sort of putting it --

14 CHAIRMAN SMITH: Yeah, I wasn't
15 implying that we were going to play it.

16 MR. REED: Yeah, but if we are
17 going to play it, he should get an opportunity
18 to --

19 CHAIRMAN SMITH: I guess I
20 would --

21 MR. MELLON: If we're going to
22 play it, we should postpone it to give him an
23 opportunity to --

24 CHAIRMAN SMITH: Yeah, so,
25 Ms. Jostes, do you have any intention on

1 needing to play the voice mail or do you want
2 to -- or you can just tell the Board what
3 happened.

4 MS. JOSTES: You can do whatever.
5 Whatever is easy for you guys. I really
6 don't --

7 CHAIRMAN SMITH: Okay.

8 MR. TOLBERT: Can I make a
9 suggestion?

10 CHAIRMAN SMITH: Mr. Tolbert.

11 MR. TOLBERT: Just don't rely on
12 it, just like -- I know this is not a court of
13 law.

14 CHAIRMAN SMITH: Right, it's not.

15 MR. TOLBERT: But it's a little
16 late in the game and what a judge would do is
17 just not allow that to be heard or considered
18 as evidence.

19 CHAIRMAN SMITH: Yeah, and that's
20 where I'm leaning.

21 (Inaudible; talking in unison.)

22 MR. TOLBERT: Kind of what
23 Commissioner Mellon said.

24 CHAIRMAN SMITH: Yeah, that's
25 where I'm leaning, and that's why I wanted to

1 allow the petitioner the opportunity to tell
2 us, oh, it's important to my case and I do
3 want it to be heard or I don't care. And it
4 sounds like she's fine with us not playing it,
5 which is great.

6 Okay. So, Mr. Vis, the decision,
7 I guess, of the Board is to not play it. The
8 petitioner is not necessarily -- I think she
9 indicated she didn't care one way or the
10 other. I think we're just going to proceed.

11 MR. VIS: No objection to that.

12 CHAIRMAN SMITH: Okay. Then,
13 Ms. Jostes, you have the floor to kind of
14 explain exactly what happened that day. Could
15 you start with what your position is and maybe
16 how long you've been performing those duties
17 on Election Day?

18 MS. JOSTES: For that Election
19 Day, that was my first time being an
20 inspector. I had just gotten called, I think,
21 the Saturday before Election Day because they
22 were down one. So I went to the training and,
23 you know, they had said if anything happened,
24 please report it to us. We want you to report
25 it.

1 On Election Day it was, obviously,
2 very busy. I was sitting with my group of
3 people and workers, and one of my judges had
4 come up and pointed out that there was
5 somebody wearing election memorabilia, and
6 because it was -- it had a name of someone on
7 the ballot. I approached him and asked him if
8 he could please flip his shirt inside out or
9 go and get a jacket from the car, cover it up
10 if he could. He said he wasn't going to do
11 that.

12 I said, you have to do that. You
13 can't wear that in here. Nobody that's on the
14 ballot, you can't wear anything. It doesn't
15 matter what party, anything like that. And
16 he's like, what are you going to do about it?
17 I said, I can call the police. I can call
18 county. And then he continued to -- he
19 started yelling and said, I am the police, and
20 pulled out his police badge and put it in my
21 face. So that was uncomfortable.

22 CHAIRMAN SMITH: You can take a
23 minute, if you want.

24 MR. MELLON: Mr. Chairman, can I
25 ask a question?

1 CHAIRMAN SMITH: Yes, Mr. Mellon.
2 Oh, for Ms. Jostes? I want to give her a
3 chance to compose herself.

4 MR. MELLON: Right, I was going to
5 give her a chance up here to listen to the
6 question and --

7 CHAIRMAN SMITH: Sure.

8 MR. MELLON: -- compose herself a
9 little bit. So when you approached him, did
10 you identify yourself as an election worker or
11 did you have a badge or a lanyard or --

12 MS. JOSTES: A badge.

13 MR. MELLON: -- anything like
14 that? All right. And did you say, hey, look,
15 I'm a -- what was your position again?

16 MS. JOSTES: Inspector.

17 MR. MELLON: Inspector. Did you
18 say I'm the inspector for the polling place,
19 anything along those lines?

20 MS. JOSTES: No, I don't think so.
21 I think I just asked can you please change
22 your shirt.

23 MR. REED: Had you had like a
24 lanyard with a --

25 MS. JOSTES: I just had a badge

1 like on my shirt that had my name. I think it
2 said Inspector on it too.

3 MR. REED: And that, Michelle, on
4 Election Day, what do those look like? I know
5 I've seen them, but --

6 MS. FAJMAN: They're a little
7 lanyard that say the position, inspector,
8 judges, and clerks, and then they usually put
9 like their first name on there.

10 MR. REED: It's not like hidden or
11 tiny or --

12 MS. FAJMAN: No.

13 MR. REED: All right. I just
14 thought maybe he wouldn't notice it.

15 CHAIRMAN SMITH: Did you feel that
16 you properly let Mr. Allande know that you
17 were an election official, because you had
18 your badge on and --

19 MS. JOSTES: I had it like --
20 right, yeah, yeah. I didn't physically say
21 I'm the inspector for this township, but it
22 was labeled right there.

23 CHAIRMAN SMITH: Okay. And so I
24 think you were explaining that he had pulled
25 out his badge, said I am the law, and put it

1 in your face and yelling at you.

2 MS. JOSTES: Yes.

3 CHAIRMAN SMITH: Okay. What
4 happened after that?

5 MS. JOSTES: After that I was
6 like, okay, I'm going to call county, and I
7 just walked away, grabbed my phone, got county
8 on the phone, and I just -- I don't know what
9 happened, because I was facing the other way,
10 but everybody was paying attention at that
11 point because it was loud. But the other
12 inspector had come up -- I was on the phone at
13 this time, but the other inspector had come up
14 and, I think, just asked him to change his
15 shirt, and she knew him, so he flipped his
16 shirt right there. Because she came up to me
17 and said, I just got him to change his shirt,
18 I know who he is, like everything is fine.

19 But at that point I was on the
20 phone, so I had -- I don't know who I was
21 talking to. It was probably the first person
22 that picked up, but I had called that office,
23 and I was just like I'll just report later
24 after I talk to someone else, I guess. So, I
25 think that was probably it.

1 MR. MELLON: Mr. Chairman?

2 CHAIRMAN SMITH: Yes, Mr. Mellon.

3 MR. MELLON: Question. So there's
4 kind of two stories here, to me. One is
5 electioneering, and are you saying that -- so,
6 he was notified that he was electioneering,
7 that he had a shirt that displayed a
8 candidate's name that was on the ballot.

9 MS. JOSTES: Uh-huh.

10 MR. MELLON: You asked him to
11 remove it, to switch it, do whatever. He
12 initially replied no to you, but then when he
13 spoke to somebody he recognized, he then
14 complied with that.

15 MS. JOSTES: Uh-huh.

16 MR. MELLON: Okay. The other
17 aspect is kind of, I guess, the tone or maybe
18 sort of like abusive language, is kind of what
19 you're claiming here. You're saying that he
20 was sort of attacking you verbally during this
21 process.

22 MS. JOSTES: Yeah, he was cussing,
23 and like I'm not effing doing that, I am the
24 effing police. I believe he was -- I don't
25 know if he called me any names after that,

1 but --

2 CHAIRMAN SMITH: Did you feel
3 intimidated?

4 MS. JOSTES: Yes.

5 CHAIRMAN SMITH: You did. You
6 felt intimidated.

7 MS. JOSTES: Yes.

8 CHAIRMAN SMITH: Did you feel that
9 he was being aggressive towards you?

10 MS. JOSTES: Yes. I was scared.

11 MR. MELLON: You said he put it in
12 your face. How close was the badge to your
13 face?

14 MS. JOSTES: I don't know. Out of
15 your pocket and like -- I don't know. I was
16 pretty close to him.

17 MR. MELLON: But not slammed
18 against you.

19 MS. JOSTES: Not like -- it was
20 like this. It wasn't like that.
21 (Demonstrating.)

22 MR. MELLON: Yeah, okay. So your
23 complaint -- I guess, had the second part of
24 the event, sort of the uncomfortable aspect of
25 it, not taken place, would you have filed the

1 complaint of electioneering?

2 MS. JOSTES: Probably not. I
3 think the language and everything that had
4 occurred to me was reportable. So that's why
5 I reported it.

6 MR. MELLON: I understand. Thank
7 you.

8 CHAIRMAN SMITH: Any other
9 questions for Ms. Jostes?

10 MR. BROWN: Yes. After the --

11 CHAIRMAN SMITH: Clerk Brown.

12 MR. BROWN: After the other person
13 spoke to him and he calmed down and did what
14 he had to, did you still feel intimidated or
15 was everything kind of smoothed over?

16 MS. JOSTES: I wasn't really like
17 worried about that. I was just like worried
18 about what was going to happen. I think I was
19 fine at that point. Just he's going to move
20 along in the line and get to the voting
21 machine, and once he gets out of here, we're
22 good. After that, I think it was okay, but --

23 CHAIRMAN SMITH: Have you worked
24 other elections besides this one?

25 MS. JOSTES: Yes.

1 CHAIRMAN SMITH: Okay. Just never
2 as an inspector?

3 MS. JOSTES: No.

4 CHAIRMAN SMITH: What other
5 positions have you held?

6 MS. JOSTES: Oh, I've been a judge
7 and I've also been the poll pad person. I
8 can't think of what one that is, but --

9 MS. FAJMAN: Clerk.

10 MS. JOSTES: Clerk, yes. Thank
11 you.

12 CHAIRMAN SMITH: Ms. Candelaria
13 Reardon.

14 MS. CANDELARIA REARDON: Yeah, I
15 wanted to ask you, when you left to make the
16 phone call were you aware that he was
17 complying? To you he was not complying and
18 that's why you made the complaint originally?

19 MS. JOSTES: Uh-huh. Yes.

20 CHAIRMAN SMITH: And do you
21 believe that your training that you had,
22 either as a clerk or a judge or an inspector,
23 that you were using that training to let him
24 know that you couldn't have a person that's on
25 the ballot inside the polling place?

1 MS. JOSTES: Uh-huh. Yes.

2 CHAIRMAN SMITH: Okay. And you
3 believed that he was, at the time that he had
4 the shirt on, violating what you understood
5 the law to be?

6 MS. JOSTES: Yes.

7 CHAIRMAN SMITH: And is that why
8 you warned him?

9 MS. JOSTES: Yes.

10 CHAIRMAN SMITH: And he did not
11 comply with you; is that correct?

12 MS. JOSTES: Correct.

13 MR. REED: Mr. Chairman.

14 CHAIRMAN SMITH: Mr. Reed.

15 MR. REED: As to this particular
16 polling place, where was the entrance to the
17 polling place and where was the chute, if you
18 can describe it to us?

19 MS. JOSTES: Okay. So the
20 building at the front doors, there's like a
21 long hallway that leads into like a bigger
22 room, and there was a line out the door and
23 like wrapped inside for the polling place,
24 like lines of people to vote.

25 MR. REED: So let me ask you this.

1 The room that the voting machines were in, the
2 door into that room, is that where you started
3 the -- is that where the ropes were started
4 and extended back?

5 MS. JOSTES: They were started at
6 the entry door.

7 CHAIRMAN SMITH: And then back
8 outside.

9 MS. JOSTES: And then back
10 outside.

11 MR. REED: So they were -- make
12 sure I get this straight. The entry door to
13 the room where the machines were, not the
14 entry door to the building.

15 MS. JOSTES: Not that door. The
16 entry door to the building.

17 CHAIRMAN SMITH: So the chute
18 started -- the entry door to the building is
19 where the chute started, where the rope
20 started.

21 MS. JOSTES: I think so, yes.

22 CHAIRMAN SMITH: And was it --
23 based on what he told you, did he say anything
24 to the effect of I'm not doing that, I'll do
25 it when I get in the chute, or did he just say

1 I'm not doing that?

2 MS. JOSTES: He said I'm not doing
3 that. He was at the entry door to the room.
4 So, we didn't see him in line at that point.
5 One of my judges -- if this is like where the
6 door opens up into the room, he was like
7 standing on the corner of like the door.
8 That's where she noticed him.

9 CHAIRMAN SMITH: So just to be
10 clear here, when you approached him and he
11 said these things to you and he refused to
12 comply with what you requested, he was just
13 outside the door to the voting room.

14 MS. JOSTES: Correct.

15 CHAIRMAN SMITH: In the building.
16 You were not outside.

17 MS. JOSTES: Correct.

18 CHAIRMAN SMITH: Okay.

19 MR. REED: Even if the chute was
20 in the wrong place --

21 MS. FAJMAN: He's in the room.

22 CHAIRMAN SMITH: He's not in the
23 room.

24 MR. REED: He's not in the room.

25 CHAIRMAN SMITH: He's in the

1 chute.

2 MS. BRANDENBURG: He's in the
3 chute, but not in the room.

4 CHAIRMAN SMITH: Okay. I don't
5 have any further questions of Ms. Jostes.
6 However, I just want to make sure the rest of
7 the Board if they have any further questions?

8 (No immediate response.)

9 CHAIRMAN SMITH: Okay. Mr. Vis,
10 do you have any questions?

11 MR. VIS: Yes. Thank you,
12 Mr. Chairman.

13 EXAMINATION

14 BY MR. VIS:

15 Q First, Ms. Jostes, thank you for your service.
16 I served as an inspector in 2008 at a polling
17 place in Hammond, and I attempted to enforce a
18 gentleman to take off a Vote for Pedro button
19 and, much to my surprise, he said this is a
20 movie that you're trying to enforce. It's not
21 for a particular candidate. So that is my
22 inspector story from many years ago, but thank
23 you for your service.

24 A couple of questions. So that I
25 understand, this was the first time that you

1 had been called into service as an inspector;
2 correct?

3 A Correct.

4 Q And the training that you received was on that
5 Saturday beforehand; correct?

6 A Correct.

7 Q So this was new to you, being an inspector.

8 A Right, but I had worked several elections
9 before. So I kind of had a bit of a sense of
10 what to look for, and stuff like that.

11 Q And I recognize that that is the Knights of
12 Columbus right on 41. It's my voting spot.

13 A Yeah.

14 Q So on that particular morning did you have any
15 others that day where you had to approach
16 someone and encourage them to remove a hat or
17 to remove a button, or anything?

18 A Just one person who was wearing a sweatshirt
19 that had his name on it. She didn't know. So
20 she went outside and took the sweatshirt off
21 and put it in her car.

22 Q So you approached her and asked her to change
23 it?

24 A Yes.

25 Q And is that standard procedure as to how

1 you've been taught, to give someone an
2 opportunity to take off an article of
3 clothing?

4 A Yes.

5 Q Okay. And what's your understanding of what
6 constitutes electioneering?

7 A If it has their name on it, anybody on the
8 ballot's name. It can say a slogan, and
9 that's what I've heard. That's what I learned
10 in training, but as long as their name is on
11 it, then they can't wear it.

12 Q Okay. The name of the candidate; correct?

13 A The name of the candidate, yes.

14 Q Okay. And as I review this email, this was an
15 email that you sent the following morning. Is
16 that accurate, your submission to the Board?

17 A No, it was the same day.

18 Q It was the same day?

19 A Yes.

20 Q Okay.

21 CHAIRMAN SMITH: I show it dated

22 Tuesday, November 5th, at 10:11 a.m.

23 BY MR. VIS:

24 Q Okay. So it was sent later that morning.

25 A Correct.

1 Q You sent it from your cell phone?
2 A Yes.
3 Q All right. So this was sent fairly quickly
4 after the incident happened and fresh in your
5 memory.
6 A Uh-huh.
7 Q Yes?
8 A Yes.
9 Q So when I go to the second line, it says, I
10 approached him and asked him if he could go to
11 the bathroom and flip his shirt inside out or
12 go grab a jacket from the car and zip it up.
13 Is that accurate?
14 A Correct.
15 Q And at that point you hadn't made eye contact.
16 A Correct.
17 Q You next state, he said I'm not doing that,
18 and continued looking at his phone and would
19 not look at me. That's accurate?
20 A Correct.
21 Q So up to this point he's not made eye -- he's
22 not turned and looked at you; correct?
23 A Correct.
24 Q So at this point --
25 A He might have looked at me when I walked up

1 and then pulled his phone out. I'm not sure,
2 but at that point he was not.

3 Q Okay. But fair to state to this point you
4 don't recall if he looked at you.

5 A Correct.

6 Q Looked at your face, looked at your chest area
7 where you would have been labeled as an
8 inspector; correct?

9 A Correct.

10 Q Okay. And you never identified yourself as my
11 name is Ms. Jostes, I'm the inspector for this
12 whole area.

13 A No.

14 Q All right. So at this point it'd be fair to
15 say he doesn't know if the voice is coming
16 from a neighbor that doesn't like him?

17 A I guess that's fair.

18 Q He doesn't know if it's coming from a Kamala
19 Harris supporter; correct?

20 A He doesn't know that.

21 Q He doesn't know if it's coming from someone
22 that's supporting an Independent candidate;
23 correct?

24 A Correct.

25 Q So at this point the two of you are talking to

1 each other, but not looking at each other and
2 knowing who each other are; correct?

3 A Uh-huh.

4 Q Yes?

5 A Yes.

6 Q Okay. So then you continue, you indicate to
7 him, quote, he, meaning Trump, is on the
8 ballot and any item of clothing that has a
9 name or a picture cannot be worn inside the
10 voting place; correct?

11 A Correct.

12 Q Okay. But you didn't indicate to him this is
13 state law. You're just telling him you can't
14 do this; correct?

15 A I don't think I said it was state law, but I
16 said he cannot do this. He cannot wear this
17 in the polling place.

18 Q He doesn't know if it's coming from a Joe
19 Johnson supporter; correct?

20 A Correct.

21 Q You then express to him he gets to have his
22 voice heard when he gets to the voting
23 machine, and he raised his voice and said,
24 what are you going to do about it; correct?

25 A Yes.

1 Q Okay. At this point you still haven't made
2 eye contact.

3 A I think at that point he had finally put his
4 phone away and looked at me. It was that
5 initial -- like he was still pretty calm when
6 he would not lift his eyes from his phone.

7 Q And you said you could call the police;
8 correct?

9 A Yes.

10 Q And that's when he took out his wallet?

11 A I said I can call the police or call county,
12 and that's when he pulled it out, pulled out
13 the badge.

14 Q Okay. When he pulled out his badge and showed
15 it to you, he didn't say don't call the
16 police, did he?

17 A He said go ahead and call the police, I am the
18 effing police.

19 Q Okay. But he wasn't telling you to not call
20 the police; correct?

21 A Correct.

22 Q He was okay with you calling the police.

23 A I don't know that. I don't know that.

24 Q Did you record his badge number when he opened
25 up his wallet?

- 1 A No.
- 2 Q Okay. So when you came back inside after
3 making the phone call, that's when you
4 observed that he had flipped his T-shirt over;
5 correct?
- 6 A I was still in the room when I made the phone
7 call. I had just turned away to go towards my
8 table, and the inspector, the other inspector
9 that had got him to change his shirt, she came
10 up to me and she said -- she like touched my
11 shoulder and said, hey, I got him to flip his
12 shirt inside out.
- 13 Q Okay. Did you know who he was at that point?
- 14 A No.
- 15 Q Okay. So within two hours of this incident
16 occurring, I think there was evidence put in
17 the record that there was a voice mail left
18 with the Lake County Election Board, at
19 approximately 8:34. Within two hours you sent
20 this email; correct?
- 21 A Correct.
- 22 Q Okay. Who did you learn from that his name
23 was Jason Allande?
- 24 A The other inspector.
- 25 Q Okay. Who did you learn from his badge

1 number?

2 A I'm not sure.

3 Q Did you text someone in this room?

4 A No.

5 Q Did you text anyone in this room?

6 A No.

7 Q So how did you learn his badge number?

8 A I think it was somebody else. I think it was
9 Tracy Haskell. She had found out --

10 MR. MELLON: Mr. Chairman, what's
11 the relevance of that question? I'm not
12 understanding the relevance of how she learned
13 his badge number.

14 MR. VIS: My relevance is that
15 within less than two hours of this incident
16 happening not only is there a description of
17 what it is, but it's who he is and then
18 there's a specific depiction that it's a
19 police officer and his badge number.

20 MR. REED: So what's wrong with
21 that?

22 MR. MELLON: Yeah, what's wrong
23 with that? That's a way to identify him.

24 MR. VIS: Right. But my question
25 in particular is, is this being exacerbated or

1 inflamed because of who he is, once she
2 learned who he was.

3 MR. MELLON: Well, I think she
4 learned who he was when he showed her the
5 badge, that he was a police officer. Whether
6 or not she tracked that down, I don't see,
7 Mr. Chairman, any relevance to that question.

8 CHAIRMAN SMITH: Why don't you go
9 ahead and ask your next question.

10 MR. VIS: We can do that. That's
11 okay. I'm just trying to learn, because that
12 just struck me as odd that this would be said.

13 MR. MELLON: Yeah, but I just
14 don't know what it implies to anyone here.

15 MR. VIS: Okay.

16 BY MR. VIS:

17 Q So afterwards his shirt is turned inside out;
18 is that correct?

19 A Yes.

20 Q Okay. And from what I understand, that day
21 there was one other lady who you approached;
22 correct?

23 A Correct.

24 Q And you requested that she flip her shirt
25 inside out or take it off?

1 A Correct.

2 Q And that's an opportunity that you give to
3 everyone; correct?

4 A Yes.

5 Q Okay. And if they comply with that
6 opportunity, then you don't submit a charge
7 against them for electioneering; correct?

8 A Correct.

9 MR. VIS: Okay. I've got no other
10 questions.

11 CHAIRMAN SMITH: Thank you,
12 Mr. Vis. Any questions of Ms. Jostes based
13 upon the questions of Mr. Vis?

14 MR. REED: Could you -- I believe
15 you said, ma'am, who you might have gotten the
16 badge number from. You said a Tracy Haskell?

17 MS. JOSTES: Uh-huh.

18 MR. REED: Because I don't know if
19 the court reporter got that name, but who is
20 Tracy Haskell?

21 MS. JOSTES: I don't know like a
22 specific job title, but she's always gotten me
23 and my sister to work for the elections, so.

24 MR. REED: Okay. And was she part
25 of that board?

1 MS. JOSTES: She wasn't, not that
2 specific one. I know she was -- she was in
3 that polling place. Like her voting location
4 was also in that polling place. So she was
5 there that morning to vote, and since she's
6 gotten us to work for the elections, I had
7 just reached out to her.

8 MR. REED: Okay. That's all I
9 had.

10 CHAIRMAN SMITH: Thanks. All
11 right. Any other questions of Ms. Jostes?

12 (No immediate response.)

13 CHAIRMAN SMITH: Okay. And,
14 Ms. Jostes, outside of that, I think you
15 mentioned you don't have any documents and you
16 don't have any other witnesses?

17 MS. JOSTES: Correct.

18 CHAIRMAN SMITH: Okay. Mr. Vis,
19 if you want to present any testimony, you can
20 do that now.

21 MR. VIS: Yes. Would you like me
22 to take my client through it, would you like
23 me to present it? What's preferred for the
24 Board?

25 CHAIRMAN SMITH: I think whatever

1 you can get through, however you want to is
2 fine by us. Just keep moving it along.

3 MR. VIS: Okay. So, I think and I
4 appreciate, number one, there's been reference
5 that this has been deferred two meetings.
6 I've taken a look at the letter that my client
7 received, and I want to apologize on behalf of
8 my client. One of the things that he does in
9 his vocation as an officer is deliver
10 subpoenas, and he clearly knows the difference
11 between you are ordered to appear versus you
12 are requested to appear.

13 And the one-page sheet that my
14 client received in January and in February, it
15 doesn't indicate he's being charged with
16 something. It just says you're requested to
17 attend. So it wasn't until there was a
18 subpoena that was submitted that my client
19 understood, no, you're obligated to be here.
20 So perhaps that's something that can be
21 changed down the road in these letters that
22 are sent out, but the letter does indicate
23 you're requested.

24 MR. MELLON: Well --

25 CHAIRMAN SMITH: Mr. Mellon.

1 MR. MELLON: And he was requested.
2 Now, most people in this situation, they
3 contact us and ask why am I being requested to
4 appear, because there's a certain level of
5 respect for the Board and what the Board does.
6 In this situation, he chose not to follow that
7 path. So we went with -- so, you're right,
8 you're not penalized in any way, shape, or
9 form for denying our request, but now we
10 issued a subpoena and now you're mandated.
11 So, I mean, it was an odd behavior. I will
12 give you that.

13 CHAIRMAN SMITH: And I was going
14 to say as an officer, apparently, of the
15 law -- I don't know if that's who he is yet,
16 but I'm sure we're going to get to that, I
17 think that he understands about proceedings,
18 he understands about official proceedings, and
19 probably would at least -- I would think most
20 people would say I better call down there and
21 see what's going on. But he didn't and that's
22 okay and I appreciate the explanation, because
23 we had requested and required, but --

24 MR. VIS: Sure. No, I think most
25 people don't understand the difference between

1 the two of them. I've got a lot of clients
2 that are requested to go meet juvenile
3 officers after they get an underage ticket and
4 they don't know that it's not mandatory.

5 CHAIRMAN SMITH: I think we -- let
6 me just ask staff, do we also include a copy
7 of the complaint?

8 MS. FAJMAN: Yes.

9 MS. MESSLER: Yes.

10 CHAIRMAN SMITH: We do, okay. So
11 he was notified of the complaint and knew
12 there was a complaint and was requested to
13 appear and didn't twice, but he's here now.

14 MR. VIS: Yes.

15 CHAIRMAN SMITH: All right.

16 EXAMINATION

17 BY MR. VIS:

18 Q Would you please state your name for the
19 record?

20 A Jason Dain Allande.

21 Q And, Mr. Allande, what do you do for a living?

22 A I'm a police officer for Cedar Lake Police
23 Department.

24 Q And how many years have you served in that
25 location?

1 A Total, 24.

2 Q And prior to that what did you do for an
3 occupation?

4 A I worked for a construction company.

5 Q Okay. I want to take you to November 5, 2024.
6 Like many other Americans, did you take an
7 opportunity to vote on that day?

8 A Yes, I did.

9 Q Okay. And where was your voting booth?

10 A The Knights of Columbus off of Wicker Avenue.

11 Q Okay. And do you recall approximately what
12 time you entered that voting area that day?

13 A I'm not a hundred percent. It had to have
14 been around 8:00 o'clock, or so. I'm
15 guessing.

16 Q Long lines?

17 A Long lines.

18 Q And were you wearing any paraphernalia that
19 would have attached you to any particular
20 candidate one towards another?

21 A Yes, I was. I wore a shirt that said, Trump,
22 Make America Great.

23 Q Okay. Dark blue?

24 A Yes.

25 Q Okay. Were you aware of any prohibitions that

1 restricted you from wearing the name of a
2 candidate when you went to vote?

3 A No, I didn't know that.

4 Q Okay. In your 24 years of serving as an
5 officer you've never been called to a voting
6 booth to enforce anything?

7 A No.

8 Q In any of your training you've never
9 encountered anything like that?

10 A No.

11 Q Do you recall seeing any signs in your -- I
12 didn't ask how old you were, but in your years
13 of voting that restrict you from wearing a
14 shirt like that?

15 A No, I didn't see anything.

16 Q Okay. So as you waited in line, can you
17 please share with the Board what happened
18 next?

19 A Long line. Was sitting there messing around
20 on my phone, and then I had somebody come up
21 to my left shoulder and say you can't wear
22 that shirt, you need to take that shirt off.

23 Q Okay. And at this point had you seen this
24 person?

25 A No, I was just paying attention to my phone.

1 Q Was it a female voice, a male voice?
2 A A female voice.
3 Q Okay. And what happened next?
4 A After that, I said I'm not going to do that.
5 She said you can't wear that, you're going to
6 have to go into the bathroom, take off the
7 shirt or cover it or put a sweatshirt on. I
8 said I'm not going to do that.
9 Q Let me stop you there. At this point had the
10 voice or the person identified themselves as
11 to who they were?
12 A No.
13 Q They hadn't stated their name?
14 A No.
15 Q They hadn't stated that they were a poll
16 inspector?
17 A No.
18 Q A poll watcher?
19 A No.
20 Q Okay. At this point did you know who this
21 person may be?
22 A No.
23 Q You didn't know if they were a Kamala Harris
24 supporter?
25 A No, I had no idea.

1 Q A Joe Johnson supporter, anyone?

2 A I had no idea.

3 Q Okay. You just wanted to be left alone at

4 this point.

5 A Yes.

6 Q All right. What happened next?

7 A She asked me again to remove my shirt or flip

8 it inside out. I told her I wasn't going to

9 do that. I just -- I wasn't paying any

10 attention to her. I wasn't looking at her. I

11 just kept looking forward, and then she said

12 that she was going to call the police. I said

13 you can go ahead and call the police. I

14 pulled out my wallet, I went like this, I said

15 I am the police, call them.

16 Q Okay. So at this point you weren't saying

17 don't call the police.

18 A No.

19 Q You were welcoming a phone call to the police.

20 A Yes.

21 Q At this point you didn't understand what the

22 issue was. Is that accurate?

23 A A hundred percent accurate.

24 Q Okay. At this point had you seen her face or

25 anything on her body that demonstrated to you

1 that she was acting in an official capacity?

2 A No. I didn't want to make any kind of eye
3 contact or start any kind of issue. I just
4 wanted to be left alone.

5 Q Okay. So after you showing to her that you
6 were the police, did you put your wallet back
7 in your pocket?

8 A Yes.

9 Q What happened next?

10 A She walked away. I kind of looked at her and
11 saw that it was a younger female from behind,
12 and then my neighbor came walking up to me,
13 and I knew that she was working the polls, and
14 she goes, Jay, you can't wear that, turn it
15 inside out. And then she -- oh, I had no
16 idea, does she work here? And she said, yes.
17 So I said, oh, I'm sorry, and I flipped it
18 inside out, and said tell her I'm sorry.

19 Q What happened next? Anything else beyond
20 that?

21 A I waited in line for the next half an hour, or
22 so, voted, and left.

23 Q Okay. All right. When you think back, if she
24 would have introduced herself as a poll
25 inspector, would your response have been

1 different?

2 A A hundred percent.

3 Q And how would your response have been
4 different?

5 A I would have went and changed my shirt or
6 covered it or did whatever she wanted. I did
7 not know she worked there and I didn't know
8 that I couldn't wear that shirt.

9 Q Okay. As you think back on that situation, do
10 you want to apologize to Ms. Jostes for any
11 intimations that she may have experienced from
12 you?

13 A 110 percent. I did raise my voice and I
14 apologize for that one hundred percent. I
15 shouldn't have. I got to the point where I
16 was getting upset and I should have never
17 raised my voice. It was inappropriate.

18 Q At that point it was your perception that she
19 was someone that stood for an opposing
20 viewpoint. That's what you believed?

21 A That's what I believed. I had never had
22 somebody come up and tell me that I have to
23 take my shirt off. I had no idea.

24 MR. VIS: I have no further
25 questions.

1 CHAIRMAN SMITH: All right. Does
2 the Board have any questions of Mr. Allande?

3 MR. BROWN: Yes, Mr. Chair.

4 CHAIRMAN SMITH: Clerk Brown.

5 MR. BROWN: I can appreciate your
6 apology to the young lady at this time and
7 respect you for your service as a police
8 officer. My father served as a police officer
9 in the '70s. The thing that I'm concerned
10 about is the raising of the voice, because as
11 an officer, generally, if someone raises their
12 voice to you, you act on it, am I right, tell
13 them to calm down?

14 MR. ALLANDE: I'm sorry?

15 MR. BROWN: Can you hear me?
16 Okay. I said the thing I'm concerned about is
17 the raising of the voice, when you raised your
18 voice to her. I'm saying in your capacity --
19 you're saying you don't want to be bothered,
20 but in your capacity as a professional and a
21 police officer, people raise their voice to
22 you on a regular basis?

23 MR. ALLANDE: Yes.

24 MR. BROWN: And you tend to calm
25 the situation down; right?

1 MR. ALLANDE: Yeah.

2 MR. BROWN: Right. Okay. Good.

3 So even though you didn't know who she was and
4 she asked you to do what she asked you to do,
5 instead of raising your voice, had you
6 considered just having a conversation with her
7 to find out why she asked you that? In my
8 experience as a precinct committeeman and a
9 person who goes out to early voting sites on a
10 regular basis, I'm constantly having to tell
11 people to take off their button.

12 Because there is a bit of
13 confusion, because you can take political
14 stuff inside the voting booth, but people do
15 tend to show their support for the person
16 they're voting for and no one has a problem.
17 But once you get inside the chute and in that
18 area, we train the workers to do just what she
19 did. What she did was within reason.

20 So all I'm saying to you is, I
21 would suggest in the future -- not just you,
22 but anyone else, if somebody goes out to vote
23 and someone approaches you and says something,
24 instead of questioning them or speaking in a
25 high tone -- because I saw how uncomfortable

1 she was this morning and that bothered me. I
2 have daughters myself. That you should speak
3 in a tone that you're professionally known to
4 speak. Because in your profession it's your
5 responsibility to keep things as calm as
6 possible. Am I right?

7 MR. ALLANDE: Correct. I did not
8 raise my voice at the beginning. It took
9 several times of her telling me what to do, to
10 the point where I raised my voice to leave me
11 alone. You know, I raised my voice to show
12 her I don't want to be engaged in that kind of
13 conversation.

14 MR. BROWN: Well, I can respect
15 that you didn't want to be engaged. The issue
16 is not about the conversation. The issue is
17 about what you had on and the fact that it was
18 her responsibility and her job to ask you to
19 just simply, you know, do what your neighbor
20 asked you to do. It's real simple. Nothing
21 more than that.

22 And as I said, I'm constantly
23 going to whether they're municipal or national
24 elections, people have the right to show their
25 support for whoever they support. That's not

1 the issue. But when you get into that area of
2 voting, we also have the right to respect
3 everyone's right by not displaying that and
4 wait until you get behind the booth to do what
5 you want to do.

6 MR. ALLANDE: If I would have
7 known she worked there, then it would have
8 been a different situation. I had no idea.

9 MR. BROWN: So, I don't disagree
10 with you about that you did not know. What
11 I'm saying to you is, it would have been nice
12 to engage with her, after she made the comment
13 to you, to find out who she was and why she
14 made the comment. Even though, in your
15 opinion, you said in your years of being a
16 professional that you hadn't engaged in that
17 situation as a police officer, I can respect
18 that as well. But when someone else is
19 speaking to you and they are in charge at that
20 particular time, it's our responsibility to
21 kind of step back and kind of work with them.
22 That's all I'm saying.

23 MR. ALLANDE: Okay.

24 CHAIRMAN SMITH: Any other
25 questions of Mr. Allande?

1 MS. CANDELARIA REARDON: Mr.
2 Chairman?

3 CHAIRMAN SMITH: Ms. Reardon, yes.

4 MS. CANDELARIA REARDON: I'm
5 wondering, Mr. Allande -- thank you, by the
6 way, for your service. I know that you have a
7 difficult job. And would you say it's a 24/7
8 job?

9 MR. ALLANDE: If I leave the
10 house, yeah. I mean, if I'm not at home, if
11 you're --

12 MS. CANDELARIA REARDON: Right.
13 So, as a police officer, you're held to a
14 certain standard of behavior. Do you think
15 that you met -- your interaction with this
16 poll worker met that standard that you hold
17 yourself to professionally?

18 MR. ALLANDE: Yes.

19 MS. CANDELARIA REARDON: So when
20 you whipped out your badge, that was to
21 educate and inform and not intimidate?

22 MR. ALLANDE: No, I opened up my
23 badge and I didn't whip it out. I didn't
24 throw it in anybody's face. I opened it up,
25 because I said I am a police officer, not

1 to -- just to show I'm not lying about being a
2 police officer. Go ahead and call the police,
3 if that's what you want. I just --

4 MS. CANDELARIA REARDON: And you
5 are engaging her at that time and you never
6 saw the sticker that said Inspector on her
7 lapel?

8 MR. ALLANDE: No.

9 MS. CANDELARIA REARDON: And in
10 the 30 minutes after you decided to change
11 your shirt, you didn't have an opportunity to
12 apologize to the inspector for your behavior
13 that you regretted once you found out she
14 worked there?

15 MR. ALLANDE: I just wanted to get
16 done and out of there. I wanted to vote and
17 leave.

18 MS. CANDELARIA REARDON: Thank
19 you.

20 CHAIRMAN SMITH: Any other
21 questions of Mr. Allande?

22 MR. REED: Just to clarify the
23 record.

24 CHAIRMAN SMITH: Mr. Reed.

25 MR. REED: The entire interaction,

1 until one of the people that you knew and
2 recognized as an actual poll worker told you,
3 you were not aware, in your mind, that she was
4 actually working at that point.

5 MR. ALLANDE: A hundred percent.

6 MR. REED: I think your attorney
7 went through that, but I just wanted to make
8 that clear for the record.

9 During the course of that morning,
10 not knowing who that person is, was it your
11 impression that she supported another
12 candidate and was trying to start an argument
13 with you or was it -- what was it?

14 MR. ALLANDE: That's what I was
15 assuming. That's why I didn't make eye
16 contact. That's why I said I'm not doing
17 that, and I didn't want to interact.

18 MR. REED: That's all I have.

19 CHAIRMAN SMITH: So are you saying
20 that -- I'm sorry, anybody else have any
21 questions?

22 (No immediate response.)

23 CHAIRMAN SMITH: All right. So
24 you're saying after you said go ahead and call
25 the police, I am the law, and you saw her walk

1 back in and you saw her walk back out and
2 she's going in and out of the polling place,
3 you just thought she was some voter going in
4 and out of --

5 MR. VIS: I'm going to object for
6 the record that that's a recharacterization
7 of --

8 CHAIRMAN SMITH: Let me ask you
9 this question then. Did you ever see her --
10 after you pulled out your badge and said go
11 ahead and call the police, did you ever see
12 her after that point?

13 MR. ALLANDE: Not that I recall,
14 no. I didn't pay any attention to it.

15 CHAIRMAN SMITH: Okay. I've got
16 some more questions for you. Have you ever
17 heard the phrase ignorance of the law is no
18 defense?

19 MR. ALLANDE: Yes.

20 CHAIRMAN SMITH: If you pull me
21 over in Cedar Lake and -- you pull me over and
22 on my dashboard just sitting out there in
23 plain view for you I've got a bag of cocaine.
24 I've never done that, but this is a
25 hypothetical.

1 (Inaudible; talking in unison.)

2 CHAIRMAN SMITH: And you say, hey,
3 sir, you know you can't -- is that cocaine? I
4 say, yeah, it's cocaine. And you say you know
5 you can't have cocaine in this state, it's
6 against the law, because it is. Right?

7 MR. ALLANDE: Uh-huh.

8 CHAIRMAN SMITH: And I say to you
9 I didn't know that, I didn't know I couldn't
10 have cocaine, would you still arrest me?

11 MR. ALLANDE: Yes.

12 CHAIRMAN SMITH: All right.

13 MR. VIS: I'm going to object to
14 this line of testimony. It mischaracterizes
15 the standard that's already been set, but go
16 ahead.

17 CHAIRMAN SMITH: I am going to go
18 ahead.

19 MR. VIS: This is the weirdest
20 tribunal, just for the record.

21 CHAIRMAN SMITH: Yeah. So would
22 you consider that as a police officer you have
23 a position of authority?

24 MR. ALLANDE: Yes.

25 CHAIRMAN SMITH: And do you expect

1 people to respect that authority when they
2 interact with you? Whether they do or not,
3 I'm sure in today's day and age you probably
4 don't get the respect you did when you started
5 24 years ago.

6 MR. ALLANDE: I would hope that
7 they would.

8 CHAIRMAN SMITH: Yes, you would
9 hope they would; right?

10 MR. ALLANDE: Uh-huh.

11 CHAIRMAN SMITH: And would you
12 also expect that people that are working at a
13 polling place in a position of authority, such
14 as inspector, judge, or clerk, should also get
15 that respect?

16 MR. ALLANDE: Yes.

17 CHAIRMAN SMITH: Was Ms. Jostes
18 rude to you at all when she asked you to take
19 it off?

20 MR. ALLANDE: No.

21 CHAIRMAN SMITH: She did it
22 politely, didn't she.

23 MR. ALLANDE: Yes.

24 CHAIRMAN SMITH: All right. And
25 she also mentioned that you swore at her. Do

1 you remember swearing at her?

2 MR. ALLANDE: I do not remember
3 swearing at her.

4 CHAIRMAN SMITH: Now, you
5 mentioned that you didn't look up from your
6 phone. At some point I assume you did.

7 MR. ALLANDE: Yes.

8 CHAIRMAN SMITH: Okay. When you
9 go --

10 MR. ALLANDE: Once she --

11 CHAIRMAN SMITH: Go ahead, tell me
12 when you did.

13 MR. ALLANDE: Once she started
14 walking away and she said she was calling the
15 police, that's when I turned and looked and
16 saw that it was a young lady. She was walking
17 to my left, and then I just looked up, and
18 then my neighbor come walking up and said you
19 can't wear that shirt. And like I said, I
20 knew she worked for the polling place, so I
21 instantly turned it inside out while I was in
22 line.

23 CHAIRMAN SMITH: That seems to be
24 a little contradictory from the testimony
25 earlier, because I think what you said was --

1 and, again, please feel free to explain it if
2 you'd like, is that she said I'm going to call
3 the police and you pulled your badge out and
4 you said go ahead and call the police and you
5 showed it to her. So she wasn't walking away
6 from you at that point. She was right in
7 front of you; correct?

8 MR. ALLANDE: She wasn't in front
9 of me. She was to my left.

10 CHAIRMAN SMITH: Okay. She was to
11 your left. Like between what, me and the
12 flag?

13 MR. ALLANDE: Yeah, probably.

14 CHAIRMAN SMITH: Okay. So she's
15 right there. You're looking at her at that
16 point.

17 MR. VIS: For the record --

18 CHAIRMAN SMITH: I'm just going to
19 call it about three feet.

20 MR. VIS: Well, it's about six
21 feet between you and the flag, three feet
22 between you and your arm.

23 (Inaudible; talking in unison.)

24 MR. MELLON: Can we agree on
25 five feet?

1 MR. REED: It's actually five-two.

2 MR. VIS: Perfect.

3 CHAIRMAN SMITH: Yeah, let's say
4 somewhere between three and five feet. All
5 right. And at that point your testimony here
6 today is you don't see her with a badge.

7 MR. ALLANDE: Yes, because when
8 she said I'm calling the police, I pulled the
9 badge out of my pocket, I went like this, and
10 I said I am the police and went like that.

11 CHAIRMAN SMITH: Okay. But do you
12 have -- I guess just as a fundamental question
13 to you, as a police officer, do you feel that
14 it's appropriate when someone says I'm going
15 to call the police, to pull out your badge and
16 say go ahead, I am the police?

17 MR. ALLANDE: At that time that's
18 just how I reacted.

19 CHAIRMAN SMITH: I mean, do you
20 have any issue -- just looking back maybe.
21 All right? As you sit here today and reflect,
22 do you think -- do you, as a police officer,
23 do you believe that it's a good idea to just
24 flaunt the authority you have and say to
25 people, members of the public, whether they're

1 an inspector or, apparently, somebody that you
2 thought may be supporting an opposing
3 candidate, to just kind of say like do what
4 you want, I am the police? Do you think
5 that's appropriate?

6 MR. VIS: I'm going to object to
7 the characterization of flaunting authority.
8 But go ahead and answer his question.

9 CHAIRMAN SMITH: Sure.

10 MR. ALLANDE: No, looking back on
11 it, I wish things would have happened
12 differently. If she would have just walked up
13 and identified herself, this would have never
14 happened.

15 CHAIRMAN SMITH: So if she -- so
16 you're saying because she didn't identify
17 herself, you thought it was okay to pull out
18 your badge and say, go ahead, I am the police.

19 MR. ALLANDE: When she came up and
20 started out with you need to take the shirt
21 off, I didn't know who she was. I didn't
22 immediately pull out my badge and start saying
23 I'm the police.

24 CHAIRMAN SMITH: Okay. When you
25 pull over people, do you always come up and

1 say I am the police?

2 MR. ALLANDE: Well, I'm in a fully
3 marked car and a uniform and I introduce
4 myself. I am Corporal Allande, Cedar Lake
5 Police Department, the reason why I pulled you
6 over. So I identify myself.

7 MR. REED: The reason why I pulled
8 you over is because you had a bag of cocaine.

9 CHAIRMAN SMITH: That's right, on
10 my dashboard. Do you feel that you were
11 being, let's say -- I'm trying to think of the
12 right word. By not looking up, I just feel
13 like you were almost being dismissive of what
14 she was saying. Do you feel like you were
15 dismissive when she said, hey, you need to
16 turn that inside out?

17 MR. ALLANDE: No. I didn't want
18 to engage with somebody who comes up and
19 starts telling me I can't wear a certain
20 shirt. I didn't know I could not wear that
21 shirt. So why engage with somebody that leads
22 right off the bat telling me what I need to
23 do.

24 CHAIRMAN SMITH: She wasn't being
25 rude.

1 MR. ALLANDE: No.

2 CHAIRMAN SMITH: Mr. Mellon.

3 MR. MELLON: Mr. Chairman, you
4 know, we can harp on this forever. I think
5 there's a lot of weird things going on here,
6 but the two issues that we're facing overall
7 is electioneering and then, ultimately, what I
8 would classify as rude and to the point of
9 being extremely rude. You know, I think it's
10 hard to believe overall that at some point we
11 didn't see a badge, we had no idea this person
12 had any level of authority.

13 We do have a young woman here who
14 you raised your voice at. In politics we're
15 getting more and more complaints like these
16 because there is -- there's rude, there's
17 curt, there's horrifying behavior that's
18 taking place, and we're not treating people
19 like we're living in a society anymore.
20 Instead, we're sitting on our phones thinking,
21 well, you can't tell me what to do, you know,
22 I am this, I am that, you shut up, you don't
23 listen to me, I think I know the rules.

24 And the Chairman is right, I mean,
25 the fact that you didn't know the rules really

1 has no bearing on anything, in all honesty,
2 whether or not that you do or not. And
3 somebody asking you to do this, I mean, I
4 would assume there would be some back and
5 forth, and so I kind of assume there was a
6 knowledge that this may be somebody who's
7 working there.

8 But, Mr. Chairman, all that
9 aside -- I'm kind of in the middle of
10 something, Mike, I'd appreciate it.

11 MR. TOLBERT: No, I'm just --

12 MR. MELLON: But, Mr. Chairman --

13 CHAIRMAN SMITH: Mr. Mellon.

14 MR. MELLON: -- we've dealt with
15 electioneering many, many times, okay, and
16 usually when we refer to the prosecutor's
17 office is because there was a flagrant
18 violation. They knew they were violating the
19 law and they refused to comply with the law.
20 That is not the case here. Both these parties
21 make the same statement, that he didn't know
22 that he was supposed to do it, he questioned
23 her, and then when he did find out, he
24 complied.

25 Now, whether or not he should have

1 complied earlier or should have complied in a
2 more polite way, that's an entirely debatable
3 issue, but he did comply. So, to me, the
4 electioneering discussion is sort of off the
5 table. So I don't see that this rises to an
6 election law violation. Now, there's the
7 absolute and I think unequivocal rudeness that
8 took place. I think that had you not
9 apologized initially formally on the record, I
10 would almost demand that you do, because I
11 think it's crass and it's horrible and this is
12 what's wrong with society.

13 You know, whether you support the
14 Democrats or the Republicans or the
15 Independents, we all try to act like we're the
16 good guys, but then when the reality sets in,
17 we're all the bad guys. We all treat people
18 like this, and we can't sit back, we can't
19 listen to each other, we can't have a civil
20 conversation. We keep our heads down, staring
21 at our phones, telling them you can't tell me
22 what to do. It's just -- it's a horrible
23 situation, and I hope that the people in this
24 room will rise above it at some point.

25 But, Mr. Chairman, I don't see an

1 election law violation and I would like to
2 make a motion to deny the complaint.

3 CHAIRMAN SMITH: Can I ask you to
4 hold that motion because I'd like to just
5 finish with the hearing part of it. I will
6 entertain it in a little bit, but Mr. Reed and
7 then Mr. Tolbert has --

8 MR. REED: Mike, it'll just be
9 real quick.

10 MR. TOLBERT: I don't need that
11 long.

12 CHAIRMAN SMITH: And I was going
13 to allow discussion after the motion, if we
14 wanted to argue the --

15 MR. REED: I don't know if Mr. Vis
16 or his client have any input on this, but we
17 keep talking about looking down at your phone
18 and not engaging, it's dismissive or it's
19 rude. I can just tell you from personal
20 experience if someone is saying something or I
21 can tell they want to start something, the
22 more dismissive I am, the better off this is
23 all going to be.

24 If I look at my phone or if I've
25 got something that's just not important to me,

1 if I look at you and I start engaging,
2 92 percent chance it's going to get worse. I
3 would rather just look away and pretend like
4 it didn't happen. That's me. I mean, that's
5 what I'm getting the feeling from him. If he
6 doesn't know who this is and he thinks it's
7 someone supporting someone else, if I were
8 standing there -- I'm not a huge fan of being
9 told what to do, just ask my wife, but I
10 just -- you know, of course, I always comply.

11 But it's one of those things where
12 the more I engage, the more escalated that's
13 going to get. I'm not paying attention to
14 you, stop talking to me, and go away, is the
15 impression I prefer to give out. So I don't
16 put as much stock in the fact that he didn't
17 engage. But like Mr. Mellon said, the
18 rudeness, if there was cursing -- and I have
19 no reason to disbelieve this lady. I think
20 that did happen. In my judge of credibility,
21 I think it did and I think it's terrible.

22 But be that as it may, I just want
23 to make the point that I think being
24 dismissive of someone else when they're coming
25 after you or telling you to do something that

1 you don't want to do, probably is a better way
2 to deescalate something. But that's just my
3 two cents.

4 CHAIRMAN SMITH: I appreciate
5 that. Mr. Tolbert?

6 MR. TOLBERT: Yeah, I guess the
7 only point I wanted to make is I wanted to
8 make sure that we frame the issues, because I
9 think this has been continued twice and --

10 CHAIRMAN SMITH: Can I -- I just
11 want to make sure. Do you want to do that now
12 or do you want to do that once we get the
13 motion, because I want to make sure that
14 nobody has other questions of Mr. Allande. Is
15 that okay?

16 MR. TOLBERT: That's fine, yeah,
17 if you want to get everybody -- yeah.

18 CHAIRMAN SMITH: Mr. Mellon, kind
19 of made an argument, which I'm fine with.

20 MR. MELLON: Well, I thought
21 everyone was asked.

22 CHAIRMAN SMITH: Well, I didn't
23 really ask if there were any other questions.

24 (Inaudible; talking in unison.)

25 CHAIRMAN SMITH: I just want to

1 make sure nobody else -- does anybody else
2 have any other questions of Mr. Allande from
3 the Board?

4 (No immediate response.)

5 CHAIRMAN SMITH: All right. Okay.
6 Ms. Jostes, do you have any questions of
7 Mr. Allande?

8 MS. JOSTES: No.

9 CHAIRMAN SMITH: Mr. Vis, do you
10 have any other evidence to present, not
11 argument?

12 MR. VIS: No further evidence.

13 CHAIRMAN SMITH: Okay. So then
14 we'll consider the hearing part of it closed.
15 Mr. Mellon has made a motion, which I will now
16 entertain.

17 MR. MELLON: My motion was to
18 dismiss the complaint because I don't see any
19 violation of election law. I still -- I guess
20 there's a second bite of the apple, but --

21 CHAIRMAN SMITH: Well, let me get
22 a second.

23 MR. MELLON: I'm still making my
24 motion.

25 CHAIRMAN SMITH: All right. Make

1 your motion.

2 MR. MELLON: I make a motion to
3 dismiss.

4 CHAIRMAN SMITH: Do we have a
5 second?

6 MR. REED: I'll second.

7 CHAIRMAN SMITH: Seconded by
8 Mr. Reed, motion by Mr. Mellon. Discussion.
9 Mr. Tolbert.

10 MR. TOLBERT: The only thing I
11 wanted to say is, I know this has been
12 continued a few times and I know it's kind of
13 surrounded whether there was electioneering or
14 not, but I know in the last meeting there was
15 really two issues that I saw when we looked at
16 this complaint from the time that it came in.
17 It wasn't just electioneering.

18 I do respect Mr. Mellon's kind of
19 account of what he believes the issue is, but
20 I believe it's more than just electioneering.
21 There was also a component of obstruction and
22 interference with an election officer, and I
23 think that's really the issue and I think it
24 rises more to a level of --

25 MR. MELLON: Mr. Chairman -- and

1 I'm directing this to you, Mike. What I'm
2 failing to see in that is where the
3 obstruction took place, because nobody was
4 prevented from voting and nobody was prevented
5 from doing their job.

6 CHAIRMAN SMITH: Do we have a
7 citation?

8 MR. TOLBERT: Yeah, that's Indiana
9 Code 3-14-3-4.

10 MS. BRANDENBURG: And it says,
11 knowingly obstructs or interferes with an
12 election officer.

13 CHAIRMAN SMITH: Read it again,
14 I'm sorry.

15 MR. TOLBERT: 3-14-3-4.

16 MR. MELLON: And what aspect of
17 the job would be the obstruction?

18 MR. TOLBERT: My point is -- I'm
19 not advocating for either party. I'm
20 objective in this. I'm just looking at the
21 facts and looking at the fact that we have to
22 account for every fact that comes in. And the
23 knowingly part is, I don't think -- I think
24 Chairman buffed up against it. I don't think
25 you can put yourself in a position of being

1 unknowingly. That's the problem that I have.
2 I thing that -- you know, I don't want to give
3 a cocaine example, but if I was
4 driving through --

5 MR. REED: Let's just say heroin.

6 (Inaudible; talking in unison.)

7 MR. TOLBERT: If I encountered a
8 officer of any ilk, of Gary, Cedar Lake, or
9 any officer, and they said, you know, what are
10 you doing -- because a lot of times officers
11 don't necessarily always identify themselves,
12 as, hey, I'm a police officer before they
13 start to inquire.

14 I don't have the benefit of just
15 looking at my phone and being dismissive. I
16 can't put myself in a situation where I don't
17 know who I'm talking to or who I'm addressing.
18 So, I'm not advocating one way or the other,
19 but my point is, I think there's enough to at
20 least consider whether or not his actions were
21 knowingly.

22 MR. MELLON: I just want to get
23 back to that. Mr. Chairman, if we could all
24 keep it down a little over there.

25 (Inaudible; talking in unison.)

1 MR. MELLON: I guess what I'm
2 saying, though, is, look, I understand what
3 you're saying. I know the rudeness, the
4 curtness. There's a lot of weird things that
5 went on during this exchange, and I don't
6 disagree with that, and that's why I think the
7 apology was appropriate, because, for me, I
8 would be very apologetic. But the obstruction
9 of her doing her job, so knowingly
10 obstructing, there is always knowingly and not
11 knowingly. I don't disagree with that.

12 MR. VIS: Mr. Chairman, if I may?

13 CHAIRMAN SMITH: Mr. Mellon has
14 the floor --

15 MR. MELLON: And I don't think we
16 were --

17 CHAIRMAN SMITH: And by the way,
18 on a point of order, let me just make a ruling
19 on that. There's been a motion. It's been
20 properly seconded. We're in discussion from
21 the Board. So we're not taking anything
22 further from the parties. Mr. Mellon has the
23 floor.

24 MR. MELLON: All right. Thank
25 you. I don't see in any way, shape, or form

1 that there was any obstruction. What was she
2 prevented from doing her job? There was
3 disagreement, there was discussion, there was
4 rudeness. We can argue all those different
5 things, but the obstruction of the job, and
6 especially with him then eventually complying,
7 I don't see -- if you can help me, I could be
8 missing a nuance here.

9 If there's an aspect of the
10 exchange that created obstruction, I'd love to
11 hear it. That's why my motion to dismiss in
12 its entirety is because I think that there was
13 no obstruction and there was no electioneering
14 that took place.

15 MR. TOLBERT: Well, I think it
16 prevented her from doing her job.

17 MR. MELLON: But was it --

18 MR. TOLBERT: The statute --

19 COURT REPORTER: Wait, wait, one
20 at a time, please.

21 MR. TOLBERT: I'm sorry. She
22 wasn't able to correct a voter who was,
23 obviously, within the chute or the polling
24 place to correct his or her behavior from
25 electioneering, which is what she was trying

1 to do, and there was a separate election
2 officer that actually had to do that.

3 MR. MELLON: But the behavior was
4 corrected eventually. Now, whether or not
5 there was influence perhaps that she had over
6 him in that initial discussion, I don't know.
7 So I don't want to speculate on that aspect.
8 The behavior was corrected. The
9 electioneering that was potentially there was
10 eradicated. So I don't see it.

11 MR. TOLBERT: That's fair.

12 MR. REED: If I can add --

13 CHAIRMAN SMITH: Mr. Reed.

14 MR. REED: If I can add to that
15 just a little bit. The part that I find
16 telling about that it not being electioneering
17 and not being someone who wouldn't comply is
18 the moment he was confronted by someone who he
19 knew who the person was, knew that person was
20 a member of the board that day, immediately
21 complied.

22 That tells me if he knew who the
23 person was, he would have complied initially.
24 When you say, well, I didn't know, I didn't
25 see the badge, I didn't look, I don't find

1 that disingenuous at all. Because the moment
2 he saw someone that he knew was working the
3 election that day, he complied.

4 MR. TOLBERT: I took that more
5 as -- again, I'm listening with my lawyer ear.
6 I took that to mean more so it was his
7 neighbor. I think that if it wasn't his
8 neighbor and it was just some other election
9 officer, they would have met the same fate as
10 this young lady. I know it's speculation, but
11 I think it was more so the neighbor being more
12 of a connection.

13 MR. REED: I think he made it
14 clear that it was his neighbor and he knew
15 that she worked in that polling place. He
16 made that clear when he testified.

17 CHAIRMAN SMITH: Can I have the
18 electioneering statute?

19 MS. BRANDENBURG: Electioneering
20 is 3-14-3-16, and C would be specifically.
21 Knowing isn't an aspect of electioneering, but
22 as far as the Board's handling of these
23 matters, and I think very consistent with how
24 Ms. Jostes handled this that day commendably,
25 that her first goal was to correct the

1 problem, and typically when a voter does
2 correct the problem, the Board has not pursued
3 referral to the prosecutor for electioneering.

4 So as far as the electioneering
5 statute, knowing isn't the aspect of that.
6 Knowing is the aspect of 3-14-3-4, obstruction
7 of or inference with. That requires knowingly
8 obstructs or interferes with an election
9 officer in the discharge of the officer's
10 duty. The knowing aspect, as I heard it,
11 really doesn't appear to be present. The
12 obstruction aspect doesn't appear to be
13 present.

14 The electioneering did occur. We
15 understand he was in the chute. There may
16 have been some problem potentially, as I heard
17 the facts, how the chute was designated. But,
18 regardless, I think the testimony was clear
19 that when Officer Allande learned from a poll
20 worker, who he knew to be a poll worker and
21 knew had that authority, that he complied.

22 CHAIRMAN SMITH: Yeah, I guess, I
23 just -- I think there is two components to
24 this, and I just want to make sure I
25 understand the motion. The motion is to,

1 because the electioneering didn't rise to the
2 level of an election violation, that we should
3 dismiss the complaint.

4 There is another component of
5 this, which is the obstruction or interference
6 of an election officer or voter. I don't
7 think in that statute, 3-14-3-4, I don't think
8 there's any question that Ms. Jostes was
9 discharging her duties that day. There's no
10 question that she was an officer, an election
11 officer that day. So, really, the focus is on
12 the knowingly part.

13 MR. MELLON: Well, whether or not
14 there was an obstruction that took place.
15 Just because two people have a disagreement or
16 an argument, Mr. Chairman, doesn't mean that
17 they were prevented from doing their job or
18 that person was knowingly obstructing the
19 voting process.

20 CHAIRMAN SMITH: Well, it doesn't
21 have to be obstructing the voting process.
22 It's whether or not the discharge of her
23 duties, what she was doing.

24 MR. MELLON: Mr. Chairman, if I
25 could just -- and I apologize for interjecting

1 too much.

2 CHAIRMAN SMITH: That's okay.
3 Just let me finish my summary and I'll --

4 MR. MELLON: I know you know how
5 I --

6 CHAIRMAN SMITH: It's you.

7 MR. MELLON: Yeah, so, but here's
8 what the problem is, we look back at the
9 process and what we've done in the past, and
10 we are a quasi judicial board, and our options
11 here are to dismiss or to refer this to the
12 prosecutor's office for violation of election
13 law, and there are some things in between that
14 we can do.

15 Sometimes we can ask people to
16 apologize, make a formal apology, something
17 along those lines, is always a good idea. But
18 if we refer something like this to the
19 prosecutor's office, I fear that we are going
20 down a partisan path and what we're going to
21 end up doing is, we're going to lose our
22 credibility with the prosecutor's office.

23 You had a violation, a potential
24 violation of election law that was corrected
25 and you had two people who had -- who had a

1 rude interaction between them. Okay? That is
2 not intimidation. That is not preventing
3 somebody from doing their job. And if we
4 start referring things like that, I'm going to
5 tell you, we're going to -- we're going to
6 refer everything to the prosecutor's office
7 over the next couple years, because we see
8 these things, we see these kind of situations
9 all the time, Mr. Chairman, and you know that
10 as well as I do.

11 MR. REED: If I can just add to
12 that just a small bit. So, I read everything
13 in the agenda, and everything, before we got
14 here over the last couple of days. I can tell
15 you, before I came to this meeting I didn't
16 hear the word obstruction or interference with
17 an election worker one time. I came here
18 today. She came here to testify as to and
19 they came here to defend an electioneering
20 complaint. Now I'm reading the obstruction
21 statute while I sit here.

22 MR. TOLBERT: Just for the record,
23 we mentioned it at the last meeting.

24 MR. REED: We might have mentioned
25 it, but in these materials today, Item No. 7

1 in my agenda is the electioneering statute.
2 The obstruction statute is not here. What
3 would lead me to believe I was here to hear
4 that today? I think if you're going to defend
5 yourself from a charge, you ought to know what
6 that charge is.

7 MR. VIS: May I speak on behalf of
8 my client?

9 CHAIRMAN SMITH: I just want to
10 see if there's anymore Board --

11 MR. REED: Well, Michelle has her
12 hand up.

13 CHAIRMAN SMITH: Are there any
14 other Board comments on this? I want to just
15 state for the record, I thought we did talk
16 about obstruction at the last meeting. I'd
17 have to look at the minutes and get to the
18 exact spot.

19 MR. REED: But talking about it
20 and actually being charged with it and
21 defending it are different things, not that
22 this is trial in any way, shape, or form. I
23 don't want to go into court defending a RICO
24 case and find out I've got -- we're going to
25 spring up mail fraud on Thursday.

1 CHAIRMAN SMITH: Right, and that's
2 why it gets referred to the prosecutor. The
3 prosecutor will make the charges on the
4 defendant, but --

5 MR. TOLBERT: Can I make one
6 point?

7 CHAIRMAN SMITH: Mr. Tolbert.

8 MR. TOLBERT: So if you look at
9 the minutes of March 18, 2025, on Page 17,
10 Line 16, it specifically references the
11 obstruction statute.

12 MR. MELLON: Who referenced it?
13 Is that you, Mr. Tolbert?

14 MR. TOLBERT: Yeah, I referenced
15 it.

16 MR. MELLON: Well, maybe you
17 should have filed the complaint.

18 MR. TOLBERT: Well, I'm just
19 trying to --

20 MR. REED: He's not joking.

21 MR. TOLBERT: I'm just trying to
22 give the Board the information. I don't think
23 this is -- my point is, I don't think this is
24 a surprise and I think we talked about this
25 always in two components, which is

1 electioneering and also obstruction. I'm not
2 saying that he did it. All I'm saying is --

3 MR. MELLON: But I think that
4 that's something that you brought up. I don't
5 think the complaint talked about obstruction,
6 and I think you brought that up at the last
7 meeting and I think you're bringing it up
8 again today, and I don't think I agree with it
9 on either occasion.

10 CHAIRMAN SMITH: I just want to
11 read part of the transcript from our meeting
12 that day. Mr. Mellon said: Mr. Chairman,
13 right now I've got a person who filed the
14 complaint who isn't here, but I've got an
15 email from that person. So without the target
16 of the complaint stating the facts aren't
17 true, I have to make the assumption that every
18 word is true. Correct?

19 And I said: I mean, we're not a
20 court law. We don't have the strict
21 evidentiary standards. We have a statement
22 from someone and we do not have a response. I
23 would agree with that.

24 Mr. Mellon said: Right. So, I
25 guess what my point is, I'm not a big fan of

1 Mr. Allande ignoring our request to come in
2 over this. We had talked about a referral to
3 the prosecutors, with the attorneys
4 establishing a conversation with the
5 prosecutor's office so we can sit down and
6 talk with them.

7 Ms. Brandenburg said: Yep.

8 Mr. Mellon said: Obviously, if
9 there's truth to it, which I have to assume at
10 this point there's a hundred percent truth to
11 it, that this person was engaged in
12 electioneering and voter intimidation with the
13 statement that "I am the police". So, to me,
14 our board is done with this. This needs to go
15 to the prosecutor's office and we need to try
16 to see if we can get this prosecuted for voter
17 intimidation and electioneering.

18 MR. REED: And there's something
19 in that statement that's 100 percent accurate,
20 until we heard the testimony today.

21 MR. MELLON: Correct.

22 CHAIRMAN SMITH: I know, but the
23 reason I read that is because it wasn't just a
24 discussion about electioneering.

25 MR. MELLON: That was later in a

1 conversation with Mike.

2 MR. REED: Remember, you said the
3 word voter intimidation.

4 CHAIRMAN SMITH: I just read from
5 the transcript.

6 MR. MELLON: You didn't say
7 obstruction. You said argument was made of
8 obstruction.

9 MR. REED: You said that when you
10 read it from the transcript, but that says
11 voter intimidation. That doesn't say
12 obstruction. I'm looking at the Board packet,
13 which is what I'm supposed to be studying
14 before I come to these things, and it doesn't
15 say that. I've got Attorney Vis here who's
16 trying to defend his client and doesn't know
17 he's being charge with that.

18 CHAIRMAN SMITH: He's not being
19 charged right now.

20 MR. REED: Being brought in to
21 speculate as to whether or not that's a
22 referral.

23 CHAIRMAN SMITH: I mean, these
24 things are pretty fluid at times when we have
25 these hearings. It's not like we sit here and

1 say you've been -- we're going to look into
2 this statute, we're looking into that statute.
3 Our job as a board is to determine whether or
4 not there's been a violation or we believe
5 that there's enough evidence to refer to the
6 prosecutor because we believe there's been a
7 violation of election law. We never said
8 we're only looking at this statute. I think,
9 generally, the Board has determined after the
10 evidence, hey, what is out there, what may be
11 violated.

12 MR. TOLBERT: And just for the
13 record and I want to make sure -- and, again,
14 I'm not advocating for one side or the other,
15 but I think the context of the conversation
16 stemmed around -- talked about voter
17 intimidation, and I think the reason this
18 statute came up is because I wanted to really
19 make sure that we were accurate in terms of
20 the factual basis that was provided.

21 That's the only reason I mentioned
22 the statute is because she was an election
23 officer, and it wasn't a voter that was being
24 intimidated, it was her, and that's why I
25 threw that out for the Board's --

1 CHAIRMAN SMITH: And I just want
2 to mention this to Mr. Mellon's point. It's
3 like the electioneering -- and Ms. Brandenburg
4 pointed this out, the electioneering statute
5 doesn't require a knowing element. However, I
6 think to Ms. Brandenburg's point also and
7 Mr. Mellon's point, in practice, we have been
8 very understanding of situations where, you
9 know, were you told what to do, did you know
10 about this.

11 I mean, even today I think the
12 practice that Ms. Jostes put forth in what she
13 did that day is probably what we want to see
14 our election workers do. We don't want to
15 have people pulled out of line and say I want
16 the sheriff to come down here and arrest you
17 for electioneering because you're in the chute
18 with a shirt on, whatever candidate it is.
19 And so I really do understand that point of
20 it, and I wouldn't sit here and say, oh, well,
21 the letter of the law says he was
22 electioneering because he had that shirt on,
23 he had a shirt on of a candidate in that
24 chute.

25 If I was just real rigid, I'd say,

1 oh, well, that's electioneering, let's refer
2 to the prosecutor. I think we've done a very
3 good job on this Board on giving people an
4 opportunity to, number one, defend themselves;
5 number two, we've done a very good job on this
6 Board of taking testimony in and understanding
7 what the issues are.

8 But I don't think we've been so
9 rigid where we say, oh, this is what the
10 complaint says, we have to stick to the
11 statute. So I appreciate the fact that
12 Mr. Tolbert has brought up this other
13 potential situation and statute so that we can
14 look at it and discuss it. I feel that, as
15 far as the electioneering goes, I'm with you.
16 I think he ended up complying.

17 Whether or not I believe the fact
18 he didn't know that Ms. Jostes was an election
19 officer, I'm not sure I do believe that, but I
20 do understand that he, when confronted by his
21 neighbor who also was an election worker, he
22 complied. What was that conversation? We
23 don't know. It's all hearsay, we're guessing,
24 and we're weighing the credibility of the
25 witnesses in that regard.

1 So, I'm fine with the fact that I
2 don't believe he was electioneering, even
3 though he might have been technically
4 violating the statute, because I think I know
5 what this Board has done in the past. The
6 real issue I have is with the treatment of an
7 election worker on that day and whether or not
8 that amounts to interference or obstruction,
9 and that's where I'm focused.

10 MR. REED: Can I ask one more
11 question, just so it's clear for the record?

12 CHAIRMAN SMITH: Mr. Reed.

13 MR. REED: We've said that we kind
14 of agree that electioneering doesn't have a
15 knowing component to it. I think it does.

16 CHAIRMAN SMITH: I was just going
17 by what --

18 (Inaudible; talking in unison.)

19 MR. REED: As I read it, I don't
20 read it saying knowingly.

21 MR. MELLON: I don't think anybody
22 disagrees that the electioneering is not an
23 issue.

24 MR. REED: Can we just not talk
25 over each other for a second?

1 CHAIRMAN SMITH: Sure. Mr. Reed.

2 MR. REED: 3-14-3-16, C, a person
3 who knowingly does any electioneering on
4 election day within the polls or the chute.

5 MS. BRANDENBURG: I apologize, I
6 was talking about A, which is --

7 CHAIRMAN SMITH: That's what I was
8 looking at is A.

9 MS. BRANDENBURG: -- just defining
10 it, simply defining.

11 MR. REED: I just wanted to make
12 sure that you're not --

13 MS. BRANDENBURG: But you're
14 right. The action --

15 MR. REED: Just want to make sure
16 we're not dismissing that component.

17 MS. BRANDENBURG: Yeah, I agree.

18 MR. REED: Mr. Chairman, I don't
19 know if it matters, but I want to -- well,
20 Michelle has something. She's really had her
21 hand up for a long time.

22 MR. MELLON: I don't that -- both
23 Jessica and Michelle want to add something to
24 this, but I don't know that that should be --

25 MR. REED: I'm going to call for

1 the question, Mr. Chairman. We've got a
2 motion and a second.

3 CHAIRMAN SMITH: And I want to be
4 real clear here, because the motion, my
5 understanding of the motion -- Mr. Mellon,
6 please feel free to rephrase it if I'm
7 incorrect here, but I want to make sure the
8 Board understands the motion. Your motion was
9 that you do not believe -- you want to dismiss
10 the complaint in its entirety based on the
11 fact there was no electioneering.

12 MR. MELLON: Based on the fact
13 there was no electioneering and I also believe
14 that there was no --

15 MR. REED: He's asking what your
16 motion was. Your motion was about
17 electioneering. Let's get through that one
18 first. I think that's what it was.

19 MR. MELLON: I'm dismissing the
20 complaint in its entirety.

21 MR. REED: That was the motion.

22 MR. MELLON: That's my motion, to
23 dismiss the complaint in its entirety.

24 CHAIRMAN SMITH: Okay. We will
25 have -- discussion has ended. I'm going to

1 call for the vote. I'll entertain a call for
2 the vote. Michelle, roll call, please.

3 MS. FAJMAN: Reed?

4 MR. REED: Yes.

5 MS. FAJMAN: Mellon?

6 MR. MELLON: Yes.

7 MS. FAJMAN: Brown?

8 MR. BROWN: No.

9 MS. FAJMAN: Candelaria Reardon?

10 MS. CANDELARIA REARDON: No.

11 MS. FAJMAN: Smith?

12 CHAIRMAN SMITH: No. Motion
13 fails. We still have a complaint out there.

14 MR. REED: I'd like to make a
15 motion to dismiss the complaint as far as the
16 electioneering law violation is concerned.

17 CHAIRMAN SMITH: I have a motion.
18 Do I have a second?

19 MR. BROWN: Second.

20 CHAIRMAN SMITH: Seconded by Clerk
21 Brown, motion by Mr. Reed. Any discussion on
22 that? So the motion is to dismiss the
23 complaint as it relates to electioneering.
24 Roll call.

25 MS. FAJMAN: Reed?

1 MR. REED: Yes.

2 MS. FAJMAN: Mellon?

3 MR. MELLON: Yes.

4 MS. FAJMAN: Brown?

5 MR. BROWN: Yes.

6 MS. FAJMAN: Candelaria Reardon?

7 MS. CANDELARIA REARDON: Aye.

8 MS. FAJMAN: Smith?

9 CHAIRMAN SMITH: Yes. Motion
10 carries. Is there any other motion?

11 MR. BROWN: Mr. Chair, I'd like to
12 make a motion regarding I.C. 3-14-3-4,
13 obstruction and interference of an election
14 officer.

15 CHAIRMAN SMITH: And what would be
16 your motion, Clerk Brown?

17 MR. BROWN: Based on that, I'd go
18 obstruction and interference.

19 MR. MELLON: So what do you want
20 to do with that?

21 MR. BROWN: That's my motion.

22 CHAIRMAN SMITH: To refer to the
23 prosecutor?

24 MR. BROWN: Well, it has to be
25 referred.

1 CHAIRMAN SMITH: All right. So we
2 have a motion by Clerk Brown on I.C. 3-15-3-4,
3 obstruction --

4 MR. TOLBERT: 3-14.

5 CHAIRMAN SMITH: I'm sorry,
6 3-14-3-4, obstruction of or interference with
7 an election officer or voter to refer to the
8 prosecutor. Is there a second?

9 MS. CANDELARIA REARDON: Second.

10 CHAIRMAN SMITH: Seconded by
11 Ms. Candelaria Reardon. Discussion?

12 MR. MELLON: Mr. Chairman.

13 CHAIRMAN SMITH: Mr. Mellon.

14 MR. MELLON: This will be a
15 fundamental change in every precedent that
16 we've ever had on this Board. If we're going
17 to say that an argument between two
18 individuals -- and even though I don't think
19 it was warranted and it was a terrible thing
20 that took place, is obstruction, then,
21 Mr. Chairman, I'm going to be filing a
22 complaint about you every election. I'm going
23 to be filing a complaint about Mr. Brown,
24 Mr. Reed, Ms. Candelaria Reardon, because we
25 argue all the time.

1 There's discussion that takes
2 place and that does not prevent me or you from
3 doing our jobs. And if we're going to say
4 that we're at a point now where any
5 disagreement that takes place in the polling
6 place is now obstruction, good luck with that,
7 Mr. Chairman.

8 MR. TOLBERT: Can I make a
9 comment?

10 (Inaudible; talking in unison.)

11 CHAIRMAN SMITH: We're on
12 discussion. And I do appreciate, either
13 Ms. Brandenburg or Mr. Tolbert, as long as
14 it's -- I want to keep it to, you know,
15 legal --

16 MR. TOLBERT: Absolutely. And I
17 do appreciate Mr. Mellon's comment about
18 precedent, and the only reason I brought up
19 the statute is because we talked about it. I
20 do understand there is an issue with whether
21 or not there's evidence offered today that
22 shows whether or not there was knowingly
23 obstruction or knowingly interference.

24 And I know in the past this Board
25 has looked at that element very, very closely,

1 in terms of deciding whether or not to move
2 forward and refer to the prosecutor. So, you
3 know, I kept copious notes. I do appreciate
4 that that element is very weak, but I threw it
5 out for the Board's consideration.

6 CHAIRMAN SMITH: Thank you.
7 Ms. Brandenburg.

8 MS. BRANDENBURG: I do want to
9 raise that upon referral to the prosecutor for
10 this particular violation, this would be a
11 level 6 felony that has serious consequences
12 for this officer. What I heard in the
13 testimony today and, yes, this is my opinion,
14 is that I think we have a lovely poll worker
15 who I feel for and I think she did a good job
16 that day, but we have an instance of rudeness
17 and disagreement.

18 I've seen situations come before
19 this Board in the past, someone wearing
20 sheriff memorabilia arguing with poll workers.
21 That was not referred. I think that that
22 precedent has to be considered and respected,
23 particularly with regard to the knowing
24 aspect, of knowingly obstructing or
25 interfering with an election officer. As the

1 testimony came out today, Mr. Allande has
2 stood by his statement that he did not know
3 during the course of this disagreement that
4 this individual was a poll worker. That's
5 significant to me.

6 MR. BROWN: Mr. Chair.

7 CHAIRMAN SMITH: Clerk Brown.

8 MR. BROWN: So, based on that, my
9 motion is generally based on the legal
10 information that you give us. We do not go
11 outside the legal bounds.

12 MS. BRANDENBURG: Sure.

13 MR. BROWN: I want to make that
14 clear. So at some point between you and the
15 other attorney you need to come up with
16 something to make sense, because the motion is
17 based upon the law. We do not go outside of
18 that. You brought up a very good example. I
19 respect that, but I'm also trying to work
20 within the law in my motions.

21 MR. MELLON: Mr. Chairman, we had
22 a Deputy Election Commissioner that wore a
23 sheriff's jacket that engaged in arguments
24 with election workers and we didn't refer that
25 individual to the prosecutor. As a matter of

1 fact, that individual continues to be a Deputy
2 Election Commissioner today. This is a real
3 dangerous precedent.

4 MR. REED: That incident with the
5 sheriff's jacket was one of the worst I have
6 ever heard.

7 MR. MELLON: Yep. Screaming and
8 yelling and --

9 MR. REED: That was literally
10 making it so people could not do their jobs.

11 MR. VIS: Mr. Chairman --

12 MR. REED: This lady asked this
13 man to take off his shirt. He claims he
14 didn't know she worked there. Once he saw
15 somebody who did work there, he complied. I
16 don't know how that prevented her from doing
17 her job that day. She did her job exactly how
18 it was intended to be done.

19 She saw a violation, she asked, he
20 decided not to comply, then saw somebody he
21 knew. I don't know how that stopped her from
22 performing her duties as an inspector. I have
23 no idea. I don't think there's any evidence
24 to show that she was unable to do her job that
25 day. That's the cornerstone of obstruction.

1 CHAIRMAN SMITH: Yes, thank you,
2 Mr. Reed. So I want to ask the Board --
3 Mr. Vis has been waiting patiently, as has
4 Ms. Jostes. I don't want to necessarily deny
5 them the opportunity, but I also want to make
6 sure, because it would be out of order. So I
7 just want to ask the Board if anybody has an
8 objection to hear from the parties before we
9 take a vote?

10 MR. REED: I think the way this
11 complaint has morphed from one thing to
12 another, I think they absolutely should have
13 the right to speak.

14 CHAIRMAN SMITH: All right. So,
15 Ms. Jostes, you as the complainant -- and
16 you've been very patient sitting there and I
17 appreciate that, I'm going to give you the
18 opportunity to address the Board and say
19 anything that you'd like to say based on what
20 you've heard and our discussion regarding your
21 complaint, if you'd like.

22 MS. JOSTES: I want to know if
23 this happened again, should I not report it,
24 because I just feel like all of this was
25 sounding like nothing. I just want to be done

1 with it. I want to get back to work and not
2 have to think about this. If I were to work
3 another election and have this happen and
4 report the behavior is the same thing going to
5 happen or should I not report it?

6 MR. MELLON: Mr. Chairman, if I
7 may.

8 CHAIRMAN SMITH: Mr. Mellon.

9 MR. MELLON: If you're asking this
10 Board that question, I think there's a very
11 good answer. No, you should absolutely report
12 it, because there was a potential for a
13 violation of election law, which was
14 electioneering, no question about that. And
15 at the same time, there was rude behavior that
16 should be addressed, and I think that we've
17 got the parties here and we've made -- I'd
18 like to think that we've made an impression
19 upon him that this behavior shouldn't be
20 tolerated in the future, that the behavior
21 needs to change in society.

22 So I think you did a tremendous
23 job by reporting it. This is exactly the
24 thing that should be reported. Look at the
25 feverish discussion that's taken place here

1 today, and you're the cause of all that. So I
2 think if you work --

3 CHAIRMAN SMITH: Not the cause,
4 but --

5 MR. MELLON: No, no, I mean you're
6 the impetus of trying to make those
7 corrections. I apologize, I misphrased that.
8 But you're the impetus of trying to make that
9 correction. So what I'm trying to say is that
10 I think you should work as a poll worker
11 again. I think you should do the exact same
12 thing if this exact same situation were to
13 take place.

14 And, of course, there is a
15 complaint tracking system in place, and if
16 there were multiple complaints against another
17 individual, then these situations of knowingly
18 do come in, and everything. But right now the
19 only issue that we're hung up on is this
20 obstruction issue, and I would ask you a
21 question.

22 Did this prevent you from doing
23 your job that day? I know that it was an
24 upsetting moment, but did it prevent you from
25 allowing people to work and continue to vote

1 and do the things that they needed to do on
2 Election Day, besides the discomfort of it?

3 MS. JOSTES: After the initial,
4 probably, hour after, everything else was
5 fine.

6 CHAIRMAN SMITH: What about during
7 that hour?

8 MS. JOSTES: Just trying to figure
9 out what I should do, also trying to deal with
10 all the problems with the voters, because
11 there were many of those. Obviously, it was
12 busy. It was stressful. I mean, I wasn't
13 expecting to come across that.

14 MR. MELLON: Certainly.

15 CHAIRMAN SMITH: Yeah, I think
16 that it's -- I just want to be very clear to
17 Ms. Jostes and to any poll worker out there,
18 that, in my opinion, what happened that day is
19 totally inappropriate, that you shouldn't have
20 to endure any type of intimidation or
21 dismissiveness or challenge your authority, or
22 someone trying to intimidate you because they
23 happen to have a badge and think that they can
24 throw their badge out and say I'm the police
25 and that somehow bears some weight on your

1 ability to do your job that day. I have a
2 real big problem with that.

3 Where I'm struggling is the legal
4 part of this, because I don't think anybody on
5 this Board believes that you were treated
6 fairly that day. I don't think anybody on
7 this Board believes that the behavior that was
8 exhibited by an officer of the law, a sworn
9 officer of the law -- who I can tell you that
10 I, personally, don't want to get pulled over
11 by, was inappropriate. It's bad. I don't
12 think it's an example that we want our police
13 officers to be held up to.

14 But, again, really, the meat of
15 this is the legal part of it, and so I just
16 want you to understand that, regardless of how
17 this all ends up today, I want you to hear
18 from this Board and from me that we don't
19 agree with what happened to you that day.

20 MR. REED: If I can add to that,
21 Mr. Chairman.

22 CHAIRMAN SMITH: Mr. Reed.

23 MR. REED: Just so you know,
24 because of things like you bringing this
25 complaint, for example, Michelle and formally

1 LeAnn Angerman, who see these things happen,
2 see poll workers getting upset and being
3 treated poorly, the legislature, based on what
4 they have said to the legislature, has
5 increased these offenses from misdemeanors to
6 felonies.

7 So when things like this happen,
8 levers move. So don't feel like you shouldn't
9 bring a complaint or you shouldn't work at a
10 poll. These sorts of incidents move the
11 lever. And one of the levers we should
12 probably move is talking about people working
13 at a polling place identify themselves, be
14 visible, things like that. I mean, whatever
15 she was trained to do is exactly what she did,
16 but maybe we need another component. I don't
17 know.

18 MS. FAJMAN: We did the training.
19 We told them this is a heated election. We
20 don't want you to be put in harm's way in any
21 way, shape, or form. If something happens,
22 this is what you do. If it continues to
23 happen, call the Election Board. She did
24 that. We can send out a Deputy Election
25 Commissioner. We can call the police.

1 When he identifies himself as the
2 police, higher standards kind of step in
3 because you're now alerted it's the police and
4 there is intimidation. You can tell she's
5 definitely been scared. I think this has been
6 affecting her this whole time. But they've
7 been trained and we have a yellow sign
8 outside --

9 (Inaudible; talking in unison.)

10 CHAIRMAN SMITH: Jessica, did you
11 want to say anything?

12 MS. MESSLER: It's completely
13 irrelevant at this point. I just wanted to
14 tell anybody who didn't have a code book, I
15 did add the electioneering thing. That's all
16 I had to say.

17 CHAIRMAN SMITH: Thank you.

18 MS. CANDELARIA REARDON: Mr.
19 Chairman?

20 CHAIRMAN SMITH: Ms. Candelaria
21 Reardon.

22 MS. CANDELARIA REARDON: Yeah, I
23 think that -- I think that absolutely she did
24 the right thing. I think you should, if you
25 work another election, continue to report.

1 Because I believe that whether this was
2 intimidation or obstruction according to the
3 statute or not -- first of all, I believe it
4 was. I believe that the badge was brought out
5 in an effort to intimidate a poll worker and I
6 don't think that's okay.

7 And I think another component that
8 probably you should be aware of is that your
9 position of authority and your gender, in
10 general, is intimidating to somebody who is
11 trying to do the right thing. I think you
12 have to keep that in mind. And I think
13 that -- you know, should you lose your career
14 over this? I don't know. I think that when
15 we're talking about the statute and following
16 the statute and precedent, and all those
17 things -- this is my first meeting, but I will
18 say that I hope you've learned a lesson and
19 your role as a police officer continues to
20 evolve after 24 years and that you do owe her
21 an apology, whether she wants one or not.

22 I think the way you behaved was
23 intimidating to her and the way it impeded her
24 from attending to other voters, because either
25 she was shook up or she was busy calling other

1 people. I do believe that you made a huge
2 mistake, and should you pay with your career?
3 I don't know. According to the statute, we
4 have to follow the statute, but I think that
5 moving the needle forward, these complaints
6 and these things, don't feel like if it
7 doesn't go to the prosecutor that you're not
8 changing -- you're not making change because
9 you are making change and you are calling out
10 people when they need to be called out.

11 We struggle to get people to work
12 the polls and this is exactly why, behavior
13 like this. And I hope that you do learn a
14 lesson and you have learned a lesson.

15 CHAIRMAN SMITH: Thank you.
16 Mr. Vis, I'm going to give you the ability to
17 have the last word here, unless there's any
18 comments based on comments from the Board.

19 MR. VIS: Thank you, Mr. Chairman.
20 This is as well a first for me to be before
21 you. I appreciate the time. As I reflected,
22 in 2008, I was in Ms. Jostes's shoes and can
23 appreciate the emotion, especially with that
24 election year, this past one. With that being
25 said, I'm going to object, just for the

1 record, as to the second prong of this trial.
2 I did not have notice that this would be an
3 allegation. One of the things that I
4 appreciate that we've been talking about is
5 what good can come out of this. I think for
6 everyone to know what it is they're being
7 charged with is prudent. I think the second
8 thing we've all heard from this that needs to
9 be incorporated in the training, and it was
10 for me in 2008, was that when you do approach
11 somebody in line, you identify your position.
12 If we take a look at the statute, which has
13 been cited here, it says that if you interfere
14 with an election or an election worker, you
15 can be charged with these felonies. Go down
16 the list. A member of a county board of
17 elections. Well, if John Reed shows up in
18 Cedar Lake and he walks in wearing his
19 beautiful lavender shirt and I'm in line --

20 MR. REED: Lilac.

21 MR. VIS: Lilac. And he starts
22 telling me that I need to take off my shirt
23 that says Vote For Joe Lipon -- it's a shirt I
24 have at home from my youth when I helped
25 somebody run for office, but he doesn't

1 identify that he's an election worker and I
2 just look at him in his lilac shirt, I'm not
3 going to know. And I think it's already been
4 stated by Mr. Tolbert that the evidence is
5 weak. The evidence is not only weak, it's
6 nonexistent, respectfully.

7 Ms. Jostes has indicated he didn't
8 look up at her, she didn't identify herself,
9 and on top of that, while she said he couldn't
10 wear it, she didn't state the reason why. I
11 think an integral part moving forward -- and I
12 understand that there's the disagreement and
13 the rudeness here. We've all learned from
14 that. But I think an integral part moving
15 forward is to reflect and educate those who
16 are going to be in her position moving forward
17 to do that.

18 So we take a look at the statute,
19 and it says with the intent to obstruct or
20 interfere with an election worker. There's
21 been nothing proved that he knew she was an
22 election worker. He didn't interfere with her
23 job, because she was telling him to remove it
24 and he did do it. From what I'm hearing from
25 the Board, there's similar other instances

1 where you have deduced that that wasn't
2 interference. So to do it now, I'm starting
3 to question what is the motive as to what
4 we're doing here.

5 MR. REED: I feel like it's to the
6 extent it's a Republican police officer.

7 MR. VIS: Well, when you say that
8 it's a --

9 CHAIRMAN SMITH: I'm going to call
10 that out of order.

11 MR. REED: Oh, you can do that,
12 I've got everyone testifying --

13 CHAIRMAN SMITH: If you think
14 there is --

15 MR. REED: -- as to what this --

16 CHAIRMAN SMITH: If you don't
17 think I'm carefully weighing this and you're
18 implying that my vote is because of what this
19 gentleman's job and partisanship is, I
20 disagree with that. I find that to be totally
21 out of order.

22 (Inaudible; talking in unison.)

23 MR. VIS: So, Mr. Chairman, the
24 law states with the intent to obstruct or
25 interfere knowingly or intentionally. And if

1 the petitioner herself indicates he didn't
2 know who she was and didn't look at her and
3 she never identified herself and the
4 respondent has identified he wasn't aware
5 until he was told by a different poll worker,
6 then you don't have knowingly. All we have is
7 holding my client to the standard of being a
8 police officer.

9 As anybody knows me when I talk to
10 police officers is I like to cite to Paul
11 Harvey. Paul Harvey has a great three and a
12 half minute quote, and we should all take a
13 look at it this afternoon. We expect a police
14 officer to be a saint 24 hours a day, but Paul
15 Harvey also identifies there can be moments
16 where they can be sinners, where they can lose
17 their temper. My challenge and my question to
18 you is, this 20 seconds that we've been
19 discussing, which my client has apologized
20 for, are we going to say he was intentionally
21 hell bent on interfering with the election and
22 Ms. Jostes?

23 I think he wants to take back
24 those moments and wished he would have looked
25 her in the eye, but to say he intentionally

1 interfered with her, I don't think that has
2 been shown at all, and it's actually been
3 acknowledged by other counsel that's been
4 testifying here earlier today, Mr. Tolbert,
5 that it's weak, if anything. So I'd like to
6 leave you with that. Thank you.

7 CHAIRMAN SMITH: Thank you,
8 Mr. Vis. Any questions of Mr. Vis based on
9 his comments?

10 MR. BROWN: Mr. Chair.

11 CHAIRMAN SMITH: Clerk Brown.

12 MR. BROWN: The reason why the
13 motion was put out is based on the I.C. code.
14 As you know, as a board we've always tried to
15 be fair regardless of what party, and as long
16 as I've been on this Board I have never heard
17 anyone say that. So I guess Mr. Reed is very
18 passionate today, but we're trying to work
19 within the law itself. So I'd like to defer
20 this to the next meeting so we can get some
21 more information because --

22 MR. MELLON: Mr. Chairman.

23 CHAIRMAN SMITH: Let's let Clerk
24 Brown finish.

25 MR. BROWN: Because there is going

1 to be a vote on this matter, but we're not
2 going to go back and forth because you feel
3 one way because the law that I understand, you
4 know, we need to have a common ground on this
5 decision. You can bring up other cases all
6 you want. The reality is, this case is
7 different from the other cases.

8 CHAIRMAN SMITH: So, Clerk Brown,
9 if I understand you right, you're asking that
10 the Board take the matter under advisement?

11 MR. BROWN: Yes.

12 CHAIRMAN SMITH: So there's a
13 motion to take the matter under advisement.
14 Is there a second?

15 MR. REED: Second.

16 CHAIRMAN SMITH: Seconded by
17 Mr. Reed, motion by Clerk Brown. All those in
18 favor of taking this matter under advisement
19 signify by saying aye.

20 (Board members saying "aye" in
21 unison.)

22 CHAIRMAN SMITH: Any opposed?

23 MR. MELLON: Opposed.

24 CHAIRMAN SMITH: Motion carries,
25 four/one. So, just so the parties know,

1 Ms. Jostes, I know you are working out of
2 state. You do not have to come back. All
3 right? You do not have to come back. You are
4 welcome to come back if you'd like. Same
5 thing to Mr. Vis, you're welcome to come back,
6 and Mr. Allande, you don't have to come back.
7 It's up to you. You're welcome. It's a
8 public meeting, but I don't want you to feel
9 that you have to if you don't want to. But
10 the Board will make a decision in the future,
11 it sounds like.

12 All right. I want to thank both
13 parties. I want to thank Mr. Vis for coming.
14 Ms. Jostes, I want to thank you for your
15 service to the county and to the state and to
16 the country for working as an election
17 officer. Mr. Allande, I want to thank you for
18 your service to the people of Cedar Lake as a
19 police officer. Mr. Vis?

20 MR. VIS: Just recognizing that
21 this may get appealed, I also want to preserve
22 for the record an objection that there was a
23 significant amount of conversation amongst the
24 tribunal. I don't know if it was reflected
25 with our court reporter here, but for the

1 record, I am objecting to those conversations
2 not being reflected actively on the record,
3 and I'd be remiss as an attorney for my client
4 if I didn't do that for him. For the record,
5 I wanted to put that out there.

6 CHAIRMAN SMITH: Noted.

7 MR. VIS: Thank you.

8 CHAIRMAN SMITH: All right. I
9 think this matter is concluded. Thank you.

10 MR. VIS: Thank you.

11 CHAIRMAN SMITH: Show it deferred
12 and under advisement.

13 (Inaudible; talking in unison.)

14 CHAIRMAN SMITH: Jessica.

15 MS. MESSLER: I apologize, did we
16 make an official motion?

17 CHAIRMAN SMITH: Yes, I'm sorry.
18 For the record, Clerk Brown made a motion to
19 defer -- I'm sorry, to take the matter under
20 advisement, Mr. Reed seconded it, and the
21 motion carried four/one.

22 MS. MESSLER: All right. Thank
23 you.

24 CHAIRMAN SMITH: One no. All
25 right. I don't see any other Old Business

1 before the Board.

2 The next matter of New Business is
3 CFA Matters, and I do see -- I thought I saw
4 Lori here. I don't see Juanita.

5 MS. FAJMAN: We have Kelley.

6 CHAIRMAN SMITH: Kelley, how are
7 you. We have Kelley and Lori here. All
8 right. So, CFA Matters, we have D-E-L CFA
9 2024 Annual Committee Reports, under Tab 5.
10 We have it in front of us. Lori, do you want
11 to set the record for us what we have here?
12 Delinquent 2024 annual reports.

13 MS. O'DEA: That's right,
14 Delinquent 2024 annual reports for regular
15 party committees.

16 CHAIRMAN SMITH: And would you
17 like the Board to consider the two upfront
18 first or did you want to have the Board impose
19 the recommended fines and waivers as
20 presented?

21 MS. O'DEA: I would defer to the
22 Board. They can do whatever they feel is the
23 right thing to do based on the information in
24 front of them.

25 CHAIRMAN SMITH: These are your

1 recommendations. All right. Is anybody here
2 for either the Gary Republican Central
3 Committee, the Munster Democratic Precinct
4 Organization, the Merrillville/Ross Township
5 Democratic Precinct Organization, Cedar
6 Lake/Hanover -- I know you guys are here, or
7 the Winfield Township Democratic Precinct
8 Organization? Just Cedar Lake is here?

9 All right. Let's take you guys
10 first since you're here, and if you can come
11 up and identify yourselves. I know you've
12 been here the last couple of meetings. Just
13 for the record, this is the Cedar Lake/Hanover
14 Democratic Precinct Organization, 45-12535.
15 It is under the Never Received category. Yes,
16 sir, your name and your position?

17 MR. BIEL: Jeff Biel, and I'm the
18 chairman of the precinct organization for
19 Cedar Lake.

20 CHAIRMAN SMITH: All right. Go
21 ahead.

22 MR. BIEL: First of all, I'd just
23 like to apologize that the report was not
24 filed, but I do have evidence that it was
25 filed on 1-10-25. It was faxed to the

1 commission here and then we just -- it's also
2 been emailed. So we have it here also.

3 CHAIRMAN SMITH: John, do you want
4 see what he has there?

5 MR. REED: Yes.

6 CHAIRMAN SMITH: Lori, do you have
7 any record of those dates? Do you have it as
8 being received?

9 MS. O'DEA: I'm happy to check the
10 file. We may have made a mistake and we can
11 revisit that.

12 MR. REED: It says, To CFA at Lake
13 County, 10:32 a.m. This says April 15th.

14 MS. DICKSON: Well, we had to
15 resend it again today.

16 MR. REED: Oh, you had to resend
17 it to them?

18 MS. DICKSON: Well, we had to
19 resend it because you said you didn't get it,
20 so.

21 MR. REED: Well, we said we didn't
22 get it a long time ago.

23 CHAIRMAN SMITH: Mr. Biel, do you
24 have anything that shows you sent it on the
25 10th of January?

1 MR. BIEL: We have a confirmation.

2 MS. DICKSON: See, she's in the
3 hospital. She's been in bed for quite a long
4 time.

5 CHAIRMAN SMITH: Who is that
6 that --

7 MS. DICKSON: Tracy Haskell.
8 She's our treasurer. So when we tried to get
9 ahold of her, she had to get out of bed, go to
10 a file and try to get this. So she faxed us
11 what she filed on 1-10-25. So she emailed it
12 to us and said that she had filed it then, and
13 then she just wanted us to see what it was she
14 filed.

15 MR. MELLON: But do you have any
16 evidence that she did that?

17 CHAIRMAN SMITH: Is it signed on
18 the 10th or what is the date of the --

19 MS. DICKSON: Well, that's a good
20 question. Hold on. I'm not really good with
21 this. I'm being honest with you.

22 CHAIRMAN SMITH: You're doing
23 good. And, I'm sorry, while you're looking,
24 do you mind just --

25 MS. DICKSON: I know. You need my

1 name.

2 CHAIRMAN SMITH: Yes.

3 MS. DICKSON: I'm sorry. Mary
4 Joan Dickson, D-I-C-K-S-O-N, Cedar Lake 2.

5 CHAIRMAN SMITH: And do you have a
6 position in the organization?

7 MS. DICKSON: No, just someone who
8 cares.

9 CHAIRMAN SMITH: That's okay.
10 It's important. We appreciate that.

11 MS. DICKSON: I can't get it on
12 here, I'm sorry.

13 CHAIRMAN SMITH: That's okay. So
14 you believe you filed it on January 10th?

15 MR. BIEL: Yes.

16 CHAIRMAN SMITH: Okay. Lori, do
17 you need time to check into this?

18 MS. O'DEA: I would like to check
19 into it, if we could maybe defer it to next
20 month?

21 MR. MELLON: I think that would be
22 good.

23 CHAIRMAN SMITH: Okay. So it
24 looks like -- we want to keep you out of
25 having to pay a fine, if we can. So if you

1 don't mind, Lori, I'm sure, will be in touch
2 with you. Do you know how get ahold of
3 Mr. Biel?

4 MS. O'DEA: Yes.

5 CHAIRMAN SMITH: Okay. So Lori
6 will be in touch with you and I'm sure she'll
7 update us.

8 MR. MELLON: Mr. Chairman?

9 CHAIRMAN SMITH: Mr. Mellon.

10 MR. MELLON: I'll make a motion to
11 defer this to the next meeting, but can I also
12 put a caveat on there that if we do find that
13 we were in error on that, that the staff has
14 the authority to correct the error as
15 appropriate?

16 CHAIRMAN SMITH: I think that's
17 fair.

18 MR. MELLON: So we don't have to
19 drag you back here.

20 MS. DICKSON: Oh, we'll be back.

21 CHAIRMAN SMITH: Okay. Motion to
22 defer, with the caveat that they may not have
23 to come back if Lori figures out that it was
24 our error.

25 MR. MELLON: Yes.

1 MR. BROWN: Second.

2 CHAIRMAN SMITH: Seconded by Clerk
3 Brown, motion by Mr. Mellon. Any discussion?
4 Hearing none. All those in favor signify by
5 saying aye.

6 (Board members saying "aye" in
7 unison.)

8 CHAIRMAN SMITH: Motion carries
9 and it is deferred. Thank you, Mr. Biel.

10 MS. DICKSON: Thank you.

11 CHAIRMAN SMITH: Thank you for
12 coming. All right. Anybody else here as to
13 the other parties I listed? Okay. Seeing
14 none. Is there a motion to waive and/or
15 impose the recommended fines as presented?

16 MS. CANDELARIA REARDON: I move we
17 waive the fines, but which ones?

18 MR. MELLON: Mr. Chairman?

19 MR. REED: Maybe the motion should
20 be to accept the staff recommendations.

21 MS. CANDELARIA REARDON: There you
22 go. Accept the staff recommendations, is the
23 motion.

24 CHAIRMAN SMITH: Thank you. We
25 have a motion to accept the staff

1 recommendations.

2 MR. MELLON: I'll second that,
3 Mr. Chairman.

4 CHAIRMAN SMITH: We have a second
5 by Mr. Mellon, motion by Ms. Candelaria
6 Reardon. Any discussion? Hearing none. All
7 those in favor signify by saying aye.

8 (Board members saying "aye" in
9 unison.)

10 CHAIRMAN SMITH: Any opposed?

11 (No immediate response.)

12 CHAIRMAN SMITH: That motion
13 carries. All right. Yes, Mr. Mellon.

14 MR. MELLON: Mr. Chairman, just
15 for clarification, taking the staff
16 recommendations except for Cedar Lake.

17 CHAIRMAN SMITH: Right.

18 MS. FAJMAN: What about the
19 Winfield one, because they have not filed
20 their report yet. So the recommendation was
21 originally 300, but I thought at the last
22 meeting you guys were just doing the thousand.
23 So the 300 is not accepted? It's just setting
24 the \$1,000 fine?

25 MR. MELLON: Yes.

1 MS. FAJMAN: Just as a side note,
2 I don't know that they necessarily got
3 notification. We had a county meeting, and I
4 believe he has moved out of the county. So I
5 don't know that there was --

6 MR. MELLON: They may have to
7 do --

8 MS. FAJMAN: There may not be
9 service on this committee.

10 MR. MELLON: -- a reorganization.
11 And I apologize, we're just having a
12 conversation, Mr. Chairman, but, again, the
13 goal will be to impose that thousand dollar
14 fine, and then once they turn in their report,
15 then they're waived back to the recommended
16 fine.

17 CHAIRMAN SMITH: Ms. Brandenburg,
18 let me ask this question of you -- and this is
19 a technicality, but we just want to make sure
20 Ms. Candelaria Reardon understands. A couple
21 meetings ago we were told that we needed to
22 make a motion to impose the fine and then make
23 a motion to --

24 MS. BRANDENBURG: Reduce it, yes.

25 CHAIRMAN SMITH: -- reduce it as

1 recommended.

2 MS. BRANDENBURG: And I believe
3 the language was in the interest of justice or
4 furthering those interests, essentially, yes.

5 CHAIRMAN SMITH: So do we need to
6 do that properly and then --

7 MS. BRANDENBURG: Yes.

8 CHAIRMAN SMITH: Okay. So let's
9 let Mr. Mellon make the first motion regarding
10 imposition and then you can make your motion
11 about recommendations. So, Mr. Mellon, would
12 you please make that motion?

13 MR. MELLON: Okay. So we're going
14 to handle these separately. Under the Never
15 Received category, item Winfield Township
16 Democratic Precinct Organization, I make a
17 motion to charge a \$1,000 fine for never
18 receiving their report.

19 CHAIRMAN SMITH: Do we have to do
20 them --

21 MS. FAJMAN: The Cedar Lake, that
22 one was deferred.

23 CHAIRMAN SMITH: No, Winfield was
24 deferred.

25 MR. MELLON: Cedar Lake was

1 deferred.

2 CHAIRMAN SMITH: Can we do them
3 all?

4 MS. BRANDENBURG: I think you
5 could make a single motion as to all of them
6 to implement the required statutory fine and
7 then you could make a motion to reduce
8 accordingly.

9 CHAIRMAN SMITH: So, Mr. Mellon,
10 would you --

11 MR. MELLON: Yes, so I'll make a
12 motion to implement the maximum civil penalty
13 under the statute for each of these, with the
14 exception of Cedar Lake, which has been
15 handled separately.

16 MS. CANDELARIA REARDON: Second.

17 CHAIRMAN SMITH: We have a motion
18 by Mr. Mellon to impose the maximum civil
19 penalty under the statute, seconded by
20 Ms. Candelaria Reardon. Any discussion?
21 Hearing none. All those in favor signify by
22 saying aye.

23 (Board members saying "aye" in
24 unison.)

25 CHAIRMAN SMITH: Any opposed?

1 (No immediate response.)

2 CHAIRMAN SMITH: That motion
3 carries. Ms. Candalaria Reardon.

4 MS. CANDELARIA REARDON: I make a
5 motion to accept the staff recommendations
6 with regard to -- the Never Received?

7 CHAIRMAN SMITH: All of them.

8 MR. MELLON: Well, with the
9 exception of Cedar Lake.

10 MS. CANDELARIA REARDON: With the
11 exception of Cedar Lake.

12 MR. MELLON: Winfield Township and
13 Cedar Lake.

14 MS. CANDELARIA REARDON: Winfield
15 Township and Cedar Lake.

16 CHAIRMAN SMITH: All right. And
17 because the imposition of that fine would
18 be --

19 MS. BRANDENBURG: Unjust.

20 CHAIRMAN SMITH: -- unduly
21 burdensome and unjust?

22 MS. CANDELARIA REARDON: Correct.

23 MR. BROWN: Second.

24 CHAIRMAN SMITH: All right. Thank
25 you. Any discussion on that? Hearing none.

1 All those in favor signify by saying aye.

2 (Board members saying "aye" in
3 unison.)

4 CHAIRMAN SMITH: Any opposed?

5 (No immediate response.)

6 CHAIRMAN SMITH: That motion
7 carries unanimously.

8 The next matter before the Board
9 is CFA Matters: Arthur Santos.

10 MS. O'DEA: Mr. Santos is not here
11 in the room today. He did ask to be put on
12 the agenda for your consideration in reducing
13 his thousand dollar imposed fine for his
14 previous delinquency. However, he's not here.

15 MR. MELLON: Mr. Chairman, I make
16 a motion to defer to a future meeting.

17 CHAIRMAN SMITH: Okay. Motion to
18 defer. Is there a second?

19 MR. REED: Second.

20 CHAIRMAN SMITH: Seconded by
21 Mr. Reed, motion by Mr. Mellon, to defer
22 Mr. Santos's CFA matter to a future meeting
23 when he is advised to show up or else. Any
24 further discussion? Hearing none. All those
25 in favor signify by saying aye.

1 (Board members saying "aye" in
2 unison.)

3 CHAIRMAN SMITH: Any opposed?

4 (No immediate response.)

5 CHAIRMAN SMITH: That motion
6 carries.

7 Next is Legal Notice of Election
8 and Early Voting Published. And I think we
9 have --

10 MR. REED: Motion to accept the
11 legal notices from The Times and The Post
12 concerning the referendum.

13 CHAIRMAN SMITH: We have a motion
14 to accept.

15 MS. CANDELARIA REARDON: Second.

16 CHAIRMAN SMITH: Seconded by
17 Ms. Candelaria Reardon, motion by Mr. Reed.
18 Any discussion?

19 (No immediate response.)

20 CHAIRMAN SMITH: All those in
21 favor signify by saying aye.

22 (Board members saying "aye" in
23 unison.)

24 CHAIRMAN SMITH: Any opposed?

25 (No immediate response.)

1 CHAIRMAN SMITH: That motion
2 carries.

3 That takes us to the VVSTOP Audit
4 Update. I can indicate to the Board that we
5 have before us a resolution. Are we
6 considering this?

7 MS. MESSLER: Yes.

8 CHAIRMAN SMITH: It doesn't have a
9 number on it, but I'm sure we will number it.

10 MS. MESSLER: Apologies. The one
11 you have in your packet has the correct
12 information on it. So, whoever has it.

13 MR. REED: I've got it. It says,
14 2025-08.

15 MS. MESSLER: Yes.

16 CHAIRMAN SMITH: Okay. We do have
17 a number. Thank you. 2025-08 is entitled a
18 resolution of the Lake County Elections Board,
19 and it relates to Lake County being --
20 determined that it would be appropriate for us
21 to be a designation as a post-election audit
22 counted by VVSTOP.

23 Is there a motion to approve
24 Resolution 2025-08 as presented?

25 MR. MELLON: So moved,

1 Mr. Chairman.

2 CHAIRMAN SMITH: Motion by
3 Mr. Mellon. Is there a second?

4 MS. CANDELARIA REARDON: Second.

5 CHAIRMAN SMITH: Seconded by
6 Ms. Candelaria Reardon. Any discussion? I
7 just want to thank both Michelle and Jessica
8 for their work on this. I think it's great
9 that we're going to be an audit county again.
10 It shows the state that Lake County is doing
11 the right thing on this. So I appreciate
12 that.

13 All right. Any other discussion?
14 Hearing none. All those in favor signify by
15 saying aye.

16 (Board members saying "aye" in
17 unison.)

18 CHAIRMAN SMITH: Any opposed?

19 (No immediate response.)

20 CHAIRMAN SMITH: Resolution
21 2025-08 is passed.

22 County Authorization is the next
23 matter of New Business. Remove entry from
24 SVRS. Jessica or Michelle? Jessica.

25 MS. MESSLER: Basically, what this

1 was, was someone ended up putting all question
2 marks in for all of the entries. So it's just
3 an authorization to remove that.

4 CHAIRMAN SMITH: And you'd like us
5 to approve it?

6 MS. MESSLER: Yes, please.

7 CHAIRMAN SMITH: All right. Is
8 there a motion to approve?

9 MR. BROWN: Motion to approve,
10 Mr. Chair.

11 CHAIRMAN SMITH: Motion to approve
12 by Clerk Brown.

13 MR. MELLON: Second.

14 CHAIRMAN SMITH: Seconded by
15 Mr. Mellon. All those in favor of approving
16 to remove entry from SVRS signify by saying
17 aye.

18 (Board members saying "aye" in
19 unison.)

20 CHAIRMAN SMITH: Any opposed?

21 (No immediate response.)

22 CHAIRMAN SMITH: That motion
23 carries. Is there any other New Business?
24 Hearing none.

25 Any Correspondence?

1 (No immediate response.)

2 CHAIRMAN SMITH: Counsel Report.

3 Ms. Brandenburg?

4 MS. BRANDENBURG: No.

5 CHAIRMAN SMITH: Mr. Tolbert?

6 MR. TOLBERT: Nothing.

7 CHAIRMAN SMITH: Thank you, as
8 always, for your legal counsel, especially
9 today.

10 MR. TOLBERT: I don't feel good.

11 CHAIRMAN SMITH: I appreciate it.

12 MR. REED: Isn't this country
13 based on vigorous debate? I love a vigorous
14 debate.

15 MR. MELLON: A bunch of big babies
16 out there. Mike got his feelings hurt.

17 (Inaudible; talking in unison.)

18 CHAIRMAN SMITH: All right. Are
19 there any Purchase Orders? There are.

20 MS. MESSLER: Yes.

21 CHAIRMAN SMITH: I'll entertain a
22 motion to approve the purchase orders as
23 presented.

24 MS. CANDELARIA REARDON: So
25 moved.

1 MR. REED: Second.

2 CHAIRMAN SMITH: Is there any
3 discussion on the purchase orders?

4 MR. REED: I had one question.
5 The \$100 per, it says, for the iPads from
6 Knowink, 58,000 bucks, is that the maintenance
7 contract or is that a license of some kind?

8 MS. FAJMAN: I believe that is the
9 yearly maintenance, annual licensing contract.
10 Annual licensing is what it's listed as.

11 MR. REED: Okay. And that's
12 normal, that's part of the contract for --

13 MS. FAJMAN: Every year, and then
14 we're only going to activate, I think, what we
15 need.

16 MR. REED: And this 580 iPads, I
17 didn't know if that number was right.

18 MS. FAJMAN: Based on the
19 inventory, it would be right.

20 MR. REED: Okay. That's all I
21 have.

22 CHAIRMAN SMITH: Thank you. We
23 have a motion and a second on approval of the
24 purchase orders. All those in favor of
25 approving them as presented signify by saying

1 aye.

2 (Board members saying "aye" in
3 unison.)

4 CHAIRMAN SMITH: Any opposed?

5 (No immediate response.)

6 CHAIRMAN SMITH: That motion
7 carries.

8 The next meeting of this Board is
9 May 3, 2025, and that's a Saturday, Inspector
10 Saturday, at 10:00 a.m., right here in the
11 Commissioners Courtroom.

12 Is there any Public Comment?

13 MS. FAJMAN: Just FYI for the
14 Board, the Board meeting will be here and then
15 for our training, because this is such a small
16 election with only 49, we will be doing the
17 training session down in the auditorium, and
18 that's where we'll be releasing the materials
19 also. It's all right down there in Building
20 B. So the inspectors won't be having to go
21 back and forth in the building, they can
22 simply come in, go to training, pick up their
23 materials, and go.

24 MR. MELLON: What happened to your
25 voice? Are you okay?

1 MS. FAJMAN: Just been out in the
2 cold a little bit. I feel great, just no
3 voice.

4 MR. MELLON: That's weird.

5 MS. FAJMAN: Allergies, probably.

6 CHAIRMAN SMITH: All right. Any
7 other Public Comment?

8 (Inaudible; talking in unison.)

9 CHAIRMAN SMITH: There being no
10 further Public Comment, I'll entertain a
11 motion to adjourn.

12 MR. MELLON: So moved.

13 MR. BROWN: Second.

14 CHAIRMAN SMITH: All those in
15 favor signify by saying aye.

16 (Board members saying "aye" in
17 unison.)

18 CHAIRMAN SMITH: We are adjourned
19 at 12:03.

20 (Proceedings concluded.)

21 * * *

1 STATE OF INDIANA)
2)SS:
3 COUNTY OF LAKE)
4

5 BEFORE THE LAKE COUNTY BOARD OF
6 ELECTIONS AND REGISTRATION
7 CROWN POINT, INDIANA

8 REPORTER'S CERTIFICATE

9 I, Beth A. Barnette, CSR and Notary
10 Public, do hereby certify that I reported in machine
11 shorthand the foregoing proceedings had in the
12 above-entitled matter, at the time and place herein
13 before set forth; and I do further certify that the
14 foregoing transcript, consisting of one hundred
15 thirty-five (135) typewritten pages, is a true and
16 correct transcript of my said stenographic notes, to
17 the best of my ability.

18 Signed this 8th day of May,
19 2025.
20

21 
22

23 _____
24 BETH A. BARNETTE, CSR
25 Notary Public
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Item Cover Page

ELECTIONS AGENDA ITEM REPORT

DATE: May 20, 2025

SUBMITTED BY: Jessica Messler,Elections

ITEM TYPE: Minutes

AGENDA SECTION: APPROVAL OF MINUTES

SUBJECT: **Board Meeting Minutes - May 3, 2025 (Inspector Saturday)**

SUGGESTED ACTION:

ATTACHMENTS:
[2025 05 03 LCBER Meeting Minutes.pdf](#)

LCBER Meeting Minutes May 03, 2025

Meeting Information

- Date & Time: Saturday, May 3rd, 2025 at 10:00 AM
- Location: Commissioner's Courtroom
- Roll Call: Ms. Mara Candelaria Reardon, Clerk Michael Brown, Chairman Kevin Smith, Ms. Carly Brandenburg (proxy), & Ms. LeAnn Angerman (proxy)

Meeting Notes

- **CFA MATTERS: Tony Terzarial**
The board discussed Tony Terzarial's delinquent financial report for the 2023 Griffith town council race. Terzarial, a first-time candidate, was fined \$1,000 under IC 3-9-4-17 for not filing required reports on time. He explained his inexperience and that mailings about the reports were inadvertently discarded. Upon learning of the issue, he promptly completed all outstanding reports and he disbanded his committee. Lori confirmed all paperwork was now in order. The board, noting that the recommended fine would have been \$100 if the reports had been filed or if he had appeared earlier, unanimously approved a motion under IC 3-9-4-19 to reduce the penalty to \$100, finding the original fine unjust under the circumstances.
- **CFA MATTERS: Arthur Santos**
Arthur Santos was similarly fined \$1,000 for a delinquent annual 2024 report for the Latinos Republican Project Committee, which was marked as 'never received.' After the fine, Santos filed the required report and kept his committee open. However, it was noted that Santos also had an outstanding judgment of \$545 from a previous campaign finance committee, with a payment plan originally set at \$15 per month but with no payments made to date. Santos agreed to increase payments to \$50 per month. The board made the reduction of his current \$1,000 fine to \$150 contingent upon his compliance with the \$50/month payment plan to resolve the \$545 judgment. The motion carried unanimously, with the reduction only taking effect after the judgment is paid in full.
- **CFA MATTERS: Educators Making Children First**
Randall Artis, representing Educators Making Children First, explained that personal and health issues prevented timely filing of the annual 2024 report,

resulting in a \$1,000 penalty. After filing the overdue report and closing the committee, the board, noting the recommended fine would have been \$25 if timely addressed, unanimously reduced the penalty to \$25 under IC 3-9-4-19.

- **CFA MATTERS: Winfield Democrats Committee (Added to Agenda at the Meeting)**

Mark Lash, chair of the now-disbanded Winfield Democrats committee, addressed multiple late filings resulting in \$2,360 in fines (two \$1,000 civil penalties and four reduced fines totaling \$360). Lash explained extenuating circumstances, including personal financial contributions to the committee and difficulties in recruiting help. The board confirmed that four fines had already been reduced, and the two \$1,000 penalties were eligible for reduction. The board unanimously approved reducing each \$1,000 penalty to \$300, resulting in a new total of \$960. The committee is closed, and the board clarified that any future committee with new leadership would not be responsible for these fines. The board also discussed the importance of proper documentation and classification of personal contributions as loans or donations, which Lash confirmed were reported correctly.

- **REJECTED VOTER REGISTRATIONS**

The board reviewed a list of rejected voter registrations, noting that 'precinct' was cited as a reason for some rejections. Members questioned this, as precinct information is not typically required from applicants. Staff agreed to investigate and clarify the reason. The board unanimously approved the list as presented, with the understanding that the issue could be revisited if necessary.

["Precinct" clarified after the meeting. The address that was submitted on the voter registration was incorrect/not complete and the SVRS could not assign a precinct to the non-existent address. Example: 1234 Main Street was entered on the registration as 1324 Main Street and that address does not exist.]

- **Purchase Orders Approval**

Two purchase orders were presented. The board unanimously approved both purchase orders as presented.

- **Election Day Arrangements**

The next meeting was scheduled for Tuesday, May 6, 2025, Election Day, at 6 AM at the Lake County Board of Election Registration offices. The board discussed two pending school referendums in the Crown Point and Hobart school districts (portions of Cedar Lake and St. John are within the Crown Point district), encouraging all eligible voters to participate. Polls will be open from 6 AM to 6 PM.

Item Cover Page

ELECTIONS AGENDA ITEM REPORT

DATE: May 20, 2025

SUBMITTED BY: Jessica Messler,Elections

ITEM TYPE: Minutes

AGENDA SECTION: APPROVAL OF MINUTES

SUBJECT: **Board Meeting Minutes - May 6, 2025 (Election Day)**

SUGGESTED ACTION:

ATTACHMENTS:
[2025 05 06 Election Day Meeting Minutes.pdf](#)

Lake County Board of Elections and Registration Meeting Minutes – May 6, 2025

Chairman, Kevin Smith, called the Lake County Board of Elections and Registration (“Board”) meeting to order at 6:13 a.m. Board members present included: Kevin Smith, Clerk Mike Brown, Michael Mellon, and John Reed. Chairman Smith asked if there was any business to undertake. Present Board Members indicated that there was no business to be taken up. Chairman Smith noted that Election Day started at 6:00 a.m.

Chairman Smith entertained a Motion to go into recess, and noted that the Board can reconvene, as needed, throughout the day.

Commissioner Reed: Motion For Recess.

Commissioner Brown: Second.

Discussion: None.

Motion carried.

The Board went into recess at 6:14 a.m.

The meeting was called back to order at 7:38 p.m. by Chairman Smith. Chairman Smith noted that the Board was back. Board members present: Chairman Kevin Smith, Clerk Mike Brown, Mara Candelaria-Reardon, and Michael Mellon. Chairman Smith noted that Election Day was complete and day to day operations ran smoothly. He noted that returns were all in.

Commissioner Mellon: Motion to Adjourn.

Clerk Brown: Second.

Discussion: None.

Motion carried.

Meeting adjourned at 7:39 p.m.

Item Cover Page

ELECTIONS AGENDA ITEM REPORT

DATE: May 20, 2025

SUBMITTED BY: Jessica Messler,Elections

ITEM TYPE: Elections Agenda Item

AGENDA SECTION: OLD BUSINESS

SUBJECT: Election Equipment Bid Process

SUGGESTED ACTION:

ATTACHMENTS:

Item Cover Page

ELECTIONS AGENDA ITEM REPORT

DATE: May 20, 2025

SUBMITTED BY: Jessica Messler,Elections

ITEM TYPE: Elections Agenda Item

AGENDA SECTION: OLD BUSINESS

SUBJECT: **Complaint Tracking Procedure**

SUGGESTED ACTION:

ATTACHMENTS:

Item Cover Page

ELECTIONS AGENDA ITEM REPORT

DATE: May 20, 2025

SUBMITTED BY: Jessica Messler,Elections

ITEM TYPE: Elections Agenda Item

AGENDA SECTION: OLD BUSINESS

SUBJECT: **Jostes v. Allende - Cont.**

SUGGESTED ACTION:

ATTACHMENTS:
[2025 05 20 2024-10 JOSTES v ALLENDE.pdf](#)



LAKE COUNTY BOARD OF ELECTIONS AND REGISTRATION

COMPLAINT FORM

PLEASE PRINT CLEARLY

Date of complaint: 11/5/24

Date of Incident: 11/5/24

2024-10
JOSTES v ALLENDE

Complainant (person submitting the complaint):

Complainant name (may not be anonymous) Madison Jostes

Phone 219 798 0826 Email madisonpj20@gmail.com

Complainant address _____ City _____ Zip _____

Respondent (person complaint is against):

Respondent name Jason Allende

Phone _____ Email _____

Respondent address _____ City _____ Zip _____

Please list any known Indiana Code (Title III) violations: _____

Signature of Complainant

Summary of incident (attach additional pages, documents, or evidence for consideration by the LCBER):

Incident w/ Voter

* See attached email

Michelle Fajman

From: Madison Jostes <madisonpj20@gmail.com>
Sent: Tuesday, November 5, 2024 10:11 AM
To: Michelle Fajman
Cc: Angerman, LeAnn J; tracylhaskell@gmail.com
Subject: HT-1 Incident with Voter

External Email

Do not click any links or open attachments unless you know and trust the sender and are expecting this message.

Hi Michelle,

My name is Madison Jostes and I am the inspector for Hanover Township 1 in Cedar Lake at Knights of Columbus.

There was a voter in line for CL3 and I noticed that he was wearing a "TRUMP Make America Great Again" shirt. I approached him and asked him if he could go to the bathroom and flip his shirt inside out or go grab a jacket from the car and zip up. He said "I'm not doing that" and continued looking at his phone, and would not look at me. I said because he is on the ballot and any item of clothing that has a name or a picture cannot be worn inside of the voting place. I told him he gets to have his voice heard when he gets to the voting machine and he raised his voice and said "what are you gonna do about it?" I said I can call the police and I can call county. He said, still yelling, "go ahead, call the police. I am the police!" and pulled out his badge and shoved it in my face so I said fine I'm going to call County. I spoke to someone for a brief minute but then CL3 inspector came over after that and got him to change his shirt inside out because she's his neighbor.

His name is Jason Allende and he is a Cedar Lake Police officer. Badge 37.

If you need to call, my number is 219-798-0826.

Thank you!
Madison Jostes



LAKE COUNTY BOARD OF ELECTIONS AND REGISTRATION

Date: January 2, 2025

To:

JASON ALLANDE
13517 Schneider Ct
Cedar lake, IN 46303

To Whom It May Concern,

The Lake County Board of Elections and Registrations has placed an election complaint in which you are named as a respondent or witness in on the agenda for the board meeting on January 21, 2025 at 10:00am in the Commissioner's Courtroom on the 3rd floor of the A Building of the Lake County Government Complex. **Your attendance is requested.**

You may be allowed to provide additional information or documents at the hearing. If you will be providing any additional documentation, please provide the information in person, by fax, or by email at least 3 days prior to the board meeting, if possible. If you are permitted to provide additional documentation at the hearing, please provide ten copies for members, attorneys, directors, and for the file.

Respectfully,
Lake County Board of Elections and Registration
2293 N. Main St., Ste. A-205
Crown Point, IN 46307
(219) 755-3795 (phone)
(219) 755-3801 (fax)
Encl. Original Complaint

COPY



LAKE COUNTY BOARD OF ELECTIONS AND REGISTRATION

Date: January 2, 2025

MADISON JOSTES
7410 W 143RD LN
To: **CEDAR LAKE, IN 46303**

To Whom It May Concern,

The Lake County Board of Elections and Registrations has placed your election complaint on the agenda for the board meeting on January 21, 2025 at 10:00 a.m. in the Commissioner's Courtroom in the A Building of the Lake County Government Complex. Your attendance is welcome and encouraged.

You may be allowed to provide additional information or documents at the hearing. If you will be providing any additional documentation, please provide the information in person, by fax, or by email at least 3 days prior to the board meeting, if possible. If you are permitted to provide additional documentation at the hearing, please provide ten copies for members, attorneys, directors, and for the file.

Respectfully,

Lake County Board of Elections and Registration

2293 N. Main St., Ste A-205

Crown Point, IN 46307

(219) 755-3795 (phone)

(219) 755-3801 (fax)

COPY



LAKE COUNTY BOARD OF ELECTIONS AND REGISTRATION

Date: March 7, 2025

To: **JASON ALLANDE
13517 SCHNEIDER CT.
CEDAR LAKE, IN 46303**

To Whom It May Concern,

The Lake County Board of Elections and Registrations has placed an election complaint in which you are named as a respondent or witness in on the agenda for the board meeting on March 18, 2025 at 10:00am in the Commissioner's Courtroom on the 3rd floor of the A Building of the Lake County Government Complex. **Your attendance is requested.**

You may be allowed to provide additional information or documents at the hearing. If you will be providing any additional documentation, please provide the information in person, by fax, or by email at least 3 days prior to the board meeting, if possible. If you are permitted to provide additional documentation at the hearing, please provide ten copies for members, attorneys, directors, and for the file.

Respectfully,
Lake County Board of Elections and Registration
2293 N. Main St., Ste. A-205
Crown Point, IN 46307
(219) 755-3795 (phone)
(219) 755-3801 (fax)
Encl. Original Complaint

COPY



LAKE COUNTY BOARD OF ELECTIONS AND REGISTRATION

Date: March 7, 2025

**MADISON JOSTES
7410 W. 143RD LN.
CEDAR LAKE, IN 46303**

To: _____

To Whom It May Concern,

The Lake County Board of Elections and Registrations has placed your election complaint on the agenda for the board meeting on March 18, 2025 at 10:00 a.m. in the Commissioner's Courtroom in the A Building of the Lake County Government Complex. Your attendance is welcome and encouraged.

You may be allowed to provide additional information or documents at the hearing. If you will be providing any additional documentation, please provide the information in person, by fax, or by email at least 3 days prior to the board meeting, if possible. If you are permitted to provide additional documentation at the hearing, please provide ten copies for members, attorneys, directors, and for the file.

Respectfully,

Lake County Board of Elections and Registration

2293 N. Main St., Ste A-205

Crown Point, IN 46307

(219) 755-3795 (phone)

(219) 755-3801 (fax)

COPY

Item Cover Page

ELECTIONS AGENDA ITEM REPORT

DATE: May 20, 2025

SUBMITTED BY: Jessica Messler,Elections

ITEM TYPE: Elections Agenda Item

AGENDA SECTION: NEW BUSINESS

SUBJECT: **CFA Matters - James Piggee for Calumet TWP Board Member**

SUGGESTED ACTION:

ATTACHMENTS:

[James Piggee Disband.pdf](#)
[Findings and Order James Pigeo.pdf](#)



REPORT OF RECEIPTS AND EXPENDITURES OF A POLITICAL COMMITTEE

State Form 4606 (R15 / 5-19)
Indiana Election Division (IC 3-9-5-14)

(CFA-4)
Summary Sheet

FILE NUMBER

45-13033

TOTAL PAGES IN ENTIRE CFA-4 REPORT

INSTRUCTIONS: Please type or print legibly IN BLACK INK all information on this form. For assistance in completing this form, see instructions on the reverse side.

IS THIS AN AMENDMENT? ☐ Yes ☒ No

COMMITTEE INFORMATION

1. Full Name of Committee (as on Statement of Organization) ☐ Check if this is a new name. <u>Coach James Piggee</u>	
2. Acronym or Abbreviated Name (if any) <u>J</u>	3. Committee Telephone Number <u>(219) 302-4044</u>
4. Mailing Address (Address where all campaign finance correspondence is received.) ☐ Check if this is a new address. <u>601 TATS ST</u>	
5. City, State, ZIP Code <u>GARY IN 46404</u>	6. Party Affiliation (if applicable) <u>Democratic</u>

CANDIDATE INFORMATION (For Candidate's Committees Only)

7. Full Name of Candidate (Include any nickname.) <u>James Piggee (Coach)</u>	8. Party Affiliation or If Independent Candidate <u>DEM</u>
9. Office Sought (Include district number, if any. Not required for exploratory committee.)	10. County of Residence <u>Lake</u>

TYPE OF REPORT

11. Check one: ☐ Pre-Primary ☐ Pre-Election ☒ Annual ☐ Nomination ☐ Other ☒ Final / Disbands Committee (Lines 18, 19, and 20 must be "0".) ☐ Outgoing Treasurer (Within ten (10) days amend Statement of Organization.)	CONVENTION CANDIDATES ONLY Check one: ☐ Pre-Convention ☐ Post-Convention
--	---

12. Reporting Period (mm/dd/yy): From: <u>10/15/22</u> Through: <u>12/31/22</u>	COLUMN A This Period	COLUMN B Year to Date
13. Cash on hand and investments at the beginning of this reporting period.	<u>0</u>	<u>0</u>
14. Cash on hand and investments January 1, current year.	<u>0</u>	<u>0</u>

CONTRIBUTIONS AND RECEIPTS

(Note: these amounts include in-kind contributions and loans, as well as cash contributions.)		
15a. Itemized (Use Schedule A.)	<u>0</u>	<u>0</u>
15b. Unitemized	<u>0</u>	<u>0</u>
15c. Add lines 15a and 15b in both columns.	<u>0</u>	<u>0</u>
SUBTOTAL	<u>0</u>	<u>0</u>
16. Add lines 13 and 15c in Column A and lines 14 and 15c in Column B.	<u>0</u>	<u>0</u>
TOTAL	<u>0</u>	<u>0</u>

EXPENDITURES

(Note: These amounts include in-kind expenditures and loan repayments.)		
17a. Itemized (Use Schedule B.) (Public Question: use Schedule C.)	<u>0</u>	<u>0</u>
17b. Unitemized	<u>0</u>	<u>0</u>
17c. Add lines 17a and 17b in both columns.	<u>0</u>	<u>0</u>
SUBTOTAL	<u>0</u>	<u>0</u>
18. Cash on hand and investments at close of this reporting period (Subtract 17c from 16 in both columns.)	<u>0</u>	<u>0</u>
TOTAL	<u>0</u>	<u>0</u>
19. Debts OWED BY the committee (Use Schedule D.)	<u>0</u>	<u>0</u>
20. Debts OWED TO the committee (Use Schedule E.)	<u>0</u>	<u>0</u>

CERTIFICATION

I CERTIFY THAT I HAVE EXAMINED THIS STATEMENT. TO THE BEST OF MY KNOWLEDGE AND BELIEF IT IS TRUE, CORRECT AND COMPLETE.

Signature of Treasurer <u>James Piggee</u>	Title <u>Member</u>	Date (mm/dd/yy) <u>3-14-23</u>
Signature of Candidate (if applicable)		Date (mm/dd/yy)

WARNING: Any information contained in this report may not be copied for sale or used for any commercial purpose. (IC 3-9-4-5) A person who knowingly files a fraudulent report commits a Level 6 felony. (IC 3-14-1-13) A person who fails to file a complete or accurate report as required by the Indiana Campaign Finance Law commits a Class B misdemeanor, (IC 3-14-1-14) and may be subject to civil penalties. (IC 3-9-4-16, IC 3-9-4-17, IC 3-9-4-18)

FOR OFFICE USE ONLY

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LAKE COUNTY BOARD OF ELECTIONS AND REGISTRATION

March 15, 2023

45-13033
JAMES (COACH) PIGGEE FOR CALUMET TWP BOARD MEMBER
601 TAFT ST
GARY, IN 46404

Findings and Order

This matter came before The Lake County Board of Elections and Registration at the Board's Meeting of March 14, 2023. The Board, after considering evidence in this case, now finds as follows:

Findings

JAMES (COACH) PIGGEE FOR CAL TWP BOARD

Is a committee and was required to file a 2022 Annual report by noon, January 18, 2023 pursuant to (IC 3-9-5-3.)

1. The Committee did not file its 2022 Annual report by the deadline listed above.
2. The maximum civil penalty under law for a late report under these circumstances is One Thousand Dollars (\$1,000.00) or (\$50.00 X number of days late) pursuant to IC 3-9-4-17.
3. The Lake County Election Board finds that the maximum civil penalty permitted by law should be imposed.
4. The Lake County Election Board finds, by unanimous vote of its entire membership that imposition of the maximum civil penalty, in this case, would be unjust under the circumstances and finds that the NEW civil penalty should be reduced to \$ **WAIVE**
5. If the new civil penalty listed above is not paid in full within thirty (30) days, the committee is subject to civil litigation.
6. The Lake County Election Board further finds an outstanding balance of \$ **150**

ORDER

45-13033 JAMES (COACH) PIGGEE FOR CAL TWP BOARD

NEW FINE \$ WAIVE (PER #4 IN FINDINGS)

OUTSTANDING BALANCE \$ 150 (PER #6 IN FINDINGS)

TOTAL DUE: \$ 150 (PER #4 & # 6 IN FINDINGS)

Any outstanding balance contained in Finding #6 is herein reaffirmed.

The above findings and the board meeting minutes are incorporated herein by reference.

SO ORDERED, THIS THE 14th DAY OF MARCH, 2023.

Board members:

/S/ Kevin C. Smith

/S/John Reed

/S/ Michael Brown

/S/ Michael Mellon

/S/ Bob Tribble

Director

Assistant Director

Michelle R. Fajman

LeAnn J. Angerman

Item Cover Page

ELECTIONS AGENDA ITEM REPORT

DATE: May 20, 2025

SUBMITTED BY: Jessica Messler,Elections

ITEM TYPE: Elections Agenda Item

AGENDA SECTION: NEW BUSINESS

SUBJECT: **2025 Election Certification**

SUGGESTED ACTION:

ATTACHMENTS:
[2025 05 20 Election Certification.pdf](#)

CEB 9 - County Election Report for Lake

Draft

For the 2025 Lake County School Corporations Special Election Conducted on Tuesday, May 6, REGISTRATION AND TURNOUT:

1. Number of registered voters in **county** for this election (Note: If the election was held only in part of the county, the number of registered voters in that part of the county for this election): **57859 ***
2. Number of voters voting *in person at the polls on Election Day*: **3104**
3. Number of all voters voting *absentee including by mail, travel board, in-person, and military and overseas (UOCAV* **1601**
4. Total number of voters who voted in this election (auto-calculated as #2 + #3): **4705**

ABSENTEE VOTING

5. Please enter the number of absentee ballots that were rejected (exclude UOCAVA): **0**
- 5(a). Please enter the number of absentee ballots Not Received (Not returned to your county by the deadline): **12**

UOCAVA (Voters using the Federal Postcard Application and Federal Write-In Absentee Ballots)

6. The combined total number of absentee ballots sent by county to military and overseas voters: **1**
7. Total number of ballots in #6 returned by these voters. (Include any Federal Write-In Absentee Ballots, counted, because a UOCAVA did not return an official county ballot.): **1**
8. Total number of ballots in #7 counted: **1**

PROVISIONAL BALLOTS:

9. Total number of provisional ballots cast by voters that are registered in the county, counted by county election **0**
10. Total number of provisional ballots cast by voters that are registered in the county, not counted by county election bo **0**
11. The total number of provisional ballots cast by voters in the county in this election
(System calculated as #9 + #10): **0**
- 11(a). The total number of provisional ballots cast by non-registered voters in the county: **0**

ELECTION BUDGET AND EQUIPMENT:

12. BUDGETED cost for this election. Estimate if necessary: **100,000**
- 13(a). Provide the following information for the Election System Type:

Election System Type	System Service Manufacturer	Voting System Model
Direct Recording Electronic Voting	MicroVote	EMS 4.3
Optical Scan Ballot Tabulator	MicroVote	EMS 4.3
ADA Compliant Ballot Marking Device	MicroVote	EMS 4.3
Election Management System	MicroVote	EMS 4.3
Hand Counted Paper Ballot	NO	

- 13(b). Name the System Service Manufacturer used by the County in this Election **MicroVote**

- 13(c). Describe any discrepancies with your voting system during the election if your County:
none

- 13(d). Name the Election Pollbook system service provider and the system model used by the county in this election:

System Service Provider	System Model Number(s)
KNOWiNK LLC	PollPad 2.5

- 13(e). Name the EPB System Service Manufacturer used by the County in this Election: **KNOWiNK LLC**

CEB 9 - County Election Report for Lake

ENCLOSURES:

14(a). Describe any malfunction or other problem with your voting system during the election. If your county did not experience any problems, please input "None" in the text box below. **none**

14(b). If you will be sending additional information on the malfunctions to IED, how will it be sent? **No Malfunction**

15. How will you be submitting Certified & Final Precinct Level Results for your county to IED? (Please use the Voter Status Counts by Precinct and Split report from SVRS): **Electronic Submission**

16. Do you need to amend your Voter Status Counts?: **No**

17. If you will be sending any additional information to the Election Division, how will it be sent? **Electronic Submission**

18. Please enter the name, title and mailing address for your county election board members.

Title	Name	Party Name	Address & Street	City, State, and Zip	E-mail Address	Phone Number
Election Board Chairman	KEVIN SMITH	Democratic	2293 N MAIN STREET	CROWN POINT IN 46307	ksmith@smithsersic.Com	2197553795
Clerk/Secretary of the Election Board	BROWN MIKE	Democratic	2293 N MAIN STREET	CROWN POINT IN 46307	brownmx@lakecountyin.org	2197553000
Election Board Member	JOHN REED	Republican	2293 N MAIN STREET	CROWN POINT IN 46307	JPRATLAW@AOL.COM	2197553795
Election Board Member	MICHAEL MELLON	Republican	2293 N MAIN STREET	CROWN POINT IN 46307	MIKE@Acbanker.COM	2197553795
Election Board Member	MARA CANDELARIA-REARDON	Democratic	2293 N MAIN STREET	CROWN POINT IN 46307	bdtrib@att.net	2197553795

SIGNATURES

Clerk/Secretary of the Election Board:

Date:

Election Board Chairman:

Date:

Election Board Member:

Date:

(Below signatures are for Lake County Board of Elections and Registration only)

Election Board Member:

Date:

Election Board Member:

Date:

**Statements of the Circuit Court Clerk for
State of Indiana (CEB-25)**

COUNTY OF LAKE - Partial Count

Crown Point Community School Corporation Public Question

'Yes' responses	2,687 ;	'No' responses	555
	Total Number of Votes		3,242

School City of Hobart Public Question

'Yes' responses	1,188 ;	'No' responses	274
	Total Number of Votes		1,462

This form CEB-25 was generated on Thursday, May 8, 2025

Item Cover Page

ELECTIONS AGENDA ITEM REPORT

DATE: May 20, 2025

SUBMITTED BY: Jessica Messler,Elections

ITEM TYPE: Purchases

AGENDA SECTION: PURCHASE ORDERS

SUBJECT: **PO 2505174**

SUGGESTED ACTION:

ATTACHMENTS:
[2025 05 20 PO 2505174.pdf](#)

LAKE COUNTY

CROWN POINT, INDIANA

PURCHASE ORDER

THIS NUMBER MUST BE
SHOWN ON INVOICE, CLAIM
AND DELIVERY MEMOSPURCHASE ORDER NO. **PO2505174**

CONFIRMATION	
CONFIRMED TO	
DATE	
TIME	

12330

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SHIP VIA
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DATE REQUIRED
F.O.B. DESTINATION UNLESS CITED HEREIN

ORDER DATE	2025/4/29
CONTRACT NO.	
PAGE	1

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ROTECK ENTERPRISES INC
ROTECK COM DBA
13801 W 77TH AVE
DYER, IN 46311

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LAKE COUNTY
ELECTION/REGISTRA.
2293 NORTH MAIN STREET

CROWN POINT, IN 46307
UNITED STATES
Attn: Joel Rodriguez

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LAKE COUNTY
ELECTION/REGISTRA.
2293 NORTH MAIN STREET

CROWN POINT, IN 46307
UNITED STATES

LINE #	ITEM	COMMODITY	QUANTITY	UNIT	UNIT COST	ACCOUNT CODE	CATEGORY	TOTAL COST
1	Goods	DL-30252 - 3 1/2" WIDE X 1 1/8" HIGH LABEL FOR DYMO LABEL PRINTER.	200	EACH	5.00	10015001624100 00000000000	Other Supplies	1,000.00
Line Comments								
2	Goods	SHIPPING AND HANDLING	1	EACH	3.95	10015001624100 00000000000	Other Supplies	3.95
Line Comments								
SPECIAL INSTRUCTIONS -								TOTAL > 1,003.95

I HEREBY CERTIFY THAT THERE IS AN UNOBLIGATED BALANCE IN THIS APPROPRIATION SUFFICIENT TO PAY FOR THE ABOVE ORDER

BILLING ON THIS ORDER MUST BE ACCORDING TO PROCESS SHOWN ABOVE

Order Has Been Electronically Signed.

AUDITOR



ORDERED BY

TITLE

LAKE COUNTY ELECTION/REGISTRA.

LAKE COUNTY ELECTION/REGISTRA.

THIS ORDER IS ISSUED IN COMPLIANCE WITH CHAPTER 99, ACTS 1945 AND ACTS AMENDATORY THEREOF AND SUPPLEMENT. THERETO.

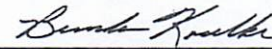
NOTE: NO CLAIM WILL BE APPROVED FOR PAYMENT UNLESS ORIGINAL COPY OR THIS ORDER OR PURCHASE ORDER NUMBER IS MADE A PART OF THE CLAIM

FEDERAL EXCISE AND INDIANA RETAIL TAX EXEMPT NUMBER
356000168 003 4

ORIGINAL

VENDOR COPY

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE



PURCHASING AGENT

Item Cover Page

ELECTIONS AGENDA ITEM REPORT

DATE: May 20, 2025

SUBMITTED BY: Jessica Messler,Elections

ITEM TYPE: Purchases

AGENDA SECTION: PURCHASE ORDERS

SUBJECT: **PO 2505925**

SUGGESTED ACTION:

ATTACHMENTS:
[2025 05 20 PO 2505925.pdf](#)

LAKE COUNTY

CROWN POINT, INDIANA

PURCHASE ORDER

THIS NUMBER MUST BE
SHOWN ON INVOICE CLAIM
AND DELIVERY MEMOS

PURCHASE ORDER NO. **PO2505925**

CONFIRMATION	
CONFIRMED TO	
DATE	
TIME	

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INSTRUCTIONS
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F.O.B
DATE REQUIRED
F.O.B. DESTINATION UNLESS CITED HEREIN

ORDER DATE	2025/5/15
CONTRACT NO.	
PAGE	1

V E N D O R	4IMPRINTS INC 101 COMMERCE STREET OSHKOSH, WI 54901	S H I P T O	LAKE COUNTY ELECTION/REGISTRA. 2293 NORTH MAIN STREET CROWN POINT, IN 46307 UNITED STATES Attn: Joel Rodriguez	B I L L T O	LAKE COUNTY ELECTION/REGISTRA. 2293 NORTH MAIN STREET CROWN POINT, IN 46307 UNITED STATES
--	---	--	---	--	---

LINE #	ITEM	COMMODITY	QUANTITY	UNIT	UNIT COST	ACCOUNT CODE	CATEGORY	TOTAL COST
1	Goods	Employee Clothing for Elections and Voter Registration	6,119.531	EACH	1.00	10015001639950 00000000000	Other Services & Charges	6,119.53
Line Comments								
SPECIAL INSTRUCTIONS -								
								TOTAL > 6,119.53

I HEREBY CERTIFY THAT THERE IS AN UNOBLIGATED BALANCE IN THIS APPROPRIATION SUFFICIENT TO PAY FOR THE ABOVE ORDER

BILLING ON THIS ORDER MUST BE ACCORDING TO PROCESS SHOWN ABOVE

Order Has Been Electronically Signed.

AUDITOR

Logan K. Kato

ORDERED BY

TITLE

LAKE COUNTY ELECTION/REGISTRA.

LAKE COUNTY ELECTION/REGISTRA.

THIS ORDER IS ISSUED IN COMPLIANCE WITH CHAPTER 99. ACTS 1945 AND ACTS AMENDATORY THEREOF AND SUPPLEMENT. THERETO.

NOTE: NO CLAIM WILL BE APPROVED FOR PAYMENT UNLESS ORIGINAL COPY OR THIS ORDER OR PURCHASE ORDER NUMBER IS MADE A PART OF THE CLAIM

FEDERAL EXCISE AND INDIANA RETAIL TAX EXEMPT NUMBER
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BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

Brenda Krueger

PURCHASING AGENT

Item Cover Page

ELECTIONS AGENDA ITEM REPORT

DATE: May 20, 2025

SUBMITTED BY: Jessica Messler,Elections

ITEM TYPE: Purchases

AGENDA SECTION: PURCHASE ORDERS

SUBJECT: **PO 2505861**

SUGGESTED ACTION:

ATTACHMENTS:
[2025 05 20 PO 2505861.pdf](#)

LAKE COUNTY
CROWN POINT, INDIANA

PURCHASE ORDER

THIS NUMBER MUST BE
SHOWN ON INVOICE CLAIM
AND DELIVERY MEMOS

PURCHASE ORDER NO. **PO2505861**

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TIME	

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MICROVOTE GENERAL
CORPORATION
7144 LAKEVIEW PARKWAY
WEST DRIVE
INDIANAPOLIS, IN 46268

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LAKE COUNTY
ELECTION/REGISTRA.
2293 NORTH MAIN STREET

CROWN POINT, IN 46307
UNITED STATES
Attn: Joel Rodriguez

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LAKE COUNTY
ELECTION/REGISTRA.
2293 NORTH MAIN STREET

CROWN POINT, IN 46307
UNITED STATES

LINE #	ITEM	COMMODITY	QUANTITY	UNIT	UNIT COST	ACCOUNT CODE	CATEGORY	TOTAL COST
1	Goods	SOFTWARE MTNC - 2025 INFINITY VOTING MACHINES ANNUAL MAINTENANCE AGREEMENT	1	EACH	3,250.00	10015001636300 000000000000	Mainten & Service Cont	3,250.00

Line Comments

SPECIAL INSTRUCTIONS -**TOTAL > 3,250.00**

I HEREBY CERTIFY THAT THERE IS AN UNOBLIGATED BALANCE IN THIS
APPROPRIATION SUFFICIENT TO PAY FOR THE ABOVE ORDER

BILLING ON THIS ORDER MUST BE ACCORDING TO PROCESS SHOWN ABOVE

Order Has Been Electronically Signed.

AUDITOR



ORDERED BY

LAKE COUNTY ELECTION/REGISTRA.

TITLE

LAKE COUNTY ELECTION/REGISTRA.

THIS ORDER IS ISSUED IN COMPLIANCE WITH CHAPTER 99, ACTS 1945 AND ACTS
AMENDATORY THEREOF AND SUPPLEMENT. THERETO.

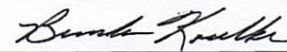
NOTE: NO CLAIM WILL BE APPROVED FOR PAYMENT UNLESS ORIGINAL COPY OR
THIS ORDER OR PURCHASE ORDER NUMBER IS MADE A PART OF THE CLAIM

FEDERAL EXCISE AND INDIANA RETAIL TAX EXEMPT NUMBER
356000168 003 4

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VENDOR COPY

BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE



PURCHASING AGENT